

Town of Hamilton
Zoning Board of Appeals Meeting
PUBLIC HEARING

Tuesday, June 21, 2017 at 7:00pm
Poolville Community Center
7484 Willey Road
Poolville, NY

Present: Harmon Hoff, Harvey Kliman, Jeff Schindler, Erwin Lamb, Lydia Slater, Town Clerk Sue Reymers, Deputy Clerk Elisa Robertson

Audience: Mr. Myron Wilson, Debra Rockwell, Mr. Hedges

Meeting called to order 7:03

Chairman Hoff asks the Board to review the minutes. There is some discussion about the previous month's minutes.

Resolution 2017-1: Motion to delay the approval of Minutes from Zoning Board of Appeals Meeting dated July 19, 2016.

Motion: Jeff Schindler

Second: Lydia Slater

Vote: Aye – 5 Nay – 0

ADOPTED

Myron D. Wilson, AREA VARIANCE, 380 Earlville Road, Earlville, NY, Tax Map # 214.-1-18

The board reviews the materials that have been provided for them such as the tax map, the GML county recommendation, and applications. Mr. Wilson is asked why he wishes to have a variance on this property.

He bought the property 10-15 years ago, 1999 at a tax sale. He purchased it because there was a 2 car garage there and a 70 foot house trailer. He wanted the garage not the trailer, so he gave the trailer away. Had he just left it there he would have to be here now. He has a large house in Earlville that is too big for one person. His plans are to place a modular home on the property but there are a few things lacking. He has been trying to buy property from neighbor

(Hedges), he would like to be prepared for it takes three months to get a modular house. He would then like to see the house in Earlville. A lot is contingent on his getting a variance. There is a house on the property to the North, it has a well on it. The house was put on there 2 years ago and the well is 73 feet from the property line. There are a couple of out buildings as well. He would like to build right next to the garage. He would like to purchase more property to add another garage if he could. He collects antique cars and rents to store them. He would like to order his home next week. His town water comes through his neighbor's property. There is some discussion about water and its usage. There are three issues facing the board:

1. Frontage – the applicant has 112' and the law calls for 150'
2. Side yard – the applicant has 27' and it is discovered that code calls for 25', so it is no longer an issue.
3. Acreage – the lot is .69 acres and the minimum is supposed to be one acre.

Board member Schindler notices a discrepancy on the tax map. The angles and the lines do not appear to be accurate; because the frontage is at an angle. The front could be much closer to the 150 mark. He works it out mathematically.

The applicant comments that if he buys some additional land that he would have the whole thing surveyed. The Board explores the mathematical possibilities.

Each of the variances required are substantial, however the board does have the Madison County GML review that recommends that the Board approve the variance. A property a half a mile away was given a variance to build not long ago, so it is in keeping with the character of the neighborhood. The history that there was already a residence on this property also has some weight. The land was more than likely subdivided before the 1 acre minimum.

Board member Lamb asks if they have to vote on three separate variances or if they can do all of it on one. It is determined that they can take one vote for all three variances and leave it up to the chairman to list them all on the paperwork.

Board member Schindler asks about what the side yard requirements are in the Town of Hamilton Zoning book. On page 11 in the Town of Hamilton Zoning Law it states that the side yard setback is 25 feet. On one side the applicant has 27 feet and on the other the building (garage) already exists. No side yard variance is needed. The applicant is not changing the character of the neighborhood and it may increase the taxes on the area.

The Board asks if there are any questions from the audience.

Audience member Mr. Hedges asks about where the setbacks are and if Mr. Wilson gets a variance from him that he wants a variance from Mr. Wilson. It is explained that the variance is granted by the Zoning

Board of Appeals NOT from the neighbors. His concern is that if he wishes to put a trailer on the lot next door that there is enough rear set back. The Board acknowledges his concern but since everything he is addressing is theoretical it cannot be addressed at this time by this board. The Board cautions Mr. Hedges to be mindful of the required rear set back of 50 feet if he ever sells property to Mr. Wilson. The other option is that they do nothing, so long as Mr. Wilson keeps his house 25 feet or more from the property line nothing needs to be done.

The board is very close to granting the variance. There is more discussion about setbacks and what is required if Mr. Hedges decides to sell property to Mr. Wilson in the future.

Due to a clerical error the legal notice was overlooked for the official newspaper, therefore this meeting will have to be suspended so that the public hearing can be re-advertized in the Oneida Daily Dispatch the town's official newspaper.

The next meeting is set for Wednesday, July 5, 2017 at 9:15am at the Town Office.

The Board asks the opinion of the neighbor, Debra Rockwell, she feels that it should be approved. She explains where her property is and where the house and septic are on the lot.

The board checks to make sure that there will be a quorum.

Resolution 2017-2: Motion to Suspend Public Hearing on Myron Wilson Variance.

Motion: Harvey Kliman

Second: Jeff Schindler

Vote: Aye – 5 Nay – 0

ADOPTED

Resolution 2017-3: Motion to Adjourn.

Motion: Harvey Kliman

Second: Jeff Schindler

Vote: Aye – 5 Nay – 0

ADOPTED

**Town of Hamilton
Zoning Board of Appeals Meeting
PUBLIC HEARING**

Wednesday, July 5, 2017 at 9:15 am
Town of Hamilton Office
38 Milford Street, Hamilton

Present: Harmon Hoff, Harvey Kliman, Erwin Lamb, Town Clerk Sue Reymers,

Audience: none present

Meeting called to order 9:24 am

Resolution 2017-4: Reconvene the public hearing on Mr. Myron Wilson’s application for an area variance

Motion: Erwin Lamb

Second: Harvey Kliman

Vote: Aye - 3 Nay – 0

ADOPTED

There is no further discussion on this application.

Resolution 2017-5: Close the public hearing on Mr. Myron Wilson’s application for an area variance

Motion: Erwin Lamb

Second: Harvey Kliman

Vote: Aye - 3 Nay – 0

ADOPTED

The Chairman clarifies for the rest of the board and the record, that Mr. Wilson needs two variances. He needs a variance for road frontage and another for lot size. The side yard does not need a variance because it is in compliance.

Resolution 2017-6: Motion to Approve Mr. Myron Wilson’s application for a Road Frontage and lot size variance.

Motion: Erwin Lamb

Second: Harvey Kliman

Roll Call Vote: Harmon Hoff – Yes
 Harvey Kliman- Yes
 Erwin Lamb - Yes

ADOPTED

FINDINGS OF FACT:

1. This property has village water as well as the property to South. The property to the north has a well.
2. The two properties to the North are similar sizes therefore this variance does not change the character of the community.
3. Proposed site plan has a side yard of 27 feet to the south border. No side yard variance is needed.
4. The existing garage is less than 6 feet from the north boundary but nothing has changed since Mr. Wilson originally bought the property.
5. Madison County Planning Department recommended it be approved, "it would be a pity to not grant this variance".

The board goes on to discuss the last meeting of the ZBA and the minutes. There are some typographical errors that need to be corrected; they are noted on the draft. The Deputy Clerk will make these corrections to the final copy of the minutes before they shall be published.

Clerk Reymers asks the board to review the wording on the variance for the Poolville Country Store. The applicants did withdraw their application for that project; however they are before the Planning Board now for a Special Use permit to get them up to speed because they did not have one for the restaurant. The current application includes seasonal accommodations as well as tent parties. At the June 19, 2017 Planning Board meeting it was determined that parking was still an issue. The ZBA needs to clarify if that variance was for that specific project so if they need to get another variance for parking for the tent parties.

The board had to review the resolutions to review the order because there was some confusion because the in the previous meeting (July 19, 2016) the Board adjourned and had to reopen the meeting because they never closed the public hearing.

The question that Clerk Reymers asks is if the variance for Parking that was granted can be applied to the Poolville Country Stores current application. The Board feels that is tied directly to that specific application. The ZBA feels that they need to come in for another area variance for parking. Chairman Hoff states that the Planning Board may ask them to hold another hearing to grant them a variance for the parking or they could say, "well, they granted it before, it is not needed' But they will probably ask us to hold a hearing." It is going to be up to the Planning Board. Clerk Reymers suggests running this by the Town's Zoning Attorney, Scott Chatfield.

Resolution 2017-7: Motion to affirm that Resolution 2016-9 is clear on its face that the variance that was granted applies only to the Poolville Country Store's wedding venue application that started this process.

Motion: Harvey Kliman

Second: Erwin Lamb

Vote: Aye -3 Nay – 0
ADOPTED

Resolution 2017-8: Motion to approve the ZBA minutes from July 19, 2016.

Motion: Harvey Kliman

Second: Erwin Lamb

Vote: Aye -3 Nay – 0

ADOPTED

Resolution 2017-9: Motion to adjourn meeting

Motion: Erwin Lamb

Second: Harvey Kliman

Vote: Aye -3 Nay – 0

ADOPTED