

Village of Altamont Zoning Board of Appeals
Regular Meeting
June 28, 2023

Deb Hext, Chairperson
Danny Ramirez, Member
Barbara Muhlfelder, Member
Simon Litten, Member
Robert Freeman, Member
James Sullivan, Member
Andrea Witham, Member

Gary Goss, Building Inspector/Code Enforcer
Attorney Hyde Clarke for Village
Ginger Hannah, Secretary
Tresa Matulewicz, Board Liaison
Jeff Moller, DPW Superintendent
Paul Miller, Fire Chief

Applicants: Lauren Simon/Sunoco
Rolando Andres, Project Manager for CM
Fox Subdivision Applicant

Guests: 13

Chairperson Hext opened the meeting at 7:00 p.m. and said Good evening everyone. Welcome to the Village of Altamont ZBA Meeting. Exits are to your left here, my left, your right, and back and here as well. For the record, tonight's meeting is being recorded, both audio and video. It is Wednesday, June 28th, 2023, and it's 7:00 pm. Just a note for the official record - it's being held on a Wednesday tonight instead of Tuesday as our normal night because of the election that was held in our Village hall yesterday. My name is Deborah Hext, I'm the ZBA chair. Will each member of the Zoning Board please introduce yourself, starting from my left. The Board Members introduced themselves as follows: Danny Ramirez, Simon Litten, Andrea Witham, Bob Freeman, James Sullivan and Barbara Muhlfelder. Also representing the Village: Attorney Hyde Clarke; Ginger Hannah, ZBA Secretary; Gary Goss, our Building Inspector; Tresa Matulewicz, our Board Liaison; and Jeff Moller, our DPW superintendent.

There are two items on tonight's agenda, both of which are public hearings. If you wish to speak at the Troy Miller subdivision, I ask that if you've been up here before and everything's been recorded, we don't need you to repeat it, just for the sake of moving things along and giving everyone a chance to speak. Other than that, we can get started. And the first item on tonight's agenda is holding a scheduled public hearing on a sign permit submitted by Sunoco Gas Station at 200 Main Street.

Attorney Clarke read the Legal Notice opening the Public Hearing (see attached copy).

Chair Hext: Thank you. Okay. That opens the public hearing. If you want to come up and just give a quick rundown of what we discussed the last time. I don't know if you came with any new material.

Ms. Simon, Sunoco Rep: No. Just what's been posted on your website. So the proposal is to replace the existing sign on the pole as well as including Sunoco on the canopy. Sunoco's new re-imaging requires us to bring all of their new imaging onto the site and the illumination would be less than what it is now. The sign is much more appealing and the canopy would have Sunoco on two sides and then the one diamond, which I think we said at the last meeting, that it would not go above the roof line, which is one of your requirements. And that's essentially it.

Chair Hext: So we had asked at the last meeting if you could come back with something a little less obtrusive, similar to what Stewart's has.

Ms. Simon, Sunoco Rep: Yes. I spoke to our sign company and we can lower the sign. And I know you had requested some sort of a garden type scenario going on below the sign. We are willing to lower the sign, but we don't want to lower it to the height where Stewart's has theirs because they're offset from the main road. We are right there and I actually just took pictures. My concern is if there was any sort of problem with ice or snow coming that someone would go right into the sign and the signs are costly. So we would just request that we can raise it a little bit higher so that if that scenario did occur, it wouldn't cause any damage to the sign.

Chair Hext: You don't have a drawing or anything?

Ms. Simon, Sunoco Rep: No, the sign company couldn't get me anything in time for this meeting, but they said that they could work something out so that we can lower it but not as low as the Stewart's just because of the roadway.

Chair Hext: You know, you say that you're more visible and right out there. And that's part of at least my concern. I can't speak for the rest of the Board, but we're talking Main Street Altamont, we're not talking Route 20. We have a character that we as a Board have to consider. And Stewart's, as much as I'm sure everybody doesn't want to hear it - we set a precedent with them. They weren't allowed to put any signage up on the canopy. The sign could not be on a pole. So that's where I'm coming from. But at this point I would like to hear if anybody in the public would like to speak and give us your thoughts about it. But again, we have to consider you're a block from the historic district. It's a concern.

Ms. Simon, Sunoco Rep: Understood.

Chair Hext: Thank you. Anybody want to speak to that? You have to come up. You have to make it official. State your name.

Resident Deb Johnson: Hi, my name is Deb Johnson and I just want to know where the Sunoco is intending to put the new sign. Is it where the existing sign is?

Lauren Simon, Sunoco Rep: Yes.

Resident Johnson: Is it where the existing sign pole is?

Lauren Simon, Sunoco Rep: Yes.

Resident Johnson: So the actual spot where the new sign is going is not changing, just the sign itself, is that correct?

Lauren Simon, Sunoco Rep: That is correct.

Resident Deb Johnson: Is the existing sign much smaller than the one you're proposing as far as dimensions go?

Ms. Simon, Sunoco Rep: It's approximately the same size. The illumination is less.

Resident Deb Johnson: And why is that? Okay. Okay. And the Board is proposing that they do what?

Chair Hext: Well, myself, I'm proposing that they do something similar to Stewart's if they're going to redo the sign. I would like to see something similar to what Stewart's has and many other stations in the area - they are taking down that pole and the illumination that that sign is emitting and making it a little bit more conducive to Main Street Altamont.

Resident Deb Johnson: And how would they do that?

Chair Hext: Making it similar to Stewart's.

Board Member Freeman: It'd be set lower and then basically there wouldn't be a pole, if you will. So it would be just a sign setting in, well, in my eyes a gardener. Some kind of...

Resident Deb Johnson: But they are in the center of their parking lot and where their sign is on a corner of a roadway. I can see that being a different scenario because where the placement is completely different.

Board Member Freeman: No, I thought the sign was going to go right back to where it was.

Chair Hext: It is.

Resident Deb Johnson: Yeah, but isn't it on the corner of Prospect and Main Street?

Chair Hext: It is.

Resident Deb Johnson: Okay, so you got traffic coming this way, traffic going this way, you got plows coming this way and plows coming that way. If they bring it lower, I have to agree with a possible chance of...

Board Member Freeman: Well, the only difference between that and Stewart's is yes, it is closer to the road, but you also have a sidewalk that goes around there. So if the plow's on the sidewalk, then

Board Member Sullivan: We have other problems.

Board Member Freeman: We've got other problems for sure.

Resident Deb Johnson: Well that wouldn't be the first because let me tell you, you don't want to deal with the sidewalks in the winter anyway. But it's just a concern how much change is actually occurring in that one corner. And I think that sometimes people just pull in to Prospect and circle around back into Sunoco because you can get gas going either way. Each car has a gas pump on one side or the other. So some people pull in from Main Street, some people pull in from Prospect and that pole kind of sits in the middle and if you lower it, you're liable to block the vision, the view of traffic. That's my concern more than anything. I don't want to see any accidents, crashes or anything. But I have seen them pull in both ways around the pole. And there are pedestrians that walk up to the pole and to Prospect and the more you lower it, the more floor space or road space or feet space that you are eliminating. That's just all I have to say.

Chair Hext: Appreciate it. Thank you. Anybody else?

Board Member Ramirez: Yeah, I'm glad she brought that up because creating a pedestal and changing into a pedestal, depending when it's placed, would be a visual hazard in that corner. If you bring the sign down, I don't know from, say the floor level to the bottom of the sign, the height, you don't want to bring it down too low. If a trucker comes in there, they won't be able to see it as well. Bringing it down a little could be advantageous, depending on what you want. But I personally would not care for a pedestal kind of similar to Stewart's.

Chair Hext: Well, you can sit. It's tough enough being up there. Anyone else from the public? Come on up and state your name please.

Resident Maureen Werntz: Hi, my name is Maureen Werntz and we're talking about the pole, but the canopy, the height of the canopy is staying just the way it is? We're not changing the canopy at all?

Chair Hext: Not the height of it. They're proposing putting a... was it going to be a vinyl wrap?

Ms. Simon, Sunoco Rep: Vinyl, yes.

Chair Hext: Would it be reflective?

Ms. Simon, Sunoco Rep: No.

Chair Hext: They're proposing putting a vinyl wrap on the canopy on all sides. Correct?

Ms. Simon, Sunoco Rep: On three sides.

Chair Hext: Not the side facing the building. Right. Okay. So that's what they're proposing for the canopy.

Resident Maureen Werntz: Just putting a wrap on the sides?

Chair Hext: Correct.

Resident Maureen Werntz: And so it doesn't change anything else on it. And they just put the Sunoco sign on that? They put the wrap on. And then the Sunoco sign on there?

Chair Hext: The wrap is the Sunoco sign, right?

Ms. Simon, Sunoco Rep: Well there's the wrap and then there's the diamond.

Chair Hext: And the colors of that. You had a couple different colors?

Ms. Simon, Sunoco Rep: No, it's the traditional Sunoco, light blue, royal blue, and red. And then the diamond.

Resident Maureen Werntz: My other question is, you mentioned the lighting. It's going to be not as bright as it is now?

Ms. Simon, Sunoco Rep: That is correct.

Resident Maureen Werntz: So is it like LED lights or what kind of illumination?

Ms. Simon, Sunoco Rep: It's LED.

Resident Maureen Werntz: LED lights. And it'll be a little dimmer.

Ms. Simon, Sunoco Rep: Yes it will.

Chair Hext: The gas prices will be the LED lights. It'll have both regular gas and diesel prices, which they don't have now. They only have that on the pumps. But the Sunoco sign itself, from what I remember, is white now, right? Not blue.

Ms. Simon, Sunoco Rep: Well the illuminated portion of the sign is being reduced from 61 inches to 19 inches.

Resident Maureen Werntz: You're talking about the pole?

Ms. Simon, Sunoco Rep: The pole sign, yes.

Resident Maureen Werntz: And the canopy, does that have lights?

Ms. Simon, Sunoco Rep: Those are not illuminated. They're just simply graphics with the Sunoco diamond.

Resident Maureen Werntz: So they won't be illuminated.

Ms. Simon, Sunoco Rep: No.

Resident Maureen Werntz: OK.

Chair Hext: And the pole sign, that's changing from white to blue? From blue to white rather? I believe I saw that.

Ms. Simon, Sunoco Rep: It's the Sunoco light with the diamond, and then the illuminated portion would be the actual prices.

Chair Hext: So that color is changing. Because it's blue now.

Ms. Simon, Sunoco Rep: Well it can be blue or black. There many different scenarios. We can have the back as...

Chair Hext: No, I mean the sign itself where you have Sunoco; that is now blue and that'll be changing to white?

Ms. Simon, Sunoco Rep: No, it is white where the Sunoco is. And then under the prices will be the blue.

Chair Hext: Right, but it's blue now, right Gary?

Ms. Simon, Sunoco Rep: Right. But the color scenario that we have in their new re-imaging, yes, the Sunoco is white and then the blue. But again, the illumination portion of it is being greatly reduced. So it's not so bright.

Chair Hext: That's the part I don't understand is how taking a sign that's now blue and changing to a white, how that won't be a little bit more bright. Maybe not foot candles or maybe not the actual illumination, but driving up Main Street, it's going to be there. Now it's blue. I don't know.

Board Member Sullivan: I made a note last time and maybe I misunderstood that the rectangle that will be white with the gold diamond, there won't be a light behind it.

Ms. Simon, Sunoco Rep: That's correct.

Board Member Sullivan: Okay.

Chair Hext: The sign on the pole, there's not going to be a light?

Board Member Freeman: Only the pricing.

Board Member Sullivan: Only the numbers.

Board Member Freeman: Which are backed up in blue.

Ms. Simon, Sunoco Rep: And that's why the footprint itself is being greatly reduced. As far as the lighting portion of it.

Chair Hext: I don't know. This looks illuminated to me.

Board Member Ramirez: It is now. If it was maintained, but it will not be.

Chair Hext: Anyone else in the audience want to say anything? You know the rules though.

Resident Lois Ginsberg: Lois Ginsberg, Long Grass Lane. Right now we have Prospect Terrace and Main Street and there's a small sign that says no parking in front of the old car wash. And cars and trucks still park there. So when you're coming out of Prospect, you have no visual aid to make a turn onto Main Street. And that was the comment that I wanted to make.

Chair Hext: Thank you. That's true. Anyone else?

Board Member Ramirez: If I might, I know there's a difference between night and day as everybody else does. And I object to some of the signs even in Guilderland on 20 where nighttime comes in and I'll point right out the library. It should be dimmed at night because it's a glare to oncoming traffic in itself. So I'm just curious if this will automatically have some kind of a light dimming process so those LEDs don't become too bright at night. You can still see it, but you can level up the brightness during the day when you need it.

Ms. Simon, Sunoco Rep: We can change that with the bulbs themselves. We can put a lower wattage bulb in there so that it's not so bright. You can go down to a 40 versus 60.

Board Member Ramirez: You know the foot candle, is that a certain distance?

Ms. Simon, Sunoco Rep: I do have the foot candle and we did look it up. Barbara who had been working on it, I've been working with, did say it's within your regulations that it's no higher than your candle allows.

Board Member Ramirez: On a horizontal plane, what's the distance? Because we have a sign that is now illuminating horizontally. It's not like the lights underneath the canopy for safety.

Ms. Simon, Sunoco Rep: Are you referring to the canopy lights or the sign lights?

Board Member Ramirez: The sign lights. The lit numbers.

Ms. Simon, Sunoco Rep: The lit numbers are below your candle requirement. And that's at the 60 watt and we can go even lower to the 40 watt if you want.

Board Member Ramirez: You can go to 40 at night if that's passable, but if you can have something that will automate...

Ms. Simon, Sunoco Rep: Probably 40 all day, I don't think that would be a problem.

Chair Hext: I thought that at the last meeting, you said that you turn the lights off at night when it's closed.

Ms. Simon, Sunoco Rep: When it's closed. Oh yes. Absolutely.

Chair Hext: Including the sign?

Ms. Simon, Sunoco Rep: Including the sign. Yes.

Board Member Litten: What time do you close?

Ms. Simon, Sunoco Rep: 11 o'clock.

Chair Hext: Okay. With that, could I have a motion to close the public hearing?

Board Member Muhlfelder: I make that motion.

Board Member Bob Freeman: I'll second it. **Roll Call: All in favor.**

Chair Hext: I just want to read something and I don't know if everyone on the Board got this, but from section 355-23 of our code, before approving a sign permit, the Zoning Board of Appeals shall find that the applicant has demonstrated the following facts to be true:

1. The proposed signs are in harmony with the standards for permitted signs and within the spirit of this chapter.
2. The proposed sign shall be comparable with the neighborhood environment and character and shall not be detrimental to adjacent property.
3. The sign does not, by reason of its location, create a hazard of any nature to the public in general or any adjacent owner or occupant,
4. The proposed sign does not in any way interfere with the lawful aesthetic enjoyment of a public highway or the adjacent property.

So one through four, can we say that this is definitely not an issue anywhere? I have to go through this. Does anybody have any issues with any one of those?

Board Member Sullivan: One and two.

Chair Hext: Okay. I agree with you, James, but again, I'm going back to some precedent because as a Zoning Board we have the options to use precedent and you should use precedent when you can. I appreciate the offer to perhaps lower the sign without making it a hazard to anyone and maybe just dressing it up a little. As far as someone hitting the sign, you could also use the bollards around the sign so somebody doesn't back into it by mistake or, there's options. But again, we're a Board. It's not just me. We can make a motion to approve the sign permit with conditions that you look into lowering the sign, that the lighting will not be brighter than it is now. I still have a problem with the wrap on the canopy. Would Sunoco consider eliminating that part of the request?

Ms. Simon, Sunoco Rep: I can certainly check with them, but again, it's their whole re-imaging.

Chair Hext: I understand that, but what works in a city or town doesn't necessarily work here. And it's up to us to make sure that our comprehensive plan is followed, that we keep everything in character with the Village. We might as well not be sitting here if we don't do that.

Ms. Simon, Sunoco Rep: Understood. Would you be opposed to just Sunoco on the front of the canopy and leaving the two sides just with the wrap?

Chair Hext: Myself? No, I wouldn't. But again, we're a Board. I would rather have no wrap on the canopy. Just again, I'm talking precedent. We let you do that wrap on your canopy. Stewart's comes back and says, we now want to wrap our canopy. And all of a sudden, like Danny said, you're Western [inaudible 00:24:39].

Attorney Clarke: I think because there's two different kind of issues, maybe we consider the freestanding sign first to have a discussion and then we could consider the canopy. Also, I mean the application just had so many different images. I just want to make sure the Board knows what we're looking at first. So just to confirm, the proposal would be the digital amounts, not the other image that you provided with the standalone. These were both in the application.

Ms. Simon, Sunoco Rep: Right. The one on your right.

Attorney Clarke: Yeah. Okay.

Ms. Simon, Sunoco Rep: The smaller version of that sign.

Attorney Clarke: Okay. So I would just propose that the Board first consider this freestanding sign. And again, you have an offer from the applicant to potentially lower the current height using that same pole. So I would just start with that discussion first.

Board Member Freeman: I would like just like to say, I understand that you do the pole, you definitely want to do something with the canopy, spruce it up in one way or another. And yeah, I agree. Get the sign issue done. But that canopy would have to be spruced up in some way or form. You're going to have a new sign there and that canopy's been there probably, I don't know how long.

Chair Hext: They're proposing to redo everything inside and out.

Board Member Freeman: Okay. All right.

Board Member Litten: One other question. How much lower are you considering lowering the sign?

Ms. Simon, Sunoco Rep: Well again, that's up for discussion. I don't want that corner to become any more dangerous than it is, and blocking vision from either road will become an issue. So a sign at Stewart's level I think would block people coming from Main Street and the side road. So as it exists now, it's not terribly high now, but with the new sign, I can certainly have them mounted 6 inches lower. Would that appeal? I mean, I think if we get into feet, then you're causing problems with the flow of traffic.

Board Member Ramirez: Okay. Because we have to record, you should be at the mic, but one second. The sign is 14 feet high total. It's approximately five foot in diameter in height, 61 inches roughly. Okay. So that would leave it nine feet below the sign to the asphalt.

Chair Hext: Say that again? Be nine feet what?

Ms. Simon, Sunoco Rep: Above the asphalt.

Board Member Ramirez: Above the ground. The floor.

Chair Hext: Oh, above the ground.

Board Member Ramirez: Nine feet to the bottom of the sign, five feet up, make it about 14 feet high. So you can throw a number in there and say you want it down to eight feet to the bottom of the sign, or seven and a half, whatever it is. As long as you feel safe that it's not going to block any traffic visual for people exiting Prospect.

Chair Hext: Can do that.

Building Inspector Goss: Do you know the height of the Stewart's sign? Do you know how tall that one is?

Ms. Simon, Sunoco Rep: I don't, but it's no more than six feet, that's for sure. And that's protected. Their sign's completely protected. This is really right in the middle of an intersection.

Chair Hext: Okay, well then.

Ginger Hannah, Secretary: There is another person who wanted to speak.

Chair Hext: We already closed the public hearing though. Can we allow him to ask a question even though we closed the public hearing? Yeah. It's Altamont. What the heck.

Resident David Glass: David Glass. I was just going to suggest that you're trying to discuss this in the abstract here and figure out what's going to visually block by making the sign lower or higher. It's going to be hard for you to figure that out here. Maybe you should just appoint some people to go out and actually talk to somebody who's used to hanging signs up with the Department of Public Works and see what would happen visually if you lowered that sign six inches. Would it cut off vision from anywhere else? And what would the difference be between garden size signs, vision blockage versus the pole sign? I don't think you're going to be able to figure that out sitting here. You got to have somebody that you trust, that you can just send out there to actually look at it or have them work up a drawing. That's just my thought.

Chair Hext: Thank you. Jeff, what is your opinion?

DPW Superintendent Jeff Moller: My concern would be the line of sight. And if you put a pedestal in there, you ruin your line of sight. It's a dangerous intersection. Cars coming down the hill, the intersection of Prospect, it's almost blind going up and you don't want to run into the same situation you have at Maple Avenue where you come into Main Street on Maple, look down the road and the way the parking area is down there, you can't see cars coming up. That would be my concern, is just line of sight coming out of Prospect. And also there's a lot of truck traffic, big trucks going to Agway that interfere with a trucker's line of sight.

Board Member Ramirez: And that was my next question to you, Jeff, since you drive trucks, say a tractor trailer, where you sit visually, are you above or below eight feet?

DPW Superintendent Moller: No.

Board Member Ramirez: So if they brought the bottom of that sign to eight feet, would that be good? That was one of my concerns that the trucking industry as well, we don't want them to have a line of sight that's blocked.

DPW Superintendent Moller: Yeah, you're six to eight feet looking out.

Board Member Ramirez: I know you're thinking about it because I don't drive a tractor trailer, that if it were at eight feet they can peek underneath it and have a line of sight.

DPW Superintendent Moller: I think so. Yeah.

Chair Hext: That's a good option.

Ms. Simon, Sunoco Rep: So lowering it 12 inches?

Chair Hext: The bottom of the sign would be, yes, 8 feet. Yeah. And so then the other conditions that we would add would be the light from 60 to 40 and that after 11 o'clock all sign lights would go out and you would do something to dress up around the area, right?

Ms. Simon, Sunoco Rep: Yes.

Chair Hext: All right then could I have a motion to approve just the sign permit at this point - we're not voting on the canopy, with the conditions that we noted. Motion made by Board Member Ramirez, seconded by Board Member Litten. **Roll Call:**

Board member Ramirez: In favor. Board Member Litten: In favor. Board Member Witham: In favor. Board Member Freeman: In favor. Board Member Sullivan: Against. Board Member Muhlfelder: In favor. And Chair Hext: Opposed.

Ginger Hannah, Secretary: Thank you.

Chair Hext: Do we want to read the resolution now, for that? Or do we want to move to the canopy?

Attorney Clarke: We can move to the canopy. Just incorporate everything. So again, similar question with the canopy there's a number of different designs that were submitted in the application package. So I would just like the Board to have an understanding of what it is that's being proposed. I think you said that the arrow that goes above the canopy, you're not pursuing that. So you can...

Ms. Simon, Sunoco Rep: We are pursuing it. We're just going to have the diamond portion, the tail end of it. It's not going to go above the roof line.

Attorney Clarke: Yeah, that's what I meant. Not above... The diamond won't go above, but the arrows still would?

Ms. Simon, Sunoco Rep: No, the arrow will not.

Attorney Clarke: Oh no. But there's two different facing main street.

Chair Hext:

Yeah, they are different.

Attorney Clarke:

There's two different, there's one that says Sunoco with a yellow arrow and then there's one with the diamond, like the traditional sign. So, which...

Ms. Simon, Sunoco Rep: We're proposing either one, whichever the board prefers.

Attorney Clarke: Okay. I mean, so the board, in any discussion or motion, if you are in favor of permitting, it would have to identify which one is being approved.

Chair Hext: Can we discuss whether or not the canopy is considered a roof? Because if you're saying above the roof line, then we're saying that the canopy is a roof and...

Ms. Simon, Sunoco Rep: Well that was a concern you brought up at the last meeting.

Chair Hext: Right. And we don't allow signs on roofs, so this may be a moot point.

Attorney Clarke: So I believe that the precedent with the Stewart's application was that it was treated as a roof line and that's why the wrap was not permitted.

Board Liaison Matulewicz: Yes. That was exactly why that was done that way, because it was considered a roof [inaudible].

Board Member Muhlfelder: I'm sorry, I couldn't hear down here.

Attorney Clarke: So for the Stewart's application, the canopy was considered a roof line. That was the reason for not permitting any sort of branding to go along the canopy.

Board Member Muhlfelder: Okay.

Attorney Clarke: So, that would be the interpretation of the code and also the precedence from the previous decision. So that would be a variance from that precedent.

Board Member Ramirez: I have a question. Maybe you can throw that one at me real quick, Gary. The maximum square footage and signage for a business...

Chair Hext: 25 square feet.

Board Member Ramirez: It's 25? So the canopy's out, that's why the existing canopy doesn't have anything on it.

Chair Hext: Right.

Board Member Ramirez: Regardless, whether it be a roof or not. Would be an additional signage, square footage.

Ms. Simon, Sunoco Rep: For this one?

Board Member Ramirez: For the canopy? Yeah.

Chair Hext: Okay. Well I guess it's a moot point. We still have to vote on it, I think.

Attorney Clarke: Yeah, still vote on it. I mean the recommendation is that it be denied based on precedence from previous gasoline station applications as well as the canopy being considered a roof line as well as maximum permitted signage at the site.

Ms. Simon, Sunoco Rep: And what about the vinyl wrapping? The third scenario is the blue. The Sunoco blue, vinyl wrapping.

Chair Hext: There can be no signage on the canopy.

Ms. Simon, Sunoco Rep: That's not signage.

Attorney Clarke: Just the color?

Board Member Freeman: I think she's just talking about changing the color.

Chair Hext: The color of the canopy? Oh yeah, you can change that. That's something simple. Gary could have approved that. Yeah, just the canopy with no wrap can be... Yes. So you're saying just a vinyl blue?

Ms. Simon, Sunoco Rep: What's in the plan.

Chair Hext: Right, so it's not going to be reflective?

Ms. Simon, Sunoco Rep: No.

Chair Hext: Then we can do that. That's number three, right?

Attorney Clarke: Yeah.

Chair Hext: Then motion to approve number three? Okay. Then could I have a motion to approve the blue only wrap on the canopy with no lettering? Board Member Muhlfelder made the motion. Board Member Ramirez seconded it. **Roll Call: All in favor.**

Chair Hext: Do you want to read the resolution?

Attorney Clarke: I mean we've kind of gone through it.

Chair Hext: Yeah?

Attorney Clarke: Yeah.

Chair Hext: And so I think that concludes this portion of our agenda. Lauren, thank you for putting up with us.

Ms. Simon, Sunoco Rep: You're welcome. Thank you for your time.

Chair Hext: Gary will be in touch. You'll be in touch with Gary.

Ms. Simon, Sunoco Rep: Excellent. Thank you Gary.

Chair Hext: All right, everybody okay? Anybody want to take a quick break for five minutes? We all good? All right. So our next topic of discussion is to continue the public hearing on the application for area variances submitted by CM Fox Living Solutions LLC (Troy Miller), to allow the creation of four new keyhole lots with approximately 16 feet of road frontage. Property is at tax map 37.14-3-6.1.

So the public hearing is open, so if someone wants to come up and speak, they can do so.

Attorney Clarke: Can I just...

Chair Hext: Yeah.

Attorney Clarke: So just a brief update since our last meeting. We did circulate notice of intent to be lead agency for SEQRA that requires 30 days to allow other interested and involved agencies to either consent or contest that designation. So, there will not be a decision on the variances tonight. Again, like the Chair stated the public hearing continues to stay open so people can make public comments. And the Board does have the option to start going through part two of the SEQRA form to consider specific impacts in that SEQRA form. So, at this time, as the Chair stated, we will take public comments if there's anyone that would like to speak.

Chair Hext: Just come up to the mic. Say your name, whatever, anybody? David.

Resident David Glass: Hi, David Glass. I live on Schoharie Plank Road West and yeah, I had been at the last meeting and there were a few things brought up that raised some concerns and I went and I kind of looked at the site and I was a little concerned about the way some things were portrayed. They're talking about the access point onto Schoharie Plank Road West being characterized as a shared driveway, but then it's going to have four lots that share this driveway. I mean then it was later added that, well, they would need enough room for a firetruck to be able to turn around within that.

What you're getting at there, that's not a shared driveway. What you then have is a cul-de-sac, right? One house is a driveway, maybe two houses, that's a shared driveway. Once you put four houses in there and enough room for a firetruck to turn around, it's a cul-de-sac.

And so you're talking about adding a cul-de-sac towards the end of a dead end street. And it was also pointed out that that's a very lightly paved dead end street. So they can't put any of the construction vehicles on there, which is, good point. And so they're going to do construction from the other side. The reason it's so lightly paved is because it's very lightly used. It's a dead end, very narrow street, I believe only 16 feet wide.

And then I believe it was brought up towards the end of the last meeting that they were talking about that shared driveway or cul-de-sac having to possibly be as wide as 24 feet. So, then you would have a 16-foot wide, lightly used dead end street that feeds into a 24-foot wide cul-de-sac. And then you change a lot of the character, which is right across from the footbridge.

So, you would cut out all of the tree line and shaded character of what you have when you come across that footbridge, that we got the good history of how that was built. It is somebody's college project with telephone poles and all the evolution of that. That's a great thing. It's lots of people, if you go around there in the morning, lots of people walk on that, and it's sort of canopied, you don't have to worry about traffic going through. So you can walk along there or jog along there, it's good. If you add a cul-de-sac with four more houses, that's eight more cars at the far end of that, straight across from the footbridge; you're taking out all of the trees to accommodate the entrance to this cul-de-sac. And then you're going to have to make it accommodate at least eight more cars; you figure two cars per household.

And then over and above that, of course we have the concerns that everybody's raised about the water and the drainage and putting in rain gardens. That's a good idea. But right now the whole thing is the rain garden for that whole section on both sides from Gun Club Road and from the Schoharie Plank Road West and Western Avenue part that operates as some of the wetlands for that. But I mean that's a whole separate issue. I'm mostly concerned about the parts that I don't have to have that expertise in that I can see. And that's going to create a very different change. Right now, because it is a dead end, lightly used street, everybody who enters that street, they're already on their home street. So

everybody goes real slow. It only accommodates really one car, you can kind of pass each other, but everybody's got to go real slow, because they know they can't.

Once you put a cul-de-sac towards the other end of it, now somebody's not at their home street yet. They're on their way to it. And Schoharie Plank Road West becomes the street you're on to get to your home street for the people who live on this new cul-de-sac and that's going to change the character of some of the traffic on there. People just are not quite as slow and careful when they're not home yet, they're just getting to their home street.

And that was my thought and I didn't see why it was that you couldn't just go with putting one or... They had indicated that they had done proposals before. They gave you a copy of one at the end, of one that - this is sort of the doomsday scenario - if you don't approve this, this is what we could do without any approval. We could make it a through street that connects all the way to Western Avenue Turnpike and have car, car, car, have house, house, house, house all along that.

And that would obviously really screw up Schoharie Plank Road West and also make it undesirable houses that are now on through streets that they would be putting in. So I don't think they want to do that. I don't think the developer wants to do that. Is anybody here from... I don't think anybody's in favor of that, but by kind of putting in... a cul-de-sac ... from one side, if you've put the cul-de-sac off of an already main road and you just have it so that there's one outlet to that area, everybody's going to drive slow. They've entered their neighborhood, they're not going to anywhere, they're in their neighborhood. And then you could even put a walk through area right by the Johnson's house and then everybody could walk across the bridge and you could continue what the community has special about it, which is a really nice connected walking area.

You've got sidewalks. Once you get across that footbridge, then you connect through Euclid and you're on sidewalks and everybody can do nice circuits, many good, nice safe walks there. Maybe one tiny issue of a sidewalk between Lincoln and the beginning of Schoharie Plank Road West across from where we all waved to Robbie. But I don't see... The proposal of a sidewalk, to me sounded tone-deaf because that was somebody who has not been looking at the site. You can't fit a sidewalk in that narrow strip. It's only 16 foot wide.

Board Member Freeman: You're talking if I was facing Brandle Road to the right, right?

Resident David Glass: If you're facing...

Board Member Freeman: I think that's where they're proposing to do it, right? The creek side.

Resident David Glass: Yeah, on the creekward side.

Board Member Freeman: Okay, yep.

Resident David Glass: There's a sidewalk on the other side. There's only one small section that doesn't have a really safe thing. It's right around that corner on the... I don't think anybody would miss it. It's between the road and the creek. If you put a small sidewalk on the main drag...

Chair Hext: I don't think they can do that.

Resident David Glass: Is there a reason they can't do it?

Chair Hext: Yeah. You can't do anything like that within a hundred feet of the creek bed. So I don't think they're going to...

Resident David Glass: Oh, is that what... That's what it's...

Chair Hext: ... do that anyway. That's our code. So I don't think they could build a sidewalk.

Resident David Glass: So, we could figure out a way to make it a non-sidewalk, but maybe a walking path.

Chair Hext: Walking path.

Resident David Glass:

Cut back a little bit wider so that it's not as dangerous in just that little section between Lincoln and the beginning of Schoharie Plank Road West. It's not very far.

Chair Hext: Lincoln?

Resident David Glass: Lincoln, if you go between Schoharie Plank Road West and you're walking and you want to go to Lincoln, then over...

Chair Hext: Oh, you're saying...

Resident David Glass: ... to Main and then back down Euclid and make a circle there.

Chair Hext: You're saying put a... Well there is a sidewalk.

Resident David Glass: Well there's a sidewalk on the other side of the road.

Chair Hext: Yeah.

Resident David Glass: You don't have to cross the main road if you...

Chair Hext: Right.

Resident David Glass: If you want to just do a circuit, utilizing all the sidewalks of Main Street and all through town and all that, you can do a nice safe thing that has only crosswalks and stuff like that. And you've got only one tiny little section that could use it. But that's... I'm sidetracked. That's not related to this. What's related to this is the offer of, we could put a sidewalk on Schoharie Plank Road West. That's a fake offer. A sidewalk would not help Schoharie Plank Road West. Schoharie Plank Road West being a quiet dead end makes it effectively a sidewalk, right? You can walk down the middle of that, and nobody worries about it right now. That's not an issue. And there's no room to put a sidewalk. You can't put it on the creekward side, and you can't put it on the...

Chair Hext: That's what I was referring to.

Resident David Glass: You can't put it on the other side there. You can't take part of the Johnson's front yard for a sidewalk. It doesn't make any sense. It would ruin the character of the thing in the first place. So those are my thoughts on the cul-de-sac. And then obviously many other people have raised the concerns about the water and people who know water flow are going to have to address that. And I assume that somebody, you talked about how other agencies are going to want to be involved, I assume the town of Guilderland, is probably going to want to... We're going to involve them. They have perhaps some experience with this sort of thing and they're asking for a change to the zoning so that they can make more money with this piece of property.

And I understand that they could do something very stupid without getting a zoning change, but they don't really want to do that. We all want something good. So why don't we just work something out a little bit better. We can get a better deal where it doesn't change the nature of that, of the entrance onto that footbridge or the nature of Schoharie Plank Road West. And it all feeds into the walking community that we all kind of want and they can still put in lots of houses and make lots of money as long as they work in all these things. It's not an either or. It's not take their proposal as is and grant them the variance or we're going to do this horrible method of...

Chair Hext: Well that's not happening anyway...

Resident David Glass: ... installing houses that we don't want.

Chair Hext: Like I said, we have to get input from other agencies.

Resident David Glass: Yeah.

Chair Hext: The EAF that we'll review tonight, that covers a lot of what you're saying. We have to involve Albany County, we have to involve whatever area, whether it's town, state, county, village, whatever that touches, we have to look at.

Resident David Glass: Yeah.

Chair Hext: Agencies have to look at it, and one of the things are like I was reading for the signs, is it in character with the Village? We have to consider all of that. So we have to keep battling it. We have to keep working it through. I think it's very informative to have residents come up because you might think of something that nobody else did.

Our engineer is working diligently on this. So, hopefully, and I think one thing that people don't understand is regardless if we approve the variances, regardless if we approve the subdivision, if anyone that wants to build, put a subdivision, whether it's one house or two houses or a major subdivision, we can ask for concessions. We can point things out, we can give suggestions.

But as long as they stay within code and Gary says, yep, they're code. They're meeting what we require. They're meeting the fire department, emergency vehicle requirements. We can ask for concessions but it's hard to say no. And that's why it helps to have everybody come up and give ideas.

I said this with Stewart's, not everybody's going to be happy, but if we could at least get to the point where somebody says, all right, I can live with that. If it's got to happen. And that's what we're going to do.

Resident David Glass: Yeah. I mean probably the people who've got to think most - the place you're going to be putting the shared driveway slash wider than the road that it's feeding into, cul-de-sac entrance, that's right by the Johnson's house.

Chair Hext: Yeah, yeah, I know.

Resident David Glass: And if you think about, if they were to explore, they said that they had actually worked up other options. They showed you two, they showed you the one that they're proposing when they're asking for the 16-foot variance. And then they showed you sort of the nightmare scenario where they need no approval, they've worked up others. Could you share... Who's here from... Could you share some of the other proposals you have and talk about why you may have... What were the downsides to those and what were the upsides to those to maybe less impact on the character of Schoharie Plank Road West? The other issues of water, obviously that's, that's going to be a whole other thing that's beyond my scope of understanding.

Chair Hext: All that will be addressed in the EAF.

Resident David Glass: Yeah, yeah. But the Schoharie Plank West, I don't know if you guys have walked there, but go walk across that footbridge and then try and picture what that would be like if you had a road that's twice as wide as that and it's going to be straight ahead of that, it comes right off of that walking bridge. Now you've got a car, nice paved road and cleared lots of houses there. Four of them theoretically.

That's going to very much affect the character of that very unique little portion of Altamont that we have. That little walking bridge that connects just by foot the town to all of the rest of those back neighborhoods and the nice sidewalk that you have along Western Avenue Turnpike and Gregg Road and all that.

Chair Hext: Just to address what you're saying is, and you can verify this, but you're probably not going to walk over that footbridge and see houses. There is going to be trees. There's going to be... And we ask deciduous something that maybe in the winter you walk across that bridge and you do see the houses. That's not happening.

Resident David Glass: Well I hear what you're saying, but if you walk across it right now, look where the Johnson's house is and then the neighbor on the other side, when you walk across that bridge, if I understand where they're talking about putting that, it's not a matter of that they can screen it. It's that that's what's going to be paved. You're going to have pavement directly in line with the end of that footbridge. So no matter how much nice trees you put next to it, you're still going to have the issue of the fact that your footbridge no longer looks onto greenery. It's going to look onto shared driveway.

Chair Hext: Well, let us work through it.

Resident David Glass: Yeah.

Chair Hext: I want to see if anybody else has anything to say. Thank you.

Resident Deb Johnson: Thank you. You made a comment about planting trees. I got news for you. He can't plant what he's going to be cutting down to put that road in.

Chair Hext: Agreed.

Resident Deb Johnson: It's a forest and they're big. They're this big. There's maples and it's wet. There's a lot of foliage that only grows in wetlands, milkweed, a lot of burdocks. It's forest between us, but it's a flooded forest. It does flood. It is in the Albany County floodplain map where he wants to put the road. So, that to me means that Albany County should be making the decision whether he follows through with what has to be done through Albany County's plans. Not Guilderland's. And not the Village's.

I've been here 30 some years, never been flooded out. I built the berm on the property at least this high. When it did flood through El Nino, it came down, brought Deb Katz right next to my property. A whole wood pile, it was blocking it up, came that far from going in my windows. I got a boat out. I went into that water this high, put the wood in the boat... And brought it up onto dry land so the water could flow to the main.

I've never been flooded out. The O'Rourke's that lived there before the Foxes, Eve Kilts used to own that property. He worked for NIMO, Eve Kilt asked him to bring some fill in from NIMO. He thought he'd be a nice neighbor. He brought fill in. He flooded his own ass. Twice. She put two claims in for flooding out her basement. She redid the basement, twice, floor, walls, everything. Then they moved to Galway. In moves, the Foxes. Everybody on that street has to pay flood insurance. Everybody, both sides.

The people that own the property next to the creek, they own the property across the street from me. There's property, the _____ own it. Going up the street, Phyllis Schilling owns what's in front of her property on the other side of the creek. Go around the corner, they own the property that borders the creek. Not the town.

Yes, they're supposed to maintain the drains. I've been in that creek with a backhoe cleaning out my own flow drain. The street drain that's supposed to drain into the creek because they don't allow you to dig it out like they used to. It just keeps getting wider and shallower. Because they've changed what they're allowing you to dig it out and keep it deep and narrow. So it fills in.

So I get out there, yes, we have waterworks that's supposed to do it, but Larry's got his hands full. So I get out there with a little hoe and make sure I don't get flooded out and it doesn't back flood from the creek up into my front lawn because I end up with a pond. My next door neighbor, Mrs. Maycoff, she never did her driveway. She never had blacktop on her driveway. It would flow right down and go into the creek down below. The new people moved in, put a driveway this high. Now when it rains and floods, they have a pond in their front yard because it won't go down through their driveway. I don't have blacktop. I keep things flowing on my own. If he changes the floodplain and floods me out, what's my recourse? Because that's a natural floodplain and I've never seen anybody really moving the power of water. That's it.

Chair Hext: Thank you Deb. Dean?

Resident Dean Whalen: Dean Whalen, 125 Lincoln Avenue. First I want to thank the Board for accepting the alternate doomsday plan as they call it, or the full build out plan. And also then posting it. I did get a chance to look at that. It was kind of a hard copy to read, but I think it was about 26 parcels. If that was the full build out.

Chair Hext: 24.

Resident Dean Whalen: I want to clarify that someone mentioned that...

Chair Hext: 24.

Resident Dean Whalen: 24, okay. It was hard to read it. So 24. I just want to clarify if the Board hasn't had a chance to look at it individually and pick up on this, that was clarified as being a full build out, no variances. That's really incorrect as drawn. There is at least three variances that would be required to do that build out as designed. There's four parcels that are doing the same thing, although only two instead of four shared driveways, if you will, in order to get those four parcels instead of two. And one of the parcels I think is either undersized or at least the frontage is undersized.

I just want to mention that it's not a huge deal. Obviously even reducing it by four, you're still down to about 20 lots, which is more than 11. Obviously, that was why they did that drawing. But I just want to mention that I want to reinforce or encourage the Board to consider, not that you're going to design it, the idea of an alternate, which is a cul-de-sac. Now obviously that has some downsides where it would become a Village road. You have a stop sign at the end of it, but it alleviates any sort of concern of taking too much traffic as drawn currently with that alternate plan on the Schoharie Plank, which would be a difficult thing because you'd have a legal road coming to a road that is only 16 feet wide.

However, with a cul-de-sac you would be less than 20, but probably well more than 11. I haven't really drawn it out to see how you could really determine how many there are. But that to me is an intriguing thought that the Board may want to consider. And talking about the fact that there is other alternates particularly related to variances. And I love the idea if that's something that gets pursued by the developer of actually continuing the walkway to the new properties directly across or nearly directly across from the bridge. Thank you.

Chair Hext: Thanks Dean. Anyone else?

Resident Jennifer Betencourt: Hello, I'm Jennifer Betencourt. I live at 140 Lincoln Avenue. I'm on the corner of Lincoln and Western Avenue. And after listening to Mr. Glass, I do have, I visualize concerns with traffic. We've lived there I'm thinking 16 to 18 years, I can't remember exactly, but the traffic is increasing, in and out, going up and down that hill. It is getting faster. It's not the 30 miles per hour. People are speeding, they're going around. You can hear the J-brakes coming. It's not going to get any better.

And so when you have people going down Schoharie Plank West and you have increased traffic, they're not going to slow down. I mean it's just the nature of people driving nowadays. And so you have these people going down Schoharie Plank, turning into a driveway or cul-de-sac and that's dangerous. But when they're coming out, if there's nothing to stop them and that footbridge is right there and you have families and kids and kids on bikes, what's going to happen?

It just looks like, it seems to me like it's something that's like a disaster waiting to happen. Somebody's going to get hurt. And then the other part is the water. That creek has changed so much over the years. Like Deb said, it's getting wider and it's getting shallower and it just rushes, that water just goes and it's going to go where it wants. So by changing the floodplain or building on it, you're going to change so much. And I just hope that you guys can consider that, the safety first. I mean that traffic is horrible. So thank you.

Chair Hext: I agree. Anyone else going once, going twice? No.

Anyone on the Board have any comments that you want to bring up? We are going to go over the EAF because I think it might help alleviate some of the concerns. Obviously not all of them, but we are bound

to do this and to make sure that what is on this form is or isn't going to happen. So are we going to continue the public hearing?

Attorney Clarke: So the Board has the option to do something similar as last month and leave the public hearing open, so it does not have to be re-noticed. Again, there's no decision tonight, so it's really up to the Board if you feel like you've given ample opportunity or would like to allow another meeting to allow more comments.

Chair Hext:

What does everybody think? I, personally, I would like to leave it open. I think after we go through the EAF there might be some other questions, or we might answer some questions, or in the next month, other things might happen. So I don't want to close it and take away the ability of the residents, who are the most important here, to tell us what they think. And again, Dave came up with some good ideas, and I don't want to close that hearing, and I don't want to shut down the residents, basically is what it comes to. So what does everybody else think about that?

Board Member Ramirez: This EAF form is strictly for what's proposed?

Chair Hext: Sorry?

Board Member Ramirez: This EAF form is strictly for what's proposed?

Attorney Clarke: Correct.

Chair Hext: Correct, yes.

Board Member Ramirez: Okay. In other words, the current layout with two accesses, one off Schoharie Plank and... [inaudible 01:07:35]-

Chair Hext: Yes.

Board Member Ramirez: Okay. Thank you.

Chair Hext: Good question. All right. So then, can I have a motion then, to leave the public hearing open? Motion made by Board Member Muhlfelder, seconded by Board Member Ramirez. **Roll Call: All in favor.**

Ginger Hannah: Thank you.

Attorney Clarke: So just for the neighbors and interested parties, you will not get another notice, but the hearing will continue at the next scheduled meeting which will be July 25. So you'll not receive another notice, but will be noticed on the website.

Chair Hext: Right. And since the public hearing's still open, feel free to send emails, or call me or text me, or whatever. All right. So then, we will not be making a declaration on the EAF tonight; that has to wait 30 days until we get all the notices in. So we're just going to review it and maybe, hopefully, we'll be thinking about these things and answering some questions that need to be answered.

Attorney Clarke: And just for the Board purposes, don't feel like you have to answer it tonight. We have an engineer, we're waiting on additional comments, so if there is a certain question that, you know, have a conflict with, we can just mark that as requiring additional questions from our consultant, marking it as this is what we'd like to see from comments from other agencies, and we can keep moving. So it doesn't mean that we're like, again, we're not making the decision tonight, so we'll just try to get through as much as we can. And there's, certainly some questions that there is no impact just based on where it's located that we can eliminate also, so this will help focus the review moving forward.

Chair Hext: Thank you. And again, what we answer tonight may not be the final answer, so like Hyde said, our engineer has to give us some information that we're waiting for. We still haven't received anything, I don't believe, Gary, from Albany County.

Code Enforcer Goss: We did a while ago. They deferred to local jurisdiction.

Chair Hext: Can we accept that if we haven't reviewed the EAF yet? Do we have to re-notice them?

Attorney Clarke: The only jurisdictional requirement for the county is full application. So, so long as the county received the most up to date application materials, then that is the determination. So, if the applicant were to substantially change what's proposed, we would have to re-notice the county.

Code Enforcer Goss: What the county said was, once the Board rules on the variance request, then they'll consider the design of the neighborhood.

Attorney Clarke: Okay.

Chair Hext: Okay. All right.

Code Enforcer Goss: Or whatever's going to happen.

Chair Hext: Okay, good. Good.

Code Enforcer Goss: So they deferred on variance request first, then they'll consider the other part after, whether it's yes or no.

Chair Hext: Okay. Good. Thank you. So number one, Impact on land. Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. What's everybody's answer on that one?

Board Member Ramirez: Yes.

Board Member Litten: Yes.

Chair Hext: Okay. And then, under 1.A. The proposed action may involve construction on land where depth to water table is less than three feet. I don't know that we have an engineering answer to that.

Board Member Litten: We do have something in the...

Chair Hext: Oh, that little booklet?

Board Member Litten: ... in the soil document that we got last year there is... It talks about three different kinds of soils that are on the site. One of them is, and it's the majority of the area, is a teal silt loam. And on page 14 of the little booklet, it says, depth to water table about 18 to 24 inches.

Board Member Ramirez: That would be a yes.

Board Member Litten: And I don't know where that number comes from, but that's what it says in the handout that we received.

Board Member Ramirez: Thank you.

Chair Hext: Okay, so then, I mean that...

Attorney Clarke: Moderate to large.

Chair Hext: Yeah. So then, given that, and given what this says, it would be a moderate to large impact may occur. The proposed action may involve construction on site slopes of 15% or greater. I don't know that...

Attorney Clarke: The slopes should be here...

Board Member Ramirez: Can we defer to the surveyor, who's present, to see if there's 15% slopes or greater?

Attorney Clarke: So, we can rely on the environmental assessment form that was submitted and that says that 100% of the site is zero to 10%.

Board Member Ramirez: Okay.

Chair Hext: So then, that would be no or small impact.

Attorney Clarke:

Correct. Yeah.

Chair Hext: The proposed action may involve construction on land where bedrock is exposed, generally within five feet of existing ground surface.

Attorney Clarke: So the EAF notes that bedrock is greater than seven feet.

Chair Hext: All right. So then, moderate to large may occur. The proposed action may involve the excavation and removal of more than a thousand tons of natural material.

Board Member Muhlfelder: How could you tell?

Chair Hext: Do you have an answer?

Attorney Clarke: I'm not sure they did.

Chair Hext: Can you answer that?

Rolando Andres, Project Manager: I'm sorry.

Chair Hext: You zoomed out?

Attorney Clarke: Oh, removal of a thousand tons or more of natural material.

Project Manager Rolando Andres:

Ro Andres, project manager for Walrath Land Surveying and Land Planning. No, there is not any plan to remove that much material from the site.

Chair Hext: Okay. So that's a no as well. The proposed action may involve construction that continues for more than one year or in multiple phases?

Attorney Clarke: That's yes.

Chair Hext: That would be a, yes, I would say. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal, including from treatment by herbicides. I think based on what we're hearing, that would be moderate to large. If anybody disagrees with anything, smack me upside the head. The proposed action is or may be located within a coastal erosion hazard area?

Attorney Clarke: No.

Board Member Ramirez: No.

Chair Hext: I would say that is a no. Okay. Other impacts? I don't think there's anything.

Board Member Litten: For answer to F, the proposed action may result in increased erosion, why do you think that's a moderate to large impact?

Chair Hext: Just based on the disturbance of vegetation, the trees that they're going to be removing, they say it's less-

Board Member Sullivan: Increasing more impervious surfaces.

Chair Hext: Right. They say that it's less than an acre, five acres of disturbance. Even four acres of disturbance, I think, could affect erosion. And just general, I mean, like everybody's been saying, I just... I'm concerned that removal of trees and grasses could result in an issue. I mean, we could come back to that, we can ask Brad that.

Board Member Litten: I saw somewhere, and I'm not putting my fingers on it, where they said they were going to use pervious surfaces.

Chair Hext: Pervious surfaces? They did...

Board Member Litten: Yeah. I saw that somewhere. Is that... Am I wrong on that?

Chair Hext: I don't remember that, but that doesn't mean anything.

Board Member Litten: Yeah. Well...

Attorney Clarke: So just on that point, that could be a consideration I think later on, but even if they use pervious material, they're still removing what's there, which I think is what -

Board Member Litten: Okay.

Attorney Clarke: ... that question's pointing to.

Chair Hext: Thank you, Simon.

Board Member Ramirez: Under other impacts, there was a note regarding the bats.

Attorney Clarke: That'll come up later for animals.

Board Member Ramirez: Okay. Thank you.

Chair Hext: Okay. Number two, Impact on geological features. The proposed action may result in the modifications, or destruction of, or inhibit access to any unique or unusual land forms on the site. For example, cliffs, dunes, minerals, fossils, caves.

Board Member (?): No.

Chair Hext: Is that, I would think that's a no.

Attorney Clarke: Okay.

Board Member Litten: Yeah, there's nothing over

Chair Hext: When we say no, we don't have to go through the other ones.

Attorney Clarke: Correct. Yeah.

Chair Hext: So, we're going to move right to number three, Impacts on surface water. The proposed action may affect one or more wetlands, or other surface water bodies, streams, rivers, ponds, or lakes - I think is a yes.

Board Member Ramirez: There are no wetlands there. There's a floodplain, and I know that the soil is... moist, but that's not a wetland?

Chair Hext: I don't think it's officially on the Army Corps of Engineers wetland or, I don't think there's anything official on that. And Gary had done a drawing at one point, printed something out, and that wasn't that area, that acreage, was not considered wetland.

Board Member Ramirez: Right.

Attorney Clarke: The applicant in the EAF does identify that the project site adjoins wetlands or other water bodies.

Board Member Freeman: Well, that be the creek, I would assume is what they're talking about, but that's like floodplains.

Chair Hext: Water bodies, yeah, but wetlands, I'm not sure.

Attorney Clarke: Well, so it's not just wetlands or other surface water bodies-

Chair Hext: Right.

Attorney Clarke: ... streams, rivers, ponds, or lakes.

Chair Hext: Well, we have a, yes, there anyway.

Attorney Clarke: Okay.

Chair Hext: So, A, The proposed action may create a new water body?

Board Member Muhlfelder: No.

Board Member Sullivan: No. There was no plan for a retention pond or anything.

Chair Hext: There wasn't? I thought there was a plan for a retention pond.

Board Member Sullivan: No.

Attorney Clarke: Yeah, even a retention pond wouldn't necessarily be a water body. It would be a stormwater measure.

Chair Hext: So that would be, no or small impact may occur. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.

Board Member Muhlfelder: No.

Chair Hext: That would be a no. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body. If it adjoins a wetland, I suppose it's possible, but maybe it's a... Did they answer no on that one?

Attorney Clarke: Yeah. No, there's no wetlands on site.

Chair Hext: Okay. Sorry. That would be a no, but again, we can come back to this once Brad reviews what we said. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body. I would say that's a yes. The proposed action may create turbidity in a water body, either from upland erosion, runoff, or disturbing bottom sediments.

Attorney Clarke: So the consideration would be a runoff. It's not disturbing bottom sentiments, but...

Board Member Freeman: But it's not in a watershed or anything like that. It's just water runoff.

Board Member Litten: What was the... I thought that Deb's testimony was that she saw under rainstorms large flows coming out of that area.

Chair Hext: I think they were, I don't know... that was during Ida or something, that was during a major storm though, right?

Resident Deb Johnson: When it rains. There's plenty of water. There's standing water in that lot, right now.

Chair Hext: Okay. Well, we can make that a yes. We can make that a moderate or large impact may occur.

Resident Deb Johnson:
It's like slimy clay.

Chair Hext: Yeah, we'll make that a moderate or large impact may occur, that way we can revisit it and certainly have-

Attorney Clarke: Yeah, that's where the engineer will be important for.

Chair Hext: And certainly have Brad-

Attorney Clarke: That's the plan, yeah.

Chair Hext: ... that's what I was going to say.

Attorney Clarke: Yep.

Chair Hext: Anyone, what I'm doing here is, any one that we have questions specific for Brad, I'm writing "Brad," so that we can address it. The proposed action may include construction of one or more intakes for withdrawal of water from surface water. I don't know what that means.

Board Member Muhlfelder: No.

Attorney Clarke: If their water source was going to be from a pond or-

Chair Hext: So, I don't know if you're hearing... So that would be from a pond or if that's their water source and they're not, it's going to be Village water. So, no, or small impact. The proposed action may include construction of one or more out fills for discharge of wastewater to surface water. I think from what they're proposing... grinder pumps and

Board Member Freeman: It's all city sewer, basically.

Chair Hext: What's that?

Board Member Freeman: Grinder pumps are going to go into the city sewers, so it's not going to be...

Chair Hext: So I would think that's a no or small impact. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to a situation or other degradation of receiving water bodies.

Board Member Freeman: I would say yes.

Chair Hext: I would say, yes. The proposed action may affect the water quality of any water bodies within or downstream of the site of proposed action. This, again, could be a Brad (question), I don't know what they answered. They answered, no, probably.

Board Member Ramirez: Well, there's nobody on well water there, is there?

Chair Hext: What's that?

Board Member Ramirez: Nobody's on well water?

Chair Hext: No. I don't believe so, nobody's...

Board Member Ramirez: But if they're on city water shouldn't affect them.

Chair Hext: Yeah, they're on Village water.

Board Member Litten: Yes. Yes, but that creek goes into the Watervliet reservoir, which is the Village, which is the town water supply.

Chair Hext: Well, no, it's Watervliet's water supply.

Board Member Litten: It's Guilderland-

Board Member Freeman: No, it's Guilderland.

Board Member Litten: Guilderland. Yeah.

Chair Hext: Is it Guilderland too?

Board Member Litten: Yeah.

Board Member Freeman: It's part of Guilderland's Water Supply.

Board Member Litten: Yeah. And so, if we're saying that the proposed action is going to cause soil erosion that could impact the stream, then presumably, that impact is going to go downstream.

Chair Hext: Okay.

Board Member Freeman: Trust me when I tell you, there's not much more that can impact that reservoir than what's going on right now. But yes, you're right. It does go there.

Chair Hext: You're right. Yep.

Board Member Freeman: Yes. Right.

Board Member Litten: Yeah.

Board Member Freeman: Thank you.

Chair Hext: This is why I love my Board. The proposed action may involve the application of pesticides or herbicides in or around any body of water. No, I mean, the construction won't. Will they use herbicides and pesticides, when and if the homes are built?

Board Member Litten: Well, that has nothing to do with the construction.

Chair Hext: So, with the construction, I don't think...

Board Member Freeman: That's an afterthought, if you think about it. I mean, that's when they're taking care of their lawns, you know?

Chair Hext: Or are they going to use any pesticides or herbicides to kill the vegetation to make it easier to...

Board Member Freeman: I think that's just clear cut. You know, more of a mechanical way of getting rid of all that stuff than... They're not going to go through that. I don't think they go through there and spray anything on it.

Attorney Clarke: They haven't represented that they're using any.

Chair Hext: Okay. All right. So that's going to be a no or small impact may occur. The proposed action may require the construction of new or expansion of existing wastewater treatment facilities.

DPW Superintendent Moller: No.

Chair Hext: No? Thank you, Jeff. Okay. Four is Impact on groundwater. The proposed action may result in new or additional use of groundwater, or may have the potential to introduce contaminants to groundwater or an aquifer.

Board Member Litten: Yes.

Chair Hext: I think we have to say yes there, a potential exists. The proposed action may require new water supply wells or create additional demand on supplies from existing water supply wells. I would say a yes, right?

Chair Hext: I mean, if it's 11 homes, maybe not. If it's 24...

DPW Superintendent Moller: They're still below your phase two water policy.

Board Member Sullivan: So 11 homes would not be an impact on the water supply? So then, we would say no or small.

Board Member Muhlfelder: What about the 24?

Board Member Sullivan: It's not being proposed.

Attorney Clarke: We're not considering the 24.

Board Member Muhlfelder: Oh, that's right.

Chair Hext: Okay.

Board Member Muhlfelder: Sorry.

Chair Hext: Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. That would be a... That's not going to contaminate anything, right?

DPW Superintendent Moller: No.

Chair Hext: Okay. That's, no. The proposed action may allow or result in residential uses in areas without water and sewer services. That's a no.

Chair Hext: The proposed action may include or require wastewater discharged... Or groundwater...

Attorney Clarke: Discharged to groundwater.

Chair Hext: To groundwater. Okay. Yes. We're not saying that wastewater is going to be discharged into groundwater, no. So, I would say that's a no. The proposed action may result in the construction of water supply wells in locations where groundwater is, or suspected to be, contaminated. I would say it's a no. The proposed action may require the bulk storage of petroleum or chemical products over groundwater or aquifer.

Board Member Muhlfelder: No.

Chair Hext: I would say that's a no. We're definitely telling them they can't park their construction vehicles anywhere near-

Board Member Muhlfelder: The creek.

Chair Hext: ... the creek or on West Schoharie Plank, if this does go forward. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources. They're not proposing doing that. So I would say that's a no. Okay. So, I think this next one is the one that everybody's ready for-

Board Member Sullivan: Are we supposed to be making the yes or no determination after we go through A, B, C? Because we just said no to all of that, but we said yes.

Attorney Clarke: Nope. You do the first question first.

Board Member Sullivan: Okay.

Attorney Clarke: If it's a no, you stop. If it's yes, you go through. So, that's just to help you like, yes, but because of all that, then we could consider it, no, not significant.

Board Member Sullivan: Okay. It's my first rodeo.

Attorney Clarke: Yeah. Okay.

Chair Hext: Okay. Five, Impact on flooding. The proposed action may result in development on lands subject to flooding, and I think that's definitely a yes. All right. So, A, The proposed action may result in development in a designated floodway. They're not proposing building it on Schoharie Plank West.

Board Member Sullivan: The access road is in the floodway, isn't it?

Chair Hext: Is the access road?

Board Member Freeman: The access road is actually ... would be on, basically, the floodplain runs on the residences, just not in the actual build site. So, yeah, the floodplain would probably be, or the driveway, I should say, if that keyhole did go through on Schoharie, I believe that's what I'm seeing here.

Chair Hext: So, that would be a moderate or large impact may occur. The proposed action may result in development within a hundred-year floodplain. Yeah, that's a moderate or large impact may occur. The proposed action may result in development within a 500-year floodplain.

Board Member Sullivan: Well, can we go back to that one? Because-

Chair Hext: Which one? The hundred-year?

Board Member Sullivan: The hundred year-

Chair Hext: Sure.

Board Member Sullivan: ... because none of the buildings are proposed on the hundred-year, only-

Board Member Litten: But the road is.

Chair Hext: But the road is.

Board Member Sullivan: The road? Okay.

Attorney Clarke: The applicant also identified in the EAF that the project site is in the 100-year floodplain, so it would be consistent with what they represented.

Chair Hext: Thank you. The proposed action may result in development within a 500-year floodplain. Did they answer that one?

Attorney Clarke: They said, no.

Board Member Litten: Well, the 500-year and the 100-year are almost identical.

Board Member Freeman: It happened once a year.

Chair Hext: You mean on the map?

Board Member Litten: Yeah.

Board Member Muhlfelder: It's a Brad.

Attorney Clarke: Yeah, I'll mark it.

Chair Hext: Yep. We can do a Brad.

Board Member Litten: Well, if I don't understand the question because if it's within the hundred-year floodplain, it also is within the 500-year floodplain.

Chair Hext: I have it as a yes.

Board Member Litten: Yeah.

Chair Hext: I have it... And confirmation from Brad. Brad is going to review all of our answers and give us feedback on where we're right or where we're wrong. And again, residents, you're hearing us, and that's why I want to leave the public hearing open so that you can comment on what we're saying. You live there, you know it better than we do.

The proposed action may result in or require modification of existing drainage patterns. I would say that's a yes, which is a moderate to large impact may occur. The proposed action may change flood water flows that contribute to flooding. I'd say that's a moderate to large. If there is a dam located on the site of the proposed action, is the dam in need of repair or upgrade?

Board Member Litten: No.

Chair Hext: I don't believe there's anything like that on the property. Okay. The next one is Impact on air. The proposed action may include a state regulated air emission source. I think that one...

Board Member Freeman: No.

Attorney Clarke: No.

Chair Hext: That's a no, right?

Attorney Clarke: No.

Chair Hext: So, that's a no. So, we don't have to answer the rest of the questions under six. So, seven is Impact on plants and animals. The proposed action may result in loss of flora or fauna. I think that's a yes.

Board Member Litten: Yes.

Chair Hext: The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species as listed in the New York State or federal government that use the site, or are found on, over, or near the site. I believe that it was identified a long-eared bat, at one point.

Attorney Clarke: North, yeah, Northern Long-eared bat is what's identified.

Chair Hext: Okay. So then, that is a moderate. The proposed action may result in reduction or degradation of any habitat used by any rare, threatened, or endangered species as listed by New York State or the federal government. Again, I think that would be moderate. The proposed action may cause reduction in population or loss of individuals of any species of special concern or conservation need as listed by New York State or the federal government that used the site or are found on over or near the site. I mean, I think we're just, kind of, repeating the same thing. So, I think that would be, moderate to large.

Board Member Litten: I don't think we can say that.

Chair Hext: Can't say what?

Board Member Litten: I don't think we can say that there is a moderate to large impact on threatened or endangered species of special concern. Do we know that such...

Resident Johnson:

Yeah. I've had fox pups underneath. There's deer that go through.

Board Member Litten: Deer are not considered...

Chair Hext: Endangered.

Board Member Litten: ...of special concern.

Board Member Freeman: It's not endangered.

Board Member Sullivan: Only the bats and the bats were merely identified as...

Attorney Clarke: Potential.

Board Member Sullivan: ... potential, right? It's not like there's a nesting site or anything proven like that.

Attorney Clarke: So just to clarify, the question is for threatened or endangered species, so it's not every species or every plant. The applicant's EAF does identify the Northern Long-eared bat as potentially being on site. There is New York state guidance as to what must occur if the Northern Long-eared bat is potentially on site. There's a limit as to when they can clear and cut trees based on that, so...I think we've done enough to identify it and then, we can rely on the state policies as to what would have to happen to allow them to...

Chair Hext: I think there's certain times when you can cut. It's like April or something...

Attorney Clarke: Prior to March.

Chair Hext: Right.

Board Member Muhlfelder: So is it a yes? Or is it a...

Chair Hext: Yes. I believe it is. Yeah. Okay. D - The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need as listed by New York State or the federal government. This all seems redundant.

Attorney Clarke: Yeah. This one's a little different than... so the Northern Long-eared bat is endangered or threatened. We don't have any other identified species of special concern, so I think where the first three applied to the bat.

Chair Hext: This one...

Attorney Clarke: This one would be if there was another species of special concern. And the applicant has identified that no, there is no other.

Chair Hext: All right. The proposed action may diminish the capacity of a registered natural landmark to support the biological community it was established to protect.

Board Member Litten: No.

Chair Hext: Believe that would be a no. The proposed action may result in the removal of, or ground disturbances in, any portion of a designated significant natural community.

Board Member Litten: No.

Chair Hext: I wish there was an in between. Okay.

Attorney Clarke: Well, even the no is still, could be, small.

Chair Hext: Small.

Attorney Clarke: Yeah.

Chair Hext: Right.

Attorney Clarke: But the key, there, is designated.

Chair Hext: Designated.

Attorney Clarke: Yeah. Which there is that.

Chair Hext: The proposed action may substantially interfere with nesting, breeding, foraging, or overwintering habitats for the predominant species that occupy or use a site.

Board Member Litten: Yes.

Chair Hext: I would think that's a no. Or it's not a no, it's a no or small impact. So, when we say, no, we're not saying, no. It's a small impact could occur. The proposed action requires a conservation-

Attorney Clarke: Conversion.

Chair Hext: ... conversion of more than... thank you, 10 acres of forest, grassland, or any other regionally or locally important habitat? I would say that's a small, no or small impact. The proposed action, commercial, industrial, or recreational project only, involves use of herbicides or pesticides, and that does not apply, it's not commercial, industrial, or recreational. Okay. So then, eight, Impact of architectural... Architectural, no...

Board Member Freeman: Agricultural.

Chair Hext: Thank you... Resources. The proposed action may impact agricultural resources.

Attorney Clarke: So the project site is not located in a designated agricultural district and highly productive soils that would be conducive for agriculture not identified at site, on site.

Chair Hext: Okay. So then, that would be a no.

Board Member Litten: I thought that the soils were highly productive. It's just that it's an R 15, so it isn't an agricultural area.

Attorney Clarke: You're saying the Village's local zoning designation.

Board Member Litten: Yeah.

Attorney Clarke: Yeah, so that is different compared to this question. So it's not asking if it's a local zoning Ag district, but whether or not, at least in the environmental assessment form, it's not in a designated agricultural district. That's on page 12 of the EAF. And the question was: Are agricultural lands consisting of highly productive soils present? The answer was no. Based on those two answers, that's where I had my recommendation. But we can certainly have Brad look at it as well.

Board Member Litten: Yeah.

Attorney Clarke: Typically, in other projects, if you had an active farm, if you're taking crops out of service, that's kind of where that's getting more towards that question. I don't think the property is actively farmed.

Chair Hext: I don't believe so.

Board Member Freeman: No. It may have been a long time ago, but I think it was-

Board Member Litten: Wasn't it like a hayfield a long time ago.

Board Member Freeman: Yeah.

Resident Speaker: It's always been a hayfield.

Board Member Freeman: Yeah.

Resident Speaker: I'd say it was at least the last 70 years.

Chair Hext: Okay. We'll have Brad check that. Nine, Impact on aesthetic resources. Land use of the proposed action are obviously different from or are in sharp contrast to the current land use patterns between the proposed project and a scenic or aesthetic resource.

Attorney Clarke: The key part about this question is the second half of that, which is a scenic or aesthetic resource. First, we have to identify what the scenic or aesthetic resource is, and if there is one, then potentially there could be an impact.

Chair Hext: Well, I mean the-

Attorney Clarke: So if in the Village's Comprehensive Plan, if we had identified a specific resource or if we had a ... Sometimes, there's an overlay district for a scenic byway, historic homes, landmarks.

Chair Hext: Yeah. It's not in the historic district.

Attorney Clarke: Again, this doesn't mean that there's not an impact on someone's aesthetic resources, it's just very specific to the identified scenic or aesthetic resource that it's having impact on, which is different ... There's a later question about community character, neighborhood impact, which may go more towards how it could impact an existing homeowner as to what their view is, but that's different from impacting a scenic resource.

Chair Hext: Okay, so we'll make that a no for now. Then 10, Impact on historic and archeological resources. The proposed action may occur in or adjacent to a historic archeological resource. Again, it's not in the historic district. I think this would be a no today [inaudible 01:42:38] right... they gave no explanation?

Board Member Freeman: Well, you never know until you dig it up if they find an arrowhead. It could change [inaudible 01:42:48]

Attorney Clarke: ... [inaudible] determination yet.

Chair Hext: I don't know. I don't think so.

Attorney Clarke: Yeah, we can make a mark now.

Chair Hext: Question mark that one.

Attorney Clarke: They identify that it's substantially contiguous to the historic district, not in the historic district, but I felt like you said it was not.

Chair Hext: No.

Attorney Clarke: That's just in there. That's in the environmental assessment form.

Chair Hext: Well, yeah, we can review that.

Attorney Clarke: Jumping back to aesthetic resources, just when I switched to this, they have identified John Boyd Thatcher Park as being within 1.5 miles, so if you felt like there was an impact, the applicant has identified that as being within 1.5 miles. So we could go through that.

Board Member Muhlfelder: I'm sorry, where are we now?

Attorney Clarke: We're asking about the historic and archeological resources, but when I went to the EAF, they do identify John Boyd Thatcher Park.

Board Member Ramirez: Would that be considered adjacent?

Chair Hext: I don't know. I mean, it's not even 1.5 miles away.

Board Member Muhlfelder: No.

Chair Hext: It's longer than that.

Board Member Muhlfelder: Right.

Chair Hext: The escarpment though you can see.

Resident Dean Whalen: I think the high point is now part of the park [inaudible 01:44:24]

Chair Hext:

I can't hear you, Dean.

Resident Dean Whalen:

I think the [inaudible] high point is now part of the park or portions thereof that.

Board Member Freeman: It is. You can hike it now, so it is part of-

Board Member Muhlfelder: You're right, it's right up the hill.

Board Member Freeman: But when they say aesthetic, is it ...

Attorney Clarke: Yeah, I mean if we've identified that, then the first part of that question is it a sharp contrast to current land use patterns? Consider the park and then whether or not this is a sharp contrast to current land use patterns.

Board Member Muhlfelder: I would say no.

Board Member Freeman: I would say no on that. But then you go to the second question, it says the proposed action may be visible from the officially designated ... No. Okay.

Chair Hext: I don't know. If you stood in that field, can you see the overlook?

Board Member Freeman: Well, that's the way I'm looking at it.

Board Member Litten: I think it's the other way around.

Board Member Witham: That's what I was thinking.

Board Member Litten: I think if you are at a scenic site, is this thing, is this development going to be visible?

Board Member Freeman: Oh, is it going to affect the site itself?

Resident Whalen: From high point, you can see my house.

Chair Hext: Yeah, you can see my development from high point. Yeah. Come on up, Dean.

Resident Whalen: Just a personal thought. I think the question is based on is this going to affect that view shed, which for example, they went through great angst in Town of Guilderland when the solar project was proposed still further out because that would look very different than what is there now. Personal opinion, this in whatever form would look very similar to all the rest of the houses in the area, so I'm not sure that that is directly applicable to your review, but again, that's for your decision. But that's where that comes from.

Chair Hext: We can leave that open, I think.

Attorney Clarke: Well, I think you can leave it open then again consider impact to neighbors in the community, impact portion of-

Chair Hext: I'm sure there's ... Yeah. I'm going to question mark that and we can review that more. We did 10, right? We didn't do the-

Attorney Clarke: We said no, right?

Chair Hext: Yeah. Okay, so 11. Impact on open space and recreation. The proposed action may result in a loss of recreational opportunities or a reduction of open space resource as designated in any adopted municipal open space plan. And I don't believe that that's a designated open space.

Board Member Litten: No.

Attorney Clarke: Yeah. Correct.

Chair Hext: Now again, we could ask for that. We could ask for them to make something forever. Those are the kind of concessions that we can work through. 12. Impact on critical environmental areas. The proposed action may be located within or adjacent to a critical environmental area.

Attorney Clarke: It's not enough.

Chair Hext: So that's a no.

Attorney Clarke: That's an official designation, which it doesn't have.

Chair Hext: It's not. Okay. Impact on transportation. The proposed action may result in a change to our existing transportation systems. All right, I think that means public transportation.

Attorney Clarke: No, it could be increased traffic.

Chair Hext: Traffic. Okay. That's a Yes. A projected traffic increase may exceed capacity of existing road network. I think that would be a moderate to large impact may occur. The proposed action may result in the construction of paved parking area for 500 or more vehicles. That would be a no or small impact. The proposed action will degrade existing transit access. It's possible. The proposed action will degrade existing pedestrian or bicycle combinations. I would say that's moderate. The proposed action may alter the present pattern of movement of people or goods. Again, I think that is at least a moderate impact.

Okay. Impact on energy. The proposed action may cause an increase in the use of any form of energy. Oh, I mean, yeah, I think that's a yes. The proposed action will require a new or upgrade to an existing substation. I don't believe that's the case. No. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a commercial or industrial use. I think that's a no or small impact. The proposed action may utilize more than 2,500 megawatt hours per year of electricity.

Board Member Litten: No.

Chair Hext: How do you know that? Danny would build that?

Board Member Ramirez: That's a little city. No.

Chair Hext: The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed. I think that's a no. Okay. 15. Impact on noise, odor, and light. The proposed action may result in an increase in noise, odors, or outdoor lighting. I think that's a yes. The proposed action may produce sound above noise levels established by local regulation. We go by the Town of Guilderland noise ordinance. I don't think that would be necessarily an impact. It may be an impact during construction, but we have-

Attorney Clarke: Which would make conditions...

Chair Hext: Yeah. We could put a condition on that. The proposed action may result in blasting within 1,500 feet of any resident, hospital, school. I would hope not. The proposed action may result in routine odors for more than one hour a day. I mean, it could happen with all the construction.

Board Member Freeman: Well, machines running and everything.

Chair Hext: Say what?

Board Member Freeman:

Machines. Your construction equipment.

Attorney Clarke: You just have to consider a difference between construction and what's there - just homes. Yeah.

Chair Hext: I would say no or small.

Board Member Muhlfelder: No.

Chair Hext: The proposed action may result in light shining onto adjoining properties. I would say that's no or small impact, but we do have ordinances that prohibit light trespass. Gary could take care of that.

Board Member Litten: Well, we had a resident letter where they were saying that they would get light trespass.

Chair Hext: I remember. From spotlights or whatever.

Board Member Litten: Yeah.

Chair Hext: Yeah. And that's something that if that happens our code officer can address. Everything has to be down lit, it can't ... supposedly, can't shine onto neighbor's property in their bedrooms or anything like that. But again, no or small impact may occur. The proposed action may result in lighting creating sky globe brighter than existing area conditions.

Board Member Muhlfelder: No.

Board Member Litten: Hard to know.

Board Member Ramirez: You need an engineer for that one.

Chair Hext: I mean, that could happen. But again, I think ...

Board Member Ramirez: Usually, you would get that in a commercial parking lot, commercial places. You know, because you get reflective signs. Residential is like ...

Chair Hext: I don't even believe we're going to have street lights. I think it's basically only going to be lights on person's lawn or home or whatever. But again, we're not saying it's not happening, we're saying could result in a small impact. 16. Impact on human health. The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. I would say that's kind of like a crystal ball thing. I would say it's a no.

Attorney Clarke: Yeah. I mean it's more if there was commercial operation pollutants being put into the air, potential for ... kind of if you run through these, is the site-

Chair Hext: That's what I'm doing.

Attorney Clarke: A remediation site. Is there a spill remediation? It's a green site and ...

Chair Hext: Well, but then there is stuff that addresses construction.

Board Member Litten: The proposed action is within 1,500 feet of two group homes.

Chair Hext: That's true. Yeah, I think we have to go through these. I'm going to make that a yes, and I want to go through this. The proposed action is located within 1,500 feet of a school, hospital, licensed daycare, group home, nursing home or resident community. I would say that could happen.

Board Member Litten: I think it's a small impact.

Chair Hext: But it's an impact.

Board Member Litten: But, yeah.

Chair Hext: The site of the proposed action is currently undergoing remediation. No or small impact. There is a completed emergency spill remediation or a completed environmental site remediation on or adjacent to the site of the proposed action.

Board Member Muhlfelder: No.

Chair Hext: I'd say that's a no. The site of the action is subject to an institutional control limiting the use of property. That's a no or small impact. The proposed action may affect institutional control measures that were put into place to ensure the site remains protective of the environment and human health. I'd say that's no or small impact. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous waste will be protective of the environment and human health.

Board Member Litten: No.

Chair Hext: Let's hope so. I would say no or small impact. The proposed action involves construction or modification of a solid waste facility.

Board Member Litten: No.

Chair Hext: I would say that's a no or small impact. The proposed action may result in unearthing of solid or hazardous waste. Let's hope not.

Board Member Ramirez: That would be very dangerous.

Chair Hext: The proposed action may result in an increase in the rate of disposal or processing of solid waste. And I'd say no or small impact. The proposed action may result in the excavation or disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste. No or small impact. The proposed action may result in the mitigation of explosive gases from a landfill site to adjacent offsite structures. Hopefully, no. The proposed action may result in a release of contaminant... what's that word? ...leachate from the project site?

Attorney Clarke: No.

Chair Hext: Okay.

Board Member Muhlfelder: We're getting there.

Chair Hext: Hang on. All right. 17. Consistency with community plans. The proposed action is not consistent with adopted land use plans. Okay, so ...

Board Member Ramirez: Now, would the-

Chair Hext: The key word here is the proposed action is not consistent with adopted land use plans.

Board Member Ramirez: Now, would the R 15 affect that answer?

Chair Hext: Well, it's R 15.

Board Member Ramirez: Yeah.

Chair Hext: So, yeah.

Attorney Clarke: The proposal requires a variance, which means it's technically inconsistent because it requires a variance.

Board Member Muhlfelder: And so, what are we saying?

Attorney Clarke: I think it's better to go through it.

Chair Hext: Okay.

Board Member Muhlfelder: What are we saying on that? Yes or no?

Board Member Freeman: Yes.

Attorney Clarke: Yes.

Chair Hext: The proposed action requires a variance, so therefore it's a yes.

Board Member Muhlfelder: It's a yes.

Chair Hext: Because it's not consistent.

Board Member Muhlfelder: Okay, thank you.

Chair Hext: The proposed action land use uses components that may be different from or in sharp contrast to current surrounding land use patterns?

Board Member Litten: No.

Chair Hext: I'd say that's a no or small impact. The proposed action will cause the permanent population of the city, town, or Village in which the project is located to grow more than 5%.

Board Member Litten: No.

Chair Hext: I'd say that's a no or small impact. The proposed action is inconsistent with local land use plans or zoning regulations. And I would say that's a yes, a moderate to large impact just because of the variances. The proposed action is inconsistent with any county plans or other regional land use plans. Is that a no? That would be a no, right? The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure? I would say that's a no or a small impact. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure. We do have to put in new sewers and water lines and everything else, right?

Board Member Freeman: Well, that is infrastructure.

Board Member Muhlfelder: Private lines.

Chair Hext: Only private? There's not going to be any public infrastructure affected?

DPW Superintendent Moller (?): Not that they're proposing, no.

Chair Hext: Well, we can say no or small impact. It characterizes R 15, so that's consistent with that. The proposed action may induce secondary development impacts (residential or commercial development not included in the proposed action). I would hope that's a no. Okay. Consistency with

community character. The proposed action is inconsistent with the existing community character. What does everybody think on that one?

Board Member Litten: No.

Chair Hext: What's everybody's thoughts on this? Is it inconsistent with the existing community character?

Board Member Litten: No, it's residential construction within residential construction areas.

Board Member Freeman: Yeah. I mean, unless if he was building a casino or something that was going to be, you know what I mean? Like you said, residential, it's-

Board Member Ramirez: The designing of the houses would play with the community. Not that they're contemporary or anything like that. Otherwise, that would be nixed.

Board Member Litten: Well, we don't know anything about the design of the houses.

Board Member Ramirez: Right. Otherwise, I was saying that's nixed.

Chair Hext: Can you correct me if I'm wrong, but I don't believe we can tell him what kind of houses he can build. We can certainly, again, ask for some conditions to be set, but we can't ... As long as he's within code, we can't tell him what kind of house he can build.

Board Member Muhlfelder: Right. I agree with you. I don't think you can regulate that.

Chair Hext: But again, we can ask. And if I know Troy and what he does, I think he'd be willing to work with the community. I might be wrong, but ... Are we saying this is a no?

Board Member Ramirez: How about B on that before you answer no.

Board Member Muhlfelder: What?

Chair Hext: How about what?

Board Member Ramirez: Look at B, 18 B?

Attorney Clarke: Yeah, you can go through them if you want.

Chair Hext: All right. So we're going to say yes on this?

Attorney Clarke: You can just leave it for now, go through and see-

Chair Hext: Okay. The proposed action may replace or eliminate existing facility structures or areas of historic importance to the community. No. The proposed action may create a demand for additional community services, schools, police, and fire. I mean, yeah.

Attorney Clarke: Small.

Board Member Freeman: Small.

Chair Hext: The proposed action may displace affordable or low income housing in an area where there is a shortage of such housing. I don't think it's going to displace anyone?

Board Member Muhlfelder: No.

Board Member Witham: No.

Chair Hext: Would we say no or small impact on that one?

Board Member Freeman: No or small, yeah.

Chair Hext: The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.

Board Member Muhlfelder: No.

Chair Hext: No or a small impact. The proposed action is inconsistent with the predominant architectural scale and character. We don't know. We don't know that yet.

Board Member Freeman: Question mark. Yeah.

Chair Hext: We could answer that as a no but leave it open, because we don't know what he's building. Proposed action is-

Board Member Muhlfelder: Again, I don't think you can regulate that.

Attorney Clarke: I wouldn't think of the question as the type of house, but whether or not the lots as residential lots is consistent or inconsistent with the scale. Just because we can't think about what it looks like. But thinking that it's a residential home on a certain size lot, is that consistent with what-

Chair Hext: It's permitted.

Attorney Clarke: Yeah.

Chair Hext: Okay. All right, so that would be a no or small impact. Proposed action is inconsistent with the character of the existing natural landscape. We can make that a no and explore that when we get further down into what it's going to look like.

Board Member Freeman: Yes and no. Yes or no.

Chair Hext: You have a question?

Resident Dean Whalen: No, I just [inaudible 02:03:36]. It's a really badly worded question.

Chair Hext: I know.

Resident Dean Whalen: [inaudible 02:03:36] texture or landscape, whatever you want to call it, it's really [inaudible 02:03:51].

Chair Hext: That concludes going through the EAF.

Board Member Freeman: Yeah, the last one.

Question from Audience: [inaudible]

Board Member Sullivan(?): Proposed action is inconsistent with the character of the existing natural landscape.

Resident Speaker(?): You're replacing forest and field with neighborhoods, so I would say ...

Resident Speaker(?): Yeah, on that one.

Resident Speaker: With residential housing. I'm not saying you have to undo it, but affects it.

Chair Hext: I think part of this goes back to our zoning. It's zoned R 15, which is an R 15 residential. Right now, yes, it's an open field or it's forest, but ...

Board Member Sullivan: It can be a neighborhood.

Chair Hext: It's a neighborhood. And again, we can ask him to do things to mitigate the impact on the landscape. I feel like I'm in school...

Board Member Freeman: But it's just the way it's worded, I mean ...

Resident Whalen: And I think we have to be cautious about the word wetlands, because according to the Town of Guilderland there are no official wetlands on this property. I was just going to clarify that we did very specifically look at these two parcels when we were determining whether to change zoning or not. And we actually did not designate ... One of your earlier questions was whether or not it was a designated open space. And at that time we very carefully decided not to do that, that we wanted to keep it as some sort of residential thing. I don't know if that helps your decision or answers this question, but ...

Chair Hext: Everybody knows Dean Whalen. He used to be on our Village Board. He's also an architect. He knows his stuff.

Resident Dean Whalen: And was involved in the comp plan.

Chair Hext: And maybe still is?

Resident Whalen: I'm hearing rumors.

Board Member Freeman: Word on the street.

Chair Hext: We do allow him to kind of speak out of term because I value his opinion and he's been in the Village for a long time, on the Board for it. All right, so James, did you have a question on-

Board Member Sullivan: I just wanted to point out that according to the map, there are no wetlands on the property. There's a small portion of floodplain, but there are no wetlands.

Resident Johnson: Yeah. The fields are not floodplain.

Board Member Sullivan: Right.

Board Member Freeman: Basically, any home that's located near that [inaudible 02:06:39]. Well, not necessarily, but I mean located near any creek around here, for the most part, is considered floodplain.

Resident Johnson: And that's where that-

Board Member Freeman: And that's where that is, yeah. Because I think what they do is they consider a floodplain is not necessarily where the water's going to just travel right down your houses, for the most part. That's the way they have it is right down that street and then off. And then that field there is not included in it.

Board Liaison Matulewicz(?): To answer the questions about the wetland, they would have to be designated wetland [inaudible 02:07:30]...We can't answer those... to say that it's a wetland [inaudible].

Attorney Clarke: Yeah. The wetland section also has water body or stream. So yeah. Yeah. So that's what we were considering when we went through that.

Chair Hext: Again, we're not making a determination tonight. I think we have a lot of outstanding questions. I think we're going to get a lot of input back from the residents, and I certainly welcome that. Again, the public hearing is open. I guess at this point, we can just move to our next agenda item.

Next agenda item is to review the minutes of May 23rd with the Zoning Board of Appeals. And, Ginger, thank you for those, what, 30 some-odd pages. Did you want to make a note for something on the minutes that you changed just to ... Is that on just the voting?

Secretary Hannah: On the motion on page 11. I corrected who made the motion and who seconded it.

Chair Hext: Okay. All right. Could I have a motion to approve the minutes from May 23rd 2023? Board Member Muhlfelder made the motion, seconded by Board Member Freeman. **Roll Call: All in Favor.**

Chair Hext: The next ZBA meeting, if needed, will be July 25th, and then the one after that is August 22nd. With that, could I have a motion to adjourn? Motion made by Board Member Muhlfelder, seconded by Board Member Sullivan. **Roll Call: All in Favor.**

Chair Hext:

In favor. Thank you. Thanks for hanging in there.

Respectfully submitted,

A handwritten signature in cursive script that reads "Ginger Hannah".

Ginger Hannah, ZBA Secretary

Attached: Legal Notice – Sunoco (GRJH Holdings...) Resolution and Zoning Law Section 355-23 - Signs

NOTICE OF PUBLIC HEARING

Village of Altamont

PLEASE TAKE NOTICE that the Village of Altamont Zoning Board of Appeals will hold a public hearing on June 28, 2023, at 7:00 p.m. at the Altamont Village Community Room, 115 Main Street, Altamont, New York, to hear all interested persons on the proposed application of GRJH, Inc. on behalf of Sunoco Gas Station (“Applicant”) for sign permits pursuant to Village of Altamont Zoning Law Section 355-23 (“Signs”). The property is identified as Tax Map #37.18-1-14 and is located at 200 Main Street in the Village of Altamont. The Applicant is proposing to install one free-standing sign and a second sign on the existing gas canopy. All persons desiring to speak either on behalf of, or in opposition to, said application shall be heard by either attending the public hearing or by submitting written comments in advance of the public hearing to the Village Clerk.

Deborah Hext
ZBA Board Chairperson
June 9, 2023

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 9, 2023

Dear Neighbor:

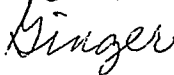
Enclosed you will find a legal notice regarding the application of GRJH, Inc. on behalf of Sunoco Gas Station ("Applicant") for sign permits pursuant to Village of Altamont Zoning Law Section 355-23 ("Signs"). The property is identified as Tax Map #37.18-1-14 and is located at 200 Main Street in the Village of Altamont. The Applicant is proposing to install one free-standing sign and a second sign on the existing gas canopy.

If you would like to express an opinion and/or comment, you are cordially invited to attend the Zoning Board of Appeals meeting on Wednesday, June 28, 2023 at 7:00 p.m. The meeting will be held at the Altamont Village Community Room at 115 Main Street, Altamont NY 12009.

If you would like to submit any comments prior to the meeting for the Board to review, you may submit written comments to the Village office or email your comments to 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 12 Noon and 1:00 p.m. to 4:00 p.m., and Fridays until 12 noon.

Best regards,



Ginger Hannah
ZBA Secretary

Enclosure – Legal Notice

RESOLUTION
ALTAMONT ZONING BOARD OF APPEALS
RESOLUTION, FINDINGS, AND DECISION ON
REQUEST FOR SIGN PERMIT

WHEREAS, the Zoning Board of Appeals for the Village of Altamont (“ZBA”) received an application from GRJH Inc. (“Applicant”) for a sign permit located at the Sunoco Gas Station at 200 Main Street; and

WHEREAS, pursuant to Village Law §355-23, no person shall erect, enlarge, change colors, cover or structurally alter any sign without first obtaining a permit from the Zoning Board of Appeals; and

WHEREAS, the Applicant proposes to replace the existing Sunoco Gas Station sign with an updated sign and additional branding at the site; and

WHEREAS, the Applicant submitted an application for a sign permit on May 8, 2023 (“Application”); and

WHEREAS, the ZBA has reviewed the application together with additional information submitted by the Applicant; and

WHEREAS, the ZBA duly noticed and held a public hearing on the application on June 28, 2023 at which time all members of the public wishing to speak were heard, and the public hearing was subsequently closed; and

WHEREAS, the ZBA has reviewed and considered all public hearing comments that were received on the application, and additional information relevant to the application and applicable standard of review.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE ZONING BOARD OF APPEALS OF THE VILLAGE OF ALTAMONT, ALBANY COUNTY, NEW YORK:

1. The ZBA has considered the standards for a Sign Permit contained in the Village of Altamont Zoning Law Section 355-23(B)(1)(b)(1)-(4) and hereby adopts the determination and findings annexed hereto.
2. The ZBA finds the application to be a Type II action under SEQR, 6 NYCRR 617.5(c)(9) and (18).
3. The ZBA does hereby **GRANT** the application for a sign permit at the Sunoco Gas Station located at 200 Main Street, subject to the following terms and conditions:

Free-standing Sign

The proposed free-standing sign with digital price numbers is hereby approved subject to the owner utilizing 40 watt LED bulbs, any lighted portion of the sign must be turned off at the time the store closes at 11 PM, and the sign will be lowered so that the bottom of the sign is approximately 8ft above the ground. The Board further required that the Applicant landscape the area around the base of the sign to improve the aesthetic condition.

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

The motion was moved by Board Member Ramirez

The motion was seconded by Board Member Litten

The vote was as follows:

Chair Hest	— opposed
Board Member Ramirez	— in favor
" " Muhlfelder	— in favor
" " Litten	— in favor
" " Freeman	— in favor
" " Sullivan	— opposed
" " Witham	— in favor

Canopy

The Board hereby approves "Option 3" for the wrap on the canopy, as more particularly described as being a blue color wrap only and containing no logos or lettering.

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

The motion was moved by Board Member Muhlfelder

The motion was seconded by Board Member Ramirez

The vote was as follows:

Chair Hest, Board Members Ramirez, Muhlfelder, Litten, Freeman, Sullivan and Witham - all in favor

The ZBA authorizes and requires the ZBA Chairman and its Secretary and Attorney to take the appropriate steps to effectuate this resolution including any filing and distribution requirements.

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, 2023 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:

Free-Standing Sign

MEMBERS PRESENT	MEMBERS ABSENT	VOTE
<i>Chair Hext Board Member Sullivan Board Members Ramirez, Litten, Freeman, Witham, and Mahlfelder Canopy</i>		<i>opposed opposed } in favor</i>
MEMBERS PRESENT	MEMBERS ABSENT	VOTE
<i>Chair Hext Board Member Sullivan, Litten, Freeman, Witham, Mahlfelder and Ramirez</i>		<i>} all in favor</i>

Witness my hand and the seal of the Village of Altamont, this 7th day of July, 2023.

Ginger Hannah
GINGER HANNAH, CLERK
VILLAGE OF ALTAMONT
ZONING BOARD OF APPEALS

Altamont Zoning Law Section 355-23 – Signs

(b) Before approving a sign permit, the Zoning Board of Appeals shall find that the applicant has demonstrated the following facts to be true:

The Zoning Board of Appeals found that the proposed logos and signage proposed to be located on the canopy was inconsistent with the Village Code, inconsistent with past precedence for signage of gasoline fueling stations, and would result in excessive square footage of what is permitted. The following applies to the proposed free-standing sign proposed.

1. The proposed sign(s) is (are) in harmony with the standards for permitted signs and within the spirit of this chapter.

Some board members expressed a concern that the proposed free-standing sign was too tall and requested that the applicant lower the sign to the greatest extent possible. There was also a discussion about whether a sign at ground level with landscaping would be more in harmony with signs in the Village. The majority of the board found that the existing sign is permitted by the zoning code.

2. The proposed sign shall be comparable with the neighborhood environment and character and shall not be detrimental to adjacent property.

A concern was raised that the sign is close to the historic district and is therefore incompatible with the character of the neighborhood. As a result, the board did request that the Applicant lower the height of the sign to 8ft above ground level. The height requirement was made a condition of the approval.

3. The proposed sign does not, by reason of its location, create a hazard of any nature to the public in general or to any adjacent owner or occupant;

There is an existing sign at the location. The board discussed the unique traffic at and around that intersection, with the majority of the board finding that if the sign was placed at ground level that there may be a hazard to the traveling public. Based on this concern, the Board approved lowering the sign to 8ft above ground level.

4. The proposed sign(s) does (do) not in any way interfere with the lawful and aesthetic enjoyment of the public highway or of adjacent property.

In terms of the aesthetic resources, the Board set a condition that the base of the sign be landscaped/improved by the Applicant. The majority of the board did not find that the sign would impact adjacent property.