

Town of Hamilton
Planning Board Meeting
Tuesday, September 12, 2017
7:00 PM
Hamilton Public Library
13 Broad Street, Hamilton

Present: Chairman Darrell Griff, Elaine Hughes, Bettyann Miller, Mary Galvez, Town Attorney Scott Chatfield, Deputy Clerk Elisa Robertson, CEO Mark Miller
Bill Nolan was absent.

Others in Attendance: Steven Skollar, Ronald Burstein, Allie Dunham, Drew Dunham, William Heitz, Esq., Mary Dinski

7:01 Chairman Griff calls the meeting to order.

Drew Dunham, Special Use Permit Application, 1647 Poolville Road, Earlville, Tax Map #184.-1-35,36,37

Chairman Griff reviews portions of the sound study of the Dunham property provided by Environmental and Safety Associates. The board reads the conclusion and the recommendation as follows:

CONCLUSION

I see no evidence that your facility, if properly constructed and managed (to provide control of any musical or other noise producing elements) - will pose any noise detriment to the residents. My recommendation is that you be granted conditional approval to proceed with your plans, with the understanding that controls will be subject to review and revision based upon performance.

The board also reviews his determinations and recommendations on page three of the report. Chairman Griff asks Ms. Allie Dunham if Mr. Andres made any other recommendations to them for modification of the building other than what is in this report. She replies negative however he did bring up the issue of ventilation. It states in the report that the gaps and leaks in the barn should be filled, however if ventilation needs to be done that may pose a problem for sound leakage. The applicants have stated that they feel that these two points cancel each other out and that if they leave the barn as is the sound will stay the same as the results from the study.

Ms. Allie Dunham explains the study to the board. Mr. Andres took L90 readings at each location, set up speakers in the barn, set sound level to 101dBC, then went to each location and took readings again. He stated that if the applicants lowered the dB level at the dance floor to 87dB that would bring them under the 6 dB limit difference that is recommended by the DEC.

Attorney Chatfield reminds the board the phase of the decision making process that they are in is the Environmental Review. The purpose of hiring an expert was to see if the environmental

factors were mitigatable or not. If the Board is confident that this information is enough for them to be able to fashion conditions that make the sound level acceptable. Now they may move on to the review of the Special Use permit application. There will have to be a performance aspect of the conditions with regards to sound considering there may need to be ventilation and windows installed. The applicant informs the board that they have purchased a sound meter that measures noise on both the A and C scale.

Chairman Griff reviews Part 2 of the EAF form question # 15, a-f, with regards to noise, odor, and light. There is some discussion about lights, type and quantity.

Due to the fact that none of the questions on Part 2 of the EAF were marked moderate to large impact, there is no need for the board to fill out the narrative portion of Part 3 of the EAF form.

The board has reviewed the sound study at the sight and is confident that it will be able to fashion conditions at the time of public issuance which will adequately mitigate their concerns with respect to the lights, the sound, and other concerns that may arise. Specifically, on site lighting and the lights coming from vehicles coming and going on the property.

Attorney Chatfield explains the difference between options A and B on Part 3 of the EAF form.

Resolution # 2017-62: Motion to Instruct the Chairman to execute option B (Conditional Negative Declaration) on Part 3 of the Environmental Assessment Form (SEQRA), list the areas of concern, and sign it.

Motion: Elaine Hughes

Second: Mary Galvez

Vote: Yes - 4 No – 0

ADOPTED

Conditions when it comes to the Special Use permit are not limited to the above concerns of light and noise. The Site Plan has been reviewed but not yet approved. The site plan cannot be approved until the EAF process is completed. The area is zoned ag/residential and therefore is classified as indoor entertainment (A-2). Attorney Chatfield suggests that the board consider Page 60 section 8.4 of the Town of Hamilton Zoning Law:

SECTION 8.4 Findings Required

In granting or denying Special Permits, the Planning Board shall take into consideration the type, scale and intensity of the proposed project, the surrounding area, the possible impact of the proposed project on nearby properties and uses, the requirements and purposes of this law and the policies and goals of the Comprehensive Plan. The Planning Board shall set forth its findings in writing as part of its decision-making process.

He also suggests reviewing the submitted site plan and the site plan requirements on Page 63, section 9.3-5 of the Town of Hamilton Zoning Law:

9.3-5 Review of site plan. *The Planning Board's review of the site plan shall include, as appropriate, but is not limited to, consideration of criteria or requirements set forth this Zoning Law, the guidelines set forth in section 9.4 below, as well as the following general considerations:*

- A. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs. Signs and lights will be compatible and in scale with building elements and will not dominate the overall visual impact of the project and neighborhood.*
- B. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.*
- C. Location, arrangement, appearance and sufficiency of off-street parking and loading.*
- D. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.*
- E. Adequacy of storm water and drainage facilities.*
- F. Adequacy of water supply and sewage disposal facilities.*
- G. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of the existing vegetation.*
- H. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.*
- I. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.*

The Board continues on to look at the site plan provided by the applicant dated April 1, 2017 and also uses the applicant's narrative to fill in the gaps. They have included a site plan checklist with answers in their February 9, 2017 narrative packet.

Some of the topics discussed and proposed by the applicants are:

Lighting: Downward facing on the buildings as well as portable downward lighting in the parking areas, they however they are not "shielded lights".

Signs: The applicant provided samples of signs similar to the ones they would wish to use, road (one way, do not enter, and name of events center) signs for the driveway.

Vehicular traffic: 20 ft driveways, there is a question about the access point to the driveway from a county road, as well as using the driveway for one of the vacation rental houses as an exit point. Road surface will be unpaved (gravel) with grass parking lots. Mr. Chatfield inquires about the number of spaces allowed. One parking space for every four seats as cited in the code. They need to allow 1 space for each employee so therefore there needs to be an estimated number of employees, and their parking in the plan. There is a vendor loading area and the portable restrooms will be brought in via the ramp.

Occupancy: No proposed occupancy, it is dependent on the configuration of the seating and the dance floor, stage, etc. Parking also needs to be taken into account. Attorney Chatfield suggest that the applicant consult with codes and/or their design professional,

establish the maximums that they would like permitted, and show those on the plan so that we can confirm that they comply.

Sprinklers: The building will need fire a suppression system. This is a codes issue.

Handicap accessibility: The vehicle ramp must meet code for the pitch to be handicapped accessible. It must be addressed on the plan and evaluated.

Pedestrian traffic: There are no sidewalks; it will be grass over gravel. This is acceptable provided lighting is adequate for after dark.

Storm water drainage: There will be no paving. No land disturbance. The main driveway will be newer. There is explanation on the site plan about the contouring.

Water and sewage: These concerns have been addressed.

Trees, shrub, etc.: There has been discussion between the chairman and the applicant's father about putting in a light buffer (trees) at the end of the larger parking lot. It is right across from one of the neighbors. Ms. Allie Dunham states that they were planning to do that anyway. It needs to be reflected in the site plan, that those trees will be installed. There needs to be a description of that vegetation in the narrative as well. The Madison County Department of Transportation will need to sign off on this plan. It is the applicant's job to get the county approval. Their engineer should have let them know this.

Emergency zone: All of the fire departments in the area are Volunteer so the Codes Enforcement Officer acts as the Fire Marshal as well. There needs to be a delineated zone on the site plan that is specifically labeled as an emergency zone. The area needs to be kept clear so that if an ambulance or other emergency personnel can set up.

Chairman Griff asks the rest of the Board if there is anything else that they feel needs to be addressed with regards to the site plan. Approval of the Site Plan and the Special Use Permit can be done at the same time. The Chairman inquired about the proximity of employee parking.

No Further action needs to be taken at this time

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

Ms. Mary Dinski, Camp Fiver Director, explains that they have scaled back the scope of their project due to the fact that they do not wish to modify their physical property. They are scaling back the special events portion of the application to fit the property as it already exists. They have also added a provision about not allowing professionally amplified music as to mitigate the inevitable sound concerns. CEO Mark Miller has reviewed the parking plan and has said that it meets the criteria for codes. The board has been provided with a drawn map of the parking that illustrates the layout and an aerial view showing the placement of the parking area on the property.

There is a question as to whether they would need a variance for the parking because of the distance to the buildings; however it is determined that because they are on the same plot of land that a variance will not be necessary.

Chairman Griff consults the list of conditions from April 8, 2002 and the proposed March 8, 2017. The proposed conditions from March were revised again in July 2017. The Board consults the new list. There are a few modifications.

There is a question as to whether there can be a time limit as a condition on a Special Use Permit. This has come up before. Mr. Chatfield explains that time limitations are placed on Special Use Permits by many boards. He continues on to say that they are fundamentally in conflict with the concept because they run with the land NOT the applicant. It is asked if this has been challenged in the courts. Mr. Chatfield replies yes and that the municipality who imposes the condition loses every time; where the applicant has established detrimental reliance on the Special Use Permit. He explains why so many municipalities tend to use them.

The Board discusses and reaches conclusions on the proposed conditions. The time limit on this application was extended due to a request by the applicant.

Resolution # 2017-60: Motion to grant a Special Use Permit to Camp Fiver (The Fiver Foundation) with conditions. See attached.

Motion: Mary Galvez

Second: Elaine Hughes

Vote: Yes - 4 No – 0

ADOPTED

Resolution # 2017-61: Motion to approve minutes from August 7, 2017.

Motion: Bettyann Miller

Second: Elaine Hughes

Vote: Yes - 4 No – 0

ADOPTED

The next meeting will be held on October 10, 2017 at 7:00 PM at a location yet to be determined.

Resolution # 2017-62: Motion to adjourn.

Motion: Mary Galvez

Second: Elaine Hughes

Vote: Yes - 4 No – 0

ADOPTED

Meeting adjourned at 9:03

Respectfully submitted by:
Elisa E. Robertson
Deputy Clerk
Town of Hamilton