

**MINUTES** of the Village of Montgomery Planning Board meeting held in the Conference Room of the Village Hall, Clinton Street, on Wednesday, May 23, 2018, at 7:30 pm.

**ATTENDANCE:** Chrm. Conero, Mbr. Weeden (not in attendance), Mbr. Crowley, Mbr. Steed (not in attendance), Mbr. Romano, Atty. Kevin Dowd (not in attendance), Eng. Dawn Kalisky of Lanc & Tully, Maria Beltrametti, Walt Lindner, Maryanne Lindner, Joe Catalano, Ross Winglovitz, Larry Marshall

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

## **NEW BUSINESS**

### **RE: WILD SUBDIVISION 202-5-4 & 5**

Larry Marshall is representing the applicant, James Wild. This is a subdivision of two existing lots, from Union Street to Hanover Street, into four. It is an equal subdivision-right down the center. The front lots are serviced by public water off of Union Street and they do have two sewer lines that go down to Hanover Street. As part of the subdivision, the existing sewer lines would be rerouted thru an easement through lots 1B and 2B for the purpose of the existing homes. They would remain being served by water off of Union Street. The two new homes would be served by water and sewer off of Hanover Street.

Ms. Kalisky said they will need clarification from Kevin Dowd. The two existing lots that are fronting 211 are preexisting, nonconforming and that's not an issue with their current setback. She did question the existing garage on 2B because that is going to remain?

Mr. Marshall said that is what they show. He will check with the owner to confirm.

Ms. Kalisky said that is within the minimum setback for accessory structure. The code is 3 ft. and it's 2.6 from the property line. We need clarification from Atty. Dowd if it has to go for a variance. The other major point is that this is in the historic district so we need a full EAF and refer it to SHPO.

Mr. Marshall said they would submit to SHPO and provide everything, including additional contacts, Tina and Dawn's emails.

Ms. Kalisky said there are drainage issues with properties on lower lots, Hanover Street can get a little soupy at times, if you can show some proposed grading, swale lines...there is a catch basin down there that you can tie into, in front of 1B. You can declare your intent for Lead, Larry will send to SHPO, it's on a state route so 239 Review to the County.

Chrm. Conero asked what the dotted lines between the red lines, is that the easement?

Mr. Marshall said the orange is where the sewer lines are. Sheet 2 shows the existing conditions (he indicates on plan). They are approximate. The intention is to grant an easement on either side of the center line between the two lots that are being created. The black line is the property line. The easement is the dashed double dot. Those are the limits of the easement. At Dawn's request, they will space it out for maintenance.

Chrm. Conero asked for clarification on the grading.

Mr. Marshall confirmed where they would show the grading.

Mbr. Crowley said the runoff; that's a hill.

Mr. Marshall agreed. You go from 500 to 522 at Main St. It's a pretty good rise. 2B and 1B will be very flat-the rise is really in 1A and 2A.

Mbr. Crowley asked if those houses would get flooded from the hill runoff.

Chrm. Conero said that's why he has to worry about the grading, for these homes and what's on this side of the street and make sure it runs off to this catch basin.

Mr. Marshall said they would have a small swale on backside of 2B and 1B and direct it to the catch basin. They will fine grade the old driveway.

**A MOTION was made to DECLARE INTENT TO BE LEAD AGENCY by Chrm. Conero and seconded by Mbr. Romano and carried 3 Ayes 0 Nays.**

**RE: GEORGE WEEDEN RESIGNATION**

Chrm. Conero stated that George is resigning. He will be hard to replace and truly missed.

**OLD BUSINESS**

**RE: CHANDLER LANE PDD UPDATE**

Joe Catalano said that Marc wants to pursue the original plan. They returned to the Board of Trustees, as they had changed the original plan. There was a road in the concept plan that has been changed to a walking path (indicates on site plan). Originally there were 34 units and they moved some of them to another area (indicates on site plan). Upon meeting with the Trustees, they changed the location of some single family detached homes instead of townhouse type homes. That cut back approximately 7 units. Then, the commercial space was changed to Route 211 (indicates on site plan) and creating a larger parking area. This was presented formally to the Village Board (on May 15<sup>th</sup>). They are bringing it to the Planning Board so they know this is the intended plan for eventual final approval.

Mr. Winglovitz said they will be filing a formal application soon.

Mr. Catalano said they will be applying for the entire site; no phases. They want to know if the Planning Board has any changes/tweaks.

Chrm. Conero said this plan is set. The Village Board has approved this plan 3-1. The modifications that you're asking us for are "do you want to take this house out," "do you want to make this trail bigger?" The overall scope of anything is really not under our purview. We're just the administrative branch to the government, we have to process this application based on what the Village Board approved.

Mr. Catalano said your primary concern is going to be that this can be built. The engineering all works out...

Chrm. Conero said he's sure the engineering will work out just fine.

Mr. Catalano said this is a good time period to make changes.

Chrm. Conero asked how big the lots were in size.

Mr. Winglovitz said they are not lots. They are condominiums. They are single family style.

Mbr. Romano asked if they would be like Lakeside.

Mr. Winglovitz said they are lots.

Mbr. Romano said but it's going to look like that.

Mbr. Crowley said it's going to be worse than that. These are condos, Lakeside are houses.

Mr. Catalano said the original approval did not provide for anything other than condominiums and a maximum of 12 apartments above the commercial.

Chrm. Conero said that is what they spent a lot of time on.

Mr. Catalano said Marc abandoned Phase 1 which had the commercial buildings here (indicates on site plan) and here. They also abandoned the large buildings with condominium flats along Chandler, with units on both the first and second floors and a mixture of townhouses.

Chrm. Conero asked how these houses differ from the last time you asked for changes in the PDD.

Mr. Catalano said this will be condominiums, the others were single family lots.

Chrm. Conero asked how many bedrooms?

Mr. Catalano said 2 bedrooms but because they lost 7 units, some can be made into 3 bedrooms. The village board said the 3 versus 2 bedrooms do not matter to them as long as the total bedroom units remain the same as what was approved. So they lost 7 units, which is 14 bedrooms, and they can theoretically have 14 3 bedrooms in this plan without losing a building.

Chrm. Conero asked if they were identical.

Mr. Catalano said in terms of how they are owned because they will be condominiums but the interior layouts may change.

Mr. Winglovitz said they will have a traditional neighborhood design; porches, smaller houses.

Chrm. Conero asked who the roads would belong to.

Mr. Catalano said theirs-private. The garbage removal is theirs. Everything will be private except for easements for the sewer and water.

Mbr. Crowley asked about the maintenance of the properties.

Mr. Catalano said private. Everybody will own the interior; all the outside space, including the exterior of the buildings will be maintained and managed by a condominium association.

Mbr. Crowley asked about other housing on the site plan-if they were condos, too.

Mr. Catalano said they would be 2 story with a garage. The last version had alleyways and no garages for every unit. Now, every unit has a garage and driveway.

Chrm. Conero asked about improvements on 211.

Mr. Winglovitz said it is up to the DOT.

Mr. Catalano said they may require a left hand turn.

Mr. Winglovitz indicates on the site plan where potential left turns may be.

Mr. Catalano said that will be part of the full site plan submission.

Mbr. Crowley asked about a traffic study being done.

Mr. Winglovitz said there was and the DOT will require an updated one.

Mbr. Crowley said she wasn't on the board when this originally went through. She is amazed that this was passed-she can't understand where all this traffic is going to go.

Mr. Catalano said the original proposal had a 35,000 sq. ft. grocery store that was proposed. They did a traffic study based on the more intense commercial use.

Mbr. Crowley said a grocery store has different people coming in/out of it at different times.

Mr. Catalano said there was the same number of residential units as well.

Mbr. Crowley said she wasn't on the board then. It's a lot of traffic streaming either way. And she is shocked that the board approved it.

Chrm. Conero asked what the reduction in commercial space was from the original PDD.

Mr. Catalano said the original PDD had a maximum of up to 110,000. The concept plan and SEQRA studies were based on the maximum. There was a maximum of 184 residential units. Right now, these footprints are 2-story, 7500 sq. ft. This is a 6,000 sq. ft. footprint. So it's 66,000.

Chrm. Conero said you go from 110,000 to 66,000 commercial.

Mr. Catalano said yes.

Chrm. Conero said it is drastically different.

Mbr. Crowley said it had been pitched to people that there would be a lot of commercial space.

Mr. Catalano said there was commercial along the entire length of 211 and down the main access road from 211 into it (indicates on site plan). This number to the Trustees was a balance between

what the market can reasonably expect from commercial away from your Village center as well as spreading out the residential. If you notice, there's a lot less parking. The other plan had considerable parking lots. Most of the residential didn't have driveways or garages.

Chrm. Conero said he read in the paper about the lack of commercial space in Orange County and how it's spurred more commercial building/development. It's interesting that a few years ago you came to replace this with more residential than what's in here, siting that we'd never get commercial space, never get built out. That was rejected by the board and now we're back to this with even less commercial space, so it contradicts what you read in the paper.

Mr. Winglovitz asks, what the demand is. His office sees big box. Not a lot of small cutesy retail.

Mr. Catalano said the hope is that there is a demand for commercial. Marc thinks it will happen. Once we start building the project people will be interested in the commercial space.

Chrm. Conero said it would be better for our village and school system to have more commercial than homes. He doesn't know what the difference is between these houses and land and lot size compared to this.

Mr. Catalano said less than an acre. We had 34 single family residences bunched here instead of up there (indicates on site plan). You see those big boxes (indicates on site plan), that was 10-12 condominium flats.

Chrm. Conero said people come up to him wanting to move from the area because of the potential building.

Mbr. Romano said she doesn't understand how all these people want to move to Montgomery.

Mr. Catalano said the marketing is two-fold. Marc feels that he has the millennials looking for maintenance easy who still want a home and people who are retire or empty-nesters who want to downsize. He might be able to attract a mixture.

Mbr. Crowley asked if these would be affordable. When spring meadow came in they gave a reduction for first time home buyer. Montgomery, millennials cannot buy a house in Montgomery unless they buy one that's foreclosed on...

Mr. Catalano said it is not affordable housing. The hope is that it will be reasonable, as far as pricing because you aren't buying a lot. You're buying a home and partnership in the condominium association.

Mbr. Romano asked how much a millennial would pay.

Mr. Winglovitz said his projects are selling or sold out. 216 units in Middletown sold out-there's 8 left.

Mbr. Romano asked how much they cost.

Mr. Winglovitz said they started at 259,900 and because they're in such high demand, 299,000.

Chrm. Conero asked what the maximum tax revenue the village can expect to gain out of this when it fully fills up. You must have that figure...

Mr. Catalano said they would bring that back to the board. It's significant. The reason condominiums are assessed at less value than a full home. You are looking at significant revenues just for the residential. You're not dealing with roads, garbage pickup.

Mbr. Romano said but we are dealing with the schools, though.

Mbr. Crowley said and we're not dealing with these roads but we've got to deal with the state road, the village roads.

Chrm. Conero asked how many students are included in your PDD application.

Mr. Catalano said there are a projected amount of school age children. It was a fairly low number because of the 2 bedrooms. It was somewhere around 79? That was when the application was originally approved in 2008; when the school district was at maximum capacity. Now that's changed.

Chrm. Conero said the amount of money the Village residents, actually the whole town of Montgomery, anybody in the Valley Central school district is going to rise. Whether you have a declining population you have a rise in costs. There's no end in sight with the school budget going down. How many people total will be in this?

Mr. Catalano said proposed is 165 residential units.

Chrm. Conero asked how that is figured. He'd like to see the PDD application again.

Mr. Catalano said sure. Just so you know, when it was approved it was for 184 residential units and that's where we did the SEQRA and all the calculations on it that high so we're down below that right now.

Mbr. Crowley asked if the flex space could be residential or commercial.

Mr. Catalano said that would be where the apartments would go if they go there at all.

Chrm. Conero confirmed where the flex space was.

Mr. Catalano said the idea is that they'll wait and see. Obviously the commercial, if they can rent out 2<sup>nd</sup> floor commercial space, that's going to be a bigger ticket. That section will be influx until they get perspective tenants.

Mbr. Crowley said when you last came, building A was going to be similar to the building that he built for the school on 17K. Are the buildings still going to look like that?

Mr. Catalano said yes, similar architecture.

Chrm. Conero asked about sidewalks.

Mr. Catalano said the other tweaks, there will be community space; possibly a recreation center that can be used by the condominium members. They want to concentrate the commercial stuff on this aspect (indicates on site plan) because they have all the parking.

Chrm. Conero said the village residents don't need this, they already have one.

Mr. Winglovitz said possibly a gym for the residents.

Mr. Catalano said or a pool. This meets all parameters of the approval, they just want to make sure they are okay. The grid is exactly the same except for the one variation, here (indicates on site plan) and the walking path. They will get more background info. They should've brought it. It has been going on for 10 years; refresh your memory with what it was originally proposed at. They'd like to be on the agenda for next month. There's no rush, it's going to take a while for the engineering to get going. Ross can meet with Lanc & Tully and scope out the engineering.

Chrm. Conero said there's no reason to put you on the agenda if you don't have an application or you're not submitting anything.

Mr. Catalano said if you want them to go over the information that you asked for tonight. They'll provide school age children numbers, traffic, etc. He'll bring the original plan and you can take a look; see that the grid are the same. It's really just a different housing type and it really makes it better.

Mr. Winglovitz is looking for the planning board to provide thoughts on how the plan can be improved.

Mr. Lindner said the last PDD was up to 110,000 sq. ft. of commercial space. When it was revised it went up to 20,000 sq. ft. The board was faced with two decisions; tweak a little bit but they couldn't do anything major because that approval was given 10 years ago. Marc had the option, if they weren't happy with it to go back and start over. They spoke with Joe about the houses on Chandler. Instead of having 2story condominium type buildings, even though they're not quite the same size house or lot that is across the street with the 12,000 sq. ft., you're looking a more like 5,000 sq. ft. but it's still a single family home.

Chrm. Conero said you were making changes based on...let me ask you this, Walt, do you feel that that development is in the best interest of the Village of Montgomery?

Mr. Lindner said he thinks it will be. We all have faith in Marc Devitt...he's going to build something that's good for the village. If he had to go back in time and be on the board 10 years ago, I don't know. It's a unique concept. If you go back to what planning was and you talk to Alan, the Master Planner, which was the big rage back then. When he was on the Planning Board small mini villages; the idea that people wouldn't drive, they could walk.

Mbr. Crowley said her concern is that it was less than a year ago; when Marc came for Phase 1 of the unit, at that point he could not for-see doing...tape cut off...

Mr. Winglovitz said they couldn't get the DOT to move fast enough to get them to approve the entrances. He had to put in an entrance...inaudible, too many people speaking at once.

Mbr. Romano asked how this is being built. What are you building first or are you doing it all at once?

Mr. Catalano said they are engineering the whole thing.

Mbr. Romano asked which phase was going to be first.

Mr. Winglovitz said he's not sure, it's up to what the market is like at the time.

## **RE: CITY WINERY UPDATE**

Mr. Winglovitz said they've changed the concept that was presented in March. Since the survey was completed, they've made it into a plan that they can work with from an engineering perspective. He wanted them to see the comparison. There's a lot less parking than the original plan. They looped it to the buildable area.

Mr. Catalano said the major changes are; this is a wetland area here (indicates on site plan), so they are avoiding it, that's why the parking loops around. Outside of the wetland area there will be secondary parking, overflow parking. They are not proposing to pave it. The green areas will be the vineyard. The buildings will stay. The architect is working with SHPO to make it so that it meets their requirements of historical restoration, which are very difficult requirements to meet. It will be a cost factor but the whole idea for this site that attracted Lanco to it was the industrial nature of the buildings and the historic, that's a very important feature for his plans.

Chrm. Conero asked how many people they anticipate coming in

Mr. Winglovitz said the event space is 350 (the banquet room), the restaurant, Joe has it broken down somewhere.

Chrm. Conero asked if it was in the PDD application, it's listed in there, the people, cars, traffic.

Mr. Winglovitz said yes, but no traffic yet.

Mr. Catalano asked if they received the whole submission. They are not going to add a bridge, like originally thought.

Mr. Catalano & Mr. Winglovitz said they just wanted to keep the Planning Board in the loop. He presented a copy of the PDD statement and petition to the Village Board to allow PDD's in the multi-family 1 district. They would like the zoning code amended for properties over 10 acres, this property is 20 acres.

Chrm. Conero said the master plan wanted to limit PDD's to commercial and business districts.

Mr. Catalano said this is a unique property because it is industrial, historically industrial. It has a mixture of commercial uses right now that are non-conforming uses. The RM1 district doesn't allow any of these uses they are proposing in there right now.

Chrm. Conero said the petition is to allow a PDD in a residential area.

Mr. Winglovitz said in a RM1 zone, not residential area.

Ms. Kalisky said with sizable property.

Chrm. Conero asked which side.

Mr. Catalano said they have been strategizing with John O'Rourke and Kevin Dowd how best to present this. The Environmental Review, they focused on what they're proposing, not a theoretical zoning change. What's different from Chandler to this, this is close to the final site plan, the buildings will stay where they are. They're not proposing new construction, it's really just the parking lot and the outdoor layout that's going to be tweaked a little.

Mr. Catalano said there's going to be a total of 14 rooms for lodging; 3 rooms in the bridal suite and 11 in the hotel (indicates on site plan). That will be there for weddings and other events. They are hoping for the site to attract people to have private events there, tourism, this site will primarily be used to produce wine for his other establishments. The winery aspect will be full time but the rest will be open Friday – Sunday. If he gets enough local interest, he'll open the restaurant up for Thursdays. That's not the immediate intention.

Mbr. Crowley asked about the entry feature; will it include the chimney.

Mr. Winglovitz said the chimney will remain here (indicates on site plan). There is an existing loop road if you go down...it's going to have to be modified. This will be designed/improved for fire apparatus access around it. There will be an entry feature with a waterfall on the interior and if you stand below it, you can get pictures of the waterfall behind you...inaudible...

Mr. Catalano said they are proposing a canopy and SHPO may have a problem with it/how they do it, and a staging area, but that's the only other structure.

Mr. Winglovitz said the driveway is 3-4 feet above the first floor of the building as you come down so it's the grand staircase going down to finished floor level.

Mr. Catalano said it's going to be concentrated on the winery concept. They're going to have lodging, banquet area, wine tasting, restaurant/café, bus tours, open for tourists.

Mbr. Crowley asked about the fire department.

Mr. Winglovitz said that's why they made it so big. It's twice as wide.

Mr. Catalano said they will need the planning board to refer them to zoning for the zoning change then they will receive the final site plan.

Mbr. Crowley asked if there is more than one entrance to get in there.

Mr. Catalano said yes.

Mbr. Crowley asked if a traffic study would be done.

Mr. Catalano said they haven't done it yet but anticipate it. They feel it is off hours and only weekends. It is only wine production, wine tasting, event venue.

Mbr. Crowley said there will be a lot of traffic going down Factory Street and onto 17K. She comments that when it starts out as one thing, it ends up being a totally different thing 10 years from now. She doesn't believe the Fri, Sat, Sun thing. She feels that the size of the venue will definitely draw people there, and not just on the weekends. There will be a lot of traffic due to this project, on this end of the Village, and a huge development on the other end. As a Village resident, she feels trapped in her Village on many days. She would love to see a traffic study done.

Mr. Catalano said the Board of Trustees gave them the go ahead to continue with the PDD process so they are working on obtaining the traffic reports, etc. and will apprise the Board once they get them. The Board of Trustees also declared its intent to be lead agency.

**RE: MINUTES**

**A MOTION was made to ACCEPT THE MINUTES OF April 25, 2018, by Mbr. Crowley and seconded by Mbr. Romano and carried 3 Ayes 0 Nays.**

**RE: ADJOURNMENT:**

**A MOTION was made to ADJOURN THE MEETING AT 8:44 pm by Mbr. Romano and was seconded by Chrm. Conero and carried 3 Ayes 0 Nays.**

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Tina Murphy, Deputy Village Clerk