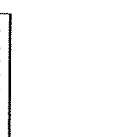
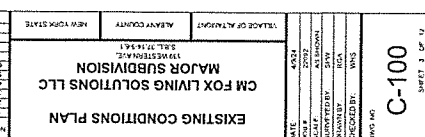


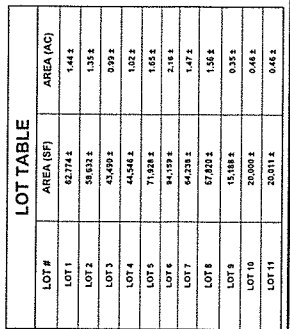
ALTAMONT ZONING BOARD OF APPEALS
Regular Meeting Agenda
April 23, 2024
Altamont Community Room – 7:00 p.m.

1. Open meeting - State time and that the meeting is being recorded and where the exit signs are located.
2. Topic & Discussion: Continuation of Public Hearing for CM Fox Living Solutions LLC (Troy Miller) for Major Subdivision. Property at S.B.L. 37.14-3-6.1.
3. Other Business: _____

4. Review of Minutes from February 27, 2024 meeting of the Zoning Board of Appeals.
Consider Motion: To approve minutes.
5. Review of Minutes from March 26, 2024 meeting of the Zoning Board of Appeals. Consider Motion: To approve minutes.
6. Consider Motion to Adjourn Meeting. Meeting Adjourned at Time: _____
7. Next ZBA Meeting dates, if needed: May 28, 2024 and June 18, 2024.

C-001

[illegible]



1. MAXIMUM SPACE TO BE MET WITH THE DEVIATION OF INTERSECTING ROADS.
2. MAXIMUM SPACE TO BE SIX FEET.
3. MAXIMUM PAVEMENT OF RIGHT-OF-WAY AT INTERSECTION TO BE 25 FEET.
4. MAXIMUM FRONT SETBACKS TO BE 30 FEET FOR CONVENTIONAL LOTS REVEALING LOT REAR ADJACENT TO BE TAKEN FROM THE ADJACENT STREET, BETWEEN THE "FRONT" AND "REAR" LOTS.
5. MAXIMUM FRONT SETBACKS TO BE 30 FEET FOR CONVENTIONAL LOTS TO BE 30 FEET FOR CONVENTIONAL LOTS AND REAR ADJACENT TO BE TAKEN FROM THE ADJACENT STREET.
6. MAXIMUM LOT SIZE TO BE 15,000 SF FOR CONVENTIONAL LOTS AND REAR ADJACENT TO BE TAKEN FROM THE ADJACENT LOT COMBINING THE REAR ADJACENT.
7. THIS SUPERVISION IS A MAJOR SUPERVISION AND ADHERES TO THE FOLLOWING CRITERIA.

MAXIMUM LOT AREA	15,000 SF
MINIMUM FRONT SETBACK	30 FEET
MINIMUM REAR SETBACK	30 FEET
MINIMUM SIDE SETBACK	15 FEET
SEE THIS DRAWING	



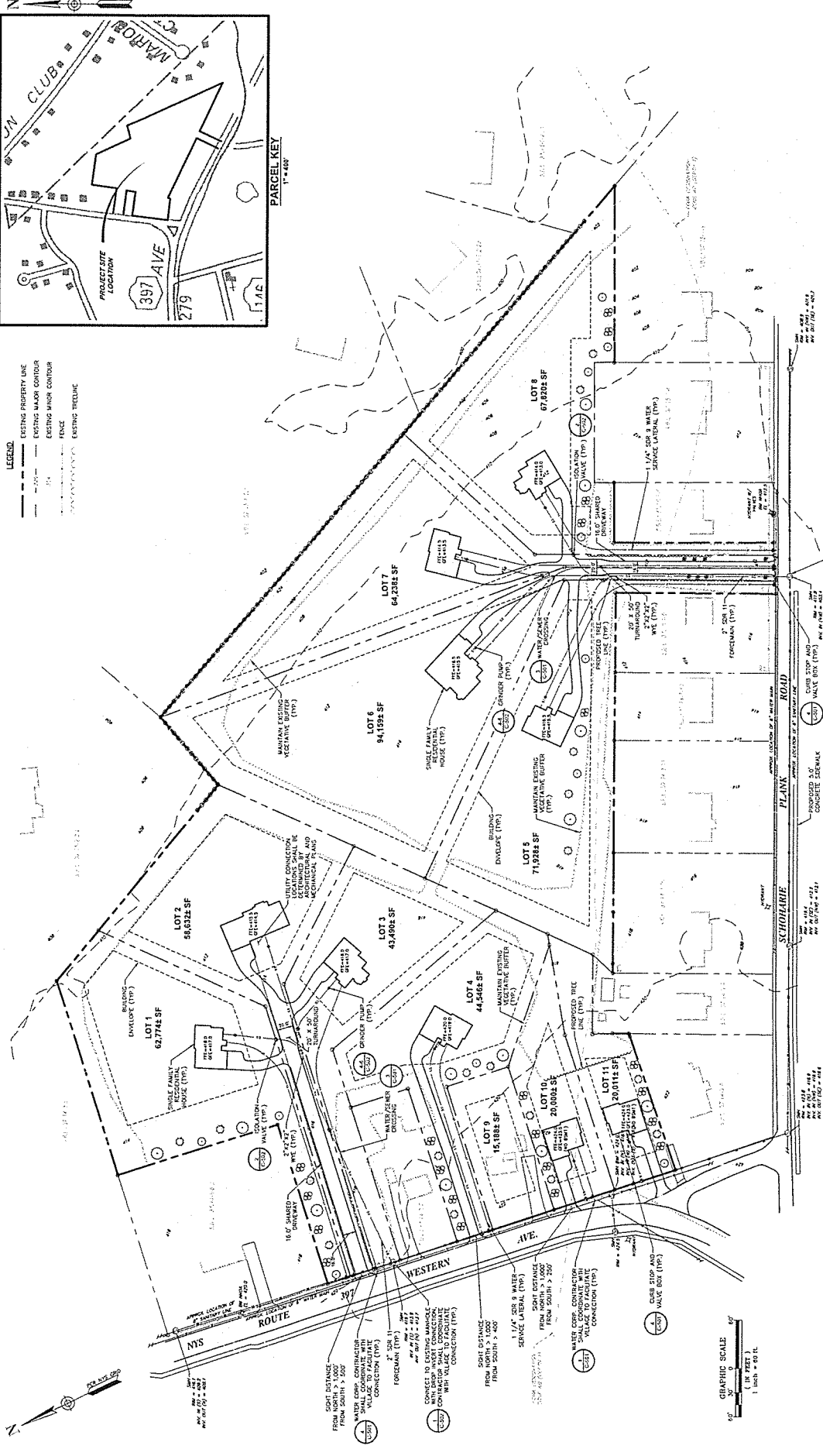
NEW YORK STATE	ALBANY COUNTY	DEPT OF ALTIMONT
100 WESTWALDE S.E.L. 3716-14-1		

SITE IMPACT TABLE	
DESIGNATION	AREA (AC.)
TOTAL PROJECT WORK AREA	13.01 ±
TOTAL AREA DISTURBED	3.49 ±
TOTAL IMPERVIOUS	1.06 ±

STOPPING SIGHT DISTANCE	
DESIGN SPEED (MPH)	MIN. STOPPING SIGHT DISTANCE (FT.)
25	155
30	200
35	250

LANDSCAPING TABLE			
QTY	PLANTING HEIGHT	BOTANICAL NAME	COMMON NAME
12	6" - 8"	PIEPA MARIANA	BLACK SPRUCE
11	6" - 8"	ACER RUBRUM	RED MAPLE
17	6" - 8"	PICEA GLAUCA	WHITE SPRUCE
29	4' - 6' (MIN)	MOELLERIA CAROLINENSIS	BAYBERRY

2. SEVER FENCES BEHIND PER MANUFACTURER'S RECOMMENDATIONS IN ACCORDANCE WITH INSDOFA.
3. UTILITY CONCERNS FOR ELECTRIC AND GAS SHALL BE COORDINATED WITH THE UTILITY COMPANIES. ANY REQUIRED PERMITS SHALL BE OBTAINED PRIOR TO ANY CONSTRUCTION. ANY REQUIRED PERMITS SHALL BE INSTALLED WHEN PROVIDED PERMITS ARE IN HANDS OF US.
4. CONTRACTOR SHALL VERIFY LOCATION OF EXISTING SANITARY FOREMAN AND CONNECTION WITH WILAGE DEPARTMENT OF PUBLIC WORKS TO FACILITATE CONNECTION.
5. CONTRACTOR SHALL VERIFY LOCATION OF EXISTING WATER MAIN AND CONNECTION WITH WILAGE DEPARTMENT OF PUBLIC WORKS TO FACILITATE CONNECTION.
6. UTILITY LATERALS WITH CASIMPLY AREA FOR SHARED DOWNSIDE LOTS SHALL BE MAINTAINED BY HOMEOWNERS VIA A MAINTENANCE AGREEMENT.
7. CONSTRUCTION ACTIVITIES SHALL BE LIMITED TO THE FOLLOWING DAYS:



LEGEND

---	EXISTING PROPERTY LINE
---	EXISTING MAJOR CONTOUR
---	EXISTING MAJOR CONTOUR
---	FENCE
---	EXISTING TREELINE

[illegible]

EPHEN P. WALRATH, L.S.
LAND SURVEYING & LAND PLANNING
122 MAIN STREET P.O. BOX 281
ALBANY, NY 12209
TEL: 518-966-0125

WILLIAM H. SMART
8 GREYSTONE DRIVE
WOODBURY, NEW YORK 12186
(518) 857-7270

DATE	DESCRIPTION	REV	OK
2/13/21	REV. REV. 100 CENTS	BOA	Rev
4/25/21	REV. REV. 100 CENTS	BOA	Rev
11/16/21	REV. REV. 100 CENTS	BOA	Rev
1/14/22	REV. REV. 100 CENTS	BOA	Rev
2/23/22	REV. REV. 100 CENTS	BOA	Rev
2/23/22	REV. REV. 100 CENTS	BOA	Rev
2/23/22	REV. REV. 100 CENTS	BOA	Rev

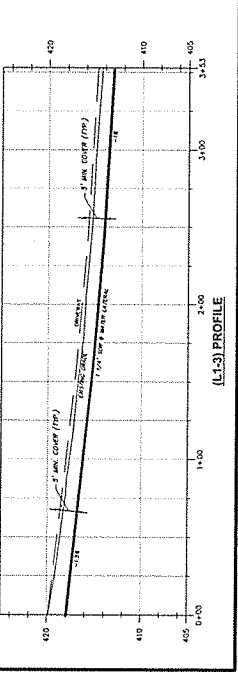
STATEMENT OF WORK
 THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL BE CONSIDERED TO BE THE SOLE AGENT FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT. THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL BE CONSIDERED TO BE THE SOLE AGENT FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT.



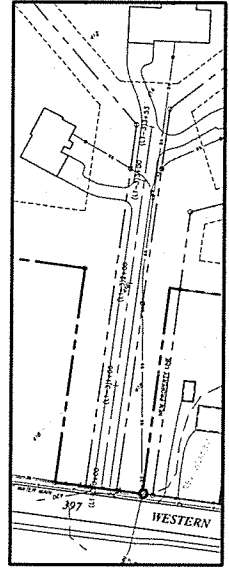
STEPHEN P. WALRATH, L.S.
 LAND SURVEYING AND PLANNING
 122 WEST STREET, 3RD FLOOR, BOX 381
 ALBANY, NY 12240
 TEL: 518-466-9125
 FAX: 518-466-9126
 WILLIAM H. SMART
 8 GREENSTONE DRIVE
 VOORHEESVILLE, NY 12186
 TEL: 518-466-9125
 FAX: 518-466-9126

NO.	DATE	DESCRIPTION	REV.
1	11/13/13	REV. PER NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION	1
2	11/13/13	REV. PER NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION	2
3	11/13/13	REV. PER NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION	3
4	11/13/13	REV. PER NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION	4
5	11/13/13	REV. PER NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION	5
6	11/13/13	REV. PER NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION	6
7	11/13/13	REV. PER NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION	7
8	11/13/13	REV. PER NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION	8
9	11/13/13	REV. PER NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION	9
10	11/13/13	REV. PER NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION	10

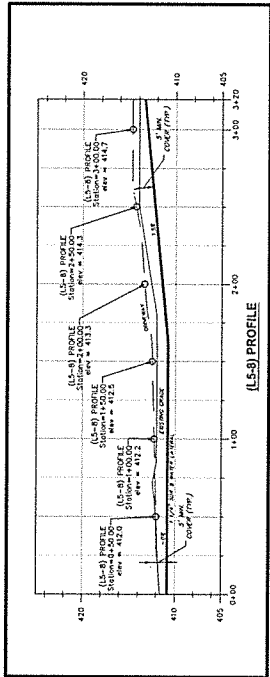
CM FOX LIVING SOLUTIONS LLC
 MAJOR SUBDIVISION
 11 WESTERN AVE.
 ALBANY, NY 12240
 NEW YORK STATE
 CHECKED BY: [Signature]
 DATE: 11/13/13
 SHEET 1 OF 12
 C-150



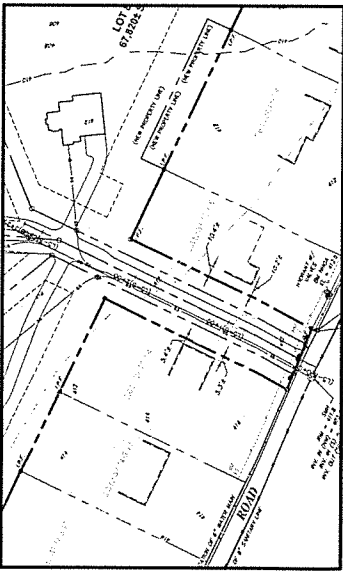
COMMON ACCESS DRIVEWAY LOTS 1-3 WATER PROFILE
 SCALE: 1" = 60' GROSS SECTION AS SHOWN



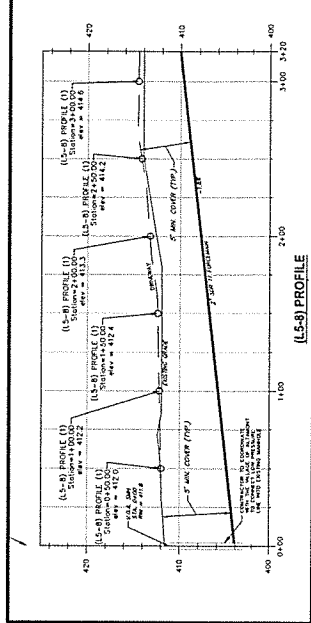
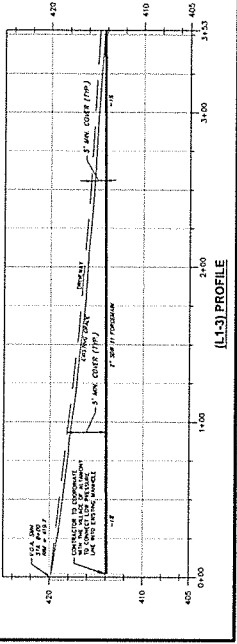
COMMON ACCESS DRIVEWAY LOTS 1-3 SEWER PROFILE
 SCALE: 1" = 60' GROSS SECTION AS SHOWN



COMMON ACCESS DRIVEWAY LOTS 5-8 WATER PROFILE
 SCALE: 1" = 60' GROSS SECTION AS SHOWN



COMMON ACCESS DRIVEWAY LOTS 5-8 SEWER PROFILE
 SCALE: 1" = 60' GROSS SECTION AS SHOWN



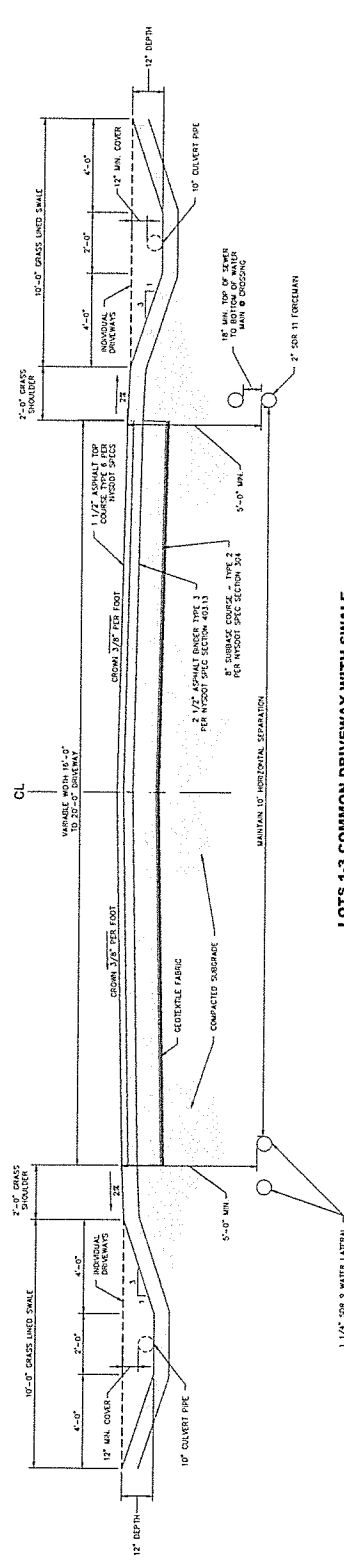
DATE	4/9/24
STW #	22992
REGAL	AS SHOWN
INSPECTED BY	SPW
APPROVED BY	REGA
CHECKED BY:	WMS

DRIVEWAY CROSS SECTIONS	CM FOX LIVING SOLUTIONS LLC	MAJOR SUBDIVISION	139 WESTERN AVE S.E. 37.14.04.1	ALABAMA COUNTY	NEW YORK STATE
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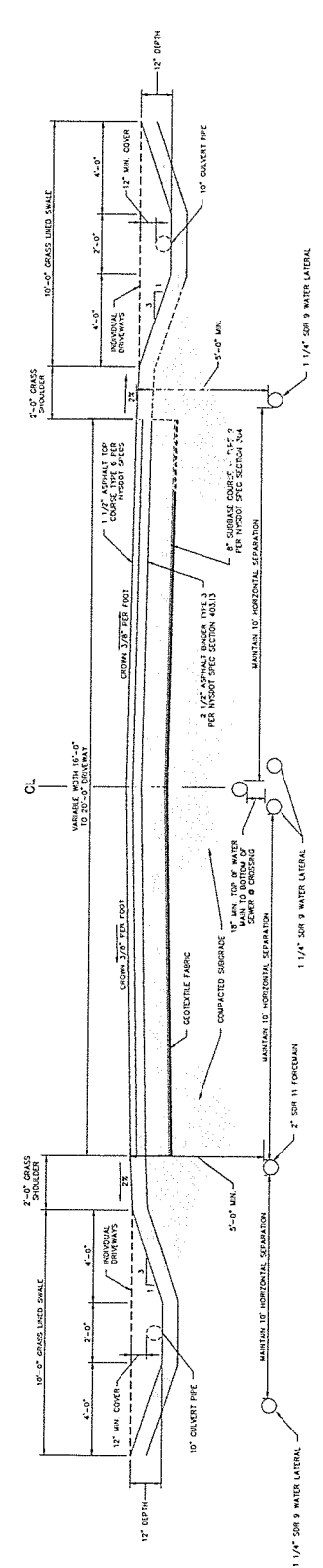
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STEPHEN P. WALRATH, L.S.
LAND SURVEYING & LAND PLANNING
122 MAIN STREET P.O. BOX 381
ATMOUNT, NY 12009
TEL: 518-866-0125

CHARGES COMPLAINT & 2021 UNAUTHORIZED ATTEMPT OR ACQUISITION OF THIS MARK IS A VIOLATION OF NEW YORK STATE EDUCATION LAW. ONLY COPIES FROM THE EDUCATION DEPARTMENT OF THE STATE OF NEW YORK ARE LEGAL. COPIES FROM ANY OTHER SOURCE ARE BE TRIBLE AND VOID COPIES.	STEPHEN W. WALKER, U.S. DISTRICT COURT EASTERN DISTRICT OF NEW YORK NEW YORK, NEW YORK	JUSTICE SUZANNE P.E. STATE OF NEW YORK COUNTY OF NEW YORK JUSTICE SUZANNE P.E.
--	---	---

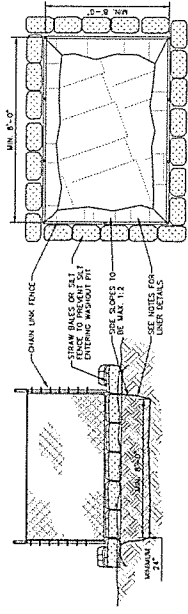
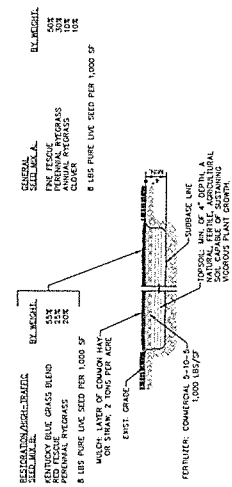


1 **LOTS 1-3 COMMON DRIVEWAY WITH SWALE CROSS SECTION**
SCALE: 1"=5'



1 **LOTS 5-8 COMMON DRIVEWAY WITH SWALE CROSS SECTION**
SCALE N.T.S.

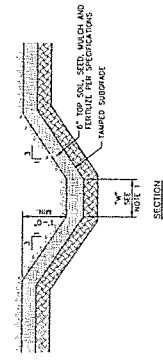
3 TOPSOIL, FERTILIZER, SEED & MULCH



MAINTENANCE NOTES

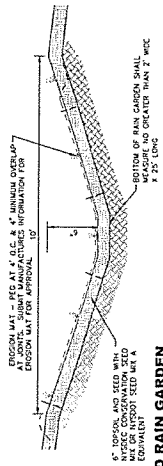
[illegible][illegible]

CONCRETE WASHOUT AREA DETAIL



1. DIMENSION "M" SHALL BE AT A MINIMUM OF 2'-0" UNLESS OTHERWISE NOTED ON THE PLANS.
2. SWALE SHALL BE SEEDED AND MULCHED WITH SEED MIX A (SEE DETAIL 3).
3. SLOPE OF SWALE SHALL BE MINIMUM 2%

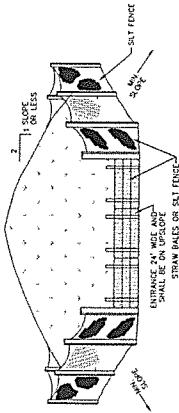
7 VEGETATED SWALE



VEGETATION

-

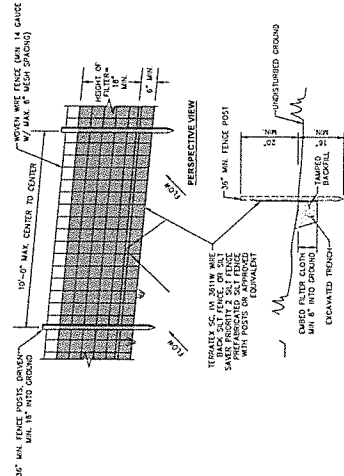
9 **VEGETATED RAIN GARDEN**



NOTE:

1. AREA CHOSEN FOR STOCKPILING OPERATIONS SHALL BE DRY AND STABLE.
2. MAXIMUM SLOPE OF STOCKPILE SHALL BE 2 HORIZ ON 1 VERT.
3. UPON COMPLETION OF SOIL STOCKPILING, EACH PILE SHALL BE SURROUNDED BY FENCING OR STRAW BALES, THEN STABILIZED WITH VEGETATION OR COVER.

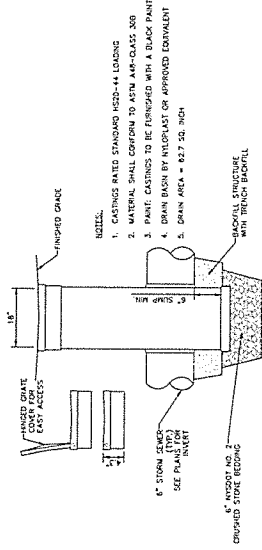
TEMPORARY SOIL STOCKPILE



SECTION

1. WORKMAN SHALL BE EXERCISED SECURELY TO FENCE POSTS WHEN THE FENCE POSTS SHALL BE SET ON "NO" TYPE ON LANDSCAPE.
2. WORKMAN SHALL BE EXERCISED SECURELY TO WORKMAN WHEN THE FENCE SHALL BE OPERATED EVERY 24" AT TOP AND BOTTOM.
3. WORKMAN SHALL BE EXERCISED SECURELY TO WORKMAN WHEN THE FENCE SHALL BE OPERATED EVERY 24" AT TOP AND BOTTOM.
4. WHEN TWO SECTIONS OF THE FENCE CROSS EACH OTHER THEY SHALL BE OPERATED BY 1" AND FENCED.
5. MAINTENANCE SHALL BE PERFORMED AND MATERIALS PROVIDED WHEN "VULGARE" DEVELOP IN THE SAT FENCE.
6. MAXIMUM SPANISH AREA FOR OUTSIDE AND IN TO A SET FENCE SHALL NOT EXCEED 1/4 ACRE PER 100 FEET OF FENCE.
7. MAXIMUM SPANISH AREA FOR OUTSIDE AND IN TO A SET FENCE SHALL NOT EXCEED 1/4 ACRE PER 100 FEET OF FENCE.
8. SET FENCE SHALL BE USED WHEN ENGLISH CANNOT BE USED IN THE FORM OF SHEET DESIGN.
9. SET FENCE SHALL BE USED WHEN ENGLISH CANNOT BE USED IN THE FORM OF SHEET DESIGN.

5 SILT FENCE INSTALLATION



NOTE:

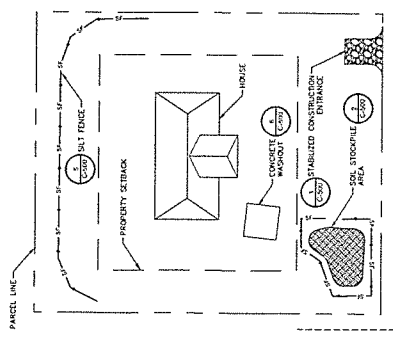
1. CASTINGS RATED STANDARD MSD-44 LOADING
2. MATERIAL SHALL CONFORM TO ASTM A47-CLASS 500
3. PAINT: CASTINGS TO BE FURNISHED WITH A BLACK PAINT
4. DRAIN BASIN BY NLOPLUST OR APPROVED EQUIVALENT
5. DRAIN AREA = 62.7 SQ. INCH

AMBER

-

8 PE CHAMBER

STABILIZED CONSTRUCTION ENTRANCE



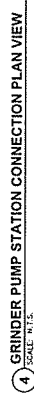
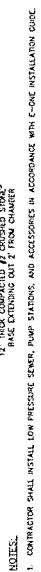
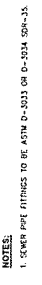
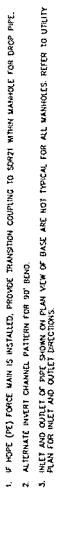
— ORANGE POLYETHYLENE
CONSTRUCTION FENCE

4 TYPICAL HOUSE CONSTRUCTION LAYOUT

CONSTRUCTION ENTRANCE SPECIFICATIONS:

1. **STONE SIZE** - USE MIN. 2" STONE, OR EQUIVALENT OR RECYCLED CONCRETE EQUIVALENT.
2. **THICKNESS** - NOT LESS THAN SIX (6) INCHES.
3. **WIDTH** - TWELVE (12) FOOT MINIMUM, BUT NOT LESS THAN THE FULL WIDTH OF THE DRIVEWAY OR DRIVE.
4. **DEPTH** - NOT LESS THAN FIFTY (50) PERCENT OF THE FULL DEPTH OF THE DRIVEWAY OR DRIVE, BUT NOT LESS THAN FOUR (4) FEET IF THE DRIVEWAY OR DRIVE IS TO BE USED FOR TRUCK TRAFFIC.
5. **LENGTH** - NOT LESS THAN FIFTY (50) FEET (EXCEPT ON A SINGLE RECREATION VEHICLE DRIVEWAY, NOT LESS THAN TWENTY (20) FEET).
6. **FLYER FILLER** - MUST BE PLACED OVER THE ENTIRE AREA TO BE PROTECTED.
7. **SPICE** - MUST BE SUFFICIENT TO ALLOW FLOW OF UNBLENDED ASPHALT.
8. **CONSTRUCTION ENTRANCES** SHALL BE PAVED ACROSS THE ENTRANCE, IF PAVED DRIVEWAY, A MINIMUM FIVE (5) FEET. SCOPES WILL BE FURNISHED.
9. **REPAIRS** - ALL CRACKS, POTHOLES, AND OTHER DAMAGE TO DRIVEWAYS MUST BE REPAIRED IMMEDIATELY. REPAIRS SHALL BE DONE TO THE FULL DEPTH OF THE DRIVEWAY AND TO THE FULL WIDTH OF THE DRIVEWAY.
10. **PAVING** - PAVING SHALL BE DONE TO THE FULL DEPTH OF THE DRIVEWAY AND TO THE FULL WIDTH OF THE DRIVEWAY. PAVING SHALL BE DONE TO THE FULL DEPTH OF THE DRIVEWAY AND TO THE FULL WIDTH OF THE DRIVEWAY.
11. **WASHING** - WASHES SHALL BE DONE TO REMOVE DIRT AND DEBRIS FROM THE DRIVEWAY AND TO PREPARE THE DRIVEWAY FOR THE NEXT STEP IN THE PAVING PROCESS.
12. **MAINTENANCE** - MAINTENANCE SHALL BE DONE TO THE FULL DEPTH OF THE DRIVEWAY AND TO THE FULL WIDTH OF THE DRIVEWAY.

ERPHEN P. WALTMATH'S
 1222 ALYMER STREET N. O. BOX 341
 ALYMER, MISSISSIPPI 39509
 WILLIAM H. SMART
 1008 E. 8TH ST.
 MOBILE, ALABAMA 36686-1216
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Ginger Hannah

From: villagebuilding@altamontvillage.org
Sent: Thursday, March 28, 2024 8:45 PM
To: 'Ginger Hannah'
Subject: FW: Zoning on Schoharie West protest

FYI for the public hearing. Thanks!

Gary

-----Original Message-----

From: Nancy Murphy <nmurphgtown@gmail.com>
Sent: Thursday, March 21, 2024 1:37 PM
To: villagebuilding@altamontvillage.org
Subject: Zoning on Schoharie West protest

Dear Zoning Board,

My name is Nancy P. Murphy and I live at 117 Euclid Ave., next to the foot bridge going to Schoharie West. I am very against the proposed development of four to five houses off this narrow, one lane road.

Euclid Ave. and Schoharie Plank West is a time honored walking, biking, route used daily by the citizens of Altamont.....young families with strollers, wagons...older people walking, dog walkers, kids learning to ride bikes, etc.

Plank west is a narrow, one lane road, which would not have room to maneuver a turn onto the narrow path to the proposed development. Large trucks will destroy what is there now....leaving home owners a mess to deal with. And the Noise to hear everyday, non-stopping, for months! That's only the road to the supposed development.

What is the water plan for these places? Two summers ago, on the road, three times the water mains broke, not just once! The water supply was low, so another well had to be opened. The village does not have an abundance of a water reserve to open up for these projects. The board knows these situations and need to act for the residents here now.

The village of Altamont does not need to fill every nook and cranny with more people with too big houses. Think of why you settled here! It wasn't for more traffic.

The McMansion built on West, abutting my back yard, took 1-2 years to build, all year round! Because it was a wetland, the equipment used was very big, loud and constant. Large House construction was next, filling in with stones, dirt.

The work often started at 6 AM, with some workers talking outside, loudly. The beeping of trucks backing up was another constant. Many on Sch. West were so fed up for so long about this....and now another intrusive situation is out there! The summer and fall of that year was impossible for my deck sitting with friends and even myself. How about the noise, lives disrupted, dirt n' mud, irate neighbors and public....

I've made my case for telling Troy Miller to look further for his planned project of too much! Too many residents object to this infringement on the property discussed here.

Thank you.

Nancy Murphy

Sent from my iPad

Village of Altamont
115 Main St.
PO Box 643
Altamont, NY 12009

Copies to:
Deborah Hext, ZBA Board Chairperson
Gary Goss, Building Inspector and Code Enforcer

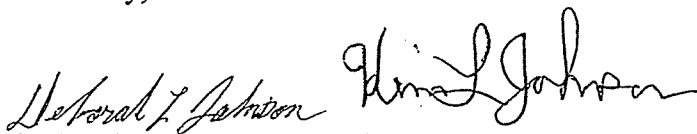
April 9, 2024

To Whom It May Concern,

I have been very concerned about the future development of land near me. Development in a flood plain raises concerns about the potential impact on the local ecosystem, the increased risk of flooding on nearby properties and the potential strain on existing infrastructure such as drainage systems. Please address the following questions:

- Should this project require a review by the Albany County Stormwater Commission?
- Should this require a SEQR where the road is proposed to go since the current stormwater system overflows nearly annually?
- Are the proposed storm drains that are directed toward Schoharie Plank Road West being reviewed for redirecting water towards Western Avenue?
- Why aren't the roads being built to Village specifications? Is this just cost saving to the developer and shifting substandard roads to the prospective homebuyers?
- Do the elevation drawings reflect workable grades for water drainage? Please exhibit the drawings.
- Should the water from the subdivision be directed toward Schoharie Plank Road West flood plain and its overtaxed storm water system?
- Why does a 16-foot right of way on Schoharie Plank Road West include stormwater and sump drainage into this flood plain and Fly Creek?
- How does the new right of way at the intersection of Schoharie Plank Road West and new road deal with curb width, buffer zone and 16-foot road?

Sincerely,



Deborah L. Johnson and Kim L. Johnson
117 Schoharie Plank Road West
Altamont, NY 12009

Village of Altamont
115 Main St.
PO Box 643
Altamont, New York 12009

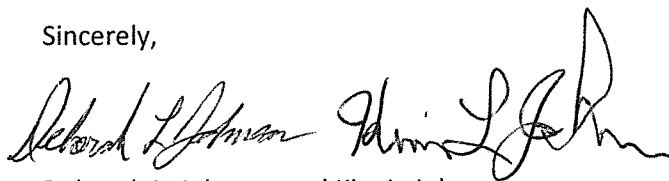
March 26, 2024

To whom it may concern:

I have been very concerned about the future development of land near me. Development in a flood plain raises concerns about the potential impact on the local ecosystem, the increased risk of flooding for nearby properties and the potential strain on existing infrastructure such as drainage systems. Please address the following questions.

- Who is responsible for flooding or damages to our property caused by the CM Fox Living Solutions, LLC?
- Where is the storm drain for development and road going to be put and draining to? When the creek gets high, the storm drain by our house backs up.
- How wide is total width or the road allowed to be?
- How much buffer zone between said road and our property houses involved?
- Does the developer have flood insurance for said road between houses in flood plain?
- Is the development going to have H.O.A.? "We want no part of it."
- What is the developer's responsibility?
- Where is the snow going to be plowed too? "Not our property or buffer zone."
- Are fences to preserve our privacy being considered?
- Do garbage truck pickup on a private road?
- Is the developer responsible for trees falling on my property and roof if damaged?
- Who's responsible for buffer zone?
- Does the proposed developer and access road meet village, town zoning code criteria.

Sincerely,



Deborah L. Johnson and Kim L. Johnson
117 Schoharie Plank Road West
Altamont, NY 12009

Ginger Hannah

From: Heather Fox <heathershfox@gmail.com>
Sent: Monday, March 25, 2024 9:28 PM
To: villagebuilding@altamontvillage.org; Ginger Hannah
Cc: Benjamin Fox; Heather Fox
Subject: Comments & Photos for ZBA Meeting 3/26/2024
Attachments: Village of Altamont-Comments for ZBA 3.25.24.docx; Untitled attachment 00018.txt; 6D1704FC-0F87-46A4-8FF1-826ED84045D8.jpeg; FF217081-4E26-4156-ACBB-9A5C45DCFFC4.jpeg; E80C43F3-D8EE-410B-93A3-DD227C244F38.jpeg; CD82228F-0929-485E-BA45-A98002BC3B9D.jpeg; 32E2375A-0B45-4A8C-8756-626DDEBA713F.jpeg; 097B19D7-1D77-4DF1-BF64-C713C6AC4543.jpeg; 41C87298-2A13-49DB-B879-E6E5D6495009.jpeg; 43E5DF60-3E4C-4113-8AF7-2AF23ED7E39E.jpeg; 4E7C7536-2586-4A39-BF40-BF3770FF09D2.jpeg; 07D0F966-1E0D-4C22-BF47-ACB3E0DE60D3.jpeg

RECEIVED

MAR 25 2024

Village of Altamont

Please see attached a letter from the Fox Family residing at 115 Schoharie Plank Road West. I have also included numerous photos for reference of what our property looks like on a regular basis after a rain storm.

Thank you, Heather Fox

Village of Altamont
115 Main St
Altamont, NY 12009
Attn: Village Clerk

SUBJECT: Submission of Comments re: CM Fox Living Solutions, LLC Subdivision

Dear ZBA members,

My name is Heather Fox and my husband, Ben, our two boys, and dog Rozzi live at 115 Schoharie Plank Road West. We have been residents of this wonderful Village since 2012. We are writing in response to the CM Fox Living Solutions, LLC subdivision plans for Tax Map#37. 14-3-6-1. You all know us by now, we have attended every meeting we could and have voiced our concerns numerous times about this proposed plan. We regretfully cannot attend the meeting on Tuesday, March 26th as our son's spring concert is at the exact same time at Altamont Elementary School and our kids come first. But I write this last letter from the heart and hope that everyone on the board reads it and internalizes this very big decision to approve a project that we all know deep down is not right for this Village and its residents.

115 Schoharie Plank Rd West is the first home we purchased together months before our wedding. We were so excited to be taking over the home of the O'Rourke's, and the long-standing Altamont families that owned it before them. We knew we had big shoes to fill to keep the memories alive in this little home of ours. We brought our two dogs with us when we purchased it and then our two boys came home from the hospital years later. Since then, we have chosen to be highly active in the community both at the school and through ACT because of our love for it.

Both my husband and I grew up in homes with fathers who were engineers and spent their careers working hard for the State of NY, both supporting the likes of environmental conservation and energy. Both become Subject Matter Experts in their fields. Our grandfathers, all of them, were builders and masters of all the trades. My husband and I have continued on their paths with careers in the energy field for over 20 years. Because of our history and current careers, we know how this type of project turns out. We know what a "good project" looks like, and we know what a "bad project" looks like. We have not only consulted with our fathers but with some of the best local engineering firms that specialize in drafting and stamping projects like this one. They were all quick to say this is not a "good project" for your community. At many of the meetings you talked about the homes at the back of the property and what the water would do to their homes, but more focus needed to be on the fact that this project will cutting through a known flood plain and 100% impacting the already suffering creek that runs along Schoharie Plank Road.

The creek cannot handle any more water than it already tries to on a single day of rain. And I invite you all to visit our home after just one simple day of rain. Our property has been referred to as "The Island" by members sitting at these very meetings defending that this project is going

to be ok. Long standing residents who have “partied” at our home with previous owners since the home was built, will tell you, it is wet. I have been taking pictures of what our house and the surrounding area look like after a day of rain since this project was first brought to our attention. I could put a whole slide show together. What is so bothersome in this process is that no one sitting at the table is living in our shoes nor at these exact properties to see day in and day out what happens. We are scared. We fear the fact this project will be cutting through a known flood plain right next to our home. Any website you visit on the topic of building within a flood plain will tell you that it should never happen unless absolutely necessary. And this is not necessary.

We have attended all the meetings we could, we have fought to stand up to what’s right for this Village, for the water system (which I have pictures of every water main break that has happened on our road and on OUR front lawn for the past two years) and for the families that this will impact, especially ours at 115 Schoharie Plank Road West. We teach our kids to stand up for what’s right no matter what those will think of you. Your reputation is not defined by one human being with money and power. Those people always think they can win. But we DO have the power to stand up to them, to do what is right for the community and for the long-standing residents that this project will severely impact. We do not have the monetary means to fight this fight with lawyers and the like, but we do have the passion to care about what is right and show the people of this Village how much not approving this project means to us.

As previously mentioned, we invite the board to visit our home and walk the property when this snow starts melting or after the next rainfall. Our sump pump never stops for weeks, our shed and entire back and side property (where the new shared driveway will go) are underwater on a regular basis. Our creek cannot handle any additional run off, period.

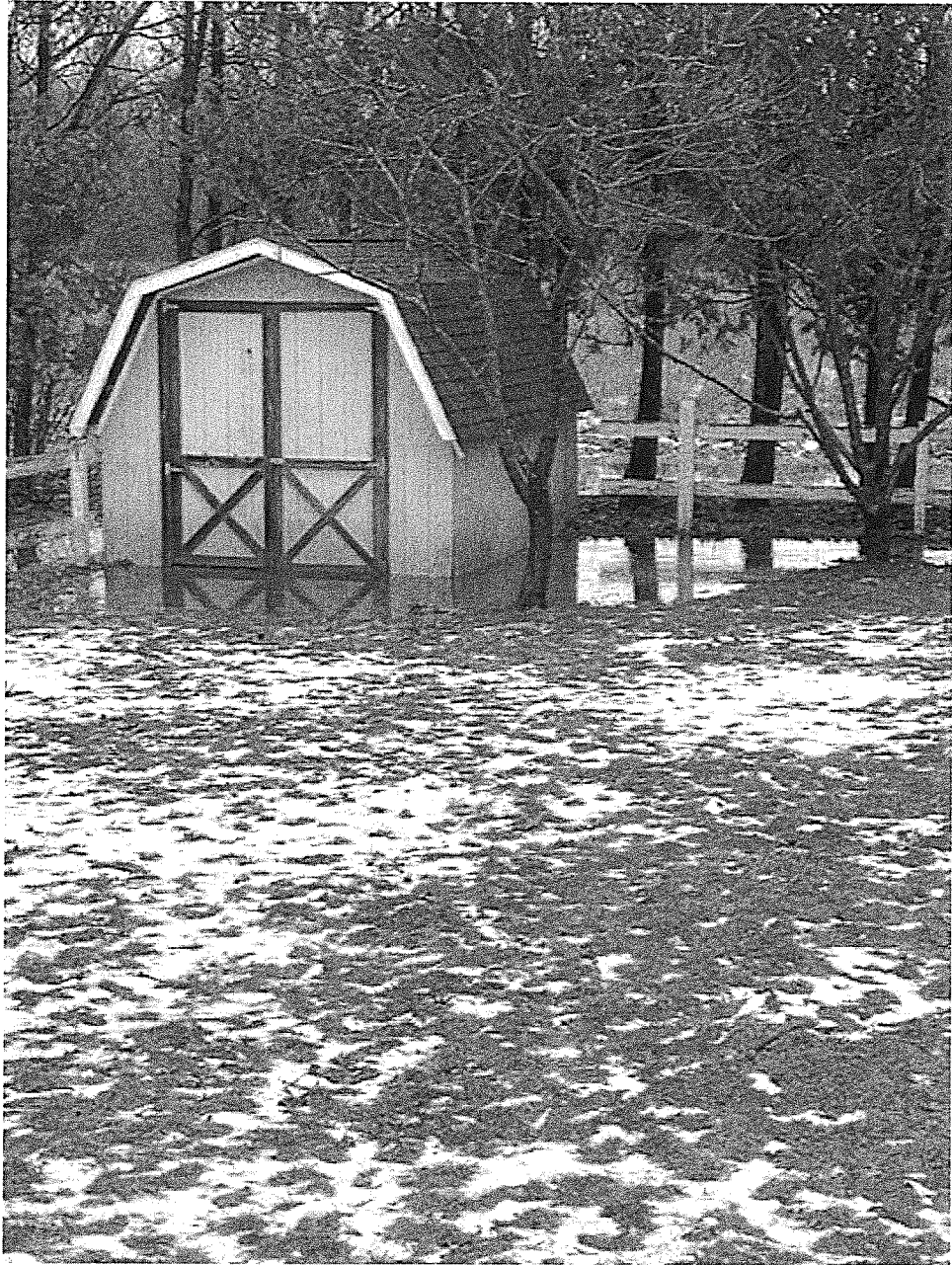
Thank you all for listening. This letter was written from the heart. I have probably lost 50 days of sleep or more over this project and it’s just so disheartening that the last beautiful piece of property in the Village will be lost to more overly sized homes creating more severe problems for all of us.

Sincerely,
Heather Fox









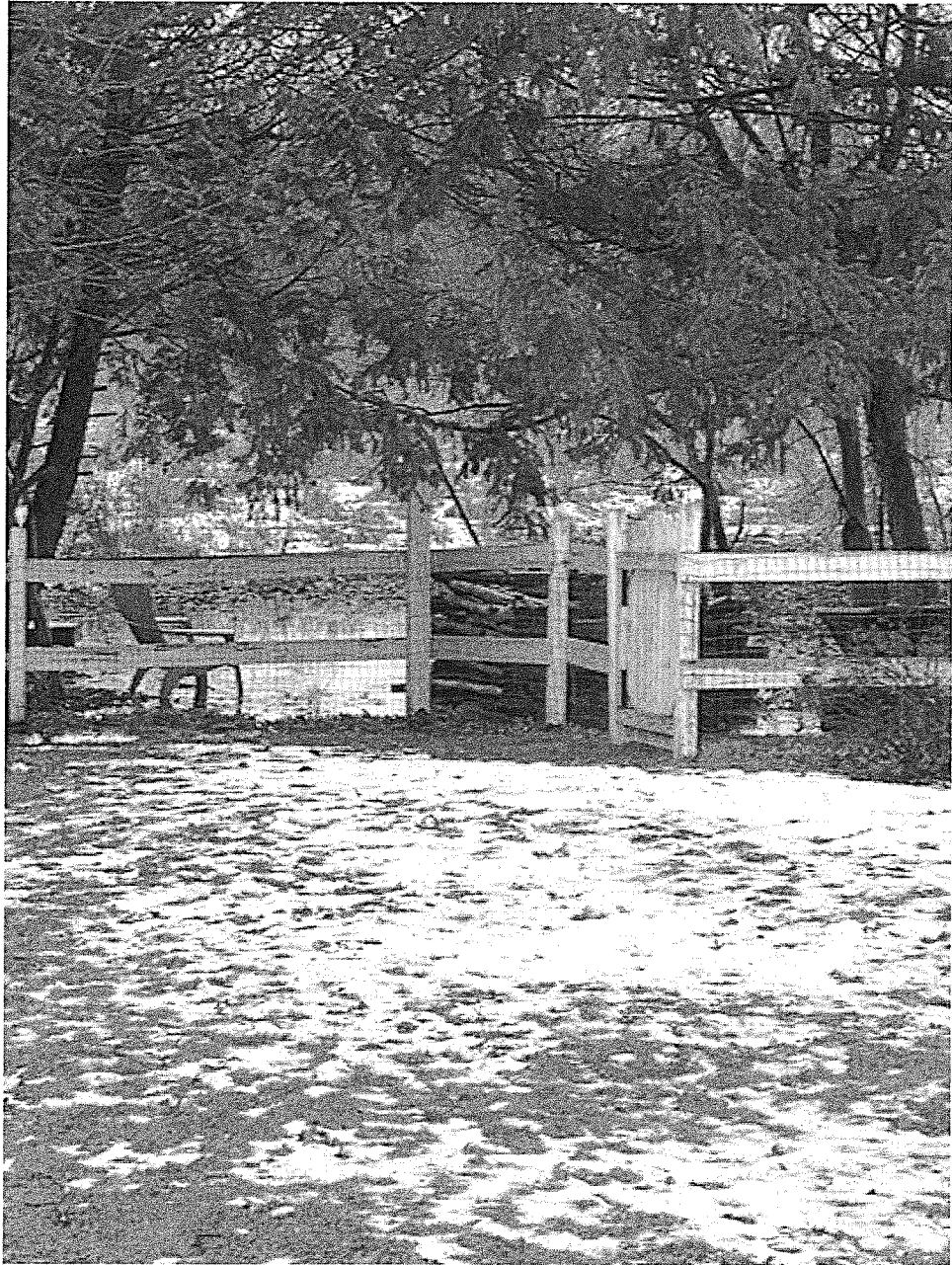












JOSEPH CONNORS, ESQ. AND JAYA CONNORS, ESQ.
6393 GUN CLUB ROAD
ALTAMONT, NEW YORK 12009
(518) 669-2517; (518) 669-0850

August 22, 2023

Village of Altamont Zoning Board of Appeals
115 Main Street
PO Box 643
Altamont, New York 12009

Re: Opposition to Significant Variance For Major Subdivision of Tax Map #37.14.-3-6.1 (Troy Miller/C
M Fox Living Solutions LLC)

Board Members:

We offer the following argument relevant to tonight's Altamont Zoning Board of Appeal (Altamont ZBA) public hearing concerning area zoning variance determination, SEQRA assessment, Lot Line Amendment Waivers, and subdivision application related to the above referenced property. Our objections to the Altamont ZBA's draft proposed decisions are based on both procedural irregularities and on the merits, as supported by Village and Town law and precedent.

I. We have six procedural objections:

1. The Town of Guilderland ZBA was improperly excluded from this process. We maintain that the Altamont ZBA should obtain input from the Town of Guilderland as an interested party for a coordinated review of all issues. The proposed subdivision is directly adjacent to our Guilderland property. Indeed, our property will be adversely affected directly by proposed Lots 1, 2, 6, and 7, which share property lines with the subject property seeking variances, subdivision approval, and SEQRA clearance.

2. The Altamont ZBA has not properly classified this as a Class 1, SEQRA action. This action was initially properly classified as Type I action pursuant to 6 NYCRR 8617.4 because the subject land is substantially contiguous to recognized historic areas, the Mohawk Valley Heritage Corridor and the Altamont Historic District. The subject property is also adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory and within five miles of a state park, John Boyd Thacher Park. Significantly, additional archaeological and historic sites have been identified on the project site, namely Schoharie Plank Road itself. Finally, the proposed site is within walking and biking distance of the Village's Bozenkill Park on Gun Club Road.

3. The Altamont ZBA cannot make a reasonable determination on the environmental impact of the proposal without the complete evidence it reasonably requested from the owner/developer (Troy Miller/ C M Fox Living Solutions LLC). The owner/developer has refused to provide this key environmental evidence concerning the scope and impact of the project, improperly pressuring the Altamont ZBA to first approve its variance request. In particular, the owner/developer has refused to specify the driveway widths and turnarounds until the Altamont ZBA approves its variance request. Such information is reasonably necessary for the Altamont ZBA to make its threshold determination on the variance requests, environmental impact and related safety issues. The owner/developer also fails to provide an explanation of how it will monitor the number of acres which will be disturbed by the proposal, never clarifying its methodology for doing so or even which of the ten new proposed houses on the involved currently agricultural (hay) lands have basements which will require additional excavation. Likewise, the owner/developer refuses to provide short-term, long-term, or cumulative stormwater runoff calculations which are crucial to the ZBA's consideration of environmental impact. The owner/developer similarly refuses to offer specific profiles of proposed driveways which will help the Altamont ZBA assess the interrelated sewage, water usage, and runoffs associated with the proposal. The owner/developer also failed to submit a requested study on the level of the water table on the property. The owner/developer did not fully comply with the Altamont ZBA's request for blow ups and consents for lot adjustments associated with the project. For example, although the owner/developer cites a purchase deal made with a neighbor on Western Avenue adjacent to Proposed Lot 3 to obviate the need for a frontage width variance for the keyhole entrance to proposed lots 1-3 on Western Avenue, no final record of this land conveyance or the incentives provided to assure it is part of the record. Such detail is necessary to allow meaningful public input and any appellate review of the ZBA's determination. Likewise, the owner/developer refuses to disclose utility and sump pump discharge locations, information which is necessary to the ZBA's environmental assessment. Finally, the owner/developer's agent conceded at the September 27, 2022 hearing, which was not open to the public, that "I'm not sure what the distance requirement is for site (sic.) distance, but I know we meet it with all the driveways." Nonetheless, it is unclear from the record if a valid sight distance assessment was submitted so that the ZBA can properly assess this pertinent safety factor.

All this information is necessary in order for the Altamont ZBA to make determinations of the short-term, long-term, and cumulative impacts of the applications before it.

4. The public should have access to the video and minutes of the July 25, 2023 ZBA hearing concerning the proposal, which should, along with minutes and recordings from previous meetings, be made part of the record. We could not attend all the previous hearings in person and reasonably relied on the ZBA's practice of recording them and publishing transcribed minutes for comments before the ZBA makes its determinations. Likewise the recording and minutes from tonight's meeting should be part of the record to allow for any necessary review of ZBA determinations.

5. In light of public statements by its members and in the interests of transparency, the ZBA should explain on the record why it is can render impartial decisions in this matter. It should also disclose publicly any prior relationships with the owner/developer. Throughout the public hearings , ZBA members have made comments, the tone of which raise legitimate cause for concern that the ZBA has prejudged the pending applications, including: suggesting to the public that neighbors should be grateful that only eleven homes not twenty-four will be built; assuring the public that Troy Miller has done excellent work in other subdivisions and this subdivision, too, will be done to high standards, with collateral increased property values; and explaining the ZBA's role to the public to the effect of, "We try to work with developers seeking variances, but we can't really ever just say, "No." The members making these remarks should recuse themselves from further consideration of the pending applications and reviews.

6. Any determination that the Altamont ZBA makes concerning the "significance" of environmental impacts will be untimely since more than 20 (twenty) calendar days have passed since the Altamont ZBA established itself as the lead agency.

The ZBA should remedy these procedural deficits before making any decisions on the pending variance requests, subdivision application, SEQRA assessment, or lot line waiver requests.

II. We also offer this argument on the merits:

A. The Variance Requests Should Be Denied Under Existing Village Ordinances and Law and Persuasive Precedent.

The granting of a variance is reserved for unusual or exceptional circumstances. "Unless great caution is used and variances are granted only in proper cases, the whole fabric of town-and city-wide zoning will be worn through in spots and raveled at the edges until its purpose in protecting property values and securing the orderly development of the community is completely thwarted. *Verillo v. Zoning Bd. Of Appeals of Town of Branford*, 155 Conn. App. 657, 111 A.3d 473 (2015). The Zoning Board must adhere to its own precedent to avoid making determinations which are arbitrary and capricious. *Knight v. Amelkin*, 68 N.Y.2d 975 (1986). Approving a subdivision of this scope and nature would set a detrimental precedent which would provide a foundation for similar requests. Indeed, new owners in this requested subdivision could make future requests for additional subdivision variances.

In determining whether an area variance should be granted, Section 7-712 of the New York Village Law requires the zoning board to weigh the benefit to the applicant if the variance is granted with the health, safety, and welfare of the neighborhood community if relief is granted. Of course, this analysis should also consider relevant state and local zoning and environmental law requirements. A board must consider:

1. whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the area variance;

The record supports and the ZBA can take judicial notice that contiguous properties to the proposed subdivision have one home on multiple acres of country land. *See, e.g., Tax Parcels 37.15-2-2.2 (Gun Club Road); 37.15-1-2.1(Marion Court)*. Beside the proposed subdivision, no

contiguous properties contain keyhole lots with multiple homes. Neighbors, including us, relied on existing zoning frontage limitations in purchasing properties next to the current fauna and flora abundant vacant hay fields, with limited road frontage for future development on the subject property.¹ Squeezing ten new homes onto this property in violation of existing zoning ordinances is detrimental to the neighborhood's character. The proposed density profile is inconsistent with the neighborhood's rural character. See *Paniccia v. Volker*, 133 A.D.2d 404 (Second Dept. 1987)(upholding Zoning Board of Appeals denial of area variance to subdivide lot for residential building on proposed new lot where neighbors relied on current zoning restrictions in purchasing their properties; notwithstanding loss of economic profit to owner if lot was subdivided, denial of variance would not prevent owner from using lot for a single structure under current zoning ordinance; and proposed lot adjustment: did not meet village zoning ordinance street frontage requirement, would result in traffic congestion and increased danger of accident, and proposed house on new lot would be long and narrow and inconsistent with character of neighborhood.); *D'Souza v. Board of Appeals of Town of Hempstead*, 140 N.Y.S.3d 774 (2d Dep't 2021) (upholding ZBA variance denial where ZBA properly balanced factors and concluded that sublots which did not meet ordinance frontage width requirement).

2. whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than an area variance;

The applicant, a sophisticated developer who was aware of existing zoning limitations when he purchased the property, seeks to make a profit off his investment property and, possibly, move his family into a new family compound in it. The record includes possible alternative access sites and a reduced scope in the project, with fewer houses, which the developer could pursue. The land will still be available for allowable residential housing within the Village's zoning ordinances if the pending variances, subdivision request, and lot line adjustments are denied in their present form.

3. whether the requested variance is substantial;

This is not in dispute. Seeking to build ten new homes in a relatively confined area is requesting a substantial variance. The current zoning frontage requirements and limits on numbers of entrances to a subdivision were designed to limit this type of development overreach. Notably, contrary to Village Zoning Ordinance, the variance seeks permission to have five entrances to the proposed subdivision.² The proposal does also not meet the zoning frontage requirements for

¹ Lots 5, 6, 7, and 8 do not meet the Village's zoning requirement, based on aesthetics and safety concerns, that each property have 30 feet of frontage on the road. Lot 3 meets this requirement only if the Altamont ZBA gives tacit approval to a recent private purchase deal involving the owner/developer, the details of which are not in the record, concerning proposed lot changes to a contiguous property, the owner of which is not a party to the pending proceedings. A property owner who obtains a land use approval must be made a party to a proceeding or action contesting the permit or approval. *Wittenberg Sportsmen's Club, Inc. v. Town of Woodstock Planning Board*, 16 A.D.3d 991 (3d Dep't 2005).

² Four entrances will be on Western Avenue. One entrance will be for the existing house on proposed Lot 9. A second entrance will be for the house on proposed Lot 10. A third entrance

Lots 5, 6, 7, and 8. The owner/developer also asks the Altamont ZBA to condone a private deal designed to comply with the Village Zoning Ordinance frontage requirement for Lot 3 despite other neighbors' reliance the zoning restrictions in place for their protection when purchasing their properties.

4. whether the variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

The record is replete with testimony and letters concerning water runoff and flooding which the developer has not reasonably refuted. Likewise the habitat of deer, fox, coyotes, rabbits, opossum, birds, rabbits, mice, and endangered bats which live in or near the property will be threatened. The ZBA's focus on mitigation approaches in answering this threshold variance inquiry is misplaced. In the first instance, the ZBA's role, by law, is to assess the project's adverse impacts associated with the variance request, not to seek to mitigate those impact through negotiations with the developer to the detriment of the neighboring community it serves. As discussed below, consideration of mitigation or Conditioned Negative Declarations, if available at all, properly comes after a determination on the area variances and lot line adjustment requests, as part of a secondary SEQRA review process.³ In any event, the Zoning Board may deny an application for an area variance even in the absence of physical environmental harm to the neighborhood or a negative declaration pursuant to the State Environmental Quality Review Act. *Hurley v. Zoning Bd. Of Appeals of Village of Amityville*, 69 A.D.3d 940, 893 N.Y.S.2d 277 (2d Dep't 2010).

5. whether the alleged difficulty was self-created.

The developer/owner is free to use his land for residential purposes within existing zoning limits. The developer has created the alleged difficulty by his own overblown plans for this property which conflict with zoning limits and the neighborhood's community character.

The existence of a self-created hardship does not entitle the landowner to demand a variance. *Matter of Cowan v. Kern*, 41 N.Y.2d 591. Where an owner seeks a variance from minimum

will be for proposed Lot 11. Lots 1-3 will share a third entrance on Western Avenue. Lot 4 will have a separate fourth entrance. The fifth entrance will be for Lots 5 -8 on Schoharie Plank Road. Village Zoning Law § 355-27(F)(1)(b) discourages subdivision proposals with more than two entrances on public roads, given traffic flow and environmental concerns.

³ Indeed, Conditioned Negative Declarations are inappropriate in "Type I" SEQRA actions. This action was initially properly classified as Type I action pursuant to 6 NYCRR §617.4 because the subject land is substantially contiguous to a recognized historic area, the Mohawk Valley Heritage Corridor and the Altamont Historic District. The subject property is also adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory and within five miles of a state park, John Boyd Thacher Park. Significantly, additional archaeological and historic sites have been identified on the project site, namely Schoharie Plank Road itself. See Applicant's Full Environmental Assessment Form and DEC EAF Mapper Summary Report concerning the subject property.

frontage and lot requirements, as a practical matter he is required to show he could not use his property without coming into conflict with restrictions of ordinance; the fact that a parcel could be used more profitably by an owner if a requested variance is granted, is insufficient to grant a variance. *Graziano v. Scalafani*, 143 A.D.2d 664 (Second Department 1988). Courts will not interfere with a determination made by a zoning board which denies a requested area variance where the need for a variance results from the owner's decision to subdivide his property to create one or more nonconforming uses." *Matter of 113 Hillside Ave. Corp. v. Zaino*, 27 N.Y.2d 258.

For all these reasons, as a threshold matter, the ZBA should deny the variance and lot line adjustment requests.

B. The Village ZBA Should Issue A Positive Environmental Declaration Pursuant To SEQRA Guidelines.

The proposed subdivision will result in several "significant" adverse environmental impacts, short-term, long-term, and cumulative impacts of magnitude and importance, requiring the development of an Environmental Impact Statement. Despite boiler plate assurances to the contrary, the Altamont ZBA's draft SEQRA Findings Statement and Notice of Determination prepared by the Altamont ZBA before the public August 22, 2023 hearing does not acknowledge or reflect meaningful consideration of and a "hard look" at the unanimous fact-specific opposition to the variances and subdivision from the public. We encourage ZBA board members to remain open to such a hard look at tonight's meeting and subsequent deliberations. Limited modifications to the proposal, including non-binding verbal assurances from the owner/developer and its agent, should not be considered mitigation which affect the Altamont ZBA's determination of environmental significance of the overall project. See, *Shawangunk Mountain Environmental Association v. Planning Board of the Town of Gardiner*, 157 AD2d 273 (3d Dept 1990) (finding that a negative environmental declaration was inappropriate where the developer agreed to some mitigation, but the overall scope of the project raised environmental concerns.)

The significant adverse environmental impacts, individually and collectively, include, but are not limited to:

- excessive harmful water issues, including snow, storm and sump pump water runoff, to the point of flooding in some areas;
- detrimental impact to carriage road, Schoharie Plank Road, by heavy construction equipment;
- substantial increase in vehicle and foot traffic on Schoharie Plank Road and Western Avenue, both during proposed two year construction period, and afterwards from resident families;
- significant interrelated safety risks associated with non-conforming and multiple ingress/egress points to proposed subdivision, especially with a group home kitty-corner to the proposed project;;

- significant increase in noise levels associated with construction and post-construction, including noise associated with ten additional families living in area;
- significant destruction of fauna and vegetation, including deer, fox, rabbits, mice, birds, opossum, coyote, endangered bats and loss of at least .47 acres of forest land;
- significant disruption within recognized area of important historic, archaeological, and aesthetic area importance;
- significant risk to additional children in proposed homes who will travel to nearby Bozenkill Park and Village sponsored programs without the benefit of complete safe sidewalks;
- a substantial change in the use of the area from an agricultural hay field to ten new homes on small lots not consistent with neighboring property, including our home on multiple acres;
- significant deviation from pastoral, rural border between Village of Altamont and Town of Guilderland, inconsistent with Altamont's Comprehensive Plan.
- significant additional burden to Altamont's already compromised water supply;
- significant health risks associated with unrestricted pesticide use on the subject sublots;

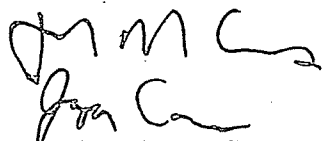
All of these impacts were well supported by letters and hearing testimony from neighbors with first hand knowledge. Their individual and collective adverse impact is of such magnitude and importance to require a positive SEQRA declaration .

CONCLUSION

For all these reasons, the requested variances, lot line adjustments, and subdivision approvals should be denied. Since this is properly considered a Type I SEQRA action, a Conditional Negative SEQRA Determination is inappropriate. Indeed the ZBA need not reach the SEQRA determination since the legal relevant factors weigh in denying the variance request in the first instance. If the variance request is not denied, the ZBA should nonetheless issue a positive SEQRA declaration and require a complete Environmental Impact System before taking any further action on the pending requests.

We appreciate the ZBA's consideration of these candid remarks. We fear that this matter is headed to emotionally and financially costly future adversarial proceedings which we suggest might be avoided through community mediation attempts with a mutual agreeable mediator with experience in zoning and environmental disputes. We are open to such a collaborative approach moving forward.

Sincerely,



Joseph and Jaya Connors

JOSEPH AND JAYA CONNORS
6393 GUN CLUB ROAD
ALTAMONT, NEW YORK 12009
(518) 669-2517; (518) 669-0850

May 23, 2022 Jm (

Village of Altamont Zoning Board of Appeals
115 Main Street
PO Box 643
Altamont, New York 12009

Dear Members:

Thank you for this opportunity to share our opposition to the request of CM Fox Living Solutions for a significant variance which would allow its property identified as Tax Map #37.14-3-6.1 to be subdivided into 11 lots over 13 acres. Our objection focuses on the issue identified in the mailed notice we received, whether the Board should grant area variances to allow the creation of four(4) new keyhole lots with approximately 16 feet of road frontage on Western Avenue. We reserve the opportunity to oppose other parts of the subdivision proposal at a separate public hearing noticed for that purpose.¹

I. INTRODUCTION

We own and reside at 6393 Gun Club Road, adjacent to the proposed subdivision. The Guilderland/Village of Altamont town line passes through our property. We pay both Town and Village taxes and utilities. We are glad to be active in Altamont life, including being members of Altamont Community Tradition. The village's small friendly size and its rural country setting were important to us when we moved here several years ago and they remain so today.

Our 5.6 acres property currently has unobstructed views of the Helderberg Escarpment. We enjoy the abundant wildlife that crosses through our country property and the adjacent property subject to the variance request. We have observed deer, opossum, racoons, turkey, fox, and coyote on both properties, as well as an abundance of other birds, including Bluebirds and Indigo Buntings. Significantly, bats, including what we believe from their appearance to be endangered Northern long-eared bats, are frequently seen flying over both properties. We walk our property mindful that it and its adjacent property are part of lands which were stewarded by Native Americans from the Mohican and Mohawk tribes. We also report based on personal observations that water often pools throughout the subject property, year round. The property is consistently muddy, with footprints of the wildlife who currently call it home.

¹ For example, the applicant has not applied for a variance that would allow for multiple entrances to subdivision homes, in excess of the two entrances allowed by Village Zoning Law. Although the application for final plot approval cannot be approved by the Board without such a variance and other variances applications, the applicant has not sought them and they are not thus not currently before the Board.

Proposed Lots 1 and 2 and 3 and the referenced four- bedroom houses the applicant developer plans to build on them, will directly adversely impact our enjoyment from and value of our property. Indeed, any backyard lights from houses on Lots 1 and 2 will likely shine directly into our bedroom and living room.

Our objections to the proposed variance should not be dismissed as a literal “Not In Our Backyard” concern. Rather, it is founded in well established legal precedent which balances the interests of adjoining neighbors, expecting them to enjoy their properties while respecting the limitations imposed on land use by law. The requirements discussed below are not new, they were present when CM Fox Living Solutions , a sophisticated buyer, purchased the property adjacent to our property. They did so knowing that its residential use was limited by existing zoning and environmental laws and regulations. It would be unreasonable and set a dangerous and unfair precedent to allow a substantial variance from these requirements to allow a preferred but unauthorized use of the subject property. We respectfully request that you exercise your administrative role in an objective manner and conclude that there is insufficient evidence to support the variance requested.

II. PROCEDURAL HISTORY

We appreciate the opportunity to actively participate in the May 22, 2023 public hearing for the first time to share our concerns concerning the variances application before the Board. On or about May 12, 2023 we received notice of this public hearing via a letter mailed to our home. We understand that the Board has engaged in previous discussions with the developer applicant, CM Fox Living Solutions, LLC on September 27, 2022, January 4, 2023, March 28, 2023. The public was not allowed to participate in these “hearings.” In the interests of a complete record of the May 22, 2023 public hearing we request that the video recordings and transcripts of the September 27, January 4, and March 28, 2023 Board meetings be preserved and made part of the record at this hearing.

These prior meetings indicate that the developer applicant at first conceded that it needed a variance for the keyhole access to Lots 5, 6, 7, and 8 on Schoharie Plank Road, but no longer seeks this variance following private line adjustments deals with landowners. The developer applicant still seeks a variance which would allow for only 16 feet of road frontage for keyhole lots 1, 2, and 3 on Western Avenue, almost half of that required by the Village Zoning Law. The Board Chair characterized this as a request for a “significant variance.” In past appearances before the Board, the developer applicant also promised a 20 to 25 foot buffer between the new houses and the houses on Schoharie Plank Road, with Board members also suggesting a no cut zone. The Board shared that an independent Village engineering plan was necessary to consider the proposal.² The Board was concerned about the width of the access road/driveway in light of safety planning and the size of emergency (fire) vehicles and snow removal vehicles. A Board Member suggested that a crosswalk to connect the new proposed subdivision to the existing sidewalk on Western Avenue might be appropriate. The applicant developer promised to provide a sight assessment evaluation from the proposed entrance road/shared driveways in response to concerns raised by the Board.

Significant concern and questions were raised concerning historic flooding on Schoharie Plank Road. A Board Member inquired, “Where is the water going to go?, ” and “How do we maintain existing

² Such a plan, if completed, has not been made available to the public in connection with the scheduled May 23, 2023 hearing.

flows?" The applicant developer promised groundwater testing to assess the level of the water table in order to properly plan for stormwater impacts. A Board Member suggested individual stormwater containment systems as opposed to a general area that might be prone to cattail growth.

Finally, one Board Member pointed out that Guilderland's noise ordinance should be followed; it prohibits work on weekends and limits it to 7:00 a.m. to 6:00 p.m. on weekdays, while another reminded the applicant developer that light nuisance would also be a part of the Board's consideration.

In light of the Board's growing concerns, the Applicant Developer responded that "the only other option" would be to increase the number of houses to "22 or 24 lots" in the project, and build a cul-de-sac which the Village would be responsible for maintaining. The Board encouraged the developer applicant to supplement the record, reminding it that it had the burden of showing that the requested variance was necessary and that the proposed project would meet all applicable laws, including a State Environmental Quality Review Act assessment that the project would have an overall negative impact.

II. OVERVIEW OF THE LEGAL PARAMETERS FOR THE BOARD'S CONSIDERATION

The Village of Altamont Zoning Board of Appeals ("the Board") has the power, authority, and responsibility to approve or disapprove plats for subdivision within the Village of Altamont. Village Law §§315-1, 315-5. Before granting a request for a variance in support of a request of an application for subdivision, the Board must have evidence that the proposed subdivided land can be used safely for building purposes without: danger to health and safety or peril from fire, flood, erosion, or other menace; proper provision for stormwater drainage; insult to ^{tenants} of the Village of Altamont Comprehensive Plan; harm, to the extent avoidable, to trees, flood courses, historic sites, and environmentally sensitive areas; or violation of the Zoning Law of the Village of Altamont. Village Law §§315-3, 315-21. Special regulations apply to any proposed subdivision of land into three or more lots, which by definition is a "Major Subdivision". Village Law Section 315-8.³ While an applicant may request waiver of requirements for subdivision of its land, the Board may not act contrary to the intent of Village of Altamont Zoning Law or the State Environmental Quality Review Act (SEQRA). Village Law §315-23.

The Board's consideration of "Keyhole lots, properties that access the property behind another fronting the street" must comply with Chapter 355 of the Village of Altamont Zoning Law. Village Law §315-27. A keyhole strip leading from the road to another property must be at least 30 feet wide. Zoning Law 355-5. The Village also requires 30' of frontage for properties accessed in a subdivision by a keyhole lot. The New York State Fire Code requires unobstructed access width of 20 feet, exclusive of shoulders, for fire apparatus access. New York State Fire Code §503.2.1. The Village's Fire Code Official can require greater width if necessary for adequate fire or rescue operations, consistent with public safety planning. New York State Fire Code §503.2.2. The Fire Code Official, presumably the Chief of the Department, also has authority to determine the required turning radius for a "fire apparatus access road."⁴

³ Some parts of the pending application for a variance in support of approval of the subdivision incorrectly refers to the proposal as one for a "Minor Subdivision," one containing not more than two lots.

⁴ Pursuant to Section 202 of the Fire Code, a fire apparatus access road is "a road that provides fire apparatus access from a fire station to a facility, building, or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane and access roadway."

The Board, when considering an application for a subdivision of land must consider whether the proposed subdivision's "circulation system," including streets, sidewalks, and pedestrianways meet specific standards. A "street, private" is defined by the Village Law as "a private thoroughfare or right-of-way, dedicated or deeded for use as such, which provides access to abutting properties from a public street." Village Law §315-8. Private streets such as the two proposed in the subdivision application, one to allow access via Western Avenue to three lots (#1, 2, 3), and the other to connect four lots (#5,6,7,8), must have continuous sidewalks at least five feet wide. Streets must conform to the Comprehensive Plan and have adequate access for firefighting, snow removal, and other maintenance equipment. Shade trees are required along each side of all streets, public or private, ten feet from the sidewalk.⁵

The Village Zoning Law also instructs that subdivision proposals for more than two entrances onto public roads shall be discouraged if they unnecessarily disrupt traffic flow or unduly impact the environment. Zoning Law §355-27(F)(1)(b).

A stormwater prevention plan (SWPPP) consistent with the requirements of Chapter 308 and Chapter 355 is required for any preliminary or final subdivision plat approval. Village Law, Chapter 315. All activities subject to review by the Board shall be reviewed the Village's designated Stormwater Management Office to determine compliance with the requirements of Chapter 308 of the Village Law pertaining to Stormwater Management. This process, which, at the Board's discretion, may include review by a professional engineer to meet all applicable standards, addresses ways in which to minimize stormwater rates and volumes in the public interest to minimize threats public health and safety. It includes Program Assessment, Record Keeping, Reporting and Certification Requirements in conformance with the requirements set forth in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges., Permit No. GP-0-15-003, issued pursuant to Article 17, Titles 7, 8, and Article 70 of the Environmental Conservation Law.

III. OPPOSITION TO REQUESTED VARIANCE

A. In Their Current Version Before The Board, The Requested Variances Will Produce An Undesirable Change In the Character of The Neighborhood and A Detriment To Nearby Properties.

The surrounding neighborhood to the adjacent property, especially along its Northern perimeter is characterized by single family homes on large lots of several acres. Consistent with the rural nature and country setting, houses are spread apart. The proposal will add eleven houses in a density profile which is inconsistent with the complexion of the rest of the neighborhood. Many of the houses on Gun Club Road or Marion Court which border the proposed project are multiple acre country lots with one home. The border between Guilderland and Altamont should not be riddled with so many new houses in such a small area. The developer's threat to increase the number of houses it will build is unavailing because that, too, would be inconsistent with the character of the neighborhood. *See Pecoraro v. Board of Appeals of the Town of Hempstead*, 2 N.Y. 3d 608, 781 N.Y.S.2d 234 (2004)(upholding denial of variance where the variance would have reduced the requires frontage from 55 feet to 40).

⁵ Of note, the Village Law does allow the Board to approve a "combined access drive" so that lots do not require access exclusively from a "major street." Village Law §315-27. Regardless of whether they are deemed a "private road" or a "combined access drive" these access pavements must be wide enough to meet safety and health concerns and consistent with the minimum widths set forth in the Fire Code.

B. The Applicant Has Alternative Methods Available To Achieve A Housing Subdivision or Obtain Alternative Value For His Property.

Denying the variance will not leave the applicant/developer without options concerning the property. The property can still be used under existing regulations for a reduced number of houses. Neighbors, including us, may be interested in purchasing undeveloped property which never was posted with public signs as being for sale. Finally, the property could be sold to Conservancy organizations to protect a green belt around the village, perhaps linking this property to existing hiking or recreational trails.

C. The Requested Variance Is Substantial, In Essence Requesting The Board To Rewrite Existing Code Standards.

This is not disputed. The request variance would require the Zoning Board to in effect rewrite its own regulations and reduce the frontage required for a keyhole lot in a subdivision in half.

D. The Proposed Variance Will Adversely Impact The Physical and Environmental Conditions In The Neighborhood.

As alluded to, existing wildlife will certainly suffer as a result of the proposed variance and its increased construction. Neighbors have also raised significant concerns about stormwater management, traffic safety, and lighting nuisance. We walk in the area frequently and have serious concerns about pedestrian safety on the streets which are in the proposal's immediate area. Especially with the nearby draw of Bozenkill Park, the Board needs to protect the interests of children who might be walking from the new development to the park. We reasonably fear that without adequate sidewalks, this is a disaster accident waiting to happen. Significant concerns have also been raised concerning the access abilities of emergency and snow removal vehicles to homes in the proposed subdivision. There is sufficient reason that the property could contain items of archeological and cultural significance, other such items having been found in our region. The applicant developer has failed to meet its burden by answering these concerns, instead, at best, repeatedly promising in its May 9, 2023 letter to the Board that these important questions will be answered "upon variance approval." See Responses to Request #5, 6, 9, 11, 14, 15, 16, 20, 21.

E. The Applicant's Obstacle In Subdividing His Property For Development of Eleven Lots Is Self-Created.

The applicant developer knew about the zoning restriction and limits on keyhole lots when it purchased the property. It cannot reasonably expect the Board to simply change its own regulations and allow additional housing with only 16 feet as opposed to the required 30 feet of frontage. The resulting damage to the neighborhood and community from such an ill-advised decision would be great as would the public's faith in the objectivity of the Board in exercising its administrative function.

IV. ALTERNATIVE POSITION

For all the reasons discussed above, the Board should deny the requested variance before it. In the unlikely event that the Board grants the variance and this project proceeds, we respectfully request that the Board direct the applicant to mediate the damage to our property and similarly situated

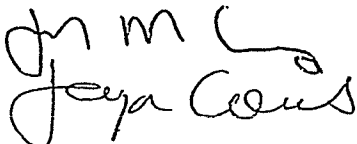
properties by constructing a berm along the Northern borders of the project, with conifer evergreen trees planted on top to protect our view from this new construction.⁶

The Board should also require the applicant to complete a complete Stormwater Abatement Plan which includes record keeping and post construction monitoring, as well as an Archeological Assessment of the property, especially for protocols for identifying and protecting artifacts of its indigenous stewards. The Board should require the applicant to provide a factual basis for its estimate that less than 5 acres of soil will be disturbed in the proposed construction process.

Consistent with reciprocal practice, the Guilderland Zoning Board should be afforded the opportunity to consider the implications of this variance proposal on its community, and Albany County and the New York State DEC should be involved in a completing an environmental impact statement concerning this proposal, with special attention to the wellbeing of the endangered log-eared bats who thrive on the property.

Thank you for your consideration of these comments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jm Connors".

Joseph M. Connors
Jaya Balu Connors

⁶ The existing tree line along our property is insufficient for this purpose. In the first instance, there are no evergreens to protect us in the Winter when the leaves fall off our existing trees. Further, many of the existing trees are dying and will not provide the privacy barrier needed to ameliorate some of the impact of this project.

DRAFT

Village of Altamont Zoning Board of Appeals Regular Meeting February 27, 2024

Deb Hext, Chairperson	Gary Goss, Building Inspector/Code Enforcer
Danny Ramirez, Member (absent)	Ginger Hannah, Secretary
Simon Litten, Member	Tresa Matulewicz, Village Board Liaison
Robert Freeman, Member	Jeff Moller, DPW Superintendent
James Sullivan, Board Member	Paul Miller, Fire Chief
Andrea Witham, Member (absent)	Village Attorney, Hyde Clarke
Laurie Pinze, Alternate	
Charles Trout, Alternate	

Applicants:

Ro Andres, Project Manager for CM Fox

Guests: 2

Chair Hext: Good evening, everyone. Welcome to the Village of Altamont ZBA meeting. She pointed out where the fire exits are and then said for the record, both the audio and video portions of this meeting are being recorded. My name is Deborah Hext, I'm the ZBA Chair. At this point I would like each zoning Board Member to introduce themselves. We do have two alternates sitting up here with us tonight. However, we do have a quorum, so they will not be voting. The Board introduced themselves as: Laurie Pinze, Charles Trout, Simon Litton, James Sullivan, and Robert Freeman. Also representing the Village tonight: Attorney Hyde Clarke, Ginger Hannah, ZBA Secretary; Tresa Matulewicz, Village Board Liaison; Gary Goss, our Building Inspector and Code Enforcer, and Jeff Moller, our superintendent of Public Works.

At this time, I would just like to take one moment to thank Jeff for all of his dedication to the Village and for coming to our meetings. Jeff will be retiring soon, and we will certainly miss him. So good luck, Jeff.

Jeff Moller: Thank you very much.

Chair Hext: Okay. Without further ado, this is not a public hearing, so there will not be an opportunity for the public to speak tonight. We will be reviewing our latest updates from CM Fox, as well as further recommendations and comments from our Village engineer, Brad Grant. So I think, Ro, if it's okay with you, what I'd like to do is start with Brad's questions from two months ago and your answers. And if there's anything that anyone needs any more clarification on, Ro can provide that.

Chair Hext went through the letter from Stephen Walrath, Surveyor for CM Fox, addressed to Brad Grant and responding to his letter of November 20, 2023. This letter is attached to these minutes. Only additional responses made during this meeting by Ro Andres, Project Manager for CM Fox, will be noted here.

1. Confirm the intentions with the ZBA for providing pedestrian accommodation's; (1) sufficient escrow for sidewalks, (2) or providing a constructed sidewalk on West Schoharie Plank Road (WSP), and a crosswalk at the west end of WSP over to an existing sidewalk as discussed during our site walk-through on September 21, 2023. We recommend the crosswalk across from the westerly end of WSP be constructed whether a sidewalk is constructed or just escrowed to enable to improve connection to sidewalk across Western Avenue as discussed during our site visit.

The Village shall decide how to allocate escrowed amount

Added by Chair Hext: The last I heard is that any sidewalk monies will be put into escrow to further extend existing sidewalks. So if we had a thousand dollars in escrow from this account, that's just a random number, we could use that thousand dollars to extend the sidewalk from Sunset as far as we could go down Maple. It's just that type of idea that we have. Anybody on the Board have any questions on that?

2. Applicant shall submit draft maintenance agreements regarding common driveway maintenance, snow removal, drainage, lawn mowing and related to the Village Attorney for review. We have made previous comments related to the initial draft agreements submitted. See below.

Draft maintenance agreements are in progress.

Added by Chair Hext: I think they're still not there.

3. Confirm if the Village is interested in posting a lower speed limit on WSP, such as 10 MPH given its narrowness.

Given the existing width and the nature of a dead-end road reducing the speed limit of this section of Schoharie Plank Road would prove negligible.

Added by Chair Hext: I think what you're saying there is you have to go slow down that road anyway. I would like to put that before the Board and use it to lower the speed limit throughout the Village. I saw in Peter Barber's address that he's looking into lowering the speed limit to 25 within the town. I think it would be a good opportunity to lower the speed limit within the Village streets as well. So, I would like to maybe have Tresa take that up with the Village Board to consider lowering the speed limit throughout the Village on Village Streets.

4. Confirm a basement is not proposed for Lot # 1 due to proximity to wetland.

A basement is proposed for Lot #1, final floor elevation of the proposed house will take into consideration existing conditions.

Added by Chair Hext: Now, I know there was one home where there was no basement planned. Is that that one?

Ro Andres, PM: That's correct. Lot one. Originally it was requested that there be no basement constructed. The client would like to revisit that, given there is technically no wetland in that area. So proper construction procedure - we could provide that there be no impacts to the area as well as the basement to be constructed there.

Chair Hext: So why was that listed as an item in the first place? What made someone think that there would be no basement because it's wet?

Ro Andres, PM: During the site visit with Brad here, it's a field. So there were areas of wet vegetation. We had discussed potentially no basement there. Again, the client would like to revisit, just for the purpose of building a basement for a prospective buyer of that lot.

Chair Hext: And the client, you mean CM Fox.

Ro Andres, PM: Yes.

Board Member Litten: If there was a wetland there, why would that preclude a basement?

Ro Andres, PM: It wouldn't, we would generally have to show impacts depending on which facility regulates that wetland. Given that there aren't any, that's why we're proposing that there will be given, you know...

Board Member Litten: So that isn't like a construction project, that if you build a cellar in a wetland, then it would always be wet.

Ro Andres, PM: Correct.

Board Member Litten: Alright. It, strictly a regulatory concern, not a construction concern from your standpoint?

Ro Andres, PM: Correct.

5. Landscaping plan seems minimal with quantity and only three varieties. It does not provide for screening trees or shrubs near existing properties adjacent to the project on lots 1, 3, 4, 5, 6, 7 and 8. See comments below.

Please see sheet C-130 Layout, Utilities & Landscaping Plan for a revamped landscaping plan.

Chair Hext: So if we want to take a look at that and see if there's anything.. Did Brad, it's kind of hard to coordinate this...

Board Member Litten: The latest one shows a lot more trees.

Chair Hext: Brad did – “Add notes to retain existing trees to provide screening and minimize area of disturbance. This applies to all lots. We recommend new perennial shrubs within West Schoharie Plank driveway easement adjacent to the westerly and easterly homes. Nannyberry shrubs would be too large. So that's what's being proposed?

Ro Andres, PM: Yes. There are Nannyberry bushes proposed along the Schoharie Plank entrance there. Brad would like to see a different sort of vegetation just because of the potential growth which we're open to. All plantings that are on, I believe C130. Those are all specked from the New York State DEC website for Region Four. So they all can be found in this area and would grow accordingly to the existing conditions on the site.

Board Member Litten: I have some further comment on that - when do you want that?

Chair Hext: We're there.

Board Member Litten: At the last meeting we had, Chairperson Hext asked me to look into plantings, trees. What I did was to contact the Soil and Water Conservation Service, and they provided lists of native vegetation suitable for each of the soil types on the site. I went through their lists and came up with a shorter list of plantings that would, according to those lists, be suitable for each of the soil types, and I can give that to you.

Ro Andres, PM: That would be great.

Board Member Litten: It would simplify knowing where to put them because each of those could go anywhere.

Chair Hext: Oh, that's good. Thank you, Simon. Now, does that include trees, deciduous trees and...

Board Member Litten: It includes both large trees, shrubs and medium sized trees. Last time I thought that we should stick to native species. And one of the trees they had on their original list was Norway spruce. And I talked to several people about this, and the people from the Mohawk Hudson Land Conservancy said, you don't want that. But the Soil and Water Conservation Service says it's okay to put Norway Spruce on. However, Norway Spruce is not on the list for each of the soil type zones.

Chair Hext: Okay. My only concern is that we have greenery or a barrier or shield all year round. We talk no cut zones and all that kind of stuff. That's fine for the summer. It just doesn't give the privacy intent that I would like to see for the existing homes. But thank you, Simon. If you can share that with RO and send it to me.

Board Member Litten: What I think I should do is include the communication from Soil and Water Conservation. This is really suitable for anywhere in the Village. I think it's the sort of thing we should hold onto. So here's the cover letter.

Chair Hext: Why don't we have you send that to Ginger? That way that'll become official part of our record. And that will be included hopefully going down the line - whenever we have a meeting, that should be part of our packet that we can share.

Board Member Litten: I have also made this abbreviated list of the ones that are suitable for each of these zones. What do you want me to do with this?

Chair Hext: I think you should send everything that you have - their communication to you and this abbreviated list. I mean, obviously we're not going to be able to have them put every single thing that they've listed on it.

Board Member Litten: No, it's just this seems to be a suitable list to choose from.

Chair Hext: I agree. We might be able to use that in our other meetings too.

Board Member Litten: I think so. I think it should be in the comprehensive plan.

Chair Hext: Okay. Thank you for that.

Board Member Litten: I'll electronically communicate that with Ginger.

Chair Hext: So is everybody okay with that now? I see the difference too. The landscaping plan on this version of the plan definitely is more involved than what it was.

6. Include landscaping as part of sheet C-130 title.

The sheet C-130 title has been updated.

7. We assume no exterior site lighting is proposed farther than 40' from the house on the larger lots (over 1 acre) and any proposed lighting should go through Village building inspector for review. Comply with all Village and NYS building codes.

This assumption is correct, any proposed lighting further than 40' from the house will undergo review from the Village Building inspector.

Added by Chair Hext: Is it 40 feet from the property, Gary, the light trespass?

Building Inspector & Code Enforcer Goss: I don't remember.

Chair Hext: I can't remember either. I thought it was, although this is saying 40 feet from the house, but I believe our code says from the property line - light trespass shouldn't go past the property line. So anyway. All right. Well, we can look in, I can look into that. I think what they're trying to say

there is if you have a 5,000 watt spotlight on your backyard that's shining into - whether it's the neighbors that are currently there or your other neighbors at night - every time a rabbit runs by or something, that's what we're trying to address there.

8. Project detailing for driveways able to support fire apparatus and drainage at driveways need additional information, see below.

Please refer to sheet C-130 Layout, Utilities & Landscaping Plan and C-300 Driveway Cross Sections for common access driveway details.

Added: by Chair Hext: Brad, on his 2/23/24 letter said (*Sheet C-110-Subdivision Plat*:

1. Note 11 mentions driveway construction for 50,000 lbs. fire truck. Plans need to indicate which driveways (or portions thereof) this applies to regardless of length. It still does not. Lot 2 is more than 500' from Western Avenue. Previously shown truck turn-around areas are no longer shown.

Ro Andres, PM: So the truck turnarounds were actually never shown on page C110, the subdivision plan. They can be found on C130, which does show the truck turnaround, as well as I believe C500, which has the driveway profiles to show the material to handle the fire apparatus for those driveways longer than 500 feet in length.

Chair Hext: Can you show that please? Because I know we had a further comment on that. Do you want to take a look at that, Paul?

Paul Miller: I did.

Ro Andres, PM: Sheet C110 is primarily used to show proposed partial lines as well as easement areas, lot areas as well. Page C130 for the common driveway off of Schoharie Plank Road just above the SBL of the lot to the west, there is a leader for a 20 by 50 foot turnaround which is shown in the common area within the easement for the four houses off of Schoharie Plank Road; and for the houses off of Western, the note is actually within lot three for the same dimension sized shared turnaround.

Chair Hext: I see that.

Ro Andres, PM: The cross sections for the driveway material, Page C300 shows the driveway cross sections as well as the material proposed for the driveways. Brad would like to see a larger sub base.

Chair Hext: You saw that note here?

Ro Andres, PM: That's right. Okay.

Chair Hext: Add landscaping title, you did that.

Sheet C-002-Notes:

1. Sewer notes number 4 indicates a check valve in the basement while plans and detail indicates an exterior grinder pump installation. The pump typically has an integral check valve inside the pump station and use of the E-1 lateral kit comes with another check valve at the curb box. Redundant check valves help ensure pumped sewage does not enter back into the houses if one fails open. Please clarify inside or exterior installation.

Please refer to sheet C-002 Notes, sewer notes number 4, for clarification of check valve location.

Ro Andres, PM: That's right. They're external check valves. And I believe Brad has another note and we will handle that on the next set of plans that we submit.

Chair Hext: Alright. And is each home going to have a grinder pump?

Ro Andres, PM: That's right.

Chair Hext: And they'll all be located outside?

Ro Andres, PM: Correct.

Chair Hext: Okay.

2. Under water notes please re-word note 4 regarding that expansion of the work area is within project property limits by 10' from adjacent property(s) to ensure retention of existing vegetation.

Please refer to sheet C-002 Notes, water notes number 4, for clarification of expansion of work area.

Chair Hext: Now one thing I had questioned is use of existing manholes or utility. Is that for both stormwater and sewer?

Ro Andres, PM: Short answer, yes. The sanitary utilities will be connecting into two existing structures: one on Western and one on Schoharie Plank Road. They're shown on sheet C100 as well as our proposed connections, which I believe is on C320. The existing storm structure, the only one that we'll be utilizing is along Schoharie Plank Road. It's a catch basin on the north side, and that is shown again on C100. The proposed construction is located on page C140 for storm utility.

Chair Hext: So where is the storm sewer that's going to be utilized on West Schoharie Plank?

Ro Andres, PM: It is just east of the proposed common drive. The catch basin with a top of frame of 410.3, that is existing. That's already there. At the last meeting we spoke about installing two additional catch basins along the common drive to deal with any sort of runoff or potential pooling of water in that area, and it will be discharged to this catch basin. Shown is outfall 30 marker, which is across further south on Schoharie Plank Road. That is the outlet which, at the time of the survey, we located the marker, but we couldn't find the actual outlet of the pipe.

DPW Supt. Moller: It's buried.

Ro Andres, PM: It's buried. So the location of the marker is exact, but the actual outlet of the pipe is within that vicinity.

Chair Hext: I know there's one storm sewer and it's in between Fox and Katz. Whenever I've walked by, whether there's water running or not, that is gurgling.

DPW Supt. Moller: There's a residence sump pump that comes out just below grade there. We've gotten a few calls from people walking and think it's a water main break.

Chair Hext: So I'm worried that is the one that they're going to discharge everything into. And it, I can tell you right now, it's not going to handle it.

Ro Andres, PM: It's not.

Chair Hext: It's not the same one.

DPW Supt. Moller: No.

Chair Hext: All right.

Ro Andres, PM: I know the one you're speaking of and that's actually further west along Schoharie Plank Road. This catch basin is just at the opening of the parcel to the east. There's one invert that I believe is coming from the residential house there to the east. And there's one outlet pipe that drains across the street.

Chair Hext: So it's draining into the creek.

Ro Andres, PM: Correct.

Chair Hext: You okay with that?

DPW Supt. Moller: Yep.

Chair Hext: We can handle it?

DPW Supt. Moller: Yep.

Chair Hext: Anybody have any questions on that? Going by there on days that it's not even a lot of rain and that creek is up, and I just have concerns about draining more into that creek. You know, it comes down from the hill and it's just a little concern, but if there's something we can do to way-lay that water somewhere else other than into that creek... Personally, I think if it's done correctly and we have enough catch basins and water gardens and things, it might help improve the water in that area.

Ro Andres, PM: And that's our goal, especially speaking with the TDE there, that we believe we've added enough provisions that it'll actually increase the quality of runoff in that area with the catch basins with proper grading as well as these catch basins added along there, that you'll see a level of increased ____ (inaudible) along there.

Chair Hext: Good. Okay. Sheet C120 Erosion and Sediment Control Plan.

1. What are Geo-technical engineer recommendations mentioned in note 4 of Construction Sequence? Include in plans if pertinent.

A geo-technical engineer shall be consulted if and only if areas of significant material fills were present on site, as designed no such areas are present on site.

Sheet C-130 Layout, Utilities & Landscaping Plan:

1. Label all proposed contours.

Please refer to sheet C-140 Grading & Drainage Plan, for updated contour labels.

2. Indicate proposed drainage swale end elevations at north and south ends adjacent to Marion Court property lines. Northerly channel needs a weir elevation to discharge.

Please refer to sheet C-140 Grading & Drainage Plan, for information on drainage swale elevations.

Chair Hext: I'm wondering if instead of going through it this way, if I should go to Brad's newest ones. What does everybody think about that?

Board Member Litten: Well, I have a question that's sort of related to this, which is that the DEC documentation and stormwater management has a lot of arithmetic in it on calculating the size of swales. How did you calculate the size of the swales?

Ro Andres, PM: Those are all taken into consideration. The details - they're specked in the erosion sediment controlled details. Those are all taken in consideration in practice and as well as taking into consideration those calculations to not only increase the quality of water control but to also contain any storm runoff there.

Board Member Litten: Is there some place where we could see the arithmetic that you guys have gone through to calculate those areas or is this done by eye? How do you do that?

Ro Andres, PM: It's not done by eye. Again, because this project falls underneath requiring a modified SWPPP, not a full storm water pollution prevention plan, these items are controlled by proper erosion sediment control, as well as swaleage there. So I won't say that there is no arithmetic, but this is laid out as to what has worked in the past for areas similar to the site.

Chair Hext: Where is it laid out?

Ro Andres, PM: Page C150, I believe has the grading and drainage plan as well as C500 shows a lot of the erosion and sediment control measures that will be used on the site. If you flip back to C120 as well, we show the entire area of disturbance which Simon ties back to the arithmetic there. Our numbers are well below any disturbance that would require a full SWPPP - DEC requiring us to put together then a soil erosion and sediment control plan to adhere to their policies. So C120 shows disturbance. C140 shows the grading and drainage plan for the site with the labeled contours and the swale depths for the rain garden, and the swales that are proposed are on page C 500.

Board Member Litten: I got the implication from what you said that you thought that this project was going to increase the quality of the creek. Am I correct?

Chair Hext: I think he... increased the quality of the being able to handle the runoff, the water of the creek itself.

Board Member Litten: Not the biological quality, but the hydrologic capacity.

Ro Andres, PM: Correct. Our goal is to balance the site to try to keep it as close to what it is now with the increased impervious areas - the roof, the driveways, the proposed building. So we're really trying to balance the site and not have any negative effect on adjacent properties or the Village utilities with this design.

Board Member Litten: How would we be able to measure this?

Chair Hext: Measure it prior to anything happening? Or afterward? I don't know that we can.

Board Member Litten: So we have a creek that's under a particular hydrologic regime. We have a certain amount of impervious surface. We have a certain quality of soil type, we have a certain kind of rainfall. Now we're going to make a change in the drainage of that creek.

Chair Hext: Not of the creek. We're going to make a change of what's going into the creek.

Board Member Litten: Not of the creek itself, but of the drainage of the creek. So we won't have any way of being able to ascertain whether this project helped or decreased the quality of the hydrologic regime of the creek unless we had some sort of data, some sort of way of measuring what the current quality of that hydrologic regime is.

Chair Hext: I don't know that we can do that. I know what you're saying, but I don't know if we can do that beforehand. I think that would have to be something that would be said like, before whenever it rained, this creek overflowed and our basements were flooded and...

Board Member Litten: But I think there are other ways of assessing the hydrologic regime of a creek, other than talking to people to see whether their basement's overflowed. When do you think this construction would occur? If things go as you anticipate.

Ro Andres, PM: During typical construction season, which would be Spring to up until the ground is frozen.

Board Member Litten: Do you think Spring of this year?

Ro Andres, PM: I guess that's completely up to the Board, depending on approvals here.

Chair Hext: I think we're getting ahead of ourselves.

Board Member Litten: Well, he made a very interesting statement, and I'd just like to know whether we would have any way of knowing whether it's true.

Chair Hext: I think we will know afterward.

Board Member Litten: I don't how unless we know what the current hydrologic regime is.

Chair Hext: Well, because we know what happens now when we have winter melt runoff. Like that last huge storm we had that everybody flooded. I mean, all of Guilderland flooded, everybody flooded. And, you know, they sent me pictures and I get it. So if the next big storm comes through after the development is built and it doesn't happen, then we know that it got improved. If everybody's underwater and we need to build an arc, then we know it didn't. I don't know how we can prove it beforehand, Simon.

Board Member Litten: No, we can't prove it beforehand, but I'm just wondering if there's something we should be doing now.

Chair Hext: Well, I think we are.

Ro Andres, PM: With the initial submission, we did provide an engineering narrative as well as a modified SWPPP. So I'm hoping maybe those documents can...

Chair Hext noted that Board Members had gotten that document and all should read that narrative again as it would clarify things. She asked if Ro could provide 2 more copies for our new Board Members.

Ro Andres, PM: Absolutely. Sure. There are calculations within there that'll back up our design here. We're not just throwing things on this map to make it look nice.

Chair Hext: It really goes into detail, soil and everything else - the type of soil, the type of loam...

Board Member Litten: Yeah, I thought that soil discussion was very interesting.

Chair Hext: Simon, I want to make sure that we're answering your question or at least hoping to come up with a conclusion on what your question is at afterward. If this goes forward - who knows, this might not go forward. You don't know. You can't put the car before the horse... All right, let's move on then. All right.

Sheet grading and drainage (from 2/23/24 B&L Letter)

5. During site walk-through provision of underground stormwater chambers were discussed near the end of swale on lot 1 to infiltrate some runoff. Please provide (4 sections) of 12" high PE chambers below ditch invert connected by a 6" vertical pipe having an inlet grate 3" above bottom of swale to the chambers below.

Please refer to C140. Here he says, provide details of driveway. So it's the same. Okay.

Ro Andres, PM: Those have been added. There will need to be further detail added to the next set of plans that we submit.

Chair Hext: Based on his...

Ro Andres, PM: The Friday the 23rd comment letter from Brad.

Chair Hext: Okay.

9. Add a 45 degree bend at sewer manhole connection that directs discharge to outlet pipe as opposed to perpendicular to flow to reduce splatter and odors.

Please refer to sheet C-502 Utility Details.

(from Brad letter Sheet C-502)

1. For detail 2 (in-line flushing assembly) dimension size and depth of ABS access.
2. What is cap material and how attached? Do not glue.

Please revise plans and re-submit Engineer stamped plans.

Chair Hext: So you'll... next time?

Ro Andres, PM: That's right.

Chair Hext: Okay. Utility information was common.

2. Provide a profile of each driveway that considers drainage, culverts and conveyance of runoff. Show water and sewer laterals with appropriate cover as already detailed.

Please refer to sheet C-150 Plan & Profile for utility information within common access driveway.

Did he have anything more on that one?

Ro Andres, PM: I think the only thing that will be added to that on the next set of plans is the location of the check valves. It was a note from Brad - we'll add that to C130 and I think it would maybe add to it if we also put it on page C150 as well.

Chair Hext: I know he said something also about whether or not the stone that you're using for construction access, he wanted, he didn't think that would be strong enough.

Ro Andres, PM: That's right. He would like to see an increase in the sub base to further support the vehicles. I think what we had specked was more than enough. I don't know if the Village could chime in as far as the largest vehicle that you guys have.

Chair Hext: Chief Paul

Ro Andres, PM: Do you approximate weight.

Fire Chief Paul Miller: I'll go get that.

Chair Hext: Okay, great.

Chair Hext: Was he speaking of emergency vehicles or was he speaking just of construction vehicles in that note? I thought he was referring to the construction access.

Board Member Freeman: ...weren't sure if it's going to handle the construction. It's going to definitely handle any fire apparatus going in there.

Ro Andres, PM: That's right.

Fire Chief Paul Miller: So the tanker is 27 tons. Which probably won't go down the driveways anyways. But the other ones are about 18 tons.

Chair Hext: Thank you. Paul.

Board Member Litten: That's 2000 pounds a ton.

Chair Hext: So we still don't know about whether Lot 1 is going to have a basement or not.

Board Member Sullivan: I think he clarified and said that they do intend to have one.

Chair Hext: Well, they wanted to review it, right?

Ro Andres, PM: That's right. If the Board would be amenable to that. We would like to propose a basement for lot one. There, there are two other lots of, I believe that...

Chair Hext: Well, that'll be part of the subdivision discussion - we wouldn't vote on that tonight.

Ro Andres, PM: Correct. So lots 10 and 11 we're proposing no basements to. Lot one, Brad would like to also see no basement, but we would like to build one there.

Chair Hext: So 10 and 11, you don't want a basement.

Ro Andres, PM: Correct.

Chair Hext: And that's a definite?

Ro Andres, PM: That was guidance from the Board. Of course we would like to build all the houses with basements and I'm sure the purchasers would too. But we're to work with the Board to..

Chair Hext: Was that something from Brad? Because I don't remember us discussing having no basements.

Ro Andres, PM: I'll have to check on that if that's okay before we submit the next...

Chair Hext: Absolutely.

Building Inspector & Code Enforcer Goss: I think that was because those two lots were in the edge of the FEMA Floodway. I think that's why they proposed they not have basements.

Ro Andres, PM: That's right.

Chair Hext: That makes sense.

Ro Andres, PM: There we go. Thank you.

Chair Hext: Thank you Gary. All right. I know in the plans there was a five foot sidewalk mentioned. And that, I believe is really going to the escrow as opposed to putting a sidewalk along West Schoharie Plank.

Ro Andres, PM: That's right.

Chair Hext: I think we agreed to that last time. We don't want any more impervious surface there... a cement sidewalk...

Ro Andres, PM: As well as clearing - there would be a need to clear trees on that side. And I think as it is now, it's quite nice on the creek side.

Chair Hext: Why would there be a need to clear trees on that side?

Ro Andres, PM: If you were to add the sidewalk.

Chair Hext: Oh, okay. Alright. Okay. Yes. Yeah, I agree with that. And Jeff, when does that due to be paved?

DPW Supt. Moller: After this is all done.

Chair Hext: You're going to wait. Yeah, that makes sense. Is there a way to widen that a little bit? To take in the, the, you know, the shoulders of the road and make that a little bit,

DPW Supt. Moller: They could probably address that at the time. And we're trying to hold off on paving too, because of lead and copper, if we have to excavate any of the roadways.

Chair Hext: Because it would make sense to at least clean that up and get a better shoulder in there, because it's really wider than you think it is, that road.

DPW Supt. Moller: It's in pretty bad shape right now.

Chair Hext: It is. I saw you did some hot patches today though.

DPW Supt. Moller: Thank Larry for that.

Chair Hext: Thank you Larry. Okay, did we address all of Brad's latest comments?

3. Provide length and width at bottom of rain gardens which are presumably typical. Show house downspouts connected to rain gardens.

Ro Andres, PM: The rain gardens are shown for each lot in proposed locations. Simon, again, that's in an effort to contain any runoff from these houses. We will show the downspouts to them on the next set of plans.

Chair Hext:

4. Drainage of the property generally runs from west to east (Western towards Marion). There are still no provisions for driveway culverts or drainage swales shown on the grading plans that allow runoff conveyance or avoidance of run-on drainage from one property to another except at lots 7 and 8. Detailed 2' swale depth may need to be shallower as the site is relatively flat. The detail needs to be applied to the plan so the site contractor knows where they are proposed and how to grade them.

Ro Andres, PM: And we will take into consideration the swale depths. Again, I think it's to everyone's advantage that the site is relatively flat. Grading is minimal on site as well as extra material that may need to be brought in or moved. But we will show those concerns on the next set of plans.

5. During site walk-through provision of underground stormwater chambers were discussed near the end of swale on lot 1 to infiltrate some runoff. Please provide (4 sections) of 12" high PE chambers below ditch invert... Oh, I read that already, didn't I. The plan generally notes the chambers but the top of the chambers need to be at least 6-inches below the swale and not above the ditch invert as labeled. Indicate model number/manuf. of chamber units and dimension on the plans regarding their extent.

Ro Andres, PM: We can add that to the next set of plans.

Chair Hext: I sent this to you, right?

Ro Andres, PM: Yes. Thank you.

Chair Hext: Okay.

6. Add notes to retain existing trees to provide screening and minimize area of disturbance. This applies to all lots. Existing note referenced in response letter could not be found.

Ro Andres, PM: That's actually on two sheets of the plan set.

Chair Hext: The Landscaping Plan.

Ro Andres, PM: Yeah. C130 has a note that we are going to maintain existing vegetation in two locations. And again, that's been a goal of ours. And why we also propose the building activity to enter off of Western. We don't want to disturb anything that we don't have to around the site. But C130 has a note - just next to lot five as well as to the north on lot six, to maintain the existing vegetative buffer, as well as sheet C140 as well. We can certainly add that note in more detail. Somewhere a little bit more clear.

Chair Hext: It is pretty clear, but the clearer is better, I guess. Provisions - we recommend new perennial shrubs. Simon's handling that.

8. Where are provisions of drainage for low area west of West Schoharie Plank driveways and connection to existing catch basin discussed during walk-through? We recommend a 20-30' length to a 12-inch inlet flared end section to drain the existing low point discussed during our site walk-through and connected to CB on the west side of West Schoharie Plank driveway. Label catch basin rim and invert elevations, pipe sizes and pipe slopes. None are shown.

Ro Andres, PM: We will add those to the next set of plans.

Chair Hext: 1. Provide detail of driveways showing crowned sub-grade, materials, depths, compaction and all needed to construct that supports a 50,000 lbs. fire truck. As shown the proposed sub-base is only 6-inches in depth with no soil separation geotextile. We recommend a 10-12" sub-base course where fire trucks might access.

Ro Andres, PM: We will certainly take that into consideration. I think we just heard the largest apparatus won't be entering those driveways. Twelve inches is hefty for common driveway access. But we'll definitely take that into consideration.

Chair Hext:

2. Profiles of each driveway are provided but does not show culverts where swales lead to and away from that considers drainage, culverts and conveyance of runoff. Show driveway culverts. Next time?

Ro Andres, PM: That's right. They actually are on the driveway cross-sections, but we will add them to the grading and drainage plan.

Chair Hext: I think that's it. Does anybody have anything else they want to ask or think should be added to the existing plans? Needs clarification?

Board Member Sullivan: Just a question about the rain gardens. You had mentioned that it's planned to have the downspouts directed to them. Will all downspouts be directed to it?

Ro Andres, PM: That's the goal. Again, the need for gutters typically is up to the home purchaser, because it's an added expense onto building the house. We would like to direct all of the gutters to these rain gardens. Not to mean that we won't construct these rain gardens on each lot, but I think it would be maybe up to the purchaser to direct it to them. That's again the goal in providing increased..

Board Member Sullivan: I just think that if the homeowner decided not to put in a gutter, then it kind of defeats the whole purpose of asking for rain gardens.

Chair Hext: Honestly, in this day and age, I can't imagine anybody not wanting rain gutters. And if they don't have rain gutters, it's just going to go into their own property. It's not going to go anywhere else. It's just going to flow off the roof and into their basement sooner or later. I mean, I agree with you, but we can't force someone to put gutters up. We can't do that.

Board Member Litten: The builder could just put gutters on the house.

Chair Hext: They could. Whether or not that would be something we could require. I don't know. What do you think, Gary?

Building Inspector & Code Enforcer Goss: It would be up to the Board to require them to put drainage pipes in the corner of the houses that go to the rain gardens and the homeowner put gutters in that obviously go over to those drainage pipes. (inaudible).

Chair Hext: Well, that's something to consider is whether or not... Can we require that, Hyde?

Attorney Hyde Clarke: Certainly the rain garden itself, but I'm not sure about the gutters – it's more of a specific build design as opposed to site plan.

Board Member Litten: We talked a bit about maintenance of the rain gardens. I really don't understand how that would happen. These are on individual property. It would not be on Village property. But we're thinking that these are really an important feature of maintaining the hydrologic quality of the creek. So it's a sort of an odd position that we're in where we're saying you have to have rain gardens, but then on the other hand, you don't have to actually have the plumbing to connect them. It sort of leaves the creek somewhat unprotected.

Chair Hext: How would that leave the creek unprotected just by not having rain gardens? Because you think the groundwater then would just flow into the..

Board Member Litten: Well I think Brad thinks that rain gardens are something that should be in the plan. So if the engineer thinks that this is an important part of the project, then they ought to function.

Chair Hext: I agree.

Board Member Litten: But on the other hand, we're saying, but the homeowner doesn't really have to connect them to their runoff.

Chair Hext: Could they be useful without gutters?

Ro Andres, PM: They certainly are. And the way that they'll be constructed, they are in low lying areas of the lot. So the intention is to have any potential runoff pitch towards those areas. So they would function without the use of gutters. But having gutters lead to them certainly would increase the productivity of them.

Board Member Freeman: So let me ask though, when you say the houses with gutters, I mean, I see lot five, lot six - say in that area, you're going to have a system that runs all the way over there to that particular...

Ro Andres, PM: They're actually independent. And I believe if you look at...

Board Member Freeman: I get what you're saying because essentially it is just basically the way this is graded that this is going to be the cutoff and the barrier that's going to take..

Ro Andres, PM: That's right.

Board Member Freeman: Okay. So like the gutters on the house, if somebody decided they didn't want it, it's their own problem. I mean, like you said, eventually it's going to wind up in their basement.

Ro Andres, PM: Right.

Board Member Freeman: But I mean, with the way that they have it graded in the direction that I'm seeing anyway, that the rain guards as they exist, shoot, catch, whatever, and then whatever comes off the fronts going to the basins.

Ro Andres, PM: That's right. Yeah.

Attorney Hyde Clarke: Can you comment on the maintenance of these controls that you're putting in?

Ro Andres, PM: No, that is a good point. We're hoping to cover that in the maintenance agreements. That is out of my realm. It's in the legal territory. So that is being put together. Given if it's maintained individually by each homeowner, that's our goal. I'm sure that the Village would not like to go out and cut anyone's grass once a month or what have you. It's really to the benefit of the homeowner to also maintain these items. Like you said, Chairperson Hext, it's going to aid them much more if it's being used and maintained than if it's just overgrown and installed there.

Attorney Hyde Clarke: It's something monthly that it would have to be taken care of?

Ro Andres, PM: I guess that's weather dependent. Generally they're not being silted in the type of grass that we had specked, which we added to the details there. Seed mix B is a DOT spec generally used for high traffic areas. Its root structure is that it's very used to the environment that we would be introducing it into - high sun, which most of it is. It's a field now, as well as being able to handle high loads of water. So it's a relatively low maintenance grass that we're proposing. But again, we can iron that out in the maintenance agreement as to how often these items will need to be maintained.

Chair Hext: Anybody, Chuck, Gloria? I mean, you can still ask questions. Anybody else? Jeff, anybody have any questions? Tresa? Gary?

Fire Chief Paul Miller: So Deb, going back to the fire trucks, the biggest one they have is Truck 29 from Guilderland - they said it's about 90,000 pounds loaded and the outriggers go up 15 feet, 8 inches.

Chair Hext: That's a good point. You never know if we're going need mutual aid. We're just talking Altamont.

Ro Andres, PM: Thank you.

Fire Chief Paul Miller: That would probably be the biggest piece we would need to have down there.

Ro Andres, PM: And is that a ladder truck?

Fire Chief Paul Miller: Yes.

Chair Hext: And when you say down there, you mean on West Schoharie Plank, or do you mean...

Fire Chief Paul Miller: West Schoharie Plank or off of Western.

Chair Hext: Could you email that to us, Paul? So that I can share it with Brad, just so that we keep the lines of communication open with everyone.

Fire Chief Paul Miller: Yes.

Chair Hext: Okay. Anybody have anything else for Ro? How's the baby?

Ro Andres, PM: Baby's great. But we haven't slept since before Christmas, but the baby is good.

Chair Hext: Well, congratulations.

Ro Andres, PM: Thank you. Appreciate it. And we were wondering with Brad's last request on his latest comment letter for stamp plans, if the Board would be willing to open this to the public with the next submission. That's just a request that we have.

Chair Hext: How does anybody feel about making it a public hearing the next time? Are we satisfied enough with the answers from Brad? You know,

Attorney Hyde Clarke: Just a comment for thought. I think a lot of the outstanding things have to do more with notes and details as opposed to layout. So I think the layouts are in such a state that you potentially could have public comments if the Board was comfortable. Just because I think a lot of Brad's comments are getting down to very specific detail. But that's up to the Board. If you feel like there's more things you would like to see before setting that.

Chair Hext: What does everybody, well we probably should make a motion on that then.

Attorney Hyde Clarke: We can discuss it first, though.

Ginger noted that she is out of town from March 8th to March 26th and with a public hearing, there's notifications that have to go out, a legal notice, etc., someone else would have to take that responsibility.

Chair Hext: Someone else would have to do that. We can't hold a client up because we might not have somebody else to do that.

Attorney Hyde Clarke: And you're suggesting you'll have the revised plans prior to that?

Ro Andres, PM: That's right. For the March meeting, which I believe is the 15th?

Chair Hext: March 26th.

Ro Andres, PM: So the plans would need to be in by the 12th – 2 weeks prior.

Ro Andres, PM: That's our goal would be to have the next set of commented plans submitted to you as well as a comment response letter and the draft maintenance agreements for the easement areas.

Chair Hext: So do we need to have a motion to hold the public hearing?

Attorney Clarke: I guess just if there's any Board discussion on whether or not anyone feels like there's more you would like to see prior to opening it up.

Chair Hext: What does everybody feel? Do we need any more information before we hold the public hearing? And don't forget, we're not making a decision that night. We can keep the public hearing open. There's going to be other questions from the public that'll have to be answered. So it's not like we hold the public hearing and we make a decision - that's not the way it works.

Board Member Sullivan: I'm comfortable with it. It seems like a lot of the details are kind of the minutiae of it that don't affect the large scale project.

Chair Hext: Okay. Then could I have a motion then to schedule a public hearing on the CM Fox subdivision on Tuesday, March 26th at 7:00 PM. Motion made by Board Member Sullivan, seconded by Board Member Litten. And we're not having the alternates vote tonight because we do have a quorum. Roll call (Board Member Litten, Board Member Sullivan, Board Member Freeman, Chair Hext): All in favor.

Chair Hext: Okay. All right. So then we're scheduling a public hearing on March 26th at 7:00 PM and the applicant agrees to have everything in here by the March 12th in order for us to get it posted. Does anybody have anything else for Ro? No. Thank you, Ro.

To: Thank you.

Chair Hext: Okay next item is the review of the minutes from November 28th. And I know Chuck had a couple of findings that are depicted now in green. Ginger did that instead of retyping everything. Does anybody have anything else? So Tresa, you're going to check with the Village Board on perhaps thinking about lowering the speed limit throughout the Village. Not to 10, although I would like to see that, but to consider it being 20 or 25. The town has to follow certain regulations, but a Village can make the speed limit whatever they want. And when I first moved here, the speed limit in the Village was 20. State and county, they have to go by specific, you know 30, 40, 45. But a Village can set their own speed limits.

DPW Supt. Moller: That would be just side streets.

Chair Hext: Right? Just within the Village streets. And as far as a crosswalk or anything concerned, 397 is a state road, right? On Western?

DPW Supt. Moller: Yeah.

Chair Hext: So that would have to be the state that would have to do a crosswalk if we considered a crosswalk there. So if no one has anything else on minutes, could I have a motion to approve the

minutes please? Motion made by Board Member Litten, seconded by Board Member Sullivan. Roll Call: All in favor.

Chair Hext: Can I have a motion to adjourn, please? Motion made by Board Member Litten, seconded by Board Member Freeman. Roll Call: All in favor.

Meeting adjourned at 8:14 p.m.

Respectfully submitted,

Ginger Hannah, Secretary

Attachments:

- Letter of February 13, 2024 from Stephen Pl Walrath, Surveyor for CM Fox
- Letter of February 23, 2024 from Brad Grant, Village Engineer, Barton & Loguidice
- Submittal of Board Member Litten from the Albany Soil & Water District on soil types – “Species for Somewhat Poorly Drained and Moderately Well Drained and for Well Drained and Somewhat Excessively Well Drained Soils”

DRAFT

Village of Altamont Zoning Board of Appeals
Regular Meeting
March 23, 2024

Deb Hext, Chairperson
Danny Ramirez, Member
Simon Litten, Member
Robert Freeman, Member
James Sullivan, Board Member (absent)
Andrea Witham, Member (absent)
Laurie Pinze, Alternate
Charles Trout, Alternate

Gary Goss, Building Inspector/Code Enforcer
Ginger Hannah, Secretary
Tresa Matulewicz, Village Board Liaison (absent)
Village Attorney, Allyson Phillips
Paul Miller, Fire Chief

Applicants:

Applicant Troy Miller, CM Fox
Ro Andres, Project Manager for CM Fox Guests: 12

Chair Deb Hext: Good evening everyone. Welcome to the Village of Altamont Zoning Board of Appeals meeting. Tonight is March 26, 2024 at 7:00 PM. For the record, all the audio and video portions of this meeting will be recorded. My name is Deborah Hext, I'm the Zoning Board Chair and I would like to have each member of the Zoning Board introduce themselves starting with Danny. The Board introduced themselves as follows: Danny Ramirez; Simon Litton; Laurie Pinze; Allyson Phillips, Council for the ZBA, Robert Freeman; Andrea Witham; Charles Trout.

Chair Deb Hext then said thank you; also with us tonight we have Ginger Hannah, our ZBA Secretary and Gary Goss, our Building Inspector. Tonight is a public hearing so the public will be allowed to speak. Just a few things to fix things up here a little. We will not be making a decision tonight. This will not be a question and answer session. What we would like everyone to do is come up, state your concerns, ask your questions. We would like then the Board to review your questions, have our applicant review the questions, and at the next meeting, come back with written answers to any questions or concerns. We'll also at that time have our engineer Brad Grant review everyone's questions and answers and see what we can come up with, but tonight there will be no decision. Depending on how it goes, we may even keep the public hearing open. It just depends on how it goes. So with that, Allyson, would you read the legal notice and that will open the public hearing.

Village Attorney Allyson Phillips: Public Notice of Hearing before the Zoning Board of Appeals. Please take notice that the Village of Altamont Zoning Board of Appeals will hold a public hearing on March 26, 2024 at 7:00 PM at the Altamont Village Community Room, 115 Main Street, Altamont, New York to hear all interested persons on the proposed application of CM Fox Living Solutions LLC for a major subdivision. The property is identified as SBL 37.14-3-6.1 and is located on the northerly side of New York State Route 397 Western Avenue and Schoharie Plank Road West Intersection. It is the Village R15 Zoning District. The major subdivision is proposed by the applicant and would convert a 13.01 acre vacant lot into 11 buildable lots for single-family homes to be constructed. The applicant proposes to build a total of 10 residences on the newly created lots. One of the lots is already improved with an existing single-family home. All persons desiring to speak either on behalf of or in opposition to said proposed major subdivision shall be heard by either attending the public hearing or by submitting written comments in advance of the public hearing to the ZBA secretary. Copies of the application materials are

available for review at the offices of the Village Clerk located at 115 Main Street, Altamont, New York during normal business hours and will be available on the Village website by March 22. Dated March 5th, 2004.

Chair Deb Hext: Thank you, Allyson. Okay, that opens the public hearing, I would invite whomever would like to speak to come up to the microphone, state your name and if you'd like to give your address, so have at it.

Resident Joe Connors: Hello, my name is Joe Connors. I live at 6393 Gun Club Road with my wife, Jaya Connors. She couldn't be here, she's out of town today. She didn't get a chance to review any amendments to the materials that were added today, so I'd ask that that be something to be considered in the future that she has a chance to review any amendments that were added today to the subdivision plan. Our property is adjacent to lots one, two, six, and seven of the proposed subdivision. The tip of lot seven hits our property, but the other lots one, two, and six clearly have adjacent lines with our property. Our position is that the subdivision should not be approved as proposed.

I'll start with some easy fixes to the proposal. One, a landscaping buffer of evergreens along the back our property line, which is adjacent to one, two, six and seven. The subdivision plan as currently proposed, offers the courtesy of this buffer along proposed shared driveways or roads, whatever term is used, but not along the rear of the properties. We ask that it be extended to the other neighbors including us. There is a line of old locusts and maple trees along the back part of the proposed subdivision, but without winter leaves, they're insufficient to provide a barrier. We propose that native evergreens be used such as eastern white pines.

They could be added to C130 page two of 12 on the proposal. You can see where some evergreens are allowed along the driveways but not along the rear property lines. This could be on a berm behind the vegetated swale that's currently proposed at the rear of lots one and two.

The second easy-to-fix concern is the vegetated swale should be populated by native species plants. I'd ask that that be something the Board consider adding. Another fix is one that was proposed by some of the engineering reports that there'd be no basement on the house on lot number one. I can tell you from personal experience how wet it is back there. Even with two sump pumps in our basement, it's going to be an additional energy drain, they're constantly running and there's bound to be water in the basement of that house.

The fourth easy fix is that the subdivision maps be amended to include turnaround areas in the driveway, roads leading into the proposed houses for public safety and fire safety concerns.

The second set of concerns are more difficult and they go to the merits of whether or not the subdivision should be proposed in the first instance. I commend for the Board's review two previous letters that my wife and I submitted to the Zoning Board at the time of the consideration of the variances. I ask that they be made part of the record in this proceeding. We maintain that there remains a significant issue about the frontage of lots for one through three as required under current Zoning law.

We understand that there was a proposed land sale with a neighbor to extend the frontage. We're not sure if that deal went through or not. There's no record of it in the currently public posted materials. If it's not finalized, then we suggest that the seller of that land needs to be a party to the subdivision request because that land is crucial to opening up the keyhole lot. If that sale of land is finalized, we nonetheless maintain that it shouldn't be condoned by the Board. It sets up a situation where neighbors can strike private deals that violate current zoning laws. They can say, "Well, I'll sell you a strip of land." Then it can open up a whole new possibilities to the detriment of neighbors. That's not what the zoning laws are there for, so we ask you to take a hard look and make specific findings on that issue.

Chair Deb Hext: Was that where they were going to make a lot line adjustment? Is that the one you're referring to?

Resident Joe Connors: Right, I don't know if it went through or not, but we say that the Board shouldn't condone that type of private dealing that's in violation of the current zoning laws that require a specific amount of frontage. Zoning laws that were relied on by us in buying the property, zoning laws that the record indicates other neighbors also relied on. They didn't expect these keyhole lots to be opened up through private deals contrary to existing law.

The other procedural issues that we ask that you address in your final decision is whether or not the county and Guilderland has been involved with further environmental impact assessments. That was discussed at the varying stage and representations were made that there were going to be additional environmental assessments at this stage of the process. So we'd ask for an update on that. We'd also ask for an update on whether or not the state or county Department of Health has approved the subdivision plan and specific findings on how the Board has considered on how the subdivision fits in with the Village and Town comprehensive plan, especially the recent work that the town of Guilderland has done about preserving border areas along the Town and the important nature of those areas. So thank you for your consideration and service on the Board.

Chair Deb Hext: Thank you. Mr. Connors.

Board Member Danny Ramirez: I have a question if I might, do you have the dates of those two letters you referred to earlier on?

Resident Joe Connors: Off the top of my head I don't, but if you hold the record open I could get them within 24 hours to the Board.

Village Attorney Allyson Phillips: These are the letters submitted the public hearing on the variances.

Resident Joe Connors: That's right, we ask that they be adopted and considered here as well.

Village Attorney Allyson Phillips: We do have those letters so we can incorporate them in the record.

Resident Joe Connors: Thank you.

Village Attorney Allyson Phillips: Thank you.

Chair Deb Hext: Thank you.

Resident Deborah Johnson: Good evening, my name is Deborah Johnson. I live at 117 Schoharie Plank Road West. I'm one of those houses that supposedly is in a floodplain zone and the road supposedly is going through the floodplain zone between two of our houses, 115 and 117. At this point in time when the creek gets high, there's a storm drain on the left-hand side of the corner of my property. I don't even know if it's in my property, but it's down there and my sump pump kicks in, but when the creek gets high, it back feeds through the storm drain. When it back feeds through the storm drain, it feeds into his property, you'll see where it runs, and runs right down. I've stepped down in there without even it raining and it's this high.

Chair Deb Hext: When you say his property, what are you referring to?

Resident Deborah Johnson: Where Mr. Miller would like to put the road in.

Chair Deb Hext: So you're talking about the access road that's coming onto West Schoharie Plank.

Resident Deborah Johnson: Correct. It does this. It starts here where it meets the street. It's a street junction and then it drops. When it drops, if you walked it, it goes "blupp" and it comes down. If the creek overflows, it comes down through the field and comes into the back part of that property down to the storm drain, but the storm drain when it backs up from the creek, it goes backwards. It goes back into that property where that dip is. It's a natural way of flowing.

I've built a berm that's this high and then you got that big gully and then it goes right to the storm drain, but if you walk his property back, you'll see a four or five foot drop because Eve Kilts (?) had fill brought in by the Foxes because he worked for NIMO, so he caused himself to be flooded out. I think I've pointed that out once before standing here, but even the little rainstorm we had a couple weeks ago, the storm drain backed up and my sump pump comes out into that storm drain. My house was built in the '50s. They put the sump pumps in to the storm drain, so if that storm drain gets altered by anyone, it's going to alter my sump pump going to that. It's cemented in that storm drain.

Chair Deb Hext: Does any other person's sump pump go into that one storm drain that you know of?

Resident Deborah Johnson: No.

Chair Deb Hext: Just you.

Resident Deborah Johnson: Just me.

Chair Deb Hext: Okay.

Resident Deborah Johnson: The rest of it has storm drains going across the street, it goes into other storm drains like Deb Katz runs down.

Chair Deb Hext: Is Deb the one that bubbles all the time?

Resident Deborah Johnson: Yes.

Chair Deb Hext: Okay.

Resident Deborah Johnson: That goes into a different storm drain, but my storm drain just can't handle when the creek doesn't make the turn to Schoharie Plank, it comes straight down through Lincoln and then it's got to make the turn down to Schoharie Plank. Well, sometimes it gets so high it doesn't make the turn. I've seen it come right down the street and O'Rourke's kids were skim boarding in the middle of Schoharie Plank Road if that tells you anything how deep it gets. I ended up with Deb Katz's wood pile in that dip, which stopped my flow. So I took a rubber raft, got up to here and put all the wood in the rubber raft so the water would just keep going into the creek.

I don't know of anybody that can stop water that can flow like that. It's a natural saturated area. It's either clay and then there's the dip. I don't know how it's going to be changed, but I'm also concerned about that storm drain with my sump pump that's cemented in that storm drain. My basement has never been flooded, but I also built that four foot berm and I've learned from the people in Florida how to let water just go by. I'm married to a plumber, we know how it goes. There's no stopping it. There's rerouting it, but you never know where it's going to be rerouted to. Right now, I'm secure. I've been here 30 some years and never had water in my basement. It goes around me, it goes around. So as you know, I did put a letter in with a bunch of questions.

My request at this point is that I get something in writing that addresses these questions from the Board as well as the applicant. My husband's deaf, I'm dyslexic. If we have it in front of us, we know how our questions have been answered. So thank you for hearing me. I appreciate your time and your concerns.

Chair Deb Hext: Thank you.

Resident Deborah Johnson: Is there anything that you would like me to address on this particular letter or do you want me to read the questions? I know they were put online.

Chair Deb Hext: If you would like to read them to make it part of a public record, absolutely go right ahead.

Resident Deborah Johnson: It doesn't mean I need answers now. Like I said, I would like writing from the Board what the answers were from the applicant as well as the Board. Okay, the first question is who's responsible for flooding or damages to our property caused by the CM Fox Living Solutions LLC? Where is the storm drain for the development of the road going to be put and drained to? When the creek gets high, the storm drain back feeds, it backs up. As a matter of fact, Larry just dug it out recently.

How wide is the total width of the road allowed to be and also there's a curb cut. You're going to need a curb cut and then we're going to have a buffer zone. How much buffer zone between the roads and our property is going to be involved for us? Does the developer have flood insurance for the said road between the houses? It is in a flood plain. Every house on that road has to have insurance just because it's the road, does he have insurance? We don't know these answers.

Is the development going to have an HOA? We don't want any part of that either. What are the developer's responsibilities? Where's the snow going to be plowed to? On our buffer zone that we were granted? If he puts up fences, we're okay with that because then he's pushing the snow up against his fence, it stays within and we maintain our buffer zone. Are fences going to be put up to preserve our privacy going to be considered? A truck's going to be going where that wall is right past my bedroom. Where's the garbage going to go? The garbage trucks and pickup trucks, are they allowed on a private road?

Is the developer responsible for trees that he's going to be taking down that might fall on my property or fall on my roof? That's how close he is. As a matter of fact, I've got a couple tree branches hanging over on my roof from his property. Who's responsible for the buffer zone? Does the purpose of the developer and the access road meet Village / town code criteria? So that's pretty much it. Those are my concerns. I'm trying to protect what I've had just to keep it the way it is, but thank you again.

Chair Deb Hext: One thing, Deb, on the one I would certainly recommend both for you and for the applicant to take pictures of what exists now as far as your home is concerned. If you're concerned about a tree falling on it, take pictures of what it looks like now and then if something does happen, you'll have proof that it wasn't that way prior to.

Resident Deborah Johnson: That makes sense.

Chair Deb Hext: One little note that I had here on this.

Resident Deborah Johnson: Well, it's not just the house, it's the shed, whatever. Well, thank you very much for your time and listening.

Chair Deb Hext: Thank you, anyone else?

Resident Bill Vincent: Hello and good evening, I'm Bill Vincent. I live at 133 Western. The last speaker just had a couple of questions that I was going to ask and if you could answer it'd be great. It's pretty much yes or no or in consideration. She said that the road is going to be a private road. Is that going to be a private or is it going to be owned by the Village? Maintained and plowed.

Chair Deb Hext: The road that's coming onto West Schoharie Plank will be a private road with an HOA.

Resident Bill Vincent: And the road coming out to Western is going to be private as well?

Village Attorney Allyson Phillips: If I could, my understanding and the applicant can correct me, it's going to be a shared driveway access off of Western Schoharie Plank Road. There's not going to be an HOA. The driveway is constructed partially on, I believe it's four different lots. So there will be a road maintenance agreement between those property owners for a maintenance of what's essentially a private shared driveway.

Resident Bill Vincent: Sure. Okay, and I'm sorry if I didn't make any of these meetings and get caught up on the progress here.

Chair Deb Hext: No worries.

Resident Bill Vincent: But water and sewer, is that going to be going back through there as well? Village water in the sewer?

Chair Deb Hext: Yes.

Resident Bill Vincent: Yes? And natural gas, is it going to be natural gas lines going back there as well or is that too early to say?

Applicant Troy Miller: That would be the plan.

Resident Bill Vincent: Okay, I mean I got natural gas. I mean I'm not too alarmed over it.

Chair Deb Hext: What was the answer on that, Troy?

Applicant Troy Miller: That would be the plan.

Chair Deb Hext: Okay, thank you.

Resident Bill Vincent: So there's no cul-de-sac going to be back there. It's just going to be going to the people's driveways, right?

Chair Deb Hext: Correct.

Resident Bill Vincent: Okay, and again, the last speaker mentioned about a privacy barrier. I was just hoping that it could be some kind of a privacy barrier. I moved in 21, 22 years ago and I started my own little privacy barrier with the trees. They grew great, but there's gaps where they didn't grow. So there's gappy between our property and the back portion.

Village Attorney Allyson Phillips: So you're talking about the rear property line?

Resident Bill Vincent: Yeah, from my Board of property line to...

Chair Deb Hext: His rear property right on Western.

Resident Bill Vincent: Right, because I got to go on both sides on the back and on the side where the roadway will be.

Board Member Robert Freeman: You're basically wide open as far as...

Resident Bill Vincent: Yep, that's all I had. So like I said, I apologize, not getting caught up to snuff on the progress from everything. I've ran into Troy a couple of times and just asking how's progress. So all right. Okay, thank you very much for your time.

Village Attorney Allyson Phillips: Thank you.

Chair Deb Hext: Thank you, anyone else at this time? Do we want to give the applicant a chance to answer anything at this point if they can?

Village Attorney Allyson Phillips: If you want you can certainly offer that.

Chair Deb Hext: Just address a few things.

Village Attorney Allyson Phillips: And certainly if the Board members have any questions.

Chair Deb Hext: Yeah, I mean obviously we're releasing the public hearing open right at this point, but Ro, if you can answer any questions that were asked tonight, I know there have been updates to the landscaping plan and additions to that, but I also know that Brad still has a lot of concerns, especially about water.

Resident Gary Robinson: I'm sorry, I (audible)...

Chair Deb Hext: Come on up.

Resident Gary Robinson: Good evening. My name is Gary Robinson. I live at 142 Western Ave and I've been there about 30 years and to confirm previous speaker's suspicions, we are in a floodplain. I'm right in the heart of the floodplain because I had the surveys done and all that because I have to pay flood insurance even though my house doesn't seem to be really as affected as other ones, especially on Schoharie Plank, when that floods, they get the brunt of it. Western Ave acts as a swale so it kind of pulls the water away from my house and basically goes down Western Ave to the creek. So that's my concerns is with its development coming in, how is that going to affect the hydrology of that whole area there since it's going to obviously be affecting the water table and possible drainage and all that kind of thing.

Also, speaking of water, there's also been concerns about the Village water supply. I mean just recently they were saying, "Well, geez, our wells are getting really low." We had to shut down the Brandle well because of issues with that. So I think it's really important that we determine if it's going to be stressing the water supply before we start adding 11 houses onto the Village infrastructure, and that's beside my own selfish reasons for not wanting a development across the road from my house. I think Village wide, the Village should be concerned that 11 houses are being added to the Village infrastructure. So those are my main concerns other than the stereotypical issues of increased traffic and safety, there's children

playing and there's going to be increased traffic in the neighborhood and so on and so forth. Those are kind of boilerplate issues that everybody brings up when a new development comes to town.

But like I said, I think my main concerns are what it's going to do to the Village as a whole even though I'm concerned about my neighborhood selfishly, I think those concerns should really be addressed and kind of determined before we put a development in there and say, "Oh geez, now what are we going to do because our wells are running dry." And other concerns, so that's my main concern and hopefully those will be addressed and hopefully you guys will take that under consideration before anything is decided. So thanks for your time.

Chair Deb Hext: Thank you.

Village Attorney Allyson Phillips: If I can just speak to that for a moment and I'll encourage the Board. We're going to send these written comments - obviously, the applicant will get them and respond - but also to our engineer to be able to provide us with the information that we need when we're evaluating these comments. But my understanding is that the Village has done a comprehensive study of its water supply, and these properties are located within the Village; and the Village is under legal obligation to serve properties within the Village before it can serve properties outside of the Village.

My understanding is that development within the Village and potential development within the Village was taken into account when that study was done and the Village uses that study to determine whether or not there's an adequate water supply for everyone within the Village before it can make any decisions to serve anyone outside. So we'll have Brad review that and confirm, but I did want to say my understanding is that the Village has already considered what the needs are within the Village and determined that its water supply is sufficient for those purposes and considers that every time they're asked to serve additional properties outside the Village boundaries.

Chair Deb Hext: Thank you Allyson. Ro, do you want to come up and after Ro speaks and answer some questions. If anyone else wants to come back up, feel free.

Ro Andres, Project Manager: Good afternoon Board Members of Altamont. My name is Ro Andres, I'm a project manager for Walrath Survey. Just to address some of the questions that were formed here tonight. Mr. Connors, the landscaping buffer that we're proposing. As far as your property, you're to the North here, correct? Adjacent to lot one. We are proposing that none of the trees that are existing there be touched at all with any construction activity. It's called out on page C130, I believe the plan set is online, our current set. Page C130 will show that the entire area around this parcel not to be touched with construction activity. So hopefully what is existing now as far as your line of sight will not be at all disturbed.

Resident Joe Connors: My request was for evergreens along that.

Ro Andres, Project Manager: So additional plantings you'd like to see along there, okay, let's see.

Chair Deb Hext: Are you saying that's going to be done?

Ro Andres, Project Manager:

We will definitely look into it. We've added a substantial amount of landscaping to the plan per the TDE's requests. That's certainly something that we'll look at though for your property. The turnaround as you had concerns about is shown on page C130 as well. There's adequate space for emergency vehicles to access and then also exit the properties both off of Schoharie Plank and Western Avenue.

Chair Deb Hext: And that was something that was approved by our Fire Chief also. We got input from him, so that's not just something that we threw out there.

Resident Joe Connors: One plan had a turnaround but another plan didn't have a turnaround time.

Ro Andres, Project Manager: That's right.

Chair Deb Hext: Yes, it's back.

Ro Andres, Project Manager: Mrs. Johnson, drainage, that is something that we as well as Brad have been working and formulating on a good plan to not only protect the homes to this parcel but also improve that area and I think what we've put together on page C140 does that. You were talking about a berm that you had built to kind of circumvent water coming into your property. Well, we've actually designed swales along this private access drive to do just that, to deter water from entering either side properties and to divert it, rather, away from them. So that is on page C140 Brad also, the TDE had comments. We will be putting together another set of plans with revisions showing a more substantial plan for that as well. I will review your letter as well. Thank you for submitting that.

Bill, the driveway concerns, page C130. Sorry, this is just the grading and drainage plan. C130, the latest set has a more robust landscaping plan again along your edge of the property there that's adjacent to the private access drive. I believe we have some plantings along the rear as well, but I will look into that. Utilities again, natural gas is planned to access these lots. And let's see, the privacy buffer - again, we are looking to do this as sustainably as possible. We're not looking to go in there and clear-cut. We're looking to do this in a manner that benefits everyone, neighbors alike.

Mr. Robinson, I believe Allyson addressed your concerns about the water supply. I believe that goes for the sanitary as well. I forget the gentleman who had just retired here.

Board Member Robert Freeman: Jeff Moller.

Ro Andres, Project Manager: Mr. Moller at our last meeting had said as such that it's planned to accommodate these new parcels within the Village. I think that's everyone's concern. Again, if anyone else would like to come up, I'd be glad to try to answer your concerns.

Chair Deb Hext: Does anybody have any specific questions for Ro?

Resident Deborah Johnson: Yeah, you mentioned the drain on each side or whatever you call them on each side of the road.

Chair Deb Hext: Swales.

Resident Deborah Johnson: Where is it going to flow to?

Ro Andres, Project Manager: Where is it going to flow to? Well, the plan is to again capture, if you look on C140.

Chair Deb Hext: Here.

Ro Andres, Project Manager: Oh, actually hold on. I can give you my site map here.

Chair Deb Hext: You can take mine.

Ro Andres, Project Manager: Yeah, okay. Our goal with the addition of the vegetated swales along the North as well as the individual rain gardens for each lot.

Resident Mr. Johnson: [inaudible 00:37:47], there's tree branches. You going to deliver all of it into a 10-inch drain?

Ro Andres, Project Manager: It's not all of it, portions of it. We're trying to capture as much water leaving the site within individual rain gardens for each lot as well as I believe this is a 700 foot vegetated swale along the North ends of these properties. The site is flat for anyone who's been out there, so the way that we grade the site will be...

Resident Mr. Johnson: So all four houses will go in catch basin.

Ro Andres, Project Manager: Not all four houses. Additionally...

Resident Mr. Johnson: Those four houses are going into that [inaudible 00:38:29]. So all this storm drainage is going to get diverted into this catch basin?

Chair Deb Hext: No.

Resident Mr. Johnson: Is that what you're saying? No, and we're actually adding an additional two structures here. We're really looking to make this area better than it is now for the issue of drainage.

Resident Deborah Johnson: How's that going to affect my sump pump that's in that storm drain?

Chair Deb Hext: I can allow some questions and stuff, but we can't have just everybody yelling things out.

Resident Deborah Johnson: I understand that.

Dean: Both the applicant's representative and any other [inaudible 00:39:19].

Chair Deb Hext: Dean, if you want to say something, come up and say it officially please.

Dean Whalen: I didn't want to interject earlier but this is already starting to degrade a little bit, to your point. Just as general reference, any public coming before the Board needs to talk to the Board as well as the engineer. This is exactly how things degenerate very quickly.

Village Attorney Allyson Phillips: The chairwoman invited, there's a manageable group of people here. The chairwoman invited people if they had any additional questions why Ro was standing up here.

Dean Whalen: But again, they should be reporting to the Board.

Village Attorney Allyson Phillips: Okay, the chairwoman is running the meeting and will continue to do that. Okay.

Board Member Danny Ramirez: Deb, did you want me to take a microphone to her so that he can be recorded or ask him to stand up?

Village Attorney Allyson Phillips: I mean unless Ms. Johnson has any additional questions, we have the written questions that you've provided. Those will be submitted as part of the record.

Chair Deb Hext: I know what Kim is saying, he's saying are you going to divert all the water and that's not the plan. So maybe you could elaborate a little bit on that.

Resident Deborah Johnson: He probably can't hear me anyway, so this is why - he's deaf. So this is why he's speaking out of kilter.

Village Attorney Allyson Phillips: So we understand. I think I understand the question is that we need to understand if the water from the four proposed lots with access off of Schoharie Plank Road, if the stormwater is some way being diverted towards the existing catch basin.

Resident Mr. Johnson: It backs up right now with heavy rain.

Village Attorney Allyson Phillips: Okay.

Resident Mr. Johnson: Now you've got four houses drainage too, what does that tell you? It's probably going to get flooded.

Village Attorney Allyson Phillips: And then Ro, can you explain, I think what you were explaining is that the way the site is being graded is I think mimic the natural stormwater flows, but also with the addition of enhanced stormwater management features that are going to be added to the site as part of the project. So maybe if that's correct, Ro, you can just confirm that and then explain again why the stormwater plan, for lack of a better word, is not diverting the stormwater from those four lots into that catch basin. I think that's what you were explaining before.

Ro Andres, Project Manager: That's correct.

Village Attorney Allyson Phillips: Okay.

Ro Andres, Project Manager: Yes, the four houses here, the drainage will be capturing within individual rain gardens within the lot. The area here, the grading that we have proposed with vegetated swales, that is to capture any sort of runoff from the private driveway access. With the grading that we're doing pitched into two catch basins, that should improve your area and as you said, you built a berm and no rain has entered your house, your basement. That's exactly what we're looking to do. Again, mimic the natural drainage of the site with additional stormwater management practices. We're looking to generally improve this area.

Resident Deborah Johnson: If it backs up when the creek gets high and you're flowing more water towards that catch basin that's inadequate as it is - it's like putting a small bucket with 10 gallons of water.

Ro Andres, Project Manager: I have an invert of your three-inch PVC from your sump pump at an elevation of 410.

Resident Deborah Johnson: When the creek gets high, it's like a gusher, it back feeds up through the storm drain, even with high rains now.

Ro Andres, Project Manager: Yes, Gary.

Gary Goss, Building Inspector: I wanted to suggest that maybe if the Village DPW would allow a backflow prevention device on the outfall end of the creek, so if the creek does rise, that closes and it won't allow water back in. It'll come out, but it won't allow it in and that may be something to consider too for their sump pump line into the catch basin and outfall and then it'll be kind of...

Resident Deborah Johnson: It still flows into the lawn of his property.

Ro Andres, Project Manager: That's a great idea.

Gary Goss, Building Inspector: Excuse me, I didn't hear.

Resident Deborah Johnson: When the storm drain backflows, it's like a geyser. It just comes up. When it comes up, some goes in our front lawn, some back feeds into his property.

Gary Goss, Building Inspector:

So they make a device that goes on the end of those lines. If the creek were to rise, the device wouldn't allow the water from the high level of the creek to travel up the pipe and back up into this catch basin. It'll stop it at the creek before it even gets in there.

Resident Mr. Johnson: You talking about a backcheck valve that'll clean it. What happens when you get the normal - you go down the road, you get pebbles and stuff down in there even though it's (inaudible in parts) squared down... it hasn't been cleaned out in forever that I know of, the line, or you get pebbles down there...

Village Attorney Allyson Phillips: Dean, you're being disruptive of the public hearing and I'd appreciate it if you would hold your comments, but if you have comments about the application, of course you're welcome to.

Dean: (inaudible) has not been addressed. They're not on record right now.

Village Attorney Allyson Phillips: They are on record, Dean.

Dean: How?

Village Attorney Allyson Phillips: Okay.

Secretary Ginger Hannah: The one thing I would say is if we want it to be recorded, it really makes a difference with the microphone.

Village Attorney Allyson Phillips: Okay.

Resident Deborah Johnson: Pull up next to him because they can't hear you, but remember, he's deaf, he wears cochlear implants, so you might have to repeat what he asked.

Resident Mr. Johnson: Yes, my name is Kim Johnson, Deb's husband. Right now where there's no houses in back. When it rains, there's a natural slope of the land which drops off about five, six, seven feet, which catches the lower end of Bozenkill Creek that comes through there. With the four houses development and the blacktop driveway coming back and you're going to have all these storm drains and the blacktop with the road, the driveway coming back. You've got that higher line of water that's going to head right towards our Schoharie Plank and it's going to back up. Why can't he get a storm drain that goes down and follows the natural slope of the land and catch the creek as it flows? It goes to our house, then it goes to the other house on the 45 and you know where it comes out on Gun Club Road. Why can't you put a storm drain in there? It'll alleviate a lot of these headaches.

Board Member Robert Freeman: I think you're talking to me anyway.

Resident Mr. Johnson: Yeah, well you're the closest guy.

Board Member Robert Freeman: So let me try and answer. I think especially with those four houses and the way the driveways are going to be graded and sloped, everything is going to go to those rain gardens in the back. That's the whole object of having those, to alleviate anything that's going to try and come the other way. It's going to take all that and put it in the back of there. It's the way that I read it – it's on the map. And I believe you do have other storm sewers or whatever that's going to go in there. So it's not like it's going to be going all directly to yours. There are other receptacles and with that swale in the back and those rain gardens, that's exactly what they're supposed to do is to take on that runoff. And I think on one of these, I forget which one, but the driveways also are going to be constructed and swaled, for lack of a better term, to run a certain way, is to go back towards that or to whatever drainage they're going to have per property.

Resident Mr. Johnson: Here's where the catch basin is. That catch basin is below [inaudible 00:48:03]. The actual top of the catch basin is here. Here's the bottom of catch basin. You've got 200 foot from here and how many feet here? You're not going to have any pitch on it. It's going to be like standing...

Board Member Robert Freeman: Well, as I said though, that road is being constructed to have pitch. That's not all going to go towards that one, but catch basin.

Resident Mr. Johnson: So you were saying these houses, the road, the driveway is going to go back here, here, here, and here, and are they going to have storm drains? Where here?

Board Member Robert Freeman: I'm just going by what that I've seen as far as...

Resident Mr. Johnson: Is it going to just be one storm drain? Everything is going to be sloped into that storm drain and everything just flows down into this catch basin.

Board Member Robert Freeman: I'm going to have Ro because...

Ro Andres, Project Manager: Our plan is for these four houses.

Resident Mr. Johnson: These four houses, yes.

Ro Andres, Project Manager: Yep, as well as their access to here to have any storm runoff be pitched away into the individual rain gardens for each lot as well as into the vegetated swale that we planned back here.

Resident Mr. Johnson: So you say you're going to slope most of this away. So how many storm drains are actually going to be coming this way? How many storm drains directly here to tie in the line, but you're going to have virtually no pitch coming from way back here. You got 200 foot plus this, you could literally be 300 or 400 foot away and you're going maybe have this much to drop.

Ro Andres, Project Manager: That's right, so these driveways here will have storm culvert crossings across the driveway. Anything from here on in will be pitched along a swale, along a crown driveway.

Resident Mr. Johnson: This is a storm drain?

Ro Andres, Project Manager: No.

Resident Mr. Johnson: Or these?

Ro Andres, Project Manager: These items here. Everything else will be pitched back away from these houses.

Resident Mr. Johnson: Are these driveways going to be like this?

Ro Andres, Project Manager: Correct. Yep.

Resident Mr. Johnson: (inaudible) You have to wait and see what happens. What happens if this comes down, all this comes down this way, now my front lawn gets flooded out again. Who's going to be responsible for that?

Ro Andres, Project Manager: I understand the concern and that is part of this design process. We're trying to design this in such a way that that is not an issue going forward.

Resident Mr. Johnson: (inaudible) down here to the creek right by here, you could take it down to the creek.

Ro Andres, Project Manager: Well we are, a lot of this drainage here is going to this swale along here with the discharge area.

Resident Mr. Johnson: Is this a pipe that's going to be here or it's going to be another storm drain here.

Ro Andres, Project Manager: That's right. Yep.

Resident Mr. Johnson: So that'll help some, but you're not going to know until you get a good storm – it all looks good on paper until reality hits.

Ro Andres, Project Manager: Sure.

Resident Mr. Johnson: Thank you.

Chair Deb Hext: Did that help at all?

Ginger Hannah, Secretary: Is there a way to summarize that because I'm not sure that any of what...

Ro Andres, Project Manager: Absolutely, the main concern is that this catch basin in here along Schoharie Plank Road will be overburdened with the proposed drainage as well as the stormwater practices that we've designed here. Our goal is to mitigate any runoff in this area by pitching them towards our practices, the individual rain gardens as well as the drainage swale along the Northeast side of the parcels here off of Schoharie Plank Road. There's another drainage swale for the houses off of Western that will be doing the same. Again, all in an effort to decrease runoff to any adjacent property as well as mitigate any sort of water issues that you folks may have already.

Board Member Simon Litten: I've got a question. I noticed that in the latest iteration, you have two downspouts connecting to rain gardens, which you didn't have before.

Ro Andres, Project Manager: Yep.

Board Member Simon Litten: My question is we're relying rather heavily on the rain gardens and the swales to absorb water. How do these work when the ground is frozen?

Ro Andres, Project Manager: Well, good question Simon, the downspout connections were actually a comment that was raised by the TDE. He said he would like to see the houses connect to these rain gardens in such a way that would further mitigate the runoff potential here. So when the ground is frozen, we're hoping there isn't going to be any runoff until there is a melt and when there is a melt, the grading that we've done on site will alleviate the soils in such a way that they will follow a natural path of drainage.

Board Member Simon Litten: And the natural path is to the Northeast?

Ro Andres, Project Manager: In such a way that if you look at the existing contours here that are present on C140 as well as C100, you've got a natural pitch, let's just use this contour here along the Schoharie Plank road of 412 give or take another 200 feet up, you're gaining two feet in elevation. From there, you're actually breaking six feet or so to the northeast. So from this portion, I would say the center area of lots five, six, seven, and eight, you're having some of the drainage split towards Schoharie Plank and a majority of it moved towards again, the proposed swales that we've created here.

Board Member Simon Litten: Okay, thank you.

Board Member Danny Ramirez: Question, when you designed these swales in a 24-hour period or storm, what kind of rainfall are you designing for?

Ro Andres, Project Manager: That's a good question. So as part of the New York State DEC regulations, this being a parcel of disturbance less than five acres, we've put together a modified storm management report that we submitted along, I believe it was back in September 23, with the initial submission of this project for the zoning variance. That has stormwater practices that are implemented that designed towards a 100-year storm event. Not that that's needed, but it's to give a level of, a factor of safety to again, mitigate any runoff in this development here.

Chair Deb Hext: Was that mentioned in here (document)?

Ro Andres, Project Manager: Yes, that should be in there.

Board Member Danny Ramirez: To summarize, I think in inches of rain in a 24-hour period or it could be an hour.

Ro Andres, Project Manager: I would have to get back to you on a specific number, but I can certainly do that.

Board Member Danny Ramirez: Okay, my other question is what is the footprint or the size of the roof or the footprint of the house because that's where we're talking about runoff, that's impervious (inaudible).

Ro Andres, Project Manager: Absolutely, I guess that's a variable depending on what the client chooses to build on. Is there an idea that you have?

Board Member Danny Ramirez: Because that will take into design of the swale in one particular house; it may be bigger or smaller on another piece of property.

Ro Andres, Project Manager: Absolutely, there are numbers. Okay, at the bottom of C140, we have stormwater management considerations and below we have an acreage of disturbance, as well as an area of impervious. That taking into consideration the driveways as well as the houses that are on this plan. So if you're looking for dimensions, I believe these houses range from 40 by 50; some are rectangular. You can see some are a little bit more obtuse.

Board Member Danny Ramirez: 40 by 50 you said?

Ro Andres, Project Manager: 40 by 50, but they vary depending on the lot here.

Board Member Simon Litten: But the areas of the driveways it looks like in some cases could be greater than the areas of the houses and they are going to also have an impervious surface.

Ro Andres, Project Manager: And those are taken into consideration to this number here.

Board Member Simon Litten: That's your 1.06?

Ro Andres, Project Manager: Correct, that's all of your driveways and the roofs of these proposed houses.

Board Member Simon Litten: And do the driveways, do the flow off the driveways... you have swales off the common driveway, but I didn't see an indication of swales off the individual driveways. So how is water that falls in the driveways managed?

Ro Andres, Project Manager: Good question and that's right, for the shared access driveways, the roadways, the driveways there will be crowned in such a way to pitch and divert water to either side of the driveway. The individual lots – we're heavily relying on the grading of these houses, again to capture either by the rain garden or to divert them to the proposed swales there. There'll just be a normal driveway as you would see across the Village.

Chair Deb Hext: Are you talking lots 9, 10 and 11?

Board Member Simon Litten: No, what do you mean 9, 10 and 11?

Chair Deb Hext: Those lots - I'm just wondering how they're going to handle the runoff on those lots. Those three individual lots - I thought that's what you meant.

Board Member Simon Litten: Well, a good point. I was looking at the Eastern houses, but the rain gardens, the stats I saw is you have the rain garden dimensions are like a 10th of the area of your impervious area and once you add the areas of the driveways, that gets to overwhelm these little things.

Ro Andres, Project Manager: Which is again, the reason that in addition to these individual rain gardens, proposed these large vegetative swales.

Board Member Simon Litten: Sure.

Chair Deb Hext: Anybody else have any questions for anybody? Anyone in the audience want to come back up?

Resident Joe Connors: Thank you for addressing my concerns about evergreens along this back area here behind lots one and two. This little section here as well. Question, would it be possible to put evergreens behind the swales or any reason that would be not allowed? I'm pointing to the swale behind lots one and two, could there be evergreens behind that?

Ro Andres, Project Manager: The addition of evergreens behind this swale here would actually push us into this tree line. What's shown here is the existing, well, it's a mix of deciduous and coniferous trees along here. The addition of that may actually have us cut into that buffer. We're not against giving you some additional screening here, but I'll have to look at it before I can...

Resident Joe Connors: Thank you, or consider moving the swale up a little bit too. The other question I had is the whole issue about what you refer to as a private access drive, the entry on Western Avenue, can you give me an update about whether or not the sale of land from the neighbor went through to allow that extra frontage space?

Chair Deb Hext: The lot line adjustment?

Resident Joe Connors: This was the private access drive from Western Avenue. In order for there to be frontage consistent with the current zoning law, there had to be a sale of land from the neighbor, a strip of land. I forget how wide it was. I was wondering if that sale went through or not.

Ro Andres, Project Manager: That sale has not closed. It's contractually dependent on the approval of this project here.

Village Attorney Allyson Phillips: So the lot line adjustments are part of the major subdivision plat that we're reviewing right now, and we do have authorizations from those property owners that were submitted early on in the application process at the Board's request to demonstrate that they were authorizing the developer's representative to pursue this lot line adjustment with their parcels.

Resident Joe Connors: Okay, so the sale hasn't been finalized?

Ro Andres, Project Manager: Correct.

Resident Joe Connors: Thanks.

Chair Deb Hext: Anyone else? Are we all good? Just because alternates, you can still ask questions. Chuck, any questions? Anyone else?

Ro Andres, Project Manager: Thank you, Board. We'll be back in front of you with the revised set of plans with comments addressed from your TDE as well as hopefully addressing some concerns from the residents here.

Chair Deb Hext: I don't know if you saw though that there were pictures that were sent in from another neighbor. They're out on the website, aren't they, Ginger, with pictures.

Ginger Hannah, Secretary: Yes.

Chair Deb Hext: So maybe take a look, look at those and because they're in black and white, you can't really tell what it is, but it kind of gives you an idea of what it looks like there when we get really heavy rains and snow running.

Ro Andres, Project Manager: Okay, great. Thank you Board.

Chair Deb Hext: She may not be here, but I want to make sure that she knows that we're seeing this and are taking it into consideration.

Village Attorney Allyson Phillips: All the written comments that were received by the Board, even if the commenter wasn't available to attend tonight will be included with the record and we will include Mr. Connors prior correspondence, make sure it's part of the record on the subdivision as well.

Chair Deb Hext: What is the Board's feeling about - do we have enough to close the public hearing or would we like to leave the public hearing open just in light of Brad's questions? I know Mr. Connors wife hasn't had a chance to review some things.

Village Attorney Allyson Phillips: Was the public hearing notice sent? For the public's benefit, we have done another referral to the Albany County Planning Board. A referral was done to them early on in the process when the Board was considering the variance application. The County Planning Board responded at that time, but suggested that when it came time for the Board's review of the subdivision plot, there should be another referral. So we have done that referral. Don't have the response back yet from the county. Did we also send the public hearing notice to the Town of Guilderland?

Secretary Ginger Hannah: We requested from the Town of Guilderland a list of neighbors for the Legal Notice, so they aware that we put a request. There was a legal notice that was posted in the paper as well.

Village Attorney Allyson Phillips: If we are making revisions to the subdivision plat and the applicant is going to provide responses to the comments and those will be part of the record anyway, but if the applicant is going to make revisions to the plat, it may make sense for us to leave the public hearing open just to give everyone an opportunity to review those revisions and then at the same time we can make sure a notice of the public hearing continued at the next meeting goes to the Town of Guilderland and then at that point we will also I assume have the response from the county referral back that we can discuss and share with the public and the Board can always choose to close the public hearing that night and begin its deliberations if it feels it's in a position to start doing that so you may not lose any additional time.

Chair Deb Hext: How does the Board feel about leaving the public hearing open?

Board Member Simon Litten: I think we should.

Board Member Danny Ramirez: I agree, we should.

Chair Deb Hext: Then we should have a motion to leave public hearing open.

Village Attorney Allyson Phillips: To continue the public hearing at the next meeting.

Chair Deb Hext: When's the next meeting? Ginger, what's our next scheduled date?

Secretary Ginger Hannah: April 23rd.

Chair Deb Hext: Okay, then could I have a motion to continue the public hearing and keep it open until April 23rd, 2024. Motion made by Board Member Danny Ramirez, seconded by Board Member Robert Freeman. Roll call, not the alternates. **Roll call: All in favor.**

Chair Deb Hext: Thank you. Okay, next item on our agenda is to review the minutes from February 27, 2024, does anybody have anything on that? I didn't really get a chance to look over them really well, but I did look at them and I didn't really see anything that stood out.

Board Member Danny Ramirez: I never saw them.

Chair Deb Hext: We can hold them off until the next meeting to review those. Okay, does the Board have anything else you'd like to talk about? Any new business, old business, anything?

Board Member Danny Ramirez: Well, I'm sorry. What came to mind off the subject there, reviewing or going over the codes - electric bikes being now popular and prevalent as to reassuring - is there any code on that in the Village?

Chair Deb Hext: There's codes when it comes to bicycles as far as 14 and under half have to have helmets and can ride on a sidewalk, and over 14 are not supposed to ride on the sidewalk. I don't know if anything specifically addresses electric bikes or mopeds. I mean I know, I've seen them on the sidewalks. That would be something that the Village Board would have to take into consideration if they wanted to change the ordinance to include electric bikes and when they can be used and where they can be used.

Board Member Danny Ramirez: Just for pedestrian safety.

Chair Deb Hext: I'll let the Village Board know that it was brought up.

Board Member Danny Ramirez: Thank you.

Chair Deb Hext: Tresa is not here. She had to leave town. Okay, thank you everyone. I hope that we answered some questions and please feel free, send us your questions, send us your pictures. Things are going to come up and we'll get something out there on the website as quickly as possible, and we'll get the answers from both our TDE and from CM Fox.

Village Attorney Allyson Phillips: And if I can just add to that Deb, the public hearing is for the members of the public to make comments so they can be received into the record and the Board can consider them as it makes its deliberations. We had a very good group tonight. A lot of good questions and luckily we had the applicant on hand, he was able to answer some of those questions on the spot, but it really is to memorialize your comments for the record and not to submit questions with the expectation of answers. Certainly, I think we've answered a lot tonight and I think that there are some questions here that the applicant has indicated he can provide responses to, but just be assured, if you've made the comments tonight, they're already part of the record and they will be considered by the Board when it comes to deliberating on the application.

Chair Deb Hext: Thank you. If there's nothing else, could I have a motion to adjourn please? Motion made by Board Member Danny Ramirez. Seconded by Board Member Simon Litten. Roll Call: All in Favor.

Chair Deb Hext: Thank you everyone.

Meeting adjourned at 8:15 p.m.

Respectfully submitted,

Ginger Hannah, ZBA Secretary

Attachments:

- Legal Notice of Public Hearing
- Neighbor Notification Letter
- Letters from TDE Brad Grant, B&L, dated 3/25/24 and 2/23/24
- Letter from Stephen Walrath, Surveyor for CM Fox, dated 2/13/24
- Board Member Simon Litten's email and attached Species / Soil info from Albany County
- Resident Letters:
 - o Dated 3/26/24 – Deborah and Kim Johnson
 - o Dated 3/25/24 – Heather Fox and attached photos

PUBLIC NOTICE OF HEARING BEFORE THE ZONING BOARD OF APPEALS

PLEASE TAKE NOTICE that the Village of Altamont Zoning Board of Appeals will hold a public hearing on March 26, 2024 at 7:00 p.m. at the Altamont Village Community Room, 115 Main Street, Altamont, New York, to hear all interested persons on the proposed application of CM Fox Living Solutions, LLC ("Applicant") for a major subdivision. The property is identified as S.B.L. 37.14-3-6.1 and is located on the Northeasterly side of the NYS Route 397 (Western Ave.) and Schoharie Plank Road West Intersection. It is in the Village R-15 Zoning District. The major subdivision being proposed by the applicant would convert a 13.01 acre vacant lot into eleven (11) buildable lots for single family homes to be constructed on. The applicant proposes to build a total of ten (10) residences on the newly created lots (one of the lots is already improved with an existing single-family home.) All persons desiring to speak either on behalf of, or in opposition to, said proposed major subdevelopment shall be heard by either attending the public hearing or by submitting written comments in advance of the public hearing to the ZBA Secretary. Copies of the application materials are available for review at the offices of the Village Clerk located at 115 Main Street, Altamont, New York, 12009 during normal business hours and will be available on the Village website by March 22, 2024 at www.altamontvillage.org.

Dated: March 5, 2024

Gary Goss
Building Inspector and Code Enforcer
Village of Altamont

Deborah Hext
ZBA Board Chairperson
Village of Altamont

Abutting
AFD
DPW
Fire Inspector

VILLAGE OF ALTAMONT

115 Main Street PO Box 643 Altamont, New York 12009
Phone (518) 861-8554 Fax (518) 861-5379

Mayor
Kerry A. Dineen
Patty Blackwood, Clerk
Catherine Hasbrouck, Treasurer

Nicholas Fahrenkopf, Trustee
Michelle Ganance, Trustee
John Scally, Trustee
Tresa Matulewicz, Trustee

March 7, 2024

Dear Neighbor:

Enclosed you will find a legal notice regarding the request of CM Fox Living Solutions, LLC, for the creation of a major subdivision. All persons desiring to speak either on behalf of, or in opposition to, said proposed major subdivision shall be heard by either attending the public hearing or by submitting written comments in advance of the public hearing to the ZBA Secretary. The property is identified as Tax Map #37.14-3-6.1, and is located on the Northeasterly side of the NYS Route 397 (Western Ave.) and Schoharie Plank Road West Intersection which is adjacent to or close to your property. Village zoning code requires that the Zoning Board of Appeals notify all property owners within 500 feet of the subject property.

If you would like to express an opinion and/or comment, you are cordially invited to attend the Zoning Board of Appeals meeting on Tuesday, March 26, 2024 at 7:00 p.m. The meeting will be held at the Altamont Village Community Room at 115 Main Street, Altamont NY 12009.

If you would like to submit any comments prior to the meeting for the Board to review, you may submit written comments to the Village office or email your comments to the Village's Building, Zoning and Code Enforcement Officer at: villagebuilding@altamontvillage.org

If you have any further questions, feel free to contact the Village's Building, Zoning and Code Enforcement Officer at the e-mail above, or by phone at 518-861-8554 ext. 17

Best regards,



Ginger Hannah
ZBA Secretary

Enclosure – Legal Notice



March 25, 2024

Honorable Kerry Dineen, Mayor
and Board of Trustees
Village of Altamont
115 Main Street
Altamont, New York 12009

Re: CM 11 Lot Subdivision Project-comment letter

File: 895.038.001

Dear Mayor Dineen:

We have reviewed the plans submitted on March 18, 2024 for the subject project per our scope of services. We requested a response letter from Mr. Walrath's office on March 18, 2024 which was not in the submission but later emailed from the village staff on 3-22-24. We offer the following comments.

General:

1. Coordinate with the Village of Altamont for the deposit of escrow for sidewalk or other improvements for pedestrians on West Schoharie Plank Road.
2. Applicant submissions of draft maintenance agreements regarding common driveway maintenance, snow removal, drainage, lawn mowing and related being removed Village Attorney for review are being reviewed currently.
3. Response letter indicates a basement is proposed for Lot # 1 and a concern due to proximity to wetland. Please confirm with the Village this was or was not a condition from the Village early on due to close proximity to said wetland. Waiving this is up to the Village but raising the finished floor elevation another 18-inches (currently 416.5 and possibly increased to 418.0+) also elevates any basement components. The existing grade of the Lot #1 home site slopes from 414 to 412. Assuming 10' of basement depth the floor could be raised from 406.5 as shown now to 408.0 or above if the above recommends to avoid basement wetness and/or excessive pumping and energy costs.
4. The plans do show driveway culverts but the grading plan should include the additional swales and notes on the attached mark-up of the grading plan that informs proper execution of drainage paths and avoidance of stormwater impacts from the project.
5. We recommend moving the proposed rain garden for Lot# 5 to the north side of the house and farther away from the adjacent properties. The attached grading plan swale additions are for the design team's consideration but needed in our opinion to convey drainage to a new swale and culvert inlet along the L5-8 driveway and avoid running off to adjacent property.



6. The driveway drainage improvements shown entering the site from WSP Rd. need provision for drainage on the west site (adjacent to SBL 37.15-1-6) as discussed at our September site meeting to ensure the filled driveway elevations (higher than existing grade) do not dam up runoff from the project property on adjacent property(s). The attachment shows recommended revisions that provide a short pipe and swale to the area south of Lot #5 driveway. These were anticipated to be provided for this submission.
7. Label profile to add proposed grades at every 50' stations for profile L5-8 to ensure constructed pavement meets design attempt. Grades should be greater than 0.80%. Without this and contours on the grading plan a contractor may not meet intent. See attached additions.
8. Proposed drainage structures and piping are too shallow.
9. Rain gardens are too close to buildings and could infiltrate and impact basement conditions. We recommend at least 25-30' from foundation. Many look 5-10' away. See note above regarding Lot #5. No vegetation is shown for rain gardens in the detail, only erosion mat. We recommend referring to the NYSDEC rain garden guidelines and perhaps consider conservation seed mixes. Also indicate length and width for bottom of rain garden to inform construction meets design intent.
10. The detailing for the driveway cross section includes an increase from 6" to 8" of sub-base course with 4" of pavement and rare to have to support a fire truck. No turn-around areas are shown as they once were. There may been previous conversations with the Fire Chief we are not aware of and perhaps they are fine with backing in or out in the common and wider common driveway shown hatched on the plans. Please confirm.

Plans:

Sheet C-110-Subdivision Plat

1. Note 11 mentions driveway construction for 50,000 lbs. fire truck. Plans need to indicate which driveways (or portions thereof) this applies to regardless of length. It is unclear if shaded portion of common driveways pertain to note 11 for wider section and deeper sub-base. Previously shown truck turn-around areas are no longer shown. See

Sheet C-130-Landscaping, layout & Utilities Plan

1. See attachment and comments above. Runoff conveyance requires additional swales and piping a WSP driveway.
2. Requested shrubbery between driveways for L 5-8 to buffer residences on WSP Rd. adjacent to the driveway were not provided and still recommended. See previous comment letter.

Honorable Kerry Dineen, Mayor
Village of Altamont
March 25, 2024
Page 3



Sheet C-502:

1. Label concrete ballast counterweight around grinder pump for anti-bouyancy as groundwater levels are variable. Design engineer shall confirm depth required.

Please revise plans and re-submit Engineer stamped plans.

If you have any questions, please feel free to contact me at your convenience.

Sincerely,

BARTON & LOGUIDICE, D.P.C.

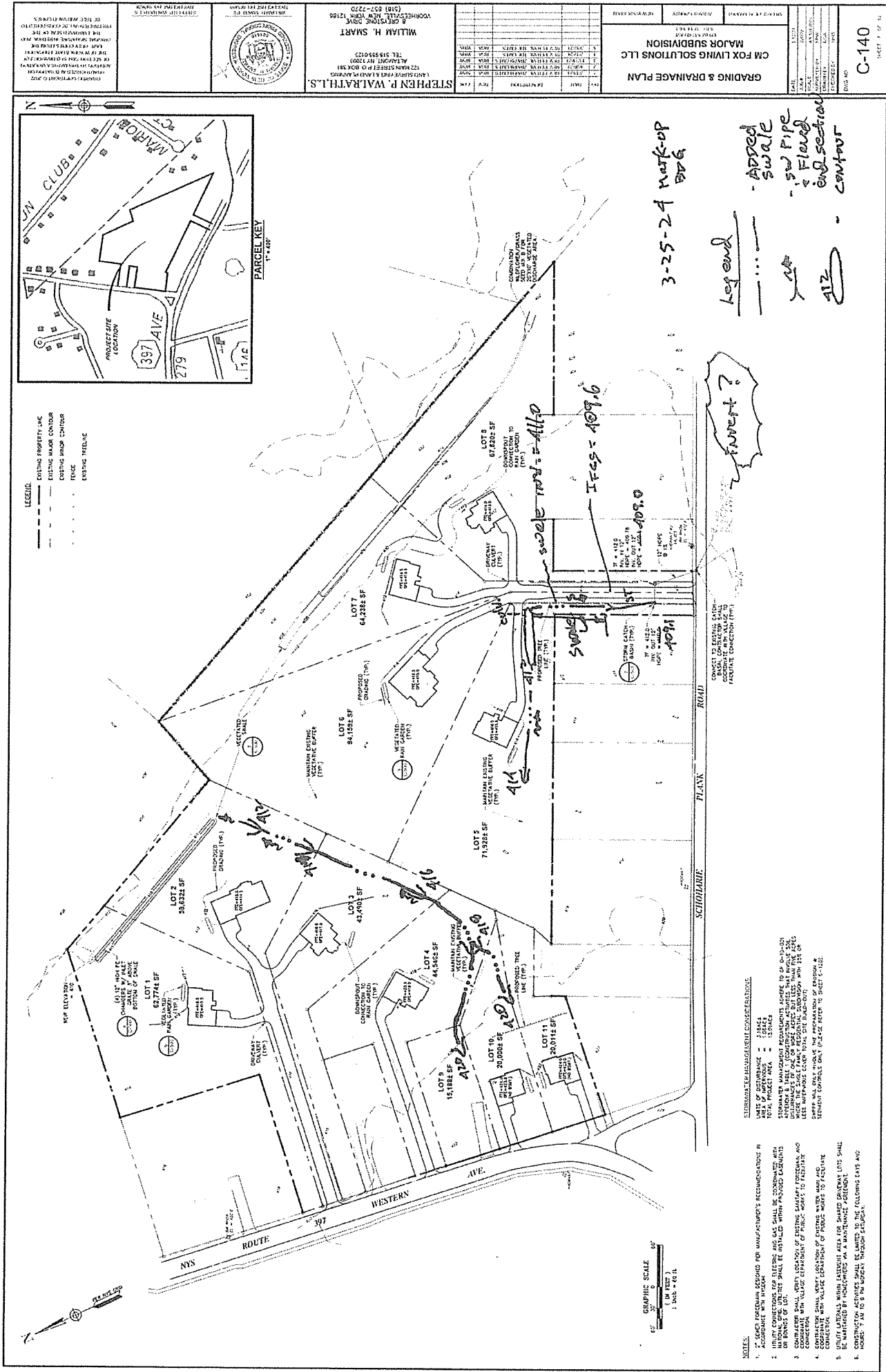
A handwritten signature in cursive script that reads "Bradley D. Grant".

Bradley D. Grant
Senior Project Manager

BDG/bdg

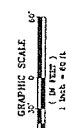
- Deborah Hext-VOA ZBA via e-mail
- Allyson Phillips, Esq. via e-mail
- Patty Blackwood-VOA via e-mail
- Ginger Hannah-VOA via e-mail
- Garry Goss-VOA via e-mail

Encl.-grading plan and additional swales pdf



LEGEND

- EXISTING PROPERTY LINE
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- FENCE
- EXISTING TIE LINE



- NOTES:
1. SEE EACH FOLDER FOR THE MANUFACTURER'S RECOMMENDATIONS FOR THE INSTALLATION OF THE SYSTEM.
 2. THE SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS AND THE FOLLOWING NOTES.
 3. THE SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS AND THE FOLLOWING NOTES.
 4. THE SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS AND THE FOLLOWING NOTES.
 5. THE SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS AND THE FOLLOWING NOTES.
 6. THE SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS AND THE FOLLOWING NOTES.

SUBMITTAL REQUIREMENTS

DATE OF SUBMITTAL: 12/15/2023

DATE OF REVISION: 12/15/2023

DATE OF APPROVAL: 12/15/2023

DATE OF CLOSURE: 12/15/2023

INVERT?

3-25-24 mark-up B06

Legend

- Added swale
- 5" Pipe
- 8" Flared
- 412 - contour

STEPHEN P. WALRATH, L.S.

WILLIAM H. SMART

800-555-5555

1222 N. 10TH STREET, SUITE 100, BOCA RATON, FL 33431

TEL: 561-995-0025

ALSO SEE: 1000 N. 10TH STREET, SUITE 100, BOCA RATON, FL 33431

TEL: 561-995-0025

NO.	DATE	DESCRIPTION
1	12/15/2023	CM FOX LIVING SOLUTIONS LLC
2	12/15/2023	MAJOR SUBDIVISION
3	12/15/2023	GRADING & DRAINAGE PLAN
4	12/15/2023	CM FOX LIVING SOLUTIONS LLC
5	12/15/2023	MAJOR SUBDIVISION
6	12/15/2023	GRADING & DRAINAGE PLAN
7	12/15/2023	CM FOX LIVING SOLUTIONS LLC
8	12/15/2023	MAJOR SUBDIVISION
9	12/15/2023	GRADING & DRAINAGE PLAN
10	12/15/2023	CM FOX LIVING SOLUTIONS LLC
11	12/15/2023	MAJOR SUBDIVISION
12	12/15/2023	GRADING & DRAINAGE PLAN

C-140

SHEET 1 OF 11



February 23 2023

Honorable Kerry Dineen, Mayor
and Board of Trustees
Village of Altamont
115 Main Street
Altamont, New York 12009

Re: CM 11 Lot Subdivision Project-comment letter

File: 895.038.001

Dear Mayor Dineen:

We have reviewed the plans in February 2024 for the subject project per our scope of services and offer the following comments.

General:

1. Confirm the intentions with the ZBA for providing a crosswalk at the west end of WSP over to an existing sidewalk as discussed during our site walk-through on September 21, 2023. We recommend a painted crosswalk with adjustments/re-construction of a short portion of the existing sidewalk with ADA grading across from the westerly end of WSP be constructed whether a sidewalk is constructed or not. This would enable an improved connection to sidewalk across Western Avenue as discussed during our site visit where no provisions exist now to serve the increased pedestrian traffic anticipated. There is a note on the plans for a 5' wide sidewalk but is presumably not proposed in lieu of escrow. Please clarify.
2. Applicant submissions of draft maintenance agreements regarding common driveway maintenance, snow removal, drainage, lawn mowing and related to the Village Attorney for review are still pending.
3. Confirm if the Village is interested in posting a lower speed limit on WSP, such as 10 MPH given its narrowness. We disagree with the response that this provision is negligible but it is ultimately up to the Village.
4. Confirm a basement is not proposed for Lot # 1 due to proximity to wetland. Was this not a condition from the Village early on due to proximity to said wetland?
5. Project detailing for driveways able to support fire apparatus and drainage at driveways need revisions to provide 10-12" of Type 2 sub-base to support a 50,000# truck/fire apparatus. A 6-inch sub-base over the existing silty soils is insufficient. Stabilization/separation fabric should be considered.



Plans:

Sheet C-002-Notes:

1. Exterior grinder pump installation are proposed. The pump typically has an integral check valve inside the pump station and use of the E-1 lateral kit comes with another check valve at the curb box. Redundant check valves help ensure pumped sewage does not enter back into the houses if one fails open. Show plan location for all check valve assemblies for each lot. A note that it is outside the home does not suffice.

Sheet C-110-Subdivision Plat

1. Note 11 mentions driveway construction for 50,000 lbs. fire truck. Plans need to indicate which driveways (or portions thereof) this applies to regardless of length. It still does not. Lot 2 is more than 500' from Western Avenue. Previously shown truck turn-around areas are no longer shown.

Sheet C-130-Landscaping, layout & Utilities Plan:

1. Label all proposed contours. Swale near Marion Court on lot 1 are not labeled and discharge weir elevation has not been provided. Please provide requested data as was the case on the south side.
2. Northerly channel needs a weir elevation to discharge as requested.
3. Provide length and width at bottom of rain gardens which are presumably typical. Show house downspouts connected to rain gardens.
4. Drainage of the property generally runs from west to east (Western towards Marion). There are still no provisions for driveway culverts or drainage swales shown on the grading plans that allow runoff conveyance or avoidance of run-on drainage from one property to another except at lots 7 and 8. Detailed 2' swale depth may need to be shallower as the site is relatively flat. The detail needs to be applied to the plan so the site contractor knows where they are proposed and how to grade them.
5. During site walk-through provision of underground stormwater chambers were discussed near the end of swale on lot 1 to infiltrate some runoff. Please provide (4 sections) of 12" high PE chambers below ditch invert connected by a 6" vertical pipe having a inlet grate 3" above bottom of swale to the chambers below. The plan generally notes the chambers but the top of the chambers need to be at least 6-inches below the swale and not above the ditch invert as labeled. Indicate model number/manuf. of chamber units and dimension on the plans regarding their extent.



6. Add notes to retain existing trees to provide screening and minimize area of disturbance. This applies to all lots. Existing note referenced in response letter could not be found.
7. We recommend new perennial shrubs within WSP driveway easement adjacent to the westerly and easterly homes. Nannyberry shrubs would be too large.
8. Where are provisions of drainage for low area west of WSP driveways and connection to existing catch basin discussed during walk-through? We recommend a 20-30' length to a 12-inch inlet flared end section to drain the existing low point discussed during our site walk-through and connected to CB on the west side of WSP driveway. Label catch basin rim and invert elevations, pipe sizes and pipe slopes. None are shown.

Sheet C-140-Reserved for Site Plan and Profiles:

1. Provide detail of driveways showing crowned sub-grade, materials, depths, compaction and all needed to construct that supports a 50,000 lbs. fire truck. As shown the proposed sub-base is only 6-inches in depth with no soil separation geotextile. We recommend a 10-12" sub-base course where fire trucks might access.
2. Profiles of each driveway are provided but does not show culverts where swales lead to and away from that considers drainage, culverts and conveyance of runoff. Show driveway culverts.

Sheet C-502:

1. For detail 2 (in-line flushing assembly) dimension size and depth of ABS access.
2. What is cap material and how attached? Do not glue.

Please revise plans and re-submit Engineer stamped plans.

If you have any questions, please feel free to contact me at your convenience.

Sincerely,

BARTON & LOGUIDICE, D.P.C.

A handwritten signature in black ink, appearing to read 'Bradley D. Grant'.

Bradley D. Grant
Senior Project Manager

BDG/bdg

-Deborah Hext-VOA ZBA via e-mail

-Allyson Phillips, Esq.

-Patty Blackwood-VOA via e-mail

-Ginger Hannah-VOA via e-mail

Honorable Kerry Dineen, Mayor
Village of Altamont
February 23, 2024
Page 4



-Garry Goss-VOA via e-mail

Stephen P. Walrath, L.S.

**Land Surveying & Land Use Planning
Environmental Mapping**

**P.O. Box 381
122 Main Street
Altamont, NY 12009
518-986-0125
email: spwalrath3@gmail.com**

February 13, 2024

Bradley Grant, Senior Project Manager
Barton & Loguidice
10 Airline Dr. Suite 200
Albany, NY 12205

Re: CM Fox 11 Lot Subdivision Project – Comment Letter

Dear Mr. Grant,

We are in receipt of the review letter issued by Barton & Loguidice on November 20, 2023 regarding the Subdivision Review for the above mentioned project. We have reviewed the comments provided and offer the following responses:

1. Confirm the intentions with the ZBA for providing pedestrian accommodation's; (1) sufficient escrow for sidewalks, (2) or providing a constructed sidewalk on West Schoharie Plank Road (WSP), and a crosswalk at the west end of WSP over to an existing sidewalk as discussed during our site walk-through on September 21, 2023. We recommend the crosswalk across from the westerly end of WSP be constructed whether a sidewalk is constructed or just escrowed to enable to improve connection to sidewalk across Western Avenue as discussed during our site visit.

The Village shall decide how to allocate escrowed amount.

2. Applicant shall submit draft maintenance agreements regarding common driveway maintenance, snow removal, drainage, lawn mowing and related to the Village Attorney for review. We have made previous comments related to the initial draft agreements submitted. See below.

Draft maintenance agreements are in progress.

3. Confirm if the Village is interested in posting a lower speed limit on WSP, such as 10 MPH given its narrowness.

Given the existing width and the nature of a dead-end road reducing the speed limit of this section of Schoharie Plank Road would prove negligible.

4. Confirm a basement is not proposed for Lot # 1 due to proximity to wetland.

A basement is proposed for Lot #1, final floor elevation of the proposed house will take into consideration existing conditions.

5. Landscaping plan seems minimal with quantity and only three varieties. It does not provide for screening trees or shrubs near existing properties adjacent to the project on lots 1, 3, 4, 5, 6, 7 and 8. See comments below.

Please see sheet C-130 Layout, Utilities & Landscaping Plan for a revamped landscaping plan.

6. Include landscaping as part of sheet C-130 title.

The sheet C-130 title has been updated.

7. We assume no exterior site lighting is proposed farther than 40' from the house on the larger lots (over 1 acre) and any proposed lighting should go through Village building inspector for review. Comply with all Village and NYS building codes

This assumption is correct, any proposed lighting further than 40' from the house will undergo review from the Village Building inspector.

8. Project detailing for driveways able to support fire apparatus and drainage at driveways need additional information, see below.

Please refer to sheet C-130 Layout, Utilities & Landscaping Plan and C-300 Driveway Cross Sections for common access driveway details.

Plans:

Sheet-C-001-Cover:

1. Add landscaping to sheet C130 title on cover and layout and Utilities Plan.

Please refer to sheet C-130 Layout, Utilities & Landscaping.

Sheet C-002-Notes:

1. Sewer notes number 4 indicates a check valve in the basement while plans and detail indicates an exterior grinder pump installation. The pump typically has an integral check valve inside the pump station and use of the E-1 lateral kit comes with another check valve at the curb box. Redundant check valves help ensure pumped sewage does not enter back into the houses if one fails open. Please clarify inside or exterior installation.

Please refer to sheet C-002 Notes, sewer notes number 4, for clarification of check valve location.

2. Under water notes please re-word note 4 regarding that expansion of the work area is within

project property limits by 10' from adjacent property(s) to ensure retention of existing vegetation.

Please refer to sheet C-002 Notes, water notes number 4, for clarification of expansion of work area.

Sheet C-110 Subdivision Plan:

1. Note 11 mentions driveway construction for 50,000 lbs. fire truck. Plans need to indicate which driveways this applies to regardless of length.

Please refer to sheet C-110 Subdivision Plan, for clarification of emergency vehicle access.

Sheet C-120 Erosion & Sediment Control Plan:

1. What are Geo-technical engineer recommendations mentioned in note 4 of Construction Sequence? Include in plans if pertinent.

A geo-technical engineer shall be consulted if and only if areas of significant material fills were present on site, as designed no such areas are present on site.

Sheet C-130 Layout, Utilities & Landscaping Plan:

1. Label all proposed contours.

Please refer to sheet C-140 Grading & Drainage Plan, for updated contour labels.

2. Indicate proposed drainage swale end elevations at north and south ends adjacent to Marion Court property lines. Northerly channel needs a weir elevation to discharge.

Please refer to sheet C-140 Grading & Drainage Plan, for information on drainage swale elevations.

3. Where are the rain gardens previously discussed to receive roof drainage on each of the lots? Their storage value was intended to offset increases of impervious area from development in this sensitive area. The smallest lots could have smaller rain gardens.

Please refer to sheet C-140 Grading & Drainage Plan, for information on the rain gardens. Although interpreted as a practice that would be installed based on a per lot basis; vegetated rain gardens have been incorporated into the drawing set for the project.

4. Drainage of the property generally runs from west to east (Western towards Marion). There are no provisions for driveway culverts or consistent swales shown on the grading plans that allow runoff conveyance or avoidance or run-on drainage from one property to another except at lots 7 and 8.

Please refer to sheet C-140 Grading & Drainage Plan and sheet C-300 Driveway Cross Sections, as the addition of the individual best management practices aid in the mitigation of runoff conveyance to adjacent parcels. Site details highlight the minimal grading required to

address the abovementioned concerns.

5. During site walk-through provision of underground stormwater chambers were discussed near the end of swale on lot 1 to infiltrate some runoff. Please provide (4 sections) of 12" high PE chambers below ditch invert connected by grated vertical pipe 3" above bottom of swale.

Please refer to sheet C-140 Grading & Drainage Plan for the addition of the PE Chamber in the northerly swale.

6. Add notes to retain existing trees to provide screening and minimize area of disturbance. This applies to all lots.

Please refer to sheet C-130 Layout, Utilities & Landscaping Plan as such note already exists on plan set.

7. Widen out discharge end of eastern swale through lots 7 and 8. Contour 402 should be 20' wide at end on lot 8. We recommend mixing some wildflower seed mix with grass seed for this 20'x10' end area for providing an erosion resistant vegetated area at discharge.

Please refer to sheet C-140 Grading & Drainage Plan.

8. Provide screening shrubs/moderate sized trees/vegetation along driveways and houses on lots 1, 3, 4, 10, and 11 on the Western Ave. side. Provide screening with smaller species of conifers along driveways for lots 5, 6, 7 and 8 accessing WSP. Provide side yard trees for lots 5 to buffer new house location and add more than shown for lot 8. Screening for existing properties is important.

Please refer to sheet C-130 Layout, Utilities & Landscaping Plan.

9. Add a 45 degree bend at sewer manhole connection that directs discharge to outlet pipe as opposed to perpendicular to flow to reduce splatter and odors.

Please refer to sheet C-502 Utility Details.

10. Where are provisions of drainage for low area west of WSP driveways and connection to existing catch basin discussed during walk-through?

Please refer to sheet C-140 Grading & Drainage Plan for details of catch basin provisions.

Sheet C-140 Reserved for Site Plan & Profiles:

1. Provide detail of driveways showing crowned sub-grade, materials, depths, compaction and all needed to construct that supports a 50,000 lbs. fire truck.

Please see sheet C-300 Driveway Cross Sections.

2. Provide a profile of each driveway that considers drainage, culverts and conveyance of runoff. Show water and sewer laterals with appropriate cover as already detailed.

Please refer to sheet C-150 Plan & Profile for utility information within common access driveway.

3. Slope is minimal across central part of property and conveyance of drainage is a challenge. Consider shallow swales leading to multiple 8-10-inch driveway culverts under driveway grades.

Please see sheet C-300 Driveway Cross Sections.

Sheet C-500 Erosion & Sediment Control Details:

1. Where/what is seed mix A for detail 3?

NYS DOT Seed Mix A was not chosen for this application as it is tailored for general road-side usage, where seed Mix B is a mix of grasses formulated for Restorative/high-traffic areas, please see sheet C-500, detail 3 for more information.

2. For detail 7 (drainage swale) we recommend 1 vertical: 3 horizontal side-slope to less erodible than 1:2 shown.

Please see sheet C-500, detail 7 for revised side slope note.

3. Is there a more resilient grass seed mix than just rye grass that could be more heat and erosion resistant for detail 7?

NYS DOT Seed Mix A would work well in these low shade areas, please see sheet C-500, detail 7 for revised note.

Sheet C-501:

1. Add sanitary sewer force Main note 8 in detail 1 regarding minimum cover.

Note added to detail, please refer to sheet C-501, detail 1, note number 8.

2. Clarify intent of note 1 in detail 5 regarding lid 12" below grade.

This note contains a typo, please see revised note on sheet C-501 detail 5, note 1.

Sheet C-502:

1. For detail 2 (in-line flushing assembly) what is nature of insulated lid and ability to withstand wheel loads? What is R-value to keep the piping from freezing? Dimension component depths and depth of gravel.

This detail is directly from the e-one catalog, "boxes shall be constructed of ABS, conforming to ASTM-D 1788. Lid top casting shall be cast iron, conforming to ASTM A-48 Class 25,

providing magnetic detectability, and be painted black. The lid shall have the word "sewer" cast into it. All components shall be inherently corrosion-resistant to ensure durability in the ground". Dimensional requirements of components and gravel shall be in accordance with ASTM D 2321.

2. Consider ball valves in lieu of gate valves

Detail Number 2 has been revised to show use of ball valves instead of gate valves.

3. What is intended for cap?

Please see response to Comment Number 1, Sheet C-502

If you have any questions, or are in need of additional information, please feel free to contact me at 518-888-2852.

Sincerely,



Ro Andres
Project Manager

Ginger Hannah

From: simon litten <slitten47@gmail.com>
Sent: Wednesday, February 28, 2024 10:05 AM
To: Ginger Hannah
Subject: Re: Living Solutions Summary and Tree & Shrub Recommendation List by Soil Drainage Class
Attachments: Species for Somewhat Poorly Drained and Moderately Well Drained and for Well Drained and Somewhat Excessively Well Drained Soils.docx

Hi Ginger,

Please see the communication with the Albany Soil & Water District. Also, a shorter list of species suitable for the soil types at the project.

On Fri, Jan 19, 2024 at 1:54 PM Sauca, Tonnie - FPAC-NRCS, NY <Tonnie.Sauca@ny.nacdnet.net> wrote:

Hello Simon,

Here is a resource you can use for both your current site and any site across the village. I hope you are able to get a little more diversity and natives into the plantings. Most screens have more than one row of trees as well. Small trees or shrubs on either side of 1 or 2 alternating rows of trees is more common to slow wind, trap snow, more visually obscure but it does appear that space is limited in the design.

If you have any questions let me know,

Tonnie

Tonnie Sauca Jr

District Technician

Albany County Soil & Water Conservation District

24 Martin Road, Voorheesville, NY 12186

(518) 765-7923

Tonnie.Sauca@ny.nacdnet.net

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--

Simon Litten
518-881-7942 cell
518-861-6719 land

Species for Somewhat Poorly Drained and Moderately Well Drained and for Well Drained and Somewhat Excessively Well Drained Soils

* Provides habitat for endangered bats.

** Ecologically valuable keystone species.

Shrubs

Black Chokeberry *Aronia melanocarpa* Short Shrub 6 feet Deciduous, attractive white flowers, berries, and red foliage in fall. Used for cover and food by many species, good screen due to stems. Grouse favorite.

Maple-leaved Arrowwood, *Viburnum acerifolium* Shrub 6 feet Deciduous, shade tolerant shrub that has attractive flowers, berries, and foliage. Its dense multi-stem growth is both good for screens, hedges as well as nesting, cover, and browse for many species.

Red Osier Dogwood, *Cornus sericea* Shrub 12 feet Deciduous, aesthetically pleasing bright red stems in winter, white flowers in spring, thickets are great habitat for birds and mammals.

Silky Dogwood, *Cornus obliqua* Shrub 12 feet Deciduous, aesthetically pleasing bright red new growth with white flowers in spring, blue berries used by birds for food, forms thickets for nesting.

Ninebark, *Physocarpus opulifolius* Shrub 12 feet Deciduous, fast growing, and adaptable shrub that can grow in any conditions. Attractive flowers, berries, foliage, and bark on mature stems like birch.

Elderberry, *Sambucus nigra* spp. *canadensis* Shrub 12 feet Deciduous, fast growing shrub with white flowers and black berries desired by birds. Edible berries.

Buttonbush, *Cephalanthus occidentalis* Shrub 12-16 ft Deciduous, white flower heads are great for pollinators, waterfowl and other birds eat the seeds. Great for waterbody edges.

American Cranberry, *Viburnum trilobum* Shrub 12-16 ft Deciduous, aesthetically pleasing year-round from spring flowers, summer red berries, fall bright foliage and winter red stems. Berries are desired food source and thickets are nesting habitat.

Speckled Alder, *Alnus incana* Shrub 12 -20 ft This hardy deciduous shrub is perfect for a variety of soils but does best along streambanks or in seasonally wet areas. Used as both thick cover and

Small Trees

American Witch Hazel, *Hamamelis virginiana* Shrub / Small Tree 15 to 20 ft Deciduous, shade preferred shrub best for understory or north sides of hills or buildings, requires moist conditions but not saturated. Yellow flowers and attractive foliage, browse and nesting for woodland birds like thrushes.

American Plum, *Prunus americana* Small Tree 20 to 35 ft This highly valuable small tree is very useful for both birds, wildlife, and humans for food as well as cover for nesting and windbreaks. Moist conditions are a must for the establishment and not drought hardy.

Canadian Serviceberry, *Amelanchier canadensis* Small Tree 30-45 feet Often a multiple-trunked large shrub or small tree this deciduous tree is known for its spring blossoms and desirable fruits for birds and other wildlife. Adaptable but prefers moist well drained loam soils. Often along the edges of wetlands/fields.

Northern White Cedar, *Thuja occidentalis* Small Tree 50-75 feet Coniferous small tree that prefers more the poorly drained to moist well-drained areas than excessively poorly drained. Used for cover, browse, nesting and screens but will need winter browse protection to prevent deer from stripping the lower branches.

Red Mulberry, *Morus rubra* Small Tree 50-75 feet A deciduous adaptable tree with attractive flowers and important food source for many birds and mammals. Not ideal for near buildings or infrastructure such as parking areas due to dropping fruit. Better along perimeter of saturated areas.

Blackgum, *Nyssa sylvatica* Small Tree 50-75 feet Deciduous tree that is used by many species of birds and mammals for food and nesting. Hardy and tolerant of wide variety of conditions but prefers poorly drained to moist well drained soils.

****River Birch, *Betula nigra* Small Tree 50-75 feet Deciduous tree with attractive bark that provides early spring seed source for various birds and mammals. Not for excessively saturated areas but great for the perimeter of these areas.**

****Yellow Birch, *Betula alleghaniensis* Small Tree 50-75 feet Deciduous tree with attractive bark that provides early spring seed source for various birds and mammals. Not for saturated areas but great for the perimeter of these areas. Substitutes include River, White/Paper, and Grey birches if needed.**

Butternut, *Juglans cinerea* Small Tree 50-75 feet A valuable tree just like its larger relative Black Walnut, this uncommon tree produces edible nuts used by many including humans. Lumber is valuable and was often planted around farmsteads to use the nuts for various products and as shade trees.

Large Trees

Eastern Cottonwood, *Populus deltoides* Large Tree 75-100 ft Deciduous tree that is fast growing and prefers banks of streams in well drained floodplain soils but is tolerant of various soil conditions. Not shade tolerant and will produce large amounts of cottonlike seeds that are food for many species.

****Red Maple, *Acer rubrum* Large Tree 75-100 ft Deciduous tree with attractive red foliage in fall. Seeds are eaten by a variety of birds and mammals. Common at nurseries.**

****Sugar Maple, *Acer saccharum* Large Tree 75-100 ft** A deciduous tree with attractive foliage in fall, sweet sap, and plentiful seeds that are eaten by many birds and mammals. Browsed by deer and mature bark peels and is used by bats like shagbark hickory.

Sycamore, *Platanus occidentalis* Large Tree 75-100 ft Tolerant of moist conditions and often found near waterbodies this large tree is fast growing, has attractive white and gray camo like bark and produces seed balls that are a winter food source for many species of birds and mammals. Does best in the moist but well-drained soils on stream edges.

***Shagbark Hickory, *Carya ovata* Large Tree 75-100 ft** Large slower growing tree with many uses including nut mast production utilized by many species of birds and mammals. It is also the host tree for many large moth larvae including the Luna Moth. Bats also enjoy the large peeling bark of mature trees for roosts.

****White Oak, *Quercus alba* Large Tree 75-100 ft** Though adaptable and hardy this tree prefers the moist but coarse (sandy) well-drained soils. Difficult to transplant due to tap root but long lived and will produce large amounts of desirable nut mast for wildlife once mature.

****Bur Oak, *Quercus macrocarpa* Large Tree 75-100 ft** Large long-lived oak that will produce large amounts of desired nut mast for wildlife once mature. Fire resistant and hardy. Often used for degraded site restoration.

****Northern Red Oak, *Quercus rubra* Large Tree 75-100 ft** This hardy oak prefers to grow on well-drained slopes and would be best in not too dry or too wet conditions. Will produce acorns once mature that are a great food source for many species.

Evergreens

Eastern White Pine, *Pinus strobus* Large Tree 75-100 ft Coniferous tree with a fluffy appearance that grows fast in full sun. Used for screens and wind breaks as well as browse and cover for mammals and birds.

Red Pine, *Pinus resinosa* Large Tree 75-100 ft Coniferous tree with long needles creating tufted ends on branches compared to fox tails. Trees will get tall and self-prune lower branches creating a large trunk with needled branches only in the canopy. Nesting and foraging tree for many bird species. Cones are a food source as well.

Norway Spruce, *Picea abies* Large Tree 100 feet Coniferous tree with large swooping branches that shed snow and ice. Used by many birds and mammals for cover and food. Commonly planted as windbreaks and screens. More resistant to the needle cast diseases, than other evergreens. Norway spruce is a naturalized species not a native species, though it is commonly planted and accepted as a noninvasive species for its hardiness and aesthetically pleasing look.

Zoning Board of Appeals Meetings

April 2024 – April 2025

All Zoning Board of Appeals Board meetings are on an as-needed basis, and take place on the 4th Tuesday of the month at 7:00 p.m. unless noted.

April 23, 2024

May 28, 2024

June 18, 2024 (3rd week)

July 23, 2024

August 27, 2024

September 24, 2024

October 22, 2024

November 26, 2024

December 17, 2024 (3rd week)

January 28, 2025

February 25, 2025

March 25, 2025

April 22, 2025

**VILLAGE OF ALTAMONT
ZONING BOARD OF APPEALS DIRECTORY**

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Allyson Phillips / Hyde Clarke, Village Attorney

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Email: hclarke@youngsommer.com

Gary Goss

Building Inspector / Code Enforcer

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BOARD

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Laurie Pinze, Alternate (3/26)

62 Sanford Pl., Altamont NY 12009
(C) 518-527-1100
Email: lorobelle@gmail.com

- ZBA meets 7:00 pm fourth Tuesday each month only as needed.
- Members notified by email when a meeting is scheduled
- The Mayor requests attendance of all board members at scheduled meetings.

Updated 2/16/24

