

MINUTES of the Village of Montgomery Planning Board meeting held in the Conference Room of the Village Hall, Clinton Street, on Wednesday, October 26, 2016, at 7:30 pm.

ATTENDANCE: Chrm. Conero, Mbr. Romano, Mbr. Weeden, Mbr. Crowley, Mbr. Steed, Atty. Kevin Dowd, Eng. Dawn Kalisky of Lanc & Tully, Maria Beltrametti, Michael Lynch, Darren Doce, John O'Brien, Margaret McManus

OPEN: Chrm. Conero opened the meeting with the Pledge of Allegiance.

**RE: MILLS / SAGER SUBDIVISION 65 Prospect 207-1-22.22 &
43 Valley Avenue 207-1-22.28**

Atty. Dowd started with...when the Montgomery Post Office was put in, there was an easement created; when Mr. Mills sold it to who developed the PO site, we reserved an easement on the property...it can connect to the private sewer main...the Subdivision also comes out of the pair in parcel and would also have a right to hook up...it doesn't mean they physically can hook up if the flows or the pipe are not adequate. That would be an engineering determination. The legalities of it, the reservation of rights to hook up applies here. They have the right to hook up but with two additional houses going into the force-main is it able to take it? It's a private sewer line. Ms. Kalisky said the typical detail is there which is standard; force-main to force main connection.

Mr. Doce said he did not receive Lanc & Tully's comment letter, even though Ms. Kalisky said it was mailed to him.

Chrm. Conero mentioned that all signatures from all parties involved need to be submitted. Ms. Kalisky said the initial packet only had Mill's and Sager's signatures.

Ms. Kalisky said to add the map onto the surveyor's certification, which will be on the final map.

Mr. Doce said the only question was the drainage line. Ms. Kalisky said #4, the private drainage easement in the back, needs to be described. The one in the front, #5, is part of the stipulation agreement, order of settlement; was the easement found? Mr. Doce said no, Mr. Knapp only had a couple of pages of the stipulation. Ms. Kalisky said that it's supposed to be the conveying for the drainage easement for that. Mr. Doce said there was nothing filed at the County from 2003. Atty. Dowd said that would be a violation by Mr. Mills, even though he is no longer with us, from the stipulation in 2003. We need that. The estate will have to submit it. Mr. Doce said it wouldn't be a problem.

Ms. Kalisky asked if Mr. Sager is aware that the property that is being transferred to him is a lot line change encumbered by an easement. Mr. Doce said he would speak with him and see if he still wants it; he doesn't want it, it can remain with lot 1. Ms. Kalisky said it changes the use of it, he just can't build anything on it. Mr. Doce said it crisscrosses. Ms. Kalisky said that is a concern of theirs, it extends onto the Chambers Family Realty and then back onto... Mr. Doce said there's nothing involved, all he can tell in there is...he (Mills) dug the trench for the Village and the Village supplied the material for him. (He shows on the map.)

Chrm. Conero said, this was not filed after the water was...Atty. Dowd confirms that this was supposed to have been done...it was court ordered. Chrm. Conero asks which parcel of land Mr. Mills owns. Atty. Dowd and Ms. Kalisky said the whole thing.

Mr. Doce said they can't give an easement across Chambers, so they will have to move the line. Chrm. Conero asks which line will be moved. Atty. Dowd explains where on the map. Mr. Doce said at the catch basin by the existing garage...it crosses onto Chambers and comes back out to Mills.

Ms. Kalisky doesn't know why they have 15" pipes feeding a 12" pipe. Size-wise, they typically go 10' onto the center line of the pipe for an easement but that can't really be done in front of Sager's.

Atty. Dowd said he'll have to go back 13 years into the files. This all stems out of the Village closing off the street and its variance enforcement action against Mills property. He doesn't recall a drainage line actually on Chambers property. It's one of these issues where years ago, the Village had put pipes to drain from the streets down to the stream without getting an easement. The old handshake habit and when everything fell apart in 2003, they were trying to...inaudible...

Chrm. Conero asked how this agreement came up; did they bring all the parties together? Atty. Dowd said there were mistakes where the property lines were, that this was always the Mills property. If there is no easement on record for the Mill's property, Knapp's property or Sager's, we need to get one.

Ms. Kalisky said if your research turns up that you don't have anything filed as well, she said they typically do 10' on either side of the center line pipe for an easement or repair/replacement. You can't really do that with the location of the catch basin on the current land...it extends across Sager's driveway. (She explains on the map.)

Chrm. Conero asked if the line could be moved off Chamber's property? Atty. Dowd said he doesn't know why it's the way it is. Chrm. Conero asked if the easement on those two properties could be eliminated. Atty. Dowd said his recollection of it was if it was on Chambers and they knew it was on Chambers, they wouldn't issue an easement for something that wasn't on his property. Chambers was not part of this lawsuit or the enforcement proceedings, so I think they really believe where his property lines were. The property lines are not correct and need to be realigned and then the easement can be granted to us, which should've been granted 13 years ago. Chrm. Conero asked who would do the realignment; who is responsible for that? Atty. Dowd said...was inaudible...it never got filed after...inaudible... Chrm. Conero said so there are issues there. Atty. Dowd said yes.

Chrm. Conero said to Mr. Doce, that we'll hear back from you next month.

Atty. Dowd said you have to clean up a few things; inaudible...you need the drainage easement...you may have to have that realigned, an easement granted and endorsement from the Knapp's, other than that, we can set the public hearing for a four lot subdivision. These are issues that...Mr. Sager should know that there will be an easement on his property, when he gets it. A lot of this is very technical...straighten this all out before the subdivision is final.

Atty. Dowd asked Ms. Murphy to provide a list of all abutting properties to the three parcels involved to Mr. Doce, along with the public hearing notice for him to mail.

A MOTION was made to **RESCHEDULE THE PLANNING BOARD MEETING FROM WEDNESDAY, NOVEMBER 23rd TO WEDNESDAY, NOVEMBER 30th**, by Chrm. Conero and seconded by Mbr. Crowley and carried 5 Ayes 0 Nays.

A MOTION was made to **SCHEDULE A PUBLIC HEARING FOR MILLS/SAGER/KNAPP SUBDIVISION ON WEDNESDAY, NOVEMBER 30TH**, AT 7:30PM, by Chrm. Conero and seconded by Mbr. Romano and carried 5 Ayes 0 Nays.

RE: LOOSESTRIFE FIELDS – PHASE 2 204-1-2.22

Margaret McManus, from the Chazen Company, representing Tower Management, said they made minor changes to the plan that was presented in August. They cut out 4 units so they will have 38 new units and reduced the parking. Another item that was changed was the hammerhead (she indicates on the site plan) for the firetruck to be able to make a U-turn. The other items were: addressing the storm-water by adding fire retention areas; she hadn't provided the backup data for the storm-water pollution prevention plan, but that will come shortly.

Chrm. Conero asked about visitor parking. Ms. McManus indicated on the site plan, where adequate additional parking was.

Ms. Kalisky said there were two spaces provided per unit; it does meet code. The majority of the units being proposed will be two bedroom. Do any plans show the overall? Mbr. Romano asks about handicap parking; that out of four buildings, there are only two parking spaces in front of building 1. Ms. McManus said the code requirements for residence is different from commercial buildings. They would have to provide two units that would be handicap accessible, with two spaces for each unit. There are 2 handicapped with 2 spaces for each unit. Chrm. Conero asked if there was a requirement for handicap access not in front of the door and just in the whole project.

Atty. Dowd said they can rent the unit with the parking available. If you've filled the units, there is nothing in the back? Mbr. Romano asked if they could put any in the back. McManus said if you were handicapped you wouldn't want to rent a non-handicapped unit. You would also still have parking spaces. Mbr. Crowley said, so those units, there, will be handicap accessible? And the parking is outside the unit that is handicap accessible. Ms. McManus said yes. Mbr. Romano questioned whether or not they are marked. Mbr. Crowley asked, only those two units will be for handicapped people; you only have to do two.

Chrm. Conero asked if they were required by law to have a certain amount of handicapped residents in your project. Ms. McManus said she has been reading the code because the ADA that they read is for commercial, it's not for residential. She will clarify it. In order to meet ADA compliance, 5% of the units have to be handicapped accessible; it is 1.9, or 2 or these 38. This is federal code.

Ms. Kalisky said the multi-family developments that her office has prepared have been viewed as commercial buildings; you're shy on your ADA compliance with the number of parking spaces. Ms. McManus said 1 per 25 are needed. Chrm. Conero said this is an interpretation of how...Ms. McManus said either way, it would be two units so if you want to count each of the parking spaces associated with those two units we could add in two additional handicapped spaces in this area (she shows on the site plan). It's flatter down here, so it's easier to get them in there.

Chrm. Conero said you moved the turnaround for the firetruck from the back of the lot to...Ms. McManus said yes, it's 150 ft. from the end of the road so it's still compliant with the fire code. Chrm. Conero said that area will be lined for no parking. Ms. McManus said yes, it will be striped.

Chrm. Conero asked about garbage pickup. Ms. McManus shows where they will be on the site plan and that there will be screening/fencing. Mbr. Romano asked if it would be enough for all four buildings. Ms. McManus said they feel it will be; it will be private pickup; may even pick up twice a week.

Chrm. Conero asked where the snow pileup would be; she indicates on the site plan. There are a few places for snow.

Chrm. Conero asked if there would be trees/bushes. Mbr. Romano asked if there were any existing. Ms. McManus said yes and that there are some existing trees.

Ms. Kalisky said they revised the layout and the unit count to comply with code. One concern is the grading on the Village's property. Ms. McManus said there are two solutions for that; one is to build a retaining wall on the edge of our property so we wouldn't have to grade over or we can approach the Village Board for a temporary easement. Ms. Kalisky said that would be a Village Board action, not a Planning Board action to grant. Chrm. Conero said it would be a temporary construction easement for grading only. Ms. McManus said the other thing would be to do a land swap within this lot between the Village and this lot (she indicates on the site plan) because this part of the parcel isn't being used and it has more wetlands and the wetlands from the original delineation was closer over here. The property line actually followed along the wetland line, but over time the wetland moved; has come in this way (she indicates on the site plan). Ms. Kalisky said it's not intensive grading its undeveloped parkland that the Village has.

Chrm. Conero asked if there was any recreation area for parklands in this. Ms. McManus said she believes the wetland was dedicated to the Village so there wouldn't be development on it. Atty. Dowd said this was to satisfy the recreation fees...was seeded as passive parkland; it was approximately 5 acres. Ms. McManus said it was 5.7 acres for open space recreation. Chrm. Conero reiterated whether or not this project would be paying the parkland fees to the Village. Atty. Dowd he would have to go back to look to see if it was the entire project or just for this phase...inaudible. Ms. McManus said this subdivision of these two parcels was years after this parcel was subdivided (she indicates on the site plan). So, it was probably the whole thing. Atty. Dowd agreed-did the whole unit count as one...and how the recreation fees should be paid and how much was going to be paid how much was going to be developed at one time, that may very well be...so there would be no recreation fees on these 38 units.

Ms. Kalisky said the entire development was approved, inclusive of these buildings. The reason they have to come back for an amended site plan is because the lines have changed as far as the wetlands go, the requirement has changed for DEC with storm-water and because they need to modify the location, need to amend the site plan.

Chrm. Conero asked #6, the proposed water/sewer services, will be privately held? Ms. Kalisky said they will prepare and provide to the Village for review. Inaudible regarding adding to the capacity of water/sewer. Ms. McManus said a letter will probably need to be submitted or signature on the application. Atty. Dowd said it isn't the village's line, it's just adding capacity...Ms. McManus will look into it.

Mbr. Weeden asked if the firetruck could get in and turn around. Ms. McManus said they ran auto-turn and simulated a fire truck coming in, per the NYS fire code so a truck could come in and get back out. Atty. Dowd said she will need to get a letter from the district so they know. She said ok.

Atty. Dowd asked if the reserved parking already there was currently being used by the residents. She is going to drive by and check. She said these 5 buildings require 88 parking spaces and there is 108; there's 28 additional parking spaces in this area. (She indicates on the map). This one building has double the amount of what is required. Atty. Dowd said it is probably being used by present residents for guests. Chrm. Conero asked if it is marked "visitor parking?" Ms. McManus said a lot of the units have numbers and the spaces are marked with the same numbers. She will ask if there have been any issues with parking. Mbr. Crowley said she's been there and hadn't seen numbers on the parking spaces or visitor parking anywhere.

Atty. Dowd asked if there roads had been redone, as there had been potholes all over. Ms. McManus said she doesn't recall potholed, but she will double-check.

Ms. Kalisky suggested she approach the Village Board for a temporary construction easement. She said there isn't hardship there and it would be harder to revise the land swap. The Village has...inaudible... Ms. McManus said okay.

Atty. Dowd said they should declare intent to be lead agency-this is a Type 1 Action. DEC, DOH, Army Corp, Parks and Rec, 239M, TOM need to be notified; the applicant can send a letter to the fire district stating they looked at it, to confirm they are satisfied with the turnaround.

Mbr. Romano is not comfortable with the parking on the one side, she thinks people in the far building need a few more regular parking spaces and handicapped parking should be in front of each building. Ms. McManus can have a drop curb in case a handicapped person parks anywhere, if they are visiting. Atty. Dowd suggested visitor parking signs be put up. Ms. McManus said she will speak with her client.

A MOTION was made to **DECLARE INTENT TO BE LEAD AGENCY** by Mbr. Romano and seconded by Chrm. Conero and carried 5 Ayes 0 Nays.

RE: MONTGOMERY SELF STORAGE 203-1-14.21 & 14.22 LOT LINE CHANGE

Chrm. Conero said that at the last meeting, they asked for specific information about some of the conditions that were originally agreed to. Both the Planning Board and Village Board spent a lot of time on the esthetics of this and they wanted an update of where they were with the project. Mr. O'Brien asked what they wanted to know. Atty. Dowd asked how many more units they have to do. Mr. Obrien said three more; one close to Factory, one next to the office and one in the back. He said there have been a lot of changes.

Atty. Dowd mentioned decorative wrought iron railings along Factory Street and park benches on the side of Factory Street. Mr. O'Brien said they started in the back of the property and they are moving forward now. All the trees are in in the front. Everything has been blacktopped toward Factory. At the beginning of the year there was a large mound of dirt; we cleaned that up, blacktopped all the property, it's all seeded. Now we're moving closer to Factory, we had the lot line problem since we started. Now that we're closer to Factory Street, about sidewalks, about trees along Factory, I wanted to make sure the lot line was fixed before we started doing all that. It's a job with the sidewalk. He put up \$55,000 cash, not a bond, \$25,000 was released last year and the Village is still holding about \$28,000 of his money which is supposed to be for the sidewalk, the fence and everything else. He's not going anywhere. It takes a while to fill up the units and he just had his last project 2-2½ years ago.

Chrm. Conero asked how long he's been developing the property. Mr. O'Brien responded, 10 years. Chrm. Conero asked what the anticipated time to complete the project will be. Mr. O'Brien said next year. Chrm. Conero stated that he gets a lot of complaints from people-how did he let this go in like that? We didn't let it, but it ended up like this. You got approval from the Village Board to go forward; CO, operating what you're operating but at some point, that's why we asked your engineer about what you're supposed to be doing there? We'd like to know, what you originally agreed to do, when it's going to be done/completed, as it is on the plans. Mr. O'Brien said he never had complaints. The Chrm. said he hears complaints a lot about the sidewalks, the fence not in; there was supposed to siding on certain parts of the building facing Factory St. Mr. O'Brien said that is the last building. He's here 10 years and will always answer any questions they have.

Atty. Dowd said they need the easement agreement. Mr. Lynch said we've written it up, it's on the plan – it's something we can do. Atty. Dowd said a condition of the... John, 3 more buildings to go... Mr. O'Brien said they will be building them all at the same time. Every 2-2½ years we go through a cycle, but the buildings have to be filled up to get new financing. Mbr. Romano said they thought it was going to be one project done right away. Mr. O'Brien said no. Chrm. Conero said there were phases? Atty. Dowd asked if the fencing and sidewalks would be included in that. Mr. O'Brien said yes. Atty. Dowd said the driveway will be on the storage property but access to the open lot on the corner will be over that, so you need to grant an easement for them to use that driveway to get into that lot. Mr. Lynch said they have a 60 ft. wide by 125 ft. easement shown on the plan, they've started writing up an actual agreement to have signed. Mr. O'Brien said when he goes for new financing, he has to use the whole lot-taking this lot off will make it easier.

A MOTION was made to **APPROVE THE LOT LINE CHANGE, SUBJECT TO THE EASEMENT** by Mbr. Steed and seconded by Mbr. Romano and carried 5 Ayes 0 Nays.

RE: MINUTES

A MOTION was made to **ACCEPT THE MINUTES OF OCTOBER 26, 2016** by Mbr. Steed and seconded by Chrm. Conero and carried 5 Ayes 0 Nays.

RE: ADJOURNMENT:

A MOTION was made to **ADOURN THE MEETING AT 8:30 pm** by Mbr. Weeden and was seconded by Mbr. Crowley and carried 5 Ayes 0 Nays.

Tina Murphy
Deputy Village Clerk