

Village of Altamont Zoning Board of Appeals
Regular Meeting
April 25, 2023

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

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

Guests: 5

Chairperson Hext opened the meeting at 7:00 p.m. and welcomed everyone to the Village of Altamont Zoning Board of Appeals meeting. She noted where the exits are 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, which they did as follows: Danny Ramirez, Andrea Witham, James Sullivan, Simon Litten, Barbara Muhlfelder, and Bob Freeman. Also representing the Village: Gary Goss, our Building Inspector and Tresa Matulewicz, Board Liaison.

Chair Hext noted that at the request of Troy Miller a few weeks ago, the meeting reviewing his application has been put off, so it will not be on the agenda tonight – she knows it was in the Enterprise. She noted that if you want to know what's on the agenda, whether it's for a Village Board meeting or a Zoning Board of Appeals meeting, please check the Altamont Village website or call the Village office, and they can tell you. With that, we only have one item on our agenda tonight, and that is to review a request for a Variance submitted by Mark Fanuele at 36 Sanford Place to allow parking a 2016 enclosed trailer in the driveway on the side of the garage. She invited Mark to come up and give a quick overview.

Mr. Fanuele introduced himself and said I've been living at 36 Sanford since 1993, and I have always parked the trailer on the side of my house. It's kind of like the basketball court when my kids were little and it's tucked in on the side of my garage and I use it for recreational dirt bikes in the summer and snowmobiles in the winter. I didn't realize it was not in compliance with the variance until I got the letter. So I got with Gary immediately and filled out the application, which was quite lengthy and extensive, to the best of my and Gary's ability - Gary helped me out a lot; he was instrumental in helping me navigate that. And the main reason is if I put it in the back - I could do that - I have mature trees on both sides, so I would kind of have to impinge on either neighbor's property to be in compliance. But at where it sits, it's kind of blocked by a huge mature pine tree. My garage on one side, my neighbor's mature apple tree on the other side, and then all my vehicles kind of block it. If I backed it into my yard, it would be exposed on all sides for all my neighbors, including all the people that, like when you come down Groot Drive, it's not a corner lot, but next to the corner. So I just figured that that was hopefully the best spot to have it. It's been there for 30 years. I would move it in the back, but I would be pretty much having to cut down mature trees, which I really don't want to do, and put another drive in.

Chair Hext: Could you cut the bottoms off the one tree that sits behind and that way get it a little further in?

Mr. Fanuele: I could try to manicure the tree a bit, but I really don't want to take it down because it's kind of my privacy from the road. Where it sets, it's pretty much blocked on three sides and then most times four sides. Then when you throw in the summertime where the trees are full, he's got a maple tree in the front, my neighbor on the side. My main concern was the people on that side of the house.

Chair Hext - On the right side. Looking at your house.

Mr. Fanuele - The side where the trailer sits. They are an older couple - friends of mine. And I went right to them and he said, no, I've never had a problem with it.

Chair Hext - He submitted a nice letter.

Mr. Fanuele - Chuck's a really good guy and we kind of kibitz over our gardens; that's where we spend most of our time. So that's why I applied for the variance. Cause I really didn't want to impinge on him or any of my neighbors. I ever since day one I've had it there kind of tucked in so that it was not as much of an eyesight as it could possibly be.

Chair Hext - Thank you. Does anybody have any questions or concerns or observations that you would like to discuss with Mark?

Board Member Muhlfelder - I drove by today and I did see the trailer and I did see the big tree. If you did cut down some of the lower branches, it looked like the driveway or the _____ (inaudible) ended, so you'd have to really park it on your lawn.

Mr. Fanuele - Yeah. I really didn't want to do that - the main reason is the clay. If I had something that was like a boat trailer that sits for four or five months where like it's storage, but it's something I use pretty much every weekend. It's not a work thing at all. I run snowmobiles in the winter and dirt bikes in the summer. That's the whole gist of it. Me and my kids do it together.

Board Member Muhlfelder - Thank you.

Board Member Freeman - I did take a ride by, and being in your situation, snowmobiles, no dirt bikes, but having to have a trailer parked and whatever. I mean, it's a nice trailer. It's not like it's an old handmade trailer or anything of that nature. It's up to date, neat property, it's parked, tucked in. And of course, we got a letter from your neighbor too. So I would hate to see cutting down any more trees or anything like that. Especially if anybody from the back can see over. I'm sure it's fenced in, but I myself personally thought it was neat and tidy. And again, it's a newer trailer. It's not anything that's old or it's not a billboard for anything.

Mr. Fanuele - If it was like a scrapper's trailer, which you see on occasion, it wouldn't even be there.

Chair Hext - But what you just said is part of the issue. Are we setting a precedent here for the next person that comes before us that has a scrapper trailer or has an RV that's falling apart, that they swear they're going to redo at some point in time. We have to look at the whole picture and I know you, you know me - your property's always been beautiful. I don't have a problem with it. I have a problem with what we're doing going forward.

Board Member Freeman - If they say they're going to do something with it, then you say, listen, you have X amount of time to do it, and be good on your word. I know you, and I know that you keep your stuff nice.

Mr. Fanuele - We keep our property as neat and tidy as we can. My main concern was my neighbors. I went right to them and he said no, I've never had a problem with that. I said oh, ok. And he said do you want to write a letter? I will. And I said, okay, I appreciate it.

Board Member Freeman - And that means a lot.

Mr. Fanuele - Super nice couple. We do a lot for them. They do a lot for us. If I moved it to where you're saying, that's where we meet on the evenings after work. Because my wife has raised beds, they have little gardens and we spend most of our time with our neighbors across our backyard fences.

Chair Hext - Anybody else?

Board Member Sullivan - I just had a question to clarify with Gary. The checklist says a use (variance), but the paperwork says area (variance). Just common paperwork for both?

Code Enforcer Goss – Yes.

Board Member Sullivan - I drove by also. I know everything looks great. The trailer's in great condition, property's beautiful. Makes me feel like I need to go out and take care of my yard. My only concern was how we handled a similar request for a use variance in the fall. Similar situation. It wouldn't have impacted neighbors at all. And it was made really clear that there were certain criteria that had to apply and we weren't able to help this person out. And it seems like we'd have to apply that same criteria, right?

Chair Hext - Well, actually it was on him. He never came back. He dropped it. It was going to be a done deal and he never came back before the Boards. It wasn't on the Boards, it was on the applicant.

Board Member Sullivan - Okay.

Board Member Ramirez - Is it a licensed trailer and insured?

Mr. Fanuele - It's always been registered and licensed and insured. It's kind of like a mini RV. We race motocross on the weekend, so we kind of live out of it on the weekends, and it's like a little mini shop; but it's not a business thing. But moving it off the property was my first consideration - there's just too much money there. It's a \$10,000 trailer. I probably got about \$10,000 worth of tools in it. Then you throw dirt bikes in at 10,000 apiece, snowmobiles 15,000 apiece. I just like it where it is and I immediately responded to Gary's letter and Gary was instrumental in helping me navigate the forms and to make sure I had all the information that you guys could possibly use to look at the situation.

Chair Hext - And you did a very good job.

Board Member Freeman - I also think one of the most important things is that you're good with your neighbors. And that's a big thing.

Mr. Fanuele – I think if it was to move in the back, it would be like a big blockade between me and my neighbors. We help them, they help us all the time.

Board Liaison Litten - So if we grant the variance, that variance becomes a permanent part of that property?

Chair Hext - Gary and I were just talking about that. I don't know. Does it or, if they were to move and somebody else wanted to park an RV there, does that go with the property or would they have to reapply?

Code Enforcer Goss - I think it depends on how your ruling is. In speaking with Allyson about this, she seemed to indicate that there's a way to put a condition where it would sunset with the property. Like if he were to sell the house and new owners were to move in, or if the tree were to die and the tree had to get cut down, that would change the situation.

Board Member Freeman - I would definitely want to apply a condition because as we were talking about before, with someone who's got something that's not as well kept or registered or anything like that, I think we'd be safe in putting that condition on it to safeguard the next owner if Mark decides to sell.

Chair Hext - We could certainly do it on a property by property basis. We're not doing anything tonight; it has to go to a public hearing. So it wouldn't be until next month. But if this variance was approved and then someone else came before us and said, "Hey, you approved this one, why can't I do it?" You have to look at the criteria.

Board Member Freeman - You have to look at it situation by situation, I would say.

Board Liaison Matulewicz - You can't use precedent, I don't believe. You may want to check with Allyson on that, but we can't use precedents with new applicants. You can't look back at old applications. I think it has to each be dealt with as a unique application - check with Allyson on that. As a Board, I don't think you can say, well, we did it for so and so, so now we have to do it with..

Chair Hext - No, we wouldn't say that, an applicant would say that.

Board Member Freeman - I think each situation has to be examined as you go. For sure; I agree.

Board Member Sullivan - I think that's what those three criteria are. They have to be applied equally.

Code Enforcer Goss - I think it's important for the Board to know this piece of information. I saw Mark's trailer in the driveway because he just got back from a trip when I was doing my drive-arounds in the Village. I found five trailers that same night. His was one of them - just because he didn't have it tucked back into the parking space yet. And I've been doing those drives for a year and a half and I hadn't noticed it until that day. So that shows you that it was just by chance that I happened to see that parked there.

Chair Hext - Thank you for that, Gary. Anyone else?

Board Member Ramirez - Because it's not a permanent fixture or structure, I'd recommend that should the variance go forward to be approved, that the size of the trailer - the registration of that trailer - be noted on that variance, because they don't last forever. If you want to get another trailer you're going to have to step forward. I would recommend you get another variance and register that particular one. It won't create any hardship on you. It's just following the paper trail.

Chair Hext - Good one. We can make that as a condition as well.

Mr. Fanuele - It's been a learning lesson for me. I've lived in Altamont for 30 years. But I just want to play by the rules. I originally said I'll just move it off the property and then I was like, there's just too much value there.

Board Member Freeman - I'm the same way. I've got a camera in my garages. You don't want to leave tools. I know the expense.

Mr. Fanuele - I have no disrespect to the scrapper, but I do work in the trades. I've worked in construction for 35 years and you'll see it all. So if there was anything like that, it wouldn't even make it in my yard. Me and my wife are too uptight about it. We're going to keep our yard...

Chair Hext - Alright. Gary sent a request to the Albany County Planning Board, and they basically deferred to the local municipality. So they're fine with it as long as we're fine with it. So that's that. Thanks Mark. I think if no one else has anything, Gary, Tresa, Andrea? (None noted.)

Mr. Fanuele - Thank you very much for your consideration.

Chair Hext - Thank you, Mark. Could I have a motion to schedule the public hearing on this for May 23?

Board Member Freeman made the motion, seconded by Board Member Ramirez. **Roll Call: All in favor.**

Chair Hext - I will read the resolution document that was drafted by Allyson. (see attached Resolution). Can I have a motion on that resolution? Board Member Muhlfelder made the motion to accept the Resolution. Board Member Litten seconded the motion. **Roll Call: All in favor.**

Chair Hext - Okay, thank you everybody. Thank you, Mark. The public hearing will be on May 23rd at 7:00 pm right here. Feel free to bring anybody that you want.

Board Member Ramirez - If you would be so kind as to bring the information on the trailer.

Mr. Fanuele - I'll make a photo copy of my registration and all that.

Board Member Ramirez - That'd be great. Thank you.

Chair Hext - The only other item on our agenda tonight is to review the minutes of the March 28th meeting.

Discussion was held about the minutes and that Troy had mentioned at the last meeting that the four lots off Schoharie Plank Road were to be for him and his three children. It was noted that unless minutes were for a Public Hearing, they do not need to be verbatim. (Note from Secretary Hannah: Troy's comment was in the minutes of March 28, page four under the section Two Separate Private Areas, as follows: The back lots ultimately are set up for me and my three kids. So from a privacy standpoint, I like the project better having two separate private areas.) Chair Hext then said I think he was trying to qualify or clarify why they couldn't or wouldn't make all entrances from Western Avenue. And I think he finally said, well, here's why.

Board Member Freeman - I would hope that would be a little bit more accepting, if you will, to focus on Schoharie. It's a family - it's going to be four houses of a family.

Chair Hext -- We can discuss all this next month.

Board Member Ramirez - Yeah. He didn't want a pass road through there.

Chair Hext - Anything else on the minutes? Okay then. Can I have a motion to accept the minutes from March 28th? Board Member Sullivan made the motion, seconded by Board Member Ramirez. **Roll Call: All in favor.**

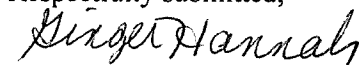
Chair Hext - Does anyone have anything else that they would like to discuss tonight? Any other business? None noted.

Board Member Muhlfelder - So, will we have a public hearing for Troy next month?

Chair Hext - As long as they have everything that we requested of them together. They needed more time to get the extra materials together. Okay. Could I have a motion to adjourn the meeting? Motion made by Board Member Muhlfelder, seconded by Board Member Litten. **Roll Call: All in favor.**

Meeting adjourned at 7:27 p.m.

Respectfully submitted,



Ginger Hannah

ZBA Secretary

Attached: Resolution - Fanuele

RESOLUTION

ALTAMONT ZONING BOARD OF APPEALS

**RESOLUTION SCHEDULING A PUBLIC HEARING
ON APPLICATION FOR AREA VARIANCE APPLICATION**

WHEREAS, the Zoning Board of Appeals for the Village of Altamont (“ZBA”) received an application from Mark Fanuele (“Applicant”) for an area variance to locate a 2016 enclosed Trailer in the side yard of a parcel located at 36 Sanford Place, in the Village’s R-20 Zoning District; and

WHEREAS, pursuant to Village Law §355-22(F), no trailer may be parked within the front or side yard at any time; and

WHEREAS, the Applicant proposes to park the trailer on a paved area on the side of his garage on the east side of the subject property; and

WHEREAS, the Applicant submitted an application for area variance on March 16, 2023 (“Application”); and

WHEREAS, the ZBA reviewed the application materials and additional information relevant to the Application and applicable standard of review.

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

- 1) The ZBA determines that the Application is complete for the purposes of its review.
- 2) The ZBA hereby determines that the proposed use qualifies as an Unlisted Action under SEQRA.
- 3) A public hearing on the application shall be held on May 23, 2023 at the Village Hall.

IT IS FURTHER RESOLVED, that the Village of Altamont ZBA 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 Mulfelder.

The motion was seconded by Board Member Litten.

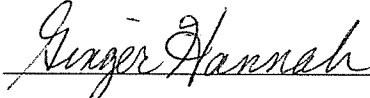
The vote was as follows: All present in favor.

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 April 25, 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
Chair Hext		In favor
Board Member Ramirez		In favor
Board Member Muhlfelder		In favor
Board Member Litten		In favor
Board Member Freeman		In favor
Board Member Sullivan		In favor
Board Member Witham		In favor

Witness my hand and the seal of the Village of Altamont, this 5th day of May, 2023.



GINGER HANNAH, CLERK
VILLAGE OF ALTAMONT JOINT PLANNING BOARD/
ZONING BOARD OF APPEALS

