

Village of Altamont Zoning Board of Appeals
Regular Meeting
September 27, 2022

Deb Hext, Chairperson
Danny Ramirez, Member
Barbara Muhlfelder, Member
Simon Litten, Member
Robert Freeman, Member
Sal Tassone, Member
Laura Murphy, Member
James Sullivan, Member / Alternate

Gary Goss, Building Inspector/Code Enforcer
Allyson Phillips, Village Attorney (absent)
Ginger Hannah, Secretary
Tresa Matulewicz, Board Liaison (absent)

Applicant:
Troy Miller
Stephen Walrath, Surveyor
Rolando Andres, PM

Guests: 1

Chairperson Hext opened the meeting at 7:05 p.m. and welcomed everyone to the Village of Altamont Zoning Board of Appeals meeting. She pointed out the emergency exits and stated that the meeting will be video and audio recorded. She introduced herself as Deb Hext, Chair of the Zoning Board of Appeals and asked the board members to introduce themselves. They did as follows: Danny Ramirez, Sal Tassone, Laura Murphy, Simon Litton, Bob Freeman, Barbara Muhlfelder, and James Sullivan, Alternate. Chair Hext said we also have representing the Village Gary Goss, our Building Inspector and Ginger Hannah, Secretary.

This is a pre-application meeting at the request of Troy Miller for subdivision of property at tax map #37.14-3-6.1 into 11 building lots.

Stephen Walrath, Land Surveyor, gave a presentation on the proposed subdivision. He stated: I'm Steven Walrath. I'm a land surveyor. I live right here in the Village. I've known Troy for quite a while. What Troy is proposing to do is create a subdivision of 11 lots. It's on 13 acres. According to the zoning, I think we can get like 24 lots and that would include a new Village highway going through it. Troy doesn't want that much density on it. One thing we would need is down Schoharie Plank Road we've got four keyhole lots there that share approximately 64 feet altogether. They each have 16 feet on Schoharie Plank Road. I know the zoning requirement is 30 feet wide for a keyhole lot. We went with the 16 feet. Obviously that would require a variance. New York State requires 15 feet as a minimum on a public highway for a parcel in a subdivision. So that's essentially what we'd like to do is to narrow those down and have one common driveway just for the four lots coming off of Schoharie Plank Road.

On Western Avenue we have lands which are VanAuken's. I think that's new. You can see how the property line is like a 10th of a foot off of the southwest corner of it. Troy has talked with the owner, and we're going to slide that whole parcel 10 feet to give him 10 feet off the house instead of an inch and a quarter. And what that is going to do is we've got three keyhole lots up here above that. One of them is 22 feet shown on the map. That is going to create an extra 10 feet. So that would be 32 feet. So all of those would conform with the Village's requirement for the keyhole lots.

There are no wetlands on the property. I did take a look at FEMA's flood map and there's just a little small portion of it, right along Schoharie Plank Rd, right along the edge of the woods right there. So obviously this would get put on the map also, but I just took a look at that today and said I'll just bring that in.

Chair Hext asked if there were any questions:

A discussion followed between the Board, Applicant Troy Miller and Mr. Walrath.

Questions / Concerns raised:

Building Inspector Goss: Both with the access into the properties, below the minimum width of 30 feet, they're going to have to get an area variance for those. In our code, if it's below 30 feet, it's going to be required to have an area variance for any of those lots.

Chair Hext: If the ingress from the road is less than 30 feet.

Building Inspector Goss: Yes. I didn't see any notes on the map explaining how the common driveway or access road would work for the four lots off of Schoharie Plank Rd. How would that road be maintained? Or is it going to be part of like a road use agreement or...

Mr. Walrath: The four parcels would have cross easements to use the 64 foot wide strip. And then there would be a maintenance agreement for the driveway from this portion where they all meet out to Schoharie Plank Road. So the homeowners would be responsible for that, and there's nothing that the Village is responsible for. It would be the same on Western Avenue.

Chair Hext: That's one thing that going forward we would need shown on the map.

Mr. Walrath: And there's just a couple other things. Larry Adams has a little shed and a flower bed across the line there. Troy has talked with Larry, and Troy is just going to convey him a small piece of property just to alleviate the encroachment.

Chair Hext: Paul Miller (Fire Chief) had some concerns about ingress and egress for emergency vehicles and the ability to turn around in these condensed driveways.

Mr. Walrath: Any turnaround or width of the road would be designed in conformance with the New York State Fire Code. If it's longer than 500 feet, you'd have to put like a little bump out so you could get two way traffic in there for an emergency vehicle and whatnot. But then any kind of turnaround here would have to be designed so a firetruck could get in there and turn around and be able to come out.

Chair Hext: The restrictions and the easements, those will be shown on the plat as well?

Mr. Walrath: Yes and we would provide legal descriptions of each of the lots and the easements. And then we could get wording put together for the driveway maintenance agreement that you could review and make sure it all it works.

Chair Hext: And any agreements that you have made for Larry and the other neighbors.

Mr. Walrath: Yes. They will be on the map too.

A discussion was had around Board Member Litten's question of the R15 zone, with a minimum of 15,000 sq. ft. lot size – is there a maximum lot size, and what is the right number of houses for this area. It was pointed out that for Schoharie Plank Road, this dead end street, less houses is better – less traffic, less impact on water/sewer, on neighbors, the flood zone and on the fire department's ability to access the houses, and have a few well-maintained homes.

Mr. Walrath: We talked about behind the properties on Schoharie Plank Road, doing like a 20 - 25 foot buffer, like a no-cut zone, so it would grow up and provide a natural barrier between the new houses and those on Schoharie Plank Road.

Chair Hext: We as a Board require an escrow for our engineer to look at everything, and perhaps legal counsel. Normally we ask for \$1,500 in escrow for the engineer.

Mr. Walrath: I think typically once you get past the concept stage, then you start getting into preliminary design, you submit all the engineering plans, and the Village's designated engineer can look at it and say this is how much it's going to cost me to review this. Then you write a letter and say, we need X amount of dollars in escrow for the review.

Chair Hext: Schoharie Plank Road is pretty beat. Are there any plans to improve that road?

Mr. Walrath: No, that'll all come out in a traffic study and Jeff's and the engineer's input.

Board Member Ramirez: Areas of concern:

- Emergency vehicles having to leave the site won't be able to get past another vehicle.
- And then taking a snow load somewhere - if it's not cleared properly. Would you consider making that wider?
- Vegetation disturbance and areas that are not going to be disturbed in the construction. You mentioned about adding a buffer.
- How about fire hydrants? If the hydrant's in the street and the length of the fire hose goes off of Western Avenue, you're looking at 450 feet from the street to get to the house, let alone wherever the fire hydrant might be. Is that a consideration or something that the fire department might think about that they want something in and on the property?

Chair Hext: I don't know that it would be something that we would consider, but I think it would definitely be something that our fire department would require and maybe our fire inspector.

Board Member Ramirez: Since a water main has to go up that way, just the same. Just for safety.

Mr. Walrath: I think the New York State Fire code, if you're under 500 feet, doesn't require like a pull off or something - is that how it works, Rolando (Project Manager)? And we're under 500 feet of length from a public highway to the house. So this would conform with the New York State Fire Code requirements because it's under 500 feet in length from the road to the houses.

Chair Hext: But how far is it from an existing fire hydrant?

Mr. Walrath: We'll certainly have all that worked out. The plats show the existing fire hydrants - on Schoharie Plank Road to the right of the common driveway, there's one in front of Deb Johnson's property and on Western Avenue, across from Lot 11. And right across Schoharie Plank Road there's a circle with an S in it that means a sanitary manhole for water and sewer.

Board Member Ramirez: You mentioned earlier about the variances that you'll need on the garage on lot nine - the wood frame home on the existing property. On lot number four that you have off of Western Avenue, the one with its own driveway, would you consider not going for

those variances on that house and bringing that driveway up and joining it to the other common driveway?

Mr. Walrath: I know what you're talking about. I did look at that and the issue with that is it requires another frontage over here. So then it would squeeze those four and then it would require variances for the frontage.

Board Member Ramirez: Anything considering sidewalks? I know there's sidewalks across Western.

Chair Hext: - I had that too – We require sidewalks now. So you can put an escrow in for sidewalks at some given time. There's also now a parks fee that is charged and it's \$1,500 per lot. What we have done in the past is as you get the building permits to build the houses, that's when you pay the parks fee. So that you're not going to have that lump sum. That's 315-28 in our code. Then 315-29 mentions sidewalks and streetscape, if you want to know where to find that in our code.

Mr. Walrath - I've looked at that. Sidewalks - that pertains to if you're creating a public highway.

Chair Hext: But you're running along a public highway.

Mr. Walrath: Where would you propose the sidewalks? The only place we're running along a public highway is the frontages on Western and the 64 feet over here.

Chair Hext: It really is at the discretion of the Board. We could require sidewalks even if it was on Schoharie Plank Road. There are sidewalks on the Western side of Western.

It was suggested that a crosswalk be put in and signage, but also noted that drivers won't stop on Western for a crosswalk.

Board Member Ramirez: What the Village does sometimes is require that money be in escrow with the intent because of the code that they might build that sidewalk somewhere else - so extend the sidewalk somewhere else and not necessarily in front of the properties.

Chair Hext: That was something that Allyson (Village Attorney) was going to look into to be sure that we can do that. Because it would be nice to try to get some of these sidewalks connected. We seem to have them here and there throughout the Village. But if it's not the right thing to do, it's not the right thing to do.

Chair Hext: Now site and distance, especially the ones coming out onto Western...?

Mr. Walrath: It's more than adequate, I can guarantee that already.

Board Member Muhlfelder: I've been approached by a couple of people that live on Schoharie Plank Road about the flooding near the foot bridge to Euclid.

Mr. Walrath: That would all be addressed when we get the engineer involved and he starts doing the grading plan and addressing drainage and how are you going to control it, like going off of the site.

Chair Hext: And would your engineer show even on the preliminary plat that there are no wetlands? Would there be something to say that it has been looked at?

Mr. Walrath: Yes.

Code Enforcer Goss: If you look in our code in section 355-17, the zoning law provides that there shall be no more than two access points into a major subdivision. So if you look at the map here, lots 1, 2, 3, 5, 6, 7, and 8 are all served by those two ingress and egress points. However, lots 4, 9, 10, and 11 have individual access from the public street, but they're part of the same major subdivision. So because of that, if you look further down in the code, the subdivision regulations state that lots shall not in general derive access exclusively from a major street. Where driveway access from a major street may be necessary for several adjoining lots, the Zoning Board of Appeals may require such that lots be served by a combined access drive in order to limit possible traffic hazards on the street. That's in 315-27. So it is within the Board's authority to require a common access drive if you feel that those four lots on Western Avenue would cause an issue with traffic.

Chair Hext: Yes - about site (distance), whether coming out of those driveways - would it not only block that driveway, but would it interfere with the site of the existing homes coming out there anywhere? What do you think Gary?

Code Enforcer Goss: It looks like lot 11 comes out on that little road. I don't think that's an issue really. The other ones, I think there's enough viewing room and it's not like that corner is a real tight turn that you can't see far enough way. And it's not like the speed limit's 55 mph.

Mr. Walrath: It's 30 mph. I'm not sure what the distance requirement is for site distance, but I know we meet it with all the driveways.

Board Member Ramirez: Because the speed limit in Village is 30, I don't think that would be a major impact. To consider whether the additional cuts into the highway you know, if it were 45 or better, it's something to consider. On the preliminary plat, when you come back before us, is there a way you could show the site distance?

Mr. Walrath: Yes.

Chair Hext: Just so that we had something that shows we explored that and because of the way the site distance is, the Board decided it wouldn't be required to have different access routes.

Mr. Walrath: Yes, we can provide that because Western Avenue is a state highway (State Route 397), and that's one of the things that they would require us to give them for a curb cut approval.

Chair Hext: We need to make sure we touch base with the state, the county and the town.

Code Enforcer Goss: Regarding the fire hydrants that you talked about - bringing them off of the street. I don't have the code in front of me, but I know there's a lot of references in there that something could be required by the authority having jurisdiction, which would be me and Paul (Fire Chief Miller) together. To put one a certain number of feet off the road, closer to the houses. On Schoharie Plank Road - didn't DPW just replace the water main going down through there last year when there was a break? I know there was work done there.

Chair Hext: So that's something you could talk to Paul Miller (Fire Chief) or Chuck Hughes (Fire Inspector) about.

Mr. Walrath: Troy just brought something up which - this is unusual because the Zoning Board and the Planning Board are the same board, right? The variance is required for the width of the keyhole lots. Would we need to apply for the variances first? Generally you need to get the variance approved before you go to the Planning Board, before you start spending a lot of money designing a project, because if you're not going to get a variance for it, then you're not going to pursue it.

Board Member Ramirez: This is your lucky year because we are both one board.

Mr. Walrath: Question - this is the pre-concept hearing. So I'm assuming we need to put an application in for the variances and then once we have those, then we can put the application or proceed with the preliminary plans for the subdivision?

Chair Hext: Yes. We could probably do that in one meeting - put the application in for the variances. And put the application in for the subdivision. And then come back before us. The one thing that I will tell you is - the first thing that you have to prove for a variance is that it's not a self-created hardship and that there's no other way to do this than to ask for a variance.

Chair Hext: Okay, HOA access, private road maintenance, keyhole lot. Once we see the application and the preliminary plat, since it's a major subdivision and since we have the right to do this and since I think that it's going to have a lot of neighbor involvement, I think we will require a full SEQRA. Just to make sure that we're answering all the questions that may or may not concern neighbors.

Board Member Muhlfelder: When would we have public comment?

Chair Hext: The only time the public can officially comment is at the public hearing, which is going to be a couple of meetings away. When they come back before us with the preliminary plat and answer any other questions that they need to, based on tonight, if I thought it would benefit the applicant and us to not have to keep coming back, I might allow a question or two - that's my prerogative. If it's too crowded or whatever, I probably would not do that. I'd rather get the questions out there if there's only one or two instead of having it at the public hearing and then they have to come back. But officially, public comment cannot be done until the public hearing.

Board Member Ramirez: Will we need an agreement between Larry and Catherine T. Adams with that garden and shed that's back there?

Mr. Walrath: We're going to revise it and show that as being combined with the lands of Adams. So right now it's shown like it's part of a lot. We're going to draw a line there someplace and say that's not part of a lot. That's just a piece. It's like a lot line amendment, to move the line.

Board Member Ramirez: If this goes through, it would have to be part of public record.

Mr. Walrath: It'll be on the plan.

Chair Hext: That'll require a lot line adjustment.

Mr. Walrath: Yes. There's going to be a lot line adjustment there. And then there's also going to be a lot line adjustment up here where the house is only like an inch away from the line, and we're going to move the whole thing 10 feet. So there will be two lot line adjustments, as well as the subdivision. It'll all be together.

Mr. Walrath: One question on the full EAF, do you need that at application for the variances?

Chair Hext: It would probably be to your benefit because if we don't have it, then we're going to have to have another meeting to review the SEQRA.

Chair Hext: I think that's all I have, Gary. Anyone else have any other questions, concerns? Conceptually we can make a motion to approve the concept plan and schedule our next meeting, if you think you would be ready by the end of October.

Code Enforcer Goss: You guys talked to the neighbors along Schoharie Plank Road? Is the temperature warm on this?

Mr. Walrath: I talked to one woman, the one on the left side of the driveway coming off of Schoharie Plank Road. The house is 5.6 feet off the line. That was a year and a half ago when I was doing the surveying out there. She said if I'm only going to look at three or four houses, I'd rather do that than look in somebody else's backyard. And also have the road so close to her house. I just don't like the idea of putting a road, clearing that out, have a 60 foot wide right of way, and have a road literally 20 feet from the house. If you've got 30 feet of pavement, you've got 15 feet left of the right of way and five to the house.

Applicant Mr. Miller: I worked a deal out with them like I did on Bozenkill. We created a lot of no-cut zone areas. I mean, I think it's been very minimal. My idea of a buffer is that it's a no-cut zone. And whomever we sell the house to can plant trees, or whatever. And then whatever they put in can never be cut.

Mr. Walrath: There'll be a deed restriction in there. That it is kind of like a no-cut zone or you can plant stuff, let it grow up. Leave it alone.

Chair Hext: Anything like that as far as disturbance and minimal invasive into the existing

neighborhood, we can review all that, but I think it's definitely something that we should keep in the back of our minds and make sure that we're serving the existing community.

Board Member Ramirez: Will they have a planting schedule?

Chair Hext: A landscaping plan?

Mr. Walrath: We'll have like an erosion, settlement control plan, limits of disturbance, so you can physically see how much is going to be disturbed like around the house, because people are going to have a yard and then behind Schoharie Plank Road, they'll be an area there, whether it's a conservation area or a no-cut zone - that will all be shown on there.

Chair Hext: And that'll be shown on the landscaping part.

Mr. Walrath: Yes, because there's an existing tree line there and we purposely put the rear of the lot lines right along that tree line so it can stay there.

Chair Hext: And what about a SWPPP - storm water prevention plan?

Mr. Walrath: That goes on how much acreage we disturb. If the limits of disturbance are over five acres, then it would require a SWPPP.

Chair Hext: It's 13 acres.

Mr. Walrath: It depends on your limits of disturbance. If you build all the houses, you're not going to disturb the entire thing. You're going to build the driveways here and then the house, and there's going to be a box around the house that would be disturbed area during the construction of it. And it's just a question of figuring out how much area you need around the house and what does that add up to.

Chair Hext: Larry, could you check with Jeff on that and just make sure? Thank you.

Board Member Tassone: What about lighting?

Mr. Walrath: I don't know - if there will be streetlights or something going up the driveway.

Chair Hext: Good question - because there would be light trespass into what's now 13 acres and homes going up.

Board Member Tassone: And people will probably walk in there.

Board Member Muhlfelder: One comment that was made with a fellow on Indian Maiden - they did not want construction vehicles parking on their street. That was one of the requests made. And for the construction people that are working there not to be parking all over the place.

Mr. Walrath: With the first house that's going in, you're going to have to build the driveway going in for that. And it's going to have to be substantial enough to have trucks go in and out there without destroying it.

Chair Hext: We can require that the construction vehicles won't be blocking or parking - certainly they won't be parking on Western, they can't.

Applicant Miller: Ro says we'll have everything ready in two weeks.

Mr. Walrath: This is Rolando (Ro) Andres, he works for me – he's going to be the Project Manager on the project.

Chair Hext: Any other questions?

Applicant Mr. Miller: I'd just like to say I've spoken to at least half the neighbors, but there's enough land there, with the neighbors who have reached out to me, I'm more than reasonable about making a lot line adjustment or doing whatever makes them happy and a good situation. So I feel confident short of them just not wanting something in their backyard that we could do things between the Board and myself willing to make that happen.

Chair Hext: Let's get all the questions out there now. Let's get the Long Form EAF done. That addresses a lot of concerns that a resident might have.

Mr. Walrath: You're right.

Chair Hext: So if nobody has anything else, could we have a motion to approve the concept plan - not approving the development. We're not approving anything other than what we see here. The Board is only conceptually approving it, and they need to address each and every one of the Board's concerns or requirements going forward. Board Member Muhlfelder made the motion, seconded by Board Member Freeman.

Roll Call:

Board Member Freeman: Approved
Board Member Litten: Opposed
Board Member Muhlfelder: Approved
Board Member Murphy: Approved
Board Member Ramirez: Approved
Board Member Tassone: Approved
Chair Hext: Approved

Mr. Walrath: Thank you.

Chair Hext: Again, we're just approving conceptually what we're seeing, we're not approving the subdivision. So if we were to meet, it would be October 25th. Thank you guys.

Chair Hext: Does anybody have any other business that they'd like to discuss - the Board?

Board Member Ramirez: Yes. Just cruising by just this past Sunday, John Donato on Altamont Boulevard has still not painted any lines on the parking lot, and for handicapped parking. The minutes did not reflect that a timeline was given for him to do that, so it was recommended that Gary give him a reminder to do so.

Chair Hext: Just in case I don't show up to a meeting, we're going to have Danny Ramirez facilitate.

Board Member Ramirez: But it would be with the longest serving member of the board, if I recall.

Chair Hext: We'll check that out.

Board Member Muhlfelder: Regarding John Donato's property - we had talked about who was responsible for telling the renters about the flood plain. We were going to ask Allyson.

Chair Hext: There's nothing that we can do past tense, for the people that are there now. It is up to the landlord to tell them that they're in a flood plain. I would imagine any renter's insurance would ask that question, and I can't imagine anybody not having renter's insurance these days. But I asked Allyson and she said there's really nothing you can do now. Going forward, if he wants to do anything there, it's fine to mention it, but it's not really up to us to contact the people that are there.

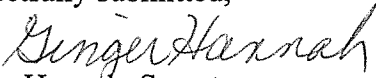
It was asked if Hoarder's Honeypot was in the store yet – no, planned for mid-October.

Board Member Murphy made the motion to approve the minutes of the June 28, 2022 Zoning Board of Appeals Meeting. Board Member Ramirez seconded the motion. **Roll call. All in favor.**

Board Member Muhlfelder made a motion to adjourn the meeting, seconded by Board Member Litten. **Roll call. All in favor.**

Chairperson Hext: Thank you everyone. Meeting was adjourned at 8:25 p.m.

Respectfully submitted,


Ginger Hannah, Secretary

Attached: Letter from Stephen P. Walrath dated August 25, 2022 and copy of Concept Plan.