

ALTAMONT ZONING BOARD OF APPEALS

Regular Meeting Agenda

May 23, 2023

1. Open meeting - State time and that the meeting is being recorded and where the exit signs are located.
2. Topic & Discussion: Review application for sign permit for Sunoco Gas Station at 200 Main Street. Consider motion to set a date for a public hearing.
3. Topic & Discussion: Read the Legal Notice to open the public hearing for a Request for Area Variance submitted by Mark Fanuele at 36 Sanford Place to allow parking of 2016 enclosed trailer in driveway on side of garage. Consider motion to close public hearing. Consider motion to approve variance request.
4. Topic & Discussion: Read the Legal Notice to open the public hearing for a Request for Area Variances submitted by CM Fox Living Solutions LLC (Troy Miller) to allow the creation of four (4) new keyhole lots with approximately 16 feet of road frontage. Property at S.B.L. 37.14-3-6.1. Consider motion to leave the Public Hearing open until next month.
5. Topic & Discussion: \_\_\_\_\_
6. Other Business: \_\_\_\_\_  
\_\_\_\_\_
7. Review of Minutes from April 25, 2023 meeting of the Zoning Board of Appeals. Consider Motion: To approve minutes.
8. Consider Motion to Adjourn Meeting. Meeting Adjourned at Time:\_\_\_\_\_

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

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

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

Guests: 5

Chairperson Hext opened the meeting at 7:00 p.m. and welcomed everyone to the Village of Altamont Zoning Board of Appeals meeting. She noted where the exits are and stated that the meeting will be video and audio recorded. She introduced herself as Deb Hext, Chair of the Zoning Board of Appeals and asked the Board Members to introduce themselves, which they did as follows: Danny Ramirez, Andrea Witham, James Sullivan, Simon Litten, Barbara Muhlfelder, and Bob Freeman. Also representing the Village: Gary Goss, our Building Inspector and Tresa Matulewicz, Board Liaison.

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

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

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

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

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

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

Chair Hext - He submitted a nice letter.

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

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

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

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

Board Member Muhlfelder - Thank you.

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

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

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

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

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

Board Member Freeman - And that means a lot.

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

Chair Hext - Anybody else?

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

Code Enforcer Goss – Yes.

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

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

Board Member Sullivan - Okay.

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

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

Chair Hext - And you did a very good job.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chair Hext – We can discuss all this next month.

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

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

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

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

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

Meeting adjourned at 7:27 p.m.

Respectfully submitted,

Ginger Hannah

ZBA Secretary

Attached: Resolution - Fanuele

**RESOLUTION**  
**ALTAMONT ZONING BOARD OF APPEALS**  
**RESOLUTION SCHEDULING A PUBLIC HEARING**  
**ON APPLICATION FOR AREA VARIANCE APPLICATION**

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

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

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

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

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

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

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

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

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

The motion was moved by Board Member Mulfelder.

The motion was seconded by Board Member Litten.

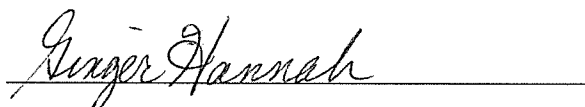
The vote was as follows: All present in favor.

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

I have compared the preceding copy with the original Resolution on file in this office adopted by the Village of Altamont Zoning Board of Appeals at a meeting held April 25, 2023 and I DO HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole of the original. I further certify the vote thereon was as follows:

MEMBERS PRESENT	MEMBERS ABSENT	VOTE
Chair Hext		In favor
Board Member Ramirez		In favor
Board Member Muhlfelder		In favor
Board Member Litten		In favor
Board Member Freeman		In favor
Board Member Sullivan		In favor
Board Member Witham		In favor

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



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

## VILLAGE OF ALTAMONT

115 Main Street PO Box 643 Altamont, New York 12009  
Phone (518) 861-8554 Fax (518) 861-5379

### Mayor

Kerry A. Dineen  
Patty Blackwood, Clerk  
Catherine Hasbrouck, Treasurer

Nicholas Fahrenkopf, Trustee  
Michelle Ganance, Trustee  
John Scally, Trustee  
Dean Whalen, Trustee

May 11, 2023

Dear Neighbor:

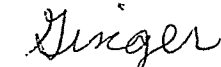
Enclosed you will find a legal notice regarding the request of Mark Fanuele for an area variance to locate a 2016 enclosed Trailer in the side yard of a parcel located at 36 Sanford Place, Tax Map #37.14-5-42, adjacent to or close to your property. Village code requires that the Zoning Board of Appeals notify all property owners within 500 feet of the property.

If you would like to express an opinion and/or comment, you are cordially invited to attend the Zoning Board of Appeals meeting on Tuesday, May 23, 2023 at 7:00 p.m. The meeting will be held at the Altamont Village Community Room at 115 Main Street, Altamont NY 12009.

If you would like to submit any comments prior to the meeting for the Board to review, you may submit written comments to the Village office or email your comments to me at:  
[villageadmin@altamontvillage.org](mailto:villageadmin@altamontvillage.org).

If you have any further questions, feel free to contact me at the Village office at 518-861-8554 ext. 13, Tuesday and Thursday, 9:00 a.m. to Noon and 1:00 p.m. to 4:00 p.m., and Fridays until 12 noon.

Best regards,



Ginger Hannah  
ZBA Secretary

Enclosure – Legal Notice

## NOTICE OF PUBLIC HEARING

### Village of Altamont

**PLEASE TAKE NOTICE** that the Village of Altamont Zoning Board of Appeals will hold a public hearing on May 23, 2023, at 7:00 p.m. at the Altamont Village Community Room, 115 Main Street, Altamont, New York, to hear all interested persons on the proposed application for an area variance to locate a 2016 enclosed Trailer in the side yard of a parcel located at 36 Sanford Place, Tax Map #37.14-5-42 in the Village's R-20 Zoning District. Pursuant to Village Law §355-22(F), no trailer may be parked within the front or side yard at any time. All persons desiring to speak either on behalf of, or in opposition to, said proposed area variance shall be heard by either attending the public hearing or by submitting written comments in advance of the public hearing to the ZBA Secretary. Copies of the application materials are available for review at the offices of the Village Clerk located at 115 Main Street, Altamont, New York, 12009 and will be available on the Village website by Friday, May 26, 2023 at [www.altamontvillage.org](http://www.altamontvillage.org).

Dated: May 10, 2023

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Gary Goss  
Building Inspector and Code Enforcer  
Village of Altamont

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Deborah Hext  
Zoning Board of Appeals Chairperson  
Village of Altamont

Abutting  
AFD  
Fire Inspector  
DPW

## Village of Altamont

P.O. Box 643 Altamont, NY 12009  
Telephone (518) 861-8554 ext 17 Fax (518) 861-5379

### Checklist for Variance

**Return to:**

Village of Altamont  
PO Box 643 115 Main Street  
Altamont, NY 12009  
(518) 861-8554 Ext 13

**Fees:**

\$ 300.00 Commercial  
\$ 150.00 Two Family  
\$ 75.00 One Family  
(Payable at time of Submittal to Village)

**APPLICANT INFORMATION:**

Name: MARK FANUE/E  
Address: 36 SANFORD PLACE  
ALTAMONT N.Y. 12009  
Daytime Phone #: 518-337-7785  
E-mail: MARK.fanue/e@gmail.com  
Date: 3/16/23

**PROPERTY INFORMATION:**

Owner: MARK FANUE/E  
Location: 36 SANFORD PLACE ALTAMONT NY 12009  
Tax Map #: 37.14-5-42  
Zoning: R20  
Acreage: .44

Request for a: ☒ Use Variance ☐ Area Variance

**MUST BE SUBMITTED:**

- 1) 15 copies of Application
- N/A 2) 15 copies of conditional purchase contract or rental agreement if applicable
- 3) 15 copies of project narrative containing the following: reasons which necessitate the need for a variance including a brief detailed description of the project
- N/A 4) 15 copies Architectural drawings of proposed project
- 5) 15 copies of survey or plot plan (including a North Arrow) showing proposed project with
  - 10' - side setbacks
  - N/A - front and rear setbacks
  - ✓ - all existing buildings
  - N/A - location of proposed construction
  - .44 - total size of parcel
  - N/A - all topographic elevations necessary to show proposed variance
- 6) 15 copies completed SEQRA
- 7) 15 copies of the Area Variance Conditions Form

**OTHER AGENCY APPROVALS OR RECOMMENDATIONS AS REQUIRED**

- 1) NYS Department of Transportation 765-2841
- 2) Albany County Health Department 447-4631
- 3) Albany County Planning Board 447-5660

Village of Altamont  
P.O. Box 643 Altamont, NY 12009  
Telephone (518) 861-8554 ext 17, Fax (518) 861-5379

**APPLICATION AND APPEAL TO THE ZONING BOARD OF APPEALS FOR A VARIANCE OR AN  
INTERPRETATION OF THE ZONING ORDINANCE  
OR ZONING MAP**

DATE: 3/16/23

FEE:   \$ 300.00 Commercial  
      \$ 150.00 Two Family  
      \$ 75.00 One Family

To the Zoning Board of Appeals of the Village of Altamont

I, MARK FANUELE of 36 SANFORD PLACE, Altamont, NY hereby appeal from the decision of the Zoning Administration Officer on my application for a zoning permit and hereby apply to the Zoning Board of Appeals for (check one below):

☐ An interpretation of the Zoning Ordinance or Zoning Map

☒ A Variance to the Zoning Ordinance or Zoning Map

1. LOCATION OF PROPERTY

Address: 36 SANFORD PLACE Zoning: R-20  
TAX MAP NUMBER: 37.14-5-42

2. INTERPRETATION OF THE ZONING ORDINANCE IS REQUESTED BECAUSE:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. VARIANCE TO THE ZONING ORDINANCE IS REQUESTED FOR:

TO ALLOW PARKING OF 2016 ENCLOSED TRAILER IN DRIVEWAY  
ON SIDE OF GARAGE (EAST SIDE OF PROPERTY)

(a) Applicant shall also complete and submit form outlining conditions from NYS Village law pertaining to area variances.

The applicant hereby certifies that he is the owner of record of the above property or has been duly authorized in writing by the owner of record to make this application.

Mark Fanuele  
Signature of Applicant



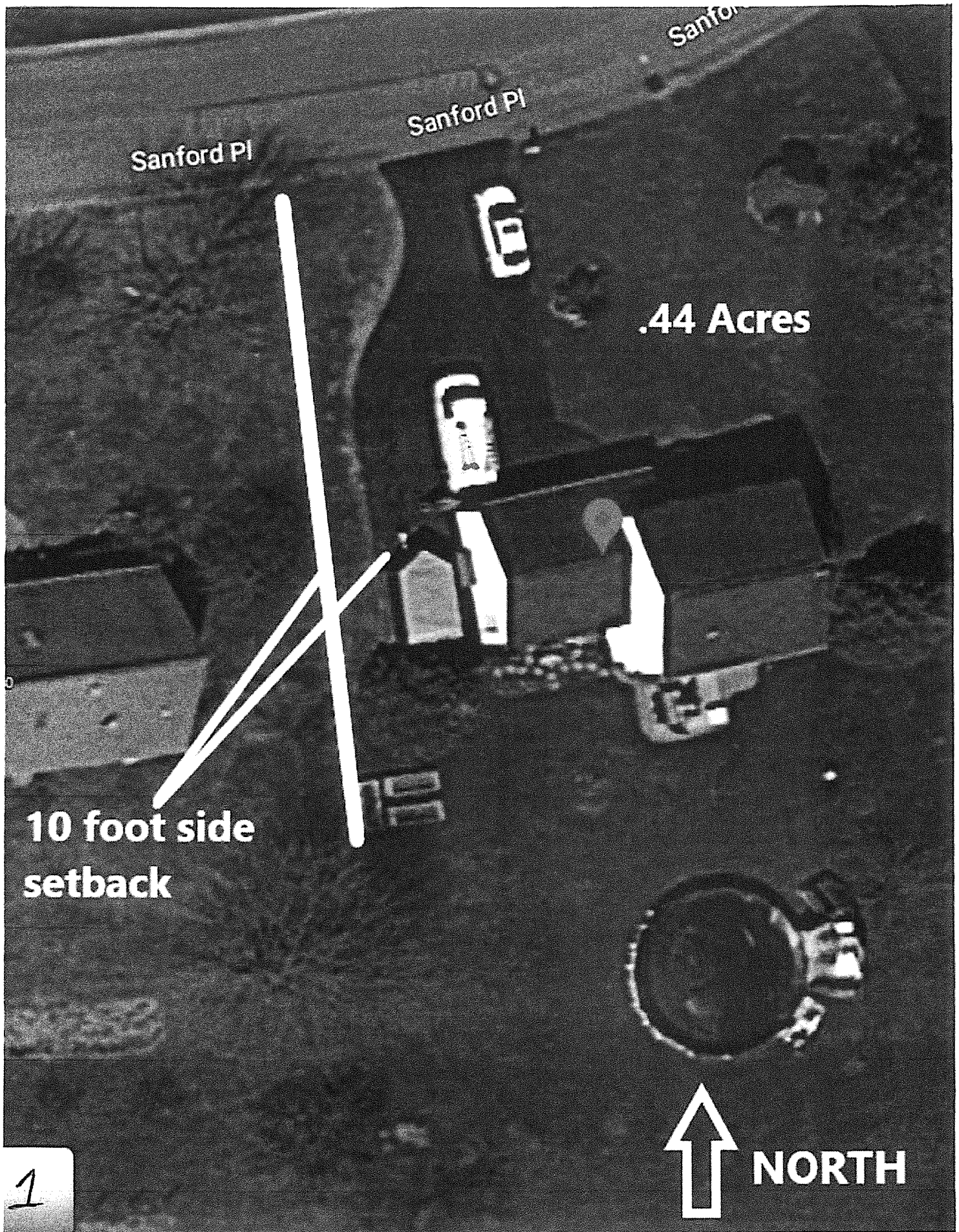
**Project Narrative for Use Variance Application @ 36 Sanford Place**

The reason why I am applying for this use variance is because the way that my home is located on the property in relation to where the fully mature trees are growing, there is no reasonable method for me to comply with the local zoning code which is described in Article 355-22-F(2). In short, the code states that "No trailer may be parked within the front or side yards at any time."

Due to having no reasonable way to comply with the code, I am asking to have this variance request approved to store the trailer in the location as shown in the included pictures & drawings. In attached plot plan drawing #1, you will see the parking location for the trailer very clearly in relation to my garage. Notice the large tree that is growing directly to the south of the current parking location which makes it impossible for me to get the trailer into my back yard for parking and storage.

Next, if you look at included pictures #2 & #3, you will see that when coming up the road from either direction, the current trees and landscaping hide the view of my trailer quite well. In addition to these pictures, please also see the included letter from my neighbor whose home is located on the side of my property where the trailer is stored. I spoke to him in regards to my attempt to get an approved variance for this, and he gladly wrote a letter in support of my request.

Thank You for taking the time to consider my variance request.



Sanford Pl

Sanford Pl

Sanford Pl

.44 Acres

10 foot side setback

↑ NORTH

1

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: <i>USE VARIANCE FOR STORAGE OF 2016 ENCLOSED TRAILER</i>			
Project Location (describe, and attach a location map): <i>36 SANFORD PLACE AITAMONT N.Y. 12009 TAX MAP# 37. 14-5-42</i>			
Brief Description of Proposed Action: <i>REQUESTING USE VARIANCE TO PARK ENCLOSED TRAILER IN SIDE DRIVEWAY. THIS LOCATION IS SURROUNDED ON 3 SIDES BY TREE'S MY GARAGE AND NEIGHBORS TREE'S</i>			
Name of Applicant or Sponsor: <i>MARK FANUELE</i>		Telephone: <i>518-337-7785</i>	
		E-Mail: <i>markfanuele@gmail.com</i>	
Address: <i>36 SANFORD PLACE</i>			
City/PO: <i>AITAMONT</i>		State: <i>NY</i>	Zip Code: <i>12009</i>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<i>.44</i> acres	
b. Total acreage to be physically disturbed?		<i>0</i> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>0</i> acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: <u>MARK FANUELE</u> Date: <u>3/16/23</u> Signature: <u>Mark Fanuele</u>		

## AREA VARIANCE CONDITIONS

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

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

- DRIVEWAY (ON EAST SIDE OF PROPERTY) IS BLOCKED FROM VIEW ON EAST SIDE BY MY GARAGE AND FULL SIZE MATURE PINE TREE FROM THE REAR  
- FULL SIZE MATURE TREE ON MY NEIGHBORS PROPERTY BLOCKS VIEW FROM WEST SIDE

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

FULL SIZE MATURE TREE'S ON BOTH SIDES OF MY PROPERTY PREVENT ME FROM HAVING ACCESS TO THE REAR OF MY PROPERTY WITHOUT CROSSING ONTO NEIGHBORS PROPERTIES ON BOTH SIDES

- 3) Whether the requested area variance is substantial:

DUE TO THE FACT MY PROPERTY IS ADJACENT TO A CORNER LOT PARKING TRAILER IN REAR OF PROPERTY INCREASES VISIBILITY FROM SIDE STREET (GRANT DR) AND NEIGHBORS ON ALL SIDES  
- PARKING IN SIDE DRIVEWAY BLOCKS VISIBILITY FROM 3 SIDES

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

THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT ON ENVIRONMENT IN THE NEIGHBORHOOD - PLEASE SEE ATTACHED LETTER FROM NEIGHBOR MOST IMPACTED BY TRAILER LOCATION

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

DUE TO THE FACT I HAVE LARGE MATURE TREE'S ON BOTH SIDES OF MY PROPERTY I HAVE NO WAY TO PARK THE TRAILER IN MY BACK YARD TO MEET THE VILLAGE CODE



2



3



40 Sanford Place  
Altamont, NY 12009  
March 22, 2023

Village of Altamont  
115 Main Street  
Altamont, NY 12009

Dear Board Members:

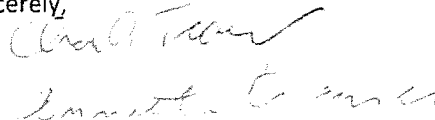
Our neighbor Mark Fanuele at 36 Sanford Place asked us to support his request for a variance for the parking of his snowmobile trailer. Mark feels that the current location of his trailer is on the most appropriate and least conspicuous part of their property.

We have been neighbors to the Fanueles for the past 20 years. We could not have asked for better neighbors. They are always courteous and friendly. They take excellent care of their property. They have always had a trailer that we can remember parked neatly in their driveway. To be honest it has never even occurred to us to be concerned about this.

The way that our yards are configured with us being on a corner lot we would agree with Mark that this is the best location for the trailer in their yard. We support Mark's request for a variance.

If you need to contact us our home phone is (518) 861-3619. Thank you.

Sincerely,

The block contains two handwritten signatures in cursive. The first signature is for Charles Trout and the second is for Annette Kramer.

Charles Trout

Annette Kramer



Looking South from  
Sanford Place →



Looking South East  
From Sanford Place ↗



Looking South west from  
Sanford Place ↙



Looking North from  
-behind parking spot.



Looking North East from  
property line @ closest neighbor

## **§ 355-22 Off-street parking and loading requirements.**

### **F. Use of parking facilities.**

- (1)** Required parking space shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only. Businesses that require parking lots for storage of vehicles, equipment, or materials or for the parking of vehicles used in conducting the business or use shall provide such parking lots in addition to the parking needed for customers and employees.  
[Amended 1-5-2010 by L.L. No. 1-2010]
- (2)** Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any property other than in completely enclosed buildings. **No trailer may be parked within the front or side yards at any time. However, one boat, utility or one travel trailer may be stored in the rear yard, only if it has a current license.**  
[Amended 2-1-2011 by L.L. No. 1-2011]
- (3)** Recreational vehicles (RV) with current license plates may be stored in the rear yard or in the side yard.
- (4)** In all residential districts, external storage of commercial vehicles, industrial equipment and materials is prohibited. In such districts, external parking of commercial vehicles between the hours of 10:00 p.m. and 6:00 a.m. is prohibited except when such parking is incidental and reasonably necessary to the performance of service at the time of such parking.

Mayer  
Kerry A. Dineen  
Clerk  
Patty Blackwood  
Treasurer  
Catherine Hasbrouck

Trustees  
Nicholas Fahrenkopf  
Michelle Ganance  
John Scally  
Tresa Matulewicz

**Village of Altamont**  
P.O. Box 643 Altamont, NY 12009  
Telephone (518) 861-8554 Fax (518) 861-5379

**Notice of Village of Altamont Zoning Code Violation**

Date: 03/05/2023

Dear Mark,

On the date of 03/05/2023, I observed a violation of the Altamont Code or Zoning Law on your property located at (36 Sanford Place; Tax Map # 37.14-5-42) specifically, you have an enclosed trailer parked in your driveway- this is a violation of Altamont Village Code, Article 355-22-F(2) and a copy of that section of the code is attached to this letter for reference. **I hereby request that you eliminate this violation by 04/01/2023.**

If you do not take the requested action or make other arrangements with this office by 04/01/2023, we will begin formal enforcement action(s) against you. You may wish to seek relief from the law in the form of a variance. If you want to apply for a variance from the Zoning Board of Appeals, contact me without delay and I will assist you in your application.

My office hours are Tuesdays and Thursdays, from 7pm to 9pm and Saturdays as needed for field inspections. Please feel free to stop into the village office during these times if you wish to discuss this matter further. During the times that I am not in the office, an e-mail can be sent to [villagebuilding@altamontvillage.org](mailto:villagebuilding@altamontvillage.org) or a voicemail can be left on the office phone at 518-861-8554 ext. 17. I appreciate in advance your help and attention to this matter.

Sincerely,



Gary N. Goss Jr.  
Village of Altamont  
Code Enforcement Officer



**Land Parcels (2022)**

**Municipality:** Village of Altamont

**Parcel Location:** 36 Sanford Pl

**Land Parcel:** 37.14-5-42

**Owner Name:** Fanuele, Mark

**Property Class Code:** 210

**Property Class Description:** One Family Year-Round Residence

**Year Built:** 1993

**School District Code:** 013002

**School District:** Guilderland CSD

**Acres:** 0.44 ac

**Deed Reference:** NOT AVAILABLE

**Land Assessment:** \$45,000.00

**Total Assessment:** \$228,000.00

[PDF Tax Map](#)

[Google Maps](#)

[Zoom to](#)



**ALBANY COUNTY PLANNING BOARD  
NOTIFICATION**

**RECOMMENDATION DATE: April 20<sup>th</sup>, 2023**

**Case #:** 02-230404212  
**Project Name:** **Fanuele Variance**  
**Project Location:** 36 Sanford Place  
**Tax Map Number:** 37.14-5-42  
**Referring Agency:** Village of Altamont Zoning Board of Appeals  
**Considerations:** Use variance to allow the homeowner to store the enclosed trailer in his driveway next to his garage.

**ACPB** Defer to local consideration  
**Recommendation:**

1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

**Advisory:**

Gopika Muddappa, Senior Planner  
Albany County Planning Board

**NOTE:**

- This recommendation is rendered in compliance with applicable requirements of Section 239 of New York State General Municipal Law. Final determination on this matter rests with the appropriate municipal body.
- A recommendation of "APPROVE" or "MODIFY LOCAL APPROVAL" should not be interpreted as a recommendation by this body that the referring agency approve the matter referred. Such recommendation does not indicate that this body has reviewed all local concerns; rather the referral has met certain countywide considerations. Evaluation of local criteria is the responsibility of the referring agency.
- General Municipal Law Section 239 requires that the local agency notify the county within thirty days of its final action. Please use the OFFICIAL NOTICE OF LOCAL ACTION form that is attached for this purpose.
- General Municipal Law Section 239 sets forth the procedural requirements for taking local action contrary to the County Planning Board's recommendation of objection or conditional approval.
- Albany County is required to submit a Municipal Separate Storm Sewer System Permit (MS4) (No. GP-0-10-002) Notice of Intent (NOI) to comply with the NYS DEC permit for the control of wastewater and stormwater discharges in accordance with the Clean Water Act. Construction Activity Permit No. GP-0-1-001 issued by NYSDEC is also required for activity with soil disturbances of one acre or more. The law is required by the Clean Water Act to control point source discharges to ground water as well as surface waters.

**449 New Salem Road, Voorheesville, NY 12186  
TELEPHONE: (518) 655-7932 FAX: (518) 765-3459**

In compliance with Article 12-B, Section 239 of New York State General Municipal Law, this serves as official notification to the Albany County Planning Board of the action taken on the application described above.

**LOCAL ACTION ON ACPB RECOMMENDATION:**

- ☐ AGREED WITH COUNTY PLANNING BOARD RECOMMENDATIONS TO MODIFY OR DISAPPROVE
- ☐ OVER-RULED COUNTY PLANNING BOARD RECOMMENDATIONS TO MODIFY OR DISAPPROVE

**LOCAL DECISION ON PROJECT:**

- ☐ PROJECT APPROVED
- ☐ PROJECT DISAPPROVED

VOTE RECORDED: \_\_\_\_\_ DATE OF LOCAL ACTION: \_\_\_\_\_

Set forth the reasons for any action contrary to the ACPB recommendations (use additional sheets if needed):

SIGNED: \_\_\_\_\_ TITLE: \_\_\_\_\_

**RESOLUTION**  
**ALTAMONT ZONING BOARD OF APPEALS**

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

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

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

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

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

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

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

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

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

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

The motion was moved by Board Member Mulfelder.

The motion was seconded by Board Member Litten.

The vote was as follows: All present in favor.




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

I have compared the preceding copy with the original Resolution on file in this office adopted by the Village of Altamont Zoning Board of Appeals at a meeting held April 25, 2023 and I DO HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole of the original. I further certify the vote thereon was as follows:

MEMBERS PRESENT	MEMBERS ABSENT	VOTE
Chair Hext		In favor
Board Member Ramirez		In favor
Board Member Muhlfelder		In favor
Board Member Litten		In favor
Board Member Freeman		In favor
Board Member Sullivan		In favor
Board Member Witham		In favor

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



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

## Altamont Zoning Law Section 355-52(D)(3) – Area Variances

(b) In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

1. whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

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2. whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

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3. whether the requested area variance is substantial;

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4. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

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5. whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

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

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

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

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

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

WHEREAS, the ZBA has reviewed the application together with additional information submitted by the Applicant; and

WHEREAS, the ZBA duly noticed and held a public hearing on the application on May 23, 2022 at which time all members of the public wishing to speak were heard; and

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

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

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

1. The ZBA has considered the standard for Area Variance contained in the Village of Altamont Zoning Law Section 355-52(D)(3) and hereby adopts the determination and findings annexed hereto.
2. The ZBA does hereby [**grant or deny**] the application for Area Variance to permit an enclosed Trailer in the side yard of a parcel located at 36 Sanford Place.

**If the decision is to grant the area variance, the board can include any conditions here.**

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

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

The motion was moved by \_\_\_\_\_.

The motion was seconded by \_\_\_\_\_.

The vote was as follows:

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

I have compared the preceding copy with the original Resolution on file in this office adopted by the Village of Altamont Zoning Board of Appeals at a meeting held May 22, 2023 and I DO HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole of the original. I further certify the vote thereon was as follows:

MEMBERS PRESENT	MEMBERS ABSENT	VOTE
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Witness my hand and the seal of the Village of Altamont, this \_\_ day of May \_\_, 2023.

\	_____ GINGER HANNAH, CLERK VILLAGE OF ALTAMONT ZONING BOARD OF APPEALS
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**RESOLUTION**  
**ALTAMONT ZONING BOARD OF APPEALS**  
**RESOLUTION ISSUING A NEGATIVE DECLARATION**

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

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

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

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

WHEREAS, the Applicant has prepared a Short Environmental Assessment Form (EAF) pursuant to the mandates of the State Environmental Quality Review Act (“SEQRA”)(ECL Article 8 and 6 NYCRR Part 617); and

**WHEREAS**, the Zoning Board of Appeals has duly considered the contents of the EAF and completed Parts 2 and 3 thereof and determines that the proposed action will not result in any significant environmental impacts.

**NOW THEREFORE BE IT RESOLVED**, that the Zoning Board of Appeals hereby authorizes filing of the Negative Declaration (attached hereto and made a part hereof), according to SEQRA, 6 NYCRR Part 617.

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

The motion was moved by \_\_\_\_\_.

The motion was seconded by \_\_\_\_\_.

The vote was as follows:

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

I have compared the preceding copy with the original Resolution on file in this office adopted by the Village of Altamont Zoning Board of Appeals at a meeting held May 23, 2023 and I DO HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole of the original. I further certify the vote thereon was as follows:

MEMBERS PRESENT	MEMBERS ABSENT	VOTE
-----------------	----------------	------

Witness my hand and the seal of the Village of Altamont, this \_\_ day of May \_\_\_, 2023.

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

## Ginger Hannah

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**From:** Grace Mueller <jgmuel@icloud.com>  
**Sent:** Wednesday, May 17, 2023 3:44 PM  
**To:** villageadmin@altamontvillage.org  
**Subject:** Mark Fanuele variance

Good afternoon Ginger,

Thank you for taking the time yesterday to clarify some questions I had about the proposed variance at 36 Sanford Place. As I stated yesterday, we are unable to attend the meeting on May 23rd. We are in favor of the variance request and hope that Zoning board will approve this.

We have lived next to the Fanueles for almost 30 years and they have had a trailer parked on their side yard for most of this time. We do wonder why after all of this time, this has just become an issue if the code has always been in place. I believe the mayor and the board should review and amend this code to allow one trailer, camper, boat, etc. in a side yard or something reasonable like that for all residents. The cost to tax payers like ourselves seems absurd to handle this on a case by case basis because of a few complaining residents, which we imagine is the case. Not worth our tax dollars to spend the time and money on something so ridiculous.

Thank you for your time and consideration, Jim and Grace Mueller  
32 Sanford Place

Sent from my iPad



## Ginger Hannah

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**From:** Dolores Weaver <campweave@gmail.com>  
**Sent:** Thursday, May 18, 2023 7:52 PM  
**To:** villageadmin@altamontvillage.org  
**Subject:** Zoning Comments

To Whom It May Concern,

We are unable to attend the ZBA meeting on 5-23, but would like to send comments in support of the owner's request at 36 Sanford Place to allow for his 2016 trailer to be located in his side yard. Please indicate in your records our support of his request.

Thank You,

Dolores and Davide Weaver  
29 Sanford Place  
Altamont, NY 12009

→ ZBA

## Ginger Hannah

---

**From:** villageclerk@altamontvillage.org  
**Sent:** Tuesday, May 16, 2023 9:27 AM  
**To:** 'Ginger Hannah'  
**Subject:** FW: Suggestions for the Village Board

FYI

**From:** Sarah L Shultz via Altamont NY <cmsmailer@civicplus.com>  
**Sent:** Tuesday, May 16, 2023 7:52 AM  
**To:** PBlackwood <villageclerk@altamontvillage.org>  
**Subject:** Suggestions for the Village Board

Submitted on Tuesday, May 16, 2023 - 7:51am  
Submitted by anonymous user: 2603:7080:206:44b0:d5ac:a4a4:9d8e:a897  
Submitted values are:

Subject: Suggestions for the Village Board

Message:

Hello My name is Sarah L Shultz and I live at 43 Sanford pl. I approve the request of Mark Fanuele for an area variance to locate a 2016 enclosed Trailer

Sincerely Sarah L Shultz

==Please provide the following information==

Your Name: Sarah L Shultz

Your E-mail Address: [sar120lin@aol.com](mailto:sar120lin@aol.com)

Organization:

Phone Number: 5186188653

==Address==

Street: 43 Sanford

City: Altamont t

State: New York

Zipcode: 12009

The results of this submission may be viewed at:  
<https://www.altamontvillage.org/node/2/submission/3786>

## VILLAGE OF ALTAMONT

115 Main Street PO Box 643 Altamont, New York 12009  
Phone (518) 861-8554 Fax (518) 861-5379

**Mayor**  
**Kerry A. Dineen**  
Patty Blackwood, Clerk  
Catherine Hasbrouck, Treasurer

Nicholas Fahrenkopf, Trustee  
Michelle Ganance, Trustee  
John Scally, Trustee  
Dean Whalen, Trustee

May 11, 2023

Dear Neighbor:

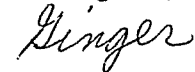
Enclosed you will find a legal notice regarding the request of CM Fox Living Solutions, LLC, for area variances to allow the creation of four (4) new keyhole lots with approximately 16 feet of road frontage. The minimum road frontage requirement is 30 feet for a keyhole lot. The property is identified as Tax Map #37.14-3-6.1, adjacent or close to your property. Village code requires that the Zoning Board of Appeals notify all property owners within 500 feet of the property.

If you would like to express an opinion and/or comment, you are cordially invited to attend the Zoning Board of Appeals meeting on Tuesday, May 23, 2023 at 7:00 p.m. The meeting will be held at the Altamont Village Community Room at 115 Main Street, Altamont NY 12009.

If you would like to submit any comments prior to the meeting for the Board to review, you may submit written comments to the Village office or email your comments to me at:  
[villageadmin@altamontvillage.org](mailto:villageadmin@altamontvillage.org).

If you have any further questions, feel free to contact me at the Village office at 518-861-8554 ext. 13, Tuesday and Thursday, 9:00 a.m. to Noon and 1:00 p.m. to 4:00 p.m., and Fridays until 12 noon.

Best regards,



Ginger Hannah  
ZBA Secretary

Enclosure – Legal Notice

## NOTICE OF PUBLIC HEARING

### Village of Altamont

**PLEASE TAKE NOTICE** that the Village of Altamont Zoning Board of Appeals will hold a public hearing on May 23, 2023, at 7:00 p.m. at the Altamont Village Community Room, 115 Main Street, Altamont, New York, to hear all interested persons on the proposed application of CM Fox Living Solutions, LLC (“Applicant”) for area variances to allow the creation of four (4) new keyhole lots with approximately 16 feet of road frontage. The minimum road frontage requirement is 30 feet for a keyhole lot. The property is identified as S.B.L. 37.14-3-6.1 and is located on the Northeasterly side of the NYS Route 397 (Western Ave.) and Schoharie Plank Road West intersection. It is in the Village’s R-15 Zoning District. The request for area variances is being proposed in connection with the Applicant’s proposed subdivision of a 13.01-acre lot into eleven (11) lots, which includes the four (4) keyhole lots that are the subject of its variance request. The Applicant proposes to build a total of ten (10) residences on the newly created lots (one of the lots is already improved with a single-family home). The Applicant is also requesting a number of lot-line adjustments as part of the project. All persons desiring to speak either on behalf of, or in opposition to, said proposed area variances shall be heard by either attending the public hearing or by submitting written comments in advance of the public hearing to the ZBA Secretary. Copies of the application materials are available for review at the offices of the Village Clerk located at 115 Main Street, Altamont, New York, 12009 and will be available on the Village website by Friday, May 26, 2023 at [www.altamontvillage.org](http://www.altamontvillage.org).

Dated: May 10, 2023

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Gary Goss  
Building Inspector and Code Enforcer  
Village of Altamont

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Deborah Hext  
Zoning Board of Appeals Chairperson  
Village of Altamont

Abutting  
AFD  
Fire Inspector  
DPW

**Stephen P. Walrath, L.S.**

**Land Surveying & Land Use Planning  
Environmental Mapping**

P.O. Box 381  
122 Main Street  
Altamont, NY 12009  
518-986-0125  
email: [spwalrath3@gmail.com](mailto:spwalrath3@gmail.com)

May 9, 2023

Gary Goss, Zoning Enforcement Officer & Building Inspector  
Deborah Hext, Chairperson  
Altamont Zoning Board of Appeals  
115 Main Street  
P.O. Box 643  
Altamont, NY 12009

**Re: 139 Western Ave. Altamont, NY – CM Fox Living Solutions LLC. Major Subdivision**

Dear Chairperson Hext and Mr. Goss,

We are in receipt of the review letter issued by Barton & Loguidice on February 21, 2023 regarding the Preliminary Subdivision Review for the above mentioned project. We have reviewed the comments provided and offer the following responses:

**1<sup>st</sup> Preliminary Subdivision Review Letter – February 21, 2023**

1. Develop and submit draft easements and cross easements regarding ingress and egress for review by the Village Attorney. This information probably should be made a part or attachment to the individual lot deeds.

*See attached*

2. Develop and submit draft maintenance agreements for the common driveways that include snow removal, mowing grass strips alongside driveway (perhaps 8-10' on both sides).

*See attached*

3. It is our opinion that the easements and maintenance agreements should be memorialized in the individual deeds such that their requirements go with any lots re-sold in perpetuity.

*See attached*

4. Submit neighbor consent to lot line adjustments in each location that includes a blown up plan detailed adjustments.

*See Attached. Blow ups will be provided upon variance approval*

5. Unless there is a move to a public road driveway width will need to be coordinated with Village fire chief Miller. They needs to be logical turnarounds 20' in width for a full size fire truck that has generous radius. Confirm layout with the fire chief if hammerhead design or other. It is still conceivable to connect some lot utilities to Schoharie Plank road whether or not there is road access there.

*Driveway widths and turnarounds will be designed upon variance approval*

6. Has further considerations of singular access via a public road from Western Avenue only. Is there potential for a public road 30-40 percent of the sites depth to a large cul-de-sac to get sufficient key hole frontage for perhaps 11-12 lots? Turn-outs in long runs for two way traffic is needed if narrow driveways are considered.

*With exception of a conforming 24-26 house concept plan, no other layouts have been considered without a resolution to the variance applications originally submitted with this project.*

7. Proposed grading plan needs to be developed to ascertain areas of disturbance to see if the development is truly less than 5 acres of disturbance. Show boundaries of areas to be disturbed that includes full width of driveways and turnarounds plus 10' for grading adjacent to driveways. If over 5 acres of disturbance a full Stormwater Pollution prevention plan will be required. Show 100 year floodplain line on the site plans.

*Please refer to sheet 6 (C-130) Layout & Utilities Plan for information regarding proposed grading, also refer to sheet 5 (C-120) Erosion & Sediment Control Plan for boundaries & quantities of disturbance. A Modified SWPPP Report (Dated 12-13-22) has been included in the original submission of this project.*

8. As noted before test pits are recommended to determine where groundwater is or could be in seasonally wet times. This is to provide greater separation to groundwater and reduce need for sump pumps operating significantly. At least 4 are recommended, perhaps where small stormwater raingardens or basins are proposed.

*Soil data has been performed and included on sheet 3 (C-100) Existing Conditions Plan.*

9. Provide stormwater runoff calculations that include some storage area for roof gutter and driveway runoff for each lot.

*Calculations and storage design will be designed upon variance approval*

10. Stormwater must be directed away from new and existing homes. Include mapping that shows how grading will accomplish this, particularly om Schoharie Plank Road and Marion Court.

*Please refer to sheet 6 (C-130) Layout & Utilities Plan for information regarding proposed grading.*

11. Provide profiles of driveways that show low pressure sewer laterals and water services will

have 5' of cover to avoid freezing.

***No further site design will be considered without a resolution to the variance applications originally submitted with this project.***

12. Site plans with dimensions for side and rear yard setbacks and road frontages at Western Avenue and Schoharie Plank Road.

***Please refer to sheet 2 (C-002) Notes for information regarding required/implemented property dimensions.***

13. Civil site details that include, but not limited to, driveway cross section detailing materials, compaction levels, trench details for water and sewers and rain gardens or stormwater basins per lot.

***Please refer to sheet 7-9 (C-500 thru 502) Site Details for information regarding proposed practices. Additional details will be added to reflect utilities needed on-site.***

14. We recommend blown up partial plans for the lot like adjustments where proposed which seems to be two areas. Provide the lot descriptions to go with the maps.

***See Attached. Blow ups and lot descriptions will be provided upon variance approval***

15. Submit neighbor consent to lot line adjustments in each location that includes a blown up plan detailed adjustments.

***See Attached. Blow ups will be provided upon variance approval***

16. Unless there is a move to a public road driveway width will need to be coordinated with Village fire chief Miller. They need to be logical turnarounds 20' in width for a full size fire truck that has generous radius. Confirm layout with the fire chief if hammerhead design or other.

***Driveway widths and turnarounds will be designed upon variance approval***

17. Provide a construction sequencing plan that begins with construction entrances, laydown area for materials, areas disturbed as minimally through residential construction. To avoid construction traffic on Schoharie Plank Road show on the plans sequence of lot construction accessing Western Avenue. Notate hours allowable for construction on the plans. If built from the northeast to the southwest (Western Avenue) it would lend itself to more gradual disturbance during construction and avoidance of an old road base and pavement on Schoharie Plank.

***Please refer to sheet 5 (C-120) Erosion & Sediment Control Plan for information on construction sequencing.***

18. Is the Village getting a sidewalk escrow payment based on frontage width as part of site approvals?

***Village will be getting a sidewalk escrow payment. Basis to be determined.***

19. Label the date and party of wetland specialist when site was observed for presence of wetlands and note on the plans.

*Site was evaluated for wetlands by William H. Smart, P.E. in October 2022. No wetlands were found on the project site.*

20. Label lot 11 as not having a basement based on 100 year flood plain proximity.

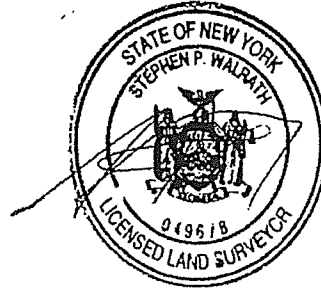
*Will be labeled upon variance approval*

21. Grading plans should show building envelopes, utilities and sump pump discharge locations. Consider shallow drywells for discharge points on each lot that won't impact adjacent properties.

*Will be designed upon variance approval*

If you have any questions, or are in need of additional information, please feel free to contact me at 518-888-2852.

Sincerely,  
Stephen P. Walrath, L.S.





# Agreement

We, Larry N. Adams & Katherine T. Adams, state and agree to the following:

1. We are the title owners of the property located at 103 W Schoharie Plank Road, Village of Altamont, County of Albany and State of New York. The property Tax ID number is 37.14-3-9.
2. The property adjacent to my property is commonly referred to as 139 Western Avenue, Village of Altamont, County of Albany and State of New York and is owned by CM Fox Living Solutions, LLC. The property tax id number is 37.14-3-6.1 and is 13.01 +/- acres.
3. We are aware of the current submission of CM Fox Living Solutions, LLC to the Village of Altamont for the Major Subdivision of the property referred at item 2 above.
4. We are also aware that some features belonging to us and on our property, currently encroach onto the property of CM Fox Living Solutions, LLC.
5. A lot line adjustment has been proposed and is indicated on the attached Exhibit A by referencing "old property line" and "new property line."
6. It is our opinion that the lot line adjustment will benefit both myself and CM Fox Living Solutions, LLC.
7. We will comply with any steps necessary, including, but not limited to, the execution of any documents that will be required to effectuate this lot line adjustment.
8. We consent to CM Fox Living Solutions, LLC pursuing the subdivision application on our behalf and join in the request for lot line adjustment.
9. We make these statements fully knowing that they will be relied upon by CM Fox Living Solutions and the Village of Altamont.

Dated: May \_\_\_\_, 2023

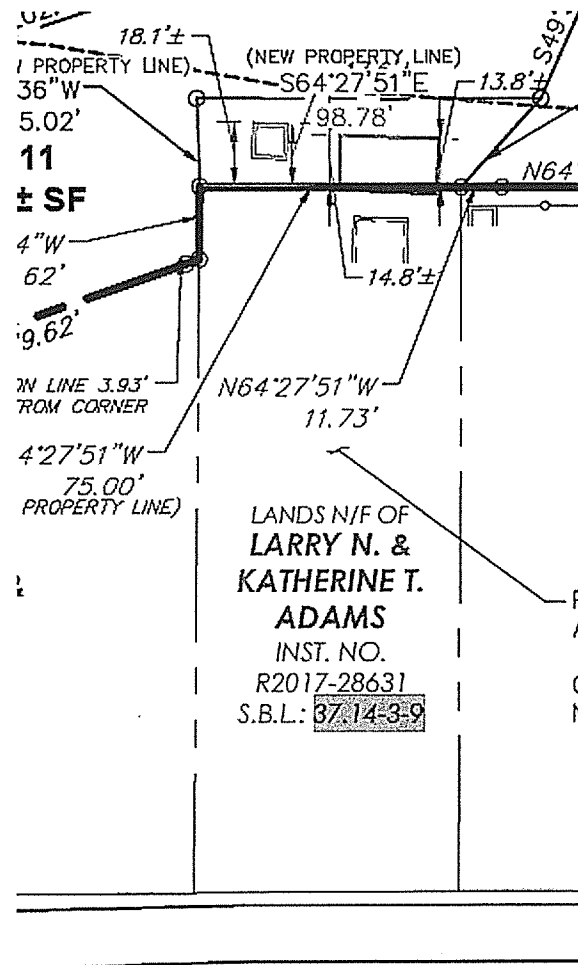
---

Larry N. Adams

---

Katherine T. Adams

# Exhibit A



# Agreement

I, Anthony W. Casper, state and agree to the following:

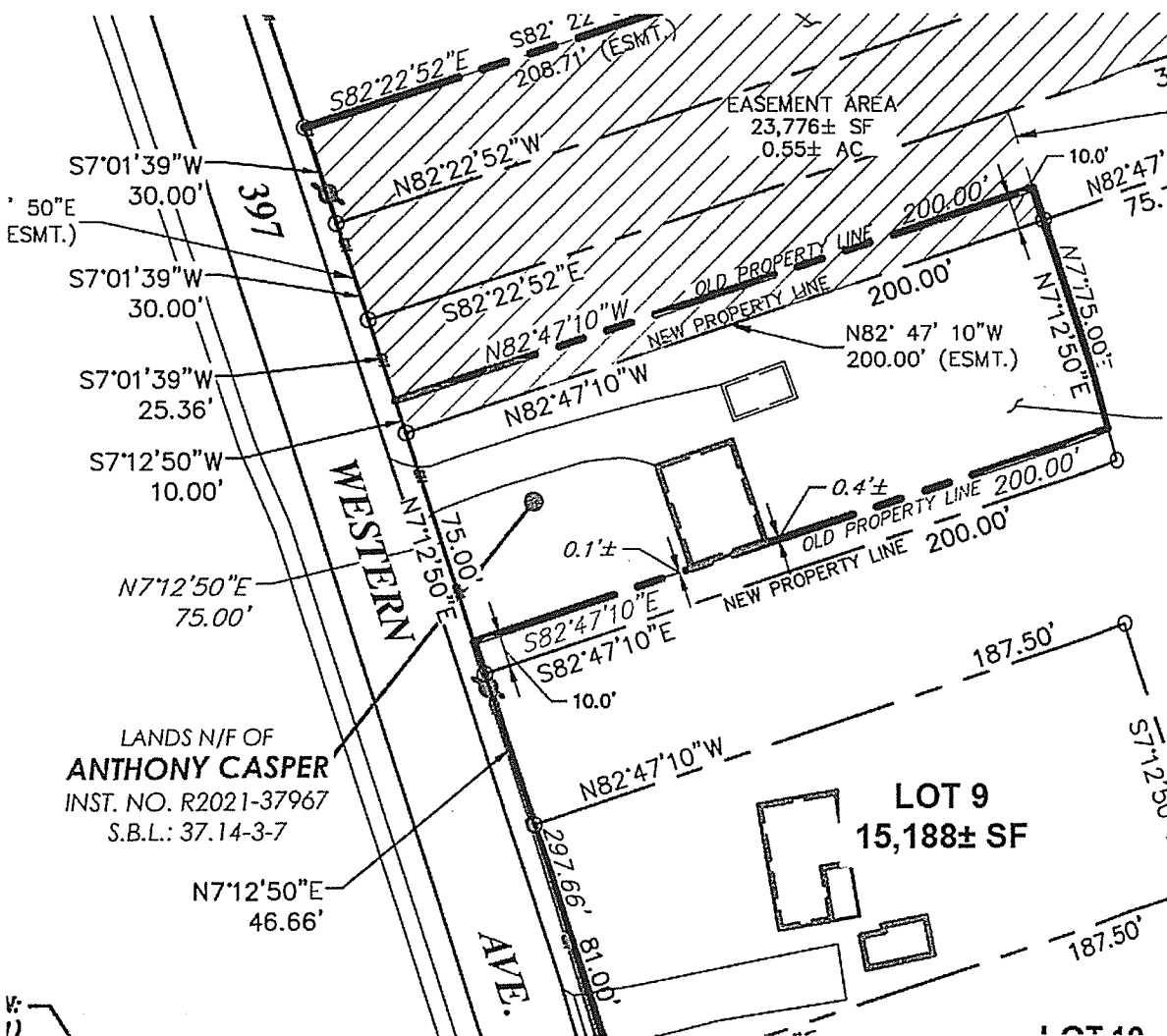
1. I am the title owner of the property located at 137 Western Avenue, Village of Altamont, County of Albany and State of New York. The property Tax ID number is 37.14-3-7.
2. The property adjacent to my property is commonly referred to as 139 Western Avenue, Village of Altamont, County of Albany and State of New York and is owned by CM Fox Living Solutions, LLC. The property tax id number is 37.14-3-6.1 and is 13.01 +/- acres.
3. I am aware of the current submission of CM Fox Living Solutions, LLC to the Village of Altamont for the Major Subdivision of the property referred at item 2 above.
4. I am also aware that my house located on my property referenced at item 1 above currently lies on the property line that separates my property from the property of CM Fox Living Solutions, LLC.
5. A lot line adjustment has been proposed and is indicated on the attached Exhibit A by referencing "old property line" and "new property line."
6. It is my opinion that the lot line adjustment will benefit both myself and CM Fox Living Solutions, LLC.
7. I will comply with any steps necessary, including, but not limited to, the execution of any documents that will be required to effectuate this lot line adjustment.
8. I consent to CM Fox Living Solutions, LLC pursuing the subdivision application on my behalf and join in the request for lot line adjustment.
9. I make these statements fully knowing that they will be relied upon by CM Fox Living Solutions and the Village of Altamont.

Dated: May \_\_\_\_, 2023

---

Anthony W. Casper

Exhibit A



# Agreement

We, Justin Blake Heinbuch & Katherine Elizabeth Heinbuch, state and agree to the following:

1. We are the title owners of the property located at 119 W Schoharie Plank Road, Village of Altamont, County of Albany and State of New York. The property Tax ID number is 37.15-1-4.
2. The property adjacent to my property is commonly referred to as 139 Western Avenue, Village of Altamont, County of Albany and State of New York and is owned by CM Fox Living Solutions, LLC. The property tax id number is 37.14-3-6.1 and is 13.01 +/- acres.
3. We are aware of the current submission of CM Fox Living Solutions, LLC to the Village of Altamont for the Major Subdivision of the property referred at item 2 above.
4. A lot line adjustment has been proposed and is indicated on the attached Exhibit A by referencing "old property line" and "new property line."
5. It is our opinion that the lot line adjustment will benefit both myself and CM Fox Living Solutions, LLC.
6. We will comply with any steps necessary, including, but not limited to, the execution of any documents that will be required to effectuate this lot line adjustment.
7. We consent to CM Fox Living Solutions, LLC pursuing the subdivision application on our behalf and join in the request for lot line adjustment.
8. We make these statements fully knowing that they will be relied upon by CM Fox Living Solutions and the Village of Altamont.

Dated: May \_\_\_\_, 2023

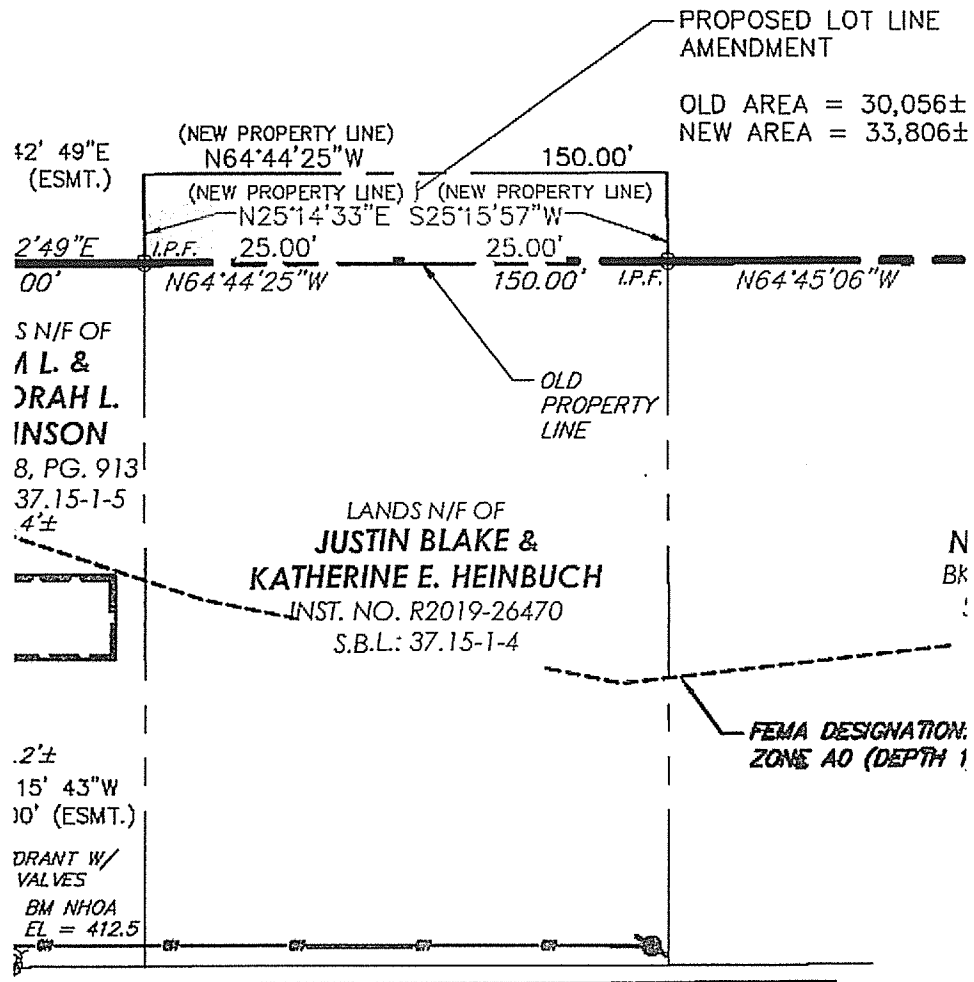
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Larry N. Adams

---

Katherine T. Adams

# Exhibit A



COMMON DRIVEWAY & MAINTENANCE AGREEMENT  
BETWEEN  
CM FOX LIVING SOLUTIONS LLC, CM FOX LIVING SOLUTIONS LLC and CM FOX  
LIVING SOLUTIONS LLC

Agreement made the \_\_\_\_ day of \_\_\_\_\_, 2023, between:

CM FOX LIVING SOLUTIONS LLC, a New York Limited Liability Company, with an address of 2390 Western Avenue, Guilderland, New York 12084 (*hereinafter referred to as "CM FOX 1"*)

and

CM FOX LIVING SOLUTIONS LLC, a New York Limited Liability Company, with an address of 2390 Western Avenue, Guilderland, New York 12084 (*hereinafter referred to as "CM FOX 2"*)

and

CM FOX LIVING SOLUTIONS LLC, a New York Limited Liability Company, with an address of 2390 Western Avenue, Guilderland, New York 12084 (*hereinafter referred to as "CM FOX 3"*)

WITNESSETH:

WHEREAS, CM FOX 1 is the owner of the premises located at \_\_\_\_ Western Avenue, Altamont, New York 12009, identified as Lot 1 on the survey map annexed hereto as Exhibit "A" and being described as follows:

*INSERT LOT 1 LEGAL DESCRIPTION*

WHEREAS, CM FOX 2 is the owner of the premises located at \_\_\_\_ Western Avenue, Altamont, New York 12009, identified as Lot 2 on the survey map annexed hereto as Exhibit "A" and being described as follows:

*INSERT LOT 2 LEGAL DESCRIPTION*

WHEREAS, CM FOX 3 is the owner of the premises located at \_\_\_\_ Western Avenue, Altamont, New York 12009, identified as Lot 3 on the survey map annexed hereto as Exhibit "A" and being described as follows:

*INSERT LOT 3 LEGAL DESCRIPTION*

Whereas, the above premises adjoin each other, and

WHEREAS, a common driveway exists between the THREE (3) parcels as shown on a survey of Stephen P. Walrath, L.S., entitled "Subdivision Plat, CM Fox Living Solutions LLC Major Subdivision, 139 Western Ave, S.B.L. 37.14-3-6.1", Drawing No. \_\_\_\_\_, Sheet \_\_ of \_\_, Dated \_\_\_\_\_, 2023, last revised on \_\_\_\_\_, 2013 and filed in the Albany County Clerk's Office on \_\_\_\_\_, 2023 as Map No. \_\_\_\_\_ DR \_\_\_\_\_, which map is annexed hereto as Exhibit "A", and

WHEREAS, the parties wish to establish a common driveway and maintenance agreement which will provide the unobstructed right of ingress and egress for persons and motor vehicles over and upon the driveway which services the lands of CM FOX 1, CM FOX 2, and CM FOX 3,

NOW, THEREFORE, the parties agree as follows:

(1) CM FOX 1, grants and conveys to CM FOX 2 and CM FOX 3 an easement over any portion of the common driveway which is located on LOT 1, and which is shown on the annexed survey.

(2) CM FOX 2, grants and conveys to CM FOX 1 and CM FOX 3 an easement over any portion of the common driveway which is located on LOT 2, and which is shown on the annexed survey

(3) CM FOX 3, grants and conveys to CM FOX 1 and CM FOX 2 an easement over any portion of the common driveway which is located on LOT 3, and which is shown on the annexed survey

(4) Each of the parties shall have full and free right and authority to enter and exit over said common driveway for the purpose of permitting the travel of motor vehicles and persons over the common driveway to the party's respective lots.

(5) No party may obstruct the driveway or interfere with the use of the common driveway, nor prevent ingress and egress of persons and motor vehicles over the common driveway.

(6) Each party will indemnify and hold the others harmless from and against any loss, damage or liability arising out of the exercise of the rights granted herein.

(7) Each of the parties shall maintain the common driveway in good condition and repair, and share equally the costs of maintaining and repairing the same.

(8) The maintenance of the property outside of the driveway itself shall be the sole responsibility of the Party who is the title owner of said property.

(9) This Agreement shall be perpetual and shall be a covenant running with the land.

THE REST OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK



IN WITNESS WHEREOF, the parties hereto have signed this Agreement on the day and year above written.

CM FOX LIVING SOLUTIONS LLC

CM FOX LIVING SOLUTIONS LLC

\_\_\_\_\_  
BY: TROY MILLER, MEMBER

\_\_\_\_\_  
BY: TROY MILLER, MEMBER

CM FOX LIVING SOLUTIONS LLC

\_\_\_\_\_  
BY: TROY MILLER, MEMBER

STATE OF NEW YORK     }  
COUNTY OF ALBANY     }ss.:

On this \_\_\_\_ day of \_\_\_\_\_, 2023, before me, the undersigned, a notary public in and for said state, personally appeared TROY MILLER, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

COMMON DRIVEWAY & MAINTENANCE AGREEMENT  
BETWEEN  
CM FOX LIVING SOLUTIONS LLC, CM FOX LIVING SOLUTIONS LLC, CM FOX  
LIVING SOLUTIONS LLC and CM FOX LIVING SOLUTIONS LLC

Agreement made the \_\_\_\_ day of \_\_\_\_\_, 2023, between:

CM FOX LIVING SOLUTIONS LLC, a New York Limited Liability Company, with an address of 2390 Western Avenue, Guilderland, New York 12084 (*hereinafter referred to as "CM FOX 5"*)

And

CM FOX LIVING SOLUTIONS LLC, a New York Limited Liability Company, with an address of 2390 Western Avenue, Guilderland, New York 12084 (*hereinafter referred to as "CM FOX 6"*)

and

CM FOX LIVING SOLUTIONS LLC, a New York Limited Liability Company, with an address of 2390 Western Avenue, Guilderland, New York 12084 (*hereinafter referred to as "CM FOX 7"*)

and

CM FOX LIVING SOLUTIONS LLC, a New York Limited Liability Company, with an address of 2390 Western Avenue, Guilderland, New York 12084 (*hereinafter referred to as "CM FOX 8"*)

WITNESSETH:

WHEREAS, CM FOX 5 is the owner of the premises located at \_\_\_\_ Schoharie Plank Road, Altamont, New York 12009, identified as Lot 5 on the survey map annexed hereto as Exhibit "A" and being described as follows:

*INSERT LOT 5 LEGAL DESCRIPTION*

WHEREAS, CM FOX 6 is the owner of the premises located at \_\_\_\_ Schoharie Plank Road, Altamont, New York 12009, identified as Lot 6 on the survey map annexed hereto as Exhibit "A" and being described as follows:

*INSERT LOT 6 LEGAL DESCRIPTION*

WHEREAS, CM FOX 7 is the owner of the premises located at \_\_\_\_ Schoharie Plank Road, Altamont, New York 12009, identified as Lot 7 on the survey map annexed hereto as Exhibit "A" and being described as follows:

*INSERT LOT 7 LEGAL DESCRIPTION*

WHEREAS, CM FOX 8 is the owner of the premises located at \_\_\_\_ Schoharie Plank Road, Altamont, New York 12009, identified as Lot 8 on the survey map annexed hereto as Exhibit "A" and being described as follows:

*INSERT LOT 8 LEGAL DESCRIPTION*

Whereas, the above premises adjoin each other, and

WHEREAS, a common driveway exists between the THREE (3) parcels as shown on a survey of Stephen P. Walrath, L.S., entitled "Subdivision Plat, CM Fox Living Solutions LLC Major Subdivision, 139 Western Ave, S.B.L. 37.14-3-6.1", Drawing No. \_\_\_\_\_, Sheet \_\_\_ of \_\_, Dated \_\_\_\_\_, 2023, last revised on \_\_\_\_\_, 2013 and filed in the Albany County Clerk's Office on \_\_\_\_\_, 2023 as Map No. \_\_\_\_\_ DR \_\_\_\_\_, which map is annexed hereto as Exhibit "A", and

WHEREAS, the parties wish to establish a common driveway and maintenance agreement which will provide the unobstructed right of ingress and egress for persons and motor vehicles over and upon the driveway which services the lands of CM FOX 5, CM FOX 6,, CM FOX 7, and CM FOX 8,

NOW, THEREFORE, the parties agree as follows:

(1) CM FOX 5, grants and conveys to CM FOX 6, CM FOX 7, and CM FOX 8 an easement over any portion of the common driveway which is located on LOT 5, and which is shown on the annexed survey.

(2) CM FOX 6, grants and conveys to CM FOX 5, CM FOX 7, and CM FOX 8 an easement over any portion of the common driveway which is located on LOT 6, and which is shown on the annexed survey.

(3) CM FOX 7, grants and conveys to CM FOX 5, CM FOX 6, and CM FOX 8 an easement over any portion of the common driveway which is located on LOT 7, and which is shown on the annexed survey.

(3) CM FOX 8, grants and conveys to CM FOX 5, CM FOX 6, and CM FOX 7 an easement over any portion of the common driveway which is located on LOT 8, and which is shown on the annexed survey.

(4) Each of the parties shall have full and free right and authority to enter and exit over said common driveway for the purpose of permitting the travel of motor vehicles and persons over the common driveway to the party's respective lots.

(5) No party may obstruct the driveway or interfere with the use of the common driveway, nor prevent ingress and egress of persons and motor vehicles over the common driveway.

(6) Each party will indemnify and hold the others harmless from and against any loss, damage or liability arising out of the exercise of the rights granted herein.

(7) Each of the parties shall maintain the common driveway in good condition and repair, and share equally the costs of maintaining and repairing the same.

(8) The maintenance of the property outside of the driveway itself shall be the sole responsibility of the Party who is the title owner of said property.

(9) This Agreement shall be perpetual and shall be a covenant running with the land.

THE REST OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the parties hereto have signed this Agreement on the day and year above written.

CM FOX LIVING SOLUTIONS LLC

CM FOX LIVING SOLUTIONS LLC

\_\_\_\_\_  
BY: TROY MILLER, MEMBER

\_\_\_\_\_  
BY: TROY MILLER, MEMBER

CM FOX LIVING SOLUTIONS LLC

CM FOX LIVING SOLUTIONS LLC

\_\_\_\_\_  
BY: TROY MILLER, MEMBER

\_\_\_\_\_  
BY: TROY MILLER, MEMBER

STATE OF NEW YORK     }  
COUNTY OF ALBANY     }ss.:

On this \_\_\_\_ day of \_\_\_\_\_, 2023, before me, the undersigned, a notary public in and for said state, personally appeared TROY MILLER, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

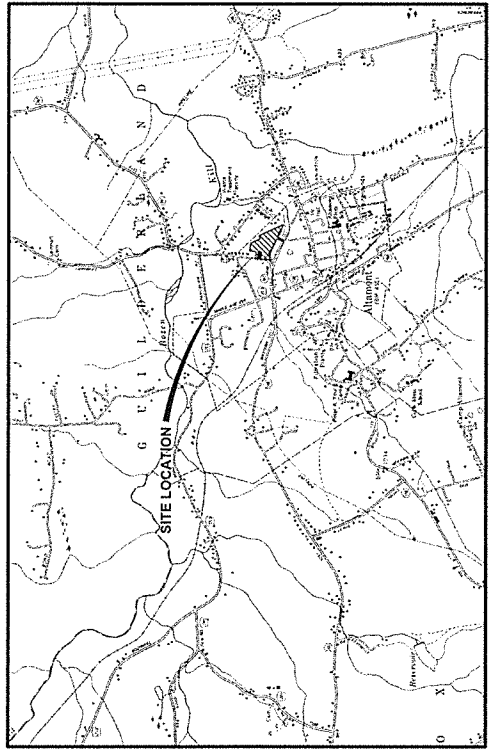
\_\_\_\_\_  
Notary Public

# LANDS OF CM FOX LIVING SOLUTIONS LLC MAJOR SUBDIVISION

139 WESTERN AVENUE  
VILLAGE OF ALTAMONT  
ALBANY COUNTY, NEW YORK

DECEMBER, 2022  
REVISED APRIL, 2023

Sheet List Table		
SHEET NUMBER	SHEET TITLE	SHEET DESCRIPTION
1	COVER	C-001
2	NOTES	C-002
3	EXISTING CONDITIONS PLAN	C-100
4	SUBDIVISION PLAN	C-110
5	EROSION & SEDIMENT CONTROL PLAN	C-120
6	LAYOUT & UTILITIES PLAN	C-130
7	EROSION & SEDIMENT CONTROL DETAILS	C-200
8	UTILITY DETAILS	C-201
9	UTILITY DETAILS	C-202



SITE LOCATION MAP  
1" = 1000'

**SITE STATISTICS:**  
OWNER/APPLICANT: CM FOX LIVING SOLUTIONS LLC  
265 WESTERN AVE  
GUILDERLAND, NY 12084  
SITE ADDRESS: 139 WESTERN AVE.  
ALTAMONT NY, 12009  
PARCEL NUMBER: 37.14-3-4.1  
PARCEL AREA: 13.01 ± AC  
EXISTING ZONING: R15 - RESIDENTIAL  
EXISTING USE: SINGLE FAMILY RESIDENTIAL / VACANT  
PROPOSED USE: 11 - LOT MAJOR RESIDENTIAL SUBDIVISION

STEPHEN P. WALRATH, L.L.C.  
122 MAIN STREET # D BOX 381  
ALBANY, NY 12203  
TEL: 518-869-0725  
WILLIAM H. SMART  
ENGINEERING, PLLC  
8 CORTSTOWN DRIVE  
WOOLBESQUE, NEW YORK 12186  
(518) 857-7270

WILLIAM SMART, P.E.  
NYS LICENSE NO. 065413

STEPHEN P. WALRATH, L.L.C.  
NYS LICENSE NO. 065413

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IN ANY FORM OR BY ANY MEANS,  
ELECTRONIC OR MECHANICAL,  
INCLUDING PHOTOCOPYING, RECORDING,  
OR BY ANY INFORMATION STORAGE  
AND RETRIEVAL SYSTEM, WITHOUT  
THE WRITTEN PERMISSION OF  
CM FOX LIVING SOLUTIONS LLC.

COVER  
CM FOX LIVING SOLUTIONS LLC  
MAJOR SUBDIVISION  
139 WESTERN AVE.  
ALTAMONT, NY 12009  
ALBANY COUNTY  
NEW YORK STATE

DATE: 12/23  
DRAWN BY: JPM  
CHECKED BY: JPM  
DESIGNED BY: JPM  
SCALE: AS SHOWN

C-001  
SHEET 1 OF 9



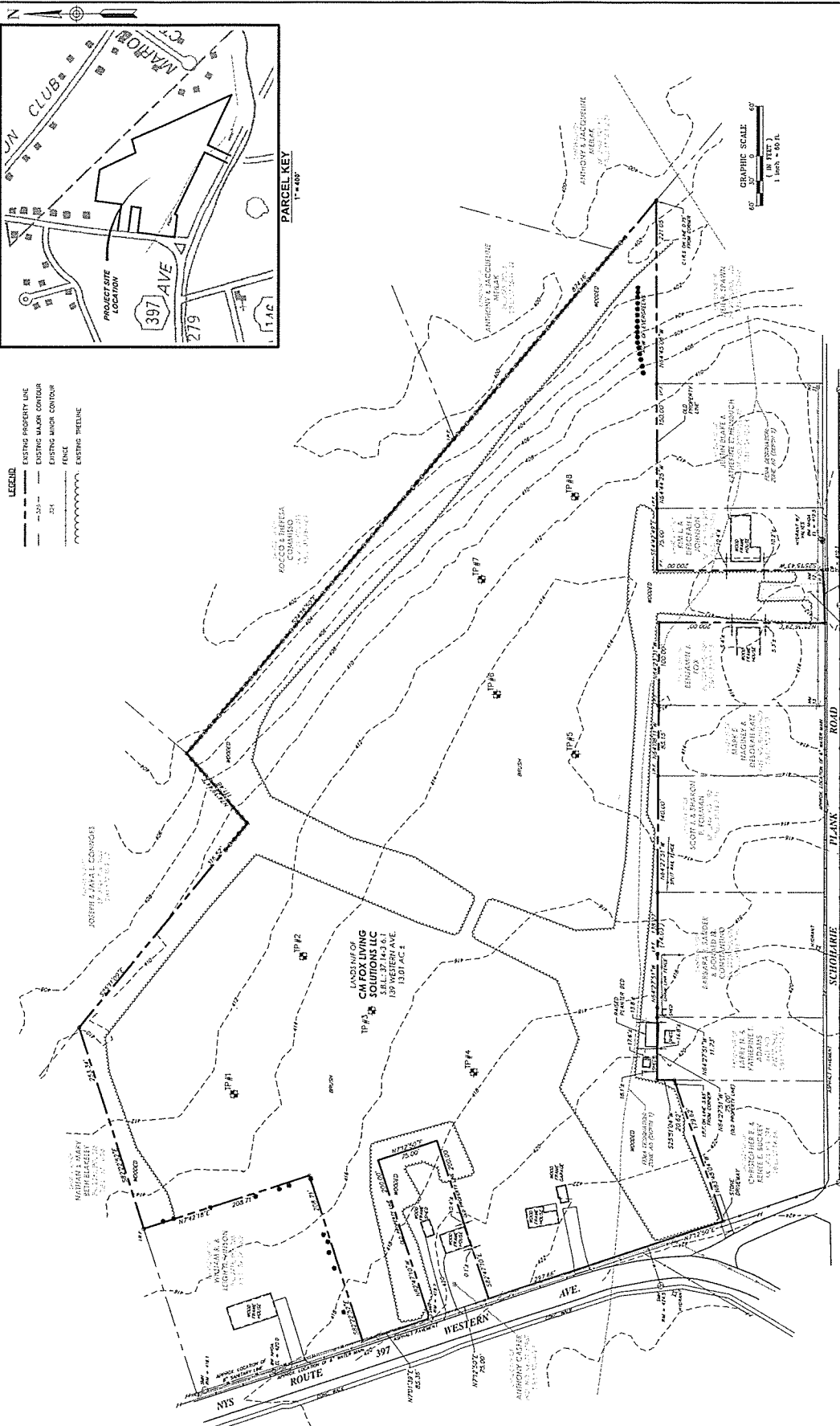
CM-FOX LIVING SOLUTIONS LLC  
MAJOR SUBDIVISION

DE OF ALBANY	ALBANY COUNTY	NEW YORK STATE
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W-1	W-2	W-3	W-4	W-5	W-6	W-7	W-8	W-9	W-10	W-11	W-12	W-13	W-14	W-15	W-16	W-17	W-18	W-19	W-20	W-21	W-22	W-23	W-24	W-25	W-26	W-27	W-28	W-29	W-30	W-31	W-32	W-33	W-34	W-35	W-36	W-37	W-38	W-39	W-40	W-41	W-42	W-43	W-44	W-45	W-46	W-47	W-48	W-49	W-50	W-51	W-52	W-53	W-54	W-55	W-56	W-57	W-58	W-59	W-60	W-61	W-62	W-63	W-64	W-65	W-66	W-67	W-68	W-69	W-70	W-71	W-72	W-73	W-74	W-75	W-76	W-77	W-78	W-79	W-80	W-81	W-82	W-83	W-84	W-85	W-86	W-87	W-88	W-89	W-90	W-91	W-92	W-93	W-94	W-95	W-96	W-97	W-98	W-99	W-100
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STEPHEN P. WALRATH, L.T.S.  
LAND SURVEYING & LAND PLANNING  
122 MAIN STREET P.O. BOX 281  
ATLANTON, NY 12009  
TEL. 518-365-0125  
WILLIAM H. SMART  
ENGINEERING, PLLC  
8 CRESTSTONE DRIVE  
VOORHEESVILLE, NEW YORK 12156  
(518) 857-2270

THE NEW YORK STATE EDUCATION LAW, ONLY COMES FROM THE RECENT SIGNATURE IN RED INK, AND THE EMPLOYEES SEAT OF THE REPAIRS SHALL BE CONSIDERED TO BE TRUE AND VALID COMPLETS.



SURVEY NOTES:

1. SURVEY COMPLETED BY STEPHEN P. WALRATH, L.S. LAND SURVEYING AND LAND PLANNING IN AUGUST, 1991. DEED DATED OCTOBER 1991.

2022.	REVENUE	RECORDED IN THE
2022.	REVENUE	RECORDED IN THE

2. NORTH ORIENTATION IS BASED ON THE NEW YORK STATE PLANE COORDINATE SYSTEM, NAD83 - EAST ZONE, AS DETERMINED BY GPS OBSERVATIONS AT THE TIME OF THE FIELD SURVEY.

3. VERTICAL DATUM IS BASED ON NAVD 88.

4. SURVIVED FROM RECORD DESCRIPTION AND IS IN POSSESSION.

5. SUBJECT TO COVENANTS, EASEMENTS, RESTRICTIONS, CONDITIONS AND AGREEMENTS OF RECORD AND ANY STATE OF FACTS AN UP TO DATE TITLE REPORT WILL SHOW

THE BUREAU OF THE ARMY HAS NO RECORD OF ANY SUCH PERSONS.

[illegible]

ALL ABOVE GROUND STRUCTURES AND SURFACE FEATURES SHOWN HEREON ARE THE RESULT OF A FIELD SURVEY UNLESS OTHERWISE NOTED. THERE MAY BE OTHER UNDERGROUND UTILITIES. THE EXISTENCE OF WHICH ARE NOT INDICATED OR REFLECTED ON THE ENGINEERED DRAWING.

EXISTENCE OF WHICH ARE NOT KNOWN OR CERTIFIED BY THE UNDERSIGNED; THE SIZE AND LOCATION OF ALL UNDERGROUND UTILITIES AND STRUCTURES MUST BE VERIFIED BY THE APPROPRIATE AUTHORITY. THE UNDERSIGNED, PLANNING, ENGINEERING, OR SURVEYING FIRM, SHALL BE LIABLE TO

AGENCIES. THE UNDERGROUND FACILITIES PROTECTIVE ORGANIZATION MUST BE NOTIFIED PRIOR TO CONDUCTING TEST BORINGS, EXCAVATION AND CONSTRUCTION.

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CM FOX LIVING SOLUTIONS LLC  
MAJOR SUBDIVISION  
130 WESTERN AVE

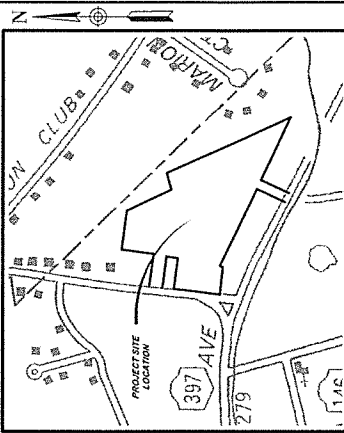
ALBANY COUNTY	STATE OF ALABAMA
SEPT 27 1961	

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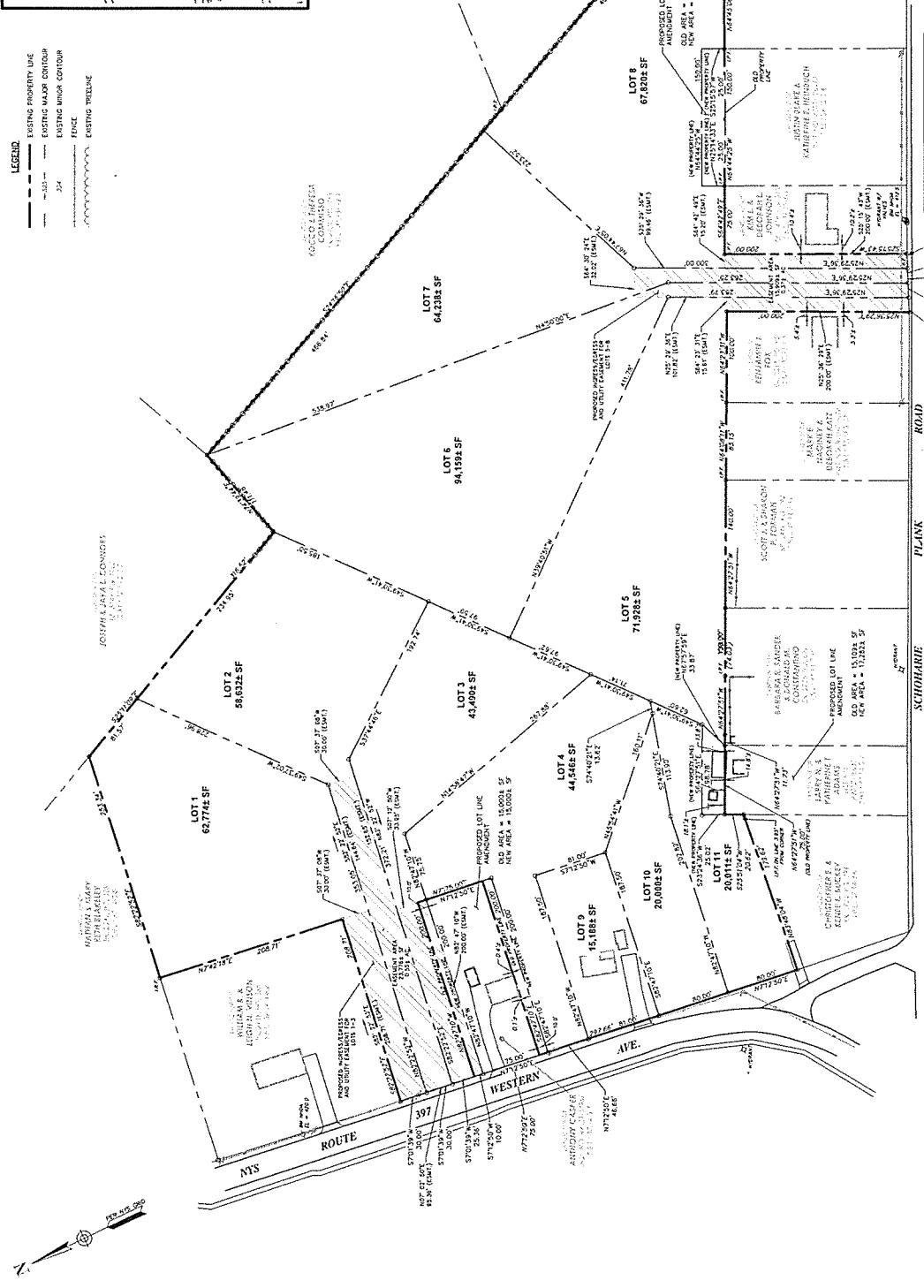
HEN P. WALRATH, L.S.  
AND SURVEYING & LAND PLANNING  
122 MAIN STREET P.O. BOX 381  
ATLANTON, NY 12009  
TEL. 518/586-0125  
WILLIAM H. SMART  
ENGINEERING, PLLC  
B CRYSTAL DRIVE  
KORHEESVILLE, NEW YORK 12186  
(518) 857-2270

LENN E. WALSH, JR.  
ATTORNEY AT LAW, 64573

BE TRUE AND VALID COMES  
REPAIR SHALL BE CONSIDERED TO  
THE EMPLOYED SET OF THE  
ORIGINAL SIGNATURE IN RED INK AND  
LAW, ONLY COMES FROM THE  
THE NEW YORK STATE EDUCATION  
OF SECTION 201.10(1) SUN DIVISION 2 OF  
TO THIS MAP IS A VIOLATION  
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LOT TABLE		
LOT #	AREA (SF)	AREA (AC)
LOT 1	62,774.2	1.442
LOT 2	58,023.2	1.332
LOT 3	43,092.2	0.99
LOT 4	44,546.2	1.022
LOT 5	71,028.2	1.652
LOT 6	84,339.2	2.168
LOT 7	84,238.2	1.972
LOT 8	67,102.2	1.562
LOT 9	15,188.2	0.352
LOT 10	20,001.2	0.462
LOT 11	20,001.2	0.462

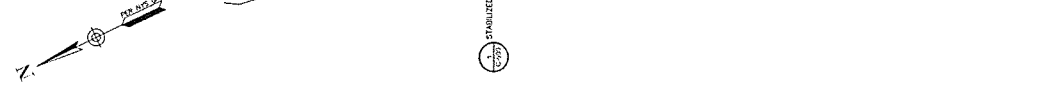
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EROSION & SEDIMENT CONTROL PLAN

NO.	DATE	DESCRIPTION	REV	CHK
1	2/13/22	REV PER 22A08 CATS	RCA	SPW
2	1/27/22	REV PER 22A08 CATS	RCA	SPW

STEPHEN P. WALRATH, L.S.  
LAND SURVEYING & LAND PLANNING  
122 MAIN STREET P.O. BOX 331

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**1. LINE**

THE PURPOSE OF THIS MEASURE IS TO IDENTIFY AND CORRECT ALL DEFECTS IMMEDIATELY FROM EXISTING WORK. THE WORK AREA OF THE DEFECT IS IDENTIFIED BY A LINE, AND THE DEFECT IS CORRECTED BEFORE IT ACCUMULATES TO A HIGHER CLASS. TO THE RIGHT OF THE LINE, THE WORKER IS INSTRUCTED TO CORRECT THE DEFECT BY REPLACING THE DEFECTED SECTION OF TAPE IMMEDIATELY.

**2. DISCREPANCY**

THE PURPOSE OF THIS MEASURE IS TO IDENTIFY AND CORRECT ALL DEFECTS IMMEDIATELY FROM EXISTING WORK. THE WORK AREA OF THE DEFECT IS IDENTIFIED BY A LINE, AND THE DEFECT IS CORRECTED BEFORE IT ACCUMULATES TO A HIGHER CLASS. TO THE RIGHT OF THE LINE, THE WORKER IS INSTRUCTED TO CORRECT THE DEFECT BY REPLACING THE DEFECTED SECTION OF TAPE IMMEDIATELY.

**GENERAL EGRESS AND SEWAGE CONTROL NOTES (CONT.)**

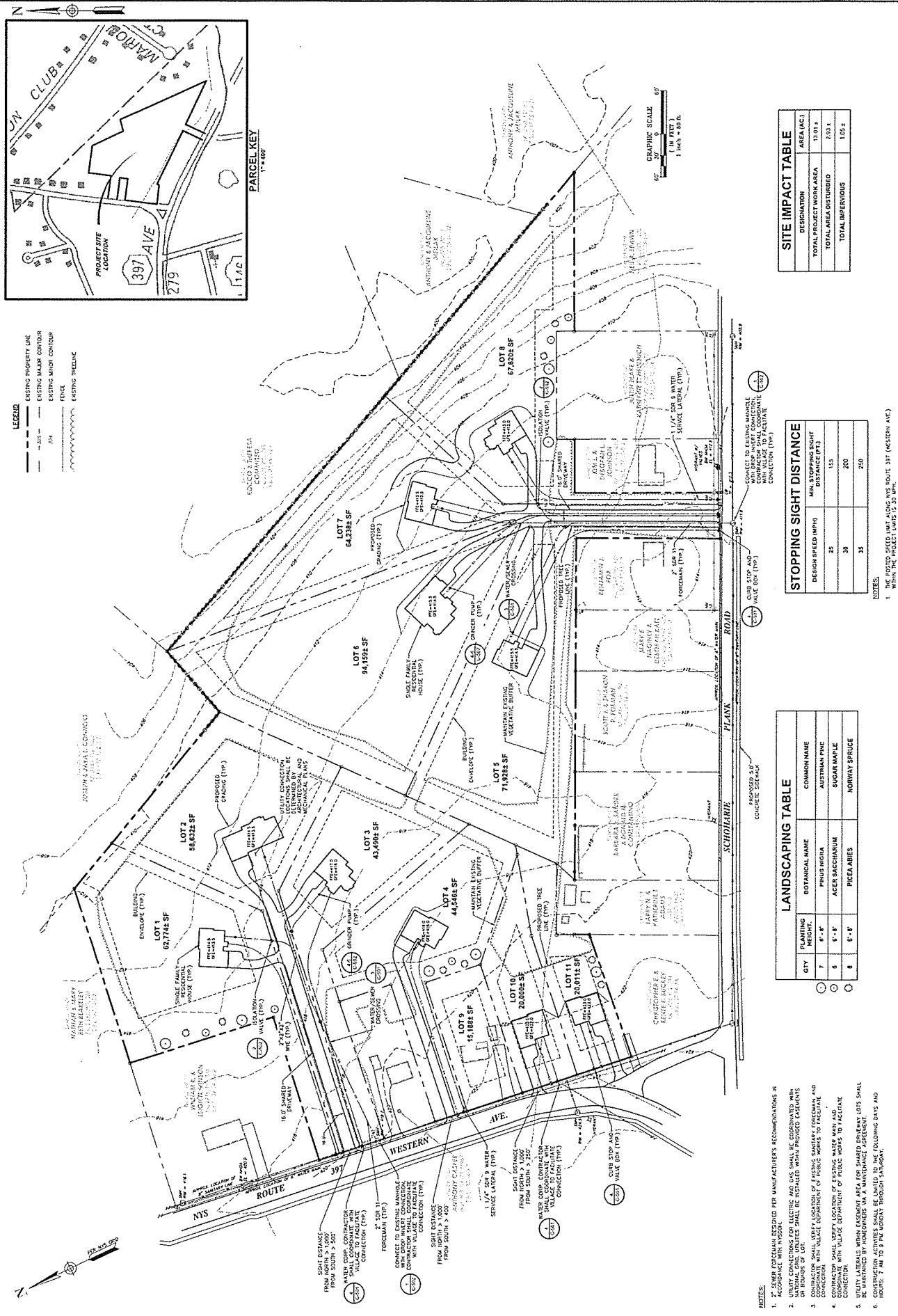
1. ALL EGRESS AND SEWAGE CONTROL MEASURES THROUGHOUT THE COURSE OF CONSTRUCTION.

2. THE CONSTRUCTION IS RESPONSIBLE FOR CONTINUED AND MAINTENANCE OF THE EXISTING SEWERAGE SYSTEM FOR THE PROJECT. THE PROJECTOR SHALL PROVIDE FOR THE PROTECTION OF THE EXISTING SEWERAGE SYSTEM. THE OWNER IS TO SUPPLY ALL WATER FOR USE DURING CONSTRUCTION.

3. WHEN ALL EXISTING DRAINAGE HAS BEEN STABILIZED WITH PERMANENT UTILITY, THE SEWERAGE SYSTEM SHALL BE MAINTAINED AS A SEWERAGE SYSTEM. THE SEWERAGE SYSTEM SHALL BE MAINTAINED AS A SEWERAGE SYSTEM.

4. REFER TO DWS, 4-1500 FOR ADDITIONAL EGRESS AND SEWAGE CONTROL NOTES AND DETAILS.

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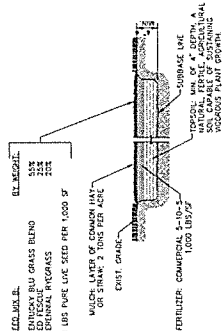
SITE IMPACT TABLE	
DESIGNATION	AREA (AC)
TOTAL PROJECT WORK AREA	13.01 A
TOTAL AREA DISTURBED	2.93 A
TOTAL IMPERVIOUS	1.02 A

STOPPING SIGHT DISTANCE	
DESIGN SPEED (MPH)	MIN. STOPPING SIGHT DISTANCE (FT)
35	155
30	200
25	250

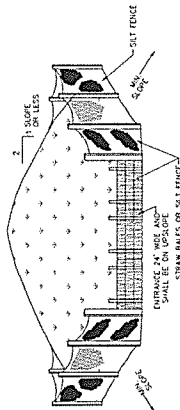
LANDSCAPING TABLE			
QTY	PLANTING HEIGHT,	BOTANICAL NAME	COMMON NAME
7	6" - 8"	PRINUS HYDRA	AUTUMN PINE
5	6" - 8"	ACER SACCHARUM	SUGAR MAPLE
8	6" - 8"	PICEA ABIES	NORWAY SPRUCE

- NOTES:
- 2" SEWER FORCEMAIN DESIGNED PER MANUFACTURER'S RECOMMENDATIONS IN ACCORDANCE WITH NYSDOT.
  - ALL UTILITIES SHALL BE INSTALLED WITH PROPOSED LAYOUTS UNLESS OTHERWISE NOTED.
  - CONNECTIONS TO EXISTING UTILITIES SHALL BE MADE AT THE LOCATION OF THE EXISTING UTILITY.
  - CONNECTIONS TO EXISTING UTILITIES SHALL BE MADE AT THE LOCATION OF THE EXISTING UTILITY.
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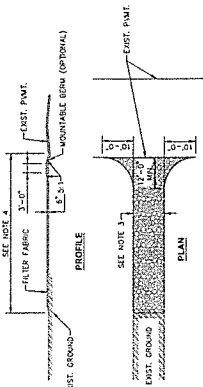
101 00  
SCOTT & BROS.



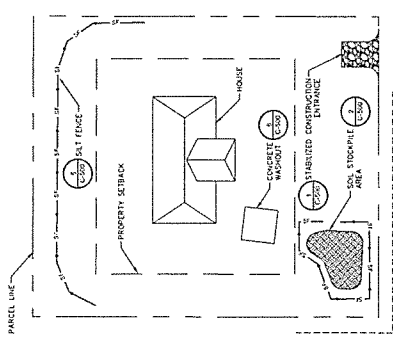
SCALE - INCHES



## MANUSCRIPT

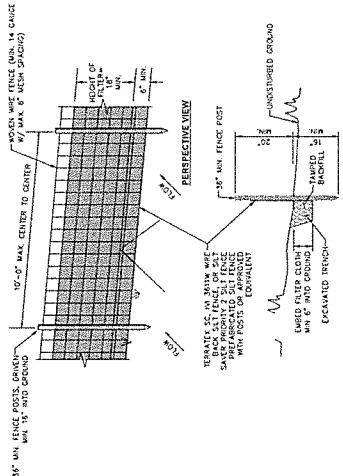


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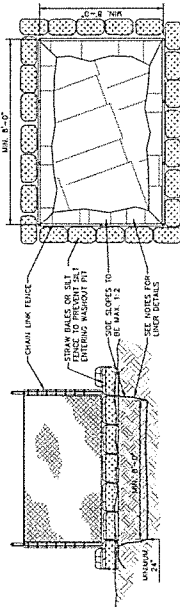


## SCALE: N.T.S.

## SCALE: M15



## SCALE-IN, T.S.



**CONSTRUCTION NOTES**

**CAPACITY:**

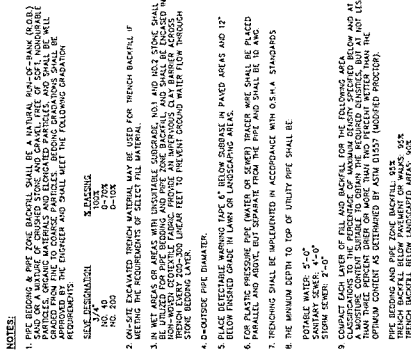
ALL CONCRETE FACILITY SHALL BE DESIGNED TO RECEIVE AND HOLD THE WASTE WATER AND WASTEWATER TO ALLOW FOR THE TREATMENT OF THE WASTE WATER. THE FACILITY SHALL BE DESIGNED TO ALLOW FOR THE STORAGE OF THE WASTE WATER FOR A MINIMUM OF 24 HOURS. THE FACILITY SHALL BE DESIGNED TO ALLOW FOR THE STORAGE OF THE WASTE WATER FOR A MINIMUM OF 24 HOURS. THE FACILITY SHALL BE DESIGNED TO ALLOW FOR THE STORAGE OF THE WASTE WATER FOR A MINIMUM OF 24 HOURS.

**LOCATION:**

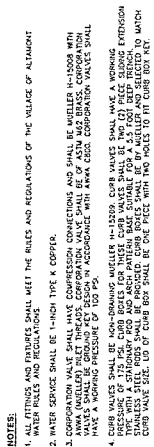
LOCATE THE FACILITY A MINIMUM OF 100 FEET FROM DOMESTIC WATER SUPPLY. THE FACILITY SHALL BE DESIGNED TO ALLOW FOR THE STORAGE OF THE WASTE WATER FOR A MINIMUM OF 24 HOURS. THE FACILITY SHALL BE DESIGNED TO ALLOW FOR THE STORAGE OF THE WASTE WATER FOR A MINIMUM OF 24 HOURS. THE FACILITY SHALL BE DESIGNED TO ALLOW FOR THE STORAGE OF THE WASTE WATER FOR A MINIMUM OF 24 HOURS.

**MAINTENANCE NOTES**

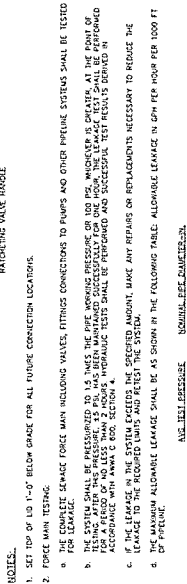
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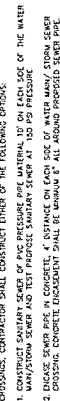
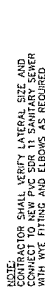
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SCALE: N.T.S.



SCALE: 14.1, 5.


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9 SCALE: M.T.S.

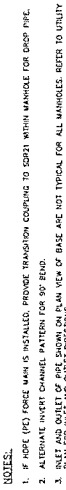
C-501

UTILITY DETAILS	CM FOX LIVING SOLUTIONS LLC	MAJOR SUBDIVISION	13W0527000000 SBL 37141-1	VILLAGE OF ALBANY	ALBANY COUNTY	NEW YORK STATE
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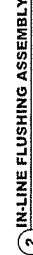
STEPHEN P. WALRATH, L.S.  
LAND SURVEYOR & LAND PLANNING  
122 MAIN STREET P.O. BOX 381  
ALBANY, NY 12209  
TEL. 518-866-0125  
WILLIAM H. SMART  
ENGINEERING, PLLC  
8 CRESTSTONE DRIVE  
WOODBURY, NY 11791  
(518) 857-7270

STEFAN W. WATKINS, L.S.  
NYS JUDGE NO. 04558

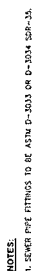
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ADDITION TO THIS MAP IS A VIOLATION  
OF SECTION 2409, SUBSECTION 2 OF  
THE NEW YORK STATE EDUCATION  
LAW. ONLY COMES FROM THE  
ORIGINAL SIGNATURE IN RED INK AND  
THE EMBOSSED SEAL OF THE  
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BE TRUE AND VALID COMES.



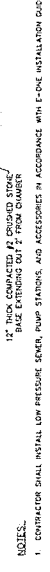
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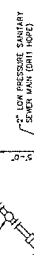
2 IN-LINE



③ SEWER



5 SCALE: N.T.S



4 SCALE: N.T.S.

# VILLAGE OF ALTAMONT

## APPLICATION FOR SUBDIVISION

**RETURN TO:**

Village of Altamont  
PO Box 643 115 Main Street  
Altamont, NY 12009  
(518) 861-8554

**FEES:**

Major Sub-division Application Fee \$ 1,500.00  
Minor Sub-division Application Fee \$ 150.00  
Fee in lieu of 10% Park/Green Space Fee  
\$ 1,500.00 per lot (payable with Building Permit Application)

**APPLICANT INFORMATION:****SUB-DIVISION INFORMATION:**  
PLEASE PRINT CLEARLY

Name: CM Fox Living Colutions, LLC

Name of Sub-

division: Lands of CM Fox Living Solutions, LLC 139 Western Avenue Altamont

Address: 2390 Western Avenue, Guilderland, NY 12084 General Location: 139 Western Avenue

Daytime Phone: 518-527-6904

Zoning: R15 Total Acreage: 13.01+/-

Tax Map Number(s): 37.14-3-6.1

**RELATIONSHIP TO PROPERTY**☒ Owner☐ Contract Vendor☐ Other – Explain:Presenter (if other than applicant): Applicant and  
Stephen P. Walrath, L.S.

Address: P.O. Box 381, Altamont, NY 12009

Daytime Phone: 518-986-0125

**PROPERTY DESCRIPTION:**

Generally describe any easement or other restrictions on the property: None

Does the site contain any of the following: ☐ Stream ☐ Pond ☐ Other Body of Water ☐ Wetlands☒ Floodplain ☐ Steep Slopes ☐ Historic/Archeological Resources

If yes, elaborate: Small area along southwesterly portion of property

Water Source: ☐ Well ☒ Hook-up to existing Village Water ☐ Extension of Village Water District SewerSource: ☐ Septic ☒ Hook-up to existing Village Sewer ☐ Extension of Village Sewer District

Will there be any land dedicated to the Village for a park or open space commonly owned by a Homeowner's Association? If yes, what is the percentage and proposed ownership of the open space? No

           X MAJOR SUB-DIVISION – 3 or more lots MINOR SUB-DIVISION – 2 lots**CONCEPT PLAN**

This application must be accompanied by 10 copies of a concept plan containing ALL INFORMATION required by the Village of Altamont Sub-division Regulations and a check payable to the Village of Altamont, in the amount required by the above application fee.

## APPLICATION FOR SUBDIVISION PAGE 2

Please note: The applicant/owner is responsible for payment of engineering fees for services deemed necessary by the Village of Altamont Planning Board.

Has applicant satisfied NYS Storm Water Management Requirements? Yes

Within 60 day after final approve and endorsement of the sub-division plat the applicant must file the plat for recording with the County Clerk. If not recorded within such time period, final approval of the plat shall expire and become null and void. To complete the Village process, the Village shall receive two copies of the said file plat.

### AGREEMENT

The applicant hereby certifies that he/she is the owner of record for the above listed property or has duly authorized, in writing, by the owner of record to make this application. Further, by signing this application, the owner gives permission for a representative(s) of the Village of Altamont to walk the property for the purposes of conducting a Site Review.

SIGNATURE OF APPLICANT: [Signature] DATE: 12/9/22

SIGNATURE OF OWNER: [Signature] DATE: 12/9/22

### OFFICE USE ONLY

APPLICATION RECEIVED ON: \_\_\_\_\_ Concept Hearing set for: \_\_\_\_\_

FEE RECEIVED: \_\_\_\_\_

Approved for concept hearing:

\_\_\_\_\_ Planning Board Chair

Notifications made on:

\_\_\_\_\_ Albany County Planning Board

Materials sent to:

\_\_\_\_\_ Village of Altamont Public Works

\_\_\_\_\_ Board members

\_\_\_\_\_ Altamont Fire Department

\_\_\_\_\_ Village Attorney

\_\_\_\_\_ Board Liaison



## Village of Altamont

P.O. Box 643 Altamont, NY 12009  
Telephone (518) 861-8554 Fax (518) 861-5379

### LOT LINE AMENDMENT WAIVER

Return to: Village of Altamont  
PO Box 643, 115 Main Street  
Altamont, NY 12009

FEES:

Applicant: CM Fox Living Solutions, LLC Telephone: 518-527-6904  
Tax Map No: 37.14-3-6.1 Address: 139 Western Avenue  
Current Lot Size: 13.01 Acres Proposed Lot Size: 13.01 Acres  
Tax Map No: 37.14-3-7 Address: 137 Western Avenue  
Current Lot Size: 15,000 ± Sq. Ft. Proposed Lot Size: 15,000 ± Sq. Ft.

Reason for lot line amendment: Move side property lines of  
137 Western Avenue (lands of Anthony W. Pasper)  
10' southward to increase side yard from 0.1' off of  
house to 10.1'.

☐ Waiver denied. The application will be scheduled for the next Planning Board Meeting.

Reasons for denial: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

☐ Approved

Your next step is to submit at least two (2) mylar and three (3) paper copies of the final plat, surveyed by a licensed surveyor or engineer, containing all information required by the Village's subdivision regulations. The appropriate Village officials will sign the plans. You must then have the plans filed at the Albany County Clerk's office and return one mylar and two paper copies of the plat for filing with the Village.

Approved by:

Zoning Administrator \_\_\_\_\_ Date: \_\_\_\_\_

Planning Chairman \_\_\_\_\_ Date: \_\_\_\_\_

## Village of Altamont

P.O. Box 643 Altamont, NY 12009

Telephone (518) 861-8554 Fax (518) 861-5379

### LOT LINE AMENDMENT WAIVER

Return to: Village of Altamont  
PO Box 643, 115 Main Street  
Altamont, NY 12009

FEES:

Applicant: CM Fox Living Solutions, LLC Telephone: 518-527-6904

Tax Map No: 37.14-3-6.1 Address: 139 Western Avenue

Current Lot Size: 13.01 Acres Proposed Lot Size: 12.96 Acres

Tax Map No: 37.14-3-9 Address: 103 Schoharie Plank Road

Current Lot Size 15,109 ± Sq. Ft. Proposed Lot Size: 17,282 ± Sq. Ft.

Reason for lot line amendment: Convey encroachment by lands of Larry M. & Katherine T. Adams on to lands of CM Fox Living Solutions, LLC

☐ Waiver denied. The application will be scheduled for the next Planning Board Meeting.

Reasons for denial: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

☐ Approved

Your next step is to submit at least two (2) mylar and three (3) paper copies of the final plat, surveyed by a licensed surveyor or engineer, containing all information required by the Village's subdivision regulations. The appropriate Village officials will sign the plans. You must then have the plans filed at the Albany County Clerk's office and return one mylar and two paper copies of the plat for filing with the Village.

Approved by:

Zoning Administrator \_\_\_\_\_ Date: \_\_\_\_\_

Planning Chairman \_\_\_\_\_ Date: \_\_\_\_\_

# Village of Altamont

P.O. Box 643 Altamont, NY 12009  
Telephone (518) 861-8554 ext 17, Fax (518) 861-5379

## APPLICATION AND APPEAL TO THE ZONING BOARD OF APPEALS FOR A VARIANCE OR AN INTERPRETATION OF THE ZONING ORDINANCE OR ZONING MAP

DATE: 12/6/22

FEE: \$ 300.00 Commercial  
\$ 150.00 Two Family  
\$ 75.00 One Family

To the Zoning Board of Appeals of the Village of Altamont

I, CM Fox Living Solutions, LLC of 2390 Western Ave, Guildford, NY 12084  
139 Western Avenue Altamont, NY hereby appeal  
from the decision of the Zoning Administration Officer on my application for a zoning permit and hereby  
apply to the Zoning Board of Appeals for (check one below):

☐ An interpretation of the Zoning Ordinance or Zoning Map

☒ A Variance to the Zoning Ordinance or Zoning Map

1. LOCATION OF PROPERTY

Address: 139 Western Avenue Zoning: R15  
TAX MAP NUMBER: \_\_\_\_\_

2. INTERPRETATION OF THE ZONING ORDINANCE IS REQUESTED BECAUSE:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. VARIANCE TO THE ZONING ORDINANCE IS REQUESTED FOR:

4 Proposed Single family lots For Keyhole Strip  
width from required 30 feet each to 16.02' each

(a) Applicant shall also complete and submit form outlining conditions from NYS Village law  
pertaining to area variances.

The applicant hereby certifies that he is the owner of record of the above property or has been duly  
authorized in writing by the owner of record to make this application.

  
Signature of Applicant

## AREA VARIANCE CONDITIONS

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

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

No. Variances will allow for single access of  
4 lots on Schoharie Plank Road and eliminate creation  
of a wider public highway (Pavement width)

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

Benefit cannot be achieved by any other method

- 3) Whether the requested area variance is substantial:

No. The alternative would be a new public  
highway with wider pavement requiring maintenance  
by the Village and would greatly impact lands of  
Pox at 115 Schoharie Plank Rd. and lands of Johnson at  
117 Schoharie Plank Road

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

No. Variance requested will limit number of  
houses using common driveway to 4.

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

No self created, Parcel currently has 6408'  
of frontage on Schoharie Plank Road. No other  
frontage is available

**RESOLUTION  
ALTAMONT ZONING BOARD OF APPEALS**

**APPLICATION FOR CM FOX LIVING SOLUTIONS, LLC FOR  
AREA VARIANCE AND SUBDIVISION APPROVAL**

**RESOLUTION DECLARING THE ZONING BOARD OF APPEAL'S INTENT TO ACT AS  
LEAD AGENCY UNDER SEQRA**

**DATE: January 24, 2023**

**WHEREAS**, CM Fox Living Solutions, LLC ("Applicant") is proposing the subdivision of a 13.01-acre lot into eleven (11) lots. The Applicant proposes to build a total of ten (10) residences on the newly created lots (one of the lots is already improved with a single family home). The property is located on the Northeasterly side of the NYS Route 397 (Western Ave.) and Schoharie Plank Road West intersection. The Applicant is also requesting three lot-line adjustments, and area variance from the minimum frontage requirement of 30 feet for a keyhole lot to permit four (4) proposed keyhole lots with approximately 16 feet of road frontage. The proposed project and applications are hereinafter referred to as the "Action"; and

**WHEREAS**, the Zoning Board of Appeals ("ZBA") is required to conduct an environmental review of the above-referenced application (the "Action") in accordance with the State Environmental Quality Review Act and the Regulations promulgated thereunder, (collectively "SEQRA"), and

**WHEREAS**, the Applicant has prepared and submitted to the ZBA a Full Environmental Assessment Form ("EAF"); and

**WHEREAS**, a Full Environmental Assessment Form must be prepared for an Unlisted action pursuant to 6 NYCRR 617.6(a)(2); and

**WHEREAS**, the ZBA seeks to commence coordinated review of this action and seeks to act as Lead Agency under SEQRA.

**IT IS HEREBY RESOLVED**, by the ZBA of the Village of Altamont, as follows:

1. The ZBA hereby declares itself Lead Agency under SEQRA.
2. The ZBA hereby determines the action is an Unlisted Action under SEQRA; and
3. The ZBA hereby finds and determines that the Action will be the subject of a coordinated review.
4. The Code Enforcer/Building Inspector, with the assistance of the Village Clerk, designated Engineer and/or Village Attorney is hereby authorized and directed to provide notice of the ZBA's declaration of Lead Agency to prospective Involved and Interested Agencies that have been identified along with a copy of a Full EAF, for their review and to take such other and further actions as are necessary to effectuate the purposes of this Resolution.

**WHEREUPON**, this Resolution was declared adopted by the ZBA of the Village of Altamont:

The motion was moved by Board Member Barbara Muhlfelder.

The motion was seconded by Board Member Laura Murphy.

The vote was as follows:

AYE: Board Members Murphy, Witham, Muhlfelder, Ramirez and Freeman; and Chair Hext

NO: None

ABSENT: Board Members Litten, Tassone, and Sullivan

Resident Letters

May 15, 2023

Dear Zoning Board Members,

I'll be unable to attend in person. I do want to have the following issues addressed publicly and entered into the record for this variance.

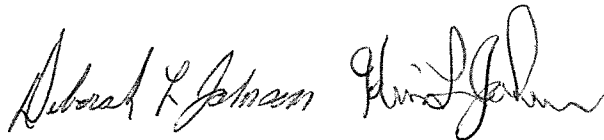
Concerns:

- 1) Flooding: Have flooding issues been re-addressed with new frequency of 100-year floods? Has recent flood data been incorporated in the flood plain regulations of all jurisdictions?
- 2) Are there infrastructure upgrades to the water system since the water main break last year?
- 3) Will the road width meet the criteria for:
  - a. School bus transportation
  - b. Garbage pickup
  - c. Snow removal
  - d. Mail and package delivery
  - e. Two-way residential traffic
  - f. Sidewalks

What recourse do we have if we are harmed by this action?

For the above concerns, I am against this action.

Sincerely,



Deborah L. Johnson and Kim L. Johnson

117 Schoharie Plank Road West

Altamont, NY 12009

RECEIVED  
MAY 16 2023  
Village of Altamont

May 16 2023  
Oct 4 / 2022  
January 1, 2021

To Whom It May Concern, - ZBA.

I write as a concerned homeowner in Altamont, who lives on Schoharie Plank Road West. There is mountain-runoff creek that is located above our property that flows downward towards our land. That creek has had a long and repeated history of overflowing its banks, especially on our western side. The rushing waters have not only flowed down Schoharie Plank Road West but have also filled a significant flow-basin behind our properties that has surrounded many existing homes. These waters are strong enough to carry brush, debris, even a large wood pile, into the vacant land between my home and my neighbors.

My concern is that the undeveloped property between our homes between Schoharie Plank Road and Rt 397/Western Avenue (within Altamont) is being considered for residential construction. Such construction, specifically multiple dwellings, would impact the ability of the existing land to continue functioning as a much-needed catch basin for the substantial volume of overflowing creek water. And as the creek continues to *not* be cleared of this brush and debris, and as it continues to fill with erosion, the flooding is more and more frequent. In the past, Town and Civil Engineers living in the immediate area warned of the additional dangers of the creek/drainage: if it is not kept clear and open, the flow of water will be restricted. It is currently in that state of restriction.

The impact to the value of my property is of concern to me as my home is located immediately adjacent to where these waters converge. Construction being planned to develop a roadway that would exit onto the narrow dead-end village street of Schoharie Plank Road West could also impact the ability of that flow basin to capture substantial amounts of flood waters as it currently does.

I am voicing my and my neighbor's concerns to the risks and dangers that we may be exposed to as result, or unintended consequence, of above-mentioned construction.

Sincerely,  
Deborah Johnson  
117 Schoharie Plank Road West  
Altamont, NY 12009

Deborah R Johnson  
Deborah R Johnson



Attn: Village of Altamont Zoning Board

3/23/23

In the case that a right-of-way access in the flood plain causes property damage to adjacent landowners, how will neighbors be held harmless for damages?

Regardless of force majeure and/or naturally caused damages?

In other words, no loopholes.

Deborah L Johnson

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MAR 24 2023

Village of Altamont

To: The Village of Altamont Zoning/Planning Board  
Attention: Ginger Hannah

From: Ruth Dickinson <rdickinson23@nycap.rr.com>  
Subject: Troy Miller's Proposed development that borders Schoharie Plank Road West  
Date: ~~October 18, 2022 at 5:35:56 PM EDT~~ *April 10, 2023*  
To: Ruth Dickinson <rdickinson23@nycap.rr.com>

In keeping with the Village of Altamont's Comprehensive Plan I am requesting that Troy Miller's proposed development for 4 homes bordering Schoharie Plank West be reduced from 4 houses to 2 houses. The property proposed for the development is pastoral; it is one of the unique areas that are undeveloped in Altamont. Reducing the number of houses would help to retain the rural, quaint, country village atmosphere. The landscape would be best preserved with fewer homes and small homes of farm like structure.

Altamont's vision strives to protect beautiful, natural settings and to establish new development that reflects local architecture.

The Comprehensive Plan states that it will serve to maintain and preserve those features that are strengths.

The strengths listed are:

- \*A small walkable size of Village
- \*Country Village atmosphere
- \*Quaint
- \*Rural
- \*Quiet

Threats to the visions, and goals:

- \*Rising traffic speed and volume with limited police coverage
- \*Lack of water infrastructure plan
- \*Potential Property and local damage from drainage issues
- \*Water pollution
- \*Lack of a storm water pollution plan

On a personal note. The footbridge is a unique structure, used everyday by walkers with and without pets, bikers, children walking to and from school and to other village activities. Living on Euclid Avenue, I see wonderful sights of children and adults near the footbridge and creek. Many older adults have told stories of the surrounding creek and footbridge...I would like this unique, natural

setting preserved as stated in Altamont's Vision.

RECEIVED

OCT 25 2022

Ginger Hannah

Village of Altamont

**From:** Nick S <nicholas.stygar@gmail.com>  
**Sent:** Monday, October 24, 2022 11:52 PM  
**To:** villageadmin@altamontvillage.org  
**Subject:** Attention ZBA/Ginger Hannah - Concerning Proposed Subdivision - Schoharie Plank W/Western Ave/Marian Ct/Gun Club

Hello,

As part of public comments I am requesting that the ZBA does not permit access to the four lots off Schoharie Plank West (SPW), and requires access to subdivision's lots only off Western Ave.

1)  
What efforts have been made to understand the impact of increased vehicle traffic alongside the established foot traffic that exists on SPW (also beyond just homeowner vehicle traffic that will occur)? Will SPW be unusable/unsafe for pedestrians due to construction vehicle traffic as these four homes are built? Will there be school bus traffic to these new homes once occupied? How will the bus navigate the road? Can SPW handle foot traffic and 2 vehicles in alternate directions at the same time?

2)  
What studies have been done for water run off and snow melt impact at the purposed lots access point off SPW? How will excessive water be kept from existing homes on each side of the purposed driveway? Additionally the access point is directly across from the Euclid/SPW footbridge. The area in front of the footbridge is already flooded during heavy rains and can be a slushy/icy/snowy mess in the winter time. A paved driveway without proper grating and sewers would compound the problem and possibly make the footbridge unusable entirely or even a hazard. If private snow plowing is not done properly, access to bridge could be blocked entirely. What stipulations will there be around this and how will it be enforced to ensure drainage is properly designed to ensure no impact to existing homeowners, and footbridge access remains safe and usable for the community?

Creating access to four homes off SPW in the purposed subdivision seems to be more an effort to cut cost of the development and maximize the number of buildable lots rather than with consideration of existing homes and community features/safety. The responsible access to all these lots is off Western Ave, and allowing access off Schoharie Plank Road West will be a detriment to the homes around the purposed entry point, footbridge, and the pedestrians of the village that navigate this route.

Thank you  
Nicholas Stygar  
158 Western Ave

FROM THE RESIDENCE OF  
BENJAMIN AND HEATHER FOX  
115 SCHOHARIE PLANK RD WEST, ALTAMONT NY 12009

October 23, 2022

Village of Altamont Zoning Board of Appeals  
P.O. Box 643  
115 Main Street  
Altamont, NY 12009

RECEIVED  
OCT 24 2022  
Village of Altamont

Dear Members,

As Village residents residing at 115 Schoharie Plank Rd West we share our concerns below about the purposed development submitted by Stephen P Walrath L.S. on behalf of Troy Miller (139 Western Avenue - Tax Map ID No. 37.14-3-6.1). It's our hope that as our Village leaders, you will discuss these concerns amongst yourselves and have further analysis conducted on any particular point if a clear answer for addressing the concern is unknown.

Schoharie Plank Road West

The street we live on was not designed or constructed to the Village or Town standards for a "standard public street" size. It's much narrower and likely does not have the sub base and top level pavement construction which a "standard public street" would have. It is a size commonly called a "carriage road" by developers and towns in New York State.

Because of its smaller size and construction, fourteen feet across as opposed to the two lane road or the standard twenty-four feet identified in the Concept Plan submitted by Mr. Walrath, our "carriage road" can not handle large site development construction trucks, trailers and/or bulldozers. In a recent home construction with access to Schoharie Plank Rd West, the builder left the construction equipment trailer on the road which caused the residents to have to steer our vehicles across portions of our neighbors yards to get by the trailer. If an emergency vehicle, especially a fire truck, needed to travel down our street during the day long storage of the construction equipment on the road, it would have been a real challenge to get around the trailer. Our street is so narrow, that passing cars must go very slow so not to hit each other. Additionally, after construction is completed, it would be near impossible for a large emergency vehicle to turn onto the shared driveway proposed in the Concept Plan between 115 and 117 Schoharie Plank Rd West.

The children who live on our "carriage road" ride their bikes, scooters and walk on the street daily. Additionally, hundreds of Altamont residents and families take leisurely walks along Schoharie Plank Rd West and cross the pedestrian bridge to Euclid and other village streets. It is very common for vehicles traveling down our road to go very

slow to accommodate the walkers on the pavement as there are no sidewalks. This regular ability to utilize the road would be significantly impacted if large construction trucks and equipment were to be driving down our "carriage road" early morning to late afternoon during the long construction period of the proposed development.

#### Village Infrastructure

The water supply line along Schoharie Plank Rd West has experienced a number of breakdowns over the last few years including two major main water breaks. Has the Village's engineers performed an analysis of the size, condition and additional volume requirements the proposed development would have on the Village's water and sewer infrastructures? What would be the impact on our water supply?

#### Storm-water Runoff

If the ground elevation of the proposed development was to be raised above the current field elevations, then it's conceivable that during storm events, surface runoff could flow onto the backyards of the residents along Schoharie Plank Rd West. Has the Village's engineers reviewed the site plan design of the proposed development to ensure it meets NYSDEC standards for storm water runoff control? We understand a key factor of the State's regulations is that the release of storm water to the downstream environment not exceed the current (undeveloped) site's volume for a given storm event. It is very important to us as existing Village residents, that our property will not be impacted in any additional form from storm water runoff of the proposed development. We bring this particular point to your attention because the Concept Plan submitted by Mr Walrath does not identify any drainage mitigation efforts on the developers behalf.

#### Impact on Adjacent Properties

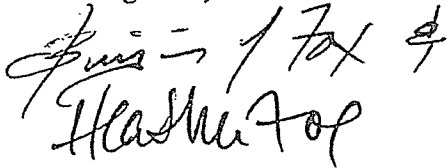
The access option provided in the Concept Plan identifies placing a shared driveway between 115 and 117 Schoharie Plank Rd West. Being intimately familiar with this piece of property, how does the developer plan to complete any construction without impacting the subjacent support that currently provides structural support for the residences at 115 and 117 Schoharie Plank Rd West? Additionally, how does the developer plan to complete this construction without impacting our property? We look forward to seeing an updated, accurate, to scale site plan addressing these concerns.

#### Alternative Access Option

We recommend the Village direct the developer to explore and utilize an alternative access route starting from Western Avenue for the construction of the proposed development if the project is satisfactorily meeting the other infrastructure impact concerns raised above. This alternative addresses our significant concerns related to the use of our small size "carriage road" by construction equipment, the ability for emergency vehicles to have the best access available given the road's size challenges, the capability of village infrastructure, the altering of a flood plane, and the impact on adjacent residences.

We welcome to meet with the Village's leadership to follow up on our concerns and comments before any decision is made to approve this project without addressing our comments.

Your Neighbors,

Handwritten signatures of Benjamin J. Fox and Heather Fox. The signature for Benjamin J. Fox is written in a cursive style, and the signature for Heather Fox is written in a similar cursive style.

Benjamin J Fox and Heather Fox

public

RECEIVED

OCT 18 2022

Dear Altamont Zoning Board of Appeals

Good evening,

Village of Altamont

My name is Timothy Welch, I am a current resident living on Euclid Ave. and am also a member of the Altamont Volunteer Fire Department.

I am writing to you to express concern with the proposed subdivision in the field that borders Schoharie Plank Rd West, Western Ave, Gun Club Rd and Marian Ct. This subdivision was proposed by Troy Miller.

After a meeting today with several of my neighbors, we discussed several concerns we have with this subdivision, especially with the plan to have an egress to Schoharie Plank Rd.

I have reviewed the Village of Altamont's Comprehensive Master Plan and found several issues with this subdivision and the master plan for the village.

Village Strengths this subdivision will hurt

- **Small, walkable size of Village** – Many residents walk down Schoharie Plank Road. It is currently one of the quietest roads to walk down. The walk from Euclid, across the bridge over the stream and down Schoharie is one of the best walks for people in my neighborhood. I see many people walking their children and dogs down this road because Western Ave is so busy and cars drive so fast. This pleasant walk will be ruined if an egress is allowed down Schoharie Plank Road
- **Quiet** – Same situation as above. Many of the residents I met with today also worry that this will eventually lead to the walking bridge over the stream being turned into a bridge for cars which would lead to an increase in traffic for Euclid as well as Schoharie Plank Road. This would all have very negative effects on the community being both quiet, small, and walkable.
- **Friendliness and strong sense of community**- If the egress is allowed on Schoharie Plank less people and families will be walking and less walking means less community interactions which will hurt the sense of community in Altamont.
- **Reservoir/water system**- We discussed today how recent droughts have negatively affected water supply in the village as well as multiple water main breaks. Attached are two links to Altamont enterprise articles about the issues with the village water supplies during the summer.

links on page 3

- **Village public services**- Will also be affected by the increased use of water.

Village Weaknesses that this subdivision will enhance

- **Traffic volume, speed and speed enforcement**- As mentioned above this subdivision and egress will significantly add to traffic volume in the area.



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- **Too much development in the area-** The increased development in the area takes away from the rural character of the village which is one of the strengths.

The following Village threats from the comprehensive plan will also be increased,

- Pedestrian crossings becoming unsafe; need for enforcement support
- Light pollution
- Noise pollution
- Water pollution

Thank you for your time and concern on this issue and have a good week.

-Tim

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Altamont enterprise links

<https://altamontenterprise.com/07252022/altamonts-water-supply-plummets-levels-not-seen-over-four-decades>

<https://altamontenterprise.com/06102022/warm-weather-starts-burden-altamonts-already-taxed-water-supply>

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JAN 23 2023

Village of Altamont

January 23, 2023

To: Chairwoman Hext and Altamont Village Zoning Board Members

Dear Chairwoman Hext and Altamont Village Zoning Board Members,

We are writing to you about the proposed subdivision off Schoharie Plank Rd West, Western Avenue, Marian Ct, and Gun Club Road. My husband and I own property and reside at 113 Schoharie Plank Rd West. We are long-time residents of Altamont.

My letter has two parts; 1) we wish to share our concerns and hopefully mitigate impacts resulting from the planned construction of the new subdivision, 2) technical questions specific to the SEQRA and zoning considerations.

My comments are not in opposition to the proposed subdivision. We know that "the field" has been for sale for many years. Mame Kiltz, and her beneficiaries, the previous owners of the land behind our home, shared this beautiful open green space and natural wildlife habitat for decades. We are very grateful for their kind generosity.

#### Personal Comments

Some ZBA members have said we should be grateful that only eleven homes are proposed behind our property instead of the R15 zoning that allows for 24 homes. That we should appreciate the possible increase in our property values. ZBA members commented that we will have impeccably landscaped homes to view in this new subdivision. Some residents and ZBA members frequently compare the new proposed subdivision and the completed subdivision on Bozenkill. Our experience is unique to our home and our life on Schoharie Plank West. Frankly, I prefer the sight of the Helderberg escarpment from inside my home instead of someone else's house. That is no longer the case. There is now a large new home and a glimpse of the escarpment.

The proposed third access from the proposed subdivision onto Schoharie Plank Rd West will alter this quiet road's unique character if permitted. The construction traffic will impact all who enjoy walking and biking around the village's interior over the footbridge. We are already imperiled when trying to use crosswalks in the village. Do we now have to give up the simple pleasure of walking on a quiet village road?

With a second large construction project on Schoharie Plank West, we face another prolonged disruption to our daily lives. We lived through the 12-month-plus construction of the home at 108 Schoharie Plank West. The road is only 14 and 1/2-foot wide road. Our roadway was frequently blocked by construction and utility vehicles. Our driveways were, at times, blocked by construction trucks. Trucks barreled around the corner from Western Avenue with no regard for residents. Walking on Schoharie Plank Rd West was not safe during this time. Our lawns were dug up, and the road surface deteriorated. There have been three water main breaks on this

road in the past 11 months. Thankfully, no medical emergencies occurred, which would have required EMS or fire trucks to wait until construction vehicles could be moved.

We lost the quiet enjoyment of our gardens, our yards, and even inside our homes because of the constant construction noise. We urge the ZBA to deny the applicant's request for a variance onto Schoharie Plank Rd West.

I ask the ZBA to consider the Altamont Comprehensive Plan and the impact on all our affected residents and neighbors as they consider our comments, concerns, and questions regarding the proposed subdivision and Schoharie Plank West egress.

#### SEQRA - EAF and Implementation Comments/Questions

1) The project manager for the proposed subdivision stated during the 9/27/22 ZBA meeting that he believed **5 acres of soil disturbance required a Stormwater Pollution Prevention Plan (SWPPP)**. The NYSDEC requirements state that construction activities disturbing **one or more acres of soil must be authorized** under the General Permit for Stormwater Discharges from Construction Activities. Permittees are required to develop a SWPPP to prevent discharges of construction-related pollutants to surface waters. **Source:**  
<https://www.dec.ny.gov/chemical/8468.html>

2) Variances: Troy Miller, the developer, is seeking variances related to keyhole lots and shared driveways with egress to Schoharie Plank West. There are also two planned egress points to Western Avenue. Chairwoman Hext noted in the preliminary hearing on September 27th, 2022, that for a variance to be approved, the applicant has to prove that "there is no other way to do this, and this is not a self-created hardship...". Why can't the four lots use the two Western Ave egress points with the other planned houses?

3) Zoning Regulations 315-27 states that **no more than two access points into a subdivision are permitted**. Yet, the preliminary plan shows **three** proposed access points. Two egress points off Western Avenue and one egress off Schoharie Plank Rd West. Does the ZBA plan to authorize three access points for the proposed subdivision? Wouldn't the requested variance for access to Schoharie Plank Rd West violate zoning regulations specific to egress points for new developments?

4) Impact on existing water infrastructure on Schoharie Plank West: Three water main breaks have occurred on Schoharie Plank West in the past ten months. Has the village determined the impact of heavy construction equipment traffic on the existing water and sewer infrastructure? If so, what is the impact of additional road weight on the water main infrastructure?

5) FEMA Floodplain: The homes on Schoharie Plank Rd West are in the FEMA floodplain.

6) Schoharie Plank Rd West is 14 and 1/2 feet wide. This is not wide enough for emergency vehicles to pass one another on the road. Cars approaching from either direction pull over to allow another vehicle to pass or people walking.

7) No cut 20 - 25ft buffer zone: The applicant has said that he is willing to include a green buffer between the existing homes and the new construction. Please clarify. Is Troy Miller planning to plant a green buffer zone? Or is he leaving a no-cut zone for future home buyers to plant? This is important since we do not have a wooded line of trees between our yard and the open field. It could cost several thousands of dollars for us to hire a landscaping company to plant a buffer zone on our property.

8) Fire hydrants - There are fire hydrants in front of 109 and 117 Schoharie Plank West. However, the hydrant in front of #109 would require a fire hose to be dragged through the wooded area between the homeowner's property to reach lot #5. Otherwise, the hydrant in front of #117 would be the other available hydrant in the event of a fire. Does this meet NYS Fire Code?

**Full Environmental Assessment Form - Part 1 Questions: D2: Project Operations We are interested in knowing the potential impacts of these issues:**

c. Will the proposed action use or create a new demand for water? Total anticipated water usage/demand per day: X gallons/day. Has the village done any projections of water usage for this subdivision? Village water capacity: Village trustees have stated the village has enough water to add another 3,000-5,000 gallons a day in demand. The average summer use is 220,000 gpd, and we have a capacity of 316,000 gpd. Demand was pushing 300,000 gpd this past summer - or 95% capacity. Has the village projected the water capacity needed to support the proposed subdivision?

d. Are there any facilities serving children, the elderly, and people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? The group home at 150 Western Avenue is within 1500 ft of the project site.

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters, or other concentrated flows of stormwater) or non-point sources (i.e. sheet flow) during construction or post construction? If Yes: iii. Where will the stormwater runoff be directed (i.e., on-site stormwater management, facility, structures, adjacent properties, groundwater, on-site surface water, or off-site surface waters? Will the village engineer and Barton & Logidice, the engineering firm for the village require the applicant to a stormwater runoff plan to protect existing homeowners?

L. Hours of operation during construction. We request construction activities stay within the window: Mon - Fri, not before 7:00 AM, and no weekend construction noise.

**E.2. Natural Resources On or Near Project Site**

d. What is the average depth to the water table on the project site? The water table is very high on Schoharie Plank West. The architectural plans for the newly built home at 108 Schoharie Plank included a full basement; however, their architectural plans were redrawn after

discovering the water table was so high that the home could not be built with a basement. It had to be built on a slab.

m. Identify the predominant wildlife species that occupy or use the project site: deer, fox, coyote, native birds.

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? It is a known fact that the Indiana bat is listed as an endangered species throughout the village of Altamont.

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? The Bozenkill creek and park is a local scenic and aesthetic resource within five miles of the project site.

Respectfully,

Deborah Marion-Katz

Mark Naginey

113 Schoharie Plank Rd West

Altamont, NY 12009