

**VILLAGE OF ALTAMONT**  
**REGULAR BOARD MEETING**  
November 19, 2019

Mayor Kerry Dineen  
Trustee Nicholas Fahrenkopf  
Trustee Michelle Ganance  
Trustee John Scally  
Trustee Dean Whalen

Patty Blackwood, Clerk, Absent  
Catherine Hasbrouck, Treasurer  
Jeffrey Moller, Supt. of Public Works, Absent  
Paul Miller, Altamont Fire Chief, Absent  
Todd Pucci, Altamont Police Chief  
John Hartzell, Legal Counsel

General Public: 34

7:00 p.m.

Mayor Dineen called the meeting to order with the Pledge of Allegiance.

Mayor Dineen stated at the last Board meeting she asked the public and the Village's staff to take a look at the two LED lights that were on the Village's building. Village is involved in a LED lighting project with the Town of Guilderland, Village of Voorheesville, and the Town of New Scotland. Village of Altamont had insisted they wanted to see examples of the lighting. Village wanted to try to get as close to the lighting as they have now which is the warm lighting but also be able to save money and be more responsible with LED. The Mayor received approximately twelve responses from the public with their opinions between the two lights. The majority of the responses agreed with the Board which was the lowest of 2900 Kelvin. It appears to be the warmest and matches the Village's streetlights. Village is working with Nationalgrid and NYPA and going back and forth with agreements. Mayor Dineen stated Village is hoping for installation of the lights around the 1<sup>st</sup> or 2<sup>nd</sup> quarter of 2020.

Todd Pucci, Chief Altamont Police Dept., stated if anybody gets a phone call from anyone claiming to be the IRS or Social Security, those types of agencies don't call you. If they need to get ahold of you, you'll get something in the mail. Don't ever give your social security number to anybody over the phone unless you're the one initiating a call and you know who you're talking to. Chief Pucci reported parking regulations are in effect.

Paul Miller, Chief Altamont Fire Department, submitted Chief's reports for September and October. Copy of Chief's reports included with Official Minutes.

Mayor Dineen stated leaf collection will be ending in one to two weeks. When Dept. of Public Works has a cut-off date, they will put the date on the board out front and also send a Nixle notification.

Trustee Whalen made a motion seconded by Trustee Scally to approve the Treasurer's report; Abstract #10 and #11. **Roll Call: All in favor**

Trustee Scally reported recently there has been some chatter on the Altamont Community page regarding the railroad crossing. Trustee Scally stated he reached out to SNS Rail Lines and they did bring them up on the 29th of October. They did apologize for the length of time it took to work on the railroad. Trustee Scally stated he wanted to let everybody know that he did read the posts on the Altamont Community page, but he just

wanted to clarify to the Board and the public that they did fix it and it was a long process, but they apologize for the inconvenience to people.

**Public Comment:**

Laura Shore, President of Altamont Community Tradition, stated the Victorian Holiday celebration will be held on December 14<sup>th</sup> & 15<sup>th</sup> and encouraged the public to attend all the events.

Jim Gaughan, Long Grass Lane, stated he was there to give a brief introduction of an informational session tonight regarding the census. The reason he's here is because he personally believes, as you probably read in the enterprise or in the recent newsletter, that it's very important to the village for many reasons. Finances probably at the top if you're worried about taxes. Ten years ago, we lost 17 people from the prior census and we estimated that approximately over \$200,000 in lost revenue from the County, which is based on population resulted. The mayor and the trustees have asked him to help with keeping it on the front burner and to keep it on people's radar. It's coming up in March. They're partners with us. Altamont Community Tradition is providing space at the Altamont Victorian holidays for an information session. Information given by representatives from the federal government on the census. Mr. Gaughan stated he would continue to put information in the news outlet. He has reached out to the post office, who has a new administrator over the past ten years, and they have promised that the residents with post office boxes will not have their census form returned. They have so much local knowledge that they have promised the census will be placed in the mailboxes. Mr. Gaughan encouraged the public to please pay attention to the upcoming presentation.

See Public Comment Session Stenographic Minutes by Nancy L. Strang pages 1-11.

Bob Scardamalia, Census Center, gave a brief presentation on the process and the importance of the census.

Village Board; and John Hartzell, Village Counsel, discussed SEQRA review on proposed Local Law No. 2 of 2019 of the Village of Altamont Repealing Local Law No. 1 of 2018 and Amending the Official Zoning Map. See Stenographic Minutes by Nancy L. Strang pages 1-9.

Trustee Fahrenkopf made a motion seconded by Trustee Ganance to approve to accept our draft declaring a negative declaration for the application that is in front of us.

**Roll Call:**

Trustee Whalen	Opposed
Trustee Ganance	In favor
Trustee Fahrenkopf	In favor
Trustee Scally	In favor
Mayor Dineen	In favor

**Motion Carried: 4 In favor/1 Opposed**

Village Board discussed Local Law No. 2 of 2019 of the Village of Altamont Repealing Local Law No. 1 of 2018 and Amending the Official Zoning Map. See Stenographic Minutes by Nancy L. Strang pages 9-19.

Trustee Ganance made a motion seconded by Trustee Fahrenkopf to approve adopting Local Law No. 2 of 2019 entitled “Repealing Local Law No. 1 of 2018 and Amending the Official Zoning Map,” which would repeal Local Law No. 1 of 2018 and which would amend the Village Zoning Map so as to rezone 109 Helderberg as CBD.

**Roll Call:**

Trustee Whalen	Opposed
Trustee Ganance	In favor
Trustee Fahrenkopf	In favor
Trustee Scally	In favor
Mayor Dineen	In favor

**Motion Carried: 4 In favor/1 Opposed**

Copies of resolution and Local Law No. 2 of 2019 are included with Official Minutes.

Trustee Whalen made a motion seconded by Trustee Ganance to approve adopting a resolution approving an administration agreement between the Village and Municipal Electric and Gas Alliance (MEGA) for exploring the Village’s potential participation in the Community Choice Aggregation program. **Roll Call: All in favor**

Trustee Fahrenkopf made a motion seconded by Trustee Scally to approve of officers elected into office by the membership of the Altamont Fire Department on Monday, November 4, 2019: Kyle Haines, Chief; and Thomas Tubbs, 1<sup>st</sup> Assistant Chief.

**Roll Call: All in favor**

Trustee Fahrenkopf stated he is really thankful to Chief Miller for all the years of service he has given the Village. Chief Miller isn’t going anywhere. Trustee Fahrenkopf stated we’re very excited to see Kyle and Tommy step up into the Chief and Assistant Chief position and he knows we’re still in good hands.

Trustee Whalen made a motion seconded by Trustee Ganance to approve of application from Christopher Purcell, Gunderland, as Firefighter membership in the Altamont Fire Department per request of Paul Miller, Chief. **Roll Call: All in favor**

Trustee Fahrenkopf made a motion seconded by Trustee Whalen to approve authorizing Mayor Dineen to sign RBC Wealth Management letter authorizing RBC Wealth Management to issue lump-sum payment of \$11,490.99 to Lawrence V. Grant, Altamont Fire Department member. Mr. Grant is withdrawing amount accumulated in the fund and there is no Village budget impact. **Roll Call: All in favor**

Trustee Fahrenkopf acknowledged and thanked Lawrence Grant for his 37 years of service in the Altamont Fire Department.

Trustee Scally made a motion seconded by Trustee Whalen to approve the appointment of Charles Hughes as part-time Fire Inspector at a rate of \$25.00 per hour, not to exceed \$2,000. **Roll Call: All in favor**

Trustee Scally made a motion seconded by Trustee Ganance to approve the addition of Pioneer Bank to the Investment Policy per Catherine Hasbrouck, Treasurer.

**Roll Call: All in favor**

Trustee Fahrenkopf made a motion seconded by Trustee Ganance to approve authorizing Catherine Hasbrouck, Village Treasurer, to sign the Third-Party Custody Agreement with M&T Bank. **Roll Call: All in favor**

Trustee Scally made a motion seconded by Trustee Ganance to approve of Board Minutes for September 3, 2019. **Roll Call: All in favor**

Trustee Whalen made a motion seconded Trustee Ganance to approve entering into executive session at 8:20 p.m. to discuss contract negotiations in addition to legal counsel on those topics. **All in favor**

Trustee Whalen made a motion seconded by Trustee Scally to approve coming out of executive session on 8:59 p.m. **All in favor**

Trustee Ganance made a motion seconded by Trustee Fahrenkopf to adjourn at 9:02 p.m. **All in favor**

Respectfully Submitted,

Patty Blackwood  
Clerk

VILLAGE BOARD

COUNTY OF ALBANY

VILLAGE OF ALTAMONT

\*\*\*\*\*

A PORTION OF THE PUBLIC COMMENT SESSION  
AS IT RELATES TO THE PROPOSED STEWART'S  
PROJECT AT 107 - 109 HELDERBERG AVENUE

\*\*\*\*\*

THE STENOGRAPHIC MINUTES of the above entitled matter  
by NANCY L. STRANG, a Shorthand Reporter commencing on  
November 19, 2019 at 7:02 p.m. at 115 Main Street,  
Altamont, New York

PRESENT:

BOARD MEMBERS:

KERRY DINEEN, MAYOR  
NICHOLAS FAHRENKOPF, TRUSTEE  
MICHELLE GANANCE, TRUSTEE  
JOHN SCALLY, TRUSTEE  
DEAN WHALEN, TRUSTEE

ALSO PRESENT:

JOHN HARTZELL, ESQ.  
KIRBY WILSON  
CAROL ROTHENBERG  
DAVE COWEN  
MICHAEL MCNEANY  
PAUL SCILIPOTI  
KRISTIN CASEY

1 MS. WILSON: Hi, I am Kirby Wilson, 272 Brandle  
2 Road. I am addressing this Stewart's proposal that's on  
3 the agenda.

4 I'm hoping that the short form SEQRA Environmental  
5 Assessment will be a positive significant determination  
6 today, based on three questions that determine moderate to  
7 large impact on Altamont. Regardless, I'm requesting the  
8 Board to reject or postpone a vote on changing the  
9 residential zone at 107 - 109 Helderberg Avenue.

10 The documented plans and details of Stewart's  
11 proposal are incomplete and I understand the law requires  
12 consideration of all aspects and impacts in making its own  
13 decision like this. Documentation is needed regarding  
14 details about grading, rain and flood runoff, school bus  
15 stops, New York State Department of Transportation updated  
16 traffic and safety reviews, demolition of a two-family  
17 home, demolition of the gas tanks and the store and  
18 destruction of the tall trees buffering the residential  
19 neighborhood. These details might have been provided in a  
20 review if the full Environmental Assessment Form had been  
21 completed, as recommended by our planning consultant Nan  
22 Stolzenburg and the ultimate Planning Board which was  
23 rejected by the Board. I am asking you to please postpone  
24 or reject the zone change from residential at 107 - 109  
25 Helderberg.

1 MAYOR DINEEN: Thank you.

2 MS. ROTHENBERG: Hi, I am a familiar face up  
3 here. Carol Rothenberg, 111 Helderberg Avenue.

4 Thank you for listening to us again.

5 Many of us who have chosen to live in the Village  
6 of Altamont and specifically in my Helderberg and Severson  
7 Avenue neighborhood have purchased homes and have resided  
8 there for at least two decades or more.

9 My family moved to Altamont in 1979. My son  
10 started elementary school here. I have continue to live in  
11 the neighborhood for the last 40 years.

12 If you are purchasing a home, as many of us have,  
13 you usually think of it as an investment. With Stewart's  
14 seeking expansion into our neighborhood, property values  
15 will inevitably decrease.

16 According to two realtors and one appraiser that I  
17 consulted with, one can expect a 25% drop in property  
18 resale value for those homes that are next to Stewart's and  
19 that comprises about two or three homes. Then, those homes  
20 that are a quarter a mile away from larger business could  
21 experience a 10% decrease in drop of value. So, in just  
22 looking at the numbers, I used the tax records from this  
23 current appraisals for this year for only 10 homes that are  
24 in the area, minus the vacant land on Severson and the  
25 business on Helderberg Avenue. So, the total appraised

1 value of those homes is currently \$2,511,000. So, those 10  
2 homes are either, as I say, next to or several doors up  
3 from Stewart's on Severson Avenue or on Altamont Boulevard.  
4 So, 10% loss would be \$251,100. So, imagine the loss of 25%  
5 for those homes that are closer to Stewart's with the  
6 enlarged footprint. Obviously, my home is one of those  
7 affected by the 25% loss.

8 Equally important to me is the loss of the quality  
9 of life. Imagine all of you who are homeowners - the  
10 constant noise of the compressors, the dumpster, the  
11 delivery trucks, increase lights. So, even thinking beyond  
12 my own neighborhood and looking more at the whole Village  
13 of Altamont, what now would we be thinking about for the  
14 landmarks of Altamont and currently I feel the landmarks as  
15 being our library and the park area which is so great and  
16 used all year round. My thought is that maybe the landmark  
17 would becoming the well-lit very large Stewart's shop.  
18 Thank you for your considerations.

19 MAYOR DINEEN: Thank you.

20 MR. COWAN: Dave Cowan, 135 Maple. When we all  
21 walked in tonight, we walked past some ashtrays as we  
22 entered the building. There's not supposed to be smoking  
23 within, I think, 25 feet of a public building. I kind of  
24 get the feeling that maybe some smokers are getting a  
25 little extra attention by being able to smoke within the



1 building. It is against the law to have smoking within  
2 so many feet of a public building.

3 The park in Altamont - there are signs of that say  
4 no parking/no smoking. When you consider changing the  
5 zoning in the Village of Altamont, I want you to think  
6 about the impression that you give of allowing just a few  
7 to have benefits that really aren't benefits to several  
8 others. Thank you.

9 MAYOR DINEEN: Thank you.

10 MR. MCNEANY: Michael McNeany, 104 Severson  
11 Avenue. I have two quick points to make on the proposal  
12 to rezone.

13 First is: If parking is a concern, we're going to  
14 be losing the parking in front of the house that is going  
15 to be demolished. There are three or four parking spaces  
16 there that the funeral home uses. Without the house, we  
17 lose that parking. With that big parking lot, we will be  
18 getting one extra parking space for Stewart's and they're  
19 not obligated to service a funeral home.

20 More than that, I'm concerned about the safety of  
21 that area. We have a large parking lot. There are  
22 five-year-olds that are expected to navigate this area on a  
23 daily basis throughout the week. That is the public pickup  
24 spot for Altamont school. Thank you.

25 MAYOR DINEEN: Thank you.

1 MR. SCILIPOTI: My name is Paul Scilipoti and I  
2 live at 64 Pleasant Valley Road in Berne. I have a brief  
3 comment about Stewart's as well.

4 I would really like to see the Board tell  
5 Stewart's to come up with a workable design that exists on  
6 the footprint that they now have. I think most of us  
7 realize that a quaint small town appearance is one of our  
8 most valuable assets here. It affects everybody. Stewart's,  
9 in my opinion, has failed to demonstrate a legitimate need  
10 to expand into what I think of is a beautiful residential  
11 neighborhood. I would have really like to see us preserve  
12 107 - 109 and I think our children would thank us for that.

13 I also have a few comments regarding the Crounse's  
14 house. I am a member of Historic Altamont and we have been  
15 working for the last year to try to figure out a way to  
16 save the building.

17 We have reached out to you, Mayor Dineen, a few  
18 times and it doesn't seem like we got very far. Peter  
19 Barber from Guilderland seems to have repeatedly expressed  
20 his willingness to work with us to preserve this historic  
21 building.

22 We've had an architect go through the building and  
23 I believe the contractor who we have interested has been  
24 through it and as rundown as it looks, it's not nearly  
25 ready to be torn down. It's a good solid structure and it's

1 quite repairable. It has a truly wonderful historic  
2 significance about being a part of the original area that  
3 was here before Altamont ever came to be. As I said, we  
4 have a contractor who is interested. He is well accustomed  
5 to working on historic buildings and very willing to  
6 helping save the house. I think the residents have a right  
7 to know what the Board's intentions are at this time which  
8 is almost upon us. This is something that we could have  
9 figured out long ago. We also need - people need to know  
10 the financial implications for whatever direction you go.  
11 If it gets knocked down, if it gets subdivided - the  
12 village folks need to know that. I would like to also know  
13 what would be the justification for knocking down the  
14 building. There is 2.8 acres there. Would there be new  
15 construction, or new houses there or green space. My strong  
16 belief is that we owe it to that old house to save it and  
17 it's well within our means to do so. Thank you for your  
18 time.

19 MAYOR DINEEN: Thank you.

20 MS. CASEY: My name is Kristen Casey and I live  
21 that 215 Main Street and Altamont. I first want to add  
22 my opposition to the rezoning and expansion proposed for  
23 Stewart's. As I said in my letter to you, an important  
24 responsibility of the Board is to work towards solutions  
25 to issues that can bring the community together. As

1       difficult as that may be. In the case of the Stewart's  
2       expansion, as many as 200 or more people have expressed  
3       their concern over demolishing a century-old home and  
4       expanding a business into the neighborhood. Another 200  
5       or more people feel the need for a larger Stewart's. I  
6       feel a solution should be found in working with the  
7       existing site and thereby healing the divisiveness that  
8       this issue has caused.

9               My remaining comments have to do with the Crounse's  
10       house. I see that there will be an executive session  
11       tonight to discuss contract negotiations and since it may  
12       be about the Crounse's house, I wanted to make a few  
13       comments.

14              I am here to support John Brennan and his  
15       willingness to enter into a contract to restore the  
16       Crounse's house to a single family residence. In keeping  
17       with the approved restrictive covenant to maintain the  
18       integrity of the original home, John approached historic  
19       Altamont about his interest in the property and we have  
20       been working with him in an advisory capacity as he  
21       developed a purchase offer for the property that includes  
22       restoration of the house.

23              John is a general contractor with extensive  
24       experience restoring houses. He has restored several  
25       buildings severely damaged by weather including one in

1 Berne and a 1790 house in Greene County. Because John  
2 expressed interest in the Crounse's house and its  
3 restoration, we have been trying to help him navigate the  
4 approval process to the Town and Village.

5 In our continuing effort to support John, we have  
6 attempted to arrange meetings with officials from both  
7 municipalities over the past few months to discuss John's  
8 proposal and the best path forward considering the approach  
9 of winter. Although the public may not be aware, Historic  
10 Altamont and John have been working behind the scenes to  
11 find a solution to restore and renovate the house, but  
12 because the Village was unable to respond to our requests  
13 for meetings pending information from the comptroller and  
14 attorney, as I understand, the contract with John has yet  
15 to be discussed or negotiated.

16 Since the Mayor and Supervisor Barber are in now  
17 in direct contact with John, I just wanted to let you know  
18 that Historic Altamont has decided it will no longer pursue  
19 an advisory role and leave the discussions to John and the  
20 municipality. However, we stand by John and are excited  
21 about his offer.

22 My final remark regards the cost to the taxpayers  
23 of either green space of the total area or development of  
24 the property - if that might be an option. If that is your  
25 intent, as opposed to entering into a contract with John,

1 one of the plans that is proposed - the expense of each  
2 option should be carefully considered and presented to the  
3 public for consideration. John has offered to rehabilitate  
4 the house in a short period of time in return it to the tax  
5 rolls.

6 I want to close by thanking both the Mayor and the  
7 Village Board for your patience and understanding as we  
8 work resolutely toward finding a solution to save the  
9 Crown's house. We also thank Supervisor Barber and the Town  
10 Board for their continued support and understanding of the  
11 importance of preserving a vital link to the past for the  
12 future of Altamont. Thank you.

13 MAYOR DINEEN: Thank you.

14 Okay, I don't see any more speakers so we are  
15 going to move on to our presentation on our agenda.

16  
17 (Whereas the above entitled proceeding was  
18 concluded at 7:12 p.m.)  
19  
20  
21  
22  
23  
24  
25

## CERTIFICATION

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

Dated: \_\_\_\_\_

NANCY L. STRANG

LEGAL TRANSCRIPTION

2420 TROY SCHENECTADY RD.

NISKAYUNA, NY 12309

VILLAGE BOARD

COUNTY OF ALBANY

VILLAGE OF ALTAMONT

\*\*\*\*\*

A PORTION OF THE VILLAGE OF ALTAMONT BOARD MEETING  
AS IT RELATES TO THE PROPOSED STEWART'S  
PROJECT AT 107 - 109 HELDERBERG AVENUE

\*\*\*\*\*

THE STENOGRAPHIC MINUTES of the above entitled matter  
by NANCY L. STRANG, a Shorthand Reporter commencing on  
November 19, 2019 at 7:32 p.m. at 115 Main Street,  
Altamont, New York

PRESENT:

BOARD MEMBERS:

KERRY DINEEN, MAYOR  
NICHOLAS FAHRENKOPF, TRUSTEE  
MICHELLE GANANCE, TRUSTEE  
JOHN SCALLY, TRUSTEE  
DEAN WHALEN, TRUSTEE

ALSO PRESENT:

JOHN HARTZELL, ESQ.



1           MAYOR DINEEN: Moving on to our agenda, we are  
2 going to item number one. Let's just read item number  
3 one. It says: Consider this SEQRA view of proposal of  
4 Local Law 2 of 2019 of the Village of Altamont repealing  
5 Local Law 1 of 2018 and amending the official zoning  
6 map.

7           This was the SEQRA portion of that - at the last  
8 two meetings. At the last two meetings, we had SEQRA  
9 discussions.

10          At the first one, it was a more in-depth  
11 discussion and we summarized and went through some of the  
12 things that we had discussed at the first one. I will give  
13 you a quick summary of that because a lot of you were here  
14 so, I don't want to keep you listening to it and be  
15 redundant all over again.

16          Part 1 is submitted by the applicant and then Part  
17 II - we went to the questions that were in front of us.

18          There were 11 questions. On the first three -  
19 there were three categories. One is: Will the proposed  
20 action create a material conflict with the adopted land-use  
21 plan or zoning regulations? Will the proposed action result  
22 in a change in the use or intensity of the use of the land?  
23 Will the proposed action impair the character or quality of  
24 the existing community?

25          We identified - some of the Board Members felt

1 that those were medium. There were zero to small and medium  
2 to large. We thought for those three areas we would check  
3 off medium to large. The categories on the form were zero  
4 to small impacts.

5 With that, we have to take all the information  
6 that we were given and do an assessment, given the things  
7 people have mentioned from the traffic reports to the  
8 studies that came in to the public hearing that we had in  
9 September. We have to pull that all together and make a  
10 decision.

11 When we left the last meeting, we had talked about  
12 - our part would be drafting a narrative to discuss these  
13 items and then depending on negative or positive, that  
14 would support our determination. So, we tasked our counsel,  
15 Mr. Hartzel, with taking our ideas and starting a draft. We  
16 have all been implementing some information into it that we  
17 felt was necessary and this is still a draft, but I'm going  
18 to read to you guys - just not the whole draft - the  
19 conclusions.

20 There's not a page number, but I'm kind of towards  
21 the significance of determination area. If you see that,  
22 it's before the 10 points, right at the end of the  
23 narrative.

24 This Board, after all of our taking in the  
25 information that we have - I'm just going to read this as

1           it is written.

2                   The Village Board has on the basis of its  
3           completion of the Environmental Assessment for the project,  
4           determined that the project will have a moderate  
5           environmental impact with respect to 1. Conflicts with the  
6           existing zoning regulations. 2. Creating a change in the  
7           use or intensity of the land. 3. Impairment of community  
8           character or quality.

9                   Those are the three questions that I just outlined  
10          a minute ago.

11                  The Board determined, however, that these impacts  
12          are not significant for the purposes of SEQRA. The reasons  
13          for this determination, in addition to those stated above,  
14          are as follows. This is the summary of the narrative that  
15          precedes it.

16                  The subject property being altered is in its  
17          condition and use is relatively small. 17 acres. The  
18          rezoning is consistent with the Comp Plan and extends an  
19          existing contiguous zoning district by inclusion of one  
20          adjoining parcel resulting in a continued contiguous  
21          district on a commercial corridor in the Village. The  
22          subject property is being rezoned to a zoning  
23          classification which you previously had. The residential  
24          building on the subject parcel is nonconforming under the  
25          Village Code. The residential building on the subject

1 parcel has a history of commercial use. The project will  
2 result in a building or replacement store which is more  
3 harmonious with the architecture of the Village and the  
4 design guidance and Village planning documents than the  
5 existing store. The project advances the stated policy to  
6 the Village to promote business growth to the CBD, central  
7 business district, to meet the needs of the Village  
8 residents.

9 The aesthetic impacts is the loss of trees are  
10 constrained to a small area of the Village and will be  
11 mitigated by new plantings, and improvement on aesthetics  
12 at the convenience store and the exposure to view of other  
13 mature trees and adjoining property. 9. The number of  
14 properties which are more accurately impacted by the  
15 project is limited to a few which are in close proximity.  
16 The project is an expansion of a well-known business onto  
17 an adjoining parcel which improves the functioning of the  
18 property are providing more space and amenities for  
19 customer use and enjoyment and improve parking  
20 configuration and traffic flow and substantial landscaping  
21 elements which are missing from the current store. We came  
22 to the conclusion - let me just start with that because we  
23 are going to be reading it with the motion afterwards. Does  
24 that make sense?

25 MR. HARTZEL: So, really this is the

1           significance determination part three. You all have had  
2           a draft in circulation for several weeks and now the  
3           question is: Is this going to represent your  
4           significance of determination on the action that is  
5           before you?

6                   MAYOR DINEEN: That's correct. So, the reasons  
7           of determination by this Board is a negative  
8           determination.

9                   MR. HARTZEL: That's right. What you want to do  
10          is make sure that hopefully by now because everyone has  
11          had it -

12                   MAYOR DINEEN: Yes, everyone has had it.

13                   MR. HARTZEL: So, this is the narrative that's  
14          going to be - at least the majority of you agree is the  
15          part three narrative supporting the significance  
16          determination.

17                   MR. FAHRENKOPF: Is it appropriate to discuss  
18          now, or should we make a motion?

19                   MR. HARTZEL: Oh, yes.

20                   MAYOR DINEEN: Yes, this is the information  
21          that we all put together. So, if there's something that  
22          you want to say about it now - and then we will vote on  
23          it - that determination.

24                   Does anybody have any comments to make - any  
25          additional that you did not include in this? I think we got

1 all the inclusions of Trustee Scally on Thursday.

2 MR. WHALEN: Yes, I wanted to make sure it was  
3 a moderate impact statement on Section 1, 2 and 3.

4 MAYOR DINEEN: You want to be consistent with 2  
5 and 3. So, that's in there.

6 Dean, we have the ones that you listed as well.

7 So, just want to make sure that this is the  
8 document that you are now comfortable with.

9 MR. WHALEN: I think we probably have seen this  
10 enough. I don't think we've changed anything  
11 substantial. I don't necessarily agree with all the  
12 items. I think as a document, I think we're all on the  
13 same page and going forward as far as proceeding toward  
14 some decision is a declaration.

15 MR. FAHRENKOPF: I think we all did an  
16 excellent job of incorporating everything we have been  
17 thinking about over the past year and a half, especially  
18 in the last couple of weeks and months.

19 Thank you - especially the Mayor and John - and  
20 kind of corralling that altogether. It's not easy sometimes  
21 when people have written things, but I think everybody's  
22 thoughts are in there.

23 MAYOR DINEEN: At this point - John, we would  
24 just ask for a motion to accept this draft and a  
25 negative declaration before we act on the application;

1 correct?

2 MR. WHALEN: The Board obviously knows that I  
3 struggled with this. John certainly got an earful about  
4 a month ago as to how I see this.

5 I just want to clarify that in the SEQRA world, we  
6 are kind of stuck here because this doesn't really - -  
7 again, this is only my opinion. This doesn't really fit  
8 comfortably into the intent of SEQRA because municipal  
9 determinations under SEQRA are not the base of the intent.  
10 It's just a little difficult to fit this in. I have  
11 obviously struggled with this. However, in the SEQRA world,  
12 it is the intent of looking at the impacts at a fairly  
13 large scale - - I think that's where we are at this point.  
14 We have to consider the SEQRA under the short form process.  
15 I just wanted to clarify that.

16 MR. SCALLY: I agree with Dean on that aspect,  
17 too. Like you said, large impact would be a much greater  
18 area of property and this is just an adjoining piece of  
19 property. That's why I made my decision. I feel that it  
20 is a moderate impact.

21 MAYOR DINEEN: So, the motion is to accept our  
22 draft declaring a negative declaration for the  
23 application that is in front of us. Can I have a motion  
24 for that?

25 MR. FAHRENKOPF: I'll make the motion.

1 MAYOR DINEEN: Okay, Nick is first. Second?

2 MS. GANANCE: I will second.

3 MAYOR DINEEN: And Michelle's second. Roll call  
4 please.

5 THE CLERK: Trustee Whalen?

6 MR. WHALEN: Opposed.

7 THE CLERK: Trustee Ganance?

8 MS. GANANCE: In favor.

9 THE CLERK: Trustee Fahrenkopf?

10 MR. FAHRENKOPF: In favor.

11 THE CLERK: Trustee Scally?

12 MR. SCALLY: In favor.

13 THE CLERK: Mayor Dineen?

14 MAYOR DINEEN: In favor.

15 So, we're moving onto item number two on our  
16 agenda. It is consider approving Local Law 2 of 2019 of the  
17 Village of Altamont repealing Local Law 1 of 2018 and  
18 amending the official zoning map.

19 I'm going to read the actual law at the top.  
20 Adopting Local Law 2 of 2019, relating to the rezoning of  
21 107 - 109 Helderberg Avenue in making a negative SEQRA  
22 determination in connection therewith.

23 Whereas Stewart's Shops Corporation, Stewart's, is  
24 the owner of a certain parcel of real property and  
25 improvements thereon in the Village of Altamont commonly



1 known as 107 - 109 Helderberg Avenue designated on the last  
2 completed assessment roles of Town of Guilderland as tax  
3 parcel 48.06-2-2, 109 Helderberg, immediately adjacent to a  
4 convenience store and gas dispensing station owned by  
5 Stewart's entity at 1001 Altamont Boulevard, the existing  
6 store;

7 And whereas on December 12, 2018, pursuant to an  
8 application for Stewart's dated September 24, 2018, this  
9 Board by Local Law 1 of 2018 rezoned 109 Helderberg from  
10 R10 to CBD, Local Law 1 of 2018;

11 And whereas following approval of Local Law 1 of  
12 2018, several residents of the Village individually and  
13 together with an association of residents commenced  
14 litigation in Albany County Supreme Court seeking to annul  
15 Local Law 1 of 2018 on the basis of certain alleged  
16 noncompliance with the requirements of the New York State  
17 Environmental Quality Review Act and spot zoning;

18 And whereas in view of the lawsuit and the further  
19 site design completed by Stewart's, it is the intention of  
20 this Village Board to reconsider the rezoning of 109  
21 Helderberg on the basis of the revised rezoning application  
22 from Stewart's which is filed with the Village by Stewart's  
23 on June 24, 2019, the revised application;

24 And whereas the revised application involves the  
25 rezoning of 109 Helderberg in connection with the planned

1 demolition of a residence and clearing vegetation on that  
2 parcel, the demolition of the existing convenience store  
3 and gas dispensing station on the adjacent parcel and the  
4 construction of a new convenience store of approximately  
5 3,340 square feet and a new gas dispensing station on the  
6 combined area of 109 Helderberg and the adjacent parcel;

7 And whereas a proposed Local Law 2 of 2019  
8 entitled repealing Local Law 1 of 2018 and amending the  
9 official zoning map which would repeal Local Law 1 of 2018  
10 and which would amend the Village zoning map so as to zone  
11 109 Helderberg as CBD was placed on the desk of the Mayor  
12 and each of the Trustees on July 2, 2019 in accordance with  
13 Municipal Law Section 20.

14 MR. FAHRENKOPF: Whereas by Resolution adopted  
15 on July 2, 2019 this Village Board A. Determined that  
16 the preliminary classification of the action to consider  
17 the revised application should be designated as  
18 unlisted. B. Determine the short Environmental  
19 Assessment Form was necessary to determine the  
20 significance of the action. C. Determine that the  
21 proposed action was not located in an established  
22 agricultural district and therefore was not subject to  
23 ~~the~~ the provisions of the Agriculture and Markets Law. D.  
24 Determine that coordinated SEQRA review of the action  
25 would be undertaken in accordance with 6NYCRR Part

1           617.6. E. Determined that no federal agency may have  
2           jurisdiction and be involved with respect to the  
3           proposed action. F. Determined that other involved  
4           agencies with respect to this action may include the New  
5           York State Department of Transportation, the Village of  
6           Altamont Planning Board, the Village of Altamont Zoning  
7           Board of Appeals, the Village of Altamont Code  
8           Enforcement Officer and the Albany County Planning  
9           Board. G. Directed the Village Clerk to initiate a  
10          coordinated review of the action under SEQRA by filing a  
11          copy of the rezoning application, SEQRA materials an  
12          appropriate notice with involved agencies, notifying  
13          said agencies that a lead agency must be agreed upon  
14          within 30 calendar days of the date of mailing said  
15          notice. H. Declaring its desire to assume lead agency  
16          status for the purpose of SEQRA review. I. Directed the  
17          Village Clerk to make referral of the application to the  
18          Albany County Planning Board pursuant to General  
19          Municipal Law Section 239(m) and to the Village Planning  
20          Board pursuant to Altamont Village Code Section 355-53e  
21          and J. Set a public hearing on proposed Local Law 2 of  
22          2019;

23                   And whereas the Village Clerk duly published  
24          notice of the aforesaid public hearing as required by law;

25                   And whereas the Village Board of the Village of

1 Altamont held a public hearing with respect to Local Law 2  
2 of 2019 regarding the rezoning of 109 Helderberg Avenue on  
3 the third day of September 2019 at 7:00 p.m. at the Village  
4 Hall, Village of Altamont, 115 Main Street, Altamont, New  
5 York and at which hearing all persons desire to be heard  
6 thereof for heard.

7 And whereas proposed amendments were provided to  
8 the Village of Altamont Planning Board and the Albany  
9 County Planning Board and to all other entities entitled to  
10 notice by law or regulation which have provided the  
11 respective responses to this Village Board;

12 And whereas a qualified number of property owners  
13 have filed a petition pursuant to Village Law Section 7 -  
14 708 in regard to proposed Local Law 2 of 2019.

15 Now therefore be it resolved that the Village  
16 Board finds that the project is consistent with the Village  
17 Comprehensive Plan; and it is further resolved that the  
18 Village Board finds that the project will not produce a  
19 negative environmental impact in issues a negative  
20 declaration as set forth in the annexed environmental  
21 assessment form; and it is further resolved that the  
22 proposed Local Law 2 of 2019 entitled Repealing Local Law 1  
23 of 2018 in amending the official zoning map which would  
24 repeal Local Law 1 of 2018 and which would amend the  
25 Village zoning map 109 Helderberg to CBD and annexed hereto

1 as adopted and the Village Clerk is directed to file same  
2 to the New York State Secretary of State.

3 MAYOR DINEEN: So, after all that, can I get a  
4 motion?

5 MS. GANANCE: I'll motion.

6 MAYOR DINEEN: Michelle.

7 MR. FAHRENKOPF: After I catch my breath, I  
8 will second.

9 MAYOR DINEEN: Nick is second.

10 On that motion, I guess we could to roll call  
11 unless you want to speak about it now, or do discussion  
12 now?

13 MR. WHALEN: Two points. One is a statement and  
14 if I ramble, I apologize.

15 We were asked to readdress this from what we made  
16 as a decision almost a year ago. What I find interesting is  
17 having to readdress this to look more closely at the SEQRA  
18 process, to me, actually clarified even more so than a year  
19 ago the impacts of the project and that we were not  
20 strictly asked to look at the zoning. We were asked to look  
21 at the project in relation to that zoning. In going to that  
22 process, it was interesting to me, that at least in my  
23 mind, the impacts were even clearer after going through the  
24 SEQRA process than they were a year ago.

25 Having said that, I also want to add that we have

1 heard you - both sides of this, as was mentioned. There  
2 were a lot of good thoughts. I want to reiterate all of  
3 what has been said. You folks know where I'm coming from. I  
4 think that a lot of what has been said of the technical  
5 issues on that site have been very difficult if not  
6 impossible to resolve to everybody satisfaction. My  
7 question is: I don't really know where we landed on whether  
8 we were required to have a super majority. I asked that  
9 question.

10 MAYOR DINEEN: Yes.

11 MR. WHALEN: Okay, thank you.

12 MR. FAHRENKOPF: I agree with him. We have  
13 heard from many people. We have letters and emails in  
14 public comment. We have thought it through and looked  
15 through all the documents. In many ways, I agree that  
16 it's a little frustrating how this process has to play  
17 out. I have just come to a different conclusion based  
18 upon the same set of facts.

19 MR. SCALLY: I have been thinking about this  
20 arduously for quite some time now. As you can see,  
21 there's definitely a lot of paperwork regarding the  
22 Stewart's issue. I understand what it's like with the  
23 lights. I understand what it's like to have traffic  
24 coming through. I'm looking at this not as a microcosm  
25 group or small entity around it. I'm looking at it as

1 the big whole picture.

2 My decision based on tonight is for the whole  
3 picture of the Village and what I feel is right, in my  
4 decision, is that I vote for it.

5 MS. GANANCE: I would just like to say that I  
6 agree with Dean and that going through this whole SEQRA  
7 process has made me look more in more in depth at the  
8 situation at hand. I have taken it upon myself to sit  
9 across from Stewart's at different times of the day in  
10 different hours of the day over different weeks and  
11 observe what's going on and look at all aspects of this  
12 and review in detail everything that has come into play  
13 as far as everyone's opinions. Just as Nick had said, I  
14 have listened to everything. I value everyone's opinion  
15 and moving forward, I think everything can be seen in  
16 different ways as things are presented. I think that  
17 I've done my best to make the best decision I can based  
18 on the information that we have been given in the  
19 observations I have made.

20 MAYOR DINEEN: And I will concur with what a  
21 lot of people have said on all sides. It has been a  
22 humbling educational process throughout the whole Board.  
23 I did support the project the first time and I think  
24 this time as far as looking in-depth, I think we had  
25 looked in-depth the first time. I also believe that we

1 are revisiting everything this time and the second  
2 public hearing was very telling to me because although  
3 we feel that the Village is split on this topic - I  
4 heard that comment often - it was impressive to see at  
5 that hearing people coming out from all different parts  
6 of our Village to support the project. People did not  
7 waste their opinions before. They did not feel, for  
8 whatever reason, comfortable doing that. I understand  
9 some of the impacts, but we don't know what could  
10 happen. I think the positives outweigh the negatives and  
11 so that's where I'm at with this. We have had lots of  
12 discussions about this.

13 MR. SCALLY: It's been very educational.  
14 Listening to the public and listening to both sides and  
15 making a decision based on it all.

16 MAYOR DINEEN: And we are all vested. I think  
17 you all know that. We are very much vested in this  
18 community. None of us have been here for a short amount  
19 of time. We've all been here for good length of time.  
20 Some of us way longer than others, unfortunately. This  
21 is our community as much as it is your community and we  
22 want to do the best that we can for it. We're going to  
23 hope that we do that with whatever decision. Of course,  
24 this is just the beginning of a process that involves  
25 the community going forward. So, this is not the end.



1           There is in a much more to discuss. This going to be  
2           much more involvement.

3           MR. SCALLY: I heard a lot of people saying  
4           about tearing down the house. Is there possibility of  
5           moving it? I know we've done it in the past. It's  
6           something to think about. I am a preservationist, but I  
7           also understand that we do need to move forward.

8           MAYOR DINEEN: I will ask for roll call.

9           THE CLERK: Trustee Whalen?

10          MR. WHALEN: Opposed.

11          THE CLERK: Trustee Ganance?

12          MS. GANANCE: In favor.

13          THE CLERK: Trustee Fahrenkopf?

14          MR. FAHRENKOPF: In favor.

15          THE CLERK: Trustee Scally?

16          MR. SCALLY: In favor.

17          THE CLERK: Mayor Dineen?

18          MAYOR DINEEN: In favor.

19                 (Where is the above entitled proceeding was  
20                 concluded at 8:00 p.m.)

## CERTIFICATION

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

Dated: \_\_\_\_\_

NANCY L. STRANG

LEGAL TRANSCRIPTION

2420 TROY SCHENECTADY RD.

NISKAYUNA, NY 12309

**ADOPTING LOCAL LAW NO. 2 OF 2019 RELATING TO  
THE REZONING OF 107-109 HELDERBERG AVENUE AND MAKING A  
NEGATIVE SEQRA DETERMINATION IN CONNECTION THEREWITH**

**Motion by:** Trustee Guranke  
**Seconded:** Trustee Fabrikantoff

**WHEREAS**, Stewart's Shops Corp. ("Stewart's") is the owner of a certain parcel of real property and improvements thereon in the Village of Altamont commonly known as 107-109 Helderberg Avenue, designated on the last completed assessment rolls of the Town of Guilderland as Tax Parcel 48.06-2-2 ("109 Helderberg"), immediately adjacent to a convenience store and gas dispensing station owned by a Stewart's related entity at 1001 Altamont Boulevard (the "Existing Store"); and

**WHEREAS**, on December 12, 2018, pursuant to an application from Stewart's dated September 24, 2018, this Board, by Local Law No. 1 of 2018, rezoned 109 Helderberg from R-10 to CBD ("Local Law No. 1 of 2018"); and

**WHEREAS**, following approval of Local Law No. 1 of 2018 several residents of the Village individually and together with an association of residents commenced litigation in Albany County Supreme Court seeking to annul Local Law No. 1 of 2018, on the basis of certain alleged noncompliance with requirements of the New York State Environmental Quality Review Act ("SEQRA") and spot zoning (the "Lawsuit"); and

**WHEREAS**, in view of the Lawsuit, and the further site design completed by Stewart's, it is the intention of this Village Board to reconsider the rezoning of 109 Helderberg on the basis of a revised rezoning application from Stewart's, which was filed with the Village by Stewart's on June 24, 2019 (the "Revised Application"); and

**WHEREAS**, the Revised Application involves the rezoning of 109 Helderberg in connection with the planned demolition of a residence and clearing vegetation on that parcel, the demolition of the existing convenience store and gas dispensing station on the adjacent parcel, and the construction of a new convenience store of approximately 3,340 square feet and a new gas dispensing station on the combined area of 109 Helderberg and the adjacent parcel; and

**WHEREAS**, a proposed Local Law No. 2 of 2019 entitled "Repealing Local Law No. 1 of 2018 and Amending the Official Zoning Map," which would repeal Local Law No. 1 of 2018 and which would amend the Village Zoning Map so as to zone 109 Helderberg as CBD, was placed on the desks of the Mayor and each of the Village Trustees on July 2, 2019 in accordance with Municipal Home Rule Law Section 20; and

**WHEREAS**, by Resolution adopted on July 2, 2019, this Village Board:

- (a) Determined that the preliminary classification of the action to consider the Revised Application should be designated as "Unlisted";
- (b) Determined that a Short Environmental Assessment Form was necessary to determine the significance of the action;
- (c) Determined that the proposed action was not located in an established Agricultural District and therefore was not subject to the provisions of the Agriculture and Markets Law;
- (d) Determined that coordinated SEQRA review of the action would be undertaken in accordance with 6 NYCRR Part 617.6;
- (e) Determines that no federal agency may have jurisdiction and be involved with respect to the proposed action;
- (f) Determined that other involved agencies with respect to this action may include: (1) the New York state Department of Transportation, (2) the Village of Altamont Planning Board, (3) the Village of Altamont Zoning Board of Appeals, (4) the Village of Altamont Code Enforcement Officer, and (5) the Albany County Planning Board;
- (g) Directed the Village Clerk to initiate coordinated review of the action under SEQRA by filing a copy of the rezoning application, SEQRA materials and appropriate notice with involved agencies, notifying said agencies that a Lead Agency must be agreed upon within thirty (30) calendar days of the date of mailing said notice;
- (h) Declared its desire to assume Lead Agency status for the purpose of SEQRA review;
- (i) Directed the Village Clerk to make referral of the application to the Albany County Planning Board pursuant to General Municipal Law Section 239-m, and to the Village Planning Board pursuant to Altamont Village Code Section 355-53(E); and
- (j) Set a public hearing on proposed Local Law No. 2 of 2019; and

**WHEREAS**, Village Clerk duly published notice of the aforesaid public hearing as required by law; and

**WHEREAS** that the Village Board of the Village of Altamont held a public hearing with respect to Local Law No. 2 of 2019 regarding the rezoning of 109 Helderberg Avenue, on the 3rd day of September, 2019, at 7:00 o'clock P.M. at the Village Hall of the Village of Altamont, 115 Main Street, Altamont, New York, and at which hearing all persons desiring to be heard thereon were heard; and

**WHEREAS** the proposed amendments were provided to the Village of Altamont Planning Board, the Albany County Planning Board, and to all other entities entitled to notice by law or regulation, which have provided their respective responses to this Village Board; and

**WHEREAS**, a qualified number of property owners has filed a petition pursuant to Village Law §7-708 in regards to proposed Local Law No. 2 of 2019;

**NOW, THEREFORE, BE IT RESOLVED** that the Village Board finds that the project

is consistent with the Village's Comprehensive Plan; and it is further

**RESOLVED**, that the Village Board finds that the project will not produce a negative environmental impact, and issues a negative declaration as set forth in the annexed Environmental Assessment Form; and it is further

**RESOLVED**, that the proposed Local Law No. 2 of 2019 entitled "Repealing Local Law No. 1 of 2018 and Amending the Official Zoning Map," which would repeal Local Law No. 1 of 2018 and which would amend the Village Zoning Map so as to zone 109 Helderberg as CBD, in the form annexed hereto, is adopted, and the Village Clerk is directed to file the same with the NYS Secretary of State forthwith.

**LOCAL LAW NO. 2 OF 2019 OF THE VILLAGE OF ALTAMONT  
REPEALING LOCAL LAW NO. 1 OF 2018 AND  
AMENDING THE OFFICIAL ZONING MAP**

BE IT ENACTED by the Village Board of the Village of Altamont as follows:

**Section 1. - Authority**

This local law is adopted pursuant to section 10 of the Municipal Home Rule Law and pursuant to section 355-53 of the Altamont Code.

**Section 2. Purpose**

This Local Law repeals Local Law No. 1 of 2018 and amends the Official Zoning Map referenced in §355.9 of the Altamont Code to change a parcel of land zoned as R-10 to be zoned as CBD.

**Section 3. Repeal of Local Law No. 1 of 2018.**

Local Law No. 1 of 2018 entitled "Amending the Official Zoning Map" is hereby repealed.

**Section 4. Zoning Map Change**

The Official Zoning Map of the Village of Altamont is amended so that a parcel of land owned by Stewart's Shops Corp. with an address of 107-109 Helderberg Avenue and tax map number of SBL 48.06-2-2 is removed from the R-10 zoning district and is included in the Central Business District ("CBD"). The amended Official Zoning Map showing the rezoned parcel is Exhibit "A" to this Local Law.

**Section 5. Effective Date**

This local law shall take effect immediately upon its filing in the Office of the New York State Secretary of State in accordance