

Draft Minutes
Village of Altamont Planning Board
Regular Meeting
March 25, 2013

James Greene, Chairman

Kevin Clancy, Board member

Steve Caruso, Board member

Cathy Glass, Board member

Kelly Best, Secretary

Dean Whalen, Village Liaison

Michael Moore, Village Attorney

Geoff Brown, Applicant

Jim Herzog, Towing and Recovery Operator

Carl Schilling, Applicant

Robert White, AFD Chief and Village Resident

Neil Taber, Resident

Chairman Greene called the meeting to order at 7:05 pm.

The Board reviewed the minutes from the January 2013 meeting. Board member Glass made a motion to approve the minutes. Board member Clancy seconded the motion. Vote consisted of: Cathy Glass – in favor, Kevin Clancy – in favor, Steve Caruso – abstain, and Chairman Greene – in favor.

The Board reviewed the request of Carl Schilling for a lot line adjustment between 102 and 108 Schoharie Plank Road. (Tax map numbers 37.18-5-3.1 and 37.18-5-3.2).

Mr. Moore, Village Attorney, reviewed Section 315-10E Waiver of Lot Line Amendments of the Village Sub-Division Code. Mr. Moore specifically reviewed 315-10E (3).

Mr. Schilling reviewed the map dated August 16, 1984 which has hand written notes and the proposed new line is marked in red. He described the two properties. He stated that he owned the larger of the two parcels which has a pond and is undeveloped. He is the executor of his mother's estate which includes the smaller property which consists of the home. He pointed out the shared bridge which is the only access to both properties. He stated that the current property line runs through the bridge. He would like to move the property line so that the entire bridge is within his property.

Mr. Moore stated that Mr. Schilling could grant a right of way or easement to potential buyer of smaller parcel as long as the bridge is structurally sound.

The Board reviewed the recommendations from Jan Weston, Town Planner. She included there should be an easement in place before the Planning Board signs off. Mr. Moore stated that he did not think the Planning Board needed to include this in the granting of the lot line adjustment.

Mr. Schilling stated that he has a potential buyer for the parcel with the home and he wanted to clear this up prior to the selling of the property. He asked if he or the Village does the right of way. Mr. Moore stated that it

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is the responsibility of the property owner in this case. The new owner could build a new access bridge or enter into an agreement with Mr. Schilling.

Mr. Moore advised the applicant that it is his responsibility to file the approved lot line amendment map with the County Clerk in Albany. He advised Mr. Schilling that he should also provide a copy to the Village Planning Board.

Board member Clancy made a motion to approve the request of Mr. Schilling for a Lot Line Amendment between 102 and 108 Schoharie Plank Road moving the property line to the north side of the current access bridge. The Planning Board has found that by granting the amendment, it would not adversely affect the site's development, would not adversely impact the neighboring properties, alter the essential character of the neighborhood or negatively impact the health, safety or welfare of the Village residents. The Board also determined this action to be a Type 2 – unlisted action under the SEQRA regulations therefore no further action needs to be taken. Board member Glass seconded the motion. All in favor.

Board member Caruso made a motion to open the Public Hearing regarding the request of Geoffrey Brown for a Special Use Permit /Site Plan Review under the Zoning Law to permit the use of the front bay of premises for an automotive repair facility including towing and recovery of vehicles per Article VII Section 51 for property owned by Robert Nadeau at 974 Altamont Blvd, Altamont, NY 12009 TMN # 48.06-3-12 zoned Light Industry. Plans were open for public inspection at the Village Offices during normal business hours. The Public Hearing is to be held tonight. Board member Glass seconded the motion. All in Favor.

Robert White, Altamont Fire Department Chief, stated he has reviewed the requirements which should be part of the Special Use Permit that were submitted by Donald Albright, Fire Inspector for the Village. Chief White stated that he made a site visit and determined that there is ample room for fire apparatus. Chief White asks the Planning Board to require the applicant to install a Knox Box to enable Altamont Fire Department to enter the building during a fire without breaking down doors or windows.

Chairman Greene read Donald Albright's correspondence so the applicant was informed of the NYS Fire Codes required.

Neil Taber, 970 Altamont Blvd, stated that his property abuts the business and that Mr. Brown has made many improvements to the property since he has begun the lease. He is in favor of the business and would like to see an automotive repair shop in the village.

Robert White, 975 Altamont Blvd, agreed with Mr. Taber and was also in favor of the establishment of the business.

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Mr. Brown stated that he intends to do full automotive repair including engine work, transmission and oil changes. They will start doing NYS inspections once they receive the license to do so from Department of Motor Vehicles. He stated that they will eventually install a hydro lift.

Chairman Greene stated that the use is allowed under the Village Code. The Chairman thanked Mr. Brown for providing the additional documents with the specified details in such a timely manner. Mr. Brown stated he has been at this location for the past two years, has made many improvements and has many more improvements planned for the future.

Board member Glass asked Mr. Herzog about the towing aspect of the business. Mr. Brown stated that the tow trucks are parked in the back of the business in the screened in area. Mr. Herzog state that vehicles towed to the property usually do not sit more than 5 days unless the vehicle is not registered. Unregistered vehicles are usually vehicles towed for the police and have to be impounded. These vehicles may sit longer than 30 days. Vehicles towed after accidents or breakdowns only sit approximately 3 to 5 days then they are release for repair or recycling.

The Board discussed whether the business being surrounded by residential would require the tow trucks be stored internally overnight. The Board also reviewed the parking spaces required under the Village Code for such a business. Mr. Brown has 20,000 sq feet in the building and would park unregistered vehicles in there is required by the Planning Board but really did not want to do it if possible. The Board told Mr. Brown that they did not want a lot of cars parked long term making the property look like a junk yard. The Board asked Mr. Brown and Mr. Herzog what would be a reasonable time span to limit the time a car is on the property. It was determined that 10 business days would be reasonable.

Chairman Greene confirmed that Mr. Brown is leasing the property and informed Mr. Brown that the Special Use Permit is issued to Mr. Brown for both business and the Planning Board and Zoning Administrative would contact Mr. Brown if any violations of the Special Use Permit were to occur. Chairman Greene reviewed the recommendations from Jan Weston, Town Planner, which referred to parking and screening around the property.

The Board clarified the vehicles on the property for automotive repair would be in the visitor parking. Mr. Brown stated that he will be putting in more screening between the Taber property and Mr. Brown's property. This will consist of a row of 6 to 7 ft arborvitaes. Mr. Brown is also planning to screen along Route 156 (Altamont Blvd) from the existing hedge row to the parking lot entrance. This too will consist of a row of 6 to 7 ft arborvitaes. Mr. Brown stated that arborvitaes grow fast.

The Board acknowledged that the towing business is a 24/7 business and inquired if the trucks made a lot of noise. Mr. Herzog stated that at night he waits till he approaches the road before turning on truck lights and

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pulls out as quietly as possible. He also stated that when he returns he doesn't always drop the vehicle from the truck until the next morning.

Chairman Greene asked Mr. Brown about existing lighting on the property. Mr. Brown stated that the lights were down shielded, sodium halogen and were on a motion detector with a 1 minute shut down time.

Mr. Moore reviewed the section of the Village Code in reference to lighting regulations for businesses. There shall be no glare, no lighting should trespass or be visible from a neighbor's property and external lighting only is allowed for business signage. Mr. Herzog asked about digital signs. The Village Code states signs cannot have moving or flashing components. Mr. Brown stated that any lighting on the sign will be completely off before 9 pm each night.

The Board reviewed the amount and type of hazardous materials that would be stored on the property. Mr. Brown stated that he will have new and used motor oil and new and use antifreeze which will be stored in 55 gallon drums. These drums will be stored inside the building. Mr. Brown stated that there will be less change of drums being tipped over if stored inside.

The Board discussed days and hours of operation with the applicant. Mr. Brown stated he would like to be open Monday through Saturday- 7 am to 8 pm, Closed on Sunday. Mr. Brown stated that his goal was to have little or no Saturday traffic.

Chairman Greene reminded Mr. Brown that the Planning Board does not want the property turned into a junk yard, that there is to be no dismantling of vehicles or selling of vehicle parts. Mr. Herzog and Mr. Brown stated that they would do none of the above.

Mr. Moore asks the Board to clarify where the tow trucks are to be stored at night. Mr. Whalen, Village Liaison, stated that the Village Code on this subject is open for interpretation. All districts can include residential properties. Mr. Herzog stated that he originally had one truck parked at his home and was informed by the previous Zoning Administrator that the tow truck could not be stored at his home overnight unless it was in an enclosed building. Mr. Herzog was told that he could park his tow truck outside overnight if he parked it in a property considered light industrial. He has been parking his truck at this location for the at least the past two years.

The Board then discussed the required number of parking spaces needed to meet Village Code. Mr. Moore stated that there were two definitions that fit the proposed use and each defines the number of required spaces differently. 355-22 D Business Uses/ Public Garages – indicates that 3 spaces per service bay and 1 space per employee; or 355-22 D Business Uses/Service or repair shops – indicates 1 space per 200 square ft of gross floor area plus 1 space for each employee. Mr. Brown stated that he will have 2 to 4 employees (at least 2 Mechanics and 1 receptionist).

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Mr. Whalen recommended that the Planning Board use the Service or repair shop parking regulations. The Board and Mr. Brown reviewed the site plan map. 15 spaces in visitor parking (auto repair), 7 spaces dedicated to landscaping business, and 10 spaces dedicated to towing and wrecking business. This leaves 2 spaces short of required amount. It was determined that 27 spaces would be required if he has two employees. Chairman Greene asked if Mr. Brown could have the site plan map adjusted to add the two needed spaces and the placement of the arborvitae. Mr. Whalen also stated that the applicant should be aware that he is changing the use of the building to a multi-use building and he may need to have a 2 hour fire suppression wall between the auto repair portion and the office portion.

The Board discussed how to determine if the wall was already in place. Mr. Brown stated that the walls were all concrete. The Board instructed the secretary to contact Mr. Albright on Tuesday morning and follow up on the 2 hr fire suppression wall, then forward the information to the Chairman. The Board stated that they wanted to clarify this issue prior to issuing a Special Use Permit. The Board decided to continue the Public Hearing on Wednesday, March 27, 2013 at 7 pm.

The Board reviewed the SEQR assessment and determined that the action was a Type 2 – Unlisted action. Board member Glass made a motion that the proposed business will not result in impacting the environment. Board member Clancy seconded. All in favor.

Board member Glass made a motion to adjourn the meeting at 8:45 pm. Board member Caruso seconded the motion. All in favor.

Respectfully submitted,

Kelly Best
Secretary