

**MINUTES** of the Village of Montgomery Planning Board meeting held in the Conference Room of the Village Hall, Clinton Street, on Wednesday, September 25, 2019, at 7:30 pm.

**ATTENDANCE:** Chrm. Conero, Mbr. Crowley, Mbr. Steed, Mbr. Romano, Mbr. Meyer (Absent), Atty. Kevin Dowd, Vlg. Eng. John O'Rourke of Lanc & Tully, Aileen Leahy, Ross Winglovitz of Engineering Properties, Guy Romano, Don Berger and granddaughter, Walt & Marianne Lindner

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

**RE: OLD BUSINESS**

**RE: KSH Route 211 Development – 211-1-29.22**

Mr. Winglovitz is representing the applicant. They are proposing 2 warehouses, one approximately 100,000 sq. ft and the other approximately 200,000 sq. ft and 2 office buildings. His client owns a recreational wholesale business in Cornwall and intends to move into one of the buildings. They prepared a part 2 EAF and studies; with a preliminary set of development plans for the project. The first part looks at the different impacts and community plans. There is a stormwater pollution prevention plan prepared for the property, they analyzed the runoff quantity and quality; there was a habitat assessment done (can build during Nov 1-March 31). Archeological resources screening came up no significant findings; they will send to SHPO.

Mr. O'Rourke advised the PB to hire a traffic consultant to review the report; you need someone who specializes in traffic and to submit to SHPO now.

Chrm. Conero asked, what was the potential of the ARC findings?

Mr. Winglovitz said they did not find anything significant.

Creighton Manning performed the traffic study; the study indicates that 17K and 211 would need timing changes to the light for an acceptable level of service. Chrm. Conero asked what some of the criteria for the traffic was. Mr. Winglovitz said they took the capacity amounts with the intersections and number of intersections identified...

Atty. Dowd asked if the Board had gone through the binder of information yet. They stated no. Mr. Winglovitz said he didn't think they did but wanted to give a big picture/overview tonight. Mr. O'Rourke had comments and he would take back any comments from the Board. Hopefully, they will only need to amend the document text.

Mr. Winglovitz continued, 211 & 17K, 211 & River Street, 211 and side entrance, 211 and Chandler, were considered. Chrm. Conero said you have an approved PDD on the corner of Chandler and Union and that is proposed for about 170 or so homes, was that included in the traffic analysis? Mr. Winglovitz said yes, they had to reestablish the traffic counts for that, Medline and City Winery. They discussed it in detail in their report. Mr. O'Rourke suggested Phil Greeley from Maser Consultants to review the traffic. Chrm. Conero agreed; to make sure it's right.

Mr. Winglovitz said that was the major studies that were done, the rest was response to the issues regarding consistency with the Master Plan. This will have to be sent to the FAA because of the

proximity/elevation. Chrm. Conero asked what the height of the proposed buildings would be. Mr. Winglovitz said 35ft.

Mr. O'Rourke said his office will review everything else, obviously the stormwater is a big one, as well. The archeological, you can rely on SHPO, it's pretty straightforward. They didn't hit anything in the 1B.

There is discussion about other projects in the area taking this project into consideration.

Chrm. Conero asked how many truck bays were in the 200,000 sq ft warehouse. Mr. Winglovitz said they just filled them in, he wasn't sure. He believes one every 10,000 ft; about 10 docks.

Mr. O'Rourke said they would send the traffic study to Maser. He asked Mr. Winglovitz to forward a copy of it to him.

Mbr. Romano asked if the applicant knew who would be going in the office buildings. Mr. Winglovitz said no, they would be spec buildings.

Mbr. Romano asked about DOT and the exit (indicates on site plan-by Chandler). Mr. Winglovitz said there was a comment from DOT about a concern regarding allowing this exit because of the proximity to other...Mbr. Romano speaking...

Atty. Dowd said the procedure here would be for you to read the documents and offer any comments so him and Mr. O'Rourke know, if you want amendments to that document. Once you are satisfied with the document and it's okay, then we can refer it to different agencies; FAA, SHPO...maybe send SHPO right now. Chrm. Conero asked if they could do that now. Atty. Dowd said yes, unless you want to read it first. Mbr. Romano has concerns with the traffic. Atty. Dowd said that is one of the biggest concerns you're going to have...Chrm. Conero said they will read the document and then distribute. They will send to SHPO after they read it in case they have questions.

**RE: NEW BUSINESS**

**RE: 181 Boyd Street Realty, LLC – 207-1-46.2**

Mr. Winglovitz is representing the applicant. They are proposing a new 26,000 sq. ft. warehouse backing up to the railroad tracks. They want to expand their current operation, a warehouse fulfillment business. It will be connected to Village water and sewer.

Atty. Dowd asked Mr. Winglovitz to show where the owner is and where the renters are. Mr. Winglovitz isn't sure. He will look into it.

Atty. Dowd asked if there would be improvements on the site. Mr. Winglovitz said no except for paving the lot.

Chrm. Conero asked for clarification of the lot line (indicates on site plan). Mr. Winglovitz said that is actually two separate tax lots. They have to show that as a lot line combination. Chrm. Conero asked what comment # that is. (number 2) Mr. Winglovitz said the acreage shown is the total square footage of the site 167,000.

Mr. Winglovitz had a question about comment #4 from Lanc & Tully regarding the setback; is it on the existing building? The new warehouse is within the side yard setback. They had a setback showing 8ft here, we are outside of it...there is a large portion of the existing building that's in the set back. Mr. O'Rourke asked, you don't need a side yard setback in the Village? Mr. Winglovitz said no. There is no front yard requirement. We have a side and a side and it's 20 total; so it'll be 12 and 8. Atty. Dowd said on the existing lot line the building is over. Mr. O'Rourke said you don't have the side yard at that location, you have a portion, so you have 0. He doesn't think you can go on the other side and say all we need is 8. Mr. Winglovitz said he thinks its preexisting nonconformity. Atty. Dowd said you would but you're preaching a nonconformity by...Mr. Winglovitz said you would want 12 on this side. Mr. O'Rourke said yes. Mr. Winglovitz said they will move it and comply.

Chrm. Conero asked where the bays would be for the trucks. Mr. Winglovitz indicates on site plan. Mr. O'Rourke said this is a concept submission. They're going to need dimensions shown, actual noted survey, see truck turning movements in and around, fire emergency access to make sure there is access around the site. At that intersection, there is a railroad crossing and the triangle piece is fairly wooded and there is quite a bit of elevation change but Ross is going to have to do a full grading plan as they move forward. Putting that size building at this location is certainly maxing out the site. He has concerns about the proximity even though there is no front yard setback. From a practical point of view, the building is very close to Boyd Street and potentially, doesn't want to block that view from the railroad because it's an active crossing. This is concept but wanted to point these issues out to the Board. Atty. Dowd asked if there is a right of way for the railroad. Mr. Winglovitz asked if he meant are there any rights that the railroad has? Atty. Dowd asked if there were any easements that might affect that property? Mr. Winglovitz said not that he is aware of. An updated survey had been done by Dan and there are no easements. Atty. Dowd said so the property line is what the railroad owns on the other side. Mr. Winglovitz said yes. Mbr. Steed asked if the deed would site the right of way that the railroad has. Mr. Winglovitz said the railroad's deed would. It would probably be based on railroad maps if there were any restrictions the railroad had on this property; it should be reflected on the deed. This is based on an up to date survey, which they can provide a copy of. There are no easements but we can confirm that.

Chrm, Conero asked what the existing business' hours of operation are. Mr. Winglovitz believes they are daytime hours. Chrm. Conero realizes this is an industrial piece of land but it's in the middle to the Village, too, so he has issues with the noise, hours of operation and lighting. He knows it will come out in the site plan but it is a concern of having something larger than what's there already and with the potential traffic. Atty. Dowd asked about trucks. How many trucks go in/out of that place and how many are predicted to go in/out with the expanded operation? And where do they travel from? Obviously, they come on Boyd Street but do they go on 211? Again, with Chandler and all the other things, this is going out 211 or coming in from 211, it's going to affect the traffic on 211. Mr. O'Rourke said it's important knowing the intensity. He's (Ross) going to come back with the hours of operation, how many trailers, hours of operation. The biggest thing now would be a redesign or a variance just to confirm the setbacks because you really can't do anything until that is resolved. They are doubling the intensity potentially of what there is now.

Atty. Dowd asked, the part that he rents, if he gets rid of a tenant and moves his operation, that wouldn't satisfy his needs? Mr. Winglovitz said, not according to his client.

Mbr. Romano asked if he would provide hours of operation for the current tenants, bays, etc. Mr. Winglovitz said the bays are already there. He will provide what is going on with them and hours of operation; number of employees. He will clarify.

Atty. Dowd said the parking calculations would be for 63 employees at buildout. Is that for him or everything? Mr. Winglovitz said, that would be for everything; everyone onsite.

**RE: MINUTES:**

**A MOTION was made to APPROVE THE MEETING MINUTES OF August 28, 2019 by Mbr. Romano, seconded by Mbr. Steed and carried 3 Ayes 0 Nays.**

**RE: NOVEMBER AND DECEMBER 2019 MEETING DATE CHANGES**

**A MOTION was made to CHANGE THE NOVEMBER 27<sup>TH</sup> MEETING DATE TO NOVEMBER 20<sup>TH</sup> AND CHANGE THE DECEMBER 25<sup>TH</sup> MEETING DATE TO DECEMBER 18<sup>TH</sup> by Chrm. Conero, seconded by Mbr. Crowley and carried 5 Ayes 0 Nays.**

**RE: ADJOURNMENT:**

**A MOTION was made to ADJOURN THE MEETING AT 8:03pm by Mbr. Romano, seconded by Mbr. Steed and carried 5 Ayes 0 Nays.**

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Tina Murphy, Deputy Village Clerk