

Village of Altamont Planning Board  
Regular Meeting  
July 22, 2019

Timothy Wilford, Chairman  
Stephen Caruso, Board Member  
Deborah Hext, Board Member  
John Hukey, Board Member  
Connie Rue, Board Member

Lance Moore, Building Inspector/  
Code Enforcer  
Dean Whalen, Village Liaison  
Justin Heller, Village Attorney  
Jeff Moller, Superintendent, DPW, Absent  
Paul Miller, Altamont Fire Dept. Chief, Absent  
Martin Zanghi, ABD Engineers, LLP for  
Applicant, Ken Romanski  
Zachary Cowan, Applicant

Guests: 21

Chairman Tim Wilford opened the meeting at 7:05 p.m. and welcomed everyone. He noted where the bathrooms and fire exits are. He stated that there are 3 items on our meeting agenda tonight (1) A public hearing on a special use permit for Zachary Cowan. The site is actually a change of location. This is actually a business that's been approved with a special use permit already in the Village. They just changed their location within the Village. (2) A continued application for a Bozenkill Road development. It's a four lot subdivision, which is classified as a major subdivision and we will be going through that. That is reaching its final stages. (3) A Planning Board review and recommendation to the Village Board on Stewart's, which is not open to public comment until you've reached the Village Board meeting.

Board Member Hukey made a motion to open the meeting, seconded by Board Member Hext. All in favor.

Chairman Wilford read the Public Notice of Public Hearing on Severson Insurance as follows: Legal Notice. Public Notice of Public Hearing before the Planning Board. Notice is hereby given that the Planning Board of the Village of Altamont, New York, will hold a Public Hearing pursuant to Articles 355-37 and 355-23. Request of: Zachary Cowan – Severson Insurance for a Special Use Permit to allow moving Severson Insurance to 135 Maple Ave and to display an exterior sign. Situated as follows: 135 Maple Avenue, Altamont.

Chairman Wilford asked Mr. Cowan to give the Board a little run down, and asked if he just moved from one location to another.

Mr. Cowan said correct, we just moved down the street. Nothing's really changed otherwise I'm just moving into the old antique shop that was operating as a storefront beforehand. One thing I would like to do is sell some paint more as like a novelty factor, just because the building was originally designed and built for a paint store in its conception. So that's really the only thing that has changed thus far. And I'm also looking for the sign approval as well.

Chairman Wilford said so your hours are the same as far as your business is concerned and you've added only one new product?

Mr. Cowan said yes, correct.

Chairman Wilford asked same number of employees, same number of basic everything, same services?

Mr. Cowan said yes. There's ample parking on the side of the building out front. And then there's a public parking lot behind The Enterprise as well. So parking was never an issue beforehand and we were in more of a crowded area I would say.

Chairman Wilford said and you have the Lutheran Church on the other side of it, right?

Mr. Cowan said yes, correct.

Chairman Wilford asked if the Board had any questions for Mr. Cowan in regards to the special use permit and the change of location.

Board Member Hext said the only question I have is at the previous location, you didn't sell the paint, right?

Mr. Cowan said correct. We did not, no.

Board Member Hext said, so in essence, it's not just moving the building in the same...

Chairman Wilford said correct, he's added one product.

Board Member Hext said I don't see that mentioned anywhere in the public notice that went out stating that, you know, everybody said, yeah, I'm fine with the sign, but I don't see that anybody was notified that there was going to be paint being sold as well. I don't have an objection to it. I just want to make sure that no one else has any objection to it as far as the residents are concerned.

Chairman Wilford said we can open that up when we open up the public hearing and let them speak, because we are going to do that next anyway.

Board Member Hext said I just want to clarify the fact that it wasn't included. So I liked the fact that people answered and said, yeah, we're okay with the sign. I just want to make sure that we're not missing something by not telling everyone paint is going to be sold there.

Chairman Wilford said okay, thank you and asked if the Board would like to open the Public Hearing now, and ask for any statements, concerns, comments, questions with regards to the special use permit

from Mr. Cowan's Severson Insurance Agency.

Board Member Caruso made a motion to open the Public Hearing for Severson Insurance Special Use Permit. Board Member Rue seconded the motion. All in favor.

Chairman Wilford said anyone who would like to make public comment in regards to Mr. Cowan's Severson Insurance Agency, now is the time.

Harvey Vlahos, 221 Main Street. I understand it's milk paint, which is kind of cool because that's sort of very historic and I think it fits in and I've actually seen it in Old House Journal and things like that. And I was wondering where you get it. To have it locally is actually going to be an asset. So I just think it's great.

Chairman Wilford said does anyone else have a comment at this time for Severson Insurance Agency?

Board Member Caruso said Tim, we also did receive three letters in recommendation, I don't know - do they get submitted now?

Chairman Wilford said they would be submitted with the application. We don't need to read them; they're part of the notes. But we did have three neighbors who were very much in favor of the Severson business within the Village and the sign. If there's no one else, we can close that portion of the meeting.

Chairman Wilford made a motion to close the Public Hearing. Seconded by Board Member Hext. All in favor.

Chairman Wilford said for those of you who didn't understand what Mr. Vlahos was saying, it's a non-flammable, naturally based, dry powder milk paint product. I'm not familiar with using it, but it's non-flammable. Any level of products that are being sold in quantity, they fall under different categories and the building department decides its safety and whether he's allowed to have it. So he can find out very quickly from the building department the amount. So there's a lot of other things that are also being checked by the building department that are not done by us to make sure that the products are safe for neighbors and himself as far as it's not a bunch of fireworks or things like that.

Chairman Wilford then said there are two motions on this - for a special use permit and for the sign. Discussion was then had about the sign between the Board and Mr. Cowan. It was noted that the sign is 15 square feet, 3x5, which falls under the 25 square foot limit of the Village Code and that will hang on a post. There is exterior illumination; there's two vintage clamshells lights that are down-facing at a 45 degree angle. The light will be dim and focused on the sign. The light may be on during the night, but it will be dim and not bothersome to neighbors, not bright led or neon or anything like that. The sign will be white with black lettering. A change was made to the application on the size of the sign from 4x5 to 3x5. Board Member Hext asked if there was only going to be one sign or another on the building. Mr. Cowan said he has a vintage picture of the building when it first opened and underneath the fascia,

between the upstairs porch and the ceiling of the downstairs porch, they had a board that said Altamont Paint and Paper Co., so eventually he might do something like that. But at this point it's just the sign on the post. Board Member Hext said if you did something like that, you'd have to come back. Mr. Cowan said yes. Chairman Wilford told Mr. Cowan that he has to have an approved sign up within six months, or he would have to do this all over again. Mr. Cowan said sounds good, thank you.

Board Member Hext made a motion to approve the Special Use Permit. Board Member Hukey seconded. All in favor. Chairman Wilford said, Mr. Cowan, I wish you continued success in our Village and I hope your paint sells off the shelf.

Chairman Wilford then had the Board go through Part Two of the SEQRA for the Special Use Permit, and it was agreed there was no small impact on the 11 items, and they declared it as a negative declaration. He told Mr. Cowan now he's all set.

Chairman Wilford then said up next is a four lot subdivision off Bozenkill Road. This is gone through engineering and a Public Hearing last month. He asked Martin Zanghi to go through a quick synopsis of the proposal, and said that the Board left off in discussion of sidewalks.

Mr. Zanghi said last month I left with a few items to take care of. Plans are updated from July 10th and that should be our last and final set that incorporates all engineering comments as well as the Planning Board comments received since we started this back in February. So for this month they did the deed restrictions for the wetlands mostly on Lot 3, with a small piece on Lot 2. He showed an example of a "Do Not Disturb" sign for the deed restricted areas that will be a mounted on a post installed along the perimeter of the wetlands itself on both sides so that the future homeowner knows that that's a restricted area and not to alter that with any excavation or fill. That's typical of how we do things to protect those wetlands and that'll be filed on the subdivision plan with Albany County and homeowners will be made aware of that when they're looking to potentially protect the lot. The deed restrictions are added now, from the request from the Board. The other item was establishing an escrow account for the sidewalks. We decided at the last meeting after a detailed discussion that at the time now, with 2019 construction, the Board was in favor of not installing the sidewalks in front of the three lots and instead putting together an escrow account with the value to be determined between the Board, DPW and ourselves for the establishment of that escrow amount for 300 linear feet of sidewalk. They tried to get that resolved in the last month, didn't have much luck. Looking to have an open discussion tonight if the Board has new information for them. They understand that is one of the conditions of the subdivision approval - to be able to fund that escrow amount; and if the Board and has new information, we'd like to speak about that tonight. That was pretty much the only outstanding major issue. And then we spoke last month about completing parts two and three of the full EAF and I'm prepared to go over that tonight with you as well.

Chairman Wilford said so in your layout plan, you have that all the engineering is going to be done for the future of the sidewalks.

Mr. Zanghi said the plan you have in front of you has been engineered already for the sidewalks. So the grading, the location, all of those items I already designed a few months ago, yeah. So in the future, if there was a town project where sidewalks continued up Bozenkill, the contractor who would be performing that work should follow this plan here to install the 300 linear feet of sidewalks in front of our three lots.

Chairman Wilford said and everything's already been moved properly is what I mean.

Mr. Zanghi said correct - the roadside drainage improvements happen now. The grass would be graded for the future installation of the sidewalk. So in the future, the grass for that five foot wide would be removed, the subgrade would be impacted, sub-base material from sidewalk would be installed, the concrete form work placed, and then the sidewalks poured and finished within the 5-foot (inaudible).

Chairman Wilford stated that he had numbers that were quoted for the cost of the sidewalks that ranged from high seventies to low eighties from Carver. Code Enforcer Moore said DPW Superintendent Moller got two other proposals; one was from Callanan. Chairman Wilford said the ballpark range is to be rounded to \$80 a linear foot and five foot wide based on the engineering being done as Mr. Zanghi stated so we don't have to worry about having engineering mapped for somewhere else and then the price being different based on their projects. He noted the Board's concern about future costs; and said we can't base it on a future cost, there's no way to do that. He told Mr. Zanghi the escrow would have to be set up for \$24,000 for the 300 linear feet of sidewalk. He said our goal was to have an escrow designated solely for sidewalks, which then in turn the Village Board could use as an itemized thing to encourage getting grants. And by having this, it gives them tools to get the grants sooner rather than later. So the goal is that this helps the Village pursue future ones and eventually it will reach this area of our Village, the ultimate goal of the Comprehensive Plan.

Mr. Zanghi said he would take that number back to his client.

Chairman Wilford said we had a couple of other things in this project too. (1) We discussed the deed restriction, and that was added. We're all set on that, and that had no disturbance of any wetlands whatsoever. (2) \$1,500 per lot for the parks fund that goes forward as part of our Comprehensive Plan, so \$6,000 and the Village will tell you how to pay that amount. (3) Lot #4 will have a condition of being non-buildable at this time until you come before us with engineering over those wetlands. Nothing is to be built there on lot 4. You can't just get a building permit for it; the reason being that you haven't done the engineering for the land back there.

Mr. Zanghi said so you know, if there's a future phase two this whole process starts over with new applications, all new engineering, all new wetland delineation and the Board would review that as a separate project.

Board Member Hukey stated that he didn't think we should wait for the second phase for a wetland designation, that the wetland map is 15 years old. A detailed discussion followed between Chairman

Wilford, the Board, and Mr. Zanghi about Board Member Hukey's concerns. He talked about the wetlands delineation map being 15 years old, his concerns that the wetlands would be disturbed, his discussions with Fire Chief Miller and Albany County, and hearing resident concerns on this topic. Chairman Wilford clarified that Board Member Hukey's concern is the wetlands, and stated that they're not allowed to disturb the wetlands that are delineated on the site right now. We put that restriction in to stop the wetlands from being disturbed, and they can't build or do anything on lot four without that full evaluation done again. Chairman Wilford said that it is a valid concern, but I do have to trust Mr. Grant and all the engineering that he's spent hours on working with us and gave us the approval. They had no concerns of that, especially with our restriction of the no disturbance. Mr. Zanghi said that all of Mr. Grant's review letters plus our responses are on record and that when he was here in May he said that all his engineering concerns and comments have all been properly and adequately answered by Mr. Zanghi's firm. Chairman Wilford concluded the discussion by saying he felt the Board had covered it.

Chairman Wilford asked if there was anything else that anyone wanted to go over at this time, and there was none. He stated that this is the final plot right now, so the Board can read the SEQRA and do a declaration on that. He stated the Board has already gone through Part 1 of the SEQRA and all agreed except for 1 change, and that change was made. He asked if on those four items he talked about, was there anything else that the Board wanted to bring up that they would have to add to our motion on the subdivision? He listed the 4 items as: the escrow, deed restrictions, money for the parks, and that lot 4 is non-buildable at this time. For page 3 of 13, C.3.a., "R-20 residential one family" should be added. For page 5 of 13, D.2.c.ii., check "Yes"; for D.2.d.iii., the name and district of the wastewater treatment plant needs to be added. Chairman Wilford asked if everyone was comfortable with SEQRA Part 1 as it was now completed, and all agreed.

Chairman Wilford continued with SEQRA Part 2. Each line item was gone through with discussion as needed to complete Part 2.

Upon completion of the SEQRA, Village Attorney Heller said so in your review of Part 2, there are no moderate to large impacts, so that warrants a negative declaration and you don't need to complete Part 3 because there were no moderate to large impacts. So I prepared the last page which is the adoption of the negative resolution. He read the section at the top of Page 2 of 2 of the EAF, Part 3 as follows (note: underlined parts are what Board Attorney Heller added to the EAF form): Upon review of the information recorded on this EAF, as noted, plus this additional support information Public comment, engineering review, agreements by applicant to address concerns over wetland protection through deed restrictions, and the Board's detailed review of the EAF Parts 1 and 2, and finding that in light of the scale and context of the project, any impact will be small; and that there are no moderate to large impacts likely to occur, and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the Altamont Planning Board as lead agency that: [A.] This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

Chairman Wilford asked the Board if they felt comfortable with that and all agreed. Board Member Hext made a motion to declare a negative declaration on the full SEQRA review. Board Member Caruso seconded. All in favor. Chairman Wilford signed the document.

Village Attorney Heller said he would take all the notes of the review and type up Part 2 and email it to the Village.

Mr. Zanghi said we are a Type 1 action.

Chairman Wilford said we left off with working towards the approval of the 4 lot subdivision. He went through the conditions for the approval of the subdivision as follows: (1) \$24,000 escrow for sidewalks to be used within the Village limits and only to be used for sidewalks. (2) The deed restriction for wetlands not to be disturbed at any time. (3) A \$6,000 donation towards parks and park services to be made out to the Village of Altamont. (4) The 4th lot is to remain with the status non-buildable at this time and would need to come before the Planning Board for any approval to build on.

Chairman Wilford said a motion could be made to approve the final plot with those conditions attached which were documented.

Board Member Caruso made a motion to accept the conditions for the Bozenkill Subdivision, to approve the final plot with those 4 conditions. Board Member Hext seconded. Board Member Rue in favor, Board Member Hukey voted no, and said because I go back to that map. Board Member Caruso in favor. Board Member Hext in favor. Chairman Wilford in favor. Chairman Wilford then said so that's 4 in favor and one negative. He said to Mr. Zanghi, Martin, we all set? Mr. Zanghi said yes, thank you, we appreciate the Board's help on this project.

Chairman Wilford said next on the agenda is a topic for discussion by the Planning Board for review and recommendations to the Village Board in regards to the Stewart's project. He said this entire packet of any comments received will be submitted to the Village Board in regards to the Stewart's project. It's not open for public comment here. You'll have your public comments at the Village Board. So no one's disregarding your messages here; they will all be sent to the Village Board in proper time and there'll be looked at. That's how that process is and that's how it's supposed to work. So no one's throwing them out, they're just not in our discussion until it hits the Village Board.

Chairman Wilford and the Board had a detailed discussion about their concerns with the Stewart's project. These include: (1) The variances. (2) The setbacks. (3) The size of the building. (4) Long form on the SEQRA. (5) The sign. (6) Impacts of the character of the other lot that would change and the benefits of the economic development. He said he would take certain sections of the Comprehensive Plan and email it to the Board Members to evaluate and review for parts that are for and against both buildings. (7) Noise pollution. (8) Impact on the neighborhood, not just the loss of a building but encroachment on the Helderberg / Severson neighborhood. (9) Impact of having a growing community and its loss of services; the downtown area re-establishing itself as a vital community center; attraction for business.

(10) consideration of the letter of Stewart's Representative Leah Everhart dated 6/24/19. (11)  
Disturbance to the area.

Chairman Wilford asked if everyone was all set for now, and said the Board Members should e-mail him within a week their comments, concerns, and questions about the Stewart's project and the SEQRA. He will create a formal letter that he will e-mail back to them to review, and then the finalized letter would go to the Village Board in the next month in time for their September 3 meeting. He said the Planning Board proposes that the Village Board be the Lead Agency for the SEQRA and ask for the Long Form.

Board Member Hext asked about the number of light poles that Stewart's was proposing, and the Stewart's representative said there are currently three and they are asking to have five total. Chairman Wilford asked if there was anything else the Board wanted to say and they said no.

Board Member Hukey made a motion to approve last month's minutes. Board Member Rue seconded the motion. All in favor.

Board Member Hukey made a motion to adjourn the meeting. Board Member Hext seconded the motion. All in favor. Meeting ended at 9:45 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Ginger Hannah". The script is cursive and fluid, with the first name "Ginger" and last name "Hannah" clearly distinguishable.

Ginger Hannah

Planning Board Secretary