

Village of Altamont
Planning Board Meeting
July 26, 2021

Planning Board Members:

Deb Hext, Chairperson	Lance Moore, Building Inspector/Code Enforcer
Stephen Caruso, Board Member	Tresa Matulewicz, Board Liaison
Simon Litten, Board Member	Ginger Hannah, Secretary
Barbara Muhlfelder, Board Member	

Applicants/Reps: Luigi Palleschi and Don Cropsey for Bozenkill Subdivision

Guests: 14

Deb Hext, Chairperson opened the meeting and said good evening, everyone. Welcome to the Village of Altamont Planning Board meeting. It is Monday, July 26, 2021. My name is Deb Hext, I'm the Planning Board Chair. Will the rest of my Board please introduce themselves? Board Members introduced themselves as follows: Steve Caruso, Simon Litten, and Barb Muhlfelder. We also have tonight our Secretary of the Planning Board, Ginger Hannah, and our Building Inspector, Lance Moore. We also have a new member joining us, Bob Freeman. He will be joining us as of next month, so welcome.

And before we get started, since this is a public hearing and the public will have a chance to comment, I'd like to ask Ginger to do a little demonstration because our recordings aren't always coming through on how to use the microphone.

Ginger Hannah, Secretary: Good evening, everyone. If you are going to speak tonight, you're going to come up and present to the Board. You want to be speaking directly into the mic like this, so you can hear it this loud; because we have this wonderful new sound system, but unless you're speaking into the mic like this, it's not being picked up by the recording equipment. So we really appreciate you just standing here. If you want to put your hand on this mic - we've got sanitizing stuff right here for you - and you can address the Board. We are happy to hear your comments and then you can have a seat. Any questions about that? Great. Thank you.

Deb Hext, Chairperson: Thanks, Ginger. Without further ado, I will read the legal notice, which opens the public hearing and will allow for public comment (copy of Legal Notice attached). She read the Notice. With that said, that opens the public comment period. If anyone has any comments or anything that they would like to share, I ask you that you step up to the microphone, and like Ginger said, if you can speak into the microphone, address the Board, don't turn around and address the audience. If you want to give your name and your address, you're welcome to, it is not imperative that you do so; that is totally up to you. Anybody?

Phil DiVietro, Resident, 1 Indian Meadows Path, Altamont: I'm right across the street from the project. First question I have is, two years ago we were here, what's the difference between that project and this one now? Is it exactly the same or is there any difference in the two?

Deb Hext, Chairperson: It's exactly the same.

Phil DiVietro, Resident: It's exactly the same. And I think the way we left that one meeting was about the sidewalk, and people were talking about waivers, and I'd like to know where the Board stands on that. What we are going to do with that?

Deb Hext, Chairperson: For the sidewalk?

Phil DiVietro, Resident: Yeah.

Deb Hext, Chairperson: What we will establish and what they will have to pay prior to any permits being granted is an escrow for 300 linear feet of sidewalk. That amounts to about \$24,000 that they will have to put into an escrow. It will be determined whether or not we will put 300 feet of sidewalk just in front of the three homes on Bozenkill or if it would make more sense to use that money to try to connect to, let's just say, Maple Avenue from Sunset down, or something like that, but they will be required to do that before any permits are issued.

Phil DiVietro, Resident: Right. Now the way the zoning works and with the Building Inspector, they do require that in front of the house right now? Is that how the law is or no?

Deb Hext, Chairperson: Do they require what?

Phil DiVietro, Resident: Do they require that in front of the house now?

Deb Hext, Chairperson: The sidewalk?

Phil DiVietro, Resident: Yeah.

Deb Hext, Chairperson: No.

Phil DiVietro, Resident: It's not required.

Deb Hext, Chairperson: No.

Phil DiVietro, Resident: Okay. And another question I have, and a concern, Indian Meadows - that Indian Meadows doesn't become a construction parking lot because there's projects not as big as that one, but construction trailers, workers' cars and everything. And I was talking to people in Guilderland in the inspector's office, and he said we could put something in there for parking restriction. Since there's a big field next to lot number three, they can maybe be required to park there. I just don't want to see Indian Meadows become like... all the cars parked there and everything.

Deb Hext, Chairperson: We'll have a Luigi address that when he comes up and speaks on behalf of the builder, but that's certainly a concern that I understand and we will not let that happen.

Phil DiVietro, Resident: All right. Thank you.

Deb Hext, Chairperson: Thank you, Phil. Anyone else?

Robert Spring, Resident, 157 Bozenkill Road, Altamont: Good evening, and thanks for allowing the public to weigh in on this, we appreciate it.

Deb Hext, Chairperson: Sure.

Robert Spring, Resident: I'm Rob Spring, 157 Bozenkill Road. I too was here a couple of years ago, in fact we've been here for 36 years, and this has come up quite a few times, for those of you that recall how many times builders tried to build on this property. Just a couple of things. Since it's the same proposal, it's the same plan, I'd like to just implore that this group thinks about the sidewalks. And the reason why I say that is it's part of the Bozenkill Road, where there are culverts on the north side and on the south side. And when you measure the white line to the end of the asphalt, it's approximately 18 inches on both sides of the road, and one side goes right into the culvert.

I've seen increased traffic. We have more people going down to the Preserve, that's great. I see teens going to the swimming holes on the Bozenkill, that's great, but they are in groups of six, eight. They are in large groups. What we also see is strollers, women, grandparents pushing their kids, and we have 18 inches. And not everybody does 30. We really appreciate our neighbor trying to point that out, making sure that, hey, we are still 30 miles an hour. Many people do 30, many people don't. And we're running 40, 45, maybe even 50. This is a concern. So I would just say, if a builder has to put money aside for a sidewalk, I realize that a few years ago there were concerns about patchwork. Hey, a sidewalk here, a gap, a sidewalk there - I get it. But this is a unique side of Bozenkill with the culverts on both sides, and that's a concern.

My issue number two is, if a builder has to put money aside, this plan is kind of segmented. We are only seeing three houses. We've been here 36 years and we've seen many builders propose not only the three houses or a couple of houses in front, but then all the houses in the back. We as the public only see three houses but we do know they'll be coming back to do the rest of it. Where are those roadways going? Will sidewalks continue because they've just purchased all that land - oh, well, they already own that land - and will be building back there? I'm not saying that the builder has to stick to the plan, but at least if the public had an idea of what was going on, we could be more informed.

And then finally, my third issue. I know that there's been the state involved regarding the federal wetlands, we appreciate that. Just want to make sure that you understand there's other wildlife there though. For those of us that live on the Bozenkill, we see bobcats, we see black bears, we see deer, rabbits, bats. There's a lot of life. I just want to make sure that when the state is involved, they are aware that it's not just... I think they had concerns of bats the last time, which is great, but there's a lot of life. Just want to make sure that we are being smart as a community when we grant building that... I guess my concern is, from what I understood two years ago, is that because they are wetlands, a builder cannot build on the wetlands but then can take that portion of land and instead of R20 now make it R10 and you can put in twice the number of housing and make up for the land that you couldn't build on. I'm not sure if that's still true, and perhaps you can address that for me, but that allows the builder to double up because there's land that they could not build on. So there's a lot to be taken into account here, I just wanted to share with you folks. Can you answer that? Does the builder have the right to double up?

Deb Hext, Chairperson: I don't believe so. That's our zoning law.

Robert Spring, Resident: R20?

Deb Hext, Chairperson: A builder can't say, "Well, you have it zoned R20, Village of Altamont, but we can't build in the wetlands so therefore we are going to say it's R10." They just can't do that. They won't be able to have that power to do that.

Robert Spring, Resident: Okay. Thank you for clarifying because I was under the impression that it would allow them to double up and make up for any lost space that they could not build on.

Deb Hext, Chairperson: Not without coming before the Village Board then to try to have that area rezoned. They can't just do it on their own.

Robert Spring, Resident: Great.

Deb Hext, Chairperson: And any further building after the three homes, if it is approved, we already have as a stipulation that they will have to come back before the Planning Board with a whole new set of plans.

Robert Spring, Resident: Correct. Right. I would understand that.

Deb Hext, Chairperson: So they can't just say, "All right, well, we've got 23 more acres that we can build on here, we already have the permit to build." No, it's not... They have a permit for three homes.

Robert Spring, Resident: Right. Because it is being broken down and presented in broken sections, sometimes things get approved and then all of a sudden you're kind of like, oh, here we are. What's next? And if even we had an overview, like I said, of just what may happen, may not happen. You may already know what the builder may eventually be proposing.

Steve Caruso, Board Member: We don't.

Robert Spring, Resident: No, Steve?

Steve Caruso, Board Member: No.

Robert Spring, Resident: Okay.

Steve Caruso, Board Member: We have no idea.

Robert Spring, Resident: It's just something that if the builder has something in mind, it would be nice for the public to at least be somewhat aware of what's going in on that last parcel of land in the Village of Altamont.

Deb Hext, Chairperson: I totally get it. But I will ask the representative from VMAR to come up and speak, and then I'll leave the public comment period open so that if after he speaks anyone else has any questions they can come back up and speak. I won't close the public hearing.

Robert Spring, Resident: I only bring it up because two years ago there was phase one. We brought up phase two but then we said we're not going to talk about that because that wasn't... But we never really

got a chance to see what phase two might look like. It's just one of those things. Thanks for hearing us out.

Deb Hext, Chairperson: Thank you. I'll ask Luigi to come up now and maybe answer some questions that have been put out there. And then, again, I will leave the public hearing open in case anyone has any questions after he does his presentation.

Luigi Palleschi, ABD Engineers: I'm going to try to do this both ways here.

Deb Hext, Chairperson: You can take the mic out.

Luigi Palleschi, ABD Engineers: How's that? I'll try to address both sides here. I know this is a hard set up. Good evening. I'm Luigi Palleschi with ABD Engineers, the engineer on this project. Yes, to answer your question about whether or not this is exactly the same as what we presented two years ago, it is exactly the same. We've updated a few things as far as the wetlands. We had a wetland biologist go out there and confirm the delineation line, so we've updated things like that from an environmental perspective to continue with the approval process for the three new single family residential homes.

The question in regards to a construction lot as these three homes are to be constructed, they will follow the typical erosion and sediment control methods. Typically first thing that happens is you'll get a logger in there or a brush guy to come and clear lot by lot, and then they'll install the culvert and the driveway crusher run or gravel, and that's going to be your stabilized construction entrance into the site. Each home, in my opinion, would be built at separate times or however the market demands. Yes, you could have one or two or even three going at the same time, but the construction vehicles would be parked on the actual constructed gravel roadway where the driveway is going to be. For overflow, we can certainly overflow those construction vehicles on the fourth lot, but I do not see construction vehicles parking over here on Indian Meadows.

Deb Hext, Chairperson: What about the workers?

Luigi Palleschi, ABD Engineers: Same for the workers. Yes. And we can certainly pass this along to the builder that any of the workers working on each of these lots cannot park over onto Indian Meadows. And again, that could be something that can be enforced by the Building Department. They'll certainly be out there for inspections and they can certainly pass that along as well to whoever's building the homes here. What else was there? As far as the zoning district, these lots conform to the R20 zoning. As you see along Bozenkill Road, we are not requesting any variances for these three lots. The fourth lot will remain undeveloped at this time. We don't know what's going to happen. Yes, there were conceptual plans for the fourth lot. If the applicant decides to move forward with that, we'll certainly be back before this Planning Board, and working with both the Planning Board and the neighbors for a possibility of future development if that's the way the applicant wants to go.

But right now, we had this before the Board two years ago, and time ran up because he couldn't really lock up a customer for these lots, didn't want to put up the escrow amount for the sidewalks and so forth. He's now at a point where the market has changed in the past couple of years due to COVID, so he does have some interest in these lots. And we are here tonight with the same proposal that we had two years ago to get this approved, get the ground started here. And then, like I said, if we do proceed with lot number four, I know it's going to take some time but we'll certainly be back and have further

discussions. But as far as water / sewer, these lots would be connected to public water and sewer and stormwater will obviously meet the DEC requirements.

Deb Hext, Chairperson: As far as the culverts are concerned, I think I remember from last time, were you going to fill in one of the culverts? There was something that was going to happen with the culverts.

Luigi Palleschi, ABD Engineers: Yes, so we need to install culverts underneath these driveways to continue the water through, and then we are extending it in between lots two and three to discharge to the wetlands in the back.

Deb Hext, Chairperson: Along the Bozenkill Road culverts, there was no intent to fill in one of those?

Luigi Palleschi, ABD Engineers: No.

Deb Hext, Chairperson: I thought I remembered something like that.

Steve Caruso, Board Member: I think that had to do with the sidewalks. There was a discussion because the road does present challenges because of both sides of the road, which side-

Deb Hext, Chairperson: But they had said something like it was already prepared for that or something.

Luigi Palleschi, ABD Engineers: We certainly have designed it on here. If we were to accommodate a sidewalk, then certain measures would be needed to convey the drainage along Bozenkill without affecting what's out there today.

Deb Hext, Chairperson: Okay. That's-

Luigi Palleschi, ABD Engineers: That is part of this plan set. You can see it on the grading plan sheet two. We have that proposal on here, but other than just putting the culverts in under the driveways, you wouldn't need to do a lot of that grading work to install the sidewalk if we're going forward with the escrow amount.

Deb Hext, Chairperson: I have to go back. I just thought I remembered that it would be prepared in that way in case we wanted to go ahead and do the sidewalks there.

Barbara Muhlfelder, Board Member: I agree with that.

Deb Hext, Chairperson: I thought... I don't know. Steve, you were the only other one...

Ginger Hannah, Secretary: Yes, that's what I remember too.

Steve Caruso, Board Member: The more I think about it, that may be-

Ginger Hannah, Secretary: It may be in the minutes from-

Deb Hext, Chairperson: Yes, I think it would be in the minutes. Now, my memory isn't what it used to be, but I'm pretty sure it was stated that it would be prepared in the event that we decide... because we

didn't know what we were going to do with the sidewalks, whether we were going to put it in escrow, whether we were going to have 300 linear feet that basically went nowhere but would still be of use, and I think we had said that we were going to prepare the property for that in the event we decided to do that.

Luigi Palleschi, ABD Engineers: Like I said, the plan hasn't changed. You can see the grading work. These lots could certainly follow that grading plan to flatten out the shoulder edge. I think one of the neighbors had mentioned you've got 18 inches from the white line over, so by doing this little bit of grading work along Bozenkill would allow a flatter edge so that in the future the sidewalk could be installed. I would say we can follow this grading plan accordingly.

Deb Hext, Chairperson: I think that's a good way to go at this point. And at least, even without a sidewalk, it'll give a little bit more room for people to walk, especially if we are building homes there. And then at a later date, if we say, well, the traffic has increased to X amount, we can put the sidewalks in without disturbing everything again.

Ginger Hannah, Secretary: Deb, it says in the minutes on page five, from that meeting July 22, 2019, Mr. Zanghi... Mr. Zanghi was the engineer at the time?

Luigi Palleschi, ABD Engineers: He was. Yes.

Ginger Hannah, Secretary: (Reading from the minutes) "Mr. Zanghi said the plan you have in front of you has been engineered already for the sidewalks. So the grading, the location, all of those items I already designed a few months ago, yeah. So in the future, if there was a town project where sidewalks continued up Bozenkill, the contractor who would be performing that work should follow this plan here to install the 300 linear feet of sidewalks in front of our three lots. Chairman Wilford said and everything's already been moved properly is what I mean. Mr. Zanghi said correct - the roadside drainage improvements happen now. The grass would be graded for the future installation of the sidewalk. So in the future, the grass for that five foot wide would be removed, the subgrade would be impacted, sub-base material from sidewalk would be installed, the concrete form work placed, and then the sidewalks poured and finished within the 5-foot."

Deb Hext, Chairperson: Perfect. Thank you, Ginger. I think we discussed at the last meeting that anything that was agreed to in our previous meetings would be agreed to this time, so we would definitely want to go through with that grading plan. If in the future, we get a grant or whatever to connect sidewalks, it would be ready to go and there wouldn't be another disturbance that would happen for any neighbor.

Simon Litten, Board Member: I'm just curious, how do you size the culverts that go underneath the driveways?

Luigi Palleschi, ABD Engineers: You do the analysis to see how much drainage really runs to that culvert. As water hits the pavement and runs off the roadway, it'll convey into the drainage ditches. You assume a 10-year or a 25-year stormwater runoff and you come up with how deep the water will run, and that's how you size the culvert pipes.

Simon Litten, Board Member: So you look at a 25-year history of rainstorms.

Luigi Palleschi, ABD Engineers: I don't know exactly what the design storm was for this particular network. I know DOT requires 25 years, but generally speaking 10 years is your normal design. So it's between 10 and 25, is what I would say this is designed for.

Simon Litten, Board Member: We are having all kinds of extreme weather events all over the world. Maybe the past isn't a good indicator of the future.

Deb Hext, Chairperson: Anybody else on the Board have any questions?

Steve Caruso, Board Member: No.

Barbara Muhlfelder, Board Member: No.

Deb Hext, Chairperson: Thank you, Luigi. I will at this time ask anybody from the public if you have any other questions or any other concerns that maybe he didn't address or that we didn't address, feel free to come up. No?

Phil DiVietro, Resident: I know a lot about the drainage here because it's right near my house. Albany County comes out all the time, we talk about it. I think there is a major pipe that goes across the road right between the two lots. So it's not only runoff from the road, it's the rainwater they were saying that comes down Bozenkill and then the other part of Bozenkill all come into that one and go across the street to those lots. So it has to be a good sized pipe. I've been here 18 years, and there was that big storm we had years ago, and it couldn't handle that, and that pipe there is three foot. So I don't know what they plan on the other side but it should accommodate all the water from that three-foot pipe going across. And all that water goes into that field so they are going to have to reroute that all the way down between two building lots, I think they said last time. Is that what they plan on doing or something?

Deb Hext, Chairperson: Yeah, it sounds like it's the same.

Phil DiVietro, Resident: Supposedly Albany County signed off on that last time, on all of this, so-

Deb Hext, Chairperson: I have the recommendations from the Albany County Planning Board, which I will read, but I believe they did sign off on the stormwater prevention plan. Jeff Moller, our DPW superintendent, signed off on everything. He was supposed to be here tonight. He couldn't make it, but we will definitely address this again with Jeff and make sure that the pipe is sized correctly to handle any additional runoff. And like Simon said, times are changing. We are having storms here like we never had before, as indicated in the last couple of weeks.

Phil DiVietro, Resident: It's a really screwed up system, what we have there, because all the sewers on Indian Meadows, they are all sewers, right where my house is on the corner, they all come into that one pipe and then they go across the road.

Deb Hext, Chairperson: Across the road to where the development is going.

Phil DiVietro, Resident: To where this is going on.

Deb Hext, Chairperson: They just go like a leach field? They just go into that?

Phil DiVietro, Resident, 1 Indian Meadows Path, Altamont: It just goes into there. There's another piece of pipe there and then there's like a little stream that goes between the two lots, I guess. That's got to be a good sized pipe. This has got to be well done because all the water from Indian Maiden and Indian Meadows and all that, it goes across that road there. And talking to the engineers at Albany County years ago, they said that it wasn't designed that great because all the sewers go into that culvert ditch.

Deb Hext, Chairperson: One culvert.

Phil DiVietro, Resident: So you have all these nice sewers on Indian Meadows, Indian Maiden but they go into the culvert ditch. Hopefully they took that in consideration. The way they look at it is - and I've talked to different people about it - the sewers are Altamont but soon as they are near the road that's Albany County. So whatever happens here is Altamont and this is Albany County and we don't want to know nothing about Albany County, they don't want to know nothing about us. And there's always problems about that there, as long as the Building Inspector is aware of that too. All right. Thank you.

Deb Hext, Chairperson: Thanks, Phil. Can you address that further perhaps?

Luigi Palleschi, ABD Engineers: Sure. So we did survey the whole street, and it's an existing 24-inch concrete pipe. When we surveyed the entire stretch in front of here in Bozenkill, there is an existing 24-inch concrete pipe, and we are proposing to install a new catch base at the end of that 24-inch concrete pipe and extending that with a 24-inch concrete pipe down and through so it does match the size diameter as what's out there today. I think what's happening out there today is, you're right, a lot of the water does collect at that area and it dumps over into this side. But if Albany County is not maintaining the ditch, you don't have a deeper ditch to convey that water, so it could back up. You've got debris and things like that, where our design will actually improve the drainage in that area. So we have looked at that and I think that's why Albany County previously approved our design as it sits today.

Deb Hext, Chairperson: Okay. Thank you. Anyone else? Have we addressed the questions that were asked at least to the best of our ability at this point? I don't want to leave anybody out. Okay. Then could I have a motion to close the public hearing, please? Motion was made by Board Member Caruso, seconded by Board Member Litten. **Roll Call: All in Favor.**

Deb Hext, Chairperson: I'd like to thank the public for their comments, and thank you Luigi for answering most questions that we have answers for. At this point, we did mention a couple of times about the Albany County Planning Board recommendation, dated May 21st, 2021. She read the recommendations (see attached), then said I'm sure that will all be done and Lance will make sure it happens.

Given that, we did review the SEQRA last time so I would like to at this point, if the Board has no other comments, I could read a resolution for preliminary conditional plat approval. There are requirements based on this preliminary approval. So if the Board is okay with it, I will read the resolution. I am not going to read all of the "whereas," but I will read the actual conditions that we are requiring (see attached Resolution). She read the Resolution, then said could I have a motion to approve the Resolution Granting Conditional Plat Approval?

Don Cropsey, Applicant Rep: Deb, can I ask a question before that?

Deb Hext, Chairperson: Only because it's you. We closed the public hearing.

Don Cropsey, Applicant Rep: My name's Don Cropsey. I just have a question regarding the condition for the park fee, the \$1,500 per lot. Is that something that gets paid pursuant to the application for a building permit or that has to be paid up front?

Deb Hext, Chairperson: It's to be paid prior to any permits being issued.

Don Cropsey, Applicant Rep: We can't do that when a building permit is applied for, for the park fee?

Deb Hext, Chairperson: I'd have to discuss that with Allyson.

Don Cropsey, Applicant Rep: Just a question.

Deb Hext, Chairperson: It's supposed to be... I'll ask Allyson, but all escrows and all fees are supposed to be paid prior to any permits being issued.

Don Cropsey, Applicant Rep: Right. So if no building permit is ever issued for the lot, the Village gets the \$1,500?

Deb Hext, Chairperson: If you don't build, it's non-refundable. That's correct.

Don Cropsey, Applicant Rep: Okay. Thank you.

Luigi Palleschi, ABD Engineers: If I can just get one more clarification. That \$25,000, when was that required again?

Deb Hext, Chairperson: That's the \$24,000 for the sidewalks and that's the \$1,000 to cover any technical services, including transcription services and any type of attorney fees.

Luigi Palleschi, ABD Engineers: Okay. And that's prior again to any permits?

Deb Hext, Chairperson: Yes. Any permits.

Luigi Palleschi, ABD Engineers: Okay. Thank you.

Deb Hext, Chairperson: You're welcome. Okay. Then can I have a motion to approve the Resolution document as was read? Motion was made by Board Member Muhlfelder, seconded by Board Member Litten. **Roll Call: All in Favor.**

Deb Hext, Chairperson: Thank you. That pretty much wraps up the public hearing and this portion of our meeting. Everyone is welcome to stay, we are just going to review the minutes. The one thing I do want to mention while everyone is still here, we will be switching our meeting dates to be more in line with all the other meetings through the Village to the fourth Tuesday of every month as opposed to the fourth Monday of every month, and that'll be effected beginning at our August 24th meeting. Okay. That being said, has everyone had a chance to review the meeting minutes of May 24th? Board Members said yes. Chairperson Hext asked if there were any questions. Board Member Muhlfelder gave one typographical

correction. Motion was made to approve the minutes by Board Member Caruso, seconded by Board Member Litten. **Roll Call: All in Favor.**

Deb Hext, Chairperson asked if everyone had a chance to review the minutes of the June 28, 2021 meeting. Board Member Muhlfelder had one typographical correction. No other changes. Motion was made to approve the minutes by Board Member Caruso, seconded by Board Member Muhlfelder. **Roll Call: All in Favor.**

Deb Hext, Chairperson: Thank you, Ginger. I'm sure I have already announced that the next meeting will be on Tuesday as opposed to Monday, August 24th. At this time we don't have anything, I don't know that we will have anything. I don't know if Luigi and his folks will be coming back before us with anything but we'll certainly post it if there is anything to be said. I guess that's it. Any other business that anybody needs to address? Nothing? Could I have a motion to adjourn? Motion made by Board Member Muhlfelder, seconded by Board Member Litten. **Roll Call: All in Favor.**

Deb Hext, Chairperson: Thank you everyone. Welcome, Bob. Meeting was adjourned at 7:44 p.m.

Respectfully Submitted,

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

Ginger Hannah, Secretary

Attached: Legal Notice, Resolution Granting Conditional Plat Approval, ACPB Recommendation

Minutes transcribed by Rev.com and Ginger Hannah

VILLAGE OF ALTAMONT PLANNING BOARD

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning Board of the Village of Altamont, New York, will hold a Public Hearing pursuant to Article III of Chapter 315 of the Zoning Law on Monday July 26, at 7:00 p.m., on request of VAMR Development LLC / Ken Romanski, 1614 McGuire School Road, Delanson, NY 12053 on the following proposition: Bozenkill Road Subdivision – Property located on Bozenkill Road, Altamont NY 12009.

Tax map ID 37.09-1-5.1. The Property is zoned R-20 – total acreage 23.87±

The meeting will be held in person at the Community Room of the Village of Altamont, 115 Main Street, Altamont, NY 12009.

Plans open for public inspection at the Village Offices during normal business hours.

A copy of the Planning Board Agenda and related materials will be available on the Village website by Friday, July 23, 2021 at www.altamontvillage.org.

Dated: July 8, 2021

Deborah Hext
Planning Board Chairperson
Village of Altamont

Lance Moore
Building Inspector and Code Enforcement Officer
Village of Altamont

Abutting, AFD, DPW

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**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-mm.
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

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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: _____

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.

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 accordingly. 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 Applicant shall fund an escrow account in the amount of \$24,000 for the 300 linear feet of sidewalk shown on the subdivision plat.
- 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.
- 5) The Applicant shall reimburse the Village for costs incurred to transcribe the public hearing on this application.

IT IS FUTHER 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 site plan until such time as the Applicant demonstrates the aforementioned conditions have been satisfied..

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 Muhlfelder

The motion was seconded by Board Member Litten

The vote was as follows:

	Aye	Nay
Chairwoman Hext	<u>✓</u>	<u> </u>
Caruso	<u>✓</u>	<u> </u>
Muhlfelder	<u>✓</u>	<u> </u>
Litten	<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 July 26, 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/Nay</u>
Caruso		<u>Yea/Nay</u>
Muhlfelder		<u>Yea/Nay</u>
Litten		<u>Yea/Nay</u>

Witness my hand and the seal of the Village of Altamont, this 27th day of July, 2021.