

**Village of Hamilton
Planning Board
7:00pm
Regular Meeting of May 24, 2012**

APPROVED MINUTES

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

Public Present: Sandra MacKinnon

Chairman McVaugh called the meeting to order at 7:05 p.m.

Approval of Agenda: A **motion** was made by Member Fuller to approve the agenda as presented. The **motion** was seconded by Member Barrett and unanimously carried.

Approval of Minutes: Regular Meeting of April 26, 2012 - the following changes were requested:

1. Under Unfinished business-change the beginning of the first sentence to read “A **motion** was made by Chairman McVaugh to approve as presented at this meeting with the revision in the shape of the fence to the wall toward the street should parallel the planter and the rear wall should be perpendicular to the building” . . .
2. Page 2-9Eaton Street, 3rd sentence add after Foster “had previously prior to tonight’s meeting”
3. Page 2-2nd paragraph add after concrete skirt with “a substantial curb to make it continuous with the rest of the street”
4. Change “if” to “of” in **Review of Rental Housing**

A **motion** was made by Member Larson to approve the minutes of April 26, 2012, as amended. The **motion** was seconded by Member Barrett and unanimously carried.

Unfinished Business

9 Eaton Street, Special Permit for Parking Lot: The Board discussed the failure of the owner or his agent to follow the procedures agreed to at the April 26, 2012, meeting. Mark Crane never produced a letter from the owner stating that Mr. Crane was his agent, a contract between the owner and Wayne Foster for access to the lot, drainage, no SEQR is done, and no curb was installed as insisted by the Planning Board. Chairman McVaugh stated he wanted a motion for a cease work order and any use of that property for parking without approval be deemed a violation of zoning law. CEO McGinnis will first contact the owner stating their contractor is not in compliance. A **motion** was made by Chairman McVaugh that it is the position of the Planning Board that any use, prior to approval, of that property as a parking lot is an immediate violation of the zoning law and should be treated as such, and a cease work order be introduced to the owner and contractor immediately. The **motion** was seconded by Member Larson and unanimously carried. The Board is not willing to meet until we have formal documentation in hand that Mark Crane is the agent.

10 Eaton Street Fence: CEO McGinnis distributed plans dated 5-14-12. The fence is parallel to the planter and perpendicular to the wall. A **motion** was made by Member Barrett to approve the modified site plan dated 5-14-12 as presented. The **motion** was seconded by Member Eberhardt and unanimously carried.

Site Plan Review of Permitted Uses: The proposed new local law 5-2012 was distributed to the members. The next step would be to forward the information to the Trustees, who will need to do a short form SEQR. Code 174.53 was reviewed by the Board. Member Eberhardt stated his concerns of possibly being too restrictive. A **motion** was made by Member Larson to forward to the Board to initiate the process for changing the law. The **motion** was seconded by Member Eberhardt and unanimously carried.

New Business

MacKinnon Subdivision, 16 Montgomery Street, Hamilton, NY, 168.28-1-17:

The Board reviewed the subdivision application. A letter of intent from Kerry Linden and Daryl Wilson, a letter from Sandy MacKinnon, an aerial map, and a survey dated 12-7-87, by Rhinevault Surveyors. Chairman McVaugh questioned the size of the lots. Both lots are substandard. Ms. MacKinnon's lot is currently 6,524 sq.ft. The lot size of 14 Montgomery St is currently 3,920 sq.ft. Ms. MacKinnon is renovating her house. It will continue to be a one family home. The survey presented did not show the correct placement of the driveway. Under the subdivision law, provision 143.46 & 143.43 allows the Board some flexibility in its determination of approving the application. The parcel sizes would be 5,200 and 4,870 sq ft. To approve this will not create substandard lots. A **motion** was made by Member Larson that the MacKinnon/Linden subdivision is a type II SEQR. Therefore, it is not a negative declaration. No further action is needed. The **motion** was seconded by Member Eberhardt and unanimously carried. A **motion** was made by Member Barrett to approve as submitted with the stipulation that the new lots in their entirety with new lot lines be shown on a new survey and authorize the Chairman to sign so it can be filed with the state. The **motion** was seconded by Member Larson and unanimously carried.

Old Ames Building: Member Barrett stated his concerns over the appearance of the property. Member Eberhardt stated that there may be a mold issue inside the building. Chapter 44.1 and 44.11 were reviewed. CEO McGinnis has been trying to contact the owner without success. A **motion** was made by Chairman McVaugh to recommend to the Board of Trustees and the Code Enforcement Officer be aggressive in addressing the continuing concerns regarding that property. We can alert there are potentials in section 44 of the Code. The **motion** was seconded by Member Barrett and unanimously carried.

Chairman McVaugh stated that the Planning Board might want to be at the next Board meeting when the sound ordinance is discussed.

The next meeting will be **June 28, 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 8:35 p.m.

Respectfully submitted,
Kim Taranto