

**Town of Hamilton**  
**Special Planning Board Meeting**  
Tuesday, November 14, 2023, 7:00 PM  
Hamilton Town Community Room  
38 Milford Street, Hamilton

**Present:** Mike Welshko, Elaine Hughes , Bettyann Miller, Kathleen Palmer, Deputy Town Clerk  
Elisa Robertson

**Absent:** Planning Board Alternate Pam Salmon, Planning Board Member Mary Galvez

**Others Present:** Attorney Paul Curtain, Mark Curtis, Eleanor and Kirsten Weyter, Gair and Susie  
Meres, Jerrilynn Terry, Regina Silvestri

7:03 PM Chairperson Mike Welshko calls the meeting to order. He reminds the audience that there is a sign-up sheet if one wishes to speak at the public hearing for the Terry Subdivision or the Curtis Subdivision.

**William Getman/John and Jerrilyn Terry; MINOR SUBDIVISION APPLICATION, Public Hearing, 2200 Bonney Road, Tax Map # 154.-1-34.1**

This is the continuation of the PUBLIC HEARING on his application for a **Minor Subdivision** proposed by John and Jerrilyn Terry that was opened on October 10, 2023. The applicant wishes to subdivide their property into two lots: totalling +/- 3.25 acres on Bonney Road, Hamilton, NY. This property is identified as tax map # 154.-1-34.1. Mrs. Terry explains that this lot was originally two parcels. It was recommended to the owners to join the parcels at the time of purchase. They now wish to redivide to transfer land to their son. They wish to take the parcels back to their original divide.

Chairman Welshko asks if anyone present would like to comment on this application. Noone makes comment.

**Resolution 2023- 36: Motion to Close the Public Hearing on the Terry Minor Subdivision application .**

Motion: Bettyann Miller

Second: Elaine Hughes

Vote: YES – 4 NO - 0

ADOPTED

**Resolution 2023- 37: Motion to Accept part two and direct the Chairman to sign part three of the SEQRA short form making a negative declaration for the Terry Minor Subdivision application.**

Motion: Kathleen Palmer

Second: Bettyann Miller

Vote: YES – 4 NO - 0

ADOPTED

Chairman Welshko asks the Board if they have any more questions or comments. There are none.

**Resolution 2023- 38: Motion to approve the Terry Minor Subdivision as shown on the map drawn by Ronald A. Idzi dated June 5, 1989.**

Motion: Elaine Hughes

Second: Bettyann Miller

Vote: YES – 4 NO - 0

ADOPTED

Chairman Welshko asks for the maps to sign, and the Deputy Clerk states that the name of the surveyor and the date of the map will be included on the resolution. Mr. Welshko signs the maps. The Deputy Clerk reminds the applicant that one of the maps needs to go to the county and be filed with the County Clerk. Mrs. Terry Will pickup the signed map in the Morning

**Paul Curtin/Mark Curtis; MAJOR SUBDIVISION, Public Hearing; Spring Street; Tax Map #'s 154.-1-7.1 & 153.-1-8.2**

This will be the PUBLIC HEARING on an application for a **Major Subdivision** proposed by Mark and Patty Curtis. The applicant wishes to subdivide two pieces of property into five lots: totaling +/- 14 acres on Spring Street and Payne Street, Hamilton, NY. These properties are identified as tax map #'s 154.-1-7.1, 154.-1-8.2. Two of the lots have homes on them and needed variances because they were nonconforming lots. The one lot that the applicant lives on (lot #4) does not have adequate road frontage and the other lot (lot#3) is substandard in size. The applicant went before the ZBA to request variances and they were granted.

**Resolution 2023- 39: Motion to Open the Public Hearing.**

Motion: Bettyann Miller

Second: Elaine Hughes

Vote: YES – 4 NO - 0

ADOPTED

**Eleanor Weyter:** the first to speak, she reads from a letter that she has written (see appendix #1). Major concern is water run-off.

**Kirsten Weyter:** is here in support of her mother's letter.

**Gair Meres:** Long time Spring Street resident. He describes his property, and he applauds the applicant for keeping his properties well kept. His one concern is driveway entrance and egress and the impact that will have on the very steep hill on Payne Street (Bonney Hill Road). He asks if the Town has any mechanisms that may help control any impact that driveways there may create. Especially in winter weather. (Chairman Welshko will address this later). Mr. Meres also asks about a driveway leading to lot # 5 the eight-acre parcel. He is concerned that it is landlocked and if it is set for future development, he has the same concern about safety.

Chairman Welshko addresses the audiences concerns about the steep grade by referring to the Town of Hamilton Zoning Law; it does address construction on steep properties, if it is more than a 15% grade a Special Use Permit will be required (Section 5.8, Page 18). The application before this Board only concerns the division of land and whether the division meets the legal requirement of the law. There is nothing before them regarding construction of driveways or houses, location of houses or wastewater discharge. None of that is relevant to a subdivision; a subdivision application can be as simple as just dividing the land.

When and if it does come time for construction, if construction is to take place... He refers to section 5.8 and reads it to the audience. If construction is planned on those steep lots; if they meet the requirements, in addition to the building permit the owner would also have to come before this Board to get a Special Use Permit. The Board would then review things like storm water runoff, the grade of the driveway, the safety of the access to that driveway. Those criteria are not looked at in a subdivision review. The other question regarding a “driveway” on Lot 5 (the largest lot), there is adequate road frontage for that lot. Any new construction that would take place would be based on the current Zoning Law. If it meets the requirements for a steep slope there would be checks by codes and the Planning Board.

An audience member asks if there were any other Correspondence was received. There was another letter that was received by Mr. Reinwald and sent to the Planning Board via e-mail, and it is in their prep packages.

**Resolution 2023- 40: Motion to Close the public hearing .**

Motion: Bettyann Miller

Second: Kathleen Palmer

Vote: YES – 4 NO - 0

ADOPTED

Board member Bettyann Miller asks about a road that goes into lot #5. This was a temporary road that was put in to do some logging. There was some clarity needed about the driveways for lots 3 and 4 as well. It was a condition of the ZBA approval of those two lots that the driveways be separated and no longer be joined. An audience member voices their concern about the congestion and traffic on Payne Street. The Town Highway Department or the Town Board meeting would be the place to talk about these issues. The additional cars and trucks are not unique to this application. Farm-related vehicles would be protected by the Right to Farm Law. There is more discussion of water management. If there is concern about blocked culverts

or ditches, the Highway Department should be informed. This application did not require it to be sent to Madison County for a GML 239 review.

The Board continues and reviews Part Two of the SEQRA short form. All answers are small or no impact.

**Resolution 2023- 41: Motion to accept part two and direct the Chairman to sign part three of the SEQRA short form making a negative declaration for the Curtis Major subdivision application.**

Motion: Kathleen Palmer

Second: Bettyann Miller

Vote: YES – 4 NO - 0

ADOPTED

Chairman Welshko asks the Board if there are any other questions or comments. Board member Palmer has a question about the possibility of future construction and if the new building would need a Special Use Permit. That would only be necessary if the grade of the land was steep enough to trigger the 15% slope to go before the Planning Board before they can build. They would also need to get approval by the Highway department and get engineered plans for surface runoff of any water. Water cannot be conveyed from one property to another. Many of the issues brought up by the neighbors this evening is not addressed in the Subdivision law but will be addressed in other ways by Codes, Highway, and the possibly this Board later when houses are proposed. This Board has a limited scope currently with the subdivision of land. If a Special Use Permit application was required, they would have to go through the SEQRA process again. The buyers of these lots would have to be aware that this is a possibility.

**Resolution 2023- 42: Motion to approve the Curtis Major Subdivision as shown on the map drawn by Michael J. McCully Land Surveying dated 11-1-2022 .**

Motion: Elaine Hughes

Second: Kathleen Palmer

Vote: YES – 4 NO - 0

ADOPTED

Chairman Welshko asks for the mylars to sign, and the Deputy Clerk states that the name of the surveyor and the date of the map will be included on the resolution. Mr. Welshko signs the maps. The Deputy Clerk reminds the applicant that one of the Mylar maps needs to go to the county and be filed.

The Board reviews the previous month's minutes; there are no corrections to be made.

**Resolution 2023- 43: Motion to Approve Minutes from the October 10, 2023, Planning Board Meeting.**

Motion: Kathleen Palmer

Second: Bettyann Miller

Vote: YES – 4 NO - 0

ADOPTED

A new law 2023-3 was passed by the Town Board about Short Term Rentals. Each member of the Planning Board has received a copy to review. There are a few sections that are directly related to this Board. They will review it and discuss it at a later date.

Chairman Welshko informs the Board that the Town has received an Article 78 filing from Rolling Hills of Madison County naming the Town Board and the Planning Board. There is nothing to discuss at this time because the document has not been reviewed by the Town or the attorney yet.

**Resolution 2023- 44: Motion to adjourn meeting at 7:54 PM .**

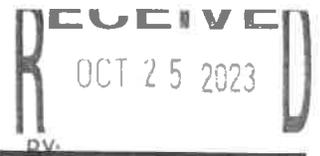
Motion: Bettyann Miller

Second: Elaine Hughes

Vote: YES – 4 NO - 0

ADOPTED

Respectfully submitted by  
Elisa E Robertson  
Deputy Clerk  
Secretary to the Planning Board



**deputyclerk**

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**From:** Tom and Sherri Reinwald <tsrein@comcast.net>  
**Sent:** Tuesday, October 24, 2023 8:18 PM  
**To:** deputyclerk  
**Subject:** Letter to Planning Board

Subject: Proposed Building Lots on Curtis Property, Payne St./Bonney Hill Rd.

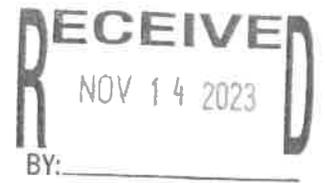
Our house and property are located at 7085 Payne St./AKA Bonney Hill Rd., directly across the street from the Curtis property, and has been owned by our family since 1944. Regarding the two proposed building lots on the Curtis property, I have concerns about the locations of the intended entry points off of Payne St.

First, this stretch of Payne St./Bonney Hill Rd. is quite steep, potentially treacherous, and notorious for the number of cars, trucks, and other vehicles which travel at grossly excessive speeds. This is especially dangerous in the downhill direction where stopping distances are significantly lengthened, even for vehicles traveling within the speed limit of 30 MPH. Safely exiting a driveway on this hill has always been somewhat of a challenge, but one that has greatly intensified over time with the ever increasing volume of traffic associated with the continuing development of Bonney Hill Rd. and its various offshoots.

Second, in addition to the safety question, there is also an environmental concern related to the currently proposed entry points, specifically the likelihood of additional water runoff and potential damage to property and homes across from and down the street. The land on which the proposed lots currently sit is elevated above the road, and would seemingly require driveways having a downward slope toward the road. The additional water runoff could impact the lower portion of our property to some degree, but could potentially exacerbate what is already a significant problem for homes and properties across from and further down the street, in particular the Weyer property being the one I am most familiar with.

Thank you for the opportunity to express my concerns.

Sincerely,  
Thomas P. Reinwald



November 10, 2023

Town of Hamilton,  
39 Milford Street,  
Hamilton, NY 13346

Attn: Mike Welshko,  
Planning Board Chair

I oppose the major subdivision of lots on Bonney Hill/Payne Street as proposed by Mark Curtis.

My property is vulnerable to earth works on the proposed subdivisions for a few different reasons. Firstly because 7053 Payne Street was originally an 1850's farmhouse with a fieldstone foundation and hand dug dirt cellar built close to the road, formerly known as the Skaneateles Turnpike. In 1964 when I purchased the property Bonney Hill/Payne Street was a rural farm road with little traffic. Over time I extensively remodeled the house. However, the oldest parts of the house remain as they were originally constructed. Neither the road, nor the foundation were designed to withstand the current volume of road traffic with increasing numbers of commuters, heavy construction vehicles, large delivery trucks, and heavy farm machinery. This trend is a result of agricultural land being divided up and sold off.

Future construction on the proposed Bonnie Hill/Payne Street subdivisions will necessitate tree removal, cause soil erosion, excess water runoff, and affect water tables. The natural terrain from the subdivision sites slant down to the road in such a way that water flow will need to be mitigated to protect my water well and home property, since they are directly downhill from the proposed subdivisions.

The Town of Hamilton designed a ditch/culvert system long ago to control excess waterflow from Mason Road down the southeast side of Bonney Hill/Payne Street. Excess water runoff from the roadside ditch currently gets diverted into the culvert that passes under the road over to Tom Reinwald's property just above the Vergara residence and descends into the creek. The creek runs along the northwest side of Bonney Hill/Payne Street starting from up above Mason Road, eventually coursing down through Tom Reinwald's property, behind the Vergara's house, then down through my property where it flows behind my house and then behind the Aveni's house all the way down to the golf course.

My chief concern is that this system is not well maintained by the town and that it would not be enough to handle any significant increase in water volume. The ditch must be dug out regularly and the culvert under the road be kept clear of debris. If not, water spills over onto the road downhill and through my property to the creek behind my house. I experienced severe flooding on my property in June of 2006, for this very reason when this system failed to handle the heavy volume of storm water causing tons of rock, water and debris to come flooding down onto my property causing extensive damage to my home and water well. As the land behind my house slopes down to Payne Creek, it carries a high load of seasonal water runoff, most significantly in early spring. Any disruption of the terrain above my property will interfere with the land water management of Payne Creek.

I ask The Town of Hamilton Planning Board to seriously consider my concerns regarding the containment and direction of water that threatens downhill properties as well as the increasing road traffic on Bonney Hill/Payne Street while evaluating the application for a major subdivision by Mark Curtis.

Eleanor E. Weyter