

Town of Hamilton  
Planning Board Meeting  
Tuesday October 4, 2016  
7:00 PM  
Town Court Building  
Montgomery Street

**Present:** Chairman Darrell Griff, Bettyann Miller, Elaine Hughes, CEO Don Forth, Town Attorney Steve Jones, Deputy Clerk Elisa Robertson

**Others Present:** Sue Reymers, Harvey Kliman, Mary Jane Miner, Jesse Magrath, Chris Kendall, Nancy Miner

Mary Galvez has been excused from attending this meeting. Bill Nolan is absent.  
Chairman Griff calls meeting to order: 7:02 p.m.

**Resolution 2016-41: Approval of Minutes from September 6, 2016.**

One correction to be made on page 5- the two women mentioned will be referred to as “related” instead of as sisters. They are actually sisters-in-law.

Motion: Bettyann Miller

Second: Elaine Hughes

Vote: aye- 3 nay -0

ADOPTED

**Jesse Magrath: Mary Jane Miner, Earlville Road, Earlville, NY; Tax Map # 199.12-1-19, Subdivision Review.**

Mr. Magrath presents a new map to the Planning Board for review, one border has been redrawn. He was not able to meet with all parties at the same time until now. There is only one small change and he will provide new maps. Tonight he is presenting a map with the hand drawn change for the boards view. All lots will be conforming. Mr. Magrath asks if he can do the final redrawing and have the chairman sign the redrawn maps later in the week if the subdivision is approved. Attorney Jones states that the board can approve this map as long as the new maps are the same as the one edited tonight. He also reminds the board of the merger clause that needs to take place at the time of the transfer. Mr. Magrath reads the special note that has been added to the map: “All lots on this survey map except “remaining lands of Mary Jane Miner” (largest 1.73 acres) shall be merged with respective adjoining lots to conform with lot size and road frontage zoning law.” There is discussion with some of the parties involved in this project. Sue Reymers (one of the parties involved) asks about the merging process. The Attorney for the process will draw up one deed for the whole property and then it will be filed and move on to the assessor, and she will receive one tax bill. All of the parties are aware of the contingency to merge, and are in agreement.

Chairman asks if there are any other questions regarding the plat plan.

**Resolution 2016-42: Town Of Hamilton Planning Board declared the lead agency on the Miner Subdivision project (job 16-76 hm.24 dated 9-26-2016)**

Motion: Bettyann Miller

Second: Elaine Hughes

Vote: aye-3                      nay-0

ADOPTED

Chairman Griff reads aloud SEQRA parts two and three and Board discusses and answers each question.

**Resolution 2016-43: Accept and direct Chairman to sign parts 2 and 3 of the EAF- SEQRA form for the Miner Subdivision**

Motion: Elaine Hughes

Second: Bettyann Miller

Vote: aye-3    nay- 0

ADOPTED

Application fee needs to be paid. Fee is \$50 plus \$5 for each lot for a total of \$70. Payment is received by the Deputy Clerk.

Due to the fact that the property being divided is on a county road it will need to be referred to Madison County for review (GML 239).

Chairman will sign maps after it comes back from County review.

A public hearing will also need to be held. Town Attorney Jones sites page 14, Section 380.1 and Section 370 of the Town of Hamilton Subdivision Regulations. A public hearing is optional at the Minor Subdivision level. Attorney Jones recommends having the Public Hearing during the next meeting, when the board will have the County Review back as well. It will save one month's time for the applicant.

**Resolution 2016-44: Schedule a Public Hearing for Miner Subdivision, November 1, 2016.**

Motion: Elaine Hughes

Second: Bettyann Miller

Vote: aye-3                      nay-0

ADOPTED

No further action on this application needed at this time.

Sue Reymers thanks the Board for their service.

**Christopher Kendall: Sally Vernon, Randallsville Road, Hamilton, NY; Tax Map # 168.-1-11, Subdivision Review**

Town Attorney Jones states for the record that he and Mr. Kendall used to be law partners and states if anyone has any objections due to a conflict of interest to dismiss him now. Mr. Kendall has submitted a map for the Board's review. This proposed subdivision will divide one tax parcel that is approximately 55 acres into one that is 39 acres on one side and 16 acres on the

other, no development is planned. The 39 acres on the southeast side of Randallville Road is intended to be conveyed to the Southern Madison County Heritage Trust so that it will be forever undeveloped land.

Chairman Griff wishes to see the exact wording on the application.

Mr. Kendall says that the request is that it be treated under agricultural exemption under section 350 with the Boards approval.

There is some discussion about the wording on the application. The phrase “to remain forever wild” may cause problems in the future. It would hinder the ability to put in trails or do any maintenance. Stating that it be undeveloped would prevent a parking lot being put in or a viewing platform being installed. The application is changed to read, “The owner intends to donate all the land lying on the Southeast side of Randallville Road (39.1 acres) to the Southern Madison Heritage Trust.” The change is initialed and dated by Attorney Kendall. Mr. Harvey Kliman (Member of Southern Madison County Heritage Trust) states that there will be a conservation easement placed on the property, with very specific conditions.

**Resolution 2016- 45: Declare the Vernon/Shapiro Subdivision a minor Subdivision**

Motion: Elaine Hughes

Second: Bettyann Miller

Vote: aye- 3            nay-0

ADOPTED

**Resolution 2016-46: Town Of Hamilton Planning Board declared the lead agency on the Vernon/Shapiro subdivision.**

Motion: Bettyann Miller

Second: Elaine Hughes

Vote: aye-3            nay- 0

ADOPTED

Chairman reviews Part one if the SEQRA form that has been submitted by Mr. Kendall.

A change of wording regarding the description of proposed action is addressed. The phrase “remain forever wild” is struck from Part one of the SEQRA form and is initialed by Attorney Kendall. The SEQRA now conforms with the application.

Chairman Griff reads aloud SEQRA parts two and three and Board discusses and answers each question.

**Resolution 2016-47: Accept and direct Chairman to sign parts 2 and 3 of the EAF- SEQRA form for the Vernon/Shapiro Subdivision**

Motion: Bettyann Miller

Second: Elaine Hughes

Vote: aye- 3            nay- 0

ADOPTED

The question is raised whether this subdivision needs to go to Madison County for review. Town Attorney Steve Jones references Subdivision Regulations section 340, the Agricultural Subdivision Waiver, as well as section 420, Waiver of Submission Requirements (as follows):

**Section 340 Agricultural Subdivision Waiver**

If, at the sketch plan conference, the Planning Board determines that the subdivision is for agricultural purposes only, does not involve the creation of a new road or highway, and does not include more than one lot of less than five (5) acres in area, the Planning Board may waive the subdivision review procedures and exempt the subdivision from these regulations.

**Section 420 Waiver of Submission Requirements**

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.

Attorney Jones states that under these circumstances, if the Board wishes to; and based upon this information, that they can make a decision on this tonight.

**Resolution 2016-48: Approve Vernon/Shapiro Subdivision waiving certain submission requirements as allowed by Section 420 of the Town of Hamilton Subdivision Regulations.**

Motion: Bettyann Miller

Second: Elaine Hughes

Vote: aye-3            nay-0

ADOPTED

There is discussion about the mylar maps and procedure. Mr. Kliman expresses his gratitude to the board and to the applicant for donating this property to the Land Trust. There is some casual conversation about the Land Trust and the properties that are included, their topography, and the canal

CEO Forth asks Attorney Jones for clarification about Subdivision Regulation Sections 340 and 420 and how they may relate to section 6.2-3 of the Town Zoning Law (see following):

**6.2-3 Agricultural Data Statement**

Any application for a Special Permit, use variance, or subdivision approval requiring review and approval by the Planning Board or Zoning Board of Appeals that would occur on property within an agricultural district (designated by the County pursuant to the Agriculture and Markets Law) containing a farm operation, or on property with boundaries within five hundred feet of a farm operation located in such agricultural district, shall include an agricultural data statement as defined in Article 12. The Planning Board or Zoning Board of Appeals shall evaluate and consider the agricultural data statement in its review of the possible impacts of the

proposed project upon the functioning of farm operations within the agricultural district.

He is concerned about there being confusion or conflict, He wants to look to the future to make the two documents match up, perhaps adding a sentence stating that the board has the right to waive the Agricultural Data Statement. This is all for future reference.

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

Chairman Griff asked Deputy Clerk Robertson to provide some information for this meeting such as the original application and some follow up research. The original application is from 1999 the only follow up is in 2002. They have come before the Planning Board for other things since, however, not for Special Use Permit review. In the April 8, 2002 minutes it states that they need to come back in April 2005, however, there was no meeting that month. They have not returned since.

**Resolution 2016-49: Bring the discussion of Camp Fiver Permit Review Pending back off the table to be discussed.**

Motion: Elaine Hughes

Second: Bettyann Miller

Vote: aye-3           nay-0

ADOPTED

Chairman Griff asks about how we go about the review process? Should the Board give them a list of questions? There are 14 conditions listed on the original permit, are they adhering to them? Attorney Steve Jones refers to the letter in the file dated January 7, 2002; which seems incomplete, it ends abruptly. There are only 8 conditions. It is discovered that there are actually 10 conditions that the foundation proposed. CEO Forth reads some of the conditions. The Deputy Clerk reads the minutes from April 8, 2002 Planning Board meeting (See addendum #1). The minutes clearly state that Camp Fiver needed to come before the board for review in April 2005. Chairman Griff states that it is important to find exhibit B mentioned in the minutes, he does not think that it is the letter. Attorney Jones states perhaps it is the letter in its entirety.

The Special Use Permit addendum has 14 conditions. The Board refers to the April 8, 2002 conditions for Fiver Foundation's Special Use Permit (see addendum #2). Chairman Griff makes note of the following conditions:

#3- Periodic use throughout the year; it is believed that they are having weddings there, that doesn't fall under "camping". There is also concern expressed about the use of alcohol.

#10- Staff supervision; anyone can be hired as "staff".

They have not met with the obligation to follow up with a review of their permit in April 2005. It has been 11 years since they have appeared before the board for review. There was no April 2005 meeting of the Planning Board.

Town Attorney Steve Jones asks if there have been any complaints. There has been no official complaints filed, just a few passing comments here and there.

Ceo Forth has some concerns about buildings that have built inside the flood plain, he is unsure if anyone looked at the flood plain maps when they came before the board for permits. The DEC has recently visited the Village of Hamilton and he has had to send out letters to multiple properties that will need to do some flood plain mitigation. CEO Forth suggests that between now and when they come before the board again and that he go out to the site and put any buildings that have been added since the original issue of the Special Use Permit. Many things have been added since then. He feels that it would be helpful to the board to be able to see how the camp has changed, and if they have changed uses.

Chairman Griff explains that the board will not be able to meet with Fiver until the spring since most of the staff live down state. It would be helpful to the CEO and the Deputy Clerk to have a few months to gather materials and create a time line for the board before it meets with the Fiver staff. The board suggests tabling this until January, when they can sit down and review this again and draft a letter with specific questions and try then to schedule a meeting with them. The chairman wants to be diligent with addressing the noise and other events that may be being held there.

CEO Forth expresses some frustration about the tracking of Special Use Permits, their time limitations, and conditions of approval.

Deputy Clerk Robertson has started to address the issue by keeping a record of Special Use Permits and their time limits, but is still looking for a more efficient solution.

**Resolution 2016-50: Table review of Camp Fiver Special Use Permit with directions to the CEO and the Deputy Clerk to gather information.**

Motion: Bettyann Miller

Second: Elaine Hughes

Vote: aye – 3            nay – 0

ADOPTED

The next meeting is scheduled for November 1, 2016 at 7pm at the Hamilton Court House.

CEO Forth Asks Town Attorney Jones if he has gotten any feedback from the Zoning Law Attorney (Scott Chatfield). Attorney Jones had heard nothing so he called him at 11:40 am and left a message. He received a fax from him at 4:15 pm but did not get it until 5:30 pm. It says: "Steve, I have reviewed the documents I am ready to discuss the same at your convenience." Unfortunately Attorney Jones was unable to reach him at that time because he had left for the day.

Attorney Jones also contacted the Association of Towns and gave them a brief sketch and got their opinion as well. He will report on both after he can talk with Attorney Chatfield.

The decision to put the Partners on the November agenda will wait until Attorney Jones can talk to the other attorney and fill in Chairman Griff. Chairman Griff feels that these last two pieces of information are the last that they will really be able to acquire. The board will then have to make a decision.

Penny Strong – Collins contacted the Deputy Clerk to be put on this evening's agenda about her variance application. She was unaware that the Planning Board had already forwarded it on to

the Zoning Board of Appeals and that they had made a decision. Deputy Clerk Robertson explained to her that she was sent letters to notify her of the Planning Boards action, a letter about the ZBA public hearing and a Notice of Action about the ZBA's decision. She was informed that the letters were sent in August and that they were sent by both first class mail and registered return receipt. The certified letter that we sent was returned to us unopened. We had also tried contacting her via email, phone, and text as well. She asked what should she do and that she had been taking care of her mother. Deputy Clerk Robertson encouraged her to go through her mail and said that if she had any questions to call. Deputy Clerk Robertson reached out to her again by phone and e mail today to see if she had any questions or still wanted to be put on the agenda. There was no answer and no reply. There is no other business before the board at this time.

**Resolution 2016-51: Adjorn meeting**

Motion: Bettyann Miller

Second: Elaine Hughes

Vote: aye – 3            nay- 0

ADOPTED

Respectfully submitted by  
Elisa E. Robertson  
Deputy Clerk