

Village of Altamont
Planning Board Meeting
May 24, 2021

Planning Board Members:

Deb Hext, Chairperson

Stephen Caruso, Board Member

Simon Litten, Board Member

Barbara Muhlfelder, Board Member

Lance Moore, Building Inspector/Code Enforcer

Tresa Matulewicz, Board Liaison

Ginger Hannah, Secretary

Applicants/Reps: Don Cropsey for Nadia Raza; Luigi Palleschi for Bozenkill

The Special 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 made an announcement that Board Member Dan Hitt has decided to resign from the Board. She said she would miss him, and wished him the best of luck. She asked the Board Members to introduce themselves, which they did as follows: Simon Litten, Steve Caruso, and Barbara Muhlfelder. Chairperson Hext said we also have representing the Village tonight: Code Enforcer and Building Inspector Lance Moore; Ginger Hannah, Planning Board Secretary and Village Board Liaison, Tresa Matulewicz.

Chairperson Hext said we only have two items on the agenda tonight. The first item is to continue review of the application for an Amendment to a Special Use Permit (SUP) Request for a sit down restaurant from Nadia Raza at 187 Main Street. Amendment is to expand the restaurant into new building addition and outdoor space and allow for outdoor music and entertainment. She asked the Board Members if they had a chance to review the new plans and narrative from Curry Patta. They responded yes. Any questions, concerns? They have already answered a lot of our questions as far as the hours of operation are concerned, the new drawing shows exactly where they will have the entertainment and it will be facing the building and not out towards the street. The typical entertainment will be seasonal entertainment, cultural music, such as jazz, string violin, guitar and caroling. Outdoor entertainment will not overlap with other community events that may be scheduled or occur. Given that, any questions regarding what they have stated in the narrative?

A discussion was had between Chairperson Hext, the Board Members and Applicant Rep Don Cropsey about keeping the noise to a reasonable level. Applicant Rep Don Cropsey said that they were going to require the entertainers to keep their music at a low level and if complaints arise, we will have to adjust what's on the deck. The entertainment is proposed on Thursday, Friday and Saturday from 6 p.m. to 10 p.m. and then on Sundays 12 p.m. to 9 p.m., which is before the 11:00 hour in the Town of Guilderland noise ordinance. Building Inspector Lance Moore said he had a discussion with Altamont Police Chief Pucci, and he said if there are complaints, they will respond in kind and have them turn it down.

NOTE: At this point, the meeting interrupted due to circumstances beyond our control. It was ended and restarted at 7:09 p.m. Chairperson Hext said that only those whose name is known will be let into the meeting.

Chairperson Hext said as far as the sound concerns go, I don't have a problem with it. I trust Nadia, I certainly trust Don. We do have a resolution here to declare a neg DEC. It's a little unusual to declare a negative declaration under SEQRA without first having public comment.

But Allyson did not see a problem with that. And I think that Nadia, Don and Jeff would certainly take any concerns into consideration if they happen to come up at next month's public hearing. I think we're all adult enough to understand that there has to be some concessions and they've pretty much done a lot right now in answering our concerns. So I don't have a problem moving ahead with that. She asked Don what are the hours of construction?

Applicant Rep Don Cropsey said we're getting ready to submit an application for a building permit for the construction and they would be normal hours of construction – 7:00 a.m. to 6:00 p.m. There won't be any work on Sundays, maybe some painting or minor stuff on Saturdays, but generally it'll be during normal business hours, Monday through Friday.

Chairperson Hext said ok. I also want to address that George Schiller, a resident had submitted a letter April 30, 2021 with concern regarding smoking, and we had addressed that in the revised narrative. I just want to make sure that that is made part of the record that we have taken that component out of the request. Mr. Thomas is the owner of the property, and he doesn't want to have that as part of the approval. That's the only letter that I know of that we've gotten so far. But there may be more pushback or concerns brought up at the public hearing.

Board Member Muhlfelder said the letter also talked about the music.

Chairperson Hext read part of the letter as, "I know of at least a couple families with small children, should the music be loud and carried by the breezes that it could awake or keep awake when they should be sleeping. I know for a fact the music played at the Plaza carries down Main and can be heard plainly at the Park Apartments." Chairperson Hext said that reading the SEQRA might clarify that there may be an impact. The hours of operation, however, may minimize the impact. So, I think we should go ahead, if it's okay with the Board, and read the short environmental assessment form (EAF), and if we have anything that is a major or large impact, then we would have to reconsider having a negative dec declared tonight.

Applicant Rep Don Cropsey said if I could just make the statement that you have to keep in mind that the entertainment that we're proposing is background music for people coming primarily to dine at the restaurant. So that's a big distinction between a concert in the park and background music at a restaurant for somebody having dinner.

Chairperson Hext said yes, and you know I think that's one of the things that we as a Board would consider when we're reviewing the EAF - what is the proposed use? Is it a rock concert or is it dinner music and it's certainly more toward the dinner music aspect of it, but I don't think it's going to be this quiet piano music that people can have a normal conversation over. I think realistically, it's going to be a little louder than that. Let's review the EAF and when we come to the portion about affecting the neighborhood, we can discuss that further if we need to. Okay. So I'm going to go over Part 2 of the EAF and we can answer each of the questions either "no or small impact may occur" or "moderate to large impact may occur."

Chairperson Hext read Part 2 and Part 3 of the EAF. Copes are attached. All answers were checked "no, or small impact may occur" and all Board Members agreed with all eleven answers. Chairperson Hext then said okay, then we would check the box (on Part 3) that "if you determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts."

Chairperson Hext then read the resolution adopting a negative declaration. She said we can schedule a public hearing on the application for site plan and Special Use Permit. I won't read all the whereas, but I will read:

"NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

- 1.) The Planning Board hereby determines that the proposed Project will result in no significant adverse impacts on the environment and adopts the attached Negative Declaration with reasoned elaboration completing its SEQRA review of the proposed action.
- 2.) The Planning Board hereby schedules a public hearing on the application for Special Use Permit modification to be held on June 28th, 2021 at 7:00 PM. The public hearing shall be held remotely in accordance with the Village of Altamont COVID Response Plan.
- 3.) A complete statement of the application, including the application for Special Use Permit modification, sketch plan, supplemental submissions and negative declaration shall be referred to the Albany County Planning Board pursuant to New York general municipal law Section 239-m.

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 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 a negative declaration, please?

Motion was made to approve the negative declaration by Board Member Muhlfelder, seconded by Board Member Caruso. **Roll Call: All in Favor.**

Chairperson Hext said all right, Don. Thank you very much.

Applicant Rep Don Cropsey asked what is the date of the Albany County Planning Board meeting. It was later determined to be June 17, with submission by June 7.

Chairperson Hext asked Lance to get the paperwork in to the ACPB tomorrow, and he said he would.

Applicant Rep Don Cropsey asked if there was anything else that he needed to submit to the Village to make sure that everything goes smoothly with Albany County.

Chairperson Hext said the only other thing is your hours of construction, and we can make this a condition of the Special Use Permit.

Ginger said one of the things that came from the Albany County Planning Board was it said that they wanted something about the flood plain. I know that's part of the permit process, but they

specifically asked for that in something back to us. So I would recommend that we get whatever Don was going to submit for the permit process about the flood plain issue and how they're going to address that, so that can be submitted to the Albany County Planning Board. Do you agree with that, Lance?

Building Inspector Moore said yes.

Chairperson Hext asked if that was still an outstanding issue with them.

Building Inspector Moore said not really. It was more informational.

Applicant Rep Don Cropsey said that what our intention is - we've already contacted a surveyor to provide an elevation certificate pursuant to the flood plain regulations. And that will be submitted as a condition of the prior Special Use Permit with the building permit for the addition to the building.

Chairperson Hext asked when do you think you'll have that?

Applicant Rep Don Cropsey said that will come in when we submit the building permit application - I would say within two weeks. The plans are being finalized for code compliance and all the other structural stuff and we're putting together the application. I thought it would be in this past Thursday, but the plans just weren't done. So I'm going to make another appointment with Lance.

Chairperson Hext told Lance to note that an elevation certificate pursuant to the flood plain regulations will be provided when the applicant applies for the building permit.

Applicant Rep Don Cropsey said that's a condition of the last permit. We're aware of that.

Chairperson Hext said I'm glad Ginger brought that up because that was a concern of the Albany County Planning Board at one point. So I don't want it to be a stickler this time around.

Applicant Rep Don Cropsey said that was an advisory note on their recommendation from the Albany County Planning Board when they had their special meeting for that. Otherwise it was deferred to the Village Planning Board for final decision.

Chairperson Hext said okay. Thank you again, Don. We'll be in touch.

Applicant Rep Don Cropsey said Okay. Very good. I'm going to stay on and listen. Is that okay?

Chairperson Hext said sure. Next topic of discussion is to continue the pre-concept review of an application for a major subdivision request by the VAMR Development, LLC / Ken Romanski on Bozenkill Road, Altamont, NY. Luigi, I know we requested a few things from you at the last meeting. As of the last I spoke to Ginger, we had not received either a wetland delineation or a certification from a biologist that the wetlands haven't encroached more than the 2004 delineation. That's one reason why we couldn't do any more tonight because we're still waiting on a few things. And we were also waiting on a decision by our attorney, whether or not we could use the previous negative declaration and move forward without doing a SEQRA. And no, we can't do that. It has to be treated as a new application.

Applicant Rep Palleschi said ok.

Chairperson Hext said but what I did do is I went back and found the minutes from our previous July 22, 2019 meeting when we approved the Special Use Permit back then. There were some conditions in there that you had agreed to, and I think we should make those certainly conditions going forward because I don't think anything's changed as far as sidewalks or an escrow for sidewalks, a contribution to the parks based on the number of houses - like there's three, so it was going to be I think \$6,000 - I think that's what we determined. And it was for 300 linear feet of sidewalk. I think it's only Board Member Caruso and I and Lance that were there previously. Did everyone on the Board get a chance to read the minutes from 2019? Everyone answered yes. Does anybody have any questions on anything that was said previously in regards to the Special Use Permit approval?

Board Member Muhlfelder said I just had a question, because I'm new to this, in number two on page five, it said \$1500 per lot for the park. Do we still do that - is that relevant today?

Chairperson Hext said yes.

Board Member Caruso said the money for the sidewalks, we had a lengthy conversation on because instead of just putting one little piece of sidewalk out here on Bozenkill, if I remember correctly, we decided to have it go into the fund and the Village would try to tie it into some others - correct?

Chairperson Hext said yes, that's correct. We had decided to put it in an escrow. Now, the amounts that were agreed upon for the escrow back then, I'm sure with the cost of everything that's gone through the roof lately, have gone up. So I would not put a monetary value on that now. I would have to have maybe Lance talk to Jeff and get an estimate if they're going to put money in an escrow account for the sidewalk, because like you said, it doesn't make sense to put 300 feet of sidewalk in front of those three houses on Bozenkill Road that goes nowhere.

Board Member Caruso said I think we discussed the idea of maybe going down Maple Avenue Extension to try to eventually get here, but yeah, I agree with that.

Chairperson Hext said Luigi, do you have anything to add - are you able to provide a new, either delineation or something from a biologist or at least something that we can say we can't do it because... I don't want to hold you up, but I also can't proceed any further if the Board feels that a 16 year old delineation should be redone.

Applicant Rep Luigi Palleschi said I've spoken to the wetland biologist and he's just busy and he hasn't been able to provide me a letter stating that the delineation is what we show on our map. I can certainly provide that when he's available. As you can see from our proposal there's six feet of grade change from where the wetlands are to where we're proposing the house. From my experience, I don't see the wetlands increasing that significantly. Typically, five to ten feet would be what you would find one way or the other, and that five or ten feet wouldn't impact the development of these three lots. So it'd be nice if the Board could make it a condition, but if you have to wait for that letter, I understand. We'll get it as quickly as we can.

Chairperson Hext said if you can get us that letter - we have to have it in ten business days before the meeting. So we'd have to have it by June 14th in order for it to be considered by the Board for the June 28th meeting.

Applicant Rep Luigi Palleschi said he would work on pushing them along on that.

Chairperson Hext said if we get that, then we should be able to declare a negative DEC, if everything goes the way it is from the previous meeting, and schedule the public hearing next month for July, if that makes sense. Luigi, do you want me to have Ginger forward you the minutes from that meeting so that you can review it with the applicant?

Applicant Rep Luigi Palleschi said that would be great. He gave his e-mail address to Ginger as: Luigi@ABDEng.com.

Chairperson Hext said that way we're all working from the same document and that will streamline it a bit for everyone. Does anybody have anything else regarding this application – such as the environmental assessment form? Last time it was a Type 1, so we'll have to do the full environmental SEQRA review. Again, if we have everything that we need, we should be able to do that at next meeting, and hopefully declare it as a negative dec and then schedule the public hearing for July. Okay. Nobody has anything else on that?

Applicant Rep Luigi Palleschi said the only question I have would be at the July meeting public hearing, if we have everything, is it possible in July that it could get reapproved or approved or would we wait for the next meeting after a public hearing depending on how the public hearing goes?

Chairperson Hext said usually once we declare the neg DEC, we schedule the public hearing. Then at the public hearing if there's no crazy opposition to it and you've provided us with everything that we've asked for and answered any questions that may arise between now and then, I don't see why we couldn't approve the Special Use Permit in July. We can't do it in June because it will only be scheduling a public hearing then.

Applicant Rep Luigi Palleschi said that just helps with - I think I told you at the last meeting that the owner does have some bites now on these lots. So as soon as we get this thing approved, we can file it and get the escrow in there, like we discussed and pull a building permit for the first lot. I think we're at that point now.

Chairperson Hext said the only other thing we might need an escrow for - two things really, depending on how it goes is - for the attorney and if we need one of our engineers for any reason to redo the plans. I would have Lance notify you of that if our attorney feels as though we need our engineer to review it.

Applicant Rep Luigi Palleschi said just a little reminder though that Barton and Loguidice did review the set of plans that are before us today and nothing has changed. So hopefully they don't have to review it again, or maybe they can just reassure, but all the details are the same.

Chairperson Hext said but did they review the set of plans that are before us today this time around, or two years ago?

Applicant Rep Luigi Palleschi said it was two years ago when we got the final sign off from them and nothing has changed.

Chairperson Hext said let me ask Allyson about that. I think as long as we get the biologist's recommendation on the wetlands, you should be okay with that, but don't hold me to that. Anybody else? Nope. Okay. Well, Luigi, we're waiting on you, so the sooner you get things to us, the better. Ginger will send these minutes out to you tomorrow when she's in the office and we'll take it from there. If you have any questions, feel free to go through Ginger and get in touch with me or Lance - we're always open for calls.

Applicant Rep Luigi Palleschi said great. Thank you.

Chairperson Hext said thank you. Number six on our Agenda is to review the minutes of our March 22nd Planning Board Meeting. Has everybody had the chance to review that book? All said yes. Then could I have a motion to approve the minutes of March 22nd, 2021 Planning Board Meeting?

Motion was made by Board Member Muhlfelder, seconded by Board Member Caruso. **Roll Call: all in favor.**

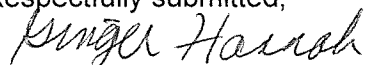
Chairperson Hext asked does anybody have anything else you want to discuss? Any Board business, any concerns regarding anything that has been said tonight or in the past? No? Okay. Then can I have a motion to adjourn?

A question was raised about preventing future interruptions to the Zoom meeting. Chairperson Hext said that Mayor Kerry has talked about going back to in-person meetings in September. We'll see what we can do.

Chairperson Hext said ok, could I have a motion to adjourn please? Board Member Litten made the motion to adjourn, Board Member Muhlfelder seconded. **Roll Call: All in Favor.**

Chairperson Hext said thank you everybody.

Respectfully submitted,


Ginger Hannah,
Planning Board Secretary

Attach: Letter from Resident, Resolution, Part 2 and 3 of EAF for Curry Patta

Ginger Hannah

From: Deborah Hext <djh1355@gmail.com>
Sent: Monday, May 03, 2021 5:36 PM
To: Ginger Hannah
Subject: Fwd: Curry Patta

Ginger,

As I said in my previous email, here is the email George sent to my personal email address. Please add this as part of our packets.

Thank you.

Deb

----- Forwarded message -----

From: **George Schiller** <schilleg@union.edu>
Date: Fri, Apr 30, 2021 at 11:51 AM
Subject: Curry Patta
To: Deborah Hext <djh1355@gmail.com>

Hi Deb

I just read the article in the Enterprise about her wanting music and a smoking area. You really need to also poll the surrounding neighborhoods. I know of at least a couple families with small children, should the music be loud and carried by the breezes, that it could awake or keep awake when they should be sleeping. I know for a fact, the music played at the Plaza carries down Main and can be heard plainly at the Park Apartments. I am DEAD set against the smoking area. With the 25' regulation what about the Chinese Restaurant. Also people out for a walk, walking by and inhaling it. This is, Altamont, not Albany. With only being open a short time, I would think she would want to see if it is successful before doing all of this. Her prices aren't cheap.

As far as the Tattoo place goes, don't get me going on that. Last thing we need in Altamont.

Thanks for listening to a concerned senior resident of the village. Hope all is well.

G

Sent from my iPhone

RESOLUTION

ALTAMONT PLANNING BOARD

ADOPTING A NEGATIVE DECLARATION AND SCHEDULING A PUBLIC HEARING ON THE APPLICATION FOR SITE PLAN AND SPECIAL USE PERMIT AMENDMENT

WHEREAS, Nadia Raza (the “Applicant”) has submitted a sketch plan for a proposed expansion of an existing Sit Down Restaurant located in the Altamont Corners Shopping Plaza. The expansion would occupy a new 1,470 SF single story addition to the existing multi-tenant building adjacent to the Applicant’s leased restaurant and adjacent outdoor space. The proposed expansion of the Sit-Down Restaurant would provide additional seating capacity for the adjacent restaurant space and create an open outdoor deck and patio area with additional seating and service areas and outdoor music and entertainment; and

WHEREAS, the existing shopping plaza and approved expansion is located in the Village’s Central Business Zoning District (CBD); and

WHEREAS, the Applicant has submitted an application for Special Use Permit modification that included a Short Environmental Assessment Form (EAF) and supplemental narrative. The Applicant supplemented its application with additional information including a revised sketch plan that identified a designated area where outdoor artists and equipment, including amplifiers, would be located. A revised narrative was also submitted which clarified the proposed hours of operation, the type and frequency of outdoor entertainment that was proposed, and withdrew a prior request for the Special Use Permit modification to allow cigar and hookah smoking; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the Planning Board classified the action as an Unlisted Action under SEQRA; and

WHEREAS, the Planning Board has reviewed Part 1 and Part 2 of the EAF, the application documents and supplemental submissions made by the Applicant; and

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Planning Board hereby determines that the proposed Project will result in no significant adverse impacts on the environment and adopts the attached Negative Declaration with reasoned elaboration completing its SEQRA review of the proposed action.
2. The Planning Board hereby schedules a public hearing on the application for Special Use Permit Modification to be held on June 28, 2021 at 7:00. The public hearing shall be held remotely in accordance with the Village of Altamont COVID Response Plan.

3. A complete statement of the application, including the application for Special Use Permit modification, sketch plan, supplemental submissions and Negative Declaration shall be referred to the Albany County Planning Board pursuant to N. Y. General Municipal Law §239-m.

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:

The motion was moved by Board Member Muhlfelder

The motion was seconded by Board Member Caruso

The vote was as follows:

	Aye	Nay
Chairwoman Hext	<u>✓</u>	<u> </u>
Litten	<u>✓</u>	<u> </u>
Caruso	<u>✓</u>	<u> </u>
Muhlfelder	<u>✓</u>	<u> </u>
Hitt resigned from Board	<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 May 24, 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
Litten		<u>Yea</u> /Nay
Caruso		<u>Yea</u> /Nay
Muhlfelder		<u>Yea</u> /Nay
<i>Hitt resigned from Board</i>		Yea/Nay

Witness my hand and the seal of the Village of Altamont, this 25th day of May, 2021.

Agency Use Only [If applicable]	
Project:	Curry Patta Expansion - SUP Mod
Date:	May 24, 2020

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Upon review of the information recorded on this EAF, as noted, plus this additional support information
Application materials, record of prior Planning Board review, supplemental submissions by applicant and recommendation of the Albany County Planning
board

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the _____ as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Proposed 4-Lot Subdivision on Bozenkill Road

Name of Lead Agency: Village of Altmont Planning Board

Name of Responsible Officer in Lead Agency: Deborah Hext

Title of Responsible Officer: Planning Board Chairwoman

Signature of Responsible Officer in Lead Agency:

Date: June 28, 2021

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: Deborah Hext c/o Planning Board Clerk

Address: Village of Altamont, Village Hall

Telephone Number: 518-861-8554

E-mail:

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The proposed action is a modification of the Special Use Permit for a Sit Down Restaurant. The modification will allow the restaurant to expand in an approved building addition and adjacent covered deck and patio. The proposed action will include the introduction of outdoor dinning and outdoor entertainment. A revised narrative submitted as a supplement to the application describes the outdoor entertainment as being live cultural and seasonal entertainment, including music such as jazz, string/ violin, guitar and caroling. The Applicant has provided a plan showing a designated area on the outdoor deck where an artist and their equipment would be set and has represented that all equipment and amplification devices located in the designated area would be positioned so that that all sound is directed toward the deck and building and not the adjacent properties, parking areas or public spaces. The Applicant has represented that it will maintain exterior sound levels at reasonable levels so as not to create any adverse impact upon the neighborhood. It has also represented that outdoor entertainment will be scheduled so that it does not overlap with other community events that may be scheduled to occur. The Planning Board will have the ability to impose conditions on any special permit that is issued requiring the Applicant to operate in accordance with these representations and may include additional measures deemed necessary to ensure that noise from the outdoor entertainment does not exceed reasonable levels. It is further noted that the original request to permit cigar and hookah smoking has been withdrawn and is therefore, not considered part of the action being reviewed. Based on the forgoing and the additional reasons discussed in the Planning Board's review of Part 2 of the EAF, the Planning Board determines the proposed action will not result in a significant adverse environmental impact.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Village of Altamont Planning Board	May 24, 2021
Name of Lead Agency	Date
Deborah Hext	Chairwoman
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)