

## DRAFT ZONING BOARD OF APPEALS

Regular Meeting

January 8, 2013

Maurice McCormick, Chairman  
Kate Provencher, Board member  
Danny Ramirez, Board member  
Stewart Linendoll, Board member

Kelly Best, Secretary  
Dean Whalen, Village Liaison  
Michael Moore, Village Attorney  
Donald Albright, Chief Fire Inspector, Town of Guilderland  
Robert White, Chief, Altamont Fire Department  
Dave Ahern, Altamont Fair  
Robert Santorelli, Altamont Fair  
Willard Schultz, Altamont Fair  
Donald Fandl, Altamont Fair  
John Hukey, Resident

Chairman McCormick opened the meeting at 7:00 pm.

Chairman McCormick read the legal notice for a variance request of Robert Santorelli to permit the construction of a replacement administrative office for the Altamont Fair without a required fire sprinkler system pursuant to Chapter 150 of the Code of the Village of Altamont Article II 150-8 & 15 for property owned by Altamont Fair located at 129 Grand Street, Altamont, NY 12009. Tax Map Number 48.07-1-17 and zoned PUD. Plans were open to the public for inspection and the hearing is scheduled for this evening.

Michael Moore reviewed the legal issues covered by Section 150 of the Village Code, stating that Section 150-14 – Standards for a Variance has been abolished. He advised the board to use Section 355-52 – Area Variance Standards.

Robert Santorelli reviewed the application. He stated that the fair is replacing the old administration building with new morton building. Fair board was unaware of the fire sprinkler system requirement. Mr. Santorelli explained that the only water line going to the building is a 2 inch plastic line. He stated that a fire sprinkler system could not be installed with a 2 inch plastic line. Mr. Santorelli pointed out the 6 inch water line is looped through the fair and is located on the opposite sides. The fair would have to install lines across the grounds to the 6 inch lines to have the capability to install a fire sprinkler system. The cost to lay the lines and install the system would be almost as much as the cost of the construction of the new building.

Dave Ahern stated that the new building will be 5 feet smaller. It will be 80 feet by 30 feet. It will be single story, all metal exterior, sheetrock interior with metal studding. The occupancy will be for 24 people. It is classified as a Class B Business under NYS Building Codes. He stated that the building is close to full occupancy only one week a year. The rest of the year the building is open 3 days a week from 9 am to 4 pm with a staff of 3 to 4 people. The new building will use hot air and gas for heat. There will continue to be a 24/7 monitored wired alarm system.

Mr. Santorelli stated that the interior plans have not been completed at this time. He stated that it will basically consist of a reception area, open space offices and a meeting room. The public entrance will remain the same.

There are 4 means of egress. There will be no kitchen area. The two closest adjacent buildings consist of wood or masonry/metal. The setbacks between both buildings exceed the minimum required by NYS Building Code. He reported that there are fire hydrants at gates 1, 2 and 3. The office building uses water only for drinking and bathroom use.

Mr. Moore reviewed the state code on installation of fire sprinkler systems. Donald Albright also reviewed the code with the board. It was determined that the state code lists the building as business administration-Type B. They explained that the state code bases its determination on occupancy.

Mr. Albright also informed the board on rural fire emergency services, the location of buildings in rural building in relation to fire hydrants, mutual aid provided between area fire departments and use of hoses and tanker truck. He stated that after reviewing application the building has a low hazard level and that no combustibles will be stored in building.

There was discussion relating to the grandstand. It was stated that there was a fire sprinkler system installed but the construction and age of the building contributed to the grandstand burning to the ground.

Robert White told the board that he was in agreement with Mr. Albright as far as the practices of rural fire departments, location of hydrants, the laying of hose lines and that the local fire department has a tanker for such use. He also thought the construction of a metal building and the installation of the alarm system lowers the risk. Mr. Albright suggested the board might want to consider requiring the applicant to install an exterior strobe light.

The Board asked Mr. Moore if the Village Zoning Board grants the variance, can the Village be held liable if there is a fire in the building in the future. Mr. Moore stated that the Village would have no liability.

Mr. Moore stated that if the Board approved granting the waiver, the fair would then need site plan approval.

Mr. Albright stated that by using double doors, the fair does not need a second egress. Mr. Ahern stated that the fair will install all panic hardware and exit light as directed under state building code.

Mr. Albright also suggested that the board require the installation of a lock (Knox) box. He explained the purpose of a lock box. It is so when an alarm goes off, emergency personnel can access a key to enter the building instead of breaking down a door or a window.

Mr. Hukey, Mountindale Court, stated he was concerned about the health, safety and welfare of the community aspect relating to the granting of the variance. He is concerned about the wood structures adjacent to the office building.

Chairman McCormick informed the board that Mr. Hukey is past Zoning Board member and past Building Inspector for the Village of Altamont.

Chairman McCormick made a motion to close the public hearing. Board member Ramirez seconded the motion. All present in favor.

It was determined that a SEQR was not required. The board reviewed the factors listed under Area Variance considerations. They determined that it would not create an undesirable change, that the current building does not have a sprinkler system, it is a much safer building, metal construction, new electrical wiring, one story. The surrounding buildings have no power during winter months and the setbacks exceed those required by law. It was determined that it can be achieved through installation of 24/7 monitored fire-heat-alarm-burglar system and installation of audio visual exterior light. It would be cost prohibitive to install water lines to building required for sprinkler system.

Donald Fandl explained that there is currently a smoke alarm in the adjacent circus building. This alarm is power from alarm system used by office building. Mr. Fandl also explained that due to the construction, lack of heat, open ventilation of poultry building, alarms will not work in these buildings. The board stated that is was a substantial variance from code but lack of sprinkler system is minimized installation of monitored alarm system, metal construction and new construction to code including electrical. The only adverse effect on the environment would be if there was a large fire in the building. The board also determines is self created but this had no impact on the findings.

Board member Provencher made a motion to approve the construction of a replacement administrative office for the Altamont Fair without a required fire sprinkler system after determining the following findings:

1. The old office building did not have a sprinkler system
2. No other buildings on the grounds have a sprinkler system
3. New office building will have metal exterior, new wiring and be built to NYS Building Codes
4. The new office building is one story and will have 4 means of egress
5. The exterior design will be in character with all the other buildings on the property
6. There is an appropriate buffer between buildings located on adjacent properties
7. Electrical power will be turned off in other adjacent buildings
8. Setbacks to adjacent buildings exceed building code requirements
9. New office building will be monitored by fire-heat-smoke-burglar alarm system 24/7
10. The adjacent circus building has a smoke detector monitored from system in office building
11. It would not be cost effective to run required water lines and install the fire sprinkler system at a cost of approximately \$ 77,000 for a \$ 90,000 building
12. Acceptance of letter from Altamont Fire Department Chief Robert White, dated 12/13/2012 having no objection to granting variance.
13. Acceptance of verbal opinion presented at meeting from Town of Guilderland Chief Fire Inspector, Donald Albright having no objection to granting of variance.
14. Fire hydrants are located at Gates 1 & 3, it is typical for local Fire Departments run hose lines that distance in rural community and Altamont Fire Department has a Tanker truck for such situations.
15. No flammables will be stored in the building.
16. Albany County Planning Board recommendations dated 12/20/2012 referred the matter back to the local board with advisory that board should consult local fire protection providers and the input of AFD Chief Robert White and Town of Guilderland Chief Fire Inspector have be taken into consideration

And with the following conditions:

1. Required installation of a smoke-fire-heat-burglary detection system monitored 24/7 by an approved central monitoring station system with an exterior audible visual alarm. (ex. Strobe light)
2. All adjacent structures would be connected to the above mentioned system and monitored unless there is a letter presented by monitoring company stating the infeasibility of such. The letter is to be presented to the Zoning Board of Appeals.

3. Require installation of a lock box for access for local emergency services. (ex. Knox Box)

Board member Linendoll seconded the motion. All present in favor.

Board member Provencher made a motion to approve the March 2012 minutes with the correction changing 1' to 1 " page 2, eighth paragraph. Board member Ramirez seconded the motion. All present in favor.

Chairman McCormick made a motion to approve the June 2012 minutes. Board member Linendoll seconded the motion. All present in favor.

The Zoning Board discussed the shared services agreement with Dean Whalen, Board Liaison and Michael Moore, Village Attorney. The members were directed to communicate concerns to Board Chairman and he will present issues to the Village Board.

Chairman McCormick made a motion to adjourn the meeting at 9:01. Board member Ramirez seconded the motion. All present in favor.

Respectfully Submitted,

Kelly Best  
Secretary