

**MINUTES** of the Village of Montgomery Planning Board meeting held in the Conference Room of the Village Hall, Clinton Street, on Wednesday, July 27<sup>th</sup>, 2016 at 7:30 pm.

**ATTENDANCE:** Chrm. Conero, Mbr. Romano (not in attendance), Mbr. McLean, Mbr. Weeden, Mbr. Crowley, Atty. Kevin Dowd, Eng. Dawn Kalisky of Lanc & Tully, Maria Beltrametti, Robert L. Williams, Lee Benedict, James Dillin, Howard Weeden, Robert Wiggins, Brian Pewelski, James Pillmeier, Anna Frumes, Larry Frumes, Joan Buck Smith, Ross Winglovitz, Walt Lindner, Mary Ann Lindner

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

**RE: PUBLIC HEARING**

**ZAFIR, LLC, 213-3-4.22 Dunn Road Proposed Warehouse**

The Chrm. reviews Lanc & Tully's letter. Site plan revisions: signage for handicap parking, NYS standards for accessibility, they witnessed a soil test for sewage disposal system and are required to have a permit from the Town regarding the driveway. The County letter has issues with lighting and tree height. Ms. Kalisky stated that there are two letters, one is a modification but the comments are the same-they added more in their initial comment section. The applicant had contacted the department. The department has clarified with the director of the Orange County Airport-that's what prompted the concerns with lighting-the proximity of the airport. Plant slower growing evergreens, eastern red cedar or blue spruce; white pines can grow 50-80ft tall. Their concern with the lighting was not to glare.

**A MOTION** was made to **OPEN THE PUBLIC HEARING at 7:35 pm** by Chrm. Conero and seconded by Mbr. Weeden and carried 4 Ayes 0 Nays.

Mr. Dillin said the proposal is to develop a 2.1 acre parcel off of Dunn Road as you go into the airport. This is the second property right along Dunn, just before the single house. It's a field where they are building and it's wooded along the edge and in the back. It's located in the II zone. This application completely conforms to all zoning regulations. There was an interpretation from the last meeting about where the rear yard is and they've accommodated that with 50ft. They have no issues with it. They reduced the building by 10 ft. and moved it a little forward. They revised the screening; they still have the trees along the side and added trees along the front, and landscaping in front of the dumpster. As far as the tree heights go, they can change the trees, although the County has 50ft trees right along Dunn Road and they are right in the fly-way and they are supposed to be restricted. Just a comment. They will comply.

Chrm. Conero said he'd like to see the slower growing trees. He asked what their proposed uses in the building are going to be.

Mr. Dillin they are going to manufacture a plastic product, which is a bag that contains anything for industrial uses; food, oils, anything. He exhibits what the bag looks like. They bring in rolls of plastic, cut it to size and seal it together. They put two fittings on it where you can put what you're storing in it and one to evacuate air out of it. That's all they'll be doing in this building.

Chrm. Conero asks if there is going to be any fumes generated from that operation.

Mr. Dillin said there may be heat pressure on the seam, but he wouldn't consider it anything.

Chrm. Conero asked the hours of operation.

Mr. Dillin said he added those to the plan. They will be working six days a week, no Saturdays, from 7am-7pm.

Chrm. Conero asked how many people they plan to employ.

Mr. Dillin said 3-4. It's a very small operation. They will basically have one truck load a week.

Ms. Kalisky asked if it would be a tractor trailer or box truck.

Mr. Dillin said it could be either but they also reduced the docks; they originally had three, now there is two loading docks.

Chrm. Conero asked if there were any questions before they opened up to the public.

No questions.

**A MOTION** was made to **OPEN THE PUBLIC HEARING TO THE PUBLIC AT 7:41 pm** by Mbr. Weeden and seconded by Mbr. McLean and carried 4 Ayes 0 Nays.

Jim Pulmeier of 272 Union Street asked, the plastic itself is not going to be manufactured in this building?

Mr. Dillin said no, they are bringing in rolls.

Mr. Pulmeier asked if there were any chemical emissions.

Mr. Dillin said no.

Robert Wiggins of 272 Union Street, a Historic property. Lafayette may have stayed there. It's called the Miller House, one of only two that are on the State Register of historic houses for Montgomery. The other one is Patchett House. Should this come before the Historic...I'm a member of the Architectural Historic Review Board. Should it come before the review board?

Chrm. Conero said they sent it to SHPO.

Atty. Dowd said two out of three reviewers have signed off on the plans, there's a third person that needs to sign off on it...they have a few more days to do it. They have not expressed any concerns about the impact with the Historic property.

Chrm. Conero said they sent a conditional letter back to us? With two signatures instead of three?

Ms. Kalisky said they advised Mr. Dillin via email; he had requested the status. The response was two out of three have signed off on it. They had until the 30<sup>th</sup>.

Mr. Wiggins asked if Mr. Freeman was there and if he could answer the question?

Chrm. Conero said the Historical Review Board doesn't need to be...it's not in the Historic District. It's adjacent to, that's why we sent it to SHPO...

Mr. Wiggins said he was on the committee that formed the Historic Sections of the town and it was supposed to be.

Chrm. Conero said he does not have a zone map for that area.

Ms. Kalisky said it is not in the Historic District. It's not in the Village as historic.

Mbr. Crowley said it is not in the Historic District.

Chrm. Conero asked Mr. Wiggins what his concerns are about this plan in conjunction with his property.

Mr. Wiggins said what the building would look like.

Chrm. Conero said, to Mr. Dillin, I think you supplied some architectural plans, as well.

Mr. Dillin said it's a manufacturing building (he explains on the site plan). It's a steel building with a peaked roof, it looks exactly like all the other hangars out there.

Mr. Wiggins asked how tall it would be.

Mr. Dillin said about 23 ft.

Chrm. Conero said with your property, we looked at this, we sent it to SHPO and they don't have a problem with this; it's also that wooded buffer zone between the edge of your property and house...I drove down there to look at this because I couldn't visualize where this was going and I couldn't see your house from there.

Mr. Wiggins asked if the buffer zone was going to be 30ft or 50ft.

Chrm. Conero said that that thick wooded area is on your property.

Mr. Dillin said they wouldn't be touching anything near this line in the back. They will just do along this (he shows on site plan). These are designed just for your historic building. When the leaves fall, and the trees grow in, you won't even be able to see this building.

Mr. Wiggins asked what type of evergreen trees.

Mr. Dillin said they had originally proposed white pines.

Chrm. Conero said, at the beginning of the meeting they changed the type of trees to slow growing.

Mr. Wiggins said that Mr. Romer did not receive a letter and he adjoins the property. And also Mr. Hoeffner-he's further down on Dunn Road. Both of these people did not receive any announcements.

Mr. Dillin said he only sent to three people.

Chrm. Conero said we can wait for additional comments-leave the public hearing open, he's not sure yet.

Mr. Wiggins said he's about to spend \$36,000 on redoing certain parts of his house and is concerned about what this will look like and he doesn't know what the Architectural Historic Review Board will think.

A man named Kevin, reiterated that it's outside of the Historic District.

Chrm. Conero said it's not going to go to the Architectural Historic Review Board because it's not in the Historic District. If it were in the Historic District, they could approve it with conditions of what the Architectural Historic Review Board would say, but it's not in the Historic District. Properties that are adjacent to are required to go to SHPO for their determination and that's what this applicant has done.

Mr. Wiggins asked, this is an industrial district, II.

Chrm. Conero said yes.

Mr. Wiggins said that putting up the trees is a very good idea and are they going to go along Dunn Road?

Mr. Dillin said no, they are designed to screen your house from you seeing our building. You are going to be able to see our building when you drive down Dunn Road.

Chrm. Conero said this is a non-nuisance business.

Atty. Dowd said some people should have received notice and one shouldn't have. Romer and Aeillo adjoin the property. We don't know how they were missed.

Chrm. Conero said we will continue the public comment of it and make these people aware.

Atty. Dowd said absolutely. Keep the public hearing open and re-notice the people who were not noticed properly and let them come in next month and give us comments.

Mr. Wiggins shows a picture of what his house looked like.

Chrm. Conero asked if anyone else had comments about this project.

A man with Mr. Wiggins questioned the sewage.

Chrm. Conero said the Village does not have sewer and water on that property. They will have their own septic and water. Our engineers have looked at that and it meets all the criteria for that.

Atty. Dowd said the water and sewer lines may be potentially happening. If it comes to fruition that the County and the Village make a deal to hook the County up, they would have to run the sewer lines and these properties would all be within the required health department distance to hook up to the sewer.

Mr. Dillin said that would be great.

Chrm. Conero said it would be good; it would be bad if you went through with the project and put your septic in and then you're required to hook up to the sewer.

Ms. Kalisky said it's been 7 years in discussion.

Atty. Dowd said they've hit snags with the County negotiations.

Joan Buck Smith, Goodwill Road said, I live in the Town but I'm here as a member of the Historic Montgomery Association. I'm president and Mr. Wiggins is a member of our group. His home has been on our Historic house tour many times. I'm expressing concern that you take into consideration one of the oldest houses in Montgomery. I also serve on the Town's Historic Preservation Commission and it was mentioned in our meeting that it was not in the Town but abuts a Town road. I would encourage you to be proactive in making sure Mr. Wiggins home is protected. You might want to ask the applicant if they would consider making the building look like a barn instead of aluminum siding. It could certainly look like a barn-there are barns on that road. I would just ask the Board to be considerate of a bright shiny spot-it welcomes everyone into the Village; a Historic property, and ask the applicant to be considerate of that. The house next to it on the other side is fairly historic, also. This will be right in between the two of them and if they could do something to make it look more appropriate to the age of the two buildings; that might be a help. Thank you.

Mr. Wiggins said the Dunn House that you are referring to was painted red in the back, because that was cheap color and so was his originally. But he also has some objects that are of museum quality. There is a fireboard painting in there that belongs in a museum.

Chrm. Conero asked if anyone else wanted to speak.

Bob Williams wanted to recommend...my house on 15 Factory Street is on the National Register and when the storage buildings were built down the street, they were also similar siding to what you are proposing. I think what would help is selecting colors that will fairly help the building to blend in; instead of a white roof, make it green. Maybe have the building red to resemble a barn color and has the old utilitarian look to it. Simple things like that might be worth consideration.

Mr. Dillin said they did address that.

Bill Freeman, Architectural Historic Review Board Chairman said, he thought he heard steel and now he's hearing aluminum siding; what is the siding proposed for this building?

Mr. Dillin said steel.

Mr. Freeman said he would object to aluminum siding. If there are certain things you could do to soften the look of a manufacturing building, between historic houses, that would be wonderful. The only other concern that I have when it comes to the Architectural Historic Review Board is all Village signage needs to come in front of the Board; I'll just remind you of that.

Walt Lindner, 101 Jefferson Road, the approvals will clearly spell out the usage of the building, correct?

Chrm. Conero said yes and Kevin, I think you elaborated that in previous meetings, this is non-nuisance business, and they're manufacturing plastic bags. At some time in the future, if that use changes dramatically from something that is proposed to something new, they have to come back in front of our Board.

Mr. Wiggins asked what color was proposed for the building.

Mr. Dillin said the same color as the airport hangars.

Mr. Wiggins said the only thing that he would suggest that would help it would be a cupula on top in the center. Because your building, that you mentioned, is or should be in a historic district somehow, so you have two properties adjoining this which are historic and the only thing I would suggest to make it historic is to put a cupula on top.

Chrm. Conero said they could consider it.

Mr. Dillin said he would speak with the applicant.

Chrm. Conero said who knows, it might be one of the comments from SHPO when it comes back. They haven't had any recommendations for this building at all. They could certainly entertain the cupula and the siding concerns.

Ms. Buck Smith has two questions not related to the building site. One you mentioned that if they changed the use, they had to come back before the Board. Did the manufacturing plant across from the Post Office come in for their change of use? They are not manufacturing what they were set up to do.

Chrm. Conero said he has no idea.

Ms. Buck Smith said you just said they would have to come back to you. Is there any way you could check?

Chrm. Conero said this Board did not approve that building, so I don't really know. I think that's in the Building Inspectors department to look and see if that use has changed. Then, he would deny that use and would refer the applicant back to us. Whether that happened on that property, I can't tell you. You would have to go to the Village Board and find out from them.

Ms. Buck Smith said her other general question is that they mentioned being six days a week, Sunday through Friday. Isn't Sunday considered a day of rest around here next to a residential property?

Chrm. Conero said I don't think we have guidelines about what days of the week...

Atty. Dowd said they are not supposed to get into the operational aspects of the actual business itself. As long as it's not violating any municipal ordinances, I don't think there's anything about a building being open on Sunday. And if you try to do something about that you will run into a constitutional argument that you are discriminating.

Ms. Buck Smith said wouldn't they be disturbing Mr. Wiggins residential property by trucks coming in and the manufacturing process going on on a Sunday, when any other of those businesses would be closed in the Village?

Chrm. Conero said, again, if we don't have something in the book on hours of operation and days of the week that they can operate, like our Attorney just said...

Ms. Buck Smith asked if they could suggest they couldn't have truck deliveries on Sunday.

Atty. Dowd said they would be getting into the actual conduct of the business which is not our domain. You're here for the zoning issues, not how he conducts his business.

Chrm. Conero said we are here for the site plan. If the residents found that these trucks were coming in and out of this place on Sunday...

Atty. Dowd said, first of all, the applicant is telling you that it's one truck. I don't know how that would be a disturbance to anybody, especially when it's very close to 211 and you probably get more trucks going down 211 than you do down Dunn Road. Again, I'm hesitant to suggest whether they have the authority to get itself involved in the...this is not a special permit, it's just a site plan. If, in fact, the operation becomes excessively noisy, it's a non-nuisance industry and it's not supposed to be noisy, but if it does, there are other potential Village codes that might come into play, but that is not the jurisdiction of this Board.

Kevin Decker, 272 Union Street, asked which side of the building would the septic system and leach field be on and the impact on the wetlands?

Mr. Dillin said in the front and shows where on site plan.

**A MOTION** was made to **RESUME THE PUBLIC HEARING ON AUGUST 24<sup>th</sup> at 7:30 pm** by Chrm. Conero and seconded by Mbr. Weeden and carried 4 Ayes 0 Nays.

## **RE: PUBLIC HEARING**

### **BENEDICT SUBDIVISION 204-1-6 20 Factory Street**

The Chairman said the EAF has been satisfactorily revised, County Planning indicated local determination, subdivision map has been satisfied, there are no concerns from SHPO; they can go to Public Hearing.

**A MOTION** was made to **OPEN THE PUBLIC HEARING AT 8:11 pm** by Chrm. Conero and was seconded by Mbr. Weeden and carried 4 Ayes 0 Nays.

Mr. Weeden stated that this is a two lot subdivision on the western side of Factory Street, just before the old Woolen Mill. Mr. Benedict has a house right here (indicates location on site plan). He's proposing to cut off half of his property and leave it as a vacant lot; and sell it as a vacant lot. We are not proposing anything on this lot. It's in the RM1 district, so we can have multiple uses on this property for dwellings, but we are not proposing anything at this time. We have answered all the questions for the Planning Board and we're here tonight for that.

Chrm. Conero: Do any members have any questions?

No questions.

**A MOTION** was made to **OPEN THE PUBLIC HEARING FOR PUBLIC COMMENT AT 8:13 pm** by Mbr. McLean and seconded by Mbr. Crowley and carried 4 Ayes 0 Nays.

Chrm. Conero asked if there were any comments. It's pretty straight forward.

**A MOTION** was made to **CLOSE THE PUBLIC HEARING at 8:14 pm** by Mbr. Weeden and seconded by Mbr. McLean and carried 4 Ayes 0 Nays.

**A MOTION** was made to **DECLARE NEGATIVE DECLARATION AT 8:15 pm** by Chrm. Conero and seconded by Mbr. McLean and carried 4 Ayes 0 Nays.

**A MOTION** was made to **APPROVE THE BENEDICT SUBDIVISION, SUBJECT TO ANY PENDING ANY FEES**, by Mbr. Weeden and seconded by Mbr. Crowley and carried 4 Ayes 0 Nays.

**RE: PLEAVE**

**A MOTION** was made to **APPROVE THE REQUESTED 6 MONTH EXTENSION FOR PLEAVE AT 8:17 pm** by Chrm. Conero and seconded by Mbr. Weeden and carried 4 Ayes 0 Nays.

Atty. Dowd asked Mr. Winglovitz when he will be getting conditions in and when the property swap with the Village will be? The Chrm. asked why there are limits on subdivisions. The Atty. stated that if the Village wants to rezone, they can, as this has been going on over 3 years. This Planning Board can deny it...Ms. Kalisky said it's been going on over 10 years.

**RE: BORLAND HOUSE 130 CLINTON ST 202-9-4 AMEND Special Exception Use Permit**

Atty. Dowd said the owners asked the Village Board for a time extension for Brunch; from 8-1pm to 8-3pm daily. They amended the zoning and local law to change the condition of the SEU permit but the Planning Board has to modify it with a public hearing.

Chrm. Conero is concerned that they are at a fine line between a restaurant vs. an Inn. Mbr. Crowley expressed her trepidations that it is a daily operation, there's a school right next door and the 3:00pm traffic.

Atty. Dowd said their submitted documents...this is a Historic Property in a Historic Village, needs to be changed; which is on the National Historic Registry. He confirmed Huntair Fine Foods was the Frumes, as it is listed this way on the paperwork. 12a and 12b need to be corrected. The site isn't changing, just the hours of operations. The enforceable document would be the resolution.

**A MOTION** was made to **SCHEDULE A PUBLIC HEARING TO AMEND THE SPECIAL EXCEPTION USE PERMIT, ON AUGUST 24, 2016 AT 7:45pm** by Chrm. Conero and seconded by Mbr. Weeden and carried 4 Ayes 0 Nays.

**RE: CHANDLER LANE PHASE 1A - ARCHITECTURAL REVIEW & APPROVAL UPDATE**

Mr. Winglovitz stated that the Planner, Alan Sorensen, had two comments regarding the landscaping and lighting plan which was part of the original approved plans. The front elevation will face 211. The side view will be toward Chandler and internally. The footprint is consistent with the approved plan-within 10%. The thru road from Freida will have to go in as well as the parking lot that services this building (there are upper and lower lots). The lot improvements will

be done on the entire 1A, not just one building-there will be 6 total. Water/sewer will have to be installed.

Atty. Dowd stated that the Planning Board just has to confirm that it is consistent with the design manual.

Mr. Devitt said it will resemble 201 Ward Street. There are some areas that have to be lifted. The topsoil there, has to be cleared-some will be left there. Chrm. Conero asked if the DEC approved the mining. Mr. Devitt said there is no mining; there is a limit of yardage before the DEC requires a permit. Mr. Winglovitz said they sent a letter with their intentions to the DEC but haven't heard back from them, yet. Chrm. Conero said there are two exceptions, one is the threshold and the other is that you have an approved site plan, conditionally. Mr. Winglovitz said you can take it off if you are under the threshold and above as long as it's part of a site plan. The Chrm. wasn't aware that they had applied.

**A MOTION** was made, **BASED UPON THE CONSULTANT, PLANIT MAIN STREET, THE ARCHITECTURAL REVIEW IS CONSISTANT WITH THE DESIGN GUIDELINES FOR THE CHANDLER LANE PDD, FOR THIS ONE BUILDING OF PHASE 1A, at 8:41 pm** by Mbr. McLean and seconded by Mbr. Weeden and carried 4 Ayes 0 Nays.

Additional copies of the site plan set were requested by the Planning Board.

**RE: MINUTES**

**A MOTION** was made to **ACCEPT THE MINUTES OF JUNE 22, 2016** by Mbr. Weeden and seconded by Mbr. McLean and carried 3 Ayes 0 Nays.

**RE: ADJOURNMENT:**

**A MOTION** was made to **ADOURN THE MEETING AT 8:47 pm** by Mbr. McLean and was seconded by Mbr. Weeden and carried 4 Ayes 0 Nays.

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Tina Murphy  
Deputy Village Clerk