

MINUTES of the Village of Montgomery Planning Board meeting held in the Conference Room of the Village Hall, Clinton Street, on Wednesday, March 25th, 2015 at 7:30 pm.

ATTENDANCE: Chrm. Conero, Mbr. Romano, Mbr. McLean, Mbr. Weeden, Atty. Kevin Dowd, Eng. Dawn Kalisky of Lanc & Tully, Walt Pahucki, Jay Samuelson

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

OLD BUSINESS:

MATHIEU SUBDIVISION 77 WARD STREET 202-2-6

Chrm. Conero asks Ms. Kalisky to review her letter from Lanc & Tully. Mr. Samuelson said after speaking with Mr. Shareef (from DOT), they intend to modify the entrance to be able to get a permit from DOT. Ms. Kalisky is concerned about the slope in the driveway; the grade is 8.33%, although, Mr. Samuelson says it is 8% which is from the profile. The handicap area is 2%. There is discussion as to where the handicap area is, and that it needs a handrail. Atty. Dowd asks if the garage is historic. Mr. Samuelson said that they know they house is but they don't know if they garage is. SHPO hasn't responded, yet. Atty. Dowd said that if it is an old carriage house, it could have historic value. Ms. Kalisky said they have to wait for SHPO, then AHRB will need to be satisfied, as it is in the Historic District. Atty. Dowd asked if a Special Exception Use application has been filed for the 2nd floor apartment, since it's a new building and it's an SEU under B2 district. He sees a site plan and a sub-division, but no special permit. Chrm. Conero asked how many residences would be above. Mr. Samuelson said only one. Ms. Kalisky asked about lot 1; it's currently one residence with 1700 sq. ft. of office? Mr. Samuelson says yes. She asks how that is configured. Atty. Dowd asks if it is a home professional office or home business. Mr. Sameulson doesn't know; he hadn't been inside hasn't done much work on this project. The Atty. says this impacts the parking calculations; certain parts of this may be exempt from the parking clause, some may not. If it's short, the Zoning Board may have to issue a parking variance. The home office is only supposed to be ½ of the ground floor area. Mbr. Romano asked how many spaces a home office takes. The Atty. says it's in the code, it depends how long Mathieu has owned the home, and how long the home office has been in it. If the office pre-dates the code it would be exempt from the code. He wouldn't have to provide any parking for that use. That would help with the parking requirements but if it's not, and it's more than what's allowed for a home office, then we have other issues. Ms. Kalisky clarifies that a home office is not rented to outside people; the owner of the home lives there and works there. She says there is not enough for a rear yard setback. The side yard is ok...12 ft. on one side; from the new building to the new lot line. They are not increasing the rear yard. What is now vacant will be an 8% paved surface flowing onto 17K; there are no provisions to catch any water. Mr. Samuelson said they haven't done anything for it since DOT didn't bring it up in any of their comments. They asked that the sidewalk be 2% towards the road. The Chrm. asks where the drainage is and if there is swale? Ms. Kalisky says there is snow removal, a steep sidewalk, icing conditions, it's on a hill, a lot to be concerned about.

There is no room for a swale line because they are paving right up to the property line. The Chrm. asks if there is any way to reduce the slope. Mr. Samuelson says it's that steep because it's between existing buildings and parking; they cannot fix it without extensive retaining walls, stairs and access into it. Ms. Kalisky said that DOT will most likely require some form of drainage. The lowest spot will be the corner of parking space #1- there is no curbing. Mbr. McLean asks what defines the shape if there is no curb. Mr. Samuelson said the asphalt. The Atty. asks if the existing garage is empty. Mr. Samuelson said he believes so. It will be converted into office space as well as the first floor of the proposed addition, and a residence on the 2nd floor of the proposed addition. Ms. Kalisky said lot 1 is 1708 sq. ft. office and one unit residential and that the existing building on lot 2 is 932 sq. ft. office/studio. And proposed uses; lot 1 remains the same, lot 2 proposes 1,932 sq. ft. of office/retail/personal service and 1 residential unit. The Atty. says that he doesn't recall Mr. Mathieu ever coming before the Planning Board for anything in the garage in the last 25 yrs. If something is existing in there, how did it get there? Ms. Kalisky says there are a lot of questions regarding the site plan. How will you do snow removal? Where is the refuse enclosure? The Village can only pick up garbage in cans-no dumpster. Ms. Kalisky brings up the 8% slope in regard to parking; add snow or ice. Building, sidewalk, parking lot, sidewalk, building. And that's all you have. The Atty. says that SHPO's response is important...we do not have it yet. The Chrm. again, asks about bringing the slope down to at least a 5 or 6. Mr. Samuelson said he will see what they can do. They are not going to remove the fence in the back. Ms. Kalisky asks about the maneuverability of parking space #7. Mr. Samuelson said he (Mr. Mathieu) always has the option to back into the stretch space. Ms. Kalisky says there's not a lot of room. There's five feet to back into but there's also a fence right there. You're going to hit the fence. Mr. Samuelson makes a comparison to 9 Bridge Street parking lot. There is discussion about the surrounding properties and buffers. Ms. Kalisky asks about the water/sewer connections. Mr. Samuelson says the note needs to be modified. The feed comes off the existing house; they are going to cap it at the existing house and tie into it and then go out to the street. They are going to try to tie into the existing sewer but will run a new line if necessary. The sewer currently runs under the sidewalk to 17K. Ms. Kalisky says there needs to be better lighting and landscaping. There are only bushes and a few herbs; 5 holly bushes, 2 hostas and 12 stevia. There are no trees. Mbr. Romano asked where they could put one. Mr. Samuelson said they will look into it. Mbr. Weeden expresses concern if there is a fire. Mr. Samuelson needs to find out the uses and dates of the buildings, when the garage put in sewer and became a studio, the internal configuration of the residence (lot 1); they are awaiting SHPO and expect to hear more from DOT.

GARRISON'S 9 UNION STREET 202-9-17

The Chrm. asks the Atty. about the site plan application that they have. No one is there to represent Garrison's or CPM. Atty. Dowd said that approval was for the restaurant and an apartment upstairs. CPM owns it, now, and there was a tenant in the apartment, there was a dispute with the tenant and the landlord. The tenant's boyfriend got involved with Bruce concerning a shared electric bill. Bruce did check to see if the electric was certified. There may be additional office space that was not approved, but Bruce could

not get access. There were no provisions in the site plan for an office. There needs to be clarification about the apartment and the office and what they are applying for. The uses in the building may need to be changed; they may need a special use permit; parking may change. The previous business was the Daily Bean.

An update on the school issues from Atty. Dowd:

MONTGOMERY NURSERY SCHOOL 202-11-1.1 Special Exception Use Permit

Nothing has happened with them. They did not come back this month, so the B/I may have to take action against the Presbyterian Church and the Montgomery Nursery School, as they are also in violation of the zoning laws.

MS. CLAIRE'S MONTESSORI 203-1-12.2 Special Exception Use Permit

Notices to Remedy went out to the owner and the two lessees on the property. He had a discussion with the owner's attorney and the understanding is they are amending the Special Permit to the carriage house to increase the number from 25 to 40. The Wallkill River School with the improper renting of space to the Montessori School; they are moving out at the end of the school year, in June. That is not remedying the situation. They need to come to the Planning Board and seek a Special Exception Use permit on a temporary basis for the school to be in the Wallkill River School, however, by the time they apply and have a public hearing, they will only be in the school for another month. Two rooms are being used and approximately 30 children are there. Mbr. Romano asks for clarification on the number of students in the carriage house. The Chrm. states that what it is zoned for and allowed on our special exception use is 25 students and 6 teachers total. They want to amend their special exception use permit to include what is actually there, so this does not happen again. The art studio in the front building will never be used for a school, as we technically define school as over two hours a day. The Atty. said there is no intention of terminating lease, or improper sub-lease of the Montessori School in the Wallkill River School building. They are not kicking them out at the end of the school year it will cease. In the meantime, it has been going on since October. The Chrm. wants to ensure that this does not happen in the future. The Atty. advised the B/I that he can bring them to local court, or fine them for violation of the zoning code or get a restraining order in Goshen to stop them immediately from doing activities that are not permitted in the Patchett House. They can come in for a temporary SEU. Mbr. Romano wants to know why we are accommodating the continuous use. Atty. Dowd said the first step was to issue the Notice to Remedy, that they are in violation. They can resolve it in one of two ways; they can cease and desist or they can seek relief from this Board to put them in compliance with the law. The B/I will determine if he wants to issue an appearance ticket and bring them up on charges since they've been in violation since October and seek to have them fined for their transgression. Or he can seek and order from the Supreme Court in Goshen to stop them immediately from violating the law. Chrm. Conero asked what is involved in a temporary SEU. They still have to file a SEU and site plan amendment, a public hearing, SEQRA review and the Planning Board decides.

Bruce can fine all of them for every week that they are non-compliant.

CHANDLER LANE

The Chrm. mentioned the letters regarding Chandler Lane from Planit Main Street and Lanc and Tully. These are regarding the most recent PDD changes submitted by the applicant. It's a huge change from what it was before. They are taking commercial space and just eliminating it and putting gas stations on and small lot lines-there are zero lot lines which means the lot size is too small. The Atty. says he has reevaluated and agreed to go through a supplemental and environmental impact statement so that the changes he wants can be evaluated from a SEQRA point of view. They have just received a proposed table of contents for that SCIS and if they (himself, Ms. Kalisky and Mr. Sorensen) can agree on what needs to be restudied or studied anew, they will go that way and do all the studies they need to do and have a real legitimate review of the proposed changes and the impact thereof. The Chrm. asked if anything had been agreed upon at the Village Board level. Ms. Kalisky said it cannot be. The Chrm. said they went as a Board and cannot understand why this is still going on, even with all the experts, the Planner, a legal aspect...this is costing a lot of money. He suggests that the Planning Board members speak with the Village Board members. The Atty. pointed out that the proposed changes do not comply with the Comprehensive Plan. He has made the point that before the Village Board amends the PDD laws, any changes to that plan will also have to be made to the Comprehensive Plan and the committee will have to approve it. The Chrm. says that the Master Plan committee feels that taking the commercial aspect out of the land is not in the best interest of the Village or anyone. Mr. Sorensen is coming back in April to review the changes to the Comprehensive Plan so they can submit the findings to the Village Board. The Village Board will have a public hearing to adopt the changes.

RE: MINUTES:

A MOTION was made by Mbr. McLean and seconded by Mbr. Weeden to accept the minutes from January 28th, 2015, and carried 4 Ayes 0 Nays.

RE: ADJOURNMENT:

A MOTION was made by Mbr. Weeden and was seconded by Mbr. Romano, to adjourn the meeting at 8:30 pm, and carried 4 Ayes 0 Nays.

Tina Murphy
Deputy Village Clerk