

MINUTES of the Village of Montgomery Planning Board meeting held in the Conference Room of the Village Hall, Clinton Street, on Wednesday, February 28, 2018, at 7:30 pm.

ATTENDANCE: Chrm. Conero, Mbr. Weeden, Mbr. Crowley, Mbr. Steed, Mbr. Romano, Atty. Kevin Dowd, Eng. Dawn Kalisky of Lanc & Tully, Ron Feller, Lauren Rowley, Maria Beltrametti, Walt Lindner, Maryanne Lindner, Marc Devitt, Amy Haight of Chazen, Tim McElduff of Drake & Loeb, Thomas Olley of Thomas Olley Engineering, Zachary Szabo of Engineering Properties

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

RE: OLD BUSINESS

The Chrm. added Pleave extension to the agenda.

PLEAVE Extension

The Chrm. asked for an update on the project. Mr. Feller and Ms. Rowley state that two perspective parties are interested in purchasing the property. They are currently calculating costs involved, etc; bids will be in next week and they will decide then.

Atty. Dowd said the maps need to be signed and filed, we have to get the dedication documents, title updated again; still other items need to be addressed.

Mr. Feller said it's been a conditional final for six years and they appreciate it.

A MOTION was made to GRANT PLEAVE A 6-MONTH EXTENSION, FROM FEBRUARY 28, 2018, by Chrm. Conero and seconded by Mbr. Weeden and carried 5 Ayes 0 Nays.

RE: LOOSESTRIFE FIELDS PHASE II

Ms. Haight is representing the applicant. Revisions have been made; there is a bridge, all parking is contained on the site, there is no wetland disturbance, they are no longer looking for a grading easement on Village property, they reduced the number of units from 42 to 38. They are providing treatment for the proposed amount of impervious however, they are treating this existing impervious, which is not being treated right now; the parking area and the road for the building in lieu of treating this parking area, they're providing the tension under the pavement but they are working with Ms. Kalisky to figure out how to mitigate that. Lanc & Tully has a call into the DEC for resolution.

Ms. Haight would like the Board to schedule a public hearing for next month.

Ms. Kalisky said they had been waiting for submission of the required documents, environmental review, SWIPP which were submitted, there are still revisions required for the site plan, but isn't anything that would prevent setting the public hearing. She said they will need to see a phasing of how the bridge will be completed without disturbing the wetland. The fire department needs to advise if the turnaround is adequate. This must meet fire code.

A MOTION was made to SCHEDULE A PUBLIC HEARING FOR MARCH 28, 2018, AT 7:30PM by Chrm. Conero and seconded by Mbr. Romano and carried 5 Ayes 0 Nays.

RE: DUNN ROAD

Chrm. Conero stated that this is a site plan amendment.

Tim McElduff of Drake/Loeb, Attorney, and Thomas Olley, Engineer, are both representing the applicant. The Chrm. said the height of the building is a problem. Atty. Dowd said it doesn't conform to what was approved by this Board in August 2016. The FAA sent a letter stating that the building would require 24/7 lighting on the roof. This is a reason why he's met with Mr. McElduff. The building was supposed to be 18' to 22,' so there was no issue with the FAA. They didn't anticipate a visual impact with lights, they didn't anticipate a 32' building, trees to cover a 22' building...they are trying to correct some of this. They want to seek approval to allow the 32' building to stand. He informed Mr. McElduff that the best way to handle this was to begin the procedure again; do a SQRA review with a 32' building, SHPO may have comments since it is adjacent to a historic building, the public has concerns about it so another public hearing is appropriate.

The Chrm. asked if anything other than the size of the building was changed. Mr. McElduff said the color of the building had been discussed at the previous public hearing and they went with a color that matched the airport buildings. The owner didn't understand that a representation was made to 22'-23'. When he was told by his representative that he was approved, he proceeded with the normal local procedure. He got the FAA approval and in addition to the plans, the 7 points (flight paths) and specific lights. They are not in compliance right now due to the stop work order on the building. He had plans drawn up and approved by the building department and proceeded with the work.

Mr. Olley said there are no technical changes to the site plan. The same 70'x120' footprint in the same location, parking, utilities, etc, is all the same. He made a full scale copy of the building that the previous engineer provided to the Planning Board in 2016 and overlaid it on plans that were provided to the Building Inspector there was a comparison of the two buildings. The owner originally wanted a uniform height but changed it over the part of the building that houses the manufacturing equipment. Mbr. Crowley clarified that the applicant did not want to have a 22-23' building, he wanted the size that it is. Atty. Dowd said the initial long form EAF said the approximate size would be 18'. And the extra 4 feet was for the cupula-to give the barn look. Mbr. Crowley said her understanding was that it wouldn't be 32-33'-never. Mr. McElduff said with the overlay of the two buildings, the drawing that was presented at the public hearing, is scaled up to 30.5ft. They don't know why the representative said 22-23'. It's clearly between the owner and the representative that the mistake occurred. They are here because there was a mistake. He doesn't understand why the cupola was tied into the height; there was never a size to the cupola. Atty. Dowd said the idea for the cupola came from SHPO; to give the barn look. If you look at the 8X11 scale, from the base to the top of the roof was approx. 18ft. Mr. Olley said but then the building would have been 80' long and 40-50 ft wide. It was out of scale. What was presented, unfortunately was presented in a reduced size and not a full scale drawing for you. Those differences would have been obvious at that time. Mbr. Romano said but it was still 23', we don't need to look at a picture to know it was 23'. Just because the paper was smaller, we still understood it was 23'. Atty. Dowd said the representative of Mr. Zafir was clearing saying 22-23ft. Mr. Olley said why he came up with that number, they don't know. He's spoken with him and wasn't sure, himself. The word scale that says 1/8 of an inch = 1 foot but there is no graphic

scale to verify it. Back to the FAA, the FAA stated there was a change at the airport a number of years ago. It happened after Stewart started their commercial flights. The FAA put a lot of money into a lot of smaller airports in the region and one of the improvements they made was this runway here (indicates on zoning map), they changed it to an instrument landing system runway. That doubled the width of the threshold and also changed the glide scope coming into it. When you look at the zoning map there was no question raised about the FAA because it was outside of that restricted area. When the building went up, someone at the airport questioned it. This is where Mr. Olley submitted to the FAA. This helped expedite the process. They determined that the (indicates on site plan) a light be placed here and here (on the building). This probably happened in the early 2000's. Mbr. Crowley said she thought the airport had comment on it. Did they weigh in on the color or height of the building?

Inaudible...too many people speaking at once.

Mr. Olley and Mr. McElduff said it was County Planning. They were concerned about the height of the trees being proposed there. Chrm. Conero said he thought it was height, as well. Atty. Dowd said SHPO recommended a brown color to keep it neutral and a neighbor suggested red for a barn look. Mbr. Crowley said the public hearing had a whole discussion regarding the color and decided on a color similar to what is already there. Mr. McElduff said the applicant is taking this very seriously. He is aware they are doing this over and is embarrassed.

Mbr. Steed said lighting was a concern of the neighbors and that he is concerned about the FAA lighting that is now needed. Mr. McElduff said the screening that was originally discussed is higher and thicker than what is required of them. They are willing to mitigate that-will do whatever they can. Mr. Olley will provide what the lighting will look like. It is the same as what is currently on the poles at the airport; the red LED globes. They are a steady burn, dual lamp in case one goes out.

A MOTION was made to DECLARE LEAD AGENCY, TYPE 1 ACTION, by Chrm. Conero and seconded by Mbr. Weeden and carried 5 Ayes 0 Nays.

A MOTION was made to SCHEDULE A PUBLIC HEARING FOR MARCH 28, 2018, AT 7:45PM, by Mbr. Romano and seconded by Chrm. Conero and carried 5 Ayes 0 Nays.

Mr. McElduff asked if the stop work order date of March 5th, be extended. Atty. Dowd said he would speak with the Building Inspector.

RE: NEW BUSINESS

RE: DEVITT – 77 CLINTON STREET

Zachary Szabo is representing the applicant. They are proposing a two-story building with 2160 sq. ft. of retail on the first floor and 2 apts. on the second floor. They will provide 4 spaces of parking for the residents off Charles Street and the retail parking would be municipal parking. Atty. Dowd asked if the National was on the historic registry. Mr. Devitt said it is not but is in site distance. He has an easement from Mario for access for parking. The easement was part of three properties including the National hotel property. He will provide a copy of it.

The Chrm. asked what the building would look like. Mr. Devitt said probably gable-ended facing Clinton Street but he's not quite sure yet; historic. Ms. Kalisky said this needs referral to ZBA for approval of one of the residential apartments.

Mr. Devitt said it will be setback off the sidewalk so it is not on Village property. It will be 36'x60'. He will bring renderings of what it may look like. There is no intended use, yet, possibly a general store with gifts, not food service.

A MOTION was made to REFER THE PROJECT, 77 CLINTON STREET, TO THE ZBA FOR A VARIANCE by Mbr. Steed and seconded by Mbr. Weeden and carried 5 Ayes 0 Nays.

RE: MINUTES

A MOTION was made to ACCEPT THE MINUTES OF JANUARY 24, 2018, by Chrm. Conero and seconded by Mbr. Crowley and carried 4 Ayes 0 Nays.

RE: ADJOURNMENT:

A MOTION was made to ADJOURN THE MEETING AT 8:25 pm by Mbr. Romano and was seconded by Mbr. Crowley and carried 5 Ayes 0 Nays.

Tina Murphy, Deputy Village Clerk