

**MINUTES** of the Village of Montgomery Planning Board meeting held in the Conference Room of the Village Hall, Clinton Street, on Wednesday, April 24, 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, Marc Devitt, Maria Beltrametti, Frank Tyrell, Carmine Simone, Karen Grygus, Doug Hantusch.

Minutes taken by Rosemarie Griffith

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

Chrm. Conero began--we have three orders of business tonight; one of them is discussion on Chandler Lane PDD, the second one is new business which is a new project on 71-73 Clinton Street in the National Hotel area and the third thing is a request for a one year extension for River Street subdivision. So, we'll start off with the discussion on Chandler Lane.

Mr. Winglovitz said it may be a long discussion and suggested to start with other business first. Mr. Devitt agreed.

A **MOTION** to grant River Street Subdivision a one year extension was made by Chrm. Conero and seconded by Mbr. Romano with 4 Ayes 0 Nays.

Mbr. Fitzpatrick recused himself due to conflict of interest.

Chrm. Conero asked if Mr. Devitt had an open application for Clinton Street. Mr. Devitt said no and that he wanted to have an informal discussion about what they wanted to do. He would like feedback from the Planning Board. He owns the property where the National Hotel is and owns the vacant lot adjacent to it (to the left)-points to it on the site map. They'd like to do an infill project to better use the balance of the property. The parking lot is sitting on a funny place on the lot in the back and there's actually a lot of property there that he can do a lot of things with-try to bring more commercial to the downtown village. What he is proposing is to add another building on the vacant lot and also shift the entrance away from the National, put another building in where there is parking spaces on this side (pointing to site map), and then create a larger parking area behind-there's a grass area here (pointing to site map), you can see how the existing parking goes through the center (pointing to site map), so they created more parking behind all the new buildings; also doing some buildings on Charles Street, as well. The property is zoned B2, business. They're not sure if it's office or retail, up front; they're thinking office and add apartments upstairs. These would have two buildings; they would have to return to ZBA because one is permitted above...

Chrm. Conero asked the size of the building?

Mr. Devitt said they are approximately 2000 sq ft, 1920 per floor or about 4000 living space. And this building is 1980 per floor (pointing to site map). The one, or possibly two in the back...they've added four building on what is currently two separate lots. Whether or not they do a subdivision on this lot; subdivide this piece off of it, cross easement, shared parking, access, ingress, egress, things like that. He shows a site map to explain...he sends around a copy of the type of look the houses will have on Charles Street...

Chrm. Conero asked if they would be 2000 sq ft per floor.

Mr. Devitt said they were about 1200 sq ft per floor. These would have commercial space on the bottom and one apartment upstairs. Whether they connected those or not depends on what the tenant would require; as far as commercial space, or they could leave them open.

Mbr. Romano asked he meant by putting them together?

Mr. Devitt said he would put them together to look like two residences with a single story connection in between but set back half-way.

Chrm. Conero asked, if on the Clinton Street side, what the purpose of the land and space between the two buildings was?

Mr. Devitt said he didn't want to do more than 2000 sq ft-the neighbor adjacent has a bilco door that encroaches on the property, he wants to be a good neighbor. He doesn't need a building more than 2000 sq ft-that's enough for the commercial. He owns the National and thought there would be an opportunity for (the National) to have an outdoor area for dining. This (pointing to site map) could be fenced off with no access from the street. Or used for this tenant (pointing to site map). It's about 15 ft.

Chrm. Conero asked how much space was between several houses (pointing to site map). Mr. Devitt believes it is 15 ft. Chrm. Conero asked if there was shielding...Mr. Devitt said there is an existing row of arborvitaes that were planted when the National was purchased, to shield the parking lot. Chrm. Conero asked about the parking calculations. Mr. Winglovitz said it increases parking from what's there, and that, depending on the uses, they do not meet code-they would take advantage of...here (pointing to site map) and to the Senior Center.

Chrm. Conero and Mbr. Romano said the Senior Center is not municipal parking.

Mr. Devitt said they are within 500 ft of municipal parking lot. They would strongly request, that the Trustees consider that (the Senior Center) be public parking to help alleviate the parking on the downtown business streets. They're a block away; park at the park and walk to the businesses and timings don't conflict. During the day, there's not much...Chrm. Conero asked what if they do? Mr. Devitt then they're conflicting...those are rare circumstances.

Chrm. Conero asked if parking had increased significantly based on their configurations.

Mr. Devitt said that there are 59 parking spaces. Mr. Winglovitz said that there are a total of 44 parking spaces-without parking on Charles Street. Chrm. Conero questioned, on Charles Street? Mr. Winglovitz said there are 44, (the National) there are 36 existing. He has another layout with more parking. Mr. Devitt said that it includes parking on Charles Street. If they could avoid that, they would...keep everything in the back, in between. Mr. Winglovitz said there is 18 ft set back between...the right away line...(pointing to site map). Mr. Devitt said it is off Charles Street and not on his property. Mr. Winglovitz said parallel parking in the right of way; there would be perpendicular parking or parallel...there are 9. Chrm. Conero said they'd be back in the street. Mr. Devitt said that is why they didn't show it. There is parking like that in the Village now. Mbr. Romano questioned the parking in a right of way in the Village? Mr. Devitt said that in the park, there is. Mbr. Romano asked again about the parking in a right of way for private...? Mr. Devitt said that was why they didn't show it.

There is brief discussion about parallel parking on the streets vs. perpendicular and about defining the street with curbs and sidewalks.

Chrm. Conero asked Atty. Dowd about parking considerations needed for restaurant establishments...? Atty. Dowd said you have two separate lots, right now. Stand alone lot to the left of the National Hotel-you're going to put a building in the front? Mr. Devitt said yes. In the back of that lot, does it go all the way to Charles Street? Mr. Devitt says no-backs to Mario's. When Frank Taylor bought the project a while back, he had it approved for a building, two apartments and off street parking. There's an easement that goes through Mario's parking lot that accesses that. They wouldn't use that-try to keep the traffic to two points. Atty. Dowd asked if the people who either work or live in that building are they going to enter off of Clinton, through that lot or the other lot. Mr. Winglovitz said through the other lot-through the National; one entryway. Atty. Dowd asked how many do you need for that lot alone? Mr. Winglovitz said that apartment spaces, depending on the uses downstairs, 2250 sq ft, would be 10 total. There would be shared parking for everybody, and they are within 500 ft of the municipal lot. Mbr. McLean asked if it is shared parking for the residents or commercial? Mr. Devitt said commercial only. Atty. Dowd said there were at least four spaces for the residents; how many spaces are on that lot? Mr. Devitt said five. Atty. Dowd asked if the approximately 8 or 9 will be shared with the other lot, the commercial space? Mr. Devitt said yes. Atty. Dowd asked about the lot with the hotel; you want to put in three new buildings? Each of those buildings you are proposing has two apartments above each? Mr. Devitt said only on this building (pointing to site map), this building would be one above each. Those buildings wouldn't require a variance, just on the others. Atty. Dowd said that the special permit covers the whole lot. What is upstairs at the National Hotel, now? Mr. Devitt said office space-it is used. Atty. Dowd questioned the downstairs commercial on all three new buildings, plus a total of four apartments upstairs? Mr. Devitt said yes. Atty. Dowd said you will need 8 spaces for just that-those three buildings. And how many other spaces do you need for the National Hotel and the three other uses downstairs? Mr. Devitt said on that one (pointing to site map) they fit 59. Again, he wasn't submitting a formal application, and would certainly address all that. That's why he didn't really have all those numbers. On this plan is 44 parking spaces total and that includes the parking spaces on the other lot-39+5. There's 6000 sq ft of space with the National Hotel, 2000 with this new building and 2400 with the other two. There are six apartments, 12 parking spaces and there would be 200 for office, 250 for retail. Atty. Dowd asked if the National would stay a restaurant. There's a lot of traffic down there. Mr. Devitt said people who park at the National aren't always going there; they're going to Mario's or Wildfire. It's being used as a shared lot, as it is, and there are signs up, but they don't police it. Mr. Winglovitz said there are 44 spaces. Mr. Devitt said in the other layout, they added 7 spaces, so closer to 51 spaces. Ms. Kalisky was inaudible...Mr. Devitt said that Ross occupies the upstairs space at the National and its 3000 sq ft-which...inaudible. That space requires 15 parking spaces and he uses 6 or 9. Chrm. Conero brings the conversation back to how many spaces are actually needed...46 are needed for the National Hotel. How many spaces are needed for the new building next to the bakery? Mr. Devitt said they are included in the whole property. Atty. Dowd said they needed a general idea. Do they still need access onto Charles? Mr. Devitt said they intend to. Mr. Winglovitz said they will move the entrance up so it's not convenient to get through. Chrm. Conero asked why? Mr. Devitt said to keep the two buildings together. Mr. Winglovitz said its right against the building and very efficient-how you have to come in, 3 spaces cannot be used. Atty. Dowd doesn't understand...between two buildings on Charles there are parking spaces? Mr. Devitt said with the existing ones, there are. Everyone talking at once...Mbr. McLean asked if the current residents had their own spaces now. Mr. Winglovitz said yes. Mr. Devitt said this site map (pointing to site map) only had parking on one side. Atty. Dowd asked if they keep access off Charles, isn't there a possibility of people coming off Charles looking for parking? Can you cut off access to Charles? Mbr. Romano mentioned the fire dept. Chrm. Conero asked how wide the entrance off Clinton was. Mr. Winglovitz said 24 ft. Discussion of width...Chrm. Conero said you will be short in spots. If you were to eliminate one of the buildings down on Charles, how many spaces would you get? Would you comply at that

point? Mr. Devitt isn't sure. If he did eliminate one, he would change the size on the other building from 1200 to 2000sq ft. He thought the look of two buildings on Charles made more sense. Mbr. McLean asked if it would still be commercial on the bottom. He said yes. Atty. Dowd said he would have to go to ZBA for more than one unit above commercial. If you wanted the downstairs to be residential, it's an additional use variance. Mr. Devitt said he wasn't. The only alternative is that someone would want office space upstairs and downstairs. Chrm. Conero suggested he do a formal application. Mr. Devitt wanted a general sense, if there's something he can modify, or ask the public who is there. Chrm. Conero is concerned about the placement of the one building next to the existing building on Charles-(pointing to site map). It's a one story building/cape and the property next to that. Mr. Winglovitz said it is B2 zoning. It's all commercial. He is concerned about the parking. He wants to comply with the parking requirements. Mr. Devitt said when they submit a formal application, they can do a study; a parking analysis. Atty. Dowd said to see what design will give them the maximum amount of parking on site. Mr. Devitt said, pointing to the site map, it's this plan, right here, minus the parking spaces we show on Charles Street; we'll take them off. These buildings were larger than those buildings. He can create more space (pointing to site maps) by shrinking them down. He showed Nick this plan, Steve Slater, Bernie and Stacy Hillman. I hadn't shown Doug, and talked to Johanna Sweikata. But I would have them come to my office to show them the plans, get any feedback before we submit a formal application.

Mr. Hantusch expressed his concern with parking and Charles Street. They have to take into account, Charles Street is terrible in the summer-when it comes to rush hour, people try to avoid the light and cut down there, so it becomes very high traffic; they blow the stop sign and it's very dangerous. There is no sidewalk and kids are constantly walking in the street, in fours, sometimes. He sees what goes on there. Summertime in the park makes it crowded, and throw little league in there, as well as the Senior Center. He doesn't think they have an idea just how busy it is. He'll happy to have them over one afternoon! As far as a resident, it's his neighborhood; Marc and his dad always do good work in the Village, it's architecturally nice and done right, but they look at that as a residential area. He and the residents would like to see single family dwellings there. It does concern him to put more commercial space down there. He knows they can make a comparison to the lawyer's office at the end of Clinton, but he has parking in the back. It's just things that he hopes Mr. Devitt takes into consideration. Mario is an exceptionally good neighbor for a bar/restaurant, but everybody knows that Mario will retire one day and who knows who's going to take it over. The National Hotel can be a real problem. When it's summertime, look up the records! He's called the cops numerous times. He's heard, "I've got a gun," "I'm gonna kill you." You hear it every Friday and Saturday night. They had a lot of trouble with music for a while but that seems to have subsided a little bit. When it gets warm, windows will be open and we'll see what goes on. The traffic issue on Charles Street, though, especially with no sidewalks, is something to really think about. It gets bad in the summertime.

Mr. Devitt said he appreciated the input. He had a submittal, and he told Ross that the Planning Board will want him to go one way and the residents will want him to go another way. It is exactly what happened. That's why he wanted the open discussion without an actual submittal. Pointing to site map-he originally had three smaller single family homes on Charles Street (that's why the garage is on that one). It reduced the amount of off-street parking he had. The demand was, when you go to a single family its two parking spaces, where 2000 sq ft commercial is 10 spaces. That would close off the access to Charles Street. The problem is that it's not allowed in the zoning. It would leave the parking; it would create a buffer between the commercial and the residential. This would protect the new residential. Chrm. Conero said that you're taking a business district and making it into residential, half the street is commercial and you're going to make the other half residential. And that block between Clinton and Charles and from Ward

Street to Union-that whole village town block is commercial. That's how it is in the zone and the way it is in the plans. You have to take a hard look at that-not just from the Planning Board's perspective, but the Village Board's perspective. Do you want to create more residential in the business district or do you want to see your business district grow? He thinks that's what it comes down to. Mr. Devitt said if we do the two commercial buildings, we'll still have two residential units above it. We're adding one more residential unit and eliminating that portion of the commercial which is also eliminating the potential impact of the parking/stress. Chrm. Conero said they have to look at the long-term economics of the whole thing. Mr. Devitt said that if we look to the future, we don't know if the National Hotel is always going to be the National Hotel Restaurant. It may be retail or be more focused on the restaurant and not the bar. Atty. Dowd said there would be less traffic if Charles Street was blocked off, especially during the busy times. Mr. Devitt said if it were to be commercial space in the back, without parking on the street, it's convenient on the street for the tenants that would have access...Atty. Dowd said that they would get used to it, unless they put sidewalks in. Mr. Devitt said that if he did residential, he would maintain the residential feel of the street. Pointing to the site map...

Mbr. Romano said that across from the National, there are houses, too. Mr. Devitt (pointing to the site map) that house is a two family and next to it is a two family, across are single family houses. Long term, this was Edgar's Pharmacy. He can see, more tenants want to be...tape ran out...

Mr. Winglovitz said that infill, on Clinton Street...he likes the Railroad property, when you're an infill project or near the core, those things...when you're on the edge of the village, you try to create historic or traditional neighborhoods are really for either infill or very large projects. You can create a downtown area...he goes all over the county/Hudson Valley and they all talk about doing traditional neighborhoods, the problem is they want to do it where it doesn't make a lot of sense. Chrm. Conero asked if there were other questions.

Chrm. Conero told Mr. Devitt, that he went to his informational meeting and presented to the Village Board. Mr. Devitt said he'd finalize a plan and come up with more...like the Clinton Street project. This way it can be posted. Chrm. Conero said that SEQRA process will have to be reopened. Mbr. Romano agreed since there may be a gas station on it. Mr. Devitt said that when the Trustees look at the SEQRA process will they say they have to do a supplemental EIS? And when you read that, it says, what, if any, are the significant environmental impacts that the change has brought about that weren't currently studied? If there are any that may cause a SEIS. Mbr. Romano said that the PB members have all taken courses...the Trustees have never sat in a course and for them to make that decision is a little hard, and they are here to advise them on it, and their consultants. But, a gas station is a big deal. Mr. Devitt wants to know why? Mbr. McLean says because it can leak, just like anything else. Everyone talking at once! Chrm. Conero said when you drastically change the PDD from one aspect to another; you are taking commercial out of it...Mr. Devitt said that when you use words like drastically change-what is so drastic about changing the uses? Chrm, Conero said the whole layout of it...you don't have traditional mixed use buildings in there. Mr. Devitt said he does, pointing to site map. Chrm. Conero asked if that would be his new Phase 1A before he built anything else. Mr. Devitt said this is all the residential above or, that's why we go to 35000, that we might get an office tenant downstairs and upstairs, or downstairs commercial, upstairs residential. And this can be split up into four buildings and we can lay it out a little differently. Chrm. Conero asked what the whole section on the corner of Chandler and 211 was. Mr. Devitt said, right now it is townhouses but the meeting with the public wanted more single family homes to the end. Chrm. Conero asked how many units are in that townhouse complex. Mr. Devitt said 8. Chrm. Conero asked if they are going to replace them with 4 houses. Mr. Devitt said yes. Chrm. Conero said that they are taking that out (pointing to site map) and maintaining street line with homes. Mr. Devitt said they've gone from 182 units to 148 units. They are reducing the commercial but they are also

significantly reducing the residential. It's not like they're getting rid of all the commercial and just adding more residential. Mbr. Romano said, once again, it's significantly changed. Mr. Devitt asked how?? Everyone talking at once! You're talking about SEQRA? It's environmental impact. Chrm. Conero asked what environmental impact that would have on it. That's what the Village Board as Lead Agency would have to say. Mr. Devitt said that you take traffic, school age children, water & sewer, take the major things-the largest generator of traffic is the commercial space and when you take 110000 down to 20000 you significantly reduce...Mbr. Romano agreed saying it's not just a reduction, it makes sense, but it's still a change. Mr. Winglovitz said if it's less of an impact then it's ok. Romano said who says it's ok. Mr. Devitt said according to SEQRA you may be required if there is significant impact. Take traffic, if you can show that it can go down, is it significant for environmental impact? Chrm. Conero said if we don't have commercial, how do you know it's going to go down? Everyone talking at once! Mr. Devitt said it doesn't all have to be done under EIS. He only asked the Trustees to tell them what the significant EIS are going to be, changes and they will look at it. Chrm. Conero asked if they did an economic study. Not part of SEQRA? Devitt said they did, not on the new one. Chrm Conero asked what they're next part of this was: the commercial aspect of this property will be built first, before we build residential, right? Or are there phases? Devitt said phases or we'll ask the Board for flexibility on phases. If there is no demand for any commercial space we sit and do nothing? But if there's demand for commercial, we'll build commercial. Mbr. Romano said the commercial is only two buildings, how does that phase in? Devitt said they are not going to let them sit empty. Mbr. Romano asked what they are planning on doing. It's obvious you're building homes before commercial. It's what you've said to us on other applications. We are wondering what aspect? Mr. Devitt said something in here (at site map) where you'll get a mix of both-different needs. Chrm. Conero asked if he needed anything else from them (Planning Board)? Mr. Devitt said when they submit a formal application to Board of Trustees, they'll submit to them for their review so they can make comment back to the Board. Chrm. Conero asked where they we in this process? Mr. Devitt said they will formulate a plan, based on all feedback and another public meeting.

Ms. Beltrametti asked what had been approved to go into the former Kaufman property. Chrm. Conero said a gas station, it's been approved already. Ms. Beltrametti asked if it was just a gas station or gas station and convenience store. Chrm. Conero said a convenience store and gas station. Ms. Beltrametti said the convenience store is a problem for them. When it comes to hurting village businesses, that's what hurt's village businesses, the convenience store. Chrm. Conero said that it is a permitted use in the business zone. Ms. Beltrametti asked why a convenience store on that? Chrm. Conero said it is a business; they applied, they conformed to everything they wanted. Ms. Beltrametti said that small business, village business is a personal vision; an investment into creating a personal business. Sunoco, Dunkin Donuts and Subway-you wouldn't allow Subway to open a franchise on Clinton Street? Then you shouldn't allow it in the Village limits in a gas station. Eddie's deli sells beer and lottery tickets to make ends meet. If a gas station can't make money selling gas, they shouldn't open a gas station. Mbr. Romano said they cannot be selective about what comes in; a family owned convenience store is ok compared to a chain-they can't do that. Chrm. Conero said it's been approved, he cannot do anything.

**RE: MINUTES**

A **MOTION** was made by Mbr. Romano, and seconded by Mbr. Weeden, to accept the Planning Board minutes, as written, from January 22, 2014 and carried 4 Ayes 0 Nays.

**RE: ADJOURNMENT**

A motion was made to adjourn the meeting at 9:30 pm by Mbr. Romano and seconded by Mbr. Weeden, and carried 4 Ayes 0 Nays.

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Tina Murphy  
Deputy Village Clerk