

Village of Altamont  
Planning Board Meeting  
February 22, 2022

Planning Board Members:

Deb Hext, Chairperson	Gary Goss, Bldg. Inspector/Code Enforcer
Stephen Caruso, Board Member	Ginger Hannah, Secretary
Robert Freeman, Board Member	Allyson Phillips, Village Attorney-Absent
Simon Litten, Board Member	
Barbara Muhlfelder, Board Member	

Applicant Rep: Dave Kimmer from ABD Engineers for VAMR- Ken  
Romanski/Bozenkill Subdivision

Guests: 1

Deb Hext, Chairperson opened the meeting and welcomed everyone to the Village of Altamont Planning Board Meeting, February 22, 2022 at 7:01 p.m. She said for the record, both the audio and video portions of this meeting will be recorded. My name is Deb Hext. I'm the Planning Board Chair. The Board Members introduced themselves as follows: Barbara Muhlfelder, Steve Caruso, Simon Litten, and Bob Freeman. Also present: Gary Goss, Building Inspector/Code Enforcer and Ginger Hannah, Secretary of the Planning Board.

Chairperson Hext stated that the first item on the Agenda is to consider an extension of six months to Mr. Ken Romanski's Conditional Bozenkill Subdivision Approval per his email dated 1/26/2022. Chairperson Hext asked if everyone had a chance to review the materials and if they had any questions or concerns. After some discussion, a motion was made by Board Member Caruso, seconded by Board Member Muhlfelder, to grant the six month extension to 7/26/2022. **All in favor.**

Chairperson Hext then addressed the second item on the Agenda, to review the conditions set forth in the Amended Resolution Granting Conditional Plat Approval for the Bozenkill Subdivision approved August 2021, to determine if all said conditions have been met:

- 1) It was reiterated that per condition #1, the Applicant would need to come before the Planning Board again (to seek an amendment to the filed subdivision plat) before any building permit would be issued for development on Lot 4. See further discussion below on Lot 4.

- 2) Chairperson Hext moved on to Agenda item #4 - Consider accepting the letter from Mr. Smart stating that the wetland delineation has not changed from the GPS map from 2004, or require the applicant to submit a new wetland delineation, based on current field investigation.

A discussion regarding the wetlands delineation and letter from Mr. William H. Smart dated 12/3/21 was then held between the Board and Dave Kimmer, Engineer from ABD Engineers representing Ken Romanski. Chairperson Hext asked Mr. Kimmer if this map was a new delineation or is the same one from 2004.

Mr. Kimmer said this delineation is substantially the same as it was in 2004. It was confirmed by Bill Smart. He did actually go out there physically to re-delineate the wetlands this past summer just to confirm that his original delineation was correct, and that is what he specified in the letter that was provided. He did a field survey - he walked the entire property. He was looking for the specific types of vegetation, standing water. Mr. Kimmer also stated that Mr. Smart's specialty is wetlands.

Concerns were expressed by the Board about how Mr. Smart conducted this re-delineation – did he take soil samples, did he do a survey. Mr. Kimmer said the wetlands were delineated via GPS in 2004, so he does have very specific reference points as to where he delineated in the past. And then he goes back out and using the same methods, plots the GPS points again and compares them to how they were in 2004. The Board wanted to know where that was indicated.

It was determined that the map included another GIS layer that was noted in the NOTES Section, #2: “Wetland Delineation completed by William H. Smart, P.E. in November 2004 and May 2021.”

After this was confirmed, the Board agreed that this met condition #2 that “the final plat shall be modified to accord with the updated wetland delineation.” The Applicant also included (with his email of 1/26/22) legal descriptions for lots #2 and #3 to meet the requirement to “provide a legal description of the areas that will be deed restricted to ensure no impacts to wetlands that is based on the updated wetland delineation.”

A motion was made to accept the letter from Mr. Smart regarding wetland delineation, considering that there is a secondary date on the map that states

the delineation was done in November, 2021. Motion was made by Board Member Freeman, seconded by Board Member Muhlfelder, **All in Favor**.

- 3) Condition #3 states that “the final plat shall include a note stating no building permit shall be issued for development on Lots 1, 2 or 3 until the Applicant provides \$24,000 to be held in escrow for construction of 300 linear feet of sidewalk as shown on the subdivision plat. Said escrow shall be paid in \$8,000 increments when applications for building permits to construct on Lots 1, 2 and 3 are submitted to the Village. In preparation for an eventual sidewalk, applicant agrees to install a 24” concrete storm drainpipe and two catch basins and backfill with a crusher run along the edge of the right of way to provide a walkable surface.”
- 4) Regarding condition #4, Chairperson Hext asked if the \$1,500 per lot (total \$6,000 for 4 lots) to the Village parks fund was paid. Secretary Hannah confirmed that it was.
- 5) Chairperson Hext asked if the \$1,000.00 for attorney’s fees and \$57.50 for transcription was paid. Secretary Hannah thought that it was, but said that would need to be checked with the Village Treasurer. Chairperson Hext said she will get the answers on the monetary questions and get back to Luigi (from ABD) and Applicant Ken Romanski.

Chairperson Hext thanked Applicant Rep. Dave Kimmer for coming and said we would get back to them.

Chairperson Hext then said Agenda item #5 was regarding the proposed local law to abolish the existing Planning Board and ZBA and replace it with a new ZBA with five members and two alternates that would exercise powers of both Boards. Comments need to be to the Village Board prior to the public hearing on the proposed local law on March 1, 2022. She asked each of the Board Members for their thoughts. Discussion included the following:

- Board Member Muhlfelder – I agree. I think it is a good idea. It’s true, going back and forth and back and forth. I do feel we should open the field for someone who is interested - that would have the expertise - to participate on the Board, instead of appointing someone. Everyone who is interested should be considered. For the implementation of the new Board, use current members, and when there’s an opening, advertise it.

- Board Member Caruso – I fully support putting these two Boards together. We’ve had times when an Applicant came to the Planning Board and we’ve had to send them to the ZBA. Also need to open it up to others – advertising is the best way – could put it out on the Village sign.
- Board Member Litten – ZBA has judicial function in that it hears appeals contesting decisions made by the Planning Board or Code Enforcement Officer. I don’t see how you can have one body that is both the judge and suspect at the same time. They serve different purposes. At the same time, it’s rare these challenges come along. I don’t think the ZBA has had much to do – they get trained and then they don’t use it. If you merge them, what happens to that function? Can’t have the same people involved. If we are the new ZBA and make a decision, they would then come back to us and say we don’t like your decision.
- Chairperson Hext said that’s an excellent point. Does that come back to you, Gary? I almost remember if there was a final decision to be made, it would be made by the Code Enforcer.
- Code Enforcer Goss said Village Attorney Phillips said we could do away with the Planning Board – each municipality doesn’t have to have that, but you do have to have a ZBA. Need a quorum for the meetings.
- Board Member Litten – also – this Planning Board has been entirely reactive – someone comes with a proposal and we make a judgment about that. But one of its functions per Village law is a Planning function.
- Chairperson Hext said it’s not a planning function like Town of Guilderland’s Town Planner.
- Board Member Litten said it’s in zoning – according to Village Code, what we're doing is: 1) reviewing and granting subdivision applications - we do that, 2) reviewing and granting site plan applications - which we did this evening, 3) reviewing and granting special use permits - which we do, 4) preparing changes to the comprehensive plan, unless the Village Board creates a separate committee for this purpose and 5) review of proposed amendments to this chapter, which we haven’t done - there's been no changes.
- Chairperson Hext said there is a special committee that reviews the Comprehensive Plan.
- Board Member Litten said I didn’t know that. That being the case, it’s foolish to have a Board that does so little.
- Board Member Freeman said I’m the new guy – have only been to a couple of meetings. I can understand where Mayor trying to streamline

things for someone with a project, and there's frustration with two Boards. I've lived here all my life. I wanted to step up - a duty - to play my part, where I'm doing something right. But I know nothing about zoning. I understand both sides – but for me, I'm with this Board, however we're going to do it – I'm here where I'm needed.

- Chairperson Hext: There are a few other communities that only have one Board – normally just smaller Villages and Towns. There are fiscal savings for the Village: engineering fees, attorney fees, having the Code Enforcer Goss and Secretary Hannah here at meetings - that could be just for one Board. And training costs for a Board that hardly ever meets. Most important is streamlining the application process, not only for the applicant, but for us too - so the applicant doesn't get bounced back and forth between Boards.
- Board Member Caruso: I definitely agree with that for sure. I also do agree with what Simon said though, that there has to be something in the system that would allow a person to be able to appeal a decision - whether it goes to Gary or whatever – we need a written process for that.
- Chairperson Hext: I agree 100% because that kind of eliminates the checks and balances in terms of having one committee. I could get the answer from Village Attorney Phillips on that. I thought I read somewhere in the code that the final decision is with the zoning administrator or the building inspector. I think it does have something to do with the ZBA.
- Board Member Litten: My recollection from the training is that the Zoning Board of Appeals could hear contrasting views to what the Code Enforcement Officer had said. So the Zoning Board of Appeals is the arbiter, not the Code Officer.

Chairperson Hext: All right. This is just a discussion tonight to get everyone's input. Send me an email with your individual views on this and I will submit all of them to the Village Board for their meeting on March 1, 2022. She noted that the Village Board makes the decision on this proposed local law.

In further discussion as Other Business it was noted:

- Troy Miller would have to come back before the Board to proceed on the Subdivision on Main Street, as the time has expired for him to do that under his application last year that the Planning Board approved (March timeframe).

- Regarding Lot 4 of the Bozenkill Subdivision, it was noted that it wasn't put in as one lot – it's 23 acres and a portion of it is in the Town of Guilderland. VAMR/Ken Romanski would have to come back before the Board before any development can take place on that Lot (as per condition #1 above).

When it comes to that lot four development, it's going to need intensive examination of the property. Board Member Caruso said he's assuming that there must be a map someplace of what that property was with wetlands. Board Member Caruso said Mr. Romanski is the fifth owner of the property and the second owner literally went in and started carving roads out without any permits or anything. His point is that the wetlands will be a major issue to deal with because that owner disrupted everything just by building roads when he should never have been able to - he just played around with his backhoe and started building roads. If you go behind my house right now, you can still see those roads that are there. So that's something to keep in mind because the Army Corps of Engineers or whomever will need to be involved with this. So I'm just throwing that out there to have it go in the minutes that it's something that's going to need to be addressed.

- The Board discussed looking at the code with this development in mind, and possibly adding verbiage to the subdivision portion of the code that preserves green space and allows access for residents. There should be a plan for protecting access to our natural water bodies such as the Bozenkill such as, for example, doing a wildlife preserve or nature trails that would be open to the public. Chairperson Hext will check with Village Attorney Phillips and Mayor Dineen on how to do that.

Chairperson Hext said okay. Anything else under other business? None was noted.

Motion was made to approve the minutes of the last Planning Board meeting, which was held on August 23, 2021. Motion made by Board Member Muhlfelder, seconded by Board Member Freeman. **All in Favor.**

Motion was made to change the Rules of Procedure for Planning Board Meetings adopted at the September 28, 2020 meeting, Section 1 Regular Meetings to state that: "The Planning Board shall hold regular meetings on the fourth Tuesday of each month, as needed." (Changed from Monday). Motion was made by Board Member Litten, Seconded by Board Member Muhlfelder. **All in Favor.**

Motion was made by Board Member Caruso to adjourn the meeting, seconded by Board Member Freeman. **All in Favor.** Chairperson Hext said thank you everyone. Meeting was adjourned at 8:04 p.m.

Respectfully submitted,

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

Ginger Hannah, Secretary

Attachments:

- Amended Resolution Granting Conditional Plat Approval to VAMR Development LLC (Ken Romanski) for Bozenkill Subdivision
- ACPB Recommendation dated 5/21/21
- ABD Engineers Letter of 8/10/21
- Email of Luigi Palleschi attaching the Updated Wetland Letter from Mr. Smart, Subdivision Maps for Lots 1, 2 and 3, and lot descriptions for Lots 2 and 3.
- Village of Altamont Proposed Local Law No. 1 of 2022

RECEIVED  
B NOV 16 2021  
Village of Altamont

**(AMENDED) RESOLUTION**  
**ALTAMONT PLANNING BOARD**  
**GRANTING CONDITIONAL PLAT APPROVAL**

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

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

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

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

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

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

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

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

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

WHEREAS, the Planning Board requested additional information confirming the current



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The motion was moved by Board Member Litten

The motion was seconded by Board Member Freeman

The vote was as follows:

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

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

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

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

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



ALBANY COUNTY PLANNING BOARD  
NOTIFICATION

RECOMMENDATION DATE: May 21, 2021

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

**ACPB** Modify local approval to include

**Recommendation:**

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

**Advisory:**

Gopika Muddappa, Interim Senior Planner  
Albany County Planning Board

**NOTE:**

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

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

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

**LOCAL ACTION ON ACPB RECOMMENDATION:**

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

**LOCAL DECISION ON PROJECT:**

- PROJECT APPROVED  
 PROJECT DISAPPROVED

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

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

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

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

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

DEDICATED  
RESPONSIVE  
PROFESSIONAL

August 10, 2021

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

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


Dear Deb:

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

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

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

Very truly yours,  
ABD ENGINEERS, LLP

  
Luigi A. Palleschi, P.E.  
Partner

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

4645A-08102021

## Ginger Hannah

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

Hi Ginger and Deborah,

Happy New Year!! Hope all is well.

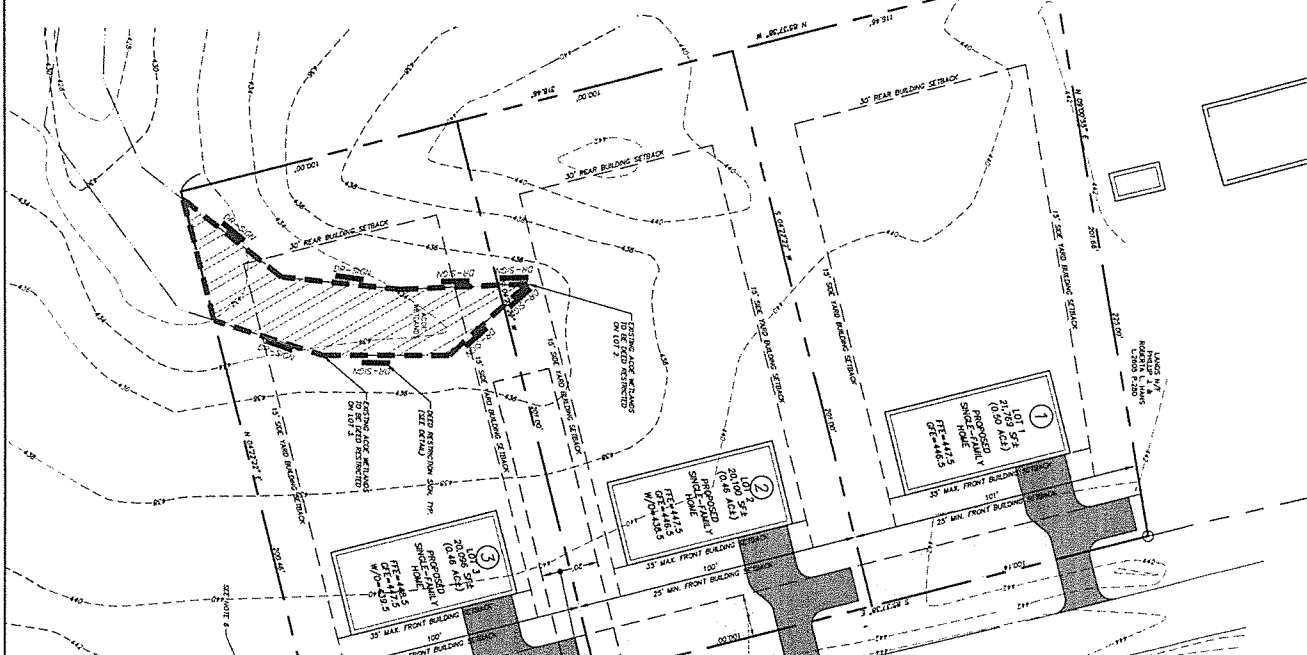
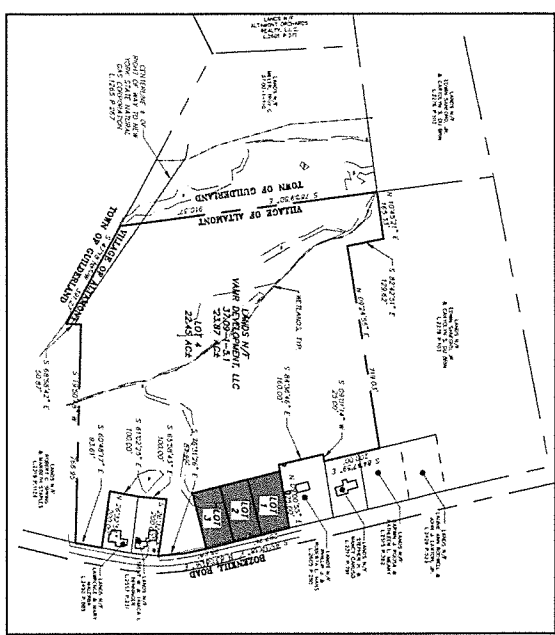
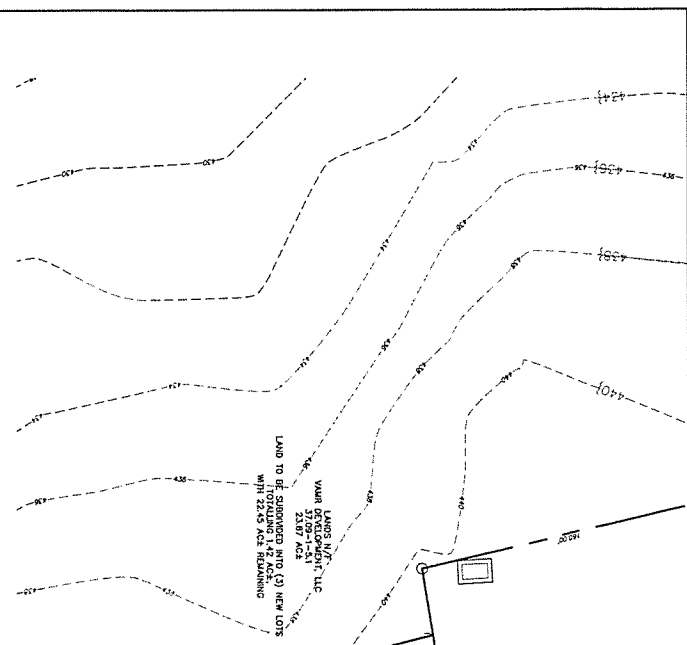
Attached is the subdivision review set along with the updated wetland letter from Mr. Smart as we discussed last month. We are also attaching the lot descriptions which describes the wetlands.

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

Thank you,  
Luigi A. Palleschi, P.E.  
*Partner*

**ABD ENGINEERS, LLP**  
411 UNION STREET  
SCHENECTADY, NY 12305  
P. 518-377-0315 F. 518-377-0379  
[www.ABDENG.com](http://www.ABDENG.com)





NO.	REVISION	DATE	BY	DESCRIPTION
1	AS-DESIGNED	12/12/19	WAZ	AS-DESIGNED
2	REVISED COMMENTS	12/12/19	WAZ	REVISED COMMENTS
3	REVISED COMMENTS	12/12/19	WAZ	REVISED COMMENTS
4	REVISED COMMENTS	12/12/19	WAZ	REVISED COMMENTS
5	REVISED COMMENTS	12/12/19	WAZ	REVISED COMMENTS
6	AS-DESIGNED	12/22/22	LAP	AS-DESIGNED
7	NO REVISION REQUIRED	4/27/21	LAP	NO REVISION REQUIRED

**WETLAND RESTRICTED AREA**  
 DO NOT DISTURB

**DEED RESTRICTED AREA**  
 DO NOT DISTURB

**LEGEND**

- 30' NEAR BUILDING SETBACK
- 35' MAX. FRONT BUILDING SETBACK
- 30' MIN. FRONT BUILDING SETBACK
- 30' NEAR BUILDING SETBACK
- 35' MAX. FRONT BUILDING SETBACK
- 30' MIN. FRONT BUILDING SETBACK

**NOTES**

1. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. THE SUBMITTER SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.
2. THE SUBMITTER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
3. THE SUBMITTER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. THE SUBMITTER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.

**OWNER:** LANDS N/T, LLC  
**ADDRESS:** 1175 W. ALBANY STREET, ALBANY, NY 12208

**PREPARED BY:** JENNIFERS LLP  
**ADDRESS:** 4111 Hudson Street, Albany, NY 12202

**DATE:** 12/22/22

**SCALE:** 1" = 20'

**SHEET:** 1 OF 3

**PROJECT:** BOZENKILL ROAD SUBDIVISION

**CITY/TOWN/VILLAGE:** ALBANY

**COUNTY:** ALBANY

**STATE:** NY

**DATE:** 12/22/22

**SCALE:** 1" = 20'

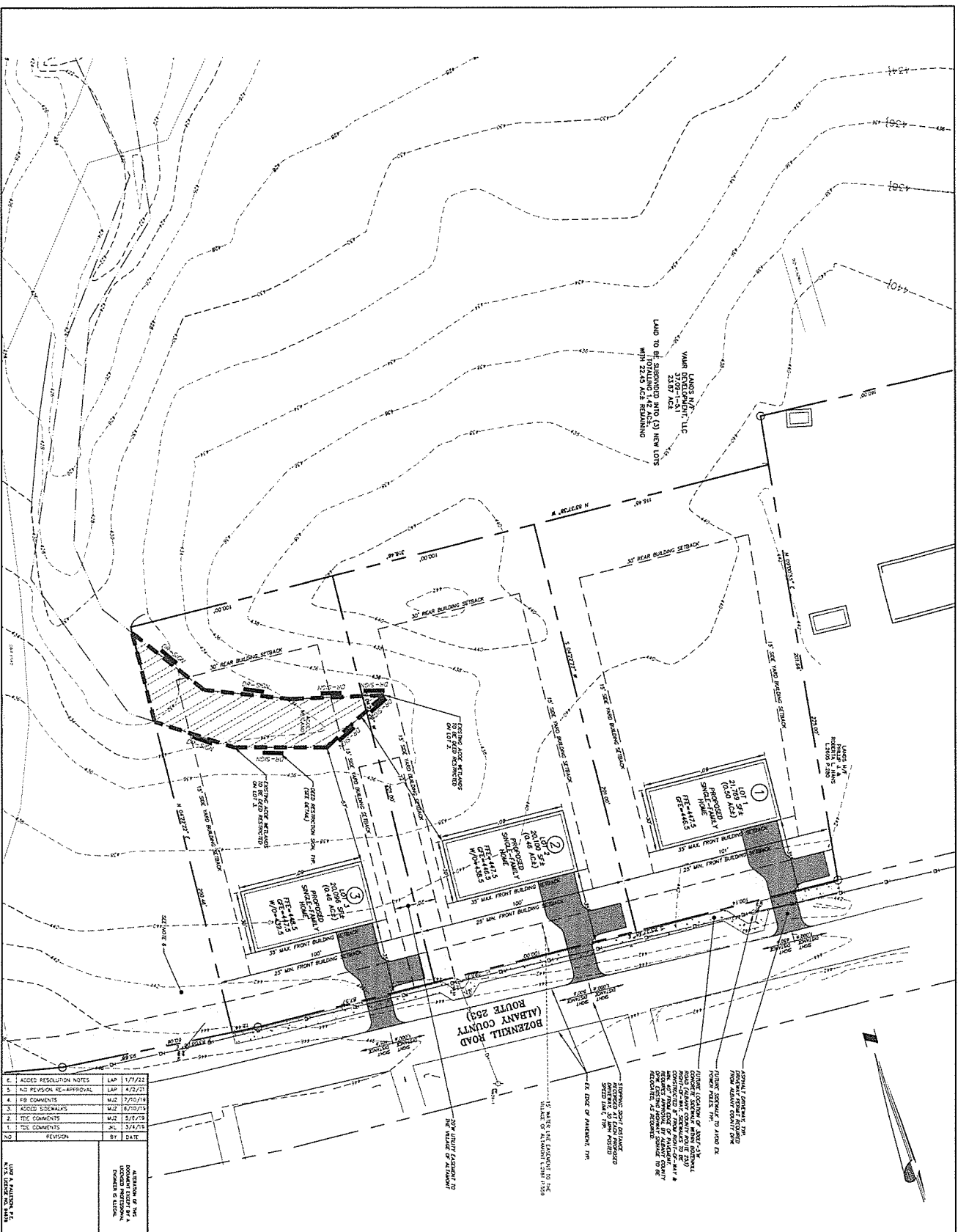
**SHEET:** 1 OF 3

**PROJECT:** BOZENKILL ROAD SUBDIVISION

**CITY/TOWN/VILLAGE:** ALBANY

**COUNTY:** ALBANY

**STATE:** NY



LANDS VACANT DEVELOPMENT, LLC  
 2287 AC'S  
 LAND TO BE SHIPPED MID (S) NEW LOTS  
 WITH 22.43 AC'S RESERVING

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 2287 AC'S  
 LAND TO BE SHIPPED MID (S) NEW LOTS  
 WITH 22.43 AC'S RESERVING

APPROXIMATE PROPERTY LINE FROM ALBANY COUNTY DEED  
 FROM FILE NO. 1000 EX.  
 (SEE SHEET 1)  
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 (SEE SHEET 1)  
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 (SEE SHEET 1)

NO.	DATE	BY	REVISION
1	3/1/19	WJD	1. TIC COMMENTS
2	3/1/19	WJD	2. TIC COMMENTS
3	7/15/19	WJD	3. ADD COMMENTS
4	7/15/19	WJD	4. ADD COMMENTS
5	7/15/19	WJD	5. ADD COMMENTS
6	1/7/22	LAM	6. ADDED RESOLUTION NOTES

DATE: MAY 26, 2018

SCALE: 1" = 20'

SHEET: 2 OF 3

PROJECT: BOZENKILL ROAD SUBDIVISION

CLIENT: LANDS VACANT DEVELOPMENT, LLC

DESIGNER: ENGINERS, LLP  
 3187 ROSS STREET  
 SUITE 200  
 ALBANY, NY 12205

DATE: MAY 26, 2018

SCALE: 1" = 20'

SHEET: 2 OF 3

**WETLAND DEAD RESTRICTED AREA (DR)**  
 AREA SIGN DETAIL  
 12" HIGH  
 12" WIDE  
 RESTRICTED AREA  
 DO NOT DISTURB

**DEED RESTRICTED AREA**  
 1. SIGN SHOWN ON PLAN SHALL BE ERECTED  
 2. SIGN ERECTED ON SITE SHALL BE WHITE  
 3. SIGN SHALL BE 12" HIGH BY 12" WIDE  
 4. SIGN SHALL BE PLACED TO SHOW FIELD CENTER  
 5. SIGN SHALL BE PLACED TO SHOW FIELD CENTER

**LEGEND**

APPROXIMATE PROPERTY LINE FROM ALBANY COUNTY DEED FROM FILE NO. 1000 EX. (SEE SHEET 1)

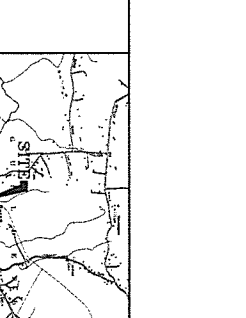
APPROXIMATE PROPERTY LINE FROM ALBANY COUNTY DEED FROM FILE NO. 1000 EX. (SEE SHEET 1)

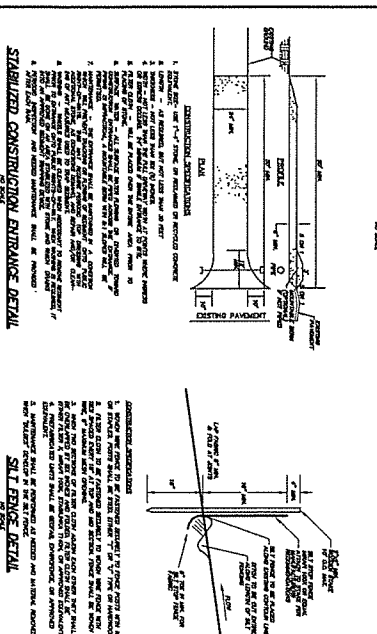
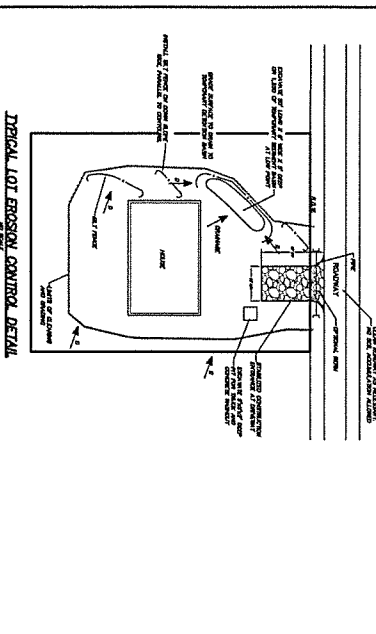
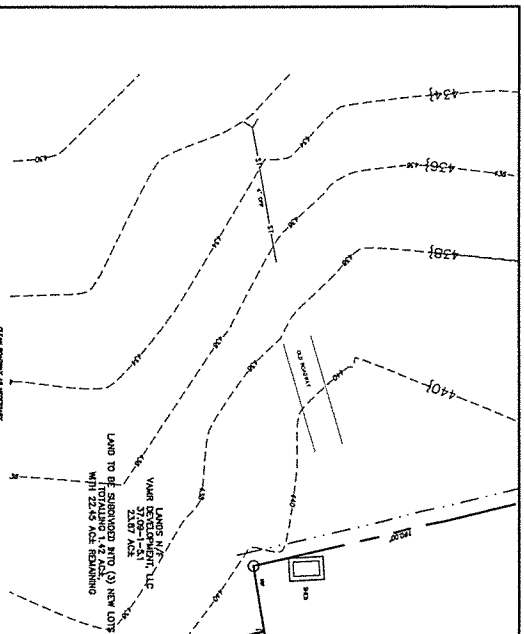
APPROXIMATE PROPERTY LINE FROM ALBANY COUNTY DEED FROM FILE NO. 1000 EX. (SEE SHEET 1)

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 12" WIDE  
 RESTRICTED AREA  
 DO NOT DISTURB

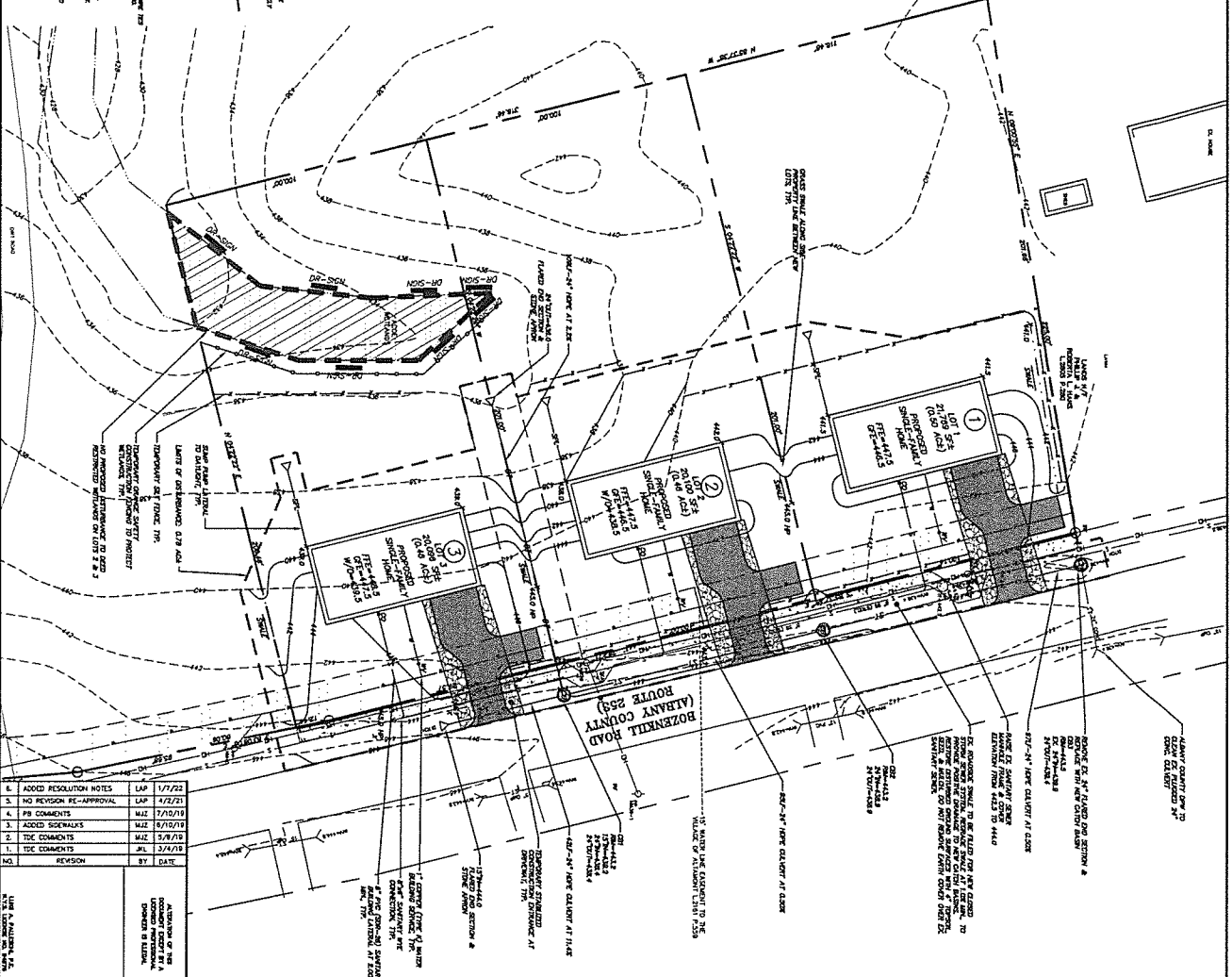
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 12" WIDE  
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 AREA SIGN DETAIL  
 12" HIGH  
 12" WIDE  
 RESTRICTED AREA  
 DO NOT DISTURB





1. 12" SAND
2. 12" GRAVEL
3. 6" CONCRETE CURB
4. 6" CONCRETE CURB
5. 12" SAND
6. 12" GRAVEL
7. 6" CONCRETE CURB
8. 6" CONCRETE CURB
9. 12" SAND
10. 12" GRAVEL
11. 6" CONCRETE CURB
12. 6" CONCRETE CURB
13. 12" SAND
14. 12" GRAVEL
15. 6" CONCRETE CURB
16. 6" CONCRETE CURB
17. 12" SAND
18. 12" GRAVEL
19. 6" CONCRETE CURB
20. 6" CONCRETE CURB



NO.	REVISION	BY	DATE
1.	THE COMMENTS		3/24/22
2.	THE COMMENTS		3/24/22
3.	ADDED SUBORDINATES		8/19/19
4.	PI COMMENTS		7/17/19
5.	NO REVISION		4/27/21
6.	ADDED RESOLUTION NOTES		1/7/22

LABRANT COUNTY ROAD TO BE CONSTRUCTED TO 20' WIDE WITH 4' SIDEWALK AND 4' SHOULDER.

ROUTE 288 TO BE CONSTRUCTED TO 20' WIDE WITH 4' SIDEWALK AND 4' SHOULDER.

STABILIZED CONSTRUCTION ENTRANCE TO BE CONSTRUCTED AT EACH LOT CORNER.

TYPICAL LOT EROSION CONTROL TO BE CONSTRUCTED AT EACH LOT CORNER.

THE ENGINEER HAS REVIEWED THE SUBDIVISION PLAN AND FINDS THAT THE SUBDIVISION IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE SUBDIVISION ACT AND THE ZONING REGULATIONS. THE ENGINEER HAS REVIEWED THE PLAN AND FINDS THAT THE SUBDIVISION IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE SUBDIVISION ACT AND THE ZONING REGULATIONS.

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

December 3, 2021

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

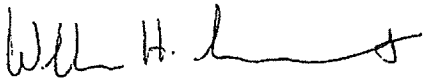
Re: Wetland Review  
3 Lot Subdivision, Bozenkill Road  
Village of Altamont

Dear Luigi,

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

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

Sincerely,



William H. Smart, P.E.  
NYS 064510

**PARCEL DESCRIPTION, LOT 2, BOZENKILL ROAD SUBDIVISION**  
**VILLAGE OF ALTAMONT, ALBANY COUNTY, N.Y.**

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

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

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

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

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

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

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

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

**PARCEL DESCRIPTION, LOT 3, BOZENKILL ROAD SUBDIVISION**  
**VILLAGE OF ALTAMONT, ALBANY COUNTY, N.Y.**

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

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

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

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

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

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

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

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

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

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

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

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

**§ 1. Purpose and Intent.**

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

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

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

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

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

Introductory Version No. 2

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

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

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

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

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



Introductory Version No. 2

**§4 Supersession of Other Laws**

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

**§ 5. Severability:**

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

**§ 6. Effective Date:**

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