

Town of Hamilton
Planning Board Meeting
Tuesday, September 14, 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.

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

Others: Regina Silvestri, Eric Schaeffer, Kessa Schaeffer, Jordan Ashcraft, Richard Lee, David Rice, Gair Meres, William Stull, and two others.

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:

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

Mr. Partridge is seeking approval for a Special Use Permit to allow farm animals on his property (Town Zoning Law Use table #12). He is hoping to sell his property and feels that the permit will make it more attractive to buyers. His lot is in the Hamlet District of Poolville and approximately 29 acres is size. The Board has received the County recommendation. It states that it has been returned to the local municipality for determination.

There is a recommendation that the board waive the sunset provision in the Town of Zoning Law. It reads as follows:

8.3-10A: A Special Permit shall expire if the Special Permit use or uses cease for more than 24 consecutive months for any reason, if the applicant fails to obtain the necessary Certificate of Compliance or fails to comply with the conditions of the Special Permit within 18 months of its issuance, or if its time limit expires without renewal.

The board does have the right to waive some of the requirements and conditions stated in Section 9.3-4:

9.3-4 Waivers: If the Planning Board finds that any of the information requirements as set forth above are not necessary to conduct an informed review, it may waive such information requirements as it deems appropriate. Any such waiver shall be made in writing, and shall contain statements of the reasons why the waived information requirements are not necessary for an informed review under the circumstances. The Planning Board may grant such waivers on its own initiative or at the written request

(that sets forth the specific requirements that are requested to be waived and the reasons for the requested waiver) of an applicant.

Travis Dubois has recused himself from discussion and voting because of a possible conflict of interest. His mother is the realtor listing Mr. Partridges property. Kathleen Palmer, as alternate, will take his place.

Resolution 2021-50: Motion to waive the expiration (Sunset Clause) cited in the Town of Hamilton Zoning Law page 59 Article 8.3 Section 10-A for the Joel Partridge Special Use Permit Application.

Motion: Mary Galvez

Second: Bettyann Miller

Vote: YES – 4 NO - 0

ADOPTED

Resolution 2021-51: Motion to Approve the Special Use Permit for Joel Partridge.

Motion: Bettyann Miller

Second: Elaine Hughes

Vote: YES – 0 NO - 4

ADOPTED

Kathleen Palmer comes in

Kessa Schaeffer; Special Use Permit, Preliminary Review, 2089 Spring Street, Tax Map #169.5-2-15

The applicant wishes to use their property as seasonal accommodations. According to the Town of Hamilton Zoning Law Use Table line #7, of page one, of Schedule A this requires a Special Use Permit in the Residential District. It is not owner occupied. It is a residence that may become a retirement home for Eric Schaeffer. It was not purchased with the intent of using it for a business. It is to help defer the cost of the house. Our Zoning Law only has two provisions for accommodations. Owner-occupied bed and breakfast and seasonal accommodation. The applicants want to be in compliance. The Board looks over all the materials. They were unaware that they needed a permit.

Chairman Welshko has a question about the time of rentals, it is stated in the narrative that the property would only be rented 25% of the year. No one under 25 can rent the property. The applicant would be willing to accept a condition that limits the amount time that the house can be rented. The property has been rented 4 times since listing it on Airbnb. This all came to a head when a neighbor complained about noise and cars and rowdy people at the residence. The neighbor asks to speak and Chairman Welshko asks him to hold his comments until the Public Hearing. Chairman Welshko explains that there will be a time to comment and that they

are in the very early in the process that there is a long way to go. Written comments are also welcomed at any time.

Chairman Welshko asks how many cars can be accommodated by the driveway. There was a complaint about parking on the street. The applicant is agreeable to having a condition stating that no street parking is allowed. The driveway is about 1800 square feet. The Board will require a sight plan. It should be to scale. The Deputy Clerk provides them with the checklist for the site plan. Some of the information will not apply, however, if they have any questions, they should call the CEO. No formal survey is needed but it should be to scale. The Board can take no action on this application this evening because they need to have a site plan to have a complete application. Everything else in the application is complete. At the next meeting SEQRA will be reviewed and a date will be set for the Public Hearing. The Town Zoning Law is on the website if they need to refer to it at anytime. There is discussion surrounding conditions and how they are established. The applicant signs and dates the SEQRA form. Requirements for the site plan are discussed. CEO Miller Offers to show them an example of a good site plan, as an example.

Grattan Johnson has a question for the board regarding the Schaeffer Application. His question regards a precedent being set. It is explained that every application is treated individually.

Kathleen Palmer states that she attended the last Town Board Meeting and many of the comments that she heard that night were similar to the ones here tonight. There is some discussion about the Zoning Law and that the Planning Board acts independently of the Town Board as long as no moratorium is in place. Each application will be processed individually.

EFS/Richard Lee; Subdivision, Preliminary Review, 738 State route 12B, Tax Map # 198.-1-13.11

The applicant wishes to subdivide approximately 2.5 acres to add it to the Lee property which will also make it a conforming lot. The Board looks at the map and asks Mr. Lee to come up and explain to them what he wishes to do. There is a spring near Mr. Lees property which is where his water comes from. He would like to own that property and add it to his lot. Mr. Lee understands that combining these two lots will more than likely become a condition of approval. The Deputy Clerk asks Mr. Lee to please sign part one of the SEQRA short form. Chairman Welshko confirms with the CEO that there are no conflicts with setbacks. This will need to be sent to the County for review considering it borders a state highway. The Board reviews part one of the SEQRA short form. Changes need to be made to questions:

3c - the total acreage is 2.614.

9 – The answer should be N/A

10 & 11– there is no residence on the property to be divided.

The EAF mapper considers the entire parcel when it assists in the filling out of the SEQRA form so some answers may not be accurate for the section of the parcel to be divided.

Resolution 2021-52: Motion to Review part one of the EAF/SEQRA review and declare Town of Hamilton Planning Board lead agency regarding the EFS/Lee application for a Subdivision.

Motion: Travis Dubois

Second: Elaine Hughes

Vote: YES – 5 NO - 0

ADOPTED

There is discussion regarding sending the application to Madison County for their review. It is decided that the Board wishes to do that.

Resolution 2021-53: Motion to Schedule a Public Hearing for October 12, 2021 regarding the EFS/Lee subdivision application.

Motion: Mary Galvez

Second: Travis Dubois

Vote: YES – 5 NO - 0

ADOPTED

The Hamilton Town Board has left the decision whether to have in-person or Zoom Meetings in the future to each individual board. There is some discussion about future meetings and the pros and cons of meeting in person versus remote meetings. Our office is unable to hold hybrid meetings at this time. We do not have the right technology for it. The Board is unanimous. There could be complications if we were to have large groups for public hearings. There is discussion of other venues and or limiting the number of people allowed in the room at the same time. Possibly having everyone dealing with a certain application in the room at a time, and switching out when the Board starts a new application.

Resolution 2021-54: Motion to continue to meet in person following current health recommendations.

Motion: Bettyann Miller

Second: Travis Dubois

Vote: YES – 5 NO - 0

ADOPTED

There is some side discussion about how people are to know when they need a permit of some kind. There is concern about people flaunting the law.

The Town Board is considering a moratorium on seasonal housing, it may or may not affect the Schaeffer application. It has not been passed, it has just been introduced.

The board signs their vouchers.

Resolution 2021-55: Motion to approve the Minutes from August 4 and August 10, 2021.

Motion: Mary Galvez

Second: Bettyann Miller

Vote: YES – 5 NO - 0

ADOPTED

Resolution 2021-56: Motion to adjourn at 8:05 PM.

Motion: Travis Dubois

Second: Elaine Hughes

Vote: YES – 5 NO - 0

ADOPTED

Respectfully submitted by
Elisa E. Robertson
Deputy Clerk