

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

**ATTENDANCE:** Chrm. Conero, Mbr. Weeden, Mbr. Crowley, Mbr. Steed, Atty. Kevin Dowd, Eng. Dawn Kalisky of Lanc & Tully, Ross Winglovitz, Darren Doce, Joe Catalano, Sharon Stevens, Alex Pierson, Marc Devitt, Cathy Wesloski (and spouse)

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

## **PUBLIC HEARING**

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

**A MOTION** was made to **RECONVENE THE PUBLIC HEARING** by Chrm. Conero and seconded by Mbr. Crowley and carried 5 Ayes 0 Nays.

The Chrm. said there were some concerns from some of the residents from that area about the water drainage and he made a site visit there and looked at it and also conferred with our Engineer. The elevation of the houses that are going to be put in there are going to be up high enough to take care of this water. It is a low area and doesn't see any problem with the water going away from the (your) houses down to the stream. Our Engineers made it clear that the elevations of these homes, the way they are going to be built, that there will be proper drainage in that area. This was a main concern that people had and the "dam" that is further up on the property. This isn't part of Sager's land, it's another piece there. There is nothing that the Planning Board can impose on that person. It is a real concern of his to make sure the homes that are built are not imposing problems with neighboring homes and I think that it's going to be a building code issue, at that point, how they're built and the elevations they are built on. The Building Inspector will have to take special care and make sure they are.

Mbr. Steed said he spoke to Skip Chambers, he said they used to dynamite the stream to clear it up. Can the developer get an excavator in to excavate the stream out so the water will flow a little faster to pipe under the road? Mr. Doce said the portions...it's not totally all on their property. Ms. Kalisky said she didn't think they could because they would be excavating towards Chamber's property line and if you excavate out on the build property, you will be making a pond. Mbr. Steed said he's speculating, but doesn't think Skip wouldn't mind. Mr. Doce said there is a lot of debris on his (Chamber's) property.

Atty. Dowd said this Board cannot make him (the applicant) go on someone else's property. That would be trespassing. Working in conjunction, yes, but it's not up to us, as a Board, to impose upon someone by law. This drain has to be removed from Mr. Chambers' property they have to get a letter from Mr. Chambers allowing them to get on his property to remove that drain off and go back onto Mills property, or some sort of temporary easement. I don't care the format of it, I will impose a condition that you have to move it and how you move it and how you arrange with Mr. Chambers is a personal matter between Mr. Chambers and the applicant. As long as it gets done. Chrm. Conero said it's in the developer's best interest to get it done right and to get the proper drainage and make sure it's fixed the right way. Mr. Doce said that is two different issues; the stream and drainage pipe. Mbr. Weeden asked if the pipe under Goodwill Road was big enough. Mr. Doce said it is 30 inches. Mbr. Steed said the Spring Meadow side they have the banks built up really well; they could take a lot more water on that side. Mr. Doce said that stream is through Chambers.

Ms. Kalisky said the drainage channel that does go through; a natural drainage channel, is not Village owned or maintained. We can't have the Village DPW go on private property; the Village is responsible for the drainage culvert underneath Goodwill Road but the channel to and from is not a municipal responsibility. It is up to the property owners to maintain that. If you have a stream in your back yard, it serves you best if you keep it clear.

Chrm. Conero asked the public if they had any questions; to please state their name and address.

**Alex Pierson – 225 Goodwill Road** – Is it possible to have the Village Supervisor to come look at the culvert and make sure it is cleared out, is adequate for what is there and is placed properly underneath Goodwill Road? To maybe ease some of the drainage that is building up on Chambers property?

Chrm. Conero said we could ask DPW, Buddy, if it's cleared out. It should be maintained, anyway. Mbr. Crowley said they maintain all the culverts in the Village.

Atty. Dowd asked where the swale was on Lot #4; that you will direct it into the stream. Mr. Doce said they regraded on the property line (indicates on site plan) so any runoff would... Ms. Kalisky said it was all going that way, now they have a more defined swale line. Mr. Doce said everything is contained on their site, to the stream before it exits. Atty. Dowd said there shouldn't be any runoff onto the Steven's property, which is the immediate neighbor. Mr. Doce said there's a low point between the proposed house and their yard, so it should be directed to the stream. Atty. Dowd asked, does the stream flow past Mr. Pierson's house? Mr. Doce said Tether's is the closest to Chambers. Mr. Pierson said he's (Mr. Tether) the closest to the culvert.

Chrm. Conero asked if there were any other comments for the record.

**A MOTION** was made to **CLOSE THE PUBLIC PORTION OF THE MEETING** by Chrm. Conero and seconded by Mbr. Crowley and carried 5 Ayes 0 Nays.

**A MOTION** was made to **DECLARE NEGATIVE DEC UNLISTED ACTION** by Chrm. Conero and seconded by Mbr. Weeden and carried 5 Ayes 0 Nays.

Atty. Dowd said there are two lot line changes; Knapp and Sager. This is subject to the Chambers property and the relocation of the storm drain onto the Mills property, as well as a granted easement, that the attorney (Dowd) needs to get from the applicant's attorney. He has spoken with him but hasn't received it, yet. Chrm. Conero confirmed, the easement to fix their drain. Atty. Dowd said yes, the Village is going to maintain the drain, so they need to have easements so the Village can go on it. Mr. Doce asked if the Village would supply the pipe or is it up to the applicant. Ms. Kalisky said it's up to the applicant. It isn't a Village line right now.

**A MOTION** was made to **APPROVE THE MILLS/SAGER/KNAPP SUBDIVISION AND LOT LINE CHANGES CONTINGENT UPON THE RELOCATION OF THE STORM DRAIN FROM CHAMBERS PROPERTY TO MILLS PROPERTY AND THE EASEMENT FOR THE VILLAGE TO MAINTAIN THE DRAIN ON MILLS PROPERTY** by Chrm. Conero and seconded by Mbr. Romano and carried 5 Ayes 0 Nays.

## **PUBLIC HEARING**

### **RE: 232 WARD STREET SUBDIVISION/SEU/LOT LINE CHANGE 203-1-12.2**

A **MOTION** was made to **OPEN THE PUBLIC HEARING** by Mbr. Weeden and seconded by Mbr. Crowley and carried 5 Ayes 0 Nays.

Mr. Catalano provided the receipts for the mailings to Deputy Clerk Murphy.

Mr. Winglovitz and Mr. Catalano introduced themselves. They represent Marc Devitt of Montgomery Group, Inc., the owner of the property. Mr. Catalano says this is a combined hearing, as his understanding. They applied for a subdivision application, Special Use Permit and Site Plan Approval; this will address all of those things? Atty. Dowd said Subdivision, Special Permit and Lot Line Change. Mr. Catalano said Montgomery Group owns two parcels adjoining each other and they are proposing to subdivide the corner parcel and add a little piece onto the new lot. On the new lot they are proposing a building for purposes of housing what they think is an exciting preschool program. We have the program director here, to speak with the Board. We also received a variance approval from the ZBA because we had requested that the building be aligned with the Patchett House so that brings it a little closer than your normal setback requirements. As we discussed at the last meeting, there is a 50 ft. setback requirement for schools and churches and those types of uses, from all property lines and so they asked the ZBA for a variance on one side of the building and they granted both of those variances. There is no legal impediment to this Board approving this site plan as proposed, as far as the zoning requirements go. There will be no access off Route 17K, we're proposing access off of Factory Street. The parking lot behind the building is more than enough to accommodate the staff that is projected. They included one spot for each projected staff member as well as 7-9 spots for visitors. Buses will come in through Factory Street and be able to drop the students off behind the building so there will be no buses stopping along the main street. There is approximately 80 students maximum. Classrooms will be headed by one teacher and two teacher's assistants. There will be a big teacher to student ratio. An outdoor play area has been provided for the students. They will have access from the side of the building. We are thinking of eliminating the sidewalk in the front; the access to the building because the front entrance of the building is not going to be used, only for emergencies. To exit the building and not to enter. So, the program director has suggested that we eliminate that sidewalk. We think it might be a good idea so that it doesn't encourage traffic to the front of the building for parents that are dropping the children off. So for security purposes it would be so much better to have the access in the rear.

Chrm. Conero to Ross, you made changes to the parking lot to accommodate what was talked about last month? Mr. Winglovitz said yes, they added a few feet to side yard, to provide room there. We actually brought the parking spaces in a few feet at the rear, the grading works out pretty good-trying using the natural grade of the site. This is the high point, this is the low point; we were able to grade this site out with only the need for a very small retaining wall that's 1½ - 2 ft. high at the very rear property line.

Chrm. Conero asked if he received the engineer's report, to which Mr. Winglovitz said yes. He is ready to discuss those comments.

Mr. Catalano asked the Chrm. if they would like to hear about the program first, before getting into the details. Atty. Dowd asked if it were different from what he previously told them. Chrm. Conero said it didn't matter.

Ms. Wesloski, Director of Learning Together, introduced herself and husband, Bob. They are very excited to be there tonight, to share with all of them about Learning Together. They have both been in preschool programming for over 30 years. They decided to come to Orange County a year ago, for this type of programming. Orange County had been identified, at that time, as a spot where there had not been a lot of integrated programs offered to children. Bob and her live in Orange County and thought this would be the place they would like to come for their programming. She works very close with the school districts in Orange County and has a strong relationship with Valley Central. Their hope is to develop a collaborative relationship for their universal pre-k program, which they have submitted to them. They spoke last year about it. The children from the community will have the opportunity to be enrolled in their program as 4 year olds in the UPK program, which will lend itself to the children as 3 year olds moving in, as well. Their philosophy is that children are more alike than they are different and they embrace that. Their classrooms have a Special Education teacher who is also duly certified in early education and two certified teaching assistants for the 16 children in the classroom. They typically have two 4 year-old classrooms, two 3 year-old classroom and the 5<sup>th</sup> is usually a mix of the community needs. Our private pay students typically come from the direct surrounding community. It's very nice that they are right down the street from Valley Central High School and Middle School and they do provide early care and after care, as well. They are experienced in running a pre-school program. Their classrooms are well supervised; our children are, as well, when they are out on the playground. They have a strong routine loading and unloading children from buses. They have a team in the hallway getting children off the bus and into the building very quickly, smoothly and safely. They are very excited to be down here to provide this opportunity for this community.

Mr. Catalano said their program is in Kingston...Ms. Weslowski stated they have 38 students travelling from Orange County up to Ulster County for program and some of these students are 2 ½ years old that's why we felt so strongly about a program down here because those children are on the bus up to 1 ½ hrs. Program will be in their back yard. Mr. Catalano said now all she needs is a building...

Mr. Winglovitz said comment 1, this will be filed as a separate sheet, so this information (indicates on site plan) will be moved to here. Pins will be set and shown on the map prior to filing the map. Comment 1 on the site plan, we have a complete as-built survey of this. Dawn noticed that this is less than 20 feet required for two-way access so we'll widen it or remove those two spaces since we do have 4 additional parking spaces total. Ms. Kalisky said you still comply with the parking calculation total if you do eliminate those two to make it a two-way; right now it is actually a one-way in and one-way out-there is an arrow there, on pavement. Ross said, comment #2 is regarding the tree, we did move this over as far as we could without taking out the light pole with additional landscaping; part of those additional parking spaces. Comment #3, the building elevation is too high for the parking lot, they dropped the building about one foot. To Dawn, his theory is to continue to have the grass area, it lets the water flow like a berm to keep the water on the edge of the pavement; trying to pick up anything that flowed along this line before it came across the driveway. The rest will flow along this curb line and drop it into the existing swale. Ross fixed the typographical error from 6 to 8 inches of PVC pipe. There's pipe that comes off the other property, our other property was an easement that Marc corrected back when they installed this pond...we're going to connect to those and continue that drainage through the site. Some leftover line keystone retaining wall, comment #6, we'll clean that up. Lighting plan, I think we're okay there. #8, landscaping. There isn't much room for landscaping in the parking area so we'll add landscaping in and around the site and around the building as appropriate. Ms. Kalisky said you wouldn't leave it barren anyway, but as far as the code requirement, it does require that you provide a landscaping plan. You can do it on the site plan, no additional sheet.

SHPO provided a letter indicating they wanted a phase 1 archeological investigation. We have responded back to them, showing that lot was previously a parking lot for the funeral home. It was uploaded. He (Mr. Winglovitz) gives copies to Atty. Dowd. The survey shows the parking lot that was there and a picture. It was sent on the 23<sup>rd</sup>, right before the holidays. We should get a determination that there is no further analysis.

Atty. Dowd asked about the DOT letter. Mr. Winglovitz said they have no approval but want a drainage set in. He spoke with Kim who said the drain needs to stay. The only need for the approval and their own authority is the walkway connection, if we remove as part of the program for the building and safety issue, they won't have any approval. Atty. Dowd if that was the primary reason why they are removing the walkway? Is to get away from the DOT having any request for a drain? Mr. Catalano said not so much the drain issue but it really serves no function; we don't want traffic going...Ms. Kalisky said nor does the front walk to Wallkill River School, the Patchett House. Mbr. Crowley asked if it served a purpose for the seniors who walk. Ms. Kalisky clarified it is the walkway going into the building itself. Atty. Dowd said when you went to the ZBA, the idea was to allow the building to be closer to the front; keeping the same streetscape with the Wallkill River School. The appearances were the same. They granted the variance because you were keeping the streetscape the same and therefore it looked the same with the sidewalk, etc. and now you want to remove it. Mr. Catalano said it was for aesthetics. Atty. Dowd said true and that's why you moved the building up for aesthetics. Chrm. Conero said he's concerned that if you come out that front door, where are you going to go? A landing? Everyone is talking at once. Mr. Winglovitz said there would have to be a landing for fire, and steps to make sure you get to grade, but there are no requirements for a sidewalk. Chrm. Conero said it's a real walkway. It gets shoveled in the winter and maintained and another way out of the building. Aesthetically it would look better if it were like the Patchett House. Mbr. Crowley asked how many exits there are going to be. The back entrance will be the main, the front entrance, entrance to the playground, we don't have the architectural finalized but an entrance on the side. Mr. Devitt said there will be four exits. Chrm. Conero confirmed that it would be two story. The Board agrees for them to leave the sidewalk. Mr. Winglovitz said it will look similar to Springhouse; a landing and no sidewalk.

Ms. Kalisky said the disturbance is less than an acre. You need to meet the requirements they (DOT) ask for.

Mr. Catalano asked Mr. Winglovitz if this could be signed off on by the next meeting. Mr. Winglovitz said, to date, the County and SHPO haven't responded and they aren't sure how reasonable they will be. They have to prove the capacity of the existing culvert. If the system can handle it, then it becomes a simple issue.

**A MOTION** was made to **OPEN THE PUBLIC HEARING FOR PUBLIC COMMENT** by Mbr. Romano and seconded by Mbr. Weeden and carried 5 Ayes 0 Nays.

Atty, Dowd said if there are issues of drainage, they cannot do SQRA, you can do Lead Agency. County Planning is 239, not SQRA.

Mr. Catalano asked if the Board wanted to see anything specific on the revised site plans, so they'll have it ready. Chrm. Conero said to comply with Ms. Kalisky's comments. Work with the drainage and the walkway in the front. Atty. Dowd said hopefully, what they sent to Office of Parks will be sufficient for them to say it can be disturbed. And maybe minimize the DOT and

SQRA will take action. Chrm. Conero said that happened when they did the self-storage. They had to do a dig there and it was disturbed; it was an Agway! It was disturbed many times!

Everyone speaking at once!

Ms. Kalisky said you can't do an EAF, have the DEC forms filled out and cannot do any piece of property in the Village that does not have... most of the time it's a redevelopment of an existing developed piece.

**A MOTION** was made to **CLOSE THE PUBLIC HEARING FOR 232 WARD STREET**, by Chrm. Conero and seconded by Mbr. Crowley and carried 5 Ayes 0 Nays.

**A MOTION** was made to **DECLARE LEAD AGENCY, UNDER SEQRA**, by Chrm. Conero and seconded by Mbr. Weeden and carried 5 Ayes 0 Nays.

## **RE: OLD BUSINESS**

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

Ms. McManus said the only changes they made to the plan was to add pedestrian ramps at each of the units that don't have handicapped parking access but there is a ramp, instead of a curb.

Ms. Kalisky said the major driving point is, the applicant is trying to determine how the Planning Board feels about this; their comfort level. They meet code, they've made some revisions, they will have to get a grading easement, they want the Planning Board's comfort level on the layout. The layout is the federal wetland delineation. They've acknowledged that they need the Army Corps., they have to create wetland in another area. As long as it's not impacted by the Army Corps., which it may be. Ms. McManus said their wetland biologist who indicates that they will be looking for off-site wetland areas to do the mitigation. Chrm. Conero asked how much wetland. Ms. McManus 3:1, about an acre. Where is the wetlands being disturbed? Ms. McManus indicates on the site plan what is impacted. Mbr. Crowley asked, in the original proposal it wasn't wetland, but the wetlands moved? Ms. McManus said yes and indicates on the original site plan. Over time, wetlands meander. This originally approved layout we couldn't pursue so we modified the layout, we are going to have an impact to the wetland and we know we have to go to the Army Corps and get the JD and the mitigation plan and looking for offsite. The Army Corps will verify and certify the wetlands. Ms. Kalisky said it may change. The mitigation, the acre is not on site. They are hoping the Army Corps. works with them.

Atty. Dowd said this came before the Village Board and he asked them to table it. He is already inquiring with State & Parks as to whether or not this constitutes alienation of any (temporary) nature. It requires them (the Village) to go through a whole process. Ms. McManus said she can build a retaining wall so that it doesn't go beyond the edges of the property. Atty. Dowd said the documents before the Village Board had not been seen by Dawn. It is unsure how much grading has to be done on the Village property or what duration it would be? Would it all be done at the same time, or as you build out? He said it can be brought back to the Village Board but they will need more information. Maybe she can find a different way to design this without going on Village Parkland, and solve a lot more complicated issues. Ms. McManus said the issue they have, this road (indicates on site plan), is right on the property line because of where the existing road is and they have to continue it. She has to meet grade here (on plan). In hindsight, they

should've kept a little more when they dedicated it. They can't shift the road because the foundation is already there.

Ms. Kalisky said they will need to expand the existing topo. Ms. McManus said (indicating on site plan) this is one area and this is the other area; this is 2,200 sq. ft. and the other is 1,630 sq. ft. The process is still the same. She has the Army Corp. issue, the engineering reports to send in for review, how do you feel about the proposed layout? Chrm. Conero said the County sent a detailed report; Ms. Kalisky and Atty. Dowd said they went beyond what their designated role is under law; making recommendations. This Board does that, anyway.

Ms. Kalisky said we know there are wetlands. You get a permit to disturb it; you are permitted to do that and you reach a certain point and mitigate, create new wetlands. That's part of the development process. The County is trying to say there shouldn't be any wetland disturbance and then there would be no development. This meets our code for density. These are federal wetlands and there is no buffer; if you disturb 1/10 of an acre, you have to create more.

The Chrm. asks Ms. McManus to review the hammerhead turnaround, snow removal and the location of the dumpster.

Ms. Kalisky said they haven't gotten into the technical elements of the site plan yet, it more about the comfort level with the layout.

The parking, handicapped access and ramps. Mbr. Crowley asks if the buildings will look like what was previously built and if there are patios. Ms. McManus said it depends. They all have a deck/patio. Mbr. Crowley asked about the wetlands in relation to the patio. Ms. McManus shows on the site plan; in order to build the building, they will impact the wetland. There are different types of wetland. Mbr. Crowley is concerned about the wetlands continuing to move. Ms. McManus said they are putting a swale in there, so runoff will be captured and sent to the wetland. Ms. Kalisky said the swale line will be higher than the wetland.

Chrm. Conero says he doesn't have a problem with the plan. Ms. Kalisky reminded him that this is just an overview; they didn't get technical yet. Ms. McManus said her biologist is very conservative and used to work for the Army Corps. She said they are making sure it is drained within the Walkkill Drainage Basin.

Chrm. Conero asked how was the unit count was derived? It was dropped back because of when they did the subdivision, or the code changed; the original was in 1997 or 2000, and there was enough for the amount of units. She discussed swapping land between the two parcels but they have financing with Fannie Mae and it's impossible to change it. If you combine the two properties, it is fine.

The Chrm. asked if there were any questions.

Mbr. Crowley asked if the middle area (between buildings) will be wetland. Ms. McManus said yes and indicates an additional wet area, as well, on the plan. The parcel borders the Town of Montgomery.

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

**RE: MINUTES**

A **MOTION** was made to **ACCEPT THE MINUTES OF NOVEMBER 30, 2016** by Chrm. Conero and seconded by Mbr. Weeden and carried 4 Ayes 0 Nays.

**RE: ADJOURNMENT:**

A **MOTION** was made to **ADOURN THE MEETING AT 8:47 pm** by Mbr. Romano and was seconded by Mbr. Steed and carried 5 Ayes 0 Nays.

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Tina Murphy  
Deputy Village Clerk