

Town of Hamilton  
Planning Board Meeting  
Tuesday, December 11, 2018, 7:00 PM  
Hamilton Public Library  
13 Broad Street, Hamilton

**Present:** Darrell Griff, Elaine Hughes, Bill Nolan, Bettyann Miller, Deputy Town Clerk Elisa Robertson, CEO Mark Miller, Town Clerk Sue Reymers, Town Attorney Nadine Bell, Esq.

**Absent:** Mary Galvez

**Others:** Stefanie Sterling, Kinnon Nolan-Finkel, Chris Jadwick, Crystal Jadwick, Brice Pierce, William Getman (SteffCo’s Attorney), Fred Palmer, Steffen Snell, Sarah Law, Erik Law, Jay Tackabury, Peter Mejers, and one other

Meeting called to order 7:00 PM

**Old Business**

**Herbert and JoAnn Houser, Minor Subdivision Application, Preliminary Review, 1020 Borden Road, Tax Map # 199.-1-56.11**

**Resolution # 2018- 34: Motion to OPEN the Public Hearing for the Houser/Tackabury Subdivision Application**

Motion: Bill Nolan

Second: Elaine Hughes

Vote: Yes – 4            No – 0

ADOPTED

Mr. Jay Tackabury speaks to the application they wish to subdivide 12+/-acres from the 134+/- acres. There is no other comment on this application.

**Resolution # 2018- 35: Motion to CLOSE the Public Hearing for the Houser/Tackabury Subdivision Application**

Motion: Bettyann Miller

Second: Bill Nolan

Vote: Yes – 4            No – 0

ADOPTED

Chairman Griff states that the only concern that the board has was for a landlocked parcel. The Board makes the combination of that parcel to another non-landlocked parcel a condition of the approval. The Board requests proof of the combination of properties be brought to the Town Office, and a filing of a recombined deed. Mr. Tackabury notes that he spoke with the

surveyor and that there is a note on the maps about that. Chairman Griff asks if the board has any other comments or questions.

**Resolution # 2018-36: Motion to Approve Houser/ Tackabury Subdivision Application with the condition of filing a recombined deed.**

Motion: Bill Nolan

Second: Elaine Hughes

Vote: Yes – 4            No – 0

ADOPTED

**Erik E. Law, Special Use Permit Application, Preliminary Review, 8450 South Hamilton Road, Tax Map # 200.-1-75**

This is a preliminary review. The Deputy Clerk states that there are some signatures missing from the applicant's file; Mrs. Sarah Law signs the documents because she is the owner of record. There is discussion as to whether to go through part one of the SEQRA form, the board decides to wait for the next meeting. The Board reviews the application. Chairman Griff asks if there are any questions from the board. Mr. Law gives a short speech about what he is proposing. He would like to have an auto repair facility in a preexisting barn on his property. He will only be storing the vehicles that he is currently working on; a maximum of 6-8 vehicles. He proposes one sign down by the road that will meet the conditions of the Zoning Code. To address used motor oil, he has an arrangement with an individual in Sherburne that will take the oil and recycle it. All the old used parts will go to Otsego to the crusher. Chairman Griff asks if there are any codes issues. CEO Miller states that the applicant is in good shape. The garage has not been issued a COC yet because there are a few things left to be finished. A Board member asks if there will be any employees and the applicant states that it will be just him. This application will be sent to the county with a GML 239 referral, go through the SEQRA, and a Public Hearing. The next meeting will be held on January 8, 2018 with the cut off for materials being on December 27, 2018. The County Planning Department has 30 days to review. Chairman Griff asks if anyone on the board has an objection to scheduling the Public Hearing for the next meeting, all agree that it is fine. No other action is required at this time.

**SteffCo Enterprises LLC, Special Use Permit Application, Preliminary Review, 1866 Quarterline Road, Tax Map # 170.11-1-26**

This is a preliminary review. The applicant wishes to change the property from a single-family dwelling to a commercial (property). There are some short comings on the site plan that need to be addressed. There are some questions about the application.

- There are no notations about the square footage of the building
- There are no Floor layouts, and actual square footage (of each floor)

Chairman Griff asks if there is anyone present to talk about the application. Ms. Stefanie Sterling replies that she can, and that she can calculate the square footage. The building is 40'X29' = 1160 sq.ft. on the main floor; a bit smaller on the second floor and the basement is roughly the same square footage as the first floor.

Chairman Griff asks what the square footage of the patio is if it is to be a public building, that should be added in for the calculations. Those dimensions need to be on the site plan. The CEO explains what the Layout plan should look like to figure out occupant load; which in turn will determine what the parking needs will be.

Ms. Nadine Bell, the Attorney representing the town, encourages Ms. Sterling to present a little bit more about the proposal for this application for members of the audience who are here for this purpose and so the Board at least has an idea of what the overall proposal is and then ask for more detail.

Mr. William Getman, the applicants counsel, states that it will only be used for occasional events not high impact use. He defers to Stefanie Sterling.

Ms. Sterling states that it is three floors, and on the second floor there are 2 rooms that can be rented out via AirBNB. Everything is controlled through AirBNB, so people have the choice of renting one or both rooms or they can rent the whole house. So, if a family wants to come and stay, they have the use of the kitchen, Livingroom, bedrooms just like any other standard BnB. People will have the opportunity to rent just the main floor or the third floor, if necessary, for a days activities, or a small event at the attorney was suggesting. The basement has a small café in it for cash, grab and go, snacks and drinks and sandwiches on their way out. It is mainly to supply things for the people who are staying at the AirBNB. A small general store so if someone forget something like toothpaste, or the like, they can get it there.

Attorney Nadine Bell summarizes and clarifies what was said. The building has 3 floors, the basement the first floor and the second floor. The first and second floor (which is available on AirBNB) is a traditional house. That is confirmed.

Attorney Bell asks if the floors can be rented independently? Could two different parties on each of the floors?

Ms. Sterling explains that the way the calendar is set up is that if a someone has rented the room by itself the only thing that is available is the other room by itself. Otherwise if someone wants to rent the whole hose for a party downstairs then it makes it so the rooms are missing, so they aren't crossing.

Attorney Nadine Bell (NB) : So, the basement, that has a general store area as well as a community space?

Ms. Stefanie Sterling (SS): Right now, it is one single bar area, a counter top; then in front we have a few comfy chairs, a table, a pool table and a small little cooler to grab a snack or something. They can sit and relax look at their computer, or a cup of coffee.

NB: If someone wanted to have a venue there; if they wanted to use it for a cocktail or holiday party, would they have it in the basement?

SS: Right now we have it for just the first floor.

NB: Of the main house.

SS: Correct.

NB: Does the first floor have kitchen facilities?

SS: It has a kitchen.

NB: Is that something that would be available for, like if somebody was having a party catered, could a caterer come in and use it. Is it more like a kitchen facility or is it more like my home kitchen?

SS: It is like a home kitchen.

Attorney Getman states that he has been there a number of times; he would say that it is much larger than a regular home kitchen.

SS: There is not a commercial vented standard stove.

NB: You do not have **an Ansel system**.

SS: Correct.

NB: But you have something like a six-burner stove? A larger refrigerator, that's not your small French door refrigerator.

SS: Yes.

Kinnon Nolan-Finkel (KNF) who is also a SteffCo employee chimes in to state that the kitchen is set up so that if someone were hosting a small event on that main floor, they could also hire a chef, and that chef would have everything they needed available in the kitchen. Its not a fully commercial kitchen, but it is more of an upgraded kitchen.

NB: So, the patio space, is that off of the basement or the first floor, or Both?

SS: Both.

NB: Can somebody rent the patio space without renting the structure?

SS: We do not have it set up that way, no. Nope.

Chairman Darrell Griff (DG): Can somebody rent the second floor and a separate party rent the first floor?

SS: Right now, we don't have it set to mix the two. So, AIRBNB is really great that I can interlock the calendars so that once the room upstairs is booked it blocks out the downstairs space from being booked.

DG: By downstairs you mean the first floor?

SS: Correct.

DG: And the cellar, refresh my memory, that's just going to be the retail?

SS: That's going to be strictly a store for right now to supply things for people who are renting the space.

DG: So, it's not going to be intended for people to stop in and grab something. That's a long-term goal.

Mr. Getman explains that the property is on the corner of Quarterline and Green Roads so that when referring to the basement that two wall of the basement are exposed and lead to a patio on one side.

Chairman Griff asks if the retail space is included in this application or if they will be coming back before the board at a later date?

Ms. Sterling states that all the info is in their narrative.

The retail space would not be in a totally separate room, but in an open area, set up more like a café.

NB: Will there be a main entrance to the basement?

KN-F: There will be street access.

Chairman Griff enquires about the plan that was submitted because it shows this parcel (1866) and the one to the north (1872); both of which are owned by the applicant. Mr. Nolan-Finkel

asks to see the plot plan and explains that the plot plan is a plan for the drainage of the two properties and that since it is a comprehensive plan both properties are included.

Attorney Bell asks if the property can sustain its own drainage.

Another employee of SteffCo states that the property can sustain more than its own drainage but that this plan is over-kill to be sure. The northern property (1872) had many problems with water because it was low in elevation compared to the road and the other houses surrounding it.

DG: Are there any future plans to join these properties and make them a part of the same enterprise.

KNF: No, not at this time.

Attorney Bell explains that normally only the property that is being considered for the application is usually on the site plan, not other properties that he applicant owns, even if they are connected. If they were to sell one of the properties, the drainage could be affected.

Mr. Getman states that they would have to have an easement and that the board could make that a condition of the Special use permit if approved.

Mr. Bassler, who designed the drainage plan is not present; but Mr. Meyer is, he drew the plan.

Mr. Meyer states that the existing swale does come onto that property and that what they are proposing is to continue it.

It is surmised that 1866 can accommodate it's own drainage but 1872 would need an easement to accommodate it's drainage.

One other issue that is a problem is parking. There is not enough parking to accommodate the number of spaces that will be needed. They would need to get a variance from the ZBA. Again, the number of spaces will depend on the occupancy, and that is dependent on the square footage. For our towns purposes we use four people per vehicle, and the size of the spaces.

KN-F mentions the driveway as a parking area noting that if it is used as a one way there is room for parking along there. The driveway will not be needed for fire trucks so long as there is no parking on the road.

CEO Miller states that this should be shown on the site plan.

Chairman Griff makes mention of the Code that states that no vehicle shall back out into the roadway that there must be enough space for the cars to turn around. An audience member

says that no one backs out onto the road. CEO Miller states that the space is very limited for a front pull out. Board member Bettyann Miller replies that she has been past and has seen people backing out onto the road.

Chairman Griff makes a point of reference that the board will be very careful moving forward with this Special Use permit. The applicant was previously issued a Special Use Permit for the property next door for a partial demolition. It is the understanding of the Chairman that the entire house has been demolished.

An audience member states that they have saved some beams to put back into the new structure.

The Chairman clarifies that the building itself has been taken down. He continues to explain that is demolition, not partial demolition. It does not matter if you save some parts. Partial demolition would mean that part of the building would have to remain standing and intact.

Chairman Griff: "By the conditions of that Special Use Permit you have violated the Special Use Permit, so it is now void. So that property cannot be built on. That is why when we were talking about the parking, that would give you an option for your parking with that other parcel. These are all issues that with a preliminary review that we need to bring up and be addressed."

Board member Bettyann Miller: If you use that space for parking, you would need to combine the lots.

Audience member asks why the parcel cannot be built on? Can't they go through the process...

Chairman Griff: Because they have violated the special use permit.

Other members of the board as well as the chairman explain that it is a nonconforming lot, they removed the building that was there, so it is now no longer buildable. They would have to go in front of the Zoning Board of Appeals.

The audience member states that the foundation is still there so the whole structure has not been demolished...

Darrell Griff comments that the entire structure above ground level has been demolished.

Audience member states that it was only a partial demolition...

Chairman Griff: "I am not going to get into a debate with you tonight, sir. I do not know what your ties are to this or who you are for that matter, and I'm not going to get into a debate about it. Submit our determination that the Special Use Permit that was issued for that property has been voided. That will have to be a matter taken up further with the Town and

SteffCo. But for the purposes of our meeting tonight we are talking about the 1866 property and the things that will be needed to move forward for a Special Use Permit. My point of reference to the other property was to explain why we are being cautious with this application.” He asks the Board if they have any questions or comments. He asks the Town Attorney if she has anything to add.

She inquires if there is any intent to use outdoor space for events/parties and what kind of lighting would be used due to the property being located close to other structures.

Some Board members comment about light and sound of anything taking place outdoors and its effect on the neighboring properties. It is noted that there have been some issues with light but that they changed to low wattage bulbs. There has not been any study done concerning sound.

The applicant does not see live music there it is more geared toward a family renting it. The applicant gives the example of renting a cabin in the Adirondaks.

Darrell Griff points out that this is not just a residential rental unit that the first floor is going to be used for parties and events. It has been advertised as having space for 60 people. Mr. Griff’s concern is that people will be out on the patio area, that there may be considerable sound issues. They will need to be addressed. The board will need to see some type of proposal to mitigate that.

Chairman Griff asks if the applicant has any questions for the board. The applicant has been working with CEO Miller on site plan, etc. He also asks CEO Miller if he has any questions.

CEO Miller states that the site plan needs to be cleaned up a bit. He addresses that there are two different scales on the plan, the dimensions, the sewage system, layouts with furniture. Once there are real numbers then an occupancy can be established, and parking firmed up.

Mr. Nolan-Finkel confirms that it would be better to have just the 1866 property on the site plan.

The Deputy Clerk confirms that the applicant has a copy of the Site Plan Checklist, the applicant says yes.

Chairman Griff asks if anyone has any questions and Board Member Bettyann Miller voices some concerns over the drainage plan. She is concerned about the culvert on Green Road, it has overflowed in the past and worries that the new drainage may overwhelm it. She has asked if the applicant has done any studies about it.

The applicants' representative states that they are not adding anything to it. Board member Miller is concerned because they are "concentrating" the flow.

The applicant is informed that his application will have to go for a County Planning referral under GML 239. The County will distribute the plan to other county agencies to gain feedback. They have 30 days to review it. The application needs to be complete with no changes to be sent for County review.

The Deputy Clerk asks the Town Attorney about declaring lead agency and what other agencies need to be notified. The applicant usually details the agencies to be notified. There does not seem to be any other agencies with a stake in this project. Hamilton Planning Board can just declare themselves lead agency for this project.

The question is asked if they are intending on selling alcohol. The applicant states that is very far down the road, right now just packaged foods. They already have their New York State retail license for prepackaged food.

There will be an employee on premises for the retail or it may run like the Mini Bar at a hotel where there is a steady inventory taken and guests charged for what they use.

They can rent out the bedrooms to two different parties.

The next meeting will be January 8, 2019 and that will be the site plan review.

The previous months meeting minutes were not included in the Boards material's so they will approve them at the next meeting.

**Resolution # 2018- 37: Motion to adjourn at 7:47 pm**

Motion: Bill Nolan

Second: Elaine Hughes

Vote: Yes – 4          No – 0

ADOPTED

The next Meeting will be on January 8, 2018 at the Hamilton Public Library.

Respectfully submitted by  
Elisa E. Robertson  
Deputy Clerk