

**VILLAGE OF ALTAMONT**  
**REGULAR BOARD MEETING**  
September 1, 2015

Mayor James M. Gaughan  
Trustee Kerry Dineen  
Trustee Cathy Glass  
Trustee Christine Marshall  
Trustee Dean Whalen

Patty Blackwood, Clerk  
Jeffrey Moller, Supt. of Public Works  
Robert White, Altamont Fire Chief  
Todd Pucci, Altamont Police Chief  
Catherine Hasbrouck, Treasurer  
Marijo Dougherty, Archives & Museum  
Glenn Hebert, Building Inspector  
Jason Shaw, Legal Counsel

General Public: 70

7:00 p.m.

Mayor Gaughan called the meeting to order with the Pledge of Allegiance.

Mayor Gaughan reported there are letters at the back of the room that the Board has reviewed and studied regarding the proposed rezoning of 107-109 Helderberg Avenue. Copy of letters included with Official Minutes.

Mayor Gaughan reported it's nearing the end of summer and the Village has had a very successful season. It started with ACT's Strawberry Social, Altamont Library's concerts in the park, Altamont Fire Department's movies in the park, the Altamont Fair, the Altamont Museum exhibit and ending with the Scottish Games. Mayor Gaughan reported on October 18<sup>th</sup>, the Altamont Archives and Museum will host an exhibit on stained glass windows of the churches of Altamont.

Todd Pucci, Chief Altamont Police Dept., reported the Altamont Fair was a large success this year with over 50,000 people attending. Chief Pucci acknowledged the excellent job the Fair did with parking cars this year and stated there weren't any traffic back-ups on any of the roads.

Robert White, Chief Altamont Fire Dept., reported 6 calls for the month of August consisting of 1 outdoor fire, 2 hazardous condition calls, and 3 alarm drops. Chief White reported on Friday, September 11<sup>th</sup> the Altamont Fire Department will be commemorating the 14<sup>th</sup> anniversary of the attacks on this country with a memorial service at the Altamont Fire Department at 8:30 a.m. Chief White reported the Altamont Fire Department's Ladies Auxiliary will be holding their annual Brooks Barbeque fundraiser on Friday, September 11<sup>th</sup> at 3:30 p.m.

Jeffrey Moller, Supt. of Public Works, reported they will be wrapping up with the sidewalk program. They have another 100 feet to install on Altamont Boulevard. That will be the end of the season. 800 feet of sidewalk has been installed in the Village this summer with the help of a grant. Next year Public Works plans to continue with the sidewalk towards the Altamont Oaks. Mr. Moller reported that water meter reading will begin this month along with flushing of the fire hydrants.

Trustee Dineen made a motion seconded by Trustee Whalen to approve the Treasurer's report; #4, #5, #6, and #7 and transfer of funds as submitted. **Roll Call: All in favor**

**Public Comment:**

Kristen Casey, Main Street, stated she has specific concerns regarding the SEQRA review on 107-109 Helderberg Avenue. Copy of her letter with her concerns is included with Official Minutes.

**Public hearing at 7:10 p.m.**

Jason Shaw, Legal Counsel, opened public hearing with reading of the Legal Notice to consider authorization, subject to permissive referendum, to expend \$22,000 from the Water Project Reserve Fund for an Emergency Repair on Route 156 in the Village.

Mayor Gaughan reported this item has been discussed at prior meetings. There was a problem with the water main on Route 156. Village has already paid for the item out of another fund but the public hearing is necessary to transfer the funds between the funding sources.

Simon Litten, Main Street, inquired about hearing a lot of water gurgling down Main Street in the middle of the night.

Jeffrey Moller, Supt. of Public Works, reported a storm sewer runs from Stewarts to outside of the Village. Water is running through the storm sewer all the time because the Village is at the bottom of a hill.

Trustee Dineen made a motion seconded by Trustee Marshall to close public hearing at 7:11 p.m.

**Roll Call: All in favor**

Trustee Whalen made a motion seconded by Trustee Marshall to approve, subject to permissive referendum, to expend \$22,000 from the Water Project Special Reserve Fund for an Emergency Repair on Route 156 in the Village. **Roll Call: All in favor**

**Public hearing at 7:14 p.m.**

Jason Shaw, Legal Counsel, opened public hearing with reading of the Legal Notice to consider proposed Local Law No. 3 of 2015 to amend provisions of Chapter 355 of the Village Code concerning the definition of what constitutes elderly or senior housing and allowing such housing in the R-10 zoning district in the Village.

Mayor Gaughan reported this item came out of discussions within the Zoning Board over a month ago. Zoning Board felt there was impreciseness of the definition in the current law and the lack of area and bulk requirements for that particular zone area.

Bridgett Scally, Prospect Terrace, questioned if there were plans to develop more senior housing in the Village. Mayor Gaughan stated this event of the Zoning Board, as described, was brought about due to a discussion of putting in senior housing in the spot where Ron's Service Station burned down. Ms Scally asked the Board to consider that in the past year people have been fighting really hard to save Altamont Elementary School. A lot of housing or developments that should be considered in the Village should be about bringing young families in that are going to have children so that our elementary school does not continue to be at risk.

Kate Provencher, Thatcher Drive, questioned if senior housing could then be done on any R-10 in the Village. Trustee Marshall stated the request would be subject to a special use permit by

the Planning Board. Jason Shaw, legal counsel, stated the minimum lot size would have to be 40,000 square feet.

Trustee Dineen made a motion seconded by Trustee Glass to close public hearing at 7:24 p.m.

**Roll Call: All in favor**

Village Board of Trustees and Jason Shaw, Legal Counsel, reviewed the Short Environmental Assessment Form on amendment of Chapter 355 of the Village of Altamont Code.

Trustee Dineen made a motion seconded by Trustee Whalen to approve resolution to authorize SEQRA Negative Declaration for Amendments to Elderly/Senior Housing Provisions of Zoning Law. **Roll Call: All in favor**

Copy of Resolution with Official Minutes.

Village Board of Trustees discussed the age requirement for Local Law No. 3 of 2015.

Jason Shaw, Legal Counsel, stated he would change the age requirement in the Local Law from 59 to 55 years old and have the Village Board vote on the Local Law at the October meeting. Mr. Shaw stated the law must be in final form on the desks of the Legislative Body seven days before the law is adopted.

Trustee Dineen made a motion seconded by Trustee Marshall to change the Local Law to reflect the age of 55 for senior and elderly housing within the Village Code.

**Roll Call:**

Trustee Whalen	Opposed
Trustee Marshall	In favor
Trustee Glass	In favor
Trustee Dineen	In favor
Mayor Gaughan	In favor

**Motion Carried: 4 In favor/1 Opposed**

**Public hearing at 7:36 p.m.**

Jason Shaw, Legal Counsel, opened public hearing with reading of the Legal Notice to consider proposed Local Law No. 2 of 2015. This Local Law would amend Chapter 355 of the Village Code to create a new Residential Conservation zoning district (“RCD”) that would apply to the lands recently annexed by the Village from the Town of Guilderland.

Jason Shaw, Legal Counsel, stated the Local Law to incorporate the land has been recently annexed from the Town of Guilderland to the Village of Altamont. It’s approximately 52 acres. The land has been annexed as of last year but the zoning for the Town of Guilderland did not follow that annexation because now the land belongs to the Village. Therefore, the Village had to implement its own zoning section for this particular land. It is different from the other parts of the Village. The density is much lower and consequently a Local Law has been drafted to create this new Residential Conservation district which has a minimum lot size of 40,000 square feet which is almost an acre. It preserves the conservation area that was in the Bozenkill Subdivision but under the Altamont Village Code.

Village Board of Trustees and Jason Shaw, Legal Counsel, reviewed the Short Environmental Assessment Form on Local Law No. 2 of 2015.

Trustee Dineen stated last summer the Village Board went through the SEQRA process with the annexation of the property.

Trustee Whalen made a motion seconded by Trustee Dineen to approve resolution to authorize SEQRA Negative Declaration for Creation of Residential Commercial District Property.

**Roll Call: All in favor**

No comments from the public.

Trustee Marshall made a motion seconded by Trustee Dineen to close public hearing at 7:43 p.m.

**Roll Call: All in favor**

Trustee Dineen made a motion seconded by Trustee Glass to approve Local Law No. 2 of 2015 of the Village of Altamont to amend Chapter 355 of the Zoning Law to create a Residential Conservation District for Lands Annexed to the Village. **Roll Call: All in favor**

Village Board of Trustees; Brad Grant, Barton & Loguidice, Engineer; and Jason Shaw, Legal Counsel, reviewed, at great length, the Short Environmental Assessment Form on rezoning of 107-109 Helderberg Avenue.

**Public hearing at 8:44 p.m.**

Jason Shaw, Legal Counsel, opened public hearing with reading of the Legal Notice to consider proposed Local Law No. 4 of 2015. This Local Law would amend Chapter 355 of the Village Code to change the zoning district for a parcel of land owned by Peter Baumann and Anne Baumann located at 107-109 Helderberg Avenue from R-10 to CBD.

Chuck Marshall, Stewarts, stated Stewarts is proposing just less than 4,000 square foot building that would occupy where the Baumann property is located. This building would be more architecturally sensitive than the current building and the building Stewarts had initially gone in front of the Planning Board for an addition. Stewarts will add one gas pump that will house a diesel pump. This project is not about a gigantic influx of business. The business is fixed by the population of the Village and the traffic that goes up and down Helderberg Avenue and Main Street. When Stewarts bought the property in 1980, Stewarts was only doing brick buildings with mansard roofs. When Stewarts came in front of the Planning Board they were originally looking to expand the current building. At the request of the Planning Board, Stewarts made a substantial change to pursue the Baumann property. When Stewarts used to build brick buildings with mansard roofs, those buildings were in the 1800-2400 square foot range. Stewarts then went to 3,000 square feet and are now at around 4,000 square feet. Those reasons are increased customer space amongst the aisle for handicap accessibility; two customer access bathrooms, one handicap accessible guaranteed with potentially two depending on floor layout that's selected. We have the opportunity to correct a couple of issues. Some issues have been mentioned and some have not. NYS DOT has mentioned the curb cuts. The Helderberg Avenue curb cut will be partially removed. The curb cut will be affected by pulling the radius toward the intersection. These are conceptual level plans. These aren't final design plans. When designing this building, Stewarts tried to make a building as close as possible to the design of Altamont Commons. Due to concerns over equipment noise, with the dormers, this building enables Stewarts to house the equipment internal to Stewarts' building and use louvers to create air flow. With a completely new building Stewarts can move either towards Helderberg Avenue or shift the building towards Altamont Boulevard and create green space on the Helderberg Avenue side or the other side and get the development away from the creek. Stewarts has that flexibility. This would also eliminate the lighting concern. The real issue with the lighting is that there is a

light over the delivery door. This light is there for the safety of the employees. The light turns on thirty minutes before the store opens and stays on until thirty minutes after the store closes. The timing of the light could be changed, the light could be moved, or the light could be down lit. Stewarts will do what they can with this. Ultimately, it's the Village's Stewarts. A lot of communities use their Stewarts for a meeting place. Stewarts wants to build a building that the Village can be happy with. In 1980, Stewarts was only building one type of building. That building remains today. In 35 years, Mr. Marshall stated he hopes the Village has a different Stewarts because the architecture that's there now is not suitable for the Village. There has been concern over the historic nature of the building. A map generated by NYS Office of Parks and Historic Preservation shows the Village of Altamont's historic district terminating at the railroad tracks. The Baumann property and the Stewarts' property aren't in the historic district. There were previous concerns about environmental sensitive areas. A map of the project areas shows there are none. A concern repeatedly heard is with the lighting. For reasons as is the business, under the gas canopy there is a light intensity, not because of the lights Stewarts chose but because of the height from the canopy to the concrete and how that light can't dissipate as effectively. Stewarts can work on those things but if they aren't changing the canopy or the building they don't have the opportunity to change the lighting. Mr. Marshall stated he went through Barton & Loguidice's comment letter. Mr. Marshall stated with some design elements and working together we could achieve a project that is suitable for all parties. One of the things mentioned was screening the equipment on top of the gas canopy. Stewarts has done a number of peak canopies but wouldn't recommend a fully peaked canopy because it wouldn't look good. There is a faux peak. Stewarts is willing to work with the Village on this. In regards to the existing Baumann property, Mr. Marshall stated he doesn't believe that it is a historically significant building. It's an aluminum clad building. It doesn't have off-street parking. Long-term viability as a tenant's base would be difficult. It's a commercial structure in that the Baumann's purchased it and never intended to occupy it. From that instance, it is commercially used while not zoned accordingly even though as previous plans would indicate, it was commercially zoned.

Mayor Gaughan stated there have been issues raised about increased concrete, removal of greenery and mature trees, and placement of the building next to the adjacent property. Mayor Gaughan stated the usual answer is we will deal with this in a Planning Board concept meeting but he personally needs some understanding of these concerns. Mayor Gaughan stated he would want Mr. Marshall to acknowledge that he is hearing the concerns being raised.

Chuck Marshall, Stewarts, stated he believes the architecture speaks to Stewarts' willingness to hear those concerns. They were initially told that no one liked the building Stewarts proposed and could Stewarts do something more. This is the only building of this type that Stewarts will build. It has an extended structural porch that will have seating underneath it; Stewarts can accommodate moving to Helderberg Avenue and putting in a side door. He has heard comments that pedestrian accessibility to the store is in question but there isn't sidewalk up the remainder of Helderberg but just a drainage swale until it gets to Stewarts. When Stewarts goes through the development state, they can work to address those concerns. The line of trees that exist currently between the Baumann property and Stewarts would be removed as those trees are where the store would go.

Mayor Gaughan stated he heard rumor even if Stewarts redesigns on the current site to address Stewarts' issues, they would remove the trees anyway because they are on Stewarts' property.

Mr. Marshall stated that Stewarts' initial proposal, that didn't incorporate any other land, did remove their line of trees. The intensity of the use that Stewarts' is proposing is less intense when the property is rezoned. The current building on both lots is 4367 square feet with the

Stewarts and the Baumann property. With the proposed addition it is 5277 square feet. With the proposed new Stewarts it's 3992 square feet. The existing Baumann property is 7 feet off the property line. Stewarts is proposing 8 feet but they know more is achievable when they get to the detail design stage of the project. Mr. Marshall stated that Barton & Loguidice had inquired about a retaining wall. The store itself would act as a retaining wall for a portion of the bank. A wing retaining wall would also have to be done. These are the things that will be addressed when Stewarts returns to the Planning Board who evaluates those aspects of the project.

Michael McNeany, Severson Avenue, read into the record a letter to the Village Board regarding the Stewarts' expansion. Copy of letter included with the Official Minutes.

Simon Litten, 163 Main Street, stated he has concerns over the Stewarts' expansion. Copy of letter included with Official Minutes.

Don Snyder, Park Street, stated he has concerns over the Stewarts' expansion. Copy of letter included with Official Minutes.

Fred Ziemann, Helderberg Avenue, stated he has concerns with the noise level on his street if Stewarts expands. He also has concerns with displacing two families, abrogating the Village plan, uprooting more than a dozen mature trees, demolishing a semi-historic home and lowering the property value of adjacent properties.

Ann Linendoll, Park Street, stated the plan Stewarts is proposing would be great if they put the building on their current property. Ms. Linendoll stated she is opposed to the Stewarts' expansion.

Spencer Tyson, Helderberg Avenue, stated they are a one income family and was wondering if 107-109 Helderberg Avenue qualifies as low income housing. They have done their due diligence and searched Altamont to see if there is someplace they could go within their range of rent and with a family of their size. They haven't found a place. Mr. Tyson asked if that qualifies as a shortage of low income housing.

Mayor Gaughan stated from the beginning in 2005, he has felt it important that the Village have a diversity of people by economy and by other measures that people would want diversity. It's always been his desire to have a mix of housing. He believes it's a desired goal within our plan. Mayor Gaughan stated that he doesn't believe 107-109 Helderberg Avenue is low income housing. As an outgrowth of the comprehensive plan, during the stage of discussion, the Village had people in this room who wanted to put in multi-family housing and the community rose against it. It's a constant battle to keep that balance. 107-109 Helderberg Avenue along with Altamont Oaks are not low income housing. There is a need for this and the Board is sensitive to this.

Spencer Tyson, Helderberg Avenue, asked when the project would take place. He stated he has concern with his children attending school. Mr. Tyson stated that his family moved to the Village 13 years ago and made an investment to this Village.

Chuck Marshall, Stewarts, stated he would never displace a child during the school year. If this goes forward, the project would begin around July or August. Mr. Marshall stated he would be happy to assist Mr. Tyson with finding other housing.

Stewart Linendoll, Park Street, stated he recognizes a lot is on the shoulders of the Village Board. There are a lot of people that are very concerned that if the zoning changed for one

residence, is it going to happen somewhere else. Mr. Linendoll stated he has concern of the zoning being changed and Park Street being rezoned in the future. He would like to see Stewarts fit a building on their current property. He doesn't want a house removed from Altamont. It's not just a house but removing of a family. Mr. Linendoll asked the Board to not approve the rezoning.

Dave Cowan, Maple Avenue, stated he is against the rezoning of the property. Copy of letter included with Official Minutes.

Tom Gessick, Altamont Boulevard, stated his is opposed to the rezoning.

Dagmar Frinta, Maple Avenue, stated she is opposed to having a building torn down. Copy of letter included with Official Minutes.

Dick Howie, Prospect Terrace, stated he likes Stewarts but is sad to hear about a house being torn down and removing trees. Mr. Howie asked why the Village would rezone a property for the betterment of Stewarts' business. Stewarts can still have a business without taking a house down or removing trees. Copy of letter included with Official Minutes.

Marc Smith, Maple Avenue, stated the rezoning of 107-109 Helderberg Avenue would express a blatant disregard of the Comprehensive Plan. Mr. Smith stated he believes Stewarts could rebuild at their current site with a Victorian architecture.

Carol Rothenberg, Helderberg Avenue, thanked the Village Board for the time and consideration they have given to this project. Ms. Rothenberg stated the rezoning would have a significant impact on her life. A vote to rezone the property could set precedence for future properties. Ms. Rothenberg states she would like the Board to deny the request for rezone. Copy of letter included with Official Minutes.

Ted Neumann, Lark Street, stated he is against the proposed Stewarts' expansion. Copy of letter included with Official Minutes.

John Sands, Grand Street, stated Stewarts is an asset to the community but Stewarts has not made a case of why they need to take down the house next door. Mr. Sands stated Stewarts can do a better job with the project on their current site.

Pat Spohr, Sand Street, stated she would like the Village Board to give careful consideration to all the issues before they reach a final decision. Copy of letter included with Official Minutes.

Kate Provencher, Thatcher Drive, stated one of the things she has noticed at tonight's meeting is that people have been very courteous and respectful and people have pretty strong feelings about this but you don't notice it while they are talking. This is a measure of what it's like to live in Altamont. Ms. Provencher stated when she tells people she lives in Altamont people say she must love living there. She stated she loves living in Altamont and it's not all about the beautiful Victorian houses. It's about a sense of neighborhood and community that the Village has. Ms. Provencher stated she is reluctant to hear about rezoning something that will affect a neighborhood. When developing the Comprehensive Plan, it was discussed how to preserve the sense of neighborhood, connection, respect, and kindness towards each other.

Kristen Casey, Main Street, stated how careful the Village Board has to be with their consideration of the SEQRA and the zoning change that comes out of it. Ms. Casey thanked the

Village Board for allowing all the participation from the public. Copy of letter included with Official Minutes.

Trustee Glass stated she has a very unique perspective on this as being a former Planning Board member. She was present at the time the letter was written when the Planning Board requested the Village Board to consider rezoning this property. Trustee Glass stated she will not be voting on this issue. She has recused herself from voting because she was a former Planning Board member. It's important to realize this isn't an easy decision for anyone. No one wants to see a family displaced. No one wants to see a home torn down. This Board has a very difficult decision ahead of them. There is a reason this is in front of the Village Board. There are a number of issues plaguing that site that need to be addressed for the safety of our children, pedestrians, and bicycle traffic along with the issues that have been brought up at these meetings and through the letters received by the Village Board. Trustee Glass stated the Village Board is here to look at the whole picture and she asked the public to do the same. She has children and as a Planning Board member she requested the Village Board look at this issue for rezoning. She would like to see her children ride their bikes to Stewarts and do it safely and right now it's easy for people to say just put the building where it is, make it look pretty, and make it look like it fits in the Village. It's not an easy task. It's not an easy task for the Village Board or for the Planning Board. Trustee Glass stated that the Village Board has a very hard decision to make and she thanks the public for sharing their opinions because that's what is guiding the Board's decision and it's a hard process.

Trustee Glass made a motion seconded by Trustee Marshall to close public hearing at 9:43 p.m.

**Roll Call: All in favor**

Village Board of Trustees; and Jason Shaw, Legal Counsel, once more reviewed the Short Environmental Assessment Form on rezoning of 107-109 Helderberg Avenue. Village Board of Trustees made a decision to continue review of SEQRA at October 6<sup>th</sup> Board meeting. Stewarts was asked to provide additional information, by next meeting, regarding issues the Village Board has raised.

Trustee Whalen made a motion seconded by Trustee Dineen to approve request for Village water and sewer for single family dwelling at 258 Brandle Road, Altamont, Tax Map #37.19-2-27.22 per request of Larry & Lynnette Flynn. Capital charge for the new service connection to the water and sewer is \$7,500. Jeffrey Moller, Supt. of Public Works, has reviewed the application and recommended the connection. This request was previously approved by Village Board of Trustees on July 16, 2013 but the one year approval expired on July 16, 2014.

**Roll Call: All in favor**

Trustee Dineen made a motion seconded by Trustee Marshall to approve Altamont Fire Department to hold the following events: Spaghetti & Meatball Dinner on October 2<sup>nd</sup> and Annual Halloween Parade on October 31, 2015. **Roll Call: All in favor**

Trustee Marshall made a motion seconded by Trustee Whalen to approve Board Minutes for July 21, 2015. **All in favor**

Trustee Dineen made a motion seconded by Trustee Marshall to adjourn at 10:13 p.m.

**All in favor**

Respectfully Submitted,  
Patty Blackwood  
Clerk