

Town Of Hamilton Planning Board Meeting
Tuesday, August 2, 2016 at 7:00 pm
Held at Town Office, 16 Broad Street, Hamilton, NY

Board Members Present: Darrell Griff- Chairperson, Bill Nolan, Bettyann Miller (arrived 7:20), Elaine Hughes, Mary Galvez. Also in Attendance: Town Clerk- Sue Reymers, Deputy Clerk- Elisa Robertson, Codes Enforcement Officer Don Forth, Town Attorney Steve Jones

Others Present: Brian Chapin, Roger Foster, Charles Wilburn

Chairman Darrell Griff calls the meeting to order at 7:05 pm.

Chairman Griff asks if anyone has corrections or additions to the minutes from July 12, 2016. Town Attorney Steve Jones mentions some typographical errors. He mentions only one of importance on the Zahn application. Page two near the middle, correction of 122/40 to 120/240. Deputy Clerk Robertson has corrected the typos before the meeting.

RESOLUTION 2016-32: To approve minutes from Planning Board Meeting n July 12, 2016.

Motion: Bill Nolan

Second: Mary Galvez

Bettyann Miller absent

Vote: Aye – 4 Nay – 0

ADOPTED

Chairman Griff notes that Mr. Chapin is here with new business, and asks him if he would like to go first.

Mr. Chapin would like to present the Board with a plot plan for a possible subdivision application that may come before the Planning Board in the future. It is for Mr. Furner on Chappel Road, he would like to divide a lot out for his daughter. It is a five acre lot. He has been consulting with Codes Enforcement Officer Don Forth. There is a residence and a mobile home on this lot. There is discussion about the plot lines on the map, and road frontage. There will be plenty of acreage and plenty of road frontage (150 feet). The Board asks if the plot has been subdivided before now? The tax map number is 170-1-10 and -7. Town Clerk Sue Reymers does a parcel search on the property. Both properties are owned by Tom and Jane Furner. They are taking property from two different lots to make one lot for their daughter. It would count as a first subdivision from lot 7 and lot 10. The Law about a two lot subdivision has been recently changed so he will need to make an application. Town Attorney Steve Jones suggests that the board look at the procedures for a two lot subdivision. It does have the power to waive some of the requirements. Please see Town of Hamilton Subdivision Regulations - Article 4 Minor Subdivision, Section 410.1 - 410.10 (page 16-17). Town Attorney Jones reads Section 420 – Waiver of Submission Requirements as follows:

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.

Mr. Chapin gets the proper forms to fill out. There is discussion of the natural habitat surrounding the property.

Town Attorney Steve Jones asks about any adverse natural feature that the Board may need to be concerned about? The answer is no. Section 370 addresses the preliminary plat, and once Mr. Chapin addresses all of that, there will need to be a public hearing (section 370.2). The Board does not feel that there needs to be a county review. He needs to make a completed application and at the next Planning Board meeting they can schedule a public hearing. The board cannot waive any of the requirements until the application actually comes before the Board officially.

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

Camp Fiver is over due to come back to the Planning Board for review. Board looks at application, and the conditions for approval from 2002. They are in violation of a few, specifically:

#3 – Any use that takes place outside of the summer months will be camp related.
They are having weddings and other private functions.

#10 – Any sanctioned activities will be supervised by Fiver Foundation Staff

CEO Forth makes the suggestion to table this until next month so that research can be done, go through the notes and such so that there is complete and accurate information. There is a lot of paperwork that needs to be gone through to make sure the information is accurate and up to date. Fiver has not been contacted about this. CEO Forth was at the site that day. There is some concern that some structures have been built in the flood plain. There are building permits for the individual buildings but CEO Forth believes that some are in the flood plain. The buildings can stay there but there may need to be some modification to mitigate for flooding. CEO Forth has recently had training in this area and would like time to investigate this further.

There needs to be better control on conditions made on Special Use Permits, so that the Town Office is aware and in control of when the conditions have expired. We should be inviting them to return, not waiting for them.

Codes and Clerk request more time to investigate this Permit. Town Clerk wants to create a time line of projects and have a complete picture. Chairman Griff asks if the Board wishes to contact Fiver before or after they review the information. Board member Galvez states that they will not be here. The last two weeks of camp starts on Sunday (August 7th). They will not be here for the next meeting.

Discussion ensues about the timing of the review. The Board decides to wait until all information is gathered before notifying Fiver of their need to return to the board for review. The Board would probably not see them until the spring anyway. We will notify them that we will need to see them in the spring after we have the information needed.

Resolution 2016- 33: Codes Enforcement Officer and the Town Clerk come back with an update on information for our next meeting concerning the Camp Fiver Special Use Permit for our review at the September meeting.

Motion: Mary Galvez

Second: Bill Nolan

Vote: Aye - 5 Nay – 0

ADOPTED

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

The board will get updates on the traffic Study, the sound study, ADA compliance, SPEDES and square footage.

ADA compliance: CEO Forth spoke directly with the ADA, he described the venue they are building as proposed, including the two suites on the upper floor. He was advised by the ADA standards of 2010 that it must have handicapped accessibility.

Applicant Roger Foster: Even if we have other rooms that are access for the handicapped?

CEO Forth: It doesn't matter, it is a new building. The ADA says that there needs to accessibility in that building. He did mention that there was another facility that is on site that is handicap accessible.

Chairman Griff: That is through the Americans with Disabilities act, so that is law. That was one of the questions that came up during the public hearing. If the guest house is being used for handicap accessible rooms, that would have to be included in the square footage of the project. If that had been the case, the project would have been over the 5,000 square feet and the project would not have been allowed. The blue prints will have to be changed.

Applicant Charles Wilburn: We were charged \$5,700 for those blue prints, can't we just draw it out with a pencil? We can put a ramp on the back.

Chairman Griff: That would get into codes, a handicap accessible ramp on a commercial venue, it would require an engineered drawing, wouldn't it?

CEO Forth: Correct, there are standards in the 2010 ADA for building such ramps.

They may have to change out a urinal for a toilet. The rest of the bathrooms seem fine.

There was some concern over the number of handicapped parking spaces, it is a non-issue because the minimum number needed is based on total number of parking spaces not total number of people.

Traffic Study: Town Clerk Reymers has been the lead for the traffic study. She has been in contact with both the County Highway Superintendent and the Assistant Highway Superintendent. They will put together a summary recommendation because there are a lot of numbers, but they do not really mean much without the analysis. Clerk Reymers provided the raw data as well as a map showing where the markers were. The heaviest traffic is on Willey Road going towards Gorton Road. This was already known. They did some speed on Willey Road. South bound traffic was faster than North bound traffic. She asked the Sheriff's department for a speed monitor to be placed on Willey Road due to citizens who have voiced concerns (unrelated to the project). She also inquired about a four way stop at the four corners. They will answer that question once they have analyzed the data.

Chairman Griff: How can you tell which way traffic was going faster?

Clerk Reymers: I don't know. I can't explain it. Their analysis will give more insight. There is a lot of raw data over a number of years.

The board reviews the information, noting that the first week includes the 4th of July holiday, which would show higher numbers. That is why they did a two week study.

There is some discussion among the board casually comparing the Fourth of July numbers to an event at the proposed facility.

As soon as the County analysis comes in it will be forwarded to the Board. This establishes the baseline.

Town Clerk Reymers also has some information regarding sidewalks in the Hamlet of Poolville. The County made a resolution in 2008 that clarifies some things about sidewalks, conduits, sewers, etc. shall be maintained by the village in which they are located. They are saying that the sidewalks in the hamlet are not the property of the county.

Town Attorney Steve Jones asks Clerk Reymers to read the resolution. (See Addendum, Resolution 589-08)

Copies are made for the Board.

Clerk Reymers states that there are 9 details on this resolution and she sites number 5, discussion ensues about the placement of the sidewalks and the county right of way.

Sound Study: Deputy Clerk Robertson has been the lead on this study. She contacted the county immediately following the last Planning Board Meeting. The County has been very busy opening parks and community pools so their response has been delayed. The County sent a schedule and a map as a plan for sound measurement. The map showed 100,200,300 foot increments from the proposed venues plot and the parking area where they would want to place sound measuring equipment. The equipment would be placed both inside and outside of each "target" or "alternate" residence. The meters run for 24 hours, measuring sound levels, every 10 seconds over a period of 24 hours. They will then take all of that raw data and put it into a logarithm to come up with a baseline decibel level for sound in the Hamlet.

Aaron Lazarra of the County Health Department is in charge of this and is hoping to start he measuring beginning the week of August 22, 2016. He gave the Deputy Clerk the names and addresses of all the targets as well as the alternates and asked if she would be the contact

person. Deputy Clerk Robertson was tasked with calling all of the homeowners to see if they were agreeable to have meters put in and around their homes. Thus far, everyone has agreed. It is estimated that the monitoring may take from a week to ten days to accomplish.

Status of PCS Wedding Venue Project: Both Mr. Roger Foster and Mr. Charles Wilburn contacted the town office asking about the status of their project since Penny Strong-Collins variance is denied. Deputy Clerk stated that she was not sure that it may be in legal limbo. She called the Head of the Madison County Planning Department, Scott Ingmire, to see how to proceed from here. He will do some research to see if there has been any precedent set and get back to the Town with any guidance that he may have to offer. He is currently on vacation.

Chairman Griff: Has there has been any response from Ms. Strong-Collins?

CEO Forth: Did we send her any correspondence?

Town Attorney Steve Jones needs to give final approval for the correspondence.

SPEDES: This Board has already passed a motion at one time to not require a SPEDES- SWPPP (Storm Water runoff Pollution Prevention Plan). A number of individuals voiced concerns regarding water at both public hearing hearings (Planning Board and Zoning Board of Appeals). The County also mentioned requiring a SPEDES since the parking area and the venue are now considered one project. Concern has been expressed in both verbal and written form. Chairman Griff thinks that he board should reconsider the SPEDES permit.

There is discussion from the board.

Since the variance has been granted on the parking area that acreage is added to the square footage of the overall project. That is a change from when the board made their first determination. Attorney Steve Jones was consulted and has advised that with the questions raised at the public hearing and in the letters from the community. This board had the right, even the duty to look at this again and make another determination or at least review this.

Town Attorney Steve Jones: As we have said before, at one point there is no choice, you have to order a SPEDES if it is more than a certain amount of land disturbed. Under that amount you can exercise discretion, you have done that. But now with the land disturbance of the parking lot that is going to push it over the limit and require you to have a SPEDES.

Chairman Griff: That is over an acre correct?

Town Attorney Jones asks CEO Forth about the section of the Zoning Law.

Clerk Reymers finds it and refers the Board to the correct page and section.

Town Attorney Steve Jones reads the following :

Town of Hamilton Zoning Law, Page 62, section 9.3-3 Application for Site Plan Approval, Site Plan Checklist:

X. A Stormwater Pollution Prevention Plan (SWPPP) for all land development activities (excluding agricultural activities) on the site that results in land disturbance of 1-acre or more. An SWPPP shall comply with the requirements of the DEC SPDES MS-4 General Permit. It shall be at the discretion of the Planning Board as to whether an SWPPP or an erosion and control plan shall be required for land disturbance of less than 1-acre.

If the determination is that the project is over an acre then the Board must require a SPEDES.

Buried lighting will be added, so therefore the ground will be disturbed at the parking location. Chairman Griff asks if they applicants have a drawings or a lay out for the parking.

Mr. Wilburn: They are waiting to see if they are going to be able to use the property that they purchased from Ms. Penny Strong-Collins. They are frustrated by this process.

Attorney Jones refers to the Madison County Planning Department report, GML dated May 5, 2016, page 3, paragraph 4: (See Addendum #2)

Mr. Roger Foster comments that the whole parking area will not be disturbed just a row for the lights. It is already graveled, it's already a parking lot.

The Board does not need to make a decision on this tonight, but it is something that will need to be addressed.

Considering that there is no plan for the parking lot at this time, and the Board does not have all the information it needs (ie: square footage, whether it needs to be graded, etc.) they cannot make a determination at this time. The original project was very close to an acre before adding the parking so it would not take much to push it over an acre.

CEO Forth draws the boards attention to Town of Hamilton Zoning Law, page 15, Section 5.1-2 Parking Location, Layout, and Landscaping, part E:

E. Parking areas of five or more spaces shall be suitably landscaped and provision made for erosion and storm-water runoff control.

CEO Forth: It is a requirement in the guidelines, if there are five or more spaces.

Bettyann Miller: It depends on what the engineers say, it may already be compliant. It would be up to an engineer to find out.

Chairman Griff: They don't want to move any further on this until we know about the other property. We have been hand tied from the very beginning by this.

The Board has moved forward with this just to keep things moving along. This Board will have to make a determination on this soon. The Deputy Clerk as well as the Town Attorney have been seeking advice from other experts to help this Board make decisions. The suggestion has been made that the applicant's attorney contact the Town's attorney, to see what might be done to solve this problem. Mr. Ingmire (Madison County) wanted to see if a precedent had already been set.

This Board cannot give the go ahead at this point and then end up in a legal quagmire, in absence of a legal determination. The Board hopes to make some determination for the next meeting, possibly with more information from the County and other experts. Ultimately, it will be up to the Planning Board on how to proceed. The Board will be presented on the pros and cons and will have to make a decision.

Chairman Griff states that the Board should be looking to make a decision about this project at the September meeting. Pending whatever information they can come up with by then. This board has done all that it has been able to up until this point. They will rely on the information from the County and legal council to help.

Mr. Wilburn asks if the drawings for the parking lot can be done by hand.

Chairman Griff asks the CEO if that is acceptable. He states that it is the Boards pleasure since there will be no building on the property. Chairman asks if a SPEDES will change the ability to use a hand drawn plot plan. CEO Forth cannot say, "if the SPEDES comes back that they need a bunch of drainage put in there, it would need to be engineered." They should at least have a consult with an engineer. It is unsure whether or not the surface that is there is suitable for a parking lot, he has not walked the site. It is up to the Planning board about landscaping, striping, lighting, et cetera. That is what they should have on a site plan. Since it is on a county road, the County will want to have a say on entrance and exits. It will have to go to the County for review because it is within 500 feet of a county road. The County will probably require more information. Perhaps we can get some answers from the County on what they will require to get it in the works so that they do not have to wait yet another month.

Chairman Griff: The next meeting will be September 6, 2016, seven o'clock at the Town Office. The Board will make a decision pending whatever information we get on the subdivision and make a determination on the SPEDES as well. Do we need to send something to the County?

Town Attorney Jones suggests that the board put in a formal request to Mr. Ingmire at the County Planning Department.

Attorney Jones: We should direct to them the question of, "Does the denial of the variance on the Penny Strong-Collins preclude the guys from proceeding with their project?" Make the county put it in writing. Also include the question about the SPEDES permit in terms of the parking lot being combined with the wedding venue, and how they see that issue. We have gotten a determination but at the time the County did not know the size and detailed information about the parking area, and the County requirements for the parking area, entrance and exits, etc.

The Deputy Clerk will draft the letter to the County as soon as possible and send it to the Town Attorney for approval and it will be delivered to Wampsville as soon as possible.

CEO Forth asks about the total square footage of the project since adding the parking lot. There is no building on it that is going to be used so it cannot be added to the square footage of the wedding venue building; therefore it is still under the 5000 foot maximum allowed for the project.

The only building on the new project is the one to be constructed. The B and B and the Restaurant are on different lots and not joined with this project. The three parcels they are hoping to incorporate are the Donovan, Strong-Collins, and the Sangelos. At one time using the Bed and Breakfast as the handicapped accessible room was considered, but that is not possible according to the ADA.

The parking lot is being leased but is still considered part of the project. The applicants say that it is already a parking lot and that the ZBA declared it. The applicants have stated that the building on the (formerly) Sangelo property will be demolished. If it were to continue standing to be renovated in the future, the square footage of that building would have to be included in the project.

There has been another letter given to the board about the Public Hearing from Mr. Darryl Simcoe, it is addressed to the Zoning Board of Appeals but he verbally requested that the Planning Board also receive a copy.

Chairman Griff asks if there is any new business to come before the board.

Town Clerk wishes to discuss meeting dates. The September 6th meeting will be held at the Town Office, however any meetings after October 1st may be in a new location because the office is moving. There may be a need to use alternate meeting spaces. The office has to move before our new building is finished. We need to move into a temporary location for a year.

Chairman Griff asks if there is a motion to adjourn?

Mr. Wilburn: Wait, what do we have to do with this parking lot? The Zoning Board of Appeals has already determined that it is an existing parking lot, that's why they gave us the variance. What do we do now?

Attorney Jones says to get the board a sketch and asks if it needs to be an engineered plan?

CEO Forth: That it is up to the Board.

Mr. Wilburn: It is an existing parking lot. Why would it require a SPEDES?

CEO Forth: Because in the Zoning Law, they have the right to ask you to do certain things, to determine if the surface is right. They can request lighting...

Mr. Wilburn: But it is an existing parking lot...

Chairman Griff: It does not matter. The Zoning Board of Appeals granted you a variance they did not make any determination on the rest of it. That comes back on the Planning Board.

Attorney Steve Jones: Get us a sketch.

CEO Forth: I don't need an engineered...I need something fairly to scale. He then mentions things that the Planning Board may want to see on the plan.

Chairman Griff: One of the things that we are going to want to look at is square footage; the square footage of the area that is actually going to be used. That would include the driveways in and out.

CEO Forth: The County may need to give us input on what they want for access in and out of the parking lot, it is on a county road.

Chairman Griff wants those questions included in the letter to the County that will be sent out in the morning.

Resolution: 2016-34: Motion to adjourn the meeting.

Motion: Elaine Hughes

Second: Bettyann Miller

Vote: Aye – 5 Nay – 0

ADOPTED

Respectfully submitted by
Elisa E. Robertson
Deputy Clerk

