

ALTAMONT PLANNING BOARD
Regular Meeting Agenda – February 22, 2022

1. Open meeting - State time, that the meeting is being recorded, and exit signs.
2. Topic & Discussion: Consider an extension of 6 months to Mr. Romanski's Conditional Bozenkill Subdivision Approval as per his email dated 1/26/2022. Consider Motion: To extend Mr. Romanski's Conditional Bozenkill Subdivision approval for 6 months.
3. Topic & Discussion: Review the conditions set forth in the Resolution Document for the Bozenkill Subdivision approved August 2021, to determine if all said conditions have been met.
4. Topic & Discussion: Consider accepting the letter from Mr. Smart stating that the Wetland Delineation has not changed from the GPS Map from 2004, or require the Applicant to submit a new Wetland Delineation based on current field investigation. Consider Motion: To accept letter from Mr. Smart regarding (or require new) Wetland Delineation.
5. Topic & Discussion: Proposed local law to abolish the existing Planning Board and ZBA and replace it with a new ZBA with five members and two alternates that would exercise powers of both boards. Comments need to be to the Village Board prior to the public hearing on the proposed local law on March 1, 2022.
6. Other Business: _____
7. Review of meeting minutes of August 23, 2021 Planning Board Meeting.
Consider Motion: To approve Minutes of August 23, 2021 Planning Board Meeting.
8. Review of Rules of Procedure for Planning Board Meetings adopted at the September 28, 2020 meeting. Consider motion: To change Section 1. Regular Meetings to state that "The Planning Board shall hold regular meetings on the fourth Tuesday of each month, as needed."
9. Consider Motion to Adjourn Meeting. Meeting Adjourned at Time: _____

RECEIVED
B NOV 16 2021
Village of Altamont

**(AMENDED) RESOLUTION
ALTAMONT PLANNING BOARD**

GRANTING CONDITIONAL PLAT APPROVAL

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

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

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

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

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

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

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

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

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

WHEREAS, the Planning Board requested additional information confirming the current

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The motion was moved by Board Member Litten

The motion was seconded by Board Member Freeman

The vote was as follows:

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

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

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

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

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



ALBANY COUNTY PLANNING BOARD
NOTIFICATION

RECOMMENDATION DATE: May 21, 2021

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

ACPB **Modify local approval to include**

Recommendation:

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

Advisory:

Gopika Muddappa, Interim Senior Planner
Albany County Planning Board

NOTE:

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

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

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

LOCAL ACTION ON ACPB RECOMMENDATION:

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

LOCAL DECISION ON PROJECT:

- ☒ PROJECT APPROVED
☐ PROJECT DISAPPROVED

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

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

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

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

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

DEDICATED
RESPONSIVE
PROFESSIONAL

August 10, 2021

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

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


Dear Deb:

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

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

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

Very truly yours,
ABD ENGINEERS, LLP


Luigi A. Palleschi, P.E.
Partner

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

4645A-08102021

Ginger Hannah

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

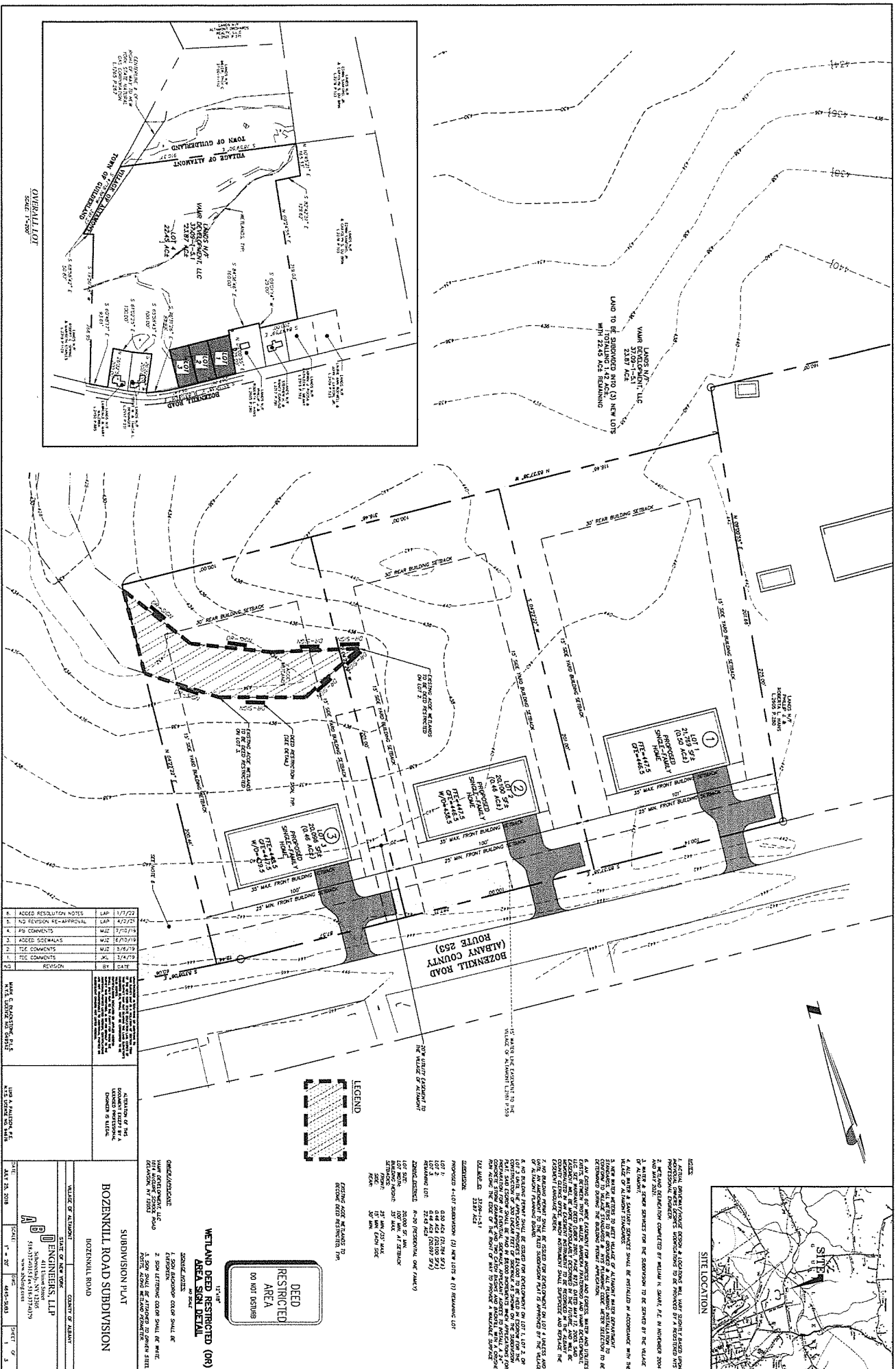
Hi Ginger and Deborah,

Happy New Year!! Hope all is well.

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

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

Thank you,
Luigi A. Palleschi, P.E.
Partner
ABD ENGINEERS, LLP
411 UNION STREET
SCHENECTADY, NY 12305
P. 518-377-0315 F. 518-377-0379
www.ABDENG.com



REVISIONS	
NO.	DATE
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PARCEL DESCRIPTION, LOT 3, BOZENKILL ROAD SUBDIVISION

VILLAGE OF ALTAMONT, ALBANY COUNTY, N.Y.

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

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

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

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

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

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

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

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

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

PARCEL DESCRIPTION, LOT 2, BOZENKILL ROAD SUBDIVISION

VILLAGE OF ALTAMONT, ALBANY COUNTY, N.Y.

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

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

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

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

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

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

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

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

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

December 3, 2021

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

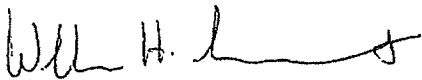
Re: Wetland Review
3 Lot Subdivision, Bozenkill Road
Village of Altamont

Dear Luigi,

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'William H. Smart', with a stylized flourish at the end.

William H. Smart, P.E.
NYS 064510

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

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

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

§ 1. Purpose and Intent.

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

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

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

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

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

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

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

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

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

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

§4 Supersession of Other Laws

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

§ 5. Severability:

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

§ 6. Effective Date:

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

Village of Altamont
Planning Board Special Meeting
August 23, 2021

Planning Board Members:

Deb Hext, Chairperson	Lance Moore, Bldg. Inspector/Code Enforcer
Stephen Caruso, Board Member	Tresa Matulewicz, Board Liaison
Simon Litten, Board Member	Ginger Hannah, Secretary
Robert Freeman, Board Member	
Barbara Muhlfelder, Board Member - Absent	
Applicant Rep: Don Cropsey for VAMR/Bozenkill Subdivision	
Guests: 1	

Deb Hext, Chairperson opened the meeting and said good evening everyone. Welcome to the Village of Altamont Planning Board Special Meeting. It is Monday, August 23, 2021. My name is Deb Hext, I'm the Planning Board Chair. Will the rest of the Board please introduce themselves? Board Members introduced themselves as follows: Steve Caruso, Simon Litten, and Bob Freeman. We also have tonight our Secretary of the Planning Board, Ginger Hannah, and our Building Inspector, Lance Moore.

Chairperson Hext stated that this is a Special Planning Board Meeting to consider the options to amend the Resolution Granting Conditional Plat Approval for the Bozenkill Major Subdivision that was approved at the July 26, 2021 Planning Board Meeting.

Chairperson Hext read the 3 options on the Resolution approved at the July 26, 2021 Planning Board Meeting Granting Conditional Plat Approval (see attached).

A discussion was held between the Planning Board Members and Don Cropsey, Applicant Representative about the following:

- Options for the construction of 300 feet of sidewalks, grading and erosion control, catch basins, grading the road level, the SWPPP as approved by DPW Superintendent Moller, flooding, who would maintain sidewalks, putting in a crusher run, when the \$8,000 per lot should be paid for each 100 feet of sidewalk, possibility of getting a grant for additional sidewalk if we have money set aside, planting of street trees/greenery in front of each home.
- Chairperson Hext suggested that the following also be added to the Amended Resolution: Applicant agrees to grade with a crusher run along the edge of the right of way to provide a walkable surface.
- It was determined that option #2 was the best for the Village and the Applicant.

The Resolution will read as follows:

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

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

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

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

Chairperson Hext asked for a motion to approve the amended resolution with the additional condition regarding prep work for the future permanent sidewalk as follows: Applicant agrees to grade with a crusher run along the edge of the right of way to provide a walkable surface. Motion made by Board Member Litten, seconded by Board Member Freeman. **Roll Call: All Present in Favor.**

Chairperson Hext asked if everyone had a chance to review the minutes of the previous Planning Board Meeting on July 26, 2021. All said yes. Motion was made to approve

the minutes by Board Member Caruso, seconded by Board Member Litten. **Roll Call: All Present in Favor.**

Motion was made to adjourn the meeting by Board Member Freeman, seconded by Board Member Caruso. **Roll Call: All Present in Favor.**

Chairperson Hext said Thank you everyone. Meeting was adjourned at 7:35 p.m.

Respectfully Submitted,

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

Ginger Hannah, Secretary

Attached: Draft to Amend Resolution with 3 options, Final Amended Resolution Granting Conditional Plat Approval, Letter dated August 10, 2021 from ABD Engineers, Completed ACPB Notification

**VILLAGE OF ALTAMONT
RULES OF PROCEDURE
FOR PLANNING BOARD MEETINGS**

*needs to be
revised at
next mtg*

SECTION 1. REGULAR MEETINGS:

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

Tuesday

SECTION 2. SPECIAL MEETINGS:

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

SECTION 3. QUORUM:

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

SECTION 4. EXECUTIVE SESSIONS:

- Executive sessions will be held in accordance with the Public Officers Law § 105.
- All executive sessions will be commenced in a public meeting.

SECTION 5. AGENDAS:

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

SECTION 6: VOTING:

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

SECTION 7: MINUTES:

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

SECTION 8: ORDER OF BUSINESS:

- Call to order;

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

SECTION 9: GENERAL RULES OF PROCEDURE:

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

SECTION 10: GUIDELINES FOR PUBLIC COMMENT:

- The public may speak only during a duly noticed public hearing.
- Speakers must be recognized by the presiding officer.
- Speakers must step to the microphone in the front of the room.

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

SECTION 11: GUIDELINES FOR USE OF RECORDING EQUIPMENT:

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

SECTION 12: ADJOURNMENT:

- Meetings must be adjourned by motion.

SECTION 13: AMENDMENTS TO THE RULES OF PROCEDURE:

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