

MINUTES of the Village of Montgomery Planning Board meeting held in the Conference Room of the Village Hall, 133 Clinton Street, Montgomery, NY on Wednesday February 24, 2010 at 7:30 pm

ATTENDANCE: Chrm. Conero, Mbr. Weeden, Mbr. Romano, Mbr. Weismann, Mbr. McLean, Trustee Andolsek, Village Attorney Kevin Dowd, Village Engineer Dawn Kalisky, applicant Marc Devitt, Joe Catalano and Francis Bossolini

CALL TO ORDER

Chrm. Conero opened the meeting with the Pledge of Allegiance to the Flag

OLD BUSINESS DEVITT CHANDLER LANE/RT. 211 PROJECT

Chrm. Conero explained that Devitt was the only item on the agenda that evening. He read the letter from the DOT and didn't quite understand what it meant, they were talking about one entrance. Joe Catalano said that Francis has been bugging them for a while now to make some comments. Francis said we have had two reviews with the DOT. They reviewed the DEIS last year and looked at the project on its whole and our traffic study that encompassed a bunch of intersections. Now we are trying to get a permit for this entrance, when we submitted this time it was to a different person. Phase 1 is what we are trying to build now and we want to move forward on getting a curb cut for this. Their comments were sent to the Village a year and a half ago, where they typically allow one entrance off the State Highway. This entrance, if it gets built, will probably have some turn restrictions, rights in and rights out. We also asking for a ... entrance here and obviously from the Villages standpoint, three entrances here. In the initial discussion with them, the DOT said we prefer if you had all the entrances on the Village street and none on the DOT Highway. The Village said that was not acceptable. Comments from the neighbors was we don't want entrances here, it was a push pull thing. In the layout we have entrances on both sides and that should work. Mbr. McLean asked if they had an even amount of entrances on both sides. Francis answered we have extended the grid and these entrances are at logical locations to get into the project. You were to have some kind of activity and you don't want everyone coming and going from one spot. Marc commented if they could have the other one on the Southern end of the Village we would like to have that on too. The DOT is going to tell us if we can or cannot.

Chrm. Conero asked if the DOT would have to make road improvements to get the driveway in. Marc explained that there are certain trip levels and once we reach a certain trip count there are things we have to do. Once we show the grocery store in there and that was the highest generator. That forced us to put a center turning lane in. Francis said the improvements were not until the very end of the project. That last Phase, particularly if it was a grocery store type tenant, would have then triggered the mitigation on Rt. 211. It was just a center turn lane, we

don't have volume to need any warrants for a signal.

Marc said they keep talking about a roundabout which is a circle and they want it at Chandler Lane. Francis said their vision for this is that all traffic would enter off Chandler Lane and you would have a roundabout here at the Chandler Lane Intersection. That would eliminate any intersections down here and it's not practical from a financial standpoint. Nobody owns the land here and it's in a weird place and it's not what we want to do. We are responding to that letter by saying we want that curb cut for the first Phase, which is very small. We recognize that later on the mitigation will have to be constructed for whatever phase of the project, if we ever get to that. The Village has been on record saying that they want an entrance on Union Street and the roundabout is really a non starter as far as the discussion from the Village. We had discussed with Att. Dowd about some kind of formal response from the Village. Att. Dowd said I think the Planning Board should send a letter to the DOT saying that all the traffic for this project off Chandler is not acceptable to the Village. Under SEQRA there was two entrances one showing on the map now and one on Chandler Lane and possibly a third one. The residential feature of Chandler and coming in from the bird streets (not necessarily to residential portion but the commercial portion) was the biggest complaint they had, they didn't want all this traffic coming down their local streets and I think that is what the State Highway is for.

Mbr. Romano said I know that is your building too but it bring me back and I am very surprised at the Pharmacy. They allowed an exit both ways from the Pharmacy so close to the intersection. How do they allow that and what is the justification on not allowing this. Francis said there is a signal there that might give you a gap and it's in the Village. I have encountered a lot of projects bigger than this, they are new and the DOT said one entrance. They are looking at this structured roadway as kind of their turf and anytime you go on it, it's a point of conflict and another situation when an accident occurs. They are trying to minimize the number of opening, which makes sense and we are not asking for any more than what is logical and meets some engineering criteria along here. Also we look at this as being in the Village and we want some activity here. It's not like a ... shopping center where you have one entrance and you circulate there.

Chrm. Conero asked do you think we should send a letter to the DOT. Att. Dowd responded if the Board agrees that there should be at least one additional entrance off Rt. 211. Mbr. Romano asked one additional to the one that is already there? Att. Dowd said they are counting Chandler as one entrance. They want everything funneled into Chandler and then into the project. I think the Board could say that is not a good thing and people who live on or off Chandler Lane don't want that. When you write to the DOT you say through the SEQRA process it became obvious that the people on Chandler Lane did not want the commercial traffic funneling into Chandler and that the appropriate location would be off of Rt. 211. We want this project to have at least one additional entrance off 211. Chrm. Conero said they are going to change the entire character

of the whole project. You are not going to have the street corner there anymore. Att. Dowd said if they agree to that additional entrance on Rt. 211, whatever conditions they want to put on the applicant, that's one thing. At least this way this Board's belief that is the best way to handle this project. You say in your letter that you appreciate their letter but you want an additional entrance on 211.

Chrm. Conero asked what did the DOT respond to during the SEQRA process. Marc said they sent the same letter. Chrm. Conero said they did not like the fact that there was three entrances to this project during the SEQRA process. Marc said yes and he thought, at the time, the Village Board sent them a response, too. Att. Dowd said they might have but now during the planning process it's very important that this Board express it's views to the DOT, that 100,000 commercial space should not have to go through a residential area. Mbr. Weismann said to me it looks like, in here, they are talking about two different entrances on being Chandler Lane. They recommend a right turn lane and a left turn lane from Chandler and direct access to the development. They are talking about Chandler plus one. Dawn explained what she thought the letter said they are going to allow one. They are looking at the overall, where you see the secondary and the future Phase. They are only going to permit one and they would like to see everything off of Chandler, but they will grant just one. Mbr. Weismann continued that's different from what we are talking about, Chandler plus one. Att. Dowd added it's important that the Board says that's not proper and it needs to be changed. Francis said you need a intersection on Rt. 211, right in right out just does not work.

Att. Dowd said the problem is if you are coming from the Village to Middletown and you want to get into this project, you could not make a left hand turn in. Mbr. McLean said when you go from Chandler Lane to Middletown that's when you are going to have traffic. Att. Dowd said if you are coming into the Village you will make a right into the project off of Rt. 211 if you can get into the...to make a right unless you go out to Chandler. They are saying they will allow the secondary one but we really don't want everything on Chandler. Francis said there is a point where you can have too many intersections. If you have more than one, you can filter the traffic out as well so there is less traffic at each intersection. Att. Dowd said if you bring in a supermarket and this whole thing is basically built out, do you have to put a traffic light at the entrance. Joe Catalano said if it was a left turn, an additional lane is required. Mbr. McLean asked if they would have to put that lane in. Francis said if the project goes to it's full build out, the lane would be a requirement at the end. The applicant would have to put in the lane according to the States standards. You just widen the road, as if it were a State highway project and use their design standards and the developer pays his contractor to build to their specs. Att. Dowd said they would have to apply to the DOT for a turn lane into the property.

Chrm. Conero asked if there was going to be any sidewalks on the property. Joe said they will be on private property. Marc said they will be out of the DOT's Right-of-Way. Att. Dowd

explained that the DOT says if the sidewalks are in their Right-of-Way, the Village is responsible for them.

Francis said we located the sidewalks in this plan with the consideration that if we had to widen later on we can.

Mbr. McLean said when you come in the project will it be a two way in? Yes was the answer. Mbr. McLean continued and you could not control so that this would be an entrance and this an exit (indicating on the plan) and you can control the flow of traffic. Francis answered it is intended to be a two way street, just like in the Village. It will be wide enough so that cars can pass each other on either side. Mbr. McLean said so this development is bigger than I can foresee, I am thinking small. Francis said as far as the driveways we are looking for 24' here in this area where there is no parking, 24' width, 12' and 12', enough for two cars. When you have parallel parking, you have an extra eight feet on either side.

Chrm. Conero said we should also let the DOT know that we are the Village of Montgomery's Planning Board not the Town of Montgomery, they sent it to the Town. Marc said I went over their response from before and they had to send to sent it to the Town under the SEQRA process. Chrm. Conero went over the letter we received from the DOT and said there was a check list on the back.

Francis said they did not receive a check list. When they issue a permit, it is a very vigorous review. You questioned about Marc building a road, when you work in the Right-of-Way you have to comply with their request. It's the same as if it was a State project. Att. Dowd said it is the same with the County, you have to get a permit from them to build a road or turn lanes. Dawn added as well as any Village project. Any new roads or infrastructure that's being built and dedicated to the Village, they have to meet the Village's requirements. Francis said on this project with the water/sewer infrastructure will be dedicated to the Village and will be constructed to the exact Village's standards.

Mbr. Romano said in the worse scenario, they say just Chandler or they give us a hard time over the first entrance on 211. Let's say they definitely do need a second entrance and they really give us a hard time, do we have the power to override them or is it what every they say goes. The answer is in a matter of speaking, yes. Again Att. Dowd said it is important to the Board to express their opinion that you don't want everything funneled into Chandler to Presidential Height. When you evaluated SEQRA the additional entrance on 211 for commercial will be instrumental in the proper flow of traffic and it would be less of an impact to the residential area. Joe said it will also be the success of the project. If people find it difficult to get in they will go somewhere else. Francis said that is why we are asking the Village to respond to that letter. If the Municipality, the Village has a strong opinion about how they wanted it, over line technical or safety issues, they are strongly going to consider it. Mbr. Romano said we live there and I know you cannot go down Chandler with trucks, I lived there you can't have one entrance with this.

Joe Catalano commented that during the SEQRA process we eluded to having a Traffic Engineer that studied the current and future flows of traffic and how it's going to work. Lanc & Tully also had their own Traffic Consultant review. Mbr. Romano wanted to know if we could send that report. Francis said they already have it and part of this letter is in haste on their part just to respond to us. Dawn said also they report back information that was contained in the traffic analysis and they are aware as well.

Att. Dowd asked if Francis or Joe could prepare a draft letter to Dawn, Kevin and himself covering the basics before the Chairman sends it out. Chrm. Conero said he was writing a bunch of notes down. Marc said you can reference the section of the DEIS that shows all that. Francis said he was going to respond for the applicant in similar fashion.

Chrm. Conero said we are all set on that. I never called Alan Sorensen about the corner building. Did you guys every talk to him about having one consistent L shaped building on the corner as opposed to two. Joe Catalano explained that he thought Alan might have thought the alleyways were wider than they are. He did not respond to our call, did he? Francis said I kind of had this discussion with him before. That corner should be something that's...more or less. His initial response to me was that the building on the corner and what's it going to look like on the side. He was concerned about having the front and the side of the build just being kind of blank. There was some confusion last meeting and it's in the minutes that we were not sure what he meant. I would like to be comfortable on what his intension's were. Joe said I sent him that, e-mailed and never received a formal response. Francis said he asked about ... and whether we were going to have entrances on both sides. The issues is, if this was the front of the building, his concern is that the side will be some sort of blank wall. Chrm. Conero asked was that after our last meeting? Francis was not sure but he knew that Alan had not seen the drawings before the meeting. Chrm. Conero said we need a clarification on that. Mbr. McLean asked if both sides of the building will have a face. The answer was absolutely, it's the corner of the site.

Joe said in light of the discussion that we had at the last meeting and the other meeting we had with Dawn and Kevin we worked out some drawings of alleyway depictions. Francis said two of them are 15' wide and the other shows 20+ feet, A, B, & C. A is the simplest plan, a sidewalk from back to front, from the parking area to the street. We want to make sure that if you park in the back, the pedestrian can walk to the front. The action, so to speak, is on the street side. The minimal would be just a 15' alleys, you would have a sidewalk down the middle and landscaping on the side and maybe building windows so when you walk thru it won't be a complete blank. This really what the basic is. If it would be a little wider, 20', it would be the same. B. If we would want an entrance on the side, that's how it would interface just off the sidewalk and have some landscaping. Mbr. McLean asked if it was up to the person who is going to rent or purchase. Francis said correct and it is up to the function of the building. Att. Dowd said we

asked them to do this because this alleyway is very important part of the project and for the Board to give approval we wanted them to have several variations. Joe said one alley will be 20 to 25' wide and we don't plan to do any alleyways greater than 25'. Mbr. Romano asked what the purpose of the 25' was. Joe answered to add more benches or landscaping. Because this is on Rt. 211 it would be more for show. Mbr. Romano added you would put your tenant with the outdoor café on that side, is that what you are saying?

Att. Dowd said you have to approve this project with enough parameters that you are going to be satisfied with what it is going to look like but not making them come back for every tenant. We said to them you have to come up with a size for that alleyway and what it would look like. You will have to have some kind of walkway or sidewalk in there and what they are going to use. There is a difference between concrete, stone or slate, they each give a difference feeling. They have to try and come up with not only what it would look like with these drawings but the description of material or alternate materials they might use. This way they don't have to come running back here and say we were approved for brick walkway and now we want to use concrete. We can say if you are going to have stamped concrete verses brick, maybe you can say use the alternative.. If they use something totally different, then they have to come back here. This way you have a comfort factor that you are will to accept. I don't necessarily think they need to come back if you say 15' and now we have 10' and now we need 20. The project is going to stay exactly the same except that you are going to widen it by 5". I think what they are looking for is some flexibility as 15, 20 or 25', working with certain materials and patterns that you can be comfortable with, under any scenario and you will be happy with. We want you to be as comfortable as you could be. If you don't want that, that is fine, then you have them come back. The idea is put it out of your head that anything you object to or upset about or things don't look good, have them say it and modify it , so with your approval they can have some flexibility in design

Mbr. McLean asked about drawing C was it actually a sidewalk with brick for the outside café? Francis said right and the sidewalk could be concrete. In C we shifted it to the side to put the sidewalk down the center and in A & B it's down the center. Att. Dowd asked if the alleyways in A, B, & C were different sizes. Francis responded that he did them all as about 15'. Dawn said in C. you will never get by with a 15' alley . You need a five foot minimum sidewalk and that leaves 10'. Marc said the Planning Board was concerned with the width of the alley and did not want to see 50'. Maybe the Planning Board could say no more than 25', if you can make these things work within that scope. We would like to be around 15' and thought it would work but if they have that flexibility to go a little wider or maybe a building jogs in a little bit and that makes the alley a little wider and if it's anything outside of that, we will comeback. You might see with 25' seating on either side and landscaping sidewalk and down the middle. Chrm. Conero said I think what Att. Dowd was saying is if we came up with a standard alleyway and this is A. and in our approval we give them alternates/leeway, specific alternates . Att. Dowd said an alleyway

with thirteen feet and a max of twenty feet. Then a walkway by ADA standards at least five feet wide and be concrete or brick. Chrm. Conero said that could be another alternate. Marc said I think we gave a list of a lot of stuff to Alan and he had recommended different materials that can be used, concrete, stamped concrete, brick pavers, brick and blue stone. There is a range in there that we can pull from. Again we don't want to have a blue stone here tied into a concrete one, we want it be consistent. Att. Dowd said I think it would be terrible on their part to mix different kinds of walkways. You are going to approve the Site Plan and there are improvements as far as the kinds of walkways and the appearance. You can give them direction in your approval and give them some flexibility that you would be satisfied with. However you suggest that and they would like to do, we will give you this and that. You confine the size or width of that alleyway and you have no objections to having outdoor café, side entrances like in B and that is fine. You can put all that into the project you are approving and if anything differs from A, B, or C you must come back to us because we need to see you.

Chrm. Conero asked how are we supposed to do alternates for any possible consideration. Joe answered he was going to suggest not specific alternate but put in, as Kevin said earlier, parameters or guidelines. If there is materials you don't want to see, you can say you don't want to see those. Att. Dowd added if you don't want plain concrete sidewalks, you tell them that. Joe continues the other thing I wanted to emphasize is the materials and the alleyways is also going to have to match the materials and the look of the building. Also, there are architectural considerations that we have not done yet. Also, on the map there is a note that we are asking the Planning Board that if the footprint should shrink a small or large percentage that might effect the alleyway. We are hoping to say that we want a minimum of so much for alleyways and the max can't be any more than this. We would like to have room to work with. The material and landscaping preferences would be great to know too. Chrm. Conero said it would be difficult to pick out material to be used. Att. Dowd explained that the texture the applicant is coming to you for and what everything everyone is trying to achieve isn't conducive to using concrete for the sidewalk, isn't conducive to vinyl siding, palm trees, palm trees don't fit here. There are certain guideline that you can approve if you know what it would look like and if you want they can give you drawings. You can say yes this is the kind of effect we want and this is a great project as long as they stay with it. If they vary from the plan, use something that is not approved, then they would have to come back. When you give the approval for Phase 1, it is what you folks want to see and what would look good and be an asset to the Village. Marc said what we can actually do when we get the tenants and when we actually move forward with the building, the Planning Board can look at it at that time and say it looks like Phase 1.

Francis said the three drawings we did say A was the minimal and maybe the Board can say okay at minimum there are concerns with the sidewalk from front to back. So at minimum there shall be a sidewalk connecting the back to the front and Code compliance done in concrete and you can elaborate from there. The Building Inspector, when he get the building plans will look

at it and needs something to compare against and does it meet the criteria of the Planning Board approval. If it does meet the criteria then it is a simple check off. Chrm. Conero said I don't want Marc to come back for everything that he has to change, especially the sidewalk or landscaping or any of that stuff. There are alternates, like you said, but I want it to be made clear enough that when it goes to the Building Department they understand. I don't want to see anything done that has been tremendously altered. When you said give them flexibility on the materials, we can give that but it has to be very specific because when the Building Department get it they are not going to make a judgement call on material.

Francis spoke about the Comprehensive Plan and what Alan wrote has a lot in there about materials. Att. Dowd spoke of colors of buildings and historical colors. Francis added today many of the paint companies have historical palettes.

Marc said he almost rather just come back when he gets his Building Permit because they are going to spend four meetings saying Blue Stone Pavers, Stamped concrete. If the Board is okay with that he would rather come back and say this is what it is going to look like. Att. Dowd replies that is fine. Marc continued if you like conceptually what we have done and then he is comfortable when he brings something back you will like that. I am not going to come back with I put concrete in the whole thing. Chrm. Conero said in the back of my mind the Board could change or Marc could sell and the new owner won't come back with the plans. Marc said if that was the case, that would be a condition of the sale, they would have to come back.

Joe said for the next meeting let us try putting something in writing about establishing basic parameters as sort of a frame work. Then you can discuss that and see if that is something the Board can work with. (Including it as a note on the map so the Building Inspector has something) Att. Dowd added that would protect the Village in case you sold it or you if the Board changes and you did not get stuck with an approval that you may want, or may not want. Marc said that was good and a lot of stuff that we are going to give back to you, you have seen before in the Comprehensive Plan and it will be along those lines.

Mbr. McLean asked if there was a ... between the building and the sidewalk, is there a minimum. Chrm. Conero responded Dawn said five feet. Mbr. McLean continued in C. where you have an outside café on the other side of that space, it could be anywhere from a foot to an inch? Francis said it depends on what is on the building. If you have projections from the buildings that might get in the way of the clear width you might have...If it was smooth and had no doorway openings, you would want that five foot sidewalk where someone could open the door. Mbr. McLean asked if there was minimum because he does not want to be walking up against a wall. A lot of this stuff is based on the Code, they are Code issues.

Chrm. Conero said I don't want to create a situation that you have to come back for every little

thing, and we don't want to do that. Marc said he appreciated that and there were some things that he definitely would come back for. If there is aesthetic things that I submit more finalized to you maybe and you look at it and say we won't have to come back, this is what we talked about. But if you look at it and say what is this, get them back in here, then we come back. Att. Dowd said you make that decision before they make their decision this is what we want and have and be very specific. Joe said for the next meeting we want to put the framework together. Mbr. Romano stated that she did not like that large opening facing Rt. 211. Mbr. McLean said he didn't like it either and thought kids would hang out on the benches that are supposed to go there. Mbr. Romano continued there should be a D. with tables on both sides. Let say your maximum width would be 25' and that section could be the 25', and I am not trying to tell you where to build it, and the material you said you needed different widths. If the materials on the building require more room, I don't know what materials do, you can put those in the bigger alley and the 15' ones, just a mixture of things. I like all three and maybe four or five scenario's, some with sidewalks, some with pavers. Joe said you don't want to see the same thing. Mbr. Romano answered maybe around one building, a small tiny alley should look like this and that big alley could have benches on both sides. You can tell the tenants that I have a tenant for a Pizzeria here and a tenant for Starbucks and if I put you guys together, you can look at each other.

Att. Dowd said the alleyway between the buildings on 211 is 25'. Mbr. Romano said that is not a given, they might change the blueprint by a foot or two. Att. Dowd continued Lee said what about kids hanging out on the park benches. It's private property and as the owner you can tell them to get out or you can call the police. Marc said we do not want riffraff hanging out there and our tenants

definitely don't want riffraff hanging out there. We do want people to maybe grab a seat on the bench while they are waiting for someone.

Chrm. Conero asked Joe about the framework for the next meeting and was it going to show the 15' alleyway and maybe a mark-up on the 25' alleyway. Joe answered you want a visual and in words. Marc said we will put it in words and show you 15' and 25'. Att. Dowd commented the 25' between the buildings on Rt.211 gives you many possibilities of what you want to put there, even a fountain can go there. Marc said we are going to show you a view of what that 25' is going to look like, so you will have an idea throughout the project what these spaces are going to look like.

Marc explained that in residential you will have entries on the back side as well as the front. It is one unit and it is not necessary like commercial where you want more people in front of these buildings.

Marc asked Rose to place him on the Board of Trustees agenda.

RE: MINUTES

A **MOTION** to accept the Minutes of the Village of Montgomery Planning Board meeting, as written, was made by George Weeden, seconded by Mbr. McLean and carried 5 Aye, 0 Nay vote.

RE: ADJOURNMENT

A **MOTION** to adjourn the meeting at 8:45 pm was made by Mbr. Romano seconded by Mbr. Weeden and carried 5 Aye, 0 Nay vote.

Rosemarie R. Griffith
Deputy Village Clerk