

Town of Hamilton Planning Board Meeting
Monday, November 23, 2015 at 7:00 pm
Held at Town Office 16, Broad Street, Hamilton, NY

Board Members Present: Mary Galvez-Chair, Elaine Hughes, Darrell Griff, Bill Nolan, Bettyann Miller

Also in Attendance: Town Attorney Steve Jones, Town Clerk Sue Reymers, Deputy Clerk Michelle Myrto, Code Enforcement Officer Don Forth

Others in Attendance: Perry Tooker, Penny Strong-Collins, Jesse McGrath, Roger Foster, Charles Wilburn

Meeting called to order by Mary Galvez, Chair at 6:59 pm.

On a motion of Darrell Griff, seconded by Elaine Hughes.

Approval of Minutes

October minutes to be approved at next meeting.

2-6 East Main Partnership, 1233 Earlville Rd, Earlville, NY ; Tax Map # 199.12-1-4, Subdivision

Mary Galvez has stepped down from this application because she owns property near this subdivision and Darrell Griff will be taking the Chair for this proceeding. The Partnership called looking for a tax bill on part of the property that they purchased from Penny Strong-Collins. The Tax Map Department says there is no valid subdivision on the property. The Town of Hamilton Subdivision Law includes a two lot subdivision waiver, so the Partnership did not have to come before the Board. There has been no official action on the subdivision. The Partnership is applying for a Special Use Permit for the creation of the Wedding Barn Event Center. The subdivision needs to be cleared up before moving on to the Special Use Application.

There are questions about the first waiver of a subdivision is it for the fee, application or for both. If it is a waiver of the whole process why is the County questioning the subdivision and would like the Planning Board opinion. There are some concerns about the subdivision with Ms. Strong-Collins property, such as where's the septic, where's the well, where's the leach field.

Roger Foster spoke up and said that all of this is on her property and he knows this for a fact.

Penny Strong-Collins says she checked her abstract and she knows where the well is. The abstract does not show where the leach field or the septic is located. She is unsure of where these are, too. Burton Marshall is the mortgage holder of the property. Roger Foster says Burton Marshall signed off on the subdivision.

Penny Strong-Collins says the money that was used to purchase the subdivision went to Burton Marshall, who then applied the money to the principal, so I take that as a sign that he signed off. He did not sign a paper for the subdivision.

There were questions about reassessment of her property. The reason this has come before the Planning Board is because the Partnership has not received a tax bill for the portion of property they have purchased from Ms. Strong-Collins. Her property before the subdivision was .76 acres. There is also concern if there is enough depth in the backyard if something was to happen to the septic system can it be repaired with today's code. There has to be a 100 foot setback between the well and septic. The County approves the septic systems. The concern is in the future if something were to go wrong with the septic system because of lack of space that will be provided to put the new system in.

The Board is looking at map of the property to determine the property dimensions. The portion that was sold is .4128 acres. Don Forth read the zoning law and it says a minimum lot size without public water or sewer is .75 acres. Penny Strong-Collins acreage before the subdivision .76 acres, with the subdivision her lot would be .3472 acres, which is non-conforming. There was a question on where does the Board go from here.

Attorney Steve Jones says this Board has no obligation to approve the subdivision because there has been no application presented to them. If an application was presented before the Board it may be exempt. The way the subdivision proposal is now Ms. Strong-Collins would have to apply for a variance before she sells her property.

The concern is what kind of hardship is being put on the Strong-Collins property; such has a nonconforming lot, the septic issues that may arise and the value of the property with the lot change.

Mary Galvez was wondering if nothing was done, if they don't file for subdivision just let it go as it is. How will this effect moving forward with the venue?

Attorney Steve Jones says it would be up to the Board.

Member Darrell Griff doesn't see how they could.

Attorney Steve Jones says if the Partnership wanted to take their portion of the property and merge it with their other properties they could. Then their property would be in compliance. This would leave only Penny Strong-Collins property as a substandard lot. Then it's up to this Board how it feels about the whole project.

Member Darrell Griff asks if the Board of Appeals does not approve this what would be the recourse. If we have already moved forward with the venue project and the land to make Ms. Strong-Collins' parcel conforming again, would be gone.

Don Forth was going to call the County and find out what is County code for a parcel that does not have proper distance between a well and septic.

The Board was reviewing maps of Ms. Strong-Collins property to see where the well is located on the property. The Board would like to resolve the subdivision before moving on to the special use for the wedding venue. Penny Strong-Collins will be filing a zoning permit application, subdivision application and a variance application. There was no action taken by the Board.

RESOLUTION 2015-15: Action for the Subdivision at 1233 Earlville Rd, Earlville

On a motion Planning Board Member Bettyann Miller, seconded by Bill Nolan, the following resolution was: ADOPTED: Ayes: 4 – Miller, Nolan, Griff, Hughes. Nays: 0 Resolved that this Board will take no action in the matter of subdivision at 1233 Earlville Road tonight.

2-6 East Main Partnership, 1245 Poolville Rd, Earlville, NY ; Tax Map # 199.12-1-12-Special Use Application

Mary Galvez has stepped down from this application because she owns property near the proposed venue and Darrell Griff will be taking the Chair for this proceeding.

Don Forth says the site plan for the Partnership is incomplete. He submitted a site plan checklist A through Y of what was complete and what was incomplete for the site plan. The site plan review on page 62 of the zoning law was reviewed to explain why items were complete or incomplete. There is concern that there will be more than an acre of

disturbance. They reduced the scale of the building from 6,000 square feet to 4,000 square feet and will hold 225 guests along with 15 employees. Don Forth would be in contact with the Partnerships' engineer to go over the site plan. The Partnership wants to use the existing wells from the houses that will be demoed.

RESOLUTION 2015-16: Action taken on the Special Use Permit Application

On a motion Planning Board Member Bill Nolan, seconded by Elaine Hughes, the following resolution was: ADOPTED: Ayes: 4- Miller, Griff, Hughes, Nolan. Nays: 0. Resolved that this Board will take no action in the matter of the special use permit application until the application is complete.

Jesse McGrath Application, Thayer Road/Bonney Hill Road-Subdivision,

Scott Mills owns 10 acres that is landlocked and Robert Bishton owns 14 acres on the other side of the road. They would like to swap an even 10 acres. The left over 4.1 acres will subdivided out of the 14 acres Mr. Bishton owns. Jesse McGrath handed the Planning Board his subdivision application, map and SEQRA form. The Planning Board filled out Part 2 of the SEQRA form.

RESOLUTION 2015-17: For the Planning Board to become Lead Agency

On a motion Planning Board Member Darrell Griff, seconded by Bettyann Miller, the following resolution was: ADOPTED: Ayes: 5 Nays: 0
Resolved that this Planning Board become Lead Agency on Subdivision of Thayer Road and Bonney Hill Road.

RESOLUTION 2015-18: For this application to be exempt for the subdivision

On a motion Planning Board Member Darrell Griff, seconded by Elaine Hughes, the following resolution was: ADOPTED: Ayes: 5 Nays: 0
Resolved that this Subdivision application be exempt.

Perry Tooker, Pre-Application, 7546 Chappel Rd-Subdivision, Tax Map # 170.-1-11

Roland Schauer would like to subdivide his 150 acre parcel into to 2 parcels. He would like to have a 3 acre parcel for the house and garage. The well and septic would sit on the 3 acres as well. There would be a 50 foot wide easement for the driveway. Town of Hamilton zoning law says 150 feet for road frontage and 125 feet deep. The landowner does not want the pond in the 3 acres, so there would have to be a hook around the pond so the pond would stay with larger parcel. Mr. Tooker will bring this back to the owner for revision.

RESOLUTION 2015-19: Subdivision application for 7546 Chappel Road

On a motion Planning Board Member Bill Nolan, seconded by Darrell Griff, the following resolution was: ADOPTED: Ayes: 5 Nays: 0

Resolved that this subdivision application was incomplete.

Karl Roecker, 941 Route 12, Hamilton, NY; Tax Map #199.-1-59-Subdivision

Mr. Roecker has decided not to subdivide his property. He will be selling the whole parcel as one piece.

RESOLUTION 2015-20: Executive Session

On a motion Planning Board member Bill Nolan, seconded by Darrell Griff, the following resolution was: ADOPTED: Ayes: 5 Nays: 0

Resolved that this Board move into an Executive Session for the purposes of litigation at 8:59 pm.

RESOLUTION 2015-21: Return to Regular Session

On a motion Planning Board member Darrell Griff, seconded by Bettyann Miller, the following resolution was: ADOPTED: Ayes: 5 Nays: 0

Resolved that the Board return to regular session at 9:44 pm.

A motion for adjournment was made by Darrell Griff and seconded by Elaine Hughes. Meeting adjourned at 9:45 pm.

Respectfully Submitted by
Michelle Myrto
Deputy Town Clerk