

Village of Altamont Zoning Board of Appeals
Regular Meeting
September 26, 2023

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

Gary Goss, Building Inspector/Code Enforcer
(absent)
Ginger Hannah, Secretary
Tresa Matulewicz, Village Board Liaison
Jeff Moller, DPW Superintendent (absent)
Paul Miller, Fire Chief
Village Attorney Allyson Phillips

Applicants:

Ro Andres, Project Manager for CM Fox
Chris Wolff
Darrell and Patty Doak
Robert and Meri-Beth Spring

Guests: 8

Chair Hext said good evening, everyone. Welcome to the Village of Altamont ZBA meeting. Exits are right over here, over there, and in the back. For the record, both the audio and video portions of this meeting will be recorded. My name is Deborah Hext. I'm the ZBA Chair.

She asked the Board Members to introduce themselves, and they did as follows: Barb Muhlfelder, Andrea Witham, James Sullivan, and Robert Freeman. Chair Hext said we also have representing the Village tonight Ginger Hannah, our ZBA Secretary; Tresa Matulewicz, Village Board Liaison; and Allyson Phillips, Village Council.

Chair Hext said the first three items on tonight's agenda are continuations of public hearings from last month. The first one is a Continuation of the Public Hearing on Application for Special Use Permit requested by Chris Wolff to refinish part of basement at 982 Altamont Blvd., Tax Map #48.06-3-8, to create an apartment for Applicant's elderly mother-in-law. Do we have anyone that would like to speak on that particular item? No. Does the Board have any questions on what we've received? No. Could I have a motion to close the public hearing? Board Member Muhlfelder made the motion, seconded by Board Member Sullivan. **Roll Call: All in Favor.**

Chair Hext noted that we did receive a schematic from the applicant's engineer. And it looks like we have everything on here that we had asked to show represented: the egress window, CO detectors, exits and entrances. I don't think there was anything else that we asked for. Everything looks fine to me. Does anyone have any questions on what was submitted by the engineer? No. Does the applicant have anything that they want to say? No. Okay, then given that could I have a motion to approve the resolution once we read it? She asked Attorney Phillips to read the resolution.

Attorney Phillips said: This is a resolution that we prepared for the Board's consideration to approve the special use permit (see attached resolution). She noted there is one proposed condition that the applicant shall obtain any necessary approvals from the Albany County Health Department and Village of Altamont before any connections are made to Altamont water and sewer systems. Not clear if that's needed, considering it's the existing basement.

Chair Hext said I don't think that there's any other conditions that we wanted to have stipulated in the resolution. Could I have a motion to approve the application and the resolution? Motion was made by Board Member Muhlfelder, seconded by Board Member Sullivan. **Roll Call: All in Favor.**

Chair Hext said to Chris Wolff that Gary (Building Inspector) will be in touch for a building permit.

Chair Hext said the second item on tonight's agenda is a Continuation of the Public Hearing on Application for Variance requested by Robert Spring for wood or vinyl fencing 6' in height at 157 Bozenkill Road, Tax Map #37.09-1-2.2. Since the Public Hearing is still open, is there anyone that would like to comment further on that? No. Okay. Then could I have a motion to close the public hearing? Motion was made by Board Member Freeman, seconded by Board Member Muhlfelder. **Roll Call: All in Favor.**

Chair Hext said we have a resolution prepared to approve the variance. Attorney Phillips read the resolution (see attached resolution).

Attorney Phillips stated that the applicant did submit an application for area variance, which required filling in the five factors to weigh and balance for the area variance. If the Board agrees with those findings, we would append that as your findings to this resolution. Unless the Board has any additional conditions they'd like to impose on the approval, it can go ahead and take a vote.

Chair Hext said I don't think I had anything as far as the variances are concerned. I know that we have spoken with the neighbor that would be directly affected by this and he has no problem with this going forward. We have the five factors, it's set back from the road - it's not directly on the road - and they did agree to cut down the size of the fence so it wouldn't be as visible from the road. So if the Board agrees with all that could I have a motion to accept the draft resolution to approve the variance? Motion made by Board Member Freeman, seconded by Board Member Sullivan. **Roll Call: All in favor.**

Chair Hext said the next topic of discussion is to continue Public Hearing on Application by Patty Doak for Minor Subdivision of 138 Western Avenue, Tax Map #37.14.2.5. One thing that we need to go through with this is SEQRA determination of significance. So we will do that first.

Attorney Phillips said I can give a little explanation. The reason the procedure's a little different on this application is this is an application for a subdivision approval pursuant to the Village of Altamont zoning law in New York State law. The Board needs to consider and make its findings under SEQRA, its determination of significance, before closing the public hearing on the subdivision application and deliberating on the application. The applicant has submitted a short environmental assessment form. The Board has had that to review, and we have prepared a draft Part 2 EAF that we can go over now to help the Board in considering its determination of significance under SEQRA.

And again, this is for the short form that was submitted by the applicant. The questions correspond to the information that was provided on Part I of the EAF. In this draft, I have proposed answering each of these questions with no or small impact based on the information that was provided in Part 1 of the EAF. I'll also note that I also checked the parcel information on the New York State DEC Environmental Resource mapper and came up with some additional information about the parcel. It was identified as containing or adjoining property that contains wetlands or other water bodies, archeological sensitive areas and listed animals or habitat. But upon further review of the maps, it's not on the property, it's on adjacent lands. So the Board can consider that. And if we move on to Part 3 of the EAF, those facts are noted in the reasoned elaboration supporting a negative declaration, if that's the Board's determination.

Chair Hext noted that Steve (Walrath) isn't here tonight, and he had noted at the last meeting that he would reach out to SHPO about the burial grounds location. Do you have an update on that? I walked back there today to try to take pictures, but it was too wet.

Ro Andres, Project Manager for Walrath Surveying, said Steve reached out to SHPO and they notified him as such that they have no involvement with the state education department, the folks who had put the placard up, and that there is no record of the site being anywhere within the property of the parcel.

Chair Hext: So do we want to get a little more clarification on that or...

Attorney Phillips: Typically there is a process where you can initiate a consultation through SHPO asking for them to give a written statement of no effect on identified historic or cultural resources. Here we do have the information provided on the DEC'S environmental resource mapper, and then what sounds like was confirmed in the field that this burial site is not located on the subject property. But I understand the concern if it is on adjacent lands. I don't want to suggest that you put a condition on it that can't be complied with. Do you know if Steve initiated consultation through SHPO's online CRIS system?

Ro Andres: I cannot confirm that, but they had spoken to that, that there was essentially no need to, as it wasn't under any other ticket item in the registry.

Attorney Phillips: Okay. So, Steve has reached out to SHPO and the response back was that there's no need for further consultation because it's not identified as being sensitive for those historical or archeological resources and it did come up flagged, but again, containing or adjacent to; so that's consistent with the findings in the field that it's not located on the property. If the Board wants to proceed with consideration of the application tonight, it could put a condition on the approval that perhaps Steve can submit something in writing for the record just documenting the outreach that he did, before the map is submitted for final signature by the ZBA Chairwoman, just so that we have that for the record. But the Board can proceed with consideration of the resolution tonight with that as a final condition.

Chair Hext: I feel that would be fair. Yes. I want to take it into consideration, I know we had a couple of resident letters that asked us to be sure...

Board Member Freeman: You know if I could just throw this out there. The folks that are selling the property are basically just trying to sell the property, and that's it. Any building or anything like that, I don't believe is going to be in their future. They're just selling the property. I think if something was to go further, I don't think really it'd be their responsibility. But the person who's purchased the property at that time, this is where we may want to entertain, okay, you've got a historical site back there – you've got to be careful of it, or whatever decisions or research has to be done on that, depending on how many houses or whatever are going to go there.

Attorney Phillips: If in the future the person who purchases the parcel isn't looking to further subdivide it - let's say they're just going to build a single family home on it, they wouldn't necessarily come back to this Board. They would just apply to the building department for a building permit, and they would presumably get it and go out and start building. So if there is a concern, we want to make sure that when that time does come, there's something in the record to demonstrate that SHPO was consulted, they don't have any concerns about construction on this property causing any kind of impact. We can have that condition on the resolution. We can follow up with Steve, get that confirmation for the record before you sign the plat so that it can be filed in the county clerk's office.

And that way, at least at this point in time, we have some assurance that at whatever point in the future when that person pulls that building permit, if it's just a single family home, it's not going to trigger SEQRA. Again, they're not going to be back before this Board, but there would be something in the record to demonstrate that the potential for interference with any kind of historical or archeological

resources was considered at the time and we did get assurance for the record that they did not feel it would have any effect.

Chair Hext: I definitely think we would want that as part of the record.

Attorney Phillips: If the Board wants to proceed with SEQRA and move on to consideration of a resolution granting a conditional plat approval, we can put that into the resolution. So if the Board members agree with the answers to these questions on Part 2 of the short environmental assessment form (EAF) 1 through 11 would be no or small impact, we can move on to Part 3, but if you guys want a minute to review it and ask any questions, we can do that.

Chair Hext: I don't, other than eight and nine, which we've addressed. I don't have anything. I can attest to the fact that it's wet back there though because I tried to walk back there today to take pictures and it was very wet. Anyone have any other thoughts? No. Anything else that we want to focus on further, on the first 11 questions on Part 2? No. Okay, then I guess we can move on to Part 3.

Attorney Phillips: So Part 3, the determination of significance - I have prepared a draft reasoned elaboration supporting a negative declaration that I can read for the Board (see attached Resolution – Doak). So if the Board agrees with that reasoned elaboration, we would proceed with checking this box that indicates you've determined based on the information and analysis above the proposed action will not result in any significant adverse environmental impact.

Chair Hext: Is the Board in agreement with that? Yes. Could I have a motion to approve the issuance of a negative declaration on this application? Motion made by Board Member Mulhfelder, seconded by Board Member Witham. **Roll call: All in favor.**

Attorney Phillips: Now that the Board has adopted its determination of significance under SEQRA, you can continue with the public hearing and if there's no additional comments the Board can consider a motion to close.

Chair Hext: Okay. Anyone else have any other comments as it relates to this application?

Resident Ted Neumann on Lark Street, Altamont; I was just wondering if an application for building on this property comes up and they start digging on it and they do discover the grave, then what happens?

Attorney Phillips: If the contractors were at the site and started to dig and encountered human remains? They would be required to stop working and to notify the relevant authorities. Then it would be determined by specialists, either through the New York State Education Department or the local police, as to whether or not those remains were of any kind of historical or archeological significance.

Mr. Neumann: Would they stop building or they would just move them?

Attorney Phillips: It depends. If they were not of any kind of archeological or historic significance, it would be a crime scene. If they were determined to be of an age of some kind of archeological significance, my understanding is that the state education department would assemble a crew who would be able to remove the remains to a point where work could continue on the property.

Mr. Neumann: Okay. Thank you.

Board Member Sullivan: But based on what we heard last meeting from Steve, the site is well marked on the adjacent property.

Chair Hext: Yes. And it's not on the property.

Board Member Sullivan: Right, but it's well marked what is the grave site?

Chair Hext: Yes, there are stones there.

Board Member Sullivan: So we're to believe reasonably that it was checked by whoever put the sign there originally, that that was the site, in fact.

Attorney Phillips: Well, and if we have confirmation, (to Ro Andres - if you want to come up and add), if we have confirmation from the applicant's consultant based on a field investigation, we would like to document that.

Ro Andres, PM: That's right. I can clarify that the burial site is well off of the parcel. And the name on the placard that you see on Western Avenue is the same that is on the gravestones. Again, it's a ways off of the Doaks' property.

Chair Hext: I guess the reason that the placard was put there at the time was because they wanted people to be able to see it and they wouldn't see it if it was put back where the site is. And from my understanding, it's not on the property. It's whomever owns the group home's property. That's where that marker is. I guess they were surprised that their property even went back that far. It's not on the property that's looking to be subdivided. Okay. Anyone else? Okay. Then could I have a motion to close the public hearing? Motion made by Board Member Muhlfelder, seconded by Freeman. **Roll Call: All in favor.**

Chair Hext: Then we can go forward to the resolution with the one condition that we get something in writing.

Attorney Phillips: Yes. So you have a draft resolution approving a final subdivision plat. She read the resolution (see attached). One proposed condition that I have here is that a curb cut must be approved prior to the issuance of any building permits for construction on the newly created lot. And then second, the Board wants to consider a condition to require written confirmation that the New York State Historic Preservation Office, SHPO, concludes no effect on historic or archeological resources.

Chair Hext: And we want that from Steve.

Attorney Phillips: Yes, if you guys can provide it for the record and then we'll say it is further resolved that the ZBA authorizes the ZBA Chairwoman to sign the final plat following satisfaction of condition number two, so that it can be filed in the Albany County Clerk's Office. It is further resolved that the ZBA hereby authorizes and requires the ZBA chair and the ZBA secretary, clerk and Village attorney to take the appropriate steps to effectuate this resolution, including any filing and distribution requirements.

Chair Hext: Okay. Could I then have a motion to approve with the conditions the resolution for the subdivision? Motion made by Board Member Sullivan, seconded by Board Member Freeman. **Roll Call: All in favor.**

Chair Hext: And just to clarify, this does not stop the applicant from subdividing and selling the property, the conditions that we set forth.

Attorney Phillips: We will need to get this documentation for the record before the plat is submitted to you for signature. Then they take that and go right to the county clerk's office and file. I don't expect this is going to be difficult to get.

Chair Hext: I'd just like to thank the applicant for getting all of the information. I know that was a lot of information that you had to provide us, but thank you for doing that.

Applicants: Okay.

Chair Hext: The only other thing we do have on the agenda is if there was any update on the CM Fox subdivision, and Gary has indicated that he has gotten nothing further on that. And that public hearing was closed the month before last.

Attorney Phillips: I can give a little recap, Deb. At the last meeting, the Board did approve a negative declaration for the subdivision and approved area variances for the four keyhole lots. So the next step in the process is for the applicant to submit to the ZBA a preliminary plat to begin the subdivision review process. There were several representations made by the applicant during the proceedings on SEQRA and the area variance where they said they would make certain changes to their preliminary plat to incorporate mitigation measures that have been recommended by our engineer, including some rain gardens and other stormwater treatment devices.

So we have been in touch with the applicant's attorney and suggested that they set up a meeting directly with the Village's engineer so he can communicate clearly to them on what would need to be included on the preliminary plat maps that come in to address his recommendations. So once the Village ZBA receives those preliminary plats, that will start the subdivision review process. And we do have a procedure in our local law for review of subdivisions that will require a new public hearing and also another referral to the County Planning Board. So there will be another review process once we get that plat in. It will basically be focused on the subdivision plat and the procedure for review that's in the Village's subdivision regulations.

Chair Hext: Thank you, Allyson. I haven't heard back from Brad. I know he sent another email. I don't know if he heard back from Steve or the attorney.

Attorney Phillips: Yes, I hadn't heard anything since then. So we can check in, but until the applicant submits that plat, the Board wouldn't take any action to advance the application.

Chair Hext: Thank you. Anybody on the Board have any questions on that? No. Okay. Then the next topic on the agenda is to review the minutes from August 22, 2023.

Do you know if Steve and the attorney reached out? I know Brad sent an email wanting to get together to discuss the concerns for Troy's development. So did you hear whether that's happened? I haven't heard back from Brad.

Ro Andres, PM for Walrath Surveying. Brad, myself and the engineer met last week Thursday to walk the site and speak about some of Brad's concerns. And we're just waiting on the final comments from Brad to address them.

Chair Hext: Okay. Did anybody have anything else? Anything in the minutes? No. Okay then can I have a motion to approve the minutes from the August 22, 2023 meeting? Motion made by Board Member Muhlfelder, seconded by Freeman. **Roll Call: All in favor.**

Chair Hext: The next ZBA meeting if needed will be October 24, 2023. And after that it would be November 28, 2023. Of course that's assuming we get whatever we need in by then. And we'll definitely let everyone know. Anybody have anything else, any other business that they want to discuss?

Board Member Muhlfelder: That'll be a public hearing?

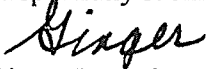
Chair Hext: Yes. Only if something comes in that warrants it. Okay. Then could I have a motion to adjourn the meeting? Motion made by Board Member Muhlfelder, seconded by Board Member Sullivan.

Roll Call: All in favor.

Chair Hext: Thank you everyone.

Meeting adjourned at 7:47 p.m.

Respectfully submitted,



Ginger Hannah

ZBA Secretary

Attachments:

- Wolff – Resolution Approving SUP for basement apartment + contractor drawing
- Spring – Resolution for Area Variance for fence + area variance five conditions document
- Doak – Part 2 and 3 EAF, Resolution Adopting a Negative Declaration for Proposed Subdivision, Resolution Approving Final Subdivision Plat
- email from Steve Walrath and letter from SHPO re: Doak Subdivision

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VILLAGE OF ALTAMONT

RESOLUTION
ALTAMONT ZONING BOARD OF APPEALS

RESOLUTION TO APPROVE
SPECIAL USE PERMIT APPLICATION

WHEREAS, the Zoning Board of Appeals for the Village of Altamont (“ZBA”) received an application from Chris Wolff and Rebecca A. Wolff (collectively, “Applicant”) for special use permit approval for the operation of an accessory dwelling/ in-law apartment at 982 Altamont Blvd. in the Village’s R-10 Zoning District; and

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

WHEREAS, the proposed accessory structure will located in the basement of an existing structure and will not increase the footprint of the existing building or alter its’ exterior appearance; and

WHEREAS, the Applicant submitted an application for special use permit approval on April 7, 2023 (“Application”); and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the following activities are classified as Type II Actions and exempt from review under SEQRA pursuant 617.5(2) and (11): rehabilitation or reconstruction of an existing residential structure on the same site; and

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

WHEREAS, a public hearing was duly noticed and held on August 22, 2023 and continued on September 26, 2023, at which time interested members of the public commented on the Application; and

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

NOW THEREFORE BE IT RESOLVED that the Zoning Board of Appeals:

1. The ZBA hereby finds the proposed action is a Type II Action exempt from review under SEQRA.
2. The Village of Altamont hereby approves the Application for Special Use Permit subject to the following conditions:

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

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

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

The motion was moved by Board Member Muhlfelder.

The motion was seconded by Board Member Sullivan.

The vote was as follows:

Board Members Present: Muhlfelder, Freeman, Sullivan and Witham and Chair Hext – All in Favor.

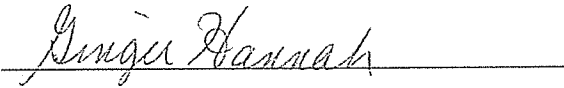
Board Members Absent: Litten and Ramirez

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

I have compared the preceding copy with the original Resolution on file in this office adopted by the Village of Altamont Zoning Board of Appeals at a meeting held September 26, 2023 and I DO HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole of the original. I further certify the vote thereon was as follows:

MEMBERS PRESENT	MEMBERS ABSENT	VOTE
Chairperson Hext		In Favor
Board Members Muhlfelder		In Favor
Board Member Freeman		In Favor
Board Member Sullivan		In Favor
Board Member Witham		In Favor
	Board Member Litten	
	Board Member Ramirez	

Witness my hand and the seal of the Village of Altamont, this 28th day of September, 2023.



GINGER HANNAH, CLERK
VILLAGE OF ALTAMONT
ZONING BOARD OF APPEALS

RESOLUTION
ALTAMONT ZONING BOARD OF APPEALS
RESOLUTION, FINDINGS, AND DECISION ON
REQUEST FOR AREA VARIANCE

WHEREAS, the Zoning Board of Appeals for the Village of Altamont (“ZBA”) received an application from Robert and Meri-Beth Spring (collectively, “Applicant”) for an area variance to construct a wood or vinyl fence 6’ in height in the front/ side-yard on their residential property located at 157 Bozenkill Road, in the Village’s R-20 Zoning District; and

WHEREAS, pursuant to Village Law §355-24(C) no fence more than 3’ high shall be permitted within a front yard, and no fence more than 4’ high shall be permitted within a side yard; and

WHEREAS, the Applicant has submitted an application for area variance together with project narrative which includes an aerial (“Application”); and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the following activities are classified as Type II Actions and exempt from review under SEQRA pursuant to 6 NYCRR 617.5(12) and (17) granting of an area variance for a single, two-family or three-family residence and construction of minor accessory residential structures including fences;

WHEREAS, the ZBA has reviewed the application and duly noticed and held a public hearing on the application on August 22, 2023 and September 26, 2023, at which time all members of the public wishing to speak were heard; and

WHEREAS, the ZBA referred the Application to the Albany County Planning Board pursuant to N.Y. General Municipal Law §239-m; and

WHEREAS, the ZBA has reviewed and considered all public hearing comments that were received on the application, the Albany County Planning Board’s response to the N.Y. GML §239 referral, and additional information relevant to the application and applicable standard of review.

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

1. The ZBA hereby finds the proposed action is a Type II Action exempt from review under SEQRA.
2. The ZBA has considered the standard for Area Variance contained in the Village of Altamont Zoning Law Section 355-52(D)(3) and hereby adopts the determination and findings annexed hereto.
3. The ZBA does hereby grant the application for Area Variance to permit a 6’ high fence at 157 Bozenkill Road in the front/ side yard location identified by the

Applicant.

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

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

The motion was moved by Board Member Freeman.

The motion was seconded by Board Member Sullivan.

The vote was as follows:

Board Members Present: Muhlfelder, Freeman, Sullivan and Witham and Chair Hext – All in Favor.

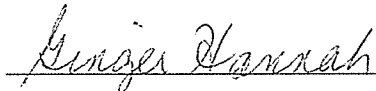
Board Members Absent: Litten and Ramirez

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

I have compared the preceding copy with the original Resolution on file in this office adopted by the Village of Altamont Zoning Board of Appeals at a meeting held September 26, 2023 and I DO HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole of the original. I further certify the vote thereon was as follows:

MEMBERS PRESENT	MEMBERS ABSENT	VOTE
Chairperson Hext		In Favor
Board Members Muhlfelder		In Favor
Board Member Freeman		In Favor
Board Member Sullivan		In Favor
Board Member Witham		In Favor
	Board Member Litten	
	Board Member Ramirez	

Witness my hand and the seal of the Village of Altamont, this 28th day of September, 2023.



GINGER HANNAH, CLERK
 VILLAGE OF ALTAMONT
 ZONING BOARD OF APPEALS

AREA VARIANCE CONDITIONS

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

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

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

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

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

3) Whether the requested area variance is substantial:

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

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

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

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

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

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VILLAGE OF ALTAMONT

RESOLUTION

ALTAMONT ZBA

APPROVING FINAL SUBDIVISION PLAT

WHEREAS, Patricia Doak (the "Applicant"), as Co-Trustee of the Norma A. Holt Irrevocable Trust dated July 20, 2007, has submitted a concept plan for a two-lot subdivision of land located at 138 Western Avenue Village of Altamont; and

WHEREAS, the proposed subdivision is located in the Village's R-20 Zoning District; and

WHEREAS, the Applicant has submitted a proposed plat together with a Short Environmental Assessment Form (EAF) describing the action as a two-lot subdivision to separate 1.8 acres of vacant land from the existing 2.4-acre lot; and

WHEREAS, the ZBA reviewed Part 2 of the Short EAF and did not identify any moderate to large impacts from the proposed action and proceeded to adopt a Negative Declaration thereby completing its SEQRA review for the project; and

WHEREAS, the proposed subdivision was referred to the Albany County Planning Board pursuant to N.Y. General Municipal Law §239-n; and

WHEREAS, the ZBA duly noticed and held a public hearing on the proposed final plat on September 26, 2023 at which time all interested members of the public were heard; and

WHEREAS, the ZBA has reviewed the Application and comments provided at the public hearing and duly deliberated on the Application and considered the criteria and standards for subdivision approval.

NOW THEREFORE BE IT RESOLVED that the ZBA of the Village of Altamont hereby grants final plat approval subject to the following conditions:

- 1) A curb cut must be approved prior to the issuance of any building permits for construction on the newly created lot; and
- 2) Written confirmation that the State Historic Preservation Office (SHPO) has concluded no effect on historic or archeological resources.

IT IS FURTHER RESOLVED that the ZBA authorizes the ZBA Chairwoman to sign the final plat upon receipt of written confirmation required at #2 above so that it can be filed in the Albany County Clerk's Office.

IT IS FURTHER RESOLVED, that the ZBA of the Village of Altamont hereby authorizes and requires the ZBA Chair and the Zoning Board of Appeals 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 ZBA:

The motion was moved by Board Member Sullivan.

The motion was seconded by Board Member Freeman

The vote was as follows:

Board Members Present: Muhlfelder, Freeman, Sullivan and Witham and Chair Hext – All in Favor.

Board Members Absent: Litten and Ramirez

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

I have compared the preceding copy with the original Resolution on file in this office adopted by the Village of Altamont Zoning Board of Appeals at a meeting held September 26, 2023, and I DO HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole of the original. I further certify the vote thereon was as follows:

MEMBERS PRESENT	MEMBERS ABSENT	VOTE
Chairwoman Hext	_____	In Favor
Ramirez	<u> X </u>	_____
Freeman	_____	In Favor
Muhlfelder	_____	In Favor
Sullivan	_____	In Favor
Litten	<u> X </u>	_____
Witham	_____	In Favor

Witness my hand and the seal of the Village of Altamont, this __26th__ day of September, 2023.

Ginger Hannah

 GINGER HANNAH, CLERK
 VILLAGE OF ALTAMONT
 ZONING BOARD OF APPEALS



**New York State
Parks, Recreation and
Historic Preservation**

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

October 13, 2023

Allyson Phillips
Village Attorney
Village of Altamont
Executive Woods
5 Palisades Drive, Suite 300
Albany, NY 12180

Re: SEQRA
Doak Minor Subdivision
138 Western Ave, Altamont, NY 12009
23PR08497

Dear Allyson Phillips:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Even though there is a NYS Education Department sign on the property, it is not listed on the National Register of Historic Places nor are there significant archaeological sites. Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, will be impacted by the subdivision project.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

R. Daniel Mackay
Deputy Commissioner for Historic Preservation Division for Historic Preservation

rev: E. Czernecki

Ginger Hannah

From: Stephen Walrath <spwalrath3@gmail.com>
Sent: Tuesday, October 03, 2023 11:56 AM
To: Deborah Hext
Cc: Allyson Phillips; Ginger Hannah; villagebuilding@altamontvillage.org; pdoak37@yahoo.com
Subject: Re: 895.038.001- Meeting with Engineer for CM Fox

Hi Deb, Allyson, Gary and Patty,

This email is in reference to the burial ground of John Groot located on the Lands of the Center for Disability Services, Inc., the westerly adjoiner of the Lands of Holt 138 Western Avenue - Village of Altamont and the New York State Education Department Historical Marker located on Western Avenue.

On August 24, 2023 I spoke with Erin Czernecki who is in charge of the Community Preservation Services Bureau - Survey & National Register Unit at SHPO for Albany County.

She told me that SHPO has nothing to do with, or any relation to, the New York State Education Department's Historical Markers that were put up in the last century. Separate State Agency.

According to Erin the John Groot Burial Ground is not in SHPO's database and they have no records of its existence.

She also indicated SHPO can not respond to any inquiries by letter or email unless the request comes through a coordinated review by a municipality.

If you have any questions you may contact her at 518-268-2192.

To me it is very clear that the burial ground is not on the Lands of Holt and their proposed subdivision will have no impact on it as it is located and identified as not being on their property.

I hope this answers any questions you may still have.

Please feel free to contact me if you have any questions or are in need of additional information.

Thanks,

Steve

Stephen P. Walrath, L.S.

P.O. Box 381

122 Main Street

Altamont, NY 12009

518-986-0125

RECEIVED
LB OCT 17 2023

RESOLUTION # _____

VILLAGE OF ALTAMONT

**RESOLUTION ADOPTING A NEGATIVE DECLARATION
FOR PROPOSED SUBDIVISION**

At a regular meeting of the Village of Altamont Zoning Board of Appeals (“ZBA”) held at the Village Hall in said Village, County of Albany and State of New York, on the 26th day of September, 2023, 7:00pm, there were present: Chairperson Hext and Board Members Muhlfelder, Freeman, Sullivan and Witham.

WHEREAS, Patricia Doak (the “Applicant”), as Co-Trustee of the Norma A. Holt Irrevocable Trust dated July 20, 2007, has submitted a concept plan for a two-lot subdivision of land located at 138 Western Avenue Village of Altamont; and

WHEREAS, the proposed subdivision is located in the Village’s R-20 Zoning District; and

WHEREAS, the Applicant has submitted a proposed plat together with a Short Environmental Assessment Form (EAF) describing the action as a two-lot subdivision to separate 1.8 acres of vacant land from the existing 2.4-acre lot; and

WHEREAS, the ZBA has duly considered the contents of the EAF and completed Parts 2 and 3 thereof; and

WHEREAS, the ZBA has identified the relevant areas of environmental inquiry and taken a hard look at them.

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

THAT THE ZBA determines that the proposed subdivision will not have significant adverse impacts on the environment; and

BE IT FURTHER RESOLVED, that the ZBA hereby authorizes filing of the Negative Declaration (attached hereto and made a part hereof), according to SEQRA, 6 NYCRR Part 617.

IT IS FURTHER RESOLVED, that the ZBA Clerk and the Attorney for the Village are hereby directed to take such actions as are necessary to implement this resolution.

WHEREUPON, this Resolution was declared adopted by the Village of Altamont ZBA: The motion was moved by Board Member Muhlfelder.
The motion was seconded by Board Member Witham
The vote was as follows:

Chairperson Hext and Board Members Muhlfelder, Freeman, Sullivan and Witham – all in favor.

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

I have compared the preceding copy with the original Resolution on file in this office adopted by the Village of Altamont Zoning Board of Appeals at a meeting held September __, 2023, and I DO HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole of the original. I further certify the vote thereon was as follows:

MEMBERS PRESENT	MEMBERS ABSENT	VOTE
Chairwoman Hext	_____	In Favor
Ramirez	___X___	_____
Freeman	_____	In Favor
Muhlfelder	_____	In Favor
Sullivan	_____	In Favor
Litten	___X___	_____
Witham	_____	In Favor

Witness my hand and the seal of the Village of Altamont, this __26th__ day of September, 2023.

Ginger Hannah

 GINGER HANNAH, CLERK
 VILLAGE OF ALTAMONT
 ZONING BOARD OF APPEALS

Project:	Doak Subdivision
Date:	September 26, 2023

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

*Short Environmental Assessment Form
 Part 3 Determination of Significance*

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The proposed action is a two-lot subdivision to separate a vacant 1.8 acre portion of land from an existing 2.4 acre lot located in the Village’s R-20 Zoning District. The ZBA has considered Part 1 of the EAF and compared it to the information that is publicly available through the NYSDEC Environmental Resource Mapper. Upon further review, it was noted that the subject property is identified as containing or adjoining property that contains: 1) wetlands or other water bodies; 2) archeological sensitive areas, and; 3) listed animals or habitat (Northern Long-Eared Bat). The ZBA has reviewed this additional information and determined that the proposed action will not result in any moderate or large impacts. The environmental Resource Mapper does not show any regulated wetlands on the subject property. Also, the applicant does not propose any new construction on the vacant parcel and the newly created lot accords with applicable dimensional requirements.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Village of Altamont ZBA	September 26, 2023
Name of Lead Agency	Date
Deborah Hext	ZBA Chairwoman
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

