

VILLAGE BOARD

COUNTY OF ALBANY

VILLAGE OF ALTAMONT

PUBLIC HEARING AS IT RELATES REZONING A CERTAIN TAX
PARCEL OF LAND KNOWN AS 107-109 HELDERBERG AVENUE
AS A CENTRAL BUSINESS DISTRICT

THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter commencing on
September 3, 2019 at 7:20 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.
PATTY BLACKWOOD, CLERK
CHUCK MARSHALL, STEWART'S
MARK NADOLNY, PE, CREIGHTON MANNING
LEAH EVERHART, ESQ,
BETTY HEAD
CATHERINE FARRY
LAURA HAIGHT
KIRBY WILSON
TOM GESSICK
MARTIN BURKE
MIKE MAYER
PAT DOVER
MICHAEL MCNEANY
DAVE COWAN
DORIS WHITE
BARB MULHFELDER
JEFF COUNTERMINE
JOE CONNORS
LINDA HITT
JOE VINETTE
CARMEN PATRONE

(cont.)

TED NEWMAN
FRAN PORTER
RICH PARIS
JOE DOVER
HARVEY VLAHOS
JUDY DINEEN
ZACH COWEN
DAN JACOBSON

1 MAYOR DINEEN: I'm going to move on to item
2 number 1. The public hearing on September 3 at 7:00 to
3 consider Local Law #2 of the Village of Altamont.

4 Could I ask our counsel to please read the
5 posting to open the public hearing?

6 MR. HARTZEL: Sure, Mayor. This was a notice of
7 the newspaper reads as follows: The Village of Altamont;
8 notice of public hearing; notice is hereby given that
9 for the purposes of rezoning a certain tax parcel of
10 about 0.17 acres of land known as 107-109 Helderberg
11 Avenue as a Central Business District, a public hearing
12 will be held by the Village Board of Trustees at the
13 Village Office, 115 Main Street, Altamont, New York
14 12009, on September 3, 2019, commencing at 7:00 p.m. to
15 consider the enactment of the proposed Local Law
16 described below: Proposed Local Law No. 2 of 2019 of the
17 Village of Altamont Repealing Local Law No. 1 of 2018
18 and Amending the Official Zoning Map. This Local Law: (1)
19 Describes the authority of the Village Board to rezone
20 the parcel in question; (2) Describes the purpose of the
21 Local Law as repealing Local Law No. 1 of 2018 and
22 amending the Official Zoning Map to the parcel of land
23 from the R-10 to the CBD zoning district; (3) Repeals
24 Local Law No. 1 of 2018. (4) Provides for the amendment
25 of the Official Zoning Map to move 107-109 Helderberg

1 Avenue from the R-10 to the CBD zoning district; (5)
2 Establishes the effective date of the Local Law as the
3 date of filing with the New York State Secretary of
4 State.

5 Copies of the Local Law described above are
6 on file in the office of the Village Clerk, where it
7 is available for public inspection during regular
8 business hours. All interested persons will be given
9 an opportunity to be heard on said proposed Local Law
10 at the public hearing. Dated: August 22, 2019, by
11 Order of the Altamont Village Board, Patricia
12 Blackwood, Village Clerk.

13 MAYOR DINEEN: What I would like to do is this:
14 I'd like to ask the applicant to come and give us a
15 presentation or whatever they want to do on the
16 application and some of the elements that we are talking
17 about for the zoning change. I think Mr. Marshall is
18 here from Stewart's and there may be some folks here to
19 talk about traffic.

20 When the presentation is complete - if the
21 Board would like to ask questions, or wait until the
22 public offers their thoughts - then we will move on
23 from there.

24 MR. MARSHALL: Good evening. I am Chuck
25 Marshall from Stewart's.

1 Most of you know that because my name
2 recognition here seems to be higher than my hometown.

3 I want to let everyone know that I really
4 think - I know there has become this
5 anti-Stewart's/pro-Stewart's and from the Stewart's
6 perspective, we are a place where people go for coffee
7 and ice cream and we have a community element. We are
8 not going anywhere. Whatever the situation that comes
9 out of tonight is for the future and we are going to
10 work through it. We did so in 2018. We did so at the
11 Planning Board and the Zoning Board overturned
12 interpretations for potential litigation. We would
13 like to minimize the number of gyrations that this may
14 take. This is really the first step.

15 So, with me tonight is Leah Everhart. Leah is
16 an attorney at Miller, Mannix Schachner & Hafner. She
17 is an expert in the State Environmental Quality
18 Review. Mark Nadolny from Creighton Manning is here,
19 Carmen, the manager and Joe from the shop who are
20 local Stewart's representatives.

21 Because of the turns that this has taken, I
22 think it is best to let Mark speak first because one
23 of the major elements that came up in December was the
24 traffic. So, Mark will walk us through the traffic
25 study that Creighton Manning did for the revised plan.

1 MR. NADOLNY: Thanks, Chuck. As Chuck noted, my
2 name is Mark Nadolny and I work for Creighton Manning
3 Engineering.

4 We were asked to conduct a traffic assessment
5 of how much additional traffic the proposed
6 redevelopment would generate.

7 Essentially what we did was we looked at the
8 number of pumps which is going to remain the same.
9 However, the size of the convenience store will
10 increase by approximately 640 square feet. Therefore,
11 we did a comparison between a store that is
12 approximately 2,700 square feet would generate
13 compared to a store that is 3,300 square feet would
14 generate. We took that comparison to see how much
15 additional traffic we could expect out on the adjacent
16 roadways.

17 We have to understand that a store like
18 Stewart's is not a land use that attracts trips all on
19 its own. It is a lot of pass by trips. In the traffic
20 world we talk about pass by trips. What that means is
21 when someone is driving to work or coming home from
22 work, they stop at Stewart's on the way home or they
23 stop at Stewart's on their way to work and get a cup
24 of coffee. So, it is not a new trip on the network.
25 So, while we would acknowledge that there is going to

1 be more turns in and out of the store because the
2 going to provide more amenities, a lot of those trips
3 are already existing on the existing roadway network.
4 They are just turning into the store and they may have
5 passed by because maybe the store doesn't provide
6 lactose-free ice cream and they will provide then the
7 future so if someone on the way home -

8 MR. MARSHALL: Yes, we do.

9 MR. NADOLNY: So, those are not new trips to
10 the network. However, the store will attract new trips.
11 Somebody may live on Prospect and they will say well,
12 you know what, this store is a little nicer and instead
13 of going to the grocery store I will go to Stewart's
14 instead. That will attract a new trip just for the sheer
15 size of the store that is increased. So, based on
16 engineering standards - other similar types convenience
17 stores, we anticipate the increase to be about 600
18 square feet to add approximately 10 new trips to the
19 network during the morning and afternoon peak hours. So,
20 while the store may attract more turns in and out of the
21 store, new traffic coming in from the area is about 10
22 trips during those peak hours. So, it's the morning and
23 afternoon peaks during the commuter times.

24 In perspective, when you look at the amount
25 of traffic on the existing roadway, there are about

1 400 to 600 trips on the existing roads during those
2 peak times. When you're talking about 10 new trips,
3 you're talking about an increase of about 1% to 2%
4 percent of traffic on the roadway network. So, you're
5 not going to be able to tell the difference with the
6 initial 10 trips. The daily fluctuation of traffic is
7 more from a Tuesday to a Wednesday to a Thursday - -
8 traffic on these roadways will fluctuate day to day
9 and it's more than what you are actually going to see
10 as new trips going to the store. Like I said, you will
11 see more turns in and out, but in terms of new traffic
12 to the area, it's going to be fairly minor. So, those
13 were the conclusions of our trip generation
14 assessments.

15 We did get a review letter from Nan
16 Stoltzenburg from Community Planning Environmental
17 Associates. Based on this letter, I'm just going to
18 take some of the statements.

19 One of the statements was: The proposed
20 redevelopment will not degrade existing pedestrian and
21 bike accommodations. While I agree that it won't
22 degrade, I think the store may actually help
23 pedestrian accommodations. When I said that, right now
24 we have three curb cuts to the site. The proposed
25 redevelopment will actually reduce one of those curb

1 cuts, so you will minimize the amount of exposure the
2 pedestrians have to cars. So, it will actually improve
3 pedestrian connectivity by eliminating that driveway.

4 The letter also suggests that there is no
5 potential adverse impacts as a result of the
6 development with regard to traffic. So, again, this
7 was reviewed by Community Planning Environmental
8 Associates. They didn't see any adverse impacts to
9 adjacent roadway networks with regard to the
10 additional traffic to the system. So, it is pretty
11 much a summary of what we looked at.

12 I will turn it back over to Chuck or Leah to
13 go through some of the environmental.

14 MS. EVERHART: I know Chuck introduced me
15 already. My name is Leah Everhart and I am an attorney.
16 We are doing some work for Stewart's in this
17 application. Most of our time we actually spend in
18 aiding municipal boards through the conduct of the SEQRA
19 review in order to make sure that they comply with SEQRA
20 regulations and invest the most appropriate way.

21 We are going to speak a little bit about the
22 rezoning - mostly about SEQRA, but were going to start
23 with a little bit of housekeeping.

24 First of all I would like to mention that
25 there are some boards up in the back of the room.

1 Those are not put up by Stewart's. We had some
2 concerns about the accuracy of some of them. We just
3 don't want there to be any confusion. Whoever put
4 those up, it was not Stewart's. So, if they are
5 helpful to the Board, wonderful, but they are not from
6 Stewart's and as far as we know they're not from the
7 Village, either. *From the Board's perspective, this
8 probably seems like a bit of déjà vu since the Board
9 already conducted SEQRA review and already adopted a
10 Local Law to amend the zoning in the way that is being
11 proposed here tonight.

12 As a result of that rezoning effort, there
13 was some litigation. There were a number of procedural
14 claims raised in the context of that litigation. In
15 the abundance of caution, we understand that this
16 Board has decided to reopen that review effort to give
17 this a fresh look and we very much appreciate the
18 Board in doing so. We realize how much time it takes,
19 let alone to go back and do it all over again. So, we
20 appreciate there's a real desire to get this done the
21 right way, to evaluate the right things, to reach
22 appropriate conclusions and to make sure the proper
23 procedure is followed.

24 Just today we were made aware of a letter
25 that was submitted by the Village's consultant. We are

1 not in a position because of such short time to
2 provide feedback on that. If we have time, we
3 certainly will but we do want to just provide the
4 proper context in which we are hoping the Board may
5 receive that sort of information just like it receives
6 any other information tonight. We understand that the
7 letter was submitted by a consultant of this Board -
8 of this Village. It is perfectly appropriate.
9 Obviously, Boards are allowed to have consultants. Mr.
10 Hartzell is a consultant. I am a consultant.
11 Certainly, it is appropriate. We are a little
12 concerned, though, about the scope of the guidance -
13 sometimes the tone of the guidance and sometimes the
14 substance of the guidance. We would like to remind the
15 Board that from a SEQRA perspective, you all are the
16 experts. You are the Board with the expertise. When
17 you take in opinions, you are not allowed to delegate
18 your substantial authority and basically just look to
19 the opinions of consultants, engineers and attorneys
20 even - whomever - planners. Certainly it is
21 appropriate to take in and evaluate those opinions,
22 but not blindly. There are some opinions that were
23 offered to you that we wholeheartedly agree with and
24 some that we found very troubling or disconcerting
25 about the recommended determinations that were set

1 forth. Again, were not going to get into great detail
2 just because it is so long. We hope to be able to do
3 that in writing at a future time, if it is relevant.

4 *We would like to mention though that there is no
5 disagreement between us and the Village Consultant on
6 the type of SEQRA action that this is.

7 There are three types. There are Type I
8 actions, which are large projects. Colonie Center
9 which would be an obvious example. There are Type II
10 actions which are exempt from SEQRA review;
11 constructing your single-family home is a good
12 example. Those are assumed not to have any impacts at
13 all. Then in the middle are this wide variety of
14 actions that don't fall into either category. They are
15 called unlisted actions. That's where we are tonight.

16 SEQRA begins with a review of an
17 Environmental Assessment Form. That's a form that has
18 three different parts. The first part is filled out by
19 the applicant. When an action is a Type I action - the
20 big kind of action - a very long form is required of
21 the applicant. The only other type of action that
22 requires a form will be our unlisted action. There is
23 a short form that can be used for that. Stewart's
24 appropriately filled out the short form and submitted
25 it to the Board for consideration.

1 One of the recommendations this Board has
2 received is first of all, confirmation from your
3 consultant that we are right and that is appropriate,
4 but also for the recommendation that the Board go
5 above and beyond and require some further submission.
6 Both the long Environmental Assessment Form, even
7 though we don't think that's necessary and some other
8 materials. Focusing for moment on the long
9 Environmental Assessment Form, we would really request
10 that the Board not obligate Stewart's to submit that.
11 There are two reasons. One is that we are concerned
12 about unnecessary delay where this Board has already
13 gone above and beyond what it's obligated to do to
14 make sure that procedural rules are abided by. More
15 importantly because I doubt there are many people here
16 who have no idea what Stortz is proposing. In
17 particular, the Board, as far as I am aware there is
18 no real great mystery as to what Stortz is proposing.
19 It is true that the long form EAS has many more
20 questions to be asked. We doubt that it would elicit
21 information that you don't already have. Certainly if
22 there is information you don't already have, perhaps
23 we can supplemented. Obviously, if you require us to
24 do a long form, we will do so. We would just ask that
25 unless there is information that would be elicited by

1 that form that you think you need, please just don't
2 require it of us as a matter of course.

3 As far as the ultimate review effort that the
4 Board would be undertaking, we are a little concerned
5 about the manner in which your consultant has
6 evaluated potential impacts. What we mean by that is
7 what is being proposed here is moving the boundary
8 between the R10 zoning district in the CPD zoning
9 district over by one property. Nobody is proposing
10 that the Board create an island in the zoning district
11 just for Stewart's. We are just trying to move the
12 boundary over by one parcel.

13 Not to suggest that there will be absolutely
14 no impacts in every answer you give should be in favor
15 of no impacts - that's not what we are saying. When
16 one evaluates whether or not there will be a
17 significant impact, if one were to do that based only
18 on the most outspoken project opponent and how they
19 subjectively may feel about the level of impact, that
20 would obviously skew the results of SEQRA. That would
21 be the case in any project - any development project
22 whatsoever.

23 The closest neighbor will obviously be the
24 one that may feel impacts the most acutely. Just
25 because they may be viewed as significant to any one

1 member of the community or maybe any two members of
2 the community, that doesn't mean from a SEQRA
3 perspective that they rise to a very high level of
4 significant environmental impact.

5 So, we are little concerned that in
6 evaluating potential impacts of light and noise and
7 the like that it seems like your consultant was
8 focusing mostly on how those things would be viewed
9 from a single parcel. Certainly, that should be
10 considered. We are just suggesting that shouldn't be
11 such an obtuse review of impacts and that a broader
12 look to really evaluate how significant the impacts
13 really are should be considered.

14 Finally, the determination that the Board
15 will ultimately reach either tonight or at a future
16 meeting - we would really like the Board to focus on
17 what courts will identify as the standard which is the
18 rule of reason. You all have expertise. You all have a
19 lot of discretion in identifying what types and levels
20 of impacts there may be. The rule of reason really
21 requires that those determinations be reasonable based
22 upon the record.

23 In terms of the actual zoning amendment - I
24 mentioned before that we are not proposing an island
25 in the middle of a residential zoning district. In the

1 course of the litigation there was an allegation that
2 the zoning change - that by moving that property line
3 over and rezoning the parcel that we are seeking to
4 rezone - that somehow that is inconsistent with the
5 Village's Comprehensive Land Use Plan. Just to be
6 clear, the Comprehensive Land Use Plan, as you all
7 know - you have developed it. It is skeleton of zoning
8 really. It is identifying the shared plans and goals
9 of the community. It is usually a very general
10 document. I don't know of one that has been so
11 specific to define the boundary line between zoning
12 districts and I don't believe yours is that specific
13 either. So, we don't believe that there is an
14 inconsistency between the Comprehensive Land Use Plan
15 and the proposed Zoning Law. I don't think the
16 allegations particularly along those lines are
17 reasonable and are unfounded.

18 Thank you, very much.

19 MR. MARSHALL: This is an existing survey,
20 should someone want to come up and point to any
21 features. These are the plans. There were some
22 revisions. I'm going to walk you through them. Some of
23 them stem from the interpretations that we received and
24 what happens when they are subsequently overturned.

25 So, one of the comments that Nan had raised

1 was we propose three signs; only one building sign and
2 one freestanding sign are allowed. We actually don't
3 propose three signs. They only propose one
4 freestanding sign which is compliant in square
5 footage. It is deficient in its placement so we will
6 need variances for that.

7 This is the proposed site plan. There are
8 versions of this provided by me on 11 by 17 paper in
9 the back. What you have on the sign is in this general
10 vicinity here (Indicating). This is the existing
11 Stewart's store and this is the existing house. The
12 existing Stewart's store is 2,700 square feet. The
13 proposed is 3,340 which on the front elevation
14 consists of 1,600 square feet of sale floor and 1,500
15 square feet of storage area. Approximately 2,200
16 square feet of the storage shed is accessible from the
17 outside only.

18 When Stewart's sought the interpretations,
19 some of those have since been overturned and some of
20 them remain, a couple of things changed. So, the
21 required square footage for a gasoline fueling station
22 is 40,000 square feet. The proposed Stewart's is
23 33,915. So, we will need a variance for that.
24 Everything is under the assumption that this goes
25 forward. *One of the things that changed is the

1 minimum width of frontage that has increased. So, we
2 have variances there, as you look at the overall
3 impact that the plan has with the adopted or existing
4 zoning. We're going to a gasoline fueling station and
5 there is a minimum distance from the pumps of 35 feet.
6 Both sets of pumps are now compliant, however, the
7 setback from the residential of 50 feet is now
8 deficient and we will need a variance for that.

9 One of the things that came up when going to
10 the Zoning Board of Appeals was the lighting. The
11 overall plan is compliant with the average, as
12 determined in the Code. However, under the canopy
13 there is intensity which exceeds the average. Again,
14 one of the things that we will have to work through is
15 that number of average having to deal with the
16 exceedances and the under. We propose a series of LED
17 - all lights are LED. We propose back shielding
18 fixtures along the side. We propose no soffit lighting
19 or exterior lighting along the property - the side of
20 the building that it would face - 111 Helderberg
21 Avenue.

22 One of the things that Nan mentions in her
23 letter that I think is a relevant point and something
24 that people have to consider - - this is kind of an
25 example of the overall development of the site - is a

1 dumpster. So, the dumpster does get closer to the
2 residential property line. The problem is as the
3 development instrument - the dumpster can really only
4 go here or here (Indicating). That is because the
5 dumpster has to be picked up with a truck that
6 approaches straight, lift it, dump, the truck backs up
7 and then exits. You have to position the dumpster
8 where it can be cleared in that manner. The zoning
9 mention specifically that it should be placed to the
10 rear of the building.

11 Here, on that approach, is a residential
12 zone. If it was here, it would be in front of the
13 building which would make it not compliant with the
14 zoning, but that's an element of the planning process.

15 The Planning Board through its discretion has
16 the ability to say that we would rather have the
17 dumpster screened differently and put in front of the
18 building that we would have the dumpster closer to the
19 residential zone. Again, the overall development here
20 is to use the mass of the building to screen residents
21 that exists on the Helderberg Avenue side of the
22 property.

23 I will just go to the landscaping plan real
24 quick.

25 So, in the landscaping plan what we

1 originally submitted - I did spend about 45 minutes
2 going through the plan with Carol.

3 One of the elements that she was concerned
4 with was the placement of a six-foot fence immediately
5 adjacent to her property line and that would prohibit
6 her access to her hedgerow. So, one of the things now
7 that the interpretation is gasoline fueling and the
8 requirement to move the building further northeast is
9 that we can now again do the planning process and put
10 a fence instead surrounding the individual components
11 and then put the fence closer to the Stewart's store
12 and then provide a visual buffer with the increase
13 landscaping along the perimeter line.

14 We do still propose taking down the existing
15 tree line between the Stewart's and the house along
16 107 Helderberg and then as you can see any area here
17 that is green will be green on the plan. So, with
18 that, I think I have answered most of the questions
19 and questions that I would anticipate. If there are
20 questions after the vote or comments that the Board
21 would specifically like me answer, I would love to do
22 so.

23 MAYOR DINEEN: I would just clarify that I
24 apologize that we threw something at you so late in the
25 game. We did not receive it until yesterday. It was a

1 thought that we wanted to get as many recommendations or
2 opinions from people that work with Planning. Our
3 Planning Board gave us recommendations. Obviously,
4 Albany County sends us recommendations. We had not asked
5 our consultant, our planner, who has helped us shape our
6 Comprehensive Plan. So, just recently we asked her if
7 she would have a chance to review the plan.

8 I didn't think she was going to fit it in
9 because we got it to her later than I had hoped.

10 She was good enough to accept it and she
11 received it yesterday. So, the Board received
12 yesterday and we haven't had a chance to look through
13 the whole thing either, but it's also in the back of
14 the room just so they get an idea. Again, these are
15 recommendations. This is not what we have to follow,
16 but we have gotten recommendations from the other
17 Boards, etcetera. So, that's what we have been
18 referring to. I do apologize because I emailed it to
19 you, but I did want you to have it just you know
20 everything that we know.

21 MR. MARSHALL: One of the big ones - and this
22 is kind of been a discussion that that is happened
23 repeatedly - - this is the Villages established historic
24 district. In her letter, Nan indicates - - it is
25 somewhat a function of databases of which I don't

1 purport to use. When you use the Short Environmental
2 Assessment Form which is again, as Leah indicated, the
3 appropriate form for an unlisted action, the
4 Environmental Assessment Form macro which is a DEC
5 self-populating function, does not list the property
6 immediately contiguous to the established historic
7 district for the Village. When you use the Full
8 Environmental Assessment Form, it does come as
9 contiguous to the Village's established historic
10 district.

11 So, one of the things that I want to point
12 out - this is where the project is in the established
13 district. So, when people talk about where the
14 established district is, that's it were talking about.

15 MAYOR DINEEN: Okay, thank you.

16 Does the Board have any questions or comments
17 or would you like to open up to the public?

18 At this time, if you have comments that you
19 would like to share with the Board, we are here merely
20 to listen. We are not going to have a question and
21 answer because there are so many of you that want to
22 share your ideas that we want to make sure we can get
23 everything in - in a timely manner and continue onto
24 the other work that we have to do with this
25 application and then of course conduct other business

1 that is on the agenda this evening.

2 FROM THE FLOOR: Excuse me, is there going to
3 be a vote tonight?

4 MAYOR DINEEN: We don't know. We are not
5 planning one or not planning one. It depends upon what's
6 going on. We have to do SEQRA here, so we will have to
7 see. The SEQRA may take us on - - so, we will say.
8 Depending on SEQRA, it could be tonight or could be
9 finished up the next meeting - the SEQRA portion;
10 keeping in mind, we do have 14 other items on there.

11 I would like to remind you - - it might sound
12 like I'm talking down to you and I don't mean that at
13 all. I am a teacher. Most of you know that. Today was
14 the first day of school and the kids come on Thursday.
15 I have to get ready for what I'm going to say to my
16 eight classes that come in on Thursday morning. One
17 thing I really make sure and I explained to them is -
18 we have a good time on that first day, but I say at
19 the very beginning or where I want to fit it in about
20 my expectations for them. The expectations that I have
21 for all of us here tonight are: Please share your
22 opinions. Please listen to others who may not have the
23 same opinions. It doesn't mean that you are wrong, or
24 they are wrong. It's just an opinion and we want to
25 hear them all. We have a real issue with people - I

1 don't want to say heckling others that stood up after
2 you already had your opportunity to talk. It's just
3 very disrespectful. Manners matter all the time -
4 respect, always. We have always been that way here.
5 This Board has operated that way for 14 years since I
6 have been here. We have never had an issue until that
7 meeting. I was really disappointed to see that.

8 So, I'm talking to you like your my kids for
9 Thursday. This is good practice for me because it's
10 kind of what I'm going to say to them when I see them
11 Thursday morning.

12 So, please give respect because we are all
13 the same community. It is a great community. We can
14 disagree. We have disagreed but we work well together
15 and that is the whole point.

16 If Michelle gives you a little wave, it means
17 that you're coming to the end of your time.

18 Come on up and tell us who you are and where
19 you reside.

20 MS. HEAD: I have to take issue with the size
21 of your illustrations here. Stewart's is a big
22 corporation and I have seen Powerpoints with projectors
23 and I think our people here would have liked to have
24 been treated to some visuals where they could have seen
25 some better close-ups. I know with the glasses that some

1 of us older folks have - it would have been better to
2 see more closely what the accident would've been on some
3 of the streets like Severson and 156 and so forth. So,
4 the understanding I think was kind of compromised by the
5 fact that everything was so small on the illustrations.

6 I do take issue with Stewart's and they are
7 not providing the best that they could for the people
8 of Altamont. They certainly can afford to.

9 You must wonder what I have in my right hand
10 here. These are empty receptacles, by the way. They
11 have nothing in them. They are industrial sized squirt
12 bottles. They actually represent some of my discontent
13 when I have been walking down the aisles of grocery
14 stores and wanting to find smaller bottles of
15 solutions that clean my house. I haven't been able to
16 find anything smaller than these big oversized in your
17 face aggressive pieces of plastic. So, I have resigned
18 myself to the fact that this is what I'm going to have
19 to deal with.

20 Somehow when I was thinking of the Stewart's
21 like a lot of people or at least the people at
22 Stewart's want to build there on the corner in our
23 little Village - these bottles and Stewart's - that
24 new vision of Stewart's got connected - in-your-face,
25 industrialized, over the top, overbuilt sized just

1 unnecessarily big production. Why? What does the
2 Village of Altamont really get out of this? What do we
3 really - why do we really need this oversized
4 Stewart's here?

5 MAYOR DINEEN: We have to cut you off. We are
6 past two minutes.

7 MS. HEAD: Thank you.

8 MS. FARRY: I'm Catherine Farry and I live at
9 124 Schoharie Plank Road East. I am in favor of the
10 Stewart's expansion. I fully support any improvement
11 that Stewart's wants to make. The most recent Altamont
12 Enterprise had a number of letters to the editor as to
13 why people may not be in favor. I just want to counter
14 some of the points made.

15 One letter said that the expansion will have
16 significant impact on the current restaurants in the
17 Village. I think that's a little dramatic. I am five
18 months pregnant and I can tell you that if I have a
19 craving for Chinese food, I will not be going to
20 Stewart's. I will be going to Bamboo Garden. The best
21 bagels are definitely at Hungerford and the pizza is
22 still a household debate because Paisano's Village - -
23 I don't know. With Stewart's expansion, that won't
24 change any of that.

25 Also, if we're going to compare the proposals

1 to the Stewart's on the corner of 146 and Route 20, I
2 say: Let's do that. I have been there often. I have
3 never had an issue with parking and I've never had to
4 wait for gas. I find the employees friendly and often
5 run into friends at that store. If that type of store
6 existed in Altamont, I'm guessing you would still
7 manage to say hello to your neighbor across the aisle
8 because we are not talking about a marked size
9 expansion. To mimic Altamont Corners should be
10 applauded and not critiqued. If we wants Stewart's to
11 look like Stewart's in Altamont, are we going to model
12 it after the Crown's house, or the Ketchum's property
13 or the multiple abandoned lots?

14 As concerned as Stewart's might be about
15 their bottom line, because they are business, they are
16 still willing to donate frequently to local charities
17 and nonprofit groups and provide our community with
18 convenient shopping for staples. They have been a
19 great neighbor.

20 With regards to safety: The only place I have
21 ever had cars zipping past me is when trying to cross
22 Main Street at a crosswalk next to the Police Station.
23 I would have to argue that the safety of this Village
24 and the problems with cars speeding is more of an
25 issue to take up with the Police and not the possible

1 larger parking lot of Stewart's.

2 For the letters to the editor that reference
3 the young families the want to move to the Village, I
4 think I am one of them. My husband is home with our
5 one-year-old daughter and we have one on the way and
6 we want some convenience in this Village. A larger
7 parking lot where I don't have to jump out of the car
8 while my husband circles the building would be a good
9 start.

10 For other young families who are here or who
11 want to be here, there are plenty of vacant lots for
12 them to grow their ideas. At the end of the day,
13 whether or not Stewart's is allowed to expand, what I
14 am most concerned about is the lack of respect that I
15 have read and heard in my Village with a group that is
16 so against this expansion has written numerous letters
17 to the editor that are just not factual. Their
18 individual opinions and agendas have formed a group
19 that has solicited funds for their lawsuit and not
20 taken into consideration people like me who really
21 want to improve a local store that offers convenience
22 and a variety in a small Village setting. As
23 passionate as the concerned neighbors are, I really do
24 wish that they would understand and respect that there
25 are others in the Village that want to see Stewart's

1 move forward with their expansion. Small groups
2 against the expansion have exploited many in the
3 community for letters and have voiced their concerns
4 for the organization without fully being aware of what
5 they were saying.

6 In closing, everyone should respect the
7 opinions and be proud that so many family businesses
8 like Stewart's is thriving and wants to expand.

9 MR. WOLFF: For those of you who don't know me,
10 my name is Michael Wolff. I've been a resident in the
11 Village for over 39 years, but I have also spent a
12 portion of my life away from Altamont. It's that time
13 away from Altamont that taught me to appreciate what the
14 Village is.

15 Now, I have a question that I would like
16 everyone in this room to think about. The question is:
17 What is Altamont? Is the buildings? Is it streets? Is
18 it history? I think it's a combination of all of them.
19 But more importantly, I believe it's people. It is
20 people that have made this Village the best place to
21 live in. It isn't Stewart's. It isn't a school
22 district. It isn't any one person. It is everyone.
23 Raising children here is a great experience.

24 Let's talk a little bit about change. Over 39
25 years, I have seen a lot of changes in Altamont. When

1 we first moved here in 1967, the main store was
2 Krupy's, if anybody remembers that. I remember the
3 drugstore that Mr. Glanton owned, and I remember Helen
4 Becker's, where for a quarter as a kid you could buy a
5 bag full of candy.

6 When I was young, we used to ride our dirt
7 bikes through the fields next to my house. In those
8 fields my friends and I would gather and pick
9 raspberries at what we used to call the big rock. Now,
10 it's Gregg Road.

11 When I was in high school, I used to run down
12 Pangburn Road and wave to the horses because I used to
13 think I was faster than them. Now, it's not Pangburn
14 anymore, it's Bozenkill Road with a bunch of houses.

15 So, you can see that I have seen a lot of
16 changes. I have read and heard people reference
17 historic character and architectural fabric of
18 Altamont and I'm kind of confused by that.

19 If you look at the plaza where Krupy's was,
20 it is now a strip mall. If you look at Ketchum's, the
21 housing developments on Gregg Road, Whipple Way in on
22 Brandl Road - - I'm not sure how they fit into the
23 historic character or fabric of Altamont.

24 What I will say is this: All of these changes
25 have been able to bring more people to the Village of

1 Altamont and make it a much better place to live.

2 As far as Stewart's goes and I may not be
3 100% accurate on this, but I believe Stewart's has
4 been in the Village since 1980 or somewhere around
5 that time - the same way as Agway and Ketchum's and
6 Paisano's. Stewart's, to some, may be a corporation. I
7 look at them as a fabric of the Village of Altamont. I
8 fully support the expansion. I think it will be great
9 for the Village. We, as a community, have grown. We
10 have just demonstrated that by all the developments we
11 put in the Village in the past 30 years. Why shouldn't
12 our stores expansively have more resources? Families
13 need them. Stewart's, to me - I go in in the morning
14 and I see contractors going in and buying their
15 breakfasts, saying hello to each other as they are
16 walking by. I see the old-timers sit at the table talk
17 and stories over coffee, which no offense to the
18 old-timers because I'm getting a lot closer than I
19 used to be. In the evening hours, we see families
20 walking down to Stewart's to get ice cream. They
21 support our schools. Their fundraisers at
22 Christmastime give money and they match every dollar
23 we given in our Village store to families elsewhere
24 who are less fortunate.

25 MR. GREEN: Good evening, Madame Mayor and

1 esteemed members of the Board. I am Jim Green. I live at
2 139 Main Street with my wife Lynn and Kevin. We raised
3 our boys at 139 Main Street and I urge everyone
4 strongly to vote for the happy camper flavor of ice
5 cream.

6 We have been here for over 20 years. It's not
7 as long as somewhat more than others. We have seen a
8 lot of change in 20 years. My point was that we have
9 seen a lot of change.

10 The largest one that Lynn and I have lived
11 through is the building of the road. It's not just
12 buildings, but when the road was completely
13 reconstructed for the benefit of the Village, overall
14 it was a fantastic project. I don't think anyone would
15 disagree with that. It fixed a horrific road. It
16 dampened the speed of the traffic. It was good in
17 many, many ways in the Village. It was not good for
18 139 Main Street and for Lynn and I.

19 The shape of the road changed with the new
20 design and if you need any evidence of that, the next
21 time you drive into the Village and there is a little
22 bit of an uphill, you're looking directly at our cigar
23 port. That was because of the shape of the road when
24 it was redesigned and the road was moved and it was an
25 entire travel lane closer to our front door. It cost

1 us money. I can show you the bills from Rick Perry
2 Eddie who has had to fix the cracked plaster in our
3 home.

4 So, what's my point? My point is that change
5 has to occur in a living, breathing Village. Sometimes
6 you're going to have impacts. That construction
7 project with the road impacted us directly and it
8 still does today, but we have adapted to it. We didn't
9 move out of the Village. We didn't institute a lawsuit
10 over the road. We worked with the planners at the time
11 and the best way that we could for the best of our
12 property for the overall of the Village.

13 I think the Stewart's project is on a good
14 track. It is being well thought out. The I's are being
15 dotted and the T's are being crossed and we fully
16 support the rezoning and urge you to have the project
17 move forward with the rezoning vote. Thank you very
18 much.

19 MS. HAIGHT: I brought written comments because
20 I know I won't have enough time to go through them. I
21 will summarize.

22 Good evening, my name is Laura Haight from
23 108 Euclid Avenue in the Village of Altamont.

24 The first Board meeting was actually December
25 12 of last year when the subject first came up. Since

1 that time, the project really hasn't changed that
2 much. That is concerning because a lot of residents
3 expressed some legitimate concerns of the size, the
4 location, the placement, the parking lot, the pavement
5 area, the impacts on the surrounding neighborhood and
6 the scale. None of these things have changed in the
7 past year.

8 I sort of question this process that is very
9 unusual - what we are doing. I don't know how
10 legitimate it is when the the review of the zoning
11 change has been approved and to do another review on
12 the same zoning request. Nevertheless, even if this is
13 a bona fide and I trust that the Village Attorneys
14 have checked on this - I believe the Village is
15 repeating a lot of the same mistakes as last year both
16 procedurally in terms of the segmentation - having a
17 super review just of the zoning and leaving it to the
18 Planning Board and other committees in terms of
19 reviewing the environmental impacts and also that the
20 Short Environmental Assessment Form really doesn't
21 have a full assessment of the environmental impacts.
22 That's what is listed in the written comments that are
23 submitted.

24 I do hope that you will consider including
25 into the record the letters that were submitted last

1 December because there are a lot of people who spoke
2 out with concerns who may not be here today and the
3 project hasn't changed that much. I just wanted to
4 list a few of the major deficiencies that we have
5 seen. Before that, I just want to say to the group
6 that at the last Board meeting that we had this
7 hearing and then now most of the people have raised
8 concerns are not opposed to Stewart's, not opposed to
9 expansion. The major concern is that no alternatives
10 have been considered.

11 The only alternative that Stewart's is
12 considering involves tearing down a 19th century
13 house. You can't repeal those things. When you have
14 them and you lose them, they are gone and there is
15 another hole in the Village. It's not in opposition to
16 the expansion. There is space on the existing site
17 that they could expand. There are alternative layouts
18 that could be considered. None of that has been
19 considered and it has been a whole year. Among the
20 major concerns in terms of the Environmental
21 Assessment Form again is consistency with the
22 Comprehensive Plan and local zoning, the fact that
23 this project will require so many variances and
24 significant variances from the local Zoning Code is
25 yet another indicator of how out of sync with what the

1 Village is. The impacts associated with traffic having
2 been adequately addressed as explained in our letter.

3 Potential impacts of stormwater runoff
4 haven't been adequately addressed. This is an area
5 that is in the floodplain and it gets a lot of
6 flooding when the snow belt and so forth comes down
7 Helderberg Avenue into a low-lying area, you have a
8 lot of contaminants that will be in surface water. You
9 have a lot of impervious surfaces and pavement where
10 there are trees and shrubs and grass in the house.
11 There's going to be effects on stormwater and
12 flooding.

13 Lastly from a local perspective there will be
14 more traffic, more litter, more noise. Thank you.

15 MAYOR DINEEN: Thank you.

16 MS. WILSON: Kirby Wilson, 272 Brandl Road. I
17 would like to say that I agree with what Laura was just
18 summarizing. I hope you get a chance to look at her
19 complete comments.

20 I wanted to give you a little flavor of the
21 historical downtown area that were talking about
22 because I'm very much happy about some of the
23 beautiful developments we have around Altamont,
24 including the Brandl Meadows. Right now were talking
25 about the historic downtown center of Altamont. *To

1 give you some history, I have lived here for 19 years,
2 but my ancestors have been in the area for more than
3 200 years. My great great grandfather W.D. Storbelt
4 [sic] built two of the houses on Helderberg Avenue -
5 at 114 and 112 where both my grandparents lived as well
6 as my great great aunts initially and then my
7 grandparents and my grandmother Leona Becker and her
8 husband W.D. Becker and subsequently my aunt and uncle
9 and her six kids, my cousins.

10 We are talking about tearing down tall trees
11 that shield the commercial business of Stewart's -
12 the canopy from that area. We're talking about moving
13 this greater light closer to our neighbor Carol
14 Rothenberg's property. It is a major change and
15 character of the heart of our Village and I am very
16 much opposed to any changes when there is zoning or
17 variances to our zoning because of that great impact
18 that these changes will make.

19 I enjoy Stewart's dairy products and other
20 services, but I think that we can work something out
21 on the current footprint with Stewart's so that we can
22 maintain this good business. I don't think we have to
23 do it by tearing down a two family house in a county
24 that doesn't have affordable housing - that has a
25 problem with affordable housing and we don't have to

1 do it by tearing down trees that shield a very
2 historical neighborhood. Thank you.

3 MAYOR DINEEN: Thank you.

4 MR. SAMS: hi John Sams. I own a property on
5 Helderberg Avenue. I'm also a long-term resident and I
6 think all of us here in the Village agree that Stewart's
7 has been a pretty good citizen over the years. I don't
8 think anybody really wants Stewart's to pack up their
9 toys and go someplace else. I'm a little disappointed in
10 Stewart's that they'd didn't give a little bit more
11 serious thought about maybe reconfiguring the existing
12 property and I thought the only way to do it was to buy
13 the one next-door and to tear down. I kind of agree that
14 once these buildings are gone, they're gone. I have
15 watched this happen over the years. So, I think that
16 maybe it's a little too late. I think that when things
17 are sorted out, that if they may be took a realistic
18 look at the existing property, how they have cited
19 things, how much they're going to change the character
20 of the corner. They might just wanted take a fourth or
21 fifth look if they have taken one at all. Again, this is
22 not to beat up on Stewart's. I really think they have a
23 great business.

24 I agree with Jim Green and everybody else who
25 has spoke about it. It's a great asset to the Village.

1 I would hope that they would at this 11th hour may be
2 reconsider tearing the building down next-door. Maybe
3 they can go ahead and change the property lines and
4 may be make that into a commercial building and may be
5 redesign it and incorporate it into what they want to
6 do with it. That way, you will save the building. It
7 almost feels like the way that they have placed it -
8 the reason they have done it that way is so that they
9 can continue operating the initial store and while
10 they are in construction, that will help offset some
11 of the costs for building the new store. I get that,
12 but maybe just take a quick look at it again. It's not
13 a done deal yet, but they might be able to incorporate
14 it to make everybody happy it sort of compromise.

15 Again, I think Stewart's is a great asset to
16 the Village. I think everybody has stated very valid
17 points on both sides of the fence.

18 All those trees that come down - I remember I
19 planted all those trees 1 million years ago and that
20 was on my dime. They might just reconsider that. And
21 also maybe just change a little bit the architectural
22 details and they can keep it more in keeping with the
23 Village. Thank you.

24 MAYOR DINEEN: Thank you, John.

25 MR. GESSICK: Good evening, everybody. I am Tom

1 Gessick. I live in 997 Altamont Boulevard a little way
2 down from the store. I am certainly in direct opposition
3 to this proposal as it has been put forth, as well - for
4 a lot of reasons, much has been said by Laura and John a
5 moment ago but I heard the attorneys say that the
6 opposition seems to be coming from a view from a single
7 parcel regarding this issue. I think this is with regard
8 to the view of the parcel from all angles and not just
9 from Carol Rothenberg's house.

10 You walk up Main Street and envision a big
11 white bright Stewart's and that changes the entire
12 character of that corner. I have seen a lot of
13 changes, as well. I have been in my house for 33
14 years. I used to have a quaint eight-lane bowling
15 alley across the street from my house. Now I have a
16 totally different business across from my house and
17 John Dinato did a great job of changing it in a way
18 that allowed him to be successful and yet not impact
19 the surroundings around the property. It really is a
20 nice looking or better looking property than it was
21 back then. I'm not against change, but as others have
22 said, I think the property is just way out of scale.
23 Given the number of variances that seem to be needed
24 for this, it just seems like that should speak volumes
25 right there that we don't need this enormous project.

1 The attorney also spoke of the aspect of the
2 Comprehensive Plan being about boundary lines around
3 zones. This is much more than that. I think it comes
4 back to the character of the Village and how we all
5 view this Village. With all that said, I would hope
6 that the board would seriously consider everything
7 everybody is saying, aside from the legal aspects of
8 what has transpired. Thank you.

9 MAYOR DINEEN: Thank you.

10 MR. BURKE: Good evening. My name is Martin
11 Burke, 160 Maple Avenue. I have a submission for the
12 Board. I actually have five copies; one for each
13 Trustees, one for the Attorney and one for the Clerk. I
14 will just deliver it all over there. I will keep my
15 comments brief.

16 What I just handed forward as a protest
17 petition under Village Law Section 7708 subdivision 2;
18 and a protest petition under Village Law Section 7708
19 subdivision 3. The materials are submitted to protest
20 the Local Law 2 of 2018. And the signators in the two
21 protest petitions propose the adoption of this law
22 demanding that the Village Board of Trustees, if they
23 adopt this Local Law, that they do by super majority,
24 by a vote of four to one.

25 Attached to the two petitions are various

1 documents to support the two petitions.

2 The first petition under subsection 2 of 7708
3 is a petition signed by owners of the land immediately
4 adjacent to the subject parcel; that's 107 - 109
5 Helderberg Avenue.

6 The second protest petition is signed by the
7 owners of the land directly opposite the subject
8 parcel and extending 100 feet from that street
9 frontage of that opposite parcel. That opposite parcel
10 is Fredendall Funeral Home. As evidenced by the
11 exhibits attached to the two petitions, both meet the
12 threshold for the 20% area of land under both
13 subsection 2 and subsection 3.

14 That's all I have.

15 MAYOR DINEEN: Thank you.

16 MR. MAYER: Hi, my name is Mike Mayer, 149
17 Bozenkill Road.

18 I'm on the edge of the Village so I know I
19 don't have as much clout as the people who live in the
20 heart of the Village. I do appreciate both sides -
21 seeing both sides of everything.

22 This is the first meeting that I've been to
23 and I have been in the Village for six years. I've
24 been attached to the Village through family for 15 and
25 pretty much have seen the Village the way that it is

1 right now.

2 It's a little disheartening to see some of
3 the blight around the Village. Sometimes driving
4 through, I'm like, oh, there used to be something
5 there and something there. Some of the buildings are
6 not kept as great as they could be. Stewart's is
7 willing to come in and do something kind of nice. I
8 don't really see it as a monstrosity. I see it is a
9 need for the community. They have a lot of people
10 doing strategies and figuring out the sales and how
11 much the store supports the community like this. The
12 fact that we are trying to turn them away is kind of
13 disheartening.

14 It's nice to see a company wanting to be a
15 good neighbor and come into a Village like ours.

16 Although I haven't lived here all my life, I
17 feel like I was adopted in the last couple years. It's
18 such a really nice neighborhood. I just wanted to
19 voice my support for this project. Thank you.

20 MAYOR DINEEN: Thank you.

21 MS. DOVER: good evening. My name is Pat Dover.
22 I have lived in the Village for 43 years, but I have
23 lived outside the Village all my life. I grew up
24 basically in the Village because back where I lived,
25 there was nothing to do. So, you came to the Village to

1 do things.

2 I just want to correct you guys. It's not
3 downtown, it is up-street. If you have been here this
4 long, you know. You don't go downtown. You go
5 up-street.

6 I am for the expansion. I think a lot of
7 things in the Village have changed in the last 43
8 years. Stewart's is a really great store.

9 My husband and I have both been involved in
10 the Fire Department for most of the time that we've
11 been here. Every time we have a fire, Stewart's has
12 opened early. We would be knocking on their door
13 because they would be in there. They open the door and
14 let us get doughnuts and half-and-half and things like
15 that to feed the firemen.

16 Carmen, one time - we had the fire across the
17 street behind Ketchum's. One of the girls' feet were
18 wet. She gave the girls her boots to keep their feet
19 dry while we were outside taking care of the firemen.
20 They are a wonderful organization. They are wonderful
21 people who work there. I really think that we should
22 go through with the expansion.

23 MAYOR DINEEN: Thank you.

24 MR. MCNEANY: My name is Michael McNeany and I
25 live at 108 Severson Avenue.

1 I am for the expansion, though I am not for
2 this expansion. I would love to see another option
3 proposed. So far, each request for a variance is a
4 request for Altamont to bend its laws. The number of
5 variances requested should be an obvious indication
6 that the project, as proposed, is not properly sized
7 for our Village. Please choose the character of our
8 Village over a multimillion dollar corporation.

9 MAYOR DINEEN: Thank you.

10 MR. COWAN: Dave Cowan, 135 Maple.

11 About 60 years ago I rode my bike past this
12 building. It was a Dodge car dealership owned by Mike
13 Keller. Today, it houses Altamont Fire Department and
14 the Village offices. It's a good use for this
15 building. Both of my parents were born in this
16 Village. About 50 years ago they purchased the D and H
17 Train Station on Main Street. About 10 years ago they
18 sold it - the family sold it to the Altamont Library.
19 That's another good use of a building.

20 My mom's maiden name was Severson. So, the
21 house next to Stewart's was built and owned by my
22 family relatives.

23 I am against it being torn down just because
24 Stewart's wants to buy a new building behind their
25 current building so they can continue to open shop. I

1 think there's a better use of this building. Is this
2 Severson house a historical building? It depends on
3 your definition of history. I do know that there are
4 three blue New York State historical signs in the
5 Village with the name Severson on them. I don't see
6 anything from the Dake family in this Village.

7 I think some of my early relatives made this
8 Village a great place to live and I don't think we
9 need to lose any more of our unique buildings.

10 I have nothing against Stewart's. I would be
11 saying this if it was any other person or business
12 applying for the variance - the change to the Zoning
13 Law. I am against a change to the Zoning Law. Thank
14 you.

15 MAYOR DINEEN: Thank you.

16 MS. ROTHENBERG: Hi. My name is Carol
17 Rothenberg and I have heard my name mentioned. I live at
18 111 Helderberg Avenue.

19 Let me begin by saying that the various
20 Boards - Planning Board, Zoning Board and Trustees
21 have repeatedly heard about the effects on the
22 Helderberg and Severson Avenue neighborhood and
23 ultimately the Village landscape as our central
24 business district enlarges. So, you the trustees, are
25 ultimately making the decision on the future visual

1 landscape of Altamont. Yes, we do/I do value Stewart's
2 as a business, as we also value the other businesses.
3 No, we do not want a much larger store more than
4 doubling the lighting and the noise and almost
5 doubling the asphalt. All this for possibly one
6 additional parking spot.

7 As many of you on the Village Boards may have
8 privately said to yourselves, well, I don't
9 necessarily want Stewart's 20 feet from my property
10 and 40 feet from my bedroom. That's my personal thing
11 because I'm the one who lives right next to that
12 property. So, for me, that's a very unique thing. It's
13 not unique to anyone else other than the funeral home
14 and the Deans to being in that close proximity.

15 Adding to that, you have the noises when the
16 store opens at 4:30 in the morning, which is wonderful
17 for many people and it closes again at 11:30. The
18 funeral home and other residences in this area are
19 also affected by the noise, lighting and the traffic
20 increases. So, please think about the impact on us
21 humans, as we are part of that neighborhood
22 environment.

23 Will the Board be asking for a store design
24 using the current footprint? That seems to be one of
25 the questions. Why not ask for a more appropriately

1 sized store - something between the 2,600 foot store
2 that is currently there in the planned 3,340 square
3 foot store.

4 Also, why not have a more customized store
5 instead of a prefab store - a customized store that
6 would be more with the. Buildings - historic looking
7 buildings in the area.

8 The question might be: What is best for the
9 Village and not necessarily what's easiest for
10 Stewart's and their bottom financial line?

11 Stewart's wants to continue with their
12 business while they are continuing to build. I
13 understand that. Maybe ask for a rendering of what it
14 might be.

15 Again, I appreciate your considerations. The
16 bottom line is Altamont will be changing with this
17 current development to the detriment of the Village
18 and certainly the neighborhood, the human impact
19 should certainly be given consideration as well. Thank
20 you, very much.

21 MAYOR DINEEN: Thank you.

22 MS. WHITE: my name is Doris White and I live
23 at 119 Park Street, where Westfall Chevrolet used to be.
24 So, things do change. I have lived in and out of
25 Altamont since the 60s. We had Krupe's we had the A&P,

1 we had a restaurant on Maple, we had two bowling alleys,
2 we had several gas stations and auto repair shops. Most
3 of these have disappeared. We now have a stripmall with
4 no customers.

5 Let's give Stewart's a little help and this
6 will help our community. They have been a good
7 neighbor to us and to our other Town neighbors.

8 MAYOR DINEEN: Thank you.

9 MS. MUHLFELDER: Hi, my name is Barb Muhlfelder
10 and I live that 158 Maple Avenue. I definitely support
11 the expansion. I think it's important to the Village and
12 Stewart's has been incredible in their support of the
13 community. I just want to go on record that I am
14 supporting it and I hope others will, too.

15 MAYOR DINEEN: Thank you.

16 MR. COUNTERMINE: Hi, my name is Jeff
17 Countermine and I live at 4 Gregg Road. I, too, support
18 the Stewart's expansion.

19 I have heard some people say well, they just
20 want more money but they are a profit-making business.
21 I will tell you not only are they good to the
22 community giving donations, but they are a great
23 company to work for. They have amazing retirement and
24 they take good care of their employees. You don't hear
25 that a lot nowadays. That's something, okay, they want.

1 more money but they want to help give back to the
2 employees. The employees get profit-sharing and that
3 something you don't see with most businesses nowadays.
4 Again, I would like to see it go through. Thank you.

5 MR. CONNORS: Hi, my name is Joe Connors and I
6 live on Gun Club Road. The Village line runs through my
7 backyard, but I spend most of my time in Altamont. If it
8 hasn't been made part of the record already, I encourage
9 the Village to accept as part of this record the
10 September 2, 2019 memo from Community Planning
11 Environmental Associates.

12 We thank you for the transparency and
13 distributing that in the back of this room at this
14 hearing. I would think that it would have a
15 significant bearing on the SEQRA significant impact
16 analysis and that contrary to any specific other
17 evidence presented that contradicts the conclusions
18 about the adverse impacts, this proposal should not be
19 concluded in that report. Thank you.

20 MAYOR DINEEN: Thank you.

21 MS. HITT: Hi, I am Linda Hitt. I live at 65
22 Sandford Place. I just wanted to come appearance say
23 that I fully support the Stewart's expansion. They are
24 great neighbors. They are great people and I think some
25 improvement to the building would be really nice. I'm

1 just all for it and I just want to put that on the
2 record.

3 MAYOR DINEEN: Thank you.

4 MR. VINETTE: My name is Joe Vinette. I serve
5 all of you ice cream.

6 FROM THE FLOOR: What's the special this week?

7 MR. VINETTE: The special? Pints; \$2.15.

8 So, I started at Stewart's just going there
9 for like a second job.

10 MAYOR DINEEN: Where do you live?

11 MR. VINETTE: I live in the apartments.

12 I lost my job and I had to move here. I
13 didn't know what to do with myself. I was like, I'm
14 going to work at Stewart's and take out trash. I get
15 emotional because it's like I'm providing for my kids.
16 I went there and I was like, I'm just going to take
17 out trash. That's all I'm going to do. I can do that.
18 So, let me go take out trash. So, I started there and
19 I realized wait, I'm pretty good at taking out trash.
20 Maybe I can do something else, too. So I took out
21 trash and I said I could sweep. So, there's all these
22 little things that kept going and all of a sudden
23 Carmen realized - my name is Joe and there's a story
24 about pushing the button with your left hand or right
25 hand - - my name is Joe and I work in the button

1 factory and I work at Stewart's. So, I can serve ice
2 cream with both hands.

3 I started off just looking for something to
4 do - just, what can I do at night? I realize that I
5 could sell ice cream. Then, I realize there's more to
6 it. There is community. I started doing more and I
7 disappeared for a couple months to learn how to become
8 a better partner for the shop.

9 I realized after a talk with Carmen that I
10 was being considered for another promotion to be an
11 Assistant Manager there and that something that - - I
12 started there two years ago just taking out garbage.
13 Now I realize that we have an opportunity now to
14 expand the store and even higher within our community
15 to teach kids, our students, our young people how to
16 work at a Stewart's. So, if they were to go to a
17 college or somewhere else, they would have a better
18 training facility right here in Town where they could
19 make money in different places. So, I am for the
20 expansion because I realize the opportunity for us as
21 a community to invest in something and to be invested
22 in our young people and be invested in our next
23 generation of people coming up - it's something that
24 we could leave a legacy for the next people. So, in 34
25 years - - I did the math when the Stewart's was built

1 - - right now I just need the opportunity for us to
2 leave a legacy into our community into our kids and
3 just be able to help them to see the opportunities
4 before them.

5 MAYOR DINEEN: If anyone knows Joe, I would
6 suggest Stewart's considering him for public relations.

7 MS. PATRONE: Hi, I'm Carmen and I live at 2470
8 Western Avenue.

9 Ella Fitzgerald - some of us may or may not
10 know her - wrote that song. You say tomato, I say
11 tomato, tomato, tomato, potato, potato, but we're not
12 to call the whole thing off.

13 If I had a bigger store, we probably would be
14 able to get a smaller container of the plastic bottle
15 to clean the house.

16 There was a lovely gentleman that came in the
17 other day. He grew tomatoes and basil. He was looking
18 for fresh mozzarella, which I used to carry from
19 Cappiello's in Schenectady. I can't carry it anymore.
20 New products are added and this community needs the
21 products. I was so sad.

22 Again, it's a matter of sorting the potatoes
23 and potatoes. I think we can all get what we want,
24 which is what we are here for. There are things that
25 we can't take back. You all have a story about change.

1 Thank goodness for change or else we wouldn't be here
2 having this conversation. So, let's work through it.
3 Come over and get some ice cream. Joe will scoop it
4 and let's just keep it working on the potatoes and
5 potatoes.

6 I am for the expansion, in case that is not
7 clear.

8 MAYOR DINEEN: Thank you.

9 MR. NEWMAN: Hi, I'm Ted Newman and I live at
10 114 Lark Street. I've been here for 25 years and I came
11 from the Philadelphia area, which has a lot more people
12 than Altamont. I appreciate the small Village. I
13 appreciate the small businesses. I don't appreciate
14 businesses that push their way around which is what I
15 think I see Stewart's doing here. I haven't heard any
16 really good reason for expanding the store other than a
17 few feet of more retail space, but it seems like the
18 warehousing space is going to increase. There's going to
19 be more pavement so they can bring in bigger trucks and
20 they can deliver fewer times a week and save money
21 there. I don't see anything about this expansion that's
22 actually going to do anything for the Village. It's
23 going to help Stewart's. It's not going to make it any
24 more convenient, I don't think. With all the variances
25 that they're going to have to get to get this approved,

1 it just seems wrong. I don't know why were going to make
2 so many exceptions just so we can have a bigger piece of
3 pavement. Thank you.

4 MAYOR DINEEN: Thank you.

5 MR. PORTER: Hi, I am Fran Porter, 1119 Berne
6 Altamont Road. I just want to say that I think that the
7 community and the Village have a lot invested in the
8 flavor in the atmosphere of this Village. It's a big
9 investment. Everything from the little socials and
10 concerts in the park, to the fair, to the Victorian
11 Stroll - this is all part of the commerce of Altamont.
12 The building upon its flavor and character and history
13 and architecture. It seems to me that by building this
14 larger building with the concrete in the lighting - it's
15 sort of like taking a wrecking ball to all of these
16 efforts that have been made to create the kind of
17 Village we love.

18 MAYOR DINEEN: Thank you.

19 MR. PARIS: Rich Paris, 445 Bozenkill Road.

20 Just to let you know, my wife grew up here.
21 She's been here 62 years. When she was born and raised
22 here, there were all kinds of business around the
23 whole community. It was loaded.

24 Yes, we have beautiful architectural
25 buildings and houses and everything else. You have to

1 figure that you have a Stewart's down at 146 and 20.
2 They are offering to put one up by Berne Knox School.
3 If they don't get something a little bit nicer and a
4 little bit bigger here, they will pull out. Then, what
5 you going to do? Your taxes are all going to go up
6 because they pay a lot of money in taxes in this
7 community. Once you lose that, what else you got?
8 Sunoco, Village Pizza, Agway? That's it. Everything
9 else is gone because you're not letting new business
10 come in. Let them upgrade. Thank you.

11 MAYOR DINEEN: Thank you.

12 MR. DOVER: My name is Joe Dover. I live on
13 Maple Avenue, right by you. How many people here
14 remember Marty Corger's [sic] gas station? That used to
15 be where Stewart's is now.

16 My question is: All these buildings here -
17 the building that you're proposing - all the new
18 buildings are all the same, right? There's no
19 difference in any of the new buildings. They are all
20 the same size?

21 MR. MARSHALL: This one is smaller than most.

22 MR. DOVER: How much smaller than the one on
23 Route 20?

24 MR. MARSHALL: I got asked this question last
25 time. I think that one is 3,400 square feet also,

1 MR. DOVER: I remember the last time we went
2 through this, the biggest problem we had was people
3 worrying about the shrubbery, people worrying about the
4 lights. I agree with what Rich Paris said. I sat back
5 there and I listen to Rich. Rich is absolutely right.
6 I'm for the expansion and I hope he gets past. Thank
7 you.

8 MAYOR DINEEN: Thank you.

9 MR. VLAHOS: Harvey Vlahos, 221 Main Street.

10 I think one of the things that is getting
11 missed in all of this - we are really opposed to
12 Stewart's expansion. What we are trying to do is
13 preserve the character of the Village.

14 There are a lot of talks about it's the
15 people. Of course it is the people. There are a lot of
16 nice people that are say, in Clifton Park that don't
17 have the historic character that we do. This is
18 something that we really need to preserve.

19 People come here because it looks like a nice
20 community. It's got this sort of New England
21 Revolutionary - - it is sort of set in a time period
22 where there are a lot of good things happening.

23 Somebody talked about the Victorian stroll.
24 You can't have a Victorian Stroll if you don't have
25 Victorian houses. So, you can have that sense of

1 community with the Victorian Stroll, but you do need
2 infrastructure, the ambience and the historic
3 character to be able to do that.

4 I was little taken back - - I just got this
5 thing from Nan that came in the other day and what
6 Carrie was saying was that it only came in on
7 September 2. There's really no time to take a look at
8 it and really evaluate it. It's hard to pay attention
9 to what's going on to what people are saying and at
10 the same time take a look at this. There are several
11 things in here that Nan agrees with the positions that
12 we put out there - the letters to the editor, the
13 research that we did - they need variances. They might
14 have rules and regulations that were designed by the
15 community and by the people when we did the
16 comprehensive plan. So, why make all these variances
17 and why go through that process of the Comp Plan and
18 then just give it away? It really is a little
19 disconcerting that way. It does asked the question:
20 What does the Village get out of this? We're still
21 going to have Stewart's. I think we heard them say
22 they're not going to pick up their whatever and leave.
23 It would be a great way to try to do something so that
24 we could preserve the character.

25 You're talking about the Severson legacy and

1 the Severson hotel. Why not just take and design the
2 building that actually fits like that? That could be a
3 new model for a lot of these Stewart's. They have 340
4 stores going into a lot of communities that are like
5 this in terms of their architecture. So, we should
6 preserve that.

7 There were 200 people that signed a petition.
8 It's not just a couple of troublemakers.

9 The other thing about the businesses that
10 aren't here anymore - it's very difficult to do a
11 small business. The businesses that disappeared were
12 very small family operations.

13 This makes it hard because somebody talked
14 about take-out. Stewart's isn't going to do Chinese,
15 but what it is is - we want to go out and get
16 something to eat. Well, Stewart's have something
17 that's competing with some of these others. So, that's
18 part of the thing that is making it a lot harder for
19 the smaller businesses to succeed like that.

20 MAYOR DINEEN: Thank you.

21 MS. DINEEN: I'm Judy Dineen and I live at 21
22 Sunset Drive. This is my own personal opinion.

23 I have heard all kinds of things and I have
24 read all kinds of things and a lot of negative things.
25 It keeps changing. He keeps changing as it goes along.

1 I wrote down several points. We don't want to lose
2 another Altamont building.

3 I've been here since 1948. One building has
4 been taken down and that was Movana [sic] House and
5 that was a shame - when KeyBank came in, but it did
6 come down. I think there was another building on Grand
7 Street because of the flood. I can't remember. I think
8 there was one other one on Grand Street where the
9 church's hall is. Other than that, we're not knocking
10 buildings down. That's the way it sounds - like you're
11 going to knock another building down. We're going to
12 lose the historic - - no, we are not. We treasure it.
13 I think of any Village, this Village treasures its
14 history.

15 The other reason that it is bad is because
16 it's greedy. It's the greed of a large corporation.
17 Come on. To me, this is a good corporation. It is a
18 local corporation. It's not all over the world or all
19 over the country. They do good things and they do good
20 business. Even though we have changed it to call it a
21 gas station - I don't know if you all know that it's
22 now legally a gas station - - the only thing it does
23 is give gas. No, there aren't going to be extra pumps
24 put in. They're using the same two pumps, but adding a
25 diesel addition to it. I imagine they're making the

1 canopy better. I don't know that.

2 The natural environment and the wildlife - I
3 have lived here all these years and I've never seen
4 any wildlife. I understand that bats could be
5 encroached. I have never seen any deer or anything
6 like that running by the creek where they're going to
7 be negatively impacted.

8 I have heard the Board being called stupid.
9 They haven't given any interest into what the
10 community wants. I don't think it's right. With all
11 due respect, I think you have done a great job, at
12 least listening to all of this. It's going to
13 definitely hurt the Bamboo Garden, Hungerford's and
14 probably Victoria's. This is the new argument. People
15 really go where they want to eat. They don't exchange
16 one food for the other.

17 We have a second pizza parlor which did not
18 hurt Paisano's and guess what? Stewart's also sells
19 sliced pizza. So, I don't get that argument at all. I
20 don't think that's really correct.

21 Nobody mentioned Cindy's because I would be
22 very concerned about Cindy's business.

23 It's going to be a mega highway store, I
24 read. I don't really believe this is what's being
25 planned. From what I have read and from what I have

1 seen - I would not take Stewart's down for the size of
2 their presentation. We have done this before and we're
3 doing it again. It's been in the papers. Anybody who
4 wants to find out, they can come here and find out.

5 MAYOR DINEEN: Thank you.

6 MR. ZACH COWEN: My name is Zach Cowan and I
7 also live at 135 Maple Avenue. I also am a descendent of
8 the Seversons. My family has been here for a very very
9 long time and they are actually listed on the map of
10 1767, when this area was owned by the Patroons.

11 I grew up baling hay. I remember baling hay
12 with my father over on the Hildress [sic] Farm on
13 Brandl Road. When we got done, we went and got ice
14 cream at Stewart's. I remember we would return the old
15 plastic bottles to Stewart's. We use to do that for
16 milk.

17 I still have my Milkshake Club card and where
18 else would I go for my fuel?

19 I will say that I'm strongly opposed to the
20 current proposed Stewart's plan. I believe that they
21 can come up with the building that will fit the
22 Village character and our kids won't even think twice
23 that it hasn't been there forever.

24 History is all too often associated with the
25 past, but really it's being made every day. Once this

1 building is gone, it is gone forever.

2 Thank you for your time.

3 MAYOR DINEEN: Thank you.

4 MR. JACOBSON: Dan Jacobson, 103 Severson
5 Avenue. My family has been here for seven generations. I
6 am for the Stewart's expansion, but I do feel bad for
7 Carol.

8 MAYOR DINEEN: Thank you, very much.

9 Anybody else? I want to make sure before we
10 move on.

11 (There was no response.)

12 Okay, I think we have heard from everyone
13 that wanted to share with us this evening.

14 We did get and it's in our packets some
15 communications that came in from last week. There are
16 some on the record comments as well, so you will see
17 that.

18 Can I have a motion for the Board to close
19 the public hearing?

20 MS. GANANCE: I'll make a motion.

21 MAYOR DINEEN: Michelle is first.

22 MR. FAHRENKOPF: Second.

23 MAYOR DINEEN: Nick is second.

24 Roll call, please.

25 (The Village Clerk called the roll. All

1 Members voted in favor.)

2 We are moving on to number two on the agenda.
3 Consider the SEQRA review of proposed Local Law 2 of
4 2019 of the Village of Altamont repealing Local Law
5 No. 1 one of 2018 and amending the official zoning
6 map. This, as we have heard earlier - we have heard
7 from our own counsel as well as Stewart's counsel who
8 spoke to us earlier, that this is an unlisted action.
9 The requirement with the unlisted action is the short
10 EAF. There are recommendations that were received by
11 our consultant as well as the Planning Board that we
12 might want to consider the long EAF. It may look like
13 this delves into this more specifically - you may
14 think that - if anybody has reviewed that, the reason
15 that we don't have to do that -- it still could be
16 done. I don't know what the Board is feeling, whether
17 you want to proceed with the short form, as we have
18 before and examine the elements of the project with
19 the rezoning, or if you want to explore the long form.
20 I don't know that we would need tons of additional
21 information from Stewart's at this time. If we do, we
22 could always cross that, moving forward.

23 I don't know if everyone wants to share with
24 their thoughts are.

25 MR. WHALEN: Just a thought. I assume that

1 we're were proceeding with the short form.

2 MAYOR DINEEN: Yes.

3 MR. WHALEN: However, as was mentioned by some
4 of the folks that came up, we did receive the review from
5 Nan Salsenburg - her premise was to present something to
6 you in case you wanted to use the long form. I haven't
7 had a chance to go through that. You mentioned that we
8 just got it. I don't know at this point, in my opinion,
9 how valid that direction may be or perhaps not need to
10 do that and use the short form, as presented by the
11 applicant. That's my dilemma right now.

12 MAYOR DINEEN: Anybody else have a take on it?

13 There are places on the short form where we
14 have to take a look at impacts and then say the
15 relavence of them on the short form.

16 John, did you want to say something?

17 MR. SCALLY: I feel that it's not a significant
18 impact. As required by law, it can be a short form. As
19 Dean has suggested there was a reference to the long
20 form through Nan's consulting and there were some valid
21 points.

22 MAYOR DINEEN: As he said, her recommendation -
23 she went thorough it thinking that we may want to do a
24 long form in certain areas, which those areas would
25 still be considered on the short form when you talk

1 about the elements and things like that.

2 Nick, how do you feel?

3 MR. FAHRENKOPF: I could go either way. Looking
4 through the long form, I don't think that we are going
5 to discover anything with the long form. I think that we
6 know what we're going to see here.

7 MAYOR DINEEN: So, using the standard short
8 form would work for you.

9 MR. FAHRENKOPF: Or if you wanted to do the
10 long form, that would be okay also.

11 MAYOR DINEEN: Michelle?

12 MS. GANANCE: I agree with Nick. I read through
13 Nan's documentation and I have seen some of her points,
14 which are valid in doing the long form.

15 That being said, as Nick said, we have been
16 through a lot of this and a lot of this will be
17 included in the short form. Either way, if there's
18 something that the Board feels strongly about, I can
19 go either way.

20 MAYOR DINEEN: Here's what I propose. I think
21 that we talked with our counsel and the expectation is
22 the short EAF form. Looking at it, there are some issues
23 that personally I think would be large to moderate
24 impacts on the short form. I personally think that we
25 should talk about those - the impacts and reason some of

1 those things out, either way that they go. We can
2 continue the SEQRA into the next meeting in October -
3 take into consideration that gives us time to review
4 Nan's notes as well as we've had the Planning Board
5 notes for a couple of weeks - but the Planning Board's
6 notes, as well and looking to incorporate that into the
7 narrative. So, we have to write a narrative for Part III
8 of this SEQRA review. It's not something that we can
9 just draft in front of you. We could try, but you'd be
10 here a while. It would be better if we had our ideas out
11 there. We talked about circumstances about small to
12 moderate to large impacts. We then have to determine
13 significance. We have to write a narrative about this
14 and determine if it rises to a certain level of
15 significance to make a positive declaration for this
16 process.

17 I would ask our counsel if that sounds like -
18 if that makes sense, or if I'm going way off the road.

19 MR. FAHRENKOPF: If we're planning on doing the
20 short form, the areas where we find potential, moderate
21 or high impact can be used with the questions that are
22 on the long form to help us craft what we're going to
23 ask. We can pull from the long form and decide what has
24 moderate to large impact -

25 MAYOR DINEEN: But we don't have to do the long

1 form.

2 MR. FAHRENKOPF: No.

3 MR. HARTZELL: This is the rule - this is the
4 SEQRA regulation saying for unlisted actions the short
5 EAF must be used to determine significance of such
6 actions. However, an agency may instead use a full EAF
7 for unlisted actions if the short EAF would not provide
8 the lead agency with sufficient information on which to
9 determine its significance. The lead agency may require
10 other information necessary to determine significance.

11 So, you have the latitude if you want to. The
12 requirement is that the short form be used. You have
13 the latitude to use the long form, if you feel it's
14 necessary, to tease out information about some impact.
15 You can require the applicant to provide additional
16 information to determine significance, if you so
17 desire.

18 Was that helpful?

19 MR. FAHRENKOPF: So we can require additional
20 information with the short form, or the long form.

21 MR. HARTZELL: That's correct.

22 MAYOR DINEEN: So, are you okay with working
23 with the short form?

24 MR. WHALEN: Just to clarify, I am not opposed
25 to using the short form. Personally, I didn't have a

1 chance to get through this tonight to make sure I didn't
2 miss anything in the process. I don't know all that is
3 in here. I would like to have a chance to read it more
4 thoroughly. That is my concern. I have a concern about
5 not using the long form.

6 MAYOR DINEEN: I understand that.

7 MR. HARTZELL: Normally, although not always -
8 and this would be within those normal situations, the
9 applicant submits the Part I or the short form and you
10 have the short form from the applicant. So, if you want
11 to go down the long form road, you haven't started that
12 process yet. You have a short form with the application
13 tonight.

14 MAYOR DINEEN: Are you all okay and using the
15 short form?

16 (All Members agreed.)

17 Dean, you said you were still okay with it,
18 but you're just concerned about any information.
19 Again, it doesn't mean that were going to finish this
20 evening, but we can talk about these impacts now - 1
21 through 11. I think it will give our counsel an idea
22 of something to draft and then we can then go over
23 that and review it. If we have to change, we can do
24 that before we go on.

25 The Planning Board is another resource for

1 us. We are missing that form. I have it, so I can read
2 the questions.

3 While we are waiting to continue SEQRA, we
4 can move on and do some of our other business.

5 (Whereas the above entitled proceeding was
6 adjourned and recommenced after a brief break.)

7 We will move back to considering the SEQRA
8 for Local Law No. 2.

9 So, we are going to at least go to these
10 questions and I will probably ask John to clarify some
11 of them, too. We will talk about the impacts first and
12 then we can go back and check if they are moderate to
13 large.

14 So, we are considering the project as a whole
15 - the rezoning with the project that was presented
16 this evening.

17 Number one: Will the proposed action create a
18 material conflict with the adopted land use plan or
19 zoning regulations?

20 I pre-marked mine, so you can probably see my
21 marks that I have. I have moderate to large impact
22 because we are changing a zone. So, it is a moderate
23 to large impact.

24 Does everybody agree?

25 MR. WHALEN: I think it's actually the same

1 thing, but there are huge impacts that were mentioned
2 with regard to the variances that are required.

3 MAYOR DINEEN: Okay.

4 MR. HARTZELL: The Board may be aware or recall
5 that in the lawsuit that is pending, there were two
6 plans. One was for spot zoning and the other was for
7 zoning and they are inconsistent with the Master Plan of
8 the Village. We submitted papers of opposition to those
9 claims and petitioner's claim basically conceded that
10 those claims did not have merit and withdrew those
11 claims with prejudice. In other words, they have
12 abandoned those claims because we demonstrated that
13 those claims did not have a sound basis.

14 There are two prongs in this question. One
15 is: Consistency with the zoning regs, which you guys
16 just talked about but there is also inconsistency with
17 the land use plan. We pretty much demonstrated that it
18 is consistent with the adopted land use plan.

19 MAYOR DINEEN: But it would still be moderate
20 to large because we are changing the zone, correct?

21 MR. HARTZELL: It kind of is inherently a
22 significant impact or moderate to large impact because
23 it is changing that, but it is not inconsistent with the
24 land-use plan.

25 MAYOR DINEEN: So, will we come back to that as

1 far as going through that?

2 MR. HARTZELL: You're good, but in the first
3 proceeding there were a lot of statements made about
4 spot zoning. The inconsistency with the land use plan -
5 we basically demonstrated through the record and
6 planning consultant that is not the case.

7 MAYOR DINEEN: The second question: Will the
8 proposed action result in a change of use or intensity
9 of use of land?

10 I marked it again moderate to large. You
11 don't have to agree with what I have here.

12 MR. WHALEN: Because it is a change.

13 MAYOR DINEEN: The intensity of the land that
14 were talking about in rezoning the parcel.

15 MR. SCALLY: Taking into account the overall -

16 MAYOR DINEEN: No, the whole thing; absolutely.

17 MR. WHALEN: I would call it large.

18 MAYOR DINEEN: Item 3: Will the proposed action
19 impair the character or quality of the existing
20 community?

21 I have small impact - or no or small impact -
22 is the first one. I don't know how you feel about
23 that.

24 MS. GANANCE: I agree.

25 MR. WHALEN: I think it would be more moderate.

1 MAYOR DINEEN: John, what you think?

2 MR. HARTZELL: Moderate.

3 MAYOR DINEEN: John, am I looking at the
4 question the right way? In character, we're talking
5 about the air, noise, light and things like that for
6 item 3.

7 MR. SCALLY: I guess we need definition for
8 some of those words; character, quality.

9 MR. HARTZELL: I tend to think it's more
10 aesthetics than function.

11 MAYOR DINEEN: I think with aesthetics and
12 function, I would think it is a small impact. The plan
13 itself is a lot of characteristics architecturally. They
14 actually mirrored some of the corner there and that's
15 why it is small.

16 MR FAHRENKOPF: We can circle back to that.

17 MAYOR DINEEN: We can circle back.

18 Will the proposed action have an impact on
19 the environmental characteristics that cause the
20 establishment of critical environmental area? When I
21 researched this weekend, that area is not on a list.

22 Five: Will the proposed action result in an
23 adverse change in the existing level of traffic or
24 affect existing infrastructure for mass transit,
25 biking or walkways? I put zero or small. I think the

1 data on the traffic report supports that, as well as
2 mass transit. I don't think the plan interferes with
3 that.

4 MR. SCALLY: I think there's an error in part
5 one as far as transportation.

6 MAYOR DINEEN: About which part of it?

7 MR. SCALLY: I think it's mislabeled.

8 MAYOR DINEEN: What's the question?

9 MR. SCALLY: Our public transport services
10 available at or near the site of the proposed action.
11 They put no. That is actually yes.

12 MAYOR DINEEN: I thought that's down by Maple.
13 I thought they stopped at Maple. Again, I feel that's
14 small.

15 John, is that a problem? Should it be marked
16 yes on Part I; as long as were going through it on
17 Part II?

18 MR. JOHN: If the applicant wouldn't mind?

19 MR. MARSHALL: We usually use designated routes
20 instead of just sidewalks. Again, bus stops with either
21 some type of enclosure or a sign is usually the way we
22 identify it. If you feel that they are in enough of a
23 proximity that's, again, not a large enough change to
24 effect our application.

25 MR. JOHN: No, I am not implying that.

1 MAYOR DINEEN: So, that would be yes but still
2 maintain that small to moderate.

3 Let's go to item 6. Will the proposed action
4 cause an increase in the use of energy and fails to
5 incorporate reasonable available conservation or
6 renewable energy opportunities?

7 I had marked small.

8 Seven is: Will the proposed action impact
9 existing A. Public/private water supply; B.
10 public/private wastewater treatment facilities?

11 The answer to that is no, that does not
12 affect that.

13 I just wanted to double check everything like
14 that with our Superintendent just to make sure.

15 Item 8: Will the proposed action impair the
16 character or quality of important historic,
17 archaeological, architectural or aesthetic resources?

18 I answered this zero to small impact.

19 Is everybody okay with that?

20 (All Members agreed.)

21 Nine: Will the proposed action result in an
22 adverse change to natural resources being wetlands,
23 water bodies, groundwater, air quality, flora/fauna?

24 I have zero to small impact.

25 Does everybody agree with that?

1 (All members agreed.)

2 Item 10: Will the proposed action result in
3 an increase in the potential for erosion, flooding or
4 drainage problems?

5 I have zero to small.

6 It's important to know that when Nan issued
7 her recommendations to us, it reached farther than our
8 task here this evening. In all honesty, she actually
9 touched on points that should this go forward it would
10 be addressed by the Planning Board. It's not that
11 we're giving this to the Planning Board to figure out.
12 When they do a site plan review or there are certain
13 reviews that come with that like the storm water and
14 things like that - it has to be taken care of. We are
15 considering that, but we have laws and we have a
16 Zoning Code that addresses that.

17 MR. VLAHOS: How can you know without looking
18 what Nan said? Write in here it's contradicting some the
19 things that your -

20 MAYOR DINEEN: Going back to some of these
21 items. We have to see where we're at. If it is small to
22 zero, it's not that were not taking it into
23 consideration. You know that, Harvey. You have done
24 these before. Like I said, we are not going to settle
25 this tonight. We just want to go through it and see what

1 areas we have to look at. We will start drafting and
2 reviewing that at our next meeting and we will vote on
3 it.

4 MR. VLAHOS: So there's no vote tonight?

5 MAYOR DINEEN: No. I don't think it would be
6 appropriate right now.

7 Will the proposed action create a hazard to
8 environmental resources or human health?

9 I have zero to no. I looked this up when I
10 was researching SEQRA. It's not toxic, infectious,
11 flammable or corrosive substances being used on that
12 site. That's an easy no.

13 Now we have at least two moderate to large.

14 MR. WHALEN: Let's go through one into and when
15 we get to three, we can discuss it and that will make it
16 more clear to us whether it is a small, moderate or
17 large.

18 MAYOR DINEEN: So, a material conflict with
19 adopted land use plan or zoning. We have both in the
20 Village. We have to consider those two things.

21 Dean, are there some things that you want to
22 consider?

23 MR. HARTZEL: You can set it aside. Just know
24 that the Board has to deal with it - the change in the
25 zoning. You can set that aside as an initial part of the

1 discussion and also include segmenting. I think that
2 actually reinforces the level of impact, when you look
3 at what is currently proposed for that site. It's not
4 like in many cases where it's one to five feet because
5 you might want a garage. There is significant
6 measurement distances with area variances.

7 MR. WHALEN: I think is moderate to large when
8 you factor in what you need for the zoning.

9 MR. HARTZEL: The number of three isn't that
10 unusual, but three is a large number of variances and at
11 least two of the three, off the top of my head, are very
12 significant area variances.

13 MR. WHALEN: Is three outrageous, or do you
14 expect them like that when you're doing a larger
15 project? Say somebody wants to garage onto their
16 property, that's one thing. You're talking about a
17 development that is expanding.

18 MR. HARZEL: This is again my opinion. The
19 intent of the CBD which wasn't looking directly at was
20 to try to maintain the historic nature. If you go a
21 little further down across from the park, all of those
22 are currently commercial buildings. That is the intent
23 for the zoning of that district. Stewart's does not fit
24 into that. Most of all the other buildings along Maple
25 and Main do. That is the intent of with the zoning came

1 from - the zero lot line zoning and some of the other
2 stipulations that are difficult obviously for Stewart's.
3 That's partially because their existing building doesn't
4 fit into those zoning parameters. But that is what's in
5 the district.

6 There hasn't been really a representation of
7 how we come closer to meeting that zoning. That's a
8 huge variance request and three, in my mind, is a
9 large number. That's pretty rare to have someone come
10 before the board with three variances to achieve
11 something like that.

12 MAYOR DINEEN: I feel like Altamont corners had
13 some, as well. They could not have met it either if they
14 wanted to have something rebuilt.

15 MR. HARTZEL: Is the Board reflecting on how
16 many variances they would need to come into conformity
17 with the existing development that's on the lot that
18 they are on?

19 MR. FAHRENKOPF: How many of these are even
20 possible to be able to conform to one Zoning Law? Either
21 way, it gets stuck with some kind of request.

22 MR. WHALEN: I think that's a valid statement.
23 There would probably be some level of variance required
24 no matter what the plan is. I think the concern is, as
25 was said, it is a large impact.

1 MR. HARTZEL: The only reason I mentioned what
2 I mentioned is: is this proposal for this development
3 less than nonconforming than the existing Stewart's? In
4 relative terms, is this more or less nonconforming than
5 they are now?

6 MR. WHALEN: They're asking to take another
7 parcel.

8 MR. HARTZEL: I understand. I'm just suggesting
9 that might be -

10 MR. WHALEN: I'm just looking at Part II.

11 MR. MARSHALL: One of the things is that - with
12 the zoning, as you change it and the interpretation
13 changes, if you look at - we can call it the front yard,
14 the canopy is now compliant in the front yard. The
15 building is set back further, but that's because the
16 compliant canopy prevents the building from achieving
17 that front yard setback. The building does achieve the
18 front yard setback along Helderberg.

19 MR. WHALEN: That's a zero lot line.

20 MR. MARSHALL: It is a maximum of 10 feet, so
21 it does meet the maximum.

22 MR. WHALEN: I'm not sure what you're saying,
23 Chuck. That's 30 or 40 feet away - the existing
24 building.

25 MR. MARSHALL: Oh, no, the existing building is

1 not conforming.

2 MR. WHALEN: I see what you're saying, but I am
3 not comfortable. That is your judgment.

4 MR. FAHRENKOPF: We all agreed that it is a
5 moderate to large impact. Were trying to figure out
6 whether we want to include it. We have to discuss that,
7 along with the variances. That is a change to the
8 zoning.

9 MR. WHALEN: I don't know what counsel included
10 before about the land use and what we have established
11 previously. Does it apply? What we are getting at here
12 is we are focusing on the zoning regulations.

13 MAYOR DINEEN: Just a couple things I looked at
14 - - I don't know if they are helpful or not. It's marked
15 moderate to large because of the change, but the things
16 I was thinking about was it is contiguous to the central
17 business district. The project requires some variances.
18 We looked at their lighting. Their lighting meets the
19 Code. Some of these things work and some of them don't.

20 I'm hearing a lot about well, they expanded
21 on the footprint. I think many people either weren't
22 reading about it four years ago, but the first part of
23 this is coming to the Planning Board to remodel on the
24 current store or making that bigger. Stewart's was
25 told you can't do that. They were told by the Village

1 Planning Board that it is not going to work. There are
2 too many variances. You're not going to have that
3 parking - - all these different things. This morphed
4 into well, we need to expand maybe into another space.
5 The first thing they were told is that they can't
6 expand on the footprint.

7 I think you were there and I was there at
8 that meeting.

9 MR. WHALEN: They did renovate the inside.

10 MAYOR DINEEN: They were trying to achieve a
11 better service and things like that, but I think it's
12 important.

13 Part of our Comprehensive Plan talks about
14 enhancing our businesses and were doing what we can.
15 I'm not trying to pick every little line but there is
16 a major component of that talking about the businesses
17 in our Comprehensive Plan. So, I think it is in line
18 with that as well.

19 MR. HARTZELL: Just to elaborate on what your
20 job is - your job is having made this initial
21 assessment. Now your job is to determine whether your
22 judgment on impacts rises to the level of significance.
23 If it doesn't, then you're going to need to articulate
24 why it doesn't. Another reason might be - - Dean is not
25 comfortable with it - at a level of nonconformity which

1 is essentially less overall for the development. Those
2 are the sorts of things that if you ultimately find
3 nonsignificant or the action, you have to weigh those
4 things out. You're doing the hard look right now and
5 you're going to have to have your reasons and
6 elaborations. It's going to have to articulate
7 specifically if you find non significance and the
8 rationale for it.

9 MS. GANANCE: If the current Stewart's
10 footprint is not conforming and they are building on the
11 same exact footprint, isn't the construction going to
12 have to meet all of the regulations because it's
13 currently not meeting them? I can't believe he can put
14 something on the same footprint and not reassess all of
15 these conditions.

16 MR. WHALEN: I think what John is saying is
17 that you have to focus on the project that is at hand,
18 regardless of some other idea and focus on the project
19 that is before us. Even if it is the best option, it may
20 still have significance.

21 MAYOR DINEEN: We talked to the concept of
22 reasonableness. The level of significance -- with the
23 examples that I have read, I don't believe this rises to
24 that. We can go through and the reasons would be -- and
25 some of them come from Nan, but we want to review that

1 as well. There are areas that this does meet our code -
2 this plan. I know that it is grandfathered in but better
3 than the current store does. So, I think that it doesn't
4 rise to the level of significance. That is my thought.

5 MR. SCALLY: I understand where he's coming
6 from. This going to be impacts from this. I think we
7 need to walk to this form and discuss it.

8 MAYOR DINEEN: But do you think that is the
9 change - is it moderate to large? Do you feel that rises
10 to this level of significance in that is going to be an
11 issue? I personally do not think that it does.

12 MR. HARTZEL: In the end, you have to make a
13 decision in the aggregate; all of the impacts as
14 identified. Do they, in the aggregate, represent
15 significant environmental impacts? The challenge is once
16 you have gone through and have identified something that
17 is moderate to large, it's more important that if you
18 ultimately find nonsignificance - for those categories
19 where you have found moderate to large, that you clearly
20 articulate why they in particular do not trigger - -
21 it's common sense. If you identify an impact that is
22 moderate to large, wouldn't it just follow from that
23 that it is a significant impact? Well, the guidance on
24 that says iff you do find nonsignificance and you have
25 previously identified something that is moderate to

1 large, you better have an explanation as to why it is
2 not significant. That's what you're trying to do here.
3 With the impacts that are small - - although I would
4 encourage you to articulate all your thinking and making
5 your decisions, there is less pressure to just
6 specifically make your rationale known.

7 Does that make sense?

8 MR. WHALEN: So, we have to make a rationale
9 known more for the non-significant versus the low to
10 moderate.

11 MR. SCALLY: No, what he is saying if we decide
12 to find nonsignificance, the neg dec needs to carefully
13 articulate why.

14 MAYOR DINEEN: And for these land use things
15 that we've have identified - one and two - okay, you
16 talked about green space and in looking at the plan what
17 is provided there in the Planning Board can still come
18 in and say no, we want to change that kind of tree or
19 something like that. Does it reasonably look like they
20 are addressing green space? I think it does. Could there
21 be some more? That could be. I want to say were just
22 going to give it to the Planning Board. We're going to
23 talk about it with this, but is it moderate to large? Is
24 it significant enough to rise to the level of a positive
25 declaration? In my opinion, I am saying no because we

1 have a Land Use Code and this project meets our Land Use
2 Code - our standard. So, to me, that's another aspect -
3 - John, stop me if I'm going off the wrong way with
4 this.

5 FROM THE FLOOR: I have a question. Are you
6 taking comment on this discussion?

7 MAYOR DINEEN: No. You get to enjoy the back
8 and forth.

9 FROM THE FLOOR: If I wrote a letter, would it
10 be considered?

11 MAYOR DINEEN: The public comment period is
12 closed. The public hearing is closed for this.

13 FROM THE FLOOR: Pertinent to this discussion?

14 MAYOR DINEEN: You can always write a letter to
15 the Board, I guess.

16 FROM THE FLOOR: Because I have a question
17 about item for and it is regarding the impact on the
18 community. I'm asking the Board to consider that it
19 would be very hard that once this Stewart's which is a
20 significant difference -

21 MAYOR DINEEN: Sir, I don't want to cut you
22 off -

23 FROM THE FLOOR: I want to say please consider
24 the impact will forever change the view of the Village
25 with the size, the scope, the lighting -

1 MAYOR DINEEN: Sir, the reason I am cutting you
2 off is not because I don't want to hear you - it's
3 because they can't hear you at home. We have this
4 recorded so nothing you said was just heard by anyone at
5 home.

6 FROM THE FLOOR: It's not for home. It's for
7 you.

8 MAYOR DINEEN: It is for us, but we want
9 everyone to be able to see this at home. That's why we
10 always have people for public comment at the microphone.
11 Write something down. I think what you're talking about
12 is subjective and that's why we have listened to all
13 tonight. That something that with the input that we are
14 giving, we have to make that determination. Some people
15 think that's an impact and others are saying no, it's
16 not going to change us. We have to look at all this and
17 go through it.

18 Here's what I'm going to propose. Where we
19 are now - I want to continue this to the next meeting
20 unless everybody wants to keep going. I think what we
21 do need to do is read some of the input that we have
22 been given to help us rationalize the significance of
23 it. Does that make sense?

24 MR. WHALEN: To have the draft language or will
25 we make the language up the next meeting?

1 MAYOR DINEEN: John, let me know if this is
2 okay or not. Can they send me information on this and
3 try to put something together that we will then look at
4 the next meeting? They have to read stuff. We can just
5 come in and do it then.

6 MR. WHALEN: Are you saying that we're not
7 going to come to some consensus on one, two and three
8 tonight.

9 MAYOR DINEEN: I guess we could, but it doesn't
10 sound like we are. I'm just asking if you need more
11 clarity -

12 MR. SCULLY: Part of his is discussing part
13 three in the process.

14 MAYOR DINEEN: Well, we are, but this is part
15 of the setup for part three.

16 My answer for three - I know we had some
17 disagreement on this - - 0 to 2 small impact talk
18 because again I think it's going to be subjective to
19 things that we have heard. I think because of the plan
20 itself and what has been put forward for us, I don't
21 think it will impair the quality, character of the
22 community. I don't think it will. This plan is
23 offering - - several people already talked about - -
24 not just an increase in services but investing in our
25 community and making something more architecturally

1 beautiful than apparently what is there now. That's
2 part of our Comp Plan. Our Comp Plan talks about that.

3 John, is this something that procedurally -
4 we have to have a consensus -

5 MR. HARTZELL: Ultimately, the decision-making
6 has to occur at the meeting. There's nothing to preclude
7 you from going back and individually looking at each of
8 these criteria and laying your own thoughts out as to
9 whether there are potentially mitigating factors that
10 would preclude the threshold of significance. You could
11 share them and maybe that will help your discussion at
12 the next meeting and it would also give you more time to
13 read more carefully through that.

14 There was a question earlier - DEC has a
15 revised SEQRA handbook earlier this year. It discusses
16 community character factor. It says: community
17 character not only relates to the natural environment
18 of the community, but also how people function within
19 and perceive that community.

20 It's often difficult to find by quantitative
21 measures an expression of a community desire, feature
22 or character. They distinguish it from visual impacts
23 on the basis the visual impacts evaluates a single
24 resource. Whereas community character is a broader
25 perspective of how this really fits and functions.

1 That's the best I can tell you about that.

2 MAYOR DINEEN: Also, each question we can go on
3 and read - just what you just did and even elaborate and
4 some of the areas for us. It is a good resource.

5 MR. SCALLY: So were going to send in our
6 comments?

7 MAYOR DINEEN: We're going to bring them back
8 to the meeting.

9 So, 10 each work on bringing back - looking
10 at the top three questions because that's where we had
11 moderate to large impacts, go to the materials
12 determine why or why not you think it rises to the
13 level of significance - it does or doesn't and what
14 things - considering what we have in our code alone
15 and the plan itself and we will put it all together.

16 MR. WHALEN: I do feel that this one is a
17 moderate impact because it does affect the community.
18 This is adjacent to the business community. That's the
19 reason why see it that way.

20 MAYOR DINEEN: Is a consensus required?

21 MR. HARZELL: We have to vote.

22 MAYOR DINEEN: We have to designate the
23 significance anyway.

24 (Whereas the above entitled proceeding was
25 concluded at 10:02 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

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