

Town of Hamilton | 38 Milford Street | Hamilton, NY 13346
Zoning Board of Appeals Meeting – January 6, 2025
Town Office, Community Room

Board Members in Attendance: Harmon Hoff, Jeff Schindler, John Pumilio, Lydia Slater, ZBA Secretary and Deputy Clerk Elisa Robertson, Codes Officer Chuck Ladd

Absent: Harvey Kliman

Others Present: Bruce Rivington

Chairman Hoff begins the meeting at 7:07 PM

Resolution 2025- 1: Motion to approve the Minutes from October 22, 2024.

Motion: Lydia Slater Second: John Pumilio

Vote: Aye- 4 Nay - 0

Adopted: YES

**EFS, LLC, Area variance, Lack of adequate road frontage, 730 State Route 12B, Tax Map # 198.-
1-9.1**

Bruce Rivington is present to speak about his application. He is here asking for relief from Section 4.1-2C, page 10 of the Town of Hamilton Zoning Law that requires 150' of road frontage. The Applicant wishes to have 50 feet of road frontage; enough for a driveway to access the new parcel and to the current house. The current driveway for that home runs right through the current farm. The couple that owns the property is divorcing and their attorney has suggested doing this split to be able to sell it if necessary. The applicant hopes to not sell it, but it puts them in a position to sell if they need to. There is discussion of the landscape of the property including wetlands, a waterfall, cattle tunnels, and fence lines. The area that is proposed is very flat and level, the only problem would be a tree that would need to be removed.

The GML response stated that it is returned for local determination. The current Zoning Law is not in favor of flag lots, which this would be. However, the issue has always been about the "health and safety" of flag lots. This concern is mitigated by the driveway, it would be wide enough for fire and rescue vehicles to get through. The applicant did not wish to get an easement for this property, he would want to put in a new driveway instead of sharing the existing one. A new driveway would not impact the neighbors next door. There is an inconsistency on the map. A lot that is listed as being owned by Richard Lee on the map is owned by EFS, LLC. The Board makes that correction.

There is discussion as to which buildings are agricultural, and which are homes on the aerial map. The Deputy Clerk gets the tax maps to confirm who the neighbors are and the property boundaries. There are two cattle tunnels on their property. The proposed driveway will be next to the tunnel right along the fence line to the south. Driveways need to be 20 feet

wide for emergency access. The Codes Officer recommends keeping the driveway as far to the south as possible. There is a difference in widths for a business or a residence. The owner of the property would need to get authorization from the county for a new driveway. If this property does get sold, it may be good for the current owner to make provisions for that now, putting in 10 or so feet of gravel just to establish where the driveway would be located.

This application will still need to be reviewed by the Planning Board. This application was referred by the Codes Officer. The Planning Board would have referred this application to the ZBA. There is no longer a two-lot subdivision waiver in the Town's Zoning Law. The applicant wanted to go straight to the ZBA because they did not wish to go through the expense of surveying the land if they could not get a variance.

The new Zoning Law that is being drafted will handle flag lots in a different way. In the past they have been frowned on, however flag lots can create greater opportunities for housing to be more conservation driven. It will help with population density. The Board sees this application as unique, and this would create some flexibility for the applicant.

Resolution 2025- 2: Motion to OPEN the public hearing.

Motion: Jeff Schindler Second: Lydia Slater

Vote: Aye- 4 Nay -0

Adopted: YES

There is no one else here to speak about this application. There are no objections. No letters or phone calls have been received. The applicant had one call from a neighbor just looking for information but had no objection.

Resolution 2025- 3: Motion to CLOSE the public hearing.

Motion: Jeff Schindler Second: Lydia Slater

Vote: Aye- 4 Nay -0

Adopted: YES

The Board will go through and discuss the five criteria for granting a variance Town of Hamilton Zoning Law Section 10.1-3B AREA VARIANCES on page 69.

1. There is no negative impact on the communities or neighboring properties.
2. This is the best alternative of all the options that the applicant looked at, the Board agrees. The topography and workings of the farm make an easement impractical.
3. This is a very substantial variance, other than road frontage, the lot meets all the other requirements, and the law may change in the future to allow more flag lots.
4. There will essentially be no change to the physical or environmental conditions in the neighborhood.
5. This difficulty is self-created. That does not preclude the granting of a variance.

The applicant states that the hope is not to sell this but to be prepared to sell it if it becomes necessary. A 911 address will need to be assigned to the property once it is subdivided. This application will be on the February agenda for the Planning Board.

Resolution 2025-4: Motion to APPROVE the Application made by Bruce Rivington (EFS, LLC.) for an area variance on a property located at 730 Route 12B identified by tax map #198.-1-9.1 to allow Road frontage of 50 feet for the purpose of one day possibly adding a driveway to a new Minor Subdivision.

Motion: Jeff Schindler Second: Lydia Slater

Vote: Aye- 4 Nay - 0

Adopted: YES

Roll Call Vote

Chairman Hoff – AYE

Jeff Schindler – AYE

Lydia Slater – AYE

Harvey Kliman – Absent

John Pumilio – Aye

Resolution 2025-5: Motion to Adjourn at 7:50 PM

Motion: Jeff Schindler Second: John Pumilio

Vote: Aye- 4 Nay - 0

Adopted: YES

Respectfully submitted by
Elisa E. Robertson
Deputy Clerk

