

ALTAMONT ZONING BOARD OF APPEALS

Regular Meeting Agenda

June 28, 2022

NOTE: TO BE HELD IN THE VILLAGE COURTROOM DUE TO ELECTIONS

1. Open meeting - State time and that the meeting is being recorded and where the exit signs are located.

2. Topic & Discussion: Public Hearing for 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.

Consider motion on SUP

3. Topic & Discussion: Public Hearing on 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.

Consider motion on SUP

4. Other Business: _____
-

5. Review of Minutes from May 24, 2022 meeting of the Zoning Board of Appeals. Consider Motion: To approve minutes.

6. Consider Motion to Adjourn Meeting. Meeting Adjourned at Time: _____

Village of Altamont
P.O. Box 643 Altamont, NY 12009
Telephone (518) 861-8554 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 10/18/2016.

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

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

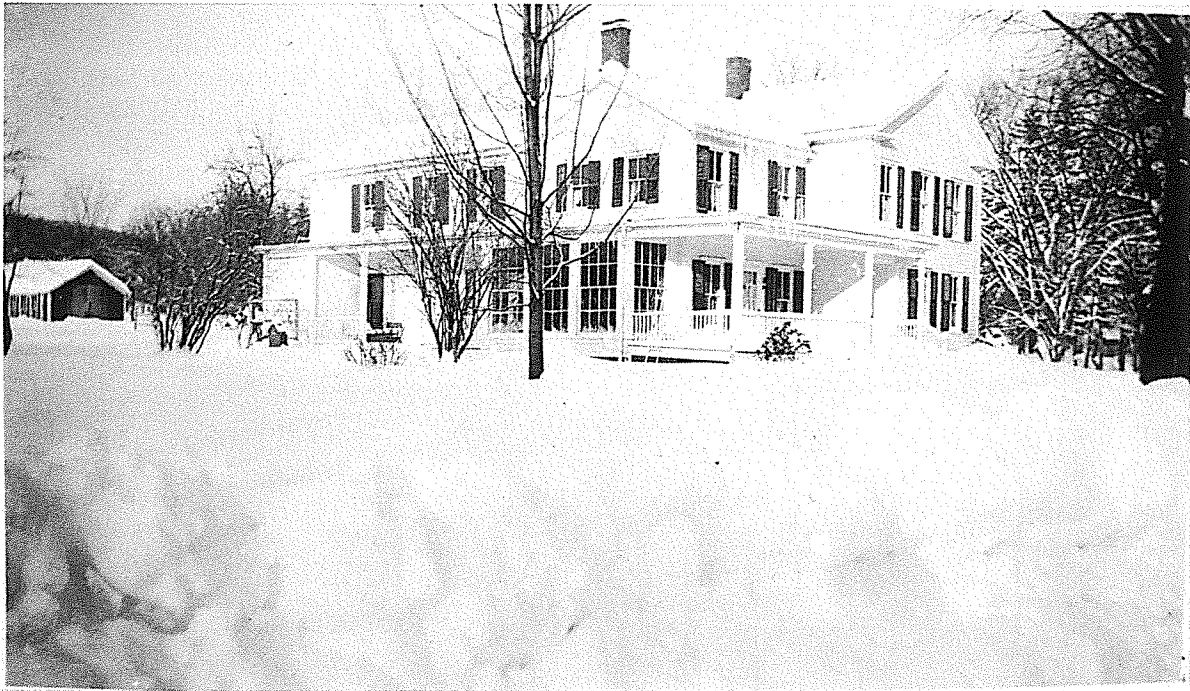
Owners: Jen O'Connor & Eric Krans

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 which 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.

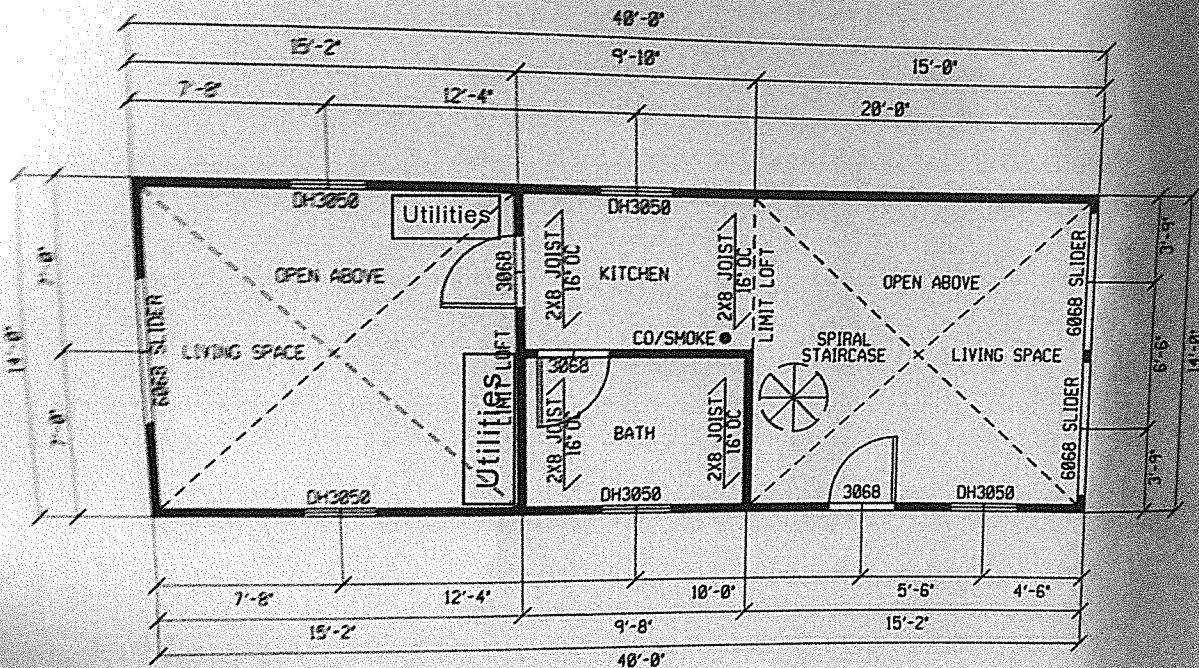


The structure to the right of the red arrow is a shed structure, not the garage we are replacing.



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
NOTIFICATION

RECOMMENDATION DATE: May 19th, 2022

Case #: 02-220503996
Applicant: SUP for In-Law Apartments
Project Location: 167 Maple Avenue
Tax Map Number:
Referring Agency: Village of Altamont Planning Board
Considerations: Special use permit to add accessory dwelling for in-law apartment on site of existing disrepair garage.

ACPB Modify local approval to include

Recommendation:

1. Review by the Albany County Department of Health for water supply, waste water discharge and other required permits.

Advisory:

Gopika Muddappa, Senior Planner
Albany County Planning Board

NOTE:

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

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

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

LOCAL ACTION ON ACPB RECOMMENDATION:

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

LOCAL DECISION ON PROJECT:

- ☐ PROJECT APPROVED
☐ PROJECT DISAPPROVED

VOTE RECORDED: _____ DATE OF LOCAL ACTION: _____

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

SIGNED: _____ TITLE: _____

VILLAGE OF ALTAMONT

115 Main Street PO Box 643 Altamont, New York 12009

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

Mayor

Kerry A. Dineen

Patty Blackwood, Clerk

Catherine Hasbrouck, Treasurer

Nicholas Fahrenkopf, Trustee

Michelle Ganance, Trustee

Tresa Matulewicz, Trustee

John Scally, Trustee

June 16, 2022

Dear Neighbor:

Enclosed you will find a legal notice regarding a request for a Special Use Permit at the request of Eric Krans & Jen O'Connor for a Special Use Permit for construction of an accessory dwelling / in-law apartment in the footprint of the current garage, which is in disrepair, adjacent or close to your property. Village code requires that the Zoning Board of Appeals notify all property owners within 500 feet of the property.

If you would like to express an opinion and/or comment, you are cordially invited to attend the Zoning Board of Appeals meeting on Tuesday, June 28, 2022 at 7:00 p.m. The meeting will be held in the Community Room of the Village Offices at 115 Main Street, Altamont, NY 12009.

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

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

Best regards,



Ginger Hannah

Administrative Assistant

Enclosure – Legal Notice

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

Notice is hereby given that the Zoning Board of Appeals of the Village of Altamont, New York, will hold a Public Hearing pursuant to Article(s) V-Special Use Permit of the Zoning Law on the following proposition:

Request of Eric Krans & Jen O'Connor for a Special Use Permit under the Zoning Law to permit: Construction of an accessory dwelling / In-law apartment in the footprint of the current garage, which is in disrepair.

Per Sections: 355-38K(3) & 355 Attachment 1 (Use Schedule)

For property owned by: Eric Krans and Jen O'Connor

Located at: 167 Maple Avenue, Altamont, NY 12009

Tax Map #: 37.18-3-1 Zoned: R10

Plans open for public inspection at the Village Offices during normal business hours. Said hearing will take place on Tuesday, June 28, 2022 at 7:00 p.m. at the Altamont Village Hall at 115 Main Street, Altamont, NY 12009.

A copy of the Zoning Board of Appeals Agenda and related materials will be available on the Village website by Friday, June 24, 2022 at www.altamontvillage.org.

Dated: June 10, 2022

Gary Goss
Building Inspector and Code Enforcer
Village of Altamont

Deborah Hext
Zoning Board of Appeals Chairperson
Village of Altamont

Abutting
AFD
Fire Inspector
DPW

RESOLUTION
ALTAMONT ZONING BOARD OF APPEALS

RESOLUTION TO APPROVE
SPECIAL USE PERMIT APPLICATION

WHEREAS, the Zoning Board of Appeals for the Village of Altamont (“ZBA”) received an application from Eric Krans and Jen O’Connor (collectively, “Applicant”) for special use permit approval for the operation of an accessory dwelling/ in-law apartment at 167 Maple Avenue, in the Village’s R-10 Zoning District; and

WHEREAS, accessory apartments are permitted in the R-10 Zoning District by Special Use Permit; and

WHEREAS, the proposed accessory structure will replace an existing garage and will be built in the same footprint as the existing garage; and

WHEREAS, the Applicant submitted an application for site plan approval on April 7, 2022 (“Application”); and

WHEREAS, the Applicant submitted a Short Environmental Assessment Form (EAF) with the Application and supplemented its submission with additional information that was requested by the ZBA; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the following activities are classified as Type II Actions and exempt from review under SEQRA pursuant to TYPE II action exempt from Review under SEQRA pursuant to pursuant to 6 NYCRR 617.5(2) and (12): replacement of an existing accessory/ appurtenant residential structure; and

WHEREAS, the ZBA has reviewed the EAF submitted by the Applicant which confirms the action involves the reuse of a commercial structure for a use that is permitted under the Village of Altamont Zoning Law; and

WHEREAS, the ZBA determined the proposed action is a Type II Action exempt from review under SEQRA and scheduled a public hearing on the Application; and

WHEREAS, the Application was referred to the Albany County ZBA pursuant to GML 239-m and; and

WHEREAS, a public hearing was duly noticed and held on June 28, 2022, at which time interested members of the public commented on the Application; and

WHEREAS, the ZBA has reviewed the Application and comments received and duly deliberated on the Application and considered the applicable standards and criteria this

Application.

NOW THEREFORE BE IT RESOLVED that the Zoning Board of Appeals of the Village of Altamont hereby approves the Application for Special Use Permit subject to the following conditions:

1. The Applicant shall obtain any necessary approvals from the Albany County Health Department and Village of Altamont before any connections are made to the Village of Altamont water and sewer systems.

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

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

The motion was moved by _____.

The motion was seconded by _____.

The vote was as follows:

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

I have compared the preceding copy with the original Resolution on file in this office adopted by the Village of Altamont Zoning Board of Appeals at a meeting held June 28, 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
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Witness my hand and the seal of the Village of Altamont, this ____ day of June, 2022.

GINGER HANNAH, CLERK
VILLAGE OF ALTAMONT
ZONING BOARD OF APPEALS

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)

[Signature]
NOTARIZED SIGNATURE

1972 New Scotland Rd, 284
Slingshots, NY 12159

Applicant Mailing Address & Phone #

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

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.

COMMERCIAL LEASE AGREEMENT

THIS LEASE (this "Lease") dated this 8th day of June, 2022

BETWEEN:

John Donato of _____

Telephone: (518) 281-3774

(the "Landlord")

OF THE FIRST PART

- AND -

James Keleher for Hoarder's Honeypot LLC of 1972 New Scotland Rd Unit 284, Slingerlands,
NY 12159, USA

Telephone: (518) 337-8912

(the "Tenant")

OF THE SECOND PART

IN CONSIDERATION OF the Landlord leasing certain premises to the Tenant, the Tenant leasing those premises from the Landlord and the mutual benefits and obligations set forth in this Lease, the receipt and sufficiency of which consideration is hereby acknowledged, the Parties to this Lease (the "Parties") agree as follows:

Definitions

1. When used in this Lease, the following expressions will have the meanings indicated:
 - a. "Additional Rent" means all amounts payable by the Tenant under this Lease except Base Rent, whether or not specifically designated as Additional Rent elsewhere in this Lease;
 - b. "Building" means all buildings, improvements, equipment, fixtures, property and facilities from time to time located at 996 Altamont Blvd, Altamont, NY 12009, USA, as from time to time altered, expanded or reduced by the Landlord in its sole discretion;
 - c. "Common Areas and Facilities" mean:
 - i. those portions of the Building areas, buildings, improvements, facilities, utilities, equipment and installations in or forming part of the Building which from time to time are not designated or intended by the Landlord to be leased to tenants of the Building including, without limitation, exterior weather walls, roofs, entrances and exits, parking

areas, driveways, loading docks and area, storage, mechanical and electrical rooms, areas above and below leasable premises and not included within leasable premises, security and alarm equipment, grassed and landscaped areas, retaining walls and maintenance, cleaning and operating equipment serving the Building; and

ii. those lands, areas, buildings, improvements, facilities, utilities, equipment and installations which serve or are for the useful benefit of the Building, the tenants of the Building or the Landlord and those having business with them, whether or not located within, adjacent to or near the Building and which are designated from time to time by the Landlord as part of the Common Areas and Facilities;

d. "Leasable Area" means with respect to any rentable premises, the area expressed in square feet of all floor space including floor space of mezzanines, if any, determined, calculated and certified by the Landlord and measured from the exterior face of all exterior walls, doors and windows, including walls, doors and windows separating the rentable premises from enclosed Common Areas and Facilities, if any, and from the center line of all interior walls separating the rentable premises from adjoining rentable premises. There will be no deduction or exclusion for any space occupied by or used for columns, ducts or other structural elements;

e. "Premises" means the retail store at 996 Altamont Blvd, Altamont, NY 12009, USA.

f. "Rent" means the total of Base Rent and Additional Rent.

Intent of Lease

2. It is the intent of this Lease and agreed to by the Parties to this Lease that rent for this Lease will be on a gross rent basis meaning the Tenant will pay the Base Rent and any Additional Rent and the Landlord will be responsible for all other service charges related to the Premises and the operation of the Building save as specifically provided in this Lease to the contrary.

Leased Premises

3. The Landlord agrees to rent to the Tenant the retail store municipally described as 996 Altamont Blvd, Altamont, NY 12009, USA (the "Premises"). The Premises are more particularly described as follows: Front Retail Area

The Premises will be used for only the following permitted use (the "Permitted Use"):
Retail Store, Online Retail & Computer Repair.

4. Subject to the provisions of this Lease, the Tenant is entitled to the use of parking (the "Parking") on or about the Premises. Only properly insured motor vehicles may be parked in the Tenant's Parking.

Term

5. The term of the Lease commences at 12:00 noon on June 8, 2022 and ends at 12:00 noon on May 31, 2023 (the "Term").
6. Should the Tenant remain in possession of the Premises with the consent of the Landlord after the natural expiration of this Lease, a new tenancy from month to month will be created between the Landlord and the Tenant which will be subject to all the terms and conditions of this Lease but will be terminable upon either party giving one month's notice to the other party.

Rent

7. Subject to the provisions of this Lease, the Tenant will pay a base rent of \$1,100.00, payable per month, for the Premises (the "Base Rent"), without setoff, abatement or deduction. In addition to the Base Rent, the Tenant will pay for any fees or taxes arising from the Tenant's business.
8. The Tenant will pay the Base Rent on or before the first of each and every month of the Term to the Landlord.
9. No acceptance by the Landlord of any amount less than the full amount owed will be taken to operate as a waiver by the Landlord for the full amount or in any way to defeat or affect the rights and remedies of the Landlord to pursue the full amount.

Use and Occupation

10. The Tenant will carry on business under the name of Hoarder's HoneyPot LLC, and will not change such name without the prior written consent of the Landlord, such consent not to be unreasonably withheld. The Tenant will open the whole of the Premises for business to the public fully fixtured, stocked and staffed on the date of commencement of the Term and throughout the Term, and will continuously occupy and utilize the entire Premises in the active conduct of its business in a reputable manner on such days and during such hours of business as may be determined from time to time by the Landlord.
11. The Tenant covenants that the Tenant will carry on and conduct its business from time to time carried on upon the Premises in such manner as to comply with all statutes, bylaws, rules and regulations of any federal, state, municipal or other competent authority and will not do anything on or in the Premises in contravention of any of them.
12. The Tenant covenants that the Tenant will carry on and conduct its business from time to time carried on upon the Premises in such manner as to comply with any statute, including any subordinate legislation, which is in force now or in the future and taking into account any amendment or re-enactment, or any government department, local authority, other public or competent authority or court of competent jurisdiction and of the insurers in relation to the use, occupation and enjoyment of the Building (including in relation to health and safety compliance with the proper practice recommended by all appropriate authorities).

Quiet Enjoyment

13. The Landlord covenants that on paying the Rent and performing the covenants contained in this Lease, the Tenant will peacefully and quietly have, hold, and enjoy the Premises for the agreed term.

Overholding

14. If the Tenant continues to occupy the Premises without the written consent of the Landlord after the expiration or other termination of the Term, then, without any further written agreement, the Tenant will be a month-to-month tenant at a minimum monthly rental equal to the Base Rent and subject always to all of the other provisions of this Lease insofar as the same are applicable to a month-to-month tenancy and a tenancy from year to year will not be created by implication of law.

Renewal of Lease

15. Upon giving written notice no later than 60 days before the expiration of the Term, the Tenant may renew this Lease for an additional term. All terms of the renewed lease will be the same except for any signing incentives/inducements and this renewal clause.

Tenant Improvements

16. The Tenant will obtain written permission from the Landlord before doing any of the following:
- a. painting, wallpapering, redecorating or in any way significantly altering the appearance of the Premises;
 - b. removing or adding walls, or performing any structural alterations;
 - c. changing the amount of heat or power normally used on the Premises as well as installing additional electrical wiring or heating units;
 - d. subject to this Lease, placing or exposing or allowing to be placed or exposed anywhere inside or outside the Premises any placard, notice or sign for advertising or any other purpose;
 - e. affixing to or erecting upon or near the Premises any radio or TV antenna or tower, or satellite dish; or
 - f. installing or affixing upon or near the Premises any plant, equipment, machinery or apparatus without the Landlord's prior consent.

Utilities and Other Costs

17. The Landlord is responsible for the payment of the following utilities and other charges in relation to the Premises: natural gas, heat, water and sewer.

Insurance

18. The Tenant is hereby advised and understands that the personal property of the Tenant is not insured by the Landlord for either damage or loss, and the Landlord assumes no liability for any such loss. The Tenant is advised that, if insurance coverage is desired by the Tenant, the Tenant should inquire of Tenant's insurance agent regarding a Tenant's policy of insurance.

Abandonment

19. If at any time during the Term, the Tenant abandons the Premises or any part of the Premises, the Landlord may, at its option, enter the Premises by any means without being liable for any prosecution for such entering, and without becoming liable to the Tenant for damages or for any payment of any kind whatever, and may, at the Landlord's discretion, as agent for the Tenant, relet the Premises, or any part of the Premises, for the whole or any part of the then unexpired Term, and may receive and collect all rent payable by virtue of such reletting, and, at the Landlord's option, hold the Tenant liable for any difference between the Rent that would have been payable under this Lease during the balance of the unexpired Term, if this Lease had continued in force, and the net rent for such period realized by the Landlord by means of the reletting. If the Landlord's right of reentry is exercised following abandonment of the premises by the Tenant, then the Landlord may consider any personal property belonging to the Tenant and left on the Premises to also have been abandoned, in which case the Landlord may dispose of all such personal property in any manner the Landlord will deem proper and is relieved of all liability for doing so.

Governing Law

20. It is the intention of the Parties to this Lease that the tenancy created by this Lease and the performance under this Lease, and all suits and special proceedings under this Lease, be construed in accordance with and governed, to the exclusion of the law of any other forum, by the laws of the State of New York, without regard to the jurisdiction in which any action or special proceeding may be instituted.

Severability

21. If there is a conflict between any provision of this Lease and the applicable legislation of the State of New York (the 'Act'), the Act will prevail and such provisions of the Lease will be amended or deleted as necessary in order to comply with the Act. Further, any provisions that are required by the Act are incorporated into this Lease.

Assignment and Subletting

22. The Tenant will not assign this Lease, or sublet or grant any concession or license to use the Premises or any part of the Premises. An assignment, subletting, concession, or license, whether by operation of law or otherwise, will be void and will, at Landlord's option, terminate this Lease.

Care and Use of Premises

23. The Tenant will promptly notify the Landlord of any damage, or of any situation that may significantly interfere with the normal use of the Premises.
24. Vehicles which the Landlord reasonably considers unsightly, noisy, dangerous, improperly insured, inoperable or unlicensed are not permitted in the Tenant's parking stall(s), and such vehicles may be towed away at the Tenant's expense. Parking facilities are provided at the Tenant's own risk.
25. The Tenant will not make (or allow to be made) any noise or nuisance which, in the reasonable opinion of the Landlord, disturbs the comfort or convenience of other tenants.
26. The Tenant will not engage in any illegal trade or activity on or about the Premises.
27. The Landlord and Tenant will comply with standards of health, sanitation, fire, housing and safety as required by law.

Surrender of Premises

28. At the expiration of the lease term, the Tenant will quit and surrender the Premises in as good a state and condition as they were at the commencement of this Lease, reasonable use and wear and damages by the elements excepted.

Hazardous Materials

29. The Tenant will not keep or have on the Premises any article or thing of a dangerous, flammable, or explosive character that might unreasonably increase the danger of fire on the Premises or that might be considered hazardous by any responsible insurance company.

Rules and Regulations

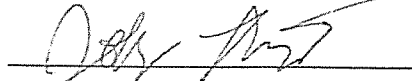
30. The Tenant will obey all rules and regulations posted by the Landlord regarding the use and care of the Building, parking lot and other common facilities that are provided for the use of the Tenant in and around the Building on the Premises.

General Provisions

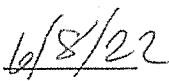
31. Any waiver by the Landlord of any failure by the Tenant to perform or observe the provisions of this Lease will not operate as a waiver of the Landlord's rights under this Lease in respect of any subsequent defaults, breaches or nonperformance and will not defeat or affect in any way the Landlord's rights in respect of any subsequent default or breach.
32. This Lease will extend to and be binding upon and inure to the benefit of the respective heirs, executors, administrators, successors and assigns, as the case may be, of each party to this Lease. All covenants are to be construed as conditions of this Lease.

33. All sums payable by the Tenant to the Landlord pursuant to any provision of this Lease will be deemed to be Additional Rent and will be recoverable by the Landlord as rental arrears.
34. Where there is more than one Tenant executing this Lease, all Tenants are jointly and severally liable for each other's acts, omissions and liabilities pursuant to this Lease.
35. Time is of the essence in this Lease.
36. This Lease will constitute the entire agreement between the Landlord and the Tenant. Any prior understanding or representation of any kind preceding the date of this Lease will not be binding on either party to this Lease except to the extent incorporated in this Lease. In particular, no warranties of the Landlord not expressed in this Lease are to be implied.

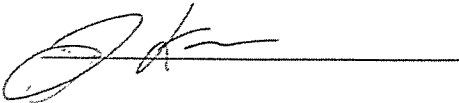
This Lease has been entered into as of the Date Of Lease



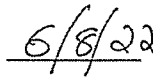
John Donato (Landlord)

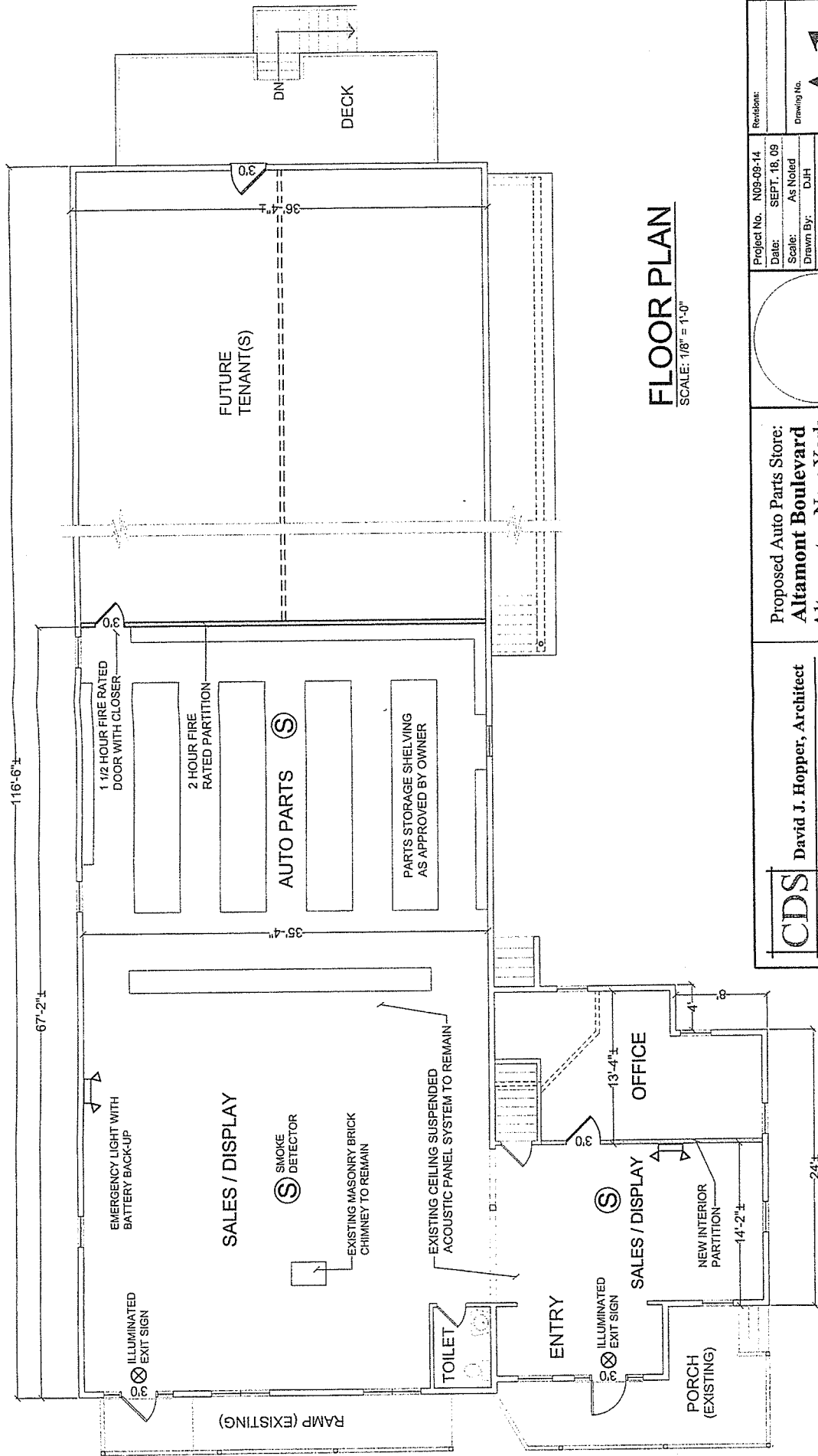


Date



James Keleher for Hoarder's Honeypot LLC (Tenant) Date





FLOOR PLAN

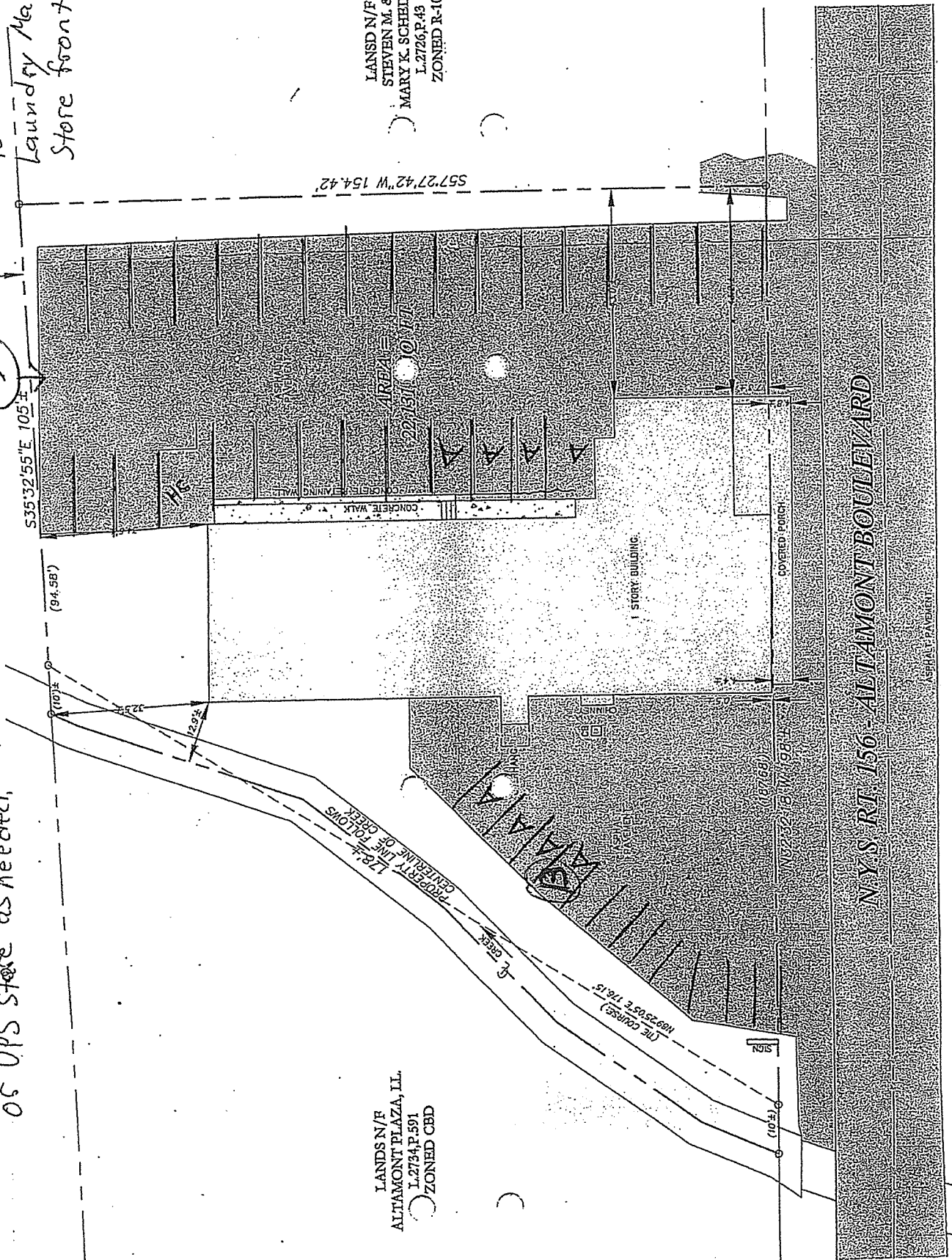
SCALE: 1/8" = 1'-0"

Proposed Auto Parts Store: Altamont Boulevard Altamont, New York		Project No. N09-09-14 Date: SEPT. 18, 09 Scale: As Noted Drawn By: DJH	Revision: Drawing No. A1 dwg. 1 of
concept design		CDS David J. Hopper, Architect CREATIVE DRAFTING SERVICES INC. 65 Flansburg Lane, Voorheesville, New York 12186 DJHopperArchitect@hotmail.com (518)765-9085	

- FOR APPOINTMENTS
- Remaining 29 spaces to be shared between Laundry Mat & the Store front.

LANDS N/F
ALTAMONT PLAZA, LL.
L.2734,P.591
ZONED CBD

LANSD N/F
: STEVEN M. &
MARY K. SCHEIDEL
L.2726,P.43
ZONED R-10





**ALBANY COUNTY PLANNING BOARD
NOTIFICATION**

RECOMMENDATION DATE: June 16th, 2022

Case #: **02-220604004**
Applicant: **Hoarders HoneyPot, LLC**
Project Location: 996 Altamont Blvd
Tax Map Number: 48.06-3-2
Referring Agency: Village of Altamont Zoning Board of Appeals
Considerations: Special use permit to open a storefront with in-store sales, online sales and computer repair in the former Altamont Auto Parts Store location.

ACPB Defer to local consideration
Recommendation:

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

Advisory:

Gopika Muddappa, Senior Planner
Albany County Planning Board

NOTE:

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

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

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

LOCAL ACTION ON ACPB RECOMMENDATION:

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

LOCAL DECISION ON PROJECT:

- ☐ PROJECT APPROVED
☐ PROJECT DISAPPROVED

VOTE RECORDED: _____ DATE OF LOCAL ACTION: _____

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

SIGNED: _____ TITLE: _____

VILLAGE OF ALTAMONT

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

Mayor

Kerry A. Dineen

Patty Blackwood, Clerk

Catherine Hasbrouck, Treasurer

Nicholas Fahrenkopf, Trustee

Michelle Ganance, Trustee

Tresa Matulewicz, Trustee

John Scally, Trustee

June 16, 2022

Dear Neighbor:

Enclosed you will find a legal notice regarding a request for a Special Use Permit at the request of James Keleher to permit the opening of "Hoarders Honeypot" storefront with in-store sales, online sales and computer repair at 996 Altamont Blvd. – site of the former Altamont Auto Parts Store, adjacent or close to your property. Village code requires that the Zoning Board of Appeals notify all property owners within 500 feet of the property.

If you would like to express an opinion and/or comment, you are cordially invited to attend the Zoning Board of Appeals meeting on Tuesday, June 28, 2022 at 7:00 p.m. The meeting will be held in the Community Room of the Village Offices at 115 Main Street, Altamont, NY 12009.

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

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

Best regards,



Ginger Hannah

Administrative Assistant

Enclosure – Legal Notice

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

Notice is hereby given that the Zoning Board of Appeals of the Village of Altamont, New York, will hold a Public Hearing pursuant to Article(s) V- Special Use Permits of the Zoning Law on the following proposition:

Request of James Keleher for a Special Use Permit under the Zoning Law to permit: The opening of “Hoarders Honeypot” storefront with in-store sales, online sales and computer repair at 996 Altamont Blvd. – site of the former Altamont Auto Parts Store.

Per Sections: 355-35A-H

For property owned by: John Donato

Located at: 996 Altamont Blvd., Altamont, NY 12009

Tax Map #: 48.06-3-2 Zoned: B

Plans open for public inspection at the Village Offices during normal business hours. Said hearing will take place on Tuesday, June 28, 2022 at 7:00 p.m. at the Altamont Village Hall at 115 Main Street, Altamont, NY 12009.

A copy of the Zoning Board of Appeals Agenda and related materials will be available on the Village website by Friday, June 24, 2022 at www.altamontvillage.org.

Dated: June 10, 2022

Gary Goss
Building Inspector and Code Enforcer
Village of Altamont

Deborah Hext
Zoning Board of Appeals Chairperson
Village of Altamont

Abutting
AFD
Fire Inspector
DPW

RESOLUTION
ALTAMONT ZONING BOARD OF APPEALS

RESOLUTION TO APPROVE
SPECIAL USE PERMIT APPLICATION

WHEREAS, the Zoning Board of Appeals for the Village of Altamont (“ZBA”) received an application from Hoarders HoneyPot, LLC / James Keleher (collectively, “Applicant”) for special use permit approval for the operation of a retail store in an existing structure located at 996 Altamont Boulevard, in the Village’s General Business (B) Zoning District; and

WHEREAS, retail stores are permitted in the General Business Zoning District by Special Use Permit; and

WHEREAS, the proposed retail store will occupy an existing non-residential structure and there are no exterior improvements to the building/ site proposed except for new signage; and

WHEREAS, the Applicant submitted an application for special use permit on April 28, 2022 (“Application”); and

WHEREAS, the Applicant submitted a Short Environmental Assessment Form (EAF) with the Application and supplemented its submission with additional information that was requested by the ZBA; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the following activities are classified as Type II Actions and exempt from review under SEQRA pursuant to 6 NYCRR 617.5(c)(18): “Reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including by special use permit, and the action does not meet or exceed any of the thresholds in section 617.4 of this Part”; and

WHEREAS, the ZBA has reviewed the EAF submitted by the Applicant which confirms the action involves the reuse of a commercial structure for a use that is permitted under the Village of Altamont Zoning Law; and

WHEREAS, the ZBA determined the proposed action is a Type II Action exempt from review under SEQRA and scheduled a public hearing on the Application; and

WHEREAS, the ZBA requested that the Applicant provide a parking layout diagram identifying the number of available parking spaces which was received by the Board; and

WHEREAS, the Application was referred to the Albany County ZBA pursuant to GML 239-m and; and

WHEREAS, a public hearing was duly noticed and held on June 28, 2022, at which time interested members of the public commented on the Application; and

WHEREAS, the ZBA has reviewed the Application and comments received and duly deliberated on the Application and considered the applicable standards and criteria for this Application.

NOW THEREFORE BE IT RESOLVED that the Zoning Board of Appeals of the Village of Altamont hereby approves the Application for Special Use Permit [subject to the following conditions]:

INSERT HERE ANY CONDITIONS REQUIRED BY BOARD

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

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

The motion was moved by _____.

The motion was seconded by _____.

The vote was as follows:

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

I have compared the preceding copy with the original Resolution on file in this office adopted by the Village of Altamont Zoning Board of Appeals at a meeting held June 28, 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
-----------------	----------------	------

Witness my hand and the seal of the Village of Altamont, this __ day of June, 2022.

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

Village of Altamont Zoning Board of Appeals
Regular Meeting
May 24, 2022

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

Gary Goss, Building Inspector/Code Enforcer
Allyson Phillips, Village Attorney
Ginger Hannah, Secretary (absent)
Tresa Matulewicz, Board Liaison

Applicants:
Eric Krans & Jen O'Connor
James Keleher

Guests: 5

Chairperson Hext opened the meeting at 7:00 p.m. on May 24, 2022. She noted where the emergency exits are. She stated that this is the first meeting of the combined board of what was the Planning Board and Zoning Board of Appeals (ZBA). She welcomed everyone and said she looked forward to working with everyone. My name is Deb Hext. I am the Chair of the Zoning Board. I would like each of my members to introduce themselves starting with my left: Sal Tassone from the ZBA, Bob Freeman from the Planning Board, Danny Ramirez from the ZBA, Simon Litton from the Planning Board, Barb Muhlfelder from the Planning Board, James Sullivan, Alternate from the ZBA. Thank you. We also have with us tonight, Gary Goss, our Building Inspector, Tresa Matulewicz, Board Liaison to the Village Board and our Village Council, Allyson Phillips. She asked Allyson if she wanted to do a little introduction.

Village Attorney Phillips said this is the first meeting of the combined Board. You are now going to be responsible for all of the authority that's delegated under the zoning law to what was the Planning Board and the Zoning Board of Appeals. Now, this combined Board will have that authority, which would cover review of subdivision applications, applications for Special Use Permit (SUP) and site plain applications for area and use variances and also appeals from determinations of the town's code enforcement officer. So it's a lot of authority that's delegated to this Board under the zoning law. Each time we get a new application, we can discuss exactly what the parameters of your review are, and what kind of jurisdiction you have with that particular application. It will vary depending on what application is before you. For example, an appeal from the code enforcement officer's determination versus a review of a Special Use Permit. The things you're going to be looking at with each application is different, but it's clearly spelled out in the zoning law and we will provide assistance to the Board as we move forward in reviewing these different applications.

Chairperson Hext said great. Thank you. Does anybody have any questions for Allyson at this time? No. Okay. Then I will get to the first topic of discussion, which is to review a Special Use Permit 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. Do we have any questions? Is the applicant here? Hi - do you want to come up to the microphone and just introduce yourself and give us a quick rundown of what you plan on doing other than what's in the application?

Applicants Eric Krans and Jen O'Connor came to the mic and Eric introduced them and said that Jen is actually a Kirk and her family has been in the house since 1904. So as you can see in the document that you have, we have pictures of when they built it, which is around 1910. So it's just falling apart. Our plan is to rebuild roughly in the same footprint keeping and actually improving the shape of it a little bit, so it matches the shape of the house and the shed. And then making it an accessory dwelling. Right now it only has electricity, so it would need to have sewer and water brought out to it. The intention is, Jen's parents are in Gunderland and they're getting older. We don't have a first floor bedroom in our house, so this would be a first floor accessory dwelling that they'd be able to access easily. That's the plan.

Chairperson Hext said I don't know if you've done this yet, but as far as the water and sewer, you have to petition the Village for that. Contact the Village Clerk and Jeff Moeller, our Superintendent of Public Works to get that going for you. That's not something that we can approve here.

Chairperson Hext said does anyone have any questions for the Applicant?

Board Member Litten said I do - the New York DEC EAF document says that property - and I'm not sure from what you've submitted whether it's in it or not - but the property is partially in the hundred year flood plain and I'm wondering if that structure is in or not in the demarcated area.

Applicant Krans said it's not. The front corner of the main structure of the house was in, and then we did a letter of map revision to have it removed. We brought in a person to do a survey and we were able to remove it from the flood plain. And this structure is probably about 10, 15 feet uphill from it. The survey was done about two years ago, during COVID.

Chairperson Hext said one thing that probably should have been included in here per our code and per our checklist for Special Use Permit is a short form EAF. That's not here, but I believe that this is going to be a Type II under SEQRA, which is not subject to review under SEQRA. In the future, any Special Use Permit application requires an EAF. Okay. Just a note there for you, but I think you did a great job as far as the application is concerned, the pictures that you provided - that was very, very nice.

Applicant Krans said that's all Gary's guidance.

Chairperson Hext said does anybody have any other questions? Allyson - do you have anything?

Village Attorney Phillips said I don't. I agree - the application was very thorough.

Board Member Sullivan said you mentioned petitioning the Village for water and sewer, would that be for a new tie in at the street, or would that not be necessary if they were tying into the existing structure?

Chairperson Hext - no, that would be necessary in either case, I believe, right Tresa? Yeah, because you're adding more usage.

Board Member Freeman said I believe it would be because it's another dwelling, so you're going to have a separate metering and usage.

Village Attorney Phillips said the Village Department of Public Works will review the connection plan and how you're proposing to connect - whether it be to the existing lateral or right at the street - they'll review that in granting you access.

Chairperson Hext said we're not at that point yet but just kind of keep that in the back of your mind, what the Village will be requiring.

Village Attorney Phillips said and this Board could always fulfill its role under the zoning law, reviewing the application for Special Use Permit. It can always grant a decision. If the decision is to approve, you can have a condition in it that the connection plan for the utilities have to be reviewed and approved by the Department of Public Works.

Board Member Ramirez - just a question - nothing regulated - I like the picture you sent with the awning or canopy over the porch. And I know you said that you weren't doing that, but something you might consider - because senior citizens, and snowfall and rain. Just kind of a little cover so that they don't have to brush black ice. Just a thought.

Applicants said thank you, good thought.

Chairperson Hext said see, this combination of the two Boards is already working out! She said if there's nothing else, that she and Allyson prepared a Resolution document which basically says that we are approving the Special Use Permit and scheduling a Public Hearing for June 28, our next meeting date, because everything has to go through a Public Hearing whether we approve it or not. It still has to come before the public. So has everyone had a chance to read the Resolution document?

Village Attorney Phillips said sure. This Resolution document, in addition to scheduling a Public Hearing on the special use application, also classifies the action under SEQRA. You'll see in the WHEREAS clause it says the application involves the replacement of an existing structure on the same site and construction of a minor accessory / appurtenant and residential structure. That language is taken from the SEQRA Type II list. Under both of those sections, this would qualify as a Type II action. Under the DEC SEQRA regulations, both of those activities would fall on the Type II list, so exempt from review under SEQRA.

Chairperson Hext said if you want a copy of the Resolution to read before we continue, I put a couple of copies on the back table. I'll give you a minute to read that. She asked Village Attorney Phillips if we want to add the "contingent upon" and the response was that this was just to schedule a Public Hearing and we can consider that as a condition when the Board's ready to do a final vote to approve or not.

Board Member Litten said should we also ask to see the engineer's report that says that this is not in the flood plain?

Discussion was held and Building Inspector Goss said that he had seen the overlay for the flood plain and neither the house nor the proposed structure was in the flood plain. So it was determined that a copy of the report was not needed.

Chairperson Hext then read the "NOW THEREFORE BE IT RESOLVED" section of the Resolution (see copy attached). She finished with "WHEREUPON this Resolution was declared adopted by the Village Zoning Board of Appeals," and asked for a motion to approve the Resolution.

Motion made by Board Member Ramirez, seconded by Board Member Freeman. **Roll call: All in favor.** Chairperson Hext said the Public Hearing will be June 28th, at 7:00 PM here in the Village office.

Applicant Krans asked if he should be in contact with DPW / Jeff Moeller before the Public Hearing and it was recommended that he do that and be prepared to say that he's gotten the ball rolling on that.

Chairperson Hext said okay, great. Thank you. Good luck - looking forward to seeing that. And I think it's an awesome idea that you're taking your parents in. I think that's wonderful.

Chairperson Hext then said the next item on the agenda is a Special Use Permit request from Hoarder's Honeypot, LLC, James Keleher to operate a storefront with an in-store sales online sales and computer repair at 996 Altamont Boulevard. Is the Applicant here? Okay. Hi James. Has everyone had a chance to review the application? Yes. Does anyone have a question on anything for the Applicant?

Board Member Ramirez said there was no site plan about parking lots, what exists now, etc., so that we can determine if there are any additions that may be needed.

Chairperson Hext said I thought the same thing, and what we're saying is we have an application and we know it's an existing building, but there's nothing that says where the new storefront is going to be located. It doesn't depict the parking that you have set aside for that. We want to at least see some type of sketch that shows you walk in this front door. We don't know where you're going into that structure, so we have to see something like that. If you refer to, I think it's 355.37 of our code, it'll kind of dictate exactly what you need to give us. Some of the stuff is really specific to new construction, but without actually seeing everything and where you're going to be locating it, we can't really tell if it would have an effect on the neighboring homes. Did I state that correctly, Allyson?

Village Attorney Philips said understanding this is a reuse of an existing, non-residential building or storefront, I think a sketch of the existing building, to the extent that he has a site plan from when the building was originally approved - I don't know that he has that - that would be good to have; otherwise a sketch of the existing building, the parking that you're going to be using in connection with the retail store that's going to be available to customers, maybe some photographs of the existing building for the record, if you have any information about the sign that you're proposing to put up - that would be helpful. I agree with Deb - some of the application requirements specifically speak to new building construction, which we're not dealing with, but I think a little bit more information about the site that will allow us to review and determine if the use meets the criteria for our Special Use Permit would be helpful.

Applicant Keleher said he drew up a site plan but didn't have a chance to make copies. Building Inspector Goss went to make some for the Board.

Chairperson Hext asked if he was adding to an existing sign or putting up a new sign.

Applicant Keleher said it would be like it's the same - you just take off the caps and then put the new one up. They just snap together. So it's the same pole, you just snap on the new one.

Chairperson Hext said there is also an application for a sign permit and you know, there will be a drawing associated with that that would go directly to Gary. That's not something that the Zoning Board would approve. Applicant Keleher said he planned on putting in an application for that but was waiting because of the slow process to get the store up and running – about two months.

Chairperson Hext asked how many employees do you plan on having there?

Applicant Keleher said he would have 4-6 employees, and he would have probably 2 parking spaces for those employees, as not all were going to be there at the same time. It would be like probably two to three at a time. And they won't all be in this store either.

Board Member Litten said that according to the DEC's EAF map, the property is in the flood zone, and asked if the building is in the flood zone. If so, the Village code calls for a flood, plain development permit.

Village Attorney Phillips said I think those permits are required for new construction in the flood plain, because they have to make sure that what's being constructed isn't going to have an adverse impact on the surrounding area. So is building a new structure there going to displace flood waters further? Does the site need to be elevated? Do you need to flood-proof any utilities that'll be serving the building? Here it's all preexisting construction. It's a reuse of an existing, non-residential space and that actually is classified as a Type II action under SEQRA. So it would be exempt from review under SEQRA.

Board Member Litten said he had walked by the property and thinks there are apartments below grade. And if it's a flood zone, he didn't understand why. It was also noted that there is a laundromat there.

Village Attorney Phillips said that does not have anything to do with this application. It's certainly something we can look into. There most likely were certificates of occupancy issued for those units. They have to have been for them to be legal units. They may have been constructed years ago, before the Village adopted its flood plain development law requiring the flood plain development permit. It could have pre-existed the mapping. But if they have legal COOs, it is a legal dwelling unit.

Chairperson Hext asked Building Inspector Goss if he could send her the link to the DEC mapper so that she can send it to everybody and then we can all have access.

Board Member Tassone said I have a question for you because there are apartments there and the laundromat, and you were saying that it's going to be between four and six spots that you're going to use, and they're not going to be there all the time.

Applicant Keleher said I'm going to have four to six employees, probably two spots at a time.

Board Member Freeman said and I would like to add with that too, you say 24 hours a day with limited store operating hours. So obviously, you know, people coming in and out between 8:00 AM to 8:00 PM, when you say 24 hours - that's the internet, right?

Applicant Keleher said yes, because I work another job too.

Village Attorney Phillips said in the application materials it looks like there's a verbal agreement right now with the property owner and if the Special Use Permit is approved there would be a written rental agreement. For purposes of your being the applicant, I don't think we can issue the Special Use Permit to Mr. Keleher. I think it's got to be issued to John Donato, the property owner at this point. Because if there's no legal agreement in place that Mr. Keleher has an interest in the property, I think that the Special Use Permit would have to be issued in the name of the property owner. It would apply and permit the use in that site. But I think we would have to list the property owner as the permit holder, because there's just no legal interest in the property right now for you to have the permit issued in your name. But it would still authorize the same use. I think it's the same thing we did with Curry Patta.

Chairperson Hext said we did the same thing with the Tattoo parlor as well. Jeff Thomas was the applicant.

Village Attorney Phillips said so maybe we can ask you Mr. Keleher, if you could submit something in writing from Mr. Donato, authorizing you to pursue the application on his behalf and he would acknowledge that the permit would be issued in his name as the property owner.

Applicant Keleher said all right.

Board Member Muhlfelder said there's parking on both sides of the building, so I don't know if parking would be a concern.

Regarding parking, Chairperson Hext noted that there is parking for the laundromat and for the tenants, but she wasn't sure what Mr. Donato has specific to each apartment and/or laundromat at any given time.

Board Liaison Matulewicz said to her understanding the left hand side of the building is for tenants, if you're standing at Altamont Blvd. The right side is for the laundromat. There are three spaces in the back for tenants, too, because there are apartments in the back of the building.

Chairperson Hext said I don't know how many spaces are there total, but I just want to make sure that your store or your employees aren't going to take away from something that has been predefined for tenants or for the laundromat.

Dean Whalen said I'm old enough to remember some of this. I think there is at least a history for the apartments. So remember it came before the Boards for the apartments, and I think also for the auto parts store, I don't know if the laundromat had already been established, but somewhere in there, there's probably some record of what was allowed at that time as far as parking.

Village Attorney Phillips said this will be in the former auto parts store, right?

Applicant Keleher said can I add something, just to let you know too? I don't expect like a lot of in-store customers; 85% of my business is going to be online.

Chairperson Hext said we just need to make sure that we're not overlaying something that's already been set. If the laundromat has five spaces set aside for any given time and the tenants have six spaces set aside for any time, and there's a total of 12 spaces there – theoretically - you've got one space. So we just need to make sure. And when you come back before us, if

you can actually depict what spaces are yours. Maybe John has something planned - how many spaces you have, how many spaces the tenants will still have, how many spaces are reserved for the laundromat - then we can get a better idea, and say, all right, they can do that. Even if he has 50 customers in the store at one time, we're still good. That's what we need to know.

Applicant Keleher said all right. Yeah. I'll find out.

Village Attorney Phillips said and I think in the meantime, we can probably look on our end to see if there are any records on file for any previous Special Use Permits issued with the auto parts store.

Chairperson Hext said maybe John Danto could do this - just lay out the spaces - how many there are, and then tag each one of them and say these four are the laundromat, these six are the tenants, so that we can see. We just have to make sure that (1) you're not going to disturb any of the neighboring houses, that's probably first and foremost; (2) is it an allowed use, and (3) given worst case scenario, are we going to displace anyone's parking situation or anything such as that. This (site plan) helps.

Applicant Keleher verified that there is no parking in the front of the building, and there's one entrance in the front and one in the back. The front is handicapped accessible. There are stairs and a ramp.

Board Member Ramirez asked if the back door led directly to the exterior, for emergency egress.

Applicant Keleher said there's a door to the back and one to the left. It's pretty accessible.

Chairperson Hext asked if anybody had anything else. She asked Village Attorney Phillips if we could go ahead with the Resolution.

Village Attorney Phillips said yes. I prepared a resolution. I didn't bring copies of it because I wasn't sure if we were going to ask for some additional information. The Board has asked the Applicant to come back with some additional information. We can set a deadline on that - say, can you please have that information back in two weeks? If you're able to do that, the Board can authorize scheduling the Public Hearing at this time for the June meeting with the understanding that that information has to be received in the next two weeks. That would give the public a chance to review it prior to the meeting. And then if you aren't able to get it together - if you need more time - the Board just wouldn't publish the notice of the Public Hearing and we'd come back again in June and discuss where you're at with getting additional information. If you want to do that, Deb.

Chairperson Hext said I'm okay with that.

Board Member Ramirez said to remember it's important that you have a letter designating that you're applying on John Donato's behalf.

Applicant Keleher said he would call John Donato right after the meeting.

Chairperson Hext asked Allyson, should we have a new application for that?

Village Attorney Phillips said it probably would be a good idea to have him fill out a new application form with him listed as the applicant and have him sign it. I think that would be fine for us as opposed to a letter.

Applicant Keleher said alright.

Village Attorney Phillips said I can read the resolution that I had prepared and we can discuss what we'll add in here with the requirement for the deadline, for the additional submissions.

Chairperson Hext said all right. That works - everybody okay with that? All okay. Thank you. Awesome.

Village Attorney Phillips said it's a Resolution classifying action under SEQRA and scheduling a Public Hearing on a Special Use Permit application. See attached draft of the Resolution. The following sections were added:

(1) The ZBA requires the submission of a revised sketch map and revised application form listing the owner of the property as the applicant and signed by the owner of the property.

(2) If the additional information requested by the ZBA is received within two weeks of this meeting, the ZBA will proceed with scheduling a public hearing on the application to be held on June 28th, 2022 at the Village Hall at 7:00 PM.

(3) The ZBA hereby determines that the proposed use qualifies as a Type II Action exempt from review under SEQRA pursuant to 6 NYCRR 617.5(c)(18).

Chairperson Hext said sounds good. Do we want to list what the revised sketch plan should have on it?

It was determined that should be for parking. A sign permit should also be submitted to Building Inspector Goss.

Also clarified was that the most the building would be open to the public for business was 8 a.m. to 8 p.m., with at most two employees, and then after those hours it would be internet business or computer repair only. Chairperson Hext stated that if the hours were extended beyond that, the Applicant would have to come back before the ZBA.

Applicant Keleher said it would probably be more like 9 a.m. to 5 p.m. or 9 a.m. to 6 p.m. but special days - maybe like special holidays - open up at 8 a.m. to maybe 8 p.m., but I don't see it ever being later than that.

Chairperson Hext asked the Applicant to also submit the total square footage, so we can see that there's no hazard to employees or to customers and that you have enough room to do what you're saying you're going to do. She then asked for a motion to approve the resolution that was just read into the record. Board Member Ramirez made the motion, seconded by Board Member Tassone. **Roll Call: All in favor.**

Chairperson Hext said okay, good. She said to Applicant Keleher we'll see you back here on June 28th, either for the public hearing, or if you can't get the documentation in time you'll come back here then and give us what we're requesting tonight. All right.

Applicant Keleher said thank you.

Board Member Muhlfelder said it will be nice to have a new business in the Village.

Chairperson Hext asked Phillips about the reviewing of the procedure in documents?

Village Attorney Phillips said right in the Village zoning law there is authority for the ZBA to promulgate its own rules and regulations. That's in section 355.52(C)(5) Zoning Board of Appeals procedure: The Zoning Board of Appeals shall have the power to promulgate written rules of procedure, bylaws and forms in order to fulfill its responsibilities under this chapter.

There is no Village Board approval; you've already been delegated the authority to adopt your own rules and procedures.

Chairperson Hext said good, thank you, Allyson. Number five on our agenda is review of Village of Altamont Rules of Procedure for Zoning Board of Appeals meetings from September 28, 2020. See italicized charges - did everybody get a chance to look at those changes? Basically it was changing Planning Board to ZBA. All ok. Could I have a motion to approve the updated Rules of Procedure for ZBA meetings? Board Member Ramirez made the motion, seconded by Board Member Freeman. Roll Call: **All in Favor.**

Chairperson Hext said now this would be specific to those of us who were on the Planning Board at the time, but number six on our Agenda is review of meeting minutes of February 22, 2022 Planning Board meeting. Anybody have any changes? No? Okay. Could I have a motion to approve? And again, it can only be people that were on the Planning Board at the time. Board Member Freeman made the motion, seconded by Board Member Muhlfelder. **Roll Call: Approved by Board Members Freeman, Litten, Muhlfelder and Hext.**

Chairperson Hext said the next item is review of the meeting minutes of the April 12, 2022 Zoning Board of Appeals meeting. Board Member Ramirez (who was Chair of the former ZBA) said there were only two other Board Members there beside himself – Board Members Murphy and Tassone. He said to Village Attorney Phillips, as a point of information, could we not still approve the minutes with this Board?

Village Attorney Phillips said yes, you can approve the minutes. The minutes were prepared by the ZBA secretary. The meeting was attended. I was at the meeting. I reviewed the minutes. I know I'm not a voting member of the Board, but they were accurate in my review of them. This Board is now delegated with all the responsibility and authority that previously was with the Zoning Board and the Planning Board. I think that you can approve the minutes based on the fact that they were prepared by the secretary at the time and provided a summary of what was discussed at the meeting. And if you want to add a note that the minutes were approved by the newly formed ZBA on this date, you can do that. But I do think that you have authority to approve them. And the approval of the minutes really doesn't have any kind of legal Implications; the minutes have been prepared under the open meeting law. It's all been recorded. They have to be prepared and made available to the public within two weeks of the meeting. It doesn't matter if they're in draft form and that's typically before the Board would meet to approve them anyway. So they are a written record of what was discussed and the actions that were taken at that meeting.

Chairperson Hext said okay. That works for me. She asked if that would just be Dan and Sal then that would approve it or no, this Board?

Village Attorney Phillips said no, this whole Board.

Chairperson Hext said okay. Then could I have a motion to approve the minutes of the April 12, 2022 Zoning Board of Appeals meeting? Board Member Ramirez made the motion, seconded by Board Member Tassone. **Roll Call: All in Favor.**

Village Attorney Phillips said and I'll just also note for the record that the action that was taken at that meeting was done pursuant to a written resolution that was voted on at the time and is on file with the clerk's office.

Chairperson Hext said okay, good. Thank you for that. Before I adjourn, one thing I would like to note is Laura Murphy is a voting member of the Board and James is our Alternate. Laura could not make it tonight, so James is sitting in on this meeting. Any future meetings that have to do with anything that we've discussed tonight, James, you will be the Board Member and Laura will be the Alternate.

Board Member Muhlfelder said I noticed that Troy has applied for a six month extension on Main Street. Chairperson Hext said he didn't really need to apply for the extension. He hadn't brought in the documentation that he needed to bring in. He has since done that and I have signed all those papers and left them on your desk, Gary.

Board Member Muhlfelder then asked about the Bozenkill Subdivision and Chairperson Hext said it's all done, they brought everything in, including the money, at least what we require up to now.

Chairperson Hext said Allyson, that is what I was told about the alternate versus regular Board Member.

Village Attorney Phillips said I've got to check on that. I have to check to see what local laws that Village has adopted. My understanding is there's a local law in the books that allows alternates to fill in not just when the voting member is unable to participate due to illness, but also in cases of conflict of interest. It's kind of a broader scope that we have adopted a law that allows alternates to fill in. I just don't know if it specifically speaks to if an alternate has to sit in at one meeting, if the regular voting member then doesn't get to continue deliberating on the application. I think that she would come in and she could participate in the review of the application, but I will check on that and I'll confirm it before we have the next meeting.

Chairperson Hext said okay. Thank you.

Resident Dean Whalen asked how you manage that on a practical level, if the alternate sits in on an issue and then the regular Board Member sits normally, but she's not allowed to sit for a continuation on that issue and he can't make it, can you maintain a quorum?

Village Attorney Phillips said I don't think she wouldn't be able to participate going forward. I think in general a board member may abstain from taking a vote if they weren't present and hadn't reviewed the application for whatever reason, but if she reviews the application materials, is here for the next meeting, can attend the public hearing, I don't think that she would be prohibited from acting as a voting member and then the alternate would step aside in that case. But I will review it before the next meeting.

Chairperson Hext said that's what I was told. Village Attorney Phillips said she would check it out.

Dean Whalen said that's why we encourage the alternate to attend all meetings.

Chairperson Hext said that's one reason why, whether you're an alternate or you're a voting member, an alternate in my book, the only thing you can't do is vote. I encourage and welcome any input or any questions that the alternate may have.

Board Member Ramirez said he had one question - I think I heard that your applicant, Ken Romanski, did pay the fees.

Chairperson Hext said he did on the Bozenkill Subdivision. Everything else now will be based on if he applies for a building permit and then there'll be additional fees that he needs to pay. But as of right now, he's up to date on the stipulations that we had on the final plat.

Chairperson Hext then asked does anybody have anything else? None noted. Given that, could I have a motion to adjourn please? Motion made by Board Member Litten, seconded by Board Member Muhlfelder. **Roll Call: All in Favor.** Thank you everyone. Great. Thank you, Gary and Allyson. Meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Ginger Hannah, Secretary

Attachments: Resolutions (2)

RESOLUTION
ALTAMONT ZONING BOARD OF APPEALS

RESOLUTION CLASSIFYING ACTION UNDER SEQRA
AND SCHEDULING A PUBLIC HEARING ON SPECIAL USE PERMIT
APPLICATION

WHEREAS, the Zoning Board of Appeals for the Village of Altamont (“ZBA”) received an application from Eric Krans and Jen O’Connor (collectively, “Applicant”) for special use permit approval for the operation of an accessory dwelling/ in-law apartment at 167 Maple Avenue, in the Village’s R-10 Zoning District; and

WHEREAS, accessory apartments are permitted in the R-10 Zoning District by Special Use Permit; and

WHEREAS, the proposed accessory structure will replace an existing garage and will be built in the same footprint as the existing garage; and

WHEREAS, the Applicant submitted an application for site plan approval on April 7, 2022 (“Application”); and

WHEREAS, the Application involves the replacement of an existing structure on the same site and construction of a minor accessory/ appurtenant and residential structure; and

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

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

- 1) The ZBA determines that the Application is complete for purposes of its review.
- 2) The ZBA hereby determines that the proposed use qualifies as a TYPE II action exempt from Review under SEQRA pursuant to 6 NYCRR 617.5(2) and (9).
- 3) A public hearing on the application shall be held on June 28, 2022 at the Village Hall.

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

The motion was moved by Board member Ramirez

The motion was seconded by Board member Freeman

The vote was as follows: all in favor

Note: Board member Laura Murphy was
absent

Present: Chairperson Hest
Board members: Ramirez,
Muhlfelder, Litten, Freeman,
Lassone & alternate Sullivan

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

I have compared the preceding copy with the original Resolution on file in this office adopted by the Village of Altamont Zoning Board of Appeals at a meeting held May 24, 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
Chairperson Hest Board Members: Ramirez, Muhlfelder, Litten, Freeman, Tassoni + Alternate Sullivan	Bel Mar Murphy	all in Favor (present)

Witness my hand and the seal of the Village of Altamont, this 27th day of May, 2022.

Ginger Hannah

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

RESOLUTION
ALTAMONT ZONING BOARD OF APPEALS

RESOLUTION CLASSIFYING ACTION UNDER SEQRA
AND SCHEDULING A PUBLIC HEARING ON SPECIAL USE PERMIT
APPLICATION

WHEREAS, the Zoning Board of Appeals for the Village of Altamont (“ZBA”) received an application from Hoarders Honeypt, LLC / James Keleher (collectively, “Applicant”) for special use permit approval for the operation of a retail store in an existing structure located at 996 Altamont Boulevard, in the Village’s B (General Business) Zoning District; and

WHEREAS, retail stores are permitted in the B Zoning District by Special Use Permit; and

WHEREAS, the proposed retail store will occupy an existing non-residential structure and there are no exterior improvements to the building/ site proposed except for new signage; and

WHEREAS, the Applicant submitted an application for special use permit on April 28, 2022 (“Application”); and

WHEREAS, the reuse of an existing commercial structure, or of a structure containing a mix of commercial or residential uses, for a use that is permitted as a special use permit, is a Type II action exempt from review under SEQRA; and

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

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

- 1) The ZBA determines that the Application is complete for purposes of its review.
- 2) The ZBA hereby determines that the proposed use qualifies as a TYPE II action exempt from Review under SEQRA pursuant to 6 NYCRR 617.5(18).
- 3) A public hearing on the application shall be held on June 28, 2022 at the Village Hall.

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

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

The motion was moved by Board Member Ramirez

The motion was seconded by Board Member Sassone

The vote was as follows: *all in favor*

Note: Board member Laura Murphy was absent.

*Present: Chairperson Hest
Board Members: Ramirez,
muhlfelder, Litter, Freeman,
Sassone, Alternate Sullivan*

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

I have compared the preceding copy with the original Resolution on file in this office adopted by the Village of Altamont Zoning Board of Appeals at a meeting held May 24, 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>Chairperson Hest</i>	<i>Bel Mar</i>	<i>All present</i>
<i>Board Mbrs: Ramirez,</i>	<i>Murphy</i>	<i>in Favor</i>
<i>Muhlfelder, Litten,</i>		
<i>Frelman, Tassone, &</i>		
<i>Alternate Sullivan</i>		

Witness my hand and the seal of the Village of Altamont, this 27th day of May, 2022.

Ginger Hannah

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