

Minutes of the Regular Meeting of the Board of Trustees of the Village of Montgomery is held in the Meeting Room at 133 Clinton Street, Montgomery, NY 12549 on February 17, 2015 at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Stanley, Maria Beltrametti, Anna Frumes, Larry Frumes, Marion Higgins, Marc Devitt, Johanna Sweikata, Ross Winglovitz.

Mayor Brescia opened the meeting with the Pledge of Allegiance to the flag.

**RE: MEETING MINUTES**

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved the meeting minutes of February 3, 2015. Motion carried, 5-Ayes, 0-Nays.

**RE: OLD BUSINESS**

Chandler Lane PDD amended preliminary site plan response letter, is to be reviewed at the next meeting of March 3, 2015, awaiting the consultants comments.

**RE: REQUEST TO MEET WITH THE BOARD**

No submissions

**RE: WALLKILL VALLEY TIMES 2015 PREPAID AD CONTRACT AGREEMENT**

To be reviewed at the next meeting of March 3, 2015. The Board discussed publishing fewer ads for 2015, due to exceeding the allotted budget in 2014.

**RE: BORLAND HOUSE REQUEST APPROVAL TO AMEND COMMERCIAL USE TO INCLUDE SERVING BRUNCH FROM 8:00 AM TO 1:00 PM**

Larry Frumes addressed the Board with a request to review and approve serving brunch at the Borland House 130 Clinton Street from 8:00 am to 1:00 pm. We believe is in keeping with the historic use; travelers stop at Inn's along the highway and visit. Our request does not enhance the present use by much. We serve breakfast daily everyday now to our guests, instead of ending at 11:00 am; this will allow us to serve brunch until 1:00 pm. We have provided the board with a copy of our menu. We are seeking the Boards approval to move forward, not knowing in fact if we needed to ask or not. We feel it is the right thing to do so.

Atty. Dowd said this was first presented to the planning board at their last meeting. In affect this will become a restaurant use; it will be supplemental to the bed and breakfast or the Inn. The Village Code would have to be amended, to allow serving meals to outside guests that are not actually staying at the Inn. This actually changes the concept of the Inn; when it was enacted back in 1989, one of the issues of the planning board was parking, as well as the change of use itself. The planning board is not able to entertain it

because is it not allowable by code to serve meals if your not a guest staying at the Inn. Other issues came have come forward with regard to a potential apartment, or rooms established in the basement of the Borland house. It has not been authorized by anyone or inspected by the building inspector. I am not sure of the status of the room regarding plumbing, heating, and electric that may have been done.

Mr. Frumes states that the Building Inspector has been to see us and we have spoken. We are addressing all of the issues you just have mentioned. It is not a guest room, therefore, his only concern is the electrical; and all the other matters were up to code. If there are any other changes that need to met, we will certainly satisfy the Building Inspector.

Atty. Dowd stated, by the establishment of the additional room for the living quarters of the assistant manager, to work and live on the premises, it raises the issue of the authorized parking for the site from the original inception, the ratio of parking spaces, and the number of rooms. The allowable capacity needs to be addressed also.

Mr. Frumes states that the Borland house is in the B2 zone and is the only B&B in the Village.

Mayor Brescia stated that the Montessori School was previously a B & B in the B2 zone. The B2 zone could decide to open up a B&B, if they have the parking.

Mr. Frumes states if this is the case, the Montessori School has fewer parking spaces then we currently have now. I feel it is not probable for the Montessori School to revert back to a B&B. We have ample parking on the premises that accommodates seven to eight vehicles. We anticipate this is the number of vehicles that we will see during the week and perhaps a few more on the weekends. The municipal parking lot is not on a high demand on the weekends. We feel this will enhance business in the area.

Mayor Brescia said it sounds like a romantic idea.

Mr. Frumes feels there will not be a conflict with the existing establishments serving breakfast to the public. Our menus are vastly different. We have not spoken with the neighboring business owners as of yet. Our belief is that our guests will invite friends to come in and dine with them. This is an issue that has been brought up to us by our guests.

Mayor Brescia said he would like to investigate the idea if the rest of the Board agrees.

The Board members are all in agreement as long as all the permits are obtained and filed.

Atty. Dowd informed Mr. Frumes of the need to request the Board to adopt a Local Law to amend the Inn regulations to specifically be able to serve brunch. In addition, to asking the Building Inspector for what the allowable seating capacity is.

Mrs. Frumes stated the plans provided includes all of specifications that we had spoken of with the Building Inspector.

Atty. Dowd stated the concern is the number of people, the capacity number in the building, vehicles, in addition to wait staff in addition to the current staffing. The proper way is to petition the Board for a Local Law to amend the zoning, at least a short form EAF as part of the regulation. The Board will be able to proceed from this point. You can not open this up without the Boards approval or without a public hearing.

In addition, the signage can not read that you are open for breakfast lunch and dinner on a permanent basis. The name, address and phone number of your establishment is allowable.

Mayor Brescia stated parking is a premium. It depends on the time of the day as well. You may want to limit the tables and the amount of seating.

The Frumes thanked the Board for their time.

**RE: ADOPT RESOLUTION DESIGNATING NAMES, ADDRESSES, OFFICES AND CANDIDATES FOR THE GENERAL ELECTION ON MARCH 18, 2015 TO BE POSTED AND PUBLISHED**

Moved by Trustee Hembury, seconded by Trustee Lindner, the Board adopted a resolution designating Names, Addresses, Offices and Candidates for the general election on March 18, 2015 to be posted and published. Motion carried, 5-Ayes, 0-Nays.

**RE: RENEW INTERMUNICIPAL AGREEMENT WITH ORANGE COUNTY THROUGH THE DEPARTMENT OF EMERGENCY SERVICES AND THE VILLAGE OF MONTGOMERY POLICE DEPARTMENT**

Mayor Brescia states, Atty. Dowd will review the agreement and present it at the next meeting of March 3, 2015.

**RE: REQUEST WATER/SEWER PENALTY BE WAIVED**

Moved by Trustee Lindner, seconded by Trustee Hembury, the Board approved to waive the water/sewer penalties for Janet Armani in the amount of \$21.88. Motion carried, 5-Ayes, 0-Nays.

**RE: DPW REQUEST TO PURCHASE A MAIN GRINDER FOR THE SEWER PLANT**

Moved by Trustee Hembury, seconded by Deputy Mayor Scheels, the Board approved DPW Supt. Nelson to purchase a Main grinder for the sewer plant in the amount of \$ 33, 295.00 to be paid out of the sewer collection and disposal repair reserve account. Motion carried, 5-Ayes, 0-Nays.

**RE: E & A CONTRACTING REQUEST RETAINAGE PAYMENT FOR WINDOW INSTALLATION**

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board approved the retainage payment in the amount of \$ 1,537.50 for the window installation. Motion carried, 5-Ayes, 0-Nays.

**RE: AUTHORIZE TREASURER BENEDICT TO MOVE ADDITIONAL FUNDS IN PREPERATION FOR RETRO PAY**

Moved by Trustee Andolsek, seconded by Trustee Lindner, the Board approved Treasurer Benedict to move additional funds in preparation for retro pay in the amount of \$ 29,969.96 from 3120.120A into the retro pay account. Motion carried, 5-Ayes, 0-Nays.

**RE: APPROVE KAITLYN MCHALE NOTICE OF CLAIM**

Moved by Trustee Hembury, seconded by Deputy Mayor Scheels, the Board approved to pay the notice of claim for Kaitlyn McHale in the amount of \$ 1,367.00 Motion carried, 5-Ayes, 0-Nays.

**RE: PUBLIC PORTION**

Mayor Brescia addressed the public present for any additional comments. No comments received.

**RE: MAYOR BRESCIA RECUSED HIMSELF FOR THE REMAINDER OF THE MEETING.**

Mayor Brescia recused himself from the remainder of the meeting at 7:53 pm.

Deputy Mayor Scheels is now presiding over the remainder of the meeting to discuss the Chandler Lane PDD with Marc Devitt and Ross Winglovitz.

Marc Devitt understands that time has not allowed Alan Sorenson enough time to review and comment on the latest proposal for the Chandler Lane PDD project amendment.

Atty. Dowd states to the Board that the three consultants need to agree upon what the actual key issues are needed in the SEIS. They will then prepare a draft SEIS, the consultants will review it for any changes needed before receiving the document. We, as your consultants have said, it is as it should be. Therefore, you are able to proceed forward with the process at that particular point in time. It is a major concession by the applicant, it protects the Village, and by extension it also protects the applicant from anyone who may be dissatisfied with potential changes to the plan that were not reviewed through a SEQR process. The last thing anyone wants is a prolonged or a costly litigation. To conclude, it is then up to the Board to approve or disapprove.

Trustee Hembury asked Marc if he plans to speak to the residents again. The last public informational meeting proved to be very positive.

Marc Devitt stated how it really made a difference and is committed to having a public hearing again.

**RE: ADJOURNMENT**

Moved by Trustee Lindner, seconded by Trustee Hembury, the Board adjourned the meeting of February 3, 2015 at 8:06 pm. Motion carried, 4-Ayes, 0-Nays.

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Monserate Rivera-Stanley, Village Clerk