

Planning Board Meeting  
April 24, 2017  
Regular Meeting

Present:

Tim Wilford, Chairman  
Steve Caruso  
John Hukey  
Wayde Bush  
Deborah Hext

Glenn Hebert, Zoning Administrator  
Robert Nopper, Applicant  
Daniel Dymes, Owner Agway  
Jack Pollard, Business Owner  
Kerry Dineen, Mayor  
A number of other residents

Absent:

Kevin Clancy  
Kelly Best, Secretary

Chairman Wilford opened the meeting at 7:05 pm.

Chairman Wilford read the legal notice for Robert Nopper for a Sign Permit and Special Use Permit under the Zoning Law to open and place a sign at business, known as Village Pizza for property owned by Thomas and Sally Ketchum situated at 101 Prospect Terrace Main Street in the Village of Altamont, Tax Map Number 37.18-1-15, and zoned Business. Plans open for public inspection at the Village Offices during normal business hours. Said hearing is to take place this evening at 7 pm.

Chairman Wilford made a motion to open the public hearing. Board member Bush seconded the motion. All in favor.

Chairman Wilford asked if there was any comments or concerns regarding the application.

Robert Nopper stated that the placement he originally choose for the sign was not a good spot. He wanted to put it on the pole. He now realizes it will block the sight line for those coming out of Prospect Terrace. He now understands that the past business did not have a sign on the pole but on the facade of the building front. He doesn't want to create a hazard. He stated that if no one had objections, he would put the sign on the facade of the building. He stated he would keep it the same size, just as he proposed but have it on the façade of the building itself. Mr. Nopper stated that two residents called him directly and spoke about the sight line hazard if he used the pole. The Board clarified that it will be a single faced sign attached to the façade of the building. There will not be anything protruding out from the building. Chairman Wilford stated the Board would be willing change his sign application to state he would be placing sign on building, not on the pole.

Board member Hext suggested adding Business to the corner cluster sign. Daniel Dymes, owner of Agway stated that it was owned by the all the Prospect Terrace Businesses which are now down to only

is Agway. Mr. Dymes states that he was not involved with the placement of the cluster sign, he thinks the paperwork he has goes back to 1987 or 1988. He stated that there is a stack of paperwork to get that sign approved. Agway Corporate and other businesses that were on Prospect Terrace at the time put the sign up. Ownership is unknown.

The Board asked if adding to the cluster sign would be a problem. Mr. Dymes states no, it is just slots to slide sign into. The only sign in there now is Agway. Mr. Nopper was asked if he wanted to put one in the cluster sign. He stated he would like that. Chairman Wilford stated that Mr. Nopper could do that without getting another sign permit. The Board discussed why sign permits were required including height, size, lighting, placement and public safety.

The Chairman asked if there were any other questions or concerns about the applications. There were none. The Board decided to discuss the Special Use Permit first before discussing the sign permit.

Board member Hukey asked about the seating for 28. He referred to the Village Code relating to parking. He stated that 355-22 of the Village Code states there is to be one parking space for every 3 seats and one for each employee and he stated that after visiting the site he only saw four regular and one handicap parking spaces for a total of five. Board member Hukey stated that if you add the employees, according to the Village ordinances Mr. Nopper would need 8 or 9 parking spaces. The Board acknowledged that those parking spaces were on paved area. Mr. Nopper asked if he could use the unpaved area since that whole lot where the parking is belongs to Mr. Ketchum or does it actually have to all be paved and lined to be considered parking spaces. It was acknowledged that the rest of the lot was gravel. The Board inquired of Glenn Hebert, Zoning Officer, if the Village Code required parking area be paved and lined. Mr. Hebert stated it did not. Chairman Wilford stated that the Planning Board had required the last tenant was required to pave that area to allow for handicap access from parking area. Mr. Hebert stated there was ample parking available on that lot. After further discussion, it was determined that parking was not an issue.

Chairman Wilford stated that there should be lighting on the back of the building for people walking in and out of that building late at night. It was mentioned to the butcher shop to have it installed. Mr. Nopper asked if the Village Street light was sufficient. The Board stated that it wasn't. If the Village Street light goes out, it takes about a month for it to get fixed. The Board stated that it was the responsibility of the applicant to make sure of the safety to his patrons/customers. Mr. Nopper stated he will make sure a light is installed. This will be a condition of the Special Use Permit. Mr. Hebert stated that he will check to see if it was required of the Butcher Shop because their hours were not as late as Mr. Nopper's requested hours of operation. The Board stated that the Butcher Shop did change to later hours for fair week and special occasions. Mr. Nopper stated that if a light is not in the back, he will get one installed.

The Board clarified that Mr. Nopper would be open to 10 pm for times like during the Altamont Fair or special events. He stated in general most of the time he would be closing around 9 pm.

Chairman Wilford stated one of the conditions will be the light in the rear of the building for the parking lot, it should be a motion sensor light, facing down – not up. Also it should have a timer so it will go off no later than one hour after you close your business. Mr. Nopper questioned why it would be turned off completely after hours. Chairman Wilford stated that the rest of the street was residential and would create a nuisance. Mr. Nopper stated someone walking could trip and get hurt. Mr. Hebert stated that after hours, if a person were in parking lot, they would be considered trespassing. Business owners stated that they are still liable.

Mr. Dymes stated that he did not feel that it would be a problem with the residents. That the residents were far enough away from the parking lot. He stated Agway has lights on all night long and was encourage by Guilderland Police Department. The purpose was to deter people from entering property and deferring some of the liability of the business owner. After discussion with Mr. Dymes and Mr. Nopper it was determine that they felt the lighting on the back of the building would not disturb the neighbors because of the size of the parking area and that it would be best to have the lights on all night.

The Board asked what time Mr. Nopper would like to open in the morning, he stated 11 am. It was determined that he would be open 7 days a week.

The Board discussed deliveries and informed Mr. Nopper that no delivery vehicles could be parked in traffic lane on Main Street or Prospect Terrace. All delivery vehicles are to park in the rear of the building.

Chairman Wilford stated that after reviewing the Village Code, it was determined that Mr. Nopper was allowed security lighting but it cannot exceed 1 foot-candle. Chairman Wilford stated that the Village Code also addresses motion lights and it is not recommended. Mr. Hebert stated that the lighting must not extend past the parking lot, may not face out or up, only in a downward direction. Board stated that they wanted the parking lot lit at night from dusk to dawn with a light pointed in a downward direction.

Board determined parking is not an issue, that the Board would like the security light in the back lit from dusk to down and must be pointed in a down ward position. It was also stated that the Board wanted all deliveries must be made from the back of the building, the Board does want to have delivery trucks standing in the traffic lane while doing deliveries.

The Board reviewed and completed the SEQR assessment. There was some discussion relating to some increase in foot and vehicle traffic but not enough to consider relating to SEQR. At 7:10 pm the Board member Bush made a motion that the request constitutes an unlisted action under SEQRA and a negative declaration has been determined for this project after board review. Board member Hukey seconded the motion. All in favor.

Chairman Wilford made a motion to close the Public Hearing, Board member Caruso seconded the motion. All in favor.

Chairman Wilford made a motion to approve the Special Use Permit request of Robert Nopper to operate a pizza business at 101 Prospect Terrace, Altamont NY 12009 after review of application. The Special Use Permit is granted with the following conditions: The granting of the Special Use Permit be contingent upon the Board receiving the recommendations from Albany County Planning Board, There will be a security light on from dusk to dawn in the rear of the building, light must be pointed in a downward direction and not be more than 1 foot-candle as per code, the hours of operation will be 11 am to 9 pm but will be allowed to be open later if there are special events happening, that he will be allowed to be open 7 days a week, all deliveries are to be made at the rear of the building and at no time are vehicles to be standing in traffic lane on Prospect Terrace or Main Street. Board member Hext seconded the motion. All in favor.

The Board reviewed the sign permit application submitted by Mr. Nopper. Mr. Nopper stated the sign will still be a 4 foot by 4 foot, it will not be double sided, it will not protrude off the building, and it will be attached to the façade. The Board asked since the applicant has agreed not to hang sign from pole, would he like it longer. Mr. Nopper stated that he would change to a plastic material instead of wood, would like to keep the white background, color picture, and use a laminated box sign. The sign would stay 4 feet by 4 feet. The sign will be less than 20 feet off the ground.

Mr. Bush made the motion to approve the sign application requested by Mr. Nopper has changed at this meeting (see prior paragraph). Board member Hext seconded the motion. All in favor

There was no old business discussed. There was no new business discussed.

The Planning Board decided to postpone approval of the minutes from March 24, 2017 because Steve and Tim were the only ones present at the meeting.

Board member Hukey made a motion to adjourn the meeting at 8:10 pm. Board member Bush seconded the motion. All in favor.

Respectfully submitted,

Kelly Best