

ALTAMONT ZONING BOARD OF APPEALS  
Regular Meeting Agenda  
February 8, 2022

1. Open meeting – State time and that the meeting is being recorded. Also ask speakers to come up to and speak into the microphone.
2. Topic & Discussion: Public Hearing on Request by John Polk and Rebecca Stump for Use Variance to allow for chickens at 101 Bozenkill Rd. Consider Motion: To close the Public Hearing.
3. Review of meeting minutes of 9/28/20 ZBA Meeting. Consider Motion to approve.
4. Review of meeting minutes of 1/11/22 ZBA Meeting. Consider Motion to approve.
5. Other Business: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. Consider motion to adjourn meeting. Meeting Adjourned at: \_\_\_\_\_

**PUBLIC NOTICE OF PUBLIC HEARING BEFORE  
THE ZONING BOARD OF APPEALS**

Notice is hereby given that the Zoning Board of Appeals of the Village of Altamont, New York, will hold a Public Hearing pursuant to Article 355 Attachment 1 of the Zoning Law on the following proposition:

Request of John Polk & Rebecca Stumpf for a Use Variance under the Zoning Law to permit the housing of six chickens on the premises for eggs for the family. Use of existing coop; no roosters will be housed on the property.

For property owned by: John Polk and Rebecca Stumpf

Located at: 101 Bozenkill Road

Tax Map #37.09-1-11 Zoned: R 20

Plans open for public inspection at the Village Offices during normal business hours. Said hearing will take place on Tuesday, February 8, 2022 at 7:00 p.m. at the Altamont Village Hall at 115 Main Street, Altamont, NY 12009.

A copy of the Zoning Board of Appeals Agenda and related materials will be available on the Village website by Friday, February 4, 2022 at [www.altamontvillage.org](http://www.altamontvillage.org).

Dated: February 25, 2022

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Gary Goss  
Building Inspector and Code Enforcer  
Village of Altamont

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Danny Ramirez  
Zoning Board of Appeals Chairperson  
Village of Altamont

Abutting  
AFD  
Fire Inspector  
DPW

## VILLAGE OF ALTAMONT

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

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

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

January 25, 2022

Dear Neighbor:

Enclosed you will find a legal notice regarding request of John Polk & Rebecca Stumpf for a Use Variance under the Zoning Law to permit the housing of six chickens on property at 101 Bozenkill Road, adjacent or close to your property. Village code requires that the Zoning Board of Appeals notify all property owners within 500 feet of the property.

If you would like to express an opinion and/or comment, you are cordially invited to attend the Zoning Board of Appeals meeting on Tuesday, February 8, 2022 at 7:00 p.m. The meeting will be held at the Altamont Village Hall at 115 Main Street, Altamont NY 12009.

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

If you have any further questions, feel free to contact me at the Village office at 518-861-8554 ext. 13, Tuesday and Thursday, 9:00 a.m. to Noon and 1:00 p.m. to 5:00 p.m., and Fridays until 12 noon.

Best regards,



Ginger Hannah  
Administrative Assistant

Enclosure – Legal Notice

# Village of Altamont

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

## Checklist for Variance

### Return to:

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

### Fees:

\$ 300.00 Commercial  
\$ 50.00 One Family  
\$ 100.00 Two Family  
(Payable at time of Submittal to Village)

### APPLICANT INFORMATION:

Name: John Polk and Rebecca Stumpf  
Address: 101 Bozenkill Rd  
  
Daytime Phone #: 217-369-0124  
Date: 11/11/2021

### PROPERTY INFORMATION:

Owner: John Polk and Rebecca Stumpf  
Location: 101 Bozenkill Rd  
Tax Map #: 37.09-1-11  
Zoning: R-20  
Acreage: 19.5

Request for a: X Use Variance        Area Variance

### TO BE SUBMITTED

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

### OTHER AGENCY APPROVALS OR RECOMMENDATIONS AS REQUIRED

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

**2) Purchase contract not applicable since the property will not change owners**

**3) Project Narrative:**

Dear Zoning Committee:

We are requesting a variance to permit us to house six chickens on our 19.5 acre homestead. We will only keep hens and no roosters. Hens are clean, quiet, and their eggs provide an important source of protein for our family. Chickens help to eradicate ticks and contribute to Altamont's agricultural heritage.

The chickens will be located within a coop located adjacent to our garage in the center of our property which is surrounded by acres of woods and quite a distance from the road and neighbors with several hundred feet of setback.

The containment area will be kept well maintained and cleaned regularly. Hens will be safe and have fresh water and food daily.

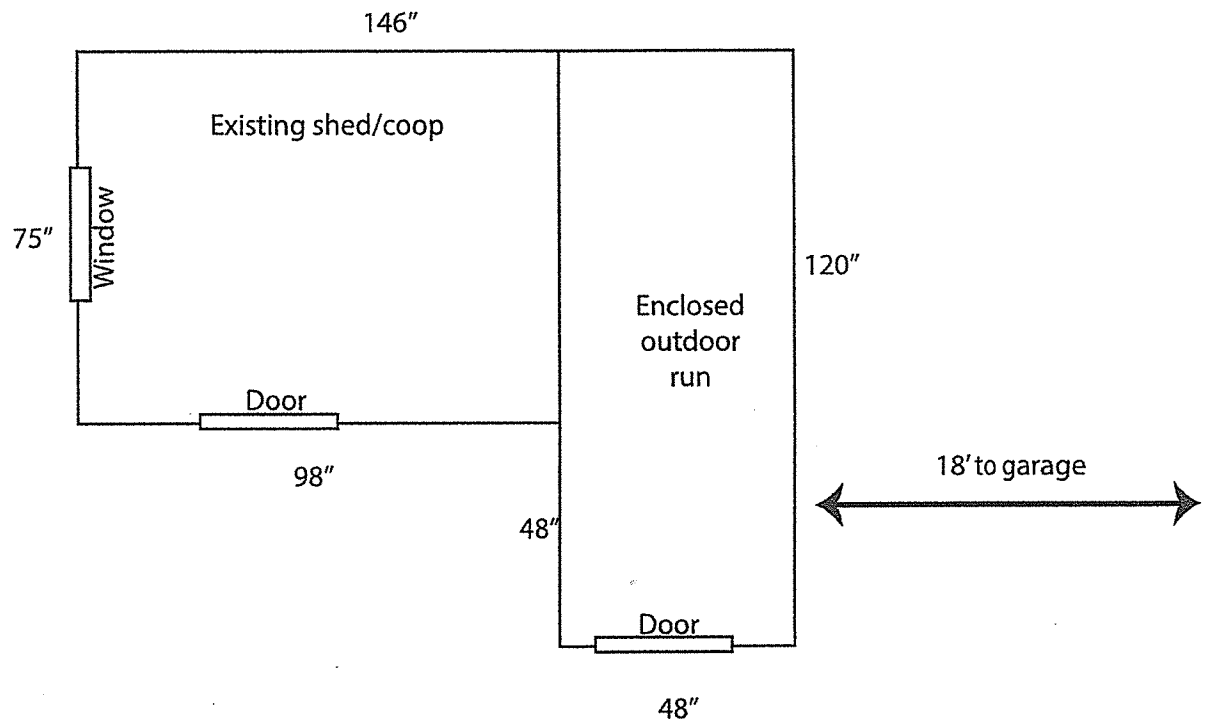
Please let us know if you have additional questions or need additional information.

Sincerely  
Rebecca Stumpf and John Polk

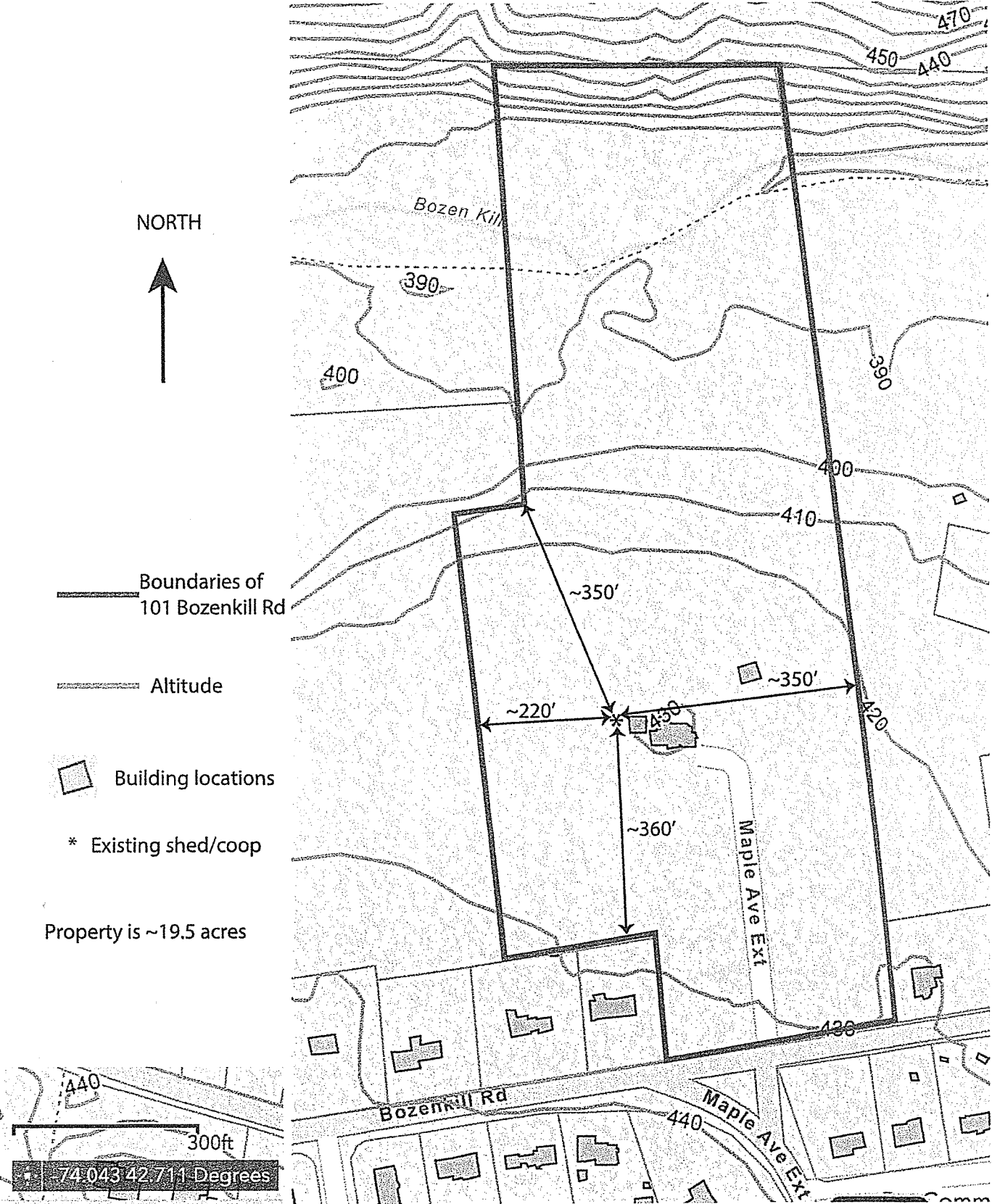
4) Architectural Drawings of existing shed/coop.

No new construction or building is necessary.

North



5) Plot plan derived from Albany County Interactive Mapping



## 6) SEQRA

This project is exempt from SEQRA as it is a listed Type II activity in section 617.5. Specifically, following 617.5(b) this project

- (1) ... has no significant adverse impact on the environment based on the criteria contained in section 617.7(c) of this Part; and
- (2) is not a Type I action as defined in section 617.4.

Furthermore, 617.5 (c) specifies that "The following actions are not subject to review:" ...

(4) agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with generally accepted principles of farming; and

(21) minor temporary uses of land having negligible or no permanent impact on the environment;

# Short Environmental Assessment Form

## Part 1 - Project Information


### Instructions for Completing

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

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

|  |  |                                  |  |
|--|--|----------------------------------|--|
| <b>Part 1 - Project and Sponsor Information</b>  |  |                                  |  |
| Name of Action or Project:<br><b>Request to house Chickens at 101 Bozenkill Rd., Altamont</b>  |  |                                  |  |
| Project Location (describe, and attach a location map):<br><b>101 Bozenkill Rd. Altamont, Ny, 12009</b>  |  |                                  |  |
| Brief Description of Proposed Action:<br><b>Applicants request a variance to allow them to house chickens in an existing coop, on our property that has been a farm.</b>   |  |                                  |  |
| Name of Applicant or Sponsor:<br><b>John Polk and Rebecca Stumpf</b>   |  | Telephone: <b>217-369-0124</b>   |  |
|  |  | E-Mail: <b>jp.kgtn@gmail.com</b> |  |
| Address:<br><b>101 Bozenkill Rd</b>  |  |                                  |  |
| City/PO:<br><b>Altamont</b>  |  | State:<br><b>NY</b>              | Zip Code:<br><b>12009</b>  |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?<br>If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.   |  |                                  | NO<br><input checked="" type="checkbox"/> X<br>YES<br><input type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other governmental Agency?<br>If Yes, list agency(s) name and permit or approval:   |  |                                  | NO<br><input checked="" type="checkbox"/> X<br>YES<br><input type="checkbox"/> |
| 3.a. Total acreage of the site of the proposed action? <span style="float: right;"><u>20</u> acres</span>  |  |                                  |  |
| b. Total acreage to be physically disturbed? <span style="float: right;"><u>0</u> acres</span>   |  |                                  |  |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <span style="float: right;"><u>20</u> acres</span>  |  |                                  |  |
| 4. Check all land uses that occur on, adjoining and near the proposed action.<br><input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)<br><input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____<br><input type="checkbox"/> Parkland |  |                                  |  |

|   |                                     |                                     |                          |
|---|-------------------------------------|-------------------------------------|--------------------------|
| 5. Is the proposed action,<br>a. A permitted use under the zoning regulations?  | NO                                  | YES                                 | N/A                      |
|   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| b. Consistent with the adopted comprehensive plan? <i>Unknown</i>   | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?   | NO                                  | YES                                 |                          |
|   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                          |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?<br>If Yes, identify: _____   | NO                                  | YES                                 |                          |
|   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels?  | NO                                  | YES                                 |                          |
|   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| b. Are public transportation service(s) available at or near the site of the proposed action?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| 9. Does the proposed action meet or exceed the state energy code requirements?<br>If the proposed action will exceed requirements, describe design features and technologies:<br><u>There are no changes to energy use</u>  | NO                                  | YES                                 |                          |
|   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| 10. Will the proposed action connect to an existing public/private water supply?<br>If No, describe method for providing potable water: <u>No changes to water supply are needed</u>  | NO                                  | YES                                 |                          |
|   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| 11. Will the proposed action connect to existing wastewater utilities?<br>If No, describe method for providing wastewater treatment: <u>no changes to wastewater are needed</u>   | NO                                  | YES                                 |                          |
|   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| 12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?  | NO                                  | YES                                 |                          |
|   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| b. Is the proposed action located in an archeological sensitive area?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| 13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  | NO                                  | YES                                 |                          |
|   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?<br>If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:<br><input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional<br><input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban         |                                     |                                     |                          |
| 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?  | NO                                  | YES                                 |                          |
|   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| 16. Is the project site located in the 100 year flood plain?  | NO                                  | YES                                 |                          |
|   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources?<br>If Yes,<br>a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES<br>b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?<br>If Yes, briefly describe: _____<br><input type="checkbox"/> NO <input type="checkbox"/> YES | NO                                  | YES                                 |                          |
|   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |

|   |  |                          |
|---|--|--------------------------|
| 18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?<br>If Yes, explain purpose and size: _____ | NO   | YES                      |
| _____   | <input checked="checked" type="checkbox"/> | <input type="checkbox"/> |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?<br>If Yes, describe: _____   | NO   | YES                      |
| _____   | <input checked="checked" type="checkbox"/> | <input type="checkbox"/> |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?<br>If Yes, describe: _____   | NO   | YES                      |
| _____   | <input checked="checked" type="checkbox"/> | <input type="checkbox"/> |
| I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE   |  |                          |
| Applicant/sponsor name: <u>John Polk</u>  Date: <u>12/28/2021</u>  |  |                          |
| Signature: _____  |  |                          |

Agency Use Only [If applicable]

|          |  |
|----------|--|
| Project: |  |
| Date:    |  |

***Short Environmental Assessment Form  
Part 2 - Impact Assessment***

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

|  | No, or<br>small<br>impact<br>may<br>occur | Moderate<br>to large<br>impact<br>may<br>occur |
|--|---|--|
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?  | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| 2. Will the proposed action result in a change in the use or intensity of use of land?   | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| 3. Will the proposed action impair the character or quality of the existing community?   | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?                      | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?            | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| 7. Will the proposed action impact existing:   | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| a. public / private water supplies?  | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| b. public / private wastewater treatment utilities?  | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?                                   | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?                     | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?  | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| 11. Will the proposed action create a hazard to environmental resources or human health?   | <input type="checkbox"/>                  | <input type="checkbox"/>                       |

**PRINT FORM**

Agency Use Only (If applicable)

Project:

Date:

***Short Environmental Assessment Form***  
***Part 3 Determination of Significance***

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

|  |  |
|--|--|
| <input type="checkbox"/>                                 | Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required. |
| <input type="checkbox"/>                                 | Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.   |
| <hr/>  |  |
| Name of Lead Agency                                      | Date   |
| <hr/>  |  |
| Print or Type Name of Responsible Officer in Lead Agency | Title of Responsible Officer   |
| <hr/>  |  |
| Signature of Responsible Officer in Lead Agency          | Signature of Preparer (if different from Responsible Officer)  |

**PRINT FORM**

## Ginger Hannah

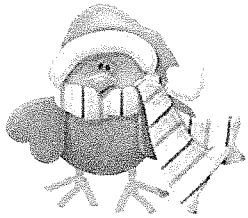
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**From:** James Vitale <vitale@nycap.rr.com>  
**Sent:** Sunday, January 30, 2022 9:52 AM  
**To:** villageadmin@altamontvillage.org  
**Subject:** Variance to permit chickens

Dear Ms. Hannah,

My husband and I received your letter of the notice of request made by our neighbors, John Polk and Rebecca Stumpf, for a variance to house chickens on their property. We are writing to you in support of their request. We are unable to attend the Zoning Board meeting but would appreciate our support of the variance be included in consideration of the request. Thank you.

Mary and Jim Vitale  
5 Indian Maiden Pass  
Altamont, NY 12009



*Jim and Mary*

Village of Altamont - Joint Meeting  
Regular Meeting Planning Board and  
Special Meeting of Zoning Board of Appeals  
September 28, 2020

Planning Board Members:

|                                  |   |
|----------------------------------|---|
| Deborah Hext, Chairman           | Lance Moore, Building Inspector/Code Enforcer |
| Stephen Caruso, Board Member     | Dean Whalen, Board Liaison                    |
| John Hukey, Board Member         | Ginger Hannah, Secretary                      |
| Barbara Muhlfelder, Board Member |   |
| Dan Hitt, Board Member           | Guests: 2                                     |

Zoning Board of Appeals Members:

|                                     |                                     |
|-------------------------------------|-------------------------------------|
| Danny Ramirez, Chairman             |                                     |
| Kathryn Provencher, Member (Absent) |                                     |
| Tresa Matulewicz, Member            |                                     |
| Sal Tassone, Member                 |                                     |
| Laura Murphy, Alternate             | <u>Applicant:</u> Chelsea Sylvester |

Chairperson Hext opened the meeting at 7:02 p.m. on September 28, 2020 and welcomed everyone to the regularly scheduled Village of Altamont Planning Board Meeting and the Special Meeting of the Zoning Board of Appeals. She said my name is Deb Hext, the Planning Board Chair. She stated that for the record, due to the COVID-19 and social distancing orders, this meeting is being held remotely and both the audio and video portions of this meeting are being recorded. I'd like to welcome the ZBA to this meeting and give them an opportunity to introduce themselves.

Good evening, my name is Danny Ramirez, Chair of the Zoning Board of Appeals. He introduced Tresa Matulewicz, Laura Murphy and Sal Tassone, Board Members of the ZBA. Planning Board introduced themselves as Deb Hext, Chairperson, and Board Members Barb Muhlfelder, Dan Hitt, John Hukey, and Steve Caruso. Chairperson Hext said we also have Lance Moore, Dean Whalen and Secretary Ginger Hannah.

Chairperson Hext stated that since this is a combined meeting, she wanted to give it some order. I'd like the Planning Board to go first in the approval of the new Rules of Procedure for Planning Board Meetings Document as it was presented to us. After that the ZBA can follow up with the approval of their ZBA Rules of Procedure, and then the approval of their minutes from previous meetings. Once the ZBA is finished, they can adjourn the ZBA portion of the meeting. If they want to stay on with us, certainly they're welcome or they can leave. After that, I will read the legal notice and open the Public Hearing regarding the SUP. She asked if that sounded okay to everybody, and all agreed.

Chairperson Hext addressed the Planning Board and said she didn't get anything from anybody in an email with questions regarding the changes to the procedure document for the Planning Board. Given that, would someone want to make the motion to approve the new Rules of Procedure for Planning

Board Meetings Document. Motion made by Board Member Muhlfelder. Seconded by Board Member Hukey. **Roll Call: All in Favor.**

Chairperson Hext thanked everyone and turned the meeting over to ZBA Chairman Ramirez.

Chairman Ramirez addressed the ZBA members and said I trust everyone had a chance to review the Rules of Procedures for Zoning Board of Appeals Meetings. If everybody is in agreement, I would entertain a motion for approval. Motion made by Board Member Matulewicz. Seconded by Board Member Tassone. **Roll Call: All in Favor.**

Chairman Ramirez then said to the Zoning Board Members that we have minutes for the last four previous meetings to approve. Motions were made as follows:

Motion to approve Minutes of the February 11, 2020 ZBA meeting - motion made by Board Member Murphy. Seconded by Board Member Tassone. **Roll Call: All in Favor.**

Motion to approve Minutes of the March 10, 2020 ZBA meeting - motion made by Board Member Murphy. Seconded by Board Member Matulewicz. **Roll Call: All in Favor.**

Motion to approve Minutes of the March 31, 2020 ZBA meeting - motion made by Board Member Murphy. Seconded by Board Member Tassone. **Roll Call: All in Favor.**

Motion to approve Minutes of the August 25, 2020 ZBA meeting - motion made by Board Member Matulewicz. Seconded by Board Member Murphy. **Roll Call: All in Favor.**

Chairman Ramirez then said that having concluded the approval of our minutes, unless anybody else has something to say, I would entertain a motion to close the ZBA portion of the meeting. Motion made by Board Member Matulewicz. Seconded by Board Member Murphy. **Roll Call: All in Favor.**

Chairperson stated that the ZBA Board Members were invited to stay and listen to the meeting for the Special Use Permit. Thank you very much for your participation.

Chairperson Hext noted that the Applicant was not yet on the meeting. Secretary Hannah said she would give her a call. Chairperson Hext said in the meantime, let's approve the meeting minutes. We have four different meeting minutes to approve here. The following motions were made:

Motion to approve Minutes of the May 18, 2020 Planning Board meeting - motion made by Board Member Hukey. Seconded by Board Member Muhlfelder. **Roll Call: All in Favor.**

Motion to approve Minutes of the June 8, 2020 Planning Board meeting - motion made by Board Member Hukey. Seconded by Board Member Muhlfelder. **Roll Call: All in Favor.**

Motion to approve Minutes of the June 15, 2020 Planning Board meeting - motion made by Board Member Muhlfelder. Seconded by Board Member Hitt. **Roll Call: All in Favor.**

Motion to approve Minutes of the August 24, 2020 Planning Board meeting - motion made by Board Member Caruso. Seconded by Board Member Muhlfelder. **Roll Call: All in Favor.**

Board Member Muhlfelder stated that she thinks Stewart's looks great and she's heard very nice things about it. Chairperson Hext agreed and stated that everybody that she'd talked to said that it really does look good.

Applicant Chelsea Sylvester then joined the meeting at 7:26 p.m. and stated that she had been at Urgent Care due to a toothache. She apologized for being late. Chairperson Hext welcomed her and said we can certainly postpone this if you want. Ms. Sylvester said she no, I'm totally fine.

Chairperson Hext then said that to open the Public Hearing, I'm going to read the legal notice, as follows: Village of Altamont Planning Board Notice of Public Hearing. Notice is hereby given that the Planning Board of the Village of Altamont, New York, will hold a Public Hearing pursuant to Article 355-5 on September 28, at 7:00 p.m., on the application of Chelsea Sylvester for a Special Use Permit to operate a Photography Studio at a property at 104 Maple Avenue, Altamont (Tax map ID 37.18-4-22). The Property is zoned Commercial Business District (CBD). The meeting will be held remotely as part of the Village of Altamont's COVID-19 response plan and can be accessed by the public using the link below. Plans are open for public inspection at the Village Offices during normal business hours. A copy of the Planning Board Agenda and related materials will be available on the Village website by Friday, September 25. Hard copies may also be obtained by contacting the Planning Board Secretary. Dated: September 15, 2020.

Chairperson stated with that the Public Hearing is now open. Do we have any comments from the public? I can't see if anybody is waving or anything. I don't know that we have anyone from the public on. Kerry, if you see anybody, let me know. Secretary Hannah stated that we might have two people on from the public. Chairperson Hext said, yes, and I think we still have Sean from The Enterprise on. She then said Chelsea, since there's no questions from the public, do you want to give us a quick rundown of your plan? Your write up was wonderful, by the way. Before I go any further and I forget to say this, I see that both you and your husband are ex-military. So thank you for your service.

Ms. Sylvester said thank you. She asked are you wondering how I plan to operate? Chairperson Hext said yes, just a quick synopsis of everything that you've actually said in the application.

Ms. Sylvester said basically I had started my photography studio in Colonie and after wanting to move and having some other deals go on, I found Altamont. So basically I plan to operate almost the same way. Normally I do it by appointment only, in addition to if anybody walks in while I'm there, I can plan appointments. The majority of what I do is the journey of baby. So I do maternity photographs, first photographs, first 48, newborns, six months, 12 months. Of course, I still do everything else, such as family photographs. I like holiday stuff like you guys will probably see. Christmas is one of my favorite things in the world, so that I kind of go really big for. But other than that, most of what I do is by appointment only. And basically that's kind of my deal. I just love what I do, so I make sure to make it as big as possible.

Chairperson Hext said okay, good, thank you. Do any board members have any questions for Chelsea based on the application or any just general questions? No? Okay. Did everybody look at the EAF? Did

everybody have a chance to review the short form? Board Members responded yes. Chairperson Hext said I had a couple of corrections and it's just probably you don't live here, so you just don't know.

(4) Check all land uses that occur on, are adjoining or near the proposed site – commercial, and you do have residential there. So I checked that.

(5a) It is a permitted use under our zoning regulations. That was checked "not applicable".

(8b) Are public transportation services available at or near the site? They really are, which is a good thing for you. If somebody wants to come to Altamont, there's a bus stop right across the street on Main Street.

Ms. Sylvester said I didn't even know that, but that's good to know.

(8c) Are any pedestrian accommodations or bicycle routes available? There are bicycle racks in the park across the street where the gazebo is. If anybody wants to bike there, they can certainly park there. You have public parking basically right across the street from you a little bit down on Maple. I just wanted to clarify a few things just for your sake so that you would know that these things do exist.

Ms. Sylvester said absolutely, that's good to know.

Chairperson Hext said other than that, this is a Type II action under SEQRA, so there is no further review necessary. So given that, and again, we have no public comment I believe, because the next thing I will do is make a motion to close the Public Hearing.

Chairman Ramirez said this is photography and I know a little bit about it, but not in the latest technology - digital. In doing prints, are there any chemicals that we have to be concerned about in the waste water?

Ms. Sylvester said I actually don't print my own items just because it honestly isn't my expertise. I contract with a lab that is I believe in Virginia, so I don't print any of my own items or any of my own products. So there are no chemicals or anything like that and everything I do is digital. Then if you order prints or a book, so to speak, that does get outsourced. So no, there are no chemicals or anything with water that should be a concern.

Chairman Ramirez said excellent, thank you. Chairperson Hext said thank you, Dan, good question. Anyone else? Then can I have a motion to close the public hearing? Motion made by Board Member Caruso. Seconded by Board Member Hukey. **Roll Call: All in favor.**

Chairperson Hext said with that, next would be the most important part to Chelsea. Can I have a motion to approve the Special Use Permit for a Photography Studio located at 104 Maple Avenue? Motion made by Board Member Hitt. Seconded by Board Member Caruso. **Roll Call: All in favor.**

Chairperson Hext said okay, Chelsea. You're all set. You're good to go. Welcome to Altamont. If there's anything any of us can do, please don't hesitate to ask. I'm always available by email - send it to Ginger. If there's anything we can help you with, we're certainly here to help.

Ms. Sylvester said thank you so, so, so much to all of you for all of your time and I cannot wait. And the same to you guys - if there's anything that I could do to help with the community. I know that there is the pumpkin display going on and if I take any pictures there or if I do anything more community based, I'll definitely reach out to you guys to let you know as well so that's something that can be shared and used among the community.

Everyone said thank you.

Chairman Ramirez said Deb, do you want to tell her about the website that she can put a business on?

Chairperson Hext said Altamont Community? She's way ahead of us. That's how we found about it. Chelsea, just for your information, Danny that you just heard is our Zoning Board Chair. So he and I usually are on each other's meetings and give each other support and I certainly appreciate his support. With that, I think we're all set ladies and gentlemen. Can I have a motion to adjourn?

Motion to adjourn the Joint Meeting of the Planning Board and Zoning Board of Appeals made by Board Member Muhlfelder. Seconded by Board Member Hitt. **Roll Call: All in Favor.** Meeting adjourned at 7:38 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Ginger Hannah".

Ginger Hannah, Secretary

Attached:

- Rules of Procedures for Zoning Board of Appeals Meetings
- Rules of Procedures for Planning Board Meetings

**VILLAGE OF ALTAMONT  
RULES OF PROCEDURE  
FOR ZONING BOARD OF APPEALS MEETINGS**

**SECTION 1. REGULAR MEETINGS:**

- The Zoning Board of Appeals shall hold regular meetings on the second Tuesday of each month, as needed.
- These meetings shall commence at 7:00 p.m. and will be held in the Community Room at Village Hall unless otherwise posted.
- Any deviation of the foregoing paragraph must be determined by the Zoning Board of Appeals.

**SECTION 2. SPECIAL MEETINGS:**

- Special meetings of the Zoning Board of Appeals are all those Board meetings other than regular meetings.
- A special meeting may be called by the Chairperson.
- Notice of Special Meeting shall be provided to the public in accordance with the requirements of the Public Officers Law.

**SECTION 3. QUORUM:**

- A quorum of the Zoning Board of Appeals must be present to conduct business.
- A quorum of the five-member Board is three.
- In the absence of a quorum, a lesser number may adjourn and compel the attendance of absent members.

**SECTION 4. EXECUTIVE SESSIONS:**

- Executive sessions will be held in accordance with the Public Officers Law § 105.

- All executive sessions will be commenced in a public meeting.

#### **SECTION 5. AGENDAS:**

- The agenda of every meeting of the Zoning Board of Appeals will be prepared by the Secretary of the Board at the direction of the Chairperson.
- The Chairperson is responsible for having an item placed on the agenda.
- When possible, items for the agenda shall be given to the Secretary of the Board by the Thursday before the meeting.
- The agenda will be prepared no later than the Friday before the day of the meeting.
- Submission of public comment on a specific application must be submitted to the Secretary of the Board during the duly noticed public hearing period. All materials for the Board must be submitted by mail, hand delivered, or emailed to the Secretary of the Board.
- Application for special use permit and preliminary site plan approval and required information shall be submitted to the Building Inspector at least 10 business days prior to the date of the regular meeting of the Zoning Board of Appeals.

#### **SECTION 6: VOTING:**

- Pursuant to Village Law, each member of the Zoning Board of Appeals has one vote.
- A vote upon any question will be taken by “in-favor” and “opposed”.
- When taking votes, the Secretary of the Board must record in the minutes for each Zoning Board of Appeals member whether they voted “in-favor”, voted “opposed”, “abstained” from voting, or were absent. Abstentions and absences are neither positive nor negative votes; they are simply no vote at all.
- For the purposes of determining whether a matter passed, the Secretary of the Board must tally the number of “in-favor” votes.

- Unless otherwise specified by state law, a majority (three) of the totally authorized voting power of the Board must vote “in-favor” for the matter to pass.

## **SECTION 7: MINUTES:**

- Minutes shall be taken by the Secretary of the Board.
- Minutes must consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon, and vote thereon.
- Minutes must be taken at executive session of any action that is taken by formal vote and must consist of a record or summary of the final determination of the action, and the date and vote thereon. The summary need not include any matter which is not required to be made public in accordance with applicable law.
- Minutes must include the following:
  - 1) Name of the Board;
  - 2) Date, place, and time of the meeting;
  - 3) Notation of whether a board member is present or absent, and the Board member’s time of arrival or time of departure if different from the time the meeting was called to order and adjourned;
  - 4) Name and title of other Village officials and employees present and the approximate number of attendees;
  - 5) Record of communications presented to the Board;
  - 6) Record of reports made by Board or other Village personnel;
  - 7) Time of Adjournment;
  - 8) Signature of Secretary of the Board or person who took the minutes if not the Secretary of the Board.
- Minutes may contain a summary of the discussion leading to an action taken but are not required to include verbatim comments unless a majority of the Board resolves to have the Secretary of the Board do so. Minutes shall be approved by the Zoning Board of Appeals at the next Zoning Board of Appeals meeting. The minutes may be amended upon Board approval.

**SECTION 8: ORDER OF BUSINESS:**

- Call to order;
- State where the emergency exits are located;
- Old business;
- New business;
- Approval of previous meeting's minutes;
- Adjournment

**SECTION 9: GENERAL RULES OF PROCEDURE:**

- The Chairperson presides at the meeting. In the Chairperson's absence, the member with seniority presides.
- The presiding officer may debate, make motions, and take any other action that other Board members may take.
- Board members are not required to rise but must be recognized by the presiding officer before making motions and speaking.
- A member, once recognized, may not be interrupted when speaking unless it is to call him/her to order. If a member is called to order, they must cease speaking until the question of order is determined. If the member is in order, he/she may proceed.
- A member may not be limited in the number of times he speaks on a question.
- Motions require a second.
- Motions to close or limit debate require two-thirds vote.

**SECTION 10: GUIDELINES FOR PUBLIC COMMENT:**

- The public may speak only during a duly noticed public hearing.

- Speakers must be recognized by the presiding officer.
- Speakers must step to the microphone in the front of the room.
- Speakers will be asked if they would like to give their name, address and organization, if any.
- The presiding officer sets the limit, not to exceed 5 minutes unless otherwise allowed by a majority of the Board.
- Speakers may not yield any remaining time they may have to another speaker and each speaker has only one opportunity per topic to speak.
- Board members may, with the permission of the presiding officer, interrupt a speaker during their remarks, but only for the purpose of clarification or information.
- All remarks must be addressed to the Board as a body and not to individual Board members or the audience.
- Speakers must observe the commonly accepted rules of courtesy, decorum, dignity and good taste. Speakers are encouraged not to read submitted written communications verbatim but should summarize their contents.

#### **SECTION 11: GUIDELINES FOR USE OF RECORDING EQUIPMENT:**

- All members of the public and all public officials are allowed to tape or video record public meetings.
- Recording is not allowed during executive sessions.
- The recording must be done in a manner which does not interfere with the meeting or set-up of meeting and staff.
- The Chairperson may make the determination that the recording is being done in an intrusive manner, taking into consideration, but not limited to, brightness of lights, distance from the Zoning Board of Appeals, size of the equipment, the amount of noise generated by the activity, and the ability of the public to still participate in the meeting.
- If the Chairperson determines that the recording is interfering with the meeting, the Chairperson may request that the individual alter his behavior to eliminate the interference. If the Chairperson's request is not complied with, the Chairperson may have the individual removed from the meeting room.

**SECTION 12: ADJOURNMENT:**

- Meetings must be adjourned by motion.

**SECTION 13: AMENDMENTS TO THE RULES OF PROCEDURE:**

- The foregoing procedures may be amended from time to time by the majority vote of the Board.

Village of Altamont Zoning Board of Appeals  
Regular Meeting  
January 11, 2022

Danny Ramirez, Chairman  
Kathryn Provencher, Member  
Sal Tassone, Member  
Laura Murphy, Member  
James Sullivan, Member

Gary Goss, Building Inspector/Code Enforcer  
Allyson Phillips, Village Attorney  
Absent: Ginger Hannah, Secretary

Applicant: John Polk and Rebecca Stumpf

Chairman Ramirez opened the meeting at 7:00 p.m. on January 11, 2022 and welcomed everyone to review a request by John Polk and Rebecca Stumpf for a Use Variance to permit housing chickens on their property. Meeting was held online using Zoom Video Communications due to Covid. He introduced himself as Danny Ramirez, Chairman of the Zoning Board; and asked Members of the Zoning Board to introduce themselves as follows: Kate Provencher, Laura Murphy, Sal Tassone and James Sullivan. Secretary Ginger Hannah was absent. Also present: Allyson Phillips, Village Attorney.

Chairman Ramirez asked Mr. Polk to speak about his application.

Mr. Polk said he and his wife Rebecca Stumpf live at 101 Bozenkill Road and their property is a little over 19 acres. He said historically this property has been a working farm as we understand it with both large and small animals. There's an existing chicken coop on the property and fenced area for other animals as well in other places. We are requesting permission of the Village to have up to six chickens. The chickens are pretty much centrally located on the property, pretty far from any property boundaries. I don't think they'll be affecting any neighbors of any sort.

Chairman Ramirez thanked him and asked if anyone on the Board had any questions or concerns.

A detailed discussion was held between the Board, Village Attorney and the Applicant including the following:

- Chairman Ramirez said he and Gary Goss, Code Enforcement Officer, visited Mr. Polk on the property. Mr. Polk showed us where the coop was located and the size and dimensions. He said that he could not see any of the neighbors; the house is set back considerably on the property – Mr. Polk told them it's a 19 acre property, very treed. In doing a little research on chicken coops, Chairman Ramirez informed him that if anything were to go forward he would have to enlarge the run - not the coop itself, but the run to give the chickens more space to exercise. The map included with the application reflects the existing run; looking at the map on the right side, the run would have to be extended to come out another five feet.
- Attorney Phillips reviewed the difference between an area variance and a use variance, including the four part test that has to be met for a use variance.
- Reference to Zoning Law 355 Attachment 1 – Use Schedule - It has "Agriculture, including the keeping of fowl and farm animals." Attorney Phillips said it was fairly common in Villages to have a determination that you didn't want the keeping of livestock and live animals within the Village limits because it was historical and the center of commerce where you have a dense

residential development. The Village Board at some point in time made a determination through legislation that we're not going to allow people to keep these kinds of animals in the specified districts.

- Asking for a use variance from the ZBA is asking for an exception to that, or a departure from that rule that everyone else in the Village is subject to. That is why it's such a high standard under the law.
- The fourth factor of this test is also problematic in that the hardship for a use variance cannot be self-created. Under New York state law, if the use is not permitted under the Village's local laws, you're considered to be on constructive notice of what the law allows and what it doesn't allow when you decide to purchase the property. There are a lot of cases where people have bought property thinking they could use it for a certain use and didn't get a determination from the code enforcement officer before they purchased the property. Under New York State law, that is considered a self-created hardship, because it is such a significant thing to allow one person in the community to essentially be exempt from a law that prohibits the use for everyone else. You have to demonstrate unusual hardship.
- Attorney Phillips said in the 4-part use variance test factor: (2) The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood; and (3) The requested use variance, if granted, will not alter the essential character of the neighborhood. Based on the circumstance of your property, I think arguably you may be able to satisfy factors two and three because it is in an isolated area and no one would see it.
- Applicant Polk asked what is the criteria of hardship test - does it have to be dollars and cents? Attorney Phillips said that if you look at the language of Section 355-52 in our Village zoning law, it says, "...for each and every permitted use under the zoning regulations for a particular district where the property's located, (1) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent and unbiased financial evidence." That's where the requirement comes in that you need to show through dollar and cents proof that you can't realize a reasonable return by using your property for a use that's permitted under the zoning law. It's difficult in this case because you are using it as a residential property - you're living on it. It would be difficult to demonstrate through dollar and cents proof you couldn't realize a reasonable return if you weren't allowed to have a chicken coop on the property - something that all residents in the Village are prohibited from doing.
- Attorney Phillips said in a case like this, if you can't demonstrate the unusual hardship, or if a majority of the community feels as though that law is out of date or that the use should be permitted in residential districts with appropriate safeguards and standards, the remedy is to petition your local government to change the law. That's what someone initiated a couple years back – a local law to allow the keeping of chickens. The Mayor had convened a group to develop a law to consider allowing the keeping of chickens because several residents had expressed an interest in that. The Village Board decided not to act on it because there then wasn't enough support at the time. That could be revisited.
- The applicant can petition or it can be anybody making a request to the Village Board for a local law to amend the zoning law to permit the keeping of chickens in a particular district or in the

Village proposing a local law that includes standards for the use – with a minimum lot size, a minimum size for the chicken coop, an adequate-sized run and a prohibition on roosters so you don't have noise impacts on neighbors. There's a lot that goes into regulating this kind of use, and you put thought into it to avoid neighbor disputes and complaints to the code enforcement officer that become a drain on the Village, which is why you have to take a hard look at these actions. The Village Board would have to do a SEQRA review with that, but some of the legwork's already been done. This committee had been formed before - it sounds like a lot of effort went into coming up with that draft local law. So I assume it would be a good place to start if someone would be interested in revisiting this and asking the Village Board to consider it.

- Chairman Ramirez said he will scan a copy of the documents that were developed in 2019 on the draft local law and email it to the Zoning and Planning Boards and the applicant. That draft local law will also be available in the Village office for people to request (foil) a copy of it.
- Attorney Phillips said for purposes of this application, if the applicant doesn't choose to withdraw the application after tonight's meeting, my recommendation would be for the Zoning Board to schedule a public hearing so that we satisfy the requirements of the statute and then come back following the close of the public hearing and make a decision on the application. If the decision is to disapprove, the Board doesn't have to complete a SEQRA review because SEQRA is only required prior to taking an action to approve or fund an application.
- Mr. Polk said if there's a possibility that it could still be approved, I'm interested in keeping the application in. On the other hand, if you need a petitioner in order to petition that the law be changed, then I'm so willing. He said he needed to know the process for that and if these things should proceed in parallel.
- Attorney Phillips said that it's two separate procedures. You have an application right now for a use variance pending before the ZBA. In our zoning law, there's a procedure where, as part of the Board's consideration of that application, it holds a public hearing. It publishes notices, it sends the application to the Albany County Planning Board. If the application isn't withdrawn, we need to complete that process to a point where the Board makes a decision on the application. Separate and apart from that, you are able to pursue a request to the Village Board for a zoning amendment, the adoption of a local law to permit the use that you're proposing. One is not dependent on the other.
- Attorney Phillips said it's going to be up to the Village Board whether it even wants to consider the zoning change. That's out of your hands. So my recommendation would be that we just schedule the public hearing. In the meantime, I can put together a summary of New York State case law examining factor one, just to kind of show the Board how the courts interpret that provision, which could help you as you consider it, if you decide to open and close the public hearing at the next meeting. We can discuss it and then the Board can consider any next steps.
- The ZBA is the final decision maker on the use variance application. Attorney Phillips said to clarify, the Village Board has complete discretion as to whether or not it will consider or ultimately approve the change in the law to allow the use - a zoning amendment is always within the complete discretion of the Village Board. It's up to the Village Board whether or not it even wants to consider the change - they aren't required to consider it. I just want to make that clear so everyone understands.

- There are requirements in the Zoning Law for amendments to the Zoning Law. It does say in the zoning law: authorization to initiate amendments and amendment to the text of this chapter of the zoning map may be initiated by (a) resolution of intention by the Village Board, (2) resolution of intention by the Planning Board and (3) application by one or more property owners or their agents. There's no specific provision for initiation by the ZBA.

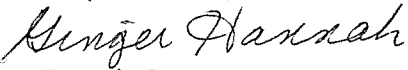
A motion was made by Board Member Provencher to set a public hearing for the next regularly scheduled meeting, February 8, 2022 at 7:00 p.m. Seconded by Board Member Murphy. All in Favor.

RE: Approval of minutes from last meeting of the ZBA, which was on September 28, 2020 –Board Member Provencher said she was not at that meeting. Board Member Sullivan was not on the Board then. Only Board Members Tassone and Murphy and Chairman Ramirez were at that meeting. Chairman Ramirez tabled the approval of the minutes for September 28, 2020 until the next meeting.

Chairman Ramirez asked if there was any other business on the table. None noted.

Motion to Adjourn was made by Board Member Provencher, seconded by Board Member Murphy. All in favor. Meeting was adjourned at 8:07 p.m.

Respectfully submitted,

  
Ginger Hannah, Secretary