

MINUTES of the Village of Montgomery Planning Board meeting held in the Conference Room of the Village Hall, Clinton Street, on Wednesday, August 26th, 2015 at 7:30 pm.

ATTENDANCE: Chrm. Conero, Mbr. Romano (not in attendance), Mbr. McLean, Mbr. Weeden, Mbr. Crowley, Atty. Kevin Dowd (not in attendance), Eng. Dawn Kalisky of Lanc & Tully, Jane Samuelson of Engineering Properties, Walt Pahucki, Parinaz Mokhtari, Adam Peterson, Marc Devitt, Tina Quinlan, Arietta Thorne, Anna Frumes, Paul Hope, Michael Sussman, Building Inspector Bruce Yancewicz

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

A MOTION to open the **PUBLIC HEARING** for **BORLAND HOUSE** was made by Mbr. McLean and seconded by Mbr. Weeden and carried 4 Ayes 0 Nays.

PUBLIC HEARING for **BORLAND HOUSE 202-9-4 Special Exception Use**

Chrm. Conero asks her who she is.

My name is Anna Frumes (as she is handing out copies of the floorplan of the seating for the Borland House) and I am running Borland House now, and what we're looking to do is to open up so we can have a 10 table brunch. It's open from 8:00am until 1:00pm, ten tables. It will be a very basic breakfast/lunch menu, hopefully bringing some interesting food.

Chrm. Conero asked what the hours were.

Anna Frumes said 8am – 1pm.

Chrm. Conero said you are essentially applying for, we need to take action on the SEU approval and site plan approval, which is a change of use; from “Inn” to “Bed and Breakfast.” Is there anyone that would like to speak about this project? Pause...No?

A MOTION to close the **PUBLIC HEARING** for **BORLAND HOUSE**, was made by Chrm. Conero and seconded by Mbr. Weeden and carried 4 Ayes, 0 Nays.

A MOTION to **APPROVE THE SITE PLAN**, (which is a change in use), to “Bed and Breakfast” from “Inn,” was made by Chrm. Conero and seconded by Mbr. McLean and carried 4 Ayes, 0 Nays.

A MOTION for **SEU APPROVAL** was made by Chrm. Conero and seconded by Mbr. Weeden and carried 4 Ayes, 0 Nays.

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

Chrm. Conero clarifies that the square footage per occupant was agreed upon to be 35.

B/I Bruce Yancewicz said that after speaking with Valley Central School District, they recommend 30 sq. ft. but his Building Code requires 35 sq. ft. for daycare, which he is staying with. They can appeal if they choose to.

Mr. Sussman said there is no dispute, at this point.

Chrm. Conero reiterated 35 sq. ft. on the first floor.

Mr. Sussman agreed.

Bruce said that children kindergarten age and under cannot occupy the 2nd floor.

Mr. Sussman said that is not an issue; daycare or childcare facility or any children...

Chrm. Conero said, so that's something that's changed?

Mr. Sussman said it has changed in light of your comments and trying to move this matter forward. You have before you a non-contingent plan. We chose to proceed in this way to move the matter forward and avoid as much of the conflictual issues.

Ms. Kalisky asked for clarification on the floor plan for the second floor. On the floor plan submitted for the 2nd floor office plan, there's a large area for "school work space." What does that mean? That's not for children?

Mr. Sussman said no, for teacher space. Children are not going to be on the 2nd floor in light of the safety issues that were raised the last time. When we conferred afterwards, it seemed that that was a compelling issue. You could have questions of how to get people out of there; adults are one thing, children are another. In reviewing, it seemed rational to use the first floor. They have made various other arrangements that allow them to proceed without...A public hearing was held on this matter, previously, and as I understand, the school's use is actually shown on both...the office use is a permitted use on the 2nd floor, so because of that and the time issue, we would like the public hearing to be waived if there is no controversy about anything. The space is not an issue, we've complied with your square footage request. The outdoor space issue-20 children will be outside at any given time. We don't see having a public hearing on the question of special use permit or a school...having granted that. We see this as going backwards-we're not going to be using the 2nd floor.

Ms. Kalisky clarified, on the 1st floor, based on the site plan is 36 occupants; 2nd floor is 8 occupants. Once again, with SEU it is specific to the need. Originally, it was requested and approved for 25 students with 6 teachers. Are we then going to 36 students and 6 teachers? Is that where the occupancy for the 1st floor is?

Ms. Quinlan said they are going by the 25/6 that they were originally approved at, currently. We are hoping to go to 36 students.

Ms. Kalisky said, once again, the first floor occupancy of 36 students would then have no teachers?

Ms. Quinlan said they were once approved for 36 students and appropriate staff.

Ms. Kalisky, again, asked 36 occupants on the first floor? The previous plan was specific; 25 students and 6 teachers.

Mr. Sussman said the calculations allow for what's being proposed.

Ms. Kalisky said the site plan did state 25 students and 6 teachers. That also rolled into the parking calculations, as well.

Chrm. Conero said the teachers haven't changed, the parking calculations stay the same.

Ms. Kalisky asked who the 8 occupants would be. Are we having 8 additional full time adults that drive to work because that would make it 14. You see where my question comes from?

Ms. Samuelson agreed. I guess that's why we need a note underneath it saying that the number of employees wouldn't be limited at all times. There would be six teachers upstairs or downstairs.

Chrm. Conero confirmed there would be 6 teachers total in both the 1st and 2nd floor the whole day.

Ms. Samuelson said yes, or 6 teachers and two administrators upstairs.

Chrm. Conero said then that would be 8.

Inaudible...Everyone speaking at once.

Ms. Kalisky reiterated that the previously approved plan was very specific with the number of teachers, number of students, and parking requirements-parking provided, which was on the plan. We're going to ask you to revise that note accordingly. You can leave the occupants as you want but we're going to ask for the note, as on the previous plan, that the use of the Carriage House approved are/will be used for 30 students and 6 teachers on the 1st floor maximum. A total of 8 employees/adults/teachers.

Mr. Sussman said a total of 30 students and 8 adults.

Chrm. Conero said he is not clear on is what the original request to waive the public hearing based on previous public hearings we had allowing the 1st floor and 2nd floor to be used at the same time. I don't think I can do any changes on the site plan, especially SEU site plan or not.

Mr. Sussman asked if they could set the public hearing.

Ms. Quinlan asked for clarification...we're saying we're going to be approved for 30 students downstairs...

Ms. Kalisky said we didn't say you were approved for anything yet. What you are proposing to the Village based on this plan, is 30 students and 8 adults...inaudible...in the Carriage House.

Ms. Quinlan said 30 students and 6 teachers downstairs. However, 8 adults could be upstairs because of parking.

Ms. Kalisky said yes.

Chrm. Conero said so that he is clear too, there will be no more than 8 adults at the site at any one time.

Mr. Sussman said that is correct.

Chrm. Conero said and it doesn't matter if they are upstairs or downstairs.

Ms. Kalisky said right, but once again, if you had two full-time administrators upstairs, and 6 teachers downstairs, there's your 8 parking spaces. That does not permit for visitors or parents coming in. Once again, it is the Board's responsibility to...

Chrm. Conero said right. The last time we had two spaces extra for the...inaudible...because you're going to have people coming in.

Mbr. Crowley asked if they had outside related service providers coming in.

Ms. Quinlan said on occasion. Inaudible due to the A/C being on.

Chrm. Conero asked if there were any provisions to be made to increase parking in the lot for parents or service providers.

Mr. Sussman said in reality, to use the site during the period when this school is going on, that there is parking available on the site, so that's part of the issue. If you want Dell Joyce to designate parking as specified to the site, you should do that.

Chrm. Conero is the Patchett House is not a school. It's never been approved for a school. It's only an art gallery.

Ms. Kalisky said 300 sq. ft. art gallery and the rest is office/retail. The parking requirement as presented, reviewed and approved...inaudible.

Mr. Sussman asked if there was extra parking.

Inaudible...

Chrm. Conero said the last time we had a public hearing on this we approved for 6 teachers and we had two people living upstairs in the apartment.

Ms. Kalisky said that plan was actually presented and approved that the apartment would be eliminated. It has not been eliminated but was presented...

Mr. Sussman said he thinks the resolution is going to have to be 6 adults associated with the school and parking for them. And the 2 extra spots will be unassociated. The maximum adults in the program at that site will be 6. That will allow 8 parking spots including the 2 for the non-associated people or incoming visitors.

Mbr. Crowley said that Claire had said in a previous meeting that it was a 1-12 ratio, teacher to student, so 6 teachers to 30...

Ms. Quinlan said they could probably do 5.

Mbr. Crowley said that would leave you open spots for visitors or and related service providers who are going to be coming.

Ms. Quinlan said right.

Ms. Samuelson said 30 students would only require 3 spots.

Ms. Kalisky said this Board is not trying to tell you what you are going to do. You're supposed to advise the Board what you're proposing to the Board for consideration and review. We can sit here and the Board can say this is what it would add, you can agree and not have it happen. We need a plan that states what you are proposing to do. That's what the Board needs to have.

Chrm. Conero said that you need to submit to us; you're going to figure out how many students, and adults...

Ms. Kalisky said like the number of students and number of employees, just as it was on the previous approval. Hopefully, it conforms to the occupancy, as stated on this plan. The proposed SEU, X number of students, X number of employees and parking. You do have visitors, you have parents, you have service providers, you have to give some consideration for that.

Chrm. Conero said they can set the public hearing for this based on revised numbers that will come before the public hearing.

Ms. Kalisky said yes, revised plans, revised EAF, we can't do any future actions. The EAF still includes the apartment upstairs.

Chrm. Conero said he'd like to go forward with the public hearing based on revised numbers we'll get before the public hearing starts. It will be reviewed by our engineers and reviewed by our attorney.

Mr. Sussman said you're making it sound like there's something particularly significant which frankly, we all know, it really isn't. I hear this notion that there's...

Ms. Kalisky said it is actually a Type-1 Action because the Patchett House is on the National Register...

Mr. Sussman said you are not changing the use.

Ms. Kalisky said we are asking for a corrected EAF...

Mr. Sussman said he understands and he's not doubting that it should be corrected, but in terms of what the Chrm. is suggesting, and he's suggesting is, we're talking about details that we all have an understanding of. We're not talking about reinventing the wheel here. 30, 6, two spots, two spaces for folks, an EAF to reflect...this is not terribly complicated.

A MOTION was made to **SCHEDULE A PUBLIC HEARING** for **MS. CLAIRE'S MONTESSORI** on Wednesday, September 23rd at 7:30 pm, by Chrm. Conero was seconded by Mbr. Crowley and carried 4 Ayes 0 Nays.

RE: MINUTES:

A MOTION was made by Mbr. Weeden and seconded by Mbr. McLean to accept the minutes from July 22nd, 2015, and carried 4 Ayes 0 Nays.

RE: ADJOURNMENT:

A MOTION was made by Mbr. McLean and was seconded by Mbr. Weeden, to adjourn the meeting at 7:56 pm, and carried 4 Ayes 0 Nays.

Tina Murphy
Deputy Village Clerk