

Planning Board Meeting
Tuesday, December 13, 2016
7:00 PM
Hamilton Public Library
13 Broad Street, Hamilton

Present: Chairman Darrell Griff, Elaine Hughes, Bettyann Miller, Bill Nolan, Town Attorney Steve Jones, Special Counsel Scott Chatfield, Town Clerk Sue Reymers, Deputy Clerk Elisa Robertson

Others Present: Jesse Magrath, Charles Wilburn, Roger Foster, Drew Dunham, Arnold Fisher, Travis DuBois, Debra Johnson, Eric Leinbach, Joe Bello, Kathleen Bennett

Board member Mary Galvez has been excused from this meeting.

Chairman calls meeting to order at 7:03 PM.

Old Business: (transcribed)

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

Chairman Griff addresses the SEQRA (EAF) form. We have a short form on file but it has been recommended by Special Counsel Scott Chatfield that we require the long form.

Mr. Chatfield introduces himself to the audience and explains his purpose for being at this meeting. He goes on to say: The process of development in the State of New York is an applicant driven process. The Board has no stake in this process, no stake in the outcome. They are merely here as an administrative body that administers a set of rules. It is the applicant who wishes to obtain permission to do something so we move at the applicants pace. However we don't cut corners, we don't shorten the process. We require certain things to be presented, we process them when they are presented, and move on as appropriate. So one of the first questions is... this appears to be an unlisted action.

He is introduced to the applicants. He asks if they have an engineer.

The Partners reply that they have an engineer, and that they have all the plans.

Mr. Wilburn states: We have paid for everything and have been drug along for two and a half years without even knowing if we can use the property. That's the first thing on the agenda for tonight, telling us we can merge the properties, not the long form or the...

Mr. Chatfield: That is one of the first things I was requested to get into. There were irregularities under the regulations with the acquisition of portions of the Penny Strong-Collins

property. There was an area variance application made; which was denied. One of the questions I was asked to opine on was: whether or not those irregularities created a bar with your ability to proceed. My answer to this board and to the public at large was; it does not. The Board is required to process any application received, it does not have any enforcement authority. It takes the facts the way the facts are, as it comes to them. The fact that there were irregularities in the process of the acquisition of the premises is for others to decide, not this board. This board has a site plan and a special permit application in front of it, my advice to it was process it in accordance with the process. If other people proceed to exercise rights over the irregularities it will be up to them, but not this Board. This Board is an administrative body only, and it administers a set of regulations, it does not make judgments on the legality or the illegality of things that occur outside of their purview, does that answer your question?

Mr. Wilburn: Can we join the properties or not?

Mr. Chatfield: (after clarification of the properties in question) There is nothing in our regulations that I was able to find that prohibit; the process of the merger is not considered subdivision. I'm not as familiar with your County processes, but what I have been told is: that if you resubmit a deed with one perimeter legal description, consolidating three tax parcels, it would become one parcel. I have looked at the parcel for compliance with the Zoning Regulations and it appears to comply. Should we get to the end of this process, and should that process result in an approval, I suspect strongly that if you haven't merged them it would be a requirement.

Mr. Foster: It hasn't been official because we have been...

Mr. Chatfield: We have a question. It looks in reviewing this that there are going to be other involved agencies; the County Health Department and County DOT for two.

Mr. Foster: They have already come out and done all their paperwork.

Mr. Chatfield: Well, that is not the issue. You have under question two of the short form you have Health Department, Liquor Authority, County Zoning. I submit... If he is referring to GML 239 that is not an approval, it is a recommendation. That is part of the reason I was going to suggest the long form Environmental Assessment Form. But assuming this is an Unlisted Action as opposed to a Type One or Type Two, Coordinated Review is discretionary. A Coordinated Review requires that this Board tell other involved agencies that it wishes to be the lead agency for the purposes of the environmental review. They get thirty days to object and if they don't object, then this board's status of lead agency is confirmed. Then you don't need to go through the process of environmental assessment for every one of the other involved agencies. In our previous conversation with the Board I stuck my toe in the water and asked them if they want to be the lead agency and they confirmed that they thought that they probably should be. That

is the first formal step in the process; to receive a long form EAF form with your representations as to... and I would recommend that you get your advice from your engineer, as to who they believe are the involved agencies so we can send out the appropriate notices and confirm lead agency status. Because the State Statute says that we cannot do anything until we go through the environmental review process. That is step one. Have you spoken to your engineer...

Mr. Foster: How can we have gone through 2 1/2 years at this and we are at step one?

Mr. Chatfield: I cannot speak...

Mr. Wilburn: We have spent thousands and thousands of dollars on this without being told we can use our property.

Mr. Chatfield: I cannot speak to what has happened in the past.

Mr. Wilburn: It seems pretty fishy to me.

Mr. Chatfield: I cannot address...This is an applicant driven process. You can do anything you want. I would never suggest to you what you must or must not do other than what the regulations require and...

Mr. Wilburn: But the merger of the property is what should have been established first. Whether the property can be put together and used as a parcel. Not to go out and spend thousands of dollars, on engineered drawings and rejection after rejections and thousands of dollars.

Mr. Chatfield: How abrupt would you like me to answer that question Mr. Chairman?

Chairman Griff: Whatever you are comfortable with.

Mr. Chatfield: Sir, if you think that you have been wronged, then sue.

Mr. Wilburn: I didn't say that.

Mr. Chatfield: I am telling you what the process is if you want to follow it, follow it. I do not want to hear about what has happened. I can tell you I have been doing this for 40 years and when I represent persons like yourself, who get abused, you know what I do? I sue! That's what I do. The fact that you didn't, that's on you, not them. I am from here forward, and from here forward we are going to follow the rules if I am involved.

Mr. Wilburn: I was brought up with better morals than to just sue for shits and giggles.

Mr. Chatfield: Well, that's up to you but don't sit there and bitch about how much you didn't do. You have rights if you chose not to pursue them, then you chose not to pursue them.

Mr. Wilburn: The merger needed to be decided first, nobody seems to have known, that's what I am saying.

Mr. Chatfield: I don't care. I answered the question, are you satisfied with the answer?

Mr. Wilburn: Yes.

Mr. Chatfield: Do you wish to proceed?

Mr. Wilburn: Continue.

Mr. Chatfield: Next question, do you wish for a coordinated review on the Environmental Review process?

Mr. Wilburn: To establish the lead agency?

Mr. Chatfield: Yes.

Mr. Wilburn: Yes.

Mr. Chatfield: Then would you please present to the board a long form Environmental Assessment form with all of part 1 answered to the best of your knowledge, with whatever documentation you need or feel necessary to support any of the conclusions written in part A(1). The Board, upon receipt of that, will send out a letter to the other involved agencies along with a copy of the long form EAF and the rest of your submittal, confirm lead agency status and then we can proceed. It is as simple as that. This is what we talked about before. That is the process and there is absolutely no question about it. Legally, we cannot do anything else, the very first step in terms of the formal intake of an application is the Environmental Review Process, confirm lead agency status, then proceed with the environmental significance of determination.

Chairman Griff: We are trying to work with everybody here; trying to feel our way through this. We are all lay people at this. We have no expertise. That is why we have sought outside counsel; someone that has much more expertise in these areas. With that determined, that we are asking for the long form EAF then there is no further action to be taken tonight.

Mr. Chatfield: Is it my understanding that you did advertise and did open a Public Hearing on the Special Permit or Site Plan or both?

Town Attorney Steve Jones: Both at the request of the applicants so they could get some public input, and it was good public input. The Public Hearing was opened it has not been closed. That is partly because the application has never been complete.

Mr. Chatfield: Ok, so then technically aside from the minutes reflecting that the applicants will be presenting to us the long EAF form. The only motion that the board should make is a motion to...how as it...was it adjourned to a date certain or was it generally adjourned.

Chairman Griff: It was suspended.

Mr. Chatfield: ... but you didn't set a specific date upon which...

Chairman Griff: No, we did not.

Mr. Chatfield: Let me ask again a question. Given what they have done the law requires that before a public hearing can be reconvened or continued there has to be a new notice published because they didn't adjourn it to a date certain. Quite frankly at the next meeting there is going to be little for the public to comment on. Because it is simply going to be a review of the long form EAF and you are sending the notice out to the other involved agencies.

Chairman Griff: and they have 30 days to respond?

Mr. Chatfield: Yes, up to. Thirty days maximum. So it is up to the board and the applicant, I think you can leave the public hearing issue right where it is. Perhaps at your next meeting determine whether it is appropriate or necessary to then reconvene that public hearing. That would require then the publication of an additional notification. Do you have any strong feelings one way or the other?

Mr. Wilburn: The parking issue. The owner of the parking lot is here with us tonight.

Mr. Chatfield: That's the remote parking lot?

Mr. Wilburn: The Storm Water Prevention thing.

Mr. Chatfield: Have you contacted the DEC?

Mr. Wilburn: It is already an existing parking lot.

Mr. Chatfield: I understand that. Have you contacted the DEC to see if whether or not the Storm Water Pollution Prevention Plan is going to be required?

Mr. Foster: We were never informed to do that.

Mr. Wilburn: The Zoning Board of appeals already determined that it is a parking lot, an existing parking lot.

Mr. Chatfield: I will repeat it. This is an applicant driven process. It is the applicant's responsibility to look into other involved agencies and to determine their jurisdiction and

whether or not they have any regulatory authority over it. We could go over this entire process and grant you final approval but if you don't have approval from the "Acme" agency, you are not going to be able to proceed. Do you understand? It is beyond our jurisdiction.

Mr. Wilburn: It's an existing parking lot.

Mr. Chatfield: I am not arguing the case with you. I am asking if you contacted the DEC because this board eventually will ask you for a letter from the DEC as to whether or not a SWPPP is going to be required. Because it is not their call, it is the DEC's call. They are the regulatory body that issues Storm Water Pollution Prevention Plans. If they say that they don't need a SWPPP then you don't need a SWPPP, that doesn't mean that this board doesn't have authority over issues of drainage, erosion control, sedimentation, and so on but it is not a SWPPP. That's like saying a Wetlands Modification Permit, this Board has authority over wetlands but it doesn't issue COR or DEC Wetlands Permits. The CORE or the DEC issue those permits. Do you understand the distinction that I am drawing here? One of the questions, ultimately that will need to be resolved is whether you will need a SWPPP from the DEC. I don't know the answer to that I don't think the Board knows the answer to that. It is up to the DEC. That is part of what you are going to answer when you fill out part A (1). And if you simply put a conclusory statement in here that said, "No SWPPP required", the Board may very well say to you, "Can you document that?" So were I you, I would get the documentation ahead of time. And whatever representations that you make in here; if you think that they are in any way questionable, it is up to you to provide the documentation. So, if you say that there are no threatened or endangered species on the sight, provide documentation if you think it is necessary. It is an applicant driven process. I want to make sure it is getting through.

Mr. Wilburn: We have been applying.

Mr. Chatfield: I would earnestly recommend that you obtain the assistance of your engineer and/or your lawyer in preparation of the long form EAF and supporting documentation. I don't know how to be any more matter of fact than that.

Chairman Griff: So we do not need any motion of action tonight?

Mr. Chatfield: Not if you choose not to reconvene the public hearing, that would require a separate motion, but otherwise...

Chairman Griff: The next meeting would be January, we would just be going over the long form (EAF) and send out the letter. So, the earliest that we would need to convene the public hearing would be February, after we have gotten lead status. Then we would have another public hearing for...what would be the purpose of that?

Mr. Chatfield: Well, at that point you will start getting into analyzing the environmental issues and at the same time going through the criteria for site plan and Special Permit. I will tell the applicant what I will also advised the board, I recommend that the board get on its team their own engineer, who will review your documents and advise the board. The engineer's loyalty will be to this board and they will advise the board as to what they believe. The two engineers will often talk with each other between meetings and work things out. That is appropriate. So, depending on how far along the drawings and submittals and technical data is, it is conceivable that you may be ready to conclude the process in February, I don't know. If they get you enough information and the engineers are satisfied with everything.

Chairman Griff: That would be on the special use permit?

Mr. Chatfield: The Special Use and the Site Plan go hand in hand.

Chairman Griff: So it could be conceivable by February if everything is...We would want to do that with a public hearing.

Mr. Chatfield: Definitely.

Chairman Griff: To move it forward.

Mr. Chatfield: Yes, and you are certainly going to want to get the input from the public prior to considering the merits of the Special Permit. And for that matter I would recommend, as long as you are having one public hearing that you include in that public hearing process the site plan issues as well, just because. Why not? It is not mandatory. It's not like it is a whole separate process, you can fold it all into one large hearing, that way you can deal with all of the issues at once.

Chairman Griff: That is assuming that everything we find in the long form EAF is... I mean if we were to find some issues going forward with it then we'd go back. Would the Public Hearing be appropriate at that time even if we had those findings? Or would we want to hold off until we have determined that.

Mr. Chatfield: The determination as to when to reconvene the public hearing is in part a function of your level of comfort that the facts are relatively well settled. I mean if there is a big issue...

Chairman Griff: We would make that determination at our January meeting.

Mr. Chatfield: Perhaps, assuming that the information that you get on the EAF is accurate and your engineer has looked it over and said "Yeah, and I have checked the resource inventory

maps and don't see any endangered species and I don't see any archeologically or paleologically significant sights," and all that stuff.

Chairman Griff: So conceivably we could be moving forward by February with a public hearing.

Mr. Chatfield: It is possible if the applicant gets all of the data to you, it is all reviewed, and everybody is ok with it. Then we could the public hearing process and get the public's comments on the Special Permit type issues. How compatible is the use with surrounding properties; the screening, and buffering, and hours of operation, and stuff that is involved with special permits.

Chairman Griff: OK

Board member Hughes asks the applicants if they have a copy of the Hamilton Codes and that they are referring to page 62.

Chairman Griff: OK so that's all the action we need to take on the Poolville Country Store issue at this time.

New Business (summarized)

Joe Bello, Colgate University, Subdivision Application; 13 Oak Drive, Hamilton, Tax Map #169.-1-6 and 169.-1-4

Mr. Bello has attended the meeting with Colgate University's Legal Counsel on this matter. They put in an application for annexation in early November. They have brought their Attorney Kathleen Bennett. Colgate University acquired these three properties in 2013, the largest of which is 55 acres. The 55 acres parcel is also split into 3 pieces. She refers to the map. The municipal boundary splits one of those pieces. The survey that was done in 2013 places the municipal boundary line through the property instead of along the tax map parcel line. They want to annex the portion to correct that. Colgate University does not feel that a subdivision is necessary to complete the annexation however the Town has felt differently. They want to cooperate but if they do not need to subdivide they will. She refers to the map and draws it out on the map for the Board. She explains what annexation is, and where they want to move the municipal boundary line when the new maps are recorded. Ms. Bennett then explains the subdivision requirements and its purpose. Subdividing it out to annex it would create a separate parcel that would then have to be rejoined with property that it was just subdivided from when it is annexed.

There is some discussion of a past project that was similar to this. Town Attorney Jones feels that is appropriate that they have come before the board. He now believes, after looking at the maps, and hearing the explanation that perhaps it does not need subdivision approval.

It is up to the Board. Mr. Chatfield is consulted. Mr. Bello states that the intention is not to split it all up but to use it as one parcel. They also want to annex because if the University would want to develop it would need approvals from both Town and Village Boards, which would complicate matters.

Resolution 2016-60: Take no action regarding the proposed Subdivision for Colgate University; no subdivision of property identified as tax map # 169.-1-6 is needed.

Motion: Bettyann Miller

Second: Elaine Hughes

Vote: Aye: 4 Nay: 0

ADOPTED

Chairman Griff thanks them for coming in and working together with the Town.

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

This is going to be an annexation as well. Mr. Forth is representing the Village. The Village wishes to purchase a piece of Mr. Fisher's property, 4.9 acres, and annex it into the Village for use as part of the wastewater sewer treatment facility. Due to new regulations the Village will need to put in a new tank and need the property to do so. There is a small triangular piece that is separate but will be included in the annexation. The village already has an access road to the property. All the utilities will be underground.

Chairman Griff asks if they have to do the subdivision before they can purchase it?

Land Surveyor Jesse Magrath puts up a map and explains the process. The property is deeded as one piece of land. Board member Miller asks if the village is purchasing the whole thing. The answer is no. It does need to be subdivided. Mr. Forth states that that is being done next week. It is a two lot subdivision.

Chairman Griff checks that all the documentation is included and that the application is complete. Chairman Griff reads through the EAF (SEQRA) short form aloud.

Mr. Forth wants the Chairman to know that all of the paperwork that he completed has gone through the Village Attorney.

Chairman Griff asks if anyone has any questions. Chairman Griff reads aloud, completes, and signs Part 2 and 3 of the EAF (SEQRA) short form.

Resolution 2016-61: Issue a negative declaration for the SEQRA on Arnold Fisher's Subdivision Application for property identified as Tax Map # 168.-1-4.

Motion: Bill Nolan

Second: Elaine Hughes

Vote: Aye: 4 Nay: 0

ADOPTED

That automatically makes the Board the lead agency, but there is no need to do a Coordinated Review. Mr. Chatfield explains that by State Statute a preliminary plat needs to have a public

hearing but a final plat does not because it has already been subject during the preliminary phase. This maybe should have been advertised as a public hearing but that is something to consider for the future. This is a very simple subdivision. It could be considered exempt because it is being acquired by a municipality for municipal purposes. Mr. Fisher would like this to be done as soon as it can be.

The Board can invoke section 420 which allows the Board to waive certain submission requirements. All the land around the subdivision is owned by Mr. Fisher and the purchaser. Mr. Chatfield offers some advice. There is a 30 day statute of limitation on any challenges, after 30 days it is immaterial. Mr. Chatfield directly addresses Mr. Fisher.

Mr. Chatfield: Section 278 of the Town Law requires there be a public hearing. If the Board approves this without a public hearing technically you are at risk for a 30 day period.

Mr. Fisher: I understand.

Mr. Chatfield: Would you prefer they schedule a public hearing for their January Meeting?

Mr. Fisher: I thought you said that they can waive it?

Mr. Chatfield: They can waive it for final; not for preliminary; if and only if they had a public hearing for preliminary. We could hold a special meeting.

The Clerks remind everyone that it is not only a 5 day waiting period but that the newspapers have scheduled deadline date. It may be up to 2 weeks.

Town Attorney Jones states to Judge Fisher if you are not concerned about it, and the Board feels that it is uncomplicated...

Chairman Griff: The worst that could happen is that we would have to go back and do it again. Jesse Magrath speaks up and notifies the board that that parcel does border the Shapiro land. That land however is being donated to the Southern Madison County Heritage Trust; just for clarifications sake.

Mr. Fisher wishes to proceed.

Resolution 2016- 62: Approve Subdivision of Arnold Fisher's property identified as Tax Map# 168.-1-4 enacting Section 420; waiving the requirement of a public hearing.

Motion: Bettyann Miller

Second: Bill Nolan

Vote: Aye: 4 Nay: 0

ADOPTED

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

Deputy Clerk Robertson provides the Board with some color photos that the applicant had submitted but would not copy well. Chairman Griff reviews all the materials that have been included in the application. The Deputy Clerk suggests to the Board that they refer to page 81 in the Town of Hamilton Zoning Regulations under the definition Home Occupation. He then reads the definition of Home Occupation, Minimal Impact and Non-minimal impact.

There is discussion among the Board and with the applicant as to whether this would be considered a Minimal or Non-minimal Impact Home Occupation. There is discussion of traffic and of deliveries. She did own a store front at one time in the Adirondacks. There would be no

more deliveries that there are now. No more than a regular home delivery. No tractor trailers. She has a travelling store now, going to trade shows etc. No employees. No outside storage. They have a trailer, the same as a landscaping trailer. CEO Forth asks to board to refer to page 21 of the Zoning Law Book, Section 6.1 Home Occupations. This may give some more clarity to the Board.

The applicant states that they are away at trade shows at least two weekends a month and that would take away from customer traffic. If this is classified as minimal there cannot be any signage (page 22 section 6.1.1-1E of Town of Hamilton Zoning Law). This will need to be a Special Permit for the signage. It is on a Town Road and not within 500 feet of a County Road; no GML 239 needs to be filed. They do need to do an EAF (SEQRA), the short form. They will have to fill out a sign permit for the Codes Officer. This will need to go to Public Hearing in January. There is only one notice that needs to be sent to Eve Ann Schwartz. They also need to fill out a Zoning Permit first. The applicant asks if there is a yearly fee for the permit? The Board will set terms of the permit at during the approval process; asking them to return every so many years for renewal.

No official action needs to be made at this time.

The next meeting will take place on January 10th, 2017 and will be a public hearing as well.

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

Mr. Drew Dunham gives a little bit of history about his family and its connection to the area. He is the proprietor and his sister (Allie) is the business manager. Their father, Michael, is the owner of the property. Mr. Dunham calls his father and sister on speaker phone to participate in this meeting. He refers to the packet of information that has been included for the board. There are 2 farm houses that have been turned into vacation rentals, fully furnished 5 bedroom units. They have also renovated them to keep the history and nostalgia. They have had great feedback. They have also started growing hops on the farm. There is a very large dairy barn that is vacant.

Phase one will be getting the barn up to code and ready to accommodate larger groups for different types of events. The barn is 4700 square feet. They have previously met with CEO Forth about the codes and what that would entail. Board Member Hughes asks if the pictures provided are from an event that has already been held. Mr. Dunham says that they are not but they are hoping to do something like what is pictured.

There is discussion about their vision for the property. There is no livestock on the premises at this time.

They will need to do a long form SEQRA (part one) and to go through County Review Process (GML 239) because the property is on a County Road. Parking will need to be addressed. The rest rooms will be portable rest rooms. There is handicapped access. They want to leave the parking areas grassy if possible. This is only a preliminary review. This property is in an agricultural district, it will change the use of the property to a hospitality/special event. There is some discussion as whether this would fall into the Agricultural Markets Law. The property is currently being farmed on another part of the property. If the property generates more than \$10,000 a year to supplement the farming then it would be eligible for the Ag/Markets Law.

Not only agricultural practices not be restricted, but under agri-tourism, it is a permissible use. Chairman Griff questions if this really falls into that category but Mr. Chatfield says that if it is helping to fund the farm. They are growing hops along with some other crops. Mr. Dunham senior asks if this would help them qualify for Ag. and Markets. Mr. Chatfield recommends that they seek advice from Bob Summers or Kim Blot at Albany Ag. and Markets. They will be able to answer their questions.

Town Attorney Steve Jones addresses the use of the other buildings on the property being used as vacation homes. They are being used as seasonal, he does not see that as needing a Special Use Permit but a Zoning Permit may be required in the res/ag district. He asks if they have applied for any permits.

Mr. Dunham Senior says that they had an attorney research that issue. They were told that they had to change their insurance and start paying Madison County Tax, they were advised that they did not need a Zoning Permit. CEO Forth inquires about building permits. Their website discusses moving a hops barn but there has been no Building Permit issued. That barn is currently in storage. CEO Forth asks about any permits for renovations done to the properties. He states that they only did cosmetic repairs. The roof replacement did need a permit by New York State Law. There is some grey area as to who needs to apply for the permit. CEO Forth is concerned that no one was aware that there was a business being run. There is nothing listed about the properties updates. He wants to meet with the applicant so that some of these issues can be resolved.

Chairman Griff finds that Seasonal Accommodations in Ag/Residential, they are permitted, the other things are issues with CODES not Planning. They still need a Zoning Permit because they have changed the use of the two buildings; they are no longer single family residences. Mr. Chatfield explains the purpose and use of a Zoning Permit. It is proof that you are in compliance with the Zoning Regulations. The Applicants express their appreciation for the Boards input.

Bill Viola, CEO question, 1841 Wickwire Road, Hamilton, Tax Map #170.-1-65.1

CEO Forth has a question about putting a mobile home on a lot with another house. CEO Forth does not see any reason why he cannot. He feels that if the Town will allow it, that the trailer should have its own septic and well. Board members point out that the only way that it would be allowed is if it is for agricultural workers. It is only for farm employees. The property class of the property is zoned agricultural/residential. Chairman Griff states that if it is not going to be put on its own lot then it is not permitted. CEO Forth refers to Section 6.2-4 is for farms. Mr. Chatfield states that he could not find anything that says that you can only have one principle use per lot. He continues on to say that under the doctrine of expressio unius est exclusio alterius, suggests that only one principle use is permitted in general except for a working farm. He recommends that CEO Forth follow strict legal process and make the decision, either way, and anyone that is aggrieved by that decision, can appeal that decision to the ZBA.

Resolution 2016-63: Approve Minutes from November 15, 2016 with one correction adding: "New York State Town Law" Section 271, Alternate Members, on page 8.

Motion: Bettyann Miller

Second: Elaine Hughes

Vote: Aye: 4 Nay: 0
ADOPTED

Resolution 2016-64: Adjourn Meeting

Motion: Bill Nolan

Second: Bettyann Miller

Vote: Aye: 4 Nay: 0

ADOPTED

Respectfully submitted by
Elisa E. Robertson
Deputy Clerk