

August 5, 1975

The regular meeting of the Village Board of Trustees was held on Tuesday evening, August 5, 1975 at 7:30 P.M. in the Village Office. Present were Mayor R. B. Palmiter, Trustees M. S. Randall, J. K. Thurner, R. F. Morton, and R. V. Patrick, Jr., Engineer J. Rathbone and Village Attorney LeRoy Hodge and Clerk S. A. Burgess.

Public Hearing

The Public Hearing on a proposed Local Law #2 to amend the Zoning Ordinance to provide for the creation of "Planned Districts" and amend the Zoning District Map currently designating certain areas as Planned Districts, was held at 7:30 P.M. in the Village Office.

It was moved by J. K. Thurner, seconded by R. F. Morton and passed that the Public Hearing be adjourned to the School building on W. Kendrick Ave. because of the large number of residents appearing at the hearing.

Mayor Palmiter opened the hearing expressing the Boards' wishes to have an informative meeting concerning the proposal for amending the Village Ordinance to allow "Planned Districts".

The Clerk read the proposed Local Law No. 2 of the year 1975 as it appeared in the Mid York Weekly as a legal notice of public hearing.

Mayor Palmiter called upon Mr. Robert Paul, Oneida Savings Bank Director, who described this banks efforts to locate a branch in Hamilton. He explained that several properties in Hamilton have been explored as possible bank locations and the continuity of events leading to the purchase offer for the Broad Street School property as a location.

Dr. L. D. Nelson, Planning Board Chairman, related the proceedings of several Planning Board meetings concerning the school location as a possible site for a bank and that the Board had noted that there was no opposition to this proposal. Amendment of the Village Ordinance to permit a "Planned District" was chosen as the vehicle to permit use of the property for banking purposes since it would not destroy the integrity of the present Zoning laws.

Mr. Gerald Douglas, supervising Principal, explained the tax savings which would be enjoyed by closing the Broad Street school and selling the property for \$100,000. He also explained that this has been the minimum selling price set on the property by the Board of Education.

Many questions were asked by residents who attended the hearing:

Is this public hearing to establish a Planned District? Village Attorney Hodge replies "Yes". Also, that the sole purpose of the hearing is to amend the current zoning laws.

What is meant by a Planned District: Dr. Nelson read the proposed section relating to Planned Districts.

Is the purpose of this zoning change to bail out the school? Mr. Hodge replied that all zoning laws are changed as social conditions change. Mr. Randall interjected that the residents have already voted to sell the Board Street School property.

Mr. Roger Snyder, County Planner, explained that the reason for a planned district is to include the concept of planned development. He added that planned districts have been supported in the courts for twenty years as a "floating" zone and there is a safeguard in planned districts because of the two-step approval procedure through the Planning Board and the Village Board, with a mandatory public hearing prior to consideration by the Board of Trustees.

What would happen if conditions changed in a Planned District? Preliminary site approval is given for a specific purpose. If the property is sold for a different use, the entire two-step procedure must be repeated and again go through the Planning Board and another public hearing, etc.

Several residents spoke in favor of the proposed Planned District and the school property being used for construction of a bank.

Also, a petition signed by several residents opposed to the construction of a bank on the Board Street School property was presented to the Board by Mr. Randy Alexander.

At the conclusion of the hearing, the Village Board reconvened at the Village Office.

After considerable discussion, the following resolution was presented by M. S. Randall, and duly seconded by J. K. Thurner:

That pursuant to the recommendations of the Village Planning Board and the Madison County Planning Board heretofore submitted to the Village Board of the Village of Hamilton, a procedure is hereby enacted for the amendment of the Zoning Ordinance of the Village of Hamilton to be known and designated as Planned Districts.

Section 308 - PLANNED DISTRICTS

308-1 Purpose

To provide a means of developing land areas for residential or business uses, or a satisfactory combination of these uses, in an economic and compatible manner, utilizing innovative planning and architectural concepts but without departing from the spirit and intent of this ordinance.

308-2 Classification & Minimum Size

- A. The classification Planned District is intended to hold an area of land for future development in one of the following categories:
- PR Planned Residential
 - PM Planned Mobil Home
 - PB Planned Business
 - PG Planned General (a combination of the above)
- B. The minimum Planned District zone shall be four acres, unless the Village Board upon the recommendation of the Village Planning Board determines that the objectives of planned development can be met on a specific smaller parcel.

308-3 Procedure

- A. Approval of a Planned District project shall require two steps:
1. Amendment of the Zoning District Map to establish a Planned District.
 2. Approval of a project in a Planned District.
- B. Amendment of Zoning Map for a Planned District.
1. Application for amendment of the Zoning Map for a Planned District shall be made to the Village Clerk who shall refer the matter to the Village Planning Board within three (3) days.
 2. The applicant shall submit a preliminary development plan, at an appropriate scale, illustrating the type, uses, and design of the proposed development, including any or all of the following as required by the Planning Board:
 - a. Designation of the category of planned district.
 - b. Boundaries of the proposed district.
 - c. Topography, soil conditions, drainage.
 - d. Land uses and building locations.
 - e. Roads, parking areas, walks.
 - f. Common open spaces.
 - g. Landscaping, fencing, screening.
 - h. Construction sequence.
 - i. Feasibility studies of utility, traffic and other problems possibly arising from the proposed project.
 3. The Planning Board, in consultation with the Village Engineer and Enforcement Officer, shall review the application and evaluate the proposal with consideration of the following:
 - a. Consistency with the stated purposes of a Planned District;

- b. Extent of departure from the requirements and standards of the ordinance otherwise applicable to the property, and the advantages and amenities resulting from such departure.
 - c. Relation to the existing character of the vicinity.
 - d. Location, bulk and height of buildings and uses in relation to one another and to other structures and uses in the vicinity.
 - e. Vehicular and pedestrian traffic circulation, its relation to existing traffic facilities and patterns, and the probable amount of traffic generated.
 - f. Adequacy of existing and proposed utilities, fire protection, other services.
 - g. Protection of the environment.
 - h. Purpose, location and amount of common open spaces.
 - i. Architectural and landscaping design.
 - j. Sufficiency of terms and conditions for protection of the integrity, conservation and maintenance of the plans.
4. The Planning Board shall recommend to the Village Board within 30 days of the official submission date, approval, approval with modifications, or disapproval of the preliminary development plan, giving reasons therefore. Failure to do so in the specified time period shall constitute approval.
 5. Upon the submission of its recommendation to the Village Board, the Village Planning Board shall, at the same time, refer the matter to the Madison County Planning Board which shall have 30 days to make its recommendations.
 6. Before any amendment of the Zoning Map to define the boundaries of the Planned District, the Village Board shall hold a public hearing after public notice as required. The Village Board shall advertise for the required public hearing within 30 days of receipt of the referral from the Village Planning Board. Such amendment shall not constitute authorization for development in the district.

C. Project Approval in a Planned District

1. The applicant shall submit to the Planning Board final development plans, specifications and necessary supporting documents as required to detail the approved preliminary development plan, including the data listed in Section 308-3, B.2. and the following:
 - a. Property survey, showing existing contours, building, structures, trees over 4" caliper, streets, easements, rights-of-way.
 - b. Site plans with proposed building locations, streets, parking areas, walks, grading, landscape design.
 - c. Preliminary drawings for buildings to be constructed in the current phase, including plans, exterior elevations, sections.
 - d. Preliminary engineering plans, including street design, drainage systems, public utilities.
 - e. Construction time schedule.
2. The Planning Board, in consultation with the Village Engineer, shall review the final development material, and shall recommend to the Village Board, within 30 days, of the official submission date, approval, approval with modifications, or disapproval, giving reasons therefore.
3. The Village Board may grant, by resolution, authorization to proceed, subject to compliance with pertinent codes and ordinances.
4. If construction has not begun within one year after date of issuance of the Zoning & Building Permit, all permits shall become null and void, and the Village Board shall

consider amendments of the Zoning Map to restore the previous zoning district designation.

D. Continuance of conditions.

- 1. All conditions required by the Village Board in establishing the planned district and in approval of plans, including any whose performance may be precedent to the issuance of any permit, shall run with the land and shall not lapse or be waived because of ownership or tenancy change in any or all of the designated district.

308-4 Standards and Guidelines

- A. All uses permitted by other sections of this ordinance may be permitted in a Planned District, subject to the requirements of Section 308.

B. Planned District Area, Yard, Coverage, and Supplementary Regulations.

- Acreage minimum: 4 acres
- Width (frontage: 300 feet
- Depth: 200 feet
- Densities:
 - residential determined by the Village Planning Board.
 - non-residential 20,000 sq. ft. of land for each
10,000 sq. ft. of building

- C. Minimum Yards Required: Front yards, side yards and rear yards shall be planned so that no building is closer than 20 feet to any other building, and no building is closer than 30 feet to any boundary line of the district or public street. The Village Planning Board shall have the authority to vary these yard requirements.

- D. Maximum Building Coverage: (of any single lot or the district as a whole): 50 percent.

- E. Maximum Height of Structures: No building shall be erected to a height in excess of 2½ stories or 35 feet.

- F. Common Open Space: 10% of the gross development area, shall be developed and maintained as common open space. Such common open space shall be developed for active recreation (with facilities); or sitting areas (with facilities); or bicycle, walking, or horse trails (marked by developed paths); or developed wooded areas (cleared of underbrush) or any other uses found appropriate by the Village Board.

- G. Parking and loading facilities shall be provided in accordance with Article 5 of this ordinance. The Village Planning Board shall have the authority to vary these parking requirements.

308-5 Change in Use of Approved Planned District

- A. That if a portion or all of a Planned District development ceases to be used for its approved purpose, then any change in use must be in compliance with Section 308 by way of approval pursuant to Section 308-3.

- B. That any proposed alterations of use of an approved final Planned District development plan must be in compliance of Section 308-3.

Voting on the resolution was as follows:

Ayes	-	5
Nayes	-	0

Alexander Petition

Mr. Hodge reported that the petition which was presented in opposition to the proposed changes in the Zoning Ordinance has not been acknowledged in accordance with the statutes.

Minutes

It was moved by M. S. Randall, seconded by J. K. Thurner and passed that the minutes of the previous meeting be approved.

Bills

It was moved by J. K. Thurner, seconded by R. F. Morton and passed that the bills on the following abstracts of audited vouchers dated August 5, 1975 be paid: Village Reserve #3 - \$102.60; Village #4 - \$2,972.91; Trust & Agency #2 - \$4,348.75.

Letter from Sanford Fire Apparatus

A letter dated August 4, 1975 was received from Sanford Fire Apparatus advising the Board that the new fire truck will be delivered within a week to ten days.

Bond Resolution

The following resolution was presented by R. V. Patrick, Jr., seconded by M. S. Randall and unanimously adopted:

BOND ANTICIPATION NOTE RESOLUTION OF AUGUST 5, 1975
FOR THE ISSUANCE OF NOTE OF THE VILLAGE OF HAMILTON,
NEW YORK, IN THE AMOUNT OF \$70,000.00, IN ANTICIPATION
OF THE SALE OF BONDS PURSUANT TO BOND RESOLUTION
OF JUNE 10, 1975.

BE IT RESOLVED, this 5th day of August, 1975, by the Village Board of Trustees of Hamilton, Madison County, New York, as follows:

Section 1. That the Village of Hamilton, Madison County, New York in anticipation of the sale of serial bonds of the Village of Hamilton, Madison County, New York, in the amount of \$70,000.00 for the purchase of a Custom Sanford E3H, 1000 gallon per minute Fire Truck Pumper with Accessory Equipment, pursuant to Bond Resolution of June 10, 1975, and pursuant to the Local Finance Law of the State of New York, shall issue and sell bond anticipation note in the amount of \$70,000.00 to mature on August 5, 1976, and that the date of maturity of such Note shall not and does not extend beyond the applicable period provided by Section 24.00 of the said Local Finance Law for the maturity of such Note, to wit, beyond one year from date of issuance.

Section 2. That, except as herein specifically prescribed, said Note shall be of the date, terms, forms, contents, and place of payment and at a rate of interest, as may be determined by the Village Treasurer of the Village of Hamilton, consistent, however, with the provisions of the said Local Finance Law of the State of New York; and shall be executed in the name of the said Village of Hamilton by its Village Treasurer and the seal of the Village of Hamilton shall be attached thereto.

Section 3. That said Note shall be sold at private sale by the Village Treasurer of the Village of Hamilton at a price of not less than par value and accrued interest, if any, and upon the due execution and sale of said Note, the same shall be delivered to the purchaser upon the payment by him of the purchase price in cash to the Village Treasurer of the Village of Hamilton; and the receipt of such Village Treasurer shall be a full acquittance to such purchaser who shall not be obligated to see to the application of the purchase money.

Section 4. The full faith and credit of the Village of Hamilton, Madison County, New York, is pledged to the punctual payment of principal of and interest on said Note.

Section 5. This resolution shall take effect immediately.

Adopted as of August 5, 1975, Said Resolution unanimously adopted by the Village Board of Trustees of Hamilton, Madison County, New York.

MOVED, SECONDED AND UNANIMOUSLY ADOPTED that the Village of Hamilton this 5th day of August, 1975, issue bond anticipation Note in the sum of \$70,000.00 towards the payment of a Custom Sanford E3H, 1000 gallon per minute Fire Truck Pumper with Accessory Equipment, pursuant to the Purchase Resolution of February 3, 1975.

The Resolution, having received at least two-thirds vote of the members of the Village Board of Trustees was declared by the Village Treasurer of the Village Board of Trustees to be duly adopted. The results of said vote being as follows:

Robert E. Palmiter	voting	yes
Jean K. Thurner	voting	yes
Richard F. Morton	voting	yes
Mark S. Randall	voting	yes
Robert V. Patrick	voting	yes

Request for Change in Civil Service Requirements. Gaiser

It was moved by R. V. Patrick, seconded by J. K. Thurner and passed that the Village Attorney be directed to send a request to the Civil Service Department requesting a waiver in the age limit for Policemen on behalf of Joe Gaiser, who was employed and took a Civil Service examination for Policeman prior to his 32nd birthday at which time he became ineligible for certification by the Civil Service Commission.

Fiscal Officers School

It was moved by M. S. Randall, seconded by J. K. Thurner and passed that LeRoy Hodge, Robert V. Patrick and Sidney A. Burgess be authorized to attend the Fiscal Officers School held in Grossingers, New York on September 23-26, 1975.

Request for Circus

A verbal request was received from the Hamilton Grotto for a circus on the Eaton Street Field, on August 22, 1975.

It was moved by M. S. Randall, seconded by J. K. Thurner and passed that permission be granted for this circus, subject to the approval of the Enforcement Officer.

Letter from Mrs. Murray

Mayor Palmiter read a letter received from Mrs. Murray complaining about noise from a fraternity house on July 22, 1975.

Refuse Disposal Area

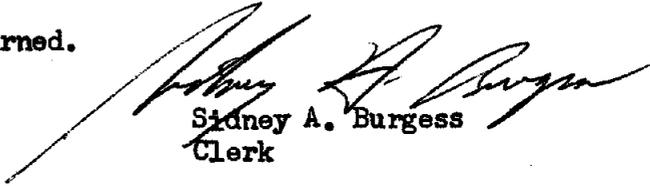
A letter was received from the Department of Environmental Conservation concerning the closing of our dump.

Delivery of Dump Truck w/Plow

Verbal information was received from Bransfield Ford concerning additional cost for braking devices and other equipment on the new dump truck and plow.

It was decided that Mr. Bransfield be directed to notify the village, in writing, by August 8, 1975 of the override cost and delivery date so that action will be taken by the Village Board.

On motion, Meeting adjourned.


Sidney A. Burgess
Clerk