

MINUTES of the Village of Montgomery Planning Board meeting held in the Conference Room of the Village Hall, 133 Clinton Street, Montgomery on Wednesday March 24, 2010 at 7:30 pm

ATTENDANCE: Chrm. Conero, Mbr. Weeden, Mbr. Romano, Mbr. McLean, Mbr. Weismann was absent, Att. Dowd, Village Engineer Dawn Kalisky, Applicant Marc Devitt, Francis Bossolini, Joe Catalano and Trustee Andrew Roepe

CALL TO ORDER

Chrm. Conero opened the meeting with the Pledge of Allegiance to the Flag

OLD BUSINESS BERNIE HILLMAN Six (6) Month Renewal Request

Chrm. Conero explained that Bernie was not at the meeting. He thought he might be running late so he will wait until the Devitt's are finished with their proposal. If he has not shown up by then, they would have to wait until next month. Chrm. Conero asked Rose if Bernie knew there was a meeting this evening. Rose responded his wife made all the arrangements, I did not speak to him.

OLD BUSINESS DEVITT CHANDLER LANE/ RT. 211 PROJECT

Chrm. Conero said we received something back for Alan Sorensen. I put in a call into him but did not hear back from him. I am still waiting to hear about the front piece, having diagonal instead of the squared off one. I don't think he alluded to that in his review. Joe thought he did mention it. Chrm. Conero continued we need to go over Dawns comments also. Marc said he had a conversation with Alan about the building and said he was not sure what it would be. There could be a storefront on opposite corners or it could be the same store. He said to Marc he is okay with that. His concern was where was the front of the building gonna be. The appearance is going to be off of 211 and the new road, that is going to appear to be the front. There will be an entrance in the back but the alleyways will attract people to the front of the building. Chrm. Conero asked what did Alan prefer, the front on the new road or what? Joe answered he wants the front on both roads. Francis said not a blank wall on the side. Att. Dowd said he read that he liked the plans but I think he was concerned that the alleyways would have windows to breakup the facade. As I read it, a long the Rt. 211 side, the side facing the proposed road frontage, showing the front of the buildings. All he wanted, as you go down the alleyways, was doors and windows and there is something to display that is inviting. Francis said I think what Alan is saying is look at the sides and don't leave them blank. In the front, facing 211, you are going to do more. These two walls, could be considered the front of the building and you are going to have windows and doorways. Marc said this building could split and then there are different entrances for different spaces. Mbr. Romano thought that Alan would like to have an overhang in the front of the building. On the corner building he wants both sides done. Going down the alley it should have windows and doors and the whole corner of the L should look like one building. Att. Dowd said Alan suggested that the buildings have dormers and gutters and architectural niceties that breakup the flatness of the wall.

Att. Dowd read in the paragraph of #1 “We also recommend that a color pallet be established for the proposed development.” Att. Dowd said I guess it would be for the entire development and I think it’s a good idea. Marc said I had that conversation with him about the residential component, there would be four colors. All the colors will be compatible. Att. Dowd added as far as the commercial, you should establish a color pallet as we approve this. Joe said we had mentioned earlier and Historical Color Pallet, a lot of companies carry that now. Marc said that is a lot and we can break that down even further and if it’s something we want to change, we can send it back to the Village Board and the Planning Board.

Joe Catalano said the Board wanted to see a rendering of wider alleyways. We have brought that along and some basic requirement of the alleys. Alan had seen A, B, and C of the drawings and we had presented them to the Board. The Board asked about a wider alley and it could be any alley. We define the alley as a place between the buildings that is going from the parking lot to the street. Chrm. Conero said max is 25' and minimum is 15 feet for the alleyways. Marc said I don’t think that was what it was. I think it was more like 30 and 15. Some areas are gathering areas with benches and trees. Francis had sketched a wider alley where you would have a seating area. With wider alleys you might want to extend the buildings edge with a fence line or some kind of divider. It could be a metal fence, landscaping or maybe a short decorative garden wall. Mbr. Romano asked if they were going to do an alley like in plan D. Marc answered he was not sure and it is up to the tenant. I don’t know if we want to lock ourselves into any particular space. If there was some sort of dining we could show some kind of seating. Tenants change too said Chrm. Conero.

Francis said we drew up some basic design requirements for the alleys. When the Building Dept. see the building they can... The minimum has to have a five foot wide concrete sidewalk to provide access from back to front. Walking surface will be concrete, it will not be a dirt path. Chrm. Conero said we have not decided on a material for the alleyways. Joe said it will be concrete. Francis continued the minimum would be a five foot sidewalk from front to back and the non paved areas would be landscaped. Mbr. Romano asked how do you get concrete to look old. Marc answered they are doing a lot of creative thing with concrete today. It allows us to keep the cost down, say on the sidewalks and put a little more into the side of the building. I think the concrete can be scored, stained or stamped. It does not go to say that we are going to use concrete but I would say we won’t do anything below concrete. If it was something we really wanted, like slate or brick ...Chrm. Conero asked are you talking about stamping the alleys? Marc responded it could be that the concrete is stamped or scored not necessarily in the 4 x 4 typical squares in a sidewalk, then it’s finished differently. Chrm. Conero asked if it would be brushed concrete. Marc said maybe not brushed. Chrm. Conero continued but these are going to be something different on the outside. Marc said he did not know. Att. Dowd added I got the impression that you wanted to make it consistent. Marc said I do but I think there are some areas that you could have different things, whether the alley was concrete in one color and the sidewalks were concrete but scored different. Chrm. Conero said I was confused by that because I thought everything was going to be the same. Then Francis mentioned that there was going to be some kind of brushed concrete in the alleyway and that is what brought this whole conversation about. He explained broomed finished concrete is sort of the basic. Marc said he didn’t think it would be that. Chrm. Conero said he did not like that and he didn’t think it would add anything to his project. Marc said I don’t either and I can show you pictures of concrete that you would not think was concrete. That is not really more expensive than broom swept concrete but if you have wider spaces you can get more creative. Chrm. Conero asked about the alleyways in the sketches and if they were based on 15' wide. Joe said the last one, D was 25

feet wide. Francis said it is wider and therefore you might have multiple uses. The wider alleys that's where you might have a variation of surfaces. In an eating area, perhaps brick pavers or something like that and it will ... bearing. We also said if it's not paved it is going to be landscaped so you won't have any bare dirt. If there is doors in the alleys they have to meet all the codes. If we have a seating area we will be able to put in a semi-permanent or some kind of delineation for that seating area, whether it is a fence or planter, something to define that area. Marc said this all depends on the tenant.

Mbr Romano said in Greece the sidewalks are 25', there are stores, a café here and there. Can you tell Starbucks to hang out with the crepe maker across the street? Can you place your tenants? Marc replied this is what we would try to do, we have a vision in our mind on the build out of our commercial. What we would do is go and find that specific need. Say it's a market 8,000 sq ft and it has a café in it, there is places like that around. That's going to be on us to go find it and say this is the space we have and a bookstore could be another one, that would be the goal. Francis said that is the reason we are not being too specific now. Mbr. Romano said she would like to see all four variations in your project, I think that would be beautiful. Marc continued when we get closer and get some tenants we have to do more defined building drawings and keep your closer to what we are doing.

Att. Dowd said on your submittal you talk about the alleyways being a minimum of 10 and a maximum of 30', and I thought it was 15'. Ten feet might be the Building Code minimum but stick a five foot sidewalk or walkway, you only have two and a half on each side. Marc said that's not necessarily in this phase. We just want some flexibility, not that you would have a five foot wide sidewalk plus five foot of space. It might be ten foot wide sidewalk and the whole thing is a walkway to get people from the parking lot to the front of the store. In a area of ten feet we would not have a tenant with outdoor seating. Doorways in those alleys could be an access to upstairs. The idea is to get the people from the back parking lot to the front of the building. That's where we want the action. As people drive by, the project seems more active and that's going to attract more people in to shop in the stores and support the tenants. I don't necessarily think it's a good idea to have the alleys your main entryways, you could have a small window. Att. Dowd said you can look in to see what goods are in the store and you won't have to walk around to see what is in the store. Francis said the side door, in a narrow alley, might be recessed in the building, so your breaking up the building plain by having a vestibule inside. Mark said I don't know if we are difenitely that but we will have flexibility, 10/15'. Att. Dowd said last time we talked about a minimum of 15' and then you wanted to go a little wider, 25 or 30'. Joe said from a practical standpoint most likely 10' is going to be too narrow. If there is a situation and the building size had to increase, you might have a 10' alleyway and later on 20'. Mark said that 10' alleyway might not be pedestrian it could be ... for the tenants, whether it's keeping their recycling or ... Not that their garbage cans are going to be sitting in the alley but there is a way to open the door and have a concrete drain in it where they keep their garbage cans. They won't haul their garbage out the front or back door of the store, they have a special area they can access through their store and they are taking it out through this alley.

Att. Dowd said the use of the alleyways is to get the people from the parking lot to the front of the stores. Mark explained it could be a combination. Francis added pointing to a photo, is exactly what Marc was saying, this is a larger door. That is on an alley hiding a surface area inside that door. It's a decorative wooden door that fits in with the architecture of the building. Marc said, pointing to another picture, this alley here is difenitely less than 10' and isn't that attractive. Mbr. McLean asked if they were going to have windows on the 10' alley? Marc

answered yes. The other thing is we don't want them all to be the same. Allowing different sizes is going to give you that variation. Att. Dowd said last month we talked about 15, 25 and 30, not 10, 25 and 30. Marc said no I think it was the Board's concern about the width, too wide. Mbr. Romano said people can walk through the 10'. Att. Dowd continues, I thought we wanted to see what 25' looked like and you were going to come back with that to show us what it looked like. Marc said we might not use 25 or 30', we might use 22 ½ but I think on the extreme side at 30' you add tables and benches and maybe a garden area. Chrm. Conero said last month we talked a lot about what would be going along side the building to the sidewalk. What would that be and we talked about landscaping, bushes and maybe nothing. I think that's where we spoke about ten feet. You take a ten foot alleyway and a five foot sidewalk you are not getting much on the side to do anything. I don't know how much can go into a ten foot alleyway, anyway. Dawn said the Board needs to keep in mind, and I am not an architect and I don't profess to be, the side of the building is basically going to be determined by the proximity to the adjoining building. It's not going to have less windows or doors because the closer to the building ... the more difficult it is and it has to meet building code. Marc is going to be limited to what he proposes as far as access and windows on a building that is only ten feet from another building as opposed to 15 feet. The further they are from each other the more liberty can be taken.

Marc said I wish Alan was here. I don't think Alan's intention was to have the large massive picture frame windows down both sides of the alley. To me that's not an alley and maybe these wider ones have entrances but these narrow ones can have smaller windows, a normal double hung window. Att. Dowd said looking at Al's comments, the proposed alleys provide an inviting pedestrian connection from the off-street parking lot to the street and I think he likes the idea. Display windows should be encouraged on the side corner of the building abutting alleys. So if you come down your proposed street and turn into the alley, that's the corner not having a display window. In the *Alley Plan C* provides for outdoor restaurants seating within the alley. This is acceptable as long as the restaurant has windows on the side of the building facing the alley along with serving entrance on the alley side. The only windows he is talking about on the alley is the corner when you turn off. So basically he is not saying the whole alley has to have windows, he is saying corners.

Joe Catalano explained that like Dawn's comment before it's really going to be a function of multiple ...building materials, openings and the types of openings because of what they are. Francis added if they are protected or unprotected openings, what is the exterior construction, is it sprinkled or not, what is the occupancy? There really is no one answer, it's all those things. Marc can tell his architect I have a 12' alley here and I want this to be on it. The architect will tell him how to do it, what kind of windows and what the doors are.

Att. Dowd asked if the Board is happy with the 10 to 30', I guess that is the main question. Chrm. Conero said when we say 10 to 30', it gives Marc the flexibility to do what he wants to do for the alleyways. Att. Dowd explained that what you want to see, Marc will put on the plans and you will be accepting that variation. Mbr. Romano asked if there would be a limit on each side, like one whole phase can't be 30'. Marc said that is right and that is not our intention. Mbr. Romano continued I know it's not but what I am saying is there is a limit on the ten feet, I don't want to throw a monkey wrench into your plans but it should not be the whole thing "Hey I can do this whole thing thirty feet". Marc said that was a great point. You look at this, which is not part of Phase 1 but this is an alleyway that could be 30' but there could be another one right here that could be possibly ten foot, one that shoots down here or here, and those could be the ten foot alleyways. Mbr. Romano said one ten and one fifteen. Att. Dowd let's focus here, Phase 1A

you would like the Board and if the Board is comfortable with, there is only one alleyway here. Marc said there was two. Att. Dowd said Rt. 211 is not an alleyway. Mbr. Romano said an alleyway, in my book, is in between buildings. Joe said an alleyway is defined --the pedestrians can get from the rear to the front, that's an alley. Mbr. Romano said we only have two alleyways, the rest are walkways. Att. Dowd explained in Phase 1-A we are talking a maximum of two alleyways and you are looking for a variation of 10 to 30'. Marc said I bet you it will be very close to 15 to 25', we need a little flexibility. The ten to thirty feet would allow us to be consistent as we move forward. We are not going to come back here and say we would like our alleyways from eight to fourteen feet. The alleyways throughout the project will be ten to thirty feet. Joe said as far as this block is concerned, there is a potential for two maybe three alleyways, that the same standards would apply to the whole project. Att. Dowd said they can't all be the same width. Mbr. Romano said I personally think it would look nice for the alley facing Rt. 211 is 25'. When you build the corner, that should be 15', you know what I mean.

Chrm. Conero said will there be no storefronts on the alleys? Marc said there is a possibility that there could be a door on the alley. Alan said there could be a restaurant. The door would not be a main entrance to a business but it could be an entrance to office space above. Joe asked what about a 300' Barber Shop tucked in? Att. Dowd said what about a serving door to get you into a restaurant? A door that would get you in or upstairs, would that detract to your purpose? Marc answered it probably be an employee entrance. Att. Dowd said it was unlikely that the customers would come off the alley and go upstairs. Marc said it could be that there is an apartment upstairs and the tenant is coming in off the alley. The idea of the commercial spaces is to get every one to come in at the front of the building.

Chrm. Conero commented I thought Marc might split the building in a way only the front would be occupied and the side rented out and have different entrance ways instead of just the front. Joe said in a lot of Villages you have small stores tucked away and there would be an entrance to that particular thing not an entrance into the building. Marc said I don't know if we can get that early on that might be something down the road to fill in other space. At that time our space would be occupied and the majority of the people would be entering off the front of the building. Chrm. Conero wanted to know about back entrances. Marc said there will be an entrance in the back to the whole store. The front facade is going to be the attraction and that's where you will be able to do your window shopping. In the back not necessarily, there will be an access for convenience purposes. The thing is to get everyone to come in off the front and there also will be parking on the street. Chrm. Conero said the occupant that has the store front would be the same applicant has the back entrance or the side entrance. It would be the same tenant that has the front of the building that tenant would also have a door on the side as well as the back? Or would you have a tenant that would occupy like that and have a tenant that occupied the back of it and had a door with this back tenant. Marc said no, I don't think so, as Joe said you might have a cutout off the alleyway that this is somebody's shop. Here's your big window on the corner, like Alan said, but this has a little sign that hangs over and that's how you get into this little shop. This is his in and out and that's it. Chrm. Conero said really the alleyway is going to function more than just taking your pedestrian traffic from the parking lot to the front of the building. You are going to have, even though you are trying to get everybody in front, you may have tenants out here and the traffic stops here and never gets out here. That will make the difference in the size of the alley. Joe said if you have that you are going to need a wider alley. That's why it's going to be a function of what tenants are going where and you are not going to create an alley space that's not going to be functional for it's intended use. If this is going to be wider, it will give you more flexibility, if it's narrower you will have less flexibility. The most narrow

alleyway will have no entrances probably just corner windows. Chrm Conero said if you put in this alleyway and let's say it's only ten feet and your tenants change, you change. You sell the project to somebody else, or whatever happens, I don't think we want to have a doorway on the side of a ten foot alley. Marc said what if the Code allowed it. What is your reasoning not to have that door. Chrm. Conero answered because it detracts from the front. Marc said if I'm going to the store that's out front, I am going to walk right by that store that's on the side. I am not saying that there is going to be a store there, I don't think there would be. Again the more flexibility we are allowed the more creative we can get with commercial space. The more tenants we can attract the better success the project will have. Att. Dowd said I think what Kevin is saying is if you start with an idea/premiss that this is a way to get people to the front of the building and you end up getting tenants in that ten foot alleyway or a fifteen alleyway because that is what you want for the tenants you have in the two buildings. Then later on some tenant comes along and they want to stick a store on the alleyway. Marc said let me get this straight, are you saying that one store is going to not let people go from the back parking lot to the front of the building. Att. Dowd said it is changing the purpose as well as the potential. It may not be appropriate to have ten foot alleyways with these little store fronts on the side. Marc said we can put a note on the plan and if it's a ten foot alley and you don't want to see those side stores, that is fine.

Chrm. Conero said you asked me what was wrong with that and I don't know. The reason I say I don't know is because I just asked the question to clarify would there be entrances on the side? Earlier tonight in our conversation, I got the impression that there would not be. At the last meeting we had, there could be. I have heard services entrances and it could be that this building, based on your tenants and the amount of square footage they need, you can slice up these buildings up the way you want, and have entrances on the alleyway. I am not saying that is bad or good, I just don't know. Joe said on this entire block we want to make it interesting from all sides. Even though the back is not going to be a major thing, you don't want to have it just a flat surface with nothing going on. You might want to have a couple of windows or an entrance and the whole idea is to make it interesting from the time somebody parks till they leave and the main focus is always going to be in front. Mbr. Romano said another way to get the main focus to the front is to have more parking on the street. Francis said we have as much parking on the street as we can. Mbr., Romano continued you down size this and somehow put more parking on the street and you will have everybody parking in the front. You do need more parking in the front and in an historical way, I don't know how it's done with the rules. It also takes time to do this, it takes people time to get to know where the stores are.

Chrm. Conero asked when the Village Board approved this project, did they want to see more parking on the streets. Att. Dowd answered they didn't want a massive parking lot in the front of the building. Mbr. Romano said I don't even like that parking lot because everyone is going to conveniently go in there and he is right go into a little store and don't venture out. Francis said you go down this street and there are some restaurants on the next block. People park in the back because basically there is not enough space on the street. They walk around to the front and I agree on what you are saying. Att. Dowd said on Rt.211 you don't want huge parking lots. Marc asked if they could speak to Alan or send him a letter and say "Alan, the widths from ten feet to thirty feet on the alleyways also possible entrances into the store or storefronts or the potential of having some small retail space that is off the alley and that's the only access." If we get a letter back to the Planning Board from him, would that help? Chrm. Conero said yes, I don't know what effect it's going to have. I would like to have him here next month and I would like to present these questions to him before the meeting and then he has time to answer them. Marc

said yes we will get a letter out to Alan and ask for his interpretation. Francis said the reality is the answer may be there isn't an answer until a building is designed and see what's going on.

Att. Dowd said when you talk about possibility and you don't want to be surprised at any point and time. What you approved is not what they are going to do because the flexibility was so generic. To see those shops on a ten foot alleyway, that's why we are having this discussion to find out what your expectations are. Okay, ten foot alleyways and maybe they only planned a service door and all of a sudden there are a bunch of little stores on the side that they were not anticipated. Marc said I don't think it will be all little stores but maybe something like a shoeshop. That guy does not need a full building for what he does. Chrm. Conero said you also have the potential to have a doorway there for the upstairs, if it's residential or business. These are questions we can ask Alan. Mbr. McLean said you have an alleyway that shrinks, is that going to be consistent. On a plan he indicated that this was 14' is it going to drop to ten feet? Marc said no it will drop to ten feet.

Chrm. Conero, looking at the plan, said there is no parking here. Marc said no because we are too close the Rt.211. The Chrm. continued you have four buildings which is Phase 1 and you will have some parking in front of there. Mbr. McLean said you can actually pull into your structure or your area and then walk.

Chrm. Conero said we will wait for some feedback from Alan. Joe said we intended to give the Board a note on the map as part of the Village's approval, just so that we are all on the same page as we go forward. I would say the alley will show ... as the Board discussed and then whatever items that Alan comes up with would be fine. We will send this along to Alan with our letter.

Dawn asked that they copy the Planning Board as a courtesy. Chrm. Conero asked Dawn if she wanted to speak about the two engineering reports. You have on the 16th which was on the water/sewer. Dawn said yes and we sent it directly to Francis and copied the Planning Board on that. Apparently there was a bit of confusion on what was going to transpire or how it begun to transpire. We did not get a revised submission and when I spoke with Francis on the 15th or 16th, he had done the Storm Manage Review and revised the plans on February 5th. We got another plan that was revised by them for the agency reviews, the DOH and the DEC. Apparently they had gone out or they have not gone out, that we don't know. We got a copy of that, copy of the application for the Health Dept., water/sewer improvement report and we didn't get that until the afternoon of the 18th so I apology e-mailing who I could and mailing it as quickly as possible. Chrm. Conero said you did the first report on...Dawn said yes and that we based it on the plan and storm water report that we submitted in February. The SWPPP report was revised Feb. 2010. Those comments are for revisions that need clarification that will be done with the storm water. Chrm. Conero explained that according to your letter, some of this already got sent out. I guess you did the Engineer report on the 16th and sent it to Francis and they were supposed to meet with ... Dawn said no, that was just on the SWPPP. We had a work session before the last meeting about submissions to the Health Dept. for water extension and DEC for the sewer extension. We need for the report to be broken up: one for the DEC and the DEC is also going to review the stormwater, DOH and the Planning Board. Hopefully the DEC will lighten up on their review comments. We did not get a revised submission and the gentleman has to clarify if in fact they were submitted to the DEC and DOH. The application to both are signed by the Village. The Village, technically is making application to the Health Dept. for the water main extension to service this development. I don't have the application for the DEC and once again it has to be signed by the Village Official. Francis did send me what was prepared and we got it on

the 18th and it took a little bit to generate three pages of comments. If the submission was made to the DEC, we have not seen it. Marc said it went out to the DEC and the DOH. Francis said we are at the stage where the plan is up for review and comment. The Village reviews the plans, there will be a permit issued by the DEC and DOH. They won't issue a permit until there is an official signature on the application. Marc said obviously the Village is not going to sign it until Lanc & Tully say it's okay. Francis continued, we are collecting comments from Dawn/Lanc & Tully, the Village from the DOH and DEC. Chrm. Conero asked wouldn't the comments be addressed before they are sent to the DEC and DOH? Marc said if the DEC comes back as says they need separate reports we will submit them. I think there is some misunderstanding because we had a meeting between us, Kevin and Dawn. Dawn you were adamant about us getting some sort of process started with the DEC and DOH because of the length of time. It is probably my fault that I pushed Francis to get this stuff out so that we can get this review going and get some stuff back. No way would I intend that you would not get forms submitted. Obviously the Village has to sign off before they sign that application. Francis said there will be one set of unified plans with everyone's comments on it, on a single set of drawings. Sometimes we try to cut down on this review time by letting everyone look at it at one time and make all the revisions together. Dawn said if the Village has concerns on the system, and the DOH/DEC approves it but the Village is not satisfied, you may have to go back to get re-approval. They cannot get the Chairman's signature on the approved Site Plan until they get the approvals.

Chrm. Conero said we can issue them a Preliminary instead of an Conditional Approval. Francis explained that we can't construct or do anything without all the approvals. Joe said once we get comments back from the DOH or DEC they can forward it to Lanc & Tully and they can comment with the assistance of the agency comments. Francis commented that they were concerned about the time frame because Dawn fore warned us that the agencies here—Dawn added the DOH is quite good, but it's the DEC and she always has concerns with them.

Chrm. Conero asked if the had Lanc & Tully's report of March 23rd. Francis answered yes, we have two letters which we reviewed internally. We will address them and get them a revised set of plans. Chrm. Conero asked Dawn about how long do you have to wait for DOH and DEC. Dawn answered the DOH is pretty good, you don't have to hound them. The DEC is the State and they are a different league.

Att. Dowd asked before next months meeting are you going to submit a lot of the responses, technical details and comment letters of Dawns? Marc said within two weeks. Att. Dowd continued that we have to get to a point where Dawn is satisfied with the technical so you can get a Conditional. Joe said we have to address Lanc & Tully's comments, widdle them down so when Dawn comes back to the Board, I am sure there will be a couple of outstanding things, but the Board will comfortable to say Conditional Approval, as long as these things are addressed.

Joe said the only thing I saw in the letter was the landscaping plans, #4. The details of that will be the building design, the alleyways width and design. Dawn commented that she tried to highlight that the major trees, the significant trees that they are labeled and that they are there. The quantity was left blank. You have areas of landscaping ... and I don't want to tell you how many and what to plant. If you have specific trees and you have cutouts on the sidewalks, label it.

Chrm. Conero asked about #5 and wanted to know if it was on a slope. Dawn said that grading

is there and that is real tight. Francis said he would have to talk to Dawn on the side because he did not know what she was talking about. Dawn said your sidewalk is here and you have a very, very steep slope. In it's proximity and I understand you have a building footprint—Francis said it's kind of hard to show because we are just showing footprints. That's where the sidewalk goes down and building, we are at grade at the high end. There might be stairs going up or a retaining wall/guard wall. Dawn said once again if you are going to do a retain wall, if it's more than four foot high you need ... for that. Joe asked if that would be addressed in the building plans for the building permit itself? Dawn answered no. Grading is part of the site improvement. A four foot ... wall would be fine. You are going to have a hard time constructing a one on one and a half float. It's too tight and you building is close not too close but close enough to where you are probably going to have to put a wall in there. Just to get the grade you need. Show me it's gonna be a retaining wall and if the building footprint is smaller and you can grade it out where it can be ... and maintained, okay. Francis said there may be an entrance vestibule there instead of a retaining wall. We will show something on the plan.

Chrm. Conero asked if he heard from the DOT on the second driveway. Marc said no but there is no way they can deny that. Chrm. Conero added part of the SEQRA process was that the residents don't want the traffic all going up Chandler Lane. We need this and not so much for the residents but it's the history and character of this whole project, we need that driveway. Francis said the DOT wants to make sure the Municipality understands what is going on.

Chrm. Conero said he received the draft letter from Francis for the DOT. Rose retyped it and I signed it and she sent to the DOT. Francis said hopefully we will have an answer by next month.

Mbr. Romano asked about the lighting. Francis explained that Marc picked out the lighting. The fixture looks like a colonial antique lamp. Marc said the light is actually in the top, so that it shines down. There is actually no glass, it's like a lantern and it just shines down.

Dawn reminded the applicant that anything that is sent out or received should be cc'd to the Planning Board as well as Lanc and Tully. You can e-mail or send a hard copy. Chrm. Conero said if you have any questions on design, landscaping or anything, e-mail me and I will forward it to Alan so he can be prepared for the next meeting. He will research all these things and I want to just be clarified on these item. We want to finalize this. Marc said if you can get a hold of Alan, that would be great. I will try and reach him too, explaining my side of it. Chrm. Conero said, again I just don't know. Marc added it's for me too. Good night, we will see you next month.

RE: HILLMAN

Chrm. Conero explained that Bernie did not show up tonight. He will have to come here next month because the first six months expire on April 28th, 2010 and he needs to apply for an extension.

RE: FIRE DEPARTMENT

Chrm. Conero said that the Board received a letter from the Fire Department in regards to color coding the hydrants. The Board had no problem with that.

RE: MINUTES

A MOTION to accept the Minutes of the March 24th, 2010 Village of Montgomery Planning Board meeting, as written, was made by Mbr. Weeden, seconded by Mbr. Romano and carried 4 Aye,
0 Nay vote.

RE: ADJOURNMENT

A MOTION to adjourn the meeting at 9 pm was made by Mbr. Romano, seconded by Mbr. McLean and carried 4 Aye, 0 Nay vote.

Rosemarie R. Griffith
Deputy Village Clerk