

**Town of Hamilton Planning Board Meeting**

Wednesday, August 26, 2015 at 7:00 pm

Held at Town of Hamilton, 16 Broad St, Hamilton, NY

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

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

**Representatives from COR:** Vincent Durante, Geoff Hillenbrand, and David Aiello.

Meeting called to order Mary Galvez at 7:01 pm.

On a motion of Elaine Hughes, seconded by Bill Nolan.

**COR Company (WG Critical Care), 2192 Spring St, Hamilton, NY; Tax Map# 154.-1-8.1 Application Review-Special Use Permit/SEQRA**

Since the last time the Board and COR have met, COR has removed the easement from the plans. The easement was on Mark Curtis' property, which was part of the parking lot area. A Board member stated that many homeowners are concerned about looking at an ugly building.

Vincent Durante explained that there will screening (vegetation) and the building will match the existing building. They realize they are in a residential area. The Curtis property is already screened, which was an agreement when they purchased the property. We can have more put in, already reconfiguring the parking lot to screen it more to cover the additional two spots that will be seen from the Curtis property. They are also willing to put more screening up on the Payne Street side of the building.

The board questioned widening out on Payne Street for the trailers to have a place to park. The trucks will be entering from Payne Street. David Aiello said the trucks will over shoot and back into the loading dock and there should not be any traffic disruption.

The Boards concern is the traffic that comes so fast down Bonney Hill Road. The traffic coming down the hill and a semi right there may cause a traffic hazard. There is a blind curve and way up on the hill it starts 30 mph. And then there is winter and the trucks going up the hill and backing down into the loading dock.

Vincent Durante says that this will cut down on truck traffic. They are storing in two other sites now. The storage in the building now is for one lot of supplies. With warehouse they can store ten lots and can use smaller trucks to bring in supplies. The trucks may come two to three weeks then. Right now they are having the trucks dropping the trailer and then they come out with a forklift to bring supplies into the warehouse. During the winter they cannot do this. Under FDA regulations they are not suppose too. The new loading dock area will hold a 53 foot truck. Once they are backed into the loading dock they are completely off the road.

Attorney Steve Jones explains that this meeting is to make sure all the paperwork is in order, determine who the lead agency is for the SEQRA, and determine if it will pass the Madison County Planning Department. The property is less than 500 feet from Village of Hamilton Municipal. This means that it will be sent to Madison County Planning Department for review. The County has 30 days to review. Don Forth says he measured from the upper side of Spring Street to the property line. Measured from the property line to the Village of Hamilton line and it is about 400 feet.

Attorney Steve Jones said this is good because even if it was over 500 feet we could still have the County review it, but this will give us the County's advice on what procedures and what conditions to impose. Also mentioned an email that was sent August 7, 2015 a layout of what needs to be looked at and what is required for site plan review, for the special use permit and going over the SEQRA. COR has turned in their applications for review.

#### **Lead Agency for SEQRA for COR Company**

Attorney Steve Jones read the Short Environmental Assessment Form Part 1 (SEQRA). There were some changes made to the SEQRA form. Question #4 they added other because of the golf course is near the proposed action. Question #5A was changed to yes because a permitted use under the zoning regulations yes with a special use permit. Vincent initialed the correction for the SEQRA. Don Forth would like a REScheck done. It is a program for energy code requirements. It's a program were you plug in numbers and it will tell you if you meet code or not.

#### **Resolution 2015-5: Lead Agency for SEQRA for COR Company**

On a motion of Darrell Griff, Seconded by Bill Nolan, the following resolution was:

**ADOPTED:** Ayes 5 Nays 0

Resolved that the Hamilton Town Planning Board is the Lead Agency and accept SEQRA form with changes.

The Planning Board is satisfied that the Zoning Permit, Special Use Permit and SEQRA form are complete.

**Resolution 2015-6: Satisfaction of Applications**

On a motion of Bettyann Miller, seconded by Darrell Griff, following resolution was:

ADOPTED: Ayes 5 Nays 0

Resolved that the Zoning Permit Application, the Special Use Permit Application and the SEQRA are complete and ready to be sent to the County for review and to have the public comment.

Attorney Steve Jones read the Zoning Law handbook.

Starting on Page 56 Section 8.3 Procedure: 8.3-1 Application, A- C; 8.3-2 Pre-Application Conference; 8.3-3 Application for Area Variance; 8.3-4 SEQRA Compliance; 8.3-5 Referral to County Planning Board, A-C; 8.3-6 Agriculture Data Statement, A; 1.1-7 Notice and Hearing A, B.

The Board has 20 days to determine its acceptance of completed application for SEQRA. Madison County Planning Board has up to 30 days to review the application. The Board has 62 days from determination that the application is complete to hold a public hearing. The Board has 5 days for public written notice and legal notice.

Don Forth questioned the parking lot area setbacks and the height of the new warehouse is no more than 35 feet. Vincent Durante stated that the surface area of the parking lot will not change. They are not expanding the parking lot. They are only changing the lines. The new warehouse is 24 feet 10 inches.

**Resolution 2015-7: Which Parcels to Notify on Tax Map**

On a motion of Darrell Griff, seconded by Bettyann Miller, following resolution was:

ADOPTED: Ayes 5 Nays 0

Resolved that the attached tax map shows 10 parcels adjoining and one over from adjoining be sent a letter of notice.

Attorney Steve Jones went back to the Zoning Law Handbook  
8.3-8 Criteria, A-E

Vincent Durante says they open at 7:00 a.m. and start getting deliveries around 8:00 a.m. until 12:00 p.m. The building shuts down at 2:30 pm. The grade change from road to dock is 15% a max of 17%. The concern is the water, ice and snow build up at the dock because of the grade change. COR Company says there is a drain that leads out to a swale.

Attorney Steve Jones went back to the Zoning Law Handbook  
8.3-9 Action, A, B:

The board shall grant, deny, or grant subject to conditions the application for a Special Permit within 62 days after the hearing. Any decision by the Planning Board shall contain written findings explaining the rationale for the decision in light of the criteria contained in Section 8.3-8 and any other applicable provisions of this Law.

Attorney Steve Jones went back to the Zoning Law Handbook  
8.3-10 Expiration, Change of Use, Revocation, and Enforcement, A-E; 8.4 Findings Required; 8.5 Amendments; 3.3 Restoration, reconstruction or reestablishment, C; 3.4 Changes and additions, A- E (F, G (does not apply)); 3.5 Use of existing nonconforming lots of record (does not apply); 9.3-7 Reimbursable costs page 64 feel it's not time for this unless the public or Madison County Planning Department feels that there needs to be a consult. Site Plan page 62 Site Plan Checklist. A-Y,  
Letter O-Location, size and design and type of construction of all proposed signs.

Vincent Durante wanted to know if he could change the sign that is currently on the front yard of the property. He would like to make the sign smaller and place it on the building. He was told when they first got the sign it was not to be put on the building. He says it is preexisting so he thinks it shouldn't be part of the Special Use Permit. The Board referred to the Zoning Law Handbook page 18 Section 5.10 Signs  
The Board decided that they will leave it up to Don Forth to work it out with COR Company and not put it with the Special Use Permit.

Letter Q- Location and design of outdoor lighting facilities.

Vincent Durante lighting on the parking lot side of the building. The Board wanted to know if there will be lighting on the loading dock. COR Company says they may have something on the loading dock, maybe a motion sensor so if someone comes at night.

The Board is wondering how the lighting will work because there are residents across the street from the loading dock. The talked about down lighting and there is screening. Don Forth thinks that there will be lighting on all the exits per fire code.

Attorney Steve Jones went back to the Zoning Law Handbook.

Letter T there will be no construction schedule until the permit is handed out, Letter W they have not put anything in writing such as hours of operation, number of employees, expected volume of business, type and volume of traffic (will need this before hearing). We have talked about this, but nothing in writing.

Letter X- SWPPP (Stormwater Pollution Prevention Plan) the project is affecting less than an acre. Bert Glazier had Madison County Water and Soil look at the property. Carl Bartlett reviewed the property and says he does not see a problem. The Board is waiting for letter from Carl Bartlett stating these findings. The Board is satisfied at this time with the letter from soil and water and letter from COR about the storm water. The Board also requested 3 copies of the plans so they can read them, one for the Code Enforcement Officer, the Public and for the Board. The COR Company warehouse will have a steel roof and metal sides. The warehouse will close to be matching the existing building.

Don Forth would like the Village of Hamilton Fire Chief look at the plans and the building because they will have to make sure of the fire access and codes. COR is using a non-sprinkled system and the rack storage is 22 feet and the roof of the new warehouse is 24 feet 10 inches. The rack storage height is too high. There has to be a space between roof and the storage.

Attorney Steve Jones says he can take the Zoning permit, SEQRA form, the Special Use permit application, the drawings, and narrative to Madison County Planning Board tomorrow. COR initialed the changes to the SEQRA. Madison County Planning Board has up to 30 days to review and the town has to provide 5 days notice prior to a public hearing. The Public hearing is set up for Wednesday, September 30, 2015 at 7:00 p.m., location pending.

### **Approval of Minutes**

#### **Resolution 2015-8: Approval of July 16, 2015 Minutes**

On a motion of Darrell Griff, seconded by Elaine Hughes, following resolution was:  
ADOPTED: Ayes 5 Nays 0

Resolved that the Minutes from July 16, 2015 be approved.

### **Subdivision in Poolville**

**Poolville Country Store (2-6 East Main Partnership), 1245 Earlville Rd, Earlville, NY 13332; Tax Map # 199.12-1-12**

The concern is for Penny Strong-Collins property that was recently subdivided creating two non-conforming lots. There is question where her sewer and water are located. Don Forth says except the restaurant, they are combining all the other lots that they have purchased. They already did a subdivision. The Ms. Strong-Collins will be non-conforming. The Store will address their non-conforming portion of the Strong-Collins lot by combining all their properties except the restaurant. With this subdivision it may restrict them from development, because of where the sewer, water and lines are for setbacks.

The Board is concerned about this subdivision. The first subdivision is a freebie, but it is a gray area when it creates non-conforming lots. The County Clerk does not check before accepting deeds for recording. They didn't have to tell us they were doing it. The County signed off on it without checking with the Town to see if they signed off on it. Ms. Strong-Collins property at some point will be sold and will a bank put a loan on a property that may not have a water and sewer on it. Everyone is unsure where either is located. The store can go to the County and have their properties combined without the Town's say, which will then only show that Ms. Strong-Collins' property is non-conforming. The store may not be able to build which would be a Codes Enforcement issue with the setbacks.

A letter will be written to Poolville Country Store stating that the Zoning Permit Application is incomplete, that they require a Special Use Permit which requires an Application and it appears that they need a Variance for with setbacks because the lots are separate, a site plan approval is required showing where the water and sewer are on the neighboring properties. The letter will be sent regular mail and Certified mail.

A motion for adjournment was made by Darrell Griff and seconded by Bill Nolan.  
Meeting adjourned at 9:20 pm

Respectfully submitted,

Michelle Myrto  
Deputy Town Clerk