

Town of Hamilton  
Planning Board Meeting  
Tuesday, August 10, 2021, 7:00 PM  
Hamilton Town Community Room  
38 Milford Street, Hamilton

**Present:** Travis Dubois, Mary Galvez, Elaine Hughes, Michael Welshko, Bettyann Miller, Deputy Town Clerk Elisa Robertson, CEO Mark Miller, Kathleen Palmer, Planning Board Alternate, Attorney Wendy Loughnot representing the Town.

**Absent:** Planning Board alternate Kathleen Palmer was a few minutes late.

**Others:** Ms. Allie Dunham, Mr. Mike Dunham (Via Phone from Cincinnati), Attorney Mr. William Heitz, Esq. (via Phone from Rochester), Ms. Regina Silvestri, Mr. Joel Partridge

7:01 pm Chairman Mike Welshko calls the meeting to order and announces that the board will only be covering items on the agenda.

**Old Business:**

**AMD Holdings; Special Use Permit Amendment, Continued Review, Poolville Road Tax Map # 184.-1-35,36,37.**

The applicant has a Special Use Permit that was issued in 2017 for a Wedding Barn/Events Center. The applicants are hoping to be able to hold some activities outside. The board has held lengthy discussion with the applicant as well as hired a sound engineer to help establish fair sound parameters for this new permit. All conditions were discussed at the June Planning Board meeting.

The Board would like to have three large-formatted copies of the entire site plan. The applicant did not want to have them printed until all is said and done; if changes need to be made. Chairman Welshko reminds the Board that these conditions were mainly all agreed upon at the June meeting. The only condition that needed follow up was condition #11 regarding sound. However, on August 4, at the working session for this application the applicants Attorney sent over a rewrite of a few of the conditions. Some of it was for clarification in the document, others were significant changes. The date of the last revision of the site plan needs to be added.

They wish to modify condition #1 by changing the language “in any one day” and changing it to “at any one event”. The concern is that if they have a wedding that has 300 people in a day and there are vendors dropping off goods, couples who wish to take a tour and activities such as that then they cannot have 300 for the wedding or that they will have to limit the tours etc.

Chairman Welshko states that the SEQRA, the Public Hearing, and all of the materials that were given to them stated the 300-person limit. Ms. Allie Dunham states that any restaurants

occupancy is at any one time it doesn't limit to in a day. Attorney Heitz refers to the condition that was set in 2017 (he is very difficult to hear because he is on the telephone). Chairman Welshko states that this is new because it is a new application for a different use. This now includes all outdoor activities as well. So, the Barn is not just the venue, it includes the outside as well. This was discussed at the March 9 Meeting,

Mr. Welshko: "If the proposal is for 300 people, the Board will consider the conditions using the maximum potential, despite the fact that there may be events that are small such as yoga or art class."

Mr. Mike Dunham explains if the number were less than 300, and they had a wedding for 300; some would be able unable to attend they do not want that.

There was discussion of a different threshold for solely outdoor activities.

Ms. Allie Dunham comments that she understood that 300 is a large number, but they do not anticipate all the attendance being at the same time; she expects them to be spread out. If they wish to maintain the number 300 the conditions will reflect that."

So, back in March they established that 300 would be the limit. The SEQRA review that took place at that meeting was based on that attendance, and the cars that would be associated with it.

Chairman Welshko: "You know that the first that the Board has been made aware of, of a request for either a daily attendance limit greater than 300, or an unlimited attendance level was last Wednesday at that meeting. That was the first time that we were made aware of that; and all of our previous evaluations and solicitation of public comments was based on an event venue, with a daily limit of 300 people."

The applicant insists that a daily limit has never been discussed. Mr. Dunham brings up the case of a movie theater, "would they only get to have one show a day?" Chairman Welshko says that that is not a comparable business. He continues to say that outdoor festivals do have a daily capacity limit.

Ms. Allie Dunham states that they are not talking about festivals. The main business is in the barn and some elements may be outside. They do not intend to do festivals outside with a band or a DJ. They do not intend to have more than 300 people on the property at one time, they are not changing anything from the original (permit)

Ms. Allie Dunham: "The capacity was based on parking, traffic, the size of the barn and all of that and that's how capacity limits are set and the fact that we're now talking daily...

I don't know it for those of you that have been through this whole process with us, I, I would encourage you to shed some light on it, but we've never discussed the daily limit, that is brand new."

Chairman Mike Welshko: "It appears, it appears in all of the minutes, beginning in February. It appears in the other documentation. And that's what was conveyed to the public. During the

public hearing there were several questions about the size of the venue, and it was Miss Mary Purdy had a question.

(He reads directly from the minutes) "What is the capacity, and are you anticipating and increase under this application?"

And the answer was: "300 is in the existing Special Permit would include staff and vendors, and as far as the materials that were presented to the Board there's no increasing that number. Do the Dunhams want to comment on this?"

Miss Allie Dunham: "I mean it's just the correct that 300 is our capacity, because our events will be both indoor and outdoor the capacity will not change."

The argument from the applicant is that here has never been the phrase "in a day".

There is also a provision that there would only be one event per day Mr. Dunham states that it should be that they will not have more than one event at a time. He gives a "What if..." situation. He argues that other places in the area do not have a daily capacity. He doesn't understand why if they have an event in the morning for 50 people why they can't have another in the afternoon for 80 people.

The Towns Attorney for this meeting is Wendy Loughnot. She keeps trying to speak however, Mr. Dunham will not stop. When she gets the opportunity to speak; she points out that on April 13 Allie stated on the record that 'we will have no more than one event per day.'

"And that's where we're coming up with 300, per, per day because one event, 300 per event, that means 300 per day. I mean, what we're doing is just sticking to what she said in public hearing, on the record, and what has been related to the, to the Planning Board throughout this whole thing. That is what we have based the review on."

Mr. Dunham has concerns with the setup crews coming in and taking away from the count of the number of guests allowed.

Chairman Welshko asserts that it is the same as the permit granted in 2017. The Board has spent the last five months evaluating this based on the information provided to them, they are perfectly willing to evaluate a new application that includes the changes that they now want. This would start the process over again. They cannot change things at the 11<sup>th</sup> hour.

Mr. Dunham complains again about the daily occupancy and that they will have to include the guy mowing the lawn and the person picking up trash, etc.

Attorney Loughnot tries to get his attention. She brings up a possible solution; Anyone can give a small tour of their property; a Special Use Permit is not needed for that. That is not part of an "event". She suggests revising the condition to read 300 attendance per event; one event per day. That would still allow for tours and the like.

Ms. Allie Dunham would like to be able to come to the board for exceptions, like a fundraiser or a community event.

Attorney Loughnot reminds the applicant that they can come to the board at any time with an amendment for an event. Chairman Welshko reminds the applicant to come in early because a SEQRA may need to be done or a traffic study and that these things take time.

She is asking if it becomes beneficial for the community to have an event that only has 300 at a time but more than 300 in a day, if the board has all the details ahead of time.

There is no provision in our Zoning Law to address that.

Mr. Dunham asks about multiple events on the same day if it is under 300 capacity. Chairman Welshko states they are trying to put a “crowbar” in the conditions to open them up to whatever they want. This has been a long process. He returns to the fact that none of this was discussed or even brought up at the public hearing. The board has conducted the SEQRA review based on the application and all of these changes at the 11<sup>th</sup> hour are significant.

Mr. Welshko: “We're prepared to take action on what's before us, and when, with the conditions that as listed on our draft document. Anything else I think would require a re application either another amendment down the road or pulling this application reapplying with your changes.”

Ms. Allie Dunham argues that Mary Purdy was asking how many events in a week there would be and that she cannot predict how many. Attorney Loughnot retorts with the statement she made in the April 13<sup>th</sup> Minutes.

Due to Mr. Dunham and Mr. Heitz being on the telephone, it is very difficult to hear them. Mr. Dunham says something about the Planning Board once the new sound study was done, that they would vote to approve the new sound levels for outside.

Chairman Welshko explains that the board only had one issue left to work out and that was the sound, the indoor sound could remain the same as long as the use did not change. This is a change of use.

Chairman Welshko reads from previous minutes: ‘The only remaining issue to be decided by the Planning Board is to decide what decibel level will be acceptable for outdoor activities; indoor decibel levels were approved with initial application and will not be modified, which we have no language that impacts indoor decibel levels at all that's your business.’

Mr. Dunham asks if the L90 reading is for the outdoors.

Chairman Welshko asks him to please let him continue: ‘and once that levels determine the Planning Board will approve the applicant’s application. The Planning Board agrees that the purpose of the extension is to allow the noise expert, which has been retained, to complete a sound/noise analysis, prepare report, and provide the board findings; unless new information is brought to the attention of the board, for example, if the applicant proposes a change or addition to intended uses. The Planning Board agrees, the only outstanding item to resolve concerns appropriate noise levels at the appropriate control point.’

“That was our response to you and, in my judgment, and in our Councils judgment, this is a change or an addition to the intend to use.”

Ms. Allie Dunham states that she feels this is all very unfair that their hands are tied and that the Board is limiting their income by allowing them to only have one event. They are under such restrictions that they are not able to conduct the business that they want to. She argues that the “in a day” portion of the resolution (conditions) was never in there before.

These conditions were developed back in February. There has been minor language changed but the discussion of a daily capacity of 300 and one event per day has been consistent from the beginning.

Chairman Welshko: "Don't get me wrong we're not dictating what you can do and can't do we're just telling you what we're prepared to make a decision on a Special Use Permit with conditions tonight, if you wish to reapply, to withdraw this and reapply with some of the changes that you want to see done; we're perfectly willing to entertain that. But we have an obligation to make a decision based on what's in front of us and what has been told to the public and what has been evaluated through SEQRA review and that's my intention to do that." The Applicant's Attorney contends that some of these conditions are new.

The Town's Attorney reminds them that these conditions were discussed in April and that condition #1 has not changed. She notes that the applicant agreed to an extension for the sound study. The board stated that they would not make any changes to the conditions during that extension, and they did not. If the applicant wants to have more than one event in a day as long as it is under 300.... They cannot have it both ways.

Allie would like the women on the board who have been part of this process to give their opinion.

Chairman Welshko says: "The 2017 Special Use Permit becomes, upon adoption of this new Special Use Permit, that becomes null and void and that was what was agreed upon. Because if you recall, we had some discussion as to what would transpire, could you keep the old conditions and just add some new ones? And a determination was made that this was enough of a substantial change of use; going from a strictly indoor venue to indoor/outdoor. Plus, possibly all outdoors (events) and these other additions, these event areas things, that it had to be a new special use permit to be reviewed with these amendments in it. So, going back to the 2017 conditions is irrelevant, I mean, you can ask them, but it, but it makes no sense."

Ms. Allie Dunham feels that this is the first time the "in a day" portion has been part of the discussion. She would like to know if Elaine, Bettyann, and Mary's interpretation of this is. Whether the occupancy is the barn or the time limit "in a day".

Board member Mary Galvez states that she has to agree with what is written on the record.

Mr. Mike Dunham asks a question that is unable to be heard about more than one event in a day. He again compares their venue with others stating that the others do not have these restrictions. Mr. Heitz has something to add that cannot be heard.

Chairman Welshko replies to the original question of two events in one day. "The original question about; can you have two events per day, you just need to modify your application and present that to us, that was never presented to us. And that was not how we made our evaluation, you have to understand, like we're not telling you; we're not saying you can only do this and you can't do this we're just saying under...: We can only evaluate what was put before

us and what we presented to the public, and what we conducted the SEQRA review and all our other evaluations on.”

“If you want to change the nature of your operation that's perfectly within your right, and we are willing to entertain that application. It's just that we are not willing to change substantially the conditions, at the 11th hour and grant approval, where the public has not had a chance to review this, our seeker review was based on what was in these conditions, and what was presented to us. It's not right and it's not good governance to do that.”

Mr. Heitz asks about the number of events in a day.

Chairman Welshko: “It doesn't say it in the description you provided, but it was verbalized a number of times during our public hearing and also during prior board meetings. It's documented in the minutes, in a number of places.”

Mr. Heitz makes a statement regarding additional terms and conditions.

Chairman Welshko replies: “Which are you saying is an additional term and/or conditions.”

Mr. Heitz makes a comment that is unable to be heard about one event per day.

Chairman Welshko: “No, no, this where... we did not make this stuff up, we are just going by what was provided to us, both in written form and verbal form and in verbal form answering questions at the public hearing. We didn't make these up, we crafted them based on public concern and some of what was told to us, but this document which you keep calling the resolution that was made at the time of the extension, both those characteristics were in there. The 300 people per event, per day one event per day, they were both in there at that time when everybody agreed that everything was settled, settled issues, and the only thing we have to decide upon was the sound issues.”

Mr. Mike Dunham makes another comment about the number of events in a day .

Town Attorney Wendy Loughnot tries to clarify things for the applicant: “If you wanted to do 300 in a day, then they were going to say no more than one event at a time. I had said; as a way to try to acknowledge what the applicant is trying to do, we can say 300 per event; then we would only allow one event per day because we did all of our studies, everything that SEQRA was based upon was an attendance of 300. So, if you're going to be doing more than 300 people attending this property then there are issues because of the neighborhood. There are issues that we need to look at further with respect to traffic and other types of issues. In order to, you know, entertain what you're requesting, we can do a 300 per event limit as long as there's one per day.”

Attorney Heitz just want to be sure that his client is being treated consistently and fairly. He asks if there are any other businesses like this in the area.

This type of business is unique in this area.

The applicant notes that this is a college town and that there are events that take place all the time. It is explained that they take place in the village; which is a different jurisdiction. The

Poolville Country Store is brought up regarding a Special Use Permit. The applicant is told again that they do not have a Special Use Permit, that their application was withdrawn.

Ms. Wendy Loughnot explains: "You're just not opening a business and you're being allowed to just open it open a business that's going to have people coming and going. This is a Special Use Permit for something that's not an allowed use in the district, without this Special Use Permit. Because what the code anticipates is that the Planning Board needs to make sure that the way that you are operating that type of event that you want to do under... The Code has to be... You have to consider the neighborhood and the effects it could have on the neighborhood and the surrounding properties. So, it's not like any other business, yes, maybe a business, you know, has people coming and going and there's not a per day occupancy but that's not a special use permit."

Mr. Mike Dunham states that he thinks that they are on the same page as long as they can make a provision that if they have an event of 300 people that it can be 400 a day with only 300 as capacity (during an event). That would give them the ability to have all of the workers and such there as well.

Attorney Loughnot explains: "Again, let me, let me specify what I had said before, 300 attendance at the event, one event per day. I am telling you that under the code, you do not need a Special Use Permit to have somebody come to your property to view your property to determine whether or not they want to have an event at your property. So, the tours for reviewing the property, that's not going to be considered in the numbers that we're saying for the event. Okay? If you're going to have people just coming in the morning to drop off linens, and they're not there for the event, that's not going to be included in any of these numbers. Okay? We're talking about 300 attendance at the event. Now, at the event is going to include your guests, the vendors, who are at the event. So, if you have a DJ if you have a caterer if you have that sort of stuff; yes, that is going to be included, because we can only have 300 per event. Because of parking and all those other issues, but if you want to do something like a tour in the morning, that's not part of an event because you don't need a Special Use Permit in order to do those types of things."

Mr. Dunham says that he thinks that everyone is on the same page. He would like clarification on one thing. He does not think that they have addressed the concept of more than one event in a day if they are low numbers like 20 people and 80 people. He doesn't understand why they can't have more than one small event in a day.

Ms. Allie Dunham asks if they can have wording that addresses a daily event attendance limit. "No two events would ever take place at the same time".

Attorney Wendt Loughnot: "So, it's going to be a maximum of 300 people in any day. Attendance includes anyone that attends an event and staff and vendors at the event."

And condition #8 will remain as it is.

Condition #4 will be modified to include the smoking areas. The applicant is reminded to check sound levels because sometimes when people are drinking and they are outside they can get loud.

There is a request to modify condition #9c which are related events.

They wanted to tighten up the language to make it more specific. There is some discussion whether to use the word property or list the parcels; the board decides to use both.

There does not seem to be any other changes requested.

The Deputy Clerk reminds the applicant that they still need to have the large-scale site plan maps.

**Resolution 2021-44: Motion to approve the Special Use Amendment Application for AMD Holdings dated February 25, 2021, with the following conditions.**

WHEREAS, by Resolution #2017-64 the Town of Hamilton Planning Board granted Andrew Dunham, dba AMD Holdings, LLC ("Applicant"), a Special Permit to operate short term lodging and event space on property located at 1611/ 1647 Poolville Road, Tax Map Nos. 184.-1-35, 184.-1-36 and 184.-1-37, generally known as the "Heritage Barn," subject to certain enumerated conditions; and

WHEREAS, in 2021, the Applicant filed an application seeking to amend its original Special Permit approval to use open lawn space for event purposes; and

WHEREAS, Volume 6 NYCRR Sections 617.3 and 617.6 of the Regulations relating to Article 8 of the Environmental Conservation Law of New York ("SEQRA") require that an involved agency make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, the Planning Board, at its regularly scheduled meeting of April 13, 2021, reviewed the application and documents submitted by the Applicant and, upon declaring itself lead agency for this project, determined that the proposed action will not have a significant adverse effect on the environment and rendered a Negative Declaration; and

WHEREAS, the Planning Board duly held a public hearing to consider the Applicant's request to amend the Site Plan and Special Permit on April 13, 2021; and

WHEREAS, during the course of the public hearing, public comment was received, and concern, as reflected by the Planning Board's approved meeting minutes, was expressed by neighboring property owners regarding the noise generated by the event space use and the impacts to be realized if the open lawn space is used for event purposes; and

WHEREAS, to properly evaluate the noise generated by the event venue and the use of outdoor space and establish an appropriate level of acceptable noise to minimize the disturbance to the surrounding area and the impacts to the rural character of neighborhood, the Planning Board retained the professional services of Industrial Hygienist Clinton Smith of Colden Corporation to perform an environmental noise assessment review; and

WHEREAS, by letter dated July 23, 2021, the Planning Board received Mr. Smith's Environmental Noise Monitoring and Guidance Report; and



WHEREAS, the Planning Board, having reviewed the documents and information received and being familiar with the event venue site, does desire to grant amended site plan and special permit approval in accordance with the Town of Hamilton

NOW, THEREFORE, be it

RESOLVED AND DETERMINED, that the Planning Board, as lead agency, does ratify and reaffirm its prior SEQRA determination rendered on April 13, 2021; be it further

RESOLVED AND DETERMINED, that the Planning Board hereby grants amended approval of the site plan, titled "Heritage Barn Project, Drew Dunham dba AMD Holdings LLC, 1611/1647 Poolville Hubbardsville Road," prepared by Lee Green Consulting, dated January 27, 2021, last revised August 23, 2021, permitting property, located at 1611/ 1647 Poolville Hubbardsville Road (the "Property"), to be used as an event venue in accordance with a revised and approved site plan depicting the Property in its entirety; be it further

RESOLVED AND DETERMINED, subject to the criteria set forth in Article 8 of the Town of Hamilton Zoning Law, the Planning Board does hereby find that the Heritage Barn is a seasonal event venue occupying former agricultural structures situated on approximately 200 acres, located in a rural environment, and surrounded primarily by farmed agricultural land, woodlands, and residential properties; be it further

RESOLVED AND DETERMINED, that the Planning Board further acknowledges that the purpose of a Special Permit is to balance the allowance and encouragement of a variety of land uses and to foster economic opportunities, provided that such economic uses do not unreasonably and adversely affect neighboring properties, the natural environment, and the rural and agricultural character of the Town; be it further

RESOLVED AND DETERMINED, that to protect the public health, safety, and general welfare, as well as the comfort and convenience of the public and residents in the immediate surrounding area, the Board is obligated to impose such reasonable conditions as may be required to minimize the noise to be generated, which has been identified as a potential environmental impact that will adversely affect surrounding properties; be it further

RESOLVED AND DETERMINED, that the Planning Board does further grant amended Special Use Permit approval to use the Property as an event venue, with outdoor space, subject to the following **conditions**:

1. The maximum attendance is 300 people in a day. Attendance includes people who attend the event, staff, and vendors during an event. The property owner, or its designated agent, must be prepared to show documentation of attendance upon request of the Codes Enforcement Officer.
2. The event venue shall be seasonal, operating from April 1 until November 3.

3. Days and hours of operation of the event venue shall be:
  - Sunday through Thursday, 10 am until 9 pm
  - Friday and Saturday, 10 am until 11 pm with music ceasing at 10 pm
4. All alcohol associated with an event must be contained within the barn or the event areas as identified on the approved site plan as “event areas” and “smoking areas”.
5. A Certificate of Occupancy will not be issued until all conditions of the Special Permit and elements of the Site Plan are satisfied.
6. The property owner shall plant and maintain the trees identified on the approved site plan in a healthy condition and replace them as needed.
7. This Special Permit shall automatically expire if the applicant does not substantially commence operations authorized herein by May 11, 2022.
8. Only one event shall be held at the event venue at any one time.
9. Activities held at the event venue may occur outdoors in the “Event Areas,” as set forth on the approved site plan, subject to the following parameters:
  - a) Temporary Structures: All furniture, props, stages, and structures shall be of a temporary nature. A permit will be required for any membrane structure that measures 400 square feet or larger. Any temporary membrane structure must be removed within 3 business days of the event. All other temporary structures must be removed from the outdoor event areas at the end of the operating season each year.
  - b) Temporary Lighting: Temporary lighting may be utilized for decoration and setup/cleanup purposes. All decorative temporary lighting shall be low voltage and may consist of lanterns, torches, café string lights, outdoor solar lights, and party lights. Temporary work lights utilized for setup/cleanup on any event space shall be downward facing and dark sky compliant.
  - c) Horse drawn carriage rides, hay wagon, vintage truck rides, tours and photo shoots shall be allowed anywhere on the property; parcel numbers 184.-1-35, 36, and 37.
10. On the approved site plan, an identified “Event Area” is also depicted as providing seven (7) parking spaces for the event venue. When the “Event Area” is used for outdoor event activities, occupancy shall be reduced by 28 people.
11. The applicant shall comply with the sound recommendations established by the Planning Board as set forth by Mr. Smith of the Colden Corporation during the Planning Board work session on August 4, 2021; more specifically, sound levels shall not exceed an L90 average of 42 dBA at any of the 3 control points identified in the Environmental Noise Monitoring and Guidance Report, dated July 23, 2021, prepared by Mr. Smith, and sound pressure shall not be in excess of 40 dB in any one-third octave band having center frequency between 63 hertz and 500 hertz (Colden report page 4 dated July 23, 2021); sound may be measured at any of the three control points:
  - i. 1676 Poolville Road – nearest residential receptor (at telephone pole)
  - ii. 1385 Smith Road – nearby residential receptor (shoulder of the road)
  - iii. 1604 Poolville Road – nearby residential receptor (shoulder of the road near gate with “posted sign”

12. All sound measurements must be taken by a properly calibrated sound level decibel meter and in the same manner as the Colden Corporations study.
13. Applicant shall have an authorized representative on site for each event to be responsible for monitoring event activities and to ensure compliance with permit conditions.
14. The applicant will provide 3 updated, large format printings of the entire site plan area within 30 days of the approval of this application.

Motion: Mary Galvez

Second: Bettyann Miller

Vote: YES – 5                      NO - 0

ADOPTED

**New Business:**

**Joel Partridge; Special Use Permit, Preliminary Review, 1221 Poolville Road, Tax Map #199.-1-18**

The applicant wishes to get a Special Use Permit to be able to have farm animals on his property in the Hamlet of Poolville, to make it more attractive to buyers. There is no criteria in the Zoning Law for agriculture in the Hamlet district, it is there for the residential district but not the Hamlet. The Chairman is unsure if this is an oversight. Mr. Partridge feels that he has already lost one buyer because of his property's designation. The property is 29.17 acres. The applicant is also concerned that he cannot put a trailer on the property, there probably will never be another trailer there but he wants it as an option as a selling point for his property.

Chairman Welshko references the Zoning Law page 24 section 6.2-5 discusses animal husbandry in the commercial/agricultural/residential district. Subsection B provides a ratio of animals per acres depending on the size of the animals and other provisions. Section D says the keeping breeding and raising of livestock, poultry and similar animals shall be permitted on lots greater than 25 acres and shall not be subject to the requirements of subsection B above which is the section that talks about the number of animals per acre.

The Chairman interprets that they do not have to be concerned with all of the ratios because this lot is 29 acres. He is interpreting it to mean that because there is no guidance that it was intended for the Hamlet District to be the same as the residential because the issues are the same. This is confirmed by another board member.

The Board has the ability to waive some requirements as they see fit, like SEQRA and/or the site plan. The applicant does not plan on putting any buildings up or any construction. The SUP is really a provision to help any new owner be able to have livestock. The Board does not really see the need for a site plan. The Board considers waiving some of the requirements and consults with the Attorney. SEQRA cannot be waived. The trailer issue can be put before the ZBA. Codes Enforcement Officer Mark Miller states there is nothing specifically in our Zoning law that states that only one residence can be on one parcel.

Chairman Welshko asks if one action precludes the other. It does not.

The Board reviews the SEQRA form. It is determined that the action will be of little or no impact.

Travis Dubois has recused himself from action due to his mother being the real estate agent for the applicant.

The Board decides to review part 2 and instruct the Chairmant to sign part 3 of the SEQRA form.

**Resolution 2021-45: Motion to review part 1 of the SEQRA Short form; the Chairman is directed to review and complete parts 2 and 3 of the SEQRA Short form, sign part 3 and make a Negative Declaration establishing Town of Hamilton Planning Board as Lead Agency.**

Motion: Kathleen Palmer

Second: Elaine Hughes

Vote: YES – 5                      NO - 0

ADOPTED

Because this property is on a County Road it must go to the Madison County Planning Department for review. The County has 30 days to comment and will return it for the next Planning Board meeting on September 14, 2021.

**Resolution 2021-46: Motion to waive the public hearing for the Partridge application**

Motion: Bettyann Miller

Second: Mary Galvez

Vote: YES – 5                      NO - 0

ADOPTED

The board discusses waiving the site Plan requirement. Considering there are no proposed changes and nothing new is being added to the property they agree to waive that requirement as well.

**Resolution 2021-47: Motion to waive the Site Plan review for the Partridge application**

Motion: Bettyann Miller

Second: Mary Galvez

Vote: YES – 5                      NO - 0

ADOPTED

Mr. Partridge complains about the abandoned house near him and asks what can be done about it. The Town Council has recently passed a law about properties that are health and safety hazards. That particular property (near the Poolville Country Store) is on the list to be dealt with in the near future. Mr. Partridge is worried about the children in the neighborhood.

The board signs their vouchers. The board has requested in the past that the Deputy Clerk only print out a few copies of the minutes to save paper.

**Resolution 2021-48: Motion to Approve of the June 8, 2021 Minutes.**

Motion: Travis Dubois

Second: Kathleen Palmer

Vote: YES – 5                      NO - 0

ADOPTED

**Resolution 2021-49: Motion to adjourn**

Motion: Mary Galvez

Second: Elaine Hughes

Vote: YES – 5                      NO - 0

ADOPTED

Respectfully submitted by  
Elisa E. Robertson  
Deputy Clerk