

Village of Altamont  
Regular Planning Board Meeting  
April 26, 2021

Planning Board Members:

Deb Hext, Chairperson

Stephen Caruso, Board Member

Dan Hitt, Board Member

Barbara Muhlfelder, Board Member

Simon Litten, Board Member

Lance Moore, Building Inspector/Code Enforcer

Tresa Matulewicz, Board Liaison

Ginger Hannah, Secretary

Applicants/Reps: Jeff Thomas, Don Cropsey, Nadia

Raza, Michael Schramm, Luigi Palleschi

Guests: 20

The Planning Board Meeting was held online using Zoom video communication due to COVID. Chairperson Hext opened the meeting at 7:00 p.m. and welcomed everyone. She stated that due to COVID, 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: Barbara Muhlfelder, Steve Caruso, Dan Hitt, and Simon Litten. Chairperson Hext said we also have representing the Village tonight: Code Enforcer and Building Inspector Lance Moore; Ginger Hannah, Planning Board Secretary and our new Village Board Liaison, Tresa Matulewicz – welcome Tresa.

Chairperson Hext stated that the first item on the Agenda is a Public Hearing on a Special Use Permit (SUP) request from Jeff Thomas for use of space at 187 Main Street, Altamont, NY for operation of a Body Art (Tattoo) Studio. She read the Legal Notice, a copy of which is attached. She said that opens the public hearing on the Body Arts / Tattoo Studio. Does any member of the public have any questions? I can't see if you're raising your hand so maybe everybody can help me here. I'm not seeing anything. Does anyone on the phone have any questions?

Applicant Rep. Don Cropsey said, Deb? This is Don Cropsey. I'm here representing Jeff Thomas on this application and to answer any questions that might come up.

Chairperson Hext said is Michael (Schramm) on?

Applicant Cropsey said he should be, I believe he is.

Chairperson Hext said Okay. Since I don't see any hands or anything, does anybody on the Board have any questions for the applicant or for Don?

Board Member Muhlfelder said I do - a couple of things. It was mentioned, the three artists plus possibly walk-ins when COVID is over. What is the status now though? Because I know hair salons are open. I don't know about massage therapy or masseuses. Does anybody know? Would he be allowed to have walk-ins now?

Applicant Rep Cropsey said his intention is not to have walk-ins right now for a couple reasons. One is because of COVID and in his narrative he described how people will contact him. He will have a conference with individuals and if they come to an agreement for some of his work, he'll have a schedule and book individually on an appointment basis. At some future point when COVID is over, he

will have walk in people, but in order to do that, he would have to get the Department of Health to modify his permit.

Board Member Muhlfelder asked what is “divine wine” that was on the back wall?

Chairperson Hext said oh, I see what it is. You know what it is. I think it's the paint color.

Board Member Muhlfelder said I have no further questions. Those were my two, so I'm good.

Chairperson Hext said does anybody - I'm going to give the public another chance here - have any questions for Michael or for Don? Okay. With that, could I have a motion to close the public hearing?

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

Chairperson Hext said now at this point we would normally make a motion to approve the application, but the Albany County Planning Board deferred the ruling on this until their next meeting which is May 20, I believe. However we have the option to hold a special meeting on May 10, which would be 30 days of a non-response from Albany County, so it wouldn't hold Michael up until the next meeting. So if everybody on the Board is agreed to holding a special meeting on May 10 specifically to address Michael's application, we can do that. Michael, does that work for you? I know it's kind of out of our hands. I don't know when they got it. They said they didn't get it until the ninth and their cutoff was the fifth, but they have 30 days from the day that they say they received the referral. So that would bring us to the ninth, which is a Sunday. So that's why I'm saying the Monday would be the 10th.

Board Member Muhlfelder said I'm not sure I'm going to be here. I'm heading to Massachusetts on Friday and probably won't even know until Sunday. I'll let you know if I'm going stay over until Tuesday or not. Chairperson Hext said Okay. That's fair. We'd still have a quorum. I'm just trying to work something out for Michael.

Applicant Schramm said I understand the position you're in completely and will work with you. I appreciate all your efforts and I completely understand.

Chairperson Hext asked for a motion from the Board to hold a special meeting on May 10 at 7:00 PM to review and perhaps approve the Special Use Permit for the tattoo parlor located at 187 Main Street. Board Member Caruso made the motion, seconded by Board Member Muhlfelder. **Roll Call: All in Favor.**

Chairperson Hext said Okay. Thank you, Michael. The documentation and everything that you provided is right spot on. I really appreciate it. And I appreciate you working with us as well.

Applicant Rep Cropsey asked if the meeting is going to be for decision only – is the public hearing closed?

Chairperson Hext said the public hearing has been closed. The meeting will be for decision only on the Special Use Permit.

Applicant Rep Cropsey said sounds great.

Chairperson Hext said Okay. The next topic is the pre-concept meeting to review an application for a major subdivision request by VAMR Development, Ken Romanski, on Bozenkill Road. This is not a public hearing, so the public normally cannot have any input. However, if somebody has any specific questions for the applicant, I would rather get them out there now than come before us in a month or two and have questions that could have possibly been answered tonight. So I will allow any questions for the applicant, both by the Board obviously or any from the public. No? Okay. Well, if nobody has any questions, who is on for VAMR?

Applicant Rep Palleschi said good evening this is Luigi Palleschi with ABD Engineers.

Chairperson Hext said good, thank you. I know you've come before us in the past. I believe the last time was two or three years ago.

Mr. Palleschi said it's going to be close to two years now - July 22, 2019 as my records show.

Chairperson Hext said can you, for those of us who weren't on the Board or those of us who weren't in the meetings, give us a synopsis of what you're planning?

Mr. Palleschi said yes, absolutely. So basically back on July 22, 2019, this major subdivision was before the Board. It was approved and a negative SEQRA declaration was also granted. There were some conditions that were put on the subdivision and unfortunately, due to the conditions, the filing of the subdivision never got filed with the Albany County Clerk's office and subdivision approval has now expired. So we're here before the Board again for another approval. We have not changed anything as part of our proposal. Our proposal is a four lot major subdivision. You have four lots - three of those lots are fronting right on Bozenkill Road and the fourth lot is to remain. The three new lots as developed would total 1.42 acres and the remaining 22.5+ to the north will remain undeveloped. The three lots that are fronting on Bozenkill Road range from about 0.46 - they're at about a half an acre each. All three of those lots will be served by public water and sanitary sewer services. And our proposal is to also extend sidewalks as required by code and due to the sidewalks is one of the reasons of the conditions that never got agreed to moving forward and hence lapse of the approval here and we weren't able to file the subdivision.

Chairperson Hext said the last time I remember we had agreed on an escrow for sidewalks.

Applicant Rep Palleschi said it was either/or, and what Romanski was hoping to do was find a home buyer for one of the lots so that he could get that lot under contract and move forward with the agreement. And since that time as well, Mr. Romanski has worked with several builders and he's ready to move forward and make this agreement happen so that we can file the subdivision plan as soon as possible. As soon as we get our approvals and signatures we will file it and it'll be a filed subdivision map and us moving forward with the project.

Chairperson Hext said this is just a concept meeting, so we won't be doing much tonight. The only other question I have, again from the last time, is I know you had applied for a four lot subdivision, but we only gave approval for a three lot subdivision. We did not give approval for that fourth lot.

Applicant Rep Palleschi said well it is a four lot subdivision. The fourth lot is just remaining as undeveloped land right now.

Chairperson Hext said we only gave approval for three lots. That fourth lot we left off the whole approval process only because it opens up a question as to could you build on that fourth lot without coming back before the Board. So, Steve, you were on the Board with me at the time.

Board Member Caruso said yes, Deb, it seemed to me that we did it that way to try to make sure they weren't allowed to develop that fourth lot without having them come back to us.

Chairperson Hext said right, exactly. That's why we did it the way we wrote it up.

Applicant Rep Palleschi said we understand that if the fourth lot would be further developed, we would certainly have to come before this Board. But I guess either way, it's three new residential homes being built fronting on Bozenkill. But then you have to do something with that fourth lot, which is a lot. But we know in order to develop that fourth lot, yes, we would need to come before the Board. Am I understanding it correctly? Mr. Romanski, if this gets approved, would be able to build three single family homes right now, and then that fourth lot we'd have to come before the Board, is that right?

Board Member Caruso said I believe that's correct.

Applicant Rep Palleschi said it's a four lot subdivision because ultimately you have one lot today and if it gets reapproved, it becomes four lots, but we're looking to build the three single family, residential homes that are fronting on Bozenkill as shown on the plan.

Chairperson Hext said we're going to have to pull the conditions from the last meetings on it to verify it. But I am pretty sure that we definitely said we'll approve the three lots only and not consider that fourth lot because another concern was that you'll store your equipment there -- I remember there were a lot of concerns over that fourth lot being approved and left empty. So I think that's something that we as a Board would have to discuss a little further down the line, once we pull the conditions from the prior approvals. Lance, were you with us then? I don't remember.

Lance said yes, Deb, those were the conditions - you're absolutely correct. I was there. I can dig up the minutes, but that was the agreement.

Chairperson Hext said okay. So again, we can explore this further on down the line, but it's just one of the conditions that I remember from last time that I wanted you to be aware of going forward that if we give approval, and that's down the line, it will be for the three lot subdivision, not for that fourth lot.

Applicant Rep Palleschi said I see that with the fourth lot we would just have to make application to the Board, correct?

Chairperson Hext said correct.

Applicant Rep Palleschi said All right. I think we're on the same page then.

Chairperson Hext said Okay good. Thank you. So has the Board had a chance to review the plans? I know there's a lot of wetlands back there, and I also know that the last time the Army Corps of Engineers delineated the wetlands was 2004. I think that's a little ancient. I just have a question whether or not that has been done more recently than 2004.

Applicant Rep Palleschi said no, we have not updated the wetlands. We're not proposing to disturb any wetlands. We are keeping far away from the wetlands with the proposal of the homes.

Chairperson Hext said regarding the wetlands as delineated in 2004 - what's to say that those wetlands haven't expanded?

Applicant Rep Palleschi said I've walked the property. We've actually surveyed the wetland boundary and set up clearing limits and walking the property verifies where we staked out the limits. The wetlands have not encroached those limits.

Board Member Muhlfelder said I drove by and I noticed that it was quite wet along the edge of the road, the property. And that could just be from the rain, but I was wondering if anybody had walked it or gone in to see again how wet it actually is.

Applicant Rep Palleschi said the wetness along the roadway is the drainage ditch. The water that runs off the Bozenkill Road. And as part of the plan, you actually see the proposed drainage that is needed to take care of the runoff from the road along the front. All of the subdivision plans, details, grading and drainage have all been reviewed and approved by the town designated engineer, which is Barton and Laguidice and we had received final sign off from them prior to the subdivision approvals back in 2019. So all of the grading, drainage and the plan details are exactly the same as what was previously approved back in 2019. So that'll certainly help along the front of Bozenkill Road.

Chairperson Hext said that doesn't mean though that the same steps won't have to be taken as far as getting permission from the County Department of Public Works for the curb cuts, sending the plans to our DPW for sewer and water. This is just really like you're starting this whole thing all over again. If we don't do it that way, something's going to get missed along the way.

Applicant Rep Palleschi said that's understandable. But you know we have all of that documentation in our files where things were reviewed before. And again, if we're not changing anything, nothing has changed. We would expect the same results, I guess. But I certainly understand we have to go through those motions again.

Board Member Litten said I've got a question here. The maps that you have with Army Corps wetland – there's a big finger into one of the properties from the Army Corps. I tried to find a shape file for that, and I was unable to find the Army Corps shape files that would be used to make that map. Presumably you've got those.

Applicant Rep Palleschi said yes, that's because they were delineated. Those shape map files, you don't always find them on the Army Corps websites. When you go on the Army Corps websites, it shows you the general areas of federal wetlands, but it's up to the owner and the engineer to hire a wetland biologist, to do a wetland delineation. And then that biologist goes out there, flags those wetlands and delineates them. And that's what we survey and map out on our plans. We do everything we can to avoid impact to those wetlands like we have with these three lots. So the houses are going to be

positioned upfront along the front setback lines along Bozenkill Road, leaving plenty of backyard for the homes and still having a separation distance to the federal wetlands. And as we went through before, the recommendations from the Board and the engineer, we actually are proposing signage around those wetland areas for deed restrictions. There is signage that was requested and asked for as part of a condition. And we've noted it on the subdivision plan, so any homeowners know where the wetlands are going to be, and they can't, after this home is sold, they can't then go ahead and disturb them. It'll be part of their deed that they're restricted.

Board Member Litten said so in that one property, there's that finger labeled on your map Army Corps wetland that then divides the property. So there's property beyond that— would entry to that be restricted to the buyer of the property?

Applicant Rep Palleschi said no, the buyer of the property could in fact walk across wetlands and get to the back, but they wouldn't be able to cut trees or disturb anything within that finger of wetlands.

Board Member Litten said who would enforce that?

Board Member Hitt said the Corps of Engineers enforces the regulations under Section 404. So it's not up to the Board or anybody else, it's strictly the enforcement division of the Corps of Engineers.

Board Member Litten said so if the homeowner decided to dump fill in there and put grass seed in there or something, and just make that part of his backyard, the only way to enforce that would be for the Army Corps to know about it and then do something about it? The Village would not?

Board Member Hitt said that's the way the regulations are written and someone would have to turn the property owner in to the enforcement division of the Corps of Engineers. That's the way it is all across the country for national wetlands, for federal wetlands. The nationwide permits actually allow single family owners to fill some wetlands. So what's shown here is far more restrictive than what the 404 regulations call out. I would suggest that given the wetland delineation was done in 2004, that it just be verified by a biologist that it's still accurate. I'm not saying it has to be re-delineated, but just have somebody verify what was said before that it's still the same limit. Typically when they go beyond a few years, a Corps of Engineers would require that it be re-delineated, but I don't think that's really necessary for this purpose.

Applicant Rep Palleschi said they can provide that.

Chairperson Hext said thank you. That's what I was looking for. Like I said, I know last time that was a point of contention as well. She said also there's a deed - existing 60 foot wide easement for ingress and egress. This was from I think, 2005. She asked Applicant Rep Palleschi to send a copy of that deed to Ginger to send to Attorney Allyson to review.

Applicant Rep Palleschi said he would. He asked if this was not reviewed in 2019, as everything is exactly the same, they're not changing anything.

Chairperson Hext said I can't answer that. It wasn't the same attorney, so it may have been. She said other than that, does anybody else on the Board have any questions? Okay, then what we could do is

we could make a motion to classify the subdivision as an unlisted action under SEQRA. And we would then refer the application to the Albany County Planning Board. Once we get all of the SEQRA, application, everything filled out and it's approved, then can move forward with the public hearing. So next month would be to review SEQRA and the normal steps that we would take for a subdivision. Does that make sense?

Board Member Hitt said Deb? Was it said earlier that the SEQRA was completed before, or was it just started last time around?

Applicant Rep Palleschi said yes it was, it was a negative declaration.

Board Member Hitt said I defer to the attorney when she gets back, but I would suggest that maybe you don't need to start over. It could just be a re-evaluation to determine that the negative declaration is still valid. Allyson could give an opinion on that. If nothing has changed, then the original SEQRA determination could be determined to still be valid.

Chairperson Hext said I guess what's important here is - Lance to pull all of the documentation from the date of the last meeting, July 22, 2019, so we could get the minutes from that which would have any conditions in it and the full file on that as well. We'll hold off listing this action until we get a determination on whether or not it's still good. The negative declaration will be pulled too.

Chairperson Hext said what we can do is at least approve that pre-concept plan as it's presented to us tonight. We will still have to review the SEQRA at the next meeting before we schedule the public hearing, because no application is considered complete until that neg DEC is voted on. So we can't schedule the public hearing for next month. That would probably be June.

Applicant Rep Palleschi said is it possible to schedule for next month and then just remove it from the schedule if need be?

Chairperson Hext said she would check with Allyson, but what we'll do is schedule the next meeting for May 24 to review the final site plan and hopefully be able to schedule the public hearing, but we can let you know that within the next couple of days. If Allyson's okay with it, and if you get the deed from 2005 about the ingress and egress to her to be able to review, I should be able to let you know within the next day or two. She asked if he had Ginger's email and he said yes, so she said just send everything in there and then it is official and she'll get it out to us and to our attorney.

Applicant Rep Palleschi said okay, and if anybody else, Ginger, or Allyson, or you, or any of the Board members have any other questions, feel free to reach out to me anytime by email or phone.

Chairperson Hext said All right. Good. Thank you.

Applicant Rep Palleschi said all right I'll get this information over there, and then I'll hope to see you on May 24. Okay. Thank you.

Chairperson Hext said all right. Thank you. Have a good night. She then said now we're going to move on to Nadia. Nadia, we have all of your information that you sent in and you're looking to amend your Special Use Permit for a sit-down restaurant at 187 Main Street to expand the restaurant into a new and

additional outdoor space and allow for music and entertainment. Did everybody have a chance to review Nadia's application and her narrative? Okay. Does anybody have any questions? I kind of hope you do.

A lengthy discussion was held between the Board, Jeff Thomas, Don Cropsey and Nadia Raza about her providing music and entertainment. Board members expressed concerns about noise levels, ability to comply with the Town of Guilderland noise ordinance, and that the property is in a mixed-use area, as well as the following bulleted items. It was agreed that Nadia would rewrite the application, conditions and narrative and provide the following information to the Board for the next regular meeting:

- Days you will offer music
- Times each day you will offer music
- Type of music offered (band, guitar, etc.)
- Will it be amplified? If so, which way will the amplifiers face?
- How will you control the sound so there are no complaints re: noise from neighbors?
- Where will it be located? Inside or Outside? Where specifically?
- When and how often will you offer the cigar and hookah bar?
- Where will the cigar and hookah bar be located?
- What are the NYS regulations regarding smoking in/near restaurants and how will you comply with them?

Jeff said it's a small deck. It's about 690 square feet. And what she could do is have a guitar player, probably acoustic guitar player. He would have a tripod there, they play all the time. They don't come in with huge amplifiers. The speaker would be faced back to the building to limit the noise. I honestly envision people coming up and possibly enjoying it from standing on the grass. I think you're going to be very happy. And if we were to get any complaints, as a landlord we would not want to do anything to hurt our relationship with the Village and nor would Nadia - she's in business to make money and to attract people to come there. So, we're going to work real closely with everyone to make it a win-win for everyone and make it a nice entertainment. I just want you to feel good about the fact that we want to work with the Village. We don't want to be loud. We don't want to be crazy, none of that, but she may want to have a guitar player out there with a small microphone, acoustic guitar player, and have some live entertainment.

Discussion continued, and then Chairperson Hext said one thing that we can decide on tonight is to classify this action under SEQRA. So this is an unlisted action because it doesn't fall under Type 2 and it doesn't fall under Type 1. So before we can set the public hearing, we have to have a neg DEC (negative declaration) on the SEQRA. So can I have a motion to classify this under SEQRA as an unlisted action and then refer the application to the Albany County Planning Board? Motion was made by Board Member Hitt, seconded by Board Member Muhlfelder. **Roll Call: All in Favor.**

Chairperson Hext said does anybody have any other questions for Nadia at this time or for Jeff or for Don?

Applicant Nadia asked about putting out a streetscape (outdoor table) like Jeff had done last year in the parking lot, since the addition is going to take awhile. She has guests that are requesting outdoor seating and her space is limited. She wanted permission before we did that. I didn't want to do something that somebody would oppose.



Chairperson Hext said I don't believe that's allowed by code. I know that they did it last year. If you do that, you're definitely going to have to put that on the application, but Lance, can you speak to that as far as the code is concerned?

Code Enforcer Moore said I don't have a book right in front of me. It's on a State highway, so we'd have to get permission there. One of the major concerns was parking in the front. So if you take away another spot, there's less parking in the front where I think most of the people who would like to park for Paisano's pick up. So I'll look it up, but I think they're at the max of cars that are allowed in the front.

Applicant Raza said this would be very temporary also, just until my addition is developed.

Chairperson Hext said she should put it on the new application, and we'll look more into the code.

Jeff said the streetscape is a non-permanent structure. It only takes up one parking spot and it would only be there until our addition is complete. It would help her get another table setting outside. I got a lot of positive feedback. We would take it down as soon as the addition was open, probably in three months. If we make an application on something like that, by the time the application goes through, it's not going to be needed anymore.

Chairperson Hext said as a board we can't just say, yeah, go ahead. We have to see if it's allowed by our code. We have to see how many parking spaces you have to have there now based on what's allowed for the Altamont Corners itself.

Applicant Raza said my staff and I park our cars out in the front parking lot. If this was something that code would say we're okay with you doing this, I would take all of our cars to the back parking lot and not allow my staff to use the front one anymore. That's how strongly I feel about having this. She wanted to know if she would have to wait for another meeting for that decision.

Chairperson Hext said she would look into it tomorrow, and would let Applicant Raza know whether she has to wait or she can put it up for a month or something, especially considering COVID is still an issue. We might be able to do something based on that.

Applicant Raza said that would be amazing.

Applicant Rep Cropsey said Deb, regarding SEQRA, you had determined it to be an unlisted action. Part 2 needs to be filled out by the Planning Board as the lead agency. Chairperson Hext said yes, but we're not going to finalize that tonight.

Chairperson Hext said Okay, I know we have a few takeaways. Lance - you're going to look into as far as parking is concerned for Nadia and whether or not it's an allowed use under our code to have a table out in the parking lot.

Board Liaison Matulewicz said -With COVID and municipalities making concessions for outdoor dining, would that be a factor in this?

Chairperson Hext said we might be able to allow it temporarily. I just have to make sure that the parking situation is okay. If they have to have 44 spaces and taking one away makes it 43, then our hands could

be tied, but you know, that's why I'm not saying yes and I'm not saying no. But I think we might be able to use the COVID card.

It was agreed that Applicant Rep Cropsey would send an email request tomorrow for review by Village Attorney Phillips detailing Applicant Nadia's request for a table in the parking lot, which spot it would occupy, that the employees would park in the back freeing up 4 parking spaces, and that they would make sure that it doesn't impact the other tenants in the Plaza. Chairperson Hext said to Nadia she would be in touch tomorrow about what was discussed.

Chairperson Hext said that since the last meeting minutes were not available, they will be reviewed at the next meeting. She asked if anybody would like to discuss any other business. No response.

Applicant Mike Schramm from Crossroad Tattoo asked about the sign permit that was submitted. Chairperson Hext asked the Board if they had a chance to review the sign permit – and said it looks fine. Board Member Caruso had no issues with it; Board Member Muhlfelder said it's a nice design. Chairperson Hext asked if Mike was going to illuminate the sign. He said yes, externally illuminate - it's up in the soffit. The existing lighting is up there. No internal lighting. He asked if he can get it into production or has to specifically wait until after the meeting.

Chairperson Hext said you can, I don't see a problem going forward with your application, but I guess that's up to you. If for some reason we approve your application on the 10th and the Albany County Planning Board comes back with some stipulation -- I guess that's up to you. I can't speak for Albany County.

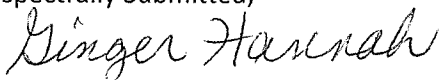
Applicant Schramm asked if I was looking to get that exact copy put on the windows, is there any kind of stipulation against that in the future, like vinyl decals on the window that have the company name?

Chairperson Hext said you'd have to include that in your draft that you would do something in the windows.

Applicant Schramm said Okay. No problem. I think that's all the questions I had.

Chairperson Hext said so I have no problem with the sign permit as long as no one else on the Board does. We can approve that tonight. Any questions anyone? No response. She said can I have a motion to adjourn? Board Member Hitt made the motion. Board Member Muhlfelder seconded it. **Roll Call: All in Favor.** Meeting was adjourned at 8:28 p.m.

Respectfully Submitted,

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

Ginger Hannah  
Planning Board Secretary