

MINUTES of the Village of Montgomery Planning Board meeting held in the Meeting Room of the Village Hall, 133 Clinton Street, on Wednesday, January 26, 2022, at 7:30 pm.

ATTENDANCE: Chrm. Conero, Mbr. Romano, Mbr. Crowley, Mbr. Steed, Mbr. Meyer, Vlg. Atty. Stephanie Tunic, Vlg. Atty. Joseph McKay, Vlg. Eng. Scott Sicina of Lanc & Tully, Ross Winglovitz of Engineering Properties, James Martinez, Tom Olley of Olley Architects, Brian Rivenburgh, Walt & Mary Ann Lindner, Don Berger, Molly Nicol.

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

RE: TWO ADJOURNED PUBLIC HEARINGS

RE: ROWLEY DEVELOPMENT – 99 CLINTON STREET 202-3-13

A MOTION was made to OPEN THE ADJOURNED PUBLIC HEARING FOR ROWLEY DEVELOPMENT – 99 CLINTON STREET 202-3-13 at 7:30 pm by Mbr. Romano, seconded by Mbr. Steed and carried 5 Ayes 0 Nays.

Chrm. Conero said there were additional comments from Lanc & Tully, with some of the things that need to be addressed on this.

Mr. Winglovitz is representing the applicant along James Martinez, a colleague from Engineering Properties and Brian Rivenburgh. They were before the Board last month, there were two comments they had addressed. There were a few more comments from Scott that they will go over. One is looking for a note on the plan regarding the road opening permit. There is work that is going to be done along Charles Street so they will need a permit; there is no problem with that note. They only sheet they submitted was the first one because that was the only sheet that had changes but when they submit for signature they will include all 4 sheets, that was comment #2.

Chrm. Conero said, yes, you have construction details that were missed.

Mr. Winglovitz asked, if there aren't any further comments or requests, they respectfully request to close the hearing and take appropriate action.

Chrm. Conero said, this is an adjourned public hearing so we'll let the public have a chance to say anything else on the Clinton Street project. State your name and address for the record.

Atty. McKay said, so the Board knew, he did prepare a draft Neg Dec and Site Plan Approval and the Subdivision documents. He did not see the final comments that the Village Engineer had made; the things they just mentioned. He can incorporate them into the Resolution.

Chrm. Conero said, at this time, he'd like to close the public hearing.

Mr. Romano asked, there were concerns regarding the fencing and the chain link. The fencing by Copperfield's.

Mr. Winglovitz said, that will remain along the entire perimeter.

Mr. Romano asked about the phases of construction because it affects the neighboring; did you discuss that?

Mr. Winglovitz said they will comply with the Village's hours of operation for construction which are in place just for that purpose.

Chrm. Conero said, in the Final Resolution that our Attorney prepared for us, there is some conditions, he reads, "During the construction phase of the Project, the Applicant shall implement appropriate dust mitigation procedures to prevent disturbance of outdoor dining areas and facilities, which mitigation measures shall be subject to final inspection and approval by the Village Engineer or his designee." That was part of our resolution because it was appointed that the Village Planning Board input.

Mr. Winglovitz said they want to be good neighbors, if there's a problem, they will address it.

Chrm. Conero reads, "There will be no fencing except as shown on the site plan or as otherwise explicitly permitted by the Village Code."

Mr. McKay said he wrote it that way because he wasn't sure what the issue with the fence was. He asked him to explain it to him, he didn't really understand.

Chrm. Conero said a member of the public, Don Berger, brought up the condition of the fence and whether it was going to be maintained. It was a concern that he had about the maintenance of the fence. He's not sure the Planning Board can tell the developer that he's got to put a new fence up. Short of the Village Code, it makes sure the fence is in useable condition for that area. He would relay that onto the Village Building Department.

Don Berger – if you go there today and look at the fence, the condition of the fence because the snow has pushed it, it's buckled into Copperfield's easement area. That type of fence, to him, is not eye-appealing fence. There are 4 businesses that will encompass that area, he would think that they would want a more cleanly look to it.

Chrm. Conero said he is going to take comment from Brian (Rivenburgh).

Mr. Rivenburgh said, as far as the fence goes, he looked at the fence. It does needs minor repair. Some of the poles on the top have come apart. He needs to bring his fence contractor in there. Some of the fence has been pushed in on the bottom. It needs to be tied back to the poles. The fence is in very good condition. It's galvanized metal. It's

green fencing. It's a high-quality fence. There's really nothing wrong with it that a little maintenance won't take care of.

Mbr. Romano asked how many years it has been there?

Mr. Rivenburgh said he's been there several years. It's not that old.

Mbr. Crowley said, the bank put it up originally. They had the same issue that you had, people going to Copperfield's and parking in the parking lot, so they put the fence up to make a division between Copperfield's and the parking lot.

Mr. Rivenburgh said the real problem with the fence is that people that park there illegally. They go there at night, to the bars, restaurants and back their pickup trucks into the fence and they push it back. That's going to stop when they can't park there any longer, when they close off that property.

Chrm. Conero said he hasn't personally looked at the fence. The concern is the condition of the fence and the aesthetics of it in the downtown area. He would request that he maintain the fence.

Mr. Rivenburgh said he would do that anyway.

Mbr. Crowley said, you would have to. The fencing has to be maintained by the owner of the property.

Mr. Rivenburgh said he had a comment on dust control. The dust control is a very open-ended statement. He spoke with the Building Inspector, Bruce Yancewicz. He explained the situation to him, how it was brought up at the Planning Board meeting. Bruce told him that he doesn't need restrictions put on him, that's his (meaning Bruce's) job. If you're creating dust, they need to call him. If you're creating noise, they call me. That's his job to take care of that.

Chrm. Conero said, now it's in the Resolution so it'll have to be. Bruce can follow up on it. They wanted to make sure it was in there and addressed. You're right, the Building Department is who would be called about a dust problem. It is his job to enforce it. Because it was brought up at the public hearing, and the Board feels like it should be in the Resolution, that's why it's in there. It's not always in there but in this situation because of the proximity to the restaurant and the neighboring businesses, the tight condition, he would leave that interpretation up to the Building Department, the Building Code Enforcer, Bruce.

Mbr. Romano asked, again, about the fence. The breezeway where Copperfield's comes out. You had said you were concerned how they throw bottles or whatever they do; how about you change it to a board-on-board type of fence so you have nothing going through.

Mr. Rivenburgh said, with all the cigarettes they're smoking, they'll probably burn it down.

Mbr. Crowley said, it's just like any construction site to avoid, if it's along a sidewalk they have a webbing.

Mr. Rivenburgh said, Copperfield's right now, is not a problem. You have your locals that go to Copperfield's, they want to go out back and smoke their cigarettes. The conscientious ones pick up their butts. The unconscientious ones flick them on his property.

Mbr. Romano suggested a better fence.

Mr. Rivenburgh said, they would just flick it over the fence.

Mbr. Crowley said, she thinks the issue they (Planning Board) have is outside dining, not now of course, but probably when you start construction, there will be outside dining. They are just trying to...

Mr. Rivenburgh said, maybe put up a temporary fence for two weeks?

Mbr. Crowley said, what they are saying in the resolution is that they mitigate the dust from the construction and you said you would abide by the code of business hours of when you can build.

Mr. Rivenburgh said, he's been building in this town for a long time and never had a complaint. He's building houses down at Pleasant Avenue right now, all the neighbors are happy; everyone is happy.

Chrm. Conero said, this is what's in the Resolution, it's for dust mitigation. He's leaving it up to Bruce to execute that. As far as the fence goes, he has not personally looked at the fence.

Mbr. Crowley said, if Copperfield's wants a better fence, it's on them. It's in the Resolution for dust mitigation, so that's where they'll leave it.

Chrm. Conero said they are going to close the public hearing.

A MOTION was made to CLOSE THE PUBLIC HEARING FOR ROWLEY DEVELOPMENT – 99 CLINTON STREET 202-3-13 at 7:42 pm by Chrm. Conero, seconded by Mbr. Steed and carried 5 Ayes 0 Nays.

Atty. McKay asked if the Board reviewed the Neg Dec and SEQRA they could consider the Preliminary Subdivision Approval and then Site Plan.

Chrm. Conero said they have a Negative Dec that was prepared by the legal team. Do they have to go through every item?

Atty. McKay said if the Board has all reviewed it, he will make a few comments. One was, he wasn't sure of the date of the variance. There is information that was exchanged between the engineers, the specific application that you are going on, the 8th revision. He'll make a reference to the responses that happened this week.

Chrm. Conero said they looked at impacts on land, the physical features, the impact of water, they did not have an adverse impact. They looked at the impact on traffic, safety and transportation, they mitigated site issues and there were no adverse effects. The impacts on plants and animals; on cultural resources. The impact on aesthetics; no adverse impacts. The site is not adjacent to the Historic Districts. No impacts on open space or recreation, critical environmental areas.

Mr. McKay said the project does create residential units above but there is mitigation for that impact; the code speaks of in lieu of parkland fees. Chrm. Conero said that is very common and in the code. Impacts on planning and zoning growth and community character. They do have a zoning variance that was approved and has SEU in the B2 district.

Atty. McKay asked if the Board recalls the impact on community character; the OC Planning Department commented positively on the creation of the residential space over the commercial space. It said it would, "contribute to a lively neighborhood." This is positive with respect to community character. Chrm. Conero said the OC Planning Department also favors the proposed mixed-use to a lively neighborhood.

Chrm. Conero continued, impacts on energy, light odor and air quality; they put in here that the applicant will provide dust mitigation for any nearby outdoor dining areas. That it will comply with the Village Code and Village personnel to prevent any nuisance lighting impacts. The energy was that we don't need new or upgraded substations. This will not generate any adverse impacts. Human health, there is no controversy.

Atty. McKay said he will make a note about final comments submitted by the Village engineer; he finds that this application was readily efficient for the Negative Declaration if this Board chose, and the expected use for water is about 1208 gallons per day. Based upon a separate discussion with the Water Superintendent, it was discussed and recommended that that would not be an adverse use, with respect to the issue with the water supply in the Village. It is listed on page 3.

A MOTION was made to DECLARE A NEGATIVE DECLARATION UNDER SEQRA FOR ROWLEY DEVELOPMENT - 99 CLINTON STREET 202-3-13 at 7:51 pm by Chrm. Conero, seconded by Mbr. Romano and carried 5 Ayes 0 Nays.

Atty. McKay will update the paperwork to reflect changes from tonight's meeting.

Chrm. Conero said this will be the Resolution granting Preliminary Subdivision Approval; which is the approval of the two-lot subdivision that consists of an office building and proposed subdivision of the existing lot to create a second mixed-use lot to allow for the construction of commercial units on the first floor with residential apartments above. The ZBA met with them September 29, 2021, for the height variance. They conducted the Environmental review with respect to SEQRA. The public had the opportunity to address the Planning Board at a public hearing. Adoption of the Negative Declaration just occurred. The Planning Board took into consideration the public health safety. The Preliminary Site Plan under review does not show parklands so there are in lieu of parkland fees as a mitigation condition. The Village of Montgomery Planning Board finds that the applicant has submitted all applicable materials and met all applicable requirements set forth in the Zoning Code and Regulation of the Village of Montgomery, Chapter 122 and will vote on Preliminary Subdivision Approval. Mr. Winglovitz asked, why preliminary? It's a 2-lot subdivision, there's no outside agency, so is it preliminary and final together or conditional subdivision approval? Chrm. Conero asked Atty. McKay to explain.

Atty. McKay said that the code requires it and it is non-waivable requirement. The code requires when multiple dwellings are created, the first application on the preliminary site plan approval. In discussion with the Board, what we expect to be the next step would be the response of the engineer's comments, make the final review (not a new app), just submission of the final. Mr. Winglovitz asked if he had to come back to the Board. Atty. McKay said that would be up to the Board. The Village Code reads that as long as the final plan is in substantial compliance with the preliminary approval, no public hearing is required. The Board could ask you to come back or could decide to just issue a final resolution confirming preliminary and issuing the final. Chrm. Conero said there are time limits, as well. Mr. Winglovitz said it seems like a waste of time. Mr. Olley feels the same way. Chrm. Conero said it affects everyone. Mr. Winglovitz said it's different when it's a more complex project but this doesn't require outside agency approvals, it's a two-step process. Can you combine them into one? Atty. McKay said both attorneys for the Planning Board discussed it. But for your application, because of the creation of the residential units there is a separate section that would require preliminary. They aren't looking to extend the process. Atty. Tunic said it is a code requirement, there is no waiver of the code. It would be for the Board to say they no longer want to do preliminaries. A code revision is always available to the Village Board. For more complex applications the two-step process is almost necessary. For these smaller applications, this gives an opportunity to go through whatever conditions you may have to cement those and tie those up. If you submit a final plot for the Board's consideration, it would be the same process, they may be calling it a different thing. Chrm. Conero said it is a multiple dwelling unit project and there's a time limit in there.

Atty. McKay said, he would recommend that since you have some technical things to finalize on the plan. This is really an administrative step. As long as those technical details are provided and through substantial compliance with the preliminary approval then, the final approval is required. If it's compliant, the Board will issue the Final. Just do the same thing, submit the same thing and the Chairman will execute it. If the Board

requires that you need to come back, that would be the difference. Mr. Winglovitz asked when they would make that determination, when we submit the plan? Is it a Board determination or the engineer? Atty. McKay said the Board will accept the recommendation of the engineer but it's the Board's determination. It can be two more meetings...Atty. Tunic said the applicant does not need to be here for the Board to act. Mr. Winglovitz asked for the simple ones, can they include the final in the preliminary? Atty. McKay and Atty. Tunic met and realized that in the past, the Board might have been skipping a step. It is their job to make sure the Board follows its procedural requirements. There is no intention to delay projects or extend them unnecessarily, in fact, that was the basis of the discussion. The Board doesn't want to extend the applicant coming back again. These comments are well-founded. They need to be made to the Village Board because they require a code change. The Board is stuck in a position of following the advice of its attorney and take a little bit of heat for procedures that have been in the code for who knows how long and they're going to comply with the procedural requirements. The likelihood of having to come back is pretty small; unless they want you to come back. That's up to the Board. Chrm. Conero said their hands are tied.

Chrm. Conero continued with the conditions:

The applicant will satisfy all conditions noted by the Village Engineer and Supt. of DPW. It will include all easements as required by the Village Engineer. The project will be subject to any prevailing and/or applicable dedication requirements, special district requirements, bonding and/or financial security requirements, construction inspections and other matters pertaining the subdivision and development of residential lands in the Village. All dedications and easements must be shown on the final site plan prior to the Chairman's signature. All storm water management, connections, needed improvements and utilities must be to the satisfaction of the Village engineer. Be mindful of time constraints imposed by applicable laws. All fees due to the Village of Montgomery, including its consultants, the Village engineer and Village Attorney be paid in full.

A MOTION was made to ACCEPT THE RESOLUTION GRANTING PRELIMINARY SUBDIVISION APPROVAL FOR ROWLEY DEVELOPMENT – 99 CLINTON STREET 202-3-13 at 8:08 pm, by Mbr. Crowley, seconded by Mbr Steed and carried 5 Ayes 0 Nays.

Chrm. Conero said there is a condition here that says during the construction phase of the project, the applicant shall implement the appropriate dust mitigation procedures to prevent disturbance of outdoor dining areas and facilities which mitigation measures shall be subject to final inspection and approval by the Village Engineer or his designee, Bruce. The applicant must submit a final plot in substantial compliance with the preliminary plot within 6 months of the date of this conditional approval; in Section A 125 of the Village code. The applicant must submit a final site plan application no later than the 3rd regular meeting following this approval in accordance with 122-6 1A, as well. Those are the highlights.

A MOTION was made to APPROVE THE SITE PLAN OF ROWLEY DEVELOPMENT – 99 CLINTON STREET 202-3-13 at 8:10 pm, by Mbr. Crowley, seconded by Mbr. Meyer and carried 5 Ayes 0 Nays.

Atty. McKay said to Ross, the Village code says that the final site plan has to be provided before the 3rd regular monthly meeting, following this approval.

RE: HANOVER DEVELOPMENT 202-3-4.2

A MOTION was made to OPEN THE ADJOURNED PUBLIC HEARING FOR HANOVER DEVELOPMENT 202-3-4.2 at 8:12 pm by Chrm. Conero, seconded by Mbr. Romano and carried 5 Ayes 0 Nays.

Mr. Winglovitz is representing the applicant. They were before you last month regarding the application for Hanover Development. There were comments from the Board and comments from your Engineer. They are working towards putting a plan in acceptable form for further action. He will go over Scott's letter. One, is regarding the location of the loading zone. They proposed it here (indicates on site plan), Scott's point is that it is across from 3 parking spots. They understand that but proposed it there so that they do not further reduce the number of parking spots. They could take 2 spots out and move it to provide a little more space but for the fact that it's not used very often, and people would still be able to get out with a few turns, they showed it in that location. If it's not acceptable, they will relocate it a little bit to the south and remove one of those parking spaces. The idea was to maximize parking.

Chrm. Conero said, the comment basically says that you can't back out.

Mr. Winglovitz said, yes, restricting the ability of these 3 last parking spaces to back out because of the loading space. They can move it south and remove one parking spot. Their thought was that it's used once or twice a week for 30 minutes, to put it in that location.

Chrm. Conero said, if we're talking about the parking, we can skip to #10. He thinks the Village is near having a unified parking lot, since you're representing all three applicants.

Mr. Winglovitz said, they're all separate property owners and there's 6 different properties involved between the cross-easements and the parking. So, they would need an agreement between all 6 property owners to try to do something back here all at the same time. He thinks it's a great goal, but not a realistic goal. They did take a look at trying to do one big parking lot, we ended up with 5 or 6 more parking spots.

Chrm. Conero asked, what about egress on the whole lot? Would that change the ingress/egress if you were doing it...?

Mr. Winglovitz said, what they looked at, they extended this scheme right across here (indicates on site plan); they would have one entrance in and one entrance out. You'd have less entrances onto Charles Street but it would take all the property owners to agree

and fund it at the same time. He doesn't know how realistic that is. If the Village were to do something or a municipal lot, or a different store, maybe they'd have the ability to get the landowners in agreement.

Mr. Crowley asked, who is going to use that parking lot?

Mr. Winglovitz responded; this is private parking for Hanover Development.

Mr. Crowley said, so you have more than enough parking with what you have there.

Mr. Winglovitz said they have 56 parking spots but do propose, depending on the scenario, there could be different demands on the parking from 68-75 spaces depending on which scenario it is. He thinks they have way more than enough; they have 12 residents, 24 spots, that's about 32 spots for the commercial space. But it's less than the total required commercial parking. So, the waiver request is in there.

Mr. Sicina asked, does that allow for the other two projects? There's multiple properties and cross-easements, has that been brought up to the other...

Mr. Winglovitz said, they have not talked to 88 Charles Street but they have talked to Marc about it.

Mr. Sicina said, those three parking lots, when they're completed in the way you have proposed now, will all be interconnected?

Mr. Winglovitz said, there is the ability. Marc reserved an easement across 71-73 Clinton when he sold them the property. 77 Clinton has an existing access easement.

Mr. Sicina said, which you are proposing to relocate?

Mr. Winglovitz said, yes, it was part of the language. He always wants something, they said someday we'll do something back there and when we do, we'll figure it out and give you an access easement. What were the odds? The easement now is right now (indicates on site plan) in and proposed to match the (inaudible). There is no connection between 88 and them. Their parking is head on and 88's is parallel to the road.

Mr. Sicina said, so you will have the ability to go through the 88 Charles Street parking lot to the property to the north and to your lot.

Mr. Winglovitz said, the only person that has that right is Marc.

Mr. Sicina said, he understands that they might be the only people to have the right but...

Mr. Winglovitz said, yes, they would be able to travel thru here (indicates on site plan), through this lot and out if they want to. They are interconnected. It does show up on Marc's. Marc's is not on their plan but their parking is on Marc's.

Chrm. Conero said, your concern, looking at the 3 properties you're doing, to look at the ingress/egress, how you're getting around that parking lot.

Mr. Sicina said, part of his concern is more in regards to one of the other applications, as far as the one they're looking at right now, Hanover, their parking lot is basically meeting all the code requirements.

Mr. Winglovitz said, they thought about it; especially being engineers, they can make this all better but it's a bit cumbersome.

Mr. Sicina said, his thought was to give extra space for snow storage, landscape islands, etc., potentially put that dumpster in a better location?

Mr. Winglovitz said, he ended up with 5 or 6 more parking spots. That was including all of this and behind 88 Charles, as well.

Mr. Sicina asked if it improved ingress/egress on the site?

Mr. Winglovitz said, yes, it made it much smoother. Not a lot more parking but much smoother. He doesn't know, from their perspective, that they want to make their lot that easily accessible to other businesses? It's their private lot. The easier that make it for other people to use it, the harder it will be for their tenants. That's another concern they have. Spot elevations for ADA should be provided, no problem. The dumpster; they thought about turning the dumpster so that they could pull in here. They didn't like it. Scotts concerned about getting out to roll the dumpsters out. They have to get out anyway to open the gate just to be able to pull up to the dumpster. You can certainly get dumpsters on wheels; they can get out of the truck, open the gate, roll them out. They thought it was a much cleaner look. It kept it so the doors weren't facing the street. It's further away from all the buildings in this location. And they can then come out and roll them out, it will be part of the service. It's a private hauling service that they will be paying for, pay a little more for the extra step.

Mbr. Romano asked why the doors couldn't face the road.

Mr. Winglovitz said they could. They still have to get out of the truck and open the doors. Get out and do it again. Where here, they can landscape the side of that.

Chrm. Conero said, he is concerned with the garbage hauler not closing the gate. It's not his dumpster, it's not his building.

Mr. Winglovitz said, that could happen no matter where we put it.

Mr. Sicina suggested moving it up two spots. He understands that it puts two spots on the roadside of the dumpster but at two spots up, then it's pretty much centered in that access aisle that you have right there. They can pull straight in, pop it over with those forks, dump it, put it back down and they'll be done.

Chrm. Conero asked for clarification of the location.

Mr. Winglovitz said, Scott said to move it up two spaces across from the aisle.

Chrm. Conero asked, in the snow removal area?

Mr. Sicina said, it depends which way they would access it. They may have to pull into the site first. If they pull in from Charles Street, the back end of the truck would be in the street.

Chrm. Conero said he thinks they should move it over two spaces.

Mr. Winglovitz said they could do that. The fence being extended; it goes for the length of the property and it's on John Wood's property. Extending it any further is screening the parking lot from the parking lot. There's no reason to extend the board-on-board any further.

Chrm. Conero said the board-on-board goes to the end of John's property. There's parking back there?

Mr. Winglovitz said their parking lot is opposite.

Mr. Sicina said his thought process was if someone backs out of the handicap stall and then they go down the access aisle that's closer to the house. When they come around that corner, that house sits further than where you guys show it, obviously you have a cut-off line there. So, if only the corner of the fence is there, they're going to be shining in the back side of the house.

Mr. Winglovitz said, John has a fence up there and there's a shed here, that Bernie has in that location. He'd be concerned about Bernie putting snow on top of it.

Mbr. Crowley asked, where Bernie's property is, is there some sort of barrier?

Mr. Winglovitz said he has wheel stops.

Chrm. Conero asked if the wheel stops would be relocated in the parking lot?

Mr. Winglovitz said, Bernie set them on their property so...lol

Chrm. Conero said, so the Board has to decide if they want the fence to go all the way up. Think about that.

Mbr. Crowley said it will help the property owner, right now it's John Woods, he doesn't live there, whoever is going to live there in that house. That little house is stuck between two parking lots.

Chrm. Conero added, if they take the shed down it'll be in their view.

Mbr. Crowley said it would make sense with the fence.

Mr. Winglovitz asked, bring it up to where the parking lot for Bernie starts? It'll give it a little bit of coverage in that back corner, is what you're concerned about. He thinks John put a fence up there; or Bernie did.

Chrm. Conero said, that brings us up to #6. You're going to provide the fence detail, obviously.

Mr. Winglovitz said, yes.

Mr. Sicina asked if Mr. Winglovitz received a letter from the DEC.

Mr. Winglovitz replied, no. Normally, they don't get a letter. Only one tree is coming down. #7, reserved parking for the residential; the Board asked for that, they will put it on there.

Chrm. Conero said, that way, spots are reserved for them.

Mr. Winglovitz said, wheel stops here (indicates on site plan). Currently in their parking there is no curbing, there is no wheel stops. People don't park on the grass; they park on the pavement. Their concern is that they will get plowed away and beat up. There's not a significant grade here so they propose to leave it a grass area at the end of the parking lot.

Chrm. Conero said curb spots pointing toward Charles.

Mr. Sicina said essentially the concern is somebody comes in and parks and not pays attention and drives across the lawn. If you don't have curbing, curb stops are not always required but a lot of times if you're looking to protect something, like in the front area there.

Chrm. Conero said, that's something and to protect people from going into Charles Street.

Mr. Sicina said, yes, if you're heavy on the accelerator.

Mr. Winglovitz said they will take a look at doing that if the Board thinks it's a good idea. They will show them on the plan. The architect is working on elevations. The floor plan is worked out.

Chrm. Conero said, there is a letter from SHPO about the archeological comments. They want you to do a phase I study because that lot's been there a long time.

Mr. Winglovitz said, yes, they have to respond to them. They need to submit more information. He would ask if the Board could do any referrals, at this point.

Atty. Tunic said they have not because there was an issue with some variances. She doesn't know who is going to be in the coordinated review; if the ZBA needs to be involved or not.

Mr. Winglovitz asked if they could just do it and include them. They have the plan worked out with a 2nd story overhang and that's the zero-lot line. They comply with that. There's no longer a side yard variance.

Atty. Tunic asked, we've established that there will not be a side yard variance?

Mr. Sicina asked who established that there would be no side yard variance?

Atty. Tunic said, the plan.

Mr. Sicina said he is not exactly sure on that.

Mr. Winglovitz said, they would go to Bruce for an interpretation. It's zero lot line or 12 feet.

Mr. Sicina said the code reads 12 or if provided. The question is if provided does that mean it has to be attached to a neighboring building, like (inaudible). If there is any separation between that and the neighboring building, it needs to be a minimum of 12 feet.

Atty. Tunic is inaudible.

Mr. Winglovitz said they proposed it at zero.

Mr. Sicina is unclear about the "if provided." Whether that means if not attached to a building that it needs to have this accessible gap; thought being emergency services. If the building is 2 feet from the neighboring building, the problem could be emergency access between the two buildings. You want something potentially wide enough to get something through. What is/isn't the interpretation.

Atty. Tunic is hesitant about going to the ZBA because if they don't change the variance then you have to change your plan.

Mr. Winglovitz said they will ask the Building Inspector for an interpretation.

Atty. Tunic said, it's up to the Board. The first step is for the applicant to go to Bruce and ask for an interpretation which will then be forwarded to the Board as to whether or not he needs to go to the ZBA. As for a 239 Referral and declaring preliminary unlisted uncoordinated review, you can do that and issue a 239 referral or you can wait for the Building Inspector's interpretation. If you start SEQRA, as Ross indicated, the ZBA can't act anyway, you're going to have to issue your neg dec before they issue their final decision. Without issuing the lead agency now you do have more flexibility of potentially going to the ZBA and getting a decision before...do you get what I mean.

Mr. Winglovitz asked that the Board do the 239 referral to the County to get their feedback. He'd rather see it in the public hearing stage so there's sufficiently developed plans. If they could do that.

Chrm. Conero said they will refer them for 239 Referral to OC Planning to look over that.

Mr. Winglovitz said they will go to Bruce and will have a better handle on whether they should go to the ZBA.

Chrm. Conero asked, the separation between the two buildings in the two lots is for emergency vehicles, apparatus, ladders, if there's a fire or if there was a potential issue in the parking lot, they might want to go through there. Is that something the fire department may want to review, as well, as far as SEQRA?

Atty. Tunic said, it could be an interested agency. In terms of code determination, whether or not 12 feet is going to apply, that would be Bruce.

Mbr. Romano asked, is there architectural plans?

Mr. Winglovitz said, they're still working on it. They were finally lay out the building exactly.

Chrm. Conero opened the public hearing to the public. If you have any comments for 71 Hanover, please state your name and address. (After a few minutes) It doesn't appear that anybody wants to comment on it. Again, he feels they should adjourn the public hearing until next month.

A MOTION was made to ADJOURN THE PUBLIC HEARING FOR HANOVER DEVELOPMENT 202-3-4.2 AT 8:39 PM TO FEBRUARY 23RD, 2022, at 7:30 pm, by Chrm. Conero, seconded by Mbr. Crowley and carried 5 Ayes 0 Nays.

RE: OLD BUSINESS

RE: FOOD BANK OF THE HUDSON VALLEY 214-1-1 & 36-1-2.12

Mr. Winglovitz is representing the applicant along with Molly Nicol of the Regional Food Bank. Ms. Nicol was there a few months ago. They are proposing a 40,000 sq ft on the last piece in the Village. This is the remaining parcel of Aden Brook Farm. Nick worked out an agreement with the Food Bank for a partial donation of the property. They are looking for 6 acres for the warehouse; access would be from 416, a private road, it's an existing access drive they would be using. Part of the lot (6 acres) will be in the Village, as well as the Town. There will be a subdivision of the lot. There is one deed encompassing two municipalities.

Chrm. Conero asked where the four lots were. Mr. Winglovitz said, there's one lot for the warehouse, the lot that is the piece in the Village that will be subdivided (it's 21 acres), there is a remaining 88 acres that is in the Town. The subdivision line is along the Village/Town border and it is one deeded parcel. Chrm. Conero asked, lot 1 and lot 2 are in the Village? Mr. Winglovitz said, right but they need a separate deeded parcel. They will have to subdivide. Lot 3 will be the remaining land in the Town. The Town has private commercial roads, he doesn't know that they need to do that to create this property. If they could do it as a private right-of way and not created as a separate lot so it could remain these properties with an easement area, which is what they originally proposed for KSH when they had the multiple lots and they had a right of way with the ownership going to the center. They didn't create a separate lot for the road; who's going to own it, who pays the taxes on it? They can do this with a right of way.

Mr. Winglovitz continued reviewing Lanc & Tully's comment letter. Lot 1, why the cul-de-sac is not proposed? They can certainly do that, an easement area. Chrm. Conero said, the cul-de-sac, what's the purpose of it? Mr. Winglovitz said, an emergency turnaround. They can do it as a T turnaround. The road continues all the way back. For purposes of this property, it's critical to have an emergency turnaround here (indicates on site plan) to comply with the fire code, so they could have a T turnaround as opposed to a cul-de-sac. Chrm. Conero asked if the cul-de-sac was part of the existing road? Mr. Winglovitz said, yes, it encompasses the road and is wider than the road. Chrm. Conero asked, when Lot 2 gets subdivided further, which they'll probably do at some point, what would the purpose of the cul-de-sac be? Mr. Winglovitz said, they could use frontage on that side of the road, with the cul-de-sac, if they were going to do a further subdivision. Mbr. Crowley said, it's really rotary in the middle of the road. Mr. Winglovitz said, if the Board has an opinion; a hammerhead or something. They do have to go to the Town next Wednesday. Mbr. Crowley asked if the cul-de-sac met the fire code? Mr. Winglovitz said, the cul-de-sac would or a conformed T turnaround would meet fire code. Mbr. Crowley said, if that road continues...Mr. Winglovitz said, they would incorporate the T into the entrance drive and make the road part of the T. Mbr. Meyer asked if there were a benefit doing it one way or the other? Mr. Winglovitz said no; they've done private commercial roads in the Town before and they mimicked what they'd previously done. Plus, this is in the Village, he doesn't think they need to mimic what they did, that they could just call it a right-of-way. It was an easement area that was offered for dedication. Chrm. Conero said, with cul-de-sacs in the Village, that you can't have one longer than 450 ft but it's because it's a Village Street. Mr. Sicina asked, Aden Brook will still utilize that existing drive? Mr. Winglovitz said, yes. Mr. Sicina said there will need to be formal access easements

across those lots. Mr. Winglovitz said, yes. That driveway will be on a separate lot and will need an easement even though Nick owns both and then there would be an easement to get to his building. Mr. Sicina said there is going to be a lot of truck traffic going along that road, not necessarily from your business but from Aden Brook. It still needs to be addressed that if there's going to be an easement going across; it's still their entrance their going to keep utilizing it, that truck traffic will still be moving through there, it needs to be taken into account. Chrm. Conero asked which road; the intersection of 416 or the access road? Mr. Sicina said, both. It's not only the Food Bank using the road. He is just keeping everyone aware of it. Ms. Nicoli said they have about 10 trucks per day; 2 tractor trailers and then smaller trucks. Mbr. Crowley said, just speaking for the future, that could become an entrance way to those other lots. Mr. Winglovitz said, yes. It is currently zoned I-1. Mbr. Crowley said, right now it's just a private, dirt road, but potentially, down the line could have more truck traffic. Mbr. Romano suggested paving it. Mr. Winglovitz said they are proposing to upgrade that road. Chrm. Conero asked him to show what the hammerhead would look like on the site plan. Mr. Winglovitz said they are meeting with the Town next Wednesday and will see what they say. They will come back and show the hammerhead. Chrm. Conero mentioned annexing that section of the road to the Village, that way only one municipality has to take care of it. Mr. Winglovitz isn't sure if the municipalities spoke about annexing it. Atty. McKay asked if there were any residents on the lot now? Mr. Winglovitz said, no, no residential use, only agricultural. Atty. McKay asked if Lot 3 is that shape because of the way the road was proposed? If it's going to be an easement, can it remain in the Town? Mr. Winglovitz said it could remain.

Mr. Winglovitz continued; #5, is the scale and they will blow it up. #6 This is regarding wetlands and they only have to do wetlands where the proposed improvements are. Mr. Sicina said, the Federal Wetlands Map shows that the wooded area that is just to the NE of the proposed bank, that shows to be a wetland area. Mr. Winglovitz will address it. #7 is the adjacent PDD district; they will correct the location on the site plan. #8, DOT approval is in process. #9, there is no problem adding stormwater detail. #10, Type 1 Action, there are several involved agencies, if they can coordinate lead agency. Chrm. Conero said this is a coordinated review, our circulation will be notice of intent to be lead agency.

A MOTION was made to DECLARE INTENT TO BE LEAD AGENCY, TYPE 1 ACTION, FOR THE FOOD BANK OF THE HUDSON VALLEY 214-1-1 & 36-1-2.12 at 8:58 pm, by Mbr. Steed, seconded by Chrm. Conero and carried 5 Ayes 0 Nays.

Atty. McKay suggested to Mr. Winglovitz to update the map; and that part of the lot is back in the Town for the 239 Review, that might make a difference with the comments from the County.

Mr. Winglovitz said, he will submit a long EAF for circulation.

Mr. Sicina asked for a project narrative to explain what they intend to do; it is a little confusing when looking at the plan; are you annexing a piece of land into the Village or if you're showing this in a different manner? Mr. Winglovitz said, yes. It's a 3-lot subdivision and on lot 1, a 40,000 sq ft Food Bank. There's no annexation proposed at this point. He'll know more after meeting with the Town.

Atty. McKay asked Mr. Winglovitz that, in the narrative, could he include if there would be office space included in the warehouse.

Ms. Nicol said, that she has been asked before. There will be about 25 people who will work there but the only water that is required will be the sprinkler system and bathrooms. There is no water used for anything else; it's a food warehouse.

Atty. McKay asked how many trucks would go there? Ms. Nicol said 10 trucks per day with two of them being tractor trailers; the rest would be box trucks.

Chrm. Conero asked if the water usage was on the site plan? Ms. Nicol replied, she doesn't think so. Mr. Winglovitz said it would be in the EAF.

RE: KAMP PROPERTIES 207-1-34

Tom Olley is representing the applicant. He will go over the items from Lanc & Tully. The first item is that the plans have been revised for the previous comments. They are working on the easement documents with the Planning Board's attorney. They split the driveway agreement and the drainage easements into two separate documents. The drainage is in favor of lot 1 so it's not mutual and also provides a safeguard for the DeMaris property. The driveway easement is mutually beneficial to both parties. He's sent the driveway easement to Atty. Tunic for review; they have one paragraph that the applicant's attorney is working on. The other comment is in regard to parkland fees.

Chrm. Conero said, at this point they can do SEQRA and resolution of preliminary.

Atty. Tunic highlights the paperwork. It's a 2.53-acre lot, the driveways will require fill and will transition to Goodwill Road, consistent with existing land uses, no geological features unique to the site, anticipated water use will be about 880 gallons, there are two pump stations to sufficiently move sewer to the municipal sewer line, it's not located within the 100 year flood plan, traffic; the major item is the "hidden driveway" sign which will mitigate previous traffic concerns, it is suitable for the Indiana Bat and Bald Eagle but there is no tree cutting so no mitigation is required there, SHPO responded that there was no impact, open space and recreation the mitigation there, the \$250 you're paying for the one new lot. You're going according to the old fee schedule. You did receive the two area variances and although this is inconsistent with the Village's adopted zoning code, there is no adverse impact. There are no issues with Noise, Energy or Air Quality, in accordance with Chapter 77 of the Village Code. There is no impact on Human Health.

The Planning Board finds that the proposed project will not result in a significant adverse impact, and the Board, by vote can adopt this Negative Declaration.

A MOTION was made to ADOPT THE NEGATIVE DECLARATION FOR KAMP PROPERTIES SITE PLAN, 215 GOODWILL ROAD 207-1-34 at 9:11 pm by Chrm. Conero, seconded by Mbr. Crowley and carried 5 Ayes 0 Nays.

A MOTION was made to APPROVE THE RESOLUTION GRANTING PRELIMINARY SUBDIVISION APPROVAL at 9:11 pm by Mbr. Romano, seconded by Mbr. Steed and carried 5 Ayes 0 Nays.

RE: DUNN ROAD – ZAFIR 213-3-4.22

Tom Olley is representing the applicant. They addressed the comments provided by Lanc & Tully. They developed more of the site plan and the design of the septic system. There isn't a significant change to the plan. They did revise the parking. The proposed building will have a maximum of up to 6 employees. It's really storage of raw materials of their production and storage for shipment of the completed product. They manufacture a food grade liquid storage palletized storage; consists of a heavy poly bag that is contained within a cardboard and nylon strap box. The layout of the property didn't allow for the current building to be extended so they had to separate it. To conform with the Village's commercial design standards, no doors facing the street (loading dock doors). There are two small 'L's' on each end of the building, one for shipping, one for receiving. The loading dock from here (indicates on site plan), loading dock on that side, the amount of truck traffic is minimal. It's two a day, including FedEx. They've included max numbers on that. So, there's a max of 6 employees at each building.

Chrm. Conero asked about Lanc & Tully's letter. There are 24 items on there. Mr. Olley said there are a few that he wanted to touch base on. #1, they can add parking. #2-he asks that they not have to produce a well log. It's only 12 employees, maybe 144 gallons per day. They don't use water in the manufacturing. Atty. Tunic asked if the 144 was in addition to what is there now? Mr. Olley said, it's total. Chrm. Conero said, if the applicant sold this, maybe there'd be a different use with different water requirements that they won't know if there's enough water. Mr. Sicina said, yes, but the use would change and they would have to come back to the Planning Board, unless they have a substantial increase in employees. Chrm. Conero said, just like the location of the loading dock. If this changed. #3-wetlands should only be a note. They had them redelineated on the site and they are under 1/10 of an acre so it's authorized under Nationwide 2039 and it would just require a pre-construction notification. #4-Scott had a comment regarding the parking; in order to comply with the design standards, there really isn't a good place to put that parking. They put it as close to the door as possible. They could stripe a route. Mr. Sicina said, you will eventually have trucks backing up in front of both of these loading docks. They typically try to separate pedestrian and trucks traffic and truck moving areas. Mr. Olley said, it's not open to the public, its employees coming here. That tiny interaction of delivery trucks and pedestrians is extremely limited. Mr. Sicina asked

if the architecture was set for the warehouse, yet? Mr. Olley said, they submitted elevations for the Board to look at.

Mbr. Crowley questioned the loading docks. Even though they're not facing the road, you'll still see the trucks go in and the revision was for the loading docks to be behind the building. Right now, they're in front of the building and in the middle of traffic.

Mbr. Romano said, you put the loading docks in the back, you put a nice door in the center of the building in the front so you can have your parking and a normal door that a handicapped person could go in.

Mr. Sicina said, to be able to access the rear of the property.

Mr. Olley said they had a problem with maneuvering room for trying to get a truck back there.

Mbr. Crowley said that defeats the purpose of having loading docks in the back. Mbr. Romano asked if they building could be moved forward. Mr. Sicina said, they are very strained on the site and the loading docks can't face the road. What Tom has done, was added an extension, wings on, so you won't be able to see the doors looking straight at the building but you will see a truck parked there. Mr. Olley said, if they had the room, you'd still see the trucks on the side. Your code doesn't say that the loading docks have to be behind the building. Chrm. Conero said, you aren't supposed to see the loading dock doors from the road. Mr. Olley said you will still see the trucks. Chrm. Conero said, because of the wings, they comply. Mbr. Crowley does not like this loophole. Mbr. Romano expressed her concern with the trucks in the parking area and people walking. Chrm. Conero asked Mr. Sicina about the parking and loading being in the same location. Mr. Sicina said the parking and loading are separate. His comment was regarding access for a handicapped person in that area. Chrm. Conero asked why the building couldn't be made smaller to better comply with the code?? It would make it easier to put the loading docks and trucks where they're not visible from the road. Mr. Olley said every property owner's desire is to maximize the potential of that property that they are paying taxes on. They can only get one chance to build; they can't come back and add sq footage easily. Especially when they are looking at the design criteria and that pretty much, no matter what they do...Mbr. Crowley said they mentioned, back when the property was subdivided, that this was going to be an odd layout for property design. It was an odd shaped subdivision to begin with. Chrm. Conero said with the warehouse guidelines that were just enacted, he thinks it's difficult for them to visualize that they won't see the loading docks from the road. By looking at the site plan, you can't tell if you can see it. With this new territory for the Planning Board, looking at what it is actually going to look like; whether it be elevation drawings from the road, 3D modeling from the road. We see that there's loading docks but we don't really know what they will look like. The way it looks now, is exactly what they weren't supposed to see. That's what they need to look at. Mbr. Crowley said, if you're coming down 211, you're going to be able to see that. You can see it. Mr. Olley said the other building will block it. Mbr. Crowley said, not both loading docks. Mr. Olley said, the line of site is blocked. Mbr. Meyer said, you can

see it. Mbr. Romano asked what the landscape would be. Mbr. Crowley said, you're not supposed to see the loading docks when entering the Village of Montgomery. Chrm. Conero asked Atty. Tunic to check the specific criteria. Atty. Tunic said she would. Chrm. Conero asked Mr. Olley to continue with the comments. #5, the existing site isn't curbed and they would like a waiver; its flat and are not building up close to any property lines. It would be easier for snow removal. One question from Scott was the vehicle size. Mr. Olley said it would be a single-unit truck. They don't receive or ship full tractor trailer loads. #7 would be the aesthetics of the building; will be the same color as the existing building. Chrm. Conero reminded Mr. Olley that all requirements are in the Code and that they need to see more detail on the building itself. He asks if Scott or the Board has any questions. Mr. Sicina asked if the two loading docks can they both be on the same side? Then they can provide a sidewalk in front of the overhead door? Mr. Olley said the ramp is for a forklift to get materials from one building to the other. The purpose of two docks is one is for shipping, the other for receiving. The owner would like it this way. It does comply. Mbr. Romano said they want this to fit for any owner of the building. Chrm. Conero summarized; Atty. Tunic will review the warehouse criteria. Tom needs direction. There are three members of the comprehensive plan here; this is new for the Atty. Mbr. Crowley confirmed the old warehouse will make the product and then it will be put in the new building. Mr. Olley said yes, that there will be an overhead door at the new building and there is already an existing overhead door at ground level on the existing building. Chrm. Conero asked if they would be looking for a height variance on the building. Mr. Olley replied, no, they are looking for approximately 32 feet. Once they settle on the building, they'll know more. Atty. Tunic said they will need to have an attorney/client session before they give Mr. Olley direction. What are the hours of operation? Mr. Olley wouldn't commit to specific hours yet.

RE: KSH ROUTE 211 DEVELOPMENT 211-1-29.22

Mr. Winglovitz is representing the applicant. The architectural and landscape plans are being worked on.

Chrm. Conero asked, in the phasing plan, Phase I will see 5 acres of disturbance? Mr. Winglovitz said they are asking for a waiver; they're slightly larger than 5 acres for that phase. Most of the comments from Scott are technical and he agrees with him. #14 talks about 2 pipes; it's a wetland crossing to promote flow and habitat.

Mr. Sicina asked if they looked into #8; a lean to and an existing fence by a residential property? Mr. Winglovitz said he doesn't think his client will ask the residents to move them. It doesn't affect them in any way; it's part of the conservation area.

Mbr. Romano asked what was going on with the 2nd entrance? Mr. Winglovitz said that is part of Phase II. They were waiting for DOT comments. He said they actually came in today and he will forward them to Scott and the Board. They didn't actually address the issue but this is an emergency access related to traffic capacity, trying to align with Chandler. Left turn lane is a concern, they're asking for a left turn lane in the _____. The

other issue is 416 & 211, they want them to look at the capacity of that; is there anything they can do to improve that? Requesting a sign that all trucks are right only at the entrance so they don't go through the Village, which forces all left turns down to 416. He will forward copies to the Board.

Chrm. Conero asked about #7, you did show an easement on there? Mr. Winglovitz said, yes, the conservation easement is shown here (indicates on site plan).

Chrm. Conero said, the Lanc & Tully comments recommend going to the ZBA regarding the height variances for the buildings in Phase I. Mr. Winglovitz said yes, this is a coordinated review so they can't act but they can go and present it and discuss it with them. He will speak with his client about making an application with the ZBA.

Chrm. Conero asked what the proposed height of the buildings would be? Mr. Winglovitz replied, 45 ft height for these two buildings (indicates on site plan) and 35 for the two furthest from the residents.

A MOTION was made to REFER KSH ROUTE 211 DEVELOPMENT 211-1-29.22 TO THE ZBA at 9:51 pm by Chrm. Conero, seconded by Mbr. Meyer and carried 5 Ayes 0 Nays.

A MOTION was made to REFER KSH ROUTE 211 DEVELOPMENT 211-1-29.22 TO ORANGE COUNTY PLANNING FOR 239 REVIEW at 9:51 pm by Chrm. *Conero, seconded by Mbr. Romano and carried 5 Ayes 0 Nays.

RE: DUNN ROAD – BUTLER CONSTRUCTION 28-1-13.22

Chrm. Conero said, there is now an application with a full EAF and comments from Lanc & Tully.

Mr. Winglovitz is representing the applicant. They were before them in November when the annexation was still in the works. This is in the I1 zone. The applicant's proposal is for a 30,000 sq ft contractor's building and equipment yard with main access off of Dunn Road. There will be employee parking and an overflow employee parking lot as part of the application. Scott's first comment is regarding the use. The use was subject of conversation; the opinion was that it is a non-nuisance industry. They will submit a letter to the Building Inspector for his interpretation of the use. A contractor's yard is a non-permitted use. Chrm. Conero asked for clarification from Mr. Sicina; whether or not the use is a non-nuisance or aligns more with another use in the table.

A MOTION is made to REFER BUTLER CONSTRUCTION 28-1-13.22 TO THE BUILDING INSPECTOR FOR AN INTERPRETION AS TO WHETHER THIS PROJECT IS A NON-NUISANCE INDUSTRY OR A BUILDING MATERIAL STORAGE YARD at 9:54 pm by Chrm. Conero, seconded by Mbr. Steed and carried 5 Ayes 0 Nays.

Mbr. Meyer asked if this project is to the east or to the west of the previously proposed project? Mr. Winglovitz replied, to the west. Mbr. Meyer said, so it's further from 211. Mr. Winglovitz replied, yes. Chrm. Conero said, there will not be any loading docks so it shouldn't be a problem. You could probably see it from Romer's. It's not a warehouse and it's not facing the road.

Mr. Winglovitz said, #2 is FAA. Once they have a grading plan done, they can give them elevations. Residential property, there is a house immediately west. Primarily, it will be shielded by the building. It faces down Dunn Road. They will add that to map. There is an encroachment concern with an existing fence. Mr. Sicina will ask what they intend to do with it. Mr. Sicina said, it is something that needs to be addressed if they sell the other lot in the future. Mr. Winglovitz said, it's the fence around the inground pool; it's actually over the line. #5, hiding the fence should be labeled. Wetland delineation; there might be a little wetland along this stream. They will address Scott's comments on the EAF. Until they get Bruce's interpretation, they will resubmit for the next meeting.

Atty. Tunic said the SBL still comes up as being in the Town. Mr. Winglovitz said it probably wouldn't be changed until March. Atty. Tunic said they would need to have a Village SBL before any type of approval can be issued.

RE: 77 CLINTON STREET 202-3-7.2

Mr. Winglovitz is representing the applicant. They were here two months ago for an initial discussion on the application. It is proposed to be a mixed-use building with commercial on the 1st floor, about 2,100 sq ft and 3 apartments on the 2nd floor. Part of what he's done here is, with 88 Charles Street there was a problem with the patio being constructed in the easement, the easement needed to be relocated. So, there are 4 owners affected by this. They've all agreed to the relocation and have sent in documents regarding the application for 88 Charles Street. Part of that is this easement gets reworked; it didn't make a lot of sense the way it was (indicates on site plan). What they are looking to do is reconfigure that easement (indicates on site plan) to match the parking lot. Phil will get his 4 spots. He has a two-unit building here (indicates on site plan) that uses this easement area. The 6 residential spots (and 1 for commercial) required for Marc's building (indicates on site plan) are here. Access to the parking lot will be two ways; one is through the relocated easement 88 Charles and an access easement through 71-73 Clinton Street. Unfortunately, they don't line up exactly in order to get the maximum number of parking spots. It does allow access through. The loading dock is across the property line, that would be within the relocated easement. Mbr. Crowley asked if the arrows on the site plan would be the flow of traffic; traffic coming into 88 Charles Street? Mr. Winglovitz said the traffic flow will be the same way it was; one way in and out. It will be striped; 7 spots in two rows and 6 spots in this last row (indicates on site plan). This is a 20 ft easement and travel way for access through to Marc's. What they don't have is, the easement, because of the location of the patio, it gets narrow in here (indicates on site plan). Mbr. Crowley asked if was a problem because of the patio? Mr. Winglovitz said, Scott had asked that they make it a one way. He can but it depends

who builds what when. This is 24 ft wide behind here (indicates on site plan) so there's plenty of room to turn around. All the property owners have signed onto this configuration of the easement. Mr. Sicina said, if that configuration turns into a one-way, through your property, they wouldn't have to an exit? Mbr. Crowley added, behind where Phil is (he's next to Marc's property). Mr. Sicina asked, those 4 lots you're proposing to give to Phil, that property is don't have an easement to go through your property? Just so the Planning Board is aware, this parking lot is a big challenge. Mr. Winglovitz said the width doesn't exist. He will try to improve the layout. Mbr. Romano asked what happened with 88 Charles; the ingress and egress are where the patio is. Mr. Winglovitz said that is where the easement is today. The property owners weren't aware of the easement. Mbr. Romano said the new parking lines up better. Mr. Winglovitz replied, yes, it does improve the traffic flow. They want to add a little island to improve the flow. Marc is going to need the parking right now.

Chrm. Conero said, will there be 3 floors for apartments? Mr. Winglovitz said, no, 3 apartments on the 2nd floor. Atty. Tunic said the architectural rendering shows 3 floors so it is confusing. Mr. Winglovitz wasn't aware of the rendering. Chrm. Conero said, it is labeled 3rd floor apartment. Mr. Winglovitz said, no, only 3 apartments on the 2nd floor. What they are proposing makes sense with the parking. He will clarify it.

Mr. Sicina said, he wanted to point out that with the loading zones, they overlap the neighboring property. Two properties will have 2 ½ ft of overlapping loading zones. They way they are laid out, it only gives 12 ft of lane, if the loading zone is occupied. This location is closest to the building. Mbr. Crowley asked if it could be adjusted. Mr. Winglovitz replied, yes, but they are trying to maximize parking.

RE: NEW BUSINESS

RE: 105 WARD STREET/109 WARD STREET 202-9-2

Mr. Winglovitz is representing the applicant. Montgomery Mart parking lot is part of an application you had over 10 years ago. When they surveyed this and Maria asked for a survey, there was an overlap in the two surveys. Marc's deed said he owns it and Maria's deed said she owns it (indicates on site plan). There's this odd shaped piece that comes up into Maria's property. They want to address the overlap and balance out the two properties. The alley easement will remain. Inaudible...everyone speaking at once. That is why the lot line change is being proposed. Mr. Winglovitz said an area variance will be required for the total lot coverage; they think they may be at 79% but will verify. If they need it, they will apply to ZBA. The survey note is on the bottom left corner-April 5, 2016. They will make revisions to the EAF and will also need County Referral.

Chrm. Conero said they will refer this to Orange County Planning.

Mr. Sicina said, this is an equal land swap.

A MOTION was made to REFER 105 WARD/109 WARD STREET 202-9-2 TO ORANGE COUNTY PLANNING FOR 239 REVIEW at 10:21 pm by Mbr. Romano, seconded by Mbr. Crowley and carried 5 Ayes 0 Nays.

RE: 88 CHARLES STREET 202-3-10.2

Mr. Winglovitz is representing the applicant. There are two parts to this application; one is the lot line change between 71-73 Clinton Street (indicates on site plan) to line up the properties and the other part is site plan application for the outdoor seating area and easement relocation. He's outlined where the easement was and where it is proposed. The other thing is for a small cooler. There isn't enough room inside for cold storage and the location is right outside the kitchen door, attached to the building; the size of the cooler would be 8 ft x 14 ft. It may create a need for a variance because they only have 2.8 ft rear yard and then they've gotten an easement so they maintain egress to the two spots they need for over top of the Mexican restaurant, with the two apartments above, on the same property as 88 Charles Street. This easement will allow for access into the parking lot to get to those two spaces. Everybody drives in this way, which is actually owned by Copperfield's, to the right of 88 Charles Street. That goes to the walkway that goes around. Those parking spots actually belong to Copperfield's. There is no easement that they could find, or record which would make sense. They talked about a rear yard variance. They did get a building permit for the patio. The parking lot striping; they will submit the existing survey because it is the same. A shed to be removed is for legal access to the parking spots. Access to the waste oil dumpster; the same way from this easement in favor of 88 Charles Street across the abutting lot. #9 is the layout of the parking lot, they discussed already. The ZBA they need to add to the short EAF. They have some EAF thresholds that have held them up. Mr. Sicina asked, the easement by the cooler, it looks to be about 9 ft off the cooler? Mr. Winglovitz said, it had been 10 ft. He said he can't take away any more property from the surrounding property owners. They will figure out if it should be a waiver or variance.

RE: MINUTES

A MOTION was made to APPROVE THE MINUTES OF DECEMBER 22, 2021 at 10:31 pm by Chrm. Conero, seconded by Mbr. Crowley and carried 5 Ayes 0 Nays.

RE: ADJOURNMENT:

A MOTION was made to ADJOURN THE MEETING AT 10:31pm by Mbr. Steed, seconded by Mbr. Romano and carried 5 Ayes 0 Nays.

Tina Murphy, Deputy Village Clerk