

Village of Altamont - Joint Meeting
Regular Meeting Planning Board and
Special Meeting of Zoning Board of Appeals
September 28, 2020

Planning Board Members:

Deborah Hext, Chairman

Stephen Caruso, Board Member

John Hukey, Board Member

Barbara Muhlfelder, Board Member

Dan Hitt, Board Member

Lance Moore, Building Inspector/Code Enforcer

Dean Whalen, Board Liaison

Ginger Hannah, Secretary

Guests: 2

Zoning Board of Appeals Members:

Danny Ramirez, Chairman

Kathryn Provencher, Member (Absent)

Tresa Matulewicz, Member

Sal Tassone, Member

Laura Murphy, Alternate

Applicant: Chelsea Sylvester

Chairperson Hext opened the meeting at 7:02 p.m. on September 28, 2020 and welcomed everyone to the regularly scheduled Village of Altamont Planning Board Meeting and the Special Meeting of the Zoning Board of Appeals. She said my name is Deb Hext, the Planning Board Chair. She stated that for the record, due to the COVID-19 and social distancing orders, this meeting is being held remotely and both the audio and video portions of this meeting are being recorded. I'd like to welcome the ZBA to this meeting and give them an opportunity to introduce themselves.

Good evening, my name is Danny Ramirez, Chair of the Zoning Board of Appeals. He introduced Tresa Matulewicz, Laura Murphy and Sal Tassone, Board Members of the ZBA. Planning Board introduced themselves as Deb Hext, Chairperson, and Board Members Barb Muhlfelder, Dan Hitt, John Hukey, and Steve Caruso. Chairperson Hext said we also have Lance Moore, Dean Whalen and Secretary Ginger Hannah.

Chairperson Hext stated that since this is a combined meeting, she wanted to give it some order. I'd like the Planning Board to go first in the approval of the new Rules of Procedure for Planning Board Meetings Document as it was presented to us. After that the ZBA can follow up with the approval of their ZBA Rules of Procedure, and then the approval of their minutes from previous meetings. Once the ZBA is finished, they can adjourn the ZBA portion of the meeting. If they want to stay on with us, certainly they're welcome or they can leave. After that, I will read the legal notice and open the Public Hearing regarding the SUP. She asked if that sounded okay to everybody, and all agreed.

Chairperson Hext addressed the Planning Board and said she didn't get anything from anybody in an email with questions regarding the changes to the procedure document for the Planning Board. Given that, would someone want to make the motion to approve the new Rules of Procedure for Planning

Board Meetings Document. Motion made by Board Member Muhlfelder. Seconded by Board Member Hukey. **Roll Call: All in Favor.**

Chairperson Hext thanked everyone and turned the meeting over to ZBA Chairman Ramirez.

Chairman Ramirez addressed the ZBA members and said I trust everyone had a chance to review the Rules of Procedures for Zoning Board of Appeals Meetings. If everybody is in agreement, I would entertain a motion for approval. Motion made by Board Member Matulewicz. Seconded by Board Member Tassone. **Roll Call: All in Favor.**

Chairman Ramirez then said to the Zoning Board Members that we have minutes for the last four previous meetings to approve. Motions were made as follows:

Motion to approve Minutes of the February 11, 2020 ZBA meeting - motion made by Board Member Murphy. Seconded by Board Member Tassone. **Roll Call: All in Favor.**

Motion to approve Minutes of the March 10, 2020 ZBA meeting - motion made by Board Member Murphy. Seconded by Board Member Matulewicz. **Roll Call: All in Favor.**

Motion to approve Minutes of the March 31, 2020 ZBA meeting - motion made by Board Member Murphy. Seconded by Board Member Tassone. **Roll Call: All in Favor.**

Motion to approve Minutes of the August 25, 2020 ZBA meeting - motion made by Board Member Matulewicz. Seconded by Board Member Murphy. **Roll Call: All in Favor.**

Chairman Ramirez then said that having concluded the approval of our minutes, unless anybody else has something to say, I would entertain a motion to close the ZBA portion of the meeting. Motion made by Board Member Matulewicz. Seconded by Board Member Murphy. **Roll Call: All in Favor.**

Chairperson stated that the ZBA Board Members were invited to stay and listen to the meeting for the Special Use Permit. Thank you very much for your participation.

Chairperson Hext noted that the Applicant was not yet on the meeting. Secretary Hannah said she would give her a call. Chairperson Hext said in the meantime, let's approve the meeting minutes. We have four different meeting minutes to approve here. The following motions were made:

Motion to approve Minutes of the May 18, 2020 Planning Board meeting - motion made by Board Member Hukey. Seconded by Board Member Muhlfelder. **Roll Call: All in Favor.**

Motion to approve Minutes of the June 8, 2020 Planning Board meeting - motion made by Board Member Hukey. Seconded by Board Member Muhlfelder. **Roll Call: All in Favor.**

Motion to approve Minutes of the June 15, 2020 Planning Board meeting - motion made by Board Member Muhlfelder. Seconded by Board Member Hitt. **Roll Call: All in Favor.**

Motion to approve Minutes of the August 24, 2020 Planning Board meeting - motion made by Board Member Caruso. Seconded by Board Member Muhlfelder. **Roll Call: All in Favor.**

Board Member Muhlfelder stated that she thinks Stewart's looks great and she's heard very nice things about it. Chairperson Hext agreed and stated that everybody that she'd talked to said that it really does look good.

Applicant Chelsea Sylvester then joined the meeting at 7:26 p.m. and stated that she had been at Urgent Care due to a toothache. She apologized for being late. Chairperson Hext welcomed her and said we can certainly postpone this if you want. Ms. Sylvester said she no, I'm totally fine.

Chairperson Hext then said that to open the Public Hearing, I'm going to read the legal notice, as follows: Village of Altamont Planning Board Notice of Public Hearing. Notice is hereby given that the Planning Board of the Village of Altamont, New York, will hold a Public Hearing pursuant to Article 355-5 on September 28, at 7:00 p.m., on the application of Chelsea Sylvester for a Special Use Permit to operate a Photography Studio at a property at 104 Maple Avenue, Altamont (Tax map ID 37.18-4-22). The Property is zoned Commercial Business District (CBD). The meeting will be held remotely as part of the Village of Altamont's COVID-19 response plan and can be accessed by the public using the link below. Plans are open for public inspection at the Village Offices during normal business hours. A copy of the Planning Board Agenda and related materials will be available on the Village website by Friday, September 25. Hard copies may also be obtained by contacting the Planning Board Secretary. Dated: September 15, 2020.

Chairperson stated with that the Public Hearing is now open. Do we have any comments from the public? I can't see if anybody is waving or anything. I don't know that we have anyone from the public on. Kerry, if you see anybody, let me know. Secretary Hannah stated that we might have two people on from the public. Chairperson Hext said, yes, and I think we still have Sean from The Enterprise on. She then said Chelsea, since there's no questions from the public, do you want to give us a quick rundown of your plan? Your write up was wonderful, by the way. Before I go any further and I forget to say this, I see that both you and your husband are ex-military. So thank you for your service.

Ms. Sylvester said thank you. She asked are you wondering how I plan to operate? Chairperson Hext said yes, just a quick synopsis of everything that you've actually said in the application.

Ms. Sylvester said basically I had started my photography studio in Colonie and after wanting to move and having some other deals go on, I found Altamont. So basically I plan to operate almost the same way. Normally I do it by appointment only, in addition to if anybody walks in while I'm there, I can plan appointments. The majority of what I do is the journey of baby. So I do maternity photographs, first photographs, first 48, newborns, six months, 12 months. Of course, I still do everything else, such as family photographs. I like holiday stuff like you guys will probably see. Christmas is one of my favorite things in the world, so that I kind of go really big for. But other than that, most of what I do is by appointment only. And basically that's kind of my deal. I just love what I do, so I make sure to make it as big as possible.

Chairperson Hext said okay, good, thank you. Do any board members have any questions for Chelsea based on the application or any just general questions? No? Okay. Did everybody look at the EAF? Did

everybody have a chance to review the short form? Board Members responded yes. Chairperson Hext said I had a couple of corrections and it's just probably you don't live here, so you just don't know.

(4) Check all land uses that occur on, are adjoining or near the proposed site – commercial, and you do have residential there. So I checked that.

(5a) It is a permitted use under our zoning regulations. That was checked "not applicable".

(8b) Are public transportation services available at or near the site? They really are, which is a good thing for you. If somebody wants to come to Altamont, there's a bus stop right across the street on Main Street.

Ms. Sylvester said I didn't even know that, but that's good to know.

(8c) Are any pedestrian accommodations or bicycle routes available? There are bicycle racks in the park across the street where the gazebo is. If anybody wants to bike there, they can certainly park there. You have public parking basically right across the street from you a little bit down on Maple. I just wanted to clarify a few things just for your sake so that you would know that these things do exist.

Ms. Sylvester said absolutely, that's good to know.

Chairperson Hext said other than that, this is a Type II action under SEQRA, so there is no further review necessary. So given that, and again, we have no public comment I believe, because the next thing I will do is make a motion to close the Public Hearing.

Chairman Ramirez said this is photography and I know a little bit about it, but not in the latest technology - digital. In doing prints, are there any chemicals that we have to be concerned about in the waste water?

Ms. Sylvester said I actually don't print my own items just because it honestly isn't my expertise. I contract with a lab that is I believe in Virginia, so I don't print any of my own items or any of my own products. So there are no chemicals or anything like that and everything I do is digital. Then if you order prints or a book, so to speak, that does get outsourced. So no, there are no chemicals or anything with water that should be a concern.

Chairman Ramirez said excellent, thank you. Chairperson Hext said thank you, Dan, good question. Anyone else? Then can I have a motion to close the public hearing? Motion made by Board Member Caruso. Seconded by Board Member Hukey. **Roll Call: All in favor.**

Chairperson Hext said with that, next would be the most important part to Chelsea. Can I have a motion to approve the Special Use Permit for a Photography Studio located at 104 Maple Avenue? Motion made by Board Member Hitt. Seconded by Board Member Caruso. **Roll Call: All in favor.**

Chairperson Hext said okay, Chelsea. You're all set. You're good to go. Welcome to Altamont. If there's anything any of us can do, please don't hesitate to ask. I'm always available by email - send it to Ginger. If there's anything we can help you with, we're certainly here to help.

Ms. Sylvester said thank you so, so, so much to all of you for all of your time and I cannot wait. And the same to you guys - if there's anything that I could do to help with the community. I know that there is the pumpkin display going on and if I take any pictures there or if I do anything more community based, I'll definitely reach out to you guys to let you know as well so that's something that can be shared and used among the community.

Everyone said thank you.

Chairman Ramirez said Deb, do you want to tell her about the website that she can put a business on?

Chairperson Hext said Altamont Community? She's way ahead of us. That's how we found about it. Chelsea, just for your information, Danny that you just heard is our Zoning Board Chair. So he and I usually are on each other's meetings and give each other support and I certainly appreciate his support. With that, I think we're all set ladies and gentlemen. Can I have a motion to adjourn?

Motion to adjourn the Joint Meeting of the Planning Board and Zoning Board of Appeals made by Board Member Muhlfelder. Seconded by Board Member Hitt. **Roll Call: All in Favor.** Meeting adjourned at 7:38 p.m.

Respectfully submitted,

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

Ginger Hannah, Secretary

Attached:

- Rules of Procedures for Zoning Board of Appeals Meetings
- Rules of Procedures for Planning Board Meetings

**VILLAGE OF ALTAMONT
RULES OF PROCEDURE
FOR ZONING BOARD OF APPEALS MEETINGS**

SECTION 1. REGULAR MEETINGS:

- The Zoning Board of Appeals shall hold regular meetings on the second Tuesday of each month, as needed.
- These meetings shall commence at 7:00 p.m. and will be held in the Community Room at Village Hall unless otherwise posted.
- Any deviation of the foregoing paragraph must be determined by the Zoning Board of Appeals.

SECTION 2. SPECIAL MEETINGS:

- Special meetings of the Zoning Board of Appeals are all those Board meetings other than regular meetings.
- A special meeting may be called by the Chairperson.
- Notice of Special Meeting shall be provided to the public in accordance with the requirements of the Public Officers Law.

SECTION 3. QUORUM:

- A quorum of the Zoning Board of Appeals must be present to conduct business.
- A quorum of the five-member Board is three.
- In the absence of a quorum, a lesser number may adjourn and compel the attendance of absent members.

SECTION 4. EXECUTIVE SESSIONS:

- Executive sessions will be held in accordance with the Public Officers Law § 105.

- All executive sessions will be commenced in a public meeting.

SECTION 5. AGENDAS:

- The agenda of every meeting of the Zoning Board of Appeals will be prepared by the Secretary of the Board at the direction of the Chairperson.
- The Chairperson is responsible for having an item placed on the agenda.
- When possible, items for the agenda shall be given to the Secretary of the Board by the Thursday before the meeting.
- The agenda will be prepared no later than the Friday before the day of the meeting.
- Submission of public comment on a specific application must be submitted to the Secretary of the Board during the duly noticed public hearing period. All materials for the Board must be submitted by mail, hand delivered, or emailed to the Secretary of the Board.
- Application for special use permit and preliminary site plan approval and required information shall be submitted to the Building Inspector at least 10 business days prior to the date of the regular meeting of the Zoning Board of Appeals.

SECTION 6: VOTING:

- Pursuant to Village Law, each member of the Zoning Board of Appeals has one vote.
- A vote upon any question will be taken by “in-favor” and “opposed”.
- When taking votes, the Secretary of the Board must record in the minutes for each Zoning Board of Appeals member whether they voted “in-favor”, voted “opposed”, “abstained” from voting, or were absent. Abstentions and absences are neither positive nor negative votes; they are simply no vote at all.
- For the purposes of determining whether a matter passed, the Secretary of the Board must tally the number of “in-favor” votes.

- Unless otherwise specified by state law, a majority (three) of the totally authorized voting power of the Board must vote “in-favor” for the matter to pass.

SECTION 7: MINUTES:

- Minutes shall be taken by the Secretary of the Board.
- Minutes must consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon, and vote thereon.
- Minutes must be taken at executive session of any action that is taken by formal vote and must consist of a record or summary of the final determination of the action, and the date and vote thereon. The summary need not include any matter which is not required to be made public in accordance with applicable law.
- Minutes must include the following:
 - 1) Name of the Board;
 - 2) Date, place, and time of the meeting;
 - 3) Notation of whether a board member is present or absent, and the Board member’s time of arrival or time of departure if different from the time the meeting was called to order and adjourned;
 - 4) Name and title of other Village officials and employees present and the approximate number of attendees;
 - 5) Record of communications presented to the Board;
 - 6) Record of reports made by Board or other Village personnel;
 - 7) Time of Adjournment;
 - 8) Signature of Secretary of the Board or person who took the minutes if not the Secretary of the Board.
- Minutes may contain a summary of the discussion leading to an action taken but are not required to include verbatim comments unless a majority of the Board resolves to have the Secretary of the Board do so. Minutes shall be approved by the Zoning Board of Appeals at the next Zoning Board of Appeals meeting. The minutes may be amended upon Board approval.

SECTION 8: ORDER OF BUSINESS:

- Call to order;
- State where the emergency exits are located;
- Old business;
- New business;
- Approval of previous meeting's minutes;
- Adjournment

SECTION 9: GENERAL RULES OF PROCEDURE:

- The Chairperson presides at the meeting. In the Chairperson's absence, the member with seniority presides.
- The presiding officer may debate, make motions, and take any other action that other Board members may take.
- Board members are not required to rise but must be recognized by the presiding officer before making motions and speaking.
- A member, once recognized, may not be interrupted when speaking unless it is to call him/her to order. If a member is called to order, they must cease speaking until the question of order is determined. If the member is in order, he/she may proceed.
- A member may not be limited in the number of times he speaks on a question.
- Motions require a second.
- Motions to close or limit debate require two-thirds vote.

SECTION 10: GUIDELINES FOR PUBLIC COMMENT:

- The public may speak only during a duly noticed public hearing.

- Speakers must be recognized by the presiding officer.
- Speakers must step to the microphone in the front of the room.
- Speakers will be asked if they would like to give their name, address and organization, if any.
- The presiding officer sets the limit, not to exceed 5 minutes unless otherwise allowed by a majority of the Board.
- Speakers may not yield any remaining time they may have to another speaker and each speaker has only one opportunity per topic to speak.
- Board members may, with the permission of the presiding officer, interrupt a speaker during their remarks, but only for the purpose of clarification or information.
- All remarks must be addressed to the Board as a body and not to individual Board members or the audience.
- Speakers must observe the commonly accepted rules of courtesy, decorum, dignity and good taste. Speakers are encouraged not to read submitted written communications verbatim but should summarize their contents.

SECTION 11: GUIDELINES FOR USE OF RECORDING EQUIPMENT:

- All members of the public and all public officials are allowed to tape or video record public meetings.
- Recording is not allowed during executive sessions.
- The recording must be done in a manner which does not interfere with the meeting or set-up of meeting and staff.
- The Chairperson may make the determination that the recording is being done in an intrusive manner, taking into consideration, but not limited to, brightness of lights, distance from the Zoning Board of Appeals, size of the equipment, the amount of noise generated by the activity, and the ability of the public to still participate in the meeting.
- If the Chairperson determines that the recording is interfering with the meeting, the Chairperson may request that the individual alter his behavior to eliminate the interference. If the Chairperson's request is not complied with, the Chairperson may have the individual removed from the meeting room.

SECTION 12: ADJOURNMENT:

- Meetings must be adjourned by motion.

SECTION 13: AMENDMENTS TO THE RULES OF PROCEDURE:

- The foregoing procedures may be amended from time to time by the majority vote of the Board.