

Planning Board Meeting
Tuesday, January 10, 2017
7:00 PM
Hamilton Court House
60 Montgomery Street, Hamilton

Present: Chairman Darrell Griff, Elaine Hughes, Bettyann Miller, Bill Nolan, Town Attorney Steve Jones, Special Counsel Scott Chatfield, Codes Enforcement Officer Donald Forth, Deputy Clerk Elisa Robertson

Others Present: Harmon Hoff, Debra Johnson

Board Member Mary Galvez has been excused from this meeting.

Chairman calls meeting to order at 7:00 PM.

Poolville Country Store, Special Use Permit Application; 1245 Earlville Road, Earlville, Tax Map # 199.12-1-13

The Board has been given two sets of Long Form - Environmental Assessment Forms (EAF) for their review. One set is for the PCS Wedding Venue and the other is for the remote parking area for the venue. Mr. Chatfield finds it slightly problematic that there are two forms but acknowledges that there will only be one negative declaration because it is all one project. The following questions and their answers were discussed; the Chairman makes changes and corrections as needed.

Parking EAF:

Page 11

Question E.2-j Part of the property is in the flood plain, but not the part that is to be "improved" so it does not really matter.

Wedding Venue EAF:

Page 3

C.4-b Regarding Police - Hamilton is replaced by Madison County/State Police

C.4-c Hubbardsville crossed out

D.1-a Left blank, Chairman circled "commercial"

D.1-b CEO Forth feels that .5 acres is not an accurate number, that more land will be disturbed
Attorney Chatfield says that it does not matter because the site plan will show how much land is going to be disturbed.

Page 4

D.2-a-v,vi,vii All left blank, address during site plan

Page 5

- D.2-c-i** Left blank, perhaps can be addressed later, these questions are to measure taxing of municipal services
- D.2-d** Left blank, about waste water; sanitary waste water
Page 6
- D.2-e** Marked “No”. Modified to say undetermined or incomplete, a new site plan will tell us.
Page 7
- D.2-j** Marked “No”. This is a judgment call; it can be examined more closely as the project draws near. We have already done a Traffic Study.
- D.2-j-iii** Should be changed to 50 existing (parking area) + 14 proposed (wedding venue) corrected to 64.
- D.2-k-iii** No way to know yet what the electricity demand will be
Page 8
- D.2-m** Marked “No” changed to yes. To be discussed during site plan. A noise Study has already been done.
- D.2-p-iii** A 1000 gallon, buried propane tank is proposed.
Page 10
- E.1-d-i** Noted that Camp Fiver is nearby.
- E.2-a,c,d,e,f** Will all have to be part of the engineering plans, place question marks for now study more in depth when site plans come in.

It is noted that some of the questions were answered automatically on the form and others they had to answer themselves.

There is some question about:

Page 13

E3-I Whether the Upper Susquehanna (refer to **C.2-b page 2**) needs its own permit and if they should be notified or not. Better to notify them than not.

The Deputy Clerk will copy the revised copy and send it along with a cover letter to the listed agencies.

CEO Forth brings the following questions to the attention of the board:

Page 8

D.2-r There does not seem to be a place for solid waste disposal. Perhaps they will be using the current restaurants disposal system. That should be addressed later.
Changed from “No” to “Yes”.

It will be noted in the cover letter that there are two EAF forms even though it is all considered the same project.

Resolution 2017-1: Review of Long Form EAF on the Poolville Country Stores Wedding Barn project, sent notification to appropriate agencies to determine lead agency status.

Motion: Bill Nolan

Second Elaine Hughes

Vote : Aye – 4 Nay – 0

ADOPTED

Mr. Chatfield explains that after lead agency is confirmed the next step is to do Part 2 of the SEQRA (EAF) form, the analysis, with the applicant or their representative present. Last to be done is Part 3, which is the determination. He explains the rest of the SEQRA (EAF) process. The Board and the applicant can discuss mitigation for any concerns that may arise. That is when a detailed site plan is needed. Mr. Chatfield and Town Supervisor Shwartz have discussed the possibility of hiring an independent engineer to review the project with the Town's interest in mind. Once all the data is in from the applicant it can be sent to the engineer and he can review it.

The applicants have submitted sight plans that have never been accepted because they have never been complete. A lot has changed from the original plan.

Debra Johnson, Special Use Permit Application; 598 Borden Road, Earlville, Tax Map # 214.-1-44.1

Resolution 2017-2: Open Public Hearing on Debra Johnson's application for a Special Use Permit to have a home occupation business that deals in snowmobiling apparel.

Motion: Bettyann Miller

Second: Elaine Hughes

Vote: Aye – 4 Nay – 0

ADOPTED

Chairman opens the floor for comment by the public. Mr. Harmon Hoff presents a letter to the Board listing his concerns (see Addendum #1).

He would like the Planning Board to prohibit access to the applicant's business from the snow mobile trail; they are going to ask the snow mobile club to put up very clear signs stating that there is no access from the trail. Their other concern involves the driveway to the property, it is a bit hidden; perhaps a hidden driveway sign. There is plenty of turnaround so people will not ever need to back out.

Town Attorney Jones points out that there is no tax map included with the AG Data Statement. An aerial view map was handed in but it does not copy well. A tax map is still required.

This has not gone to the County for review. It was believed according to the minutes from last meeting that it does not need to go for GML review. It has been determined because of this being in an agricultural district that it **does** need to go to the County for a GML 239 review.

The Public hearing will need to be suspended so that we can get the GML 239 to the County with all of the necessary materials.

Resolution 2017-3: Suspend Public Hearing on Debra Johnsons application for a Special Use Permit to have a home occupation business that deals in snowmobiling apparel until next meeting on February 14, 2017.

Motion: Bettyann Miller

Second: Bill Nolan

Vote: Aye – 4 Nay – 0

ADOPTED

There is some debate as to who should be in charge of the posting of signs, many think that the snowmobile club. Chairman asks if Mr. Hoff if he wants to make a special request be added as a contingency to the granting of the Special Use Permit. Mr. Hoff requests that it be reviewed in 2 years, so that if there is a problem it can be revisited. He states that after talking to the applicant directly, he could then come to the Board to voice other concerns if they have arisen. Chairman officially notes this. A tax map with the snowmobile trail on it will be sent as well.

The Deputy Clerk brings up the issue that our monthly meetings have strayed from being every 1st Tuesday of each month to the 2nd Tuesday. She asks the Boards opinion of keeping it the 2nd Tuesday. Attorney Jones brings up that this has happened mainly because of time constraints from other agencies. If the time comes when we do not need a 30 day waiting period it will be possible to reset back to the first Tuesday of the month.

Arnold Fisher, Subdivision map changes; Lebanon Street, Hamilton, Tax Map # 168.-1-4

This is coming before the Board because there has been a change to the original map. The Village asked for more information to be placed on the Mylar map. They want to include some extra lines and features. Chairman Griff wanted this to come before the whole Board before he signed the mylars so that it could be a matter of record that changes were made after the approval of the subdivision

CEO Forth explains that the only change is that it shows all of the sewer treatment property and its easement area. Power lines and sewer lines can be buried under the easement area.

Chairman Griff has talked with Sean Graham and CEO Forth about all of this.

Camp Fiver, Special Use Permit Review, 7464 Mill Street, Poolville, NY, Tax Map # 199-1-31

The Board has a copy of a timeline created by Deputy Clerk Robertson showing a list of projects and applications that have been accomplished at the camp since its first application in 1999. Camp Fiver has recently been to the Clerk's Office for a new Building Permit. The CEO explains what they want to tear down the garage and add two bedrooms for staff. CEO Forth has not been out there as of yet. He recalls that the Board was hoping to bring them in before the next camping season.

Chairman Griff notes that he has not seen the 2008 minutes before. Deputy Clerk Robertson explains that the Board has been given part of them previously, but that it took some time to find all the minutes and figure out what was needed to make them complete. The older minutes are not as organized as they could be. There was some confusion about a sheet with the label "exhibit B". One of the pages with conditions on it was not labeled with "exhibit B" and was overlooked. This has been corrected.

Chairman Griff says that it is clear that they are in violation of the terms of their Special Use Permit.

Deputy Clerk Robertson went through the minutes from 1999 (when the original Permit was issued) through the present. They were supposed to come back before the Board in April 2005, however, there was no meeting in April of that year. They have not been back since.

Board member Nolan believes that they have been back twice, though it is not reflected in any of the minutes. He recalls that the second time that there were many questions about the use of the property. Chairman Griff asks if it was in reference to the Special Use Permit or for some other purpose? Mr. Nolan says that it was both. Chairman Griff states that if there is no documentation, then we have no written record. Deputy Clerk Robertson states that perhaps they have documentation that we do not. Chairman Griff asks Mr. Nolan if any action was taken on the Special Use Permit. Mr. Nolan states that there were not any changes with the Special Use. The list of conditions from April 8 2002 is still a valid list of conditions. The Chairman states that we know that they are in violation of the Special Use Permit. He sites:

Number 12- These conditions should be interpreted as a whole, in the event that any part of these conditions is found invalid, the entire permit shall be invalid.

The Chairman feels that they need to get this straightened out by spring before they open for the next season. Their web site clearly states that they are using the camp for weddings, corporate retreats as well as other events during the off season. However, stated on page one of the April 8, 2002 minutes, it says in the last paragraph:

"A long discussion took place between the Board, Fiver Foundation, residents. Certain uses like conference groups, where large revenue would be generated and if the Foundation makes a profit it would lose its non-profit status. They have no plans to use the property in any extensive way in the off season and only request has been from staff for their church groups and none from the public."

The concern is that they are advertising for weddings, corporate retreats, and lodging. Now there is a concern about the County not receiving an Occupancy Tax during these events. And because it is not for profit they do not pay taxes on the property. All of these issues need to be addressed.

Attorney Jones asks how the Board would like to proceed. It is believed to be a Codes issue right now but that they will eventually have to come before the Board to renew their permit.

Chairman Griff looks to the conditions listed on the last page of the April 8, 2002 minutes where #3 states:

There may also be periodic use of the property throughout the remaining nine months of the year (non-summer months). Such uses will fall under the definition of camping, as provided above. (In this case below)

Camping is defined as "A sustained experience which provides a creative, recreational, and educational opportunities in a group living in the outdoors. It utilizes trained leadership and the resources of natural surroundings to contribute to each camper's mental, physical, social, and spiritual growth."

Fiver has a pending building permit that may be held up by this Special Use issue. It is agreed that they should be notified in a letter from the Codes Enforcement Officer. Attorney Jones suggests some language. They will need to see the Codes Enforcement about violations and then come before the Board to renew their Special Use Permit and set new conditions. The process will be as follows:

- Fiver to meet with CEO to determine how current operations (things posted on the website) fit into the conditions of their Special Use Permit.
- CEO will issue a Notice of Violation, if he deems that they are in violation.
- They can appeal that to the ZBA if they wish.
- this Board can summon them here to renew their Special Use Permit and if appropriate change the conditions.

Attorney Steve Jones reads the wording for the letter that will be sent to Camp Fiver. He gives the rough draft to the Deputy Clerk to type, have it signed, and send it out. (see Addendum #2)

Corrections to minutes

Attention is drawn to Page 10 resolution 2016-62 about the Fisher property. There is some question of the wording. It is a moot point, the 30 days have passed already, different wording would have changed nothing.

Resolution 2017-4: Approval of Minutes from December 13, 2016.

Motion: Elaine Hughes

Second: Bill Nolan

Vote: Aye – 4 Nay – 0

ADOPTED

New Business:

Alternate Members

Attorney Steve Jones has made some inquiries about getting alternate members in case of resignation, conflict of interest, or illness etc. He has discussed this with Supervisor Shwartz. There are two ways that this can be addressed. State Law states that:

We can enact a local law that would provide for alternate members if a member has a conflict of interest.

OR

We can enact a local law that would provide for alternate members in the case of other reasons such as illness, absence, or other reasons.

He thinks that it makes sense to go with the one that has broader provisions. The Supervisor has asked him to draft a local law so that they can present and introduce it Thursday night at the Town Board Meeting.

Chairman Griff asks if the alternate member would only come if someone was going to be absent. Mr. Jones answers yes, at the call of the Chairman.

Chairman Griff goes on to ask if this person would come to every meeting but would only sit in if they did not have a quorum. Attorney Jones says that they would not necessarily attend every meeting, but that they would be required to have the same training as a regular member. They will also be appointed for a specific term.

The Board agrees that they think that it is a good idea.

Engineer for Consultation:

The Supervisor has been informed of this and the Town Board will be addressing this at their next meeting. We have been in contact with one engineer who will give us a flat fee per project. There was some concern that our Zoning Law states that the applicant is responsible for the Town's fees concerning an engineering consultation. The objective is to be fair and not make that amount an open ended fee without limitation. That is why we want to get someone that will give us a flat rate or a base estimate for an hourly rate. We have been given two recommendations. There is some discussion as to how reimbursement is worded on the Zoning Law. Town Attorney Jones finds the section and reads it:

9.3-7 Reimbursable costs. *Costs incurred by the Planning Board for consultation fees or other extraordinary expenses in connection with the review of a proposed site plan as well as its implementation and inspection shall be charged to the applicant.*

Other business:

The Town has joined the New York Planning Federation and is looking into having them come here to do a training that would bring the whole Board up to speed, so everyone is in the same place in their training. It may count as the training for the year. We would invite the ZBA and possibly other municipalities as well.

Resolution 2017-5: Adjourn Meeting.

Motion: Bettyann Miller

Second: Elaine Hughes

Vote: Aye – 4 Nay – 0

ADOPTED

Meeting adjourns at 8:47 p.m.

Respectfully submitted by:

Elisa E. Robertson

Deputy Clerk

Town of Hamilton