

Town of Hamilton
Planning Board Meeting
Tuesday, April 11, 2023, 7:00 PM
Hamilton Town Community Room
38 Milford Street, Hamilton

Present: Mike Welshko, Kathleen Palmer, Elaine Hughes, Deputy Town Clerk Elisa Robertson, and Chuck Ladd, Code Enforcement Officer

Absent: Bettyann Miller, Alternate Pam Salmon

Others Present: Mr. Paul Curtin, Esq. and Mr. Mark Curtis

7:05 pm Chairperson Mike Welshko calls the meeting to order.

NEW BUSINESS:

Paul Curtin/Mark Curtis; MAJOR SUBDIVISION, Pre-application Conference; Spring Street; Tax Map #'s 154.-1-7.1 & 153.-1-8.2

This is a Pre-application Conference for a **Major Subdivision** proposed by Mark and Patty Curtis; they will be represented by their attorney, Mr. Paul Curtin, Esq. The applicant wishes to subdivide two pieces of property into seven lots, totaling +/- 14 acres on Spring Street, Hamilton, NY. These properties are identified as tax map #'s 154.-1-7.1, 154.-1-8.2.

The purpose of this meeting is to help the applicant clarify what they want to do with their property. The proposed map has numerous issues that the Codes Officer felt needed to be addressed by the Board, so the applicant does not waste time or money while proceeding. At least two of these lots will need variances. Proposed lot #3 is substandard in size (.77 acres) and lot number 4 is a flag lot with an inadequate amount of road frontage. Also, Lot #7 also has inadequate road frontage. Lots 5 and 6 are land-locked which does not comply with the Town of Hamilton Zoning Law.

The Deputy Clerk created a color-coded map showing the original two parcels as well as where the proposed new lots are located.

Attorney Paul Curtin explains the objective and the sketch plan of the subdivisions. A problem that has been encountered is that there are two houses on one lot and if the applicant wishes to sell the "Cottage" (the house that has the road frontage along Spring Street, identified as lot 3) it will need to have its own lot. The applicant's house is behind the other, and they hope to add to that property (lot #4). The lot for #3 cannot be moved because it will interfere with the setbacks for the other house. Lots 1 and 2 are in compliance with all regulations. Mr. Curtin

explains that the other lots (7,6, and 5) would have access through a right-of-way for future development. The applicant is planning on doing this in 2 phases.

There is discussion regarding the slope of the two back lots. The applicant is hoping to sell, cottage (lot 3) and the other lots as buildable property. This is all preliminary. The flag lot (#4) would need 2 variances. It would not be necessary to subdivide #3 and #4 if both houses were to be sold together on the same lot but to sell one without the other creates the need for them to be separated and therefore requires them to both get variances.

What complicates matters is that the subdivision of lots 3 and 4 are not just comprised of parcel 154.-1-7.1 but also a portion of 154.-1-8.2. This is in effect a subdivision of lot 8.2 by taking a chunk out of it to add to lot 4.

Mr. Welshko informs the applicant that they will have to come before the Planning board for a preliminary review on May 9, and then go on to the ZBA. Chairman of the ZBA would like to see all application materials that the Planning Board has seen. The Planning Board will have the preliminary review first and then pass it on to the ZBA. It will then come back to the Planning Board for final approval. Chairman Welshko acknowledges that there are timetables involved in this procedure, the applicant can give the Board more time if they choose to do so.

The two parties discuss the landlocked parcels and their viabilities. The applicant will leave the two rear pieces together for future development. There is discussion about the right of way and the viability of ever dividing the remaining lots. There is much discussion of how the map can be modified. The entire Board agrees about what will be required at next meeting. The driveway configuration is of a concern CEO Ladd will meet with the Highway Superintendent about this issue.

Dunham Heritage Barn:

A Special Use Permit for this project was granted in 2017 and they had a modification to have outside event space as well in 2021. There are some questions about the validity of the event that is planned for July 1, 2023. They are advertising a concert with food trucks, and alcohol. There is discussion about the number of people, outside beverages, sound levels and parking. The Board decides that the Code Enforcement Officer should contact the Dunhams to gain some information. The event is scheduled for July 1, 2023, and a very popular local singing star.

Topics of discussion are:

- Sound levels
- Alcohol use
- Traffic
- Parking
- Population of 300 includes workers, vendors, set up crews,

It is being advertised heavily. This is certainly pushing the boundaries of the permit. Concern over people parking on the side of the road, etc. CEO can contact the venue and ask some questions. Kathleen Palmer reads the ad to the Board. The Board anticipates complaints from the neighbors and they want to be prepared to answer questions from the public. There are many questions that the Board have about this event. The CEO will try to contact them to see if they can answer some questions.

Old Business:

The board signs their vouchers for this meeting.

Resolution 2023-1: Motion to approve the Minutes from November 8, 2022.

Motion: Kathleen Palmer

Second: Elaine Hughes

Vote: YES – 4 NO - 0

ADOPTED

Resolution 2023-2: Motion to adjourn meeting at 8:03 pm.

Motion: Mary Galvez

Second: Kathleen Palmer

Vote: YES – 4 NO - 0

ADOPTED

Next Meeting: May 9, 2023

Materials cut off: April 27, 2023

Respectfully submitted by
Elisa Robertson
Deputy Clerk