

**MINUTES** of the Village of Montgomery Planning Board meeting held in the Conference Room of the Village Hall, Clinton Street, on Wednesday, September 28, 2016, at 7:30 pm.

**ATTENDANCE:** Chrm. Conero, Mbr. Romano, Mbr. Weeden (not in attendance), Mbr. Crowley, Mbr. Steed, Atty. Kevin Dowd, Eng. Dawn Kalisky of Lanc & Tully, Maria Beltrametti, Michael Lynch, Darren Doce, Andrew J. Sager

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

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

Mr. Lynch from Engineering Properties is representing the applicant, 9 Factory Street, LLC. They are proposing a lot line change to include the existing entrance drive for the Montgomery Self Storage fully on lot 203-1-14.22. They have added an easement, at the request of the Planning Board Engineer, for ingress and egress over the existing entrance for future development of the front lot.

Chrm. Conero asked where the shared easement/drive was. Mr. Lynch indicated where it was on the site plan. Atty. Dowd said that when Montgomery Storage was originally before the Board, it was subdivided for a possible restaurant site, or something of that nature. It was part of the plan. The shared access was there for both lots. The Chrm. asked if the proposed screening was going to be moved. Mr. Lynch said that it was staying; the lawn would continue to be maintained by the applicant. The Chrm. asked if Mr. Lynch was familiar with the conditions that were supposed to... Mr. Lynch said not with the initial approval. He said another firm was involved at the time. The Chrm. would like to know when the other parts of the project would be complete before he entertains a lot line change. There is quite a bit more that is not done...they spent a tremendous amount of time on this property, since it is the entrance to our Village. Mbr. Romano confirmed this. Atty. Dowd asked how many more buildings would be built. Mr. Lynch said he believes one more building. The Atty. explained that there was supposed to be wrought iron fencing, a sidewalk and park benches; it was supposed to be invisible from 17K. The two-story building occupies the self-storage office downstairs and a finance business upstairs. It hasn't met the objective that was initially intended.

Chrm. Conero asked Ms. Murphy to look for information on the original Montgomery Storage project, as well as Mr. Lynch to confirm the information with his client regarding the resolution. Being it's just a lot line change, the public hearing can be waived.

Chrm. Conero is not ready to make a motion on this. Atty. Dowd said they have 60 days to make a decision, since there is no public hearing. He suggested that Mr. Lynch come back next month with his client and maybe they can get some answers.

Chrm. Conero asked Ms. Kalisky about her comment letter. She said they requested that the description and easement be provided to the Planning Board; there was no acknowledgement of the easement. Atty. Dowd said that this could be a condition of the lot line change approval.

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

Darren Doce is representing his clients, Mills and Sager. He states that it is a 3 acre parcel between Mason Street and Robert Street. They are proposing a four lot subdivision; sizes from ½ to ¾ acres. Two lots will be on Robert Street, two on Mason and a 9500 sq. ft. parcel that will be added on Mr. Sager's lot-he has an existing home on Valley Avenue.

Chrm. Conero confirms the piece being added to Sager's lot. He asks Ms. Kalisky to review her letter. She is concerned with the 40 foot minimum. Mr. Doce said at the time he had the original subdivision and scaling it, it was 82 ft. along Mason, but upon surveying it, it was about 75 ft. and we need 40 per lot, so we're short 5 ft. Instead of going to the ZBA, we wanted to propose, Dan Knapp is the grandson of John Mills, we propose doing a slight modification of this lot line to give us the 80 feet on Mason Street and split it in half; a small 6 ft. slice of that and add it to the 75 ft. to make it 80 ft.

Mbr. Steed asked why he didn't propose taking it from the piece they are giving to Sager. Mr. Doce wanted to leave it the way it already was. Ms. Kalisky said it would work as long we have the owner's endorsement and sign map. Mr. Knapp is representing his grandparents.

Chrm. Conero does not have a problem with this. Mr. Doce is trying to take/move as little as possible.

There was a question about the drainage easement, the reason is he's got a smaller catch basin in the driveway, parking area, on the top of the hill and he ran a line to the stream so we put an easement on that line so it could continue to exist once this was sold. Atty. Dowd asked who maintains it. Mr. Doce said that it's private. Mr. Knapp or new owner of the lot will maintain it. The catch basin runs from, he's under the impression that the Village put it in, as he has found no record of it in the County and he's not sure if one exists or not. Ms. Kalisky said she spoke with Buddy about it. Mr. Doce said that if they have to get an easement, they will. Ms. Kalisky thinks it's the Village's drainage. Mr. Mills/the Village has had some issues with this in the past.

Chrm. Conero asked if any of this area is wet. Ms. Kalisky said the whole area has been over the years. It's not in a designated flood zone. The only time this stream and this whole low area (goes into Chambers area), when the two storms hit, was underwater. It's something to keep in mind...maybe set the houses a little higher. The stream elevation is typically a 361 (water level) and the existing are 363; it is a recommendation.

Chrm. Conero asked if there was proposed grading that would cause any water problems for the existing homes in the area? I've seen subdivisions raise water up and floods the neighbors. Ms. Kalisky said there is not a lot of impervious with the two driveways and everything is going down to the stream. Darren will include grading around to grade out the hill coming down and show whether they are going to divert any storm water into the stream itself. The topo is a little difficult, too. Ms. Kalisky suggested separating the driveways.

Atty. Dowd asked if there were any concerns about a dam. He asks Mr. Doce to show where it is. Mr. Doce complies and clarifies that it is a levy, as it does not require inspection. The water comes out of the pond and to their piece (showing on site plan). Mbr. Crowley asks if that is where the Creamery was. Mr. Doce said there is a pond there. Where the levy is is on Mason Street. Ms. Kalisky said according to the tax maps they call it Mason Street; it was supposed to extend all the way through. There is explanation of where the location of the pond is and where

the stream goes. Atty. Dowd asked that if the levy is not maintained, can it cause flooding. Chrm. Conero, again, asked if there is anything that can be done to mitigate possible flood waters. Ms. Kalisky doesn't know; there are no requirements. Mr. Doce said he can set the houses higher.

Mr. Doce asked if he can hook into the sewer, otherwise they will have to hook into the existing catch basin. He states that the easement shows Mills can tie into the line. Ms. Kalisky requested a copy of the easement. If it's permissible it will remain private; this is not a Village line, so the Village has no maintenance or repair responsibility. This is where the PO is...showing on map...basically runs from the center of this easement and ties into the manhole at Valley Avenue. Mr. Doce asked if two more connections could be added into that. Ms. Kalisky said if they could run directly to it, but that's the closest manhole. She doesn't understand the drainage. They will discuss it further. Bud wouldn't be happy but it could be permitted. They will have to pump to the sewer...those details will be forthcoming. The parcels need to meet zoning requirements first. Ms. Kalisky said he needs to tighten up the pavement-there are too many lines. They will investigate the pipeline between offices; Bud is looking for the Valley Avenue drainage plans.

Mr. Sager asked if his new lot line goes into the stream, is he responsible for the stream. Atty. Dowd said that if the stream is on his property, then yes. Ms. Kalisky said just the portion of stream on your property. Mr. Sager asked what maintaining the stream entails. Atty. Dowd said to make sure that channel way remains open. Ms. Kalisky gave an example that if a tree falls in the 68 ft. of stream on his property, he would need to remove it; that would be his responsibility. He asked if the levee breaks and water flows onto his section, what his responsibility is. Atty. Dowd said it would depend on who didn't maintain their section of the stream. Chrm. Conero would like to mitigate this, somehow, to avoid future issues.

**RE: MINUTES**

**A MOTION** was made to **ACCEPT THE MINUTES OF AUGUST 24, 2016** by Mbr. Crowley and seconded by Mbr. Romano and carried 3 Ayes 1 Nays.

**RE: ADJOURNMENT:**

**A MOTION** was made to **ADOURN THE MEETING AT 8:21 pm** by Mbr. Steed and was seconded by Chrm. Conero and carried 4 Ayes 0 Nays.

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Tina Murphy  
Deputy Village Clerk