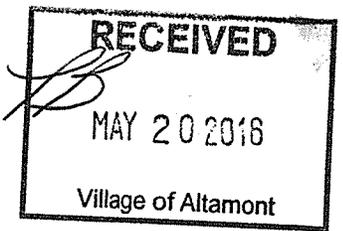


Planning Board  
Regular Meeting  
April 25, 2016



Tim Wilford, Chairman  
Steve Caruso  
Kevin Clancy  
John Scally  
John Hukey

Kelly Best, Administrative Assistant  
Dean Whalen, Board Liaison  
Jeff Moller, Superintendent of Public Works  
Mr. and Mrs. Aumand, Applicants  
Thomas Andress, P.E., Applicants  
Troy Miller, Co-Applicant for D. Greene  
14 other interested parties

Chairman Wilford opened the meeting at 7:03 pm.

It was decided to review minutes at end of meeting.

Chairman Wilford opened the Public Hearing for Diana Greene for a Sign Permit under the Zoning Law per Article 355-23 for property owned by T and L Sands Management located 182 Main Street, Altamont, NY 12009 TMN 37.18-4-20 zoned CBD. Plans were available at the Village Offices for review prior to the meeting. Board member Caruso seconded the motion. All in favor. The Board asked if Ms. Greene was present. She was not. The board was notified that Kelly Best spoke with Ms. Greene on the previous Friday and Ms. Greene was aware of the public hearing. The Board had the following questions/comments: Wanted Ms. Greene to keep sign below the 20 foot maximum height allowed by the village, clarification of the lighting she planned on using and the hours in which the sign would be illuminated. The Chairman asked for any public comment. There were none. The Chairman asked the board to hold public hearing open until end of meeting.

Chairman Wilford opened the Public Hearing for Matthew and Judi Aumand for a Special Use Permit under the Zoning Law Per Article 355 Section 24 to permit a 4' high blank chain link fence around the perimeter of the property on a corner lot for property owned by Matthew and Judi Aumand for property located on 152 Maple Avenue, Altamont, NY 12009 TMN 37.18-4-39 Zoned R-10. Plans were available at the Village Offices for review prior to the meeting. Board member Scally seconded the motion. All in favor. Chairman Wilford asked if there were any comments from the public.

Beatrice Smith of 104 Jay Street – stated that she has no problem with the fence being installed along Jay Street. She stated it was a good looking fence; that a person can see through it, better than a stockade fence. Understood why the Aumands would want the fence, to keep the kids and dog safe.

Katie Smith, Route 146, stated she was the daughter in law of Bea Smith and was in favor of the fence. Stated it was a nice looking fence, that the couple needed it to keep the kiddies and dog safe. She stated that she was all for it.

Chairman Wilford expressed concerns about how close to road the fence is and the possible damage that could happen when village snow plows go through. He stated that it would not be right to allow a fence that the village would have to regularly pay to repair.

Superintendent Moller stated that Village records indicated Jay Street is supposed to be 15 feet wide. Mr. Moller actually measured the street and found it to be 14 feet wide. The right away on all streets is 39 feet from the center line, but this may only apply to a two lane street, not a one lane street such as Jay Street.

Mrs. Aumand stated that she is an attorney and she has done a lot of municipal work so she is familiar with right of ways and village authority. She feels a right of way and ownership make a difference pursuant to highway law. She also stated that she felt the fence would not impede plowing.

Beatrice Smith, 104 Jay Street, stated that a small truck plows that end of Jay Street.

Katie Smith, 104 Jay Street, agreed with Beatrice Smith.

Chairman Wilford asked the Superintendent Moller if plowing was a concern. Mr. Moller stated not in his opinion. Chairman Wilford asked if Mr. Moller had any concerns about sewer/water lines. Mr. Moller stated that he did not have any concerns because the lines were far enough away.

Chairman Wilford explained to the Aumands that if the Special Use Permit were granted and if the Village were to damage the fence while snow plowing or doing other work, the Village cannot be held responsible for repairs. Mr. Aumand stated that he understood.

Board member Scally asked whether they considered a fence that matched more of the Victorian style. He stated he was referring to another fence further down Maple Avenue.

The Aumands stated that they wanted something that had a little visual impact as possible. They wanted a fence that the gardens could still be seen from the street but kept the children and dog within the safety of their yard.

Chairman Wilford explained to the Aumands that without a 1 foot variance from the Zoning Board of Appeals, the fence could be no higher than 3 feet. The Chairman asked if the Aumands understood that. Mr. Aumand stated that they understood but that they have a German shepherd and the dog could easily jump a 3 foot fence.

The Board reviewed the SEQR that was submitted. The Board found that there would be no significant environmental impact by installing the fence along Jay Street.

Board member Scally made a motion to approve a Special Use Permit for a fence a minimum of 3 feet but up to 4 feet if a variance is granted from the Zoning Board of Appeals in the front yard along Jay Street for Mr. and Mrs. Aumand of 152 Maple Avenue with the following findings: the fence is constructed of black vinyl chain link allowing for visibility into yard, that the Aumands need to apply for a 1 foot variance if they want a 3 foot fence and the fence would keep the German shepherd and children safe within the yard. Board member Hukey seconded the motion. All in favor.

Chairman Wilford made a motion to open the Public Hearing by reading the public notice as follows: pursuant to Article II Section 315-14 and Section 315-15 of the Subdivision of land under Altamont Code per the request of Ken Romanski for a Major Subdivision of 23.87 acres creating 38 lots to conform with R-20 zoning pursuant to Article I Second 315-5 for property owned by Ken Romanski situated on Bozenkill Tax Map Number 37.09-1-5.1 and zoned R-20. Chairman Wilford explained that this was a pre-concept hearing. He stated that it is in the very early stages. Board member Scally seconded the motion. All in Favor.

Mr. Andress stated that he was representing Ken Romanski and Troy Miller. He did a presentation. He stated that 8 +/- acres needed are located outside the village in the Town of Guilderland and are owned by Troy Miller. The rest of the proposed development is in the village and is owned by Ken Romanski. It is about 24 acres and Mr. Romanski has owned it for the past 11 years. They are hoping to combine the land by annexing Mr. Millers land into the village.

Mr. Andress presented one plan which includes Mr. Millers land annexed into the village which complies with the R-20 zoning. It was established that they could get 39 lots but were only proposing 38 lots. Mr. Andress presented a second plan with the same number of lots on just the village property. These would be ¼ acre lots using the cluster design. This would preserve the rest of the land. It was established that under the cluster design the lots would only have to meet an R-10 zoning. It was determined that water and sewer are available. By using the cluster design, there would be less roads and development would be more compact.

The Board commented that it seemed that the applicants were trying to build as many lots as possible and many of the lots do not even meet the R-10 requirements.

Mr. Andress stated that the property adjacent to this land is not available for sale at this time but that the applicants were planning for future development of the area. The Board discussed the layout of properties and that some would be considered as key lots.

Dean Whalen, Village Board Liaison, stated that an easement would have to be obtained if this plan were approved. Mr. Andress stated that these plans are conceptual in nature.

Chairman Wilford stated that the applicants will need the annexation to use the cluster design to get all or most of the 38 lots. Chairman Wilford stated that if the annexation was not achieved, the applicant would have to comply with the R-20 requirements to build.

Mr. Miller was asked about if he willing to have his property annexed in the village. He stated he was. He stated it is only a positive for the village.

Mr. Whalen informed the Planning Board that if the property is annexed into the village, the Village Board would have to determine the zoning for that land.

It was pointed out to Mr. Andress that if they wish to proceed with the cluster plan using the R-10 zoning, the lots must be a minimum of at least 10,000 square feet and a minimum of 50 foot frontage. Mr. Andress asked if PUD zoning would be allowed. Mr. Whalen stated that the only area in the village designated to use PUD zoning was the Altamont Fair grounds property.

Mr. Whalen stated that a topographical map of the land would need to be completed for the purposes of sewer system. It needs to be determined if a gravity system would be needed and once the development is complete, the village will have to assume maintenance which creates an added village expense. It was also discussed that the applicants will have to conform to any FEMA requirements. Mr. Whalen again stated that the PUD zoning requires a minimum of 40 acres and therefore even with the annexation, the applicants could not apply that zoning.

The Board discussed sidewalks and Mr. Whalen read the sub division code relating to sidewalks. Chairman Wilford discussed wet lands and not stripping down the lands as to cause drainage issues at a later time. It was discussed that

with cluster design there would be some restrictions. Mr. Whalen suggested that the board have Mr. Andress verify if a tributary off of Bozenkill Creek as shown on the concept drawing. The drawing delineated it as a wet land.

Chairman Wilford asked for any comments from the public.

Philip DiVietro, 1 Indian Maidens Path, wanted to know how land zoned R-20 can now be an R-10 after the residents and village voted for it when the village zoning updated. He pointed out that Mr. Millers lots off of Bozenkill Road are zoned R-40.

Mr. Whalen informed the Planning Board and Mr. DiVietro that Mr. Miller's lots off of Bozenkill Road (Long Grass Lane) were annexed in after the development was approved by Guilderland and some of the homes were built. Chairman Wilford explained how the use of a cluster plan allows for R-10. He stated that although the conceptual plan suggest 38 lots, there are some wet lands which would be unbuildable, so the number of lots will probably be reduces and the size of lots may increase.

Mr. DiVietro stated that he does not remember any discussion relating to cluster plan being addressed when village developed the current master plan.

Arnold Rothstein, 128 Bozenkill Road, asked if the board was still considering 38 lots. Chairman Wilford stated that the number of lots allowed may be reduced. Mr. Rothstein asked what is to prevent the applicants at a later date from development of the green space. The Board explained that once a sub division plan is approved, there can be no changes unless the applicant comes back in front of board.

Robert and Marybeth Spring, 157 Bozenkill Road, asked if you take a parcel of land and divide it out by the size of the land, are you assuming the entire land is buildable.

Mr. Spring asked how a developer can come along and ask for cluster zoning when the surrounding neighbors must adhere to the R-20? Is the granting of a cluster development an automatic?

Chairman Wilford explained that the comprehensive plan is a changing document and will change from time to time depending on the citizen's involved.

Mr. Spring understands the need for growth in the Village.

Trent Benninger, 147 Bozenkill Road, added to Mr. Springs comments, that the Planning Board spend time reviewing the fence along Jay Street and rightly so, gave it due process. He expressed that by adding 40 houses makes it feel like Colonie. He is not in favor of the cluster with house down at the end of the street. His home is on a half an acre and if this is built he will have 4 houses adjacent to his property. Chairman Wilford discussed the layout of the lots in the culvert.

Mr. Benninger stated that he bought a foreclosed home and it has been totally renovated. Doesn't want to lose value and privacy. Mrs. Benninger stated that in the past one proposed home in that neighborhood has been denied and a proposed adult center has also been denied. She also stated that there are a lot of wet lands in that area. Mr. Benninger stated that the current owner has changed and rebuilt the tributary.

Troy Miller, 87 Bozenkill Road, stated that the cluster plan did not mean more houses, just the development of less land. He went on to say it means the same number of houses, no additional houses. If they go with the R-20 plan they would have the same number of houses.

Chairman Wilford stated that it was a legit concern. At a minimum, the developer will have to present a plan with all lots having a minimum of 10,000 sq. ft., showing all infrastructure, sidewalks and wet lands. Board member Caruso also stated that he wanted a traffic plan review.

Mr. Rothstein asked how many curb cuts would be along Bozenkill Road and will that be included on the plans. He was told that it would.

Mr. Whalen suggested that the developers proceed with applying to the Town and Village for the annexation. Once they know if it will or will not be approved, they can draft the new plans to include the items suggested by the Planning Board. Chairman Wilford made a motion to close the Public Hearing for the subdivision request of Ken Romanski. Board member Huber seconded the motion. All in favor.

Chairman Greene asked if Mr. Miller was representing Ms. Greene in regards to the sign permit application. After reviewing the application, the Board asked if Mr. Miller would keep the sign below 20 ft. and that the illumination goes off at the close of business or shortly thereafter.

Chairman Wilford made a motion to approve the application for a sign permit requested by Diana Greene for Bella Fleur and Remedies with the following conditions: The sign must be installed with a maximum height of 20 ft. measuring from the top sign to the top of the sidewalk and that the sign will be illuminated until no later than midnight. Board member Huber seconded the motion. All in favor.

Chairman Wilford made a motion to approve the January 2016 minutes. Board member Clancy seconded the motion. All in favor.

Chairman Wilford made a motion to adjourn at 9:16 pm. The motion was seconded by Board member Scally. All in favor.

Respectfully submitted,

Kelly Best