

MINUTES of the Village of Montgomery Planning Board meeting held in the Conference Room of the Village Hall, Clinton Street, on Wednesday, July 23, 2014 at 7:30 pm.

ATTENDANCE: Chrm. Conero, Mbr. McLean, Mbr. Weeden, Atty. Kevin Dowd, Eng. Dawn Kalisky from Lanc & Tully (Mbr. Romano and Mbr. Crowley were not in attendance)

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

OLD BUSINESS:

The Chrm. began with: Lanc and Tully has provided the Planning Board with several letters regarding three different projects. The first one is:

AIELLO/ROMER LOT LINE CHANGE 213-3-1 & 4

Everything is satisfactory. The County and SHIPO have replied and approved. Atty. Dowd said that a Public Hearing can be waived.

A MOTION to waive the Public Hearing was made by Mbr. Weeden and seconded by Mbr. McLean and carried 3 Ayes 0 Nays.

A MOTION for Type 1 Action to a Historic Site and Negative Declaration on site plan was made by Chrm. Conero and seconded by Mbr. McLean and carried 3 Ayes 0 Nays.

A MOTION to approve the lot line change, subject to any/all outstanding fees, was made by Mbr. McLean and seconded by Mbr. Weeden and carried 3 Ayes 0 Nays.

A Mylar and several copies are needed for Chrm. Conero to sign and for the record.

YORK PROPERTY 200 WARD ST 203-1-9

The second letter is regarding 200 Ward Street. They were requesting the Chrm. sign the site plan. Ms. Kalisky requested a copy of the highway work permit from Kim at DOT, and was told they did not have one, only for utility connection. She did mention that the same parcel (Montgomery Track back in 2003), was subject to a site plan review for comments from the DOT about improving the access road. The current one is from 2012 with access off the same road to Patchett Crossing. It did not go to SEQRA or SHIPO. It went to the Village Board before the Planning Board. They would have recommended that these improvements be made at the same time they recommended changes in the sidewalks. Kim had asked them to improve the access with grating in front of the sidewalks, when the contractor built Patchett Crossing-who didn't quite meet standards that it should have. This is a whole new application and project, but same point of access. With the PDDS, there has to be a little better coordination between the Village Board and the Planning Board, prior to the Village Board just saying, "Here's an approved PDD,

now go to the Planning Board.” The PB does their job of taking a hard look at the actual site development. The Chrm. asked how they would know that there was an abandoned plan until someone brings a new plan. When a new application comes in under a new name...how do you check for that? It is assumed that applications are filed by section, block and lot. They aren’t always filed that way.

Atty. Dowd said they may have figured that since it was on a state highway...inaudible. Ms. Kalisky said that her office is not involved with PDD applications at the Village Board level. Chandler PDD is different only because of the magnitude of it but all the other PDD’s that have been presented and approved by the Village Board, her office gets to look at it and comment only at the site plan level. The Atty. is speaking but it is inaudible. The Master Plan Committee is planning on making changes to the PDD, but it is a procedural thing. As far as the 200 Ward St PDD goes, Kim says they cannot enforce it, the only thing they need is a utility permit, however, they would have it on record that these improvements be done for pedestrian safety. If the Village decides not to enforce that, then so be it. The attorney is questioning why the recommendations of the site development and safety aren’t carried over to the new plan? The DOT didn’t get it to review. Atty. inaudible...Ms. Kalisky said because of the Neg Dec that was issued, SEQR is closed; prior to that would have been the DOT’s opportunity to offer comment on this plan. The Atty. said that when the comments & recommendations were made in 2003 under site development...the DOT should be able to enforce. What is the premise of making recommendations for pedestrian safety in the state right of way if they’re not going to enforce them? Ms. Kalisky said that unless they have a hwy entrance permit, not a utility permit, they can’t say what must be done. Ms. Kalisky said that you cannot rescind an approval. Atty. Dowd is inaudible regarding sidewalks...The Chrm. mentioned when Patchett Crossing was first approved, certain things had be done a certain way; it sounds as though it was not built the way it is on the plan. Atty. Dowd said that the DOT had a say in the curbing, so why is the DOT allowing this? The Chrm. suggested having Kim bring up the plans from Patchett Crossing and see that it hasn’t been done. Ms. Kalisky said her concern is that the consultants are not involved in the PDD process until it goes to the Planning Board.

9 BRIDGE STREET 202-2-1

The third letter that Lanc and Tully provided to the Planning Board, is regarding 9 Bridge Street. The signs are still not up for the “Tenant Only” and “Handicapped” parking. The B/I should not issue a CO until this is complete, along with any outstanding fees. The Chrm. asked the clerk (myself) to send a letter to the B/I regarding this.

MONTGOMERY SELF STORAGE

Ms. Kalisky was asked by the Mayor to do an analysis of what has and hasn’t been done-the property owner called-we had a performance bond for 10 years, in the amount of \$50,000, to ensure site improvements such as lighting, landscaping, sidewalks, utility connections were installed-public improvements (water/sewer and landscaping). The property owner says there is a financial hardship at this time. The Chrm. said there was a

financial hardship when he put the place in, that's why it hasn't completed in ten years. He does not feel it is wise to release any bond just for the reason of being a financial hardship, because it's still not going to be completed. Ms. Kalisky recommended that before the considering of any reduction, an agreement be signed that within one year's time, the existing deficiencies on site be brought to satisfactory conditions. The 1st three buildings that were constructed, the asphalt had been completed and everything was fine. They got a building permit for five additional buildings. That area only has base course asphalt only on the access road-from within the site. They collect water and are deteriorating and the areas between the five buildings have no asphalt. The catch basins are sticking up. They have CO's and no one knows why since the required improvement for the functioning of those buildings was not completed. The Village has no recourse on that. The site plan was approved. The Chrm. said since it isn't done, it shouldn't have gotten a CO. It's a sore subject with the Planning Board. All the time they put in about the aesthetics, how high the...should be and the sidewalks, concessions on the type of siding on the one side of the building not facing the Patchett house; they made concessions on the type of fence, sidewalk improvements, park benches, there were a lot of things in the plan that have not been...\$50,000 is not enough to do all of that. Ms. Kalisky said there is nothing in the code that says that this is for bonding private improvements. The Chrm. said that the sidewalks and park bench are not private improvements. The fence isn't up and they have CO's so they'll never see the fence. This is so wrong. It's the gateway to our Village, it's supposed to look presentable and it hasn't for many years.

RE: MINUTES:

There were not enough members present to approve/disapprove the minutes.

RE: ADJOURNMENT:

A MOTION was made to adjourn the meeting at 8:18 pm by Mbr. Weeden and was seconded by Mbr. McLean, and carried 3 Ayes 0 Nays.

Tina Murphy
Deputy Village Clerk