

Village of Altamont  
Regular Planning Board Meeting  
March 22, 2021

Planning Board Members:

Deborah Hext, Chairperson

Stephen Caruso, Board Member

Dan Hitt, Board Member

John Hukey, Board Member

Barbara Muhlfelder, Board Member

Simon Litten, Alternate Board Member

Lance Moore, Building Inspector/Code Enforcer

Dean Whalen, Board Liaison

Ginger Hannah, Secretary

Allyson Phillips, Village Attorney

Applicants: Gary Goss

Troy Miller

Jeff Thomas, Don Cropsey, Nadia Raza,

Michael Schramm

Guests: 17

Planning Board Meeting was held online using Zoom video communication due to Covid-19.

Chairperson Deb Hext opened the meeting at 7:01 p.m. and welcomed everyone. She stated that due to the Covid-19 virus, this meeting is being held remotely and all audio and video portions of this meeting are being recorded. She said my name is Deb Hext, the Planning Board Chair. She asked the Board Members to introduce themselves, which they did as follows: Steve Caruso, Dan Hitt, John Hukey, and Simon Litten. Barbara Muhlfelder joined at 7:03 p.m. Chairperson Hext said we also have representing the Village tonight: Allyson Phillips, Village Counsel; Code Enforcer and Building Inspector Lance Moore; Ginger Hannah, Planning Board Secretary and Dean Whalen, Board Liaison.

Chairperson Hext said we have four items on the agenda tonight, three of which are public hearings, during which the public will have an opportunity to speak. One thing I'd like to ask is that you limit your comments to five minutes and also not to speak until we come to that agenda item, so things flow a little bit more smoothly. That being said, the first item on the agenda is a public hearing on the Special Use Permit (SUP) request from Gary and Crystal Goss to install a pool in the side yard located at 13 Indian Maiden Path, Altamont. Allyson, do you want to read the legal notice?

Village Attorney Phillips read the Legal Notice to open the Public Hearing, summary as follows: Notice is hereby given that the Planning Board of the Village of Altamont, New York will hold a public hearing pursuant to Article V, Section 355-31-C of the Village zoning law on the following proposition. Special-use permit to install a swimming pool in the side yard of the property. Request of Gary N. Goss, Jr., and Crystal L. Goss. Property situated as follows. 13 Indian Maiden Pass, Altamont, New York, 12009. Said hearing will take place on Monday, March 22, 2021 at 7:00 p.m.

Chairperson Hext: Thank you, Allyson. Okay, that opens to public comment. Do we have anyone on from the public that would like to speak to this? Now, you might have to give us a second, because we can only see nine people at a time, so if you want to wave your hand or something. Anyone on the phone? You would have to unmute if you have any comment. No, I don't see any hands. Okay. Does anyone on the Board have any questions or comments? No? Okay. Then could I have a motion to close the public hearing?

Motion to close the public hearing was made by Board Member Caruso, seconded by Board Member Hitt. **Roll Call: All in Favor.**

Chairperson Hext: Okay. Allyson, do you want me to read the resolution now, or do we do that after we make the motion to approve?

Village Attorney Phillips: You can read the resolution, Deb. This is for the public's benefit. This is a proposed resolution that I drafted for the Board's consideration at tonight's meeting, providing for the approval of the Goss application for the special-use permit to locate the swimming pool in the side yard. This has been posted to the Village website in advance of the meeting, and it's for the Board's consideration for adoption.

Chairperson Hext: I'm not going to read all the 'whereas's', I'm just going to read from, "Now therefore be it resolved that the Planning Board of the Village of Altamont, hereby determines the proposed action is a Type II Action exempt from review under SEQRA pursuant to 6 NYCRR 617.5(c)(9). It is further resolved, Planning Board of the Village of Altamont hereby approves the application for special-use permit, and authorizes the Planning Board Chair and the Planning Board Secretary/ Clerk, and Village Attorney to take the appropriate steps to effectuate this resolution including any filing and distribution requirements. Whereupon this resolution was declared adopted by the Village of Altamont Planning Board. Can I have a motion for that, please?

Motion to adopt the resolution Approving SUP requested by Gary and Crystal Goss for swimming pool in side-yard was made by Board Member Hukey, seconded by Board Member Caruso. **Roll Call: All in Favor.**

Chairperson Hext: So, Gary and Crystal, congratulations. You're going to invite us all over for a pool party, right?

Applicant Gary Goss: Thank you, everybody. Lance, I'll be stopping in to see you for the building permit shortly.

Chairperson Hext: Okay. Second item on the agenda tonight is a request by Troy Miller for a minor subdivision located at 130 Main Street, Altamont, New York. Allyson, if you could read the legal notice, please.

Village Attorney Phillips read the Legal Notice to open the Public Hearing, summary as follows: Notice is hereby given that the Planning Board of the Village of Altamont, New York will hold a public hearing, pursuant to Chapter 315, Article II of the zoning law on the following proposition: Minor Subdivision. Request of Troy Miller. Property situated as follows: 130 Main Street, Altamont, New York 12009, zoned R 10. Tax map number 37.19-1-11. Said hearing will take place on Monday, March 22nd, 2001 at 7:00 PM.

Chairperson Hext: Thank you, Allyson. Okay. That opens the public comment period. Do we have anyone that wants to speak regarding this agenda item? And again, wave your hand, or just say something.

Board Member Muhlfelder: I do. It's Barb.

Chairperson Hext: Okay, Barb.

Board Member Muhlfelder: Wondering if they got the approval by the DOT for the curb cut.

Chairperson Hext: Lance, have we heard back from Albany County?

Code Enforcer Moore: Late Thursday afternoon there was a determination. Yeah, we heard from Albany County Planning Board. It was modified to include DOT for the curb cut.

Chairperson Hext: So, the only recommendation that we had from the Albany County Planning Board was to go to DOT for the curb cut.

Code Enforcer Moore: Yes.

Chairperson Hext: Which is part of the building permit anyway. Okay.

Village Attorney Phillips: Well, I'll note, in the resolution included with everyone's agenda packets, this draft of the resolution has a blank where we had the County Planning Board's response to the 239N referral in this case, because it's a subdivision. As Lance said, the County Planning Board did meet on the 18th last week, and we did receive their response on this referral. The only recommendation being that the applicant has to obtain approval from the DOT for that curb cut. As Deb already indicated, that would be a requirement prior to the issuance of a building permit.

Chairperson Hext: Now, did we receive an email from them, Lance? Because I'd rather have-

Code Enforcer Moore: I wasn't in today.

Chairperson Hext: I'd like to have something in writing that we can add to the permanent file, rather than just-

Code Enforcer Moore: I'll do that. When I get off, I'll look at my email.

Chairperson Hext: Okay.

Code Enforcer Moore: I wasn't in the office today.

Chairperson Hext: Okay. Sorry if we got off track there. Does anybody from the public have anything to say regarding Troy's... There was a picture of the proposed home out on the Village website, and I must say, I think it looks like any Victorian that's been here for a hundred years.

Board Member Muhlfelder: Very pretty.

Village Attorney Phillips: And we can note for members of the public, the applicant did provide an updated proposed final plat that included the building envelope on the subdivision plat that complies with the setbacks for this zoning district, and also included the notation that the Board required on the map concerning potential enforcement of a restriction in the chain-of-title for this property. So those conditions were satisfied by the applicant, and the note is shown on the final subdivision plat.

Board Member Litten: I've got a question. The picture that was submitted, we're not making any judgment about that at this point now, are we? We're just approving the minor subdivision. Is that correct?

Code Enforcer Moore: Correct.

Chairperson Hext: I'm not sure what you mean though, we're not approving-

Board Member Litten: The picture is irrelevant to our discussion now.

Chairperson Hext: It is. Some people from the public, we received emails, wanted to see what the house would look like. So, Troy was kind enough to provide that drawing of what he intends to build. Now, as far as the building itself is concerned, that's up to Lance. He's the one that's going to issue the building permit. He's the one that's going to have control over what they're building, and does it meet our code or not.

Village Attorney Phillips: And that was one of the reasons why the applicant was required to locate the building envelope on the subdivision plat, because according to our law, we aren't supposed to be creating new lots through subdivision that can't comply with our minimum zoning requirements. And in this case, we did have the discussion early on with this application, whether it qualified as a keyhole lot, if that would be permitted in this district, and it was determined this would not qualify as a keyhole lot because the house could be located in accordance with the applicable setbacks for this district. And so, the access on Main Street was not just a pass through to get to the building envelope. And that's why showing the building envelope on the plan demonstrates that the lot can comply with our zoning requirements.

Board Member Litten: Yeah. I understand that. I guess my concern on seeing the sketch, I don't know whether we have any say in this at all, but it looks like Troy is making a model of a 1890s house, complete with a big brick smoke stack on the side of it. It rather looks like my house, which is like grossly obsolete for the 21st century. We have net-zero type buildings that some people are starting to put up in Guilderland, and an 1890s building just seems weird to put up at this time. But I don't know if we have any say in that.

Chairperson Hext: Troy, do you have anything to add to that?

Applicant Troy Miller: Yeah, I would say you don't have any say in it.

Chairperson Hext: I don't mean that. I mean, do you have any comment as far as the type of building? And I agree, we really don't have a say in it. Again-

Board Member Litten: All right.

Chairperson Hext: It's really up to Lance. It's not like a special-use permit. There is a difference. But I'll leave it up to you, if you want to add to this, Troy, otherwise, I don't know what to say.

Applicant Troy Miller: I wanted to build an old, new house before I'm not able to.

Board Member Litten: Well, welcome to the 1890s.

Board Member Hukey: Deb, I have a question of Allyson.

Chairperson Hext: Okay.

Board Member Hukey: The house is built. Now there's still a 32,000 square foot space in the back, or roughly 32,000 square foot. Can he extend the driveway to this house that he just built to the back lot, and say now it is not a keyhole lot?

Chairperson Hext: I would say no.

Village Attorney Phillips: Can he extend the driveway to the house that he built-

Board Member Hukey: In order to get to the back lot, let's say he extends the driveway to the new house to go into the back. It'd be a common driveway.

Chairperson Hext: And build the house back there, you mean?

Board Member Hukey: Build the house back there on that 31, 32,000 square feet.

Village Attorney Phillips: Well, that would require a new subdivision in order to construct a new home on that back lot, and I think that would be the definition of a keyhole lot if you were using a portion of that for access.

Board Member Hukey: Thank you, Allyson.

Chairperson Hext: That is actually part of the definition of a keyhole lot is that you build a driveway simply for the access to that property. But again, I don't think he'd meet the minimum setbacks. You'd have to have a variance. I don't think... And there's wetlands back there, but again, we're approving this now. I think looking into the future and worrying about whether or not he's going to build a driveway that's going to add to the back of the property, he can't just do that. He'd have to come back before us, so I'd rather stay focused on what we have before us now. Do we have any other comments from the public? I'm trying to see if anybody's waving at me. I don't see anything. Somebody on an iPhone is waving. I don't know who you are. Please state your name for the record.

Officer Stone: How are you? It's Officer Stone with the Altamont Police Department. How are you?

Chairperson Hext: Good. How are you?

Officer Stone: Doing good. I've worked for the Village for a little over four years now. I've had the pleasure to know Troy Miller through friends and other people in the Village. I've seen some of the work that he's done. I think that he's going to do a great job whichever way it comes out, and I'm for it, for sure.

Chairperson Hext: Great. Thank you.

Danny Ramirez: Deb, this is Danny.

Chairperson Hext: Hi, Danny.

Danny Ramirez: Yeah, to answer Simon's concerns, as long as the structure meets the New York State energy code, he can build whatever he likes there.

Chairperson Hext: Can I ask, if you're not a Board member... And Danny, I know you're a Zoning Board-

Danny Ramirez: Oh, sorry.

Chairperson Hext: Just for the record, this is a public hearing, so.

Danny Ramirez: Yeah. Danny Ramirez. I'm on the Zoning Board of Appeals, but to Simon, one of your Board members, raised a concern about the age of the, or the design of the structure, but he can build that as long as it meets today's energy code requirements, construction codes, he's okay.

Chairperson Hext: Thank you, Danny. Okay. Anyone else? I don't see anybody.

Mayor Dineen: We have a hand up, Deb, with a Michelle S, I think.

Chairperson Hext: Okay. Michelle?

Michelle Viola Straight: Hello?

Chairperson Hext: Could you state your full name please?

Michelle Viola Straight: Sure. Michelle Viola Straight. I live at 1385 Berne Altamont Road in Altamont.

Chairperson Hext: Thank you.

Michelle Viola Straight: I am calling in, in support of the project. I think it's a great project. The biggest hurdle in the Village has been attracting new businesses, and adding new experiences to the Village.

Chairperson Hext: I'm going to have to stop you right there, Michelle. We're not up to that yet. We're not talking about the restaurant yet. We're talking about a new subdivision on Main Street.

Michelle Viola Straight: Oh. Gotcha.

Chairperson Hext: Just hang in there with us. It'll come up, I promise.

Michelle Viola Straight: Very good.

Chairperson Hext: Okay. With that, I think no one else is screaming and waiting. Could I have a motion to close the public hearing?

Board Member Hukey made a motion to close the public hearing. Seconded by Board Member Muhlfelder. **Roll Call: All in Favor.**

Chairperson Hext: With that, I will read... Do you want to give a brief description of the resolution, Allyson? Or do you want me to read the, therefore, be it resolved?

Village Attorney Phillips: Yes, I'll give a brief summary. This is also a proposed resolution that I drafted for the Board's consideration tonight. It's been available on the Village website since Friday. The resolution recites the history of the review, thus far. It confirms that the notes requested by the Planning Board following the initial sketch approval, were included on the final plat that was submitted by the applicant. I noted earlier, we have here recited in the resolution, that the application was referred to the Albany County Planning Board. And there's a blank here where we were waiting for a response. So, I propose that the final resolution, we fill in that blank to say, the County responded with a recommendation that the applicant obtain approval from New York State DOT for a curb cut.

And then in the final wherefore, I propose that we also make the adjustment to incorporate the recommendation of the County Planning Board to read, now, therefore be it resolved that the Planning Board of the Village of Altamont, hereby approves the final plat upon the condition that the applicant must obtain approval for a new curb cut from New York State DOT before any building permits are issued. Subject to this condition, the Planning Board Chairwoman is authorized to sign the final plat so that it can be filed in the Albany County clerk's office.

Chairperson Hext: Okay. Troy, you're okay with that?

Applicant Troy Miller: Yes.

Chairperson Hext: Okay. All right. So then, thank you, Allyson. I will read the second part of the... It is further resolved that the Planning Board of the Village of Altamont hereby authorizes and requires the Planning Board Chair, and the Planning Board Secretary/ Clerk, and Village Attorney, to take the appropriate steps to effectuate this resolution, including any filing and distribution requirements. Whereupon this resolution was declared adopted by the Village of Altamont Planning Board. Could I have a motion to approve, please? Anybody.

Board Member Hitt made a motion to adopt the resolution requested by Troy Miller for a two-lot subdivision of land located at 130 Main Street, Altamont, seconded by Board Member Caruso. **Roll Call: All in Favor.**

Chairperson Hext: Thank you. Thank you, Troy.

Applicant Troy Miller: Thank you, guys.

Chairperson Hext: You can hang out, or whatever. I am going to deviate a little from the agenda that was posted, because the next agenda item was to review Jeff's special-use permit, but I think I want to go to the pre-concept review application for a special-use permit to open a Body Art studio, to be located at the space formerly occupied by the martial arts studio at the corner of State Route 156 and 146. We have nothing except a drawing of where the tattoo Body Art is supposed to be within The Plaza. Do we have a representative of the Body Arts Studio on the line, or?

Applicant Rep Don Cropsey: I'm here, Deb. Don Cropsey.

Chairperson Hext: Hi, Don. Okay, thank you. I know I have a bunch of questions, obviously Don, we're going to need an application.

Applicant Rep Don Cropsey: Deb, I did submit a formal application for a special-use permit. I submitted the short environmental assessment form, and I submitted a site plan for The Plaza property.

Chairperson Hext: When did you send that?

Applicant Rep Don Cropsey: I sent it two weeks ago.

Chairperson Hext: Lance, the only thing you gave-

Applicant Rep Don Cropsey: On March 8th.

Chairperson Hext: The only thing you gave me when I was there the other day, you said, the only thing we have is the drawing of The Plaza. You're on mute, Lance.

Code Enforcer Moore: Can you hear me now?

Chairperson Hext: Yep.

Code Enforcer Moore: Yeah, Deb, I didn't send that because normally we have a hearing in the beginning, and then you set a public hearing based upon that. And that's what I thought that's what the Board wanted to do.

Chairperson Hext: Well, no. We always review the application. We always-

Code Enforcer Moore: That's what I thought we wanted to do first.

Chairperson Hext: So, Ginger-

Ginger Hannah: Okay.

Code Enforcer Moore: Like a typical pre-conference, so this is what I thought that the Board would want.

Chairperson Hext: Well, we should always review whatever has come in. We only have a certain amount of time after we receive an application to hear it, whether it's a public hearing, or just a pre-concept hearing, or to sit down with you, and myself, and the applicant.

Code Enforcer Moore: He did do an EAF, though. And I believe there is an application there, but I didn't realize that that's what you wanted on the agenda tonight, because there were so many things on the agenda.

Chairperson Hext: No, we-

Code Enforcer Moore: I thought we were going to deal with the extension first.

Chairperson Hext: No we can't... Well, we can talk about this offline, but no, we can't hold an applicant back that has submitted the proper paperwork because we have too many things on the agenda. That's not fair to the applicant. We can't do it that way. Yeah. I'm sorry there was a misunderstanding, but perhaps we can...

Village Attorney Phillips: Can we... I don't know, Ginger have the application and EAF that have come in, have they been scanned?

Ginger Hannah: We looked for an application, Lance and I talked about this, because we asked, is there an application that can go with the EAF, and we did not locate an application. And so that's why, because I asked the same question. Is there an application that goes with the EAF and with this plat? So, if we missed it somehow, then I apologize. But we asked about it, I asked about it, we looked for it, and Lance, I thought that we determined that there was no application. Because of course, if we had an application, we would have put it in the materials.

Code Enforcer Moore: Yes.

Ginger Hannah: So, Don, if we missed that somehow, I apologize. The only thing that I knew of that came in was the EAF and the site plan.

Applicant Rep Don Cropsey: Well, on March 8th, I hand-delivered 10 copies of the application for a special-use permit, and 10 copies of the site plan, and at the time I had inquired as to whether or not I needed a SEQRA form, because I was under the impression that this would be a Type II SEQRA, and I wouldn't need to provide that. I was later informed that I did need to submit it, which I did this past week. I submitted the short environmental assessment form. And we were under the impression that we could present this request as a pre-meeting discussion regarding the use of the space. It's a use of an existing 1200 square foot space for a Body Art studio, a place to get tattooed. And I submitted everything on time, and, I'd like to move forward with this part of the hearing so that we can set a public hearing, and get the tenant in the space. He's under some time constraints to move into this space.

Village Attorney Phillips: Don, do you have scanned copies of the application and EAF that you could share your screen by any chance?

Applicant Rep Don Cropsey: I don't. I mean, if we took a break after the expansion I could scan it and forward it over to you, but again, it's a pretty straightforward application. The site is the site. I mean, we're looking at the site for the expansion to The Plaza with the next request. And this is simply the use of an existing 1,200 square feet of space that has been previously approved and used as a martial arts studio. There's no changes proposed with this particular application to the site. And again, the only change that's going to occur in the space is painting and a new floor. It's a pretty simple application. It's a personal service use. It's allowed under the zoning law, as the zoning law defines it. It's a use defined by taxation and finance as to personal use or personal service, I'm sorry. Again, it's a pretty straightforward application. I do understand that the Board probably has some questions regarding sanitation and health aspects, number of employees, which I can explain, but again, I'd like to move forward with this. It's pretty simple. It's an existing Plaza.

Village Attorney Phillips: Okay. So I propose then if Don, you can scan those and email them to me, perhaps that we can move on to the public hearing on the Altamont Corners expansion, and then circle back to this so we can all bring up the application documents that, ideally, if we had gotten them would have been in the packets, but we can review them together. And if the Board is comfortable, I think we can at least do the SEQRA classification tonight, if we can all look at the EAF together and agree. I think it probably would qualify as a SEQRA Type II, but we do require the EAF form on our application checklist so that we can see how the form is filled out and make that determination at the meeting. And we can review the application, and if the narrative has been provided and the Board can determine if it wants to request any additional information from the applicant.

I think there likely will be some questions on the sanitation and health aspects as Don had said. But if the Board is comfortable with the information that's been provided with the application, it can then consider if an application has been submitted, whether it feels that is complete for purposes of scheduling a public hearing, or if additional information should be provided before the Board takes that next step. But Don, if you are able to scan that to us, just so we can share it and have that in the minutes that we reviewed that together before making any of those decisions, I think that would be helpful.

Chairperson Hext: Do you have a way to do that, Don, where you are?

Applicant Rep Don Cropsey: I can scan it. I have a scanning app on my phone. I can scan it and forward it to whoever, to you, Deb, or to Allyson. We can take a break and I can scan this thing.

Village Attorney Phillips: I think that'd be great. Don, I think you have my email. I think hopefully I'm able to figure out how to share the screen so we can look at it together and then we can review it tonight.

Applicant Rep Don Cropsey: All right.

Chairperson Hext: Yeah, and I would be willing to review it and just go over the application at some other date, if you want it to proceed that way. I don't want to hold it up, but I would be perfectly willing, since it seems to be something that we misplaced, to schedule another meeting, a special meeting this week, whatever is easier for you, Don.

Applicant Rep Don Cropsey: Well, as I said, if you look at the application and the request, the building is already there. The space is already there. It's previously been approved for a use much, much more intense than a Body Art studio. The site is there. Everything is there. Nothing will take place outside the confines of the leasable space. There's no outdoor activities. There's nothing that occurs outside the tenant's space. So I will scan the documents that I submitted and I'll pass them on to Allyson and, again, I'd like the Board to ask me the questions that they may have for this particular use. And we can update the file if need be and to move on to a public hearing.

Chairperson Hext: Okay. Thanks for doing that, Don.

Applicant Rep Don Cropsey: Sure, no problem.

Chairperson Hext: Okay. With that, I guess we should have kept it in the other order. The next agenda item is the public hearing on an application for a Special Use Permit submitted by Jeff Thomas for an

addition to the property at the corner of State Route 156 and 146, The Plaza. Allyson, if you want to read the public the legal notice on that, please.

Village Attorney Phillips read the Legal Notice to open the Public Hearing. Summary as follows: Notice is hereby given that the Planning Board of the Village of Altamont, New York, will hold a public hearing pursuant to Article V, Section 355.35 of the Zoning Law on the following proposition: Special Use Permit for a single story addition to an existing shopping Plaza. Request of Jeff Thomas. Property situated as follows: 187 Main Street, corner of State Route 156 and State Route 146, Altamont, New York, 12009. Zoned: Central Business District, CBD. Tax Map number 48.06-3-1. Said hearing will take place on Monday, March 22nd, 2021 at 7:00 PM.

Chairperson Hext: Thank you, Allyson.

Village Attorney Phillips: Deb Hext, Planning Board Chairman.

Chairperson Hext: Okay, that opens the public comment period. Do we have anyone from the public? If we do, please state your name and if you'd like to give your address.

Chairperson Hext: I'm not seeing anyone. This might be you, Michelle, now, if you want.

Michelle Viola Straight: I can't see it.

Chairperson Hext: Somebody please mute. We're getting wicked feedback. Anybody on the phone, you'll have to unmute to speak, Julie. I see you waving. If you'd like to speak.

Athena Newcomb: I have a comment. My name is Athena Newcomb, and I think this is a great idea. I think it would be great for the community. We've lost so much with this past year that we need to bring more in, to bring more people, so we can share our wonderful small town with them.

Chairperson Hext: Okay. Thank you. Did you get the name on that?

Athena Newcomb.

John VanGardaran: Hi. So I think this would be great. I'm John VanGardaran and live right in the Village. So I've seen the plans. The plans are beautiful. It's something Altamont needs. It would be great for the restaurant. Bring business into the Village, not only looking beautiful and having a nice curb appeal, but it would be great for Nadia.

Chairperson Hext: Thank you.

Julie Clancy: Julie Clancy.

Chairperson Hext: Go ahead, Julie.

Julie Clancy: Yeah, my name's Julie Clancy. I'm a 20-year resident of Altamont and I have the pleasure of knowing Jeff Thomas and he is very passionate about just building beautiful things for this community. And he wants to bring in business and showcase our little Village and make it a destination. Nadia has

her entire heart into the restaurant, and I think that everybody has the best interests of this community and any improvement is good improvement. And I am 100% behind this and I know that Jeff Thomas will do a great job, whatever he does. Thanks.

Chairperson Hext: Thank you. Michelle? You've been waiting.

Michelle Viola Straight: Hello. Now I can speak. Michelle Viola-Straight. 1385 Berne-Altamont Road. I've been in Altamont for a little over 23 years now. The addition and the proposal that is in for the Village of Altamont, I think would be a wonderful addition to that building itself. The area that he would be building on is underused. He's being very creative with the plans and using that space well. I think having a dialogue open about the noise ordinance, that would be definitely a starting point. To put limitations on a business like that would definitely hurt. In the past, Veronica's has had somebody there playing a guitar. Back in the day, Desolation Studio had somebody there. They had bands there and they would play, two and three man bands, have some live entertainment. The park has entertainment. The library does.

It's something that people are definitely craving. And I think if you started a dialogue, there would definitely be a happy medium in there with some conversations of how you can allow this to happen, how it wouldn't intrude on any of the neighbors, how it wouldn't impede on anybody's rights and privilege to living a quiet lifestyle, but it would definitely be an asset. And it would be a travesty to limit the property and say, "Well, you can do everything, but you can't have a guy with a guitar." So I am all for the project.

Chairperson Hext: Thank you, Michelle.

Michelle Viola Straight: Thank you.

Chairperson Hext: It's definitely not our intent. But we'll get to that.

Village Attorney Phillips: Deb, do you mind if I just interrupt in the public comment, just because I think Michelle brought up some good points that I think now may be a good kind of time to explain what we're thinking on this outdoor entertainment aspect of the conversation. And I'll say that essentially, the course with the review of this application was kind of charted early on when Nadia first came in for the Special Use Permit to occupy the existing space for the sit-down restaurant. And at the time, there was discussion that the space was going to be added onto and that the property owner planned an addition for the building. But at the time, we couldn't review and approve a Special Use Permit for Nadia to operate in this expanded space until the actual site plan was approved for purposes of allowing a building permit for that addition to be built.

But at the time, we had told Nadia if that addition is approved, you are welcome to come back and ask for an amendment to the Special Use Permit that the Board has granted you to enlarge that restaurant into the new addition. And the purpose of that, I think, and Deb, certainly you can correct me if I'm wrong, was to help Nadia start the business before and while that application and review was ongoing for the building expansion. As far as the idea of having outdoor entertainment, I don't think that the Board has any issue or jurisdiction with respect to someone playing music inside the building or inside the restaurant space. The question becomes a land use question when that entertainment or that outdoor music or amplified noise is outside.

And it got then the potential to have an impact on neighboring properties. And early on in the discussion, I know it was back at the end of 2020 and I believe it was during the discussions on Nadia's

initial application, it was discussed. If there was going to be a proposal by someone to have outdoor entertainment or music, it's got to be part of an application. It's got to be part of a proposed use that comes before the Planning Board and can be reviewed as part of a Special Use Permit, a Planning Board approval. Now, because I think this building expansion, at least it's my understanding and the Board members can tell me if they had a different understanding, when the application for the Altamont Corners expansion came in, I understood it to be a building expansion that Nadia, as the adjacent restaurant, was going to expand into.

And the plans that we see, the proposed site plan, show this addition as being utilized as part of the existing restaurant space. The application for the building expansion does not give the kind of detail like Michelle just talked about, as far as the details on what kind of outdoor entertainment or music would be involved. And that is important for the reasons Michelle just said, because members of the public should understand or be able to expect or anticipate what is being proposed as part of the application.

And so in this scenario, where you have a landlord who's building out the space for a tenant to occupy, I don't think it's unusual that the landlord didn't include that level of detail in this application because really, I think it would be more of the tenant or the occupant to be able to articulate to the Planning Board what they are proposing to do as part of their restaurant use. I would anticipate it's Nadia who's going to have the information: "I want to have this kind of, if it's a live performer or if it's amplified music. I anticipated X number of nights a week. I wouldn't have it past this time at night. It would be just acoustic guitar versus it would be amplified, a band with singers."

We need that kind of information to be able to determine if the proposed use meets the criteria of our code, or if we should need to put conditions on the permit to make sure that it doesn't have an impact on neighbors. And so I don't think, and again, the Board can correct me if I'm wrong, I'll just say, there was never an intent to not allow outdoor music or entertainment in this patio deck area. It's just an application has to be given to the Planning Board with the specific information to allow us to review it.

And in the draft resolution that was put on the Village website on Friday, the idea is that we're not permitting the music now as part of the building expansion, because I think everyone understands the occupant has to come back and get an amendment to their Special Use Permit in order to enlarge the restaurant use in the expansion space. And a description of how outdoor music or entertainment would fit within that enlarged use, we would expect to be part of that application.

And I don't mean to interrupt the public comment. I just thought that Michelle's comments kind of provided a perfect segue to this because she kind of hit the nail on the head, that you've got to find a happy medium between what's proposed by the business owner, what's going to be good for their business, and what won't adversely impact the neighborhood and the residents. And that's the Planning Board's role in kind of reviewing the proposed use and determining if it meets the criteria of our law. So we can continue with the public comments and we definitely should have a conversation with the applicant about this aspect of the draft resolution. But I just kind of wanted to get that out right now that I do not think it is this Board's intent to prohibit some kind of outdoor entertainment or outdoor music or whatever that is that someone's going to propose at this location, provided we can review it and determine it's appropriate and won't have a negative impact. So I appreciate you, Deb, I thought it was a good time to just kind of summarize that.

Chairperson Hext: Well, thank you, Allyson. Like I was saying to Michelle, it's certainly not our intent to prohibit any type of entertainment, especially something, I mean, what I'm hearing guitar, violin, nice music. Like you said, it's simply to have an idea of what is planned and right now we don't have that. But anyway, I don't know if anybody else from the public wants to?

Lindsey Giagni: Hi, guys. I would like to speak.

Chairperson Hext: Who's that?

Lindsey Giagni: My name is Lindsey Giagni. I live at 3 Groot Drive. I've been in the Village for just over five years now. It sounds like, and please, correct me if I'm wrong, but right now, you're looking at approving or talking about the expansion. If the expansion is a go, and then if Nadia is going to be operating within the expansion, then that's going to be another conversation about the use of the building. So, okay. So based on that, I just want to speak on the expansion then, since that's what's being looked at right now. I looked at the plans and I think that it's great use of land that currently isn't being utilized.

I feel that it would benefit Nadia, who chose to open a restaurant in our great community during a pandemic. I mean, she took a huge leap and the community has been supporting her and she's been doing such a great job. She needs more space because of the demand. And we don't have a lot of options around here right now. We need more. And she's already proven to be such an asset to the community. If this expansion is needed for her to grow her business, I am all for it and support Jeff and Nadia and this expansion. Thank you.

Chairperson Hext: Thank you.

Mayor Dineen: Deb, you have Jeff Perlee.

Chairperson Hext: Jeff?

Jeff Perlee: Thanks, Deb. My name's Jeff Perlee. I live at 1189 Berne-Altamont Road. I don't want to say how long I've been in Altamont. Let's just say I was born here and we'll leave it at that. But I certainly concur with what everyone else from the community has been saying about the merits of the expansion. As the community's representative to County government, we've been working very hard to support business through these very challenging times, particularly here in Altamont. And that includes landlords. Not just business operators, but landlords have really taken it on the chin during this pandemic. And I think as to the issue of the music, and it's interesting because it's sort of connected to the issue that Don Cropsey had early on that you'll revisit, is you have the permitting process. One would think that it would be sufficient to permit the landlord, particularly in this case, where the landlord is someone of such longstanding commitment and credibility and track record in the community.

And you just have to look over the last 10 years at Altamont, and see how challenging it is to operate a commercial property, right, with the turnover. And that's the nature of the beast. And by saying you can only allow the live music authorization for the specific applicant, I think is being too restrictive. And it's putting a competitive disadvantage on the property itself because, I mean, and Nadia has done such an amazing job. I've never seen such a response to a business in this community in the entire time I've lived here, and I have every confidence that she will be going gangbusters for years. But if she doesn't, and that space has to be filled, it would be a real competitive disadvantage if the next applicant had to go through all the same processes. And that same applicant, we've kind of run out of people and we're getting close to the end of people from this community who are willing to devote their time and resources to opening up a business.

The fact of the matter is, the future of Altamont business is going to come from people outside. And those people have choices. And they could open a business in Voorheesville. They can open a business

in Delanson. And if Altamont property is not able to compete competitively by saying yes, if you open a restaurant here, of course you can have live music, then we run the risk of losing that business opportunity to a neighboring community. So I would just certainly urge you to approve the expansion, but also see fit to approve the expansion with the authorization for live music to the property, to the landlord, in this particular case. Thanks.

Chairperson Hext: Thanks, Jeff. Go ahead, Allyson.

Village Attorney Phillips: Again, it's kind of a good segue for me, if I can just take a minute to kind of explain what our zoning law requires. Our zoning law essentially requires a review by the Planning Board if you're enlarging a use that's permitted by Special Use Permit, if you're otherwise altering it, which the Board considers that has to be a significant alteration, something related to the use of the land, or if you're essentially changing from one permitted use to another, a special use to another special use. In Nadia's case, that space was previously occupied by a Subway. That is defined in our zoning law as a restaurant, a fast food restaurant. We have a separate use category for a restaurant with a bar.

So that was the trigger that required Nadia to come back before the Board and have a Special Use Permit review. The Village has just had a restaurant turnover where it was one restaurant with bar going to a different restaurant with a bar. That did not trigger Planning Board review. And so that Special Use Permit runs with the land. Here, we had to consider this a change in use because of the language of our law. And the idea in having the tenant, the actual user of the space, get the approval for the outdoor entertainment, the idea would be they are the ones who are in the best position to be able to determine what they want to propose and get approval for, and also what conditions they can live with. They are the ones who need to present the application, what's going to be best for their business, so we can review it and determine any appropriate conditions that have to be put on it.

The idea being, there is now going to be a Special Use Permit in place for that space, for a restaurant with a bar that allows outdoor entertainment under specific enumerated conditions, if that's necessary, or at least a representation as to what the outdoor entertainment is going to be. So in the future, if there is a turnover in that space and it is for another restaurant with a bar that can operate outdoor entertainment within the parameters that were set by that Special Use Permit, they will not need to come back to this Planning Board. But right now, this is a building addition. This deck and outdoor space do not exist right now. It's going to be an enlargement of Nadia's restaurant. And again, that Special Use Permit for the change from the Subway to the restaurant with the bar was processed expeditiously to allow Nadia to get into that space and start operating, while the plans for the building expansion were being developed and coming before this Board.

So I think that the Planning Board, from the outset of this review, has charted a course with the applicant to try and accommodate everyone's needs. And I think everyone acknowledges what a difficult time this is. And everyone is grateful for new businesses that come into the Village, and especially Nadia's that's been so successful. I think everyone wants to support that, but we have to operate within the parameters of our law. And we have to make sure any use that we approve meets the criteria of the law so that it doesn't adversely impact the neighbors or the Village.

And I think this Board is trying to strike that balance. And I think the applicants have been great about providing the information that we need. And I'm confident that when it comes time for Nadia to come and get the amendment to her Special Use Permit, she'll be able to provide that information that will allow the Board to review it and ultimately approve it. But we need to be able to go through that process. And the public needs to be able to review that and comment on it in a meaningful way. That's what our law contemplates.

Chairperson Hext: And we don't have that now. We don't have an application that states that the public can review, that states, "I plan on having guitar music, violin music, ukulele, whatever, Monday through Friday, and it won't go on past 10:00 PM." I'm just throwing these times out there. I'm not saying that that's what it needs to be. The public needs the chance to review that. And we need to review it and say, "Does this fit in with the character of the Village and the neighborhood?" as Allyson was saying, as per our code. I have nothing against music. I'm all for it. Again, Nadia, you've done a wonderful job. You and I have talked many times and we will help the process along. This shouldn't hold the process up whatsoever, because we can't approve music as part of this now. At least, it's my opinion that we can't approve music as part of this Special Use Permit. We don't have enough information. So it's really not going to hold the process up. Nadia gets her Special Use Permit application in, and we can hear it next month.

So I don't know. That's my take on it. I don't know if any other Board member or anybody else from the public? Just know that we're not against this. Whatever we can do for Altamont. I think anybody that's dealt with me will tell you, people, you've got my cell phone, you can call me anytime. I'm pretty open to questions. If you need help cleaning your restaurant or whatever you need, I'd be there to help you. So we're not trying to prevent businesses coming into Altamont. We're certainly encouraging it.

Julie Clancy: Can I ask a question?

Chairperson Hext: Who's speaking?

Julie Clancy: Julie. I spoke before. So you would approve the expansion based on the possibility of music, so you're asking for Jeff Thomas to put a lot of time and money into a space that he has no idea whether or not it will come to fruition. So-

Chairperson Hext: Well, no the space will- that's different. There's the difference. If-

Julie Clancy: I know. But, if that is the purpose of it, I agree with what Jeff Perlee was saying is you're limiting it. There's a possible limitation, and that's a big ask. So, I mean, I know my neighbor for 20 years has played his music as loud as possible, and there's no noise ordinance. So, that's why I'm kind of confused by this. And maybe that others also feel the same way as me, is it where it is located in the Village, that there would need to be a separate discussion?

Village Attorney Phillips: Deb, I can-

Chairperson Hext: Go ahead.

Village Attorney Phillips: I can refer to this. This is a commercial use in a zoning district where this building is located. Sit down restaurants with bars are permitted by a Special Use Permit, and we have specific criteria in the law for issuance of a Special Use Permit. And one of those is that you have to ensure that adverse impacts to neighbors are mitigated, and that's specifically in the law adverse impacts of noise. So, it's something that has to be considered before you grant a Special Use Permit for this kind of commercial use. And there's never been any outdoor entertainment or outdoor restaurant use at this location that had outdoor amplified noise, and so it has to be reviewed as part of the Special Use Permit. That's a fundamental difference that we're talking about a commercial use that's only allowed through a Special Use Permit in the zoning district versus someone living in a dwelling which is a residential use. Obviously, we should all be using our property in a way that doesn't harm our neighbors,

but in this case, the Planning Board has a specific legal requirement to review that before it can issue the permit.

Julie Clancy: Okay. Understood. Thanks.

Joe Burke: May I say something real quick? This is Joe Burke.

Board Member Muhlfelder: Hi, Joe.

Joe Burke: Hi. It's really nice to see everybody. So, I am the director of the Altamont Free Library. I am sadly not an Altamont resident. If you know what librarians get paid, then you can maybe imagine why. I've had fantastic experiences with Nadia and with her restaurant. I've been happy to be able to help her out in any small way that we can, whether that's printing menus or designing wine lists or anything like that. It's so great to see a small business thrive in the way that that hers has over the past couple of months. I've gotten a few calls from members of my Board of trustees and from members of the community asking me what I think about the expansion.

So, I want to be careful to say that I'm not the library. I'm the director. I have a Board of trustees, and we talked about this at our last Board of trustees meeting. I gave them whatever information I could glean from the filings that I had seen from the announcements that had been made and from scuttlebutt that I heard around the Village. But, from what I've seen on file, I have no basis on which to think that the uses to which the expansion would be put will have a detrimental impact on the life of the library. I just haven't seen anything that tells me that it would... It may be the case as we go forward, as we learn more about what kinds of music, what times the music is going to be played. We keep talking about the primary neighbor, the closest neighbor being a library and the other tenants of The Plaza.

I think I just haven't seen anything that tells me that this is going to be detrimental yet. But, I certainly respect and applaud everything that Nadia has been doing so far in her business. As a member of the community, I think that we can probably work something out if the volume is up too loud, or if there's something that comes up in the use of the property, if it's smoking or if it's whatever that is making it difficult for us to, for example, use our patio for library programs, story times, or things like that. But, I'm open-minded. I'm willing to learn more about the program. I'm very grateful to Kristen Casey, who kindly slipped me some drawings that Jeff had come up with for the expansion which looks pretty neat. So, I am not here with any strong position in mind except having respect for Nadia and for her business. That's it.

Chairperson Hext: Thank you, Joe. Anybody else on that? I mean, I can't see you waving, if you're on-

Board Liaison Whalen: Hi, Deb. Dean. If I may, if I'm understanding the discourse, and I'm trying to kind of summarize for everybody-

All right. If I'm understanding the discourse, I just kind of wanted to offer, hopefully helpful, it seems to me that the Planning Board, based on some of the comments, really has two basic choices with what's on the table right now. Given what was submitted, which does not really specify anything related to noise, which seems to be one of the big issues, the Board can proceed with the application as is that then puts it all on Nadia, as has been pointed out, when she comes back to do her Special Use Permit for the expansion to clarify what she wants to do.

That kind of puts a bit of her on the bubble, because she won't know if she'll get what she needs at that time. It's very likely she will, but that's not cast in stone. The second option is to have the Board request

more information related to noise for this applicant. And then, as I think Jeff was pointing out, if that's approved, then there are some noise and hours and that sort of thing dedicated to this particular application or the expansion. I don't know if that helps clarify. Maybe there's a third choice I'm missing, but I was just trying to kind of clean up some of the thoughts.

Chairperson Hext: Thank you, Dean. I think in my mind that's kind of the way we were thinking is to just approve, I can't really say approve because we haven't taken a vote yet, but take the application from Jeff as it is and move forward with Nadia's, and address the music or the entertainment at that point. The only other thing we could do is to continue the public hearing and have Jeff modify his Special Use Permit to include the music, which again, we may or may not approve. So, I don't know the best avenue to take, given the complexity of-

Applicant Rep Don Cropsey: Deb, it's Don Cropsey, if I could interject?

Chairperson Hext: Yes.

Applicant Rep Don Cropsey: I think one of the issues is the language as it's written in the draft resolution, specifically condition number three. It states, "No outdoor entertainment, including, but not limited to, entertainment utilizing amplified music shall be allowed in the expansion unless such time as approval is granted by the Planning Board." We had sent over a modification to that language, and I think it would go a long way to supporting the owner of The Plaza as well as the tenant, Nadia, and I'll read what we had sent over. I think Allyson got it, let me see if I can get it here.

Chairperson Hext: Yeah. We did get it, Don. Yep.

Applicant Rep Don Cropsey: I'll just read what we had. We had sent over a modification, "number three, outdoor entertainment, including, but not limited to entertainment utilizing amplified music may be allowed in the deck expansion area only as approved by the Planning Board as an amendment to the occupying tenant's Special Use Permit." Now, by having language like that, that would give the landlord, the owner, the ability to market his property should Nadia go out of business, as well as giving Nadia the ability to come in with a little bit more confidence that getting an approval for deck entertainment would be a realization. Again, the original language really kind of shuts it down. With the modified language, it gives the option to both the landlord and the tenant. And that's something that I think that the landlord, the owner of the property, could live with and that would serve everybody's needs, I believe.

Chairperson Hext: I think they're both saying the same thing.

Village Attorney Phillips: Yeah. Maybe, Don, if the issue with the language is where it says, "unless such use is approved by the Planning Board as an amendment to the occupying tenant's Special Use Permit." I mean, the idea is that it would be a sit down restaurant Special Use Permit.

Applicant Rep Don Cropsey: That's correct. But, I think the problem in the original resolution is the wording, "no outdoor entertainment."

Village Attorney Phillips: But I don't see any difference with the language that you propose here, because you say, "may be allowed only as approved by the Planning Board."

Chairperson Hext: So, you want to take out just the word, "no"?

Village Attorney Phillips: Yeah.

Applicant Rep Don Cropsey: No. I mean the language that-

Village Attorney Phillips: Because the idea would be, I mean, you have presented this site plan application as an expansion of the restaurant use. It's connected. It's part of the same space.

Applicant Rep Don Cropsey: That's correct.

Village Attorney Phillips: So, as far as the landlord being able to market it, we can't have the idea that a Special Use Permit should run with the land, unless, as we had said before, you're significantly altering it, you're enlarging it, or you're changing the permitted use. So, it almost seems like you're trying to introduce this idea that it's some kind of separate approval for the landlord to market it in a certain way, separate from how the occupying tenant can use it, where, in reality, I don't see that we can separate the two. The landlord could have come in here with an application identifying this specifically to include some kind of outdoor entertainment aspect to the use. And we talked about that early on.

Applicant Rep Don Cropsey: Yeah. I think we've made that clear from the beginning that even our initial meeting in November, we talked about music. We weren't sure what it was going to be, but we did indicate-

Village Attorney Phillips: And we said at that time, it's got to be part of the application, and there has not been any specific information for the Board or members of the public to be able to fully comment on this expansion of a restaurant that shows a bar, a fire pit, that this would all of a sudden become some kind of outdoor music entertainment venue. And I'm not saying that outdoor music can't be part of a restaurant use, but you've got to put it in the application if that's what you wanted this approval to cover. I think Deb is right.

If you guys want to supplement the application to include this kind of specific information that we're telling you we would need to be able to permit outdoor music in this location for the first time, we can do that. And I think you can leave the public hearing open and have this additional information, but the idea is whatever approval we get and whatever conditions we put on it, Nadia is going to be bound by it.

Applicant Rep Don Cropsey: That's right.

Village Attorney Phillips: So, if the landlord wants to apply for some specific approval for whatever music he's describing and what limitations or descriptions he's putting on it, and that's what the approval ends up with, then Nadia is going to have to live with that. Or the alternative is-

Applicant Rep Don Cropsey: But the specificity will come from Nadia through her request to move into the new space-

Chairperson Hext: Exactly.

Village Attorney Phillips: But then that should have been part of your application. We should have a description in front of us as to exactly if it's amplified music proposed, if it's an acoustic guitar, how

many nights a week it's going to be, what kind of amplifiers you're going to be using, what the manufacturer says the decibel levels are. We should have some kind of specific information to be able to review that that proposed use meets the criteria of our law. The law, one of the specific factors we have to consider for Special Use Permit, "The use and proposed design of buildings or other structure or site facilities for use are appropriate in the location and have incorporated reasonable efforts to harmonize with surrounding uses and mitigate any adverse impacts on surrounding uses, including, but not limited to, noise," is one of the specific factors.

Applicant Rep Don Cropsey: That's right. No, I know that section, but we, as the landlord, don't know what the specific music is going to be, and that will be up to the tenant.

Village Attorney Phillips: Exactly.

Applicant Rep Don Cropsey: But, again, the resolution basically says no outdoor entertainment. We would just like that resolution to say that entertainment is allowed providing that the tenant comes back to the Board.

Village Attorney Phillips: I mean, I think that's what it says, "shall be allowed if approved by the Planning Board as part of an amendment to the occupying tenant's Special Use Permit." I think, honestly-

Applicant Rep Don Cropsey: Okay. Can we take out the word, "no"?

Chairperson Hext: If that's your sticking point.

Village Attorney Phillips: There is no substantive difference between. "Outdoor entertainment shall only be allowed in the expansion area if it is approved by the Planning Board as an amendment to the occupying tenant's Special Use Permit," versus, "No outdoor entertainment shall be allowed unless such use is approved." I mean, there is no difference. Obviously, you feel that there is some advantage in wording it that way. And I just don't want to mislead you that your language would get you some additional rights than what's in this resolution here, because I don't think that's the case.

Applicant Rep Don Cropsey: I'm not suggesting that it would. I'm not suggesting that it would. But, the word "no" if we could take that right out of the sentence, that would be great.

Village Attorney Phillips: Deb, this is the Board's call.

Chairperson Hext: Yeah. I mean, I personally, I don't read it differently with the word "no" in there, but if that gets us past this sticking point, which I think, honestly, is our interpretation of it, you say it's white, I say it's black kind of thing, I don't have an issue with taking the word "no" out.

Applicant Rep Don Cropsey: Okay. That would be great.

Chairperson Hext: But, I want to hear from the rest of my Board. Myself, I'm not the Board.

Village Attorney Phillips: And just to be clear, I think it wouldn't be the language that you emailed today. It would be, "Outdoor entertainment, including, but not limited to, entertainment using amplified noise

shall not be allowed in the expansion area unless such use is approved by the Planning Board as an amendment to the occupying tenant's Special Use Permit."

Chairperson Hext: Yeah.

Applicant Rep Don Cropsey: That would be fine.

Chairperson Hext: All right. How does the rest of the Board feel about this? Barb? I'll go in order. Barb?

Board Member Muhlfelder: I agree with you. I don't think it makes any difference. But, as you said, if it's a sticking point then take it out. But, I think what Allyson has been saying is very good. And I do think that they should come back with an amendment.

Chairperson Hext: Okay. Dan?

Board Member Hitt: It broke up a little. Can Allyson read it again, what you're proposing?

Village Attorney Phillips: So, this would be the compromise language, "Outdoor entertainment, including, but not limited to entertainment using amplified music shall not be allowed in the expansion area unless such use is approved by the Planning Board as an amendment to the occupying tenant's Special Use Permit."

Board Member Hitt: I'm okay with that.

Chairperson Hext: Great, John?

Board Member Hukey: As long as Allyson is happy with that. I just would like to stick with what our attorney feels is best for the Village. So, if she feels that that revised wording is okay then I will go along with it.

Village Attorney Phillips: And again, I'll just reiterate for the record under this language, because I want to make sure if the applicants on the line, Don's on the line, with this approval, there is no outdoor entertainment with amplified music allowed until the occupying tenant comes and gets that approved as part of their Special Use Permit.

Applicant Rep Don Cropsey: That's understood. Absolutely. Yes.

Chairperson Hext: Okay. Steve?

Board Member Caruso: I kind of think we're both saying the same thing, so I really don't have a big problem with taking the word "no" out. So, I'd be in favor of having the word "no" taken out. If that's what will push this thing through, and that's the only sticking point, because we're saying the same.

Chairperson Hext: Thank you, Steve. And, Simon, I know you're not yet a voting member, but if you would like to give your opinion on this, I always welcome your opinion. You're on mute though.

Board Member Litten: I'm not hearing a difference between the two versions, but I do wonder why Don feels it's important to have his version rather than the other.

Chairperson Hext: Well, I think what they're seeing is the sentence, "No outdoor entertainment," that could be misleading. Again, I don't see a difference, but I certainly don't want to hold up the process based on one word. I don't know that it's saying anything different, because what it comes down to is what we're saying is Nadia or whomever, if the tattoo parlor wants to have Black Sabbath outside some night, they're going to have to come back before us. No, I haven't been at a tattoo parlor. But, any tenant that occupies that space would have to come back before us. So, in a way, Don, doing it this way, if something were to happen and Nadia didn't own the restaurant anymore, a new tenant came in and wanted to open a restaurant with outdoor entertainment and they weren't changing anything, they could.

Applicant Rep Don Cropsey: That's right.

Chairperson Hext: So, okay. I don't know if I have everybody-

Board Member Litten: Does the resolution obligate the tenant to have outdoor music?

Applicant Rep Don Cropsey: I don't think it does.

Village Attorney Phillips: No. This approval will allow the building expansion as an expansion of the restaurant use, as it's shown in the site plan with a patio, a new deck, a fire table, the number of seating that they're showing. I mean, the proposal, and it's in the application, is proposed use as a restaurant. That does not necessarily equate to outdoor entertainment and amplified music. That's why it's got to be articulated in an application with specific detail if that's what's being proposed, so it can be reviewed by the Planning Board. And I think Nadia has probably heard that ad nauseam tonight. When she comes back in for the amendment to her Special Use Permit to expand into the building addition, she will put that in the application with as much detail as she can provide to the Board.

Board Member Litten: Yes.

Chairperson Hext: Anybody else from the public? Danny, did you have something you wanted to comment on? Okay. Nadia, do you want to say anything here? You're on mute.

Nadia Raza: Okay. So I'm unmuted. Let me turn my volume down a little bit. I just want to say that I'm a mom of three. I have an 11-month-old infant, and I do not plan to be here very late. I don't like loud music. If I could be in bed at six, I would. So, hubby and I are usually asleep by 9:30. I have no intentions of playing any loud music, causing chaos in the town. I just want to have a successful business, have an expansion. We've had a lot of support from the Village, and we need a bigger space. I just want maybe a violinist or some sort of entertainment, some Pakistani dancer coming in doing like a 10 minute segment. Nothing loud. I don't like loud myself. So, I have no intentions of creating any havoc in the Village at all.

Chairperson Hext: Thank you, Nadia. I know we've had a discussion, so, again, you have my number. You have any questions anytime, just call me. Okay. I don't see anybody else.

Lindsey Giagni: Hi, Lindsey Giagni. I just wanted to make a comment with listening to the conversation. I think the word "no" in my mind, it's just negative. So, I understand that we're basically saying the same thing just a little bit differently, but I think that having the wording change would really benefit Jeff if Nadia were not in that space anymore. So, I understand changing it because just the word "no" is, in my mind, I hear "no," I think negative. So, I just wanted to point that out as somebody kind of from the outside listening in.

Chairperson Hext: Thank you.

Lindsey Giagni: Thanks.

Chairperson Hext: Okay.

Altamont Resident Scott: This is Scott... I'd like to make a quick comment.

Chairperson Hext: Sure.

Scott: I live in Altamont. I've traveled a lot. I love Vermont, small towns. And I just want to say something positive about having something like this in town. It's definitely an eye catcher. It brings people in. Small coffee shops, little venues with small outside areas where people are drawn to a town. Not a CVS, not a Price Shopper, Market 32, but I think it would definitely add to the town.

Chairperson Hext: Thank you.

Kristen Casey: I'd like to say something.

Chairperson Hext: State your name please.

Kristen Casey: Kristen Casey.

Chairperson Hext: Hi, Kristen. Sure. Go ahead.

Kristen Casey: I hope I'm doing this right. I just wanted to compliment Nadia and Jeff. I know we have a lot of rules and guidelines and things we need to follow, but the fact that both Nadia and Jeff want to put the amount of resources and time and energy into doing something that benefits the Village, I'm excited about it. I think we can work out whatever the issues are, whether it's noise or whatever, but I'm thinking, wow, this is cool. This is another wonderful advantage to our downtown that could, I don't know. I see it as a real positive thing, so I'm hoping everything can work out. Thank you.

Chairperson Hext: Thanks, Kristen. Anybody else?

Jeff Thomas: Yeah, I'd like to talk.

Chairperson Hext: Hi.

Jeff Thomas: How are you?

Chairperson Hext: Good. Thank you.

Jeff Thomas: I just want to say that, over the years, being the landlord and tenant of Altamont Plaza, I've had many countless residents come forward and ask the creative venue where they could, in walking distance, have dinner and entertainment. And I think it's a big plus. This is the central business district. Our neighbors are the library and the park and other tenants. And the deck area is not a big deck area. It's 690 square feet. It would not lend credence to and be conducive for a large band. My vision is my vision, and I can't tell a tenant what they're going to do. Nadia may never want to do music. It may not work for her. It's money. It's expensive.

It's an outdoor deck without a covered area. It relies on weather. So, my vision for the deck area is for a cultural experience when I built it, when I decided to design it, to have maybe a violin player, harp player, sitar player, guitar player, maybe even possibly Christmas carolers as we had when I first owned it back in 2004. Now, the sound of music and the volume of music is a common, consistent thing that's been going on in Altamont Plaza for 18 years. We've always had deck music. I understand that the Board, the Special Use Permit has to have it in and you can apply restrictions at a future date when somebody comes in for a Special Use Permit. I understand that. So, I'm happy with the new language. I think we can work with that. I'm looking forward to proceeding to build a beautiful addition that fits into the architectural vernacular of Altamont, and to enhance it. Thank you.

Chairperson Hext: Thank you, Jeff.

Jeff Thomas: Any questions for me, please feel free to ask.

Chairperson Hext: Okay. With that, I think we're... Could I have a motion to close the public comment period please?

Board Member Muhlfelder: I have a question or two, sorry.

Chairperson Hext: Go ahead.

Board Member Muhlfelder: Just wondering about... There was a question about the flood plain and was wondering if.... an engineer was supposedly going to certify the floor elevation.

Applicant Rep Don Cropsey: I can answer that Barb. I did take a look at the flood plain maps and a portion of the property is located within the 100-year Floodplain elevation, and when we apply for a building permit, we will certify that the floor elevation of the deck and the new restaurant will meet flood regulations, with respect to construction. We'll be well above one foot above the high watermark.

Board Member Muhlfelder: Great, thank you-

Applicant Rep Don Cropsey: We'll certify that during the building permit process.

Board Member Muhlfelder: Okay. One other question, I'm sorry. Again, back to the parking spaces. Lance, did you get any more information about what is required by the other businesses? That was one of the questions that we had.

Code Enforcer Moore: Actually I mentioned that to John, but I'd like to refer that to Don Cropsey because there's ample parking there. I'd like Don just to collaborate that and explain the situation, we've talked about it many times, Don, can you do that?-

Applicant Rep Don Cropsey: Well, as we discussed at the past meeting, there is no specific use for a multi-tenant building in the parking regulations. I had suggested that they be used as a guide, and that's pretty much where we left it-

Board Member Muhlfelder: All right, so we're good-

Applicant Rep Don Cropsey: So I'm not sure where the Board wants to go with that. We have 44 parking spaces on the site.

Board Member Muhlfelder: Okay good. It was just a question that was raised.

Board Member Hukey: So we don't have the number then, Lance? We don't have the number that was in the Special Use Permit for the other businesses?

Code Enforcer Moore: Okay. Clarify that, John.

Board Member Hukey: Okay. When the pizza place and the Chinese place came in, did they get a Special Use Permit? And did you discuss parking? And how many parking spots did they say they needed?

Code Enforcer Moore: I did not discuss it with them. Most of that's transient, John. Occasionally you might see someone in the pizza place sitting down, but that's in and out. Parking is, for the Asian restaurant, that's in and out, there's no tables or chairs there. The only spot that has a spot to actually sit down and rest is Nadia's restaurant.

Board Member Hukey: The Asian place does have table and chairs.

Code Enforcer Moore: No. They're all taped off, have been for a long time-

Board Member Hukey: Well they're taped off because of COVID, but we're not going to be in COVID forever. I'm just curious, so we never addressed parking with the other residents?

Code Enforcer Moore: I don't see any of that in any of the minutes John, before. I've looked through.

Board Liaison Whalen: This is Dean. I believe the question was-

Chairperson Hext: Hang on, hang on a second. I think that we, as a Board with Lance, we can discuss this, but I think we need to continue on with closing the public comment period.

Joe Burke: Hey Deb, one last question, assuming a square footage on the back deck of 690 square feet. What's the maximum possible occupancy for a space that size? Assuming that it's got tables... Does anybody know?

Chairperson Hext: Who asked that question?-

Joe Burke: I'm sorry, it's Joe Burke.

Board Liaison Whalen: I can. If it's all seating, it would be 15 square feet per person.

Code Enforcer Moore: Yeah.

Board Liaison Whalen: That would be the maximum per state regulation, if it's all seating.

Joe Burke: Did you say 15 square feet per person? One-Five?

Board Liaison Whalen: 15 square feet per person, for loose tables and chairs.

Joe Burke: So 46 people is the maximum?

Board Liaison Whalen: Yes

Joe Burke: Thank you, just asking.

Board Liaison Whalen: It would not tend to be that dense for a regular restaurant. That's really based on assembly occupancy for a banquet, which obviously as you know, can be a lot denser than a restaurant... or normally is more dense than a restaurant, but that would be the maximum per code.

Motion to close the public comment period was made by Board Member Hukey. Seconded by Board Member Muhlfelder. **Roll Call: All in Favor.**

Chairperson Hext: Thank you, Ginger. Okay, that being said, unless anyone has anything else to add. Allyson due to the complexity of this, I think I'd rather have you read the resolution.

Board Member Hukey: There's no more questions after the resolution?

Chairperson Hext: Oh do you John-

Board Member Hukey: I've just been waiting... We just closed the public comment, but I'll wait for you to ask the members if they have questions.

Chairperson Hext: Go ahead-

Board Member Hukey: Barb had started it, I had questions on parking too. In that zone, one space for every two seats, and one space for every employee, and one space for every 20 square feet of other areas, open area, I think it was. But just talking about the one parking space for every two seats, Nadia said she hopes to have 25 seats in the restaurant, between the bar.. Anyway, in phase two there's 58 seats. When you add the two of them, there's 86, that's 43 parking spots. And I had just assumed four employees, is 47 parking spots.

Now I know Don has said at the last meeting, well not everyone's going to be there at the same time, but we have to go by what the zoning says. At least that's our charge, laws or not. That's not including the other two or three places that we have, The Body Arts place, we have the Asian restaurant, we have the pizza place. I don't think there's enough parking spots for the number of people, and I'm just bringing that up.

The other thing is, and I think Deb, you were talking about that, on the plans it shows no ramp going from the new deck down to the new patio. Don, I thought that was going to be addressed by this meeting to show where that ramp was going to be.

Chairperson Hext: It has been addressed-

Applicant Rep Don Cropsey: I can address that John. We did look at the location of the ramp and its juxtaposition with the existing front porch, which is 12 feet wide. There is an area off of the East-end of the porch where we can provide access from the deck to the front porch, which provides an accessible route to the parking lot-

Board Member Hukey: Is that from the bench-

Applicant Rep Don Cropsey: We modified the plan and submitted that to the Village, depicting that.

Board Member Hukey: Okay.

Applicant Rep Don Cropsey: So there's no need for a ramp to get an accessible route off of the deck to the parking lot.

Board Member Hukey: Is that right where the bench is?

Chairperson Hext: That's being moved-

Applicant Rep Don Cropsey: The bench is are going to be removed.

Board Member Hukey: Okay-

Applicant Rep Don Cropsey: That's correct.

Board Member Hukey: I just wanted to make sure that was the area that you had planned on?

Applicant Rep Don Cropsey: That's the area. I misspoke at the last meeting, or in an email, I said it was 46 inches, but we have 42 inches clear. Which is well beyond what the minimum width for an opening for an accessible route would be.

Board Member Hukey: Okay. That's the only question I had. I'm just concerned with the parking.

Applicant Rep Don Cropsey: Well, I would again go to the Village Zoning Law where it says that the Board can use the list as a guide to determine the needs for parking on a particular use, if the use is not listed. Now this is a Shopping Plaza, if you will, it's not specifically a restaurant, it's not specifically a Body Art place, it's not a pizza takeout. Its use is... The whole use of Shopping Plaza. As we talked about before, there's a lot of overlap in use of the parking spaces. If you were to break out the restaurant by itself, and maybe it would need 42 spaces, but that's not the way it functions in a shopping center, there's overlap in all the parking. Again, you can use those as a guide.

I would further state that, one thing that... I did some research into parking requirements for commercial buildings, commercial being a general term. A lot of spaces use them, or they use a parking calculation, a number of spaces per 1,000 gross leasable square feet.

Typically, it's four spaces per 1,000 square feet. The town of Guilderland used to have five spaces per 1,000, they dropped it down to four spaces per 1,000, because there's multiple tenants that that number works for a multiple tenant building. If you were to use something like that, and I know it's not written in this law, but I'm just throwing it out there, you can use it as a guide. The existing building is 6,000 square feet. Let's say we had 2,000 more square feet, you're looking at 32 parking spaces required at four spaces per 1,000 and that functions quite well in a number of multi-tenant buildings. You don't have over parked parcels. You can look at, in the town, there's any number of Plazas that utilize that calculation and they're, with the exception of Christmas time, they're rarely filled with cars.

Chairperson Hext: Don't forget there's also the 20% public parking that can be utilized and added to-

Code Enforcer Moore: That's correct.

Applicant Rep Don Cropsey: That's correct. If you look at the other businesses in town, there's another restaurant in town, I believe they only have three parking spaces. I don't know how many seats they have in there, but they only have three. The rest of the parking is on-street parking and municipal parking. That's one of the nice things about the Village is there is on-street parking. People might park at the yarn shop, decide to come over and get some Chinese food or a slice of pizza. They'll leave their car in that one spot on the street. They're not even using the spot here. That's the nice thing about the Village, you have multiple options for parking.

Chairperson Hext: Thank you, Don. Anybody else have any questions from the Board?

Chairperson Hext: Okay. Are we prepared to read the resolution and go ahead with the approval of the Special Use Permit?

Chairperson Hext: Okay-

Board Member Board Member Caruso: Yes.

Village Attorney Phillips: A moment ago, Don had talked about this issue that came up at the last meeting regarding a portion of the site being located in the 100-year Floodplain, and Don had represented that the applicant's, and I may say this wrong Don, correct me, the applicant's going to certify that the deck... Is the deck the only portion that's located within the 100-year Floodplain? I think you had said you were going to certify, as part of the building permit process, that it's going to be constructed above Floodplain elevation.

Applicant Rep Don Cropsey: That's correct.

Village Attorney Phillips: Okay.

Applicant Rep Don Cropsey: As part of the building permit process, we will provide documentation that the building complies with the requirements in the Floodplain regulations, which the Village has, the Village has Floodplain regulation.

Village Attorney Phillips: Yes-

Applicant Rep Don Cropsey: Called an Elevation Certificate in the regulations. And again, that's typically provided with a building permit application when you're in the boundaries of the 100-year Floodplain.

Village Attorney Phillips: This is a standalone requirement as part of the Villages' Flood Damage Prevention local law, but if the Board wants to put a condition on this approval, that the applicant has represented that they're going to certify that the building and deck are going to be constructed above Floodplain elevation, whatever's required as part of that local law, as part of the application for the building permit, but you can include a special condition in there. Like I said, I think it's going to be required by the Villages' local law anyway. But to the extent that was of specific concern that was discussed at the last meeting, you could consider adding it as a condition.

Chairperson Hext: Yeah. I don't think that's a bad idea. Like you said, it's a condition of the building permit in itself. We could add it as a condition in the document, in the approval.

Village Attorney Phillips: That certification has to be provided as part of the building process, the building permit application.

Chairperson Hext: Yeah, I agree with that. Are we all good with that?

Board Member Muhlfelder: Yes.

Chairperson Hext: I have two nods. Okay.

Village Attorney Phillips: All right, Deb, if you want me to read the resolution with the changes we've discussed in this meeting, I can go ahead and do that now if you'd like?

Chairperson Hext: Okay. All right, Thank you Allyson.

Village Attorney Phillips: And again, just for members of the public, this is a draft resolution that we've prepared for the Planning Board's consideration at the meeting tonight, it's been available on the Village website since Friday, and it has also been provided to the applicant for its review. It recites the history-

Chairperson Hext: Can I just say one thing Allyson? Sorry, I'm just looking at this. We left a blank for the Albany County Planning Board approval on this as well. Lance, did we get it for that at the same time?

Code Enforcer Moore: Yes we did.

Village Attorney Phillips: My understanding is their reply was that this was deferred to local...

Chairperson Hext: Okay.

Code Enforcer Moore: Yes-

Village Attorney Phillips: With no specific recommendations.

Chairperson Hext: Okay.

Code Enforcer Moore: Correct.

Chairperson Hext: Thank you. Sorry about that, I just saw we had a blank there-

Village Attorney Phillips: Yeah. And in the final, I can add that in here... to confirm the County Planning Board's response to the 239M referral.

Chairperson Hext: Okay, thank you.

Village Attorney Phillips: All right. Let's see. I'll start at the... Now therefore be it resolved that the Planning Board of the Village of Altamont hereby approves the application for Special Use Permit and site plan amendment for the expansion area, subject to the following conditions. A copy of the final site plan shall be provided to Norfolk Southern Railroad. If at any time the applicant needs to infringe on Railroad property, including during construction of the expansion area, they will contact and obtain approval from the Railroad. Number two, an amendment to the Special Use Permit for the adjacent sit down restaurant shall be obtained from the Planning Board before the business may enlarge its operation into the expansion area.

Number three, this is the compromise language we had discussed before. Outdoor entertainment, including, but not limited to entertainment utilizing amplified music, shall not be allowed in the expansion area unless such use is approved by the Planning Board as an amendment to the occupying tenants Special Use Permit. Number four, the final site plan shall be revised to show a section of rail removed on the East-end of the walkway to allow for a... and Don, you said that that should be 42 inches instead of 46?

Applicant Rep Don Cropsey: That's correct.

Village Attorney Phillips: To allow for a 42 inch wide access to and from the deck, covered walkway and parking lot. A note will be added to the plan, indicating this as a handicapped accessible route for egress from the proposed deck. And then a final condition that we'll add, the applicant shall certify that the building and deck will be constructed above Floodplain elevation in accordance with the Villages' Flood Damage Prevention law, as part of the building permit application process.

Chairperson Hext: On number four, do we need to add removal of the rail and the bench?

Village Attorney Phillips: I'm sorry Deb, can you say that again?

Chairperson Hext: On number four, the final site plan shall be revised to show a section of rail removed on the East-end. Do we want to say that the bench and section of rail? Just so that we're clear that that bench also has to be removed in order to provide egress-

Applicant Rep Don Cropsey: That's already been modified on the site plan.

Chairperson Hext: All right-

Applicant Rep Don Cropsey: We have a note on the site plan that indicates that the rail and the bench will be...The bench is noted as well.

Chairperson Hext: Okay. I didn't notice the bench, but okay, I trust you.

Chairperson Hext: Okay. Given that, can I have a motion to approve the Special Use Permit for Jeff Thomas to expand the existing space located at 146 and 156 in the Village of Altamont? Motion was made by Board Member Hitt, seconded by Board Member Caruso. **Roll Call: All in Favor.**

Chairperson Hext: Thank you, Ginger. Thank you, Jeff. Thank you Don.

Applicant Rep Don Cropsey: Thank you.

Chairperson Hext: I look forward to having this space to come and enjoy a drink or two.

Applicant Rep Don Cropsey: Yeah, it's going to be a great project. If you give me five minutes, I will scan the documents and email them over to Allyson for the Body Art Studio.

Chairperson Hext: Sure, you want to take a five minute break?-

Applicant Rep Don Cropsey: Okay, thank you.

Board Member Hukey: That sounds good.

Chairperson Hext: Ginger, we're taking a break at 8:58.

Ginger Hannah: Okay.

Village Attorney Phillips: I see the documents from Don. Unfortunately, I'm just having a little trouble rotating one of them, but I'll read it like this if I have to. All right, I'm going to try and share my screen. Let's see here.

Board Member Hukey: Oh, so you wanted us to put our head that way too?

Village Attorney Phillips: Okay, is everyone seeing this Special Use Permit application?

Board Member Hukey: I see it.

Board Member Muhlfelder: I can see it.

Village Attorney Phillips: Okay.

Board Member Hitt: I see it.

Village Attorney Phillips: Great. This is the application for the Special Use Permit for the Body Art Studio that we were discussing before we moved to the public hearing on the building expansion. It does note that it was hand-delivered on March 8th, 2021.

We can review it together for the minutes of the meeting. We have the applicant, Jeff Thomas, location the Altamont Corners, The Plaza. The request is for a Special Use Permit for use of a 1,200 square foot space in the existing multi-tenant building, as a Body Art Studio, a personal service business, there's a narrative attached. Special Features. There'll be no change to the existing, previously approved site or building for this use. So the narrative submitted with the application states that the request entails the use of a 1200 square foot space in an existing multi-tenant building known as Altamont Corners as a Body Art Studio. The personal service business will have up to three employees and conduct business during normal business hours for The Plaza, generally between the hours of 9:00 AM and 9:00 PM. All employees will obtain and maintain any required permits and licenses from the Albany County Department of Health and New York State Department of Health. No modification to the space is contemplated other than painting and flooring, and the previously approved onsite parking will accommodate the business needs as services will be done by appointment.

So it's probably a good time now just to kind of talk about the use. This is a Body Art studio, but the use under our zoning law... the application is for a special-use permit for a personal service business. My understanding is the code enforcement officer has reviewed this, and the definition for a personal service business under the Village's zoning law... and I can read that definition. It's established... It's primarily engaged in providing services involving the care of a person, or his or her personal goods or apparel, including, but not limited to laundry, cleaning, beauty shops, barber shops, funeral services, health clubs, domestic services, and shoe repair. So our code enforcement officer has determined that the Body Art Studio does fit within the definition of a personal service use, and therefore the use is permitted by special-use permit at this location. So that is why the application is for a special-use permit for the personal service use.

Let me go back here. Now, have you guys still been looking at the same screen as I read that definition?

Code Enforcer Moore: Yes.

Village Attorney Phillips: Okay. So here's where it gets just a little sideways. I'm just going to kind of read through to see if we've got any kind of additional information.

Okay. The activities of the proposed use will be conducted within the building and will not constitute a danger to the health, safety, or general welfare of the community. No changes in the current traffic patterns or parking lot usage is anticipated, and parking needs can be met with the existing on-site parking areas. The applicant has also... let me just look through this page as well. No changing to the existing site. Will replace a previously approved martial arts studio. The applicant's proposing that this would have less impact than that prior use. And again, just utilizing an existing space. And he discusses the use being permitted pursuant to the Village zoning law. So general description of reuse of the existing space and the use qualifying as a personal service use, which again, that interpretation has been confirmed by our code enforcement office. So the use is permitted at this location by Special Use Permit, which is why it's before the Planning Board for a Special Use Permit.

In your packets. I do believe there is a copy of the short environmental assessment that was included with the application. And again, it really just repeats the information that we just went through from the special-use permit application.

I will say, I believe that this use qualifies as a Type II action under SEQRA, under Section 617.518, which provides as follows. Re-use of a commercial structure where commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special-use permit, and the action does not meet or exceed any of the thresholds on the SEQRA Type I list. So here the applicant is proposing to utilize space in an existing shopping Plaza. It is a commercial structure, and the use is permitted by special-use permit under our code. And because there's no physical change to the building or on-site amenities or parking, we aren't triggering any of the thresholds on the SEQRA Type I list. So I would advise the Board that I think that this use qualifies as a SEQRA Type II action, which is exempt from review under SEQRA.

The Board wants to take this time to discuss with the applicant any questions it's thinking that we may need any additional information to be able to process this application or call the application complete. We can go through that now, but I do think at the least we could probably do the SEQRA classification as a Type II tonight, and then the Board can determine if it feels the application is complete for purposes of scheduling a public hearing, or if additional information should be required.

Board Member Hukey: Sounds good. When they come back with the application, they would have information on the sign then, too.

Village Attorney Phillips: Well, we... they did submit an application. I don't see any information with the application about the sign. Don, can you tell us anything about what signage is proposed for the site?

Applicant Rep Don Cropsey: Sure, I can. There will be signage on the main sign on the highway, which each tenant has a space for a small amount of square footage. And then building mounted... there will be a building mounted sign consistent with the other signs on The Plaza. I'm not so sure a sign has been designed at this point, but the landlord will require the sign to be in compliance with the Village zoning law in terms of size and location. And again, his Plaza, he will require it to be consistent with the other signage.

Board Member Hukey: And like Nadia, he would also submit a picture of the sign showing the size and the colors.

Applicant Rep Don Cropsey: We will do that. I mean, I... again, I don't think one has been designed yet. We haven't gotten that far in the entire process, but it will be consistent with what's in The Plaza.

Chairperson Hext: And Allyson, I agree with the fact that it's a Type II action and is exempt from going through the SEQRA process. I do have a couple of questions that I feel are not on this application. One of the questions I have is not modifying anything except painting. Without getting too detailed, but I know a tattoo parlor, places where you sit, they have ink set up, they have a lot... I don't think the karate studio had chairs and benches and places to put tattoos on people. That's a specific type of furniture, at least where I've been is a specific type of furniture that's in there. So I would imagine that there was going to be some differences, as far as the interior decorating is concerned. I have questions... bio-hazards,

how are you going to get rid of whatever bodily fluids, sharps, you've got inks that you have to dispose of. I'm just curious about how all that is going to be handled.

Applicant Rep Don Cropsey: Well, I can address some of those questions. With respect to the biohazards, the operator of the shop has a contract with a company called Stericycle. I'm sure you've seen them in the doctor's office where they put the sharps in. That's a national company that picks up medical waste and sharps, and that kind of thing. He has a specific contract with them, and they're required by law to follow all of the State and County regulations on the handling of bio-waste and that kind of thing. But I don't think there's going to be any bio-waste, not nothing to speak of, but again, Stericycle is the company that the owner of the shop will be using.

In terms of furniture, I mean it's like he'll have furniture where he can provide the tattoo service on his customers when they come in. I'm not sure what it is, chairs or tables, but those are movable items, they're not part of the building.

Chairperson Hext: So how are they disposing of inks and that type of thing? And there are bodily fluids, I mean, you do bleed. So, I'm just concerned how that's going to be disposed of.

Applicant Rep Don Cropsey: That waste is going to be picked up by the company Stericycle, who is responsible to handle that type of waste pursuant to State and County regulations.

Chairperson Hext: So see... But we're not seeing this on the application and yes, this is the kind of thing that I personally think should be on the application.

Village Attorney Phillips: Well, and Don, the applicant here is Jeff. You, in developing this application, had consulted with the tenant and... Can you provide some kind of supplement to your narrative just to confirm for the record that there will be this contract in place, this company to...

Applicant Rep Don Cropsey: And the owner of the shop is... he is on... he's watching this. He can speak if you want to ask him some of those questions, but in answer to the question, yes, we can provide written information regarding those questions to supplement the application that's been submitted. There's no problem with that.

Board Member Muhlfelder: Can I say something? It's very distracting... I believe it's probably Nadia has a group of people.

Code Enforcer Moore: Yes.

Board Member Muhlfelder: It's very distracting. Is there any way we can get her to mute or whatever?

Applicant Rep Don Cropsey: Yes, consider it done.

Board Member Muhlfelder: Thank you.

Applicant Rep Don Cropsey: You're welcome.

Board Member Muhlfelder: You must be there.

Applicant Rep Don Cropsey: Sorry about that.

Board Member Muhlfelder: I saw the wine glass. Well, we'll all be over to join you.

Michael Schramm: Good evening, guys. I'd just like to interject a little bit. I am the proposed tenant for the space, and I can answer any questions that you may have at this time if you'd like.

Chairperson Hext: Well, I think... Yes. Hi, Michael. I'm Deb Hext, I'm the chair.

Michael Schramm: Hi Deb.

Chairperson Hext: I think some of my questions and concerns, mainly any type of biohazard, the four by four little squares that you use, and the inks and the... Not that I know any of this really personally.

Michael Schramm: I can walk you guys through the process a little bit. So with tattooing, you do have a biohazard that needs to be handled by the appropriate company. So Stericycle is that company that comes in and disposes of the biohazards in sharp containers and the appropriate packaging. They are a service that come in when you need them, when you need to dispose of these boxes. That is something that I'll have under contract and dispose of accordingly. In regards to furniture, typically, it's an artist's chair, which is nothing more than a rolling chair. It is also a toolbox or kind of like a cart where I put my inks and things like that. Outside of that, there's a tattoo chair for the client or a massage table kind of set up where they can lay down or sit up or whatever we're doing at that time.

I know there was talk about the signage. I do have all that ready when the time comes. It all falls within the square footage that Don had mentioned as well. It is basically color matched to what Jeff has out there currently, I believe. I'm trying to go with the same color as Paisano's Pizza to match my signage. And I have that layout for submission, and I can send that along. Is there any other questions you might have?

Chairperson Hext: Does anybody or other Board members have any questions?

Board Member Muhlfelder: Not I.

Village Attorney Phillips: I have just a quick question...

Chairperson Hext: Is there going to be any kind of separation in rooms - privacy rooms or anything like that?

Michael Schramm: No.

Chairperson Hext: I mean, how are you going to set that up?

Michael Schramm: It's very open. Typically... This is more of like a private studio more so than something that you just have a tremendous amount of people walking in and out. It's-

Chairperson Hext: So you wouldn't have more than one client in there at one time, if somebody was on their back and...

Michael Schramm: There is... At some point in the future it is proposed that I have one to three artists, so three being the maximum. At a time like that, where there would be three artists, then you have screens. We use screens to put out, to give people privacy if needed at that time. So that would take care of that. And during this time with COVID, especially, everything is appointment only, and people are taken in at the time they call. Once we're ready, we open the door, they come in, and we set them up. So that's-

Village Attorney Phillips: Under normal operations, will you allow for walk-ins or do you contemplate that?

Michael Schramm: At some point it will be walk-in. I mean, what I do is very appointment-based. I have a very long list of clients and I typically book about six months out. The other artist that should be joining me in the future does about the same. So it's a very appointment-based business, but I would like to eventually take on another artist for walk-ins.

Chairperson Hext: Do you have other studios now, Michael?

Michael Schramm: I do not. I currently work for someone else.

Chairperson Hext: Oh, okay.

Village Attorney Phillips: And I have a question just for my own... I will fully admit, I don't know... Understanding you guys have to get a license from the health department to do the actual tattooing. Are there any requirements as part of that license as to what you need to have on the site, as far as number of washing stations or anything kind of particular to your license that has to be accommodated in the space?

Michael Schramm: Everything that will be in that room will be that... the Albany County has to approve everything, and that layout was given to them. And basically it shows how I'll be working, where traffic would be and all that stuff. At this time, I have the pre-approval to do so. So basically that's... It really just relies on getting in the space and setting that up accordingly.

Village Attorney Phillips: So you've submitted to them already kind of a diagram of what the space will be as part of your licensing?

Michael Schramm: That is correct, yes. You have to register the shop. The shop has to be licensed along with each individual artist as well, and that's it. And that has to be renewed annually.

Village Attorney Phillips: And is that something that you can provide to the Board to include as part of the record, because that probably has some useful information that would kind of fill in some of the blanks, some of the questions you had, Deb. I mean, understanding that that's part of the state licensing, but it kind of explains how the space will be used for the personal service use.

Michael Schramm: Absolutely. Sure, I can do that.

Chairperson Hext: Now, do you have any... Getting back to the privacy thing. Will people be able to look in? How are you going to have that set up?

Michael Schramm: So typically the reception desks are up front. Okay. That's right... the lobby is, let's say about... I'm going to say a rough measurement of say 12 foot by 18 feet. So when you come in the door, you got two windows on each side, they'll have blinds on it. I do... The way I'm setting this up is I want it to be open. I want people to feel a nice environment, inviting kind of feel as they walk in, as opposed to something that's closed in. So basically we rely on the blinds, the screens that we put up, that's if a client would need that.

Chairperson Hext: Yes. Now, I'm just trying to... Since we really don't have anything... We didn't receive any diagram or layout of how things were going to be-

Michael Schramm: Sure.

Chairperson Hext: .... I'm just trying to picture it in my mind.

Michael Schramm: Well, to walk you through a little bit without any kind of visual, when you walk in the door there's two reception desks on either side against the wall. So you would have a four-foot passage right in the center that would take you into the workspace, so it's just an open space. It's 18 by 44 feet, I believe. In that space, it would be two stations on the left-hand side, which is pretty much two tool cabinets, small four-foot cabinets, with basically a rolling chair and an artist chair. On the right-hand side would be the third station with the same. And that's pretty much it for the space. There's really not a bunch of furniture or any of that stuff, so it's very open.

Chairperson Hext: Thank you for that.

Michael Schramm: Sure.

Chairperson Hext: Does anybody else on the Board have any other questions?

Board Member Muhlfelder: No.

Board Member Caruso: I don't.

Board Member Hitt: No.

Village Attorney Phillips: So Deb, I can just review kind of what we just discussed, and additional information that we asked, and that the applicant has said they could provide to us. It would be a supplement to the narrative, just confirming for the record that they plan to contract for the bio-waste sharps removal. I also think it would be useful just to put in the narrative that under... It is anticipated at some point in the future, you could have up to three artists on site and also that sessions will be by appointment, but they could also be by walk-in. Again, just to make sure that you're covered kind of in our COVID world, but later we want to make sure you're describing the full use. And then if you could provide a copy of the submission to the County Health Department showing the kind of site layout that you provided with the license application. And I think that would, again, document for the record, just kind of the particulars of the operation - that would be helpful.

Michael Schramm: Is there an email or a place I can send this?

Village Attorney Phillips: Yes. Should we have it go directly to Ginger, Deb?

Chairperson Hext: Yes, that would be the best way to go, I think. That way it's on record. She can get copies to us and also make it a permanent part of the file that stays in the office.

Village Attorney Phillips: Don, do you think you could forward to Michael Ginger's email address so we can-

Applicant Rep Don Cropsey: I sure will, yes.

Village Attorney Phillips: Great.

Applicant Rep Don Cropsey: We'll make sure... When do we need this stuff? We definitely want... are requesting that the Board set the public hearing for their April meeting. When do you need the additional information by for that to take place?

Chairperson Hext: It has to be no later than 10 days before the public hearing.

Applicant Rep Don Cropsey: Okay, we'll get it to you well in advance of that. The public meeting... the public hearing is what, the third Monday in April?

Chairperson Hext: Fourth Monday in April.

Applicant Rep Don Cropsey: Oh, fourth Monday.

Ginger Hannah: And Deb, just so... This is Ginger. That's 10 business days before.

Applicant Rep Don Cropsey: Yes, we'll get you that. We'll make sure the stuff is there by the end of the week.

Village Attorney Phillips: Okay, great.

Chairperson Hext: That's perfect. Thank you. So that would be April 26th, am I right?

Board Member Muhlfelder: Yes.

Chairperson Hext: Does that affect any holidays or anything? Allyson, are you okay with us setting the public hearing now? Or do you think we should wait till we have... I mean, I guess it's a complete application.

Village Attorney Phillips: You know, I'm comfortable with... If the Board is requesting the applicant to supplement with this specific information we just went over, and they're committing to get it to the Board by the end of the week, I think we could do... you could... determine that the application would be complete upon receipt of that additional information and proceed with the scheduling of the public hearing. I think I'd also like us just to kind of keep it clean for the record to do a formal motion classifying this as a Type II action under SEQRA, so we have SEQRA complete at the time the public hearing is scheduled.

Chairperson Hext: Okay. So we want to make that motion tonight.

Village Attorney Phillips: Yes.

Chairperson Hext: Sorry, I'm just making a note for myself here.

Village Attorney Phillips: Sure.

Chairperson Hext: Okay, that being said, if nobody has anything else from the Board to ask the applicant or Don or... No?

Board Member Muhlfelder: Yes.

Chairperson Hext: Okay. Could I then have a motion to classify the Body Art Studio as a Type II action under SEQRA, and therefore not subjected to seek a review? Motion was made by Board Member Hitt. Seconded by Board Member Muhlfelder. **Roll Call: All in Favor.**

Ginger Hannah: Great, thank you.

Chairperson Hext: Thank you. Okay, then with that being said, could I have a motion to schedule a public hearing? Granted that we get all the additional information from the applicant that we requested, you can set the public hearing for April 26, 2021 at 7:00 PM. Motion made by Board Member Hukey, seconded by Board Member Muhlfelder. **Roll Call: All in Favor.**

Ginger Hannah: Great, thank you.

Chairperson Hext: Thank you, Ginger. Okay, I think that concludes all of our-

Applicant Rep Don Cropsey: Deb, can I ask one question before you wrap things up?

Chairperson Hext: Sure.

Applicant Rep Don Cropsey: If we submit the sign application, can... or the sign rendering, does the Board approve that at a meeting or does that... is there another process for that?

Chairperson Hext: Actually, Lance, the building inspector, usually does the approval on the signage.

Applicant Rep Don Cropsey: Okay, so it doesn't need to get a Board review?

Chairperson Hext: It does not. Many times it is part of our review, but typically Lance does the approval of the signs.

Applicant Rep Don Cropsey: Okay. Well, we'll submit it. We'll include it with the materials so you have it.

Chairperson Hext: Yes.

Applicant Rep Don Cropsey: Okay, very good. Thank you for setting that public hearing. I appreciate that.

Chairperson Hext: No problem. Thank you, Don.

Michael Schramm: Thank you so much, guys.

Chairperson Hext: Okay, we still have the minutes to review, and that would be our last agenda item. Has everyone had a chance to review the minutes of February 22nd, 2021?

Board Member Muhlfelder: Yes.

Chairperson Hext: Does anybody have any questions for Ginger or anything noted? She did an awesome job on this.

Ginger Hannah: Thank you.

Motion to approve the minutes of the February 22, 2021 Planning Board Meeting was made by Board Member Hukey. Seconded by Board Member Hitt. **Roll Call: All in Favor.**

Ginger Hannah: Thank you.

Chairperson Hext: And before I make a motion to adjourn, I want to say that John Hukey, this is his last Board meeting and I will personally miss him terribly, but I certainly understand family comes first. He's been my eyes and ears through this whole thing. He and I are... We have a lot of the same concerns. So John, thank you from the bottom of my heart, I will miss you-

Board Member Hukey: Thank you, Deb.

Chairperson Hext: .... And give me a call anytime. Somehow I feel you're still going to be involved in my ear. Little hints here and there. I can just hear it.

Board Member Muhlfelder: That would be great.

Chairperson Hext: You've been on the Board... You've served the Village for a long time and you know, I really, really, really want to extend my personal thanks.

Board Member Hukey: Thank you, and essentially, it was enjoyable working with everyone on the Board, and Lance-

Ginger Hannah: Thank you, John. It's been great.

Board Member Muhlfelder: Thanks.

Board Member Hukey: Thank you.

Village Attorney Phillips: Thanks, John.

Michael Schramm: Yes, thank you, John.

Chairperson Hext: And I think this last motion, John should do to adjourn.

Motion to adjourn the meeting was made by Board Member Hukey. Seconded by Board Member Muhlfelder. **Roll Call: All in Favor.**

Chairperson Hext: Thank you everybody.

Board Member Hukey: Thanks for all your help tonight, Allyson. You were very helpful in describing and explaining some of the things going into it... very helpful.

Village Attorney Phillips: Great. I'm happy to help.

Board Member Muhlfelder: You're a keeper. You can never leave. We know where you live. Not really.

Chairperson Hext: I make that motion to keep Allyson.

Dean Whalen: You're not going to have that public comment without any repercussion, John.

Board Member Hukey: Good night.

Chairperson Hext: Thank you everyone.

Meeting was adjourned at 9:37 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Ginger Hannah".

Ginger Hannah, Planning Board Secretary

Transcript by Rev Transcription Services and Ginger Hannah, Planning Board Secretary

Attachments: ACPB Recommendation and Resolution: Troy Miller; Resolution – Gary Goss

RECEIVED

LB MAR 25 2021

RESOLUTION

VILLAGE OF ALTAMONT

ALTAMONT PLANNING BOARD

APPROVING FINAL SUBDIVISION PLAT

WHEREAS, Troy Miller (the "Applicant") has submitted a concept plan for a two-lot subdivision of land located at 130 Main Street in the Village of Altamont; and

WHEREAS, the proposed subdivision is located in the Village's R-10, Residential One-Family – 10,000 SF Zoning District; and

WHEREAS, the Applicant has submitted a Short Environmental Assessment Form (EAF) describing the action as a two-lot subdivision to allow for the construction of a single-family home; and

WHEREAS, the concept plan identified the location of a "30' Wide Exception and Reservation For Street Purposes" located along the eastern boundary line of the subject parcel; and

WHEREAS, Village of Altamont Planning Board ("Planning Board") held a pre-application meeting pursuant to §315-9 of the Village of Altamont Subdivision Regulations to discuss the concept plan and proposed subdivision, zoning requirements and Planning Board review; and

WHEREAS, the Zoning Law does not permit "keyhole" lots in the R-10 District which is generally described as a parcel that is accessible to a public highway over a narrow strip of land whose only purpose is to provide access to another, buildable portion of the same lot; and

WHEREAS, the Applicant has represented that the proposed single-family home on the newly created parcel will be constructed in a location that accords with the setback requirements for the for the R-10 Zoning District, including but not limited to the maximum front yard setback; and

WHEREAS, the Applicant has taken the position that the exception and reservation in the chain of title to the subject property was not for a public road can be abandoned by the Applicant. Therefore, the proposed subdivision would not create a keyhole lot because the strip of land with frontage on Main Street is buildable, can be developed in accordance with the maximum front yard setback applicable in the R-10 District, and will not be used for access to the rear portion of the proposed lot; and

WHEREAS, the Planning Board requested additional information regarding the source of the reservation and received a title abstract with relevant deeds and a legal opinion from the Applicant's attorney representing the reservation is private in nature and can be abandoned by the landowner; and

WHEREAS, the Planning Board does not have jurisdiction to determine the validity of any private property rights or easement but must review the proposed concept plan to determine if the proposed subdivision meets the minimum standards and requirements of the Village Zoning Law; and

WHEREAS, the Planning Board reviewed Part 2 of the Short EAF and did not identify any moderate to large impacts from the proposed action and proceeded to adopt a Negative Declaration on February 22, 2021 thereby completing its SEQRA review for the project; and

WHEREAS, by resolution adopted February 22, 2022, the Planning Board also confirmed the concept plan met the general purposes of the Village of Altamont subdivision regulations, provided the final plat was modified to include the following specific recommendations:

- a. The proposed building envelope, showing the required setbacks in which the proposed single-family structure may be built, including but not limited to the maximum front yard setback, and the area to be left undisturbed.
- b. A note stating as follows: "If the 30' Wide Exception and Reservation for Street Purposes in the chain of title for the subject property is determined to be enforceable by a Court of competent jurisdiction and said enforcement would prevent the development that accords with the minimum standards and requirements for development in the R-10 District, building permits shall not be issued until any necessary variances have been obtained from the Village of Altamont Zoning Board of Appeals".

WHEREAS, the Applicant submitted twelve (12) copies of the proposed final plat with the aforementioned modification and note added; and

WHEREAS, the proposed subdivision was referred to the Albany County Planning Board pursuant to N.Y. General Municipal Law §239-n and it responded with a recommendation that the Applicant obtain approval from NYSDOT for a curb cut; and

WHEREAS, the Planning Board duly noticed and held a public hearing on the proposed final plat on March 22, 2021 at which time all interested members of the public were heard; and

WHEREAS, the Planning Board has reviewed the Application, the proposed final plat with modifications recommended by the Planning Board and comments provided at the public hearing and duly deliberated on the Application and considered the criteria and standards for subdivision approval.

NOW THEREFORE BE IT RESOLVED that the Planning Board of the Village of Altamont hereby approves the final plat upon the condition that the Applicant must obtain approval for a new curb cut from NYSDOT before any building permits are issued. Subject to this condition

the Planning Board Chairwoman is authorized to sign the final plat so that it can be filed in the Albany County Clerk's Office.

IT IS FURTHER RESOLVED, that the Planning Board of the Village of Altamont hereby authorizes and requires the Planning Board Chair and the Planning Board Secretary/ Clerk and Village Attorney to take the appropriate steps to effectuate this resolution including any filing and distribution requirements.

WHEREUPON, this Resolution was declared adopted by the Village of Altamont Zoning Planning Board:

The motion was moved by Dan Hitt.

The motion was seconded by Sam Caruso

The vote was as follows:

	Aye	Nay
Chairwoman Hext	<u>✓</u>	<u>      </u>
Hukey	<u>✓</u>	<u>      </u>
Caruso	<u>✓</u>	<u>      </u>
Muhlfelder	<u>✓</u>	<u>      </u>
Hitt	<u>✓</u>	<u>      </u>

STATE OF NEW YORK                    }  
COUNTY OF ALBANY                   }  
VILLAGE OF ALTAMONT                }

I have compared the preceding copy with the original Resolution on file in this office adopted by the Village of Altamont Planning Board at a meeting held March \_\_, 2021, and I DO HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole of the original. I further certify the vote thereon was as follows:

MEMBERS PRESENT	MEMBERS ABSENT	VOTE
Chairwoman Hext		<u>Yea</u> /Nay
Hukey		<u>Yea</u> /Nay
Caruso		<u>Yea</u> /Nay
Muhlfelder		<u>Yea</u> /Nay
Hitt		<u>Yea</u> /Nay

Witness my hand and the seal of the Village of Altamont, this 25<sup>th</sup> day of March, 2021.



**ALBANY COUNTY PLANNING BOARD  
NOTIFICATION**

**RECOMMENDATION DATE: March 18, 2021**

**Case #:** 02-210303667  
**Applicant:** Troy Miller Subdivision Review  
**Project Location:** 130 Main Street  
**Tax Map Number:** 37.19-1-11  
**Referring Agency:** Town of Altamont Planning Board  
**Considerations:** The proposed action is to split the existing two (20 family parcel and subdividing it for a single family building.

**ACPB** Modify local approval to include

**Recommendation:**

1. Review by the New York State Department of Transportation for design of highway access, drainage and assessment of road capacity.

**Advisory:**

Gopika Muddappa, Interim Senior Planner  
Albany County Planning Board

**NOTE:**

- This recommendation is rendered in compliance with applicable requirements of Section 239 of New York State General Municipal Law. Final determination on this matter rests with the appropriate municipal body.
- A recommendation of "APPROVE" or "MODIFY LOCAL APPROVAL" should not be interpreted as a recommendation by this body that the referring agency approve the matter referred. Such recommendation does not indicate that this body has reviewed all local concerns; rather the referral has met certain countywide considerations. Evaluation of local criteria is the responsibility of the referring agency.
- General Municipal Law Section 239 requires that the local agency notify the county within thirty days of its final action. Please use the OFFICIAL NOTICE OF LOCAL ACTION form that is attached for this purpose.
- General Municipal Law Section 239 sets forth the procedural requirements for taking local action contrary to the County Planning Board's recommendation of objection or conditional approval.
- Albany County is required to submit a Municipal Separate Storm Sewer System Permit (MS4) (No. GP-0-10-002) Notice of Intent (NOI) to comply with the NYS DEC permit for the control of wastewater and stormwater discharges in accordance with the Clean Water Act. Construction Activity Permit No. GP-0-1-001 issued by NYSDEC is also required for activity with soil disturbances of one acre or more. The law is required by the Clean Water Act to control point source discharges to ground water as well as surface waters.

**449 New Salem Road, Voorheesville, NY 12186  
TELEPHONE: (518) 655-7932 FAX: (518) 765-3459**

In compliance with Article 12-B, Section 239 of New York State General Municipal Law, this serves as official notification to the Albany County Planning Board of the action taken on the application described above.

**LOCAL ACTION ON ACPB RECOMMENDATION:**

- ☐ AGREED WITH COUNTY PLANNING BOARD RECOMMENDATIONS TO MODIFY OR DISAPPROVE  
☐ OVER-RULED COUNTY PLANNING BOARD RECOMMENDATIONS TO MODIFY OR DISAPPROVE

**LOCAL DECISION ON PROJECT:**

- ☐ PROJECT APPROVED  
☐ PROJECT DISAPPROVED

VOTE RECORDED: \_\_\_\_\_ DATE OF LOCAL ACTION: \_\_\_\_\_

Set forth the reasons for any action contrary to the ACPB recommendations (use additional sheets if needed):

SIGNED: \_\_\_\_\_ TITLE: \_\_\_\_\_

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LB MAR 25 2021

RESOLUTION

VILLAGE OF ALTAMONT

ALTAMONT PLANNING BOARD

APPROVING SUP FOR SWIMMING POOL IN SIDE-YARD

WHEREAS, Gary N. Goss, Jr. and Crystal Goss (collectively, the "Applicant") has submitted an application for a special use permit to locate a pool in the side yard of his property located at 13 Indian Maiden Pass; and

WHEREAS, the pool will be partially located above and below ground on a slopped area of the lawn that is largely screened from view by existing trees and proposed fence and new trees and shrubs; and

WHEREAS, Village of Altamont Planning Board ("Planning Board") held a pre-application meet to discuss the sketch plan for the Expansion Area pursuant to §355-37(B) of the Village of Altamont Zoning Law to discuss the sketch plan, zoning requirements and Planning Board review; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the following activities are classified as Type II Actions and exempt from review under SEQRA pursuant to 6 NYCRR 617.5(c)(12): "construction, expansion or placement of minor accessory/ appurtenant residential structures, including . . . swimming pools [and] fences . . ."; and

WHEREAS, a public hearing was duly noticed and held on March 22, 2021 at which time interested members of the public commented on the Application; and

WHEREAS, the Planning Board has reviewed the Application, considered the comments provided at the public hearing and duly deliberated on the Application and considered the criteria and standards for Special Use Permit approval in regard to this Application.

NOW THEREFORE BE IT RESOLVED that the Planning Board of the Village of Altamont hereby determines the proposed action is a Type II Action exempt from review under SEQRA pursuant to 6 NYCRR 617.5(c)(9).

IT IS FURTHER RESOLVED, Planning Board of the Village of Altamont hereby approves the Application for Special Use Permit and authorizes the Planning Board Chair and the Planning Board Secretary/ Clerk and Village Attorney to take the appropriate steps to effectuate this resolution including any filing and distribution requirements.

WHEREUPON, this Resolution was declared adopted by the Village of Altamont Planning Board:

The motion was moved by John Hakey

The motion was seconded by Steve Caruso

The vote was as follows:

	Aye	Nay
Chairwoman Hext	<u>✓</u>	<u>          </u>
Hukey	<u>✓</u>	<u>          </u>
Caruso	<u>✓</u>	<u>          </u>
Muhlfelder	<u>✓</u>	<u>          </u>
Hitt	<u>✓</u>	<u>          </u>

STATE OF NEW YORK                    }  
COUNTY OF ALBANY                   }  
VILLAGE OF ALTAMONT                }

I have compared the preceding copy with the original Resolution on file in this office adopted by the Village of Altamont Planning Board at a meeting held March 22, 2021, and I DO HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole of the original. I further certify the vote thereon was as follows:

MEMBERS PRESENT	MEMBERS ABSENT	VOTE
Chairwoman Hext		Yea/Nay
Hukey		Yea/Nay
Caruso		Yea/Nay
Muhlfelder		Yea/Nay
Hitt		Yea/Nay

Witness my hand and the seal of the Village of Altamont, this 25<sup>th</sup> day of March, 2021.