

PLANNING BOARD

March 26, 2018

Regular Meeting

Tim Wilford, Chairman

Deborah Hext

Steve Caruso

Wayde Bush

Connie Rue

Kelly Best, Secretary

Dean Whalen, Village Liaison

John Donato, Applicant

Absent: John Hukey

Lance Moore, Building Inspector/Zoning Administrator

Chairman Wilford opened the meeting at 7:05.

Chairman Wilford read the following legal notice: Notice is hereby given that the Planning Board of the Village of Altamont, New York, will hold a public hearing pursuant to Article 335 Attachment 1:1 Use Schedule, apartment in business, chart of the Zoning Law on the following proposition: Request of John Donato to create a 2 two-bedroom apartments in the unused space in a mix occupancy building as per Article 355 Attachment 1:1 situated as follows: 996 Altamont Blvd, Altamont, NY 12009. Tax map number # 48.06-3-2, zoned CBD. Plans have been open for public inspection at the Village Offices during normal business hours. Said hearing will take place on Monday, March 26, 018 at the Altamont Village Hall beginning at 7:00 pm.

Board member Bush made a motion to open the public hearing. Board member Hext seconded the motion. All in Favor.

Chairman Wilford asked Mr. Donato to review his application with the board. Mr. Donato stated that due to the two businesses already housed in the building, that he has used all the allowable footage for more signage. That the building is 2/3 businesses and the total apartments would only constitute 1/3 of the building. By using the vacant space, he will be able to collect rent which will go to help with property taxes and maintenance of the building.

Chairman Wilford opened the hearing up for public comment. There was no one present at hearing. It was noted that 12 neighbor notifications were sent out as required by law. The Village has received communication from 2 of the neighbors notified.

George Schiller, 995 Altamont Blvd, Altamont. His e-mail stated that he strongly opposed Mr. Donato being granted the SUP to convert unused space at 996 Altamont Blvd to create two apartments. Mr. Schiller stated that Mr. Donato has not fixed the front right section of the roof of the Parts Store that was ripped off over a year ago. He stated that the tenants at 991-3 Altamont Blvd state that Mr. Donato will not fix anything at that property. Mr. Schiller stated that Mr. Donato owns a large number of rental property at that end of the Blvd and that because of so many rentals in the area, it would be hard for

Mr. Schiller to sell his home. (Mr. Schiller sent his e-mail to the Mayor, who forwarded to the Board. Mr. Schiller stated in his e-mail that he would call Secretary on day of meeting, he did not.)

Ruth Wey, 989 Altamont Blvd, Altamont. Her e-mail states that she is opposed to Mr. Donato renting out any more properties anywhere near her home. She stated that he did not care about the neighbors and is bringing the value of her home down. (Sent by email to Village Clerk, forwarded to Board)

The Chairman also stated the Mr. Moore had emailed the Chairman stating he was unable to be at meeting. Mr. Moore stated that he had to review some building permit requirement with Mr. Donato relating to the construction of such apartments if the SUP was granted and that as Zoning Administrator he stated that most of the concerns are directed at 991-993 Altamont Blvd and those issues should be addressed by the Zoning Administrator and are not related to the hearing regarding 996 Altamont Blvd.

The Chairman asked Mr. Donato is he wished to proceed with the application at this time since Mr. Donato had not had a chance to review building requirements with Mr. Moore. Mr. Donato stated he had spoken with Mr. Moore earlier in the day and wishes to proceed with the SUP at this time.

The Chairman reviewed the list of all seven properties throughout the Village owned by Mr. Donato with the board. The Board was advised of how many rental units each property consist of and it was determined at this time there are no code violations on any of the properties. The Chairman also reviewed all past SUP permits granted to Mr. Donato relating to 996 Altamont Blvd. The only code violation on record for 996 Altamont Blvd is related to banners being hung on railings.

It was noted that 991-993 has had code violations relation to unregistered vehicles and junk but that was dealt with in 2017. It was also noted that there were also some disturbances at both 991-993 Altamont Blvd and 126 Prospect Terrace in the past. Mr. Donato states he inherited the tenants at 991-3 Altamont Blvd when he purchased the building over 20 years ago, and both Mr. Schiller's and Mrs. Wey's properties are adjacent to 991-3 Altamont Blvd. Mr. Donato states that the neighbors don't like his tenants. (Detailed email attached).

The Secretary stated that she spoke with Mr. Moller, Superintendent of Public Works and he stated that he had no issues with the granting of the permit. The Secretary stated that she checked in with Chief Miller of the Altamont Fire Department and had received no comment relating to the application.

Mr. Donato stated that the property was hard wired for smoke and fire.

Mr. Donato stated he spoke with Mr. Gessick who is directly across the street from 996 Altamont Blvd and Mr. Gessick did not oppose adding the two apartments.

The Board clarified that the entrance would be on the back off of a deck and the second egress would be by fire windows.

The Board discussed the SEQR submitted. It was determined that the flood plan was modified in 2013

Board member Caruso made a motion to close the public hearing at 7:35 pm. Board member Bush seconded the motion. All in favor.

The Board reviewed the nine factors as outlined in the Village Zoning Law relating to Special Use Permits. It was determined that the request was in compliance of the nine factors.

Chairman Wilford asked the board members if they had any other concerns or questions for Mr. Donato at this time. They did not.

Chairman Wilford reviewed the 11 sections of part two of the SEQR with the board and Mr. Donato. They determined all 11 would have either no impact or a very small impact.

Chairman Wilford made a motion of negative declaration for this action. Board member Rue seconded the motion. All in favor.

The Board again reviewed the two comments opposing this action. It was determined that the number of properties owned by Mr. Donato was not relevant nor the fact that those properties are rental units. If those properties were sold, they would still be rental properties. It was determined that the comments made by the tenants to Mr. Schiller are hearsay. The roof issue is a Zoning Administration issue, not something this board would oversee.

Chairman Wilford made a motion to grant the request of John Donato for a Special Use Permit to create 2 two-bedroom apartments in the unused space at 996 Altamont Blvd pending approval from Albany County Planning Board and with the following condition: that Mr. Donato designate two parking spaces per apartment in the parking lot adjacent to the Laundromat. Board member Bush seconded the motion. All in favor.

Mr. Donato was directed to follow up with the Building Department to obtain a building permit before proceeding.

The Board had a general discussion on Public Comments.

The next regular meeting of the Planning Board is on Monday, April 23<sup>rd</sup> if needed.

Chairman Wilford made a motion to close the meeting at 8:08 pm. Board member Hext seconded the motion. All in favor.

Respectfully Submitted

Kelly Best