

ALTAMONT ZONING BOARD OF APPEALS

Regular Meeting Agenda

July 25, 2023

1. Open meeting - State time and that the meeting is being recorded and where the exit signs are located.
2. Topic & Discussion: Continue Public Hearing on application for area variances submitted by CM Fox Living Solutions LLC (Troy Miller) to allow the creation of four (4) new keyhole lots with approximately 16 feet of road frontage. Property at S.B.L. 37.14-3-6.1.
3. Topic & Discussion: Pre-Concept review of Application by Patty Doak for Minor Subdivision of 138 Western Avenue, Tax Map #37.14.2.5. Consider setting Public Hearing.
4. Topic & Discussion: Review of Application for Variance requested by Robert Spring for wood or vinyl fencing 6' in height at 157 Bozenkill Road, Tax Map #37.09-1-2.2. Consider setting Public Hearing.
5. Topic & Discussion: Review of Application for Special Use Permit requested by Chris Wolff to refinish part of basement at 982 Altamont Blvd., Tax Map #48.06-3-8, to create an apartment for Applicant's elderly mother-in-law.
6. Other Business: \_\_\_\_\_  
\_\_\_\_\_
7. Review of Minutes from June 28, 2023 meeting of the Zoning Board of Appeals. Consider Motion: To approve minutes.
8. Consider Motion to Adjourn Meeting. Meeting Adjourned at Time: \_\_\_\_\_
9. Next ZBA Meeting dates, if needed: August 22 and September 26, 2023.

# VILLAGE OF ALTAMONT APPLICATION FOR SUBDIVISION

RETURN TO:  
Village of Altamont  
PO Box 643 115 Main Street  
Altamont, NY 12009  
(518) 861-8554

FEES:  
Major Sub-division Application Fee \$ 1,500.00  
Minor Sub-division Application Fee \$ 150.00  
Fee in lieu of 10% Park/Green Space Fee  
\$ 1,500.00 per lot (payable with Building Permit Application)

<p><b>APPLICANT INFORMATION:</b></p> <p>Name: <u>Patty Doak</u> division: _____ Address: <u>37 Glenwood St</u> <u>Albany NY 12203</u> Daytime Phone: <u>518-810-3080</u></p> <p><b>RELATIONSHIP TO PROPERTY</b></p> <p><input checked="" type="checkbox"/> Owner <input type="checkbox"/> Contract Vendor <input checked="" type="checkbox"/> Other – Explain: <u>Property in a Trust</u></p>	<p><b>SUB-DIVISION INFORMATION:</b></p> <p>Name of Sub-division: _____ General Location: <u>138 Western Ave. Altamont</u> Zoning: <u>R 20</u> Total Acreage: <u>2.50</u> Tax Map Number(s): <u>37.14-2-5</u></p> <p>Presenter (if other than applicant): _____ Address: _____ Daytime Phone: _____</p>
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**PROPERTY DESCRIPTION:**  
Generally describe any easement or other restrictions on the property: None

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Does the site contain any of the following :  Stream  Pond  Other Body of Water  Wetlands  
 Floodplain  Steep Slopes  Historic/Archeological Resources

If yes, elaborate: \_\_\_\_\_

Water Source:  Well  Hook-up to existing Village Water  Extension of Village Water District  
Sewer Source:  Septic  Hook-up to existing Village Sewer  Extension of Village Sewer District

Will there be any land dedicated to the Village for a park or open space commonly owned by a Homeowner's Association? If yes, what is the percentage and proposed ownership of the open space? No

\_\_\_\_\_ MAJOR SUB-DIVISION – 3 or more lots

X MINOR SUB-DIVISION – 2 lots

**CONCEPT PLAN**

This application must be accompanied by 10 copies of a concept plan containing ALL INFORMATION required by the Village of Altamont Sub-division Regulations and a check payable to the Village of Altamont, in the amount required by the above application fee.

# APPLICATION FOR SUBDIVISION PAGE 2

Please note: The applicant/owner is responsible for payment of engineering fees for services deemed necessary by the Village of Altamont Planning Board.

Has applicant satisfied NYS Storm Water Management Requirements? Not Applicable

Within 60 day after final approve and endorsement of the sub-division plat the applicant must file the plat for recording with the County Clerk. If not recorded within such time period, final approval of the plat shall expire and become null and void. To complete the Village process, the Village shall receive two copies of the said file plat.

## AGREEMENT

The applicant hereby certifies that he/she is the owner of record for the above listed property or has duly authorized, in writing, by the owner of record to make this application. Further, by signing this application, the owner gives permission for a representative(s) of the Village of Altamont to walk the property for the purposes of conducting a Site Review.

SIGNATURE OF APPLICANT: Patty Noak DATE: 6/22/23

SIGNATURE OF OWNER: Muse H DATE: 6/22/23

## OFFICE USE ONLY

APPLICATION RECEIVED ON: _____	Concept Hearing set for: _____
FEE RECEIVED: _____	
Approved for concept hearing:	Notifications made on:
_____ Planning Board Chair	_____ Albany County Planning Board
Materials sent to:	_____ Village of Altamont Public Works
_____ Board members	_____ Altamont Fire Department
_____ Village Attorney	
_____ Board Liaison	

## APPLICATION FOR SUBDIVISION PAGE 3

### CONTENTS OF THE SKETCH PLAN REQUIRED:

The sketch plan shall be a scale drawing, based on tax map information or some other similarly accurate base map, and other supporting documentation which contains the following:

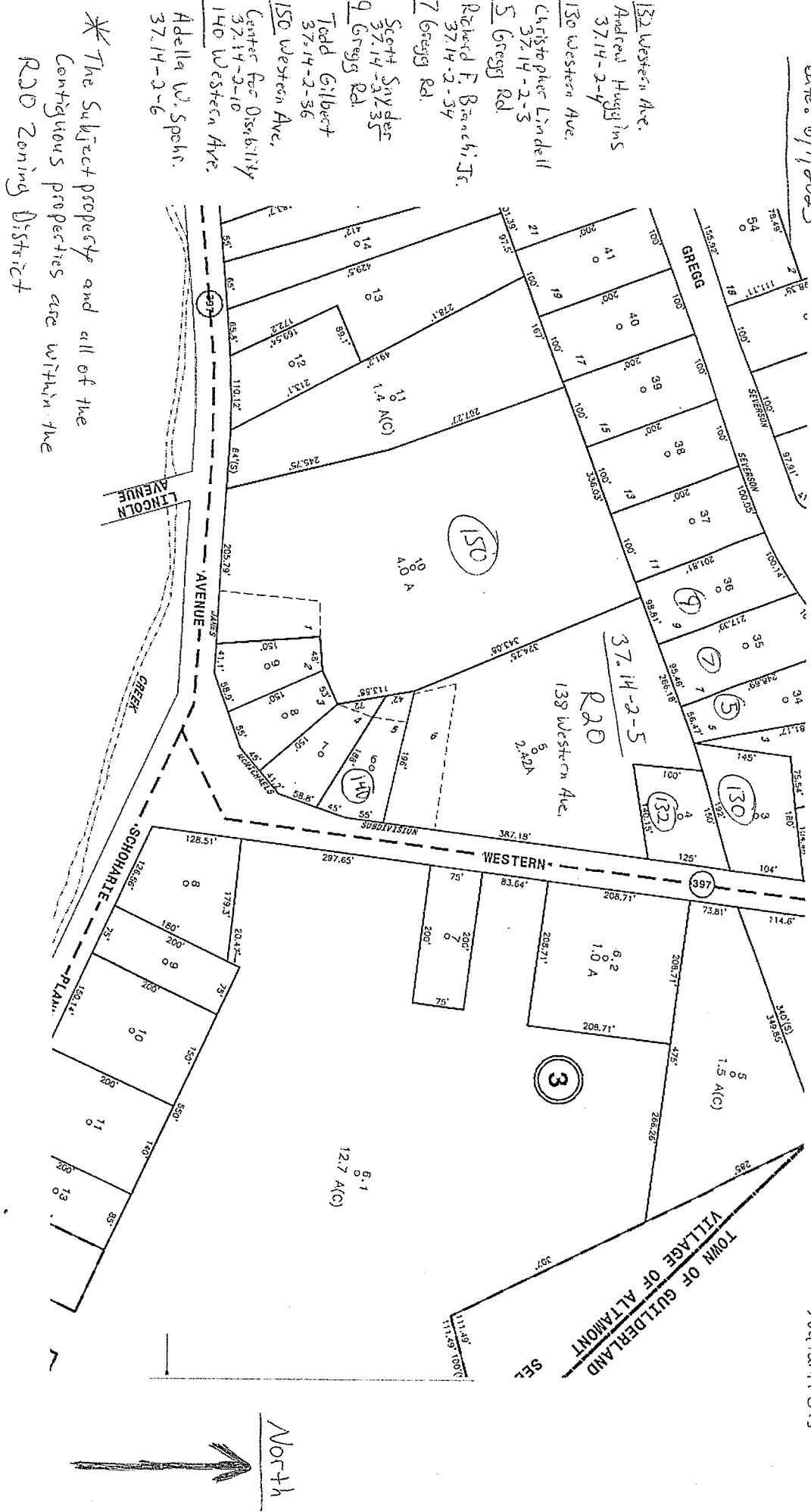
1. The subdivision name or title, the entire tract shown on one sheet; North direction, which shall be oriented toward the top of the plan; the plan date; and the label "Sketch Plan";
2. The subdivision boundaries and the owners of all contiguous properties;
3. The zoning classification and tax map number(s) of the property to be subdivided, and all of contiguous;
4. The total acreage of the subdivision, the proposed number, layout and size of lots, and the streets;
5. Any proposed recreation areas, drainage systems, water supply, waste water and storm water systems and any other proposed utilities;
6. All the utilities available and all the streets, whether proposed, mapped or built, adjacent to the tract;
7. All existing restrictions on the use of land, including easements and covenants;
8. All existing structures, wooded areas, State or Federal wetlands, watercourses, and other significant features within the part to be subdivided and within two hundred (200) feet of the proposed subdivision boundaries;
9. The building envelope, which is determined by showing all the yard and other applicable setbacks in which proposed structures may be built;
10. If applicable, the location and required setbacks from watercourses, wetlands, angle of repose reserves, protected slope reserves, and the 100 year floodplain. All federal wetland delineations must be approved by the Army Corps of Engineers and all New York State wetlands delineations must be approved by the New York State Department of Environmental Conservation;
11. Topographic conditions shall be shown by contours which shall also be indicated at intervals of not more than 10 feet; and
12. Any other information the subdivision reviewer or the Planning Commission deems appropriate.
13. A vicinity map shall appear on the face of the sketch plan.

Sketch Plan

Date: 6/1/2023

138 Western Ave. "Minor Subdivision"

Utilities at Street  
Sewer, Water &  
Natural Gas



- 132 Western Ave.  
Andrew Hugulins  
37.14-2-4
- 130 Western Ave.  
Christopher Lindell  
37.14-2-3
- 5 Gregg Rd  
Richard F. Branch Jr.  
37.14-2-34
- Z Gregg Rd  
Scott Snyder  
37.14-2-35
- 9 Gregg Rd  
Todd Gilbert  
37.14-2-36
- 150 Western Ave.  
Center for Disability  
37.14-2-10
- 140 Western Ave.  
Adella W. Spohn  
37.14-2-6

\* The Subject property and all of the contiguous properties are within the R20 Zoning District

# Village of Altamont

P.O. Box 643 Altamont, NY 12009  
Telephone (518) 861-8554 ext 17 Fax (518) 861-5379

## Checklist for Variance

### Return to:

Village of Altamont  
115 Main Street, PO Box 643  
Altamont, NY 12009  
(518) 861-8554 Ext 17

### Fees:

To Be Determined  
(Payable at time of Submittal to Village)

### APPLICANT INFORMATION:

Name: ROBERT Spring  
Address: 157 BOZENKILL ROAD  
Altamont, NY 12009  
Daytime Phone #: 518-339-2015  
E-mail: r.spring@nycaprc.com  
Date: June 2, 2023

### PROPERTY INFORMATION:

Owner: Rob & Meri-Beth Spring  
Location: 157 BOZENKILL ROAD  
Tax Map #: 37.09-1-2.2  
Zoning: R 20  
Acreage: 2.9 ACRES

Request for:  Use Variance  Area Variance

### MUST BE SUBMITTED:

- 1) 15 copies of Application *see #1*
- 2) 15 copies of conditional purchase contract or rental agreement if applicable *N/A*
- 3) 15 copies of project narrative containing the following: reasons which necessitate the need for a variance including a brief detailed description of the project *#2*
- 4) 15 copies Architectural drawings of proposed project *N/A*
- 5) 15 copies of survey or plot plan (including a North Arrow) showing proposed project with *#3 & #5*
  - side setbacks
  - front and rear setbacks
  - all existing buildings
  - location of proposed construction
  - total size of parcel
  - all topographic elevations necessary to show proposed variance
- 6) 15 copies completed SEQRA *N/A*
- 7) 15 copies of the Area Variance Conditions Form *#4*

### OTHER AGENCY APPROVALS OR RECOMMENDATIONS AS REQUIRED

- 1) NYS Department of Transportation 765-2841
- 2) Albany County Health Department 447-4631
- 3) Albany County Planning Board 447-5660

# Village of Altamont

P.O. Box 643 Altamont, NY 12009  
Telephone (518) 861-8554 ext 17, Fax (518) 861-5379

## APPLICATION AND APPEAL TO THE ZONING BOARD OF APPEALS FOR A VARIANCE OR AN INTERPRETATION OF THE ZONING ORDINANCE OR ZONING MAP

DATE: June 6, 2023

FEE: \$ 300.00 Commercial  
\$ 100.00 Two Family  
\$ 50.00 One Family

To the Zoning Board of Appeals of the Village of Altamont

I, ROBERT Spring of 157 Bozenkill Rd., Altamont, NY hereby appeal from the decision of the Zoning Administration Officer on my application for a zoning permit and hereby apply to the Zoning Board of Appeals for (check one below):

- An interpretation of the Zoning Ordinance or Zoning Map
- A Variance to the Zoning Ordinance or Zoning Map

1. LOCATION OF PROPERTY

Address: 157 Bozenkill Road Zoning: R20  
TAX MAP NUMBER: 37.09-1-2.2

2. INTERPRETATION OF THE ZONING ORDINANCE IS REQUESTED BECAUSE:

Approx. 113' of wood or vinyl fencing, 6' in height, running along southwest property line between 157 and 163 Bozenkill Road.

3. VARIANCE TO THE ZONING ORDINANCE IS REQUESTED FOR:

A 6' height variance for fencing in the front sideyard.

(a) Applicant shall also complete and submit form outlining conditions from NYS Village law pertaining to area variances.

The applicant hereby certifies that he is the owner of record of the above property or has been duly authorized in writing by the owner of record to make this application.

  
Signature of Applicant

# 2

## Project Narrative

Rob & Meri-Beth Spring

157 Bozenkill Road

Altamont, NY 12009

Due to weather-related and naturally occurring changes in the drainage of water on the property, wet conditions are killing-off a hedgerow of arborvitaes. This has resulted in an undesirable change between our boundary with our neighbor, Mr. Paul Miller at 163 Bozenkill Road.

The project will include the removal of many arborvitaes to make room for the installation of a 6' vinyl or wood fence. This project will once again enhance our boundary line with our neighbor, while withstanding the natural changes that are creating the wet conditions.

Respectfully Submitted,

Rob & Meri-Beth Spring





# AREA VARIANCE CONDITIONS

The Village of Altamont Zoning Board of Appeals will not consider any application for an area variance complete until the following application is completed in full and submitted to the Zoning Department. The Zoning Board of Appeals will evaluate the applicant's responses and determine whether the applicant has adequately met the conditions for an area variance. The applicant is encouraged to attach additional sheets if necessary to fully answer the questions. The following conditions for an area variance are from Article VII, Section 61 D (3) of the Village of Altamont Zoning Law.

- 1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance:

*Due to dying arborvitae, the requested variance for a fence will enhance the character of the properties involved.*

- 2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance:

*The re-planting of arborvitae was considered for maintaining a "green wall." But, due to weather related and naturally occurring drainage issues a new hedgerow of arborvitae would die-off due to water.*

- 3) Whether the requested area variance is substantial:

*The area variance is not considered substantial and is in-keeping with fencing around the pool area.*

- 4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district and:

*There will be no adverse effect or impact on the physical or environmental conditions other than replacing dying arborvitae with a fence.*

- 5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but not necessarily preclude the granting of the area variance:

*The conditions impacting the current hedgerow of arborvitae is naturally occurring and resulting in poor drainage conditions, unsuitable for a hedgerow.*

#5



# Village of Altamont

P.O. Box 643 Altamont, NY 12009  
Telephone (518) 861-8554 Fax (518) 861-5379

## Applicant Checklist for Special Use Permit (SUP)

Return to:

Village of Altamont  
PO Box 643 115 Main Street  
Altamont, NY 12009  
(518) 861-8554 Ext 13

Fees:

\$350.00  
(Payable at time of Submittal to Village)

APPLICANT INFORMATION:

Name: Chris Wolff

Address: 982 Altamont Blvd.  
Altamont, NY 12009

Daytime Phone #: 518-572-7852

Date: \_\_\_\_\_

PROPERTY INFORMATION:

Owner: Chris Wolff

Location: 982 Altamont Blvd.

Tax Map #: 48.06-3-8

Zoning: R10

Acreage: 0.2 Acres / 8712 sq. ft.

Request for a:  SUP

**TO BE SUBMITTED:**

- 1) 15 copies of signed & notarized SUP application
- 2) 15 copies of completed SUP Conditions Form
- 3) 15 Copies of conditional purchase contract or rental agreement if applicable *N/A*
- 4) 15 copies of project narrative statement containing the following: reasons which necessitate the need for a SUP, including a brief detailed description of the project
- 5) 15 copies Architectural drawings of proposed project
- 6) 15 copies of survey or plot plan (including a North Arrow) showing proposed project with
  - side setbacks
  - front and rear setbacks
  - all existing buildings
  - location of proposed construction
  - total size of parcel
  - all topographic elevations necessary to show proposed SUP
- 7) 15 copies completed, signed SEQRA if applicable *N/A*
- 8) 15 copies of Sign Permit if applicable *N/A*
- 9) 15 copies of Building and Zoning Permit if applicable *We will get the building permit once the SUP is approved.*
- 10) Escrow Fund for Legal/Engineering & other Fees as appropriate (determined by Planning Bd Chair)

**OTHER AGENCY APPROVALS OR RECOMMENDATIONS AS REQUIRED**

- 1) NYS Department of Transportation 518-765-2841
- 2) Albany County Health Department 518-447-4631
- 3) Albany County Planning Board 518-447-5660

VILLAGE OF ALTAMONT PLANNING BOARD

115 MAIN STREET, P.O. BOX 643, ALTAMONT, NY 12009 PHONE (518) 861-8554 FAX (518) 861-5379

APPLICATION FOR SPECIAL USE PERMIT

Return to: Village of Altamont
115 Main Street, PO Box 643
Altamont, NY 12009

Fees: TBD
(payable at time of submission)

A. STATEMENT OF OWNERSHIP AND INTEREST

THE APPLICANT(S) Chris Wolff and Rebecca Wolff
is (are) the owner(s) of property situated at the following address:
982 Altamont Blvd. Altamont NY 12009
Street PO Box Village State Zip
TAX MAP PARCEL NO. 48.06-3-8 The above described property was acquired by
applicant(s) on the following date July 01, 2016

B. REQUEST

The applicant(s) request a Special Use Permit for the above described property under the provisions of Section
355-38K of the Zoning Law of the Village of Altamont for the following purposes: To refinish part
of the basement to create an apartment for elderly mother-in-law
of applicant.

as shown on the attached plan drawn to scale.

C. REASONS FOR REQUEST

The applicant(s) allege(s) that the approval of said Special Use Permit would be harmony with the intent and
purpose of said Zoning Ordinance (local law) and that the proposed use conforms to the standards prescribed
therefore in said ordinance (local law) and would not be detrimental to property or persons in the neighborhood
for the following reasons: It will not increase the footprint of the existing building or
create external features. It will not change purpose of single-family house. It will
not change character of house or neighborhood.

D. SPECIAL FEATURES

In addition to meeting the standards prescribed by the Zoning Law of the Village of Altamont, the applicant(s)
will provide

in order that the public convenience and welfare will be further served.

THIS PORTION TO BE FILL OUT IN PRESENCE OF NOTARY

TO ME PERSONALLY APPEARED

Rebecca A. Wolff
on the 3rd day of July, 2023

Rebecca Wolff
NOTARIZED SIGNATURE
982 Altamont Blvd.
Altamont, NY 12009
518-572-7851

Attachment: SUP Conditions Form
(2/21)

Eric S Miller
Notary Public, State of New York
Qualified in Schoharie County
No. 01MI6299131
Commission Expires March 17, 2026

Applicant Mailing Address & Phone #

# SPECIAL USE PERMIT (SUP) CONDITIONS

The Village of Altamont Planning Board will not consider any application for a Special Use Permit (SUP) complete until the following application is completed in full and submitted to the Building Department. The Planning Board will evaluate the applicant's responses and determine whether the applicant has adequately met the conditions for a SUP. The applicant is encouraged to attach additional sheets if necessary to fully answer the questions. The following conditions for a SUP are from Article V, Section 355-35 (E) of the Village of Altamont Zoning Law.

- 1) The physical characteristics, topography and other features of the lot and the scale and physical design and other features of any new or existing buildings to be occupied by the use are suitable and adaptable for the proposed use without any modifications which would change the established character of the street or neighborhood setting.  
There will be no external modifications except addition of heat pump. The neighborhood's character will not be impacted. The footprint of structure will not be affected.  
\_\_\_\_\_  
\_\_\_\_\_
- 2) The nature and intensity of operations of the use will not be more objectionable to surrounding properties than those of a permitted use.  
The only occupant will be an elderly woman and, therefore, intensity of operations will not be increased.  
\_\_\_\_\_  
\_\_\_\_\_
- 3) The use is not in such proximity to a religious facility, school, community center, recreation place, or other prominent place of community activity and public assembly so as to regularly conflict with such other activity and thereby constitute a danger to health, safety or general welfare.  
This will not impact any of the above mentioned areas and will not constitute any danger to the community.  
\_\_\_\_\_  
\_\_\_\_\_
- 4) The use will not unreasonably increase or introduce traffic congestion or safety hazards or impose traffic volumes on streets and street patterns which are deficient in width, design, sight distance, intersection configuration, or other typical standards necessary to accommodate such traffic changes.  
The revision will not increase traffic on the street or impose any hazards.  
\_\_\_\_\_  
\_\_\_\_\_
- 5) The use makes adequate provision for off-street parking in accordance with these regulations.  
The driveway at the house can easily accommodate one additional vehicle.  
\_\_\_\_\_  
\_\_\_\_\_

- 6) The use and the proposed design of building and other structure and site facilities for the use are appropriate in the proposed location and have incorporated reasonable efforts to harmonize with surrounding uses and mitigate any adverse impacts on surrounding uses, including but not limited to traffic congestion and hazards, untimely scheduling of activities, removal of trees and other established natural features, and excessive stormwater runoff, noise, nuisance, odors, glare or vibration.

*The only changes will be to the interior of the structure so, therefore, no impact to the surrounding environment will be made.*

- 7) The cumulative impacts of the use in the proposed location will not unreasonably interfere with or diminish the continued use, preservation, stability, value, enjoyment, prosperity or growth of the neighborhood or community.

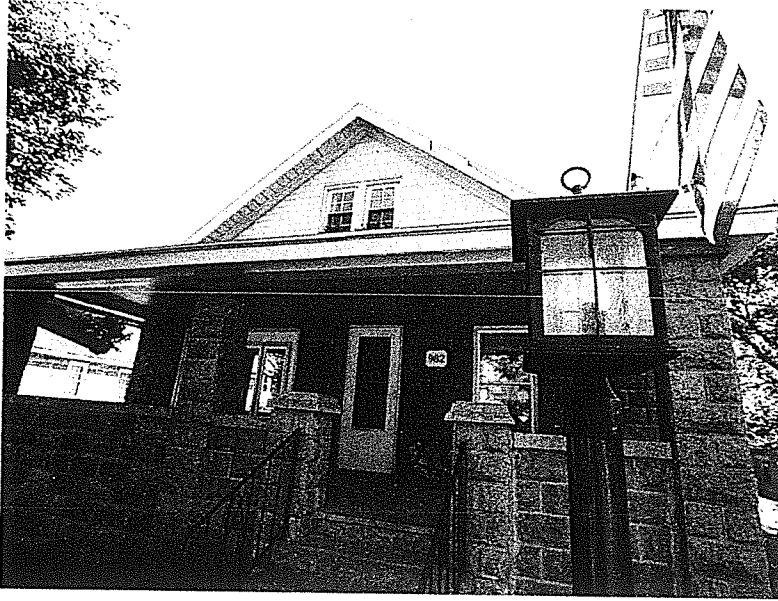
*There will be no interference with any aspect of the neighborhood listed above.*

- 8) The effect of the proposed use on the other properties in the neighborhood and the enjoyment by the inhabitants of their properties, and whether it will materially affect the value of such properties and the use and enjoyment of such properties by the occupants and any other effect of such use on the health, welfare and safety of the occupants of such properties.

*No impact will be felt by neighbors in any of the above listed concerns.*

- 9) The use will not conflict in any way with the Comprehensive Plan.

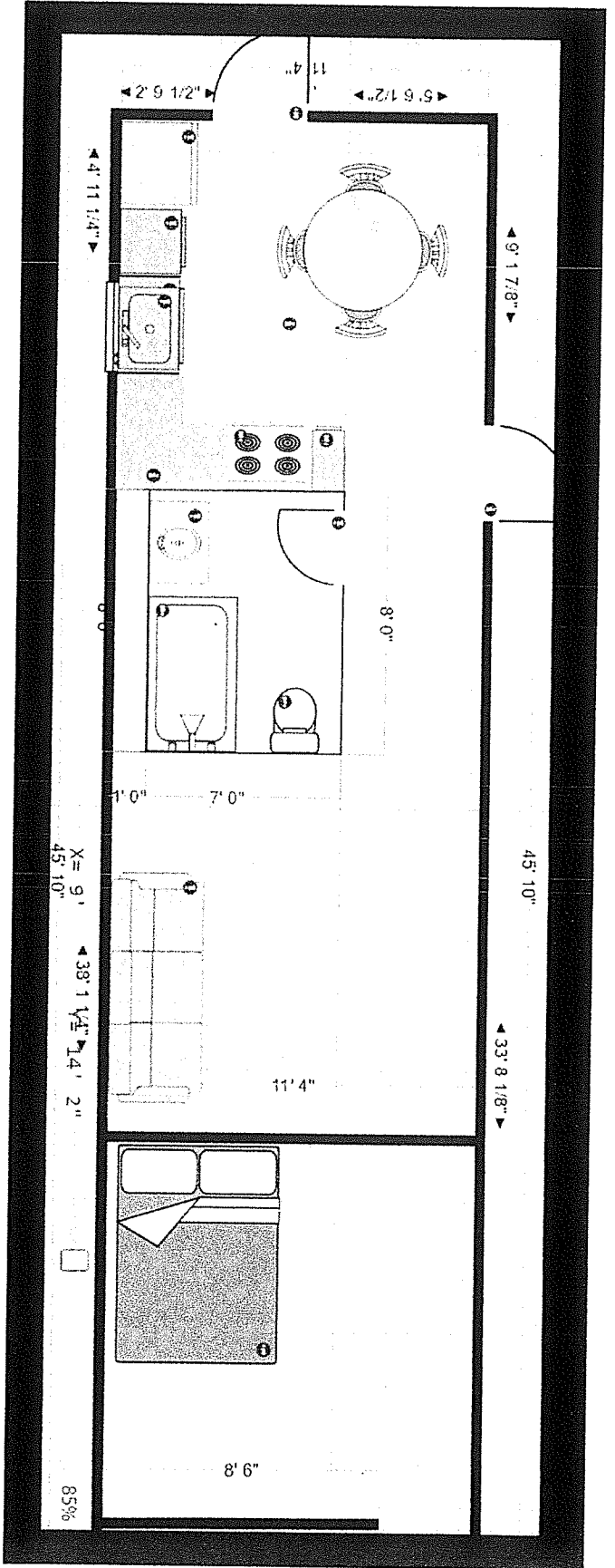
*There is no conflict with the Comprehensive Plan of the Village of A Hamant.*



## SUP APPLICATION for 982 Altamont Blvd., Altamont, NY 12009

I am applying for a Special Use Permit to refinish part of our basement in order to create a living space for my elderly mother-in-law. We have lived at this home since 2016, and when we moved to Altamont, my in-laws moved to the area as well into an apartment. My father-in-law passed away two years ago, and my mother-in-law has been living alone. She is over 80 and does not want to live alone anymore, and we feel that the best way to keep her safe and happy is to be with us. Therefore, we would like to take the unfinished part of our basement and put in a bedroom, living room, bathroom and kitchenette (see drawing 1). The only exterior additions will be a heat pump, so the footprint of the structure will not be affected. The only person that will live in the space is my mother-in-law, so it will not change the purpose of a single-family home. We love living in Altamont, and hope that we will be able to care for my mother-in-law in our home.





Drawing 1: Proposed basement apartment

X = 9' 45' 10" 85%

# 982 Altamont Blvd. Plot Plan



Total Size of Parcel = .21 acres