

**MINUTES** of the Village of Montgomery Planning Board meeting held in the Conference Room of the Village Hall, Clinton Street, on Wednesday, March 27, 2019, at 7:30 pm.

**ATTENDANCE:** Chrm. Conero, Mbr. Crowley, Mbr. Steed, Mbr. Romano, Atty. Kevin Dowd, Dawn DeSantis of Lanc & Tully, Marc Devitt, Amy Bombardieri, Don Berger, Jane Samuelson, Vincent Satriano

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

**ADJOURNED PUBLIC HEARING**

**RE: LOOSESTRIFE FIELDS – PHASE II – 204-1-2.22**

**A MOTION was made to REOPEN THE PUBLIC HEARING FOR LOOSESTRIFE FIELDS – PHASE II – 204-1-2.22 by Chrm. Conero, seconded by Mbr. Crowley and carried 4 Ayes 0 Nays.**

**Amy Bombardieri** – The biggest development that they found out on Tuesday was that the bald eagle nest that was one of the major issues and concerns with the Army Corps and the DEC is over 2000 ft. away from our limited disturbance, so no mitigation is required for that. They are revising their Nationwide Permit Application and resubmitting that tomorrow, to the Army Corps. That should satisfy the Army Corps. She spoke with Dawn regarding about the other things that need to be on the plan and that will be submitted again but without having the Nationwide Permit in hand, she doesn't think the Board will close the public hearing.

**Chrm. Conero** said no. If they don't have all the information together, he doesn't recommend that they close the public hearing.

**Atty. Dowd** said Amy hasn't and we haven't heard back from the Fire District. Chrm. Conero said to Tina, that he asked Ronnie last month, to send a letter to the Fire Department about responding to this. Was it ever done? He apologized for not following up with her. Mbr. Crowley said Doug Hantusch was at the last meeting and said he would do something. Ms. Bombardieri said she gave him all the small sets of plans that she had but hasn't heard anything. Ms. DeSantis said when her and Amy had their phone conversation the other day, the design criteria for the bridge, (granted, they're going to go out and solicit bridge contractors for this), are the specifications and details that they are looking for on the plan set, and that way the fire company has something other than an auto-turn showing a fire truck can actually go. They'll understand that they can get comfort level for their emergency vehicles...She is going to revise the plan set with those details, design criteria and that's what the fire company, in addition to the auto turn, which is included in the plan set, what they would need to look at to actually know what they are looking at.

**Chrm. Conero** said they did have concerns about the turnaround which he doesn't think they commented on that, and concerns with the width.

**Ms. DeSantis** said they did increase the width of the bridge, but once again, they need something formal from the fire company. They've had site plans modified in the past because of the fire company's concerns to address their concerns.

**Ms. Bombardieri** said (to Ms. Murphy) that she could send out a digital copy to the commissioners if we had an email address for any of them. She will send hard copies, as well.

Ms. Murphy offered an address to mail it to.

**Atty. Dowd** said they could pick up a set here, so you know that they've got it.

**Ms. DeSantis** said that until the revised set is complete what we have on file is not sufficient for them to educate themselves of what the plan actually is.

**Chrm. Conero** said they don't know the weight capacity of the bridge and they don't have the makeup of the bridge but they can at least comment on what we've got so far. It's important that they respond.

**Atty. Dowd** asked if Dawn would have the bridge specs by the next meeting.

**Ms. Bombardieri** said yes, you will have that. The only thing may not have is the Nationwide Permit.

**Atty. Dowd** said that will be a big step, I know the bridge is a big concern for everybody.

**Ms. Bombardieri** said you will have that, you will have the water pit details/meter pit details, bridge details of the abutment and the only thing outstanding will be the permit.

**Atty. Dowd** you will address that central meter system?

**Ms. Bombardieri** said that is the water meter.

**Atty. Dowd** asked if the owner of section 1 and section 2 were the same.

**Ms. Bombardieri** said they are the different entities but the makeup is the same.

**Atty. Dowd** asked if there would be cross-easements.

**Ms. Bombardieri** said yes, access from 1 to 2. You want that?

**Atty. Dowd** said yes; access for utilities-water/sewer, parking...

**Ms. Bombardieri** said no, it will be shared.

**Atty. Dowd** said you might as well start preparing that because you will need it.

**Chrm. Conero** asked if the utilities could be put under the bridge.

**Ms. DeSantis** said they have approval from the Department of Health.

**Ms. Bombardieri** said they would be bored under the wetlands; sewer on the side, water on the side.

**Vincent Satriano** – Pathway Place – how many total units are currently in Loosestrife?

**Ms. Bombardieri** said there is currently 20 and they are proposing 38, so a total of 58 units when all is said and done.

**Mr. Satriano** asked if the property were one owner or two.

**Ms. Bombardieri** said its two separate legal entities but they are the same principles.

**Mr. Satriano** asked if she knew what the unit breakdown of the proposed was.

**Ms. Bomardieri** said it's ones and twos, predominately ones, she believes.

**Chrm. Conero** said everything in that area is permitted.

**Mr. Satriano** said in terms of unit breakdown, it's only ones and two, not threes?

**Ms. Bombardieri** said as of yet.

**A MOTION was made to ADJOURN THE PUBLIC HEARING FOR LOOSESTRIFE FIELDS – PHASE II – 204-1-2.22, TO WEDNESDAY, APRIL 24, 2019 AT 7:30PM by Chrm. Conero, seconded by Mbr. Steed and carried 4 Ayes 0 Nays.**

## **DISCUSSION**

### **RE: PATHWAY PLACE MANAGEMENT - 203-1-1**

Vincent Satriano owns and operates 4 small real estate property management and development companies. In the last 15 years they've managed hundreds of units in the Town of Montgomery, Goshen, Crawford and Wallkill and currently managing quite a bit in the Village of Montgomery. They purchased this property on Factory Street, Pathway Place Management, LLC, about 8 years ago. It's a beautiful piece of property that sits on less than 7 acres, has several thousand feet of frontage on the Wallkill River and it was developed by John Lease about 20 years ago. There are 13 existing units on the property now all independent, 3 bedroom, full basement townhouses. When they took over, the property was highly neglected; meth growing house on the property, every single door had been kicked in with police raids, there were at least 20 pitbulls and 5-6 abandoned, unregistered cars on the property. They vacated 12 out of the 13 units, renovated every single one of them, cleaned the entire property from top to bottom and is happy to say that most of the tenants have been there for more than 3 years. They have police officers, firemen, teachers, great tenants, and in the 10 years that we managed it, maybe twice the police have come because to the property because someone locked their keys in their car. They have vigilant in taking care of this property, as they do with all of their properties.

They routinely get calls for rental units. They do not have any vacancies. What he is proposing is, with 7 acres, they've foiled the history on the development of this site. They have over 100 pages of meeting notes, minutes from when this property was in development over 20 years with John J Lease and Company. He requested the 13 units that are there now. Taking in account the size of the property, he had Engineering Properties do their calculations to determine what the bulk capacity would be for this property. They aren't going for any variances or zoning requests. This property can support 41 units as it sits right now without compromising any of the wetlands or encroaching on the river. The property, right now, the last building sits somewhere at the 50% mark to the end of the property line (indicates on site plan). It is all undeveloped land. They are proposing to finish off the project. He's not looking for 41 units but there is a demand. After speaking with the engineers, the attorneys found no deed restriction, no limitation put on the property, he sought 13 units and received 13 units. They feel it is still open to development and

none of the notes do not indicate otherwise. They are requesting to preliminary approval to move forward with plans for the building department to consider having the rest of this project out and continue on with what's already been started there.

Chrm. Conero asked what the land was zoned for. Atty. Dowd said it is RM1.

Mbr. Crowley asked if the units were upstairs/downstairs. Mr. Satriano said they are townhouse style. Each unit is standalone unit. There are two living floors with a third unfinished walk-out basement because the grade of the property, the back is lower than the front. They are all connected. The parking is in front. Mbr. Romano asked how many more he wants to add.

Mr. Satriano said the sidewalk (indicates on site plan) is continuous from one end of the property to the other but for some reason the plan included the utility room, here (indicates on site plan) which was never needed because every structure has its own independent utilities. This building was never built. This sidewalk runs into the woods. They want to finish out exactly what is there. Then use this space for fire access (indicates on site plan). It runs directly behind the existing structure.

Chrm. Conero asked if there was a road back there. Mr. Satriano said, yes. Instead of the access coming out into the parking lot, it would continue out behind it, directly onto Factory Street.

Mbr. Romano asked what the long building was. Mr. Satriano said it could, depending on how the engineer designs it...Mbr. Romano asked if there would be more apartments there. Mr. Satriano said they would be the same as the current ones. It could be comprised of ones, twos and threes, based on what the engineer designs. This is a footprint.

Chrm. Conero asked where parking would be. Mr. Satriano said there are a few different scenarios. One thought is shared driveways onto Factory Street; limiting the amount of parking in the lot. Another thought is parking under the building. Mbr. Romano asked why they didn't just continue the complex from where it left off. Mr. Satriano said it's the grading. They would cut down less of it by keeping it closer.

Chrm. Conero asked Atty. Dowd what the height restriction is in the RM1 zone. Atty. Dowd said there is and is looking to see if there were a length restriction. Mr. Satriano said this building is actually 2 buildings with a breezeway right in the middle. There's 8 units on one side of the building. This building is exactly the same dimension as these 8 units. At the widest point, they are no wider than what's existing. Ms. DeSantis said the covered breezeway between the two, is considered one building. Mr. Satriano thought it would be two because of the connected breezeway. To further the point, they would be half the size of the existing building if they counted this as one building and not two (indicates on site plan).

Chrm. Conero they have traffic concerns, as well, due to the existing projects on the small, historic road. Mr. Satriano said he spoke with Bob Williams but as long as his project wasn't directly across the street from a historic parcel, they are adjacent and this point here, his property starts over here on this side. From here down, they are not across the street because that's the Tannery. Chrm. Conero said that's incorrect, it's within eye distance. Mr. Satriano said then that leaves every bit of Factory Street within eye distance of a historic property. Chrm. Conero said right. It's the same with a lot of other properties in the Village. Atty. Dowd said the height restriction is 35 ft. Mbr. Crowley asked what the height of the existing building is. Mr. Satriano doesn't know. Two stories, so probably 24 ft.? Three bedroom townhouses are 3 story. Chrm. Conero said two stories would fit better in the neighborhood. Mr. Satriano said he would match

the buildings; color, structure, design. He thinks that even a 3 story would fit. Chrm. Conero asked if driveways would require residents to back out onto Factory Street. Ms. DeSantis said you cannot have multi driveways are not permitted onto Factory Street. Chrm. Conero said you would have to move the building back. Ms. DeSantis said their engineers will have to come up with a designed plan of what will work with the grading, the utilities, the storm water...Mr. Satriano said if they move the building back into the hill, the front of the building would still appear to have that height so it would match, but because it is moved back and graded in the back they'd probably still have three....they could utilize that space and then use this piece for parking (indicates on site plan). They did measure the 35 ft. setback and it lands them just shy of that point. This whole area which was overburdened, a giant amount of dirt, will be level with the rest of the parking lot/flat complex.

Chrm. Conero asked if there was a retaining wall behind the building. Mr. Satriano said it was a nice grade the way it was filled and dumped back there. He drives back there with his truck. The road is gravel and is 6 ft. off the back of the building. There is a retention pond where he turns around. He feels the extra entry point on Factory Street would be beneficial.

Chrm. Conero said the fire department doesn't need to get their truck back there? Ms. DeSantis said between the time of the original development, which predates Lanc & Tully being here, fire code has changed. It would have to comply with current fire code. Mr. Satriano said the amount of material that they have to cut out of here anyway, one other point that this would serve, if we would put an additional dumpster enclosure back here so they wouldn't just have one for the whole complex. It would be big enough for a garbage truck to turn around so if a garbage truck could get back there, emergency vehicles certainly would. Mbr. Crowley doesn't understand where to access the road behind the building. Mr. Satriano (indicates on site plan) said at the end of the building, it begins and goes around the building to a dead end at the end of the building. It does not circle around although his proposal would have two points of access. You could have a split for a turn around.

Mbr. Romano reiterated to provide several layouts to look at.

Chrm. Conero said the fire access will be an issue.

Mr. Satriano did not want to incur cost if the Planning Board did not approve of the proposed idea.

Mbr. Crowley asked for clarification about the 4 units that would be added to the current building and the potential of 40. Mr. Satriano said this is a definite 4 because it would attach to what is existing. To finish it off here, he would make it identical to what's existing. This building, whether it's set back further or not, would take them to the end of the property and within this footprint whether it's 2 stories or 3 stories, whether they're 1, 2 or 3 bedrooms, they'll leave that up to the engineer to tell them within that footprint, how close they can get to that 41 number. What he doesn't want to do, from purely and aesthetic standpoint, regardless of maximizing the potential of the property, don't want to see anything on here that starts to get back in and utilize all this nice land and see things like in Walden on the river, up on stilts and ugly stuff like that. That would get him to the 41 number. What he's trying to do is make it look as aesthetically nice as possible and finish the other 50% of the property.

Chrm. Conero asked if the number of bedrooms has a restriction, as there would be more children in the school district. Atty. Dowd said it would be determined in the SEQRA process.

At the time of the original project, Atty. Dowd said there was concern about fire protection and getting fire trucks back there. His reading of the minutes does not state why Lease had only 13 units. There was clearly something going on there. There was still a lot of pushback from the former Chrm. Noorlander and a whole issue of fire protection and slopes. He spoke with Satriano's attorney and suggested she speak with Dave Donovan, and find out if there were any records of anything. Mr. Satriano has over 100 pages of notes/minutes. There is nothing that states why Lease only had 13 units. There were no restrictions. This was the most cost effective and didn't want to spend the money for additional units. He proposed 13, he got 13. There was nothing in the minutes. He's not looking to get a variance. He was impressed with the property and wants to finish the project. He feels this is the best time since other construction is going on on Factory Street.

Chrm. Conero asked if there was an easement to the river. He recalls extensive talk about having river access on Factory Street on the one corner of the lot. He thought it was this project. Atty. Dowd said the County also indicated in the City Winery plan, some sort of park access into the river. Mr. Satriano said he's more than happy to share his property. They have an eagle's nest on the property, it's not a secret. It's a beautiful piece of property. Atty. Dowd said you realize this could cause a problem for your construction. Mr. Satriano said the nest is in the furthest possible corner and actually gives them the distance between the nest and the development area. They measured it.

Mr. Satriano asked if he could move forward and have additional plans drawn up.

Atty. Dowd said this Board is not recommending anything to you. You have the right as an applicant to make that application by the plans and this global process. They will not guarantee you anything at this point. That's not their job.

Chrm. Conero said submit the application, they'll look at it. His concern is the 3 bedrooms and the increased traffic on Factory Street. Mr. Satriano said that is always a concern but what he is adding is a minimal to what's being added on Factory Street now. Atty. Dowd said you will do your environmental review, you build up a cumulative with that, you're sort of the tail-end of the dog here; you have City Winery, you have Loosestrife they're already in progress, the schools...you have to take it into consideration. Mr. Satriano said his only interest in the 3 bedrooms was the only other complexes up here now doesn't have 3 bedrooms. He's open to 1's and 2's.

## **PUBLIC HEARING**

### **RE: 228 WARD STREET SEU - 203-1-12.12 & 12.212**

Chrm. Conero asked if all the mailings were returned. Ms. Samuelson is representing the applicant. She said yes and gave them to Ms. Murphy.

**A MOTION was made to OPEN THE PUBLIC HEARING FOR LEARNING TOGETHER – SUBDIVISION / SEU – 203-1-12.12 & 12.212 by Mbr. Romano, seconded by Mbr. Steed and carried 4 Ayes 0 Nays.**

Marc Devitt is speaking on his behalf along with Jane Samuelson of Engineering Properties. Learning Together is an existing 12,000 sq. ft. preschool, children ages 2 ½ - 4 ½, 50% of the population is identified special needs, nothing ambulatory more speech, mobility. They have had

tremendous success. They take students, not only from Valley Central School District, but throughout the County. So, the children are identified by the school districts with identified special needs that if they can't take care of those kids or service those kids the way the kids should be, they recommend different facilities and there's not too many facilities in Orange County that do that and that's why Cathy and Bob Nozlowski wanted to move to Orange County and open up this school. They've had a tremendous success; they've asked them to put an addition on the building. They've proposed coming off the left side of the building with a breezeway attached to a building that's approximately 3,400 sq. ft. footprint, 2 story building with an additional playground on the other side and expanding the parking in the back. The access will still be the same off of Factory Street (indicates on site plan) with the bus flow and drop off area; fire zone / loading and unloading zone. They ended up with 91 parking spaces total.

Ms. DeSantis said they are in full compliance with the code requirements and the actual use requirements.

Mr. Devitt said they did get the setback variance from the ZBA for the front yard. They had a property line that they were going to eliminate and just add more bulk to this lot that they own, here (indicates on site plan) to take away from the side yard variance that they would have needed.

Ms. DeSantis said the left turn onto Factory Street currently operates at a level C or better depending on the time of day, but the am peak and pm peak is a level c. The addition of additional buses, currently there now, were taken into consideration, City Winery and the addition of Loosestrife is still a level c or better depending on the time of day. Weekday peak am/pm does not increase the level of service.

Atty. Dowd said most of the teachers arrive before peak hour. The extra teachers and assistants don't affect that level.

Ms. DeSantis said they had a couple of technical comments just on the SWPPP. They revised the hydrograph; in the written report everything was good. They've satisfied all the technical engineering comment, all the zoning requirements are met or exceeded. They have one minor tweak on the plan with the diversion swale on the erosion control plan.

Ms. Samuelson said she they added the diversion swale here (indicates on site plan) to keep where the water enters underground infiltration system is through these two catch basins. They wanted to catch the water before it got here (indicates on site plan) and got into...Ms. DeSantis said what about when you're grading the hill? Ms. Samuelson said this will be installed and covered before any on this gets done. This is an underground treatment system that will be open for 2 days for installation and then covered back up. The rest of this will be installed. There is no way that the water from here is going to get into here because it will already be covered. They thought the better place to put the swale would be to catch anything coming off the entire thing before it gets into the catch basin...Ms. DeSantis said to amend the note on the final plan if the site plan is approved, that shows you need a variance, etc. Ms. Samuelson asked if they needed a copy for the village records of the SWPPP, true statement.

Chrm. Conero said County Planning, dated March 6<sup>th</sup>, 2019, they said local determination, but to indicate where the garbage and recyclable materials would be stored.

Mr. Devitt said there is a dumpster pad currently over here (indicates on site plan) that has two containers for garbage and recycling that will remain.

Chrm. Conero asked about snow removal.

Ms. Samuelson said they'll push it this way and this way (indicates on site plan) and if it gets to be too great, they will stockpile it in this area back here.

Atty. Dowd said but the lot line is right there.

Mr. Devitt said there is approximately 30-40 ft. there.

Chrm. Conero opened the meeting up to the public.

Don Berger – 158 Waters Edge – he has no problem with this project whatsoever. He has no problem with any of the projects going in on Factory Street but you've heard him say it before. You just said all of the studies and recommendations, everything's fine with traffic and all that but he really finds it hard to believe that with all these projects going in that traffic is going to be fine. All these studies you can take and throw in a garbage can 5 years down the road and he feels that this Village should be progressive in putting and planning all these projects and do it a proper way. They are great projects but Factory Street, the condition that it's in now, is a problem, it's going to be a problem, there's going to be a lot of traffic on that road and all this on peak/off peak hours, we're going to be here Fridays, Saturdays, Sundays, that's a bunch of malarkey! The fact of the matter is, it's going to be increased traffic and this Board, the Village Board and any other Board involved should be saying what's best for the Village, particularly the safety issues that are potential out there. He said the alcohol people in school zones, how can that be hunky-dory? You're only worried about the railroad crossing?

Atty. Dowd asked how putting up signs saying school zones is going to affect the traffic?

Mr. Berger said it's a safety concern, in the least you can put proper signage up. He suggested a double lane at the lower half of Factory Street so it's definitive where you're supposed to be driving on. There's no sidewalks for all these kids! Now they'll be going up to Loosestrife and this new project that you're considering.

Chrm. Conero said he understands his concerns because they are his, as well. The traffic studies have all concluded that because of the staggered schedule with the schools operating Monday through Friday and early in the morning, late in the afternoon, and City Winery is only a 3 day operation, all the studies show that they don't have a traffic situation. You're comments about sidewalks, there should be sidewalks from 17K up alongside Factory Street in front of Self Storage. They're not there. I don't know why they aren't there but they should be there and they're not there. He brought up sidewalks with the last with this last project with the apartment buildings. If they're going to put apartment buildings there, we want sidewalks in front of that place so people can make that trek down the road. He totally understands. SHIPPO said no improvements should be done on Factory Street to keep the historic character. We are doing the right thing by the Village, we've done our due diligence in making sure that we consulted with all the proper people we we're supposed to consult with. And all the facts say one thing, and you're bringing up something different. He feels they are all concerned about that because they all live here. We've looked at these reports and we can conclude that it's going to be okay.

Mr. Berger said the taxpayer pays for nothing.

Chrm. Conero said we shouldn't have to...we pay enough.

**A MOTION was made to CLOSE THE PUBLIC HEARING FOR LEARNING TOGETHER – SUBDIVISION / SEU – 203-1-12.12 & 12.212 by Chrm. Conero, seconded by Mbr. Romano and carried 4 Ayes 0 Nays.**

**A MOTION was made to DECLARE AN UNLISTED, NEGATIVE DECLARATION, FOR LEARNING TOGETHER – SUBDIVISION / SEU – 203-1-12.12 & 12.212 BY Chrm. Conero, seconded by Mbr. Steed and carried 4 Ayes 0 Nays.**

**A MOTION was made to AMEND THE SPECIAL ACCEPTION USE (SEU) FOR LEARNING TOGETHER – SUBDIVISION / SEU – 203-1-12.12 & 12.212 by Mbr. Steed, seconded by Chrm. Conero and carried 4 Ayes 0 Nays.**

**A MOTION was made to APPROVE THE SITE PLAN SUBJECT TO NOTES / CHANGES TO SITE PLAN AND OUTSTANDING FEES by Chrm. Conero, seconded Mbr. Steed and carried 4 Ayes 0 Nays.**

**RE: MINUTES:**

**A MOTION was made to APPROVE THE MINUTES OF DECEMBER 19, 2018 by Mbr. Crowley, seconded by Mbr. Romano and carried 3 Ayes 0 Nays.**

**A MOTION was made to APPROVE THE MEETING MINUTES OF FEBRUARY 27, 2019 by Chrm. Conero, seconded by Mbr. Romano and carried 4 Ayes 0 Nays.**

**RE: ADJOURNMENT:**

**A MOTION was made to ADJOURN THE MEETING AT 8:39 pm by Mbr. Romano, seconded by Mbr. Steed and carried 4 Ayes 0 Nays.**

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Tina Murphy, Deputy Village Clerk