

ALTAMONT ZONING BOARD OF APPEALS  
Regular Meeting Agenda  
June 28, 2023

1. Open meeting - State time and that the meeting is being recorded and where the exit signs are located.
2. Topic & Discussion: Hold scheduled Public Hearing on sign permit submitted by Sunoco Gas Station at 200 Main Street. Board to deliberate on this. Consider Resolution on Sign Permit to approve/deny.
3. Topic & Discussion: Continue Public Hearing on application 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.
4. Topic & Discussion: Board to consider Part II of Full EAF.
5. Other Business: \_\_\_\_\_  
\_\_\_\_\_
6. Review of Minutes from May 23, 2023 meeting of the Zoning Board of Appeals. Consider Motion: To approve minutes.
7. Consider Motion to Adjourn Meeting. Meeting Adjourned at Time: \_\_\_\_\_
8. Next ZBA Meeting dates, if needed: July 25 and August 22, 2023.



## **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 June 28, 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 GRJH, Inc. on behalf of Sunoco Gas Station (“Applicant”) for sign permits pursuant to Village of Altamont Zoning Law Section 355-23 (“Signs”). The property is identified as Tax Map #37.18-1-14 and is located at 200 Main Street in the Village of Altamont. The Applicant is proposing to install one free-standing sign and a second sign on the existing gas canopy. All persons desiring to speak either on behalf of, or in opposition to, said application shall be heard by either attending the public hearing or by submitting written comments in advance of the public hearing to the Village Clerk.

Deborah Hext  
ZBA Board Chairperson  
June 9, 2023





**RESOLUTION**  
**ALTAMONT ZONING BOARD OF APPEALS**  
**RESOLUTION, FINDINGS, AND DECISION ON**  
**REQUEST FOR SIGN PERMIT**

WHEREAS, the Zoning Board of Appeals for the Village of Altamont (“ZBA”) received an application from GRJH Inc. (“Applicant”) for a sign permit located at the Sunoco Gas Station at 200 Main Street; and

WHEREAS, pursuant to Village Law §355-23, no person shall erect, enlarge, change colors, cover or structurally alter any sign without first obtaining a permit from the Zoning Board of Appeals; and

WHEREAS, the Applicant proposes to replace the existing Sunoco Gas Station sign with an updated sign and additional branding at the site; and

WHEREAS, the Applicant submitted an application for a sign permit on May 8, 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 June 28, 2023 at which time all members of the public wishing to speak were heard; and

WHEREAS, the ZBA has reviewed and considered all public hearing comments that were received on the application, 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 standards for a Sign Permit contained in the Village of Altamont Zoning Law Section 355-23(B)(1)(b)(1)-(4) and hereby adopts the determination and findings annexed hereto.
2. The ZBA finds the application to be a Type II action under SEQR, 6 NYCRR 617.5(c)(9) and (18).
3. The ZBA does hereby [**grant or deny**] the application for a sign permit at the Sunoco Gas Station located at 200 Main Street.

**If the decision is to grant the sign permit, the board hereby approves Option \_\_\_\_ as identified in the Application and can include any conditions or particulars of what is approved or not approved here:**



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

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

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

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 June 28, 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 June \_\_, 2023.

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



**Altamont Zoning Law Section 355-23 – Signs**

(b) Before approving a sign permit, the Zoning Board of Appeals shall find that the applicant has demonstrated the following facts to be true:

- 1. The proposed sign(s) is (are) in harmony with the standards for permitted signs and within the spirit of this chapter.

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- 2. The proposed sign shall be comparable with the neighborhood environment and character and shall not be detrimental to adjacent property.

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- 3. The proposed sign does not, by reason of its location, create a hazard of any nature to the public in general or to any adjacent owner or occupant;

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- 4. The proposed sign(s) does (do) not in any way interfere with the lawful and aesthetic enjoyment of the public highway or of adjacent property.

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## Ginger Hannah

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**From:** Ginger Hannah <villageadmin@altamontvillage.org>  
**Sent:** Thursday, March 30, 2023 2:14 PM  
**To:** Deborah Hext (djh1355@gmail.com)  
**Cc:** Allyson Phillips; Gary Goss (GossG@mail.strose.edu);  
villagebuilding@altamontvillage.org  
**Subject:** FW: March 28th ZBA Meeting. - NOTES from BRAD

Hello Deb,

I also found this from Brad –he copied Troy and Steve on his notes.  
Ginger

**From:** Bradley D. Grant [mailto:bgrant@bartonandloguidice.com]  
**Sent:** Friday, March 10, 2023 4:19 PM  
**To:** Deborah Hext <djh1355@gmail.com>; Troy Miller <tmiller@cmfox.com>; Ginger Hannah  
<villageadmin@altamontvillage.org>; Gary Goss <GossG@mail.strose.edu>; villagebuilding@altamontvillage.org; Allyson  
Phillips <aphillips@youngsommer.com>; Stephen Walrath <spwalrath3@gmail.com>  
**Subject:** March 28th ZBA Meeting.

I need a digital copy as well please.

I have previously sent my comments to Steve on 2-25-23 but he probably received them already from the Village. What I  
and my other clients typically get back is a brief e-mail or letter with responses to each comment from the applicants  
team. I have cut and pasted my previous comments for cutting and pasting to a response email or letter.

Thank you,

I went through the meeting minutes and offer the following that needs to be addressed in the revised plans.

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.

### *Response below each comment.....*

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



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.
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.
9. Provide stormwater runoff calculations that include some storage area for roof gutter and driveway runoff for each lot.
10. Stormwater must be directed away from new and existing homes. Include mapping that shows how grading will accomplish this, particularly on Schoharie Plank Road and Marion Court.
11. Provide profiles of driveways that show low pressure sewer laterals and water services will have 5' of cover to avoid freezing.
12. Site plans with dimensions for side and rear yard setbacks and road frontages at Western Avenue and Schoharie Plank Road.
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.
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.
15. Submit neighbor consent to lot line adjustments in each location that includes a blown up plan detailed adjustments.
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.
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. Note 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..
18. Is the Village getting a sidewalk escrow payment based on frontage width as part of site approvals?
19. Label the date and party of wetland specialist when site was observed for presence of wetlands and note on the plans.
20. Label lot 11 as not having a basement based on 100 year flood plain proximity.
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.

**Bradley D. Grant**  
 Senior Project Manager  
 Sustainable Planning & Design

**Barton&Loguidice**

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Website | [LinkedIn](#) | [Twitter](#) | [Facebook](#) | [Vimeo](#)



## Ginger Hannah

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**From:** Stephen Walrath <spwalrath3@gmail.com>  
**Sent:** Thursday, June 01, 2023 10:15 AM  
**To:** villagebuilding@altamontvillage.org; Troy Miller; randres@prcgeo.com;  
GSlingerland@blockandlongo.com; bsmart5142@gmail.com;  
villageadmin@altamontvillage.org  
**Subject:** Re: Response letter to Barton & Loguidice comments February 21, 2023  
**Attachments:** CM Fox Western Ave Altamont Conventional Layout Concept 1.pdf

Hi Gary and Ginger,

Attached is a pdf of the Conventional Layout Concept Plan I gave to the Board last meeting.

Steve  
Stephen P. Walrath, L.S.  
P.O. Box 381  
122 Main Street  
Altamont, NY 12009  
518-986-0125



## Ginger Hannah

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**From:** villagebuilding@altamontvillage.org  
**Sent:** Tuesday, June 20, 2023 7:36 PM  
**To:** 'Allyson Phillips'  
**Cc:** 'Deborah Hext'; 'Ginger Hannah'; 'Bradley D. Grant'; goss@strose.edu  
**Subject:** RE: Village of Altamont - CM Fox/ Troy Miller Application  
**Attachments:** 2020 NYS Fire Code Appendix D- Fire Apparatus Access Roads.pdf

Hi Allyson,

I think that you are correct in looking toward 503.2.1 Dimensions for the 20 foot width, but as I look further into the Fire Code Appendix D which is the standard for construction of the access roads, for this project I would say that the driveway would need to be at least 26 feet wide at a minimum. My reasons for this are twofold. If you look at the attached appendix, section D103.1 technically there will be a hydrant at the end of that access road or driveway, which would require a 26' clear with, not including the shoulders. The second piece that comes into play which is a bit of an unknown at this point would be D105.1 and D105.2 If the distance from the grade plane to the highest point on the roof structure is 30 feet or higher, you need to provide adequate road width for the home to be accessible by aerial fire equipment and that dimension of access road width is also a clear 26 feet, not including the shoulders.

Not knowing what the height of the structures will be yet, on the side of caution I would say that a minimum, 26 feet should be used for the access off of Schoharie Plank Road West.

Please let me know if you have any further questions or comments.

Thank You!

Gary Goss

**From:** Allyson Phillips [mailto:APhillips@youngsommer.com]  
**Sent:** Friday, June 16, 2023 11:57 AM  
**To:** GOSS, GARY <GOSSG@mail.strose.edu>  
**Cc:** Deborah Hext <djh1355@gmail.com>; Ginger Hannah <villageadmin@altamontvillage.org>; Bradley D. Grant <bgrant@bartonandloguidice.com>  
**Subject:** Village of Altamont - CM Fox/ Troy Miller Application

**CAUTION:** This email was sent from an external email sender. Do not click links or open attachments unless you recognize the sender email and know the content is safe.

Hello Gary:

We were discussing the Troy Miller subdivision and the question came up what is the minimum width required by the Fire Code? There has been some discussion re whether 503.3.1 of the Uniform Fire Code applies which requires 20 feet unless modified by the official who administers the uniform code, or 511 applicable to driveways for one or two family houses which has a minimum width of 12 feet.

Can you review and confirm the correct standard? We don't necessarily have to know this to review Part II of the FEAF which is all that is planned for the next meeting, but it would be good to know what the standard is when it comes time to deliberate on the variance request.





Allyson M. Phillips, Esq.

Young / Sommer LLC

ATTORNEYS AT LAW

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## APPENDIX D

# FIRE APPARATUS ACCESS ROADS

### SECTION D101 GENERAL

**D101.1 Scope.** Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the *Fire Code of New York State*.

### SECTION D102 REQUIRED ACCESS

**D102.1 Access and loading.** Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road with an asphalt, concrete or other *approved* driving surface capable of supporting the imposed load of fire apparatus weighing up to 75,000 pounds (34 050 kg).

### SECTION D103 MINIMUM SPECIFICATIONS

**D103.1 Access road width with a hydrant.** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm), exclusive of shoulders (see Figure D103.1).

**D103.2 Grade.** Fire apparatus access roads shall not exceed 10 percent in grade.

**Exception:** Grades steeper than 10 percent as *approved* by the *fire code official*.

**D103.3 Turning radius.** The minimum turning radius shall be determined by the *fire code official*.

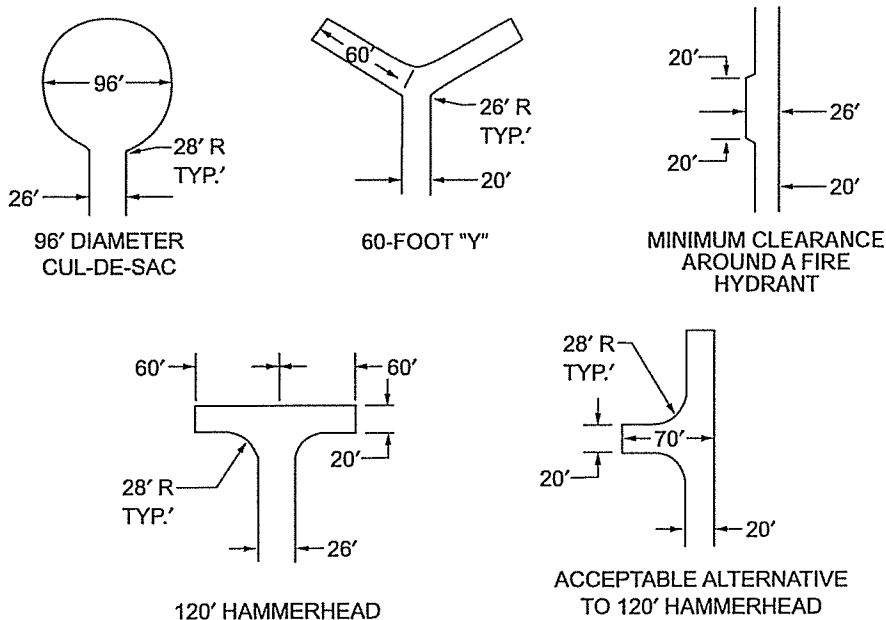
**D103.4 Dead ends.** Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.

**TABLE D103.4**  
**REQUIREMENTS FOR DEAD-END**  
**FIRE APPARATUS ACCESS ROADS**

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0–150	20	None required
151–500	20	120-foot Hammerhead, 60-foot “Y” or 96-foot diameter cul-de-sac in accordance with Figure D103.1
501–750	26	120-foot Hammerhead, 60-foot “Y” or 96-foot diameter cul-de-sac in accordance with Figure D103.1
Over 750		Special approval required

For SI: 1 foot = 304.8 mm.

**D103.5 Fire apparatus access road gates.** Gates securing the fire apparatus access roads shall comply with all of the following criteria:



For SI: 1 foot = 304.8 mm.

**FIGURE D103.1**  
**DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND**

## APPENDIX D—FIRE APPARATUS ACCESS ROADS

1. Where a single gate is provided, the gate width shall be not less than 20 feet (6096 mm). Where a fire apparatus road consists of a divided roadway, the gate width shall be not less than 12 feet (3658 mm).
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be *approved* by the *fire code official*.
6. Methods of locking shall be submitted for approval by the *fire code official*.
7. Electric gate operators, where provided, shall be *listed* in accordance with UL 325.
8. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.

**D103.6 Signs.** Where required by the *fire code official*, fire apparatus access roads shall be marked with permanent NO PARKING—FIRE LANE signs complying with Figure D103.6. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

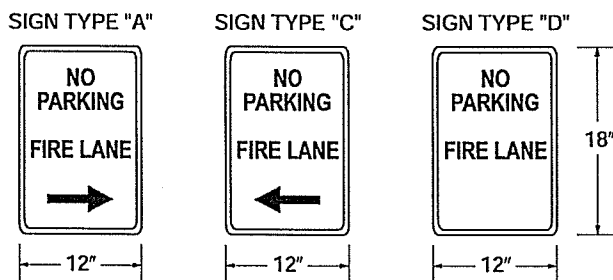


FIGURE D103.6  
FIRE LANE SIGNS

**D103.6.1 Roads 20 to 26 feet in width.** *Fire lane* signs as specified in Section D103.6 shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide (6096 to 7925 mm).

**D103.6.2 Roads more than 26 feet in width.** *Fire lane* signs as specified in Section D103.6 shall be posted on one side of fire apparatus access roads more than 26 feet wide (7925 mm) and less than 32 feet wide (9754 mm).

### SECTION D104 COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

**D104.1 Buildings exceeding three stories or 30 feet in height.** Buildings or facilities exceeding 30 feet (9144 mm)

or three stories in height shall have not fewer than two means of fire apparatus access for each structure.

**D104.2 Buildings exceeding 62,000 square feet in area.** Buildings or facilities having a gross *building area* of more than 62,000 square feet (5760 m<sup>2</sup>) shall be provided with two separate and *approved* fire apparatus access roads.

**Exception:** Projects having a gross *building area* of up to 124,000 square feet (11 520 m<sup>2</sup>) that have a single *approved* fire apparatus access road where all buildings are equipped throughout with *approved automatic sprinkler systems*.

**D104.3 Remoteness.** Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

### SECTION D105 AERIAL FIRE APPARATUS ACCESS ROADS

**[NY] D105.1 Where required.** Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet (9144 mm), *approved* aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

**Exception:** Where approved by the *fire code official*, buildings of Type IA, Type IB, or Type IIA Construction, equipped throughout with an automatic sprinkler system in accordance to Section 903.3.1.1; and having fire fighter access through an enclosed stairway with a Class I Standpipe, in conformance with NFPA 14, from the lowest level of fire department vehicle access to all roof surfaces.

**D105.2 Width.** Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm), exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

**D105.3 Proximity to building.** One or more of the required access routes meeting this condition shall be located not less than 15 feet (4572 mm) and not greater than 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be *approved* by the *fire code official*.

**D105.4 Obstructions.** Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be placed with the approval of the *fire code official*.

### SECTION D106 MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS

**D106.1 Projects having more than 100 dwelling units.** Multiple-family residential projects having more than 100

## APPENDIX D—FIRE APPARATUS ACCESS ROADS

*dwelling units* shall be equipped throughout with two separate and *approved* fire apparatus access roads.

**Exception:** Projects having up to 200 *dwelling units* shall have not fewer than one *approved* fire apparatus access road where all buildings, including nonresidential occupancies, are equipped throughout with *approved automatic sprinkler systems* installed in accordance with Section 903.3.1.1 or 903.3.1.2.

**D106.2 Projects having more than 200 dwelling units.** Multiple-family residential projects having more than 200 *dwelling units* shall be provided with two separate and *approved* fire apparatus access roads regardless of whether they are equipped with an *approved automatic sprinkler system*.

**D106.3 Remoteness.** Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

#### SECTION D107 ONE- OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS

**[NY] D107.1 One- or two-family dwelling residential developments.** Developments of one- or two-family *dwellings* where the number of *dwelling units* exceeds 30 shall be provided with two separate and *approved* fire apparatus access roads.

**Exceptions:**

1. Construction of dwellings on premises which have had local site plan approval prior to January 1, 2011, with no modification to *approved* site plan.
2. Where there are more than 30 *dwelling units* on a single public or private fire apparatus access road and all *dwelling units* are equipped throughout with an *approved automatic sprinkler system* in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, access from two directions shall not be required.
3. The number of *dwelling units* on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the *fire code official*.

**D107.2 Remoteness.** Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

#### SECTION D108 REFERENCED STANDARDS

ASTM	F2200—14	Standard Specification for Automated Vehicular Gate Construction	D103.5
UL	325—02	Door, Drapery, Gate, Louver, and Window Operators and Systems, with Revisions through May 2015	D103.5



**Full Environmental Assessment Form**  
**Part 2 - Identification of Potential Project Impacts**

Agency Use Only [If applicable]

Project : \_\_\_\_\_

Date : \_\_\_\_\_

**Part 2 is to be completed by the lead agency.** Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

<b>1. Impact on Land</b> Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**2. Impact on Geological Features**

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

☐ NO☐ YES

*If "Yes", answer questions a - c. If "No", move on to Section 3.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**3. Impacts on Surface Water**

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

☐ NO☐ YES

*If "Yes", answer questions a - l. If "No", move on to Section 4.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>



1. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>4. Impact on groundwater</b> The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
	<input type="checkbox"/> NO	<input type="checkbox"/> YES	
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>5. Impact on Flooding</b> The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
	<input type="checkbox"/> NO	<input type="checkbox"/> YES	
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>6. Impacts on Air</b> The proposed action may include a state regulated air emission source. <span style="float: right;"><input type="checkbox"/> NO <input type="checkbox"/> YES</span> (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>7. Impact on Plants and Animals</b> The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <span style="float: right;"><input type="checkbox"/> NO <input type="checkbox"/> YES</span> <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>8. Impact on Agricultural Resources</b> The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) <input type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>9. Impact on Aesthetic Resources</b> The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>10. Impact on Historic and Archeological Resources</b> The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

<b>11. Impact on Open Space and Recreation</b> The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12.			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>12. Impact on Critical Environmental Areas</b> The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13.			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>13. Impact on Transportation</b> The proposed action may result in a change to existing transportation systems. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.j) <i>If "Yes", answer questions a - f. If "No", go to Section 14.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>14. Impact on Energy</b> The proposed action may cause an increase in the use of any form of energy. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.k) <i>If "Yes", answer questions a - e. If "No", go to Section 15.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>15. Impact on Noise, Odor, and Light</b> The proposed action may result in an increase in noise, odors, or outdoor lighting. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.m., n., and o.) <i>If "Yes", answer questions a - f. If "No", go to Section 16.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

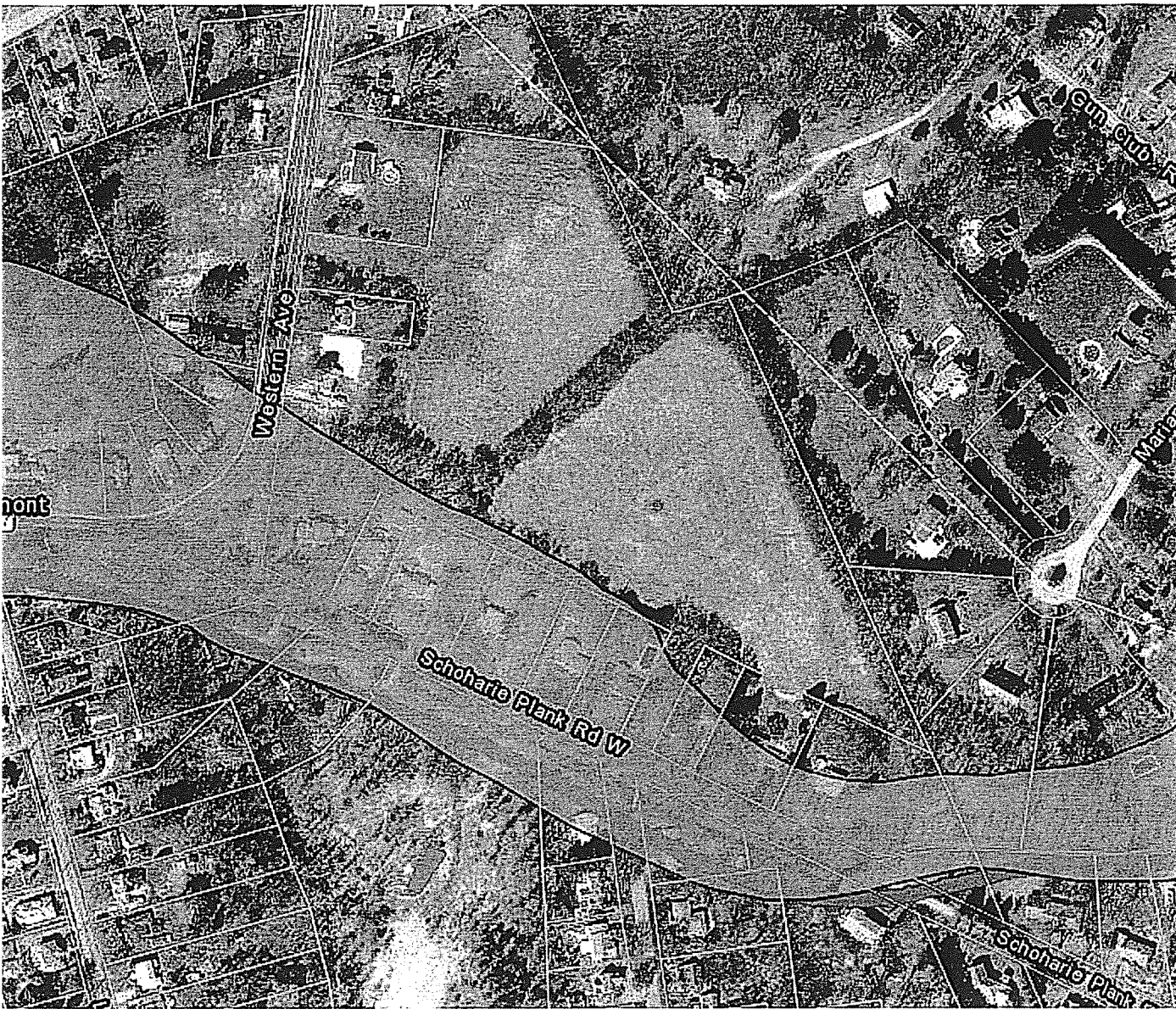
d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>16. Impact on Human Health</b> The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) <input type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - m. If "No", go to Section 17.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>17. Consistency with Community Plans</b> The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</i>				<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>		
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>		
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>		
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>		
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>		
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

<b>18. Consistency with Community Character</b> The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i>				<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>		
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>		
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>		
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>		
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

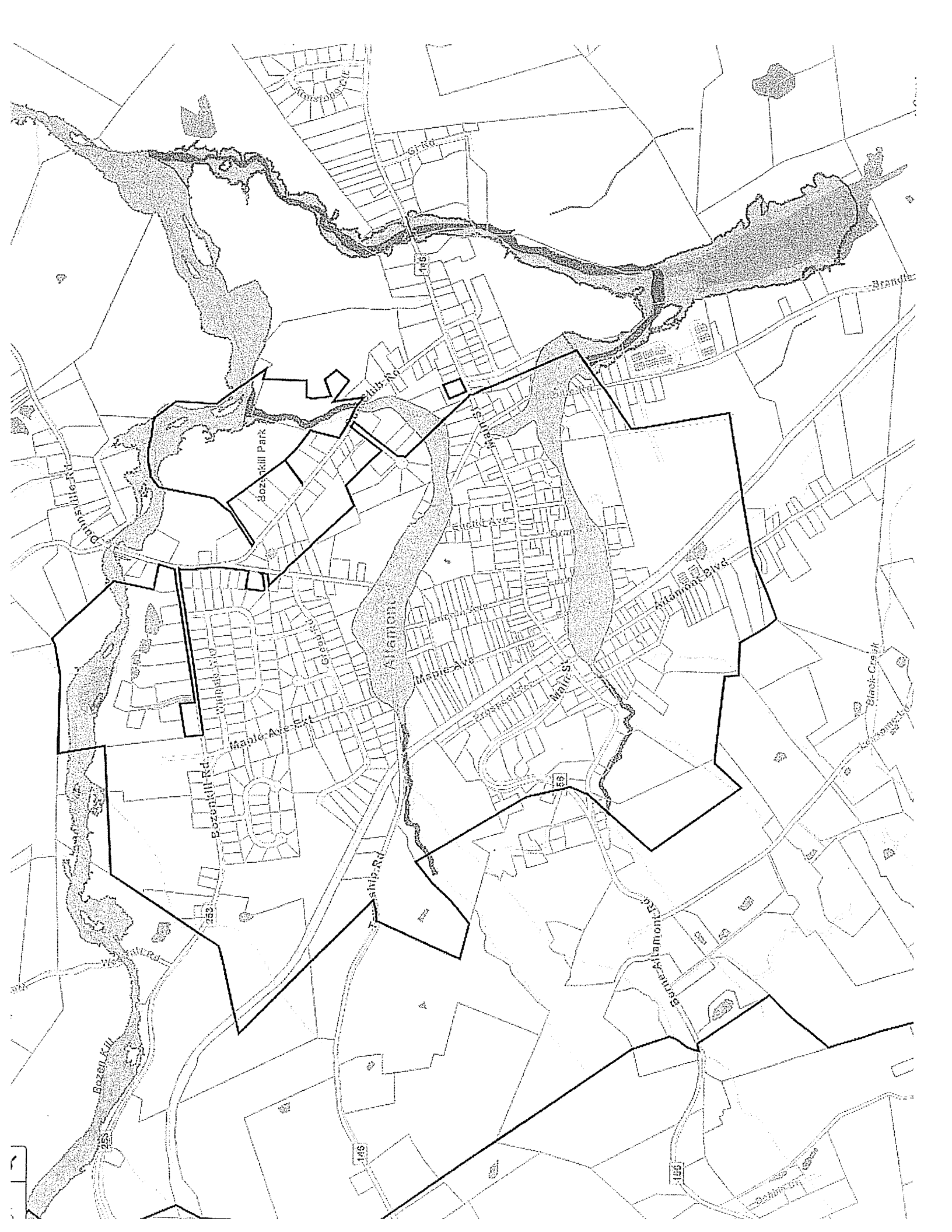




Guilford Town Hall  
6/6/23

Flood Plane







## Ginger Hannah

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**From:** Hyde Clarke <hclarke@youngsommer.com>  
**Sent:** Wednesday, June 07, 2023 12:55 PM  
**To:** altamontclerk@nycap.rr.com; Weston.Davey@parks.ny.gov; villagedpw@nycap.rr.com; dep.r4@dec.ny.gov; gopika.muddappa@albanycountyny.gov  
**Cc:** Allyson Phillips; Deborah Hext; Tracy Poole; villageadmin@altamontvillage.org  
**Subject:** SEQRA Coordination Notice - CM Fox Living Solutions - Village of Altamont - Albany County  
**Attachments:** 230607\_NOI\_Lead Agency\_Altamont\_CM FOX\_FINAL.pdf

On behalf of the Village of Altamont Zoning Board of Appeals, attached please find a Notice of Coordinated review under SEQRA. CM Fox Living Solutions, LLC ("Applicant") is proposing the subdivision of a 13.01-acre lot into eleven (11) lots in the Village of Altamont. The Zoning Board of Appeals has classified the action as an Unlisted action and declared its intent to act as Lead Agency.

A ShareFile Link with electronic copies of the application documents, including a Full EAF, major subdivision and variance application, most recent site plan set, Modified SWPPP Report for Subdivision, and Narrative Report is provided below for your review. If you prefer a hard copy, please let me know.

<https://youngsommer.sharefile.com/d-se81c4f0528574cfe8d26cf26b7877964>

Thank you,

Hyde

E. Hyde Clarke, Esq.  
Young / Sommer LLC  
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**Notice of Intent to Serve as Lead Agency under SEQRA  
And  
Request for Comment on Proposed Action**

**Notice to Involved Agencies  
Lead Agency Must be designated within 30 Calendar Days**

**Notice to Involved and Interested Agencies  
Comments Requested within 30 Calendar Days**

Date Issued: June 7, 2023

Issuing Agency: Village of Altamont, Zoning Board of Appeals  
P.O. Box 643  
115 Main Street  
Altamont, New York 12009

Project/Action:

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. Access to these four (4) lots will be from a single driveway off Schoharie Plank Road.

The proposed project and all required permits and approvals are hereinafter referred to as the "Action".

Enclosed please find a Compact Disc (CD) including Part I of the SEQRA Environmental Assessment Form (EAF) that has been submitted by the applicant in connection with the modifications to the Project. Electronic copies of the major subdivision and variance application, most recent site plan set (last revised April 2023), Modified SWPPP Report for Subdivision (dated December 13, 2022) and Narrative Report (December 13, 2022) are also included. Electronic copies may also be provided via ShareFile Link upon request.

**Notice of Intent to Serve as Lead Agency under SEQRA**

This Notice of Intent is issued pursuant to a January 24, 2023 motion of the Village of Altamont, Zoning Board of Appeals and Part 617 of the Implementing Regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law for the purposes of designating a lead agency for environmental quality review of the above described

Unlisted Action.

In accordance with the procedures and in consideration of the application of the applicable standards set forth at Title 6 Part 617 NYCRR, the Village of Altamont Zoning Board of Appeals has concluded that it should be designated as lead agency for review of the proposed action.

Therefore, this Notice is being sent to you and all other involved agencies or prospective involved agencies with request for consent in writing to the Village of Altamont Zoning Board of Appeals for them to serve as lead agency. Should you not respond within thirty (30) calendar days from the date of this Notice, your silence will be interpreted as a statement of your consent to the Village of Altamont Zoning Board of Appeals serving as lead agency. In either case, the Village of Altamont Zoning Board of Appeals will continue to notify you of all SEQRA determinations made in this matter and the scheduling of any related proceedings and hearings. Copies of all subsequent environmental documents will also be made available to you. Should you not agree with this lead agency designation, you are advised to timely follow the procedures outlined in Title 6 Part 617.

#### **Request for Comments on Proposed Action**

In addition to the consideration of lead agency designation by each of the involved agencies, the Village of Altamont Zoning Board of Appeals would welcome any comments either the involved agencies or the interested agencies may have regarding the Proposed Action.

**Please be advised that a Public Hearing for this proposed action was opened on May 23, 2023 and will be continued on June 28, 2023.**

Thank you for your consideration.

#### **Distribution**

##### **Notice Sent to the following Involved Agencies or potentially Involved Agencies:**

- Albany County Planning Board  
Attn: Gopika Muddappa  
449 New Salem Road  
Voorheesville, New York 12186  
Sent via email to: [gopika.muddappa@albanycountyny.gov](mailto:gopika.muddappa@albanycountyny.gov)
- Albany County Department of Health  
175 Green Street  
Albany, New York 12202
- NYSDOT, Region 1  
Attn: Mark Pyskadlo, P.E.  
50 Wolf Road, Suite 1S50  
Albany, New York 12232



- NYSDEC, Region 4  
Attn: Kate Kornak  
1130 North Westcott Road  
Schenectady, New York 12306  
Sent via email to: [dep.r4@dec.ny.gov](mailto:dep.r4@dec.ny.gov)
- Village of Altamont Department of Public Works  
P.O. Box 643  
Altamont, New York 12009  
Sent via email to: [villagedpw@nycap.rr.com](mailto:villagedpw@nycap.rr.com)

**Copies of this Notice sent to the following potentially Interested Agencies:**

- New York State Office of Parks, Recreation and Historic Preservation  
Field Services Bureau, Pebbles Island Complex  
P.O. Box 189  
Waterford, New York 12196  
Sent via email to: [Weston.Davey@parks.ny.gov](mailto:Weston.Davey@parks.ny.gov)
- Village of Altamont Board of Trustees  
P.O. Box 643  
Altamont, New York 12009  
Sent via email to: [altamontclerk@nycap.rr.com](mailto:altamontclerk@nycap.rr.com)
- Village of Altamont Fire Department  
P.O. Box 642  
Altamont, New York 12009



RESIDENT LETTERS

RE: C.M. FOX Subdivision

Received (or resubmitted) 5/19/23 or beyond and

in addition to the

Agenda and Materials posted for the 5/23/23 ZBA Meeting

## ZBA Letter

RECEIVED

MAY 23 2023

Village of Altamont

Deborah Katz &lt;deborahkatz14@gmail.com&gt;

Mon 5/22/2023 8:10 AM

To: Mark Naginey &lt;mnaginey@wradvisors.com&gt;;

Dear Chairwoman Hext and Altamont Village Zoning Board Members, *my husband and I are resubmitting the following letter to the Altamont ZBA in advance of the public hearing on May 23rd, 2023.*

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. Marne 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 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 will 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 holistic 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 9 Yes 9 No daycare 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

5/22/23, 8:29 AM

Mail - mnaginey@wradvisors.com

113 Schoharie Plank Rd West  
Altamont, NY 12009

Ginger Hannah

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**From:** Jennifer Betancourt <betancourtjen@yahoo.com>  
**Sent:** Tuesday, May 23, 2023 8:08 AM  
**To:** villageadmin@altamontvillage.org  
**Subject:** Zoning Variance

I am writing to the Altamont Zoning board to voice my opposition for the requested variance of CM Fox living solutions.

I ask that the Village zoning board uphold the current zoning that has been set in place. There are zoning laws in place for a reason and to grant this variance negates the work and logic previously set forth when these zoning laws were adopted by our Village.

Developers should work within the parameters of our Village, not ask to change our zoning to suit their financial needs and rewards.

I am opposed to granting this variance. If a developer cannot work within the established zoning laws, they should develop a plan that works within the current Village structure of their zoning regulations.

Thank you  
Jennifer Betancourt

Get [Outlook for iOS](#)

Ginger Hannah

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**From:** Paul Betancourt <psbetancourt@yahoo.com>  
**Sent:** Tuesday, May 23, 2023 12:22 AM  
**To:** villageadmin@altamontvillage.org  
**Subject:** Comments for Altamont Zoning Board Meeting - May 23, 2023 (Paul Betancourt)

**Hello Ms. Hannah, and the Altamont Zoning Board, and Altamont Village Officials:**  
**re: Comments for Zoning Board of Appeals Meeting on May 23, 2023**

These comments are sent in advance of the Altamont Zoning Board meeting on Tuesday, May 23, 2023, as I am unable to be there in person. I am writing to emphatically express my *opposition* to the request from 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 (ref: property identified as Tax Map #37.14.-3-6-1), where the minimum road frontage requirement is 30 feet for a keyhole lot.

Why should the Village Zoning and Administration grant variances to its zoning laws and ordinances just to allow the "shoehorning" of this new development into a space which requires such a drastic zoning variance to be granted? There is no reason that the Village should grant a variance in this situation as it is not in the public interest of the Village. Further, it will negatively and permanently impact the quality of life of the neighbors and neighborhood, as well as permanently upset the peaceful nature of the immediate neighborhood, all just to satisfy the current (and out of zoning compliance) development plan for this property.

You should not approve this variance for this "shoehorned" development, as Zoning ordinances are there for a reason and they are meaningless if they are not enforced. Zoning variances should be granted rarely and only under exceptional circumstances in the public interest, and this request for variance does not meet any reasonable approval standard and is not in the best interest or need of the Village and its residents. Please uphold high Zoning and Planning standards as part of our Village code, laws, and ordinances. I urge you not to become a village which is poorly planned and zoning is rendered meaningless.

I ask why this development corporation did not consider and respect Village zoning laws and ordinances in place when they purchased and planned development of this property. There is no reason that the Village Zoning Board (nor the Trustees and Mayor in future meetings) should seriously consider this request.

Thank you for your consideration of these comments.

Regards,

Paul Betancourt

-----  
Paul Betancourt  
140 Lincoln Avenue  
Altamont, NY 12009

m. 518.878.6940  
e. [psbetancourt@yahoo.com](mailto:psbetancourt@yahoo.com)



## Ginger Hannah

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**From:** Heather Fox <hhskichic@gmail.com>  
**Sent:** Tuesday, May 23, 2023 6:52 AM  
**To:** Ginger Hannah  
**Cc:** Ben Fox; Heather Fox  
**Subject:** Zoning Board Meeting 5/23/2023  
**Attachments:** ZBA letter.pages; Untitled attachment 00018.txt; IMG\_5232.jpeg; IMG\_5233.jpeg; Untitled attachment 00021.txt; IMG\_5231.jpeg; IMG\_6560.jpeg; IMG\_6559.jpeg; IMG\_6613.jpeg; Untitled attachment 00024.txt

Hello there -

My husband and I would like to resubmit the attached letter along with photos taken over the past year to be on record for the 5/23/2023 ZBA meeting.

The pictures of the huge hole in the ground on our front yard was the third water main break on our road in a 1 year period. The infrastructure underground is extremely old and fragile and the DPW guys are doing a fantastic job to fix the breaks when they happen but this street has really taken a beating over the past couple years. This old infrastructure can not sustain additional homes.

The photos of the delivery trucks are an example of how narrow our road really is and in case of an emergency, a fire truck or ambulance would not be able to get past these trucks as a second vehicle cannot even get past them. This is very concerning for not only the people that currently live on this street but if new homes are built and need to be accessed off Schoharie Plank Rd W we want to emphasize that this road is not built for additional traffic as it currently exists.

Please add the attached letter that was submitted back in October 2022 along with this email and additional photos.

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.

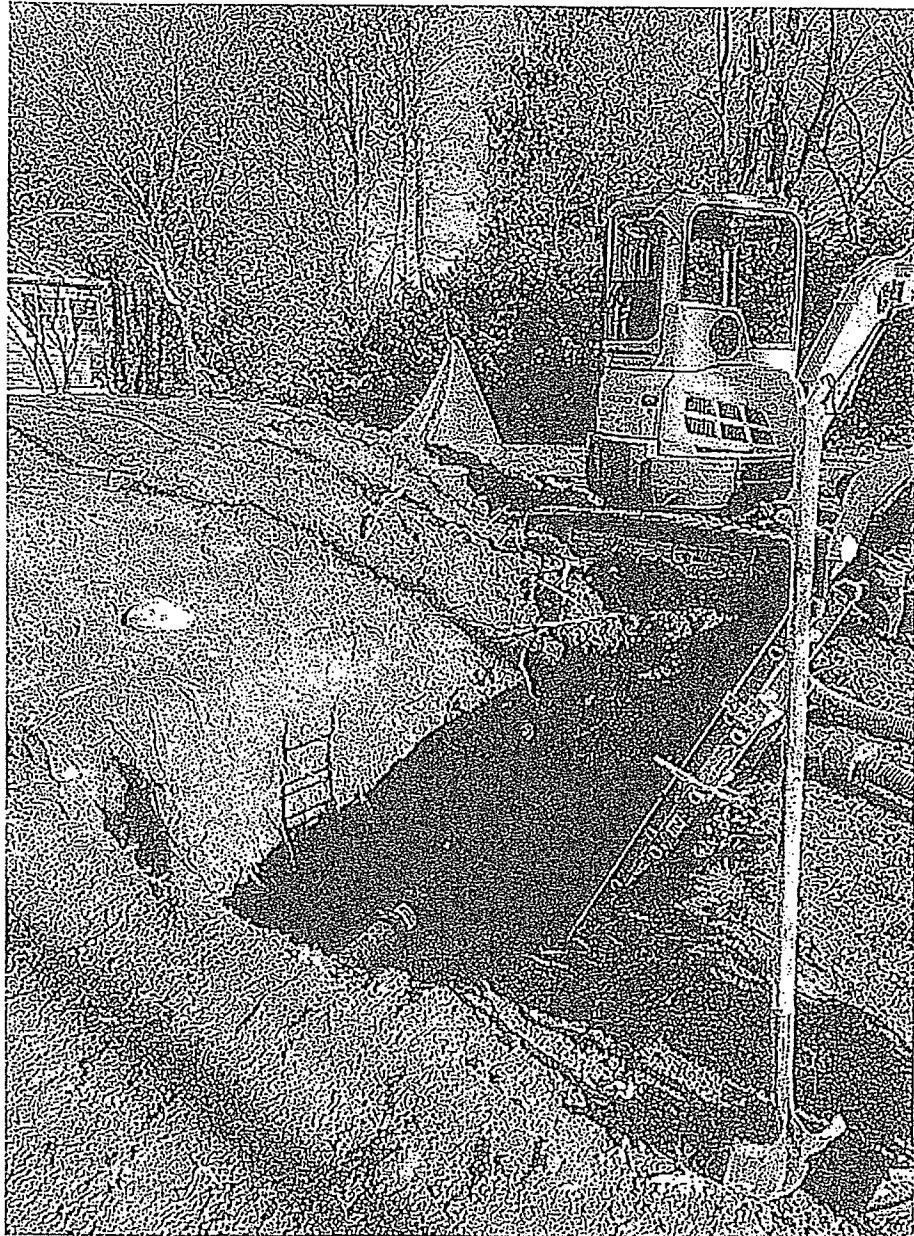
We welcome to meet with the Village's leadership to follow up on our concerns and comments before any decision is made to approve this project without addressing our comments.

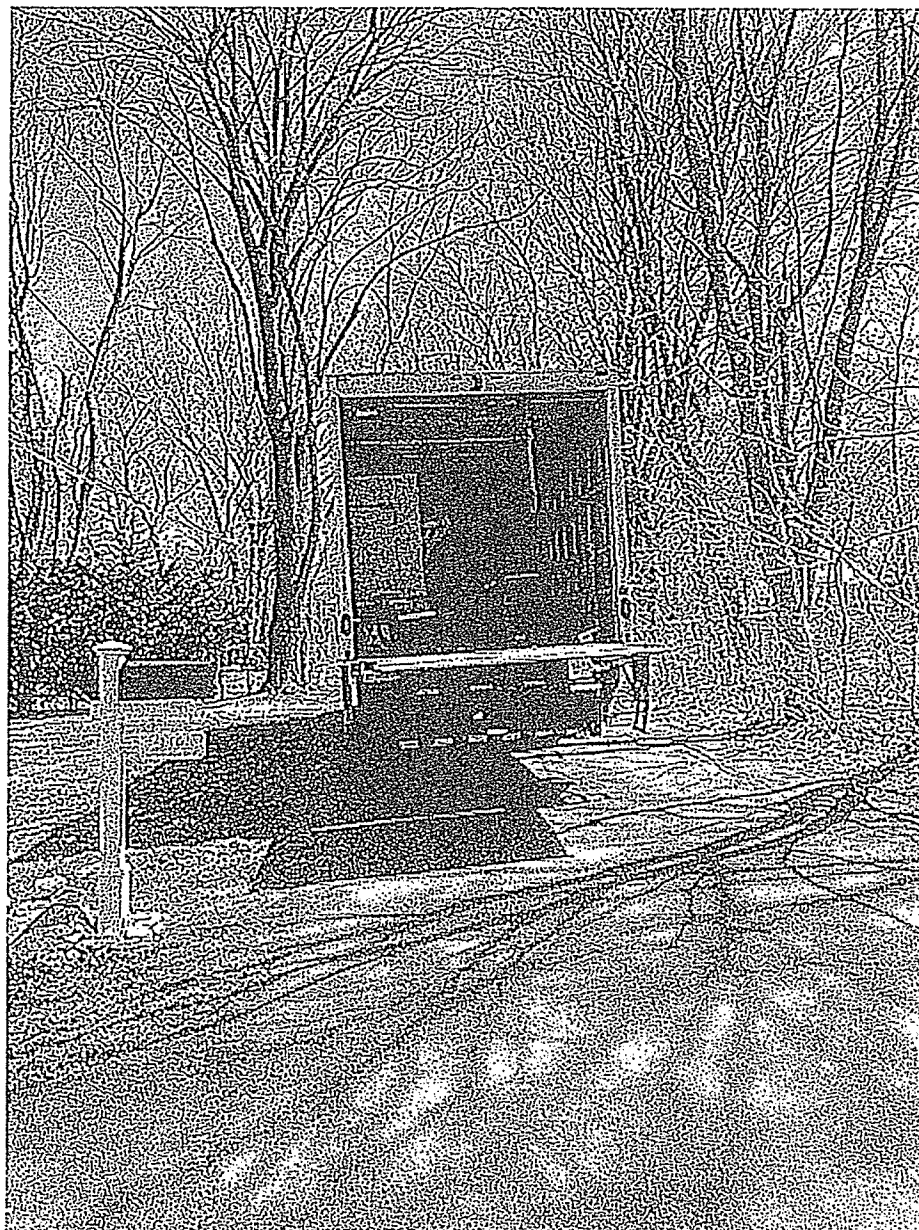
Your Neighbors,

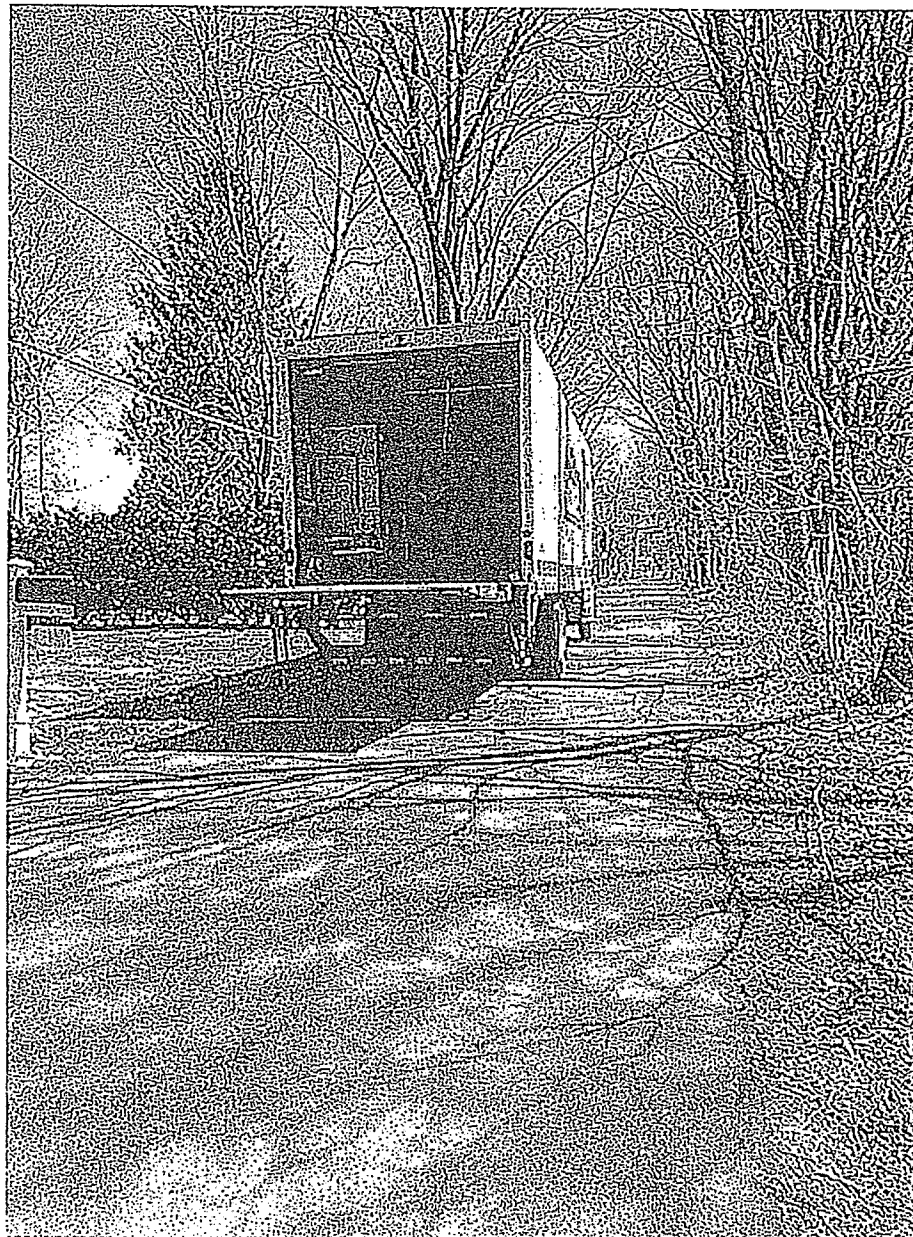
*Ben J Fox &  
Heather Fox*

Benjamin J Fox and Heather Fox



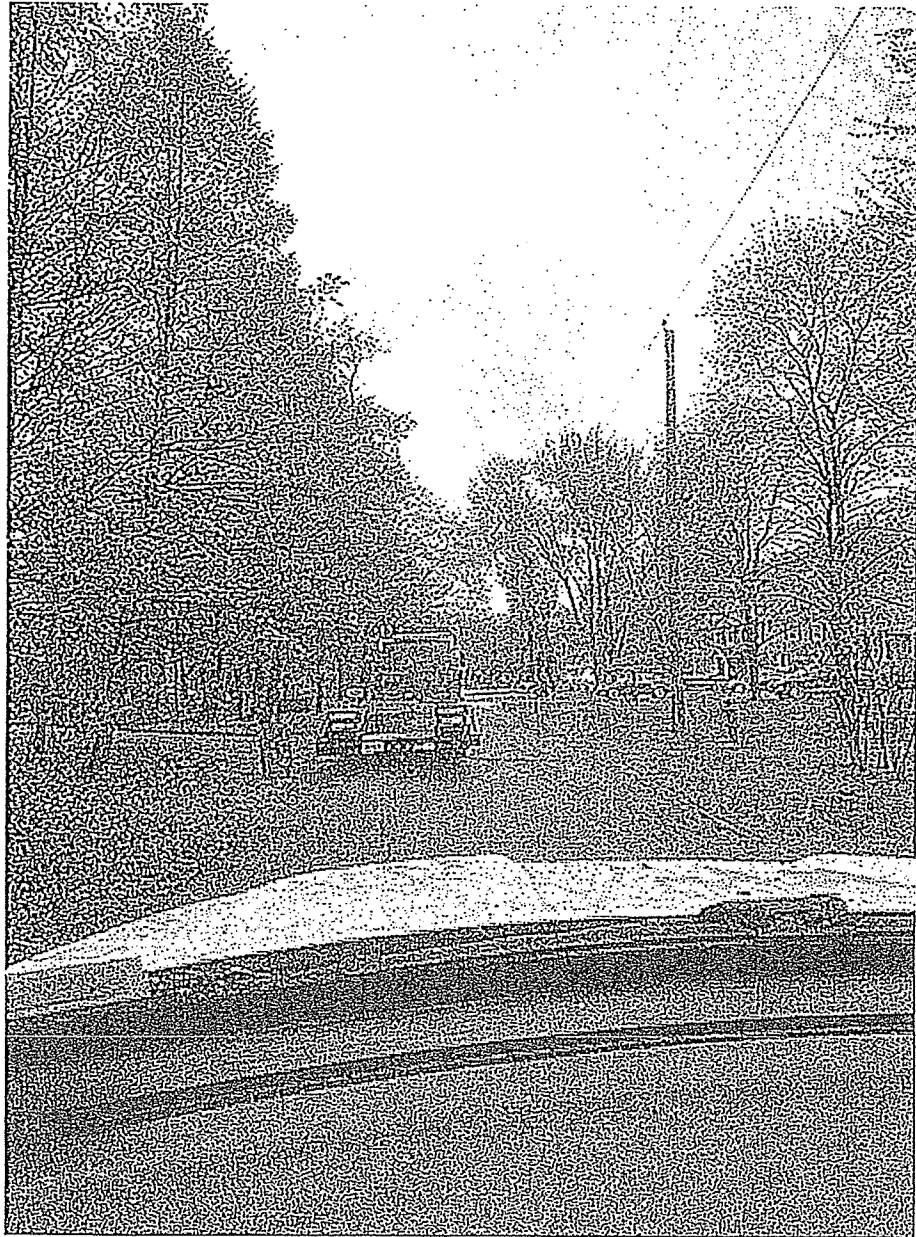












JOSEPH AND JAYA CONNORS  
6393 GUN CLUB ROAD  
ALTAMONT, NEW YORK 12009  
(518) 669-2517; (518) 669-0850

May 23, 2022 Jm

Village of Altamont Zoning Board of Appeals  
115 Main Street  
PO Box 643  
Altamont, New York 12009

Dear Members:

Thank you for this opportunity to share our opposition to the request of CM Fox Living Solutions for a significant variance which would allow its property identified as Tax Map #37.14-3-6.1 to be subdivided into 11 lots over 13 acres. Our objection focuses on the issue identified in the mailed notice we received, whether the Board should grant area variances to allow the creation of four(4) new keyhole lots with approximately 16 feet of road frontage on Western Avenue. We reserve the opportunity to oppose other parts of the subdivision proposal at a separate public hearing noticed for that purpose.<sup>1</sup>

## I. INTRODUCTION

We own and reside at 6393 Gun Club Road, adjacent to the proposed subdivision. The Guilderland/Village of Altamont town line passes through our property. We pay both Town and Village taxes and utilities. We are glad to be active in Altamont life, including being members of Altamont Community Tradition. The village's small friendly size and its rural country setting were important to us when we moved here several years ago and they remain so today.

Our 5.6 acres property currently has unobstructed views of the Helderberg Escarpment. We enjoy the abundant wildlife that crosses through our country property and the adjacent property subject to the variance request. We have observed deer, opossum, racoons, turkey, fox, and coyote on both properties, as well as an abundance of other birds, including Bluebirds and Indigo Buntings. Significantly, bats, including what we believe from their appearance to be endangered Northern long-eared bats, are frequently seen flying over both properties. We walk our property mindful that it and its adjacent property are part of lands which were stewarded by Native Americans from the Mohican and Mohawk tribes. We also report based on personal observations that water often pools throughout the subject property, year round. The property is consistently muddy, with footprints of the wildlife who currently call it home.

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<sup>1</sup> For example, the applicant has not applied for a variance that would allow for multiple entrances to subdivision homes, in excess of the two entrances allowed by Village Zoning Law. Although the application for final plot approval cannot be approved by the Board without such a variance and other variances applications, the applicant has not sought them and they are not thus not currently before the Board.

Proposed Lots 1 and 2 and 3 and the referenced four- bedroom houses the applicant developer plans to build on them, will directly adversely impact our enjoyment from and value of our property. Indeed, any backyard lights from houses on Lots 1 and 2 will likely shine directly into our bedroom and living room.

Our objections to the proposed variance should not be dismissed as a literal "Not In Our Backyard" concern. Rather, it is founded in well established legal precedent which balances the interests of adjoining neighbors, expecting them to enjoy their properties while respecting the limitations imposed on land use by law. The requirements discussed below are not new, they were present when CM Fox Living Solutions , a sophisticated buyer, purchased the property adjacent to our property. They did so knowing that its residential use was limited by existing zoning and environmental laws and regulations. It would be unreasonable and set a dangerous and unfair precedent to allow a substantial variance from these requirements to allow a preferred but unauthorized use of the subject property. We respectfully request that you exercise your administrative role in an objective manner and conclude that there is insufficient evidence to support the variance requested.

## II. PROCEDURAL HISTORY

We appreciate the opportunity to actively participate in the May 22, 2023 public hearing for the first time to share our concerns concerning the variances application before the Board. On or about May 12, 2023 we received notice of this public hearing via a letter mailed to our home. We understand that the Board has engaged in previous discussions with the developer applicant, CM Fox Living Solutions, LLC on September 27, 2022, January 4, 2023, March 28, 2023. The public was not allowed to participate in these "hearings." In the interests of a complete record of the May 22, 2023 public hearing we request that the video recordings and transcripts of the September 27, January 4, and March 28, 2023 Board meetings be preserved and made part of the record at this hearing.

These prior meetings indicate that the developer applicant at first conceded that it needed a variance for the keyhole access to Lots 5, 6, 7, and 8 on Schoharie Plank Road, but no longer seeks this variance following private line adjustments deals with landowners. The developer applicant still seeks a variance which would allow for only 16 feet of road frontage for keyhole lots 1, 2, and 3 on Western Avenue, almost half of that required by the Village Zoning Law. The Board Chair characterized this as a request for a "significant variance." In past appearances before the Board, the developer applicant also promised a 20 to 25 foot buffer between the new houses and the houses on Schoharie Plank Road, with Board members also suggesting a no cut zone. The Board shared that an independent Village engineering plan was necessary to consider the proposal.<sup>2</sup> The Board was concerned about the width of the access road/driveway in light of safety planning and the size of emergency (fire) vehicles and snow removal vehicles. A Board Member suggested that a crosswalk to connect the new proposed subdivision to the existing sidewalk on Western Avenue might be appropriate. The applicant developer promised to provide a sight assessment evaluation from the proposed entrance road/shared driveways in response to concerns raised by the Board.

Significant concern and questions were raised concerning historic flooding on Schoharie Plank Road. A Board Member inquired, "Where is the water going to go?," and "How do we maintain existing

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<sup>2</sup> Such a plan, if completed, has not been made available to the public in connection with the scheduled May 23, 2023 hearing.

flows?" The applicant developer promised groundwater testing to assess the level of the water table in order to properly plan for stormwater impacts. A Board Member suggested individual stormwater containment systems as opposed to a general area that might be prone to cattail growth.

Finally, one Board Member pointed out that Guilderland's noise ordinance should be followed; it prohibits work on weekends and limits it to 7:00 a.m. to 6:00 p.m. on weekdays, while another reminded the applicant developer that light nuisance would also be a part of the Board's consideration.

In light of the Board's growing concerns, the Applicant Developer responded that "the only other option" would be to increase the number of houses to "22 or 24 lots" in the project, and build a cul-de-sac which the Village would be responsible for maintaining. The Board encouraged the developer applicant to supplement the record, reminding it that it had the burden of showing that the requested variance was necessary and that the proposed project would meet all applicable laws, including a State Environmental Quality Review Act assessment that the project would have an overall negative impact.

## II. OVERVIEW OF THE LEGAL PARAMETERS FOR THE BOARD'S CONSIDERATION

The Village of Altamont Zoning Board of Appeals ("the Board") has the power, authority, and responsibility to approve or disapprove plats for subdivision within the Village of Altamont. Village Law §§315-1, 315-5. Before granting a request for a variance in support of a request of an application for subdivision, the Board must have evidence that the proposed subdivided land can be used safely for building purposes without: danger to health and safety or peril from fire, flood, erosion, or other menace; proper provision for stormwater drainage; insult to <sup>tenets</sup> ~~tenants~~ of the Village of Altamont Comprehensive Plan; harm, to the extent avoidable, to trees, flood courses, historic sites, and environmentally sensitive areas; or violation of the Zoning Law of the Village of Altamont. Village Law §§315-3, 315-21. Special regulations apply to any proposed subdivision of land into three or more lots, which by definition is a "Major Subdivision". Village Law Section 315-8.<sup>3</sup> While an applicant may request waiver of requirements for subdivision of its land, the Board may not act contrary to the intent of Village of Altamont Zoning Law or the State Environmental Quality Review Act (SEQRA). Village Law §315-23.

The Board's consideration of "Keyhole lots, properties that access the property behind another fronting the street" must comply with Chapter 355 of the Village of Altamont Zoning Law. Village Law §315-27. A keyhole strip leading from the road to another property must be at least 30 feet wide. Zoning Law 355-5. The Village also requires 30' of frontage for properties accessed in a subdivision by a keyhole lot. The New York State Fire Code requires unobstructed access width of 20 feet, exclusive of shoulders, for fire apparatus access. New York State Fire Code §503.2.1. The Village's Fire Code Official can require greater width if necessary for adequate fire or rescue operations, consistent with public safety planning. New York State Fire Code §503.2.2. The Fire Code Official, presumably the Chief of the Department, also has authority to determine the required turning radius for a "fire apparatus access road."<sup>4</sup>

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<sup>3</sup> Some parts of the pending application for a variance in support of approval of the subdivision incorrectly refers to the proposal as one for a "Minor Subdivision," one containing not more than two lots.

<sup>4</sup> Pursuant to Section 202 of the Fire Code, a fire apparatus access road is "a road that provides fire apparatus access from a fire station to a facility, building, or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane and access roadway."

The Board, when considering an application for a subdivision of land must consider whether the proposed subdivision's "circulation system," including streets, sidewalks, and pedestrianways meet specific standards. A "street, private" is defined by the Village Law as "a private thoroughfare or right-of-way, dedicated or deeded for use as such, which provides access to abutting properties from a public street." Village Law §315-8. Private streets such as the two proposed in the subdivision application, one to allow access via Western Avenue to three lots (#1, 2, 3), and the other to connect four lots (#5,6,7,8), must have continuous sidewalks at least five feet wide. Streets must conform to the Comprehensive Plan and have adequate access for firefighting, snow removal, and other maintenance equipment. Shade trees are required along each side of all streets, public or private, ten feet from the sidewalk.<sup>5</sup>

The Village Zoning Law also instructs that subdivision proposals for more than two entrances onto public roads shall be discouraged if they unnecessarily disrupt traffic flow or unduly impact the environment. Zoning Law §355-27(F)(1)(b).

A stormwater prevention plan (SWPPP) consistent with the requirements of Chapter 308 and Chapter 355 is required for any preliminary or final subdivision plat approval. Village Law, Chapter 315. All activities subject to review by the Board shall be reviewed the Village's designated Stormwater Management Office to determine compliance with the requirements of Chapter 308 of the Village Law pertaining to Stormwater Management. This process, which, at the Board's discretion, may include review by a professional engineer to meet all applicable standards, addresses ways in which to minimize stormwater rates and volumes in the public interest to minimize threats public health and safety. It includes Program Assessment, Record Keeping, Reporting and Certification Requirements in conformance with the requirements set forth in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges., Permit No. GP-0-15-003, issued pursuant to Article 17, Titles 7, 8, and Article 70 of the Environmental Conservation Law.

### III. OPPOSITION TO REQUESTED VARIANCE

A. In Their Current Version Before The Board, The Requested Variances Will Produce An Undesirable Change In the Character of The Neighborhood and A Detriment To Nearby Properties.

The surrounding neighborhood to the adjacent property, especially along its Northern perimeter is characterized by single family homes on large lots of several acres. Consistent with the rural nature and country setting, houses are spread apart. The proposal will add eleven houses in a density profile which is inconsistent with the complexion of the rest of the neighborhood. Many of the houses on Gun Club Road or Marion Court which border the proposed project are multiple acre country lots with one home. The border between Guilderland and Altamont should not be riddled with so many new houses in such a small area. The developer's threat to increase the number of houses it will build is unavailing because that, too, would be inconsistent with the character of the neighborhood. *See Pecoraro v. Board of Appeals of the Town of Hempstead*, 2 N.Y. 3d 608, 781 N.Y.S.2d 234 (2004)(upholding denial of variance where the variance would have reduced the requires frontage from 55 feet to 40).

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<sup>5</sup> Of note, the Village Law does allow the Board to approve a "combined access drive" so that lots do not require access exclusively from a "major street." Village Law §315-27. Regardless of whether they are deemed a "private road" or a "combined access drive" these access pavements must be wide enough to meet safety and health concerns and consistent with the minimum widths set forth in the Fire Code.

B. The Applicant Has Alternative Methods Available To Achieve A Housing Subdivision or Obtain Alternative Value For His Property.

Denying the variance will not leave the applicant/developer without options concerning the property. The property can still be used under existing regulations for a reduced number of houses. Neighbors, including us, may be interested in purchasing undeveloped property which never was posted with public signs as being for sale. Finally, the property could be sold to Conservancy organizations to protect a green belt around the village, perhaps linking this property to existing hiking or recreational trails.

C. The Requested Variance Is Substantial, In Essence Requesting The Board To Rewrite Existing Code Standards.

This is not disputed. The request variance would require the Zoning Board to in effect rewrite its own regulations and reduce the frontage required for a keyhole lot in a subdivision in half.

D. The Proposed Variance Will Adversely Impact The Physical and Environmental Conditions In The Neighborhood.

As alluded to, existing wildlife will certainly suffer as a result of the proposed variance and its increased construction. Neighbors have also raised significant concerns about stormwater management, traffic safety, and lighting nuisance. We walk in the area frequently and have serious concerns about pedestrian safety on the streets which are in the proposal's immediate area. Especially with the nearby draw of Bozenkill Park, the Board needs to protect the interests of children who might be walking from the new development to the park. We reasonably fear that without adequate sidewalks, this is a disaster accident waiting to happen. Significant concerns have also been raised concerning the access abilities of emergency and snow removal vehicles to homes in the proposed subdivision. There is sufficient reason that the property could contain items of archeological and cultural significance, other such items having been found in our region. The applicant developer has failed to meet its burden by answering these concerns, instead, at best, repeatedly promising in its May 9, 2023 letter to the Board that these important questions will be answered "upon variance approval." See Responses to Request #5, 6, 9, 11, 14, 15, 16, 20, 21.

E. The Applicant's Obstacle In Subdividing His Property For Development of Eleven Lots Is Self-Created.

The applicant developer knew about the zoning restriction and limits on keyhole lots when it purchased the property. It cannot reasonably expect the Board to simply change its own regulations and allow additional housing with only 16 feet as opposed to the required 30 feet of frontage. The resulting damage to the neighborhood and community from such an ill-advised decision would be great as would the public's faith in the objectivity of the Board in exercising its administrative function.

#### IV. ALTERNATIVE POSITION

For all the reasons discussed above, the Board should deny the requested variance before it. In the unlikely event that the Board grants the variance and this project proceeds, we respectfully request that the Board direct the applicant to mediate the damage to our property and similarly situated

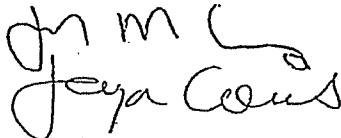
properties by constructing a berm along the Northern borders of the project, with conifer evergreen trees planted on top to protect our view from this new construction.<sup>6</sup>

The Board should also require the applicant to complete a complete Stormwater Abatement Plan which includes record keeping and post construction monitoring, as well as an Archeological Assessment of the property, especially for protocols for identifying and protecting artifacts of its indigenous stewards. The Board should require the applicant to provide a factual basis for its estimate that less than 5 acres of soil will be disturbed in the proposed construction process.

Consistent with reciprocal practice, the Guilderland Zoning Board should be afforded the opportunity to consider the implications of this variance proposal on its community, and Albany County and the New York State DEC should be involved in a completing an environmental impact statement concerning this proposal, with special attention to the wellbeing of the endangered log-eared bats who thrive on the property.

Thank you for your consideration of these comments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jm M Connors". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Joseph M. Connors  
Jaya Balu Connors

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<sup>6</sup> The existing tree line along our property is insufficient for this purpose. In the first instance, there are no evergreens to protect us in the Winter when the leaves fall off our existing trees. Further, many of the existing trees are dying and will not provide the privacy barrier needed to ameliorate some of the impact of this project.



May 23, 2023

Altamont Zoning Board of Appeals  
115 Main St.  
Altamont, NY 12009

Letter of Concern for Proposed Creation of 4 Keyhole Lots

I'm writing to voice my concern on the proposed variance request to create 4 new keyhole lots by CM Fox Living Solutions.

1. One of the Village of Altamont's (the Village) water sources is located on Gun Club Rd, approximately 1,000 feet from the proposed site and approximately 50 feet from a water source that passes within 200 feet of the proposed building sites. The Village of Altamont's Annual Drinking Water Quality Report for 2021 states that:

*"...The aquifer that Altamont draws its water from is considered a high yield aquifer. Contaminants, if present, can move relatively quickly in high yield aquifers. Therefore, this well has been assigned a high sensitivity rating..."*

Accompanying the variance application was a report from Stephen P Walrath, L.S. Point 19 of this report states:

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

This says nothing about the environmental impact of stormwater runoff from the proposed sites or the impact that it will have on local water sources and tributaries. Has the property owner, proposed builder, and requestor of the variance conducted an independent water study to determine the impact that this variance will impact the Village's water source? Has the Village of Altamont Zoning Board of Appeals (ZBA) properly reviewed what effects new construction runoff, changes in landscape and grade will have on an already at-risk water source?

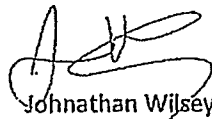
2. According to the Environmental Protection Agency, radon is an odorless, invisible, radioactive gas naturally released from rocks, soil, and water. Radon can get into homes and buildings through small cracks or holes and build up in the air. Radon is the leading environmental cause of any cancer. And is the second leading cause of lung cancer, after smoking<sup>2</sup>. Has the ZBA considered how new construction will change the environmental landscape, potentially clogging naturally occurring cracks and vents in the ground and forcing radon into current houses? Has the ZBA discussed with residents what sort of radon mitigation systems would be provided if hazardous levels of radon start to form inside homes located near the sites outlined in the proposed variance? If not, these must be explored before the approval of any variance.

3. There is a significant safety concern with the width of Schoharie Plank West and the increased traffic that will be using it with the approval of this variance. Has the Village and ZBA provided residents

with a comprehensive EMS servicing plan for Schoharie Plank Road West? While this may not be a governmental requirement, it will become a governmental issue if there is an emergency that can't be properly addressed and the Village and ZBA have not explored how that road's current use will change based on increase traffic. The Village has, by having a foot bridge that connects Schoharie Plank Road West and Euclid Avenue, made it abundantly clear that the Village encourages residents to use these two roads for walking. How does the Village plan on keeping residents safe while using these two roads for what the Village has encouraged to be their intended purpose? During the recent construction of a home on Schoharie Plank Road West, the street was blocked by large construction vehicles which compromised the safety of pedestrians and drivers on that road. How does the Village and ZBA plan on making sure that this is not another issue for this proposed variance?

This isn't just a few new homes going up in a vacant field. This is a significant development of new construction which will directly impact local tributaries and the Village's water source, current residents, and our safety and well-being. I implore the Village and ZBA to thoroughly inspect and inquire about the long-term, unintended consequences of this development and not the potential increased tax revenue.

Sincerely,



Johnathan Wilsey  
12 Gregg Rd.  
Altamont, NY 12009

<sup>1</sup>[https://www.altamontvillage.org/sites/g/files/vyhlif246/f/uploads/annual\\_drinking\\_water\\_quality\\_report\\_2021.pdf](https://www.altamontvillage.org/sites/g/files/vyhlif246/f/uploads/annual_drinking_water_quality_report_2021.pdf)

<sup>2</sup> <https://www.cdc.gov/nceh/features/protect-home-radon/index.html#:~:text=Radon%20is%20an%20odorless%2C%20invisible,radon%20can%20cause%20lung%20cancer.>

May 23, 2023

Altamont Zoning Board of Appeals  
115 Main St.  
Altamont, NY 12009

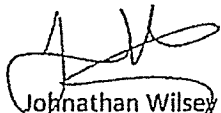
Letter of Support for Request for Area Variance by Mark Fanuele

I support Mark Fanuele parking his trailer at his home on 36 Sanford Place. Based on the minutes from the Altamont Zoning Board of appeals (ZBA) from April 25, 2023, it looks like Mark has received support from his neighbors for the trailer. I think that in general, support from the people whom you share a property line with should be considered most when approving a variance like this (non-far reaching environmental impact). It seems like Mark is a responsible property owner and an avid outdoorsman and because of this, should be able to use his property safely and securely as he sees fit.

I'd also like to take a moment to voice my opinion of support for Chair Hext's comments that this will set precedence for all future applications of this nature going forward. Chair Hext said: "Are we setting precedent here for the next person that comes before us that has a scrapper trailer or has an RV that's falling apart..." and the answer is yes, unless the ZBA provides clear, easy-to-understand guidelines for trailers and RVs. I hope that whatever the ZBA does, it would be consistent with future decisions and not on an ad-hoc basis. "One-off" approvals are what creates divide among communities, fosters the fear of inequitable governing, and furthers the sentiment of "no-confidence" in governmental organizations. In my opinion, being fair and being consistent is what this is about.

I've had three conversations about village residents parking trailers for private use on their property, two of those conversations were with members of this ZBA (one current and one former) and one with a long-time village resident. The consensus was that the ZBA does not approve property variances for trailers under any circumstances because of the fear of setting precedence, which is why I've never submitted a request for variance. If it's the ZBA's desire to slowly introduce trailers into the community landscape (which I vigorously support), it might be worth the village offering resident permits for recreational trailers based on season of use (and attaching a fee to the permit<sup>1</sup>). Clear and concise guideline could be drafted (ie: trailer condition, maximum length, color scheme/patterns, open vs. closed, non-commercial use, etc.). I'd be happy to share my ideas on this topic if requested.

Sincerely,

  
Jonathan Wilsey  
12 Gregg Rd.  
Altamont, NY 12009

<sup>1</sup>I recognize that the ZBA may not be the decision-making body for this, but I'm hopeful that the ZBA might facilitate a discussion with the proper channels on this topic.

RECEIVED

June 1, 2023

JUN 06 2023

Dear Zoning Board Members,

Village of Belmont

I will be unable to attend the June 28, 2023 meeting in person so I am writing to express my concerns regarding the variances being requested for the development of land bordered by Western Avenue and Schoharie Plank Road West, sitting behind existing residences.

We have established zoning ordinances defined to protect the community's various assets and people's investments. These regulate types of businesses and their locations, set back definitions, road and sidewalk dimensions and various other criteria. Much of this zoning is to protect existing properties and to maintain both the visual and infrastructure aspects. Development is to adhere to the existing zoning criteria and definitions. Variances should not be granted on weak or self-centered objectives without a very cautious reflection on the impact to the immediate surroundings, adjoining owners, or the village's long-term planning and existing infrastructure capacities. Once a variance is granted it provides a basis for future requests to be approved regardless of potential negative impacts as voiced when a variance is granted.

We are now confronted with a local developer who purchased land to develop. He went into that purchase transaction knowing and prior experience with the current existing local zoning and restrictions. And now after purchase he is applying for a variance in order to maximize his return on investment. Sort of a cart before the horse situation.

Because the existing property boundaries do not meet existing requirements to establish a street (or road) due to existing boundary (width) size the developer is in essence attempting to circumvent those defined zoning limitations by calling a street a driveway and allowing multiple dwellings sole access by on that one very narrow parcel.

Now I do not know about everyone else in the village, but I have observed that it is rare for three people to continually agree to anything, especially when it comes to money and maintaining one common resource. Such as a driveway. As maintenance is impacted and declines there would be a negative impact to the properties adjoining that narrow strip of land. Damages will most likely be incurred and expenses built up.

I urge the request to allow a common driveway (I really want to call it a street) be denied. In future years there will be expenses to others beyond those home owners sharing that common drive, either by the adjoining property owners or the village, that may end up accepting an *additional* variance and allow that "driveway" be transferred as a street and the village have to maintain it.

There is an existing simple solution to all of this and the concerns voiced by others. Let the free market forces take over. Instead of granting the variance request so the developer maximizes profit on land he knew had predefined limitations, let him purchase one of the adjoining properties thereby allowing him to tear it down and widening the existing boundaries such that a proper street or road can be built to clearly defined standards. Sure it will cost him more. That is not my or the village's concern. A second solution would be to require a formal Home Owners Association established to maintain the shared property and infrastructure. That latter should be written to protect the village and neighbors.

I can not fault the developer for attempting to do this build out as inexpensively as possible. But it should not fall upon the entire village to compromise at its expense for his gain.

Respectfully,  
Sam F Crosby  
cc: Altamont Enterprise



Village of Altamont Zoning Board of Appeals  
Regular Meeting  
May 23, 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  
Attorney Clarke for Village  
Ginger Hannah, Secretary  
Tresa Matulewicz, Board Liaison  
Jeff Moller, DPW Superintendent  
Paul Miller, Fire Chief  
Brad Grant, Village Engineer, B&L  
Applicants: Mark Fanuele  
Lauren Simon/Sunoco  
Troy Miller  
Mr. Walrath, Surveyor  
Rolando Andres, Project Manager

Guests: 31

Chairperson Hext opened the meeting at 7:00 p.m. and said Good evening everyone. Welcome to the Village of Altamont ZBA Meeting. Exits are to your left and back of me and straight out. Today is Tuesday, May 23rd 2023 at 7:00 PM. For the record, both the audio and video portions of this meeting are being recorded. My name is Chair Hext. I'm the ZBA Chair. At this time, I would like every Board member to please introduce themselves, starting with Danny. The Board Members introduced themselves as follows: Danny Ramirez, Barbara Muhlfelder, Simon Litten, James Sullivan, Bob Freeman. Also representing the Village: Ginger Hannah, ZBA Secretary and Tresa Matulewicz, our Board Liaison. We are awaiting one more Board member, Andrea Witham, and our building inspector, Gary Goss, who should be here shortly.

There are a few items on tonight's agenda, two of which are public hearings. If you wish to speak at either of them, please sign up. That's so that if we have a number of people and it's getting to the point where I feel we have to time it, we will. I don't want to do that. I want to give everyone a chance to speak. And I ask that when you do get up to speak, you speak regarding the hearing that you're here for. The first hearing is not for Troy's subdivision, so don't get up and speak to the first hearing if that's not what you're speaking to, if that makes sense. Okay. With that, we'll start on the first item of discussion tonight, which is to review the application for a sign permit for Sunoco gas station at 200 Main Street. Do we have a representative for Sunoco here?

Lauren Simons, Representative for Sunoco: Yes.

Chair Hext: Come on up to the microphone. State your name.

Lauren Simons: My name is Lauren Simons and I'm representing GRJH for the Sunoco on 200 Main Street.

Chair Hext: Could you give a brief discussion of what you plan on doing? I know we have illustrations. Do you have anything that you could put up on the Board so that the...

Lauren Simons: I do. I brought extra copies. Essentially, Sunoco is re-imaging their whole image. They're starting with a few stations and we were picked as one of the stations in a small town to implement the re-imaging. It's not a tremendous change from what we have. It's just cleaning things up

and making things look tidier for the town and to represent Sunoco. These aren't terribly large, but... do you want me to put them on the Board or just hold them up?

Chair Hext: No one's going to be able to see them on the Board, but... Yeah, just briefly...

Lauren Simons: Or I can circulate it.

Chair Hext: Yeah, you can do that. Let people look at them.

Lauren Simons: Sure. This is a copy of the sign that we proposed--I was just going to give the rest of it to circulate. Because we also have some changes to the canopy as well.

Chair Hext: So basically you plan on changing the color of the face of the sign. The pole, right?

Lauren Simons: The pole, yes.

Chair Hext: Changing that from blue to white, and also adding the LED gas prices?

Lauren Simons: The LED gas prices, the sign itself, where the pricing is, will actually be smaller than what it is now. Right now it illuminates 60 inches. We're going to bring it down to 19 inches to make it less obtrusive.

Chair Hext: The sign face itself?

Lauren Simons: The price sign. The illuminated portion of it. Yes. And right now we propose a 60 watt bulb, but if you feel that that's too bright, we can also put a 40 watt bulb in just to accommodate neighbors and other businesses. The canopy itself is going to be refreshed with a stripe. The Sunoco will be on the two short sides and then illuminated Sunoco on the long side. And that's essentially the gist of what we're doing to change, just to clean things up and get rid of the old sign that's been there for many years.

Chair Hext: So the sign right now is blue, so if you're changing it to white, in my opinion, the brightness of that is going to be somewhat noticeable. My concern is coming into the Village, the first thing you see now is the Sunoco sign. If you make that white, I worry about light trespass. I worry about blindness coming in. I worry about coming down the hill and seeing that bright white light. I also worry about the character of the Village, and I understand Sunoco is changing their branding, but we have to consider the character of the Village. And saying that, to use Stewart's as an example, we did not allow Stewart's to put vinyl or lit anything on their canopy. We did not allow them to do a tall sign. That's why they have that nice little garden area. I like the fact that you're cleaning that whole property up. I understand you're going to paint it, there's going to be new pumps...

Lauren Simons: New pumps, and we're completely renovating inside and out.

Chair Hext: Okay. All right. So there are my concerns. I just don't want to get into a situation where we look like Route 9 or we look like Route 20. We have a character that we have to uphold. And the changes that you're recommending, in my opinion, I don't know, but we're an entire Board, so I'd like to hear what everybody else-

Lauren Simons: Well, the illuminated portion of the sign is being reduced drastically. The sign itself now is illuminated 61 inches. We're going to bring that down to only 19 inches. And again, we can take it from



a 60 watt bulb to a 40 watt bulb to reduce any type of glare or intensity that it may portray. But I think the papers that I've circulated will show the part that is illuminated. The rest will not be as it is now, 60 inches. It's down to 19 inches. So it's just a strip of the sign rather than...

Chair Hext: So Sunoco will not be illuminated?

Lauren Simons: No. Sunoco will not be illuminated, no. So it makes it a little bit...

Board Member Litten: It shows 61 here. The document that you gave us, shows the width of the sign to be 61 inches.

Lauren Simons: Right, but the illuminated portion.

Board Member Litten: So you show it at night, you have an example of what it would look like at night.

Lauren Simons: Only the prices. I'm sure you can't see it from there, but the submission shows what this would look like at night, and it's almost 61 inches wide that's white.

Lauren Simons: But only the digital parts are illuminated.

Chair Hext: So only the prices.

Lauren Simons: Only the prices. And that comes to 19 inches.

Board Member Freeman: Your Logo sign is the only thing that's going to be white. And that's not illuminated, just the price is under it.

Lauren Simons: Correct.

Chair Hext: Okay. That's different than what we're seeing.

Lauren Simons: Yep. It's just the digital 19 inch portion of the digital sign that will be illuminated. Nothing else on that large sign, street sign will be.

Chair Hext: Will it be going on the existing pole?

Lauren Simons: Yes. We're not changing the pole at all.

Chair Hext: Do you know the foot-candles of...

Lauren Simons: Yes. I was just double checking on that. The foot-candles are... I do have that somewhere, now I don't know where. But it doesn't exceed the candles of the town.

Chair Hext: Village. Right? You're going by the Village code, not the town, right?

Lauren Simons: The code. Correct. Yes. Sorry.

Chair Hext: That's okay. Just want to just make sure.

Lauren Simons: Yep, that's what I meant. Sorry. I did write it down.

Board Member Litten: You have three options. How do we read that? Does that mean that you're not decided what you want to do or...

Lauren Simons: No, it's really for the Board to decide. Our intention is to put the 60 watt bulb, but if you feel that that might be too strong, we can go to the 40 watt bulb. There won't be any additional electricity needed for the sign itself. It's a plug, LED. And the main ID, the Sunoco is white, but because of whether we use the 40 or the 60, we can reduce it in that capacity.

Chair Hext: Why would there be a bulb in it at all if you're not going to illuminate it?

Lauren Simons: Well, the LED.

Chair Hext: Oh, okay.

Lauren Simons: It's the LED.

Chair Hext: But that's red, right?

Lauren Simons: No, no, that's white.

Chair Hext: If it's only the prices that are going to be illuminated, correct?

Lauren Simons: Correct.

Chair Hext: It shows here like red LED.

Lauren Simons: Well, that's an option. If the Board would prefer red, we can do red, we can do green, we can do white. Whatever, we just want it illuminated. But if you don't like the color scheme, we can go to plain white. We can have the LED color whatever color the Board prefers.

Board Member Sullivan: The option number one, it looks like the prices are white and they'd be back lit from inside, right?

Lauren Simons: Correct.

Board Member Sullivan: And then option number two looks like it's a digital with the red or green or whatever color.

Lauren Simons: Correct.

Board Member Freeman: And that's the one that you're also offering the cash price?

Lauren Simons: With the cash price. Exactly, yes.

Chair Hext: And the other option was leave it as it is and change it manually.

Lauren Simons: And change it manually, correct. Yes.

Chair Hext: So it wouldn't be illuminated at all, or-

Lauren Simons: No, it would be similar to-

Chair Hext: What it is now.

Lauren Simons: What Cumberland Farm's has, yes.

Chair Hext: For the canopy, one thing to note about our code is that nothing can go over the roof line. So the one option looks like the arrow of the Sunoco is above the canopy roof line.

Lauren Simons: Okay. Oh, so you're talking about the red portion of it extending beyond. We can sever that so that it doesn't exceed the roof line. That wouldn't be a problem.

Chair Hext: The only other issue and interpretation of the code is we do not allow signs on a roof. So the interpretation would be, "Is a canopy a roof?" And I defer to counsel on that. I know we use that, and I'm sorry to keep referring to Stewart's, but a precedent was set there. I know that when we had Stewart's, we did not allow them to put anything up on the canopy. You can see that it's not like that. There's nothing there. So I just want to make sure that we're not getting ourselves into setting a precedent on anything as far as signage or brightness or gaudiness. And I'm not saying it's gaudy.

Lauren Simons: No, no, I understand.

Chair Hext:

I'm just saying that this is at Altamont. It's not Latham, it's not Guilderland. It's a small little Village. And that's part of what we have to be concerned about. Would you consider anything like Stewart's has, as far as building a little area that you have your signage of your gas and your diesel, or regular gas and diesel price, cash, credit as opposed to a sign?

Lauren Simons: You mean the decals on the canopy itself?

Chair Hext: No, no. Instead of having it on the pole, having a small little area, same place that the sign is now, but just like a little garden area that displays your cash price, your credit card price, your diesel price, your regular gas price.

Lauren Simons: It is an option, but with the new re-imaging of Sunoco, they're really trying to have everyone uniformed and with the same look. They understand that there are issues with towns as far as the canopy goes and graphics on the canopy, but aside from that, they're trying to at least keep everything up to par with their new imaging.

Chair Hext: Anybody?

Board Member Danny Ramirez: Refresh my memory. LED is allowed in the Village for signage?

Chair Hext: Yes.

Board Member Danny Ramirez: Okay. Now you mentioned about the foot-candle, but at what distance from the fixture and/or lighting?

Lauren Simons: That is within the town scope, within the allowed candle.

Chair Hext: Anybody else have any questions or concerns? This isn't something that's going to be approved or disapproved tonight. Anything that goes before the ZBA, we're going to have to have a public hearing on it anyway.

Lauren Simons: Sure.

Chair Hext: And I expect some input from the public on this. Ginger, this will be out on the website at some point so people can plan in and look at the renditions of the different options?

Ginger Hannah: It is on the website.

Lauren Simons: It's on the website.

Chair Hext: Is it now? Yeah. Okay. All right.

Ginger Hannah, ZBA Secretary: There's two. Just so you know, for this meeting, it was so much material. There's two sets of material on the website that both have tonight's meeting date on them; so the second one says 2 of 2. That's this whole package of... if you want to look at it.

Lauren Simons: And it does show all the different price signs, the options, the decals, the lighting and everything. It gives you a clear view of it.

Chair Hext: Okay. I know one thing I would like to see or have you ask is if you could do something a little less obtrusive. That whole area there, I know you're going to improve it. I know you're going to paint. I know you're going to do all types of improvements, but I think an improvement really would be a nice little garden area or brick area or whatever you wanted to do and have the signage there. That would be, that's just me again. I've got seven other people here that can chime in.

Lauren Simons: You mean forming a garden around the pole itself?

Chair Hext: No, eliminating the pole. And doing something like I think the one in Voorheesville has it. Stewart's has it. A number of stations are going to that look so that it's not in your face. It is more conducive to certainly Main Street Altamont.

Lauren Simons: Well, Sunoco would have something similar to that. It would be lower. I can check with them. But I think it was going to be ideal to use the pole that we have just because it exists. So whether we can do something closer to the ground, might be more appealing on the same pole, and then as you say, build a garden idea around it, that might be an option.

Chair Hext: Okay. Well, thank you. At that, can I have a motion then to set a public hearing for June 27th. Does that work with you?

Lauren Simons: Sure. Absolutely.

Chair Hext: Okay. Could I have a motion then to set a public hearing for June 27th to review Sunoco Gas Station, 200 Main Street. Motion was made by Board Member Sullivan, seconded by Board Member Litten. Roll Call: All in Favor.

Chair Hext: Thank you very much.

Lauren Simons: All right. Thank you all for your time. I appreciate it.

Chair Hext: Okay. Next topic on the agenda is to read legal notice as a request for the area variance submitted by Mark Fanuele at 36 Sanford Place to allow parking of a 2016 enclosed trailer and a driveway on site of garage.

Attorney Clarke: All right, this is the notice of public hearing that was published. Please take notice that the Village of Altamont Zoning Board of Appeals will hold a public hearing on May 23rd, 2023 at 7:00 PM 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 back number 37.14-5-42 in the Village's R20 Zoning District. Pursuant to Village law Section 355-22F, 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 to 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 26th, 2023. (copy of Legal Notice attached).

Chair Hext: Okay. Thank you. That opens the public hearing on this variance request. Does anybody want to speak regarding that?

No. Okay. Mark? Is Mark here. Okay. Want to just give a quick rundown. I think you explained it well last time.

Mark Fanuele, Applicant: My name's Mark Fanuele. I live at 36 Sanford Place. I got some dimensions. It's like 14 foot trailer, 95 inches high, like a 100 inches wide. And it's tucked right on the side of my house. It's been there for 30 years. And when I found out I wasn't in compliance, I applied for the variance.

Chair Hext: And what is the reason that you can't put it in your backyard?

Mr. Fanuele: I just didn't want to have to -- I got mature trees and if I tried to go around those, I'd be on my neighbor's property. The neighbor on the side that the trailer sits, he's fine with it. He wrote a letter stating that, and that was my main concern. But all my neighbors are pretty much in agreement. They have no problem with it.

Chair Hext: We received a number of letters in support. Looking at the recommendation from the Albany County Planning Board, they deferred to "for local consideration," which basically means it's up to our Board. One thing that the Board has to be concerned about is setting any type of precedent when it comes to a variance such as this. But looking at the New York State regulations on variances, one thing that we can take into consideration is, do you have to take down mature trees? Is that feasible? Where would it be more visible? And I think you had said in the last meeting, if you moved it to the backyard, it would actually be more visible from three sides.

Mr. Fanuele: It'd be visible on all sides. Yeah. Right now it's completely blocked, mostly on all sides. Once you throw in the foliage, summertime foliage. But the cars I park in front of it, it sits on the side. When I built the house, I put the driveway there for that reason.

Chair Hext: Okay. Does anyone have any questions for Mark going forward?

Board Member Litten: Let's see. I believe last month when we were talking about this, we were going to put some conditions on it that would not keep this variance attached to the property.

Chair Hext: We can't do that.

Board Member Litten: Oh.

Attorney Clarke: Granting a variance would run with the property. You're not granting it to a specific person.

Board Member Litten: So this variance is permanent.

Chair Hext: It is.

Board Member Litten: So the next person who buys the house can park his trailer there?

Attorney Clarke: Correct.

Mr. Fanuele: Next person might use it as basketball court. That's what it was for the first, when my kids were little, it was the basketball court too.

Chair Hext: Now, I think though, we did say that if he wants to change the size of the trailer or the trailer itself, or now he wants to put a 27 foot RV there, he would have to come back before us.

Attorney Clarke: Yes. So this applies to a certain piece of equipment being located there, because the variance - when you're going to go through your factors and consider impact to the neighborhood and what the site is, you are granting that based on a specific trailer and what that looks like. So although you're not granting it to a person per se, this variance will allow the next person to have a similar-sized trailer, but does not allow just anything to be parked in the side yard.

Board Member Freeman: If I am correct, it has to be registered, it has to be something that is used or whatever. It's not something parked there like a hay wagon or whatever. I've been by, I went and took a look at it. It's nice, neat. It's registered, gets used, it gets parked back where it's supposed to. Now if you want to go back there and put a fifth wheel, that might be an issue for sure. And it's all registered and inspected.

Mr. Fanuele: Yeah. I got the registration and I wrote down some specs. I actually measured it with the tongue, it's maybe 18 feet long with this 14 foot trailer.

Board Member Muhlfelder: And it's also used for business?

Mr. Fanuele: No, it's totally recreational. Me and my son race motocross. We go every weekend racing dirt bikes.

Board Member Sullivan: Could you just clarify, it doesn't follow the owner, it follows the property, but you were saying that it follows the specific piece, like if there was a different trailer or instead of a trailer, a motor home, would that still be considered if it's the same size?

Attorney Clarke: So I wouldn't think it would apply to a motor home just because that could be a different visual impact.

Board Member Sullivan: So same with a boat trailer...

Attorney Clarke: Yeah.

Board Member Sullivan: So basically this is for a 14 foot trailer in that spot?

Attorney Clarke: Correct.

Board Member Sullivan: Okay.

Chair Hext: Enclosed trailer.

Board Member Sullivan: Enclosed. Okay.

Mr. Fanuele: It was kind of made for it, it wouldn't really take any bigger than that.

Chair Hext: And that's the concern. That area won't take anything bigger than that, but if the next person comes in and parks a huge 27 foot luxury liner there or something, then we have a concern.

Attorney Clarke: Because the Board is going to consider whether it's substantial and I think part of the application is the fact that it's tucked back and kind of fits that. So anything larger, you may not have that same opinion. So that's why it's specific to a certain size.

Mr. Fanuele: The trees were there for that reason. But it also provides us with privacy in our backyard. My wife's big on her yard, so I didn't want to take down trees and put another drive in. We got heavy clay there, so off season you got heavy clay, trailer tire thing would sink right in so I'd have to put a drive in. I toyed with moving it off the property, but we talked about that. There's just too much value there. Too much risk to have it not on my property.

Board Member Freeman: You can't keep an eye on it either.

Mr. Fanuele: No, I use it all the time. Use it all the time.

Board Member Sullivan: My last question is if this were to be approved, does it hamstring us in consideration for further variances from other people with similar situations? Maybe not exact, but similar.

Chair Hext: It could. That's why the uniqueness of this weighs heavily, because again, if you go through those documents that I had sent to everyone, one factor is taking down mature trees. Would it be more visible if they followed the code? If those answers are yes, then we have a unique situation. If someone else comes in with that exact same situation.

Board Member Freeman: Well, I think that's why we have the code though too, is to goes situation to situation.

Chair Hext: We have to go situation by situation.

Board Member Freeman: Sometimes it'll vary.

Chair Hext: Right. Because you're right, James. It's a concern because I know a lot of people have a concern about doing this. And unfortunately again we try to keep everything neat here, and it can get pretty gaudy fast. If no one has anything else, should I go through this part of it?

Attorney Clarke: Yep. We have to work through that.

Chair Hext: Okay. Going through the document on area variances, the first one is whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the area variance. How do we all feel about that? [inaudible] We're not there yet. All right.

Whether the benefit sought by the Applicant can be achieved by some method, feasible for the Applicant to pursue, other than the area variance. I think he looked into other possibilities as far as going off site. He was a little worried about that, since he's got tools and everything else, and he can't put it anywhere else because of the trees, so I don't think it can be.

Whether the area Variance is substantial. I don't think so. Anybody? Stop me if anybody else doesn't agree.

Board Member Ramirez: Well you want to step back one? It was a self-created hardship and we're talking about vegetation that can be replaced, moved, removed, altered. Because we're looking at the possibility of having the trailer behind a house line. The back line, right? Versus in front or alongside. So if it can be done another way, there is an option there.

Attorney Clarke: Yes. So the self-created is the fifth factor, so we will get to that one. But I think the Board should discuss whether or not there were other options. I think the application sounds like it's more visible in the rear yard. And Chair also mentioned the not being able to potentially be located offsite. So if there's a consensus that there are alternatives that were not looked at, they should be discussed at this point.

Chair Hext: Does anyone feel that we or Mark didn't look into alternate measures? Danny?

Board Member Ramirez: No. The biggest impact would be to the neighbor, and right now the neighbor's complacent with it, does not have a problem. And I understand that when he spoke that putting it in the backyard would be much more visible all the way around. So I'm just bringing it out there that there is an alternative.

Attorney Clarke: The Board could also require a conditional approval that the screening remain in place. So if something were to happen to the existing screening on the side yard that it'd be replaced in kind, if that's a concern.

Chair Hext: Yeah, we can put that in the resolution. All right, good. That's good. Number four: Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Again, I think where he has it now is probably at the least visible impact. But I welcome any other comments just so that we have them in writing and in the minutes. No? Okay. And Danny, here's yours. Number five: Whether the alleged difficulty was self-created and which consideration should be relevant to the decision of the Board of Appeals, which shall not necessarily preclude the granting of the area variance. I think we all agree. It is self-created. He wants to keep it on



the side, which does not comply with our code. But considering we've had letters of support from many of his neighbors, and we will consider each time someone comes before us as a unique situation, even though we do have to refer to precedent. That's the law. The uniqueness of this situation, I feel, could be different than anyone else coming before us. It may not be, and if it's not, we'll have to just take that into consideration. Everybody good with that? All right. So resolution for the findings, right?

Attorney Clarke: Yep.

Chair Hext: All right. So should I do that or the EAF first?

Attorney Clarke: We should do the EAF first.

Chair Hext: All right. So we've got to go through the EAF form, and then once we do that we can do a neg dec. Everybody ready with their EAF form? Okay. Number one is, will the proposed action create a material conflict with an adopted land use or zoning regulations? I think we have a number four on that, which is little or no impact. Everybody agree on that?

Board Liaison Matulewicz: I think you need to close the public hearing first.

Chair Hext: Good point. Can I have a motion to close the public hearing please?

Motion to close the public hearing was made by Board Member Ramirez, seconded by Board Member Muhlfelder. **Roll Call: All in Favor.**

Chair Hext: In favor. Sorry about that. Thank you Tresa. Okay.

Number one: Will the proposed action create a material conflict with an adopted land use plan or zoning regulations. No, or small impact may occur. Everybody agree with that?

Number two: Will the proposed action result in a change in the use or intensity of use of land. I have a no or small impact may occur.

Three. Will the proposed action impair the character or quality of the existing community? I have a no or small impact may occur.

Four. Will proposed action have an impact on environmental characteristics that cause the establishment of a critical environmental area? I have a no or small impact may occur.

Five. Will the proposed action result in an adverse change in the existing level of traffic or effect existing infrastructure for mass traffic transit, biking, or walkway? No small or little impact may occur.

Six. Will the proposed action cause an increase in the use of energy, and if fails to incorporate reasonably available energy conservation or renewable energy opportunities? No, or small impact may occur.

Seven. Will proposed action impact existing public or private water supplies, or public or private wastewater treatment utilities? I have no to both of those.

Eight. Will proposed action impair the character or quality of important historical, archaeological, architectural or aesthetic resources? I have a no or small impact may occur.

Nine. Will the proposed action result in an adverse change to natural resources (wetlands, water bodies, groundwater, air quality, flora and fauna)? No, or small impact.

Ten. Will proposed action result in an increase in the potential for erosion, flooding or drainage problems? No, or small impact.

Eleven. Will the proposed action create a hazard to environmental resources or human health? No, or small impact.

Okay. So I guess I'll read this.

Attorney Clarke: So based on the answers that you just had on part two and there being a no to small impact on all the factors, the Board should consider a motion to adopt a negative declaration that there will not be a significant environmental impact by approving this Variance request.

Chair Hext: Can I have a motion? Motion made by Board Member Muhlfelder. Seconded by Board Member Ramirez. **Roll Call: All in favor.**

Chair Hext: Okay, now. We're getting there everybody. I know you're probably all falling asleep out there. We're getting there. I'm going to read the resolution to adopt a negative declaration. (see attached Resolution Issuing a Negative Declaration).

Could I have a motion for adopting this resolution please? Motion made by Board Member Muhlfelder, seconded by Board Member Litten. **Roll Call: All in favor.**

Chair Hext: Now the only thing I have left here, we have to add a couple things to this, right?

Attorney Clarke: Yes. If you want to add the screening condition.

Chair Hext: And that it'll always remain registered and if the size of the trailer or anything changes, he has to come back. Okay? So the next is Resolution, Findings, and Decision on Request for Area Variance (see attached). Can I have a motion to approve the Variance please? Motion made by Board Member Freeman, seconded by Board Member Muhlfelder. **Roll Call: All in Favor.**

Chair Hext: Yes. Thank you. Do we want to take a five-minute break? It is 7:47.

Chair Hext: Is everyone back? Everybody's ready? Okay. So I think everybody is here for the Variance submitted by CM Fox Living Solutions LLC, Troy Miller, to allow the creation of four new Keyhole lots with approximately 16 feet of road frontage property at SBL. That's our tax map, 37.14-3-6.1.

Attorney Clarke: So just to give a quick update on CM Fox tonight and procedurally how we're going to work through this. We will open the public hearing. This is going to be the first opportunity for the public to comment on the application. There is no plan to close that public hearing tonight. There will be no vote or action taken on this application tonight. The Zoning Board of Appeals has declared itself lead agency, but the Applicant has not provided the distribution list which is required for SEQRA. We have to notify all of the involved or interested agencies about our Declaration to be lead agency.

Once that is submitted, that starts a mandatory 30-day period by which those involved or interested agencies could contend either that they should be lead agency for purposes of SEQRA or that they consent to this Board serving for SEQRA. So again, this is going to be the first opportunity for you to make your public comments. No decision tonight, but we will afford the opportunity. And before we open the public hearing, we are going to give the Applicant a chance to introduce the project, go over anything that they would like to go over. And the Village has also retained an engineer. So we'll also allow the engineer to speak tonight. And at that point we will open the public hearing and hear comments. So that's just to give the public a reasonable notice of how we're going to go through procedurally. Thank you.

Chair Hext: Thank you. Steve, can you address anything that's changed since the last meeting?

Mr. Walrath, Surveyor: As far as the proposed design, I don't think anything has been changed. The last time we did talk about a sidewalk. One of the things that Troy is willing to do is to build the sidewalk along the south side of Schoharie Plank Road if the variances are granted. I know there's a lot of issues with pedestrian traffic on Schoharie Plank Road. The bridge that comes over at the end of Euclid Avenue over the creek. That could certainly alleviate some concerns as far as traffic and pedestrians walking up and down Schoharie Plank Road.

The Variance request, the code requires 30 feet of frontage for a keyhole lot. We're proposing four keyhole lots here on Schoharie Plank Road. They approximately have 16 and a half feet each for the frontage. Minimum frontage requirement is 15 feet by state law. The Village requires 30 feet, therefore we're asking for a Variance to go down to around 16 and a half feet for the four of them, and create one common driveway to service all four houses. The reason the Applicant wants to do this is there's enough room in here to put a public highway in. It's more than 60 feet wide, and what we don't want to do is we don't want to put a public highway in there. We just want to do a common driveway for the four lots, and it would be just limited to those four houses. And we also talked about there'd be no further subdivision with any of the four lots here. So this would pretty much be it. So essentially that's what it is. We've talked with the Village in previous meetings and the Village hasn't been... they don't seem to want a public highway there, because they'd have to maintain it over the years and whatnot. And the common driveway is just... it's less of an impact overall for that spot there.

Chair Hext: Now talking about the sidewalk and the footbridge, I know there's been a lot of concern and a lot of speculation. Rumor. That Troy's going to take the footbridge out and put a through road. Could you please-

Mr. Walrath, Surveyor: No, no. That is not going to happen. The bridge is going to stay there. It's always going to be there. The bridge is approximately right here. It comes out and then you go up and down Schoharie Plank Road. He's willing to put money in escrow to build a sidewalk along Schoharie Plank Road up to Western Avenue if we get the variances. It's kind of like a, well, I don't know. He's just willing to do that because the concerns have been brought up about pedestrians.

Chair Hext: Do we have an easement there, Jeff?

DPW Superintendent Moller: Yes. On the creek side.

Chair Hext: You're talking on the creek side? Are you saying for the sidewalk?

Mr. Walrath, Surveyor: The easement? I don't know if you have an easement. I almost wonder if the right of way of Euclid Avenue goes right to Schoharie Plank Road. So it's part of a public highway; that would be my guess right now.

DPW Superintendent Moller: It would be more of a right of way.

Chair Hext: So that we could put a sidewalk in?

DPW Superintendent Moller: On the creek side. Couldn't put it on the other side. It'd be right on the top of a water main.

Chair Hext: Well, I mean there's other considerations about that too. You'd have to look in whether or not it's on the DEC protected. I don't know where that-Where does that creek, is that part of the Bozenkill Creek?

DPW Superintendent Moller: It's a tributary.

Chair Hext: It is.

Mr. Walrath, Surveyor: It's a tributary. Jurisdiction for DEC, the Army Corps of Engineers, would be essentially like to the top of the bank.

Chair Hext: Okay.

Board Member Muhlfelder: Although it's private land? Well wouldn't it be?

DPW Superintendent Moller: It would be in our right of way.

Mr. Walrath, Surveyor: Yeah. I think the foot footbridge to Euclid Avenue is on the public right of way already...and there's nothing that's going to change with that. Nothing is going to happen with that. It's going to stay.

Board Member Litten: Maybe you could correct me on this, but I thought that as a tributary to the Bozenkill, there should be no vegetation disturbance within a hundred feet of the center line of the creek.

Chair Hext: That's why I brought that up.

Board Member Litten: Yeah. Yes. But I don't think it's to the top of the bank. I think it's a hundred feet from the center line.

Chair Hext: I think that's our code.

Board Member Litten: That's our code.

Chair Hext: Yes.

Board Member Litten: I remember that from the Stewart's thing.

Chair Hext: Yeah, that's our code. Obviously that's further on down the line, but it's something that before promising that we're going to put in a sidewalk, we have to do a little bit of legwork.

Mr. Walrath, Surveyor: And I just want everybody to know too, we're asking for Variance and the granting of the Variance does not approve the project. It still has to go before the Board as the planning Board, the town designated engineer has to review all the design. I've seen comments about the flood zone, stormwater runoff, groundwater - we've addressed most of those things in our plans, in our report.

Also the construction traffic for the building of these four houses here on our plans and in our report, all the construction for these houses back here are going to come across the temporary construction road from Western Avenue and essentially work our way back out. So nothing, no construction equipment, supplies for building houses are going to come down Schoharie Plank Road at all. We know it's narrow, we know - I don't know what's under it for base, but that many big trucks would probably destroy the road. So that is not going to happen either. No construction traffic on Schoharie Plank also.

Board Member Ramirez: Would that include the driveway that's considered, that entryway that you're installing there?

Mr. Walrath, Surveyor: Yes. The driveway it'll be designed in conformance for everything right up to firetrucks and whatnot. I believe it has to be 20 feet wide, which is much narrower than a public highway going in through there. So that allows us to keep more vegetation on the sides because the two adjoining owners, the properties, the houses are quite close to the strip there. So we're trying to maintain as much of the vegetation and trees that are there now, as opposed to putting in a public road and widening the whole thing out.

Chair Hext: Anything you take down has to be replaced.

Mr. Walrath, Surveyor: Okay.

Chair Hext: That's in our code, if you take any trees down where applicable. I mean you can take a tree down where the house is going to be obviously. But if you do take trees down along that driveway, or any vegetation, you have to replace it.

Mr. Walrath, Surveyor: Okay. Another thing that Troy has proposed, it's not shown on the map, but we've talked about it, is along the rear of the properties on Schoharie Plank Road is to create a like a 20 25, 30 foot wide buffer zone, which would essentially be a no clear zone that could just grow up naturally and that would create a buffer between the existing houses and the new houses.

Chair Hext: Or is there any plans to put in deciduous trees or evergreens or something? The no cut zone, I get that, but that's only good in the summer...any other time of the year it's going to be an impact.

Mr. Walrath, Surveyor: That I don't know. Have you discussed any plantings at all?

Applicant Troy Miller: No, but I'm open to it.

Chair Hext: Good answer.

Rolando Andres, Project Manager: Hi, RO Andres. I'm a project manager for Walrath Surveying. This is page C 110. On page C 130 of this plan set, we have proposed plantings along the back line here. Again, both deciduous and coniferous trees native to this area to increase the privacy of both the new homes and the existing homes.

Chair Hext: Okay. Thank you.

Mr. Walrath, Surveyor: Thank you.

Chair Hext: Okay. Thanks Steve. I guess, okay, Brad, would you like to address some of the things of your concerns? Please, I do this before the public hearing because I think you might be answering some of the questions that everybody has, including the Board. I know based on some of the letters that we've gotten, flooding and runoff and so on and so forth, they're our main concerns.

Brad Grant, Engineer, Barton & Loguidice: Brad Grant with Barton and Loguidice, this is much of Altamont, it drains from the hills towards Guilderland Center. There's a general existing drainage pattern that this all moves this way. There is the creek down here and low areas tend to drain towards the creek. Some do go towards Marion court. There's some low areas along here. The plans are basically to address the Variance application and there's further engineering to do. There has been some, this project will get

water and sewer from existing utilities, except that because of the topography of this site, there'll be grinder pumps that will pump up to existing sanitary manhole here and down here.

Chair Hext: And what does that ensure?

Mr. Grant, Engineer, B&L:

That ensures the preferred method is by gravity. No power is required, but sometimes the topography doesn't lend itself to that. This is a very flat site for the most part, particularly in the middle here. So the pressure sewers and they're around, the best ones are the ones proposed, which are Environment One made in Niskayuna and they're a solid mechanism to grind and to also pump your sewage to a gravity sewer. So this all ends up down in the plant ultimately. Water connections would be here and likely there and then individual services, three-quarter inch or one inch depending on requirements, would be for the individual homes. Stormwater needs to...there will be an increase in imperviousness on this site.

You build houses, you put driveways in, you have patios and garages, that's naturally a well grassed field right now that's probably been hayed over the years. This is about where that hedgerow goes and there's a small opening there. I walked it the other day and I know they had done a number of test pits there. Soils are typical Altamont soils, they're a little heavy. They're not horrible. They can be worked with. The good stormwater management is trying to mimic the existing patterns to the extent possible, which basically goes down to infiltration or small holding basins or rain gardens that help to hold some of the excess runoff.

Chair Hext: And is that in the plans to do the rain gardens and the cap?

Mr. Grant, Engineer, B&L: Not yet. That's forthcoming. There were responses to my comments about that. They want to get through the area variance because if this whole thing changes, so would any design that you would do. So it's not a reach to want to get through the planning and the layout part of it and then the engineering will follow.

Chair Hext: It's still important to hear that.

Mr. Grant, Engineer, B&L: Absolutely.

Chair Hext: Going forward, like I said, that's a concern of ours. It's a concern of many of the residents. So I want to make sure that.. I know I've read your responses and I don't know if the public has had a chance to see them.

Mr. Grant, Engineer, B&L: But yes, Steve had authored a letter in response to my comments. So I'm just going to go in order here. I didn't have comments on each one of the responses, but I authored a review letter on February 21st of this year and Steve's letter is May 9th in response to these.

For this concept of having driveways come up, a common driveway coming up a portion on both ends here, there needs to be agreements that there's common access and rights to it and common obligations to maintain it, including not just the driveway itself, but any drainage that might be a part of this.

In looking at that, the draft maintenance agreement it seemed, and that would go with the land as in perpetuity, but the one thing I would want to include in the language is inserting a couple words is that, "and drainage", not just the gravel, not just the driveway, but generally drainage.

Probably the profile of those driveways, that'll come later but the...would not want to dam up water and basically allow it to run off similar in a sheet flow pattern in this direction.

That was a comment on the maintenance agreements. Here's the \$100 one, and I think the plans now say a 16-foot wide driveway, but I think in the fire code you really want 20 foot for an apparatus and that's going to come later. You would have to have turnarounds, the ability for a fire truck to get in here and get out of there. There's hydrants down here, there's a hydrant there.

And generally the standard, depending on where you are, is either 500 or 600 foot hose length to be able to put out a fire. So if you go five to 600 feet, I did a rough arc through here and there's like one small sliver of land, which is probably the backyards and not necessarily where the homes are themselves, which would be the primary thing to put out. But it's kind of maxed out as far as the separation of those. But there are existing hydrants there.

Has considerations of a singular access-this is my comment - has further considerations of a singular access via public road from Western Avenue, is there a possibility of getting a public road in here, like a cul-de-sac that you could service all of the lots and not even need this? Still would need it for utilities and I don't think an underground pipe is what would concern people on here. A driveway that's in traffic on it is another matter. Steve already talked about construction access, that's really verboten. This road won't stand up to concrete trucks times four times all the materials that have to come in, whether through here or through here, which I would prefer construction access come in here and basically build your way out of here. Start with the back and work your way up this way.

Coming in through here, close to these properties - no reason to be that close. You got this is wide open, can still get there to do what's needed.

Is there a way to reduce some of the dependence on Schoharie Plank Road? Even if you did three lots coming out this way and got one of these to turn in the other direction, it's not inconceivable, but you're not going to get a 30-foot frontage, you got 63 feet, the only way you're going to do it is two. And right now four are going to it.

Applicant: We would need the Variances.

Mr. Grant, Engineer, B&L: Right. So if you would kind of transfer the need for variances either here or back here... they did some great things here because property lines get old enough, people go over them and encroach, not intentionally, but there's been some adjustments in basically giving some land and kind of swapping out some land here, house is right on its property line there. So there's some lot line adjustments that do both the existing homeowners good and the development proposal.

Chair Hext: Does anybody on the Board have anything for Brad? Because I know that I'm sure Brad's going to be on the witness stand when the public hearing is open.

Mr. Grant, Engineer, B&L: Steve brought me up this map yesterday and I kind of talked about some of the things and it's not inconceivable to, instead of having lot five come out here, rework some of these property lines that such that lot four could accommodate a common driveway for two lots. But again, you got a little less than 47 feet divided by two, you're not going to get the 30 foot there. So that would just be another area to have a Variance.

Chair Hext: Then you'd have three.

Mr. Grant, Engineer, B&L: Right? It just, it'd be never ending. It was a concept I looked at, but you're still in two variances no matter what you do.

The area disturbance? The plans indicated there is like 2.93 acres of disturbance. I'm not sure that included all the [inaudible - drivers?], it did around here. It could be a little more than that, but it's less than five unless someone went totally crazy and a contractor needs to again work his way out of here. So

by the time you get out to here, you've stabilized this area. Whether the house is done or not, at least you've grown grass. You don't have bare soils that can move about.

Chair Hext: And who - would Gary be responsible for keeping tabs on that? That they're not disturbing more than they had anticipated? And if that happens, what's our recourse?

Mr. Grant, Engineer, B&L: Well that's through the powers of the building inspector. I think it's a good idea that somebody keeps an eye on it. There's a construction sequencing plan or there will be, that's finalized. There will be certain things on the plan that the contractor has to pay attention to keep. The concept is keep the disturbance around your house. So if you have a stockpile of topsoil, it isn't way out in the back 40, it's near where you're disturbing anyway. So minimize, which is also a cost-efficient way of doing things, you aren't treading all over here, this isn't a racetrack for construction equipment. Keep the disturbances close to where you're doing. And I think the more recent layout showed the houses in shorter driveways as opposed to very long driveways. But fire access, being able to turn around, there's details yet to go through. Some of these things I just put pending. More engineering and detailed plans will be coming.

Chair Hext: All right. Well I think at this point I'd like to open the public hearing because I'm sure they've been patient.

Mr. Grant, Engineer, B&L: There's a couple more things I could perhaps address that there were, because I read the resident letters, concerned letters. There in the DEC stormwater design manual 2020 - I didn't bring a copy of it, but I got it on my phone and I hope I don't have to look at it because I should have held it this way instead of this way, but there's an Appendix D that is who can be covered under the construction activity permit. I love their wording. They make it sound like it's a real opportunity that you're going to miss if you aren't covered under this, not so much.

But the residential development - there are some things that are exempt from a full SWPPP. A full SWPPP includes water quality treatment and water quantity treatment, which your larger projects will have that. But one of the caveats is everybody's doing what's called a basic SWPPP. How do you keep sediment from going off your site? You're not tracking it out to the road. You have stabilized construction entrances, you got silt fence, just a number of the basic things, but not entirely big bioretention basins. That said, and this project applies to that - it qualifies for that, just needing the basic SWPPP. There is a change in impervious area and there will be in runoff on this site. There's ways to mitigate that. And as I talked about early is either rain gardens, small bioretention basins, basically depressions, not deep, shallow, perhaps broad in the back, but where you can direct some of that impervious drainage to, like your gutter downspouts and stuff. So it isn't just hitting the ground and running in this direction.

There's also some things we want to do for diversion. Right on this property line junction, there's a drainage swale showing here that will take some of the drainage from these two lots, not really anybody else, but it's kind of directed here, it's coming on somewhere in here, that drainage swale. So it's not necessarily pointed at the houses, but it's pointed towards the property. What I'd like to see is a drainage swale and it can be diagonal, it gets it towards a creek instead of Marion Court. Now, does some of the existing, the way it sits now, drain that way and get to Marion Court? Yes it does, but this is going to be stepped up. You're going to have more building and hard surfaces, so that means more runoff. You've got to do something. Well, we've talked about that.

The engineering will get there when it gets there. There has been some test pits. There were eight test pits done across the site. It's kind of Altamont clays, it wasn't the blue clay where forget about infiltrating everything. It's probably sea soils and you can do some level of infiltration there. That's the way we mimic natural drainage, particularly in forests and unless you're on a hill slide, it has a chance to infiltrate in the ground, recharge groundwater, be released slowly and ultimately it gets into the tributary and the



Bozenkill and goes down to the reservoir and where everything's all paved, it gets there lickety split. That's what we want to kind of avoid.

As such, driveways kind of want to...grading is everything, and there may be a need for some culverts, but generally these driveways kind of want to be cut into where they're at existing grade and not change the drainage patterns to the extent possible. They're going to withstand that drainage by having a stout driveway cross section so they won't wash away.

Chair Hext: Yes. Good.

Mr. Grant, Engineer, B&L: Almost done. We talked about the sidewalk here. Jeff, we talked about this today. The Village has done a bang up job of doing sidewalk work themselves up on 397 and also on Lark Street in the Village. They've gotten grants to do something. Really only got compensated for the materials, didn't get compensated for their labor, which baffles me. So when we get to do Fairview in a few days, we're going to be up there doing a new sidewalk. We bid it out. So you really aren't seeing the way this is going to go if this happens, it's going to be through either escrow or Troy's contractor building it. But if it's an escrow, it really should be based on a publicly bid unit price.

What's it going to take for you to go through design plans, put it out on the street and then have a contractor do it? And the difference is, private you may be around \$50 a foot finished. We're up at about \$87 a foot up on the Fairview and that was actually a good price. I generally say a \$100 to 125 if you're doing some handicap ramps and some other things. I think if Troy isn't putting it in himself, then escrow should reflect what it would cost for it to be done on a public basis. And a lot of these other things are pending, but I am concerned about the Schoharie Plank Road. It is narrow. Having a sidewalk would at least get, because I walk here too, I love it. It's the loop, it usually ends with an ice cream cone. It's narrow, we don't want construction activity coming down here. Even the trusses when they get to there is maintain this road, build your way out and don't, because that's, that's old pavement, the Village used to do micro paving, which is kind of a, it looks nice for a while, but it doesn't necessarily last. Particularly concrete trucks, garbage trucks, snowplow trucks, they are the Achilles heel of pavement. You could run a thousand cars up here every day and it's not going to make a difference, it's the heavy axle loads of major trucks.

Chair Hext: Okay. Thank you Brad.

Attorney Clarke: Ready? Okay. We're now going to open the Public Hearing. Just have to read the Legal Notice. (see attached Legal Notice)

Chair Hext: Thank you. With that, I have Joe Connors. Would you like to come up and speak? Step up to the microphone. Please state your name, and if you wish to, your address.

Mr. Connors, Resident: Thank you, Chair, and Board Members, council, Developer Applicant, Mr. Grant. I'm here with my wife Jaya. My name's Joe Connors. I live at 6393 Gun Club Road, which is right along this area, the northern area that is adjacent to this section of the property. Bozenkill Park is across the street from us on Gun Club Road.

There are three preliminary issues I'd like to address, and then three reasons why we are here to oppose the requested variances. The first preliminary matter is we filed a letter this morning. I made copies for the Board Members. We'd ask that that be made part of the record and included on the website. Both my wife and I are attorneys and we affirm under penalty of perjury that all the factual allegations in that letter are true.

The second item is that we request that additional information be made part of the record of this hearing, including the videos and minutes of previous conversations that the Board had with the Applicant-

Chair Hext: That is on the website.

Mr. Connors, Resident: We'd ask that it be part of the record for this hearing, including the videos and minutes September 27, 2022, January 4, 2023, March 28, 2023 and April 25, 2023.

The third preliminary matter is to the extent that there is ... I believe Mr. Grant said that he had a February 21, 2023 letter to CM Fox initial engineering assessment. I didn't see that on the web page. I'd ask that that be made of the part of the record for the hearing here tonight.

Chair Hext: Dated February 23rd, you said?

Mr. Connors, Resident: February 21, 2023 was the date that was given. Or any other written communications between your independent engineer and CM Fox, so that the public is fully informed of the concerns. The three reasons we oppose the variance: first, it's based on additional factual information that I'll highlight, the legal guidelines that apply to requesting a variance also support a denial of the variance, and there's also significant environmental impact associated with the variance and the project as a whole.

Quick highlight of the factual information. Some of it is in the letter. We have three dogs. Sometimes I walk the dogs along the border of our property here. The dogs always come back with muddy paws. It's a wet area. There's surface water, it's saturated. It leads me to believe that there's a high water table in the area.

Chair Hext: You're talking about the area to be built, the acreage, which part?

Mr. Connors, Resident: Yes, Lot one, lot two. I've been over here before. It's wet in these lots. One, two, and six especially is where I've noticed it to be very muddy and wet. The other factual matter is I know you're going to be looking at the impact on neighborhoods. I'd encourage you to look at the sizes of the different lots and the number of houses that are on the houses adjacent to the proposed project. Our neighbors are great neighbors, but we all appreciate our privacy. You'll find that the neighborhood Gun Club Road, Marion Court, include big lots, some over two acres ... ours is over five acres ... with one house on them. That's relevant to your consideration.

The other thing that I'd like to highlight in terms of factual matters is the abundant wildlife in the area, including bats that fly over all this property all the time in the summer. I'm not a biologist, but I believe that they might be endangered long-eared bats that are going to be considered an important consideration.

Chair Hext: There is a certain time when they can't do anything because of that.

Mr. Connors, Resident: Okay, thank you. The other important thing, I think you could take notice of it, is currently we have an unobstructed view of the Helderberg Escarpment, part of a state park, which is a special feature and consideration.

And finally, there's been some talk already about pedestrian traffic in this area, but there's also a lot of pedestrians that walk over to Bozenkill Park. I'm assuming that there's going to be families moving into the area under this proposal, and I'd ask that you consider their safety too. It's very dangerous. We've expressed concern in the past that cars go too fast in the area. There's no sidewalks along Gun Club Road to the park. That should be a consideration, looking at the big picture about how this property connects with the broader community. We don't want anyone to get hurt.

Moving on to some of the legal issues, I don't think I need to lecture the Board on the law, but I just want to highlight a couple things. First, it's important to keep in mind that the burden of presenting evidence in

support of the Variance is on the Applicant. Especially at the last public meeting, the Board gave the Applicant notice of that and encouraged it to provide additional information.

The record for tonight's meeting includes a letter from your engineer with several concerns, and the answers to several of the concerns was, "We're not going to answer that until a variance is granted." So the information that you need to make a full and fair assessment on the variance isn't there. That in and of itself supports denying the Variance. Specifically, information about studies about the water table, information about a complete stormwater pollution prevention plan. There was some talk about a five-acre limitation, but I encourage you to look at the DEC guidelines. I believe it's less than five acres of soil that's affected that can trigger a full stormwater pollution prevention program.

The Board rightfully had concerns about public safety, fire safety, and the widths of certain driveways or roads. I think there is a factual and legal issue here about whether or not the proposal really is calling for a private road with easement, if you look at the definitions of terms that I've outlined in my letter. Of course if it's a road, there's additional requirements about sidewalks and lighting that needs to be considered as part of the overall assessment here.

The Board also asked for a site assessment. If there's going to be multiple exits and entrances to the subdivision, more than two that's allowed under the current Village code, there needs to be a safety assessment about both the traffic and the site view. That was requested and not provided. That information wasn't provided. Looking at the four or five factors that you need to consider in granting the Variance, the Variance will result in an undesirable change in the neighborhood. It would open up property that typically might have one to three houses on it to 10 houses. It changes the nature of the neighborhood. It changes the views of the escarpment that I mentioned before, so certainly a significant impact there.

The second factor: are alternatives available. We've heard from your engineer that yes, other ideas have been floated. There's ways to build different roads in, there's ways to vary the entrances and exits to make this work. That's not before you right now, but it should be considered that it is possible. The response that's on the record from the Applicant was dollars and cents, it doesn't make sense. But that in and of itself is not a defense against there being alternative methods to achieve a fuller benefit of the land. I think it's important to note that when you buy property, you're not guaranteed to do whatever you want with it. You need to comply with environmental regulations and the Village code, so there's no absolute right to put 23 to 24 houses on it as has previously been suggested if this proposal doesn't go through. So there are alternatives available.

The third factor: is the variance substantial. Yes, it's asking for about a 50% reduction in the size of frontage property. I've cited in my letter to the Board where one of the factors is percentages and the degree of variation from codes, and other cases have said that even a smaller deviation from the code is a substantial variance.

Is there an adverse impact on the environment? You all know, I'm assuming, that one or more significant adverse environmental impacts should lead to a positive declaration. I'm looking at the magnitude and importance of the impacts at stake. There's at least four different environmental impacts that I can list: certainly the water and flooding issue that has been raised, the presence of an endangered species in the area, the value of the aesthetic resource at stake, the Helderberg Escarpment State park definitely is ... that's affected by this project, and the community character. Courts consistently indicate that Boards need to look at comprehensive plans to get a sense of the community character. The quiet, rural nature of Altamont and Guilderland as a ... I'm sort of a dual resident. I know that's not legally possible, but the Village town line crosses through our backyard. Both Guilderland and Altamont treasure that country-type environment which would be affected by this.

The next factor: is this self-created. Yes, clearly it is. The property doesn't need to be used in a way that the variance requests. The property was purchased by a sophisticated buyer that was knowledgeable about what the rules were when the property was bought. A risk was made. A risk was made that property is going to be bought, and I hope that the Village Board allows me to do more than what the parameters

currently allow, that a variance would be granted. It's a self-created problem here. The guidelines shouldn't be bent in a manner that goes against the neighbor's interests. I believe you're going to hear from other neighbors, and the record that I've seen online is replete with neighbors that don't support this. I'd be surprised if any neighbors do support it.

Chair Hext: I'm going to have to ask you to kind of wrap it up.

Mr. Connors, Resident: Yes, I will. Like 30 seconds. So for all these reasons, the variance should be denied. If for any reason you find that there is evidence in the record to support it, we would ask that additional mitigation factors be considered, including having a berm constructed along the back adjacent line of our property with conifer plantings on it. There is a current tree line there, but the trees are not conifers. Their leaves fall off in the winter. Most of the trees are dead. Maybe that's why the bats are there. They like all the insects. We believe in supporting that. The fact that there are some trees there right now doesn't justify not allowing that type of protection. If the Board decides to keep this hearing open, which I understand that it does, I'd ask that if any new evidence is submitted to the Board, that the public be provided the opportunity to comment on any new evidence before a final decision is made. Thank you for your attention and your service to the community. I appreciate it.

Chair Hext: Thank you. Okay, I think next up we have Ben Fox.

Benjamin Fox, Resident: Good evening. I'm Ben Fox. I live at 115 Schoharie Plank Road West, which is right there, adjacent to the proposed variance. Live there with my wife, my two children, and we love being members of the Village and the community. We had the opportunity to meet with Troy this past week. He met with me, Sharon, and Mark and Deb. We discussed some other plot adjustments, which aren't listed here obviously, because this was developed back in September, October. But what I have gathered from Troy is that he wants to build back here, either for himself, his family, or for development. Everything Troy wants to do, he wants to do it as best as he can. I think the Board sitting here also wants to do everything the best that they can. Because we've had this agreement, I am in a beneficial spot. So anything I say to you, I do not want to impact your decision, but I just want you to do what is right and not what's easy. I believe that this Variance shouldn't be approved until there's a full environmental assessment and all the other community members' comments are addressed.

Chair Hext: It can't be. By law, we cannot approve a Variance before going through SEQRA.

Mr. Fox, Resident: Thank you.

Chair Hext: Thank you. We have Mark, and I'm sorry, I can't read your last name.

Mark Naginey, Resident: Naginey.

Chair Hext: Thank you.

Mr. Naginey, Resident:

Yeah. My name is Mark Naginey. I'm not as tall as Ben. I live with my wife Deborah at 113 Schoharie Plank. My family has lived there since the 1950s. We've watched the flooding and the devastation that that little creek can do when it wants to. That's as far as the houses on Schoharie Plank. Basically what happens when that creek goes over, which I can personally remember seven times, it overflows just below Lincoln Avenue. It then flows down along Schoharie Plank. Then it goes over to 397, and then what happens is the water flows down Schoharie Plank and then right about where the Adams live, which

would between 105 and 103 Schoharie Plank, it splits and then it's two streams. There's the one that's coming down Schoharie Plank, and the one that's running behind the houses. They then all merge into one big stream, which is coming down behind 105 to 115 Schoharie Plank.

Chair Hext: Can you point that out on the map there, Mark, please? Just to give everybody a visual.

Mr. Naginey, Resident: Basically the water comes from here, flows here, and then flows all the way back, and then it all flows out there.

Chair Hext: So between yours and Johnson's.

Mr. Naginey, Resident: I've seen once where it's gone this way to the creek, but all comes out here and goes back to the creek. In the area where the driveways are being proposed, I've seen the water five feet deep there. As far as behind my house, which is right here, I've seen the water three and a half feet deep running behind there. As a matter of fact, the last time it distributed about two and a half quart of firewood, everything down. That is my concern. I've seen the devastation that flooding does and I'd be very curious to see how it's going to get engineered so that's not what happens, because the flow of the water's been there for a long time.

I know there was this brief discussion, and it wasn't in my original notes, that was about the bridge that goes from Euclid to Schoharie Plank. The bridge that is there now was put in by the Village. Up until that point, it was put in by the neighbors, going back to probably ... I think the first bridge went in there in 1961 to 1962, because I remember going to elementary school and it depended upon how we went to school ... could we jump across the rocks or did we have to go over to Lincoln Avenue and down that way. The original bridge was put in by the neighbors, and it was replaced. It was washed out and replaced a number of times. The only two bridges that have really lasted there was the one that the Village put in there and the one that I put in there as a college project. We used a couple telephone poles and we were able to span it and put it up high enough that it didn't wash away. Unfortunately, it did. So now that's where the Village bridge is now.

The water table, I noticed where the engineer ... and they dug their holes out there. I'm very familiar with the water table, at least where my house sits. I finally stopped pumping water through my sump pump two days ago. It started this year early, started in October, lasted all winter. Back years ago, it used to not really start until springtime because the frost was much deeper than it is now. Basically, my pump is set about four and a half feet below where my front yard is, so that's where the water table is. If it rains hard in summer, I pump water at that time also, but not all day long. Right Deb?

The other thing I think the Board needs to consider, I know we're discussing the 20 foot driveway for these four homes. It's going on to a 16-foot wide road that basically two cars can pass, but if they're real careful. What the neighbors all do is, you see somebody coming down or up, you pull over and we let the other drivers through.

My other concern is water. There has been no construction activity on Schoharie Plank except what was done on the other side of the creek across from 105. That's where all the construction project was. In the last year, we've had four breaks from there down Schoharie Plank. We had one break that I think broke three times, and that's right where that driveway is going, in the vicinity where that driveway is going.

Chair Hext: The proposed driveway?

Mr. Naginey, Resident: The proposed driveway is going. Basically it's just a little bit above where the proposed driveway is. You'd have to have your water guys tell them exactly where it was, but I know because they dug it up, what, two, three times?

Jeff Moller, DPW Superintendent: We replaced that whole thing. That's all brand new pipe now.

Mr. Naginey, Resident: Yeah.

Chair Hext: Does that new driveway affect that?

[inaudible]

Mr. Naginey, Resident: But then again, above that, which is at 115, there was a break. Then in front of 105 there was a break. I may be wrong as far as numbers, but there was a lot of breaks. So there's concern about our aging infrastructures ... join the northeast. If we are having breaks on a pressurized line, I'm curious to see what's happening in the sanitary sewer line, which is not pressurized, but we're going to add more volume to it. The proposal is to add more volume.

Okay. The last one, because I don't want to take up everybody's night, is the comprehensive plan ... comprehensive plan may be incorrect, but the whole idea was to make the Village walkable and ride bike-able and that kind of stuff. I can't tell you the number of baby carriages I see go up and down Schoharie Plank Road now. Never used to see that many. We're getting a younger group of homeowners with more kids, and I'm concerned about how we're going to maintain that walkability in our Village. Thank you for consideration.

Chair Hext: Thank you, Mark.

Board Member? : You're more than welcome.

Chair Hext: Okay, next person. Deb Katz.

Chair Hext: Do you want to lower ... can she lower the mic and sit? Would you still be able to see her?

Deborah Katz, Resident: I'll be okay. Thanks. Thank you to the Board, to Chairwoman Hext. Thank you to the Board, to Chairwoman Hext. Two things. And to Brad - you answered a lot of questions for me that I had. I've been grappling with trying to reconcile the DEC website that says disturbing one acre of ground soil requires a stormwater prevention plan. So thank you.

Chair Hext: That's commercial though. That's commercial. Residential is five.

Ms. Katz, Resident: Okay. And Troy, thank you for taking the time to meet with us all and be able to talk directly and voice our concerns and share some thoughts with you.

My concerns have been the same from day one really. If you look at the overall, as Mark mentioned, the 2006 Village Comprehensive Plan, that really talks to the unique nature of the Village, the unique character of the Village, the walkability of the Village. And development is inevitable, but I think we have a responsibility at some point to, again, take a look at the bigger picture and say we have school buses that are stopping, making multiple stops on that section of Western Avenue. We've got kids that are crossing there and there are no sidewalks or crosswalks.

Cars are going faster. People are distracted. They're mad. They're just not taking care when they get behind that wheel. We've had a child get hit in the Village this summer. We've had Ben and Heather, the kids, walking the kids to school, even over the crosswalks and being informed pedestrians, almost get hit.

That section of Western Avenue is a concern because once folks are coming down the hill and they hit that four-way intersection, they're going fast and they've got to come around that curve. And that's where

one of the entrances to the proposed subdivision will be. And there are school bus stops, like I say, all along that section. So pedestrian safety is a legitimate concern.

Even if we're talking about a small amount of houses going in, it doesn't matter. We're still looking at at least two vehicles per household these days. And as Mark said on Schoharie Plank West, we see another car coming, we pull over.

I think that these concerns might not be so highlighted without having had gone through the recent experience of a large residential construction project right across the creek from us. And my concern is taking in the consideration of the quality of life and going through that experience.

We all live here in Altamont because we love Altamont. I worked a very long, stressful career, and my retirement is just a true blessing. And I'd like to be able to just sit out in my backyard and enjoy my garden, read a book out there. Right now that's not possible. And it hasn't been possible for two years because of the amount of construction sounds that are going on seemingly almost every day. So it's a quality of life issue.

And I just ask us as a community, what do we really want Altamont to be? And that takes some decisions in looking towards the future and looking at that comprehensive plan. And even though it's an inspirational document as opposed to a book of regulations, it still has to have some significance for us as a community. So that's on the personal side.

From a technical perspective, I'm also concerned about the water supply, the impact to the infrastructure, and the flooding. It's really an issue. I don't want to completely speak for Sharon Foreman, but the Altamont fire department was there, what was it? Christmas Eve Day, pumping out her basement because she was flooded. So those repeated calls to help us understand what can be done to avoid impact to our property and any additional cost or repairs or burden of that, that we'll have to bear in light of the project.

My final comment is that the proposed access from the four lots out back onto Schoharie Plank Road again open up almost directly across from the footbridge. And that's where the kids play and that's where they stop to hang out at the creek on the way home from school. It's a safe spot for some of our senior citizens that live on Euclid to make a slow walk up to the end of Schoharie Plank and back.

And again, I know we're not talking a high volume of additional traffic, but all it takes is one vehicle going right into the path of what has been an established safe pedestrian route for many, many decades.

So thank you again for your time. This is an important job and we appreciate all the time and the thought that goes into it. Thank you.

Chair Hext: Thank you. I do have one letter from a resident that could not be here tonight, and I don't normally do this, but she was very passionate and very upset that she couldn't be here, so I agreed to at least read the finer points. It's from Deb Johnson and Kim Johnson, 117 Schoharie Plank Road West.

Her concerns are flooding. "Have flooding issues been readdressed with new frequency of the 100 year flood plain? Has flood data been incorporated into the flood plain regulations of all jurisdictions? Are there infrastructure upgrades to the water system since the water main break last year?" And I think Jeff said yes. "Will the road meet criteria for school bus transportation, garbage pickup, snow removal, mail and package delivery, two-way residential traffic, and sidewalks? What recourse do we have if we are harmed by this action?"

And I think what she meant is that if the building of the new homes results in any more flooding than they would normally have, is there a recourse. "For the above concerns, I am against this action." And that is again signed Deb Johnson and Kim Johnson.

Does anybody on the Board have anything to add at this point?

Board Member Sullivan: I just had a question.

Chair Hext: For?

Board Member Sullivan: Well, anyone who can answer it really. Does anyone know the speed limit?

Dean Whalen, Resident: [inaudible 02:04:02 – about wanting to speak?]

Chair Hext: Yes.

Mr. Whalen, Resident: [inaudible 02:04:05]

Chair Hext: You were, yes. We asked anyone that wanted to speak to sign up.

Mr. Whalen, Resident: [inaudible]

Chair Hext: Well, the reason was so that I would know whether I had to limit the amount of time that people spoke. Do we have a lot more?

Mr. Whalen, Resident: I wasn't aware that you had to. The public hearing is still open, correct?

Board Member Ramirez: Yes.

Chair Hext: Did you want to speak, Dean?

Mr. Whalen, Resident: Yes.

Board Member Sullivan: Can I just ask my question real quick?

Chair Hext: Yeah, go ahead.

Board Member Sullivan: The speed limit at the site of the proposed entrance on not Schoharie Plank, Western?

Chair Hext: 30.

Board Member Sullivan: It's still 30 there?

Chair Hext: Yes.

Board Member Sullivan: Okay.

Chair Hext: It doesn't change to 35 until you get to the split and Gun Club.

Board Member Sullivan: Okay. Oh.

Mr. Whalen, Resident: Dean Whalen, 125 Lincoln Avenue, Altamont. First, I want to mention that I have to acknowledge that this is a very clever plan. It's a very clever use of the property, given the limitations of the property. But it really does, and you may have discussed this in earlier meetings, it really totally depends on a major variance for site for keyhole lots.



Keyhole lots themselves are kind of an anachronism in a code that usually is done because a larger parcel that had a larger piece of property along a road or whatever right away carved out previously a parcel along that road and left over 30 feet or more to the back of the property. That's kind of the condition that's here, both on both roads. But this whole thing depends on carving up something into 16 foot right of ways, keyhole lots, which again, every issue is unique, but it really does create a precedent.

I mean, again, as I said, the intent of having keyhole lots allowed in the Village was to address very odd conditions that may have been created previously with farmland, which is to some degree true here, but requiring the 30 foot right of way as a minimum. So I think the Board is aware of that, but I think they need to consider that.

And I mentioned all this because there's also some documentation that was in some of the public comments about, well, you could do more because it's an R 15 zone with the public road. That's probably true. I'm not sure it's actually 24 lots. And my question would be has that really been presented as an alternative? I think Brad mentioned that earlier in his comments.

I think behooves the Board to, if it hasn't seen that prior, to request some sort of at least sketch plan of what the impact would be with legal lots, a legal road, probably a public road to maximize this lot without requiring these very minimum keyhole lots. Thank you for your time.

Chair Hext: Thanks, Dean. Okay.

Mr. Walrath, Surveyor: I'd just like to give you, this is the conventional layout plan.

Chair Hext: Just been given the conventional layout plans by Steve. Just to clarify what that was. All Right, I did not mean to not include everyone, if there's someone else.

Ted Neuman, Resident: Ted Neuman, 114 Lark Street. I would just like to repeat and reiterate the concerns that the other residents have had. To me it's about water and water. We have too much when it rains, and there's no way that this is not going to cause more flooding, in my opinion.

The second water aspect is it seems like we don't have enough water in Altamont in our water system. Last year, last summer, we were scared that we were going to have to shut down water and we wouldn't have anything to drink or bathe in. And now we're going to add more to the system. I don't understand it. It just doesn't make sense. So that's all I wanted to say. Just water and water.

Chair Hext: Jeff, do you want to address that at all, as far as, I know how you do the calculations.

Jeff Moller, DPW Superintendent: I don't have them with me.

Chair Hext: No, I know. But basically what you do is the buildable land within Altamont, how many possible homes could go there and what our water system could support. I think that's the way it's done. And I think last year part of the problem was we were down one well.

Jeff Moller, DPW Superintendent: Two wells.

Chair Hext: Two wells.

Jeff Moller, DPW Superintendent: We only have three in the Village. And last year we were down to just one.

Chair Hext: So I mean, that-

Jeff Moller, DPW Superintendent: That was a big concern.

Chair Hext: Yeah, it was a big concern and it was an unusual situation I hope.

Jeff Moller, DPW Superintendent: It wasn't a matter of not having enough water. It was not being able to use those two wells, which B&L is working on right now as we speak.

Board Member Freeman: Now, we still have the water restrictions every year, right? Starting in May.

Jeff Moller, DPW Superintendent: Yes.

Board Member Freeman: Okay. As far as watering lawns and gardens and whatnot?

Jeff Moller, DPW Superintendent: At certain times just to alleviate some of the pressure.

Board Member Freeman: Yeah, just some of the pressure.

Chair Hext: 7:00 AM to 9:00 AM and then 7:00 PM to 9:00 PM depending on your address, so odd / even.

Board Member Freeman: Yeah, I'm not watering my lawn. I mow it enough.

Chair Hext: Okay. If there's no one else-

Speaker ?: There is somebody.

Chair Hext: Oh, how did I miss you? Come on up.

Speaker ?: I see that we've had an additional document added there. It wasn't on the agenda and I'm not sure if it's on the website.

Chair Hext: I don't know. I didn't look at it. Is this on the website, Steve?

Mr. Walrath, Surveyor: No, it's not.

Chair Hext: We won't review this tonight. We won't even look at it tonight. Ginger will be sure that it gets put on the website.

Speaker ?: Can you explain what that is?

Chair Hext: Steve?

Board Member Ramirez: Steve, can you go up to the microphone and explain to everybody? Thank you.

Chair Hext: Do you want to put it up?

Mr. Walrath, Surveyor: I'll put it up. This is a conventional layout based on the existing R 15 regulations. I've got 26 lots here. I know we'll lose two because we would have to do something with stormwater. So

maxing out the site, we could get 24 lots here. And this would be a public highway coming through from Western Avenue to Schoharie Plank Road. And this layout requires no variances.

Chair Hext: So that would be just one entrance or would-

Mr. Walrath, Surveyor: It would be two entrances.

Chair Hext: Still two entrances?

Mr. Walrath, Surveyor: There'd be two entrances. Obviously, we'd probably have to do some work on Schoharie Plank Road, but this conforms to the regulations. And like I said, I came up with 26 and like I said, we probably would lose two for stormwater basin areas. So the site has a potential for 24 lots, and Troy does not want to do this. Troy wants to do the 11 lots with 10 new houses, and I can certainly provide this to you so you can put it on the website.

Chair Hext: Thank you.

Mr. Walrath, Surveyor: You're welcome. But even putting a public highway out here to Schoharie Plank Road, there's more than 60 feet there, which is the minimum width required for a public highway. So like I said, I'll provide you a copy of it, a pdf.

Chair Hext: Okay, good. Thank you.

Mr. Walrath, Surveyor: Okay. Anybody want me to leave this or?

Attorney Clarke: Just to make a note for the record. So the traditional layout would not require the variance, but we would still be going through SEQRA review as well as site plan review.

Mr. Walrath, Surveyor: Oh, yes. Yeah. Oh, Definitely. Yeah, this would. No, I'm just saying it is doable under the current zoning. Obviously it would have to be engineered, designed, reviewed and reviewed and reviewed, before it could get approved. But it works as far as a conventional layout maxing out the site, which is, again, I'll say this is not what Troy wants to do. This is what could be done if somebody wanted to do it.

Chair Hext: What would be the lot size on those?

Mr. Walrath, Surveyor: This is a minimum of 15,000 square feet. It's like all of these here. These are all 15,000 square feet. So it's like back in here. This is like... Well, here's the hedgerow right here. This right here is what Troy wants to do four lots on, all of these right here. So this gives you an idea of what could be done. We're not proposing this, but it's just a visual that this is what could be done.

Chair Hext: Thank you.

Mr. Walrath, Surveyor: Yep. You're welcome.

Chair Hext: You'll have that to the office?

Mr. Walrath, Surveyor: I'll have that to Gary's email. You'll have it by Thursday when you're in the office.

Chair Hext: Thank you Steve. And sir, just for the record, what was your name?

Steve Glass, Resident: Steve Glass, 100 Schoharie Plank Road West.

Chair Hext: One more person?

Bill Vincent, Resident: My name is Bill Vincent. I live at 133 Western Avenue. I'm probably the only representative from Western Avenue, which is right here at the end. His driveway, the road going on right hand side of my drive, of our property. When my wife and I moved in there 21 years ago, we bought the home from Colleen Kilts. I asked her about what's going on with the back field. They owned it and she said it had to be all bought at once, it couldn't be subdivided. And here we are 21 years later. We knew this moving in that at some point in time this day would come. I'm not surprised.

Yes, it is 30 miles an hour right there, because every weekend Jill pulls people right over and they park right in front of our house. Oh, she's got another one. And then we're mowing the lawn. Yep, there's another one. So it is 30.

But I knew it was going to happen and I spoke to the individual that was digging the holes out there. Hey, we're wide open. We get the view in the back there. I guess we'll see every piece of wood coming in and out of there starting from the back and working the way up in the front.

To me, good luck to the Board. I'm going to not say yes or no against it. And good luck to Troy. I'm not going to say yes or no against him. Right now I really don't have any gripe about it. Like I said, we were prepared for this at some point in time this was going to happen. And here we are.

That's all I got to say. It's good luck to the Board and good luck to Troy and we'll see what happens and see how big the houses are and they'll make us look like we're in a little tent and stuff like that. But anyway, good luck to the Board and good luck to Troy. Thanks.

Chair Hext: Thank you. Okay. That's it? Does the Board have any questions? Counsel, you have anything? At this point, I would like to make a motion to keep the public hearing open. That'll give us the opportunity, give the residents opportunity, to review any new information that might come in and have public comment at the next meeting.

Audience Speaker ?: I have a question. Some letters were not submitted until this past Monday. And I think there might [inaudible 02:17:46].

Chair Hext: Usually we ask in order for you to get them up on the website is like 10 days before.

Ginger Hannah, ZBA Secretary: If you have materials for anything that comes to the Board to be for the next meeting, it has to be two weeks before. To get on the website, anything that comes in up until Friday at noon is on the website. But anything that came in today, it didn't have time to get on the website or get to the Board for them to read it. But if it could be in before then – that's why the legal notice goes out 10 days before the meeting; it gives everyone a chance to respond and get it to the Board and on the website.

Chair Hext: And we do try. We do try to read every letter. And if you have any questions, call me, email me, whatever. Anybody can do that. Open book. So could I have a motion then to keep the (public hearing open)... One note though there will not be another legal notice posted because we're keeping the public hearing open. We are not required to publish another legal notice. So it'll be the 27th. June 27th at 7:00 PM will be the next public hearing. Try to get any more questions or anything that you have in in time, letters, anything like that.

Given that, could I have a motion to keep the public hearing open until June 27th? Motion made by Board Member Muhlfelder, seconded by Board Member Freeman. **Roll Call: All in favor.**

Chair Hext: Thank you to everyone for coming and for lasting as long as you did. There's a couple things in front of us or in front of you that took a while. I also thank you for your input. I think it's really important for residents to be involved. And again, if anybody has any questions, just send me an email. Be happy to help.

Okay. Any other business anyone wants to address before we look at the minutes from April 25th? No. Okay. Then a review of the minutes from April 25th. Did everyone have a chance to read them? Does anybody have any comments? They were long. Thank you, Ginger.

Board Member Muhlfelder: I didn't see anything.

Ginger Hannah, ZBA Secretary: One thing Barb said – on page 2

Board Member Muhlfelder: It says “the driveway or the asphalt ended”.

Chair Hext: Other than that, then can I have a motion to approve the minutes from April 25th, 2023? Motion made by Board Member Ramirez, seconded by Board Member Litten. **Roll Call: All in Favor.**

Chair Hext: Okay, then could I have a motion to adjourn the meeting, please? Motion made by Board Member Freeman, seconded by Board Member Sullivan. **Roll Call: All in Favor.**

Chair Hext: Thank you, everybody.

Meeting Adjourned at 9:23 p.m.

Respectfully submitted,

Ginger Hannah

Secretary

Attachments: Public Hearing Notices (2) – Fanuele and C.M. Fox

Resolution Issuing a Negative Declaration - Fanuele

Resolution, Findings, and Decision on Request for Area Variance - Fanuele



## 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





## 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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Village of Altamont

---

Deborah Hext  
Zoning Board of Appeals Chairperson  
Village of Altamont

Abutting  
AFD  
Fire Inspector  
DPW



**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 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 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 Board Member Muhlfelder

The motion was seconded by Board Member Litten

The vote was as follows:

Chair Heft  
Board Member Ramirez  
Board Member Muhlfelder  
Board Member Litten  
Board Member Freeman  
Board Member Sullivan  
Board Member Witham

} all in favor



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

I have compared the preceding copy with the original Resolution on file in this office adopted by the Village of Altamont Zoning Board of Appeals at a meeting held 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
<i>Board members Ramirez, Mahlfelder, Litten, Freeman, Sullivan, Witham and Chair Hept</i>		<i>all in favor</i>

Witness my hand and the seal of the Village of Altamont, this 25<sup>th</sup> day of May \_\_, 2023.

*Ginger Hannah*

GINGER HANNAH, CLERK  
VILLAGE OF ALTAMONT  
ZONING BOARD OF APPEALS



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

WHEREAS, the Zoning Board of Appeals for the Village of Altamont (“ZBA”) received an application from 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 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 grants the application for Area Variance to permit an enclosed Trailer in the side yard of a parcel located at 36 Sanford Place.
- 3) Conditions: (a) The screening currently in place will remain in place. If it is to die or have to be taken down, something of same reasonable size should be put back up. (b) The trailer should always remain registered. (c) The trailer size cannot be changed unless Applicant comes back before the Board. (d) Applicant brings a copy of the registration to the Village office so that we can make a copy of it and keep it in Applicant’s file.





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

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

The motion was moved by Board Member Freeman

The motion was seconded by Board Member Muhlfelder

The vote was as follows:

*Chair Hest*  
*Board member Ramirez*  
*Board member Muhlfelder*  
*Board member Litter*  
*Board member Freeman*  
*Board member Sullivan*  
*Board member Witham* } *all in favor*



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

I have compared the preceding copy with the original Resolution on file in this office adopted by the Village of Altamont Zoning Board of Appeals at a meeting held 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
<i>Chair Hert</i> <i>Board Members Ramirez,</i> <i>Muhlfelder, Litten, Freeman,</i> <i>Sullivan, Wetham</i>	<i>}</i>	<i>all in favor</i>

Witness my hand and the seal of the Village of Altamont, this 23<sup>rd</sup> day of May \_\_, 2023.

*Ginger Hannah*

GINGER HANNAH, CLERK  
VILLAGE OF ALTAMONT  
ZONING BOARD OF APPEALS

