

MINUTES of the Village of Montgomery Planning Board meeting held in the Conference Room of the Village Hall, 133 Clinton Street, Montgomery, NY on Wednesday January 27, 2010 at 7:30 p.m.

ATTENDANCE: Chrm. Conero, Mbr. Weeden, Mbr. Romano, Mbr. Weismann, Mbr. McLean, Village Att. Kevin Dowd, Engineer Dawn Kalisky, applicant Marc Devitt, Ed Devitt, Att. Joseph Catalano, Francis Bossolini, Grant Sussey and Tom Steed

CALL TO ORDER

Chrm. Conero called the meeting to order with the Pledge of Allegiance to the Flag

OLD BUSINESS **NONE**

NEW BUSINESS **MARC DEVITT PDD SITE PLAN CHANDLER LANE/211**

Chrm. Conero explained that there were two items of new business, Michael Wild, Site Plan on Ward Street. Rose Griffith advised the Chairman that the Wild's project was cancelled for that evening and they will be submitting new plans for the next meeting. Chrm. Conero continued the next one is Marc Devitt, Chandler Lane/ 211 PDD Site plan. He asked Marc to explain the project.

Marc Devitt said they submitted in August of 2006 to the Village Board a PDD application for a re-zone for a parcel that is a little more than 36 acres, just off Chandler Lane and Rt. 211. They went through the PDD process, did a full Environmental Impact Statement, SEQRA and finding statement. Now we are in front of the Planning Board for Site Plan approval. He gave everyone the Local Law that was adopted by the Village Board and it approved 184 two bedroom units and twelve apartments and 100,000 sq. ft. of commercial space. We have submitted a Site Plan application for first phase of this project, which is in front of you.

Joe Catalano added the over all project involves a number of phases. What we have done since the PDD was approved was try and develop what would be a good first phase. What is before you is one block out of the entire project and it's on the corner of Chandler and Union Street. They propose to build four buildings that would total approximately 22,000 sq. ft. It would have two floors and the foot prints are 12,000 on the first floor and with the second it would be 22,000. All the infrastructure would be included in the first phase - sewer extension, water extension, parking, curbing, the two lane driveways, one coming out of Chandler and one coming off Union, to define the block. All the drainage facilities and everything would be included in this first phase so it can run independently but at the same time be connected as other phases come on line. This first phase is to concentrate on improvements so that we are not grading and constructing over a large portion of the site. It should limit the disturbance of the aesthetics with respect of during the construction process. From Marc's point of view, we want to put a face on this project, so that the building that will be shown (two on Union Street and two from the main driveway) to create a corner to show that this project is happening and it's real. These are going to be our signature structures for hopefully attracting commercial tenants and interest in the residential portions of the property.

Joe continued the idea is for the Planning Board to review this as a first step in a larger plan. Your review is going to make sure this can function alone, without any additional improvements of other areas of the project and we think we have accomplished that. The parking spaces are designed in number to accrue more spaces than what is necessary for those four buildings. There is going to be an area on the property that is going to be undisturbed and those will be for additional parking as other buildings come on line. In this one block there is spaces reserved for four additional buildings. What we wanted to do in this economy is to sort of take a first bite out of this project that is going to be something that will be able to be accomplished and hopefully tenants will be coming in so that we don't have a large amount of vacant space. So the idea is that we are keeping place holders for additional buildings in this space.

Chrm. Conero asked if they were planning on building the four buildings at once? Marc said probably not all at once but we would complete the first phase before we came back for anything else. Chrm. Conero said all the site work would be done on 1-A? Marc said yes. Chrm. Conero also asked if the Village Board decided on the phases. Att. Dowd answered when the Board originally looked at this there was a phasing. However this Phase 1-A is slightly different from the first phase the Village Board has seen. Under your PDD law, the Village Board is going to have to look at this and give this first Phase 1-A an okay. Marc commented that Phase 1-A included about 24,000 ft. of commercial and 40,000 residential. Essentially what we did was take the residential units out and left the commercial in place. Joe Catalano said given the residential market now we decided that the first phase the Village Board approved we basically cut it in half and concentrate on the commercial. What we would do is take that first phase to the Board of Trustees and have them look at it.

Mbr. Romano asked the proposed building, which is one on the corner and three here (pointing to the plan) that would or could be part of Phase B. Because in 1-A is here and you are only showing dotted lines so that is A and B of phase one. Marc said Phase B could include more commercial or add some residential. Chrm. Conero asked why can't you incorporate A & B at the same time? You are not required to build these things, you are only looking at where they site. Joe said once the Site Plan is approved there is language in the Code that it has to be completed a certain amount of time and we did not want to take to big of a bite and commit financially. Chrm. Conero also asked about the placement of the buildings and if the could be swapped and moved around other than what we see here. Joe answered what we are proposing is that if a door is at the end of this process you approve that plan, that those building would have to stay in that general footprint. We did put a note on the map saying that the size and location of the buildings can deviate, I think, 10%, because there might be an entrance way that is cut out of the building or something like that, so they would be completely square.

Chrm. Conero asked if our Planner (Alan Sorensen) got a copy of this plan? Att. Dowd said Alan sent comments, Rose said she gave a copy to everyone on the Board-she only received them the day before. Joe said Francis did some architectural rendering of the street scapes. Francis Bossilini said he was the Engineer on the project and Joe was the Attorney. He continued that the store fronts and entrances will be facing the main street. Chrm. Conero said he really liked the idea of parking in the back of the building. Francis said it is going to be a traditional street like you already have here. Mbr. McLean asked if there was an entrance on

Union & Chandler. Francis said correct, and the Master Plan had a driveway opposite Frieda Street and that will complete the block. Mbr. McLean asked how far would the sidewalk be off the main street? Francis said between the Right-of-Way and the set backs it's probably 30' to 35' maybe 40' off the pavement as it sits now. In that space if you are looking down there now, the utility poles ... Right-of-Way and from there back there is a 15' minimum building setback. We are allowing another eight or ten feet between the minimum set back. In that space there will be sidewalk, landscaping and as Joe said the building may vary as far as a porch projecting, a doorway or an alcove.

Francis went on to talk about signs and classic light fixtures. The signage will probably be mounted on the buildings or a canopy or awing and maybe some building lights lighting up the sign. They also will be using the Village historic street signs. As far as connection to the municipal utilities, there is an existing sanitary sewer that runs up Chandler Lane, there is a manhole at the corner of Union and Chandler. They are going to connect into that and run across the front of the property and into the property. That will be designed and installed at this point so that when we go on to further phases we can easily connect in. With the water, we will connect on Chandler Lane an loop it around inside and go back out. The utilities will be owned and maintained by the Village, we will construct to the Villages specs and then turn them over by easements. Joe said all the internal roads and garbage pick up will be maintained privately. That was our proposal to the Board of Trustees and they liked that idea. Chrm. Conero asked if the sewer would be gravity fed

or forced. Francis answered we are fortunate in this case. The manhole here is deep enough where we can lay back at minimum slope and we can reach the entire site by gravity. As we see it now, there should be no need for any pump stations.

Mbr. Weeden asked I see driveways are marked, why aren't they streets? Marc said essentially they will be streets not driveways. Mbr. Weeden are they wide enough for fire trucks? Francis said yes and you essentially have a 24' wide street, (as Joe said we call it a driveway because it's going to be a private road.) Mbr. Weeden said I see some parking there, is it still going to be 24"? Francis replied that's correct, the parking is outside that 24' so we will have another eight feet on each side for parallel parking. Inside the 24' there is the isle width internal to the parking. Joe said the idea of having parking on the streets is - A. having additional spots and B. to slow traffic down.

Att. Dowd asked if the sidewalk on 211 was eight feet on the Right-of-Way or on DOT property? Francis said we are showing them on Marc's property. The initial traffic study we did with the whole project indicated that when the project is built out there might be some mitigation on ...the DOTAtt. Dowd said the intention now is that they are going to be on Marc's property. Francis said the DOT's interest is who is maintaining them. We have submitted to the DOT for the permit application for this first phase. They are reviewing the traffic study for the DIS and now they are looking for more specifics. We will have a permit from them for the entrance and what ever utility.

Chrm. Conero asked if the Fire Department commented on this during the SEQRA process, when the Village Board did it? Att. Dowd said yes. Chrm. Conero continued the turning radiuses and the width of the driveways, they didn't have any problems with that? Marc said no. Chrm.

Conero asked how long the SEQRA took. Joe answered it started in 2007 and lasted half of 2008. Chrm. Conero said it's the same administration. Att. Dowd said yes. Francis said there will be fire hydrants within the site and current regulations require buildings to be sprinklered. We do have some level of fire protection and we consider the fire vehicle and how it's to turn around.

Chrm. Conero asked if they had a light plan yet? Francis said we have not prepared a final lighting plan. We are in the process of selecting fixtures. They will provide lighting on the street fronts as well as security lighting in the parking lot and they are look at down lights. As we get closer to the adjourning residential, we are now preserving the vegetation, we can specify lighting. Chrm. Conero said they will shine down on the parking lot. I would be concerned for the people living next to that. Francis said the poles will not be 40' high maybe 20'.

Mbr. Weeden asked if the sidewalks were all going to be concrete? Francis said poured concrete is the intention. Marc added there is some flexibility there, possible it could be pavers, slate or brick. Mbr. Weeden said it's not going to be dirt. Francis said we have ADA requirements to be concerned with so it has to be some kind of paver. Chrm. Conero asked Dawn about her review and she said when they have the lighting plan prepared they can submit. Marc said he wanted to get some direction from the Planning Board as well. If buildings should change or be moved that might effect Dawn's review because she might need other things from us.

Att. Dowd said Alan's letter indicated there are two buildings on the corner should be connected to make an "L". I know based upon preliminary conversation he said "L" shaped because when you come into the Village you are going to see it. You had mentioned having an alleyway or walkway. Chrm. Conero asked why is he asking for an "L" shaped building? Att. Dowd answered I think he is concerned about appearances and what you see when you drive into the Village. Mbr. Weismann read part of the review "We recommend that the building or buildings, that are situated at this intersection be "signature buildings" that provide a focal point that held define the gateway to the Village and proposed development. An "L" shaped building that wraps this corner - perhaps with an angled entrance facing the intersection - is strongly recommended." Joe added the idea of a "signature building" on the corner, we are in total agreement with that and you can see from the street scapes the seperation between the buildings really does not detract from Alan's idea. Mbr. McLean said if these two buildings go together then you only have three buildings. Att. Dowd said yes three buildings. Marc spoke about the alleyway or walkways with business who wanted (for example) have a café they could put tables in the alleyway. But more than anything, it will be a walkway to get back and forth from the back , where there will be parking. Att. Dowd said that walkway will depend on the Building Code. Mbr. Romano spoke about the number of feet seperating the buildings and she thought 15' was plenty.

Dawn said Alan had concerns about the side entrances and exits from the building. There is no indication of what your putting in there quite yet but as far as the access to the building we would want to see that on the front side or the rear side, not on the alley. Joe said in other little Villages and Hamlets there are little shops in the alleyways and there would be an occasional entrance there. Marc explained I understand Alan's concerns, that you difenitely want the people in the front walking around, that's where you want the action. It gives the appearance of

something more lively. But on the other side I don't want to restrict the marketability of the project that if in this alley there was a little 500 sq. ft.. Candle Shop that had a side entrance, that might be something nice. Mbr. Romano said you are saying it's not going to be a cookie cutter. There will be a little spot here and there and maybe 5,000 sq. ft. Marc said this might not be one large tenant. Mbr. Romano said you might be cutting smaller sections off and the corner might be taken by someone. Marc continued as you look down here you see potentially one tenant and this could be another (indicating on the plan), when you go down the alley somebody might have this corner and it could be smaller tenants

Mbr. Romano said you are not going to do a cookie cutter with exact square footage for the whole building. You going to give this person a little spot and this corner is going to go. Francis added there will be flexibility of space. In some of these situations you could have a whole building look like two or three on the outside and on the inside be just one or it could be divided up.

Mbr. McLean asked when do you decide what the building will be like. Marc said when we get tenants. Mbr. McLean said you will design the building to fit. Marc said yes and we will show you what we think is going to work. If that changes and we get a bunch of tenants that say we want something completely different, we are going to come back to this Board and say things have changed, we think we have it fully rented out but we have to modify it for the tenant. Maybe that will become an "L", I would rather not see that because it will be charming having that alleyway there. Chrm. Conero explained that Alan is also saying that the "L" have an angled entrance. Marc said look at the plan, it shows the angle. Francis said we are showing a portico, so on this corner there is a overhanging second floor, I think the intent there is to have more than a corner. Joe said the front part of the buildings will be both on Union Street and the driveway, there will be two fronts. On the other corner we intend to do the same thing. We either attached a building to a building or again we have a alleyway. Mbr. McLean asked why are you knocking off that corner? Marc answered this one is that corner of the project that is going to define the entrance into the rest of this.

Francis said the other aspect of Alan's comment about having a big building is the planning principal to maintain that street scape. If you had a large gap there, say you had a 75' gap, where somebody made a parking lot there, you lost that continuity of the street edge. Sometime you can fake it with a fence but we are not going to have a gap that large. The alley is part of the space, it's how you get from the parking lot in the back to the front. It has to be part of the overall design of this. Mbr. Romano said if there was a little Coffee Shop in a little tiny corner here, your not going to chop it up, your going to make it uniform. Francis replied right and think of it as if someone in the Village renovates a building which is 150 years old and it changed and how the spaces are laid out. Marc is going to build the first building and ten years from now, if the tenants need change, they can modify it. Marc added I think we are going to find more tenants that want smaller space.

Mbr. McLean asked where are the extra doors for their entrance? Are you going to take that into consideration when you are building it or after it's built. Joe answered we are going to take into consideration as far as the building separation. Mbr. McLean added the tenant wants the doorway here now and you have a big glass there. Francis said in modern design a lot of walls are curtain walls, and that wall might not be a load bearing wall. Mbr. McLean said but if you are splitting the room into two, you need two entrances. Marc said (pointing to the plan) there

might be an entrance here for this one and one the side for this one. Mbr. Romano asked your not going to have everybody facing this way, your going to put one here, there and in the alleyway. In order for the two buildings to be separate you said you would put stores in the alley. Marc said you could and this appears to be a separate building by itself. It could be that in this corner there is an entrance and another entrance on the side off of 211. Then you have this other building that's attached and it could be that all this is one tenant or it could be three.

Chrm. Conero asked if there will be entrances to the buildings in the side alley's? Marc said there could be and we can show more detail on that. Francis said that could be a Code issue as well. Marc added we don't want them to be alley's where people put their garbage in. We want them to be more aesthetically pleasing. Mbr. Romano said to make them aesthetically pleasing you would put a tenant or a door in that alley. Francis said it could be landscaped or there could be planters, windows, space for a café or people can put their sandwich boards our there.

Chrm. Conero said we need to get a clarification from Alan, why he want's this. Mbr. Romano added that she was trying to find a reason why not to do it. Att. Dowd said maybe he is concerned about the separation distance, maybe it's too wide. He is also concerned about how these alleys are going to be used. Chrm. Conero said I am not in total agreement with Alan because I see what this rendering and what's it's going to look like, I don't think the separation is..., I just want to be sure.

Francis said I don't think Alan has seen our rendering. He is looking at our Site Plan with a very clinical placeholder, we just put boxes there until Marc figures out exactly what his buildings will be. Joe said the idea is that once the Planning Board reviews and approve this plan, the first thing is doing the infrastructure. While that is being done, Marc will be trying to generate tenants and we hope in the first instance these buildings will be designed to the tenants specs. The idea is that until that time we are to...the flexibility available so we can accommodate a diverse group of tenants. Rather than saying here's the building you like it take it, if you don't like it go somewhere else. We are trying to work in as many tenants as the market will allow in this area.. The store fronts won't be 10,000 sq. ft. they will be smaller stores, which will take up a number of spots.

Francis explained the main purpose of these plans, the technical drawing of the site, is to get the Board up to speed where our first phase is and allow us to work with the Village Consultants, the DEC and the Health Dept. The infrastructure, the roadway, the parking area and the pipes underground are all going to stay regardless of what the final configuration of that building is. We will get our technical and civil engineering concern worked out while they are working with Marc. Chrm. Conero said he really disagrees with having entrances in the alleys and he read part of Alan's comments " Building entrances should be oriented to the street with alleys serving as conduit to move pedestrians from the off-street parking area to the streetscape. It is not clear how the entrances are oriented." Marc commented in one sentence he says that the alleys are okay and in the other he said not. Chrm. Conero explained that he is trying to get all his facts straight when he speaks to Alan. Marc said if Alan had seen the renderings and was here, I think Alan could see and go along with it. I am not going to speak for him, I like the alley there. Francis said the general intention is to have the street front be the predominant access point. There may be the odd store that has the entrance on the alley but for the most part the entrances will be on the street, to get that street presence. Mbr. McLean asked if there will be stores in the

back of the building. Francis answered there could be. In certain instances you could have doors on both sides. Joe explained first and foremost the architecture of the building will be, the principle amenities of the facade, the fronts will be toward the street and that we are in total agreement on. We might do something more interesting in between or in the back but still it's still going to look like all fronts.

Chrm. Conero said the only clarification we need to make here, the placements of the buildings facing the roads, we are okay on that. It is building on the corner needs some clarification. Att. Dowd said the streets are where they are supposed to be. The actual phasing that was presented to the Village Board is a little different. They have to go through the process with Dawn's specifications for the roads, drains, water and sewer. Chrm. Conero said we still need some kind of agreement on our part to say this is okay. Att. Dowd continued what we need today is a motion by the Board that the plans are complete for the purpose of reviewing them, subject to the Board of Trustees approving the phase change. That means it's complete so we can begin the formal review of the project and before we do that we need the Board of Trustees ... this variation of what they saw a year ago. Chrm. Conero asked if they had enough information, for instance, the reason to put the "L" shaped building in the corner. Att. Dowd said that is really a Site Plan issue. The bottom line is.....alleyway and there is not going to be a significant difference. The main thing is there are four buildings with approximately 22,000 sq ft. and that's what the Trustees know about Phase 1-A and you are going to be stuck with the extra details for that. Francis said he will speak to Alan once he sees more details on the buildings.

Mbr. McLean asked about how long does something like this take. Att. Dowd said considering everything probably three (3) years. Dawn said this project is also subject to the DOH, which is not too bad. The DOT is getting worse by the minute and the DEC. Mbr. McLean asked why the DOT.

Att. Dowd said it's a State Highway, the DEC is for sewer maintenance, DOH for water maintenance. You will get a conditional final approval subject to getting permits from those agencies. Mbr. McLean asked how many phases is there? Joe said it depends on how many chunks we want to tackle at a time. The financial crisis kind of put a monkey wrench into our plans. We expect to do the whole project in four phases. Mbr. McLean said this is half of Phase 1, could it turn into eight phases? Joe answered probably not, it will probably be between four and six. If there is interest in the commercial space we can be in sooner than later.

Chrm. Conero said I am okay with what they have to do. I don't think there is anything we will change later. Att. Dowd said again the Village Board has to approve Phase 1-A.

A MOTION to approve plans as complete for the purpose of review and that the Board of Trustees approve the changes to Phase 1-A was made by Chrm. Conero seconded by Mbr. McLean and carried 5 Aye, 0 Nay vote.

Joe said you mentioned one thing, the lighting plan. Do you want us to work on that or wait and let us know when you are ready. Dawn said do it all at one shot. Francis said Dawn and I have had conversation before so I have some idea what she is looking for. I can send her additional information on lighting and landscaping to finalize. When we pick out the fixture we can go from there and she will review it from a technical stand point. Chrm. Conero said Dawn is very

thorough. Dawn said if it is okay with the Board, we could have a little flexibility for them. Instead of making submissions monthly, give us updates and we will copy the Board on all correspondence. There is a lot of components to the project. Chrm. Conero said we have done that before.

Marc asked Rose to put him on the Board of Trustees agenda for Tuesday night Feb.2, 2010.

PENDING

Chrm. Conero asked Rose if Bernie Hillman paid his past due bill. Rose said no and she will send him a registered letter.

MINUTES

A MOTION to accept the **Minutes of the December 29, 2009 Planning Board meeting**, as written was made by **Mbr. Weeden, seconded by Mbr. McLean and carried 5Aye, 0 Nay vote.**

ADJOURNMENT

A MOTION to adjourn the meeting at 8:30 pm was made by Mbr. Romano, seconded by Mbr. Weeden and carried 5 Aye, 0 Nay vote.

Rosemarie R. Griffith
Deputy Village Clerk