

Minutes of the Public Hearing continuation, of the Board of Trustees, of the Village of Montgomery is held in the Court Room at 133 Clinton Street, Montgomery, NY 12549 on Tuesday, February 5, 2019 at 7:00 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury (absent), Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Fernandez, Maria Beltrametti, Ross Winglovitz, Don Berger, Nicole Burns, Lily Carbonara, Dick Miller, James Tibolo, Mary Ann Lindner, Theresa Lennon, Harry Mills, Jennifer Mills, Lisa Scheu, Darrin Schechter, Bernie Hillman, Johanna Sweikata, Pat Sathoush, Vincent Reda, Traci Gleason, Mark Gridley, Judy Lozier, William Fioravanti, Angela Demaris, Carol Huba, Jennett Bissinger, Stacy Hillman, Dykota Hillman, Noah Cabrera, Laban Cabrera, Amanda Dana, Phil Fioravanti.

Mayor Brescia asked the Village Clerk if all the papers have been filed to hold this Public Hearing.

Village Clerk Rivera-Fernandez replied yes, all the papers have been filed.

Mayor Brescia called for a motion to open the Public Hearing continuation, for the Introductory Local Law I-2 of 2018.

**RE: RECONVENE THE PUBLIC HEARING FOR INTRODUCTORY LOCAL LAW I-2 OF 2018**

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board reconvened the Public Hearing for Introductory Local law I-2 of 2018. Motion Carried, 4-Ayes, 0-Nays.

Mayor Brescia stated only new comments will be heard. If anyone present has already commented on the project for City Winery, at the initial hearing, they will not be heard again. No written submissions have been received.

Atty. Dowd provided an overview of the Introductory Local Law I-2 of 2018, City Winery submitted a petition to the Village Board to adopt a local law that proposes to amend the Village Zoning Code to allow a PDD in the RM-1 zoning district of the Village and to amend the Village Zoning Map to designate the parcel at 23 Factory Street as a PDD.

Atty. Catalano also provided a brief synopsis of the overall plan for City Winery project development. The proposal is to keep the existing building at 23 Factory Street. Todd has done an amazing job, on doing the architecture for refurbishing the buildings, repairing them and doing the improvements necessary to repurpose them for a variety of compatible uses. One is the Winery which will be in the main building, including a banquet room and a catering facility. Along with the Winery, it is hope to have private events, such as weddings as well as other types of private parties. A Bridal Suite is proposed by converting an existing barn, not changing the exterior but repurposing the interior of the building, of two to three rooms for overnight guest associated with an event. A small boutique hotel of up to fourteen rooms for overnight guests. The banquet facility will have a restaurant, tasting rooms, an outdoor café that will hopefully if the local population demands, it will be open with the Winery is open during their events on weekends Friday's, Saturday's and Sunday's. If there is room and local market, it may be possible to keep it open on some weekdays, with the Board of Trustee's approval. A distillery is proposed, nothing is presently planned for the making of craft alcohol beverages or spirits. This will be a unique operation in the sense that the Winery is going to be the main purpose, the other purposes are going to blend into the Winery, the Vineyards and so forth to create an experience that is different from the current City Winery experience but has some connection to it. It is all about the wine. In addition, we are proposing an outdoor area for entertainment on weekend's afternoon's only. It seems it has been miscommunicated or internally misinterpreted, in the sense that this is not a concert venue that would

be an accessory to the principal uses. It is very limited type of use. It is only going to be around during weekend afternoons, with a limited amount of people. It will be monitored, as far as the decimal levels and so forth. It will not go passed the property lines. Again, it is not a main feature of this proposal. According to the Village Code, we are proposing for this to be approved as one development, according to the Planned Development District regulations. What that means, we are proposing is what the Board is going to utilize to rezone this property to allow the uses. The current use of the building is industrial commercial, it is a non-conforming to the current code regulations. This is a residential one district, so what we are asking that the Board review this and approve it, just as we have shown. So it will not be able to be changed or modified or expanded without further Board of Trustee's approval. He feels that is important to be emphasized. To the Board of Trustee's, once you rezone this property as a PDD, all of the applications documents, and the proposals that we are providing with respect to the maximum amount of rooms, maximum occupancy, and the parking will be set in the zoning requirements. This provides a method which has worked well in the Village, with regard to the control and the planning on the overall development. This has been going on since April of 2018, with a site visit by the Board of Trustee's. We have had continuous discussions and this project has changed from the original proposal, to incorporate a lot of what the Board of Trustees felt was appropriate and necessary. It includes having the Café and the tasting rooms available to the public and not just for the private parties. We have done that. Also, to make sure the outdoor use of entertainment is very limited, as not to disturb the surrounding properties. As well as being committed to making sure there is staff and trained attendants on site to control guests to inform them that this is a community facility, to respect the neighbors, ensure the guest do not become unruly or obnoxious, or wonder around off onto the neighboring properties. Due to the location and the size of the property, it seems to be a good fit for being able to use the existing structures to preserve them. They are very important to the Village having been a working mill for over a century. Keeping the architecture integrity and use it for something that could be considered orient. In this regard, we have submitted an awful lot of paperwork to the Village consisting of studies, traffic, noise impact studies, a habitat mitigation plan due to the sightings of the Bald Eagles in the area. We went to the DEC and obtained their approvals. All of this cost an enormous amount of money but it is important for Michael to make sure that this will work, not only for a business sense, his business model, and as he envisions this for the community as it fits into the community. After this point and the prior Public Hearing, we have tried to do our best to make this something that is going to be an asset for the Village of Montgomery as well as the community at large. Hopefully it will be something that as it goes forward, it becomes successful and good neighbor.

Mayor Brescia stated the hours of operation are in the, whereas of the Local Law.

Atty. Catalano stated the hours of operation are in the proposed zoning requirements.

Dowd stated the hours of operation are listed in the Schedule A.

Mayor Brescia stated the Music venue hours are 1 to 4 pm on the weekends and three or four holidays. Security will be addressed at the Planning Board level.

Atty. Catalano stated that is correct, the music venue will be able to be held on Friday, Saturdays, and Sundays and if there is a national holiday.

Atty. Dowd stated the security is noted in the resolution.

Mayor Brescia mentioned improvements will be made to the Railroad crossing.

Atty. Catalano stated the owner of the Railroad and they have allowed us to improve the signage and cut back some of the brush, and with the DPW approval, we will redo the stripping on both sides. It will be a safer crossing with these improvements.

Mayor Brescia mentioned no parking will be authorized on the upper or lower portions of Factory Street, nor on the length of Factory Street.

Atty. Catalano stated all the parking will be located on site, with no parking is authorized for the patrons or guests of City Winery on any portions of Factory Street. The entry was redesigned with a circular entry, leading into parking lot, according the Village code requires the appropriate amount of parking be made available, given the size of the building. There are plenty of parking spaces available, in the principal parking lot, and if needed, an overflow parking lot that will not to be paved, will be available also. Therefore, there will be more than enough parking on site.

Mayor Brescia stated no written comments were received, however, a letter was received from Bob Williams, requesting that the stage be moved a little more easterly direction. Is this request feasible?

Atty. Catalano stated the problem with the stage is the location of the wetlands that cannot be disturbed. The stage is facing an Easterly direction.

Mayor Brescia said, good and thanked Atty. Catalano for the summation.

Atty. Catalano also mentioned the oak trees along the shoreline will not be disturbed, the natural area is to be preserved under the Eagle habitat migration plan.

Mayor Brescia mentioned haven seen the letter from the DEC and the most recent letter from the Orange County Planning Department as well.

Atty. Catalano mentioned obtaining the signatures from the NYS preservation office, for the proposed plans for refurbishing the buildings or unknown fact on the historic nature of the buildings.

Mayor Brescia stated anyone who did not speak at the last meeting on this issue.

Maria Beltrametti stated for those who do not know her, she is a Village business owner. She mentioned attending the first Board Meeting, on March 20<sup>th</sup>, when this was proposed; anybody who wants to restore a building and put it to good use for generations to come, gets her vote. Her concern is the first step in any action going before the Planning Board was not followed in this case, to inform the neighbors by certified mail and confirmation of delivery from a certain percentage of surrounding properties. To miss this step, is an avigation of those responsibilities. The other thing, is that things have changed a little bit, from the initial proposal, especially with the parking. At this point, the estimated number of people attending a wedding is about 300, therefore, approximately 2.2 people per car, which comes to 120 to 150 cars maximum, yet you are building parking for 300.

Mayor Brescia stated to please address the Board.

Ms. Beltrametti said her concern is that they are not following the proper procedures. It is an important decision.

Atty. Dowd stated this is a public hearing on the local law, the public hearing on the site plan is before the Planning Board at the end of the month that is when it is required to notify the neighbors. That has to be done regarding the site plan not the local law. This is done during our normal course of procedures.

Ms. Beltrametti asks if that includes once the PDD has been locked in.

Atty. Dowd stated the zoning is locked in but the issues that come up as far as the site plan are not necessarily locked in.

Mayor Brescia moved to the next speaker.

Amanda Dana, with the Orange County Department of Tourism and resident of Montgomery for twenty years. She would like to say a few things about City Winery. In tourism, when we are looking at great projects that transform our community and really bring in a community level. Projects like City Winery are not very often going to becoming before you. We are the envy of many County in our region, as you can imagine, of course, we have cycle ban but we also need divers' types of tourism plans, like City Winery. City Winery is a project that we feel strongly about from a County level that strictly approves and should be here. They are a great community of concert companies, they do a lot of things to help the fabric of the company. She truly feels that this will be a great contributor economically and socially to our community. Furthermore, she has spent a lot of time here and ran a nursery school for nine years. She knows the community very well. This is just what we need for the community and strongly encourages the Board to close the Public Hearing now and let's move forward with this great project. Thank you!

Phil Fioranti stated wanting echo Amanda's comments, he is the Director of Economic Development in Orange County. He currently is not a Village resident but was for seven years prior to where he lives now. He respects it, this the first place he came to Orange County. He understands the special nature that we have here and the delicate balance we have between a small Town and a small Village that is growing as well. To him and Mr. Dorf, City Winery is the ideal kind of company we want to bring here. Number one, they are a world class organization, a working-class kind of a business; their name has cache and has been very successful all over the country. At the same time, on the other side of that Mr. Dorf and his team, they care about the community here. They value this property, the site, they value the Village and the character of the Village and they will add to that. They would like to be a part of the Maybrook community, a meeting was held, it is very, very positive and it showed the neighbors who he is and who City Winery is and the type of attitude they approach they are going to bring to this. To him, it kind of, defines the process and who they are. Again, it is an incredibly positive project, not just for the Village but for the County. In his position, and some of the individuals of the Village and the County, he urges the Board to move forward with this project.

Mayor Brescia said thank you. Are there any other speakers on the City Winery Public Hearing?

Laurie Lentini has lived here for almost thirty years and feels this is a fantastic project for both the community, and the events. She works for a company that is the fourth largest employer in the area. Often times, looking for things to do in the Village of Montgomery because it is such a fantastic community with so much to offer. She feels City Winery is good for Montgomery.

Brandon Raab, village resident who feels this is a positive aspect for the Village.

Mayor Brescia said thank you! Are there any other comments.

Dick Miller stated being here about positive things, two things he would like to see. One is that he would like to see the restaurant, although we have a lot of great restaurants in the Village of Montgomery. It would be nice to have another place to go to have dinner. He has seen some other these place in operation and the have some good food. Secondly, to see, if we are going to do this they can sweeten the pot a little and give Montgomery residents a twenty percent discount on a bottle of wine.

Those in attendance, laughed out loud and clapped.

Mayor Brescia stated Dick worked for the theater district for many years, Phantom of the Opera, right.

An individual who did not state his named, asked if the Planning Board has not approved the site plan, as of yet? This is a variance on the zoning. The Planning Board still has to do their work.

Atty. Dowd replied this is a change on the zoning. They have been kept up to date on the process and yes the Planning Board will have a Public Hearing at the end of the month. All neighbors within a certain distance will be given notices by mail.

Atty. Catalano stated the Planning Board jurisdiction will be to make sure that this plan works and it is feasible. The Planning Board does not have the authority to expand any of the uses set by the Board of Trustees. Basically the zoning is what the Planning Board will work off of, reviewing the final plan.

Mayor Brescia stated Ross was present at the last meeting and heard the comments, concerning the noise and the disturbance of some, of the immediate neighbors. So they will take that into account.

Atty. Catalano replied, we will take that in to account in the terms of how the operation is being managed, day to day. We are also, regarding the comment after the meeting from the home owners across the Wallkill River, on River Street; were concerned with the cars going around the loop and the headlights shinning across the River and apparently hitting or coming close to the individuals' residence. Therefore, we are proposing to the Planning Board, a fence to be place where the handicap parking is located and keeping the headlights from shinning across the River. The Planning Board is going to looking at the lighting when the facility is in operation, and during events. Lighting is limited, it will only the parking areas and the buildings, of which will be down cast and shut off on weekday nights; when not in use.

Mayor Brescia asked if there were any other comments.

Bernie Hillman said, he thinks it's great! He feels it will bring a lot of people into our community that would normally do not come here. They are real good people. As a business owner downtown, it's really great.

Mayor Brescia thanked Bernie.

Mayor Brescia entertained a motion to close the Public Hearing for Introductory Local Law I-2 of 2018.

**RE: CLOSE PUBLIC HEARING FOR INTRODUCTORY LOCAL LAW I-2 OF 2018**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board closed the Public Hearing for Introductory Local Law I-2 of 2018 at 7:25 pm. Motion carried 4-Ayes, 0-Nays.

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Monserate Rivera-Fernandez, Village Clerk

