

Village of Altamont Planning Board
Regular Meeting
June 24, 2019

Timothy Wilford, Chairman
Stephen Caruso, Board member
Deborah Hext, Board member
John Hukey, Board member
Connie Rue, Alternate member

Lance Moore, Building Inspector/
Code Enforcer, Absent
Dean Whalen, Village Liaison
Justin Heller, Village Attorney, Absent
Jeff Moller, Superintendent, DPW, Absent
Paul Miller, Altamont Fire Dept. Chief
Martin Zanghi, ABD Engineers, LLP for
Applicant, Ken Romanski

Guests: Est. 20

Chairman Tim Wilford opened the meeting at 7:04 p.m. and welcomed everyone. The Planning Board Members introduced themselves as follows: Steve Caruso, Deborah Hext, John Hukey, and Connie Rue is our alternate, who is filling in for Wayde Bush. He noted where the bathrooms and fire exits are. He stated that today on our agenda we have a Public Hearing for a special use permit for Severson insurance and a Public Hearing for the Bozenkill Road Development 4-lot subdivision.

Board Member Caruso made a motion to start the meeting, seconded by Board Member Hext, all in favor. Chairman Wilford read the Public Notice of Public Hearing on Severson Insurance as follows: Legal Notice. Public Notice of Public Hearing before the Planning Board. Notice is hereby given that the Planning Board of the Village of Altamont, New York, will hold a Public Hearing pursuant to Articles 355-37 and 355-23. Request of: Zachary Cowan – Severson Insurance for a Special Use Permit to allow moving Severson Insurance to 135 Maple Ave and to display an exterior sign. Situated as follows: 135 Maple Avenue, Altamont. Chairman Wilford then noted that Zachary Cowan was not present and stated we would come back to that.

Chairman Wilford then read the second Legal Notice as follows: Legal Notice. Public Notice of Public Hearing before the Planning Board. Notice is hereby given that the Planning Board of the Village of Altamont, New York, will hold a Public Hearing pursuant to Article III – Major Subdivision 315-14. Request of: VAMR Development LLC for a 4-lot Subdivision in R-20 Zone. Situated as follows: Bozenkill Road, Altamont.

Chairman Wilford stated that before we open the Public Hearing, for those who weren't at the previous meeting, Applicant Martin Zanghi has already been sitting through several reviews with the Village's appointed engineer, Barton & Loguidice. They have reviewed all the engineering obstacles that have come up; we have reviewed them at a Concept Hearing and we've discussed them. To his knowledge, all the paperwork has come back and all the things that were needed to meet the engineering specs and concerns have been. Applicant Zanghi stated that was correct. Chairman Wilford stated that where we were last standing on a few things was the placement and design of potential of sidewalks. So we'll be discussing that some more at length, but on the engineering and stuff, we have already gone through the

wetlands, the problems that are with that; to the point even one of the parcels in particular has to have a deed restriction that would not allow the homeowner or anyone to ever own that property, to alter their property in a way that deviates water somewhere else. We're also looking at four lots: three houses and an empty lot. That's what this particular application is for.

Board Member Hukey commented that for those that weren't at the other meeting, the intent was to build 30 some houses and that's the fourth lot because that was brought up in one of the letters here. That in their assessment form, they do address the second phase, so he thought we should bring it up. Chairman Wilford stated that this application did discuss a potential second phase that could go in the larger lot behind it. There's also no engineering that was done for that; the design hasn't been drawn for that. It was nothing more than an expressed this might be the possibility because they were asked what they want to do with that lot and they expressed what they might want to do. But this application has nothing to do with that portion being subdivided. We haven't had that engineered; we haven't had anything done with that.

Board Member Caruso made a motion to open the Public Hearing, seconded by Board Member Hext. All in favor.

Chairman Wilford stated that at this time, people that would like to make a public comment in regards to this subdivision at Bozenkill may do so one at a time. He directed them to please use the microphone, state their name and address clearly so the secretary has all the information she needs for her minutes.

Ms. Meri Beth Spring, 157 Bozenkill Road, stated that the last we received a notice of a public hearing was probably two years ago, maybe three years ago, where there was a proposal for a major subdivision. It was 30, 40 houses, and there was conversation there and then we never heard anything else and we never heard bulldozers. So we kind of let it lie. So now we're here and we're hearing that you've already gone through a lot of the topics that were concerns of ours, the wetlands, that sort of thing. And I'm feeling a little like kind of behind the eight ball that I don't really know what's happened for the last two years regarding decisions or information that's been decided on that land. So I guess I'm asking for a little bit more extensive history than just we've taken care of the wetlands, we've taken care of some of the engineering things.

Chairman Wilford stated that what you are talking about two to three years ago was a completely separate application. It never even got past the pre-application phase. That was the time where they came in, they showed an idea that they wanted to do and they had stopped. That was the end of that development right there. This development is separate; it's not the same thing. It's completely different. What I mean by the engineering is rather than have everyone question the engineering or the expertise of what the lands are allowed to have there, we've already had the engineers review it to make sure that it's even viable for them to build there. And in some cases we do that. So we could have found out no, the wetlands won't allow you to do it, you can't do it. So it wouldn't even have gotten past the concept phase. So that's one of the reasons. It's not done so you can see what's there. That's all that we've done is the engineering for this subdivision. The subdivision idea and concept you're talking about is not on the books at all right now. They talked about maybe doing it again in the future or something different, but they are two completely separate things, even though they're on the same parcel.

Ms. Spring asked, when we talk about say the wetlands, when we came to the proposal a couple of years ago, the wetlands had not been addressed at all. So what makes that proposal, and that hearing that we sat through and listened, what made that proposal different where the wetlands hadn't been discussed to this proposal where now the wetlands have been discussed and they're not a problem any longer? I guess I'd like to understand that concept a little bit better.

Chairman Wilford said that with the first one, no one said the wetlands were problem. It was a concept hearing and we never sent it out to another engineered professional to look at. We never got that far.

Ms. Spring said but this one is that far.

Board Member Hukey stated that the wetlands is only on one lot and not the back, so it's being addressed now because it has to. Now if they come back like they had said they were going for the other 20 some acres to develop that, then the wetlands is going to be a concern that will be addressed.

Ms. Spring asked, How do we know it's just one lot, like you know, how do we know how big it is?

Board Member Hukey stated that the drawings show that the wetlands are only on the one lot. It's a certified engineer,

Ms. Spring said Army Corps of Engineers certified?

Board Member Hukey said our engineers, not just their engineers - the Village's engineer reviewed their drawings and said that yes, the wetlands were just on that one lot and we did address them.

Chairman Wilford said they looked at several things, Martin can tell you about some of the things, but for an example, just even at the road, they discussed how the edge of the road should be, the concerns of the utilities going in. Those are the things the engineers all had to approve. So there's no point in having a public hearing in some of these cases if they're not going to get through the engineering phase. And that's what happened in the other subdivision. They never even had another engineer deny that project. No one denied that project. I know people had public opinion on it, but there was no statement of "engineers have denied it for this reason; we're not doing it for this reason". They could easily do it because It's their land and they have the zoning book just like everyone else. And if they want to do a subdivision and follow those rules, they would have to have all the engineering redone and approved to even allow them to do that and follow all of our zoning laws.

Ms. Spring said, so we're further along in this process.

Chairman Wilford replied no, it's not the same project.

Ms. Spring said well I know, I understand that. I'm not talking about the project. I'm talking about the process.

Chairman Wilford said this process is further along than the first time you heard of the other one, but they are very separate things.

Ms. Spring said, I understand that.

Board Member Caruso stated that we did have a meeting last month that was open to the public where there was a presentation that was made to describe what they wanted to do. Ms. Spring said Okay. The Board stated it was just not open to the public to allow you guys to comment to us.

Ms. Spring said and you didn't send out notifications?

The Board said, well, no, because it was not a Public Hearing.

Chairman Wilford said it was on the agenda and that was posted on the website, but they don't send out that letter of 500 feet of it only when there's a public hearing - only when you're allowed to. Okay. I guess just when they send those letters out. But we have lots of information on applications that lead up to these moments that a presentation can be done and the meetings are always open to the public where you can learn about what's taking place and then before the decision is finalized, there is a time for public comment. Would anyone else like to comment or have any questions about the four lot subdivision going on Bozenkill Road?

Phil DiVietro, 1 Indian Meadows Path said, Cause that major, big pipe goes across the road and then it goes down Bozenkill and then it goes into like a stream. All the storm water from upper Bozenkill, Indian Meadows, Indian Maiden goes across. You've looked at all of that and you approved, all of that?

Chairman Wilford said the engineers, the experts have already looked at it and discussed that along with the county road. Wait, who else has a chime in on that? Is that the county or the state that has to do that? It's a county road?

The Board said Albany County DPW.

Chairman Wilford continued - they had to approve any drainage or any changes along that drainage that there.

Mr. DiVietro asked, okay, so they did?

Chairman Wilford said, Yes, those things were all looked at and then the design that is here now is approved by each one of those agencies along with Barton and Loguidice who is not the village engineers. They're an engineer that the village uses and the applicant pays them. So we have a professional say on our side of the table that does the work for us. So, so yes, he's already looked at it and he and Martin have been in discussion for, I wouldn't say a couple of months to make sure that all of their concerns were addressed before we even got this far.

Martin? ____ said, yes, since February.

Chairman Wilford said they've been knocking stuff out, and it's also been with Lance Moore and Jeff Moller. We had Paul Miller comment from the fire department last month also on his concerns and they voiced concerns - things they liked about it, things they'd like to see about it. Everyone has chimed in from each one of those departments.

Mr. DiVietro asked so these are half acre lots, correct?

Chairman Wilford said yes, they're all above the (inaudible)

Mr. DiVietro said, going back to the old, to even two years ago, that was like a cluster development or something. They didn't have to be half Acre lots back then?

Chairman Wilford stated that there is a section in our zoning laws of subdivisions that's called clustering. Clustering works like this - you have a 20 acre lot in an R-20. If you take 10 of it and leave it all green space.

Mr. DiVietro said Okay.

Chairman Wilford continued: The remaining 10 acres can now be moved to R-10. So they can build basically the same amount of homes, but in a smaller spot and allow for more green spaces.

Mr. DiVietro asked, that's what about a quarter acre?

Chairman Wilford said, yeah, it's, close to a quarter of an acre.

Board Member Hext said, 10,000 square feet.

Chairman Wilford said 10,000 square feet (inaudible) 42 square feet?

Mr. DiVietro said but they have to leave that much green space?

Chairman Wilford said yes there's a formula, it's math, and it's actually the first thing you do. We can talk about that more. The way I've understood it, and I can express that to them later, but typically you would have to remove the wetlands, so let's say it's 22 acres, and we have 2 acres of wetlands, you have to remove the 2 acres of wetlands, and now we're down to 20. Now 20, you can divide that in half and then that goes split that way. There's a formula they have to follow to get to that. Also with clustering, since we're on that subject, no variances are allowed. Not one single lot can be less than 10,000 square feet, whereas in an R-20 if somebody said, hey, I want to put a 1900 square foot or 19,000 square foot one here, they could apply for a variance and get it. But the way the clustering is written and how we're allowed to use it, is they can put R-10s back there on one small part to do that and then the rest has to be remaining green space. That's how they're allowed to get away with putting R-10s in an R-20. That's all part of the village code and we can ask the Village Board specifically, but my understanding is many municipalities like the clustering idea because it allows a lot more green space to use more wildlife. It

does other benefits to your infrastructure - is more condensed, which is cheaper and yet easier to maintain. So there's sometimes where municipalities actually see the desire for clustering. I'm not saying neighbors want it, I'm just saying that's what we've adopted in this village. So that is how they're able to do that. It's a zoning thing that's allowed to be done. Now the person that came before us also had a lot of houses back there. Many of them were undersized, and they were showing a concept.

Mr. DiVietro said, Right.

Chairman Wilford continued: We deal with that all the time. The concept comes and people think this is what's happening, and it's just to see what we're allowed to do. And then it fine tunes into something. So we've done a lot of fine tuning to make sure these lots are legal. For example, even basic little things - the driveway on the number three lot has now been moved further away from the bend in the road so there's more access and vision. Just little things like that have all been looked at and discussed, to give you an idea. So there's a lot to it. That's why to go through each one of those phases in front of the public, each step, isn't valuable time to the public or us as volunteers. Let the engineers put forth what's allowed first.

Mr. DiVietro asked: What is the timeframe of the project, do you have one yet?

Mr. Zanghi said: sure, so as the Chairman has been describing to everybody tonight, this project, what we're here for, is just three residential lots and the fourth to remain. We've had a couple of comments about the potential for a phase two in the rear with the cluster subdivision. As the Chairman mentioned, my firm was here a few years ago and there was a presentation to the Board made. And a lot of times firms do that with the applicants to gauge the reaction of the board. Sometimes you may draw something and come here and find out and they have certain rules or things they'd like about the cul-de-sac, so they want more recreational areas or they want bike paths.

So when the applicants are here with the engineers and you hear that, you can go back and refine your design and then start to prepare your actual formal submissions. As we've been saying all evening, that's not what tonight is about. Yes, there is a potential for the developer to look at Phase Two. There has to be additional surveys done, land surveys, wetland delineations, archeology has to be looked at. There's a lot of background material that needs to be done to even get to that phase. None of that work is even started. The applicant merely would like to get three half acre lots in right here in the front right along Bozenkill Road. That's what the discussion is for tonight. And as we've mentioned, the R-20 zone has specific rules and regulations on setbacks and street designs and everything that's in the zoning ordinance. And what I've been doing since February is designing a compliant plan that meets the Village's zoning ordinance for this zoning district; I made a presentation here last month and I've work with all the village departments - water, sewer, fire, Albany County DPW. So the plan here tonight, it's essentially, on the engineering side, I'm 98% complete.

So part of the formal process in a subdivision with your approval is with SEQRA (inaudible) we have to hold a public hearing and that's where you folks get invited and the letters come out if you're within a certain distance. You're able to come, introduce yourselves, and ask any questions that you may have about the project. We address those questions. Once the Public Hearing is closed, my next step as representing the applicant, is to continue to close out the SEQRA phase with the Village Planning Board.

And then ultimately the Board will vote on the action, whether they approve the project or not. If this project gets approved for three lot subdivision, a four lot, we do file some maps with Albany County to make it official. And then when we have the Chairman's signature on the plans, the owner can apply for a building permit with his contractor for site work and do the work and, the home builder. Once that starts, three homes, if he sells the lots, the individual homes will be worked out with the new homeowner of the style, things like that, the actual square footage and the lots will get built. And typically, here in the capital district, new homes can be built anywhere in between six to nine months or so.

So, we're on the last week of June right now. If I finish up here with the Village Board in, say maybe, August, per se, that would allow the applicant to get ready for building permit applications (inaudible) September, October, if he has immediate interest with marketing these lots and somebody local wants to build a new home or somebody from out of the area wants to come in, the a site work activities could begin late fall and home construction could happen this winter. So it's all market dependent, and you can't market a subdivision to new homeowners until it's approved. So as soon as we finish up here locally at the Village Board, Ken Romanski and his realtors can put this out on the market and see who would like to purchase a new home on Bozenkill. That's generally how the process works for all applicants that come in front of the Board.

Rob Spring, 157 Bozenkill Road, asked: for those of us just hearing this for the first time tonight, can you describe where the three lots are going to be on Bozenkill Road? Is there a cross street or something that's nearby?

Mr. Zanghi stated, just so you guys know, cause I travel around the Capital District for my projects, the Village does a great job with the website. And within a week before the meetings, the actual agenda is posted. I heard tonight that as far as getting an official mailing, just like the Chairman expressed, that's for the official Public Hearing. But you guys as taxpayers in the Village could come to any meeting for any applicant and sit in this crowd and hear about the projects. So in terms of, hey, how do we know about this? Why don't we know about this? Really check out the Village website. I use it all the time, to see what projects are before me or after me tonight and to know that my project's been posted. Ginger and Lance do a real good job with keeping that stuff updated, so the information's always there. And if you ever have a question about any project, the Board has phone numbers to call and everything from there. So to get back to your question, where is this, we're familiar with Bozenkill Road; Indian Meadows Path with the one neighbor, you said you're the one house, so you're on one of the corners here I would imagine? You guys know this is a newer subdivision with Indian Meadows Path and has a double cul-de-sac area there and Maple Ave, the main route in the Village, is just right up maybe 500 or 600 feet or so. So we're just west of Maple Avenue. Can you see where your house is on here? Do you know where you are?

Mr. Spring said, we're a little bit further down.

Ms. Spring asked, can I come up and see?

Mr. Spring said we're at 157. So I'm guessing they're building right across the street (inaudible)

Mr. Zanghi said do you recognize the pond?

Ms. Spring said yes, that's my pond. This is my pond.

Mr. Zanghi said this is Westfall.

Ms. Spring said that's an awful big pond. That's not my pond. Westfall's here?

Mr. Spring said, you need an extra finger for this.

Mr. Zanghi said, are you before Westfall or after?

Ms. Spring said before.

(inaudible) Staples Spring property.. Here's the property line right here.

Mr. Zanghi said, so our western property line touches your property line here. So these two homes are existing (inaudible) that's existing. We're going to create three new lots right here and this will remain open. (inaudible)

Mr. Spring said, I do have one question - across the street from where we live, there was a neighbor that altered water coming down the hill. Maybe you've heard.

Board Member Hext said, we've all heard.

It created some issues, but I did have the DEC in my driveway asking questions about it too, less than a year ago. And they're still looking into with the change of the water, has it affected the wetlands and what minerals and what contents are going down in the water. I was just curious, have they been involved at all?

Mr. Zanghi said that would put you on the spot.

Mr. Spring said they showed up in my driveway asking questions, and I was like, okay, I don't really know.

Mr. Zanghi said if the drainage patterns have changed in this area because of some earth work that he's done on his lot and say, for example, in the older existing condition, the water came from south to north and in routed westerly through our lot, through the wetlands, the actual Bozenkill, if he changed the patterns and say 60% of the water comes here now instead of 100% and the other 40% flows more so to the east, that could be something that, not that those percentages, but something was altered. So, um, where I mentioned a few minutes ago, um, if we advanced into phase two later, it's been told to us, we've heard it on several occasions, that the amount of water coming through our site to the Bozenkill has changed. And that's one of the reasons why we would do a new wetland delineation. Say less water came there, some of those soils may have dried up. It may have pulled the line in and there would be less

wetlands. If more water's coming to the site, the line could expand it outward and the wetland delineation could be bigger. There are older maps that show where wetlands were in the past historically. Going into phase two, it would be a full new on the ground wetlands delineation showing that line proved by the Army Corps. Those would be the boundaries we would need to work around if we were going to move forward with a cluster subdivision.

Mr. Spring said so you would work around the latest boundary lines.

Mr. Zanghi said you have to, it's a rule.

Mr. Spring said, so the old boundary lines, which may have been altered because there was some backhoe work to straighten out the flow of that water, which meant that the water flowed more quickly. So the concern is if we're doing a comparison between the old wetland boundary lines and the newer boundary lines, I am expecting that there's going to be some shrinkage only because I know that there's been some dozer work that straightened out the flow of the water, if you will. What that does in essence is it takes the water and it runs a lot smoother, a lot faster, which means it's not seeping out, it's running through and it probably will give more building space. So that's why I come back to, I just want to make sure that all parties that are looking at wetlands, you know, are involved. I appreciate all the work that's being done here. But like I say, if the DEC is coming in and saying, hey, we're going to be checking for minerals, do you mind if we walk through your property? It's like, well yeah. So I just didn't know if you knew. That's all I'm saying.

Chairman Wilford said I'm not sure of the full scope of Mr. Grant from Barton and Loguidice - they're environmental engineers and I don't get every contact that he talks to to find out what (inaudible) would result. His expertise is, so when he came and he tells us this was the wetlands, this was approved for this. I'm not an engineer for that, so I kind of take his word. That's kind of what we have to do. That's the expert. Here's his paperwork, here's this.

Mr. Spring said Okay.

Chairman Wilford said I don't have anything, we didn't send anything out to the DEC to answer that more clear as far as that wasn't done by us. But I feel very confident that the experts that we had look at it have taken all those considerations. It came up at a meeting. Most people are aware of that. People move that land around and it may cause different changes. The applicants are aware because they know that anything that goes on lot four, they classify that as being left alone in this application, which means technically they're not allowed to get even a building permit for lot four yet. All right, they can only get three building permits at this time, the way the application is written and submitted, to my knowledge.

Mr. Spring said Okay.

Chairman Wilford said the minor stuff that we had control over and addressed was wetlands that are on those buildable lots.

Mr. Zanghi said through here only.

Chairman Wilford said that's what we address and we addressed right with the deed to make sure nobody can do with the other person did with the bulldozer ever again.

Board Member Hext said on the third lot.

Chairman Wilford said yes someone can't come back there and deviate all their water over to lot two or to lot four or to somebody else across the street you're saying.

Mr. Spring said right, we're not going to be altering the water (inaudible).

Chairman Wilford said yes. So that's why we've done a little preemptive from even letting that type of mistake happen again.

Mr. Spring said good. So maybe, because I do believe I have the phone number of the individual that did come to want to look at the water samples and things like that. I'll find that. And when we get to phase two, if that ever should happen, you know, we want to make sure that all of that's at least brought to your attention.

Chairman Wilford said let's discuss that term "phase two" for a minute. It's being used quite loosely here.

Mr. Zanghi said this is one.

Chairman Wilford said this is One and the other one would be One B. None of the engineering that we're doing right now counts on the next application. Anything that's going to happen with the future other than what's presented right now has to start from step one and go all the way through. So when we say there's going to be a second phase, the second phase implies that it's part of this phase. It's not. It's an entirely new project, just to be clear on that language. One has nothing to do with the other and one will not be looked at the same. You know what I mean?

Mr. Spring said I absolutely respect what the board is saying.

Chairman Wilford said Okay good.

Mr. Spring said the reason why I'm linking them is water doesn't care and when water flows through and it goes into wetlands, I just want to make sure that all the players that should be made available (inaudible)...

Chairman Wilford said they know that they have to go back to step one and we know that they have to go back to step one to do the application.

Mr. Spring said right, start from scratch because it's a new parcel.

Chairman Wilford said yes, and I just wanted to clarify the way that we're using that.

Mr. Spring said okay.

Board Member Hext said and it has been brought up already at the last meeting I brought up that the last wetland delineation was done in 2004 so it's definitely up for, you know, another look, at some point in time.

Mr. Spring said okay.

Chairman Wilford said, and you're right, and Brad had said that lot four is not on the application for building, so that was not as big of a concern at this time.

Board Member Hext said and lot three is the only one that borders close enough to the wetlands that we had the deed restriction written in that they can't disturb that land.

Chairman Wilford said they can't deviate that land, that water and they can't build within x distance of it.

Mr. Spring said so there's going to be green space going down there.

Chairman Wilford said Martin, can you just point to where I'm saying about the deed right there. The third lot right there

Board Member Hext said well that doesn't show the wetlands though.

Chairman Wilford said the third lot where there's a house in the backyard, the wetlands, they're not supposed to alter them.

Mr. Spring asked what area is not going to be altered?

Chairman Wilford said on the deed restriction on lot three.

Mr. Zanghi said so here's the wetland boundary right here on lot three. We're going to put deed restrictions on that so the person that buys this home cannot cut or excavate soil or fill soil or cut down vegetation in that spot.

Mr. Spring said Okay.

Chairman Wilford said so they can't deviate water on other people's property and they can't eliminate the need for the wetlands that are on that property.

Mr. Spring said so the person buying that parcel realizes that terrain...

Chairman Wilford said that's why we had them put it in the deed.

Board Member Hext said was in a deed restriction.

Chairman Wilford said that's why we had it put in, and then if they buy it and they figured out that they didn't read it all, then they can sell it and then the next person still can't do anything about it.

Mr. Zanghi said right, so it stays on the property.

Mr. Spring said all right. Thank you.

Chairman Wilford said would anyone else like to comment at this time?

Ms. Spring said the federal wetlands, it's my understanding that they've always been protected federal wetlands. I've lived in the village for almost 35 years. We all know that Mr. Shelmerdine probably 10 years ago, came through that property with backhoes and bulldozers and changed the flow of that water. But there were, and there are no repercussions for that behavior, he changed. If this was not a natural flow of a changing of water. He changed the flow of that water and there were no repercussions for that. Last Spring, Steve Simmons came in with a bulldozer and changed the flow of that water. It wasn't a natural change. He changed the flow. There doesn't seem to be any repercussions for that. So when, how do we know, why would any developer not come in and change the flow of protected federal wetlands if there's no repercussions for that? How do these people keep on getting to do this and now we're just saying, well, moving ahead. Well, what about the past behavior? That wasn't a natural change. We've lost protected federal wetlands and the Village has not taken a stance on that.

Chairman Wilford said you should talk to the Village Board about that. They're the ones that decide how they want to have a Code Enforcer enforce those codes and enforce any of those restrictions. So we don't enforce those rules. We try to make sure all the rules are followed. All right. You have a Code Enforcer who is supposed to go and make sure the houses are built the same way, that they've met all the egresses, that they've met all the things that are required. And then if someone breaks them, the Code Enforcer takes its steps to reinforce and punish those individuals. So feel free to talk to the Village Board and the Code Enforcer how they have let that go. We don't do any of that up here, just so you understand how that process works.

Ms. Spring said I understand that you're working on zoning...

Board Member Hukey said you do have a number, Rob said, of someone from ENCON, so you have a number you can call if you ever see anything like that. It's the State that would have to protect the interests there too.

Ms. Spring said right, oh we have, he's asked us to call him and we have.

Board Member Hext said they didn't come before any board, they just did this on their own, correct?

The Board said Correct.

Ms. Spring said they did. They said that from what I understand, they were finding certain high mineral contents in the water.

Board Member Hext said, I'm sorry, these two individuals that went through and altered the land, they just winged that. Right? They just did it on their own.

Ms. Spring said they did it on their own. We notified the Village that it was happening.

Board Member Caruso said but again those are, you got to understand if they're doing this on their own, they never would have come to us to put any kind of restrictions to it. So we don't have any, as Tim said, we have no enforcement of that Meri Beth. It's more you have to would go to the Village Board or to the Code Enforcer (inaudible)

Chairman Wilford (inaudible) That's one of the reasons we've made sure and Martin understood why we wanted a deed restriction to stop someone from doing that. That deed restriction that we've added for an example you're saying to protect the wetlands, that does exactly what you're asking. Now it gives all the power back to the code enforcers in the village. So if someone comes with a bulldozer on a Saturday and levels that all out and someone calls, they can go, it's right here in the deed, you've broken this and then they have to take action. What that is, I have no idea. And what the repercussions are, I have no idea either, but that's all we can do when it comes to that and you're right, I don't believe that people should be driving people's bulldozers around and re-distributing the water. You know, the same thing, like you're not supposed to have your sump pump go on to other people's property. There's all kinds of that I agree with. But unless the code has something like a special use permit or something that a code enforcer can use to enforce a zoning law that we have on the books, that makes it very difficult. And like Steve said, they haven't come forward. And as far as making sure this developer follows the rules, they have to follow all the rules that are put forth now. Then when they start their build, they'll have to have a building permit for each one of those three lots that's allowed to be billable at this time, not the fourth lot because there is no engineering about water, so they're not building there, that's an empty lot. They can't get one unless they come back here to have that engineering done. Even if they want one house back there, they have to come here, show us the engineering and then we can approve it to be a buildable lot. Okay. Those are the steps that we use to protect it. As far as enforcing it, we've argued this a thousand times on this board that there's a lot of stuff that we do that we don't have the ability to enforce. Those are other departments that do that.

Board Member Hukey said now the construction is just on those three lots. No construction or soil disturbed on the fourth lot at all.

Ms. Spring said and the fourth lot is?

Board Member Hukey said like 20 some acres. (inaudible)

Mr. Zanghi said I think in an effort to stay on track for us tonight, just know that there's no proposed wetland disturbances for the project you're here for tonight and that's what's most important.

Chairman Wilford said that's why we're trying to say - they can't build on that big lot back there right now. [inaudible]

Ms. Spring said we realize that, but everybody in this room has already been here before because we all know that this is just the beginning. We can call it the non-phase two all we want. But we all know that this is just the beginning, and so as homeowners we need to look forward. We can call it non phase two all we want, but we all still need to look forward to after these three houses get built, they get sold, the builder has more money. We all know where this is going.

Chairman Wilford said Okay, there's nothing wrong with understanding that. And they've been pretty honest about that potential of what they want to do and all we're just saying is your concerns of the wetlands are very valid and your concerns of them moving wetlands onto your property is a valid concern. And what we're saying is there's nothing in this project tonight that does have wetlands being built on. All the wetlands that are in this project are protected or a non-buildable lot. So at this moment that's not allowed anywhere. They can't go back there and just drive around with a bulldozer with the 22 acres and then say, hey, now I'm ready to have someone come in; we don't have any wetlands. They know that that's part of that. That's not a buildable lot. So what I don't know if I'm really poorly wording things, which I do often, I'm just trying to reassure you that we've looked at the wetlands, we care about the wetlands and they are not allowed to touch the wetlands in this application. When we get to the next possible potential that you have a right to be concerned about and be informed about, we'll again have to have more engineering. You'll have more questions. We'll have a lot more questions. So that's where the wetlands stand tonight. Did anyone have any questions about wetlands anymore?

Chairman Wilford said please come to the mic and state your name.

Darwin Rosa from 115 Bozenkill. As I understand it, the three lots are really pretty wet as they are year round. They may not be wetlands, in terms of a lot of characteristics, but they're pretty wet. So to build on them will require a little bit of drainage or maybe some (inaudible) drainage so that it will be firm enough to build on. Now I understand this number three lot will have a wetland toward the back, it's kind of like the collection.

Chairman Wilford said it's not supposed to be a collection, it's supposed to be what's already existing. There's supposed to not be any deviant thing, or deviation that would move into a collection pool. They're all supposed to stay natural and we don't want what's on three touched or removed in any way.

Mr. Rosa said that was essentially my question. Thank you. I think you answered that properly, but I'm just wondering, for any loss of wetland, will that be compensated in some way or mitigated? I know it's not 12.4 acres under the state law...

Chairman Wilford said in this application, yes, there is zero loss of wetlands at this time.

Mr. Rosa said so there is zero.

Chairman Wilford said there a zero loss of wetlands in this application at this time?

Mr. Rosa said so that the value of wetlands of the properties that will remain wet, it will still have those qualities that value, right.

Chairman Wilford said the one that still has wetlands in it, it's not allowed to change it ever. Even after they're done building, 30 years from now, they sell the house, they are done here in the village. It's going to stay on the deed. Whoever they sell it to, they're not supposed to move them. I'm not the enforcer and I don't know what happens if they do, but we've put that step in place where they're not supposed to touch any wetlands.

Mr. Rosa said okay. All right. Thank you.

Chairman Wilford said does anyone else have a public comment in regards to the four lot subdivision? Okay, so it's up to you guys if you want to keep the public hearing open for a little bit longer. We do want to still discuss the sidewalks among ourselves and we should be putting that to a vote. From what I've understood, the sidewalks are wanted by...

Board Member Hext asked if we need to close the public hearing before...

Chairman Wilford said we don't have to, we need to close it before we would vote on anything else. But they can stay open in case they have a question, but we just have to stop and let them come back up. Okay. Just because the public hearing's open doesn't mean they can come up, so we can discuss our sidewalks. So we're just going to go over what we discussed.

Board Secretary Hannah asked are we going to read the letter about that into the record?

Chairman Wilford asked of the person who had a public comment? Yes. I'm sorry. Let me see if I can pull that up. I did have one letter that was from a neighbor. I'm just going to hit the highlights of because this individual and their concerns. This is from Philip and Roberta Hans at 145 Bozenkill Road. So they express similar concerns that we've heard tonight. What's going to happen with the 22.45 acres remaining? We've discussed in this application, absolutely nothing. If something is going to have to happen, they'd have to do all the engineering for that and they would be showing it. We'd have concept hearings, we should even have a pre-application concept. And then eventually public hearings, if they move forward with that. So you would hear a lot more about that. They have expressed, so we should add this on record, they've expressed the discouragement of people speeding at very high speeds on Bozenkill Road going over 40 miles an hour. Applicants who apply to have subdivisions built and they meet all the Department of Public Works and the city...

Board Member Hext said the police department

Chairman Wilford said, yes, the police department. The road isn't the problem. The people are the problem, that are driving. Okay. So you can't, you know, just cause they're adding three houses isn't what's causing people to speed on that road. But we'll add that. So maybe the police can take a closer look at that problem for them. Okay, so the sewage and filtration plant, to my knowledge, we all have our sewer and filter plant that does all of our waters and from what we've understood from Jeff Moller is the amount of homes here and many more are okay. The only expressed concern is that at some point I believe the fire department and water department are going to have a conversation about the concerns of water and that's just capacity. But this project doesn't even come close to any concerns for either one of them at this time, being the three houses. So they're concerned about the extra stress on our sewer and water, but all the village departments have chimed in and said that isn't a concern at this time, with this project rather. So that's mainly what Phil and Roberta who are unable to attend this meeting. Those that are neighbors and friends with them, please keep them posted, if there is another project moving forward on the lot, that seems to be their larger concern.

Board Member Rue said since they sent that letter to you for public comment, is it inappropriate that we hear their entire letter? I'd like to hear what they...

Chairman Wilford said okay, their letter is in public record, and it's always available at the office at any time, but go ahead and read it John.

Board Member Hukey read, "We are the Hans family (Phil and Roberta) who reside at 145 Bozenkill Road and wish to voice our concerns regarding the above request from VAMR Development LLC to build next to our home. Our concerns are as follows: 1. Your letter states a four lot subdivision but the plan only shows three; where is the fourth lot? What is going on with Lot four? There isn't any mention of it. 2. There will be 22.45 acres remaining and we're questioning why there is no explanation for this acreage. We are concerned that VAMR will build an additional 30+ lots making it a development which we do not want. 3. An access road will have to be built for these houses and we're concerned about more traffic and much worse if they build on the remaining land. There will be in excess of probably 75 vehicles or more traveling on Bozenkill Road which will make it hazardous because the speed limit is 30 and the people who travel it now go 40 miles per hour and even faster. The possibility of accidents might happen especially in the winter months. In our opinion, a speed monitor should be set up before anything is built. 4. Lastly, we are concerned about the amount of water and sewage going into the filtration plant that was just repaired or replaced that we are paying for every six months. We have resided here for 20 years and have no plans to move, but if this project happens we might reconsider. We hope you will take our concerns in consideration when the Planning Board meets on Monday, June 24th at 7:00 p.m. Sincerely, Philip J. Hans Jr. and Roberta L. Hans

Chairman Wilford said so we last left off where we were discussing sidewalks. It was pretty clear that the board generally agreed with the fact that our comprehensive plan and our zoning laws clearly state new subdivisions have sidewalks. Right, Connie?

Board Member Rue said yep.

Chairman Wilford said okay, so after talking to you and Mr. Brant during this conversation, there was the idea that could they fit, could they not fit? And I think after Jeff Moller had chimed in from the Department of Waterworks and he also wants sidewalks. I believe you've found a way, but there's engineering obstacles. Is this still correct?

Mr. Zanghi said yes, I'll clue you guys in. I did a lot of homework since the last meeting, a lot of coordination, to get to this point before you. So, essentially what we needed to do was work with the TBE, Barton and Loguidice, and those departments, as well as Albany County DPW to find out where could the sidewalks fit? The county has jurisdiction, it's Albany County Route 253. So Jim Merkel, I had conversations with him for any sidewalks designed anywhere in Albany County, what are the rules. Essentially, the biggest rule is that there needs to be a safe zone to the edge of pavement to the leading edge of the sidewalk to protect pedestrians from using the sidewalk. Albany County is following the state DOT rules on that. And the rules are essentially one meter or rounded up to 40 inches. So criteria for me as the designer is that no part of the sidewalk could be any less than 40 inches from the existing edge of pavement out on Bozenkill Road. So with that, Brad and I worked together on where does it make sense to put the sidewalk with the existing utility poles out there, meeting Albany County regs, the sanitary sewer out there with manholes, all of those restrictions that are there. So what I've highlighted in yellow is from the western property line to the eastern property line, full length, edge to edge. And the sidewalk itself is about a foot off plus or minus from the property line. And it runs, if I just start from the west and work east, we have this jog, this offset, to clear the power pole that's out there

Chairman Wilford said they utility pole?

Mr. Zanghi said right, so that we don't affect that. There's some road signs that Albany County has up that will be in the way, but they could merely just be relocated adjacent to the sidewalk, not a big deal at all, just remove and replace or re-install. And one other location was up in this area here, where the other power pole was, and we did a similar offset type configuration. So with that, the drainage had to change in this corner; the existing 24 inch pipe that comes across the road has got a deep ditch. And to have the sidewalk up high, we can't have steep slopes or people could fall in there and get hurt. So we had to fill the ditch in, put a catch basin there so it's nice and smooth, get rid of all those steep areas for pedestrian safety. So the drainage design changed in this zone here. So now it's a very clean design with lawns grading away from the new home going right out, it would be small swell ditch that we're going to have into catch basins. That steep ditch that's out there now will be gone. So the three new homeowners will have nice flat lawns right out to the edge of Bozenkill Road. And the water that comes from the south to the north across the street is now in this piping network, still comes between lots two and three, flows right back into the wetlands, the same existing drainage conditions that's always had. So some ideas that came up at last meeting were some municipalities may say can you provide funds and we'll just continue sidewalks in the area that has sidewalks. The Board said that they don't like that policy, that the applicant should be paying for sidewalks on his property and not somewhere else within the Village limits. So that is still an option for you guys to consider. Second was build it now, leave the sidewalks out there and wait for the Village to secure funding through grant programs to pick up the last spot of sidewalks left on Maple and bring it north and turn west and make the connection to here straight down Bozenkill. And third option was design it, have it permitted, have it on the plans so that it can't be ignored or not built later as part of the approval, wait on building it, get an estimate from the Village on the cost of what that

300 linear foot would be, make that payment to the Village, the Village would hold that on our behalf in an escrow to earn interest so that when the time comes, whether it's two years from now or 12 years from now, the rest of those sidewalks that come, the Village has the money to come and install our 300 feet of sidewalks. It was on the plans, the homeowners knew about, it's no surprises, and then they continue further down Bozenkill Road to the west. Our applicant and owner has got serious concerns about putting the sidewalks in now with no, they don't lead to anything. I think he feels it's a safety issue. So do I, as an engineer you just have Bozenkill Road with no sidewalks and then all of a sudden a section of sidewalks over here, you go on 300 feet and then you have to come off. It doesn't make sense to us to do that now. I think we're more so in favor of either helping build our 300 feet added onto the last section on Maple Hill - be volunteering for that if that was of interest to the Board, or going the escrow route. It just doesn't feel right to put those out there now with no sidewalks before and after and just leave it there. It could confuse somebody, could lead to an injury, things like that. It's the least desirable of the three options. But just to recap, the design is there, a contractor could build the sidewalks per this plan at any point in the future. That was the task of the Village Board back to me, was to bring a plan tonight that a fully engineered sidewalk that could work at any point for installation and that's what's on the plans tonight.

Chairman Wilford said all the obstacles that you talked about are below ground or are moving something out of the way or you going around it - all of the obstacles that are below ground or grading are done now though, right?

Mr. Zanghi said yes, so if...

Chairman Wilford said because the cost of putting in a sidewalk the way you're describing is one number. Providing the engineering of the grading and everything and adding the sidewalks is a big different number.

Mr. Zanghi said so what we would do is if the sidewalks were to be delayed, if that was the option, the entire area would be built as if sidewalks were going there. So say two years from now or five years from now, a contractor would come in and excavate. Most sidewalks are four inches thick with about a six inch base, so call it 10 inches. Cut that 10 inches of top soil along that alignment, put the concrete forms in, pour it, brush it, groom it and they would be there. So there's no steep ditches left. There's nothing that, to answer your question (inaudible)...

Chairman Wilford said all that is done.

Mr. Zanghi said it's all done now.

Chairman Wilford said that's what I mean, it's all done now.

Mr. Zanghi said yep.

Board Member Hukey said one more point, whoever develops the back lot, if it ever happens, they could build the sidewalks to where it ends on Sunset Drive so that your concern wouldn't be (inaudible).

Mr. Zanghi said our property lines would only allow (inaudible). So if phase two comes and the cluster subdivision is built there, the only access we have back to Bozenkill when our frontage is on these two locations here. So if I were to bring a new town road in here, you know, maybe do a cul-de-sac or two, those sidewalks, can only come back out to there and they would just connect to that 300 feet. There's still that very long gap of missing sidewalks. I forget the name of the road. We have it in one of the emails

Board Member Hext said Maple Avenue.

Chairman Wilford said Maple Avenue to Sunset Drive.

Mr. Zanghi said to that point. So looking at this map, the 300 feet that we're required to build, one of the options would be to, if you wanted us to build another 300 up there so that it could be used immediately by Village residents, the area is graded for those sidewalks and built now. So if the Village were to get this future grant, we paid for our 300 there, but say through a small towns type grant program, we're able to get 2000 feet of new sidewalk in, they would have to be engineered by another firm to get to that point. But when they get to here, it's already been engineered and it could continue to wherever or at that point, if we had phase two built, we would have a design to that terminus point as well.

Chairman Wilford said so the Board, we can discuss, like I said, there's basic options there and they're pretty simple. You can vote to have the sidewalks be put in now with the project, you can vote to have an escrow set up for the sidewalks with the definitive language that makes it only go in front of that parcel when the future comes. Or you're basically taking an escrow that they can use anywhere in the Village that they want. Just so you know that, I don't believe that you get to pick where the 300 would go.

Mr. Zanghi said we wouldn't care.

Chairman Wilford said, just saying, I know you're using it as an example, I'm just making sure that...

Mr. Zanghi said well common sense might say, Hey, can you pick up from the last point on Maple?

Chairman Wilford said yeah, right, Common Sense, that word. So in essence you guys can discuss what you guys all feel about should they be done now or you should have an escrow and if you're doing an escrow, Mr. Whalen mentioned last meeting and I don't know if you saw it, I'm not sure of this, but apparently there's language that states the Village can use that money that we've designated for this project and use it elsewhere in the Village, which was what Martin is also referring to, that you kind of have both things. So basically the money can be taken and never used there, which is my least favorite option. I feel like if you're paying for it, that it should go in front of those homes. But that's just my mindset; as far as the way the, I don't like the language of the escrow set up. If I set up an escrow, it should go to a specific project, in my opinion. I don't know that I can control that, the way that the rules are written. So the Village could steal the escrow money apparently.

Board Member Hext said well, I mean I feel that it needs to be built now. I don't want to make the same mistake or what I can see as a mistake that the Town Board made because we would have a sidewalk along all of Bozenkill had they made the developer do what the Town code requires, that new homes

should have a sidewalk. So for me, I say put the sidewalk in now. It may look like it's going to nowhere, but it's 300 feet of safety is the way I see it. And me, I walk along and run along that road every day. And if I had an extra 300 feet where I could be on a sidewalk, I'd welcome it.

Mr. Zanghi said so just based, cause I know your opinion from last meeting, if you yourself were to be in this area just so that you know, if you're here on your bike or walking, you would have to walk through grass or snow or whatever to get to the sidewalk that the village needs to be maintaining, meaning shoveling, sweeping the sand off, whatever the case may be, you would get to this point and now you have to safely walk back out to the street.

Board Member Hext said you're walking on the road one way or another. That road would probably be maintained. I don't think (inaudible) grass or snow.

Chairman Wilford said we did (inaudible) get information. Jeff Moller would prefer the sidewalks now so that's added into that. So referring to the maintenance or those things, that's not, that's their job. So if he says it's okay. I do, I see both sides. I really do. I see where the sidewalk sits and it sits in the middle of nowhere. But I really agree with Deb on the simple fact that if you don't do it now, we sit back too often and it never gets done and it's a tough call.

Mr. Zanghi said so the one last thing I want to say on the construction side of it is that I follow you and just so that it's very clear to the Board and it's on record that we're building from point A to point B.

Chairman Wilford said Yup.

Mr. Zanghi said there's more ditches in here. So I'm just saying, so that everybody's clear,

that it's not perfect, where I have this fresh five foot sidewalk and then I just go three steps and I'm on back on Bozenkill Road and it's great. That is not going to happen. There will still be a ditch there and reasons to trip and everything else, so everybody's clear. That's not what that is. So, just want everybody to be safe. That's all. Cause if the Planning Board approves this and somebody gets hurt there and lawyers get involved, we just don't want to, you know, the Planning Board can say well, you know, they wanted it right. You know, it wasn't connected to nothing. It just can be third party type stuff. So I just want everybody to know it's not smooth transitions. It's not like down in the village the lawns are flat. Right. You know, like the last piece of sidewalk on Sunset, if you step off of that, you're on the next neighbors grass lawn and it's flat and you could walk his grass and it's just a nice area. Bozenkill, it's not that way.

Board Member Hext said there's a ditch all along Maple Avenue. You don't walk, you step off the sidewalk and there's a ditch. It's the same thing. There's a deep ditch all along Maple, and I'd rather have 300 feet of safety than nothing.

Chairman Wilford said, so like I was saying, you guys as a Board can decide which motion or type of motion you want.

Board Member Hukey said I'm waiting for Deb to make a motion.

Chairman Wilford said okay well I also haven't heard everyone's opinion either. Connie?

Board Member Connie said I see both sides, but it seems like there's an awful lot of effort that already has to go into engineering to make way for sidewalks with all the changes that you have to do for the drainage, etc. Why not just go ahead and finish it off and put the sidewalks in and not wait? I'd be concerned about that money.

Chairman Wilford said, John that waiting for Deb [inaudible] idea.

Board Member Hukey said well she doesn't make a motion. No, like the last time, I agree to get that done now.

Board Liaison Whalen said point of order, you specifically left the public hearing open.

Chairman Wilford said, yeah, I know.

Board Liaison Whalen said, I was just before you make a policy decision, we need to close with the moment.

Board Member Hukey asked what's he saying?

Chairman Whalen said he would prefer that we close the Public Hearing (inaudible) before we vote.

Board Member Hext said (inaudible) no he said let the public comment on this new information.

Chairman Wilford said yeah, we can. I'm trying to, I haven't even discussed with the Board more than three minutes on what their opinions are without someone wanting to know more.

Board Liaison Whalen said I'm not saying cut off discussion on the Board, I'm suggesting that you shouldn't be making a motion in order to allow the public to comment on the sidewalks.

Chairman Wilford said yes, they can comment on the sidewalks. That's why we left it open. Yes. So you have a similar thought as to do it now. Okay. And you, Steve?

Board Member Caruso said from the person who lives out on that road and sees how many people walk and ride their bikes and go the way it is as well as Maple Ave. Extension, my thought process is instead of putting it on Bozenkill would be to put it on Maple Avenue Extension and extend it from Sunset and have them put 300 feet down there so that eventually it's all going to be connected somewhere along the line. They need to put a sidewalk someplace. I just look at it and I say to myself, I know, I know where I live. Most of the people that come by our house turn into the development across the street, walk around that and come back. They don't go down towards the Spring's house, which is where the majority of this sidewalk is going to be. So I would rather see them put it in a more useful spot that affects more people. So that's my opinion. But if the Board feels that that's the best place out there, then okay.

Chairman Wilford said so we still have mixed opinions on all of that, alright. That's kind of where we're at. So let's listen to what the public has to say and then you guys can decide what motion, if any, you'd like to me about the sidewalks cause that has to be...

Board Member Rue said I like Steve's point.

Chairman Wilford said okay, at this time if we'd like to continue with the comments. You can continue to comment on the entire application, but obviously we're discussing sidewalks at this time. So, go ahead.

Ms. Spring said I'm glad you pointed out that this is still open for public comment because for this entire presentation we couldn't see what you were talking about. So if it's open for public comment, we have to be able to see the material. So could you turn it toward us and kind of show us what you were talking about?

Mr. Zanghi said yep, sidewalks are in yellow.

Ms. Spring said (inaudible) and can you show us phase two too, that you showed where you were talking about other possibilities?

[inaudible] [inaudible]

Board Member Hext said, she just wants you to show where you said you know that you can come out toward the cul de sac. I understand what she's saying.

Mr. Zanghi said the two pieces of frontage that I have are here, so if I bring a town road in later, any sidewalks to phase two in the back would have to follow the town road out. So it would be in one of two locations.

Ms. Spring asked the sidewalk would be in one of two locations?

Mr. Zanghi said based on where I put the town road.

Ms. Spring said I guess I'm a little confused, Steve, because I thought these houses were more down toward you, but you're saying the sidewalk would be more toward me.

Board Member Caruso said well, there's 300 feet of sidewalk. I mean it's depending upon looking at where it's going to start and stop.

Ms. Spring said right.

Board Member Caruso said In terms of the distance it's going to probably be more towards where I live.

Ms. Spring said the sidewalk.

Board Member Caruso said correct. That's all we're really dealing with...

Ms. Spring said ...that's where the houses are going to be

Board Member Caruso said correct.

Ms. Spring said right, okay (inaudible) ...

Board Member Caruso said no I know what I was saying was most people don't walk down towards your house, they stop, and they go over into the development.

Board Member Hext said so the sidewalk though could lead them into the development. They would just have to crossover.

Board Member Caruso said Yeah. Cause it's going to be on the opposite side of the street anyway.

Chairman Wilford asked does anyone else have any questions or comments at this time?

Mr. DiVietro said the sidewalks are a big issue for me cause you guys see me walk every day with the dogs and the last development, Troy could tell you, I thought we were going to have sidewalks on Bozenkill Road. It didn't happen. So the county came in and they gave us this little walkway about this big in some areas, you know, two or three feet in other areas. I thought we were promised sidewalks, but in the middle of all of that, it went from Guilderland to Altamont. So all the sidewalks...

Board Member Hext said the road is not Altamont.

Mr. DiVietro said right, that's still Guilderland.

Board Member Hext said so that one, yes.

Mr. DiVietro said so that all disappeared. So now you've got this sidewalk thing going. Now I like his plan. If we could take that money and put it on a Maple Avenue Extension there, cause we need that. It's really dangerous there because you know Indian Meadows, that whole area, there's no place to even get out there. You walk out and there's a drainage ditch here and in then a road here, so that's all dangerous all the way around there. So if that's a good option, you could take that money and put it on Maple Avenue Extension, if that's where it's going to go. That would be perfect for me because that way there we can extend that sidewalk on Maple Avenue. Like he's saying, nobody really walks down that area. If that money will go to that, that would have to be in writing, I would guess, right? What you're saying is the Village could take the money and just do whatever they want?

Chairman Wilford said that was the way I had it expressed to me.

Board Member Caruso said if we were to put it into an escrow account for them to determine at a future time. The way I see it is, is that we have the right, we could tell them this is what we want to have done

now, while they're doing the development.

Mr. DiVietro said okay.

Board Member Caruso said so it wouldn't go into...

Mr. DiVietro said that would be the plan I would go with, because that goes somewhere, that doesn't, but I don't want that money to disappear either, you know?

Board Member Hext said so 300 feet, we're talking probably three more houses on Maple Avenue Extension.

Mr. DiVietro said so where's that going to go? From there, it would have to go to (inaudible) house and then his house and then down that way. So that's my stance on it.

Board Member Hext said thanks, Phil.

Hi Troy Miller, 87 Bozenkill Road. I'm with Steve on this. I think everyone would be in agreement that if the Village had money allocated for sidewalks period, they would connect it to an existing one, they would never throw it anywhere where it's not connected. So if you have that opportunity, I'm confused why there's even really a question. If we had sidewalk money you could do 300 feet, you would never do it where it isn't connected to a sidewalk.

Chairman Wilford said they do it in Guilderland all the time and...

Mr. Miller said yeah, but we're not Guilderland.

Chairman Wilford said well we are, and that's how you got away with not having sidewalks on Bozenkill because of that. So wait, when you say you don't see why, it's very clear in the book, Troy, that it's saying that you're supposed to do it with each new development. And the reason they make them do that is because that's the only way they can hold them accountable. We're trying to find the best way to make everyone feel like, yes, they're being held accountable for the rules of the sidewalks. Yeah. And what is the best? There are engineering concerns that we all have, but there's also a lack of belief that it's going to go to the right spot half the time, just like we all have. So I don't think it's a problem that we're against or thinking someone doesn't want the sidewalk or doesn't want it in the middle of nowhere. I don't want a sidewalk in the middle of nowhere, but what I don't want to see is no sidewalk put there and then eventually we try to connect what could be a subdivision behind all of this and there's no sidewalks to bring that to the Village, which is what's clearly stated in the comprehensive plan. So I'm just saying no one's being against it. It's just there's two ways of looking at it. Let's be fair to that mindset.

Mr. Miller said well, we have the opportunity. We're not Guilderland in that we get to make our own rules. If you have the ability, which I believe you do, to allocate a per foot price for sidewalks, all I'm saying is no one here would ever do it any other thing other than connecting it to an existing one.

Board Member Hext said however that's County, that's a County road, Maple Avenue Extension...

Mr. Miller said right?

Board Member Hext said we can't just go, we, the Village, can't just go in and put a sidewalk in there. What we've already explored, like Martin was saying is he's already discussed it. Jeff is already discussed it. Lance has already discussed it with the county, putting it in front of the new homes. Now I'm not saying that I wouldn't go with that plan. However, I just, it's going to get delayed, that's for sure, because that's got to be brought before Albany County cause that's a county road. I don't know the feasibility of that. Like, like we said, there's a huge ditch along there as well, um...

Mr. Miller said well what I'm told, unless I misunderstood you, is the feasibility and all the engineering would already be approved with the subdivision, right?

(inaudible) three lots.

Mr. Miller said, well that's what you're referring to, right?

Board Member Hext said no I'm referring to adding to the one from Sunset down Maple.

Mr. Miller said gotcha.

Board Member Hext said that has not been engineered. That has not been discussed. So then we're up in the air again. What do we do? I don't know. I don't know where to go with that...

Mr. Miller said well, again, that's talking specifically about that location. I'm sure there's other locations where that wouldn't be involved, right? I mean, like you said, it's not specific to that one spot.

Chairman Wilford said I don't believe that you're going to be able to say, here's 300 feet and then we get to pick any... The only place that we can even remotely pick where it goes is either here or to the Village bank, to my knowledge, where they decide where it goes, the Village sidewalk bank, if you will.

Mr. Miller said right.

Chairman Wilford said so I don't think we get to pick.

Mr. Miller said okay.

Board Member Caruso said well if that's the case, then obviously my suggestion is completely out there.

Board Member Hext said I don't think...

Chairman Wilford said I'm not saying I'm right. I just don't believe that that's how that works. They get a grant to do a certain distance and then they do it and I don't know that all of a sudden they're going to be

able to say, all right, well we're allotting this now for like you're saying, it's valid point. It's an unengineered three other homes on Maple Avenue Extension. We don't know anything about it. Not that all that can't be done. I'm just saying, I don't really think you can escrow directly to someone else's house, right in front of their house...

Board Member Caruso said that's why, the point I was getting to, I wasn't talking about using the term escrow. I want them to build it now instead of building...

Chairman Wilford said, no I got it...

Board Member Caruso said and I'm sensing that that's what you're saying you guys would be willing to do.

Mr. Zanghi said so if Jeff had said you know, we've built sidewalks in the last three years. They average \$100 a foot and you give us a hundred times 300 and here's the check, it would make sense that we're out of it and you know, you guys in that \$100 per foot get it permitted or whatever you do to build it and this a successful project for everybody. I wouldn't go start surveying and designing those three, four houses. I mean, that's not part of my application, but if it's known that \$100 per foot in this Village by local contractors who've done work recently builds sidewalks and you say, hey, the fee is this and it's part of the subdivision approval, the applicant, you know, is fine doing that. And the reason why is because he still feels it's a safety hazard in front of his three new lots because they don't lead to anywhere, obviously. So to him, a better use of his money and the less risk for pedestrian accidents per se is back in the Maple Avenue zone.

Chairman Wilford said does anyone else have any questions at this time while the public hearing is still open? Okay. Do you guys want to make a motion to close Public Hearing?

Board Member Caruso made a motion to close the Public Hearing. Board Member Hukey seconded. All in favor.

Chairman Wilford said like I said before, I just feel that they have to pay for x square footage of the sidewalk. I do see why you wouldn't want them in say this location at this time. I do see that. And I do think that as far as math works out, that they're going to turn around and ask for grants that go to the village. Even if they don't put it on Maple Avenue or wherever they've put it, they've paid for 300 feet. That's 300 feet we didn't have to get a grant for, or we had to pay somewhere else. They've paid for their frontage basically. Where it's used, I don't know that. Now we can try and write the escrow to more specific use, but I still think you're labeling it a sidewalk, you...

Board Member Hext said but I thought we weren't going to do the escrow, we were just going to say, you need to build this now.

Chairman Wilford said I'm talking about two options, okay? So the escrow option would be that you have to keep in mind that, I'm going under the premise that we have no control over where that 300 would go

and it may not happen in year one, it may not happen whenever. They may wait until they get a grant in the Village to do more sidewalks and incorporate that escrow. Okay, we really don't decide that part. Okay. Or you guys can vote to have them put where they are now, with the consideration of what has been expressed by residents and the engineer's concerns too. So I see both sides to the conversation and I see why engineer-wise that it's safe. And I see why sometimes people want to put it in right now and you'll deal with all of that later. Now Jeff Moller expressed his concern with the sidewalks, but his biggest concern was that if there's a subdivision behind there, that should all have sidewalks and a place for them to eventually come to the Village, the way he was talking. So he's thinking that it would connect to that on one end and then eventually keep going. That was his thought process. Standing alone, I don't know that that was the same thought process. So you can still say if we're doing another thing that's another conversation. We can talk about what we'd want in [inaudible] subdivision. But right now in this spot, you guys can make a motion to vote on which one or one of them and we can plan for it. You can do a preliminary vote again to see where we're going and then decide which way you want to word your motion. Does that make sense?

Board Member Caruso said I want to make sure I understand this. So you're, you're basically saying the two options, either he builds where we're talking about right now or taking the money and putting it into an escrow. That wasn't really what I was saying. I would say the third part was instead of having them build and instead of giving us escrow, they go down and build 300 feet of sidewalk from Sunset now. I don't know if we have the right to do that. I have...

Chairman Wilford said well that's what we were saying before. He doesn't have any engineering on that. So we'd have to have the entire phase go back to square one. I don't think that they said that's going to work that way, that's all. I don't think you're going to have them engineer and pay to have them put in x feet cause then they're going to argue, well you left 10 feet off of this guy's property line or you know what I mean? Like if the conversation doesn't end because it's a different parcel. Here, we know where it starts and we know where that end. But we have to let someone else pick where it goes. And then if we're not using this subdivision from our markers, we don't know what the best choice is, cause I don't know what the best choice is of the Village's Vision and how they get their sidewalk.

Board Member Hukey (?) cause they could say they may want to put it someplace else.

Chairman Wilford said they may say no we want the 300 feet to go here cause we just got a grant to do 800 here and this is happens to be 1100, I don't know. So I don't think you have control over that situation as much as..

Board Member Hukey (?) said Gotcha.

Chairman Wilford said that's, that's just my opinion.

Mr. Zanghi said the way it would work for us, you know generally would be, it'd be like a mitigation fee. So in other words so say it was \$100 a foot, you would say as part of the subdivision approval you owe \$30,000. The applicant would write the check to the Village and from that point forward, the Village Trustees and departments manage that money and hopefully build sidewalks with it.

Chairman Wilford said and they can say, we just got a grant for this, and then say let's use this and extend that even further. That's how I'm saying, I don't know that we get to the (inaudible) that money. The point is they still had to shell out extra square feet of sidewalk. The Village doesn't have to get a grant for it, doesn't have to pay for it. But the controlling of the escrow, I don't know that you're going to be able to pull that off, the way I understand it.

Board Member Rue said and your concern from Dean's comments was that even that escrow money might not even be used for sidewalks, it could potentially be used for something else.

Board Liaison Whalen said one of the points that we might want to have made is having in the hopper \$30,000 for talking purposes towards sidewalks makes it easier to apply and get grants (inaudible) if you already have that pool of money already designated, which I think you could do, for sidewalks specifically, which would then reinforce maybe getting grants of matching \$30,000. Then we have \$60,000 to work with for what's really needed (inaudible).

Board Liaison Whalen said one of the points that we might want to have made is having in the hopper \$30,000 for talking purposes towards sidewalks makes it easier to apply and get grants (inaudible) if you already have that pool of money already designated, which I think you could do, for sidewalks specifically, which would then reinforce maybe getting grants of matching \$30,000. Then we have \$60,000 to work with for what's really needed (inaudible)

Chairman Whalen said we don't control where that goes, it's important that we understand that.

Board Member Caruso said no, but I guess my question is, that as Dean said, is that it would need to be addressed to our lawyer is can it be written to the point for escrow that it's specifically only used for that? Because if it's not, then I would be opposed to doing an escrow.

Chairman Wilford said that it can only be used for sidewalks?

Board Member Caruso said yeah.

Chairman Wilford said I believe that that is allowed. I don't believe they're allowed to use it for...

Board Member Hext said a specific site.

Discussion continued on the escrow. Liaison Whalen mentioned about a keyholes fund, where in the past money was donated to the Village and very specifically set aside for parks. It was a line item in the budget that was only for things to be done in the parks, or additional acquisitions for parks. And that they can't take that money and use it anywhere else without a public hearing. It was clarified by Chairman Wilford that he felt that you can designate the escrow to be used for sidewalks, but that he did not know if you could define the location of the sidewalks.

Chairman Wilford said so we're deciding whether they put them in with this project now or they pay the

escrow to go there. That's what we have to settle on the sidewalks and then we can continue to move forward.

Board Member Hukey said and you're talking about the sidewalk, so it would include all of sub-grade, the piping and everything ready just to place the concrete.

Chairman Wilford said well that's what I asked before. So Martin says all the underground, all the things that have to be done above or underground, any culverts, any drainage, all done now. They're dealt with now.

Board Member Hext said what about wherever this 300 foot is going to be used in the future, but that's got to be included - the engineering, the culverts, you know, that all has to be factored into x amount of dollars, right?

Chairman Wilford said that's what I'm saying, they've already done it for their 300?

Board Member Caruso said so what they're doing is they're giving us \$30,000 and part of that \$30,000 would be spent for engineering. It's not going to be specifically used for just laying concrete or whatever. So.

Board Member Hext said right. That's what I'm saying. So that would have to be a consideration in my opinion, that you would also have to factor in the cost of engineering, you know, doing whatever they need to do. If they put it on Maple, they're going to have to, don't go through those ditches and cover all those up. So that would have to be part of the cost, in my opinion.

Chairman Wilford said so you'd want on an escrow set up with an estimate to cover all construction and engineering of 300 feet of sidewalk, is that the language? So if that were the language of the escrow, would you be willing to do an escrow or do we feel the majority of us still want the sidewalks put in on the lots?

Discussion continued about the sidewalks and a possible escrow. Board Member Hukey said that they should build sidewalks for 20, 30 houses or whatever are there, from that development to Sunset Drive. So putting the sidewalks in now is just part of the getting it to Sunset Drive.

Board Member Hext said technically we can't force them to build a sidewalk all the way to Sunset. But, I hear what you're saying. I guess hearing what everyone has to say and certainly, you know, Phil, I know he walks, I mean our dogs are best buddies. Hearing the opinion of people that are walkers, people that live there, I would be willing to say, all right, let's put it into escrow to be used for the sidewalks, but I would definitely want the verbiage to say it covers all costs, engineering, grading the cost of the sidewalk, you know, the man hours or person hours, whatever it may be to do that, and not just 300 feet of sidewalk.

Mr. Zanghi said so when Jeff comes up with a per linear foot cost, that's the furnish and install.

Chairman Wilford said which would cover all of these categories that she's talking about and that's all she wants to make sure. And that's what I'm saying, cause they're going to get estimates that would cover all of the engineering, construction costs, your costs, excavators cost. He said that we would ask Jeff Moller to get estimates on a mid-range location – not the most flat, not the easiest – we want a mid-range price.

Mr. Zanghi said let's say that three projects have been built in the last five years and Village has paid local contractors, there's data on what that cost was. So you could take the average of five projects and if it's \$103 per linear foot, then that's what it is. An averages always fair.

Chairman Wilford asked the Board an average of how many projects they thought would be fair, and it was decided at least the last three to five projects.

Board Liaison Whalen said that as a cautionary, you also have the option to go to Barton and Loguidice as a verifier because they do the same thing, because a lot of the most recent sidewalk projects have been self-built by the Village, by Jeff. So the numbers will be a little different than maybe the average across the Capital District.

Chairman Wilford said yes, and then when we ask Brad about the sidewalks, he deferred to Jeff Moller's expertise on that. He felt that we would get a better quality and a better price and he felt confident with his work. We asked him who would be doing an estimate and he said Jeff. We could contact local sidewalk contractors for an example to give those bids, but he didn't express any need to provide those numbers. Now he did off the cuff in a conversation, give me rough numbers similar to what Martin is saying, but he gave a range and an approximate almost exactly what he's saying. And he just basically said, but the Village might be better off taking that money at that range and Jeff Moller might be able to do a lot more with it.

Board Liaison Whalen said that's what I'm cautioning you about, because Jeff can do a sidewalk at \$60 a linear foot himself so you don't want that number going into the escrow, that's all I'm saying.

Chairman Wilford said, no, he's not an estimator and he doesn't break that down (inaudible). So the estimates will be done by independent contractors. I just want to make sure that they probably have to get three bids anyway. Then he said so I'm feeling like we're getting close to accepting the idea of an escrow for the linear feet required based on three to five estimates put forth by independent contractors for the construction, engineering and grading of sidewalks for the equivalent of the same linear footage. And that would go into an escrow. And the applicant's responsibilities still would lie on fulfilling all engineering specs to prepare for sidewalks put in in the future at a later date. So we still have all of that. Does that sound like this is something we're close to agreeing upon? There was agreement by the Board Members, so Chairman Wilford said do you guys want to make a motion on an escrow for sidewalks or having sidewalks to put it? So making a motion just to have an escrow set aside for the sidewalks. Then we would have to make a motion about the escrow. So you're agreeing to the escrow. That's what I would like to have on a motion.

Board Member Caruso made a motion to open an escrow for sidewalks. Board Member Rue seconded.

Caruso: in favor. Hext: in favor based on resident input. Rue: in favor. Hukey: No, opposed. We're talking about the concern about walking on Bozenkill and concerns about walking on Maple Avenue Extension and then we're saying we're going to take an average debt. There's trenches on Bozenkill and on Maple Avenue Extension. If we're going to get a price, it should be based on the worst condition so we're covered. And if we're going to put it in an escrow to be used any place else with Indian Maiden Pass that's already there with discussions having been already presented about other houses being built. I just think the sidewalks are to be built where there's going to be a need for it, which is Bozenkill and Maple Avenue Extension. So that's why I voted no. Chairman Wilford voted in favor. So the motion passes to open an escrow from Martin for your sidewalks. Now we can work on the language of the escrow if you guys would like to vote on the project after we go through the SEQRA. Now we can go through the SEQRA - everyone was supposed to look at them before. All right? When we do our motion on the subdivision things that will be added, Martin, I didn't see it in the paperwork, but there's \$1,500 per lot required to be set aside for parks and we're going to be fine tuning an escrow motion, if we vote on this tonight, if we get to the SEQRA.

A lengthy discussion about the SEQRA was had between the Planning Board, Mr. Zanghi and Board Liaison Whalen. Chairman Wilford concluded that: we've got verification on the one thing that John asked about - the encroachment on the wetlands - and we're comfortable with that answer, still saying no. Mr. Zanghi will fix the anticipated completion date of the final phase, which would be this particular project. Mr. Zanghi said he would call Lance regarding buildable hours and whatever he says, this form will match. Chairman Wilford said so we're not doing the declaration on this SEQRA. We're going to complete part two at our next month's meeting after Mr. Zanghi has made the changes.

Mr. Zanghi said he would email in parts two and three blank for the Board to look at and then at the next meeting there would be an open discussion and the boxes will be filled in together as a group. He said the last step for him, after review of parts one and two, if all of the studies have been done to the Board's satisfaction, the engineering is sound and complete, would be does the Board feel that they can issue the neg dec. He said a positive declaration requires an environmental impact statement, which is overkill. He said that the Chairman would sign those things and the Board would vote on the action. After the project's approved, they would get ready for building permits, and Lance monitors everything from that point.

Board Liaison Whalen said the timeline started with the close of the Public Hearing, and you have 62 days to complete the process.

Mr. Zanghi said he would edit the form, get it back to the Village, and it would be ready to be send out to any agencies you want to do a coordinated review with. And the 62 days will start upon receipt of the revised EAF, which will be tomorrow. And so next month in July, if you feel comfortable with everything you've heard and would like to vote on the action, you would have to have any conditions ready. If you want one more month and we go into August, you're probably getting close to 60 after 62 days and you could vote that night and then technically after 62 days, if you didn't vote, it kind of defaults to the applicant, but we're not pushing that.

Chairman Wilford said for the next meeting, the conditions that we know that we're going to have are (1) an escrow, and he would work on language for the Board to see before the next meeting. He said he could have Village Attorney Justin review the language and terminology to keep it within our legal ability. (2) And the parks, they have to donate \$1,500 per lot, so \$6,000, to be set aside for park funds to help maintain our parks for the new members of our community. Those are the only two conditions I know of

that we will be adding. We've already added the deed condition - that's part of this now.

Chairman Wilford asked the Board does anyone know of anything else that we need to prepare for the next meeting? Because it sounds like really moving through a SEQRA two. We've got all the engineering done, had a lot of our questions answered about that. We've discussed the sidewalks at length. We've all voiced concerns and negatives and positives on all sides on that; the parks, the setbacks, everything else, the wetlands. Is there anything else that you guys can think of? This is the best and last time to get Martin to square that away. The Board said no. Mr. Zanghi said that Brad from Barton and Loguidice had also reviewed my swift (?) offline this month and approved that. That was an additional engineering step that's been completed on behalf of the build(?). Chairman Wilford said he saw Brad's comments on that, that he had reviewed that.

Board Member Deb made a motion to defer the review of the special use permit for Severson until the applicant comes before us. Board Member Rue seconded. All in favor.

Mr. Zanghi asked if Jeff Moller could start to work on the pricing, he could present that to his client; and if that amount is agreeable, the Board could build that in to the resolution.

Chairman Wilford said he would start that process with Jeff, but if he doesn't come back to the Board within the time, the escrow will still get written that way, and then if Mr. Zanghi and the applicant say I'm not paying x number, that's their right further down the road.

Board Member Hukey made a motion to approve the minutes of the last meeting. Board Member Hext seconded. All in favor.

Board Member Caruso said he agreed with Board Liaison Whalen that when Jeff comes up with the pricing for the sidewalks, don't have them include what it would cost the Village to do it because he's obviously going to do it cheaper than a contractor and he doesn't want us to be shortchanged. Chairman Wilford agreed.

Board Member Hukey made a motion to close the meeting. Board Member Hukey seconded. All in favor. The meeting was closed at 9:21.

Respectfully submitted,

Ginger Hannah, Administrative Assistant