

**Village of Hamilton
Planning Board
7:00pm
Regular Meeting of June 28, 2012**

APPROVED MINUTES

Present: Chairman Bob McVaugh; Members: Jerry Fuller, Morgan Larson, and Ben Barrett; CEO Paul McGinnis; Trustee Dominick Pangallo; Mayor Margaret Miller.

Public Present: Sue Barrett; JC & Lorraine Kaimal; Bill & Carolyn Todd; Wanda Berry; Jen Servidio; Roger Bauman; Shannon Mantaro; Melissa Davies; Carrie Blackmore.

Chairman McVaugh called the meeting to order at 7:04 p.m.

Approval of Agenda: Additions to tonight's agenda are: Good Nature Brewery. Agenda was approved as amended.

Approval of Minutes: Regular Meeting of May 24, 2012 - A motion was made by Member Barrett to approve the minutes of May 24, 2012, as presented. The **motion** was seconded by Member Larson and unanimously carried.

A **motion** was made by Member Larson thanking Ben Barrett for his six years of service to the Planning Board. The **motion** was seconded by Member Fuller and carried unanimously.

Jen Servidio has accepted the request by the Mayor to fill Ben's vacant seat.

Unfinished Business

9 Eaton Street, Special Permit for Parking Lot: CEO McGinnis reported he has not received any word from the owner. CEO McGinnis has received an additional complaint regarding the placement of a storage shed; he referenced Code 174.45. The owner will be sent a court appearance ticket.

New Business

Discussion of 18 Utica Street tentative uses: Chairman McVaugh stated that tonight's discussion will center around considering the zoning law, not considering a particular project. The question is whether the Village should revise its current zoning to allow a museum in the B1 Zone. Line 45 of the use chart currently allows museums with special conditions and a site plan review in the Business Transitional Zones(BT),[as well as B2(*added at the July 26, 2012 meeting*)]. Items distributed to those in attendance were: blow up of the zoning of the central Village, a copy of the Village Master Plan 2009(without the action points), the zoning for the Village below the Airpark, and the American Association of Museums list characteristics that characterize museums. The consideration is that the B1, central business districts, be open to museums. Museums are currently allowed in the Institutional zone, the BT with special conditions and site plan review, and the B5. Chairman McVaugh stated he has looked through a number of

laws; it is not unusual in NYS for museums to be uses permitted in downtown areas. Also, with most laws associated with museums, you move into the area of nonprofit and tax exemption. Carolyn Todd stated her concern with the tax exemption issue and placing an additional tax burden on the tax paying residents of the Village. She had two requests. The first is to establish a definition for museum and the second is to research what other cities have done and how they handle the tax issue. Member Larson stated a use does not automatically make you tax exempt. Sue Barrett asked about parking. Chairman McVaugh stated that this use does not have parking requirements. In the investigation done by Chairman McVaugh, he found a range of requirements from 1 space per 100 sq. ft, 3 space per 300 sq. ft, and 1 space per 1,000 sq. ft of public space. Bus parking is a concern. The Master Plan suggests retail in the center of town. Wanda Berry stated that the Village has changed and believes this project will be a benefit to the Village to have that space occupied. Member Larson stated that the Planning Board has not seen any proposal regarding this project from Colgate so they cannot answer any questions on what the plans are for the museum. The only thing the Planning Board has been asked to do is to decide whether allowing a museum in the B1 is a good idea. The PB cannot speculate on what the Colgate project will mean to the downtown. Melissa Davies stated that maybe twice a month busses would be at the museum. Chairman McVaugh stated that the major proposal for residential growth are associated with a development on the northend of Madison Street, and a senior development on West Hill, making a museum attractive to that clientele. The current zoning code does not define gallery or museum. Member Larson stated that line use 45 would need to be broken down into several categories. The Board decided that a hasty decision was not going to happen. A list of the issues that came up and need further discussion were:

1. Taxes
2. Parking-a. employees
b. guests
3. Requires changing the law
4. It is currently permitted in BT,[B2], and B5, is what we currently have adequate?
5. Sidewalks remain commercial and retail vital
6. Impact to business and residents
7. Lighting
8. Limitations to definition for museum and gallery
9. Economics and demography(most recent PCD 2007)
10. Streetscape project-5 Way Intersection report

40 Broad Street-Review of Special Permit terms: Chairman McVaugh received drawings by Wissenbach Surveyors, dated 8-4-2009, from Colgate. It does not include occupancy. **No action was taken.**

Good Nature Brewery: The owners have expanded and made an upgrade of a new refrigerator system that sits outside on the northside of the building. There needs to be a modification to the special permit. There is not a space violation. There has been one complaint from a resident regarding a window air conditioner. Ms. Blackmore stated that she contacted the Cazenovia Police, who have a decibel reader, and 40 decibels is considered ambient noise. Carolyn Todd stated her concern over what appeared to be a

lack of communication between the Village and Good Nature Brewery. Ms. Blackmore stated that, for the record, she did her due diligence.

The next meeting will be **July 11, 2012**, at 7:00pm, at the Village Courthouse.

There being no further business to come before the Planning Board, Member Larson made a **motion** to adjourn. The **motion** was seconded by Member Fuller and unanimously carried. The meeting was adjourned at 9:40 p.m.

Respectfully submitted,
Kim Taranto