

ALTAMONT ZONING BOARD OF APPEALS

Regular Meeting Agenda

March 28, 2023

1. Open meeting - State time and that the meeting is being recorded and where the exit signs are located.
2. Topic & Discussion: Review Troy Miller's Area Variance requests for subdivision of property at tax map #37.14-3-6.1. Consider motion to approve.
3. Topic & Discussion: Review updated plans. Consider motion to approve.
4. Other Business: _____

5. Review of Minutes from January 24, 2023 meeting of the Zoning Board of Appeals.
Consider Motion: To approve minutes.
6. Consider Motion to Adjourn Meeting. Meeting Adjourned at Time: _____

Village of Altamont

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

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

DATE: 12/6/22

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

To the Zoning Board of Appeals of the Village of Altamont

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

☐ An interpretation of the Zoning Ordinance or Zoning Map

☒ A Variance to the Zoning Ordinance or Zoning Map

1. LOCATION OF PROPERTY

Address: 139 Western Avenue Zoning: R15
TAX MAP NUMBER: _____

2. INTERPRETATION OF THE ZONING ORDINANCE IS REQUESTED BECAUSE:

3. VARIANCE TO THE ZONING ORDINANCE IS REQUESTED FOR:

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

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

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



Signature of Applicant

AREA VARIANCE CONDITIONS

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

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

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

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

Benefit cannot be achieved by any other method

- 3) Whether the requested area variance is substantial:

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

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

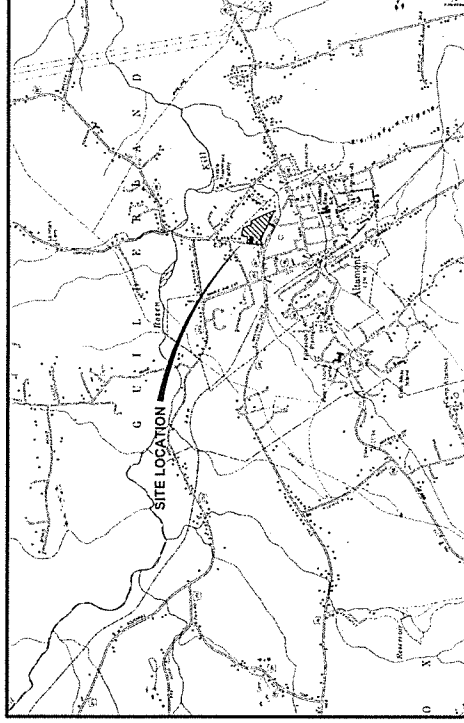
No. Variance requested will limit number of
houses using common driveway to 4.

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

No self created, Parcel currently has 64.03'
of frontage on Schoharie Plank Road. No other
frontage is available

**DECEMBER, 2022
REVISED FEBRUARY, 2023**

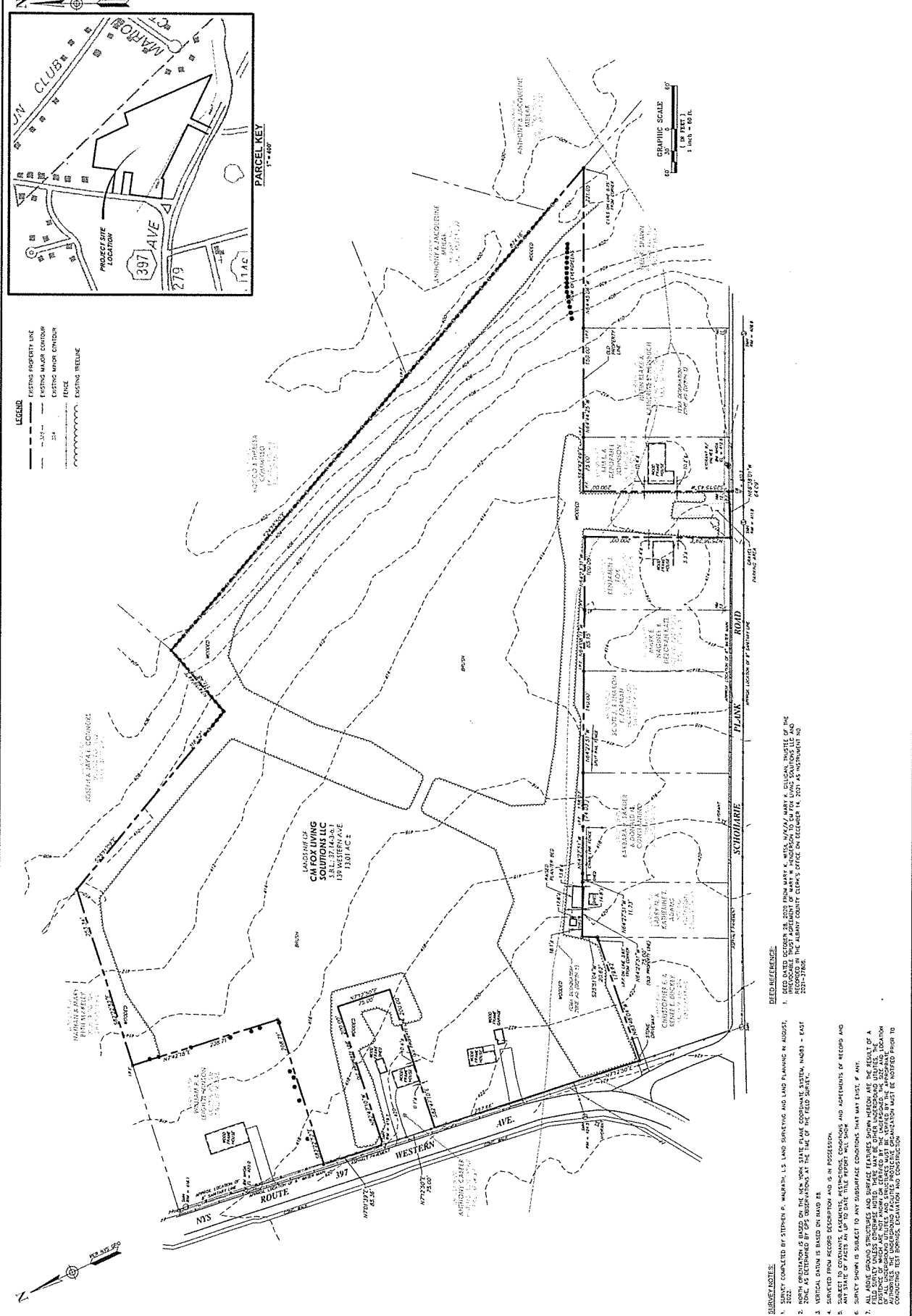
Sheet List Table			SHEET TITLE	SHEET DESCRIPTION
SHEET NUMBER				
1	COVER		C-001	
2	NOTES		C-002	
3	EXISTING CONDITIONS PLAN		C-100	
4	SUPERVISION PLAN		C-110	
5	EROSION & SEDIMENT CONTROL PLAN		C-120	
6	LAYOUT & UTILITIES PLAN		C-130	
7	EROSION & SEDIMENT CONTROL DETAILS		C-500	
8	UTILITY DETAILS		C-501	
9	UTILITY DETAILS		C-502	



SITE LOCATION MAP
1" = 1000'

SITE SITUATION:	CM FOX LIVING SOLUTIONS LLC
OWNER/APPLICANT:	230 WESTERN AVE.
	GUIDERLAND, NY 12184
SITE ADDRESS:	139 WESTERN AVE.
	ALBANY, NY, 12209
PARCEL NUMBER:	37.14-3-4.1
PARCEL AREA:	13,011 AC
EXISTING ZONING:	R15 - RESIDENTIAL
EXISTING USE:	SINGLE FAMILY RESIDENTIAL / VACANT
PROPOSED USE:	11 - LOT MAJOR RESIDENTIAL SUBDIVISION

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DEED REFERENCE:

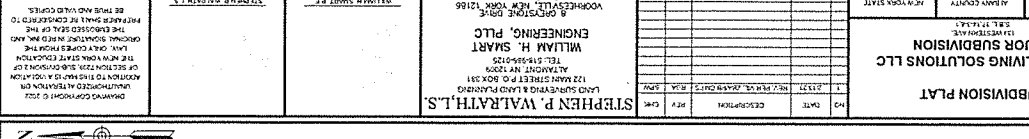
1. DEED DATED OCTOBER 28, 2020 FROM MARY K. WIS, W/O/V/A MARY K. ELLICAN, TRUSTEE OF THE PROCEEDABLE TRUST AGREEMENT OF MARY K. WIS, TO CM FOX LIVING SOLUTIONS LLC AND CM FOX LIVING SOLUTIONS LLC, AS SUCCESSORS TO THE COUNTY CLERK'S OFFICE, ON OCTOBER 14, 2021 AT INSTRUMENT NO. 2020-3866.

SURVEY NOTES:

1. SURVEY COMPLETED BY STEPHEN P. WALRATH, L.S. LAND SURVEYING AND LAND PLANNING IN AUGUST, 2021.
2. THE LOCATION OF BOUNDARY MARKS AND EASEMENTS ARE BASED ON THE ALBANY COUNTY CLERK'S OFFICE RECORDS, INSTRUMENT NO. 2020-3866, AS DETERMINED BY GPS SURVEYING ON THE DATE OF THE FIELD SURVEY.
3. THE DATA IS BASED ON MAP 88.
4. SURVEYED FROM RECORD DESCRIPTION AND IS IN POSSESSION.
5. SUBJECT TO COVENANTS, EASEMENTS, RESTRICTIONS, CONDITIONS AND AGREEMENTS OF RECORDS AND ANY STATE OF FACTS AS OF THE DATE THIS REPORT WAS SHOWN.
6. THIS SURVEY IS SUBJECT TO ANY SUBSEQUENT CONDITIONS THAT MAY EXIST, IF ANY.
7. FIELD SURVEY UNLESS OTHERWISE NOTED. THERE MAY BE OTHER UNDERGROUND UTILITIES, THE LOCATION OF ALL UNDERGROUND UTILITIES AND STRUCTURES MAY BE ADAPTED BY THE APPROPRIATE LOCATION CONCERNING THE BODIES, EXCAVATION AND CONSTRUCTION.

ONT	ALBANY COUNTY	NEW YORK STATE
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LOT 5	71,928 ±	1.55 ±
LOT 6	94,159 ±	2.16 ±
LOT 7	64,238 ±	1.47 ±
LOT 8	87,820 ±	1.56 ±

[illegible][illegible][illegible]

UNIT LEARNING OBJECTIVES

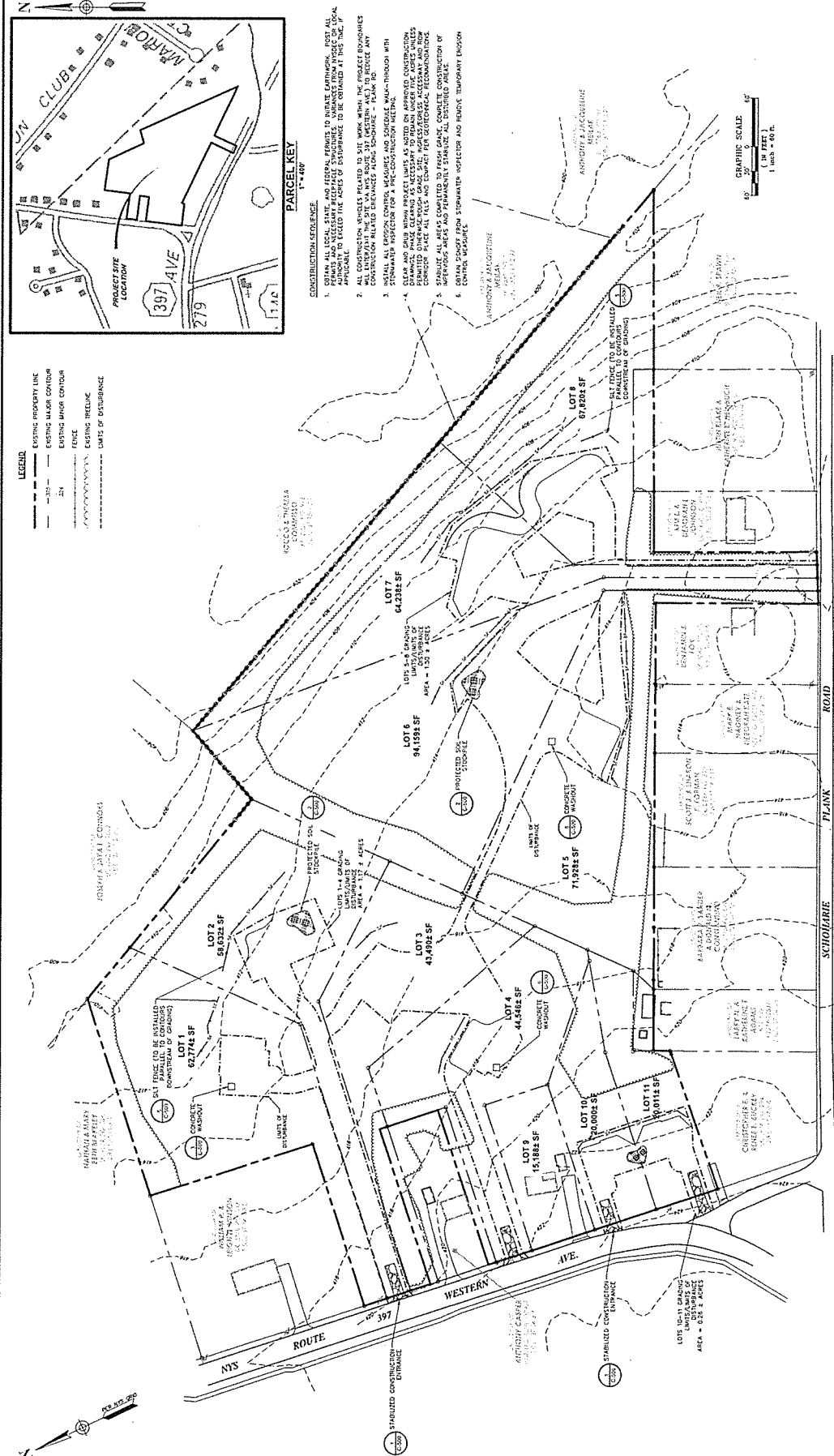
10

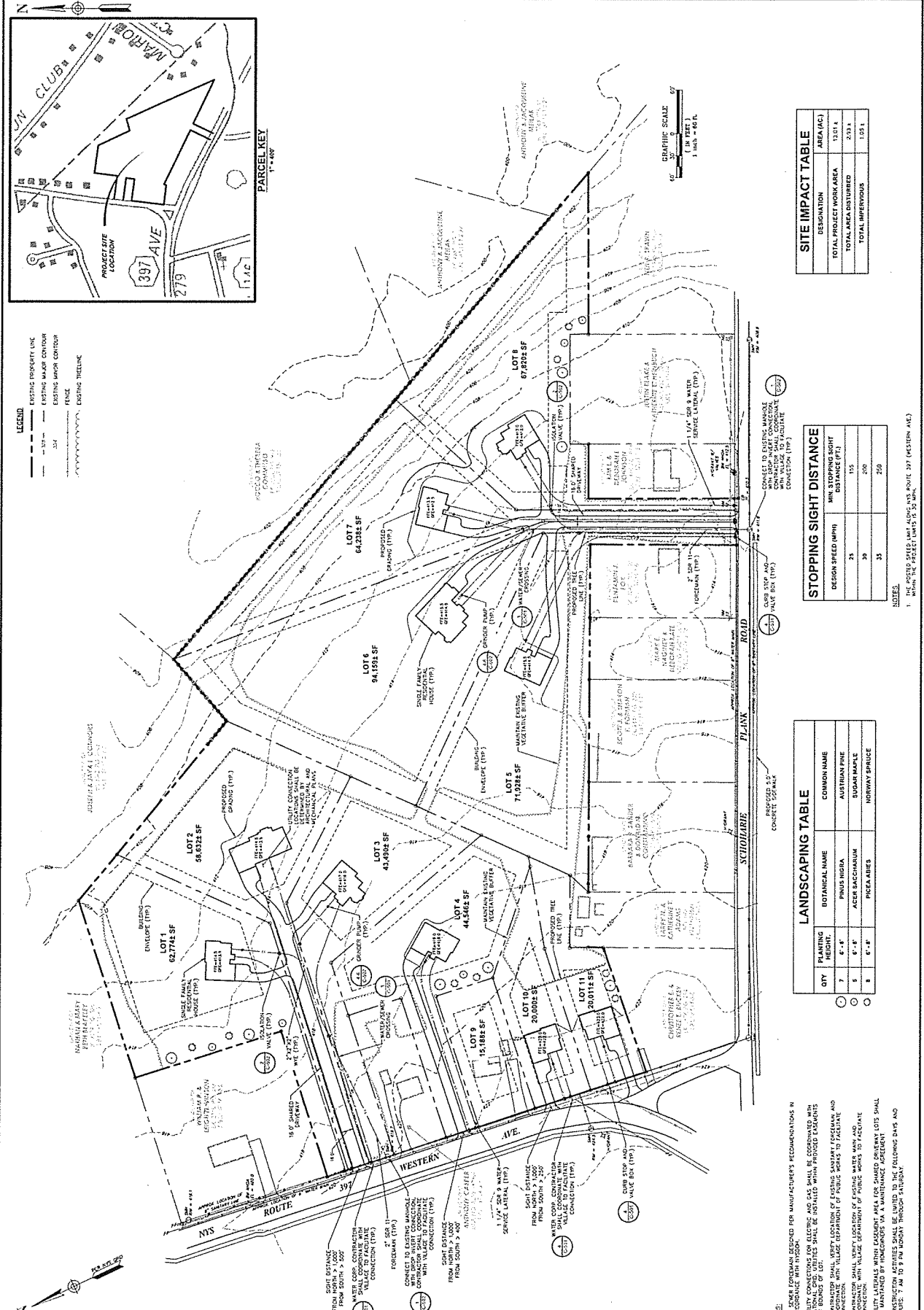
1	2153	REV. MARY ALBA	NEW YORK	NY
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122 MAIN STREET P.O. BOX 351

100

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

[illegible]



SITE IMPACT TABLE	
DESIGNATION	AREA (AC)
TOTAL PROJECT WORK AREA	13.014
TOTAL AREA DISTURBED	2.334
TOTAL IMPERVIOUS	1.051

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

LANDSCAPING TABLE		
QTY	PLANTING HEIGHT	BOTANICAL NAME
7	6'-8"	PRINUS MYRTA
5	6'-8"	ACER BACCHARUM
8	6'-8"	PICEA ABIES

- NOTES:
1. SEE FURNISHING SCHEDULE FOR MANUFACTURER'S RECOMMENDATIONS IN ACCORDANCE WITH NYS.
 2. UTILITY CONNECTIONS FOR ELECTRIC AND GAS SHALL BE COORDINATED WITH THE APPROPRIATE UTILITIES. ALL UTILITIES SHALL BE LOCATED WITHIN THE PROJECT'S RIGHT-OF-WAY.
 3. CONTRACTOR SHALL VERIFY LOCATION OF EXISTING SANITARY SEWER AND WATER MAINS WITH UTILITY DEPARTMENT OF PUBLIC WORKS TO FACILITATE CONNECTION.
 4. CONTRACTOR SHALL VERIFY LOCATION OF EXISTING WATER MAINS TO FACILITATE CONNECTION.
 5. CONSTRUCTION ACTIVITIES SHALL BE LIMITED TO THE FOLLOWING DAYS AND HOURS: 7 AM TO 9 PM MONDAY THROUGH SATURDAY.

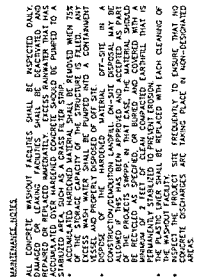
EROSION & SEDIMENT CONTROL
DETAILS
CM FOX LIVING SOLUTIONS LLC
MAJOR SUBDIVISION
INVESTMENT AVE.
S.W. 3714421
ALBANY COUNTY
NEW YORK STATE

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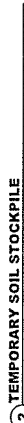
142271, JEDD & INULIN

Diagram illustrating the soil profile structure, showing layers labeled T, A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z. The diagram also indicates the depth of the layers in feet (0 to 270).

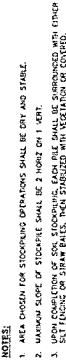
SCALE: N.T.S.

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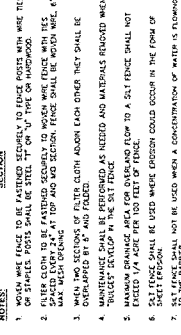
3 SCALE: NTS



CONTENTS



SCALE: MTS



SCALE: N.T.S.

[illegible]

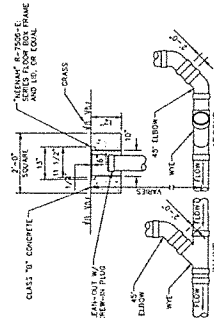
SCALE: NIPS



MDS	W-8	S.I.V.O BgYBZ BA WSA Z-W	62112	1	
MFO	AJM	NOLLSCTSD	JLYO	CN	

CM FOX LIVING SOLUTIONS LLC
MAJOR SUBDIVISION

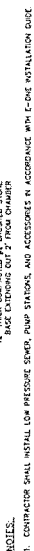
STEPHEN P. WALRATH, L.S. 1000 S. DAVENPORT BLVD. #200 DALLAS, TEXAS 75219	WILLIAM H. SMART ENGINEERING, P.L.C. 11001 ALABAMA AVE. #200 DALLAS, TEXAS 75244	JOHN R. GORMAN 10005 STEWART, N.W. #200 DALLAS, TEXAS 75243	WILLIAM H. SMART, P.E. 10005 STEWART, N.W. #200 DALLAS, TEXAS 75243	STEPHEN P. WALRATH, L.S. 10005 STEWART, N.W. #200 DALLAS, TEXAS 75243	DEANE W. COLE 10005 STEWART, N.W. #200 DALLAS, TEXAS 75243
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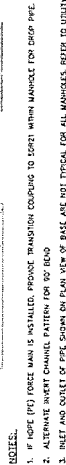
NOTES:



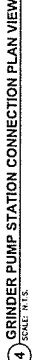
6 GRINDER PUMP STATION CONTROL/ALARM PANEL DETAIL
SCALE: N.T.S.



5 GRINDER PUMP STATION CONNECTION ELEVATION VIEW
SCALE: N.T.S.



2. ALTERNATE INVERT CHANNEL PATTERN FOR 90° BEND



4 GRINDER PUMP STATION CONNECTION PLAN VIEW
SCALE: N.T.S.

Village of Altamont Zoning Board of Appeals
Regular Meeting
January 24, 2023

Deb Hext, Chairperson
Danny Ramirez, Member
Barbara Muhlfelder, Member
Simon Litten, Member (absent)
Robert Freeman, Member
Sal Tassone, Member (absent)
Laura Murphy, Member
James Sullivan, Member / Alternate (absent)
Andrea Witham / Alternate

Gary Goss, Building Inspector/Code Enforcer
Allyson Phillips, Village Attorney
Ginger Hannah, Secretary
Tresa Matulewicz, Board Liaison
Jeff Moller, DPW Superintendent
Paul Miller, Fire Chief
Applicant:
Troy Miller
Stephen Walrath, Surveyor
Rolando Andres, Project Manager

Guests: 5

Chairperson Hext opened the meeting at 7:00 p.m. and welcomed everyone to the Village of Altamont Zoning Board of Appeals meeting. She stated that the meeting will be video and audio recorded. She introduced herself as Deb Hext, Chair of the Zoning Board of Appeals and asked the Board Members to introduce themselves. They did as follows: Laura Murphy, Andrea Witham, Barbara Muhlfelder, Danny Ramirez and Robert Freeman. Chair Hext said we also have representing the Village Gary Goss, our Building Inspector; Ginger Hannah, Secretary; Allyson Phillips, Village Counsel; Jeff Moller, DPW Superintendent, and Tresa Matulewicz, Village Board Trustee.

She stated that this is not a public hearing, therefore no public comment will be allowed. Public comments are only allowed during a public hearing. She invited any Village representatives, DPW, and Fire Department to come up and ask any questions you have for the applicant.

Chair Hext then invited the applicant or the engineer or the planner to come up and just give us a once over of what's going on and what your plans are, making sure to come up to the microphone and introduce yourself.

Stephen Walrath stated I'm a land surveyor and I'm here representing Troy Miller. He's the applicant for an 11 lot subdivision on 13 acres behind Schoharie Plank Road and to the west of Western Avenue. What the applicant's proposing is an 11 lot subdivision. One lot, lot nine has an existing house on it, so there would be 10 new houses. There's 66 feet of frontage on Schoharie Plank Road, and that would be utilized as a common driveway for four lots in the back there. We've put in an application for a variance - it requires 30 feet of frontage for a keyhole lot. We've got 16.67. At one point we were going to have over on Western Avenue, we're doing a lot line amendment, which is Lands of Anthony Casper, I think it was Van Auken before. We're moving in their property 10 feet. And what that is doing is we have two lots with 30 feet of frontage, and then the third lot's going to have 35 feet of frontage. So we don't need a variance on this side. Another lot line adjustment we're doing is we're adding a portion of the Adam's property - there's a planter and a shed in the back there. We're going to combine that with the lands of Adams to just correct that encroachment there. One thing we didn't put on here that we're going to do is another lot line adjustment. It's essentially going to be like this - it's on the lands of Blake and Heinbuch, and it's going to be 25 feet. Troy pointed that out to me. So we're going to add that to the plans.

Chair Hext: What do you mean it's going to be 25 feet?

Steve Walrath: We're going to add 25 feet to the rear of that property, so we're going to have an additional lot line adjustment here.

Chair Hext: Do you have concessions from all of the folks that you're doing the lot line adjustments from?

Steve Walrath: Yes, we do. I believe.

Chair Hext: Because I haven't seen anything like that.

Troy Miller: When it got rumored I was doing this, some of the neighbors reached out to me and had concerns or questions. And each of these people that I met with, it was discussed. One of the reasons why this lot line adjustment for Casper is their foundation was basically the property line, so it was a bad situation that by sliding his property over, now it'll be a more traditional situation. Like his gutter, his fence, everything ended up on my property unbeknownst to him. But nevertheless, it's good that we're able to shift that over to give him a better situation. Larry's land ended up on our land, so that fixed that situation. It was just kind of going through and wherever I could help someone that didn't necessarily negatively impact, we did that. So, as part of this subdivision, if you guys agree that that's all a good idea, we'll obviously secure up the paperwork, but at this point, it was just a meeting between us and them.

Chair Hext: So you would have actual paperwork and agreements with these folks, it's not just you had a talk with them.

Troy Miller: Yes.

Chair Hext: Asked the audience if they could see the drawing (plat) that Steve Walrath was talking about. She invited everyone who wants to come up and take a look, while Steve Walrath is speaking, if they have questions on anything in particular, you're welcome to do so.

Chair Hext stated that all the materials are also available on the Village website and Chair Hext stated they are available in the office as well.

Steve Walrath: So as far as where we're at, you approved the concept plan. We put in all the applications with the exception of the third lot line adjustment, which we will put in.

Chair Hext: So the one variance that you're requesting is null and void then?

Steve Walrath: No. We are requesting a variance here for the frontages for the width of the keyhole lot. The requirement is 30 feet.

Chair Hext: But you had another lot line adjustment on Western that you weren't doing?

Steve Walrath: By doing the lot line adjustment. We have 30 feet, 30 feet, and 36 feet. So we would not need a variance for that one. The lot line adjustment is going to create that and it's going to help Casper's property because like Troy said, the property line on the south side of his property is literally a 10th off of the foundation, so it's going to give him 10 feet of sideyard.

Chair Hext: Okay. I know there are a lot of questions from the Board. So I will allow the Board at this point to ask any questions that they may have.

Board Member Ramirez: Let me start off on your line lot line amendment waiver. You're mentioning about moving the property lines 10 feet southerly, but you don't mention anything about the northerly line being moved.

Steve Walrath: The northerly and the southerly line are both moving 10 feet.

Board Member Ramirez: But it's only mentions about the southerly line. So it just has to be added in then.

Steve Walrath: OK, I think I was just trying to word it that the whole property was shifting 10 feet, but we can describe it differently if it needs to be.

Chair Hext: I know there were some questions from our Fire Chief as far as ingress and egress for emergency vehicles. Paul Miller, would you want to come up and ask questions?

Fire Chief Miller: The one concern I had is with those lots going straight back in at the width of the roads, if we were to bring Westmere's fire truck up here, they need 20 feet from side to side to set up their ladder truck. So we need something a little bit wider than what you have proposed here. At least some sort of stabilization on the sides of that so we can set up the 20 foot wide ladder truck.

Steve Walrath: Yeah. We're not showing the proposed driveways on here. We just have proposed easements. But anything along the driveways here, everything will be in conformance with the fire code requirements.

Fire Chief Miller: We might need you to go beyond that. In order to be able to set up a truck safely, we might need more than what the fire code asks for. So that's why I'm saying we need to look at that.

Steve Walrath: Okay. Then can Ro Andres, he works for me - he's my project manager. Can he get your number, just so we can get some input on what you want to see?

Fire Chief Miller: Absolutely.

Steve Walrath: Okay. Thank you.

Chair Hext: Thank you Paul. Okay. Jeff Moller, our DPW person. I know you have some questions. I know Brad (Village Engineer) had some questions that you might be able to answer. I don't know if you want to see Brad's.

Steve Walrath: Okay.

DPW Superintendent Moller: Our big concern is Schoharie and if this project goes through about all the construction equipment going down Schoharie Plank Road. We had one house last year put up there and they tore it up pretty good. I don't know if it's a matter of escrow money or something to take care of that after the project's done. That's one of our biggest concerns. As far as the utilities, it'll basically be like Long Grass except you're going to try to pull a sanitary in as far as you can for grade to a manhole, and it'll be the same situation. That'll be the homeowner's responsibility for the road going in. That's it, I think. Mostly the condition of that road after you're done.

Chair Hext: Jeff, is there any question regarding the grinder pumps and their location? I mean, I see, is it one grinder pump?

DPW Superintendent Moller: It's one per household.

Chair Hext: Is it? I don't see that that way though. I thought on the map it only had one grinder.

DPW Superintendent Moller: Yeah. But there's one on each house.

Rolando Andres, Project Manager with Steve Walrath: What's shown on the C 130 plan is a note calling out what's typical for each proposed house, which is a grinder pump for each dwelling unit. And to follow up on Mr. Moller's concern about Schoharie Plank Road, on C 120 - all the plans are available online - C 120 I believe is the fourth or fifth page in the plan set. We're proposing that all construction vehicles actually enter in through Western Ave., and we call it out as such on the notes to the right side there, as to not disturb anything along Schoharie Plank Road as much as possible. That way we can have construction vehicles entering and exiting from one or two sites here off of Schoharie Plank Road. (Transcription Note from Ginger: should this be Western?)

Chair Hext: Do you propose having one of the lots being the staging area for construction vehicles? So there will be no construction vehicles coming up and down Schoharie Plank West.

Rolando Andres: That was our intent. Again, to minimize any sort of effects from construction activity along Schoharie Plank Road, is to have a construction entrance along Western Avenue where vehicles that are unloading excavators or bringing soil or rock material, whatever it is, it would be contained to Western Avenue.

DPW Superintendent Moller: I also saw in some of the letters that there were some concern about the number of water main breaks that we've had on that road. And this project really won't affect that at all because the water main isn't in the street anyway. It's off on the lawns. And adding more services onto it won't really affect it. It's just a matter of our infrastructure getting old.

Chair Hext: And can our infrastructure support the additional homes?

DPW Superintendent Moller: Yep.

Chair Hext: Including water?

DPW Superintendent Moller: Yep. And wastewater. I've got some figures. I don't know if you want to go through all that now. I sent you that one. I can expand upon that for the next meeting.

Chair Hext: I know there's a calculation that is used. Basically, and correct me if I'm wrong, Jeff, I think what was done was look at all the vacant land in the Village, decide how many houses could possibly go there. And our water limit was based on that. Is that kind of it?

DPW Superintendent Moller: Originally it was, and for this project we took our usage from the five highest months, starting from May forward to September. Looked at that usage, and then looked at our total production for the day. Troy figured I think 4,400 gallons per day for this project. Took that off our total production and took that figure. And there was only one day last year that exceeded that. And even without his project our usage still exceeded. So whether or not he had that project in use...

Chair Hext: And that was running on one well.

DPW Superintendent Moller: Yeah. Right. But you have to remember too, we've got a million gallons storage up on the hill. Technically 500,000 because we don't want to let it get below half our tanks. And that's our cushion. So if we go beyond our production for one day, the next few days we'll pick up on it, bring it back up.

Chair Hext: Okay. Does anyone have any questions for Jeff?

Board Member Ramirez: I just want clarify, when you asked about the construction vehicles - a gentleman mentioned about the large trucks coming in off of Western Avenue, loading and unloading there. But as we get into lots 5, 6, 7 and 8 and you've got your tradesmen in there - plumbing, electrician, etc. - one of the issues was having a staging area for them off the street.

Steve Walrath: Yeah. We'd run like a road through here, just a temporary construction entrance. Anybody doing work on the houses here would utilize that. And I think we would just start like from the back here as far as the houses and then like this lot five here would be the last one to be constructed back here. And at that point then you just take out your temporary construction road. And that just eliminates any traffic on Schoharie Plank Road.

Board Member Ramirez: Okay. Thank you.

Chair Hext: I'm sure it's going to come back to people having concerns on Western Avenue as well. But one thing I would mention is the Village of Altamont doesn't have a noise ordinance. However, we go by the Town of Guilderland's noise ordinance as far as construction vehicles and times and we would definitely want to be sure that if this project goes forward, you're following those regulations.

Regarding hours of operation: It was noted by Village Attorney Phillips that Guilderland's noise ordinance has a restriction for construction repair, demolition or excavation. It's considered to be unreasonable noise between the hours of 6:00 PM and 7:00 AM or at any time on the weekends or legal holidays. So it would be reasonable between the hours of 7:00 AM and 6:00 PM Monday through Friday.

Chair Hext: I know that our engineer sent an email and I'll read it - if you want to take a look at this. Grinder pumps can be in basements or outdoor hdpe, the plastic piping, but should be privately owned. So would all those be privately owned?

Steve Walrath: Yes. The grinder pumps would be privately owned. There's no municipal ownership in the grinder pumps or the lines going from the pumps out to the existing line on Schoharie Plank Road.

Additional discussion regarding Grinder Pumps: It is the homeowner's responsibility for the line going from the grinder pumps out to the existing main on Schoharie Plank Road. Plan specifications say they would be outdoor grinder pumps.

Steve Walrath: (responding to DPW Superintendent Moller question (inaudible): You're talking like if there was a manhole up here, these four lots would be responsible together from the manhole out to the main.

DPW Superintendent Moller: Correct.

Steve Walrath: Yes.

Chair Hext: So from the home to the manhole would be the individual homeowner. From the manhole out to the main would be the HOA.

DPW Superintendent Moller: And they'd have to have an HOA for the road maintenance.

Steve Walrath: They'll need a maintenance agreement and cross easements for ingress, egress, utilities.

Chair Hext: You're not proposing an HOA?

Steve Walrath: No. We're not proposing a homeowner's association.

Chair Hext: I thought it was going to be a homeowner's association that was going to take care of all the maintenance, the plowing, kind of like you do on Bozenkill.

Steve Walrath: No, there's no homeowner's association. These four lots, they would be responsible together for a maintenance agreement for the driveway. So it would be up to the four owners to share the cost of the maintenance of the driveway.

Chair Hext: Who's going to maintain the road going into each...

Steve Walrath: You come in on a common driveway and once you're off the common driveway and outside the easement area, that's up to the individual homeowners.

Chair Hext: So who maintains the common driveway?

Steve Walrath: The four owners collectively share in the cost of the common driveway.

Chair Hext: I thought it was in the minutes. Alright, so this was brought up - this is in the minutes. So it said HOA access, private road maintenance, so I don't know if we misunderstood each other before, but it did say it was going to be an HOA. And that's what you thought it was going to be. Maybe it was just a misunderstanding of the individual homeowners will be maintaining the property. We just kind of assumed.

Steve Walrath: Yeah. I think it was just a misunderstanding because I don't believe we ever proposed an HOA. I mean this is typically how it's done for 2, 3, 4 houses. If you had a private road and you had 20 or 30 units and whatnot, then you'd have an HOA that would be responsible. The homeowner's association would be responsible for doing all the maintenance work, the plowing, shoveling sidewalks if they're in

there, cutting the grass, all of that stuff. This is just, this is all individual owners on the lots. And the only thing they would share is the expense of the common driveway coming off of Schoharie Plank Road up to the end of the easement, and then where they all branch off. And then individually they'll be responsible from where it branches off to their house.

Chair Hext: It would be the same for the keyhole lots on Western?

Steve Walrath: Yes. It would be, because we're just proposing one common driveway for these three here, as opposed to three separate driveways and three curb cuts.

Chair Hext: I just want to make sure that when and if we get this far, that it's quite clear that the Village of Altamont will not be maintaining any of the common access or egress...

Steve Walrath: Oh, yes. That'll all be written up in the descriptions for the lots, the language in the easement. There'll be cross easements for utilities and ingress and egress along the common driveway. And then a maintenance agreement for that portion that's shared collectively. But there's nothing that the Village is going to be responsible for before here, which is one of the reasons why we want to just do a common driveway for the four lots. Because we have looked at this and Troy wants to keep the density down, which is why we have 11 lots. If we came through here and put a road in here and ran a public highway out to Western Avenue, we could get 22, 24 lots in here. But that's not what he wants to do. That would require a new public street, which would involve the Village maintaining that once it was completed and dedicated to the Village.

Board Member Muhlfelder: Is that common - to have the homeowners maintain the roads?

Steve Walrath: It's common. Yes.

Board Member Ramirez: Just for clarity, what I want to make sure is that, just talking about the future homeowners there, that nobody goes, eh, I'm not going to worry about it. And the property between those two homes leading to the back falls into disrepair.

Chair Hext: You mean as far as maintenance, lawn mowing, that kind of stuff?

Board Member Ramirez: Yes.

Steve Walrath: They have a legal obligation to do it. Can they ignore that? Well, up to a point, I guess.

Village Attorney Phillips: It may be helpful and you can require the applicant to supplement the application materials with the proposed road maintenance agreements so you can see the terms and how the road maintenance sharing would be set up among the property owners sharing the common driveway.

Steve Walrath: We can do that. I do that quite a bit and especially in Guilderland, but also for preparing deeds and the easements and the driveway maintenance agreements, because a lot of times municipalities do want to see that language.

Board Member Freeman: Well it's one way of getting out of it without having to have an HOA because the HOA is the one who sits there and says you're not doing this and you're not doing that. And this way there's an agreement between all of them.

Steve Walrath: Well, you're going to have four property owners enter into an agreement.

Village Attorney Phillips: You have the four on one side and three on the other – the same arrangement?

Steve Walrath: Yes.

Village Attorney Phillips: So the Board could request that the applicant supplement the application materials with the proposed road maintenance agreement and the cross easement descriptions that were just described, which will provide for the mutual obligations to share in the road maintenance expense and maintain the common driveway.

Chair Hext: Makes sense. Thank you Allyson. Just a couple other things here from our engineer that reviewed the plans:

- Grinder Pumps - Use Environment One grinder pumps made in Niskayuna unless they want problems with cheaper ones.
- Recommend building pads be elevated in lots to get sub pumps higher to reduce pumping, flooding, power consumption. That area could have a significant water table.

Which brings us to another question. As far as the water table there goes. I've heard from residents on Schoharie Plank Road that that acreage is always wet. I don't know what always wet means to anyone. Always wet to me means you can't mow back there. You know, it's just always wet. I don't know that, I haven't walked the property. Has anyone done a study on the land to determine the water table there?

Steve Walrath: I don't think to determine the water table. We've had it looked at for wetlands, which there are none. I personally walked the whole thing when I did the topography and didn't encounter any soft spots or whatnot. It's essentially two hay fields right now, or it has been used as hay fields in the past.

Chair Hext: That had to be a long time ago. Because I don't remember that, and I've been here since 1986.

Village Attorney Phillips: In the EAF, it does confirm that there are no wetlands on the property, but it said that there is a wetland on adjacent property and I'm assuming it's a federal, but can you just generally describe where it is? I don't see it on any of the plans.

Steve Walrath: It's along the creek on the other side of Schoharie Plank Road. I was going back and forth with that. I put yes because the creek is there and it essentially is adjoining the property. It's the other side of the road. So the federal wetlands would be associated with the Creek.

Village Attorney Phillips: And then in the EAF, it said some portion of the site is located in the hundred year flood plain. Is that shown on any of the plan sheets?

Steve Walrath: I think we didn't show that. I can give you a rough idea of where that is. I'm going to say it's something like a line right here.

Chair Hext: So along Western you are?

Steve Walrath: Yeah. So along Western here. So lot 11 here. It's in a flood zone. The flood zone is 8-0 with a one foot inundation. That means it has a potential for a one foot inundation above the surface every hundred years. Essentially what you do with a lot like that, you don't have a basement. You bring it up more than a foot higher than the existing grade and the structure becomes out of the flood zone at that point.

Village Attorney Phillips: And that's the requirements in the flood damage prevention law?

Steve Walrath: Yes.

Village Attorney Phillips: So it's just that one lot?

Steve Walrath: It's just the one lot. Yes.

Village Attorney Phillips: You know, it may be helpful, Deb - the Board can consider whether it wants to require the applicant to show that line on the plan sets, just so it's clear.

Steve Walrath: It's going to be on there. It was supposed to be on there. We just missed it. Okay. It's in the drawing. It's on a layer. It didn't get turned on.

Chair Hext: Are you proposing to do slabs for all the homes?

Steve Walrath: No, I don't believe so.

Chair Hext: I'm just concerned about residents' concerns about that area "always flooding" or constantly being wet. What can you show, or what can you do to mitigate both the Board's fears of that and the resident's fears? It will change the topography, we know that. It's going to change everything about West Schoharie Plank and Western Avenue. And from the get-go, people have said that's going to flood, it floods down our property, especially people on West Schoharie Plank. Is there something that you can show or you can do to help mitigate any potential problems?

Steve Walrath: We can do test kits out there and see what the soil is and if we encounter groundwater, as far as where groundwater is.

Chair Hext: Can you do that now? It's winter.

Steve Walrath: You might be able to. There's not much frost in the ground right now. The groundwater and flooding are two different issues here.

Chair Hext: I think an overabundance of groundwater would potentially lead to flooding. If your ground is saturated with water and we get - like it's supposed to do tomorrow - six inches of snow and then rain, where is that going to go? It's going to flood. I just want to make sure we as a Board are doing everything we can to mitigate the existing homeowner's fears. Everybody's concerned when a new development's going in.

Steve Walrath: The vast majority of the flooding that occurs here historically is related to the creek there.

Chair Hext: But that has flooded that road there, hasn't it?

Jeff Moller: Yes.

Steve Walrath: Yeah. I know it has.

Board Member Muhlfelder: Jeff, have you been back behind the houses by any chance?

DPW Superintendent Moller: Yes.

Board Member Muhlfelder: In the past, has it been pretty wet?

DPW Superintendent Moller: No. The last time I saw it flood, it was going down Western from the creek. It jumped the creek. We had ice dams farther down.

Chair Hext: If you would be willing to do a test, I think that would certainly help. It would at least give us an idea, or give us something to show that we've dotted our eyes and crossed our T's - we understand their concerns.

Fire Chief Miller: With the new construction these days, the way they seal the basements, the way they put the drain tile around the inside and the outside of the basements, the way they put the sump pumps in - you're probably going to have to have a requirement for a sump pump in every house. That way it will go out where it needs to, to prevent flooding in the basements.

Chair Hext: Thank you, Paul. My concern isn't so much the new homes, it's the existing homes.

Board Member Ramirez: Then you have roof runoff, and then you have your sump pump - you're collecting water that, depending on the water table - what's going to be done with it? Where's it going to go? It's got to go somewhere. We want to make sure that it's not going to... I know it tends to pitch away.

Steve Walrath: We don't have the contours on this one, but when you get back in here, it's kind of like almost the top ridge of the property is here. So like these houses, everything's draining away from the existing houses on Schoharie Plank Road.

Chair Hext: So then they're draining toward the existing homes on Marion Court.

Steve Walrath: These all sloped back like this. And the same thing with Marion Court. And then the drainage comes back through here and heads towards the creek. That's where the natural drainage goes now.

Chair Hext: So we're adding more water to a creek that's already known to flood.

Steve Walrath: Well I'm not the engineer, but the drainage calcs - it's like, you don't have any houses there now. You put a house up, then you have a roof, and then you have a driveway or whatnot. And it's a question of how much, where's that water going to go? And with such a large lot, and the rest of the lot is still pervious. It's not impervious, it's not going to generate a substantial amount of runoff going away from where the house is. It's going to seep in before it gets too far away.

Board Member Freeman: So let's say you do the water study or you test for groundwater. If there's a lot of groundwater and you have to put sump pumps in some of these homes, what are you going to do with that? Are you going to daylight it into storm sewer or the creek? How are you going to do that, because that's going to be added on top of your roof runoff?

Steve Walrath: It wouldn't be going into the creek. Talking with Bill Smart, he's the engineer - it would be a question of creating little retention / detention basins, even maybe on the lots individually to collect that - whatever each lot creates.

Board Member Freeman: So in case it was needed, there would be a basin in some area?

Steve Walrath: Yes and all the roof runoff and the driveway runoff would be directed into that, because it's easier to control it individually as opposed to collectively, where the source is, than with one big retention area.

Board Member Freeman: The one big retention area can be a bit unsightly too. There are some of the older neighborhoods that have them and they're not maintained and it's nothing but cattails.

Chair Hext: A lot of these questions would be answered if we had a SWPPP. I know your area disturbance you're saying is less than five acres. But how do you know that? Until you get in there and start doing construction and digging things up - I don't know how you know the disturbance is going to be less than five acres and therefore doesn't need a SWPPP.

Steve Walrath: You're basing it on the footprint of the house, the length of the driveway, the area around it, say just like 50 feet around the outside of the proposed house, because the rest of the property is not going to be disturbed during construction or after construction.

Village Attorney Phillips: I'm sure the engineer's going to review - the modified SWPPP that you guys submitted, it's like an erosion and sediment control plan - does that have the calculations you were describing to demonstrate that there's no increase in runoff post-construction offsite? Does that modified plan address that or is it strictly limited to the erosion and sediment controls?

Steve Walrath: Ro, you're going to have to answer this.

Chair Hext: Thank you Allyson. Cause that basically is the concern.

Village Attorney Phillips: For our SEQRA review, we have to be able to take a hard look at what's submitted and determine that there's not going to be any adverse impact on surface water resources. And that's typically where you look to the SWPPP and you say, okay, they've demonstrated, here's the calculations, it's not going to increase, it's going to maintain the natural hydrology, the existing drainage flows. It's not going to increase runoff offsite. But if we don't have that in the record, it's kind of difficult to be able to determine that it's not going to have that impact that clearly people are concerned about.

Rolando Andres: That is a valid concern. It is something that we can add to the modified SWPPP. The formulas are not included, but they do show that our disturbance from the proposed plan is well under

what New York State DEC is looking for. And that's why we had submitted the modified SWPPP. But if it does help just to have the formulas and the numbers to kind of quantitate what's actually going on, we can certainly add that.

Village Attorney Phillips: I think that would be helpful if you want to require that. And then we could have the engineer review it and provide their opinion as to whether or not the data supports those conclusions.

Chair Hext: I agree. Because again, on the EAF or the SEQRA, one of the questions that we have to answer is will this in any way be detrimental to existing neighborhoods or homes? And if I had a home there, I would certainly be asking the same questions that all the residents are asking. They're fair questions and they should be asking those questions and we have to get the answers - that's what we're here for. Allyson, did you have any other questions? I know we talked and you wanted to ask a couple things.

Village Attorney Phillips: I know that Paul's going to take a look at the driveway access to ensure it's sufficient for emergency access. It is a little concerning just because it's not like a traditional keyhole lot where you have the access through the portion that's adjacent to the road, the pole. I know that the code encourages us to look at common points of access, but when you look at the map, it looks like the travel portion of the shared driveway is only going to be 12 feet wide. Is that right? On the Schoharie Plank side, looking at C130.

Steve Walrath: Yeah. Ro is telling me that it is 12 feet.

Village Attorney Phillips: So a 12 foot shared driveway for four houses - two cars wouldn't even be able to pass each other on that, I don't think.

Steve Walrath: Yeah. That can be expanded.

Chair Hext: I think the New York State code says just the residential street I think is 16 -1/2 feet.

Village Attorney Phillips: In our code we have a standard for residential streets and it's at 355.24. And this is for residential streets, not a shared driveway per se, but it's supposed to be a 60 foot wide right of way and 22 foot paved widths - two 11 foot travel lanes. That's the standard for a residential street. So here you're proposing 12 feet for a shared driveway for four lots. So that's a little over what we would call a one-lane on a residential road. So that's a little concerning and I'm sure the fire department's going to be reviewing that and you guys may want to have the engineer review that. It looks like there's some vegetation you're trying to keep on the sides, which I can appreciate since there's existing homes there, but that just does seem a little narrow to me.

Steve Walrath: Yeah, we are trying to keep as much vegetation as we can because the one house on the left side, I think it's only five and a half feet off of the property line, which is awfully close. And that's one of the reasons why we're going with a shared driveway instead of putting a Village highway in there. Because then you're going to have the 22 feet of pavement there and after 22 feet, it's like 18 feet and 20 feet away is going to be the side of the house from the edge of the pavement. Troy doesn't want to do that. I don't want to see it myself. So we're trying to limit the impact there as much as we can. If it has to be wider, if the fire department would like to see it wider, you would like to see it wider, then we can accommodate that.

Village Attorney Phillips: Just to take a look at our standards and our law, the code does require that streets have to be suitably located and laid out to afford access for firefighting, snow removal and other road maintenance equipment. So it definitely contemplates that it's got to be adequate for the purpose. And what we're hearing is it's 12 feet wide, there's no turnoffs, there's no turnarounds. So I think that the fire department's going to have to take a look at that and you should have your engineer take a look at it, to just kind of determine would that be considered adequate for the purposes laid out in the code?

Chair Hext: How wide is a typical fire truck, Paul?

Fire Chief Miller: About nine and a half feet.

Chair Hext: So there's no way - you couldn't get a tanker and a ladder truck in there.

Fire Chief Miller: No, if we were running tankers back there, cause we know how (inaudible) our exits are. We won't be running tankers back there anyway. There's no way - you'd have to do that on Schoharie Plank (inaudible).

Board Member Muhlfelder: Speaking of hydrants, I think there should be a hydrant.

Fire Chief Miller: Well there is, I was looking at the map earlier, within 400 feet, which, we have over a thousand feet of four inch hose on the truck.

Chair Hext: Cause there's one on Western and one at the end of the bridge. So it wouldn't be a problem then getting into these.

Fire Chief Miller: No.

Chair Hext: Except that if they had to run it across Western Avenue, they would have to close Western Avenue because the hose would be running across the road.

DPW Superintendent Moller: No, it wouldn't be.

Chair Hext: Is it on the right side?

DPW Superintendent Moller: Yeah.

Troy Miller: What size road do you want to see?

Fire Chief Miller: We'll talk afterwards. We'll go out and look at the fire trucks.

Steve Walrath: I think the width of the driveway and the turnaround is going to be based on what Troy was just talking about, input from the fire department and also your engineer.

Chair Hext: One question, and this is going to really throw a wrench into things, but why have ingress and egress off of Schoharie Plank at all? Why not have everybody coming in and out on Western. You're going to build a construction road there anyway to access the homes on Schoharie Plank. What benefit is it to have two separate driveways instead of one off of a main road like Western and limit the impact to the residents on West Schoharie Plank? We're talking four homes there. Two cars each. Three cars each depending four cars each if you have kids and the just people coming in and out to do any kind of work. You're talking about a significant amount of traffic on a road that already needs work. So can you describe why you're running it off of that? What the benefit of that is instead of running everything off of Western Avenue?

Steve Walrath: Well the benefit is it's less distance from the road to the houses. Historically, when all of these lots were created on Schoharie Plank Road, there was 66 feet wide that was left here. And from a planning perspective, that was specifically for a road coming in at some point in the future. There's no other reason why they would leave 66 feet wide.

Chair Hext: I don't know that we can guess on that, but..

Village Attorney Phillips: Well just again going back to the residential road standard, I mean it did contemplate a 60 foot wide right of way. And so you kind of look at what may have been contemplated for good planning purposes and did they mean to have a 12 foot wide driveway in that space serving four lots?

Steve Walrath: Well the other option is putting a public highway in there with a cul-de-sac.

Chair Hext: Off of Western Avenue?

Steve Walrath: Off of Schoharie Plank Road.

Chair Hext: Why isn't an option to put the main road, not a public highway, but a road from Western Avenue that serves all 11 lots and mitigate totally the impact on West Schoharie Plank?

Steve Walrath: Well, I don't see how we're going to get the four lots in the back there without more variances. You're taking these four lots here and you're requiring it to be out front there, the entrances to it.

Chair Hext: I'm just saying, one road, keep it exactly as it is. You have the entrance off of Western Avenue now. And you're going to build a construction road to service those four homes from West Schoharie Plank. Why can't that become a permanent entrance and exit and do away with the one on West Schoharie Plank?

Troy Miller: You mean a Village road?

Chair Hext: No one like yours. Along Long Grass Lane or something.

Troy Miller: So how many houses would that mean are on that one road? Because that's where it gets ugly.

Chair Hext: Why would it be any more ugly than putting a maybe 60 foot wide road on West Schoharie Plank? You could have a cul-de-sac at the end of it where the four lots are. You eliminate any issues with the fire department, you eliminate any issues with emergency EMS and you...

Troy Miller: We're not going to have issues with them because we're going to do what they ask.

Steve Walrath: Well, you're talking about a cul-de-sac and a longer road. Are you talking about a public highway that's going to be owned by the Village?

Chair Hext: Why does it have to be a public highway? Why can't it still be a roadway that is maintained by the homeowners? What's the difference? They're going to be maintaining two anyway. So this would be just one that services 11 of the homes. Well actually it's 10, right, because the one is existing and that's on Western.

Steve Walrath: There's one existing on that.

Board Member Ramirez: Well, if you put a road in there, you could also increase the amount of properties or homes.

Steve Walrath: Well that's what we've looked at before. I mean, there's nothing that says we can't run a road right through there. It's all allowed by zoning and create 22 or 24 lots and you're going to have a through street.

Board Member Ramirez: Well I think Ms. Hext is trying to eliminate the road from Schoharie at all. If you come in from Western, whatever you have to do, and then put a cul-de-sac – proper turning radius per se for any vehicles and just have that one dead end street.

Board Member Murphy: Well how long would that need to be if it was just coming off of Western and then it was supposed to service every single home? How long do you think that would need to be for there not to be any entrance on Schoharie Plank?

Steve Walrath: That I don't know offhand. I mean, just the amount of individual utilities going through there. Because you're not doing a Village road, you're saying you're doing a private road. Number one, everybody has to have frontage on a public highway. You're requiring 30 feet - if we get the variances and get down to 16. If you're doing these four here, we're going to have to come up with a hundred feet or more of frontage out on Western Avenue to have these houses have frontage on a public highway. We

can't just do a private road in there and make lots off of it because they don't have frontage on a public highway. They're landlocked, and you can't landlock a parcel.

Village Attorney Phillips: I'd have to look at it. I know under the town law there's that concept of the open development districts where you can, as part of a subdivision plat approval, have access over a private road. I honestly don't know how the NYS village law conforms with that or doesn't. But you're already looking for variances because you don't meet the minimum road frontage requirements with this design because of all the keyhole lots.

Steve Walrath: Right. And we're also requesting the variances to not build a Village street here with a cul-de-sac. So the Village has no maintenance with this design. We could create a Village street coming off of Schoharie Plank Road and a cul-de-sac and that would be dedicated to the Village. And then the houses would all have frontage on a public highway.

Village Attorney Phillips: The Village would have to accept the dedication. It could be a private road design if there is this provision that allows some kind of variance from the direct road frontage like in the New York State town law. And I don't know if that's the case, honestly.

Steve Walrath: You need to own frontage on a public highway to sell a piece of property. It has to have frontage on a public highway, otherwise it's landlocked. Even if you have an easement.

Village Attorney Phillips: It's a building permit requirement. I know what you're talking about, but there is a provision to allow variances from it under the town law. I can't speak for certain in the village.

Chair Hext: I don't mean to keep harping on this, but you keep saying that you could do it only if you did it off of West Schoharie Plank. Why is that? I know you're saying they have to have frontage on a public highway, but those houses off of West Schoharie Plank don't have frontage on a public highway.

Steve Walrath: Yes, they do. The 66 foot wide strip coming out here is divided into four. Everyone has frontage on the public highway.

Board Member Ramirez: That's the variance you're looking for?

Steve Walrath: We're looking for a variance for the width – the flag part of the keyhole lot.

Chair Hext: I'm just not seeing why, if you're asking for variances anyway, why you can't have everything accessed from Western. Whose law is it that they have to have frontage on a public highway?

Steve Walrath: That's just New York State law. You cannot landlock a piece of property. It has to have frontage on a public highway.

Chair Hext: I'm trying to see how it wouldn't.

Steve Walrath: If you have a private road coming in, say like this, and you come across here, these lots back here don't have any frontage on a public highway. You would have to create individual strips that are actually part of these lots back here coming out to Western Avenue.

Chair Hext: By strips you mean access roads.

Steve Walrath: Actual fee ownership. They have to own frontage on a public highway.

Village Attorney Phillips: Deb, we can review that. I can follow up with a memo to the Board just to confirm what the law provides on that.

Chair Hext: I want to keep the discussion open on this. I really would like to try to figure out a way to not have that access on West Schoharie Plank. As a Village resident that's a walker, there's other Village residents. Granted it was designed perhaps with a road going in there. But I just can't see it in my head. I understand what you're saying, Steve. I understand about the public highway and frontage on a public highway, but I'm sure there's a workaround. What it is, I don't know, but Allison and I will...

Board Member Ramirez: Is there any reason why the Village would not want a road that they have to maintain in there?

Troy Miller: I can just tell you financially, if this moves to a road, it's going to move to 24 houses, because the dollars and cents don't make sense. It's very, very different - a private driveway. It's hard to even find subdivisions under 40 houses just because of the cost of doing that infrastructure. So even extending that private road, say it becomes, instead of two - 200 foot private roads, it's a 1000 foot road just to get to the very back ones. You have a thousand foot private road that seven people agree to instead of two. That just limits the amount of participants that are involved when you seal the driveway. It's all in the deed as the maintenance agreement - they go in the deed, but it limits the amount of people in your pool that you're discussing it with. So those four people have nothing to do with the other three people. As soon as you connect everybody, everybody has something to do with everybody. So it's more ideal to have two small ones than one long one with how many other houses would come off it. Which is why you don't see them very often with 11 people or less; you see them with three, four, because at some point it just becomes a road.

Chair Hext: What about having the curb cuts on Western for the houses, and then just have a service road that... Well, it still would be the same length, wouldn't it?

Troy Miller: That would just be three times as long.

Steve Walrath: It would be a question of where the frontages would be on Western Avenue.

Chair Hext: Well I can review it with counsel and maybe your engineers and our engineers can come up with a different way to do this. I mean there's a lot that we have to discuss as far as groundwater and everything like that. I'm just trying to come up with a different plan to mitigate the impact on West Schoharie Plank. I know Troy you bought this property, it was for sale for a long time. And you finally want to develop it. I get that - it's your property. You should be able to develop it. But our job is to make sure that the existing homeowner or neighborhood or Village is not adversely impacted by a new development or a new home going in or anything like that. So I think I've said enough. Anybody else? Andrea, you probably don't know what to say as a new board member. Laura, do you have any ideas from a real estate perspective

Board Member Murphy: Well, I know that if something is landlocked and it's not permitted to be landlocked, that they could not sell the property without some sort of problem for the next owner. So if someone lives there and they don't have the frontage, and that's what's required by the state, it could be an issue if the person who lives there and moves in and builds this home says in 10, 15, 50 years, I want to sell this home now and there isn't the appropriate road frontage, they would have a heck of a time selling.

Village Attorney Phillips: We can provide a memo to the Board just for informational purposes as far as what is required. Again, my experience is more with town that it is a requirement for the issuance of a building permit. If you want to build a structure on a lot, it's got to have frontage on a public road, unless there's certain exceptions. You get a variance from that from a ZBA or it's approved on a filed subdivision plat. That's in New York town law. I can't speak to village law, but I can review it. We have this application in front of us. This is the layout that the applicant is proposing. We've got the variance request. We do have to consider as part of the variance request the objectives the applicant's trying to achieve. But then also how the variance relates to the five factors, and we'll go through all of that. But I can provide just clarification on that point since we discussed it a lot tonight. But in the meantime, the Board can take additional steps to continue processing the application while we gather that information. I think the applicant's committed to meet with the fire chief to talk about the access and any concerns that the fire department has. We got a commitment to provide the additional calculations for the stormwater runoff that our engineer can review. And also the applicant's going to provide the road maintenance agreements and draft easement language so you can see how the common driveways would be

maintained, how the agreements will be memorialized, that everyone has this common obligation to maintain the driveways. So we can continue to have this discussion.

I think that additional information's going to help inform the Board what the applicant has in mind and how this will work. In the meantime, if the Board wants to take the next step of that very preliminary step in the SEQRA review process by declaring its intent to act as lead agency - we did prepare a draft resolution that the Board can consider adopting. That is literally the first step in the SEQRA process. It's a way to declare that you're going to review this under SEQRA, classify the action and initiate a coordinated review.

I will note in the draft resolution we prepared, we classified this as a Type I action. Looking at the Type I list, I don't know that it necessarily falls within any of the Type I categories. The EAF does say it's like substantially contiguous to the Village Historic District, which kicks down all the Type I thresholds. But I still don't think the project meets any of those. So I do think it can be classified as an unlisted. So we would make the change on this resolution. But because the applicant is seeking various approvals, it would still be the recommendation to move forward with a coordinated review. That way you get input from all the agencies. It's in the applicant's interest to have a coordinated review. That way there's only one SEQRA. He doesn't have to worry when he goes to get other approvals, if the Village approves this, that they weren't covered under the one SEQRA review.

Chair Hext: I don't know if everybody knows that the coordinated review would be with the state, the town, the Village, the county so that you don't have to go four different times.

Board Member Muhlfelder: I was going to ask Allyson if possibly when she does reference this she could send the information to Steve and Troy.

Village Attorney Phillips: I'll fully admit I don't know what the right or wrong answer to that is right now, but it's easy enough for us to just research it, confirm it for the record, and...

Board Member Muhlfelder: I think it would be informational.

Chair Hext: I do know we have some letters coming in from the residents. I have been reading them. We cannot though, until we have the public hearing, consider them a matter of public record as of yet. Did I say that right, Allyson?

Village Attorney Phillips: Yeah. I think we would just ask all the residents just to resubmit them when it comes time for the public hearing process. That's the official time where the residents get an opportunity to speak to the Board, give their comments to the Board and we can request any kind of follow up to answer any questions that are relevant to our review. It would help the Board if those can just be resubmitted at the public hearing portion of the review.

Audience: May I ask a clarifying question, respectfully? Does the Board's decision to move forward this evening with continued review, does that in any way signify acceptance of a modified SWPPP?

Village Attorney Phillips: It actually raises a good question as to when do you guys think you could get the additional materials to us? Because it may be helpful to at least include the calculations in the coordinated... we'll include the application materials. I think we have electronic copies of everything. That may be helpful. But I don't know how quickly you could turn around. Also, you guys are going to revise the application to include another lot line adjustment?

Steve Walrath: We're going to submit another lot line adjustment application. Those are separate applications. Has anybody found out what the fee is for those? There's a form for a lot line amendment, but there's no fee listed.

Code Enforcer Goss: I'll have to let you know.

Steve Walrath: It's not a modification, it's just an addition of one more application.

Village Attorney Phillips: Okay. So it may be good to get that before we circulate so we can accurately describe everything that the applicant is applying for.

Chair Hext: At the next meeting, you mean.

Village Attorney Phillips: I don't think you necessarily have to wait until the next meeting. I just think it would be good in order to have what you're proposing. If it's going to be another application, submit it to the Village. If we can get the storm water calculations, I think that would be helpful. And then that way when we send the SEQRA coordination notice, we give a description of what the applicant's proposing to do and the scope of the application. So here it's a 13 lot subdivision. It includes area variances, it includes three lot line adjustments. We want to be able to describe the whole application accurately so we don't have to send out multiple corrections to the Agencies.

Chair Hext: And it would be okay for Ginger to post that on the website so that the residents can access that.

Village Attorney Phillips: Yes, I think so. When the Village is ready to send those letters out, the notice, it's a public document and can be posted online together with the service list of the agencies that it's going to.

Chair Hext: Did that...?

Audience: I'm not sure that it answered yes or no in terms of does the action of Board this evening in any way accept a modified SWPPP for this project? Or would a full SWPPP still be in consideration?

Chair Hext: Are you talking about a SWPPP or approval of the application itself?

Audience: A storm water prevention plan.

Village Attorney Phillips: I think that you had already said that you're going to have the Board's engineer review the materials. They can determine if it is below that threshold that would require a full SWPPP. But as we said, even if it's not a technical requirement that they provide a SWPPP there are parts of a full-blown SWPPP that would be helpful to the Board in making its SEQRA determination that this action isn't going to have a significant adverse impact on surface waters or adjacent properties. And it sounds like that information can be provided. And our engineer can determine if they are below the threshold and an erosion and sediment control plan is the minimum of what they're required to provide, then that's fine. But if they're willing to provide extra in order to assist us in taking the hard look we need to do under SEQRA, that's even better. So committing to a full-blown SWPPP, we really need the input from the engineer.

Audience: Thank you.

Steve Walrath: Your question was about getting the calcs to you. Has the Board designated the engineer?

Chair Hext: Yes. It's Brad from Barton and Loguidice.

Steve Walrath: Okay. And they gave you an estimate and has Troy set up an escrow account? Has any of that transpired?

Secretary Hannah confirmed that it was \$3,000 and the initial payment had been made by Troy.

It was agreed by Chair Hext and Village Attorney Phillips for Steve Walrath and the Applicant to start contacting Brad at Barton and Loguidice and coordinate information back and forth.

There was a question from the Audience asking if their map shows where the flood zone is, because his house is 100% of the flood zone and the property behind him is partly in the flood zone. They felt it would help everybody understand the way the water flows.

Village Attorney Phillips: Steve, if it's easy to do, since you just need to turn on that layer, can you get that map to us so we can send it out with the plans for the coordinated review?

Steve Walrath: Yes.

Village Attorney Phillips: Great. Okay.

Chair Hext: Allyson, at this point, do we want to review the line adjustment applications and the variance applications? Or do you want to hold off on that? I'm just not sure we have enough information on everything,

Village Attorney Phillips: I think we got a lot of material here from the applicant and I think if the Board wants to take the step of adopting the resolution tonight, the Board can continue reviewing the materials. We had a nice presentation from the applicant tonight. I think everyone's got some follow up to do. And it may be better to save that for the next meeting where we really get into evaluation of the individual applications, the applicable standards. But that's up to you. I totally defer to you.

Chair Hext: Can I have a motion to declare the Zoning Board of Appeals of the Village of Altamont the lead agency for the SEQRA review? Board member Muhlfelder made the motion, Board Member Murphy seconded. **Roll Call: All in favor.**

Chair Hext: Allyson, would you mind reading the resolution?

Village Attorney Phillips: Sure (see attached copy of the Resolution).

Chair Hext: Thank you. Okay. We've got more information that we need here. So do we want to go over part one of the EAF? Should we leave that till next time? Do we have all the information? I would feel better waiting until next time just to get the additional information on the modified SWPPP. And you said you would do a soil test?

Steve Walrath: Yes, I did. I'm fine with that, waiting till we've got more information put together and get some more input from Barton and Loguidice.

Chair Hext: Okay. Also at some point in time, again if this goes forward and when we get to this point, we'll want something legally that you're doing the lot line adjustments, that they've agreed to this, because again, you try to sell it in five, 10 years and they're like, that's not your lot line.

Village Attorney Phillips: That does raise a good point. And honestly, I don't know if it's an express requirement in the code, but we should probably have written authorizations from the property owners that they're allowing you guys to pursue these lot line adjustments for their parcels on their behalf. If you could submit that for the record, I think that is important.

Steve Walrath: Okay. And we'll provide you with like the draft maintenance agreement for like the driveways, and then the cross easements that have to do with ingress, egress, utilities.

Village Attorney Phillips: I think that would be helpful.

Steve Walrath: That was brought up and that would help get that over with Yeah. One less thing.

Chair Hext: And I know Troy and Paul are going to meet, so how are we going to communicate that back to the Board as to what the agreement is as far as the egress and ingress?

Fire Chief Miller: We'll get you an email.

Board Member Muhlfelder: What about lighting?

Chair Hext: Do you have a lighting plan on any... I didn't see...

Steve Walrath: No, we don't have a lighting plan because there's no proposed public streets. Everything would be just like people putting up their own light poles by driveways and houses and stuff.

Chair Hext: Still a concern of ours as far as light trespass is concerned. Somebody decides to put a 50,000 watt search light in the back of their home that is now going into someone's bedroom. Just something that we have to be aware of. Anybody have any other questions? No? Okay - we're not going to set the public hearing now. We're not reviewing the lot line adjustments. We're not going over Part I of the SEQRA. So thank you Troy, Steve - Thank you for your time. You'll reach to Barton and Loguidice. And see if you can copy me if there's any emails going back and forth.

Steve Walrath: Yeah. I think probably I'll just send it to Gary and then you can distribute anything.

Chair Hext: That's fine.

Steve Walrath: Okay. Great. Thank you.

Chair Hext: As long as they keep track of what we're doing and when. So the next meeting then would be February 28 - the fourth Tuesday in February. But you're going to get whatever information to us prior to the meeting, the additional SWPPP information, and the soil samples. You'll have the wetlands and the flood zones on the next maps.

Steve Walrath: Yes. We'll get everything we can get together and we'll contact Barton and Loguidice and just go over your comments and concerns and see if there's something we can agree upon and put it on the plans just to keep things moving along.

Chair Hext: Still keep it in the back of your mind. If there's any way to mitigate...

Steve Walrath: Oh, it's in my mind, it's there.

Chair Hext: I appreciate it. I know everybody's not always going to be happy. Somebody's going to be upset. I can see that. It's just something that unfortunately as we move forward in the Village... but if we put our heads together, maybe we can come up with something that at least helps, if not totally mitigates it.

Steve Walrath: Okay.

Chair Hext: Thank you.

Chair Hext: Okay. So with that we'll review the minutes from September 27th. This Ginger, I have to say, this is excellent. No changes. You hit everything - you hit every point. The only thing - Gary, you had a question on no more than two access points into the major subdivision. Did we get that answer?

Code Enforcer Goss: No.

Chair Hext: So we'll hold that out. We'll have to address that next time. That's 355.17.

Board Member Muhlfelder: I think we should address sidewalks.

Chair Hext: That's actually an idea. So nobody has anything else on the minutes? No.

Board Member Ramirez: I make a motion to approve the minutes of September 27, 2022. Board Member Freeman seconded. **Roll Call: All in favor.**

Board Member Muhlfelder: I make a motion to adjourn the meeting. Board Member Murphy seconded. **Roll Call: All in favor.**

Chair Hext: Thank you everyone. Meeting was adjourned at: 8:37.

Respectfully submitted,

Ginger Hannah, Secretary

Attached: Resolution

**RESOLUTION
ALTAMONT ZONING BOARD OF APPEALS**

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

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

DATE: January 24, 2023

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

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

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

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

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

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

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

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

The motion was moved by Board Member Barbara Muhlfelder.

The motion was seconded by Board Member Laura Murphy.

The vote was as follows:

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

NO: None

ABSENT: Board Members Litten, Tassone, and Sullivan