

**Town of Hamilton  
Planning Board Meeting**

Tuesday, June 13, 2023, 7:00 PM

Hamilton Town Community Room

38 Milford Street, Hamilton

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

**Absent:** Alternate Pam Salmon

**Others Present:** Mr. Paul Curtin, Esq., Mr. Mark Curtis, Supervisor Eve Ann Schwartz, Lyoshe G., Regina Silvestri, Lori Godshalk, Mark Godshalk, Deb Hotaling, Karen Hotaling, Jody Palmer, Gair Meres, Suzie Meres.

7:00 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 Preliminary Review 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 five 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. At least two of these lots will need variances. Proposed lot #3 is substandard in size (.77 acres), as well as not meeting the setbacks; and lot number 4 is a flag lot with an inadequate amount of road frontage.

This application went through a pre-application process to help the applicant file a more successful application. See April 2023 minutes. The applicant's primary residence is located at 2190 Spring Street. This lot has two homes on it which makes it non-conforming. The idea is to split that one parcel into two for each individual residence. Both parcels would have separate ingress and egress. They are asking the board to review the map that has been submitted and that they refer the application to the ZBA for consideration of area variances. Mr. Curtis has an interested buyer for lot #3; however, cannot sell until the subdivision takes place.

The driveway for lot #4 will have to be relocated, this should not pose a problem because the sight lines are very good. There will be minimal interference with landscaping. The map is very small and difficult to read. There is clarification about which lot is which number. The Curtis' are not planning on leaving the area.

Chairman Welshko asks if there is any other discussion need by the Board? He reminds the attendees that this Board cannot approve a subdivision that has non-conforming lots. This application will have to be sent to the Zoning Board of Appeals. Board member Galvez asks for a clarification of procedure for the people who are attending the meeting that may not know. The ZBA will meet and make an independent decision based on their criteria; the application will come back to the Planning Board for further review. Then a public hearing will be held and then this board will make their decision. The Deputy Clerk will make the arrangements for the ZBA to meet and keep the applicant informed.

**Resolution 2023- 3: Motion to refer Subdivision application made by Mark Curtis to the Zoning Board of Appeals pertaining to area variances needed for lots #3 and #4. Meeting date of which will be determined.**

Motion: Bettyann Miller

Second: Mary Galvez

Vote: YES – 5 NO - 0

ADOPTED

**Town of Hamilton; SPECIAL USE PERMIT APPLICATION, Preliminary Review; Wickwire Road; Tax Map # 171.-1-8**

The Board will review an application for a **Special Use Permit** made by the Town of Hamilton. This application is for a public park located on Wickwire Road, Tax Map # 171.-1-8. The application consists of a driveway, parking, a boat launch, and a pavilion to be constructed. The previous owner Erwin Lamb allowed people onto this property to gain access to the river to kayak and canoe. After he passed away the Town offered to buy this land to create a park with greater access and parking so that it would be safer for people to use. They want to create some amenities to make the experience there safer and more enjoyable. The lot is 7.34 acres and was previously called the 9- mile swamp. The Town of Hamilton applied for and was granted a permit from the DEC, and now wishes to get a Special Use Permit from the Town Planning Board. The Town Board is doing this to show good faith and transparency considering that they are exempt from the Zoning Law.

There are plans to build a pavilion, and later put in a play area. The objective is to keep things as natural looking and feeling as possible. The Board notes that there are no specifics on the site plan or the narrative addressing the construction and type of pavilion as well as its size. More details are needed about signage: park rules, one way, and no parking signs. Location of garbage cans and porta potties and schedule for emptying them. Lighting is proposed to be motion-sensored. There will not be water to the site. There have been a number of public information sessions as well as a committee that has been working on this project for a few years.

The applicant provides the Board with large format maps to illustrate some of the features they are proposing. There will be parking made from a semipermeable surface so there is no run-off.

There will be a drop off site to unload their boats and then continue on a one-way internal road to the parking area. There is a fence separating the park from the neighboring property.

This area is a unique environmental area. The DEC asked for some mitigation for areas of concern to the permit that they issued, such as, bat houses and duck boxes. There is a natural Bowl that is wet sometimes of the year and not others. Chairman Welsko States that it is called a vernal pool, which is a wetland that typically only occurs at certain times for the year and is a breeding ground for frogs and salamanders.

It is suggested that there be rules posted and the times that the park is open. There is a discussion of hours. Dawn to dusk is recommended because specific times will differ at different times of the year. The applicant does not anticipate there being much more traffic to this spot than there is now. There is discussion about the property lines as the Board looks at the survey map. The existing trails will be treated with wood chips. The Town will be maintaining the park and doing the majority of the site development work. There are no official plans for the pavilion because it has not gone out to bid.

The Board feels that to be consistent with other Special Use Permits, they need a pretty specific description of the pavilion and the materials of which it will be constructed. The measurements of the pavilion need to be included as well. Dimensions, the basic layout, and the basic construction would be enough. Play areas are not located on the site plan as of yet, and there are no specifics regarding what they will entail. The Town will come back before the Board regarding the play areas at a future time. Parking is as it stands on the site plan as well as ingress and egress. Board member Kathleen Palmer is most concerned about safety, so a sign with rules may be helpful.

Chairman Welshko feels that the Board would like some specifics regarding the wording of the signs. Violators will be prosecuted would be good to include. There will be garbage cans and a pick-up schedule. It is difficult to anticipate every angle and situation. There is a fence separating the property line as of now. Parking is not right against the fence there is an area that needs to be mown.

Hours of the park are discussed. Dawn to Dusk seems to be reasonable. The area is quite well used. This application is in line with the Comprehensive Plan. If this area starts to have more traffic than anticipated there is room to put in more parking. Parking along the road is much too dangerous. To some this map looks very developed compared to what they see as they drive by right now. There will be no parking signs along the road.

Chairman Welshko asks if there is any more discussion needed by the Board about the site plan. He reviews what the Board would like to see on the site plan to make it complete with the applicant. After some discussion the Board wishes to table the application until the site plan is complete and the Town comes back with some more detailed information. The Board will hold off on reviewing the other items until the Site Plan is completed, such as the SEQRA form. A SEQRA was done for the DEC review, which was only done for the wetland disturbance a

corrected SEQRA has been completed for the application to this Board. The Hamilton Planning Board will be the lead agency.

**Resolution 2023- 4: Motion to postpone consideration of this application pending the Site Plan proposed for the 9 Mile Park located on Wickwire Road be completed.**

Motion: Bettyann Miller

Second: Kathleen Palmer

Vote: YES – 5 NO - 0

ADOPTED

The Board signs their vouchers and reviews the minutes from April 11, 2023.

**Resolution 2023- 5: Motion to approve the Minutes from April 11, 2023.**

Motion: Mary Galvez

Second: Elaine Hughes

Vote: YES – 5 NO - 0

ADOPTED

Some members of the audience have questions about the variance procedure and the ZBA. This Board cannot comment on the decisions that the ZBA makes, they are a separate entity with different criteria for their decision making. The Board encourages the audience to attend any ZBA and Planning Board Meetings for applications that may affect them. The applications before either Board are always available for inspection at the Town Office.

**Dunham Heritage Barn: JULY JAM:** The event is scheduled for July 1, 2023, and a very popular local singing star is to perform. This issue was discussed at the April meeting. CEO Chuck Ladd has attempted to reach the Dunham's but has not had any luck yet. He will continue and perhaps drive out to the Homestead to meet with them. The Board has some concerns about the appropriateness of the event and its implementation.

Topics of discussion are:

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

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 make contact and ask some questions. The event will take place before the next meeting. As long as they follow the conditions listed in their permit there will not be any violations. There is a lot of discussion about the sound.

**Resolution 2023- 6: Motion to adjourn at 8:25 PM**

Motion: Mary Galvez

Second: Bettyann Miller

Vote: YES – 5 NO - 0

ADOPTED

Next Meeting: July 11, 2023

Materials cut off: June 29, 2023

Respectfully submitted by

Elisa Robertson

Deputy Clerk