

Village of Altamont Planning Board  
Special Meeting - Online  
June 15, 2020

Deborah Hext, Chairperson  
Stephen Caruso, Board Member  
John Hukey, Board Member  
Connie Rue, Board Member  
Barbara Muhlfelder, Board Member  
Dan Hitt, Alternate Board Member

Lance Moore, Building Inspector/  
Code Enforcer  
Allyson Phillips, Village Attorney  
Dean Whalen, Board Liaison, Absent

Applicant

Chuck Marshall, Stewart's Shops  
Leah Everhart, Esq., Stewart's Shops  
Brad Grant, PE, Barton and Loguidice

Guests: \_\_\_\_\_

Planning Board Meeting was held online using Zoom video communication due to covid-19. Chairperson Hext opened the meeting at 6:05 p.m. and welcomed everyone. She stated that due to the Covid-19 virus, this meeting is being held remotely and all audio and video portions of this meeting are being recorded. If you're not speaking, please mute your microphones. There will not be an opportunity for the public to speak tonight. She asked the Board Members to introduce themselves, which they did as follows: Barbara Muhlfelder, John Hukey, Connie Rue, Steve Caruso and Dan Hitt, Alternate. She said also joining us tonight we have Allyson Phillips, Village Attorney and Lance Moore, Building Inspector. She noted that she did not see Dean Whalen, Board Liaison

Chairperson Hext said: One reminder I would like to mention tonight is that the building that will be coming down in demolition - Historic Albany has the right to whatever is in that building. They have permission to be on that site. Anyone else that's entering that site should not be there unless they have the permission of Stewart's. Just wanted to bring that up, as we don't want anything to happen to anyone. Tonight's agenda item is the Stewart's special use permit. By now everybody on the Board should have had time to review Allyson's document. Has everyone on the Board reviewed the resolution document that Allyson sent out last Friday and also updated today? She asked each Board Member individually and they all responded yes. Does anyone have anything that they'd like to bring up at this point that they found not in agreement with what we decided via our standards? Do you feel that everything's been addressed and clarified based on our discussions throughout all these meetings? Board Members all responded

Yes. She said I know there's a few things that maybe we want to touch on. Chuck, at this point, if you wanted to give a quick synopsis of the minor changes that were made - the color of the building and so on.

See attached Transcript, pages 1-26, prepared by Nancy L. Strang, Shorthand Reporter, for a full transcript of the minutes of this meeting.

Motions made during this meeting:

Board Member Muhlfelder made a motion to approve the Resolution that Village Attorney Phillips prepared, with the three additional conditions that were just discussed: (1) to modify the landscaping plan to eliminate the sumac shrubs and include the daylilies along the area of the creek side and the cluster; (2) to limit demolition and construction hours to between 8:00 a.m. to 6:00 p.m. Monday through Saturday with no construction hours on Sunday; and (3) to make clear the wood-frame dumpster enclosure would be made out of the same wood Hardie board that is used on the exterior of the building. Seconded by Board Member Hukey. **Roll Call: All in favor.**

Copy of "Resolution, Findings and Decision on Request for Special Use Permit and Site Plan Approval" is attached to these minutes, along with a copy of the Albany County Planning Board Recommendation dated April 15, 2020.

Board Member Hukey made a motion to approve the minutes of the April 27, 2020 Planning Board Meeting with 1 correction to page 46 – correct misspelled name of Kristin Casey. Seconded by Board Member Muhlfelder. **Roll Call: All in favor.**

Board Member Muhlfelder made a motion to adjourn the meeting. Seconded by Board Member Hukey. **Roll Call: All in favor.** Meeting was adjourned at 7:01 p.m.

Respectfully Submitted by:



Ginger Hannah, Planning Board Secretary

STATE OF NEW YORK COUNTY OF ALBANY  
VILLAGE OF ALTAMONT

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PLANNING BOARD MEETING

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THE STENOGRAPHIC MINUTES of the above entitled  
matter by NANCY L. STRANG, a Shorthand Reporter  
commencing on June 15, 2020, at 6:05 PM via  
Zoom Video Conference

Board MEMBERS:

DEBORAH HEXT, CHAIRPERSON

CONNIE RUE

STEVEN CARUSO

JOHN HUKEY

BARBARA MUHLFELDER

DANIEL HITT, ALT.

ALSO PRESENT:

ALLYSON M. PHILLIPS, ESQ, COUNSEL TO THE Board

LANCE MOORE, BUILDING INSPECTOR, VILLAGE OF  
ALTAMONT

GINGER HANNAH, SECRETARY TO THE Board

CHARLES MARSHALL, STEWART'S

1 CHAIRPERSON HEXT: With that, we will get  
2 started. Good evening everyone and welcome to  
3 the special meeting of the Altamont Planning  
4 Board. My name is Deb Hext and I'm the Planning  
5 Board Chair. It is Monday, June 15, 2020 at  
6 6:05 P.M., for the record.

7 Due to the Covid 19 virus, this meeting  
8 is being held remotely and our audio and  
9 video portions of the meeting are being  
10 recorded. There is not an opportunity for  
11 the public to speak tonight. So, if you are  
12 on and you're not speaking - which if you're  
13 part of the public you can't at this point -  
14 please mute your microphones.

15 At this time, could all members of the  
16 Planning Board identify yourselves, starting  
17 with Barb.

18 MS. MUHLFELDER: Barb Muhlfelder.

19 MR. HUKEY: John Hukey.

20 MS. RUE: Connie Rue.

21 MR. CARUSO: Steve Caruso.

22 MR. HITT: Dan Hitt, alternate.

23 CHAIRPERSON HEXT: Thank you. We also have  
24 representing the Village tonight Allyson  
25 Phillips, our Village Attorney, Lance Moore,

1 our Building Inspector and I don't know if Dean  
2 is on. I have not seen him. I don't see Dean,  
3 but I'm not going to let that stop us.

4 One reminder - I would like to mention  
5 tonight that the building that will be  
6 coming down in demolition - Historic Albany  
7 has the rights to whatever is in that  
8 building. They have permission to be on that  
9 site. Anyone else that is entering that site  
10 should not be there, unless they have the  
11 permission of Stewart's. I just wanted to  
12 bring that up. Whatever could happen in  
13 there, we don't want anything to happen. We  
14 just wanted to bring that up.

15 Tonight's first agenda item is the  
16 Steward's special use permit. By now  
17 everybody on the Board should have had time  
18 to review Allyson's document.

19 Has everyone on the Board reviewed the  
20 Resolution document that Allyson sent out  
21 last Friday and also updated today?

22 Connie?

23 MS. RUE: Yes.

24 CHAIRPERSON HEXT: John?

25 MR. HUKEY: Yes.

1 CHAIRPERSON HEXT: Steve?

2 MR. CARUSO: Yes.

3 CHAIRPERSON HEXT: Okay, does anyone have  
4 anything that they would like to bring up at  
5 this point that they found not in agreement  
6 with what we decided meeting our standards?

7 (There was no response.)

8 Do you feel that everything has been  
9 addressed and clarified based on discussions  
10 throughout all these meetings?

11 MS. MUHLFELDER: Yes.

12 CHAIRPERSON HEXT: I know there are few  
13 things that maybe we want to touch on.

14 Chuck, at this point if you want to  
15 give a quick synopsis of the minor changes  
16 that were made - the color of the building  
17 and so on?

18 MR. MARSHALL: Sure. As per the meeting of  
19 last Monday, the building was changed to a  
20 pearl gray with a slate gray hardy board,  
21 scalloped shingle on the peaks of the dormers  
22 and the peaks of the gables. That is visible on  
23 T-1.

24 On S-3 a note was added that the sound  
25 blanketing will be placed on the cedar

1 fence. I did note in the cover letter with  
2 the submission that sound blanket is  
3 supposed to only be for the initial 45 feet  
4 of the cedar fence. So, in the final plans  
5 that modification will be shown.

6 Then, the last change which was  
7 somewhat significant which occurs on both  
8 S-3 which is the proposed site plan and the  
9 proposed landscape plan which is S-7 - we  
10 re-introduced the junipers along Altamont  
11 Boulevard.

12 There was some discussion in the last  
13 meeting about flipping the sidewalk so that  
14 the sidewalk was closer to Altamont  
15 Boulevard. What we failed to address at that  
16 time was that there are existing utility  
17 poles here and that the driveway. So, that's  
18 not achievable. I don't mean to use his name  
19 so freely, but Dan did speak to Allison  
20 Levine at M.J. Engineering and they  
21 discussed removing the stamped concrete  
22 behind the existing sidewalk for the Juniper  
23 placement and then some slight planting  
24 modifications along the eastern boundaries.

25 In speaking with Leah, I think there

1 are a couple of little things that I just  
2 want to touch on real quick to eliminate all  
3 questions.

4 The wood frame dumpster enclosure - it  
5 is our intention to make that look like the  
6 building and not make that a cedar  
7 enclosure. Because you have it out in front  
8 of the building the way it does, the hardy  
9 board will be more fitting instead of  
10 looking like just -- the cedarwood look is  
11 kind of out of place being somewhat removed  
12 from the fence and isolated.

13 The retaining wall will be repurposed  
14 foundation from the existing house.

15 CHAIRPERSON HEXT: Chuck, if the wall - if  
16 the repurposed stone is found to be not usable,  
17 what happens then?

18 MR. MARSHALL: It will be Bluestone to  
19 match the building.

20 CHAIRPERSON HEXT: It will be Bluestone  
21 veneer or regular -- because I don't know that  
22 Bluestone veneer would actually hold a fence.

23 MR. MARSHALL: The reality is that it's  
24 only 3 to 4 feet. I guess you could get into a  
25 segment of block behind the building and

1           then -- the Helderburg side of that wall is  
2           going to taper. What you want to do?

3           MR. MOORE:    Can I speak up?

4           CHAIRPERSON HEXT:   Go ahead, Lance. I was  
5           just going to refer to you.

6           MR. MOORE:    I have had the opportunity  
7           with Chuck and other times to be in that  
8           building. The foundation is substantial. It is  
9           not going anywhere. I don't see any reason why  
10          it can't be repurposed. I've been involved with  
11          that kind of stuff for half a century now. We  
12          couldn't afford to have a foundation like that  
13          - none of us, here.

14          CHAIRPERSON HEXT:   Okay, that's what I  
15          need to hear. You are our expert on something  
16          like that. Obviously if something happens, we  
17          will all work it out. I'm sure we can find a  
18          compromise. I am good with that.

19          Is the rest of the Board okay with that  
20          solution?

21          MR. CARUSO:    Yes, I am.

22          MS. RUE:        Yes, I am.

23          MR. HUKEY:     Yes.

24          MS. MUHLFELDER:   Yes.

25          CHAIRPERSON HEXT:   Okay. I just want to

1 make sure.

2 Sorry, Chuck, go ahead.

3 MR. MARSHALL: Actually, that was really  
4 it. Those were kind of the outstanding items  
5 that had come up that either weren't formalized  
6 in the plan, or in our last discussion. Then,  
7 the three changes from last week's meeting.

8 The only other thing that wasn't on the  
9 last submission - this pent roof that is  
10 basically - us non-architect people would  
11 call it a shelf. This shingled area here  
12 (Indicating) Would match the shingles.

13 You guys had requested at the last  
14 meeting the fixtures, the corners, the  
15 dentil blocks -- to be honest with you,  
16 parts of this were difficult maybe on my  
17 end, but this is probably one of the nicer  
18 buildings that we will end up building.

19 CHAIRPERSON HEXT: I have to agree with  
20 that. I really like the looks that we have  
21 gotten to at this point.

22 MS. RUE: Deb, I have a question.

23 CHAIRPERSON HEXT: Sure, Connie, go ahead.

24 MS. RUE: Chuck, does the lighting plan  
25 show the reduction -

1           MR. MARSHALL: Oh, yeah. I will check the  
2 lighting plan. The site plan doesn't show it,  
3 Connie. I apologize. That was one of the  
4 changes in the letter, but you will see it on  
5 the screen now. There are three soffit lights  
6 on the northeast elevation and then three  
7 soffit lights on the northeast elevation on the  
8 lighting plan. We did spread the Helderburg  
9 Avenue lights out a little bit. Obviously, that  
10 was to adjust for the light in the corner that  
11 we were concerned with. We even went back again  
12 to make sure we were using the lowest amp  
13 driver and the lowest number of fixtures we  
14 could source. To be very truthfully, this is  
15 the best we could do.

16           CHAIRPERSON HEXT: Is that going to help,  
17 Connie?

18           MS. RUE: Yes, I just wanted to confirm  
19 those changes.

20           MS. PHILLIPS: If I could, Deb, in the  
21 draft decision document that you all have  
22 reviewed which I first sent to the Board  
23 members on Friday - we had included these  
24 changes that we discussed at the last meeting  
25 as conditions of the approval. The last plan

1 that had been submitted prior to the last  
2 meeting obviously didn't have those changes.  
3 So, what Stewart's has put together here would  
4 be included in the final site plan set that  
5 would be submitted to the Village for signature  
6 by the Planning Board Chair. We do have those  
7 conditions specifically spelled out in the  
8 approval Resolution.

9 The one thing that I had here was a  
10 blank for the wood framed dumpster enclosure  
11 since I got the sense that we would need a  
12 little bit more discussion about that. So we  
13 can just fill that in, if the Board is  
14 comfortable with what Stewart's is proposing  
15 - that the wood framed enclosure would be  
16 the same material to match the building and  
17 not the fence at the rear of the building.

18 The one thing I don't have any here  
19 that - if the Board is agreeable to the  
20 change - is the one Chuck mentioned a moment  
21 ago with a minor change to the landscaping  
22 along the creek side. I think that with  
23 change there was an update to that  
24 landscaping plan that eliminated some of the  
25 sumacs that were there and replaced it with

1           daylilies in that area by the creek. If the  
2 Board is agreeable with that change, I can  
3 also include that as a condition on the  
4 final Resolution.

5           CHAIRPERSON HEXT: I'm sort of okay with  
6 that. I would still like to see a little bit  
7 more for season greenery mixed in with the  
8 daylilies. I think the daylilies and any type  
9 of perennial flower will be beautiful in the  
10 summer and spring and fall. It doesn't do much  
11 for the overall site plan in the winter.

12           Again, I think Dan had mentioned a  
13 couple other things that we can do there.

14           MR. HITT: When I spoke to Allison at M.J.  
15 Engineering, she had asked if I thought there  
16 was too much on that side and that's when I  
17 weighed in on it.

18           The low growing sumac that was proposed  
19 where the daylilies are - I suggested they  
20 come out because the snow that is going to  
21 get plowed across the parking lot is going  
22 to end up in that area and it's just going  
23 to destroy any low growing shrub in that  
24 area because there is not much room between  
25 the curb the fence. So, the daylilies at

1 least have a chance of surviving. If there  
2 are any snowstorms, like it does now with  
3 the existing site - the snow ends up on that  
4 side because of the prevailing winds and  
5 also because of the way the lot is going to  
6 get plowed.

7 The other changes around the dumpster  
8 where the dogwoods had sumac behind them --  
9 the dogwoods are a much taller growing shrub  
10 than the sumac that were proposed. The low  
11 growing sumac would not have been visible  
12 anyway. I think the red tree dogwood would  
13 be much better with the cedar fence as a  
14 backdrop than having the low growing sumac  
15 behind it.

16 I don't know what else to propose. I  
17 think there's going to be seasonal interest.  
18 Anything in that area where the daylilies  
19 are is going to get destroyed by snow, if  
20 anything goes in there. I don't think it's a  
21 big enough area to be concerned -

22 CHAIRPERSON HEXT: My main concern is the  
23 expanse of macadam and that we are doing  
24 whatever we can to mitigate that. With the  
25 dogwoods and the junipers, I believe we are

1 doing that, right?

2 MR. HITT: Yes, and we also have the oaks  
3 - the trees that proposed there, as well. It's  
4 not just retaining the existing vegetation.  
5 They are also proposing the deciduous trees, as  
6 well as the shrubs along the south side.

7 MS. MUHLFELDER: I have a question about  
8 the sumac. I thought they were fairly tall and  
9 I also always considered them a scrub treating  
10 kind of -

11 MR. HITT: These are a low growing shrub  
12 that gets to be about 18 inches high. This is  
13 not like a sumac tree.

14 MS. MUHLFELDER: Okay, good. Thank you.

15 CHAIRPERSON HEXT: Thank you, Dan.  
16 How does the rest of the Board feel  
17 about what was just discussed as far as  
18 landscaping is concerned?

19 MR. HUKEY: I will go along with Dan's  
20 recommendation.

21 MS. MUHLFELDER: I will, too. I think it  
22 will be very pretty.

23 MR. CARUSO: I certainly will agree. He's  
24 obviously a lot more of an expert than I am  
25 when it comes to stuff like that. It sounds

1 good.

2 CHAIRPERSON HEXT: Connie?

3 MS. RUE: Yes. I'm really appreciating  
4 Dan's input and really put a lot of thought  
5 into what's been selected.

6 Are the benches in or out on the  
7 Boulevard?

8 CHAIRPERSON HEXT: Depends on DOT, I  
9 believe.

10 MR. MARSHALL: Yes. They are shown on S-3.  
11 Because M.J.'s scope doesn't really extend into  
12 there, they are not included on the landscape  
13 plan. They are shown on S-3 and providing DOT  
14 blesses them, we are willing to do them.

15 MS. PHILLIPS: We do have that condition  
16 stated in the approval - that it is subject to  
17 DOT approval, but adding that the landscaping  
18 plan would have those juniper plantings along  
19 Altamont Boulevard, regardless of whether or  
20 not the benches are approved.

21 MS. RUE: Okay, I guess I was thinking the  
22 DOT thing was about moving the sidewalk, but it  
23 was about both.

24 MR. MARSHALL: Yes, they control -- if you  
25 see the property line dashed line, Altamont

1 Boulevard decided that dashed line. They have  
2 control of that.

3 MS. RUE: Thank you.

4 MS. PHILLIPS: So, if the Board is  
5 agreeable to that tweak to the landscaping on  
6 the creek side, I will add a condition to the  
7 draft that we circulated today that would  
8 require a modification of the plantings on the  
9 creek side in accord with the landscaping plan  
10 sheet dated -- whatever this most recent date  
11 on this is.

12 CHAIRPERSON HEXT: Ninth, I think - or no.  
13 It was the eighth, right?

14 MR. MARSHALL: Because this has to be  
15 stamped by Allison Lavine, if you could date  
16 it -

17 MS. PHILLIPS: What I can do is - rather  
18 than referring to a plan set, I can just  
19 generally describe the change that is shown on  
20 that plan which is the elimination of the  
21 sumacs around the dumpster area and in front of  
22 the fence with dogwoods and replacing with  
23 daylilies.

24 CHAIRPERSON HEXT: That makes sense.

25 Are you okay with that, Chuck?

1 MR. MARSHALL: I'm okay with it. I'm just  
2 opening my email from Allison.

3 If you did want to include a date, it  
4 would be 6/12 for revision.

5 CHAIRPERSON HEXT: Does anybody on the  
6 Board have anything else they will clarify you  
7 want to speak to? Now is the time.

8 MS. RUE: Talk about defining construction  
9 and demolition and hours of operation?

10 MS. PHILLIPS: This is Allyson, again. I'm  
11 sorry, I did not get a chance to touch base  
12 with Lance to discuss this. I did review the  
13 Code and came to the same conclusion you did,  
14 Connie, that I don't think it is in our Code.  
15 It's not in Section 150 dealing with  
16 construction and there is nothing that I think  
17 more general in our Zoning Law.

18 CHAIRPERSON HEXT: The only thing that we  
19 have ever gone by is the Town of Guilderland.  
20 If we for some reason need to refer to a sound  
21 ordinance, be it a crazy party that's going on  
22 or whatever, then we referred to the Town of  
23 Guilderland's ordinance which does have  
24 construction hours. For some reason, I tried to  
25 look for today and it was just taking me to

1 some weird site. I couldn't get to the Code. I  
2 don't know if that is acceptable or not.

3 MS. PHILLIPS: Lance, when you issue a  
4 permit either for demolition or construction,  
5 our construction hours usually regulated -  
6 that's issued by the Village.

7 MR. MOORE: Residential or for commercial?

8 MS. PHILLIPS: That's a good question.

9 MR. MOORE: We don't have anything on our  
10 books. I am working very closely with the  
11 demolition team and with their construction  
12 manager and I'm sure I would make it extremely  
13 sensitive to the neighborhood.

14 MR. MARSHALL: Just so that is delineated,  
15 do you want to 8:00 AM to 6:00 PM?

16 MR. MOORE: That sounds fair.

17 CHAIRPERSON HEXT: That's perfect.

18 Is that Monday through Sunday? What  
19 days are we talking? Is that weekdays only?

20 MR. MARSHALL: The reality is that I'm  
21 pretty reluctant to restrict Saturday's.  
22 Sundays off and Monday through Saturday 8:00 AM  
23 through 6:00 PM.

24 CHAIRPERSON HEXT: As long as we have  
25 something delineated that we know what days, I

1 think Sundays days off - that's a fair  
2 compromise.

3 MS. PHILLIPS: If that sounds good to the  
4 Board, I conclude that as a condition where  
5 applicable - for demolition and construction.

6 CHAIRPERSON HEXT: Barb, are you okay with  
7 that?

8 MS. MUHLFELDER: Yes.

9 CHAIRPERSON HEXT: Connie?

10 MS. RUE: Yes.

11 CHAIRPERSON HEXT: John.

12 MR. HUKEY: Yes.

13 CHAIRPERSON HEXT: Steve.

14 MR. CARUSO: Yes.

15 CHAIRPERSON HEXT: Have we forgotten  
16 anything else? I want to make sure that we are  
17 taking a pause here to be sure that we are  
18 asking everything and have gotten everything  
19 clarified but has been tossed about these last  
20 six years.

21 MS. PHILLIPS: Can I get clarification from  
22 the Board that it is agreeable for the wood  
23 frame dumpster enclosure and that it would be  
24 constructed out of the same hardy board that is  
25 used for the building? I think that's what

1 Stewart's had proposed. It would not be the  
2 cedar fence to match what is behind the  
3 building. It would be the wooden hardy board  
4 that will be used on the exterior of the  
5 building.

6 CHAIRPERSON HEXT: I'm okay with that.

7 Barb?

8 MS. MUHLFELDER: I agree.

9 CHAIRPERSON HEXT: Connie.

10 MS. RUE: Yes. Now that it's clear that it  
11 would match the building, that's fine.

12 CHAIRPERSON HEXT: John?

13 MR. HUKEY: I agree.

14 CHAIRPERSON HEXT: Steve.

15 MR. CARUSO: I agree, as well.

16 CHAIRPERSON HEXT: I do, too.

17 Allyson, where are we at here? Are we  
18 really at a motion to approve Resolution?

19 MS. PHILLIPS: I think you could ask for a  
20 motion to the Draft Resolution that I have  
21 prepared with the three changes that we just  
22 discussed with the addition of one condition to  
23 modify the landscaping plan to eliminate those  
24 sumac shrubs and include the daylilies along  
25 the area of the cree kside.

1           Then, another condition which would be  
2 to limit demolition and construction hours  
3 from 8:00 AM to 6:00 PM Monday through  
4 Saturday with no construction hours on  
5 Sunday.

6           Then, to fill in the blank I have in  
7 this draft to make clear the wood framed  
8 dumpster enclosure would be made out of the  
9 same wood hardy board that is used on the  
10 exterior of the building.

11           CHAIRPERSON HEXT: Can I have a motion for  
12 that?

13           MS. PHILLIPS: It would be a motion to  
14 approve the Resolution with those three  
15 additional conditions.

16           MS. MUHLFELDER: So moved.

17           MR. HUKEY: Second.

18           CHAIRPERSON HEXT: Barb, did you make that  
19 motion?

20           MS. MUHLFELDER: Yes, I did.

21           CHAIRPERSON HEXT: John second?

22           MR. HUKEY: Yes.

23           CHAIRPERSON HEXT: Ginger, can we have a  
24 roll call, please?

25           (Whereas the motion was passed,

1           unanimously.)

2           So, I guess that takes us to the next  
3           step.

4           MS. PHILLIPS: The Resolution that I  
5           actually prepared actually has the Board's  
6           findings; the special use permit, the site plan  
7           and just confirming the lot line adjustment to  
8           combine the two lots. So, the single Resolution  
9           actually covers each of the Boards' approvals  
10          that it would be granting for the Stewart's  
11          project so, with the adoption of that one  
12          Resolution it is issuing the special use permit  
13          approving the site plan and authorizing the lot  
14          line adjustment with the conditions that we  
15          have stated in the Resolution and the three  
16          that I will add to it after tonight's  
17          discussion.

18          CHAIRPERSON HEXT: That's what I thought.  
19          I just wanted to clarify it for anybody else  
20          that may have been as confused as I was earlier  
21          about that.

22          MR. MARSHALL: I'm very appreciative;  
23          elated would be an understatement.

24          I just want one piece of clarification.  
25          With the dumpster, we show vinyl. We

1 discussed the wood frame with hardy board.  
2 Are vinyl gates acceptable? I'm assuming you  
3 want vinyl versus like a chain-link with  
4 some type of - -

5 CHAIRPERSON HEXT: Would vinyl match the  
6 color of the building?

7 MR. MARSHALL: Yes, the white vinyl would  
8 match the color of the trim.

9 CHAIRPERSON HEXT: How does the Board feel  
10 about that?

11 MR. HUKEY: It's going to really stand  
12 out, as far as I'm concerned. It's too bad  
13 those can't be the hardy board to match the  
14 building, rather than have a glossy vinyl and  
15 then the nice wood on the sides to match the  
16 front of the store. I don't like it.

17 MS. MUHLFELDER: I agree with John. I  
18 think it would look a lot better.

19 MR. MARSHALL: You can't make the doors  
20 out of hardy board because they swing.

21 MR. MOORE: They are heavy, too.

22 CHAIRPERSON HEXT: Can we make them the  
23 same color as the building instead of the  
24 white? They wouldn't maybe then show as much -  
25 the same color vinyl?

1 MR. MOORE: To do vinyl with colors, or  
2 you could make them out of a cedar wood and  
3 painted the same color of the building.

4 MR. MARSHALL: Yes, you could actually do  
5 that. If you did the cedar, the gates could  
6 either paint them or leave them to match the  
7 cedar of the fence in the back.

8 MS. MUHLFELDER: That would be much nicer.

9 MR. MARSHALL: Okay.

10 CHAIRPERSON HEXT: That is a good  
11 compromise.

12 MR. HUKEY: It would match the cedar of  
13 the fence. We should determine now so we know  
14 what we are getting.

15 MR. MARSHALL: That's why I asked the  
16 question. I was inquiring because we didn't  
17 address it. I would rather leave the cedar  
18 natural to match the cedar fence and also just  
19 because the hardy board comes prepainted - so  
20 just leaving the cedar, I think, would be best.

21 CHAIRPERSON HEXT: It will turn a  
22 weathered gray and at some point match the  
23 building anyway.

24 Is that okay with everybody?

25 MR. HUKEY: Yes.

1 MS. RUE: Yes.

2 MS. MUHLFELDER: Yes.

3 MR. CARUSO: Yes.

4 MS. PHILLIPS: I will incorporate that in  
5 the change that we are already making that  
6 condition for the dumpster enclosure. Just to  
7 make clear, the wooden enclosure will be the  
8 hardy board - the same as the exterior of the  
9 building with the cedar gate.

10 MR. MARSHALL: And with that now I will  
11 continue to say thank you - officially, thank  
12 you.

13 CHAIRPERSON HEXT: Well, thank you  
14 Stewart's and Chuck and Leah. It's been a long  
15 and arduous task, but I think we've gone  
16 through this.

17 I know there are some things that  
18 Stewart's has been working with Carol that  
19 no one knows about. They are agreeing to a  
20 structural - agreeing to a house wash and  
21 doing just things that a normal store would  
22 not do for a neighbor. I certainly  
23 appreciate it.

24 MR. MARSHALL: I've gotten to know Carol a  
25 little bit and she's a nice lady. Situations

1 are what they are. We're going to try to do the  
2 best that we can to ensure that this minimizes  
3 the impact on her life.

4 CHAIRPERSON HEXT: Thank you.

5 Like I said, the one person that has  
6 remained polite and courteous through this  
7 whole thing is Carol - the one person who is  
8 impacted the most. So, I hope that we  
9 continue - Stewart's continues to keep the  
10 dialogue open with her and hopefully the  
11 Village will too and if there's something  
12 that we can do, we will do it.

13 With that, I guess we can pop the  
14 champagne cork.

15 (Whereas the above entitled proceeding  
16 was concluded at 7:01 PM)

CERTIFICATION

I, NANCY L. STRANG, Shorthand Reporter  
 and Notary Public in and for the State of  
 New York, hereby CERTIFIES that the record  
 taken by me at the time and place noted in  
 the heading hereof is a true and accurate  
 transcript of same, to the best of my  
 ability and belief.

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

\_\_\_\_\_  
 Nancy L. Strang  
 Legal Transcription  
 2420 Troy Schenectady Road  
 Niskayuna, NY 12309



ALBANY COUNTY PLANNING BOARD  
NOTIFICATION

RECOMMENDATION DATE: April 16, 2020

**Case #:** 02-200403451  
**Applicant:** Stewart's Shop Redevelopment Project  
**Project Location:** 1001 Altamont Boulevard / 109 Helderberg Ave.  
**Tax Map Number:** 48.06-2-3, and 48.06-2-2  
**Referring Agency:** Village of Altamont Planning Board  
**Considerations:** A special use permit and site plan review to enable the combination of the parcels and demolition of an existing house.

ACPB

**Recommendation:**

Modify local approval to include:

1. Review by the New York State Department of Environmental Conservation to determine potential jurisdiction under bulk petroleum storage regulations and that the underground storage tank (UST) systems meet both state (6 NYCRR Part 613) and federal (40 CFR 280) regulations.
2. Due the fact that the project includes gasoline storage and fuel pumps and is located along a Classification C Standard C stream, it should be considered a "hot spot" use requiring stormwater management design that protects groundwater.
3. Make sure light poles are shielded to the rear of the property and use cut-off light fixtures to prevent glare into adjacent properties and roadways.
4. Review by the Albany County Department of Health for food service and other required permits.

Advisory:

Laura Trivison, Senior Planner  
Albany County Planning Board

**NOTE:**

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

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

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

**LOCAL ACTION ON ACPB RECOMMENDATION:**

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

**LOCAL DECISION ON PROJECT:**

- PROJECT APPROVED  
 PROJECT DISAPPROVED

VOTE RECORDED: all in favor DATE OF LOCAL ACTION: 6/15/20

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

SIGNED: Luige Hannah TITLE: Planning Board Secretary

RECEIVED

*LB* JUN 16 2020

**RESOLUTION  
ALTAMONT PLANNING BOARD**

VILLAGE OF ALTAMONT

**RESOLUTION, FINDINGS, AND DECISION ON  
REQUEST FOR SPECIAL USE PERMIT AND SITE PLAN APPROVAL**

WHEREAS, the Village of Altamont Planning Board (“Planning Board”) has received an application from Stewart’s Shops Corp. (“Stewart’s”) for a special use permit and site plan approval in connection with the redevelopment of its existing store and gasoline service station on property it owns located at 1001 Altamont Blvd. and 107-109 Helderberg Ave. (the “Project”); and

WHEREAS, Stewart’s has been operating at its existing location at 1001 Altamont Blvd. since 1980 and is a lawful, non-conforming property under the Village of Altamont Zoning Law (“Zoning Law”); and

WHEREAS, in 2018, Stewart’s applied to the Village of Altamont Board of Trustees (“Village Board”) to change the zoning on an adjacent piece of property located at 107-109 Helderberg Avenue from Residential-10 (“R-10”) to Central Business District (“CBD”) so that the two lots could be merged and redeveloped with a new Stewart’s store and gasoline filling station; and

WHEREAS, on or about December 12, 2018 the Village Board, acting as Lead Agency under the State Environmental Quality Review Act (“SEQRA”), adopted a Negative Declaration and thereafter, adopted Local Law No. 1 of 2018 which rezoned 107-109 Helderberg to CBD; and

WHEREAS, the Village Zoning Officer had previously determined that the Project qualified as a “Convenience Store” under the Zoning Law; this determination was appealed to the Village of Altamont Zoning Board of Appeals (“ZBA”), and by decision dated May 28, 2019, the ZBA held the Project qualified as a “Gasoline Service Station” under the Zoning Law; and

WHEREAS, in the Spring of 2019, the Village Board’s zoning determination was challenged in a legal proceeding in Albany County Supreme Court; and

WHEREAS, thereafter, the Village Board undertook a second coordinated review for the Project under SEQRA that included the Village Planning Board (“Planning Board”) as an involved agency; and

WHEREAS, the Village Board issued a Negative Declaration for the Project on November 19, 2019 and thereafter adopted Local Law No. 2 of 2019 reaffirming its rezoning of 107-109 Helderberg to CBD; and

WHEREAS, Stewart's applied for and was granted (3) area variances for the Project by the ZBA on March 31, 2020; and

WHEREAS, on March 12, 2020, Stewart's submitted an application to the Planning Board for a Special Use Permit and Site Plan Approval for the Project (including a request for lot line adjustment waiver to combine two lots)(collectively, the "Applications"); and

WHEREAS, demolition of the structure currently located on 109 Helderberg Avenue is a necessary aspect of the Applications; and

WHEREAS, the Planning Board duly noticed and held a public hearing on the Applications on April 27, 2020 at which time all members of the public wishing to speak were heard and kept the public hearing open for an additional fourteen (14) day period to receive written comments; and

WHEREAS, the Planning Board referred the Applications to the Albany County Planning Board pursuant to N.Y. General Municipal Law §239-m on April 7, 2020; and

WHEREAS, Stewart's submitted a final set of revised plans to the Planning Board on June 1, 2020, consisting of a Title Sheet (T-1) and thirteen (13) page drawing set (S-1) to (S-13), last revised May 29, 2020; and

WHEREAS, the Planning Board has reviewed and considered all public hearing comments that were received on the Applications, Stewart's responses to comments that were received on the Applications, including but not limited to revised plan sets and response to comments from the Planning Board's professional consultants; and

WHEREAS, the Planning Board has reviewed and considered all of the materials before it, including the materials submitted by the Applicant, and detailed comments of the Planning Board's consultant, members of the public and individual members of the Planning Board; and

WHEREAS, the Planning Board has publicly deliberated on the Applications and considered the factors for consideration for special use permit and site plan approval set forth in Sections 355-35(E) and 355-36(E) of the Village of Altamont Zoning Law; and

WHEREAS, the County Planning Board issued a recommendation to the Planning Board on April 16, 2020 which contained no finding of a county-wide or intra-community impact.

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

The Planning Board hereby approves the proposed Site Plan Application and issues a Special Use Permit pursuant to the Village of Altamont Zoning Law Sections 355-35 and 355-36 and approves the related request for lot line adjustment waiver, subject to specified conditions set forth as follows:

### FINDINGS AND GENERAL CONDITIONS

The Project requires approval by the Planning Board of a Special Use Permit and Site Plan Review, and an internal lot line adjustment to merge the two lots. The Village Zoning Law provides standards for each of these approvals. For ease of reference, the applicable standards and/or criteria are restated below (in italics) with a discussion that follows as to how there is compliance with the zoning provisions or how compliance is achieved with the imposition of a condition of approval.

### SPECIAL USE PERMIT

The Village Zoning Law sets forth specific factors that must be considered when determining whether to grant or deny a special use permit. See Zoning Law §355-35(E). These factors are restated in italics below.

- (1) The physical characteristics, topography and other features of the lot and the scale and physical design and other features of any new or existing buildings to be occupied by the use are suitable and adaptable for the proposed use without any modifications which would change the established character of the street or neighborhood setting.*

Planning Board Findings: The Planning Board determines that the Project Site and redeveloped Stewart's Shop is suitable and adaptable for the proposed use and will not change the established character of the street or neighborhood setting. There is an existing Stewart's Shop located at 1001 Altamont Blvd. which has operated as a store and gasoline station since in or around 1980. The Project Site is part of the Village's Central Business District ("CBD"). The established character of the street and neighborhood setting is a mix of commercial and residential uses. The Project is in accord with the existing character of the neighborhood and the new building has been designed to be consistent with the Village's commercial design standards. See Zoning Law §355-20. Specific features, including but not limited to the addition of a porch, peaked roof dormers, a cupola, and choice of exterior materials including clapboard siding and stone veneer accents, add to the overall attractiveness of the building and are consistent with what is found in the surrounding neighborhood.

- (2) The nature and intensity of operations of the use will not be more objectionable to surrounding properties than those of a permitted use.*

Planning Board Findings: The Planning Board finds that the nature and intensity of the new Stewart's Shop operations will not be more objectionable to surrounding properties than those of a permitted use. As noted above, Stewart's has been operating a store and gasoline station at 1001 Altamont Blvd. since in or around 1980. The existing use is permitted at this location on a lawful, pre-existing non-conforming property. With the acquisition of the neighboring property at 107-109 Helderberg Avenue and rezoning to CBD, the Project Site is now more compliant with minimum lot size than the site of its current operation. In addition, the location of the new building will eliminate a travel lane and associated traffic that currently exists between the existing store and neighboring residential property. The location of the building will also act as a shield or barrier between the adjacent residential neighborhood and commercial operations on the Project Site and the larger CBD. In addition, the hours of operation will not be altered from the current store. Deliveries and dumpster pick-ups have also been limited to the hours of 7:00 am and 7:00 pm Mondays through Fridays, and 9:00 am to 7:00 pm on Saturdays and Sundays, by condition imposed by the ZBA. Finally, it is noted that diesel fuel sales are not expected to materially change the nature and intensity of Stewart's operation, as it has confirmed that the proposed diesel sales configuration will only allow fueling at 7-8 gallons per minute versus the 15-16 gallons per minute high flow diesel which is typically used for tractor trailer fueling.

- (3) The use is not in such proximity to a religious facility, school, community center, recreation place, or other prominent place of community activity and public assembly so as to regularly conflict with such other activity and thereby constitute a danger to health, safety or general welfare.*

Planning Board Findings: The Planning Board finds that the Project is not in such proximity to a religious facility, school, community center, recreation place, or other prominent place of community activity and public assembly so as to regularly conflict with such activity.

- (4) The use will not unreasonably increase or introduce traffic congestion or safety hazards or impose traffic volumes on streets and street patterns which are deficient in width, design, sight distance, intersection configuration, or other typical standards necessary to accommodate such traffic changes.*

Planning Board Findings: The Planning Board finds that the use will not unreasonably increase or introduce traffic congestion or safety hazards or impose traffic volumes on deficient streets. Stewart's submitted a Traffic Study by Creighton Manning Engineering, dated June 7, 2019 which was reviewed during the Lead Agency's review of potential environmental impacts under

SEQRA. The Traffic Study found there would only be a negligible increase to traffic as a result of the Project (a ten [10] trip increase in both the AM and PM peak hour). In addition, one (1) of the three (3) existing driveways will be eliminated as part of the Project reducing the total width of unrestricted driveway access from 107 feet to 60 feet. The NYSDOT Regional Permit Engineer has also confirmed the proposed access configuration conforms to applicable NYSDOT standards. There will also be new pedestrian access from Helderberg Avenue that does not currently exist making the site more pedestrian friendly.

*(5) The use makes adequate provision for off-street parking in accordance with these regulations.*

Planning Board Findings: The Planning Board finds the proposed Project makes adequate provision for off-site parking. The Project is in conformance with Village Zoning Law §355(22)(D)(1) and utilizes a 20% “credit” pursuant to §355(22)(C)(2).

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

Planning Board Findings: The Planning Board finds the design of the proposed structures and facilities are appropriate in this location and incorporate reasonable efforts to harmonize the Project with surrounding uses and mitigate adverse impacts on surrounding uses. As noted previously, the Project Site is part of the Village CBD and the surrounding neighborhood includes a mix of commercial and residential uses. Stewart’s has incorporated many features in the design of the Project to mitigate any adverse impacts on the surrounding uses. The proposed site design will eliminate a travel lane and associated traffic that currently exists between the existing store and neighboring residential property and act as a shield or barrier between the adjacent residential neighborhood and commercial operations on the Project site and the larger CBD. To minimize impacts on the residence located at 111 Helderberg Avenue, proposed lights have been eliminated from the southern elevation of the building, a cooler condensing unit has been relocated from the southern to eastern elevation, and the remaining mechanical equipment and condensing unit on the southwestern side of the building will be surrounded by a retaining wall with an 8-foot high cedar fence on the top. The Planning Board finds that waiver is appropriate to permit the location of the proposed dumpster to be removed from the southern property line to a location closer to the creek which also allows an overhead light to be relocated farther away from the neighboring residence. The Lighting Plan submitted by Stewart’s meets the requirements of the Village of Altamont Zoning Law, but Stewart’s has agreed to further mitigate any potential adverse impacts from light

or glare by reducing the number of light soffits on the northeast elevation of the building from five (5) to three (3) and replacing the 5,700 kelvin light bulbs that were originally proposed for outdoor use with 4,000 kelvin light bulbs. Decorative light fixtures have also been added at the driveway entrances to match other decorative light fixtures in the area. The new building has also been designed to be consistent with the Village's commercial design standards, including but not limited to the addition of a porch, peaked roof dormers, and a cupola, and choice of exterior materials including clapboard siding and stone veneer accents, add to the overall attractiveness of the building and are consistent with what is found in the surrounding neighborhood. A Stormwater Management Plan and Stormwater Pollution Prevention Plan ("SWPPP") that complies with the NYSDEC Stormwater Management Design Manual has been prepared and reviewed by the Village DPW and the Planning Board's reviewing engineer, B&L Engineering. Finally, a landscaping plan has been developed with input from qualified professionals retained by Stewart's and the Planning Board that incorporates new plantings on Helderberg Ave., Altamont Boulevard, the area adjacent to the creek and along the southern elevation in the area between the retaining wall and adjacent residential property. The Planning Board finds these design features will harmonize the new Stewart's Shop and operations with surrounding uses and adequately mitigate any adverse impacts on surrounding uses.

Notwithstanding the foregoing, the Planning Board finds that noise impacts from the Project can be further mitigated by the addition of a sound blanket along the fence to the south of this property in an area between the condensing unit/HVAC. The Planning Board will require this additional mitigation as a condition of this approval.

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

Planning Board Findings: For the reasons stated above, the Planning Board finds the cumulative impacts of the use in the proposed location will not interfere with or diminish the continued use, preservation, stability, value, enjoyment, prosperity or growth of the neighborhood or community. Again, it is noted the existing Stewart's Shop has been operating at 1001 Altamont Boulevard since in or around 1980. Cohesive design features and landscaping incorporated in the Project design will improve the appearance of the area and create a pedestrian connection to Helderberg Avenue which is currently lacking. Any impact on the larger neighborhood and community is expected to be positive.

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

Planning Board Findings: The Planning Board finds the Project will not materially affect the use and enjoyment of other properties in the neighborhood as a result of the design features and mitigation measures that have been incorporated into the Project. The existing Stewart's Shop has been operating at 1001 Altamont Boulevard, adjacent to an existing residential use, since the 1980's. However, the record does not establish that the use or enjoyment of that property will be adversely impacted by the Project or that its value will be materially affected. The record includes correspondence from a local realtor that states the construction of a Stewart's immediately adjacent to a residence will have a negative effect on property value, but this comment disregards the fact that the existing Stewart's Shop and gasoline filling station is adjacent to a residential use and has been operating at that location for approximately thirty (30) years. It also does not take into account the additional mitigation that has been incorporated into the Project design since the date of that letter, including moving one condensing unit at the property owner's request, incorporating Arborvitae plantings that will shield the property owner's view of the retaining wall and fence (which already block views of mechanical equipment on the building's southern elevation), introduction of a solid, cedar wood fence on top of the retaining wall. The letter also disregards that the location and configuration of the new building will act as a shield or barrier similar to the existing residence at 107-109 Helderberg; like the existing residential building next door, the new Stewart's Shop building will physically separate the residence at 111 Helderberg from the light, noise, and traffic associated with commercial operations to the north of the building, on the Project site and in the larger CBD. The existing traffic lane or pass through and associated traffic that is presently located between the existing Stewart's Shop and adjoining residential parcel will also be eliminated. In addition, the relocation of the proposed dumpster, associated lighting, and condenser unit away from the adjacent residential use, elimination of all lights along the building's southern elevation, and inclusion of a retaining wall with 8-foot high cedar fence on top will adequately mitigate any visual impact associated with the building itself. Noise impacts on the adjoining residential use can also be further mitigated by the addition of a noise blanket along the fence to the south of the property which shall be required as a condition of this approval.

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

Planning Board Findings: The Planning Board finds that the proposed use is in accord with the several goals and objectives set forth in the Village of Altamont Comprehensive Plan, including but not limited to promoting walkable neighborhoods by creating a pedestrian connection to Helderberg Avenue that currently does not exist, allowing for the continuation and redevelopment of an existing business in the Village CBD, reducing the number of existing curb cut/driveway access on the Project Site, and enhancing streetscaping through the use of benches, decorative lighting and attractive landscaping. It is also noted that the Village Board of Trustees has already determined that a rezoning of 107-109 Helderberg Avenue to CBD is consistent with the Village of Altamont Comprehensive Plan.

## SITE PLAN

The Village Zoning Law sets forth specific factors that must be considered when determining whether to approve or deny a proposed site plan. See Zoning Law §355-36(E). These factors are restated in italics below together with the Planning Board's findings relating to each factor.

- a) *Full conformance of the site plan with the provisions of this chapter.*

Planning Board Findings: The Planning Board finds that the Project complies with applicable code provisions.

- b) *Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, drainage channelization structures and traffic controls. Consideration will also be given to the project's impact on the overall traffic circulation system of the neighborhood and the Village.*

Planning Board Findings: Stewart's submitted a Traffic Study by Creighton Manning Engineering, dated June 7, 2019 which was reviewed during the Lead Agency's review of potential environmental impacts under SEQRA. The Traffic Study demonstrated that there would be only a negligible increase to traffic as a result of the Project (a ten [10] trip increase in both the AM and PM peak hour). In addition, one (1) of the three (3) existing driveways will be eliminated as part of the Project, reducing the total width of unrestricted driveway access from 107 feet to 60 feet. The NYSDOT Regional Permit Engineer has also confirmed the proposed access configuration conforms to applicable NYSDOT standards. There will also be a new pedestrian access from Helderberg Avenue that does not currently exist making the site more pedestrian friendly.

- c) *Adequacy of fire lanes and other emergency zones, traffic circulation and system of fire hydrants.*

Planning Board Findings: Stewart's has provided a Vehicle Routing Plan showing the adequacy of internal circulation for fire protection vehicles.

- d) *Adequacy and arrangement of pedestrian traffic access and circulation, including, but not solely limited to, separation of pedestrians from vehicular traffic, control of intersections and overall pedestrian convenience; where appropriate, consideration of access and facilities for bicycles.*

Planning Board Findings: As noted above, one (1) of the three (3) existing driveways will be eliminated as part of the Project, reducing the total width of unrestricted driveway access from 107 feet to 60 feet. The NYSDOT Regional Permit Engineer has also confirmed the proposed access

configuration conforms to applicable NYSDOT standards. There will also be a new pedestrian access from Helderberg Avenue that does not currently exist making the site more pedestrian friendly. In addition, the Project includes a bike rack that can accommodate five bikes which will be located in the proximity of the sidewalk off Helderberg Avenue.

- e) Location, arrangement, site, design and general site compatibility of buildings, lighting and signs. As much as it is possible, consideration should be given to noise sources, privacy, prevailing wind directions and seasonal sun movements when locating structures, patios and open spaces on parcels, exhaust fans and outdoor waste disposal locations.*

Planning Board Findings: The location, arrangement, site, design and general site compatibility of buildings, lights, signs, noise sources (condensers and HVAC equipment), and outdoor waste disposal locations, have been considered and are discussed in detail above. In addition, it is noted there are no building mounted signs proposed and only one free-standing sign that meets the requirements of the Village Zoning Law.

- f) Location, arrangement and setting of off-street parking and loading areas.*

Planning Board Findings: As noted previously, the Project is in conformance with Village Zoning Law §355(22)(D)(1) and utilizes a 20% “credit” pursuant to §355(22)(C)(2). In addition, the proposed loading area is located to the “rear” of the building in conformance with Village Zoning Law 355(20)(A)(9).

- g) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise-detering buffer between these adjoining properties.*

Planning Board Findings: A landscaping plan has been developed with input from qualified professionals retained by Stewart’s and the Planning Board. The landscaping plan incorporates new plantings on all sides of the Site, including along Helderberg Ave., Altamont Boulevard, the area adjacent to the creek and along the southern elevation in the area between the retaining wall and adjacent residential property. It also provides for the retention of existing landscaping at the corner of Altamont Boulevard and Helderberg Avenue. It is noted that the Applicant complied with the conditions of the ZBA Area Variance approval by submitting an opinion from a qualified professional stating what species of tree would be best suited to provide screening in the area between the new building and adjacent residential property. The Planning Board reviewed this opinion and, with the assistance of its own professional consultants, worked with Stewart’s to develop a landscaping plan that would provide the desired buffer but also have the best chance to survive and thrive given the physical characteristics of the site and existing plantings on the adjacent property. At the Planning Board’s request, Stewart’s evaluated the possibility of relocating the sidewalk on Altamont Boulevard adjacent to the curb to enable the creation of an expanded green space between the sidewalk and parking lot, but ultimately found that it was not

feasible due to the location of the utility pole on Altamont Boulevard which is within NYDOT's right of way.

- h) In the case of an apartment house or multiple-dwelling complex, the adequacy of usable open space for playgrounds and informal recreation.*

Planning Board Findings: Not applicable.

- i) Adequacy of provisions for the disposal of stormwater and drainage, sanitary waste and sewage, water supply for fire protection and general consumption, solid waste disposal and snow removal storage areas.*

Planning Board Findings: A Utility Plan, Stormwater Management Plan, and SWPPP have been submitted and reviewed by the Village DPW and the Planning Board's consulting engineer, Barton and Loguidice, P.C. The plans are acceptable and meet applicable standards and guidelines. It is noted that the Utility Plan has been revised to show existing utilities being disconnected and new water and sanitary sewer lateral connections installed to serve the new building.

- j) Adequacy of structures, roadways and landscaping in areas with moderate to high susceptibility to flooding and ponding and/or erosion.*

Planning Board Findings: See above, in addition to a Stormwater Management Plan and SWPPP, Stewart's has prepared and submitted a Grading Plan, both of which have been reviewed by Village DPW and the Planning Board's consulting engineer, Barton and Loguidice, P.C. It is noted that the Project Site is adjacent to the creek/stream. There are gabions on the streambank located on 1001 Altamont Boulevard and the adjacent residential property at 111 Helderberg Avenue. Barton and Loguidice, on behalf of the Planning Board, and Village DPW have visited the site and confirmed the portion of the streambank on the Project Site between the gabions is stabilized with stumps left after localized tree removal earlier this year. Localized areas of erosion at the ends of the gabion walls were identified, but this erosion was characterized as "modest." Barton and Loguidice and Village DPW recommended additional plantings along the top of the streambank as the preferred method for preventing further erosion. Additional plantings have been added in the form of dogwood shrubs and perennials. Notes have also been added which will require plantings in this area to be installed by hand digging.

- k) Protection of adjacent properties against noise, glare, unsightliness or other objectionable features.*

Planning Board Findings: The location of the new building will act as a shield or barrier separating the adjacent property at 111 Helderberg Avenue and adjoining residential neighborhood from the light, noise, and traffic associated with commercial operations to the north of the building, on the Project site and larger CBD. The existing traffic lane or pass through and associated traffic that is presently located between the existing Stewart's Shop and adjoining residential parcel will be eliminated. To further minimize impacts to the home at 111 Helderberg Avenue, proposed lighting has been removed from the southern elevation of the building, a cooler condensing unit has been relocated from the southern to eastern elevation, and the remaining mechanical equipment and condensing unit on the southwestern side of the building will be surrounded by a retaining wall with an 8-foot high cedar fence on the top. The Planning Board has also given approval to relocate the dumpster from the southern property line to a location closer to the creek which also allows an overhead light to be relocated farther away from the neighboring residence. The landscaping plan has also been developed with input from the adjacent property owner and now includes a mix of deciduous trees and Arborvitaes to further shield the neighbors' view of the retaining wall and fence.

As stated above, the Planning Board will also require a sound blanket between the Project and adjacent residential property to further mitigate noise impacts from the condensing unit/HVAC on the southern building elevation.

- l) Retention of existing trees and vegetation for protection and control of soil erosion, drainage, natural beauty and unusual or valuable ecology.*

Planning Board Findings: As noted above, a Stormwater Management Plan, SWPPP, and Grading Plan have been submitted and reviewed by Village DPW and Barton and Loguidice, on behalf of the Planning Board. Village DPW have visited the site and confirmed the portion of the streambank on the Project Site between the gabions is stabilized with stumps left after localized tree removals earlier this year. The landscaping plan includes notes requiring native vegetation to remain on the stream side of the existing fence line and for new plantings proposed in this area to be installed by hand digging. It also provides for the retention of existing landscaping at the corner of Altamont Boulevard and Helderberg Avenue.

- m) Consistency with the neighborhood and Village character.*

Planning Board Findings: There is an existing Stewart's Shop located at 1001 Altamont Blvd. which has been operating since in or around 1980. The Project Site is part of the CBD and the established character of the street and neighborhood setting is a mix of commercial and residential uses. The Project is in accord with the existing character of the neighborhood and the new building has been designed to be consistent with the Village's commercial design standards. *See* Zoning Law §355-20. Specific features, including but not limited to shielded lighting, the addition of a porch, peaked roof dormers, and a cupola, and choice of exterior materials including clapboard

siding and stone veneer accents, are consistent with what is found in the surrounding neighborhood. The configuration of the building, parallel to the street rather than at an angle, also makes the site more consistent with the desired neighborhood aesthetic and Village character than the current site configuration.

*n) Consistency with the character of the National Historic District.*

Planning Board Findings: The Project Site is outside the National Historic District. Regardless, as noted above, Stewart's has added design features and configured the new building to be consistent with what is found in the surrounding neighborhood.

*o) The proposed use and site plan comply with all regulations applicable to the district in which it is located.*

Planning Board Findings: The Project and proposed site plan is compliant with applicable regulations in the CBD and the Area Variances that have been approved by the ZBA.

*p) The proposed use and site plan are to be developed in such a way as to provide maximum land use efficiency and amenity within the site and in relation to surrounding uses, based upon a reasonable consideration of the site plan and functional requirements of the proposed use.*

Planning Board Findings: The Project and site plan have been designed to maximize land use efficiency in relation to surrounding uses. The location of the new building will act as a shield or barrier separating the adjacent property at 111 Helderberg Avenue and adjoining residential neighborhood from the light, noise, and traffic associated with gas island and commercial operations on the Project Site and other commercial operations in the larger CBD. The elimination of one curb cut/driveway and the existing traffic lane or pass through and associated traffic that is presently located between the existing Stewart's Shop and adjoining residential parcel, will improve the overall site circulation and mitigate impacts on the adjacent residential use. The configuration of the building, parallel to the street rather than at an angle, will also create a pedestrian connection to Helderberg Ave. which is currently lacking on the site.

*q) The proposed use and site plan recognize and will not impede development of any adjoining vacant land resources.*

Planning Board Findings: Not applicable.

*r) The proposed use and site plan will not have an adverse impact upon the character or integrity of any land use within the immediate neighborhood having unique recreational,*

*cultural, historical, architectural, or other special community values, including those inherent in any conservation areas identified on the Zoning Map.*

Planning Board Findings: There are no conservation areas identified on the Zoning Map in the immediate neighborhood. In addition, for reasons that have already been stated, the Project will not have an adverse impact upon the neighborhood and will be consistent with the desired neighborhood aesthetic and existing character.

- s) The proposed use and site plan are physically and visually compatible with and will not impede the development or redevelopment of the general neighborhood or adversely affect existing land uses surrounding the site, including but not limited to adverse effects of dust, noise, vibration, heat, glare, or odor.*

Planning Board Findings: For reasons that have already been stated, the Planning Board finds the Project is compatible and will not impeded the development or redevelopment of the neighborhood or adversely affect existing land uses. It is noted that Stewart's will be required to submit a full and complete demolition plan to the Village Building Department prior to any proposed site demolition.

- t) The site plan provides and permits adequate supporting services such as fire and police protection, public and private utilities and all other supporting governmental services necessary and appropriate to the proposed use.*

Planning Board Findings: Stewart's has provided a Vehicle Routing Plan showing the adequacy of internal circulation for fire protection vehicles. In addition, a Utility Plan has been submitted and reviewed by the Village DPW and the Village's professional consultant, Barton and Loguidice.

- u) The site plan design and control of vehicular and pedestrian traffic provide for the maximum safety of the general public and the occupants, employees, visitors, and other persons using the site.*

Planning Board Findings: As stated previously, the Project is compliant with NYSDOT regulations and improves overall site circulation and pedestrian access from Helderberg Avenue. The elimination of one curb cut/ driveway and traffic lane behind the existing Stewart's Shop, and new pedestrian connection to Helderberg Ave. will improve safety for pedestrians and drivers.

- v) Consideration of the recommendations of any architectural guidelines as may be adopted by the Village of Altamont.*

Planning Board Findings: The Project has been designed to be consistent with the Village's commercial design standards. See Zoning Law §355-20. Specific features, including but not

limited to shielded lighting, the addition of a porch, peaked roof dormers, and a cupola, and choice of exterior materials including clapboard siding and stone veneer accents, are consistent with what is found in the surrounding neighborhood. The configuration of the building, parallel to the street rather than at an angle, also makes the site more consistent with the desired neighborhood aesthetic and Village character than the current site configuration.

w) *The building design for commercial buildings in compliance with § 355-20 of this chapter.*

Planning Board Findings: As stated above, the Project has been designed to be consistent with the Village's commercial design standards. See Zoning Law §355-20.

#### LOT LINE ADJUSTMENT WAIVER

For the reasons set forth above, the Planning Board determines the proposed lot line adjustment to merge the two lots making up the Project Site (1001 Altamont Boulevard and 107-109 Helderberg Avenue) will not adversely affect the site's development, adversely impact neighboring properties, alter the essential character of the neighborhood or negatively impact the health, safety or welfare of Village Residents. A waiver for lot line adjustment to allow the two lots to be merged is hereby granted.

#### CONDITIONS OF APPROVAL

- 1) The Landscaping Plan, last revised May 29, 2020 shall be revised to include Broadmoor Juniper plantings along Altamont Boulevard.
- 2) The Landscaping Plan, last revised May 29, 2020 shall be revised to reduce the number of sumac shrubs in the area adjacent to the creek side and behind the dumpster and replace with additional daylilies as shown in a proposed Landscaping Plan submitted to the Planning Board and dated June 12, 2020.
- 3) The Planning Board acknowledges that the location of benches proposed on Altamont Boulevard is contingent upon obtaining NYSDOT approval. If NYSDOT does not approve the placement of benches along Altamont Boulevard, the benches shall not be required.
- 4) The Planning Board incorporates and adopts the ZBA condition limiting all deliveries and dumpster pick-ups to between the hours of 7:00 a.m. and 7:00 p.m. Mondays through Fridays, and 9:00 a.m. to 7:00 p.m. Saturdays and Sundays.
- 5) The clapboard siding on the exterior of the new building shall be painted with a pearl grey colored paint. The hardie board scalloped siding shall be painted with a grey slate colored

paint. Any proposed paint color substitutions shall be subject to Planning Board approval.

- 6) A forty-five (45) foot sound blanket will be erected between the southern elevation of the building and retaining wall. The blanket shall be installed in the area of the condensing unit and HVAC/ noise generating equipment and to further mitigate noise impacts to the adjoining residential property.
- 7) All exterior lighting shall utilize light bulbs that are 4,000 kelvin or less.
- 8) There shall be a maximum of three (3) exterior light soffits on the northeast elevation of the building (one under each dormer).
- 9) The wood frame dumpster enclosure shall be constructed from hardie board material used for the building. The dumpster enclosure gate shall be made of cedar wood.
- 10) The 30-inch diameter locust tree behind the wood fence should be removed if it is confirmed to be dead to prevent it from falling over and blocking the stream. The Planning Board acknowledges that tree removal would have to be done in compliance with U.S. Fish and Wildlife Service requirements. If the tree is taken down, the stump must remain in place to avoid any destabilization of the streambank.
- 11) A Demolition Plan shall be prepared and submitted to the Building Department with application for Demolition Permit. The Demolition Plan shall identify the items to be removed, sequence of removals, access to customers/ deliveries, signage to aid customers during construction stages and any other detail that shall be required by the Village of Altamont Building Department. Per the recommendations of the Planning Board's consultant engineer, Barton and Loguidice, the plan should also include notes to comply with OSHA CFR 29 and all Federal, state, and local codes for demolition and proper disposal of waste materials, and notes to monitor excavations for contaminated soils due to the historic use of the site as a gas station.
- 12) Demolition and construction work shall be limited to the hours of 8:00 am to 6:00 pm Mondays through Saturdays.
- 13) The detail for the underground stormwater management system still shows use of existing soil materials despite repeated requests for gravel. This must be revised before the final site plan is signed.
- 14) Stewart's shall coordinate with Village DPW superintendent on all utility connections and submittal of piping connection products.

- 15) Stewart's Applicant shall continue to provide the Village with copies of all correspondence with NYSDOT.
- 16) Stewart's shall be responsible for obtaining all other necessary permits, approvals and certificates from other agencies with jurisdiction over the Project.
- 17) All outstanding escrow fees/ invoices for professional services shall be paid by the Applicant before presenting the final site plan for signature.

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

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

The motion was moved by Barbara Muhlfelder

The motion was seconded by John Hukey

The vote was as follows:

	Aye	Nay
Chairwoman Hext	<u>✓</u>	_____
Hukey	<u>✓</u>	_____
Caruso	<u>✓</u>	_____
Muhlfelder	<u>✓</u>	_____
Rue	<u>✓</u>	_____

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 Planning Board at a special meeting held June 15, 2020, 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:

MEMBERS PRESENT	MEMBERS ABSENT	VOTE
Chairwoman Hext		Yea/Nay
Hukey		Yea/Nay
Caruso		Yea/Nay
Muhlfelder		Yea/Nay
Rue		Yea/Nay

Witness my hand and the seal of the Village of Altamont, this 16<sup>th</sup> day of June, 2020.

  
\_\_\_\_\_  
GINGER HANNAH, SECRETARY  
VILLAGE OF ALTAMONT PLANNING BOARD