

**Town Of Hamilton Planning Board Meeting**  
**Tuesday, April 5, 2016 at 7:00pm**  
**Held at Town Office 16 Broad Street, Hamilton, NY**

**Board Members present:** Bill Nolan, Bettyann Miller, Elaine Hughes, Darrell Griff, Chairman (late 7:15) **Absent:** Mary Galvez

**Also in Attendance:** Deputy Clerk Elisa Robertson, Codes Enforcement Officer Don Forth, Town Attorney Steve Jones, Steve Dailey, Roger Foster, Charles Wilburn, Rich Kristan-Meid LLC.

Meeting called to order by Bill Nolan at 7:10 in absence of Chairman.

**Resolution 2016-7: Approval of Minutes from March 1, 2016**

On a motion from Planning Board Member Bettyann Miller, seconded by Elaine Hughes, the following resolution was ADOPTED: Ayes-3, Nays- 0  
Resolved that the minutes from the March 1, 2016 Planning Board Meeting be approved with no changes. A final copy will be circulated to the Board

**Amending the Subdivision Regulations**

Planning Board members received a copy of this to review before meeting. Town attorney Steve Jones explains that these subdivision regulations were not adopted into local law and that they did not need to be. This means that they can be amended without local law using the authority under Section 170 that is in the subdivision regulations. A public hearing must be held and final approval of the Town Board to amend it. This is a faster procedure than using a moratorium because it does not involve a local law procedure. Town Board adopted this resolution unanimously, suggesting that the Planning Board has the authority to amend the subdivision regulations. The Planning Board should propose the changes that it thinks is appropriate, hold a public hearing, and return to the Town Board for final approval. Mr. Jones has provided a rough draft of a resolution. He asks the Chairman if the board prefers to handle other business first so that audience members do not have to wait through discussion. Tabled until later in the meeting.

**Emerald Auto Sales, Steven Dailey; 6947 Horton Road, Hamilton, NY; Tax Map # 183.-1-6.12, Zoning Permit Application**

Codes Enforcement Officer Don Forth spoke with Mr. Dailey about his application and determined to his satisfaction that the proposed business would fall under Article 6.1 Home Occupations. There are two kinds of home occupations: minimal impact (Page 21 Section 6.1.1-1) and moderate impact (PAGE 22 Section 6.1.1-2). CEO Forth feels that this business would be of minimal impact. Discussion amongst the board with questions about parking spaces, equipment, and signage were asked of Mr. Dailey. Mr. Dailey previously had a dealer's license in Oneida and has since sold that business and would like to sell a few cars via the internet as a hobby and to introduce his son to the

business. He originally put in his application that there would be a maximum of four cars but has stated that there will probably be only one or two. Attorney Steve Jones has stated the board can impose a limit of two parking spaces to keep it to minimal impact and that if he goes beyond this he will need to apply for a Special Use Permit. The board determines this home occupation to be of minimal impact with the following conditions:

**RESOLUTION 2016-8: Approval with Conditions Emerald Auto Sales, Steven Dailey; 6947 Horton Road, Hamilton, NY**

On a motion of Board Member Bill Nolan, Seconded by Board Member Elaine Hughes  
The following resolution was ADOPTED Aye - 4, Nay - 0

Resolved that the Emerald Auto Sales falls under Article 6.1 Home Occupations in the Town's Zoning Law and is of minimal impact; but that there will be no more than two additional parking spaces; if more parking spaces are required, by State Law or otherwise he will come back for a re-evaluation. There is to be no signage advertising or noticing the home occupation on the premises other than what is required by state law; if there is any change in that he will come back and address the change.

**2-6 East Main Street Partnership, Roger Foster and Charles Wilburn; 1245 Poolville Road, Poolville, NY; Tax Map # 199.12-1-12, Special Use Permit Application**

Members of the board have been provided with copies of the application, a time line, and a list of questions still pending. CEO Don Forth gives a summary as to where this application stands. A new updated construction schedule has been presented. The pending questions deal with the site plan and the septic. Mr. Foster and Mr. Wilburn have brought new drawings of the septic with them. CEO Forth and Chairman Griff met two weeks ago to discuss the Site plan and found a significant portion of information missing. With the help of Deputy Clerk Robertson to take notes, they came up with a list of questions that needed to be answered to complete the site plan, and therefore, their application. CEO Forth then met with Mr. Foster and Mr. Wilburn for answers to as many as possible. The Board was presented with a list of said questions as well as outstanding issues that have not yet been addressed.

The following issues were discussed at length with the board, CEO Forth, the Partners and their Representative from Meid, LLC.

**Drawings and dimensions:** Dimensions are provided on the construction drawings; that is fine with CEO Forth; Barn is to be 40 X 84 feet with a 12 X 12 foot entry way.

**Existing Structures:** It is uncertain as to whether the house to the right of Penny Strong-Collins, as you face the entrance, will be coming down; garages definitely. Shed to be removed. No outdoor storage.

**Wells:** Two existing wells will be accessed; one on the (formerly) Donovan property and one on the (formerly) Sangelo property (well is in the basement). It was expressed by Mr. Foster that they would more than likely dig a third well. If that happens they will need to see the CEO to get a permit, well driller needs to be registered with the

state. New well would be dug at least 100 feet away from septic. There is a high water table in the area, and the applicants other businesses have never had a water issue. CEO Forth advises them to have the water checked. They are aware of the need to treat water in the area and already do so at other locations using ultraviolet light, chlorine, and filtration. CEO Forth will call the county to see if they have any questions as to how water table may be affected. Need to check on the setbacks for the wells on the properties behind the venue, at least 100 feet away.

**Septic:** Applicants provided a septic plan to the board and there was discussion about eliminating the septic systems of the already existing dwellings. Donovan septic will be eliminated, Sangelo septic may be eliminated. County has the drawings, waiting for approval. Large expansion area for new septic system; applicant says, is the engineer being overly cautious.

**Handicapped access:** There are ground floor accommodations at the cottage; No second floor handicapped accessibility needed. CEO to check on regs. for this

**Lighting:** All lighting will be downward facing. Most lighting is in employee parking lot.

**Retail space:** There will be no retail space. Bridge to be crossed later if need be.

**Permits and approval:** Liquor license and health permits. Septic and water are at county.

**Storm Water:** Stated that less than 1 acre of disturbed land. CEO Forth disputes that they are disturbing less than 1 acre of land. The Board can still require it if they choose. Building run off will go into Koi Pond. Chairman asks where run off from Koi pond will go; told into a dry riverbed that is a landscaping feature. Board needs to make determination if DEC SPDES MS-4 is needed. CEO Forth contends that they are disturbing not just area of the building; but drive ways, leach fields, septic systems, etc.

**RESOLUTION 2016-9: Approval to not require DEC SPDES-MS-4 General Permit on Special Use Application for the 2-6 East Main Partnership**

Motion of Board member Bill Nolan, seconded by Board member Bettyann Miller, but no vote was taken on the motion.

**Driveway and setbacks:** Access road must be 20 Feet wide and made with materials to support 75,000 pounds for fire apparatus. The furthest point of the building has to be within 150 feet from the parking lot for fire safety. Mr. Wilburn states that there is plenty of room for widening driveway, currently on site plan as 16 feet wide. Driveway and parking must comply with a setback of at least ten feet from the property lines

**Signage:** There will not be any additional signage. If they ever decide to put a sign they must return to planning board. Fire dept sign will be needed, as per law.

**Retaining walls:** Retaining wall will be made from poured concrete and rebar and faced with paving stones. One retaining wall near back of property will be 5 feet high and approximately 20 X 20 (possibly 16 X 30) feet of dirt will be moved according to MEID representative.

**Deliveries:** All food deliveries will be made and prepared at restaurant. Liquor deliveries must be made to the venue. There will be approximately one or two deliveries a week, a beer truck and a wine truck.

**Propane tank:** To be further investigated by CEO Forth

**Impact of traffic:** Cars will be same as any other parents or graduation weekend, they won't be parked on the property or lining the road.

**Impact of noise:** Facility will be totally insulated. Board wants to have forethought when it comes to this issue. Hours are to be 12pm to 10pm. No noise statutes for noise in Hamlet. Mr. Wilburn states: "This is going to be a high end facility, no "screamers"; it is geared for returning Colgate grads and Syracuse Bridal magazines." They are predicting only small inside weddings during the week.

**Parking:** CEO Forth cites Zoning Law 4.1-3 HAMLET DISTRICT that states all parking must be no less than 20 feet from lot lines. No mention of setbacks for access drives, board decides a minimum of 10 feet would be adequate. All parking will be valet. Partners have a written agreement with the Dubois to lease parking area for 5 years with option to renew. Board has a copy of the agreement with Dubois. Valet will be employees of Wedding venue. Some concern that parking lot is more than 300 feet from venue; some question as to the legality of the parking arrangement and its zoning, security, lighting, etc. There is some concern with many people coming to valet all at one time. Dubois' may have to get Special Use Permit. Board must do due diligence and look into this issue further. This is a unique situation.

**Subdivision issue:** Currently the project is on three separate lots they need to be joined before construction can begin. Mr. Foster expresses frustration about the amount of money that they have had to spend. Chairman Griff explained that MS. Strong-Collins needs to make an application to the Zoning Board of Appeals to rectify this before anything can be approved, if the board gives approval and there were litigation to arise from that the town could be held responsible.

It was recommended that the Partners fill out a new SEQRA to address the noise and the traffic.

### **RESOLUTION 2016-10: Authorization for Town Attorney to Consult County**

On a motion of Board Member Bill Nolan, seconded by Board Member Elaine Hughes, the following resolution was: ADOPTED Aye - 4, Nay - 0

Resolved that it is the determination of the Planning Board to have Town Attorney, Steve Jones, draft a letter to the County asking for their advice on both the issue of parking; and the question of whether or not the Board can move forward with this site plan without the plot designation problem being rectified.

### **Amending the Subdivision Regulations**

Attorney Steve Jones gave a brief overview of how the regulations could be amended. The Subdivision Regulations were adopted in 1988 and Section 350 provides for a two lot subdivision waiver that sometimes results in the creation of sub-sized lots which do

not conform with other regulations in the Town of Hamilton. Eliminating that section from the subdivision regulations would also mean redefining a minor subdivision as having two, three, or four lots. It would allow for more orderly growth and protect the public interest. Otherwise the planning board would still have discretion to waive certain requirements under section 420. Mr. Jones concluded with a proposal to amend by eliminating Section 350 and redefining a minor subdivision as containing two, three, or four lots; and to schedule a public hearing.

The Planning Board agreed that it would alleviate the problems that they are having.

Mr. Jones continued to explain that there are two different things being talking about here. Section 170 that is what actually tells us that the Planning Board may, on its motion, and after public hearing, amend, supplement, or change these regulations subject to the approval of the Town Board. That is the authority to propose this amendment. But, what was also cited was Section 420, which is this little paragraph: "When an application concerns a subdivision of uncomplicated nature such as a small subdivision along an existing road that requires no installation of public facilities the Planning Board may waive certain submission requirements." This simplifies procedure so that simple subdivisions do not have to go through all the hoops. This could have prevented some of the current subdivision problems. Mr. Jones recommended that the board set a date for public hearing and to do this before next town board meeting.

There is some discussion as to whether to hold the public hearing the same night as the regular meeting. Draft seems appropriate.

### **RESOLUTION 2016-11: Public Hearing Date on Subdivision Regulation**

#### **Amendments**

On a motion of Board member Bettyann Miller, seconded by Board member Elaine Hughes, the following resolution was ADOPTED Aye- 4, Nay-0

WHEREAS the Town of Hamilton Subdivision regulations were adopted in 1988, and

WHEREAS the Town of Hamilton Planning Board has found that section 350 of the Regulations, which provides for a two lot subdivision waivers, sometimes results in the creation of sub-sized lots which do not conform with other laws of the Town of Hamilton, and

WHEREAS, eliminating said section from the Subdivision Regulations, and redefining minor subdivision as "A subdivision containing two (2), three (3) or four (4) lots fronting on an existing road," would allow for more orderly growth and would protect the public interest, and

WHEREAS, the Planning Board would still have discretion to waive certain requirements in certain situations as provided in Section 420,

NOW THEREFORE be it resolved that the Town of Hamilton Planning Board hereby proposes to amend the Town of Hamilton Subdivision Regulations, by eliminating Section 350 and by redefining a minor subdivision as "A subdivision containing two (2), three (3), or four (4) lots fronting on an existing road," and be it further

RESOLVED that this proposed revision is pursuant to the authority in Section 170 of the Subdivision Regulations and that a public hearing on the proposed revision will be held at 7 pm on May 3, 2016 at the Town of Hamilton Office, 16 Broad Street Hamilton, NY.

Chairman inquires if there is any other business to come before this board.

With no further business, on a motion of Board member Elaine Hughes, seconded by Board member Bill Nolan, the meeting was adjourned at 9:36 p.m.

Next meeting Tuesday, May 3, 2016 at 7:00 p.m.

Public hearing on Resolution with regular meeting to follow.

Respectfully Submitted,  
Elisa Robertson, Deputy Clerk