

Town Of Hamilton Planning Board Meeting
Tuesday, May 3, 2016 at 7:00 pm
Held at Town Office, 16 Broad Street, Hamilton, NY

Board Members Present: Darrell Griff- Chairperson, Bill Nolan, Bettyann Miller, Elaine Hughes, Mary Galvez. Also in Attendance: Town Clerk- Sue Reymers, Deputy Clerk- Elisa Robertson, Codes Enforcement Officer Don Forth, Town Attorney Steve Jones, Gwen and Kevin Benedict, Lorraine and AJ Aveni, Harvey Kliman, Michael Sheridan, Rich Kristan, R.G. Johnson.

Meeting called to order at 7:59 pm by Chairman Griff.

MOTION: Open Public Hearing on Subdivision Regulation Amendments

Motion: Board member Bill Nolan

Second: Bettyann Miller

Vote: Aye- 5, Nay -0

Motion: CARRIED

Town Attorney Steve Jones summarized what this proposed change in the regulations means. It would eliminate Section 350 Two Lot Subdivision Waiver and amend the definition of a minor subdivision to include 2 lot subdivisions. Section 420 states that the Planning Board retains the right to waive certain requirements if the subdivision is of an uncomplicated nature. Section 170 states that the Planning Board has the right to change these regulations after a public hearing and with approval of Town Board. The Planning Board would like to amend the subdivision law to remove the two lot subdivision waiver; this would therefore require that all subdivisions come before the Planning Board. This is the time for the public to be heard on this issue. Chairman Griff explained rules of procedure to audience.

Harvey Kliman- Member of Comprehensive Plan Committee, Committee feels that this is a good change, to make sure that all lots within the town are compliant with regulations. The committee is happy to see the Planning Board considering it.

Aveni's- Question regarding a rumored project on Spring Street.

Chairman Griff explained that there is no application for a subdivision on Spring Street before this board at this time. Board cannot make any comment on a project that has not come before them. Chairman Griff asked if there are any other comments or discussion from the audience. He then asked if there is discussion from fellow Board members. No discussion.

MOTION: To Close Public Hearing

Motion: Bill Nolan
Second: Elaine Hughes
Vote: AYE- 5, Nay - 0
Motion: CARRIED

Resolution 2016-11: To Send the Amendment to the Subdivision Regulations to the Hamilton Town Board for Approval

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 a 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 and

WHEREAS, Section 170 of the Subdivision Regulations allows the Planning Board to amend those regulations after a public hearing and upon approval of the Town Board

WHEREAS, a public hearing on the proposed revision of the Subdivision Regulations was held on May 3, 2016

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 amendment is pursuant to the authority in Section 170 of the Subdivision Regulations and the Town Planning Board hereby requests approval of this amendment by the Town Board of the Town of Hamilton.

Motion: Mary Galvez
Second: Bill Nolan
Vote: Aye - 5, Nay - 0
Motion: CARRIED

2-6 East Main Partnership - 1245 Earlville Road, Earlville, NY- Tax Map # 199.12-1-12
Board was provided with copies of Madison County Planning Department's findings regarding the Partnership's site plan, specifically the lot subdivision and the parking.

The following two questions were posed to the Madison County Planning Department by the Town of Hamilton Planning Board:

1. Can the application for the Special Permit by the Poolville Store be granted without first resolving the Strong-Collins matter?

CEO Forth would like it noted that there have been many attempts, via many different avenues (phone, email, and text that evening) to contact Ms. Strong-Collins to no avail. He suggests that perhaps the Planning Board should send a certified letter.

Town Attorney, Steve Jones, gives summary of the County's findings regarding this issue. Basically, it is up to the Town Planning Board to make that decision. The Board has three options:

- **Prerequisite:** Make granting of the variance a prerequisite for approval of the Special Use Permit Application.
 - **Conditional:** Proceed with the process but anything that the board grants will be conditioned on getting the variance.
 - **Do nothing**

Some concern about the fact that the properties in question are still three separate lots. Town Attorney Steve Jones explains the situation to Harvey Kliman, who is a member of the Zoning Board of Appeals, and is unaware, because no application has been made as of yet. Some talk among the Partners representatives, Mike Sheridan and Rich Kristan, about recommending that they combine the lots so the back parcel is no longer non-conforming. This does not alleviate the situation for Ms. Strong-Collins. Mr. Sheridan suggests that the Partners make the application for themselves. Mr. Kristan states that this is not really a problem for the Partners, as their lots are contiguous. CEO Forth makes it known that the original property before it was divided barely met the requirements to be an acceptable lot and that now it is divided in half. Steve Jones states that the Planning Board will not make this an ex post facto law, meaning we will not apply the resolution that was voted on tonight to this situation. It is important that the Planning Board do its due diligence in this matter. Some Board members feel that the Board should not allow this project to move forward before this issue is resolved. Both parties need to work out the current tax situation until this property is out of legal limbo. It is believed that Ms. Strong-Collins was unaware of the issues that would be facing her property by subdividing it as such. Some Members of the Planning Board wonder if it is fair to hold up the Partners project waiting for Ms. Strong-Collins to act. Ms. Strong-Collins should be notified of any action. Discussion moves to the findings of Madison County Health Department. Don Forth reports that there was some confusion as to what has been deemed acceptable due to their findings not being published before our meeting. Lead Department of Health Representative for this project is on vacation. Phone call will be made regarding these mixed messages from Madison County.

New Site Plan is presented with changes regarding previously missing information such as; wells on surrounding properties, setbacks for drives and employee parking, off-set from property lines, increase width of driveway. CEO Forth will check on regulations for handicapped access to second floor considering it is a stand-alone building. CEO Forth checked on regulations for underground propane tank, it needs to be 25 feet from the building and 25 feet from any buildable boundary. Mr. Sheridan states that the location of the propane tank will be in accordance with New York State Building Code and the National Fire Protection Associations (NFPA) regulations. Town Attorney Steve Jones recommends that the board review all the issues still facing this proposal. Listed as:

- **The subdivision issue**-Discussed above.
- **The parking issue**- To be addressed, after public hearing.
- **Madison County Health Department issue**- some issues still outstanding, waiting on official reply.
- **SPDES- Storm Water Run-off issue**
CEO Forth still has concerns about the amount of land being disturbed; Board discussed this at length, at last meeting motion was made and seconded but no vote was taken.
- **Checklist of questions**- Planning Board uses the questions presented in the April minutes to confirm accurate responses to all questions; with the exception of some Madison County Health Department requests; CEO Forth would like it noted in the minutes that the ten foot setbacks were per the decision of the Planning Board; issue of noise will be addressed later, during public hearing. Parking issue to be addressed.

Resolution 2016- 9: The Town of Hamilton Planning Board WILL NOT Require the 2-6 East Main Partnership to File a DEC SPDES-ms-4, Storm Water Run-off Plan

based upon the representation that there is less than one acre of disturbed land.

Motion: Bill Nolan

Second: Bettyann Miller

Vote: Aye- 4, Nay- 0

Mary Galvez is recused.

Motion: CARRIED

2. We need your advice on the exact zone of the DuBois property and whether we need to investigate further their right to park vehicles there, or can we accept the matter is settled?

Town Attorney, Steve Jones, gave summary of the County's findings regarding this issue. Planning board does have some discretion with regard to some aspects of parking such as adequacy, layout, and landscaping, and could probably say that therefore it has some discretion about whether it can be more than 300 feet from the site. There is concern about cars being backed up on road and the amount of increased traffic in the

Hamlet. It is on a County road so the county will have to review plan as well. As long as the Planning Board has a complete application and they have complied with the law; some of the details can be explained at a public hearing. Planning Board wishes to hear what the public has to say regarding valet parking, distance of parking lot, noise, etc. and impose conditions if necessary.

CEO Forth brings forward a question about the plan for the parking area included with this project and the fact that it is not their property; can the Planning Board make decisions about this project and impose regulation on the property that is not owned, but merely leased by the Partners? Chairman Griff has concerns about the term "continuous use" in Section 5.1-2d; worry is that the Planning Board will approve this and then at some later time the owner of the parking area changes their mind and no longer wishes to continue or renew the contract. The board discusses the option of using a Special Use Permit with term limits that must be readdressed after an allotted period of time. There are some concerns expressed about the use changes; from storage to parking, they may need to get a Special Use Permit. There may also be an issue with flooding in the area; may have to look at FEMA. The whole parking area is gravel.

The Planning Board is satisfied with parking plan as it stands right now subject to what the public has to say, and then see what conditions, if any, need to be attached to a parking plan; including possible need for Special Use Permit. After some research by Clerk Reymers, Road Use Law does not seem to apply to this situation. Project is on a County road, so plan will have to go to Madison County Planning Department.

Two main issues left impeding this project, the subdivision with Ms. Strong-Collins and waiting to hear from Madison County Health Department.

Discussion about contacting Ms. Strong-Collins about action on this application, the Planning Board decided that she should be informed as to what action the board will be taking on this application. It should be suggested that she take some kind of action regarding a variance application, otherwise the board may have to move ahead with this project without regard of the effect on her property.

The Partners application is complete, notwithstanding the aforementioned issues that will be addressed during the public hearing; it can now be sent to the Madison County Planning Department for the GML 239-m review. Mr. Sheridan suggests sending this to Madison County and then scheduling the public hearing to be held after, so that if attendees have questions, they can be answered more thoroughly. Board members agree that getting this to Madison County Planning Department as well as contacting Ms. Strong-Collins will accomplish two things in one 30 day period.

Resolution 2016-13: Refer 2-6 East Main Partnerships application for a Special Use Permit to the Madison County Planning Department for a GML 239-m Review with a response in 30 days.

Motion: Bettyann Miller

Second: Bill Nolan

Vote: Aye-5, Nay -0

Motion: CARRIED

Deputy Clerk Robertson will gather, prepare all documents, and acquire needed signatures. CEO Forth will take everything to the Madison County Planning Department personally.

There is yet more discussion about the status of Ms. Strong-Collins property and of what should be included in a letter to her. CEO Forth asks if both lots should be applying, The Planning Board states that it is a moot point because this is being handled backwards, since the parcel was sold before the lot was divided. It is brought up that Ms. Strong-Collins is still listed on the tax bill as the owner the property in question. The deed has been filed but the parcel has not yet been remapped. Town Attorney Steve Jones will draft a letter and Deputy Clerk Robertson will type, acquire proper signatures, and send it. We will continue try to contact Ms. Strong-Collins. The Planning Board has decided that they will not hold up the Partners application if Ms. Strong-Collins does not take action.

Resolution 2016-14: The Board Send a Certified Letter to Ms. Strong -Collins asking her to take some action regarding an application to the Zoning Board of Appeals within 30 days

Motion: Elaine Hughes

Second: Bettyann Miller

Vote: Aye- 5, Nay-0

Motion: CARRIED

The Planning Board expects to hear from both the Madison County Planning department and Ms. Strong-Collins within 30 days. Mr. Sheridan asks about the Parking in the Hamlet of Poolville and if it is a permitted use, wondered if the Dubois should get a Special Use Permit Application. There is nothing in the Hamlet's Zoning regarding parking that is not attached to a business. Mr. Sheridan said that he will make some recommendations to the Partners concerning parking.

Madison County Heritage Trust, Mr. Harvey Kliman, Possible Subdivision Application

Mr. Harvey Kliman presents the board with a map of a possible subdivision that may have an application put before them in the coming year. He represents the Southern Madison Heritage Trust. Sally Shapiro Vernon and Susan Shapiro, who own 80 acres

just south of Hamilton, they wish to protect the land east of Randallsville Road by donating it to the Trust. Part of the land is in Lebanon and Hamilton, it is mostly wet lands, roughly 40 acres. In order to donate this property there would have to be a subdivision. A mammoth bone was found in Mud Pond which is on this property. This will hopefully happen later this year.

Resolution 2016-15: Approval of April Minutes

Motion : Bettyann Miller

Second: Bill Nolan

Vote: Aye- 5, Nay-0

Motion: CARRIED

Chairman Griff asks if there is any more business. Town Attorney Steve Jones reads Draft of letter to Ms. Strong-Collins. Board discusses some wording, and makes some adjustments.

Motion to Adjourn

Motion: Bettyann Miller

Second: Bill Nolan

Vote: Aye-5, Nay-0

Motion: CARRIED

Meeting adjourned at 9:33 pm.

Next meeting will be June 7, 2016 at 7:00 p.m. at the Town of Hamilton Office

Respectfully submitted by
Elisa Robertson
Deputy Clerk - Town of Hamilton