

**VILLAGE OF ALTAMONT**  
**REGULAR BOARD MEETING**  
October 6, 2015

Mayor James M. Gaughan  
Trustee Kerry Dineen  
Trustee Christine Marshall  
Trustee Dean Whalen

Patty Blackwood, Clerk  
Larry Adams, Asst. Supt. of Public Works  
Robert White, Altamont Fire Chief  
Todd Pucci, Altamont Police Chief, Absent  
Catherine Hasbrouck, Treasurer  
Marijo Dougherty, Archives & Museum  
Glenn Hebert, Building Inspector  
Jason Shaw, Legal Counsel

General Public: 34

Attending: Brad Grant, Barton & Loguidice; and Chuck Marshall, Stewarts

7:00 p.m.

Mayor Gaughan called the meeting to order with the Pledge of Allegiance.

Mayor Gaughan reported on Sunday, October 18<sup>th</sup> the Village will be celebrating its 125<sup>th</sup> anniversary and the Altamont Archives and Museum will be hosting an exhibit on stained glass windows of the churches of Altamont.

Robert White, Chief Altamont Fire Dept., reported 4 calls for the month of September consisting of 1 mutual aid alarm drop, 2 outdoor fires, and 1 hazardous condition call. Chief White noted the upcoming events for the fire department: Open House, October 10<sup>th</sup>; Halloween Parade, October 31<sup>st</sup>; Comedy Night, November 7<sup>th</sup>; and Santa Stroll, December 20<sup>th</sup>. Chief White reported that Kyle Haines, Assistant Fire Chief, was at Baltimore Washington Airport and resuscitated an individual using an AED machine.

Larry Adams, Asst. Supt. of Public Works, reported hydrant flushing and yard waste collection has begun.

Trustee Dineen made a motion seconded by Trustee Whalen to approve the Treasurer's report; #8, #9 and transfer of funds as submitted. **Roll Call: All in favor**

**Public Comment:**

Kristen Casey, Main Street, stated she would like to thank the Village. The decision whether to rezone the Helderberg property has been a long time coming and many hours have been spent by many people in the effort to do the best thing for the Village. She stated she knows what a difficult decision this is and wants to express appreciation for including the public in the process and for the office being so responsive to their many requests for information. She wanted to be sure that Stewarts knows how much they are appreciated in this community. They have talked to dozens of people about the rezoning and each person was supportive of the important role that Stewarts' plays here. Everyone goes to Stewarts for one thing or another several times a week, if not more. The issue is simply about the rezoning of a residential property. The overriding opinion, among all the people they talked to, was that we must do everything possible to meet Stewarts needs as well as the Village's needs on the existing site as originally proposed. Ms.

Casey thanked Stewarts' representative, Chuck Marshall, for his willingness to meet with them and his response to their request for information. Ms. Casey stated Stewarts provides a valuable service to Altamont and thanked Stewarts.

Carol Rothenberg, Helderberg Avenue, thanked the Mayor for asking to hear from the public on the rezoning of the Helderberg property. Ms. Rothenberg stated she encouraged letters and others to speak at the September Board meeting. They had over 40 letters and emails and around 15 speakers in opposition to the proposed rezoning change. Since that meeting, they have continued their efforts to heighten awareness of what the changes would mean for the Village of Altamont. Ms. Rothenberg stated they handed in petitions with over 200 signatures all in opposition to the proposed change. It was important for them from the start that they had a productive and civil exchange of conversation in an effort to disseminate information. Many people are concerned but didn't have enough information to voice an informed opinion. Some had misunderstanding or misinformation. Other who don't regularly subscribe to the Altamont Enterprise were not aware of the project. A small number were for the rezoning, a few were undecided, but the overwhelming majority didn't want to see the rezoning occur and in general they found the majority of the people actually thankful for their efforts in reaching out to bring the awareness to this Village issue. Ms. Rothenberg stated many people wanted the Village to work with Stewarts to improve the existing site. The Google Earth photo lent a visual to the actual scope and scale of the project showing a suburban plan and placing it into a neighborhood village setting. Their focus was in providing the Board with as much community input to guide them in this serious decision making. Ms. Rothenberg thanked the Board for prompting them to seek out public opinion and to provide it to the Board and thanked Village staff for their help with assembling letters and material for the Board.

Dagmar Frinta, Maple Avenue, stated she has found what's happening here in the Village is related to much bigger issues that are happening in many cities and villages. Ms. Frinta read from the Congress for New Urbanism and stated she was happy everyone was getting involved with the proposed rezone issue.

### **Public hearing at 7:15 p.m.**

Jason Shaw, Legal Counsel, opened the public hearing with reading of the Legal Notice to consider proposed Local Law No. 3 of 2015 to amend provisions of Chapter 355 of the Village Code concerning the definition of what constitutes elderly or senior housing and allowing such housing in the R-10 zoning district in the Village.

Mayor Gaughan reported the Board had a public hearing in September and closed it. An issue came up regarding the age requirement that would be in the allowance for senior housing. The age in allowance went from 59 to 55 years old. The Village Board felt they wanted to reopen the public hearing just in case anyone had any issue about the change in the age requirement.

Trustee Dineen stated the surrounding senior housing properties in the Village of Altamont and Town of Guilderland have an age requirement of 55 years old.

Trustee Whalen made a motion seconded by Trustee Marshall to close public hearing at 7:18 p.m. **Roll Call: All in favor**

Trustee Dineen made a motion seconded by Trustee Marshall to approve Local Law No. 3 of 2015 to amend provisions of Chapter 355 of the Village Code concerning the definition of what constitutes elderly or senior housing and allowing such housing in the R-10 zoning district of the Village. **Roll Call: All in favor**

Village Board of Trustees; and Jason Shaw, Legal Counsel, continued to discuss, from the September Board meeting, the Short Environmental Assessment Form on rezoning of 107-109 Helderberg Avenue.

Trustee Whalen made a motion seconded by Trustee Dineen to approve resolution to authorize a SEQRA Negative Declaration for the rezoning of the Baumann parcel under Local Law No. 4 of 2015. **Roll Call: All in favor**

Chuck Marshall, Stewarts, gave a presentation to the Village Board of the changes, since the September Board meeting, that have been made to the Stewarts' plans.

Mayor Gaughan stated his decision is based on what is he willing to give up for other issues and can he live with that, and can the community live with it. In the end he would be prepared that some people will come to him and be upset about the outcome of keeping it the same and those people will complain as loudly as others have over the last several months.

Trustee Whalen stated he is an architect and a planner. He has seen this project from day one as the liaison of the Planning Board and has seen the issues. Trustee Whalen stated he does see the merits of looking at other alternatives including what was brought forth as getting a bigger parcel. It is a very difficult site and if this does not pass and Stewarts decided to pursue anything besides leaving it alone and just maintaining it, there will be some significant compromises. There are ways to improve it but it will not be to the potential of taking an additional lot and making it easier on everyone including Stewarts to get the clearances, the landscaping, and the gas islands. Trustee Whalen stated they are representatives of the Village and to some degree in a democratic society he has to hear the majority. He has to take that into consideration as he votes.

Trustee Marshall thanked everyone who has written to the Board on this issue. Trustee Marshall stated it was really good to see that the community cares about what's going on here. The comments and points are very helpful for them to individually making a decision on this. Some of the speakers indicated that in their minds this was a slam dunk decision but she never found it that way. She can see merit on both sides of the issue. The current Stewarts' building is not very attractive and their new building does fit more within the architectural design of the Village. The fact they want to invest more money in the Village is gratifying. Mr. Marshall has been very accommodating on some issues and gracious throughout the whole process and they all value Stewarts. Trustee Marshall stated she is more persuaded by the arguments that have been brought up that it's just too big of a footprint with the design and doesn't really fit within the character and the comprehensive plan. Trustee Marshall stated she is concerned that it encroaches on a neighborhood and the people there would have negative effects from that encroachment in their neighborhood.

Trustee Dineen stated the Board all have looked at this in many ways. She saw merit on both sides. She can echo what Mayor Gaughan, Trustee Marshall, and Trustee Whalen have said. To really come to a conclusion on this she had to go back to what the job is of the Village Board. The Board is voting on a zoning change for a property. Anyone can apply for a zoning change. The Board has had the zoning change requests before. This is not precedence setting as some people thought it to be. One identical request was an extension of a business and more recently a request for property next to an R-10 changed to light industrial that had never existed there before. Stewarts had made the application request on behalf of the Baumann property. The Board has to keep the project in mind and in doing that SEQRA is the tool to use. The Board had to look at if this would have an environmental impact on the Village. This was her guide to a negative declaration. Addressing just the zoning change, this was previously zoned business.

This is not a historic house as some people have indicated. The business district wouldn't be extended much further because it was already business in the past and business extends beyond it on the opposite side of the street. On Maple Avenue in the 1980's there was a residential property that requested to be rezoned business. Trustee Dineen stated the comprehensive plan has been referred to on both sides. If you read the comprehensive plan, you can find support for both sides within it. Objectives to improve the presence of Altamont's businesses, promote an efficient planning review which has been done through the Planning Board process, and maintain high level of traffic safety at intersections and public places in the Village. The architectural factors in the comprehensive plan could support the other side. Some of this process discussed by the Board was not part of a zoning change and should be turned over to the Planning Board for their consideration. Trustee Dineen stated she could see a zoning change at this property with keeping in mind the SEQRA for this project. She trusts the Planning Board to take this project and do the right thing. That doesn't mean allowing 6 filling stations on the site. The Planning Board was meticulous at their first meeting with Stewarts. This is why she can support a zoning change to this property.

Mayor Gaughan stated he had hoped that the outcome of this discussion on the expanded site would create something that was site appropriate. He wanted to see a building that would be modernized and would reflect the great character of the historic community. Mayor Gaughan stated he hoped the business choices made by the applicant would show flexibility and would show accommodation to some of the legitimate issues that were raised about the large site. Mayor Gaughan stated he has concern with the elements that are the key to the creation of this site.

Trustee Whalen made a motion seconded by Trustee Dineen to approve Local Law No. 4 of 2015 of the Village of Altamont to rezone the R-10 to CBD the Baumann property along Helderberg Avenue for the purpose of permitting Stewarts Shops to enlarge its business.

**Roll Call:**

Trustee Whalen	Opposed
Trustee Marshall	Opposed
Trustee Dineen	In favor
Mayor Gaughan	In favor

**Motion Denied: 2 In favor/2 Opposed**

Trustee Dineen made a motion seconded by Trustee Whalen to approve resignation, with regret, of Cathy Glass, Village Trustee, effective October 1, 2015. **Roll Call: All in favor**

Trustee Whalen made a motion seconded by Trustee Marshall to approve authorizing Jeffrey Moller, Supt. of Public Works, to move forward with termination of water service on October 14, 2015 if payment is not received from the following delinquent non-residents: Gene & Julie Gonia, 115 Western Avenue; Bruce Stewart, 100 Shady Creek Lane; Hugo Clearwater, 6584 Dunnsville Road; Howard Gage, 102 Main Street; Paul Lawler, 16 Danvers Road; and Laura Provo-Parker, 1129 Berne Altamont Road. **Roll Call: All in favor**

Trustee Dineen made a motion seconded by Trustee Whalen to approve Board Minutes for September 1, 2015. **Roll Call: All in favor**

Trustee Dineen made a motion seconded by Trustee Marshall to approve Board Minutes for September 15, 2015.

**Roll Call:**

Trustee Whalen            Abstain

Trustee Marshall        In favor

Trustee Dineen         In favor

Mayor Gaughan         In favor

**Motion Carried: 3 In favor/1 Abstain**

Trustee Dineen made a motion seconded by Trustee Marshall to adjourn at 8:25 p.m.

**All in favor**

Respectfully Submitted,

Patty Blackwood  
Clerk