

ALTAMONT ZONING BOARD OF APPEALS

Regular Meeting Agenda

May 24, 2022

1. Open meeting - State time and that the meeting is being recorded and where the exit signs are located.
2. Topic & Discussion: SUP request from Eric Krans and Jen O'Connor to build an accessory dwelling/in-law apartment in the footprint of the current garage, which is in disrepair.

3. Topic & Discussion: SUP request from Hoarders Honeypot, LLC (James Keleher) to operate a storefront with in-store sales, online sales and computer repair at 996 Altamont Blvd.

4. Other Business:

5. Review of Village of Altamont Rules of Procedure for Zoning Board of Appeals Meetings from September 28, 2020 meeting. See underlined, bolded, italicized changes in attached document. Consider Motion: To approve updated Rules of Procedure for ZBA Meetings.
6. Review of meeting minutes of February 22, 2022 Planning Board Meeting.
Consider Motion: To approve Minutes of February 22, 2022 Planning Board Meeting.
7. Review of meeting minutes of April 12, 2022 Zoning Board of Appeals Meeting. Consider Motion: To approve Minutes of April 12, 2022 ZBA Meeting.
8. Consider Motion to Adjourn Meeting. Meeting Adjourned at Time:

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

Applicant Checklist for Special Use Permit (SUP)

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: Eric Krans and Jen O'Connor

Address: 167 Maple Ave. Box 37

Daytime Phone #: 518.860.0438

Date: 3/31/2022

PROPERTY INFORMATION:

Owner: Eric Krans and Jen O'Connor

Location: 167 Maple Ave. Box 37

Tax Map #: 37.18-3-1

Zoning: _____

Acreage: 5 acres

Request for a: _____ SUP

TO BE SUBMITTED:

- 1) 15 copies of signed & notarized SUP application
- 2) 15 copies of completed SUP Conditions Form
- 3) 15 Copies of conditional purchase contract or rental agreement if applicable
- 4) 15 copies of project narrative statement containing the following: reasons which necessitate the need for a SUP, including a brief detailed description of the project
- 5) 15 copies Architectural drawings of proposed project
- 6) 15 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 SUP
- 7) 15 copies completed, signed SEQRA if applicable
- 8) 15 copies of Sign Permit if applicable
- 9) 15 copies of Building and Zoning Permit if applicable
- 10) Escrow Fund for Legal/Engineering & other Fees as appropriate (determined by Planning Bd Chair)

OTHER AGENCY APPROVALS OR RECOMMENDATIONS AS REQUIRED

- | | |
|-------------------------------------|--------------|
| 1) NYS Department of Transportation | 518-765-2841 |
| 2) Albany County Health Department | 518-447-4631 |
| 3) Albany County Planning Board | 518-447-5660 |

VILLAGE OF ALTAMONT PLANNING BOARD

115 MAIN STREET, P.O. BOX 643, ALTAMONT, NY 12009 PHONE (518) 861-8554 FAX (518) 861-5379

APPLICATION FOR SPECIAL USE PERMIT

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

Fees: \$300.00 Commercial
\$100.00 Two Family
\$ 50.00 One Family
(payable at time of submission)

A. STATEMENT OF OWNERSHIP AND INTEREST

THE APPLICANT(S) Eric Krans and Jen O'Connor

is (are) the owner(s) of property situated at the following address:

<u>167 Maple Ave</u>	<u>Box 37</u>	<u>Altamont</u>	<u>NY</u>	<u>12009</u>
Street	PO Box	Village	State	Zip

TAX MAP PARCEL NO. 37.18-3-1. The above described property was acquired by applicant(s) on the following date 10/13/2016.

B. REQUEST

The applicant(s) request a Special Use Permit for the above described property under the provisions of Section _____ of the Zoning Law of the Village of Altamont for the following purposes: _____

Our current garage has fallen into disrepair and is nearing the end of its useful life. We are interested in rebuilding the structure in its current footprint as accessory dwelling/in-law apartment for Jen's mother Carol Kirk O'Connor.

as shown on the attached plan drawn to scale.

C. REASONS FOR REQUEST

The applicant(s) allege(s) that the approval of said Special Use Permit would be harmony with the intent and purpose of said Zoning Ordinance (local law) and that the proposed use conforms to the standards prescribed therefore in said ordinance (local law) and would not be detrimental to property or persons in the neighborhood for the following reasons: We are planning to rebuild the structure in its current footprint.

It currently has electricity running to it but to make it an accessory dwelling we would need to run sewer and water. We'd also need to lay a new concrete pad. The proposed structure would blend seamlessly with the style, color, and design of the current buildings and outbuildings on the property and throughout the village

D. SPECIAL FEATURES

In addition to meeting the standards prescribed by the Zoning Law of the Village of Altamont, the applicant(s) will provide _____

in order that the public convenience and welfare will be further served.

THIS PORTION TO BE FILL OUT IN PRESENCE OF NOTARY

TO ME PERSONALLY APPEARED

Eric Krans
on the 7th day of April, 2022
Virginia Ann Hannah

(11/20)

VIRGINIA ANN HANNAH
Notary Public, State of New York
No. 01HA6429393
Qualified in Albany County
Commission Expires Feb, 14, 2026

Eric Krans
NOTARIZED SIGNATURE

167 Maple Ave Box 37
Altamont NY 12009
518 860 0438

Applicant Mailing Address & Phone #

SPECIAL USE PERMIT (SUP) CONDITIONS

The Village of Altamont Planning Board will not consider any application for a Special Use Permit (SUP) complete until the following application is completed in full and submitted to the Building Department. The Planning Board will evaluate the applicant's responses and determine whether the applicant has adequately met the conditions for a SUP. The applicant is encouraged to attach additional sheets if necessary to fully answer the questions. The following conditions for a SUP are from Article V, Section 355-35 (E) of the Village of Altamont Zoning Law.

- 1) The physical characteristics, topography and other features of the lot and the scale and physical design and other features of any new or existing buildings to be occupied by the use are suitable and adaptable for the proposed use without any modifications which would change the established character of the street or neighborhood setting.
The property is set at the base of the helderberg escarpment and abutted by a tributary to the Bozenkill Creek.
The house and the outbuildings are all white clapboard structures built in the late 1800s and early 1900s. The proposed special use structure conforms to the overall character of the property, street, and village.

- 2) The nature and intensity of operations of the use will not be more objectionable to surrounding properties than those of a permitted use.
The nature and intensity of operations will not be objectionable.

- 3) The use is not in such proximity to a religious facility, school, community center, recreation place, or other prominent place of community activity and public assembly so as to regularly conflict with such other activity and thereby constitute a danger to health, safety or general welfare.

N/A

- 4) The use will not unreasonably increase or introduce traffic congestion or safety hazards or impose traffic volumes on streets and street patterns which are deficient in width, design, sight distance, intersection configuration, or other typical standards necessary to accommodate such traffic changes.

No, it will not

- 5) The use makes adequate provision for off-street parking in accordance with these regulations.

Yes, there is currently more than adequate parking available onsite.

- 6) The use and the proposed design of building and other structure and site facilities for the use are appropriate in the proposed location and have incorporated reasonable efforts to harmonize with surrounding uses and mitigate any adverse impacts on surrounding uses, including but not limited to traffic congestion and hazards, untimely scheduling of activities, removal of trees and other established natural features, and excessive stormwater runoff, noise, nuisance, odors, glare or vibration.

Yes, the use will not have adverse impacts

- 7) The cumulative impacts of the use in the proposed location will not unreasonably interfere with or diminish the continued use, preservation, stability, value, enjoyment, prosperity or growth of the neighborhood or community.

Yes, the cumulative impacts will not diminish the above characteristics of the neighborhood.

- 8) The effect of the proposed use on the other properties in the neighborhood and the enjoyment by the inhabitants of their properties, and whether it will materially affect the value of such properties and the use and enjoyment of such properties by the occupants and any other effect of such use on the health, welfare and safety of the occupants of such properties.

This proposed special use would not materially affect the value of the persons or properties in the neighborhood.

- 9) The use will not conflict in any way with the Comprehensive Plan.

This proposed special use will not in any way conflict with the comprehensive plan.

Special Use Permit

167 Maple Avenue - Demolition of Decrepit Structure and Rebuild in Footprint as Accessory Dwelling Unit

Address: 167 Maple Ave Box 37, Altamont, NY 12009

Tax Parcel Number: 37.18-3-1

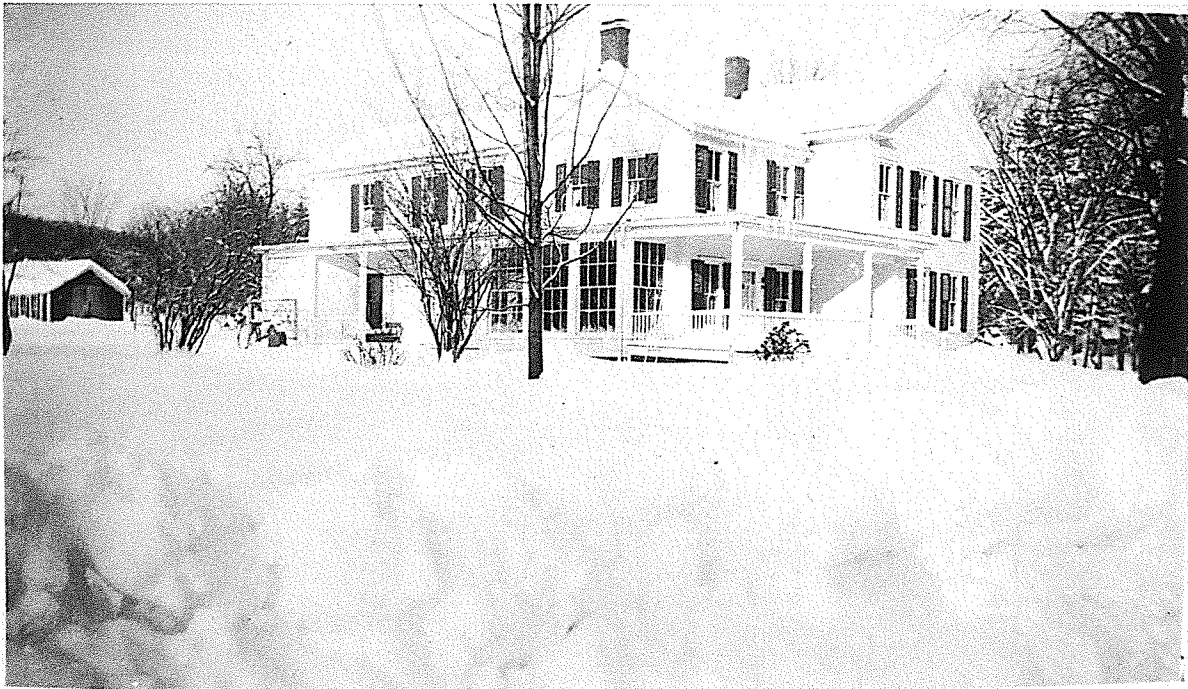
Owners: Jen O'Connor & Eric Krans

Contact: 518.860.0438 – erickrans@gmail.com

167 Maple Avenue has been in my family since 1904. Myself and my husband have lived here since 2006. I am the daughter of Carol Kirk O'Connor, who is the daughter of Jim and Doris Kirk who resided here from the 1970s until the early 2000s. Prior to that, 167 was inhabited by my great-aunt Margaret Kirk Warner and Luther Warner who inherited it from James E. and Rena Kirk. My great-great grandfather, James E. Kirk was President of Altamont from 1909-1916. A copy of his obituary, printed in the Altamont Enterprise in 1919, was found in the house in a chest of other documents, including newspapers from various major historical occasions throughout the 20th century; moon landings, world wars, presidential assassinations. That copy of the Enterprise included two full pages of gossip about the people in the village and every detail of what they were up to. It also included an article about airplane sightings.

The chest also included many historical photographs from the property. One photograph of James E. Kirk's aunt and uncle, taken in the early 1900s shows a large wooden barn or carriage house in the process of being built in the backyard, with the windows in the rear of the main house visible in the upper right of the photograph. In the photo on the right, and in the one on the next page, it is a finished structure shown from the side





That carriage house was adapted in favor of a garage which currently sits at the western end of the driveway. This garage has since fallen into disrepair and is nearing the end of its useful life. We have assessed the costs of reinforcing the structure and found that it was not worth saving, aside from its parts. We are interested in rebuilding the structure in its current footprint. The current structure can be seen in the image below, as well as on the next page in the satellite photo, where it is situated in context within the parcel.



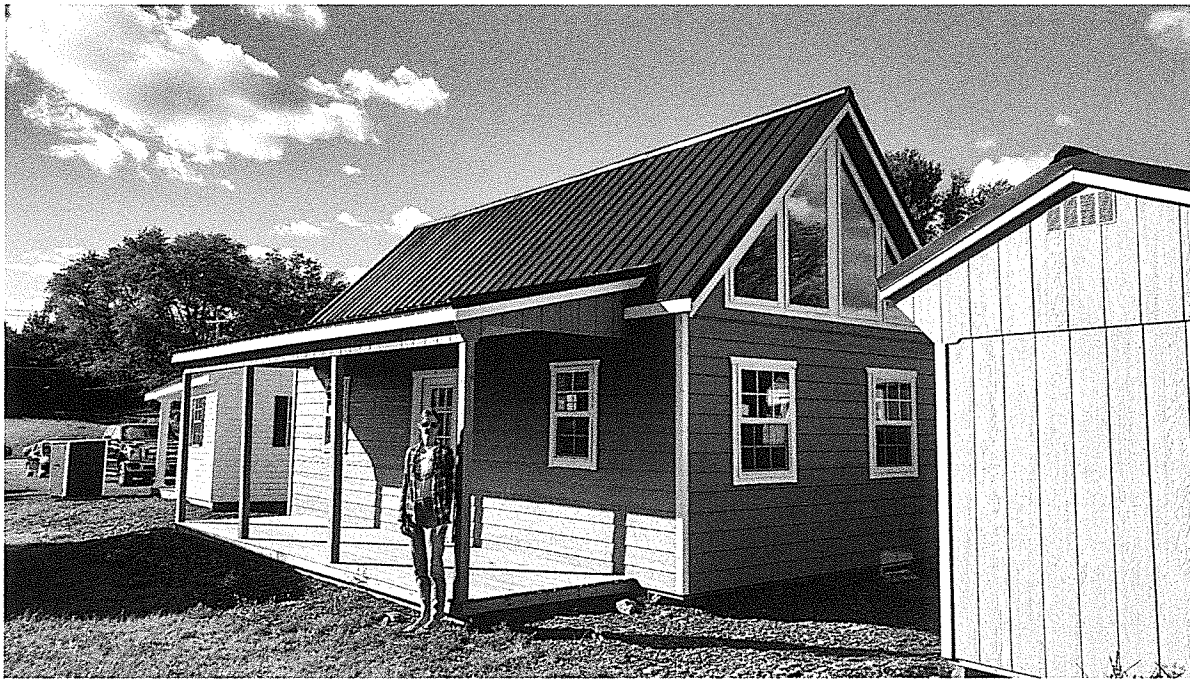


Accessory Dwelling Unit

We are interested in making the new structure an accessory dwelling/in-law apartment for Jen's mother Carol Kirk O'Connor. It currently has electricity running to it but to make it an accessory dwelling we would need to run sewer and water. We'd also need to lay a new concrete pad.

Our proposed plans are for an approximately 18 foot tall, 560 square foot structure, set back from the road approximately 350 feet. The proposed structure would blend seamlessly with the style, color, and design of the current buildings and outbuildings on the property and throughout the village, and bring the property one step closer to what it looked like when my family purchased it in 1904. Additionally it would rehabilitate a building that is deteriorating in time.

We are currently working with Dutch Country Connections on the corner of Routes 20 and 158 to develop a plan for the new structure. We have developed a concept based on the blue cabin that is on their property abutting rt 20. The images below show the blue cabin which is 14 ft wide and 27 ft long. Our planned structure will be 14ft wide and 40ft long (which is consistent with the existing footprint). The proposed structure will have the same roof pitch and black standing seam roof, however it will not have the side porch, and the siding would be white.



The following two images of the front of the 167 Maple Ave house show that the current structure is set far enough back on the property to be essentially out of sight when the trees and bushes are in full foliage.

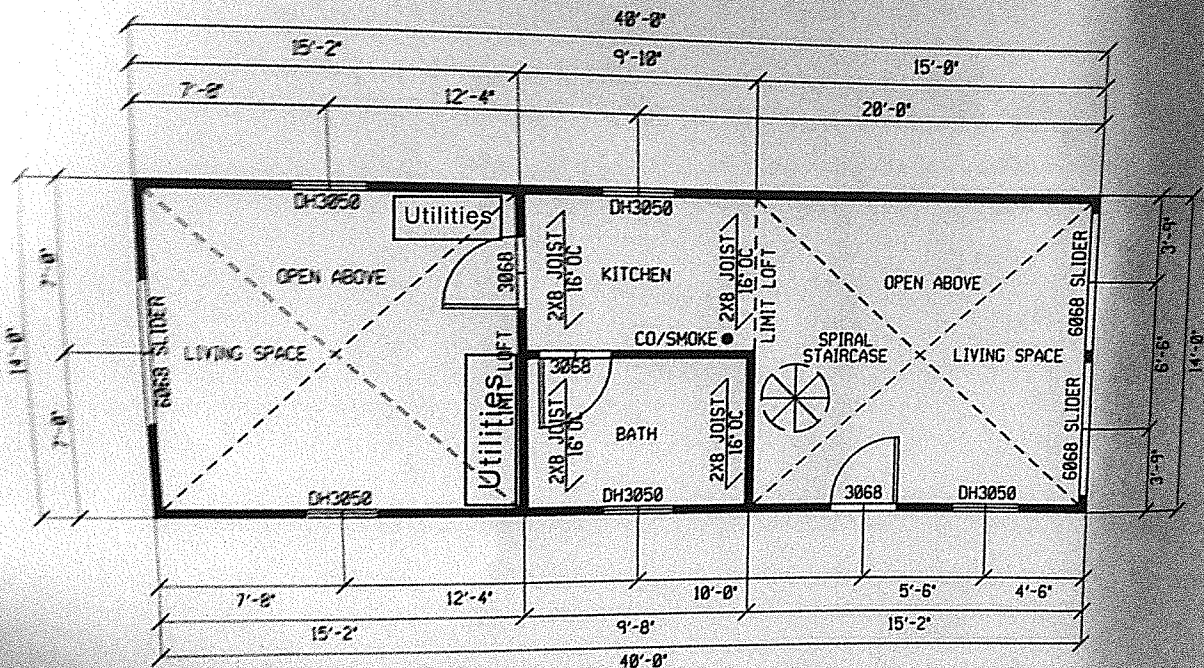


The structure to the right of the red arrow is a shed structure, not the garage we are replacing.



The current garage structure as seen from the road in the winter.

The new structure would utilize the same driveway as the main house. 4 cars currently fit in the parking section of the driveway. The new structure will utilize tankless hot water and a heat pump system for heating and cooling. The image below shows two potential locations of the utilities closet, located in the room on the left.



ALBANY COUNTY PLANNING BOARD PLANNING AND ZONING ACTION REFERRAL FORM

This case documentation constitutes an official referral to the Albany County Planning Board under § 239-l, -m, and -n of the New York State General Municipal Law. Please note that failure to provide complete information may delay the County Planning Board's ability to render a decision on the referral. Please contact Albany County Planning at (518) 655-7932 for additional information.

Municipality: ☐ City ☐ Town ☒ Village of Altamont
Referring Agency: ☐ Legislative Board ☐ Planning Board ☐ Zoning Board of Appeals

Project Name: Sup for Inlaw Apt.
Applicant: Eric Krans & Jen O'Connor
Project Location: 167 Maple Ave. Altamont, N.Y. 12009
County Tax Parcel Number: Section 37.18-3-1 Block _____ Lot _____
Parcel Size: 5 acres Current Zoning: R10

Project Description: (attach additional pages if necessary) Add accessory dwelling for in law apartment on site of existing, decrepid garage.
See attached documentation on project description.

Type of Action:

☐ Site Plan Review ☐ Subdivision Review
☐ Area Variance ☐ Rezoning
☐ Use Variance ☐ Adoption/Amendment of Zoning Ordinance or Local Law
☒ Special Use Permit ☐ Adoption/Amendment of Comprehensive Plan
☐ Other authorization under provisions of zoning ordinance or local law (please specify) _____

Jurisdictional Determinant (project located within 500 feet of any of the following existing or proposed facilities):

☐ Municipal Boundary ☐ State or County Property
☒ State or County Road ☐ State or County Facility
☐ State or County Park ☒ County-owned stream or drainage channel
☐ Farm in a designated Agricultural District ☐ Other Recreation Area (please specify) _____

State Environmental Quality Review (SEQR) Status: ☐ Type I ☐ Unlisted Action ☒ Type II
Determination of Significance: ☐ Positive Declaration ☐ Negative Declaration ☐ Not issued

Status of Local Approval: Preliminary Approval Issued: ☐ Yes ☒ No
Public Hearing Scheduled: ☐ Yes ☒ No If yes, hearing date: _____

Supporting Documentation Included With This Referral:

☒ Location Map ☐ Subdivision Plat
☐ Municipal Application Form ☐ Environmental Assessment Form
☒ Project Narrative ☐ SEQR Determination of Significance
☒ Site Plan ☐ Environmental Impact Statement
☐ Other: _____

ACPB Use Only

Submitted by:

Name: Gary N. Goss Jr. Title: Building Inspector/Zoning & Code Enforcement
Department/Agency: Village of Altamont Building & Codes Department
Address: PO Box 643 115 Main St, Altamont, N.Y. 12009
Phone Number: 518-861-8554 ext. 17 Fax Number: _____
E-mail Address: Village building@altamontvillage.org

SUBMIT COMPLETED FORM AND SUPPORTING DOCUMENTATION TO:

Albany County Planning Board
449 New Salem Road
Voorheesville, New York 12186

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

Applicant Checklist for Special Use Permit (SUP)

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: Hoarders Honey Pot, LLC (James Keher)

Address: 1972 New Scotland Rd, 284
Slingerlands, NY 12159

Daytime Phone #: (518) 337-8912

Date: 4/28/22

PROPERTY INFORMATION:

Owner: John Donato

Location: 996 Altamont Blvd, Altamont NY 12009

Tax Map #: 48,06-3-2,000

Zoning: B

Acreage: _____

Request for a: _____ SUP

TO BE SUBMITTED:

- 1) 15 copies of signed & notarized SUP application
- 2) 15 copies of completed SUP Conditions Form
- 3) 15 Copies of conditional purchase contract or rental agreement if applicable
- 4) 15 copies of project narrative statement containing the following: reasons which necessitate the need for a SUP, including a brief detailed description of the project
- 5) 15 copies Architectural drawings of proposed project
- 6) 15 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 SUP
- 7) 15 copies completed, signed SEQRA if applicable
- 8) 15 copies of Sign Permit if applicable
- 9) 15 copies of Building and Zoning Permit if applicable
- 10) Escrow Fund for Legal/Engineering & other Fees as appropriate (determined by Planning Bd Chair)

OTHER AGENCY APPROVALS OR RECOMMENDATIONS AS REQUIRED

- | | |
|-------------------------------------|--------------|
| 1) NYS Department of Transportation | 518-765-2841 |
| 2) Albany County Health Department | 518-447-4631 |
| 3) Albany County Planning Board | 518-447-5660 |

VILLAGE OF ALTAMONT PLANNING BOARD

115 MAIN STREET, P.O. BOX 643, ALTAMONT, NY 12009 PHONE (518) 861-8554 FAX (518) 861-5379

APPLICATION FOR SPECIAL USE PERMIT

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

Fees: \$300.00 Commercial
\$100.00 Two Family
\$ 50.00 One Family
(payable at time of submission)

A. STATEMENT OF OWNERSHIP AND INTEREST

THE APPLICANT(S) Hoarders Honey Pot, LLC (James Keleher)

is (are) the owner(s) of property situated at the following address: NO, Not the owner.

996 Altamont Blvd Altamont NY 12009
Street PO Box Village State Zip

TAX MAP PARCEL NO. 48.06 3 2.000. The above described property was acquired by applicant(s) on the following date was not acquired, will be renting.

B. REQUEST

The applicant(s) request a Special Use Permit for the above described property under the provisions of Section _____ of the Zoning Law of the Village of Altamont for the following purposes: _____

Storefront with in store sales, online sales and computer repair.

as shown on the attached plan drawn to scale.

C. REASONS FOR REQUEST

The applicant(s) allege(s) that the approval of said Special Use Permit would be harmony with the intent and purpose of said Zoning Ordinance (local law) and that the proposed use conforms to the standards prescribed therefore in said ordinance (local law) and would not be detrimental to property or persons in the neighborhood for the following reasons: There is ample parking for customers. The store will only be open to customers as early as 8AM and no later than 8PM. During the hours that we are not open to the public we will be quietly packing items and listing inventory for online sales as well as repairing computers. We will be respectful of the neighbors and the community.

D. SPECIAL FEATURES

In addition to meeting the standards prescribed by the Zoning Law of the Village of Altamont, the applicant(s) will provide any safety measures deemed necessary

in order that the public convenience and welfare will be further served.

THIS PORTION TO BE FILL OUT IN PRESENCE OF NOTARY

TO ME PERSONALLY APPEARED

JAMES KELEHER

on the 28th day of APRIL, 2022

Attachment: SUP Conditions Form
(2/21)

ALETHEA J. SNYDER
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01SN6298016
Qualified in Albany County
Commission Expires March 10, 2026

[Signature]
NOTARIZED SIGNATURE

1972 New Scotland Rd, 284
Sligo, NY 12159

Applicant Mailing Address & Phone #

SPECIAL USE PERMIT (SUP) CONDITIONS

The Village of Altamont Planning Board will not consider any application for a Special Use Permit (SUP) complete until the following application is completed in full and submitted to the Building Department. The Planning Board will evaluate the applicant's responses and determine whether the applicant has adequately met the conditions for a SUP. The applicant is encouraged to attach additional sheets if necessary to fully answer the questions. The following conditions for a SUP are from Article V, Section 355-35 (E) of the Village of Altamont Zoning Law.

- 1) The physical characteristics, topography and other features of the lot and the scale and physical design and other features of any new or existing buildings to be occupied by the use are suitable and adaptable for the proposed use without any modifications which would change the established character of the street or neighborhood setting.

There will be no physical changes other than the name on the front sign.

- 2) The nature and intensity of operations of the use will not be more objectionable to surrounding properties than those of a permitted use.

I agree that the nature and intensity of operations of the use will not be more objectionable to surrounding properties than those of a permitted use.

- 3) The use is not in such proximity to a religious facility, school, community center, recreation place, or other prominent place of community activity and public assembly so as to regularly conflict with such other activity and thereby constitute a danger to health, safety or general welfare.

I agree that the use is not in such proximity to a religious facility, school, community center, recreation place or other prominent place of community activity and public assembly so as to regularly conflict with such other activity and thereby constitute a danger to health, safety or general welfare.

- 4) The use will not unreasonably increase or introduce traffic congestion or safety hazards or impose traffic volumes on streets and street patterns which are deficient in width, design, sight distance, intersection configuration, or other typical standards necessary to accommodate such traffic changes.

I agree that the use will not unreasonably increase or introduce traffic congestion or safety hazards or impose traffic volumes on streets and street patterns which are deficient in width, design, sight distance, intersection configuration, or other typical standards necessary to accommodate such traffic changes.

- 5) The use makes adequate provision for off-street parking in accordance with these regulations.

The store provides adequate provision of off-street parking.

- 6) The use and the proposed design of building and other structure and site facilities for the use are appropriate in the proposed location and have incorporated reasonable efforts to harmonize with surrounding uses and mitigate any adverse impacts on surrounding uses, including but not limited to traffic congestion and hazards, untimely scheduling of activities, removal of trees and other established natural features, and excessive stormwater runoff, noise, nuisance, odors, glare or vibration.

The building will not be altered except for the name on the sign. I agree to mitigate any adverse impacts on surrounding uses. There will not be any traffic congestion and hazards, untimely scheduling of activities, removal of trees or other established natural features, excessive storm water runoff, noise, nuisance, odors, glare or vibrations.

- 7) The cumulative impacts of the use in the proposed location will not unreasonably interfere with or diminish the continued use, preservation, stability, value, enjoyment, prosperity or growth of the neighborhood or community.

It will not unreasonably interfere with or diminish the continued use, preservation, stability, value, enjoyment, prosperity or growth of the neighborhood or community.

- 8) The effect of the proposed use on the other properties in the neighborhood and the enjoyment by the inhabitants of their properties, and whether it will materially affect the value of such properties and the use and enjoyment of such properties by the occupants and any other effect of such use on the health, welfare and safety of the occupants of such properties.

The establishment will have no negative effect on the other properties in the neighborhood, the enjoyment by the inhabitants of their properties nor will it materially affect the value of such properties, the use and enjoyment of such properties by the occupants or have any other effect of such use on the health, welfare or safety of the occupants of such properties.

- 9) The use will not conflict in any way with the Comprehensive Plan.

I agree that the use will not conflict in any way with the Comprehensive Plan.

SPECIAL USE PERMIT Application Narrative

For Location:
996 Altamont Blvd
Altamont, NY 12009
(Previous Auto Value Store)

For:
Hoarder's Honey-pot, LLC
1972 New Scotland Rd, 284
Slingerlands, NY 12159

EXECUTIVE SUMMARY

Hoarder's Honey-pot, LLC seeks the issuance of a Special Use Permit to operate a storefront with in person sales, online sales and computer repair. Hoarder's Honey-pot, LLC is a sole proprietorship LLC owned by James M. Keleher.

DESCRIPTION

PROPOSED USE

The storefront would sell a variety of items including collectibles, antiques, media, video games, electronics and household items. Items will be sold via the storefront and through online ecommerce platforms. The location would also offer computer repair services. The applicant would use the proposed location for business to operate 24 hours a day with limited store operating hours being no earlier than 8AM and no later than 8PM.

THE APPLICANT

The proposed project would be operated by Hoarder's Honey-pot, LLC. Hoarder's Honey-pot, LLC is a top rated seller on all platforms that it sells on. The owner James M. Keleher has over 40 years of reselling experience.

LOCATION

The proposed project would be located at 996 Altamont Blvd, Altamont NY 12009. The former Auto Value retail location. The store would be set up like the previous tenant Auto Value.

PROJECT BENEFITS

COMMUNITY

The proposed project would provide a local and convenient storefront for the people of Altamont and surrounding communities to find collectibles, gifts, media and one of a kind items as well as needed household items for reasonable prices.

EMPLOYMENT

The applicant estimates that approximately 5 to 6 jobs will be created.

CONCLUSION

Hoarder's Honeypot, LLC respectfully requests approval of a Special Use Permit for the proposed project.

Rental Agreement

996 Altamont Blvd
Altamont, NY 12009
(Retail Location Formerly Auto Value)

John Donato and James Keleher for Hoarder's Honeypot, LLC have a verbal agreement. A written rental agreement will be finalized with owner John Donato upon approval of the Special Use Permit.

Architectural Drawings

996 Altamont Blvd

Altamont, NY 12009

(Retail Location Formerly Auto Value)

The store will be the same dimensions as the previous tenant. There will be no new construction or building necessary.

Survey Or Plot Plan

996 Altamont Blvd
Altamont, NY 12009
(Retail Location Formerly Auto Value)

No new construction is proposed.

ALBANY COUNTY PLANNING BOARD PLANNING AND ZONING ACTION REFERRAL FORM

This case documentation constitutes an official referral to the Albany County Planning Board under § 239-l, -m, and -n of the New York State General Municipal Law. Please note that failure to provide complete information may delay the County Planning Board's ability to render a decision on the referral. Please contact Albany County Planning at (518) 655-7932 for additional information.

Municipality: ☐ City ☐ Town ☒ Village of Altamont
Referring Agency: ☐ Legislative Board ☐ Planning Board ☒ Zoning Board of Appeals

Project Name: Hoarders HoneyPot, LLC
Applicant: James Keleher
Project Location: 996 Altamont Blvd. Altamont, NY 12009
County Tax Parcel Number: Section 48.06-3-2 Block _____ Lot _____
Parcel Size: .84 Acres **Current Zoning:** CBD (Central Business District)

Project Description: (attach additional pages if necessary) Applicant would like to open a storefront with in store sales, online sales, and computer repair in the former Altamont Auto Parts Store location. See attachments that go with this referral form for more details.

Type of Action:

- | | |
|---|--|
| <input type="checkbox"/> Site Plan Review | <input type="checkbox"/> Subdivision Review |
| <input type="checkbox"/> Area Variance | <input type="checkbox"/> Rezoning |
| <input type="checkbox"/> Use Variance | <input type="checkbox"/> Adoption/Amendment of Zoning Ordinance or Local Law |
| <input checked="" type="checkbox"/> Special Use Permit | <input type="checkbox"/> Adoption/Amendment of Comprehensive Plan |
| <input type="checkbox"/> Other authorization under provisions of zoning ordinance or local law (please specify) _____ | |

Jurisdictional Determinant (project located within 500 feet of any of the following existing or proposed facilities):

- | | |
|---|---|
| <input type="checkbox"/> Municipal Boundary | <input type="checkbox"/> State or County Property |
| <input checked="" type="checkbox"/> State or County Road | <input type="checkbox"/> State or County Facility |
| <input type="checkbox"/> State or County Park | <input type="checkbox"/> County-owned stream or drainage channel |
| <input type="checkbox"/> Farm in a designated Agricultural District | <input type="checkbox"/> Other Recreation Area (please specify) _____ |

State Environmental Quality Review (SEQR) Status: ☐ Type I ☒ Unlisted Action ☐ Type II
Determination of Significance: ☐ Positive Declaration ☐ Negative Declaration ☐ Not issued

Status of Local Approval: Preliminary Approval Issued: ☐ Yes ☒ No
Public Hearing Scheduled: ☐ Yes ☒ No If yes, hearing date: _____

Supporting Documentation Included With This Referral:

- | | |
|--|---|
| <input type="checkbox"/> Location Map | <input type="checkbox"/> Subdivision Plat |
| <input checked="" type="checkbox"/> Municipal Application Form | <input type="checkbox"/> Environmental Assessment Form |
| <input checked="" type="checkbox"/> Project Narrative | <input type="checkbox"/> SEQR Determination of Significance |
| <input type="checkbox"/> Site Plan | <input type="checkbox"/> Environmental Impact Statement |
| <input checked="" type="checkbox"/> Other: <u>Rental Agreement</u> | |

ACPB Use Only

Submitted by:

Name: Gary N. Goss Jr. **Title:** Building, Zoning & Code Enforcement Officer
Department/Agency: Building, Zoning & Code Enforcement Office
Address: PO Box 643 115 Main Street, Altamont NY 12009
Phone Number: 518-801-6010(cell) 518-861-8554 ext.17 (office) **Fax Number:** _____
E-mail Address: villagebuilding@altamontvillage.org

SUBMIT COMPLETED FORM AND SUPPORTING DOCUMENTATION TO:

Albany County Planning Board
449 New Salem Road
Voorheesville, New York 12186

**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 fourth 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 seven-member Board is four.
- 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 (*four*) 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
Planning Board Meeting
February 22, 2022

Planning Board Members:

Deb Hext, Chairperson	Gary Goss, Bldg. Inspector/Code Enforcer
Stephen Caruso, Board Member	Ginger Hannah, Secretary
Robert Freeman, Board Member	Allyson Phillips, Village Attorney-Absent
Simon Litten, Board Member	
Barbara Muhlfelder, Board Member	

Applicant Rep: Dave Kimmer from ABD Engineers for VAMR- Ken
Romanski/Bozenkill Subdivision

Guests: 1

Deb Hext, Chairperson opened the meeting and welcomed everyone to the Village of Altamont Planning Board Meeting, February 22, 2022 at 7:01 p.m. She said for the record, both the audio and video portions of this meeting will be recorded. My name is Deb Hext. I'm the Planning Board Chair. The Board Members introduced themselves as follows: Barbara Muhlfelder, Steve Caruso, Simon Litten, and Bob Freeman. Also present: Gary Goss, Building Inspector/Code Enforcer and Ginger Hannah, Secretary of the Planning Board.

Chairperson Hext stated that the first item on the Agenda is to consider an extension of six months to Mr. Ken Romanski's Conditional Bozenkill Subdivision Approval per his email dated 1/26/2022. Chairperson Hext asked if everyone had a chance to review the materials and if they had any questions or concerns. After some discussion, a motion was made by Board Member Caruso, seconded by Board Member Muhlfelder, to grant the six month extension to 7/26/2022. **All in favor.**

Chairperson Hext then addressed the second item on the Agenda, to review the conditions set forth in the Amended Resolution Granting Conditional Plat Approval for the Bozenkill Subdivision approved August 2021, to determine if all said conditions have been met:

- 1) It was reiterated that per condition #1, the Applicant would need to come before the Planning Board again (to seek an amendment to the filed subdivision plat) before any building permit would be issued for development on Lot 4. See further discussion below on Lot 4.

- 2) Chairperson Hext moved on to Agenda item #4 - Consider accepting the letter from Mr. Smart stating that the wetland delineation has not changed from the GPS map from 2004, or require the applicant to submit a new wetland delineation, based on current field investigation.

A discussion regarding the wetlands delineation and letter from Mr. William H. Smart dated 12/3/21 was then held between the Board and Dave Kimmer, Engineer from ABD Engineers representing Ken Romanski. Chairperson Hext asked Mr. Kimmer if this map was a new delineation or is the same one from 2004.

Mr. Kimmer said this delineation is substantially the same as it was in 2004. It was confirmed by Bill Smart. He did actually go out there physically to re-delineate the wetlands this past summer just to confirm that his original delineation was correct, and that is what he specified in the letter that was provided. He did a field survey - he walked the entire property. He was looking for the specific types of vegetation, standing water. Mr. Kimmer also stated that Mr. Smart's specialty is wetlands.

Concerns were expressed by the Board about how Mr. Smart conducted this re-delineation – did he take soil samples, did he do a survey. Mr. Kimmer said the wetlands were delineated via GPS in 2004, so he does have very specific reference points as to where he delineated in the past. And then he goes back out and using the same methods, plots the GPS points again and compares them to how they were in 2004. The Board wanted to know where that was indicated.

It was determined that the map included another GIS layer that was noted in the NOTES Section, #2: "Wetland Delineation completed by William H. Smart, P.E. in November 2004 and May 2021."

After this was confirmed, the Board agreed that this met condition #2 that "the final plat shall be modified to accord with the updated wetland delineation." The Applicant also included (with his email of 1/26/22) legal descriptions for lots #2 and #3 to meet the requirement to "provide a legal description of the areas that will be deed restricted to ensure no impacts to wetlands that is based on the updated wetland delineation."

A motion was made to accept the letter from Mr. Smart regarding wetland delineation, considering that there is a secondary date on the map that states

the delineation was done in November, 2021. Motion was made by Board Member Freeman, seconded by Board Member Muhlfelder, **All in Favor**.

- 3) Condition #3 states that “the final plat shall include a note stating no building permit shall be issued for development on Lots 1, 2 or 3 until the Applicant provides \$24,000 to be held in escrow for construction of 300 linear feet of sidewalk as shown on the subdivision plat. Said escrow shall be paid in \$8,000 increments when applications for building permits to construct on Lots 1, 2 and 3 are submitted to the Village. In preparation for an eventual sidewalk, applicant agrees to install a 24” concrete storm drainpipe and two catch basins and backfill with a crusher run along the edge of the right of way to provide a walkable surface.”
- 4) Regarding condition #4, Chairperson Hext asked if the \$1,500 per lot (total \$6,000 for 4 lots) to the Village parks fund was paid. Secretary Hannah confirmed that it was.
- 5) Chairperson Hext asked if the \$1,000.00 for attorney’s fees and \$57.50 for transcription was paid. Secretary Hannah thought that it was, but said that would need to be checked with the Village Treasurer. Chairperson Hext said she will get the answers on the monetary questions and get back to Luigi (from ABD) and Applicant Ken Romanski.

Chairperson Hext thanked Applicant Rep. Dave Kimmer for coming and said we would get back to them.

Chairperson Hext then said Agenda item #5 was regarding the proposed local law to abolish the existing Planning Board and ZBA and replace it with a new ZBA with five members and two alternates that would exercise powers of both Boards. Comments need to be to the Village Board prior to the public hearing on the proposed local law on March 1, 2022. She asked each of the Board Members for their thoughts. Discussion included the following:

- Board Member Muhlfelder – I agree. I think it is a good idea. It’s true, going back and forth and back and forth. I do feel we should open the field for someone who is interested - that would have the expertise - to participate on the Board, instead of appointing someone. Everyone who is interested should be considered. For the implementation of the new Board, use current members, and when there’s an opening, advertise it.

- Board Member Caruso – I fully support putting these two Boards together. We’ve had times when an Applicant came to the Planning Board and we’ve had to send them to the ZBA. Also need to open it up to others – advertising is the best way – could put it out on the Village sign.
- Board Member Litten – ZBA has judicial function in that it hears appeals contesting decisions made by the Planning Board or Code Enforcement Officer. I don’t see how you can have one body that is both the judge and suspect at the same time. They serve different purposes. At the same time, it’s rare these challenges come along. I don’t think the ZBA has had much to do – they get trained and then they don’t use it. If you merge them, what happens to that function? Can’t have the same people involved. If we are the new ZBA and make a decision, they would then come back to us and say we don’t like your decision.
- Chairperson Hext said that’s an excellent point. Does that come back to you, Gary? I almost remember if there was a final decision to be made, it would be made by the Code Enforcer.
- Code Enforcer Goss said Village Attorney Phillips said we could do away with the Planning Board – each municipality doesn’t have to have that, but you do have to have a ZBA. Need a quorum for the meetings.
- Board Member Litten – also – this Planning Board has been entirely reactive – someone comes with a proposal and we make a judgment about that. But one of its functions per Village law is a Planning function.
- Chairperson Hext said it’s not a planning function like Town of Guilderland’s Town Planner.
- Board Member Litten said it’s in zoning – according to Village Code, what we’re doing is: 1) reviewing and granting subdivision applications - we do that, 2) reviewing and granting site plan applications - which we did this evening, 3) reviewing and granting special use permits - which we do, 4) preparing changes to the comprehensive plan, unless the Village Board creates a separate committee for this purpose and 5) review of proposed amendments to this chapter, which we haven’t done - there’s been no changes.
- Chairperson Hext said there is a special committee that reviews the Comprehensive Plan.
- Board Member Litten said I didn’t know that. That being the case, it’s foolish to have a Board that does so little.
- Board Member Freeman said I’m the new guy – have only been to a couple of meetings. I can understand where Mayor trying to streamline

things for someone with a project, and there's frustration with two Boards. I've lived here all my life. I wanted to step up - a duty - to play my part, where I'm doing something right. But I know nothing about zoning. I understand both sides – but for me, I'm with this Board, however we're going to do it – I'm here where I'm needed.

- Chairperson Hext: There are a few other communities that only have one Board – normally just smaller Villages and Towns. There are fiscal savings for the Village: engineering fees, attorney fees, having the Code Enforcer Goss and Secretary Hannah here at meetings - that could be just for one Board. And training costs for a Board that hardly ever meets. Most important is streamlining the application process, not only for the applicant, but for us too - so the applicant doesn't get bounced back and forth between Boards.
- Board Member Caruso: I definitely agree with that for sure. I also do agree with what Simon said though, that there has to be something in the system that would allow a person to be able to appeal a decision - whether it goes to Gary or whatever – we need a written process for that.
- Chairperson Hext: I agree 100% because that kind of eliminates the checks and balances in terms of having one committee. I could get the answer from Village Attorney Phillips on that. I thought I read somewhere in the code that the final decision is with the zoning administrator or the building inspector. I think it does have something to do with the ZBA.
- Board Member Litten: My recollection from the training is that the Zoning Board of Appeals could hear contrasting views to what the Code Enforcement Officer had said. So the Zoning Board of Appeals is the arbiter, not the Code Officer.

Chairperson Hext: All right. This is just a discussion tonight to get everyone's input. Send me an email with your individual views on this and I will submit all of them to the Village Board for their meeting on March 1, 2022. She noted that the Village Board makes the decision on this proposed local law.

In further discussion as Other Business it was noted:

- Troy Miller would have to come back before the Board to proceed on the Subdivision on Main Street, as the time has expired for him to do that under his application last year that the Planning Board approved (March timeframe).

- Regarding Lot 4 of the Bozenkill Subdivision, it was noted that it wasn't put in as one lot – it's 23 acres and a portion of it is in the Town of Guilderland. VAMR/Ken Romanski would have to come back before the Board before any development can take place on that Lot (as per condition #1 above).

When it comes to that lot four development, it's going to need intensive examination of the property. Board Member Caruso said he's assuming that there must be a map someplace of what that property was with wetlands. Board Member Caruso said Mr. Romanski is the fifth owner of the property and the second owner literally went in and started carving roads out without any permits or anything. His point is that the wetlands will be a major issue to deal with because that owner disrupted everything just by building roads when he should never have been able to - he just played around with his backhoe and started building roads. If you go behind my house right now, you can still see those roads that are there. So that's something to keep in mind because the Army Corps of Engineers or whomever will need to be involved with this. So I'm just throwing that out there to have it go in the minutes that it's something that's going to need to be addressed.

- The Board discussed looking at the code with this development in mind, and possibly adding verbiage to the subdivision portion of the code that preserves green space and allows access for residents. There should be a plan for protecting access to our natural water bodies such as the Bozenkill such as, for example, doing a wildlife preserve or nature trails that would be open to the public. Chairperson Hext will check with Village Attorney Phillips and Mayor Dineen on how to do that.

Chairperson Hext said okay. Anything else under other business? None was noted.

Motion was made to approve the minutes of the last Planning Board meeting, which was held on August 23, 2021. Motion made by Board Member Muhlfelder, seconded by Board Member Freeman. **All in Favor.**

Motion was made to change the Rules of Procedure for Planning Board Meetings adopted at the September 28, 2020 meeting, Section 1 Regular Meetings to state that: "The Planning Board shall hold regular meetings on the fourth Tuesday of each month, as needed." (Changed from Monday). Motion was made by Board Member Litten, Seconded by Board Member Muhlfelder. **All in Favor.**

Motion was made by Board Member Caruso to adjourn the meeting, seconded by Board Member Freeman. **All in Favor.** Chairperson Hext said thank you everyone. Meeting was adjourned at 8:04 p.m.

Respectfully submitted,

Ginger Hannah, Secretary

Attachments:

- Amended Resolution Granting Conditional Plat Approval to VAMR Development LLC (Ken Romanski) for Bozenkill Subdivision
- ACPB Recommendation dated 5/21/21
- ABD Engineers Letter of 8/10/21
- Email of Luigi Palleschi attaching the Updated Wetland Letter from Mr. Smart, Subdivision Maps for Lots 1, 2 and 3, and lot descriptions for Lots 2 and 3.
- Village of Altamont Proposed Local Law No. 1 of 2022

RECEIVED
B NOV 16 2021
Village of Altamont

(AMENDED) RESOLUTION
ALTAMONT PLANNING BOARD

GRANTING CONDITIONAL PLAT APPROVAL

WHEREAS, VAMR Development, LLC (Ken Romanski) (the "Applicant") has submitted a concept plan for a four-lot subdivision of land located on Bozenkill Road in the Village of Altamont; and

WHEREAS, the proposed subdivision is located in the Village's R-20, Residential One-Family – 20,000 SF Zoning District; and

WHEREAS, the Applicant has submitted a Full Environmental Assessment Form (EAF) describing the action as a four (4) lot subdivision. Three (3) lots would be developed as single-family residences, ranging in size from 0.46 acres to 0.5 acres (1.42 acres total). The remaining 22.45 acres lot (lot 4) will remain undeveloped; and

WHEREAS, the applicant had previously submitted an application for a subdivision of this property which was conditionally approved on July 22, 2019. The conditions were not satisfied within the requisite timeframe rendering the conditional approval null and void pursuant to Section 315-16(G)(2). Therefore, the Village of Altamont Planning Board ("Planning Board") is reviewing the proposed subdivision as a new application; and

WHEREAS, the Planning Board held a pre-application meeting pursuant to §315-9 of the Village of Altamont Subdivision Regulations to discuss the concept plan and proposed subdivision, prior approval and conditions and process for Planning Board review; and

WHEREAS, the concept plan includes three hundred (300) linear feet of sidewalks in front of proposed Lots 1, 2 and 3 which was required by the Planning Board's prior approval. The prior approval was conditioned on the Applicant placing funds in escrow for completion of the sidewalks, but that condition was not satisfied; and

WHEREAS, the Planning Board's prior approval was also conditioned on the Applicant paying a park fee pursuant to Chapters A405 and 315-28(B) of the Village of Altamont Code, but that condition was not satisfied; and

WHEREAS, the concept plan shows the location of an Army Corps of Engineers (ACOE) regulated wetland on Parcel 2 and Parcel 3 that is based on a wetland delineation completed by William H. Smart, P.E. in November 2004; and

WHEREAS, the concept plan includes a note stating the "existing ACOE wetlands to be deed restricted" on Lot 2 and Lot 3 to prevent any physical disturbance in the wetland area; and

WHEREAS, the Planning Board requested additional information confirming the current

location of the ACOE wetland on Parcel 2 and 3 and the Applicant submitted a letter from William H. Smart Engineering, LLC stating that he performed a "site walk over" to determine if the 2004 delineation "is still valid" and concluded that the originally delineated boundary is "substantially concurrent with the current boundary"; and

WHEREAS, the Planning Board recognizes a new wetland delineation will be required before the final plat is filed in the County Clerk's office to determine the precise location of existing ACOE wetlands and to allow a legal description for the restricted land to be prepared and will consider this as a potential condition for final plat approval for this application; and

WHEREAS, the Planning Board will also consider whether its prior condition to fund an escrow for sidewalks and park fees should be included as a condition of final plat approval for this application; and

WHEREAS, the Applicant has submitted a proposed Stormwater Pollution Prevention Plan (SWPPP) dated June 4, 2019. The SWPPP has been submitted to the Village of Altamont Superintendent of Public Works and he has confirmed it meets the requirements included in NYSDEC SPDES General Permit for Stormwater Discharges (GP-0-20-001, January 1, 2020); and

WHEREAS, the Planning Board reviewed Part 2 of the Short EAF and did not identify any moderate to large impacts from the proposed action and proceeded to adopt a Negative Declaration on June 28, 2021 thereby completing its SEQRA review for the project; and

WHEREAS, by resolution adopted June 28, 2021, the Planning Board also confirmed the concept plan met the general purposes of the Village of Altamont subdivision regulations, provided the final plat was modified to include the specific recommendation that a preliminary plat shall be submitted to the Planning Board which includes a note stating no building permit shall be issued for development on Lot 4 unless and until an amendment to the filed subdivision plat is approved by the Village of Altamont Planning Board; and

WHEREAS, the proposed subdivision was referred to the Albany County Planning Board pursuant to N.Y. General Municipal Law §239-n and it responded that a permit from the Albany County Department of Public Works for driveway construction, drainage, and public utility connections within the County right of way is required; and

WHEREAS, the Planning Board duly noticed and held a public hearing on the proposed final plat on July 26, 2021 at which time all interested members of the public were heard; and

WHEREAS, the Planning Board has reviewed the Application, the proposed final plat with modifications recommended by the Planning Board and comments provided at the public hearing and duly deliberated on the Application and considered the criteria and standards for subdivision approval; and

WHEREAS, the Planning Board voted to adopt a proposed resolution granting conditional plat approval with certain modifications and subject to final review by its legal counsel. The Planning Board has conferred with counsel, considered additional information submitted by the Applicant and engaged in further deliberations.

NOW THEREFORE BE IT RESOLVED that the Planning Board of the Village of Altamont hereby approves the final plat subject to the following conditions:

- 1) The final plat shall include a note stating no building permit shall be issued for development on Lot 4 unless and until an amendment to the filed subdivision plat is approved by the Village of Altamont Planning Board.
- 2) The Applicant shall provide an updated wetland delineation for wetlands on Lots 1, Lot 2 and Lot 3. The updated wetland delineation shall be submitted to the Planning Board and the final plat shall be modified to accord with the updated wetland delineation. The Applicant shall provide a legal description of the areas that will be deed restricted to ensure no impacts to wetlands that is based on the updated wetland delineation.
- 3) The final plat shall include a note stating no building permit shall be issued for development on Lot 1, Lot 2, or Lot 3 until the Applicant provides \$24,000 to be held in escrow for the construction of 300 linear feet of sidewalk as shown on the subdivision plat. Said escrow shall be paid in \$8,000 increments when applications for building permits to construct on Lot 1, Lot 2 and Lot 3 are submitted to the Village. In preparation for an eventual sidewalk, applicant agrees to install a 24" concrete storm drainpipe and two catch basins and backfill with a crusher run along the edge of the right of way to provide a walkable surface.
- 4) Pursuant to Chapters A405-1(G) and 315-28(B) of the Altamont Village Code, the Applicant shall make a payment in the amount of \$1,500 per lot (\$6,000) to the Village parks fund.

IT IS FURTHER RESOLVED, in accordance with Village of Altamont Subdivision Regulations, Section 315-18, the aforementioned conditions must be satisfied within the time proscribed under the law and Planning Board Chairwoman shall not sign the final plat until such time as the Applicant demonstrates the aforementioned conditions have been satisfied.

IT IS FURTHER RESOLVED, that within thirty (30) days of the date this resolution is filed in the Village Clerk's Office, the Applicant shall reimburse the Village for costs in the amount of \$57.50 incurred to transcribe the public hearing on this application and the amount of \$1,000 to reimburse the Village for attorney fees incurred in connection with the Planning Board's review of this application. The Planning Board Chairwoman shall not sign the final plat if these fees are not satisfied within the thirty (30) day period set forth herein.

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

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

The motion was moved by Board Member Litten

The motion was seconded by Board Member Freeman

The vote was as follows:

	Aye	Nay
Chairwoman Hext	<u>✓</u>	_____
Caruso	<u>✓</u>	_____
Muhlfelder	<u>absent</u>	_____
Litten	<u>✓</u>	_____
Freeman	<u>✓</u>	_____

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

I have compared the preceding copy with the original Resolution on file in this office adopted by the Village of Altamont Planning Board at a meeting held August 23, 2021, and I DO HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole of the original. I further certify the vote thereon was as follows:

MEMBERS PRESENT	MEMBERS ABSENT	VOTE
Chairwoman Hext		<u>Yea</u> /Nay
Caruso		<u>Yea</u> /Nay
Muhlfelder	<i>muhlfelder - absent</i>	Yea/Nay
Litten		<u>Yea</u> /Nay
Freeman		<u>Yea</u> /Nay

Witness my hand and the seal of the Village of Altamont, this 24th day of August, 2021.



ALBANY COUNTY PLANNING BOARD
NOTIFICATION

RECOMMENDATION DATE: May 21, 2021

Case #: **02-210503698**
Applicant: **Bozenkill Road Subdivision**
Project Location: Bozenkill Road
Tax Map Number: 37.09-1-5.1
Referring Agency: Village of Altamont Planning Board
Considerations: Subdivision review to divide the parcel into four (4) lots of which three (3) lots are proposed to be developed as Single-Family residences.

ACPB Modify local approval to include

Recommendation:

1. Notification of the application should be sent to the Town of Guilderland , including all required notices pursuant to GML §239-nn.
2. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-15-003, May 1, 2015) for construction activities that disturb more than one acre of land.
3. A highway work permit from the Albany County Department of Public Works for driveway construction, drainage and public utility connections within the county right of way is required.

Advisory:

Gopika Muddappa, Interim Senior Planner
Albany County Planning Board

NOTE:

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

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

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

LOCAL ACTION ON ACPB RECOMMENDATION:

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

LOCAL DECISION ON PROJECT:

- ☒ PROJECT APPROVED
☐ PROJECT DISAPPROVED

VOTE RECORDED: all in favor DATE OF LOCAL ACTION: 8/23/21
(Board member Muehlfelder absent)

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

SIGNED: Ginger Hannah TITLE: Secretary to Planning Bd + Admin Asst VOA

PARTNERS
JOSEPH J. BIANCHINE, P.E.
LUIGI A. PALLESCHI, P.E.
MARK C. BLACKSTONE, P.L.S.

ABD ENGINEERS, LLP.
411 Union Street
Schenectady, NY 12305
518-377-0315 Fax 518-377-0379
www.abdeng.com

DEDICATED
RESPONSIVE
PROFESSIONAL

August 10, 2021

Re: **Bozenkill Road**
4 Lot Subdivision
Village of Altamont
Project # 4645A

Deborah Hext, Chairperson
Village of Altamont Planning Board
115 Main Street
P.O. Box 643
Altamont, NY 12009


Dear Deb:

As you are aware, the above referenced subdivision was granted final approval by the Village of Altamont Planning Board at the public hearing held on July 26, 2021 with Conditional Plat Approval. As such, per phone conversation on August 3, 2021, the Applicant is requesting the Village of Altamont Planning Board to consider an amendment to the current resolution. The Applicant would like the resolution to consider either of the following options:

- Developer will provide a pro-rated amount of the requested sidewalk escrow for each lot separately, or \$8,000, at the time of a Building Permit request for each individual lot, or
- Developer will commence construction of each sidewalk upon request of a Building Permit for each separate lot, and will complete construction of the sidewalk on the individual lot prior to issuance of a Certificate of Occupancy, or
- Developer will commence construction of the full 300 feet of sidewalk spanning all 3 lots, upon request of the first Building Permit. The full 300 feet of sidewalk shall be complete prior to issuance of the first Certificate of Occupancy

We would greatly appreciate being scheduled for the August 24, 2021 Planning Board agenda for consideration on the above request. Should you have any questions or need anything further, please do not hesitate to contact me.

Very truly yours,
ABD ENGINEERS, LLP


Luigi A. Palleschi, P.E.
Partner

LAP:civ
encl.
cc: Ken Romanski (via email)
Don Cropsey (via email)
Allyson Phillips, Village Attorney (via email)
Village of Altamont Administration (via email)

4645A-08102021

Ginger Hannah

From: Luigi Palleschi <Luigi@abdeng.com>
Sent: Friday, January 07, 2022 5:27 PM
To: Ginger Hannah; villagebuilding@altamontvillage.org
Cc: 'Deborah Hext'; Romanski, Ken (CMA Consulting)
Subject: RE: Call to discuss Resolution Document
Attachments: ROMANSKI - BOZENKILL SUBDIVISION (ABD 4645-SUB3 1-7-22 SET).pdf; BOZENKILL SMART WETLAND UPDATE.pdf; Lot 3 description.docx; Lot 2 description.docx

Hi Ginger and Deborah,

Happy New Year!! Hope all is well.

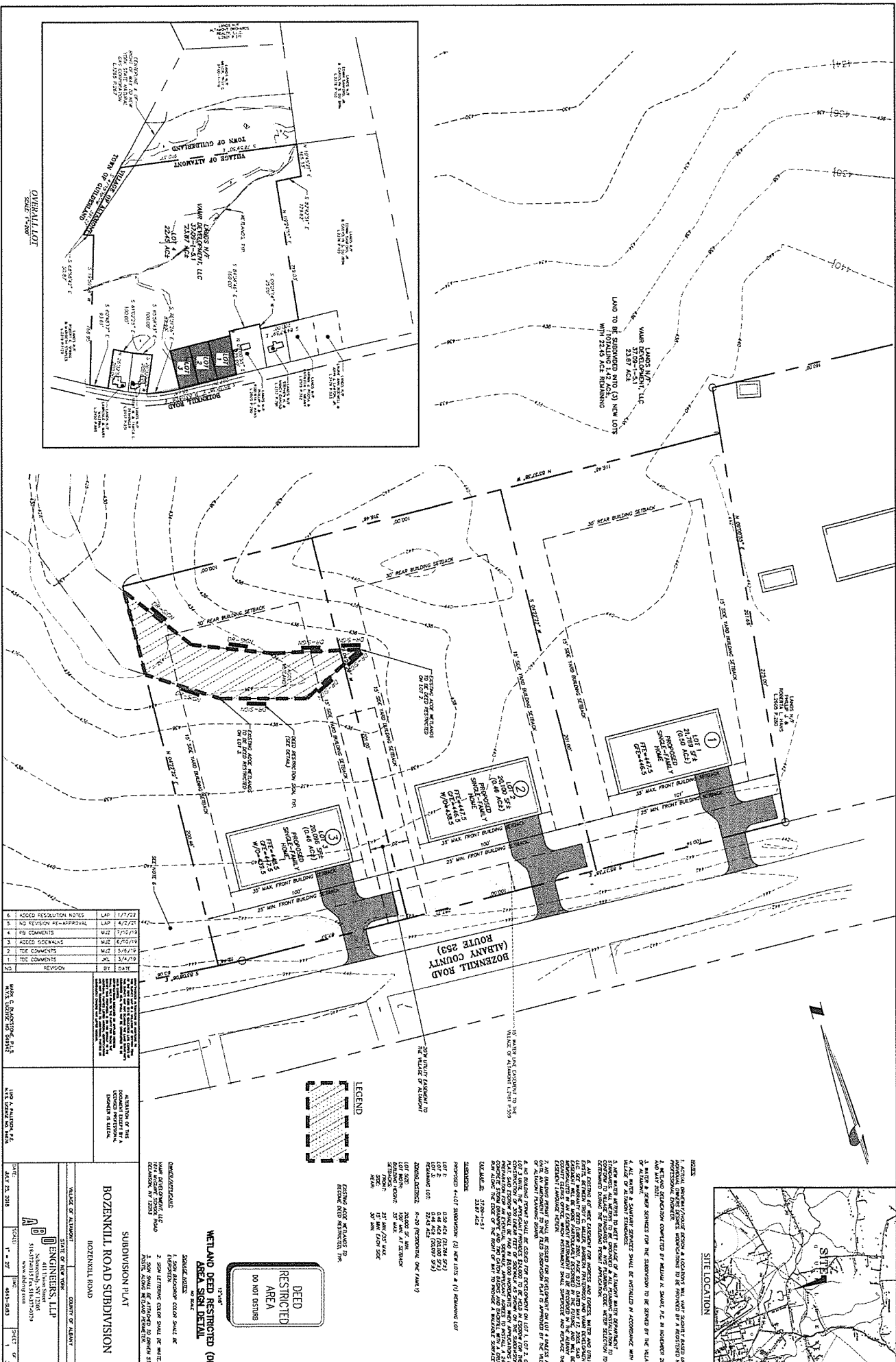
Attached is the subdivision review set along with the updated wetland letter from Mr. Smart as we discussed last month. We are also attaching the lot descriptions which describes the wetlands.

Let me know if you need anything else in order to finalize this project for making final mylars, paper, signatures, filing etc.

Thank you,
Luigi A. Palleschi, P.E.

Partner

A B D ENGINEERS, LLP
411 UNION STREET
SCHENECTADY, NY 12305
P. 518-377-0315 F. 518-377-0379
www.ABDENG.com



NO.	REVISION	DATE	BY
1	ADD COMMENTS	5/14/19	W
2	ADD COMMENTS	5/14/19	W
3	ADD COMMENTS	5/14/19	W
4	ADD COMMENTS	5/14/19	W
5	NO REVISION REQUIRED	5/14/19	W
6	ADD RESOLUTION NOTES	5/14/19	W

DATE: 5/14/19

SCALE: 1" = 20'

PROJECT: 1

3

BOZENKILL ROAD SUBDIVISION

BOZENKILL ROAD

STATE OF NEW YORK

COUNTY OF ALBANY

ENGINEERS, LLP

100 A. HUNTER, P.E.

100 A. HUNTER, P.E.

100 A. HUNTER, P.E.

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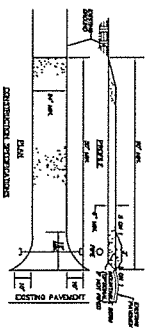
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TYPICAL LOT EROSION CONTROL DETAIL

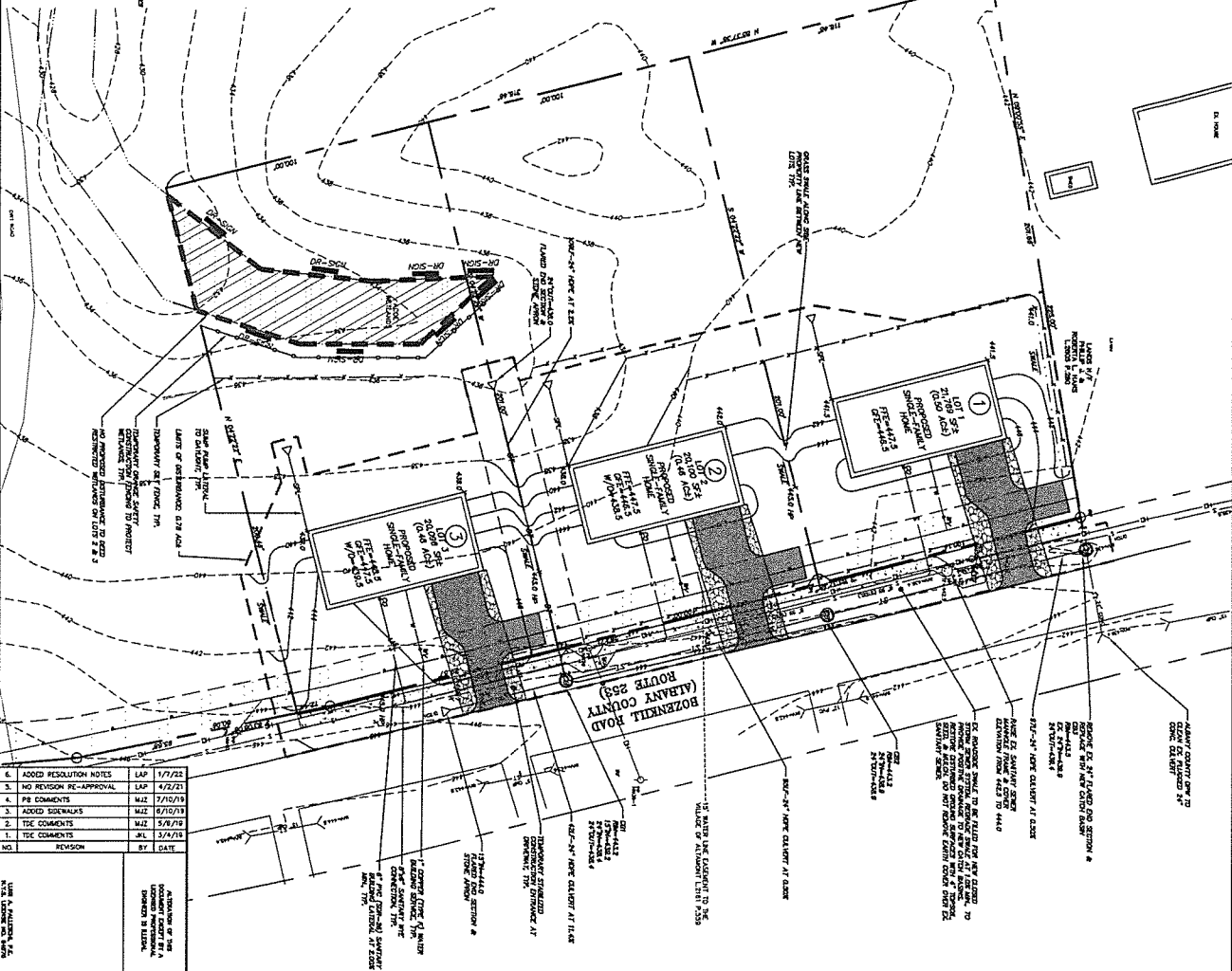
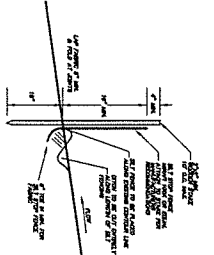
PLAN

CONSTRUCTION SPECIFICATIONS

100' 1'-4" FROM THE FACE OF THE WALL TO THE CENTER OF THE WALL

- [illegible]

SILT FENCE DETAIL
NO SCALE



3.	ADD RESOLUTION NOTES	LAP	1/7/22
3.	NO REVISION RE-APPROVAL	LAP	4/2/21
4.	P8 COMMENTS	MJZ	7/10/19
3.	ADDED SIDEWALKS	MJZ	6/10/19
2.	TDE COMMENTS	MJZ	5/6/19
1.	TDE COMMENTS	JKL	3/4/19
NO.	REVISION	BY	DATE

NOTE: LATERAL AND
VERTICAL CLEARANCE
FOR THE PROPOSED
CROSSING SHALL BE
MAINTAINED AS SHOWN
ON THESE PLANS.

A REVIEW OF THIS
DOCUMENT CONFIRMS THAT
THE INFORMATION IS
CORRECT AND COMPLETE.
THIS DOCUMENT IS LEGAL.

[illegible][illegible]

GRADING & EROSION CONTROL PLAN BOZENKILL ROAD SUBDIVISION BOZENKILL ROAD		VALUE OF ALLOTMENT \$ 0.00	COUNTY OF ALBANY
ENGINEERS, LLP 316-377-0111 FAX 316-377-0179 Schenectady, NY 12309 www.enrllp.com		DATE MAY 25, 2016	SCALE 1" = 50'
SHEET 3 OF 3		TOTAL 4446-SHEETS	

PARCEL DESCRIPTION, LOT 3, BOZENKILL ROAD SUBDIVISION
VILLAGE OF ALTAMONT, ALBANY COUNTY, N.Y.

ALL THAT TRACT, PIECE OR PARCEL OF LAND, situate, lying and being in the Village of Altamont, County of Albany and State of New York, being along the northerly side of Bozenkill Road, (Albany County Route 253), also being Lot 3, as shown and laid out on the "Subdivision Plan Bozenkill Road Subdivision Bozenkill Road", dated 07.25.2018, revised on 04.02.2021 and filed on 00.00.0000 and being more particularly bounded and described as follows:

BEGINNING at the intersection of the division line between Lot 2, on the east, and Lot 3, on the west, with the northerly side of Bozenkill Road;

THENCE North 85°37'38" West a distance of 87.49 feet, to a point; and

North 83°08'06" West a distance of 12.52 feet, both courses and distances being along the northerly side of Bozenkill Road, to a point;

THENCE North 04°22'22" East a distance of 200.48 feet, to a point; and

South 85°37'38" East a distance of 100.00 feet, both bearings and distances being along the division line between lands N/F VAMR Development, LLC, on the west and north, and Lot 3, on the east and south, to a point;

THENCE South 04°22'22" West a distance of 201.00 feet along the Lot 2 – Lot 3 division line, to a point on the northerly side of Bozenkill Road, being the point or place of beginning.

CONTAINS 20,097 +/- square feet OR 0.46 +/- acres.

SUBJECT TO deed restrictions regarding ACOE Wetland area running across the full width of Lot 3.

PARCEL DESCRIPTION, LOT 2, BOZENKILL ROAD SUBDIVISION

VILLAGE OF ALTAMONT, ALBANY COUNTY, N.Y.

ALL THAT TRACT, PIECE OR PARCEL OF LAND, situate, lying and being in the Village of Altamont, County of Albany and State of New York, being along the northerly side of Bozenkill Road, (Albany County Route 253), also being Lot 2, as shown and laid out on the "Subdivision Plan Bozenkill Road Subdivision Bozenkill Road", dated 07.25.2018, revised on 04.02.2021 and filed on 00.00.0000 and being more particularly bounded and described as follows:

BEGINNING at the intersection of the division line between Lot 1, on the east, and Lot 2, on the west, with the northerly side of Bozenkill Road;

THENCE North 85°37'38" West a distance of 100.00 feet along the northerly side of Bozenkill Road, to a point;

THENCE North 04°22'22" East a distance of 201.00 feet along the division line between Lot 3, on the west, and Lot 2, on the east, to a point;

THENCE South 85°37'38" East a distance of 100.00 feet along the division line between lands N/F VAMR Development, LLC, on the north, and Lot 2, on the south, to a point;

THENCE South 04°22'22" West a distance of 201.00 feet along the Lot 1 – Lot 2 division line, to a point on the northerly side of Bozenkill Road, being the point or place of beginning.

CONTAINS 20,100 square feet OR 0.46 +/- acres.

SUBJECT TO deed restrictions regarding ACOE Wetland area along the Lot 2 – Lot 3 division line.

William H. Smart Engineering, PLLC
8 Greystone Drive, Voorheesville, NY 12186
(518) 857-7270

December 3, 2021

Mr. Luigi Palleschi, P.E.
ABD Engineers, LLP
411 Union Street
Schenectady, NY 12305

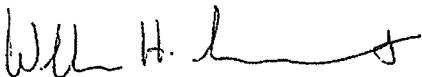
Re: Wetland Review
3 Lot Subdivision, Bozenkill Road
Village of Altamont

Dear Luigi,

In November 2004 I conducted a wetland delineation of the subject property. At your request, I performed a site walk on May 28, 2021 to determine if my original GPS delineation is still valid. That investigation revealed that the originally delineated wetland boundary is substantially concurrent with the current boundary. The wetland boundaries remained unchanged due to its natural landscape and deep ravines and the wetlands have kept their shape over the years. These wetland areas still showed some of the wetland species, hydric soils and hydrology.

I further reviewed ABD's subdivision plans dated July 25, 2018 last revised April 2, 2021 and concur the wetland boundaries shown are consistent with the November 2004 GPS coordinates. Furthermore, the wetlands located behind Lots 2 and 3 will be deed restricted with signage as noted on the subdivision plans.

Sincerely,



William H. Smart, P.E.
NYS 064510

**Village of Altamont
Local Law No. 1 of 2022**

**A Local Law To Abolish the Existing Planning Board and Zoning Board of Appeals and
Create a New Zoning Board of Appeals for the Village of Altamont**

Be it enacted by the Village of Altamont Board of Trustees as follows:

§ 1. Purpose and Intent.

- A. The Village of Altamont Board of Trustees (“Village Board”) hereby finds that it is in the public interest to abolish the existing Village of Altamont Planning Board and Village of Altamont Zoning Board of Appeals and create a new Zoning Board of Appeals with the powers and duties of a planning board and a zoning board of appeals.
- B. The Village’s purpose in enacting this local law is to provide for a more streamlined and efficient procedure for reviewing land use applications while maintaining the same substantive requirements for subdivision and the use and development of land in the Village as set forth in the Village of Altamont Code, Chapter 315 (“Subdivision”) and Chapter 355 (“Zoning”).

§ 2. Abolition of Existing Planning and Zoning Board of Appeals and Establishment of New Zoning Board of Appeals.

- A. The Village Board hereby abolishes the existing Planning Board and Zoning Board of Appeals.
- B. The Village Board hereby creates a new Zoning Board of Appeals and gives and grants to the new Zoning Board of Appeals the powers and duties of a planning board and a zoning board of appeals as set forth in the New York State Village Law, Village Code Chapter 315 (“Subdivisions”) and Village Code Chapter 355 (“Zoning”).
- C. Chapter 355, Section 355-51 (“Planning Board”) shall be deleted in its entirety.
- D. Chapter 355, Section 355-52 (“Zoning Board of Appeals”) shall be amended to add a new Section 355-52(B)(3) which shall provide as follows:

(3) The responsibilities of the Zoning Board of Appeals shall also include:

- (a) Reviewing and granting subdivision applications;
- (b) Reviewing and granting site plan applications;
- (c) Reviewing and granting special use permit applications;

- (d) Preparing changes to the Comprehensive Plan (unless the Village Board creates a separate committee for this purpose) and review of proposed amendments to this chapter; and
- (e) Any other matters that the Village Board of Trustees shall, by amendment to this chapter, decide to vest as responsibilities of the Planning Board. .

In carrying out these functions, the Zoning Board of Appeals shall have all of the powers described in § 7-725-a of the Village Law related to site plan review and §§ 7-728 and 7-730 of the Village Law related to review of subdivision plats.

- E. Wherever the terms Zoning Board, Zoning Board of Appeals or Planning Board appear in the Village Code, said terms shall hereafter mean and refer to the Zoning Board of Appeals created upon the adoption of this Local Law.
- F. Section 355, Section 355-52(A) (“Zoning Board of Appeals – Membership”) shall be amended as follows:
 - (1) A Zoning Board of Appeals is hereby established in accordance with §§ 7-712, 7-712-a, and 7-712-b of the Village Law. It shall consist of five members and two ~~one~~ alternates, each to serve for a term of five years. The term of office of the members of the Zoning Board of Appeals and the manner of their appointment shall be in accordance with the provisions of 7-712 of the Village Law. A member of the Zoning Board of Appeals shall not at the same time be a member of the Village Board.
- G. The Mayor of the Village of Altamont shall appoint the members of the new Zoning Board of Appeals, subject to approval of the Village Board, at the Village’s organizational meeting in April 2022. The appointment of members shall be for a term so fixed that one member’s term shall expire at the end of year in which such member was appointed, and the remaining member’s terms be so fixed so that one members term expires at the end of each official year thereafter.

§3 Chapter 67 (“Planning Board and Zoning Board of Appeals”) is amended as follows:

- A. Section 67-1 (“Planning Board”) shall be deleted in its entirety.
- B. Sections 71-2, 67-3, and 67-4 shall be amended to delete references to the “Planning Board”.

§4 Supersession of Other Laws

All local laws in conflict with the provisions of this Local Law area hereby superseded. This Local Law also supersedes, amends, and takes precedence over any inconsistent provisions of New York Village Law under the Town's Municipal Home Rule powers, pursuant to Municipal Home Rule Law §10(1)(ii)(d)(3), §10(1)(ii)(a)(14), and §22.

§ 5. Severability:

The invalidity of any word, section, clause, paragraph, sentence, part, or provision of this local law shall not affect the validity of any other part of this local law which can be given effect without such invalid part or parts.

§ 6. Effective Date:

This local law shall take effect upon on the date of the Village of Altamont organizational meeting in April 2022.

DRAFT
Village of Altamont Zoning Board of Appeals
Regular Meeting
April 12, 2022

Danny Ramirez, Chairman
Sal Tassone, Member
Laura Murphy, Member
James Sullivan, Absent

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

Guests: 0

Chairman Ramirez opened the meeting at 7:01 p.m. on April 12, 2022 and welcomed everyone. He noted where the emergency exits are.

Chairman Ramirez gave the only agenda item tonight as a decision on the request by John Polk and Rebecca Stumpf for a Use Variance to allow for chickens at 101 Bozenkill Road. There was no one in attendance to speak, including Mr. Polk. There was no additional documentation submitted to support this case.

Attorney Phillips said for the Board's benefit she prepared a Draft Resolution for the Board's decision on the application for a Use Variance with a blank for whether the Board chooses to approve or deny the application. She also prepared a Worksheet that the Board could look at that has the factors from the Village Zoning Law that have to be met for a Use Variance. The difference between a Use Variance and an Area Variance is that in order to be granted a Use Variance, you have to satisfy each of the four criteria. She said as she has discussed with the Board at past meetings on this application, she thinks that the Applicant has not presented sufficient evidence or cannot present sufficient evidence to meet the first and fourth criteria of the Zoning Law which are specifically: that you have to present dollar and cents proof that the property can't be used for a use that's permitted under the Zoning Law that you can't realize a reasonable return, and also that the hardship isn't self-created. Additionally, under NYS Law if there is a prohibition in the Zoning Law, residents are on constructive notice of that prohibition, so the fact that they don't review the law or aren't aware of it doesn't mean the hardship wasn't self-created and there is precedent in NYS for that outcome.

Chairman Ramirez said thank you. He then read the Worksheet with the four criteria and the ZBA's findings. He noted the findings for criteria #1 and #4 as below (See attached full Worksheet):

- (1) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent and unbiased financial evidence.

The ZBA finds that the Applicant has not presented any financial evidence to show he cannot realize a reasonable return. The landowner is using the property as a residential dwelling which is a use permitted under the Zoning Law.

- (2) The alleged hardship has not been self-created.

The ZBA finds the hardship was self-created. The property owner was on constructive notice of the Village's laws when he purchased the property which do not allow chickens (fowl) to be kept on the property. Therefore, the hardship is self-created.

Board Member Tassone said so he (Mr. Polk) didn't know that he couldn't have chickens on the property, but he proceeded to go ahead and...? Chairman Ramirez said, as Attorney Phillips noted, when you buy a property, it's up to you to do due diligence and see what is permitted. He asked if there were any other thoughts or comments from the Board. None noted.

Chairman Ramirez then read the Resolution for Use Variance to House Chickens on Property Located at 101 Bozenkill Road into the record (See attached for a full copy of the Resolution). Following is the portion of that Resolution with the Board's decision:

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

- 1) The ZBA has considered the standard for Use Variance contained in the Village of Altamont Zoning Law and Section 7-712-b of the N.Y. Village Law and hereby adopts the determination and findings annexed hereto.

The ZBA does hereby **deny** the application for Use Variance to house chickens on property located at 101 Bozenkill Avenue in the Village of Altamont.

Chairman Ramirez asked for a motion to adopt the Resolution. Board Member Tassone motioned to adopt the Resolution, Board Member Murphy seconded. **All in favor.**

Chairman Ramirez then said we have some minutes to approve – first from the last meeting held February 8, 2022. No changes noted. Motion made to approve the minutes by Board Member Murphy, seconded by Board Member Tassone. **All in favor.**

Minutes from September 28th, 2020. No changes noted. Motion to approve the minutes made by Board Member Murphy, seconded by Board Member Tassone. **All in favor.**

Chairman Ramirez asked if there was any other business to address. None noted.

Chairman Ramirez asked for a motion to adjourn.

Board Member Murphy made a motion to adjourn, seconded by Board Member Tassone. **All in favor.** Meeting adjourned at 7:13 pm.

Respectfully submitted,

Ginger Hannah, Secretary

Attachments:

- Resolution for Use Variance to House Chickens on Property Located at 101 Bozenkill Road
- Worksheet on Village of Altamont Zoning Law – Section 355-52 Variances
- ACPB Recommendation - completed

RESOLUTION
VILLAGE OF ALTAMONT ZONING BOARD OF APPEALS
RESOLUTION, FINDINGS, AND DECISION ON
REQUEST FOR USE VARIANCE

Request for Use Variance to House Chickens on Property Located at 101 Bozenkill Road

WHEREAS, the Zoning Board of Appeals for the Village of Altamont (“ZBA”) has received an application from John Polk and Rebecca Stumpf (collectively, “Applicants”) seeking a use variance to house six chickens on their property located at 101 Bozenkill Road in the Village of Altamont; and

WHEREAS, the keeping of chickens is prohibited under the Village of Altamont Zoning Law; and

WHEREAS, the Applicant submitted an application for a Use Variance on December 21, 2021 (the “Application”); and

WHEREAS, the ZBA has reviewed the application and duly noticed and held a public hearing on the application on February 8, 2022 at which time all members of the public wishing to speak were heard; and

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

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

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

- 1) The ZBA has considered the standard for Use Variance contained in the Village of Altamont Zoning Law and Section 7-712-b of the N.Y. Village Law and hereby adopts the determination and findings annexed hereto.
- 2) The ZBA does hereby [**grant or deny**] the application for Use Variance to house chickens on property located at 101 Bozenkill Road in the Village of Altamont.
- 1) The ZBA authorizes and requires the ZBA Chairman and its Secretary and Attorney to take the appropriate steps to effectuate this resolution including any filing and distribution requirements.

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

The motion was moved by Board Member Tassone

The motion was seconded by Board Member Murphy

The vote was as follows: *all in favor*
note: James Sullivan was absent.

Members Present:
Danny Ramirez, Chairman
Sal Tassone, Board Member
Laura Murphy, Board Member

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

I have compared the preceding copy with the original Resolution on file in this office adopted by the Village of Altamont Zoning Board of Appeals at a meeting held April 12, 2022 and I DO HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole of the original. I further certify the vote thereon was as follows:

MEMBERS PRESENT	MEMBERS ABSENT	VOTE
<i>Danny Ramirez,</i> <i>Chairman</i>	<i>James Sullivan,</i> <i>Board mbr</i>	<i>in favor</i>
<i>Sal Tassone, Board</i> <i>member</i>		<i>in favor</i>
<i>Laura Murphy, Board</i> <i>member</i>		<i>in favor</i>

Witness my hand and the seal of the Village of Altamont, this 14th day of April, 2022.

Ginger Hannah

GINGER HANNAH, CLERK
VILLAGE OF ALTAMONT ZONING BOARD OF APPEALS

Village of Altamont Zoning Law – Section 355-52 Variances

(2)(b) No such use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unreasonable hardship. In order to prove such unreasonable hardship, the applicant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

- (1) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent and unbiased financial evidence;

The ZBA finds that the Applicant has not presented any financial evidence to show he cannot realize a reasonable return. The landowner is using the property as a residential dwelling which is a use permitted under the Zoning Law.

- (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;

- (3) The requested use variance, if granted, will not alter the essential character of the neighborhood; and

- (4) The alleged hardship has not been self-created.

The ZBA finds the hardship was self-created. The property owner was on constructive notice of the Village's laws when he purchased the property which do not allow chickens (fowl) to be kept on the property. Therefore, the hardship is self-created.



ALBANY COUNTY PLANNING BOARD
NOTIFICATION

RECOMMENDATION DATE: February 17th, 2022

Case #: **02-220203898**
Applicant: **Chickens in Altamont**
Project Location: 101 Bozenkill Road, Altamont
Tax Map Number: 37.09-1-11
Referring Agency: Village of Altamont Zoning Board of Appeals
Considerations: Use variance to house six (6) hens on their property to use for egg production for the family. Currently, this is not allowed under local law.

ACPB Defer to local consideration

Recommendation:
1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

Advisory:

Gopika Muddappa, Senior Planner
Albany County Planning Board

NOTE:

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

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

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

LOCAL ACTION ON ACPB RECOMMENDATION:

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

LOCAL DECISION ON PROJECT:

- ☐ PROJECT APPROVED
☒ PROJECT DISAPPROVED

VOTE RECORDED: all present in favor DATE OF LOCAL ACTION: 4-12-22
James Sullivan absent

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

SIGNED: Ginger Hannah TITLE: Albany Bd of Appeals Secretary