

ALTAMONT ZONING BOARD OF APPEALS
Regular Meeting Agenda
September 27, 2022

1. Open meeting - State time and that the meeting is being recorded and where the exit signs are located.

2. Topic & Discussion: Pre-application meeting at the request of Troy Miller for subdivision of property at tax map #37.14-3-5.1 into 11 building lots.

3. Topic & Discussion: _____

4. Other Business: _____

5. Review of Minutes from June 28, 2022 meeting of the Zoning Board of Appeals. Consider Motion: To approve minutes.

6. Consider Motion to Adjourn Meeting. Meeting Adjourned at Time: _____

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

August 25, 2022

Gary Goss
Building and Zoning Enforcement Officer
Village of Altamont
P.O. Box 643
115 Main Street
Altamont, NY 12009

Re: Request for Pre-application meeting for Lands of Troy Miller (139 Western Avenue – Tax Map I.D. No. 37.14-3-6.1), Village of Altamont, County of Albany, State of New York.

Dear Mr. Goss,

This is a request for a pre-application meeting with the Planning/Zoning Board of Appeals for the Lands of Troy Miller (139 Western Avenue - Tax Map I.D. No. 37.14-3-6.1).

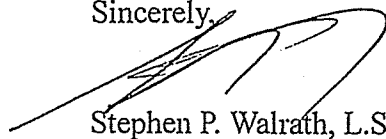
The applicant, Troy Miller, is proposing to subdivide the property into 11 building lots, one of which has an existing wood frame dwelling located on it (Lot No. 9).

Transmitted herewith are 8 copies of a Concept Plan of the property.

The applicant would like to be placed on the September 27, 2022 meeting agenda.

If you have any questions, or are in need of additional information, please feel free to contact me at 518-986-0125 or by email: spwalrath3@gmail.com.

Sincerely,



Stephen P. Walrath, L.S.

This transcript was exported on Jul 01, 2022 - view latest version [here](#).

DRAFT
Village of Altamont Zoning Board of Appeals
Regular Meeting
June 28, 2022

Deb Hext, Chairperson	Gary Goss, Building Inspector/Code Enforcer
Danny Ramirez, Member	Allyson Phillips, Village Attorney (absent)
Barbara Muhlfelder, Member	Ginger Hannah, Secretary
Simon Litten, Member	Tresa Matulewicz, Board Liaison (absent)
Robert Freeman, Member	
Sal Tassone, Member	Applicants:
Laura Murphy, Member	Eric Krans & Jen O'Connor
James Sullivan, Member / Alternate	James Keleher; Owner John Donato

Guests: 0

Chairperson Hext opened the meeting at 7:02 p.m. and said welcome to the Village of Altamont Zoning Board of Appeals meeting. Our exits are behind you and here. For purposes of this meeting, it will be recorded. My name is Deb Hext. I am the Chair of the Zoning Board. I would like each of my members to introduce themselves starting with my left: Danny Ramirez, Sal Tassone, Bob Freeman Simon Litton, Barb Muhlfelder, James Sullivan, Alternate and Laura Murphy. We also have with us tonight, Gary Goss, our Building Inspector and Ginger Hannah, Village Administrative Assistant.

Our first item on tonight's agenda is a Public Hearing for a Special Use Permit for Eric Krans and Jen O'Connor to build an accessory dwelling as an in law apartment, to the footprint of the current garage, which is in disrepair. I'm going to read the public notice, which will open the Public Hearing. So after I read this notice, if everyone has anything to say and they'd like to step up, they can.

She read the Notice of Public Hearing request of Eric Krans and Jen O'Connor for a Special Use Permit under zoning law to permit construction of an accessory dwelling in-law apartment in the footprint of the current garage (see attached). Note that this meeting is being held in the Courtroom due to elections in the Village Hall. That opens the Public Hearing. I would encourage or invite anyone that has anything that they would like to ask the applicant or the board to please feel free to do.

Board Member Muhlfelder: I have a question.

Chairperson Hext: Okay.

Board Member Muhlfelder: Did you contact Jeff (Moeller) about the water and sewer?

Applicants Krans and O'Connor: We did.

Board Member Muhlfelder: Oh, good.

This transcript was exported on Jul 01, 2022 - view latest version [here](#).

Applicants Krans and O'Connor: He came over and checked it all out and we spoke to him. He said the best thing to do is tap into our water and sewer. Not to add another tap into the actual sewer.

Board Member Muhlfelder: Good.

Board Member Freeman: And you'd have a separate meter?

Applicant Eric Krans: Yes.

Board Member Muhlfelder: Super.

Chairperson Hext: Okay. Anyone else? Laura? I know for this, you're alternate, just because James sat in last time. Do you have anything for anyone?

Board Member Murphy: I don't.

Chairperson Hext: Okay. All right. I don't have anything. So if the board has nothing and we have nothing from the public, I would like a motion to close the Public Hearing.

Board Member Freeman: I'll motion that.

Board Member Muhlfelder: I second.

Chairperson Hext: Roll call, please.

Secretary Hannah: **Roll Call: All in favor.** Note that Board Member Sullivan is considered a voting member tonight and Board Member Murphy is Alternate, to continue from ZBA meeting of 5/24/22 where Board Member Murphy was absent.

Chairperson Hext said: With that, I would like to read the Albany County Planning Board recommendation (see attached). They only have one thing on here: review by Albany County Department of Health for water supply, waste water discharge, and other required permits. So Ginger, that would have to be added to the resolution because that's separate - they're saying Albany County, not just Altamont.

Applicant Eric Krans: I contacted Albany County Department of Health and they said that because it's not a well or septic, that they don't have to be involved at all.

Board Member Tassone: Yeah. It's all public.

Chairperson Hext: Yeah. But we have nothing that says that.

Applicant Eric Krans: In writing.

Chairperson Hext: Yeah.

This transcript was exported on Jul 01, 2022 - view latest version [here](#).

Applicant Eric Krans: Okay.

Chairperson Hext: The last notification we got from them was review by Albany County Department of Health for water supply, waste water discharge, and other permits. Gary, can you reach out to them?

Building Inspector Goss: I can do that.

Chairperson Hext: And ask them at least to send an email or something so that we have something in writing or some other way.

Building Inspector Goss: Do you have the contact information of who you spoke to?

Applicant Jen O'Connor: We can get it to you. Yeah.

Applicant Eric Krans: I'll send you an email.

Building Inspector Goss: Okay. Thank you. Yeah.

Chairperson Hext: Yeah. This is usually Gopika. She's the one that usually talks to us. From the Albany County Planning Board. If you want to ask her if a verbal is okay with the applicant or just get something in writing from Albany County. It's probably best something in writing from Albany County.

Applicant Eric Krans: Probably get it in writing, yeah. We can do both.

Board Member Sullivan: The recommendation doesn't have a sunset? Like they have 30 days to review it?

Applicant Eric Krans: No.

Chairperson Hext: It doesn't say that. No.

Board Member Ramirez: Excuse me. I'm looking at something that we did get from Albany County. The date is May. It's for 167 Maple.

Chairperson Hext: Yep. Is this what you're reading though? What I just read?

Board Member Muhlfelder: Yeah. It's the bottom bullet.

Chairperson Hext: Well, that bottom bullet is specific to what Albany County is required to do, not what we're required to do.

Applicant Eric Krans: I'm sure I could get it in writing. When I was on the phone, it was more, this is the first time I ever asked a question to anybody. And the way he responded was, "I don't

This transcript was exported on Jul 01, 2022 - view latest version [here](#).

know why you're asking me. I don't have any need to deal with this because it's a Village water, Village sewer situation."

Building Inspector Goss: Yeah. So probably what we're going to want is for them to just say, "We defer to your DPW." And I know Jeff was already out there.

Chairperson Hext: Okay.

Board Member Litten: I have one, almost trivial question here. The illustration that you show of the building seems to show it being a one story structure. But there's something in the plan that shows a staircase.

Applicant Eric Krans: Yeah. We're going to put a little platform above the kitchen area for a loft.

Board Member Litten: Okay.

Applicant Eric Krans: And they thought it was a neat idea to throw a spiral staircase. But it might just be a little ladder or something along those lines. I don't know.

Chairperson Hext: Okay. If no one has anything else on the Board or from the public, I am going to ask for a motion to approve the Special Use Permit. Once that motion is done, I will read the resolution document that we have. So, could I have a motion first to approve the Special Use Permit for the accessory dwelling in-law apartment in the footprint of the current garage from Eric Krans and Jen O'Connor?

Board Member Simon: I'll make that motion.

Board Member Freeman: I'll second.

Secretary Hannah: **Roll Call. All in Favor.**

Chairperson Hext: And I will now read the resolution document to approve the special permit application. (see attached) And the motion was approved by, how do we have that Ginger?

Secretary Hannah: Yes, the motion was made by Simon and it was seconded by Bob. And it was all in favor.

Chairperson Hext: So all in favor. Okay. Thank you. You're good to go.

Applicant Eric Krans: Good. Thank you.

Chairperson Hext: Great. Thank you. Thank you. Good luck. Can't wait to see it. Again, I think it's a wonderful thing that you're doing for your Mom. I think that's just, that really hits home to me. So thank you. We need more people like you.

Applicant Eric Krans: Thank you. Thank you.

This transcript was exported on Jul 01, 2022 - view latest version [here](#).

Chairperson Hext:

Thank you. See around the neighborhood. All right, let me get everything back in order here.

Building Inspector Goss: When I get that in writing, I'll make sure to send it to all of you guys.

Chairperson Hext: Okay. And then, we'll just have to make it part of the file.

Chairperson Hext: Okay. The next item on our agenda. Everybody got everything in order here? I know it kind of takes a while with things on two sides. So I'll give everybody a second. I'm going to read the public notice now, which will open the Public Hearing (see attached). She made note that this meeting is being held in the Courtroom due to elections in the Village Hall.

Okay. That opens the Public Hearing. And I invite anyone from the public that would like to have anything to say about this. Or if any Board members have anything to say, please feel free to say something. I know there aren't many members of the public here, but I do appreciate whoever does show up for our meetings. It's good to get everyone involved. Anyone on the Board have anything?

Board Member Ramirez: Okay. I'm going to throw a question out there. I was measuring the parking lot just this weekend. I bumped into Mr. Donato; he stopped over. He had the parking lot resurfaced, asphalted last year, and it was sealed this year. You've got to put some markings out there. I understand that. But I just wanted to make sure for our records that there were going to be enough parking spaces, accordingly. He had yet to do that. We understand that, but prior to it being sealed, I was over there and I took some pictures. Again, nothing was line delineated. So my question is to the owner is how many handicapped spaces do you have set aside?

Owner John Donato: Two.

Board Member Ramirez: There are two?

Owner John Donato: Two.

Chairperson Hext: So we know that's John, but do we want to have him say, "Hi, I'm John Donato?"

Owner John Donato: I'm John Donato.

Chairperson Hext: It's just being recorded that we have to have in the minutes who's speaking.

Owner John Donato: I understand.

Board Member Ramirez: Okay. On the south side of the building, with access to the laundromat, in terms of anybody in general, you have as I calculate 29 spaces available. On the north side, I don't see 11 spaces.

This transcript was exported on Jul 01, 2022 - view latest version [here](#).

Owner John Donato: I guess it all depends on how you had them facing. Are they facing the long way to the creek or are you facing them into the creek?

Board Member Ramirez: Well, of course I'm going by your print, right?

Owner John Donato: Right, you have 11 there, but you have none against the building.

Chairperson Hext: That's yours.

Owner John Donato: This is mine. Oh, okay. This is 11 on the one side and then you got the ones against the building.

Board Member Ramirez: And what do you estimate you have there?

Owner John Donato: I don't know, probably five or six there.

Board Member Ramirez: Only because when you get down further, about 40 feet roughly from the sidewalk, you hit a chimney, which is six by two feet. It cuts any parking on that side. Because the parking lot diminishes on the right. It's kind of circular, a semi-circle. So you may have parking on the creek side. You won't have enough room.

Owner John Donato: So, there's still four parking spots there.

Board Member Ramirez:

How wide are you making your parking spot?

Board Member Freeman:

You've got apartments in there, right?

Owner John Donato: Right.

Board Member Freeman:

Okay. So I would assume that at least you probably have designated parking along the building. They would be preferred for the, or they'll probably be used for the tenants, assuming.

Chairperson Hext: Right?

Board Member Freeman: Yeah.

Owner John Donato: But what I'm trying to say is though, it depends how you're looking at the parking. How wide are your parking spots?

Board Member Ramirez: They're not mine. They're yours.

Owner John Donato: No. I'm talking about how you measured.

This transcript was exported on Jul 01, 2022 - view latest version [here](#).

Board Member Ramirez: An average parking space would be about nine feet wide.

Owner John Donato: That's the average?

Board Member Ramirez: You get any smaller than that, you may not, well, suffice the code.

Applicant James Keleher: Can I make a statement? I'm James Keleher.

Applicant James Keleher: Even if we took the lower amount of parking spots, that should still be plenty. Because if we take eight for the tenants, right - there's four tenants times two would be eight spots. And then the laundromat and the store would share still over 20 spots. And I think that's bigger than almost any place in Altamont, even the Plaza.

Board Member Freeman: I can't really foresee - hopefully you're doing great business. Don't get me wrong. But the online is probably going to be a majority of what you're doing.

Applicant James Keleher: Yes. And plus, if that many people came in, I don't think the store would hold that many.

Board Member Freeman: And there was enough parking for the parts store.

Board Member Tassone: And in the past, like you said John, you've been there long enough. And in the past there haven't been any problems at all. And there's plenty of parking and everybody's in and out. There's not a waiting and it's like an overflow of people that I've seen and I've been here.

Applicant James Keleher: And again, a lot of it's going to be online sales.

Board Member Litten: Yeah, he said, 85% will be online.

Chairperson Hext: Right. I think what Danny is saying though, is that the drawing that you have doesn't really depict what's actually there. I don't want to put words in your mouth.

Board Member Ramirez: That, and only because you know, trying to approve this Special Use Permit for the square footage of the retail and apartments and the laundromat, is there enough parking available? It looks like it, but I'm not going to go by looks.

Chairperson Hext: I think given history there is, that's just my opinion. Is there handicapped spots that there's signage for those?

Owner John Donato: There was.

Chairperson Hext: There is?

Owner John Donato: No, there was under the driveway, right? We had the driveway printed blue.

This transcript was exported on Jul 01, 2022 - view latest version [here](#).

Chairperson Hext: Oh, I see what you're saying. You had it repaved, okay.

Owner John Donato: But paved and then now it was resealed this year.

Chairperson Hext: But you'll correct that.

Owner John Donato: Right.

Chairperson Hext: So that, basically that takes away two spots because not just anyone can park there. Just from what I've seen and the amount of people that are usually there. I mean the laundromat's not open 24 hours, right?

Owner John Donato: Yes it is.

Chairperson Hext: Oh, it is? People go there in the middle of the night? That's when I should go there and do my comforters. You're there all the time. Have you ever seen a problem with parking?

Owner John Donato: Nope.

Chairperson Hext: Okay. Are the tenant spaces going to be designated?

Owner John Donato:

I can. I mean, if somebody parks there, there's enough for everybody.

Board Member Litten:

There's enough for everybody to go around, enough to go around.

Owner John Donato:

You know? It's never been an issue.

Board Member Litten:

It would seem that this new use would have less traffic than the previous use.

Chairperson Hext: All right. Well.

Board Member Freeman: I would just say that I'd hate to see an empty storage space. I think it would be a decent added addition, especially because I know nothing about computers and I can just go...

Board Member Muhlfelder: Yeah.

This transcript was exported on Jul 01, 2022 - view latest version [here](#).

Owner John Donato: And plus money for the Village. You know what I mean? Because of the sales tax and everything else, to bring people into the Village and somewhere else.

Board Member Tassone: And we are now, there's people here and you want to keep them.

Chairperson Hext: Just, again, like Danny said, I don't think we're questioning whether or not we welcome business into the area. I think we're questioning whether or not the drawing that is going to be officially submitted is accurate, but I think you've clarified it. Danny, do you feel he's clarified it enough to answer the questions that you had?

Board Member Ramirez: Well, am I correct - you will be marking it. And also the handicapped spaces that were required and tenant spaces - that's between you and the tenants. Okay. And the signage. So that should be adequate. One more question for Gary, if he knows, on a retail end of it, the store, are there so many parking spaces needed, depending on the square footage of the structure?

Building Inspector Goss: I don't know the answer to that.

Chairperson Hext: In our code there are specific parking spaces based on the square footage of any space, but offhand I don't know what it is.

Board Member Ramirez: And then 20% of that could be part of the municipality parking.

Chairperson Hext: Municipal parking, yes.

Owner John Donato: But it must have been enough when we had the parts store.

Chairperson Hext: Yeah, exactly. I don't think I'd ever gone by there and seen an overabundance of cars.

Board Member Freeman: It's more of an in-and-out type of thing.

Chairperson Hext: I mean, I hope for James' sake that we will have parking problems, but I don't think we will.

Chairperson Hext: Okay. So if no one has anything else...

Board Member Muhlfelder: I have a question.

Chairperson Hext: Okay.

Board Member Muhlfelder: Just in the resolution to approve the Special Use Permit, the third bullet. Just for my clarification, it says, "Whereas, the proposed retail store will occupy an existing non- residential structure and there will be no exterior improvements," but there are going to be apartments.

This transcript was exported on Jul 01, 2022 - view latest version [here](#).

Chairperson Hext: But the actual space that they're going to be in is non-residential. It has been non-residential.

Board Member Muhlfelder: Okay.

Chairperson Hext: It's always been the auto parts store. It was the bowling alley before.

Board Member Muhlfelder: Oh, okay.

Chairperson Hext: So yeah, I see where you're going with that though.

Board Member Muhlfelder: Thank you.

Chairperson Hext: Okay. Anyone else? Laura? I know you're hanging out in the back there. Okay. Then with that, could I have a motion to close the Public Hearing?

Board Member Ramirez: I make that motion.

Board Member Muhlfelder: I second it.

Chairperson Hext: Okay. Roll call please.

Secretary Hannah: **Roll Call: All in Favor.**

Chairperson Hext: Okay. With that, could I have a motion to approve the Special Use Permit after which I will read the resolution document?

Board Member Freeman: I make that motion.

Board Member Sullivan: I second it.

Chairperson Hext: Roll Call please.

Secretary Hannah: **Roll Call: All in Favor.**

Chairperson Hext: Okay. I will now read the resolution document (attached). She interjected that the Albany County Planning Board deferred to local jurisdiction, and that there were no conditions. The motions were received by...

Secretary Hannah: First motion by Bob Freeman. And seconded by James Sullivan.

Chairperson Hext: And all was approved. Okay, great. You're good to go.

Owner John Donato: Thank you.

Chairperson Hext: Thank you.

This transcript was exported on Jul 01, 2022 - view latest version [here](#).

Applicant James Keleher: Thank you.

Board Member Muhlfelder: When are you opening?

Applicant James Keleher: I'm going to get in there to set up the online part and then probably about the middle of August. I'll put a thing in The Enterprise.

Chairperson Hext: Good. Great. One quick question before you go. Sign permit?

Building Inspector Goss: They haven't submitted anything yet.

Applicant James Keleher: Yes, I'm going to submit.

Chairperson Hext: Thank you. Good luck.

Applicant James Keleher: Thank you.

Chairperson Hext: Okay. I don't think there's any other business. Does anybody have anything that they'd like to bring up or discuss?

Board Member Litten: I do. The last meeting I mentioned that I was concerned that this property is currently in the flood zone. And that there are apartments there below grade. And the reason as I understand it is this was initially permitted before the current flood maps were available. So, then what do we do?

A discussion was had about whether the Board has to be concerned about below-grade structures in the flood zone. Chairperson Hext will follow up with Village Attorney Phillips. Building Inspector Goss will check with Fire Inspector Chuck Hughes.

Chairperson Hext also suggested we add it to the ZBA Checklist for Special Use Permits – to check if this property is in the flood zone. We should know that, based on the application and what they provide.

Board Member Ramirez: Well, that's right in the EAF. The EAF would show if any portion of that property is in the flood zone. Like the thing we first considered this evening, some of that property is in the flood zone, but the particular structure, I actually measured it, is 82 feet away from the outer edge of the current flood plain. So, what he said was absolutely true. It's not there. So it does require a little bit of digging. But it's not difficult to do.

Chairperson Hext: Okay. You good? We're not done yet.

Board Member Litten: I'm very happy about that. Yeah.

Chairperson Hext: We're not done yet. We have to review the minutes from May 24, 2022.

Board Member Sullivan made the motion to approve the minutes of May 24, 2022. Board Member Muhlfelder seconded.

This transcript was exported on Jul 01, 2022 - view latest version [here](#).

Secretary Hannah: **Roll call. All in favor.**

Chairperson Hext: Okay. Could I have a motion to adjourn the meeting please?

Board Member Muhlfelder made the motion. Board Member Tassone seconded.

Secretary Hannah: **Roll Call: All in favor.**

Chairperson Hext: Thank you everyone. Meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Ginger Hannah, Secretary

Attachments: Resolution, ACPB Recommendation, Legal Notice and Neighbor Notification for
Krans & O'Connor
Resolution and ACPB Recommendation, Legal Notice and Neighbor Notification,
Lease, Parking diagram and floor plan for Hoarder's HoneyPot/Keleher

Minutes for the Public Hearings were transcribed by Rev.com and reviewed by Ginger Hannah

RESOLUTION
ALTAMONT ZONING BOARD OF APPEALS

RESOLUTION TO APPROVE
SPECIAL USE PERMIT APPLICATION

WHEREAS, the Zoning Board of Appeals for the Village of Altamont (“ZBA”) received an application from Eric Krans and Jen O’Connor (collectively, “Applicant”) for special use permit approval for the operation of an accessory dwelling/ in-law apartment at 167 Maple Avenue, in the Village’s R-10 Zoning District; and

WHEREAS, accessory apartments are permitted in the R-10 Zoning District by Special Use Permit; and

WHEREAS, the proposed accessory structure will replace an existing garage and will be built in the same footprint as the existing garage; and

WHEREAS, the Applicant submitted an application for site plan approval on April 7, 2022 (“Application”); and

WHEREAS, the Applicant submitted a Short Environmental Assessment Form (EAF) with the Application and supplemented its submission with additional information that was requested by the ZBA; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the following activities are classified as Type II Actions and exempt from review under SEQRA pursuant to TYPE II action exempt from Review under SEQRA pursuant to 6 NYCRR 617.5(2) and (12): replacement of an existing accessory/ appurtenant residential structure: and

WHEREAS, the ZBA has reviewed the EAF submitted by the Applicant which confirms the action involves the reuse of a commercial structure for a use that is permitted under the Village of Altamont Zoning Law; and

WHEREAS, the ZBA determined the proposed action is a Type II Action exempt from review under SEQRA and scheduled a public hearing on the Application; and

WHEREAS, the Application was referred to the Albany County ZBA pursuant to GML 239-m and; and

WHEREAS, a public hearing was duly noticed and held on June 28, 2022, at which time interested members of the public commented on the Application; and

WHEREAS, the ZBA has reviewed the Application and comments received and duly deliberated on the Application and considered the applicable standards and criteria this

Application.

NOW THEREFORE BE IT RESOLVED that the Zoning Board of Appeals of the Village of Altamont hereby approves the Application for Special Use Permit subject to the following conditions:

1. The Applicant shall obtain any necessary approvals from the Albany County Health Department and Village of Altamont before any connections are made to the Village of Altamont water and sewer systems.

IT IS FURTHER RESOLVED, that the Zoning Board of Appeals hereby authorizes and requires the Board Chair, Secretary/ Clerk and/or Village Attorney to take the appropriate steps to effectuate this resolution including any filing and distribution requirements.

WHEREUPON, this Resolution was declared adopted by the Village of Altamont Zoning Board of Appeals:

The motion was moved by Board Member Litter

The motion was seconded by Board Member Freeman

The vote was as follows: all in favor by Board Members Ramirez, Muhlfelder, Litter, Freeman, Jassone & Sullivan and Chairperson Kept

STATE OF NEW YORK }
COUNTY OF ALBANY }
VILLAGE OF ALTAMONT }

I have compared the preceding copy with the original Resolution on file in this office adopted by the Village of Altamont Zoning Board of Appeals at a meeting held June 28, 2022 and I DO HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole of the original. I further certify the vote thereon was as follows:

<i>VOTING</i> MEMBERS PRESENT	MEMBERS ABSENT	VOTE
<i>Chairperson Hest, Board Members Ramirez, Muhfeldt, Litten, Freeman, Sassoni + Sullivan</i>		<i>All in Favor</i>

Witness my hand and the seal of the Village of Altamont, this 30th day of June, 2022.

Ginger Hannah

GINGER HANNAH, CLERK
VILLAGE OF ALTAMONT
ZONING BOARD OF APPEALS

**NOTICE OF PUBLIC HEARING BEFORE
THE ZONING BOARD OF APPEALS**

Notice is hereby given that the Zoning Board of Appeals of the Village of Altamont, New York, will hold a Public Hearing pursuant to Article(s) V-Special Use Permit of the Zoning Law on the following proposition:

Request of Eric Krans & Jen O'Connor for a Special Use Permit under the Zoning Law to permit: Construction of an accessory dwelling / In-law apartment in the footprint of the current garage, which is in disrepair.

Per Sections: 355-38K(3) & 355 Attachment 1 (Use Schedule)

For property owned by: Eric Krans and Jen O'Connor

Located at: 167 Maple Avenue, Altamont, NY 12009

Tax Map #: 37.18-3-1 Zoned: R10

Plans open for public inspection at the Village Offices during normal business hours. Said hearing will take place on Tuesday, June 28, 2022 at 7:00 p.m. at the Altamont Village Hall at 115 Main Street, Altamont, NY 12009.

A copy of the Zoning Board of Appeals Agenda and related materials will be available on the Village website by Friday, June 24, 2022 at www.altamontvillage.org.

Dated: June 10, 2022

Gary Goss
Building Inspector and Code Enforcer
Village of Altamont

Deborah Hext
Zoning Board of Appeals Chairperson
Village of Altamont

Abutting
AFD
Fire Inspector
DPW

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
Tresa Matulewicz, Trustee
John Scally, Trustee

June 16, 2022

Dear Neighbor:

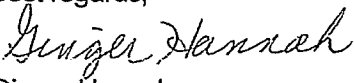
Enclosed you will find a legal notice regarding a request for a Special Use Permit at the request of Eric Krans & Jen O'Connor for a Special Use Permit for construction of an accessory dwelling / in-law apartment in the footprint of the current garage, which is in disrepair, adjacent or close to your property. Village code requires that the Zoning Board of Appeals notify all property owners within 500 feet of the 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, June 28, 2022 at 7:00 p.m. The meeting will be held in the Community Room of the Village Offices 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 me at: villageadmin@altamontvillage.org.

If you have any further questions, feel free to contact me at the Village office at 518-861-8554 ext. 13, Tuesday and Thursday, 9:00 a.m. to Noon and 1:00 p.m. to 5:00 p.m., and Fridays until 12:00 noon.

Best regards,


Ginger Hannah
Administrative Assistant

Enclosure – Legal Notice



ALBANY COUNTY PLANNING BOARD
NOTIFICATION

RECOMMENDATION DATE: May 19th, 2022

Case #: 02-220503996
Applicant: SUP for In-Law Apartments
Project Location: 167 Maple Avenue
Tax Map Number:
Referring Agency: Village of Altamont Planning Board
Considerations: Special use permit to add accessory dwelling for in-law apartment on site of existing disrepair garage.

ACPB Modify local approval to include

Recommendation:

1. Review by the Albany County Department of Health for water supply, waste water discharge and other required permits.

Advisory:

Gopika Muddappa, Senior Planner
Albany County Planning Board

NOTE:

- This recommendation is rendered in compliance with applicable requirements of Section 239 of New York State General Municipal Law. Final determination on this matter rests with the appropriate municipal body.
- A recommendation of "APPROVE" or "MODIFY LOCAL APPROVAL" should not be interpreted as a recommendation by this body that the referring agency approve the matter referred. Such recommendation does not indicate that this body has reviewed all local concerns; rather the referral has met certain countywide considerations. Evaluation of local criteria is the responsibility of the referring agency.
- General Municipal Law Section 239 requires that the local agency notify the county within thirty days of its final action. Please use the OFFICIAL NOTICE OF LOCAL ACTION form that is attached for this purpose.
- General Municipal Law Section 239 sets forth the procedural requirements for taking local action contrary to the County Planning Board's recommendation of objection or conditional approval.
- Albany County is required to submit a Municipal Separate Storm Sewer System Permit (MS4) (No. GP-0-10-002) Notice of Intent (NOI) to comply with the NYS DEC permit for the control of wastewater and stormwater discharges in accordance with the Clean Water Act. Construction Activity Permit No. GP-0-1-001 issued by NYSDEC is also required for activity with soil disturbances of one acre or more. The law is required by the Clean Water Act to control point source discharges to ground water as well as surface waters.

449 New Salem Road, Voorheesville, NY 12186
TELEPHONE: (518) 655-7932 FAX: (518) 765-3459

In compliance with Article 12-B, Section 239 of New York State General Municipal Law, this serves as official notification to the Albany County Planning Board of the action taken on the application described above.

LOCAL ACTION ON ACPB RECOMMENDATION:

- AGREED WITH COUNTY PLANNING BOARD RECOMMENDATIONS TO MODIFY OR DISAPPROVE
 OVER-RULED COUNTY PLANNING BOARD RECOMMENDATIONS TO MODIFY OR DISAPPROVE

LOCAL DECISION ON PROJECT:

- PROJECT APPROVED
 PROJECT DISAPPROVED

VOTE RECORDED: 6/28/22 DATE OF LOCAL ACTION: 6/28/22

Set forth the reasons for any action contrary to the ACPB recommendations (use additional sheets if needed):

SIGNED: Dinger, Hannah TITLE: Clerk
Zoning Board of Appeals

RESOLUTION
ALTAMONT ZONING BOARD OF APPEALS

RESOLUTION TO APPROVE
SPECIAL USE PERMIT APPLICATION

WHEREAS, the Zoning Board of Appeals for the Village of Altamont (“ZBA”) received an application from Hoarders Honey Pot, LLC / James Keleher (collectively, “Applicant”) for special use permit approval for the operation of a retail store in an existing structure located at 996 Altamont Boulevard, in the Village’s General Business (B) Zoning District; and

WHEREAS, retail stores are permitted in the General Business Zoning District by Special Use Permit; and

WHEREAS, the proposed retail store will occupy an existing non-residential structure and there are no exterior improvements to the building/ site proposed except for new signage; and

WHEREAS, the Applicant submitted an application for special use permit on April 28, 2022 (“Application”); and

WHEREAS, the Applicant submitted a Short Environmental Assessment Form (EAF) with the Application and supplemented its submission with additional information that was requested by the ZBA; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the following activities are classified as Type II Actions and exempt from review under SEQRA pursuant to 6 NYCRR 617.5(c)(18): “Reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including by special use permit, and the action does not meet or exceed any of the thresholds in section 617.4 of this Part”; and

WHEREAS, the ZBA has reviewed the EAF submitted by the Applicant which confirms the action involves the reuse of a commercial structure for a use that is permitted under the Village of Altamont Zoning Law; and

WHEREAS, the ZBA determined the proposed action is a Type II Action exempt from review under SEQRA and scheduled a public hearing on the Application; and

WHEREAS, the ZBA requested that the Applicant provide a parking layout diagram identifying the number of available parking spaces which was received by the Board; and

WHEREAS, the Application was referred to the Albany County ZBA pursuant to GML 239-m; and

WHEREAS, a public hearing was duly noticed and held on June 28, 2022, at which time interested members of the public commented on the Application; and

WHEREAS, the ZBA has reviewed the Application and comments received and duly deliberated on the Application and considered the applicable standards and criteria for this Application.

NOW THEREFORE BE IT RESOLVED that the Zoning Board of Appeals of the Village of Altamont hereby approves the Application for Special Use Permit subject to the following conditions:

NONE NOTED

IT IS FURTHER RESOLVED, that the Zoning Board of Appeals hereby authorizes and requires the Board Chair, Secretary/ Clerk and/or Village Attorney to take the appropriate steps to effectuate this resolution including any filing and distribution requirements.

WHEREUPON, this Resolution was declared adopted by the Village of Altamont Zoning Board of Appeals:

The motion was moved by Board Member Freeman

The motion was seconded by Board Member Sullivan

The vote was as follows: All in favor by Board Members Ramirez, Muhlfelder, Litten, Freeman, Tassou & Sullivan - Chairperson Hopt

STATE OF NEW YORK }
COUNTY OF ALBANY }
VILLAGE OF ALTAMONT }

I have compared the preceding copy with the original Resolution on file in this office adopted by the Village of Altamont Zoning Board of Appeals at a meeting held June 28, 2022 and I DO HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole of the original. I further certify the vote thereon was as follows:

<i>VOTING</i> MEMBERS PRESENT	MEMBERS ABSENT	VOTE
<i>Chairperson Hest Board Members Ramirez, Muhlfelder, Letten, Freeman, Tassone + Sullivan</i>		<i>All in Favor</i>

Witness my hand and the seal of the Village of Altamont, this 30th day of June, 2022.

Ginger Hannah

GINGER HANNAH, CLERK
VILLAGE OF ALTAMONT JOINT PLANNING BOARD/
ZONING BOARD OF APPEALS



ALBANY COUNTY PLANNING BOARD
NOTIFICATION

RECOMMENDATION DATE: June 16th, 2022

Case #: 02-220604004
Applicant: Hoarders Honeypot, LLC
Project Location: 996 Altamont Blvd
Tax Map Number: 48.06-3-2
Referring Agency: Village of Altamont Zoning Board of Appeals
Considerations: Special use permit to open a storefront with in-store sales, online sales and computer repair in the former Altamont Auto Parts Store location.

ACPB Defer to local consideration

Recommendation:
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Advisory:

Gopika Muddappa, Senior Planner
Albany County Planning Board

NOTE:

- This recommendation is rendered in compliance with applicable requirements of Section 239 of New York State General Municipal Law. Final determination on this matter rests with the appropriate municipal body.
- A recommendation of "APPROVE" or "MODIFY LOCAL APPROVAL" should not be interpreted as a recommendation by this body that the referring agency approve the matter referred. Such recommendation does not indicate that this body has reviewed all local concerns; rather the referral has met certain countywide considerations. Evaluation of local criteria is the responsibility of the referring agency.
- General Municipal Law Section 239 requires that the local agency notify the county within thirty days of its final action. Please use the OFFICIAL NOTICE OF LOCAL ACTION form that is attached for this purpose.
- General Municipal Law Section 239 sets forth the procedural requirements for taking local action contrary to the County Planning Board's recommendation of objection or conditional approval.
- Albany County is required to submit a Municipal Separate Storm Sewer System Permit (MS4) (No. GP-0-10-002) Notice of Intent (NOI) to comply with the NYS DEC permit for the control of wastewater and stormwater discharges in accordance with the Clean Water Act. Construction Activity Permit No. GP-0-1-001 issued by NYSDEC is also required for activity with soil disturbances of one acre or more. The law is required by the Clean Water Act to control point source discharges to ground water as well as surface waters.

449 New Salem Road, Voorheesville, NY 12186
TELEPHONE: (518) 655-7932 FAX: (518) 765-3459

In compliance with Article 12-B, Section 239 of New York State General Municipal Law, this serves as official notification to the Albany County Planning Board of the action taken on the application described above.

LOCAL ACTION ON ACPB RECOMMENDATION:

- AGREED WITH COUNTY PLANNING BOARD RECOMMENDATIONS TO MODIFY OR DISAPPROVE
 OVER-RULED COUNTY PLANNING BOARD RECOMMENDATIONS TO MODIFY OR DISAPPROVE

LOCAL DECISION ON PROJECT:

- PROJECT APPROVED
 PROJECT DISAPPROVED

VOTE RECORDED: 6/28/22 DATE OF LOCAL ACTION: 6/28/22

Set forth the reasons for any action contrary to the ACPB recommendations (use additional sheets if needed):

SIGNED: Surgen Hannah TITLE: Clerk Zoning Board of Appeals

**NOTICE OF PUBLIC HEARING BEFORE
THE ZONING BOARD OF APPEALS**

Notice is hereby given that the Zoning Board of Appeals of the Village of Altamont, New York, will hold a Public Hearing pursuant to Article(s) V- Special Use Permits of the Zoning Law on the following proposition:

Request of James Keleher for a Special Use Permit under the Zoning Law to permit: The opening of "Hoarders Honeypot" storefront with in-store sales, online sales and computer repair at 996 Altamont Blvd. – site of the former Altamont Auto Parts Store.

Per Sections: 355-35A-H

For property owned by: John Donato

Located at: 996 Altamont Blvd., Altamont, NY 12009

Tax Map #: 48.06-3-2 Zoned: B

Plans open for public inspection at the Village Offices during normal business hours. Said hearing will take place on Tuesday, June 28, 2022 at 7:00 p.m. at the Altamont Village Hall at 115 Main Street, Altamont, NY 12009.

A copy of the Zoning Board of Appeals Agenda and related materials will be available on the Village website by Friday, June 24, 2022 at www.altamontvillage.org.

Dated: June 10, 2022

Gary Goss
Building Inspector and Code Enforcer
Village of Altamont

Deborah Hext
Zoning Board of Appeals Chairperson
Village of Altamont

Abutting
AFD
Fire Inspector
DPW

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

Tresa Matulewicz, Trustee

John Scally, Trustee

June 16, 2022

Dear Neighbor:

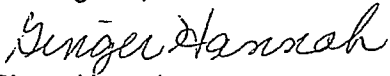
Enclosed you will find a legal notice regarding a request for a Special Use Permit at the request of James Keleher to permit the opening of "Hoarders HoneyPot" storefront with in-store sales, online sales and computer repair at 996 Altamont Blvd. – site of the former Altamont Auto Parts Store, adjacent or close to your property. Village code requires that the Zoning Board of Appeals notify all property owners within 500 feet of the 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, June 28, 2022 at 7:00 p.m. The meeting will be held in the Community Room of the Village Offices 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 me at: villageadmin@altamontvillage.org.

If you have any further questions, feel free to contact me at the Village office at 518-861-8554 ext. 13, Tuesday and Thursday, 9:00 a.m. to Noon and 1:00 p.m. to 5:00 p.m., and Fridays until 12:00 noon.

Best regards,



Ginger Hannah
Administrative Assistant

Enclosure – Legal Notice

COMMERCIAL LEASE AGREEMENT

THIS LEASE (this "Lease") dated this 8th day of June, 2022

BETWEEN:

John Donato of _____
Telephone: (518) 281-3774
(the "Landlord")

OF THE FIRST PART

- AND -

James Keleher for Hoarder's HoneyPot LLC of 1972 New Scotland Rd Unit 284, Slingerlands,
NY 12159, USA
Telephone: (518) 337-8912
(the "Tenant")

OF THE SECOND PART

IN CONSIDERATION OF the Landlord leasing certain premises to the Tenant, the Tenant leasing those premises from the Landlord and the mutual benefits and obligations set forth in this Lease, the receipt and sufficiency of which consideration is hereby acknowledged, the Parties to this Lease (the "Parties") agree as follows:

Definitions

1. When used in this Lease, the following expressions will have the meanings indicated:
 - a. "Additional Rent" means all amounts payable by the Tenant under this Lease except Base Rent, whether or not specifically designated as Additional Rent elsewhere in this Lease;
 - b. "Building" means all buildings, improvements, equipment, fixtures, property and facilities from time to time located at 996 Altamont Blvd, Altamont, NY 12009, USA, as from time to time altered, expanded or reduced by the Landlord in its sole discretion;
 - c. "Common Areas and Facilities" mean:
 - i. those portions of the Building areas, buildings, improvements, facilities, utilities, equipment and installations in or forming part of the Building which from time to time are not designated or intended by the Landlord to be leased to tenants of the Building including, without limitation, exterior weather walls, roofs, entrances and exits, parking

areas, driveways, loading docks and area, storage, mechanical and electrical rooms, areas above and below leasable premises and not included within leasable premises, security and alarm equipment, grassed and landscaped areas, retaining walls and maintenance, cleaning and operating equipment serving the Building; and

ii. those lands, areas, buildings, improvements, facilities, utilities, equipment and installations which serve or are for the useful benefit of the Building, the tenants of the Building or the Landlord and those having business with them, whether or not located within, adjacent to or near the Building and which are designated from time to time by the Landlord as part of the Common Areas and Facilities;

d. "Leasable Area" means with respect to any rentable premises, the area expressed in square feet of all floor space including floor space of mezzanines, if any, determined, calculated and certified by the Landlord and measured from the exterior face of all exterior walls, doors and windows, including walls, doors and windows separating the rentable premises from enclosed Common Areas and Facilities, if any, and from the center line of all interior walls separating the rentable premises from adjoining rentable premises. There will be no deduction or exclusion for any space occupied by or used for columns, ducts or other structural elements;

e. "Premises" means the retail store at 996 Altamont Blvd, Altamont, NY 12009, USA.

f. "Rent" means the total of Base Rent and Additional Rent.

Intent of Lease

2. It is the intent of this Lease and agreed to by the Parties to this Lease that rent for this Lease will be on a gross rent basis meaning the Tenant will pay the Base Rent and any Additional Rent and the Landlord will be responsible for all other service charges related to the Premises and the operation of the Building save as specifically provided in this Lease to the contrary.

Leased Premises

3. The Landlord agrees to rent to the Tenant the retail store municipally described as 996 Altamont Blvd, Altamont, NY 12009, USA (the "Premises"). The Premises are more particularly described as follows: Front Retail Area

The Premises will be used for only the following permitted use (the "Permitted Use"):
Retail Store, Online Retail & Computer Repair.

4. Subject to the provisions of this Lease, the Tenant is entitled to the use of parking (the "Parking") on or about the Premises. Only properly insured motor vehicles may be parked in the Tenant's Parking.

Term

5. The term of the Lease commences at 12:00 noon on June 8, 2022 and ends at 12:00 noon on May 31, 2023 (the "Term").
6. Should the Tenant remain in possession of the Premises with the consent of the Landlord after the natural expiration of this Lease, a new tenancy from month to month will be created between the Landlord and the Tenant which will be subject to all the terms and conditions of this Lease but will be terminable upon either party giving one month's notice to the other party.

Rent

7. Subject to the provisions of this Lease, the Tenant will pay a base rent of \$1,100.00, payable per month, for the Premises (the "Base Rent"), without setoff, abatement or deduction. In addition to the Base Rent, the Tenant will pay for any fees or taxes arising from the Tenant's business.
8. The Tenant will pay the Base Rent on or before the first of each and every month of the Term to the Landlord.
9. No acceptance by the Landlord of any amount less than the full amount owed will be taken to operate as a waiver by the Landlord for the full amount or in any way to defeat or affect the rights and remedies of the Landlord to pursue the full amount.

Use and Occupation

10. The Tenant will carry on business under the name of Hoarder's Honey Pot LLC, and will not change such name without the prior written consent of the Landlord, such consent not to be unreasonably withheld. The Tenant will open the whole of the Premises for business to the public fully fixtured, stocked and staffed on the date of commencement of the Term and throughout the Term, and will continuously occupy and utilize the entire Premises in the active conduct of its business in a reputable manner on such days and during such hours of business as may be determined from time to time by the Landlord.
11. The Tenant covenants that the Tenant will carry on and conduct its business from time to time carried on upon the Premises in such manner as to comply with all statutes, bylaws, rules and regulations of any federal, state, municipal or other competent authority and will not do anything on or in the Premises in contravention of any of them.
12. The Tenant covenants that the Tenant will carry on and conduct its business from time to time carried on upon the Premises in such manner as to comply with any statute, including any subordinate legislation, which is in force now or in the future and taking into account any amendment or re-enactment, or any government department, local authority, other public or competent authority or court of competent jurisdiction and of the insurers in relation to the use, occupation and enjoyment of the Building (including in relation to health and safety compliance with the proper practice recommended by all appropriate authorities).

Quiet Enjoyment

13. The Landlord covenants that on paying the Rent and performing the covenants contained in this Lease, the Tenant will peacefully and quietly have, hold, and enjoy the Premises for the agreed term.

Overholding

14. If the Tenant continues to occupy the Premises without the written consent of the Landlord after the expiration or other termination of the Term, then, without any further written agreement, the Tenant will be a month-to-month tenant at a minimum monthly rental equal to the Base Rent and subject always to all of the other provisions of this Lease insofar as the same are applicable to a month-to-month tenancy and a tenancy from year to year will not be created by implication of law.

Renewal of Lease

15. Upon giving written notice no later than 60 days before the expiration of the Term, the Tenant may renew this Lease for an additional term. All terms of the renewed lease will be the same except for any signing incentives/inducements and this renewal clause.

Tenant Improvements

16. The Tenant will obtain written permission from the Landlord before doing any of the following:
- a. painting, wallpapering, redecorating or in any way significantly altering the appearance of the Premises;
 - b. removing or adding walls, or performing any structural alterations;
 - c. changing the amount of heat or power normally used on the Premises as well as installing additional electrical wiring or heating units;
 - d. subject to this Lease, placing or exposing or allowing to be placed or exposed anywhere inside or outside the Premises any placard, notice or sign for advertising or any other purpose;
 - e. affixing to or erecting upon or near the Premises any radio or TV antenna or tower, or satellite dish; or
 - f. installing or affixing upon or near the Premises any plant, equipment, machinery or apparatus without the Landlord's prior consent.

Utilities and Other Costs

17. The Landlord is responsible for the payment of the following utilities and other charges in relation to the Premises: natural gas, heat, water and sewer.

Insurance

18. The Tenant is hereby advised and understands that the personal property of the Tenant is not insured by the Landlord for either damage or loss, and the Landlord assumes no liability for any such loss. The Tenant is advised that, if insurance coverage is desired by the Tenant, the Tenant should inquire of Tenant's insurance agent regarding a Tenant's policy of insurance.

Abandonment

19. If at any time during the Term, the Tenant abandons the Premises or any part of the Premises, the Landlord may, at its option, enter the Premises by any means without being liable for any prosecution for such entering, and without becoming liable to the Tenant for damages or for any payment of any kind whatever, and may, at the Landlord's discretion, as agent for the Tenant, relet the Premises, or any part of the Premises, for the whole or any part of the then unexpired Term, and may receive and collect all rent payable by virtue of such reletting, and, at the Landlord's option, hold the Tenant liable for any difference between the Rent that would have been payable under this Lease during the balance of the unexpired Term, if this Lease had continued in force, and the net rent for such period realized by the Landlord by means of the reletting. If the Landlord's right of reentry is exercised following abandonment of the premises by the Tenant, then the Landlord may consider any personal property belonging to the Tenant and left on the Premises to also have been abandoned, in which case the Landlord may dispose of all such personal property in any manner the Landlord will deem proper and is relieved of all liability for doing so.

Governing Law

20. It is the intention of the Parties to this Lease that the tenancy created by this Lease and the performance under this Lease, and all suits and special proceedings under this Lease, be construed in accordance with and governed, to the exclusion of the law of any other forum, by the laws of the State of New York, without regard to the jurisdiction in which any action or special proceeding may be instituted.

Severability

21. If there is a conflict between any provision of this Lease and the applicable legislation of the State of New York (the 'Act'), the Act will prevail and such provisions of the Lease will be amended or deleted as necessary in order to comply with the Act. Further, any provisions that are required by the Act are incorporated into this Lease.

Assignment and Subletting

22. The Tenant will not assign this Lease, or sublet or grant any concession or license to use the Premises or any part of the Premises. An assignment, subletting, concession, or license, whether by operation of law or otherwise, will be void and will, at Landlord's option, terminate this Lease.

Care and Use of Premises

23. The Tenant will promptly notify the Landlord of any damage, or of any situation that may significantly interfere with the normal use of the Premises.
24. Vehicles which the Landlord reasonably considers unsightly, noisy, dangerous, improperly insured, inoperable or unlicensed are not permitted in the Tenant's parking stall(s), and such vehicles may be towed away at the Tenant's expense. Parking facilities are provided at the Tenant's own risk.
25. The Tenant will not make (or allow to be made) any noise or nuisance which, in the reasonable opinion of the Landlord, disturbs the comfort or convenience of other tenants.
26. The Tenant will not engage in any illegal trade or activity on or about the Premises.
27. The Landlord and Tenant will comply with standards of health, sanitation, fire, housing and safety as required by law.

Surrender of Premises

28. At the expiration of the lease term, the Tenant will quit and surrender the Premises in as good a state and condition as they were at the commencement of this Lease, reasonable use and wear and damages by the elements excepted.

Hazardous Materials

29. The Tenant will not keep or have on the Premises any article or thing of a dangerous, flammable, or explosive character that might unreasonably increase the danger of fire on the Premises or that might be considered hazardous by any responsible insurance company.

Rules and Regulations

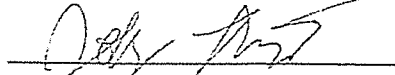
30. The Tenant will obey all rules and regulations posted by the Landlord regarding the use and care of the Building, parking lot and other common facilities that are provided for the use of the Tenant in and around the Building on the Premises.

General Provisions

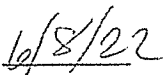
31. Any waiver by the Landlord of any failure by the Tenant to perform or observe the provisions of this Lease will not operate as a waiver of the Landlord's rights under this Lease in respect of any subsequent defaults, breaches or nonperformance and will not defeat or affect in any way the Landlord's rights in respect of any subsequent default or breach.
32. This Lease will extend to and be binding upon and inure to the benefit of the respective heirs, executors, administrators, successors and assigns, as the case may be, of each party to this Lease. All covenants are to be construed as conditions of this Lease.

- 33. All sums payable by the Tenant to the Landlord pursuant to any provision of this Lease will be deemed to be Additional Rent and will be recoverable by the Landlord as rental arrears.
- 34. Where there is more than one Tenant executing this Lease, all Tenants are jointly and severally liable for each other's acts, omissions and liabilities pursuant to this Lease.
- 35. Time is of the essence in this Lease.
- 36. This Lease will constitute the entire agreement between the Landlord and the Tenant. Any prior understanding or representation of any kind preceding the date of this Lease will not be binding on either party to this Lease except to the extent incorporated in this Lease. In particular, no warranties of the Landlord not expressed in this Lease are to be implied.

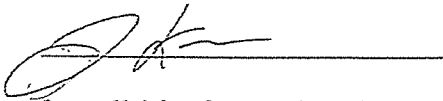
This Lease has been entered into as of the Date Of Lease



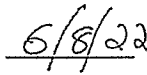
John Donato (Landlord)

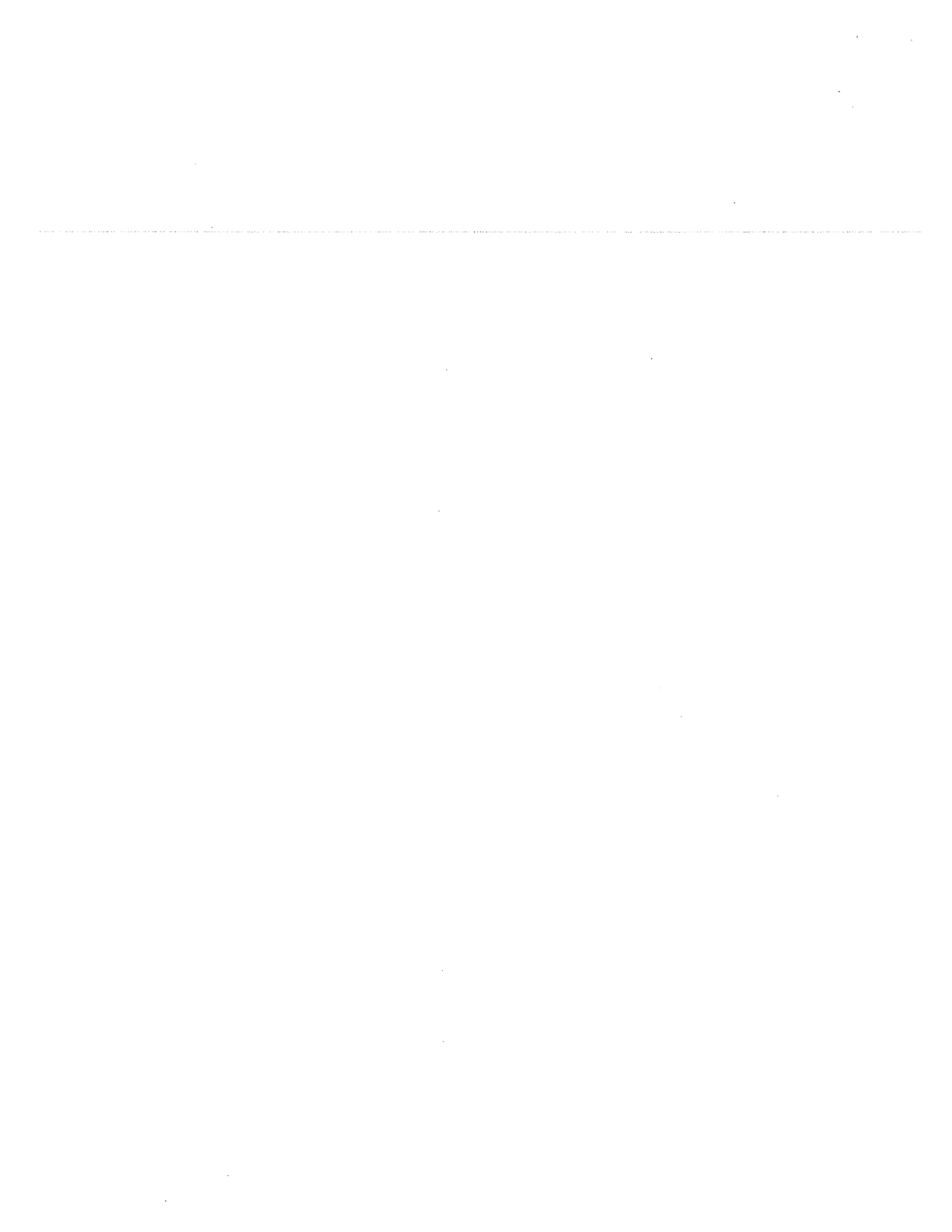


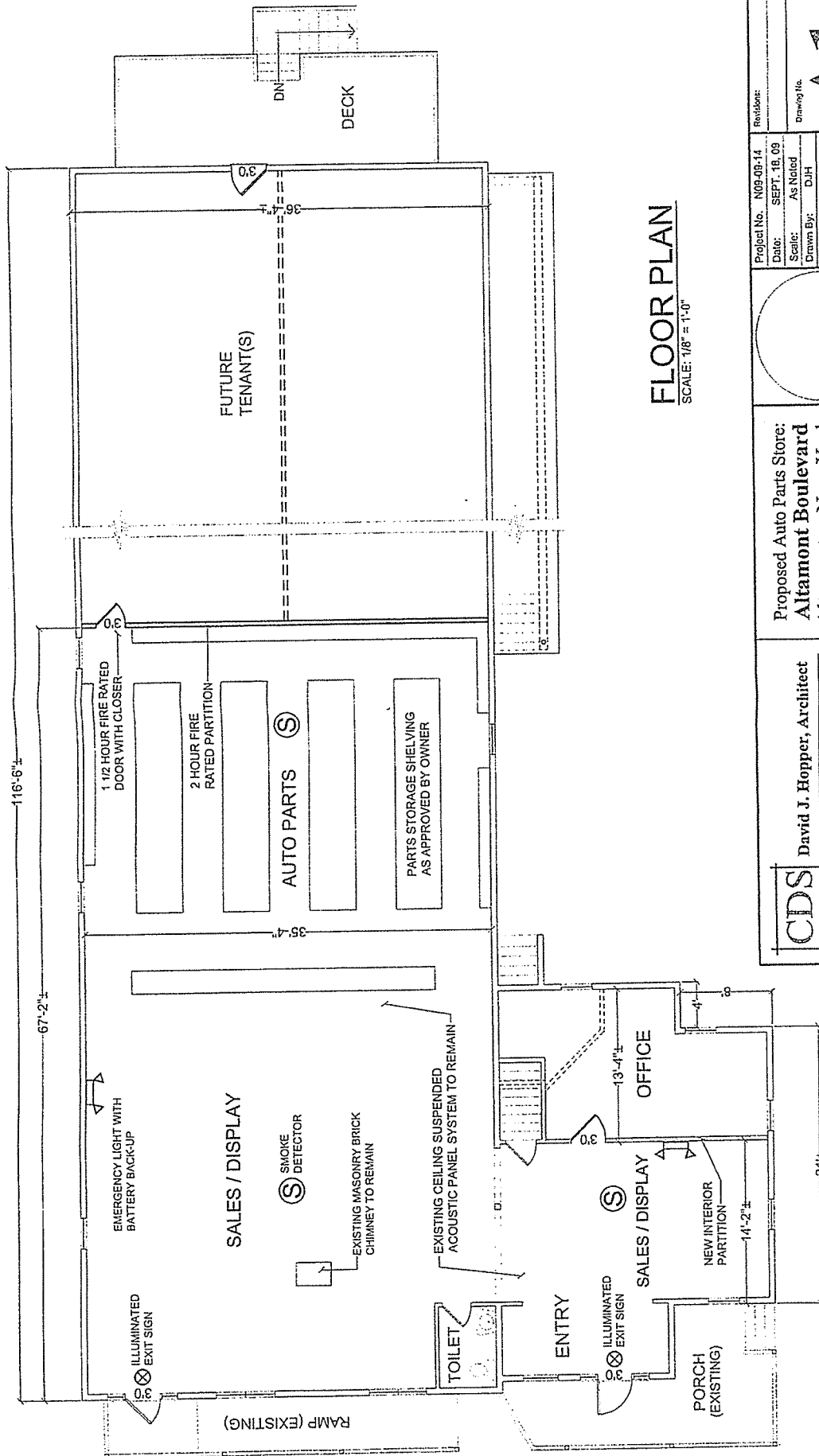
Date



James Keleher for Hoarder's Honeypot LLC (Tenant) Date







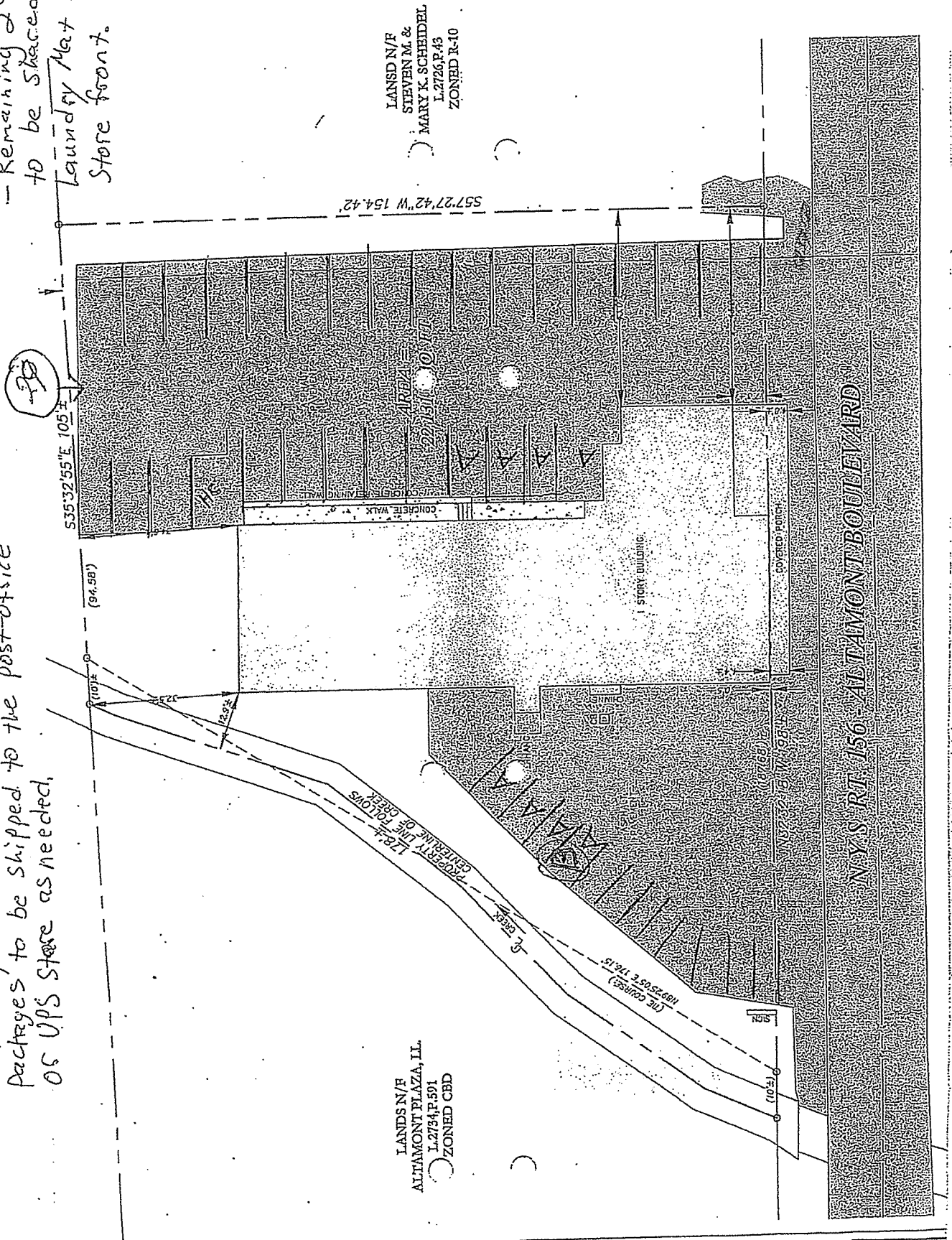
FLOOR PLAN

SCALE: 1/8" = 1'-0"

CDS David J. Hopper, Architect CREATIVE DRAFTING SERVICES INC. 65 Flansburg Lane, Voorheesville, New York, 12186 DJHopperArchitect@hotmail.com (518)765-9085	Proposed Auto Parts Store: Altamont Boulevard Altamont, New York concept design	Project No. N09-09-14 Date: SEPT. 16, 09 Scale: As Noted Drawn By: DJH	Revision: Drawing No. A1 of 1 of

* - NOTE: NO SHIPPING OUT OF THE BUILDING
 WILL OCCUR, LESSEE WILL TAKE ALL
 PACKAGES TO BE SHIPPED TO THE POST-OFFICE
 OR UPS STORE AS NEEDED.

FOR APARTMENTS
 - Remaining 29 Spaces
 to be Shaded between
 Laundry Mat & the
 Store front.



LANDS N/F
 STEVEN M. &
 MARY K. SCHEIDEL
 L2726.P.43
 ZONED R-10

LANDS N/F
 ALPAMONT PLAZA, LL
 L2734.P.591
 ZONED CBD

NYS RT 156 - ALPAMONT BOULEVARD

