

MINUTES of the Village of Montgomery Planning Board meeting and Public Hearing held in the Conference Room of the Village Hall, Clinton Street, on Wednesday, January 22, 2014 at 7:30 pm.

ATTENDANCE: Chrm. Conero, Mbr. Romano, Mbr. McLean, Mbr. Fitzpatrick (recused), Mbr. Weeden, Atty. Kevin Dowd, Eng. Dawn Kalisky from Lanc & Tully, Eng. Ross Winglovitz, Maria Beltrametti, Brendan Monohan

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

Chrm. Conero began--we have two things on the agenda tonight; two are old business, one is new. We have a public hearing scheduled for 9 Bridge Street. Before we open the meeting, do we have-everything was satisfied?

Ms. Kalisky said that they didn't receive anything.

Mr. Winglovitz said that there were no revised plans or changes.

**RE: PUBLIC HEARING 9 BRIDGE ST SPECIAL EXCEPTION USE
(202-2-1)**

MOTION to open the public hearing at 7:33 pm, made by Chrm. Conero and seconded by Mbr. Weeden and carried 4 Ayes 0 Nays.

Chrm. Conero noted the Original Notice of Hearing, Affidavit of Publication and Affidavit of Posting were present and ordered they be filed.

Chrm. Conero asked Mr. Winglovitz to give a brief explanation:

Mr. Winglovitz: I am here on behalf of the owner of 9 Bridge Street, Marc Devitt. They are proposing a renovation of the existing building (which is currently underway), and conversion of the building to have a retail establishment downstairs with one apartment on the second floor. There will be five parking spaces; two for the apartment and three for the retail establishment. There will also be a handicap space and a light on the rear of the building. The building is existing, the color will be white and there will be landscaping that will be added to the plan. We are in the Historic District, so a long form (EAF) had to be completed.

Chrm. Conero: Was the long form completed? Did we send to SHIPO for their comments?

Atty Dowd: We have a comment letter from SHIPO and the County.

Chrm. Conero: The light that you're proposing to put on there, how big is that?

Mr. Winglovitz: It will be a shielded building non/fixture. It will be shielded so that the light will go down. It's not going to pick up the entire parking light. It's going to get the spaces in the aisle-the far

spaces will be resident parking. We don't want it too bright because of the other residences in the area.

Chrm. Conero: That's fine.

Ms. Kalisky: Kevin, we didn't offer comment on the lighting with the initial submission. Once again, this is predominantly a residential area, as Ross said, we realize what the building...will do, it will light the handicap parking and the rear entrances. We didn't suggest additional lighting, we don't feel the need, don't really think it's appropriate to have that lit up like a school parking lot-because of the proximity of other residences. We did not over comment, I think what they are proposing is proven for this site itself. The County did recommend landscaping, as well, in accordance with our comment, #4-a requirement that the code be shown on the plan. Office of Parks did sign off, they...lead agency. This is a private project, there is no State or Federal permitting or funding, they are actually complying with the regulation now, and will not need to review any further, which was a pleasure to hear from them. They have been to the AHRB-has a copy of the approval been provided to the Planning Board?

Mr. Winglovitz: Marc submitted it, two different times.

Chrm Conero: We have minutes. The County did recommend a buffer along the western line...did you print that out? That's what you're going to do for a landscaping design?

Mr. Winglovitz: Is explaining as he is pointing to the site plan.

Chrm. Conero: That's what they're talking about, about a vegetated buffer along the western lot line.

Mbr. Romano: The western line is a vacant lot, isn't it?

Ms. Kalisky: The western line is the road.

Mr. Winglovitz: It's Bridge Street.

Chrm. Conero: I couldn't understand why they said the western side-they must want landscaping along the sidewalk and the building.

Mr. Winglovitz: There is going to be decorative landscaping. I did talk to Marc a little bit about it-I noticed, when coming across the bridge, one of the features of the building is the nice stone foundation that, now, has been cleared off so it really contrasts with the white building. I think it looks nice. We talked about the fact that we didn't want to hide it and we are going to put some conifer junipers on the ends and something very low-growing so that you see it.

Mbr. Romano: So maybe they're talking about by the parking?

Mr. Winglovitz: I think they're talking about here. (Pointing again, to the site map.)

Chrm. Conero: (Agreeing with Mr. Winglovitz) That's what I would think on this side, between the adjacent property owner...shielding involved?

Atty Dowd: But that's a property that's in the same district so it's going to be commercial or residential.

Mr. Winglovitz: It's vacant. At the end of the parking lot is a very large tree-32 inch.

Ms. Kalisky: That is remaining-that is one thing we did, that everybody appreciated about the site plan that the trees were remaining. Keep in mind the County Planning comments are recommendations, this is a local determination. They are suggestions-we appreciated the County's suggestions.

Chrm. Conero: I was just going over them a little bit. Usually they don't recommend too much. This is quite a bit.

Mbr. Romano: And this is a lot!

Chrm. Conero: And the signage...

Atty. Dowd: No signage submitted to you for where it is going to be placed?
Mr. Winglovitz: No, not at this point until they know who's going to come in.

Atty. Dowd: Is it going to be fixed?

Mr. Winglovitz: I'm sure...one on each side...

Atty. Dowd: There's not going to be a free-standing sign anywhere?

Mr. Winglovitz: No, there's no room for it.

All talking at the same time!

Atty. Dowd: You'll have to go to the Building Inspector and the AHRB for approval.

Chrm. Conero: They need to go in front of the AHRB for the sign approval. Okay. Does anyone else have any questions?

Mbr. Romano: I just have to say, I had a concern with the white. I saw it, it does look beautiful. I did see an old picture and it was white-not that I thought you were lying at all...but it was white.

Mr. Winglovitz: I had the same hesitation when Marc said that because that was the first time I heard it at the meeting. I think it really came out good.

Mbr. Romano: It was historical, I think it was 100 years ago, but it was white. I was concerned that it was going to be too white but it looks good.

Chrm. Conero: I guess we'll open it up to the public?

Atty Dowd: The only landscaping you're going to propose is these two trees?

Mr. Winglovitz: No, that was an overall concept...something that grows skinny but taller and some lower ground cover in front. And then it'll be on all three sides; Bridge Street frontage and behind the building, so we'll add that to the site plan.

Chrm. Conero: So the landscaping design will be submitted after we have the public hearing tonight? At that time, does the Planning Board need to look at that and review that?

Atty Dowd: Well, yes...I don't know how you can give a conditional final for landscaping that you haven't seen yet. Unless you want to leave it to your engineer?

Everyone talking at once...
If they describe what they are going to do and you are satisfied with that description, they just need to be more detailed and put it on the map. If they do that for final approval, whatever they say to you tonight is satisfactory to you, they put it on the plan, even if the engineer verifies that it gets on the plan, that's what you want to do? You've done this before?

Chrm. Conero: We've done that before; and I think that would be something that would be...

Atty. Dowd: There's not too many places that you could landscape other than the places that Ross is talking about.

Chrm. Conero: We're talking about landscaping on Bridge St. and Ward St. along the front, something that is low, that will show the foundation. What about landscaping in this part of the parking lot?

Mr. Winglovitz: That part of the parking lot has a very large tree, the east side and a triple tree in the rear-it's very shaded from the two tree canopies. There will probably be some up along the building and the rear of the parking lot.

Ms. Kalisky: Ross, that existing fence along the easternly property line, what kind of fence is that?

Mr. Winglovitz: Chain link fence.

Ms. Kalisky: It is chain link fence.

Chrm. Conero: Is that going to remain there?

Ms. Kalisky: It's not theirs.

Mr. Winglovitz: Yes.

Atty. Dowd: It's on the other property.

Chrm. Conero: So, we're okay with the landscaping?

Mbr. Romano: My thing is, is if it could be higher from the spot from the end of the house to the end of the parking. More landscaping...like here (pointing) it can be low and here (pointing) it can be higher to height for privacy...not too high. I'm not saying plant a tree.

Mr. Winglovitz: Pointing to site plan-showing where shrubs would be.

Chrm. Conero: I think we're okay with the landscaping the way it's proposed we'll let you submit that to Dawn

At this time, if anyone would like to say something to the board about this project, please stand up and tell us your name and address.

Maria Beltrametti: 109 Ward Street. I just have a question, because it was my understanding from the announcement of this meeting that there was a variance being sought.

Chrm. Conero: There is no variance on this property.

Atty. Dowd: There is a special exception use permit but not a variance.

Maria Beltrametti: Ok, I'm just quoting the announcement.

Atty. Dowd: Well, no, there's nothing in the notice that talks about a variance. In the zone, you're allowed to have a residence above commercial, that residence requires a special permit from this board.

Maria Beltrametti: I see. The reason I bring this up is because the last time this project was discussed there was some discussion about a need for a truck parking, do you remember? I thought that was the nature of the variance. It just seems to me, crazy to require truck parking when the tenants are never going to have a truck.

Chrm. Conero: We discussed that in our last meeting was, it's in our code-we are supposed to have a truck loading area-but because it's in the historic district, we were able to exempt it.

Chrm. Conero: Are there any more questions? I motion that we close the public hearing.

A MOTION to close the Public Hearing was made at 7:50 pm, by Chrm. Conero and seconded by Mbr. Romano and carried 4 Ayes 0 Nays.

Chrm. Conero: Again, I think we have all the information; we went over this plan in detail, many times. I think that the landscaping is sufficient and the lighting is sufficient and the layout is fine. I think at this time we can vote on this.

Atty. Dowd: First you have to do a SEQRA action.

Chrm. Conero: So, we've already declared our intent to become lead agency.

Atty. Dowd: You need a motion to declare yourself lead agency and issue a negative declaration.

A MOTION to declare lead agency was made by Chrm. Conero and seconded by Mbr. McLean and carried 4 Ayes 0 Nays.

A MOTION to declare negative declaration under SEQRA was made by Mbr. Romano and seconded by Mbr. McLean and carried 4 Ayes 0 Nays.

A MOTION to accept the Special Exception Use for residence above commercial was made by Chrm. Conero and seconded by Mbr. McLean and carried 4 Ayes 0 Nays.

A MOTION to accept conditional final site plan approval with condition, being paid fees to the Village and put landscaping plans on the site plan, was made by Chrm. Conero and seconded by Mbr. Romano and carried 4 Ayes 0 Nays.

REGULAR MEETING

RE: PLEAVE

Chrm. Conero said PLEAVE is looking for its 3rd extension. What is the status on the project? (To Ross)

Mr. Winglovitz said they sent out a drainage improvement plan and once those are done then they're going to post a bond and file with that.

Everyone is speaking at once.

Atty. Dowd we have to have all the documentation plus the updated title.

Chrm. Conero: So they're going to move forward with it?

Mr. Winglovitz: Yes.

A MOTION to grant a six month extension to the PLEAVE property was made by Chrm. Conero and seconded by Mbr. Weeden and carried 4 Ayes 0 Nays.

RE: VASAPOLI

Chrm. Conero mentioned the DOT letter.

Ms. Kalisky said that the Board granted a conditional final approval subject to DOT, amongst other things. The plan has been revised, as per Mr. Swaroski, because the DOT and B/I had concerns with the attachment of the breezeway to the repair shop, which has been removed. The convenience store has been moved back slightly to have separation. The site plan has not changed significantly. She advised Mr. Swaroski that he need not come before the Planning Board but it is their desire to be at the next meeting to show the Board what has happened so far. The conditions have been met.

RE: MEETING WITH TRUSTEES

Chrm. Conero asked Atty. Dowd if the Planning Board could meet with the Trustees, regarding the Chandler Lane PDD, to go over some of the proposed changes, as the Planning Board members have concerns. They haven't met as a board in a long time so maybe the next Village Board meeting, they can go to voice concerns that they might have, before they make any decisions, over something that is going to ultimately get sent to them (Planning Board), anyway. They should make they're voice known, they are an administrative branch of their government, the Village Board makes the laws, they have to adhere by the laws, they really need to, as an administrative part of the body, tell them what they are concerned about. There are two people on the Planning Board that are part of the Master Plan Committee that have a set of skills that would aid them in making their final decision.

Atty Dowd said that Marc has not come back to the Village Board with revisions to the plans he left back in September. He had an informational meeting a few weeks ago, but they haven't received any submissions from him. If you want to talk with the Board that is your prerogative and they should be aware of your concerns as a Planning Board.

Chrm. Conero suggested maybe they wait for a final submission to the Village Board so they know what they are talking about. Atty. Dowd said that you don't know when that's coming back or how it's coming back. If you have concerns about the last set of plans you should register them with the Board; you'll get a copy of the revisions and you can think of any further comments at that time. He thinks this is a considered effort for everybody to be on the same page. Chrm. Conero said it's deviated drastically from the first plans that they saw and he think it needs to be addressed-what the idea was behind a lot of the planning that went into it.

Chrm. Conero and Mbr. Romano mentioned the Master Plan Committee and how they looked at the Village as a whole, even though it was a different committee, it was still something that the Village Board voted on and adopted.

Maria Beltrametti spoke up-that was the real reason why she was there. She was appalled that the words "gas station" were even in the deck that is being shuffled for this project. She mentioned the issues regarding the gas station project, from 20 years ago, where the pharmacy is now. That that was a ludicrous idea that a gas station was going to go there. However, out there, (Chandler Lane PDD) it's not ludicrous at all but the only parties that will benefit from a gas station there will be the Devitt's and their multi-million dollar lease that they would negotiate, and the oil company that puts it in. The only thing the Village would have to show for it is more monster tea cans all along the roadway. She's all for development but if we're going to build something new, then let's build something new. If we have to listen to what the Devitt's have to offer...fine,

we'll listen, but the Village has to offer guidance. It's not a question of let's hope that the Devitt's propose something that makes sense for us. The Devitt's have to do it-if they don't, who's going to do it? Chrm. Conero said that we're the Planning Board. After it's been legislated, it's at us.

Maria Beltrametti said she's a business owner and a resident. She thinks Montgomery has tremendous potential-we are the crossroads of Orange, Ulster and Sullivan Counties. We have the potential to be the market place for all those three counties. What we need out there is a food venue-food co-ops. Chrm. Conero said he feels that the Village Board wants to do the best it can do for the Village. You (at Maria) should bring that up to them.

Mbr. Romano said that their concern is for the Village; for after they leave here, too. Not just for who's here now...it's when we're all gone 100yrs from now-is what we're trying to look at, too.

Chrm. Conero said that you need to bring these ideas up to the Board. That he brought it up in the public meeting, here, because he's been talking to his members one at a time about certain things that they call him about and he thought that it would be good as a Board to go.

Maria Beltrametti said she is going to be at every meeting.

RE: MINUTES

A MOTION was made by Chrm. Conero, and seconded by Mbr. Romano, to accept the Planning Board minutes, as written, from November 20, 2013, and carried 4 Ayes 0 Nays.

RE: ADJOURNMENT

A motion was made to adjourn the meeting at 7:59 pm by Mbr. Romano and seconded by Mbr. Weeden, and carried 4 Ayes 0 Nays.

Tina Murphy
Deputy Village Clerk