

**MINUTES** of the Village of Montgomery Planning Board meeting held in the Meeting Room of the Village Hall, 133 Clinton Street, on Wednesday, November 17, at 7:30 pm.

**ATTENDANCE:** Chrm. Conero, Mbr. Romano, Mbr. Crowley (absent), Mbr. Steed (absent), Mbr. Meyer, Vlg. Atty. Stephanie Tunic, Vlg. Eng. Scott Sicina of Lanc & Tully, Ross Winglovitz of Engineering Properties, Tom Olley of Olley Architects, Kyle Bardwell of Chazen Companies, John Cappella, David Dublirer of Tower Management, Walt & Mary Ann Lindner, Don Berger, Barbara Hunter, Elizabeth Coffey, Dorothy Gouger, Steve Snyder.

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

**RE: ADJOURNED PUBLIC HEARING**

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

**A MOTION was made to OPEN THE ADJOURNED PUBLIC HEARING FOR LOOSESTRIFE FIELDS PHASE II 204-1-2.22 at 7:40pm by Mbr. Romano, seconded by Mbr. Meyer and carried 3 Ayes 0 Nays.**

**A MOTION was made to DECLARE INTENT TO BE LEAD AGENCY UNDER SEQR, TYPE 1 ACTION, LOOSESTRIFE FIELDS PHASE II 204-1-2.22 by Chrm. Conero, seconded by Mbr. Romano and carried 3 Ayes 0 Nays.**

Chrm. Conero said there are some questions and comments from the last meeting that need to be addressed, in the cover letter from Lanc & Tully. Orange County Planning and DEC responded.

**Kyle Bardwell** from the Chazen Company is there on behalf of the applicant, Tower Management. The owner, David Dublirer, is there along with John Cappella, who is the applicant's attorney. At the last public hearing they had some comments on the traffic for the site. It was asked if they could include the City Winery's traffic study and the numbers from their site. They took the Saturday peak event numbers from City Winery and added their proposed trips. Their traffic consultant determined that it increased less than 3 second delay at that light resulting in an (inaudible) increase in traffic from that. They supplied the traffic memo to the Board. They received comments on the architecture and what the proposed buildings would look like. Since then, they went out to the site and took pictures of the existing buildings that they are going to try to mimic and have the new buildings look similar to, as they are also on the site. That will keep in line with what's out there. They provided some pictures to the Board in relation to those. There were comments about the road condition on Patchett Way. The applicant has agreed, prior to construction, would mill Patchett Way and put down a binder course. Construction would proceed and following construction, they will do a top course over that. Those were the main comments made at the public hearing last month. Since then, they received some comments from Orange County Planning. One was regarding landscaping; with the drought-stricken environment and harsher climates that we have these days on the East Coast, they modified their plans to provide all native species that

would handle well in that type of weather/climate. Another comment was to show the 100yr flood plan and the 500yr on the plan set, so they updated the plans to show those lines. At this time, they would like to see if there are additional comments from the Board or public.

**Chrm. Conero** asked, you have your planting species on the landscaping plans?

**Mr. Bardwell** replied, yes.

**Chrm. Conero** said the stormwater protection measures need to be enforced at the construction site during the construction phase. Erosion controls are in the plans as well?

**Mr. Bardwell** replied, prior to construction they always have pre-construction meeting with the town and they go over all of the erosion and control measures that have to be in place before any construction.

**Chrm. Conero** said, in your letter to us you talked about the increased traffic being very minimal, basically equates to one trip every four minutes during peak hours, minimal amount of traffic. It really isn't going to have a detrimental effect to the traffic for this project. He appreciates him going back over that and looking that over. Do any Board members have any question? Does anyone in the public want to comment on Loosestrife Fields; the layout, anything? Please state your name and address.

**Walt Lindner** - 101 Jefferson Road – at the last meeting, people questioned the condition of the existing buildings. Is there any plan to try to bring them up to a little bit better of appearance?

**Mr. Dublirer** said he can address this. Recently at the site, building #1, which sits at the top of the hill, they finished about 1 ½ weeks ago with extensive carpentry first and then three coats of stain; they don't get painted because of the nature of the wood. A number of years back, they did buildings 8, 9 & 10. Those are in the far back; two are turquoise-ish and one is a grey. They did some modifications also this year to building #9 because they had some of deterioration of wood. They've already scheduled for 2022, to start on building #2 next, which will involve, if you look at the buildings there's now.... because of the nature of the material that was used when it was first constructed. They like the look but it requires more maintenance. They will go to building #2 and then evaluate and keep going.

**Chrm. Conero** asked, so you have a regular maintenance schedule that you're using for your buildings?

**Mr. Dublirer** said they've been using a vendor from the area who's been painting for them for a number of years. He has a small crew but he does impeccable work, so they're utilizing him; as you saw building #1 today, it's night and day. It's beautiful.

**Chrm. Conero** said, thank you. Does anyone else have any comments on the site plan or the project?

**Don Berger** – Pleasant Avenue – With the traffic, it's still a concern of his. He appreciates the extra work done on that but he can't get over the idea of what's going on, like he said at the last meeting, with City Winery and the future of City Winery and if all of that was taken into consideration? 500 more people. He appreciates that they are doing Patchett Way, he'd like to see them do the entrance, also but, he thinks the Board is getting to a point that that area is getting loaded, really, really loaded. From his understanding from previous Board meetings, there's a project on hold on the other apartment complex. Whether that's been pulled or not, but he believes they would like to have that conversation move forward. And you know, he always says at these meetings as you're well aware, he's very concerned about the infrastructure from the railroad tracks to Patchett; it's a very narrow road. It is not suitable for cars and traffic.

**Chrm. Conero** asked, you're talking about Factory Street?

**Don Berger** continued, yes, and he just feels somehow, some way, that an upgrade be made for that, until we, the taxpayers are burdened with it.

**Chrm. Conero** said when it comes to Factory Street and City Winery, and Loosestrife, for that matter, they were advised by SHPO, the Historic Preservation Office, do not make significant changes to Factory Street; width-wise, curbing, sidewalks, in their view, it was to be left as a historic street. With the increased traffic from City Winery, that is a separate issue than what Loosestrife is doing. Loosestrife's traffic study shows there is going to be a very small amount of traffic from their project. We need to focus on that. If City Winery decides that they want to increase their capacity from what it was originally stated, then they will also have to do a traffic study to make sure we can handle this.

**Don Berger** agreed. They're fortunate that they are City Winery. He wants to be mindful to this Board, that they have things they need to be concerned about there. It can't be put on the back burner. A plan has to be made.

**Chrm. Conero** said, if City Winery or anybody on this street wants to increase the capacity of what they're approved for then yes, they have to go in front of the planning process. Thank you. Does anyone else want to comment on the Loosestrife project?

He would like to close the public hearing but wait to render a decision; prepare paperwork, resolution and the SEQR application.

**A MOTION was made to CLOSE THE PUBLIC HEARING FOR LOOSESTRIFE FIELDS PHASE II 204-1-2.22 TO NOVEMBER 17, 2021, AT 7:50pm by Chrm. Conero, seconded by Mbr. Romano and carried 3 Ayes 0 Nays.**

Mr. Bardwell asked what the process for conditional site plan approval was. Chrm. Conero said the vote would be next month with the resolution. Atty. Tunic said it gives

her time to prepare the proposed resolution for the Board's review and the documentation for the Board's review. She asked if the 22<sup>nd</sup> of December was okay with the applicant. Mr. Bardwell said that would be fine. Mr. Dublirer asked, could they have input into the draft of the documents to make sure all of the information is correct? Can you authorize your attorney to share it? Chrm. Conero asked Ms. Tunic to forward it to John's office just to hash out any details so when they come back on the 22<sup>nd</sup>, they can vote on it. She said, she could do that.

## **RE: PUBLIC HEARINGS**

### **RE: KAMP PROPERTIES 207-1-34**

**A MOTION was made to OPEN THE PUBLIC HEARING FOR KAMP PROPERTIES 207-1-34 at 7:55pm by Mbr. Romano, seconded by Mbr. Meyer and carried 3 Ayes 0 Nays.**

**Thomas Olley** is a professional engineer representing Kamp Properties on this application. They delivered the receipts of the mailing and affidavit to the Village office earlier today.

**Chrm. Conero** asked, how many went out and came back?

**Ms. Murphy** said, 14 didn't come back. He sent out 43.

**Mr. Olley** said this is the former Chambers property just beyond Valley and Clinton intersection as you're heading away from 17k. It's a 2 ½ acre parcel that the applicant is seeking to do a two-lot subdivision. The minimum lot size in the R4-A zone is 10,000 sq ft so they far exceed the minimum. They did have to go to the Zoning Board for two variances for each of the lots. One was for a reduction in the minimum frontage of the property. The way that the Village code measures the lot width, which is measured at the required front yard setback, not where the house actually is, but 30 ft off of the property line. They couldn't meet the minimum lot width there so they variances for both of the lots so they are now compliant with those variances in all aspects. Lot #1 is 2/3 of an acre and Lot #2 is 1.86 acres. They will be served with connections to the Village's water and sewer system, there'll be a co-terminus driveway. The driveway will be a doublewide driveway, split right on the property line; straddle the property line so that each property has a separate or 10ft of driveway that's separated under their own control. They will add an easement as Lanc & Tully suggests just so that all properties have an easement over the other to avoid any issues of maintenance or snow removal. There will be a little bit of fill that will be placed to bring the driveways up to road grade at Goodwill Road and then drop back down and follow the natural contours of the land. One house will be located in a fairly elaborate footprint here (indicates on site plan), it would be the developers house, they already know what they want there; while we've shown a more generic rectangular footprint on Lot #1. It incorporates some of Lanc & Tully's comments in the presentation because they are apropos. These will be slab on grade homes; they will not have basements. The one thing in particular, because of the low area between Goodwill Road

and the homesites, they will need to have individual grinder pumps for the sewer system which they designed. There will be two separate grinder pumps. Each homeowner will be responsible for their own. There will be a separate connection to the Village's sewer system for each so there will not be a need for cross easements or maintenance agreements. They will be completely stand alone. The water line that the DPW wants them to connect to; there is two water lines on Goodwill Road and happens to be a 10" main on the Spring Meadow side of Goodwill Road. They will cross the road with one trench for both water lines; the sewer line is more on the project side. They will add details that Lanc & Tully would like them to include, as far as trench details for the water and the sewer and restoration detail and one or two items on the pump station. Going through Lanc & Tully's letter, he doesn't think they need to go through each item. They are going to agree to comply with them. The one issue that is probably the most significant issue is the site distance coming out here. They only have one location that they can bring the driveways out and it's opposite Autumn Leaf Court. The DeMaris', who own the property on the Valley/Clinton side of the property, have a picket fence; it's about 3' high along the property line and there's a trellis there where the sidewalk comes out to their mailbox. That is somewhat of an obstruction. It is somewhat low enough that you can actually see over most of it. The trellis, not so much. It goes up about 7' so that is a partial block of the site distance. Even though they meet the distance, there are a couple of objects there that could impair it. They have been trying to set up a meeting with Buddy Nelson and a rep from Lanc & Tully because they think it's important to discuss some things that they may be able to include along the roadway; whether it's signage or John O'Rourke mentioned a concave mirror at the last meeting. They've been having difficulty setting up a mutual time, given that they were a week shorter coming back to the Planning Board with Thanksgiving, and the paving and everything that is going on in the Village. They will still have that meeting and incorporate whatever measures that Buddy and Lanc & Tully think are appropriate to provide additional safety for that intersection.

**Chrm. Conero** agreed, there are a lot of technical details that they don't need to go through them all right now, but one of the major things is the site distance, item #16 on the list of things from Lanc & Tully. They do need to take a hard look at that, when you (to Mr. Sicina) and Buddy and Tom can go to the site and look at possible remedies to the site distance problem that you're going to have looking north. It's definitely going to be a concern of the Planning Board, as they move forward. Does anyone on the Board have any questions for Tom? At this time, if you want to comment on this project, just state your name and address for the record and address the Board, we're all ears.

**Liz Coffey** – 2 Autumn Leaf Court – She lives directly across the street. The area they want to put the driveway, they have to put in fill, usually, in that area there's a large amount of water that accumulates there. So, right now with all the rain that we get, usually the stream that comes Goodwill Road into Autumn Leaf, it's pretty high. So, now you're going to put in that fill, so where is that water going to go? It's going to go into that stream which is going to come across to our property. We just want to make sure that there is not going to be any over flowage or anything with the water.

**Chrm. Conero** said he understands because he saw it when he rode by during the last big storm they had and he could see the grassy area of Autumn Leaf, it's pretty congested, overflowing with water. They work with the engineers and Tom to look at that issue because they felt that the buildings that will be placed there, and the fill that's going to be brought in, is not going to add to the water problem that is there. It's really not going to affect that. They take a hard look at this. He asks Mr. Sicina if he wants to comment on that?

**Mr. Sicina** said that he knows Tom was going to reach out to the complex, because he believes they are the owners of the ditch that it discharges into. Tom had provided pictures showing that the sediment load in the ditches filled in over the years and that one of the remediations of it would be to get in there and clean out some of that silt. He provided pictures where some of the pipes were silted in, partially, so not fully open...potentially causing...(inaudible).

**Chrm. Conero** asked if that was something you're/we're going to...

**Mr. Olley** said no, they wouldn't do any of that because that's a maintenance issue with Spring Meadow that they really need to take care of. That issue impacts this property other than vice versa. It actually slows that water flowing off of this property and when you look at that, somebody over the course of the last couple of months since we had the discussion with the ZBA, took a shovel and tried to clear out a little bit of a path to the second culvert. The problem, as he sees it, out there really starts on the outlet of that culvert behind the community building where everything is grown up and it's actually starting to impede the flow of water through the culvert. It would be on your management company; you're paying maintenance fees to maintain and they have to do a little bit better job there because it has the potential of impacting those homes...

**Chrm. Conero** said that's what they determined, if building on these two lots is not going to increase the water flow over by Autumn Leaf Court but the culvert, that we saw after it rained, he saw it, it was backed up. As Scott said, from Lanc & Tully, there's a lot of silt in that area that could be dug out to let that full capacity of the pipe handle the flow of water coming at it.

**Dorothy Gouger** – 6 Autumn Leaf Court – the culvert is on Spring Meadows property but it's being shared by other people, other properties are feeding to that...(inaudible).

**Chrm. Conero** referred to Atty. Tunic.

**Atty. Tunic** responded, it was probably part of the drainage facilities for that particular property, Spring Meadows property. In terms of what this Board can do, she does not know, she's assuming there's a site plan and they were supposed to maintain that, and if it's not being maintained, maybe the Village can send a letter to them to see if there's anything they can do. It's definitely outside the prevue of this project. But as the Village attorney is concerned, you can probably speak to the Village Board if they would authorize to send a letter to clean up that culvert.

**Chrm. Conero** said to look at the conditions on the site plan when that development was built as to whether they were supposed to maintain that culvert and who is supposed to maintain it.

**Atty. Tunic** said she would take a look.

**Chrm. Conero** said, thank you. That way, if there is an issue, the Village Board would have to decide whether they want to...not the Planning Board, they aren't in front of us, so you have to go to the Village Board... send something to them; you have a potential water problem you're causing on the property across the street, clean out the culvert and remedy the situation.

**Barbara Hunter** – 11 Summer Set – said the property manager sent in a F.O.I.L. request and they had a meeting last night and to date, she has not gotten a response.

**Chrm. Conero** asked, the F.O.I.L. request was to the Village of Montgomery?

**Barbara Hunter** said, yes.

**Chrm. Conero** said, he cannot answer that question right now. How long ago was that?

**Barbara Hunter** said, since before the last meeting.

**Ms. Murphy** said she hadn't seen anything, that she would ask Monse.

**Chrm. Conero** said we would check with the Village Clerk.

**Barbara Hunter** said, if something needs to be done, our property manager has to be notified so they can address it as a Board.

**Chrm. Conero** said that is what our attorney was saying. They will look at the site plan that was done back when, he doesn't know what year it was, but you can see if there were conditions there that you have to maintain that. It is a significant amount of water that goes through there, we all agree that. What we're finding that because of the silt in the pipe, it's causing a backup throughout the other property so it really needs to be maintained.

**Chrm. Conero** asked if anyone else have any comments on this? Should they close the public hearing?

**Atty. Tunic** recommended they keep it open because of the site distance issue and the pipe... (Inaudible because of paper rustling).

**A MOTION was made to ADJOURN THE PUBLIC HEARING FOR KAMP PROPERTIES 207-1-34 TO WEDNESDAY, DECEMBER 22<sup>nd</sup> AT 7:45PM by Chrm. Conero, seconded by Mbr. Romano and carried 3 Ayes 0 Nay.**

Mr. Olley said he would take care of Scott's comments that don't involve Buddy right away and he'll give Buddy a call tomorrow to see if they can't get that meeting set up.

Chrm. Conero said one of the Planning Board members could be onsite to look at it. The pictures that Tom sent us actually show what it is.

**RE: HANOVER DEVELOPMENT 202-3-4.2**

**A MOTION was made to OPEN THE PUBLIC HEARING FOR HANOVER DEVELOPMENT 202-3-4.2 ON WEDNESDAY, NOVEMBER 17, 2021 at 8:14pm by Chrm. Conero, seconded by Mbr. Meyer and carried 3 Ayes 0 Nays.**

**Ross Winglovitz** is representing the applicant. The project includes the development of a  $\frac{3}{4}$  acre property which is the existing location of Engineering Properties' offices and The Table restaurant. The parking lot to the right of the building, as you face it from the street. Right now, they are proposing to build a building in there. In there will be a three-story building, first floor commercial, two more stories with apartments above. From what he understands, it will require an elevator based on conversations with their architect, so there will be a small elevator in. The idea is to do a similar building architecturally as John Wood's house on the end of Clinton Street on the right side. They were hoping to have architectural today, but they did not get them from the architect; they are hoping to have a full set for the next meeting. Behind the building, there will be alleyway between the two building; basically, a pedestrian alleyway that will be well-lit and landscaped so that people will be able to walk from the front sidewalk along Clinton, between the buildings to a parking lot at the rear of the site. They had originally thought of two buildings in there but this layout maximizes the number of parking spots they had downtown so they thought it was a better alternative for everybody so they can keep cars off the street and in a parking lot. Total number of proposed parking spaces is 56. They are proposing a dumpster area; currently, right now it's all through curbside pickup. With the additional use they thought that would be overwhelming so they proposed a dumpster to be at the rear of the property, behind the fence to 88 Charles Street (indicates on site plan). There will be handicap parking behind the building, two entrances to the parking lot; one opposite Hanover Street and another one a little further west than the existing entrance is currently. There will be two ways in/out of the parking lot. There is also an easement here (indicates on site plan) connects to the next-door property, 77 Clinton Street, for access, so they will have the ability to access through and out to Charles via that access, as well. The grading for the parking is designed to keep everything onsite, directed to a new catch basin and culvert that will cross Charles Street and connect to the existing Village drainage system. Water/sewer connections were installed last year as part of upgrades to Clinton Street so they're stubbed to the backside of the curbing and they'll

be connected there into the new building. That's it, be glad to answer any questions you might have.

**Chrm. Conero** asked if anyone on the Board had any questions. There were some comments you had, right Scott? Nothing was submitted.

**Mr. Sicina** said, it was our previous comments from October.

**Mr. Winglovitz** said, he thinks there is a 239 referral that they are waiting for, anyway. They knew they would be holding it open. The referral went out, he's assuming and didn't hear anything back?

**Mr. Sicina** said, to Mr. Winglovitz, he knew that he had mentioned previously, that he had a footprint for that building laid out and it might shrink, it might not be that big. Is it still the approximate size of the building?

**Mr. Winglovitz** replied, yes.

**Mr. Sicina** said, the separation of the property lines is probably going to cause an issue. With that separation of the neighboring building, as well if not attached.

**Chrm, Conero** asked, is it the distance between the two buildings?

**Mr. Sicina** said, correct; it's usually supposed to be 12'.

**Mr. Winglovitz** said it's either 0 or 12'; it doesn't make any sense.

**Mr. Sicina** said 0 would be attached to the building. He believes the idea between the 12' is to provide an area for fire access, if need be, to the back of the site.

**Mr. Winglovitz** said they could put it right on the property line.

**Mr. Sicina** said he's pretty sure it needs to be physically attached to the neighboring building but they can look into that.

**Mr. Winglovitz** said he doesn't understand it entirely, himself. It will be nice when it's cleaned up. So, we may need a variance, or at least an interpretation from the ZBA.

**Mr. Sicina** replied, correct.

**Chrm. Conero** said they spoke of SEQR, is this a type 1 or type 2 or unlisted?

**Atty Tunic** said she believes it is an unlisted action because it's mixed use. If you look at the thresholds for commercial it wouldn't reach the square footage threshold in that regard. What is the commercial sq ft?

**Mr. Winglovitz** replied, 5,000 sq ft.

**Atty. Tunic** said, right, so she believes it needs to be 25,000 sq ft for the commercial for the threshold, in that regard. Is it more than 12 units for residential? So, you're under those; it would be unlisted. If you're going to the ZBA it still needs to be a coordinated review which will be determined.

**Chrm. Conero** asked, if he goes to the ZBA?

**Atty. Tunic** replied, yes, and then we'd have to declare our intent.

**Chrm. Conero** asked how many feet is there between the buildings, now, on your plans?

**Mr. Winglovitz** said, about a ½ foot off the property line.

**Chrm. Conero** repeated, ½ foot off the property line...

**Mr. Winglovitz** said, yes, on this side they maximized...

**Mr. Sicina** said the interior separation is more...(inaudible)

**Mr. Winglovitz** replied, they really need to get a good footprint so that if they do go to the ZBA, when we do, we know what we're asking for. He doesn't want to go there and find out the footprint changed by ½ a foot and has to go back.

**Chrm. Conero** asked, there are 8 apartments on the second and third floor?

**Mr. Winglovitz** replied, yes. Four on each.

**Chrm. Conero** asked if there were any other comments?

**Mr. Sicina** said there were comments, note about snow storage. Mostly minor stuff, like notes, changing dumpster location, which he's done, provide handicap access location, which he's done, he's addressed a lot of them.

**Chrm. Conero** said there was a question about the parking configuration; turning radius' with the curbing in the center.

**Mr. Winglovitz** said Jay has notes for that. He was here, Scott wasn't here. In this area, here (indicates on site plan), they're going to add a guide rail, or something to keep people for going...

**Mbr. Romano** asked if a decision was made on the snow storage?

**Mr. Sicina** said there would be a note added that it would be moved.

**Mr. Winglovitz** said they showed areas and if there's excess, it'll be hauled offsite.

**Chrm. Conero** asked if there were any comments from the public?

**Steve Snyder** – Clinton Street – what is the distance going to be between the new building and the existing building.

**Mr. Winglovitz** asked, their existing building?

**Mr. Snyder** replied, yes.

**Mr. Winglovitz** said it would be 16ft.

**Mr. Snyder** said ok. Now, off the front sidewalk, is there going to be pervious area there is it all going to remain right up even with the existing building?

**Mr. Winglovitz** replied, the existing building, the porch does extend into the right of way. So, this is coming back so it won't be at that exact porch line. It'll be back where the face of the building actually is. Then there'll be walkway, two doors because of the potential for two tenants, they're going to break that space downstairs into two spaces, there'll be two doors and a walkway with a small landscape area between the existing walkway.

**Mr. Snyder** asked, it would basically remain the same can pervious area as what you have?

**Mr. Winglovitz** replied, yes. It's actually paved right now right up to that sidewalk.

**Mr. Snyder** replied, good.

**Walt Lindner** – asked, to the right where Marc is going to put in 77 Clinton, so his parking will be access through your parking lot?

**Mr. Winglovitz** said, he has an easement out through Mario's former property.

**Mr. Sicina** asked if they were planning on connecting to the neighboring parking lot, as well?

**Mr. Winglovitz** said they are not showing it but he has the right to connect and when he turns the board over, he will talk about it. They will probably have a spot for Marc to connect to in this parking lot area. He has the right to connect. When he sold us this property, he thinks he (Marc) bought these two together, hence why this is called 71-73 Clinton; sold us this and reserved the right to connect through that. He has a right to go through 88's property and then he'll have a right to go out that, as well.

**Mr. Sicina** said, egress for emergency services.

**Mr. Berger** asked, from Clinton Street to the back parking lot, residents or anybody going to be able to use that to get back there?

**Mr. Winglovitz** said this will be available for anyone using the property or pedestrians only. It will not be used as a municipal parking lot.

**Mr. Snyder** said he has an issue with people parking on Clinton Street to access The Table because it takes away parking on the street; they have private parking.

**Mr. Winglovitz** said he could put up signage for residents and The Table.

**Mr. Berger** asked if it could be in their lease agreement.

**Mr. Winglovitz** said it is a public street. They can only designate where the residents should park.

**Chrm. Conero** said there are parking issues in the Village of Montgomery. The Comprehensive Plan is aware.

**Mr. Sicina** said people don't want to park at the municipal lot. This is a great project.

**Chrm. Conero** asked if there were any more site plan comments? No response. They will keep the public hearing open.

**A MOTION was made to ADJOURN THE PUBLIC HEARING FOR HANOVER DEVELOPMENT 202-3-4.2 TO WEDNESDAY, DECEMBER 22<sup>nd</sup> AT 8:00PM by Chrm. Conero, seconded by Mbr. Romano and carried 3 Ayes 0 Nay.**

**Mr. Winglovitz** said he will appear before the ZBA.

**RE: NEW BUSINESS**

**RE: 77 Clinton Street**

Mr. Winglovitz is representing the applicant. This project complies with the zoning. It will be a 40'x 56' building with pedestrian access only on Clinton Street. There will be parking for 13 vehicles; the existing easement for 77 & the property east allows for parking. They are reworking the access with the current owner of 88 Charles Street, revising the easement so it makes sense. It will work out good for Delessio's needs. 9 parking spots will be for 3 apartments, along with a handicap accessible one. It is within 500 ft of the municipal parking lot but has access into 71 Clinton parking.

Chrm. Conero asked Mr. Winglovitz if he received Lanc & Tully's comments? Mr. Winglovitz said #3 is a 12 ft separation that will need clarification from the ZBA. #4, they will prepare a separate lot line change plan to clean up the site plan. #5 involves

green space. There is not much green space with the parking but they will provide some as they develop the plan. They will make sure it lines up with what is there. #6 is regarding snow storage, no problem. #7, they already know they have to appear before the AHRB, being in the Historic District. #13 is regarding the floor plans; they are waiting on the architect, but are aware. #8, 9, 10 & 12 are detailed designs and will be provided. They intend to use curbside garbage pickup.

Chrm. Conero asked if they have architectural renderings.

Mr. Winglovitz replied, no, they are waiting on the architect. Also, they are working on the grading.

Chrm. Conero said, so far it looks good.

### **RE: BUTLER CONSTRUCTION - DUNN ROAD**

Mr. Winglovitz is representing the applicant. Currently, Butler Construction is on the corner of 416 and Route 211 and they've outgrown their space. Recently, the property they would like to build on was annexed to the Village but has not been rezoned yet. They will have access off of Dunn Road, paved parking and offices in the front. The back will be for vehicle repair and have a large lot for all of their construction vehicles, stage materials and gravel parking.

Mr. Sicina said it is impervious.

Chrm. Conero asked what the hours would be. Mr. Winglovitz said Monday through Saturday, 6am – 7pm. Chrm. Coners expressed concerns with lighting and noise. Mr. Winglovitz said that where the property sits, it's in a hole and shouldn't be too bad. Chrm. Conero said they will need proper screening where needed.

Mr. Lindner said that the attorney, Will Frank, is looking into the zoning for that property.

Mr. Winglovitz said that they will consult with the FAA for signoff and with the airport.

### **RE: MINUTES:**

**A MOTION was made to APPROVE THE MINUTES OF OCTOBER 27, 2021 by Mbr. Romano, seconded by Mbr. Meyer and carried 3 Ayes 0 Nays.**

### **RE: ADJOURNMENT:**

**A MOTION was made to ADJOURN THE MEETING AT 8:50pm by Mbr. Romano, seconded by Mbr. Meyer and carried 3 Ayes 0 Nays.**

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Tina Murphy, Deputy Village Clerk