

MINUTES of the Village of Montgomery Planning Board meeting held in the Conference Room of the Village Hall, Clinton Street, on Wednesday, June 27, at 7:30 pm.

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

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

ADJOURNED PUBLIC HEARING

RE: LOOSESTRIFE FIELDS PHASE II

Amy Haight, representative for the applicant, emailed a letter on June 26, 2018, requesting to be removed from the agenda this month.

The Atty. suggests because of the continual adjournments, closing this Public Hearing and require the applicant, once they receive word from the Army Corps, DEC, Fire Department, and everything is in place with a current plan and information, do another public notice and public hearing.

The Board agrees. This way, the storm water issues can be addressed, the bridge capacity, the firetruck turnaround and the wetland delineation.

Ms. Murphy will send a letter.

A MOTION was made to CLOSE THE PUBLIC HEARING for LOOSESTRIFE FIELDS – PHASE II by Chrm. Conero and seconded by Mbr. Steed and carried 4 Ayes 0 Nays at 7:39pm.

A MOTION was made to REQUIRE A NEW NOTICE AND PUBLIC HEARIN FOR LOOSESTRIFE FIELDS – PHASE II by Mbr. Steed and seconded by Mbr. Crowley and carried 4 Ayes 0 Nays.

OLD BUSINESS

RE: WILD SUBDIVISION 202-5-4 & 5

There is no representation.

Atty. Dowd states that if the shed predates zoning, then it can stay. If not, it must be moved 4ft, taken down or go to ZBA for a variance.

Ms. Murphy will contact Mr. Marshall.

RE: 32 RAILROAD AVENUE – AMENDED SITE PLAN 202-12-7

Mr. Winglovitz is representing the applicant. They are looking for approval for the “caretaker’s residence.” They started working on it until they realized they needed approval from the Planning Board. They want to rectify that and be sent to the ZBA for the upper apartment (attic).

Chrm. Conero asked how they put in the parking area. He thought the calculations didn't work for that.

Mbr. Crowley said no, there was space but until they cleared it...They may have thought there wasn't enough space when they first came.

Atty. Dowd said when they initially came they didn't want to provide any parking. They created parking but it wasn't on the plan.

Mr. Winglovitz said he believes it wasn't on the original plan.

Ms. Kalisky said the original Dillin plan isn't as accurate as Engineering Properties plan.

Atty. Dowd read from Lanc & Tully's letter dated 7/20/17, there were no parking spaces existing on the site, no parking spaces are proposed on the site. Needs a waiver or go to ZBA. The reduced depth does not provide sufficient area to construct parking access aisle to code. Requires 90, 60, 45 degree parking access configuration. One permitted use.

Chrm. Conero said this wasn't on the plans when he started constructed. How did it get built? How was it approved?

Ms. Kalisky said the overhang on the adjoining parcel. There is no access aisle. The spaces there meet code as far as size. Each spot has to back directly out onto Charles Street.

Atty. Dowd said you raise a good question...how did the parking get built if it wasn't on the site plan? Ross, is the 3rd floor already built?

Mr. Winglovitz said yes. He said he had a building permit to do it. He is not aware of work being done on the 4th floor.

Atty. Dowd said the applicant appeared before the Zoning Board a few months ago for the variance for the top floor. They weren't prepared to make any presentation on economic hardship-no numbers. In the course of that, he asked who would live in the caretaker's apartment. The applicant told him an employee who would be paying rent. His concern is how is it a caretaker's unit? If it's an employee of the salon, what duties will he perform that will be a "caretaker's" position? Those questions were not answered at the ZBA meeting.

Mr. Winglovitz understands that it will be an employee with reduced rent who caretakes. He will get answers to the questions.

Atty. Dowd said, the way the code says, "As a permitted accessory use its owners or caretaker unit is a permitted accessory use in the zone." The owner is not living there. They will be referred to the ZBA anyway...you have to know the responsibilities of the caretaker, otherwise if they are paying rent it is just another rental generating income.

Mr. Winglovitz said they can come back and speak with the board, as the ZBA for an interpretation of a "caretaker."

Atty. Dowd agreed and also said a variance for the upper floor. If they feel it isn't a caretaker unit, then two variances for the two apartments.

Mbr. Crowley said it would make more sense to go for the two variances.

Atty. Dowd said they didn't provide anything the first time around (with ZBA).

Mr. Winglovitz told the applicant that he needs to provide the numbers.

Chrm. Conero asked the sq. ft. on the apartments.

Mr. Winglovitz said 1,500 sq. ft. for each one.

Chrm. Conero asked what the parking requirements were.

Atty. Dowd said two per unit.

Chrm. Conero said they have 5. But there's no parking consideration for the business.

Atty. Dowd said you approved the use even though there wasn't going to be any parking for the use. But now they have 5 parking spaces for the uses.

Chrm. Conero said you're developing the property, there no parking on the plans, you put parking in, you put retaining walls up...why would you do that if it wasn't on the plan?

Ms. Kalisky said depending on the height of the retaining walls, the Building Inspector, if under 4 feet, would grant a building permit.

Chrm. Conero said when we made a motion to approve the site plan, that wasn't there.

Mr. Winglovitz said the caretaker's residence, why does it come to the Planning Board as a permitted use?

Atty. Dowd said it is a permitted accessory use but because of the requirements for parking for the living unit, which was never considered by this Board, the parking wasn't even approved...this Board wants to know all of the uses that are being authorized. The change of use triggers the accessory permitted use. It wasn't even discussed here.

Mr. Winglovitz said the applicant thought it was a permitted use. The Building Inspector thought it was, too.

Atty. Dowd said the salon was a permitted use but he had to come here for the change in use from the dress factory to a hair salon/spa, plus, now the caretaker's unit, plus, now another unit altogether.

Ms. Kalisky said the business use, the parking requirement was waived because there was no parking. Where there is a residential unit, you have to provide parking.

Atty. Dowd said when you put in a retaining wall, you put in black top. None of that was considered by the Board as part of the environmental...inaudible. It wasn't anticipated because it was all lawn.

Mr. Winglovitz said the lot is 0.7 acres. The wall looks to be 4-6 ft. It is 3ft in the front, 4ft in the back.

Ms. Kalisky said retaining walls are only a detail. If it is over 4ft, it needs to be designed by an engineer. It's only submitted to the Building Inspector.

Chrm. Conero asked why there was a fence there.

Ms. Kalisky said to protect anyone from falling onto their property.

Chrm. Conero asked if the fence could be that high? 4 foot wall, 4 foot fence?

Ms. Kalisky said yes.

Inaudible...too many people speaking at once.

Atty. Dowd said I-2 requires 8ft from lot line, rear lot line 8ft...

Chrm Conero said they need verification that the wall isn't over 4ft.

Ms. Kalisky reiterated it is only a detail and it goes to the Building Inspector depending on the height of the wall.

Chrm. Conero said they need to amend the site plan to include the parking lot.

Mr. Winglovitz said they will come back with information on the caretaker's apartment.

There is discussion regarding the parking lot being flush to the sidewalk, which the applicant replaced.

Atty. Dowd will speak with the Building Inspector.

Mr. Winglovitz confirms that he will verify the wall height and info on the caretaker's unit.

Atty. Dowd said based upon the answers they give, the Board can grant it as part of the amended site plan. If not, it will be an additional referral to the ZBA.

RE: MINUTES

A MOTION was made to ACCEPT THE MINUTES OF May 23, 2018, by Mbr. Crowley and seconded by Mbr. Steed and carried 3 Ayes 0 Nays.

RE: ADJOURNMENT:

A MOTION was made to ADJOURN THE MEETING AT 8:25 pm by Mbr. Crowley and was seconded by Chrm. Conero and carried 4 Ayes 0 Nays.

Tina Murphy, Deputy Village Clerk