

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 April 28, 2010 at 7:30 pm

ATTENDANCE: Chrm. Conero, Mbr. Romano, Mbr. Weismann, Mbrs. Weeden and McLean were absent, Village Attorney Kevin Dowd, Village Engineer Dawn Kalisky, Village Planner Alan Sorensen, applicant Bernie Hillman, applicant Marc Devitt and Joe Catalano and Francis Bossolini

CALL TO ORDER

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

**OLD BUSINESS BERNIE HILLMAN SIX (6) MONTH EXTENSION REQUEST
59, 61 & 63 CLINTON STREET**

Chrm. Conero said Bernie Hillman is first on the agenda. We gave him a six month approval, which is expiring and he is here tonight for a extension. He asked Bernie to explain where he is on the terms of his approval. Bernie said I was working on the property and then it became really muddy. He brought in stone and things like that, he had an excavator there and he chopped down a tree. He did that just recently and he going to bring in an excavator again and put in pea gravel. Chrm. Conero asked if he could get all the work done in the next six months. Bernie answered without a doubt. The way the Spring was, it was a real mess back there. Chrm. Conero asked if all his fees were paid. Rose answered yes. Chrm. Conero said it's just a matter of voting on the six months. Att. Dowd added actually it's a 90 day extension so you can tack two together and make it six months. He asked Bernie if he need the entire six months. Bernie answered yes but I will get it done before that.

A MOTION to Grant a Six (6) month Extension to Bernie Hillman for 59, 61 & 63 Clinton Street was made by Chrm. Conero, seconded by Mbr. Weismann and carried 3 Aye, 0 Nay vote.

Chrm. Conero explained to Bernie that if he went over the six months they would have to start the process all over again. Bernie said he did not want to use blacktop there he was going to use gravel.

OLD BUSINESS DEVITT'S PDD CHANDLER LANE AND RT. 211

Chrm. Conero the next item is Devitt's Chandler Lane PDD with Marc Devitt and crew. We also have Alan Sorensen here tonight to discuss some of the issues we had at the last meeting. We had some issues with the alleyways and their sizes. As our Planner, we wanted you to go over their plans and comment because there are some things we don't understand. One comment we didn't understand was on the front of the buildings, you said to make it like a street corner or to have the corner cut off and make it more appealing when you came into the Village. Do you have in mind that it would be squared off and would it be on a diagonal? At the last meeting I could not tell Marc and I don't know what the ultimate size of an alleyway is and I think it depend on what he is putting in there.

Alan said first on the corner buildings, you want to make sure when you have a prominent building on the street corner you want to make sure you don't have one side of it just blank, so it's the vacant side of the building. The key is and because it's a mixed use, new urbanism, that special attention has to be paid to these corner buildings because they are focal points within the development. The treatment of those corner should be done with the creating a focal point that is appealing and speaks to both street scapes, not just one. He thought some of the language in the Design Guidelines speak about some of those issues. Is it an absolute necessity that you have a 45 degree angle on the corner, not necessarily but that is certainly a technique that can be used to make it more of a focal point. Also, by having an angle on the corner of the building, it can help with site distance if you are coming out to a prominent intersection. These are things, as you are looking at the overall Site Plan, the tenant becomes a clear decision and it will be made once you know the tenant mix. Some decisions will be made once you know the tenant mix and where the specific buildings are placed and the design of the building.

Alan continued the width of the alleyways in the proposed Design Guidelines give a range of alley widths. I think that is appropriate because the building placement and design are going to effect the appropriate alleyway width should be for the particular site. I don't think you want to say the alleyway will be 10 feet and that's it, I think that is too restrictive. Having the range makes sense and what they have done in the alleyway Guidelines have provided some sketches that might occur within the alleyway. I look at the alleyway as an extension as some of the pedestrian activity which primarily should occur on the street scape. There is no reason why a café seating couldn't wrap around as part of the alleyway, I don't see any problem with that. As long as the store fronts are oriented to the sidewalk and to the street scape because that is what you are trying to create is the pedestrian oriented mixed use center. There may be parking behind the buildings the street life is occurring in front of the building, and the Design Guideline do speak about those points. There are a few things I would recommend, some additional paragraphs that could be added to the Design Guidelines that are proposed.

Joe Catalano commented that they had spoken to Alan, Dawn and Kevin on a conference call Monday and on the design criteria, the conclusion was to put it all in one document on all the drawings we have been showing you and the things we have been talking about. This is to help the flexibility they are taking about and they were talking about certain bounds. We would keep any architectural designs within these Guidelines. Mbr. Romano said anything in here you would be using for signage. Joe answered for buildings, signage and alleyways. We sent this around yesterday morning and we put the Design Guidelines together yesterday morning with Dawn and Kevin. You have seen this stuff already but it has not been in one document. We took some stuff out of the DEIS Chrm. Conero said in the Design Guidelines there are descriptions of what you want but I have really not had a chance to read them yet. Are there any examples of lighting or landscaping plans? Joe said no. Francis said we have a light fixture based on a certain fixture.

Mbr. Romano said are these Guidelines for you Preliminary Approval? Francis answered they are a reference for the building design. For example, sight lighting, we selected a picture and are specifying the locations of the fixtures on the final site. The building components are really what

is talked about in the Guidelines, what are the materials, the finish and we suggested some color pallets. We were summarizing the criteria from last month and what's going to be in there.

Francis continued, when the Building Inspector get's the application for the building permit, we can look back and say yes we need all of it or we don't need this and we have to go back. Chrm. Conero said the issues I have is that we are putting a lot of power and emphasis on what the Building Inspector interprets your Guidelines as. In other words, you put in one building and you have a different tenant who put in a typical building, but it has different siding, we are leaving it all up to the Building Inspector to say this facade is good on this building and color is also good. The landscaping design will be up to the Building Inspector, at that time, to look at the Guidelines and do that. I think that with the Boards perspective we would want more detail as to what your going to do and when your are going to do it. It is the entryway to our Village, especially Phase 1-A and it is very important to get this right. This is what you are gonna see and we want to get it right for you too. I don't think it's just Bruce, but I don't want to give Bruce that kind of power to look, not power so much, but his interpretation of the Guidelines might be different than what our wishes would be. Marc said that's fine but this is not coming from Bruce, this is coming from us. This is something we are going to do in accordance to the Design Guidelines. If Bruce comes back and say "I don't care for the Hardy Board next to the brick over here." I am going to say "Bruce I don't care what you think about that." I will come back to this Board and say "what's the problem here with the siding next to the brick or anything like that". This is not Bruce saying, or anybody in that position, saying I 'd like to see this Montgomery White and this Colonial Blue and this Green. Nobody is going to do that, we are going to do that, that's going to be on us to do, in accordance to these Guidelines. It's gonna be up to Bruce to say "You know what, something funky is going on here. They have this stone building and it's a Federal style and they put a big Victorian next to it. When they apply for a building permit, you might want to look at this." Chrm. Conero said I have to wait for a clarification letter from Bruce.

Chrm. Conero added I think a lot of the intent of the PDD is that it gives the Planning Board more flexibility and over site of how it is going to look. A traditional plan was different. Part of the reason you got the PDD was to re-zone the district. So you got this PDD that allowed, not the typical, instead of re-zoning it say for 4-A, you have very stringent zoning restrictions. The PDD is designed to allow everyone flexibility, not just you guys but us as well. I can't stress enough that

Phase 1-A, because it is so critical, I want this to really to be as perfect as possible. Marc said me too! Chrm. Conero continued if you put your buildings up and somebody comes to us and says "Why did you let them do that?" We say well it was in the Design Guidelines and we gave them the flexibility to do what he wanted. Marc explained that he would come back to the Planning Board for something specific. I do not want to come back to he Planning Board and say "let's roll out the plans, we will be here for four meetings, what do you guys think?" Here is the Design Guidelines this is what our building looks like is everybody okay? Att. Dowd said if you are seeking the design of the building they are going to put up, this is would be consistent with the Guidelines we approve. What Kevin is saying is if you are going for a Building Permit and it gets to Bruce, Bruce is not part of this process. He sees the pictures in the Guidelines and say it looks like it but it may be totally different for what he thinks it looks like. I think they just want to come back and say here's the elevations of what we want to build for the first building. We believe it is consistent, and we want your blessing, and we are not going to reopen it up for 16 different Public Hearings. Mbr. Romano added no we don't want to do that. She

complimented Marc on all the past jobs he had done and what a great job he does on the buildings. She wished he all the luck on his endeavor. There have been other instances, and they are not PDD, we just want to exercise our power for this PDD and that it is done right. We want it to be perfect and help you to be perfect, is that what you are saying? Marc responded I do too, the PDD is essentially like another zone or district. That is like, you mentioned 4-A, well there are certain things that are allowed to go into 4 -A. That was not decided by the Planning Board that was decided long ago by the Village Board. The same thing goes with the PDD. The Village Board has said here in that approval we were given certain areas. Like I said, I don't have a problem coming back to the Board so long as it is specific and we are not here for a long drawn out process.

Joe mentioned as long as the review process is for that ...Before we apply for a Building Permit for any particular building that we have to get the consent or approval of the Planning Board. We will bring the architectural drawings for that building. We are cautious about what is the scope of the Boards review for that. You are looking at it and say "Yea, that fits in with your plan of what we have been hearing," or your going to get involved with specific details or say we are not approving this because the windows are too big. Att. Dowd said that is why we are working on the Guidelines and Alan has some suggestions on the Guideline amendment. That becomes the frame for it and then you come back to us and say "Here's the elevations and what the first building is going to look like. We believe it is totally within the Guidelines as far as color, style and everything. We are looking for your blessing." Unless there is something outside the realm of the Guidelines, which I don't think they will do that. Joe added like you said, Marc we have no problems with you and the same thing this Board can change. Marc said I don't have a problem with this Board but it's tying into the Guidelines to get the approval.

Mbr. Romano asked with these meetings and them coming back, can they be done thru pictures in our e-mails or work sessions. Marc said we can give it to you for your packets. Att. Dowd said that is what we are trying to get at, the Guidelines will be part of the Conditional Approval. It's on the map and this packet of information that express not only the alleyways but colors and schemes and styles as part of your approval. As long as they come in with those styles and colors and details, you should be finding them consistent with those Guidelines. You then can say great, go ahead and get a Building Permit. Alan said I see it's more as a consistency review. Mbr. Romano said as long as we are all on the same page. Att. Dowd added they only thing we would have a ... with is the color of Howard Garretts house, it's a historic color. The Board says "guys can you get away from the color purple and with a more historic color, which won't be so outlandish." Mbr. Romano said or if something does not work and we don't have the fore site to know if something is not working. When we drive by and say wait (we which we have done many times with many applications) what happened there? Whoever takes over from our Board, things change and we say "what happened?" We just want that and it didn't work.

Alan explained that he wanted to speak about the Guidelines. In looking at this, it provides a broad framework in which to work in. He had worked with a lot of different scales of developments over the years and has seen design regulating manuals that are 100 pages thick, with every conceivable thing in it. When we had the conference call that was what I was alluding to. I was not recommending that you go down that path because of the scale of the project, that's probable too much. You are still conceptualizing what the final products are going to be. I think there are some things that could be added even to the broader frame work to give the Board a little more to work with. To you, as the Developer a little greater clarity in

terms of some of the thing you are trying to achieve. I thought I would start with a illustrative example. There are different sections in the proposed language that deal with, on Page 2 for example, roof lines should be varied to create visual interest and it should be designed to conceal mechanical equipment. That's a technique that is used to create visual interest. Other points we talk about is ground floor retail being oriented to the street. I read through it and jotted down some notes. I was not sure where this was going so I took a minimal approach and put some notes down. Here's one thought that I thought was important to convey. I will just read what I put down. "Rows of attached or closely spaced buildings to use architectural treatments to achieve diversity in groups that can be seen as a whole using the following techniques:

Varied building facades to give the impression of smaller individual connected buildings
Variation of roof pitch, encompassing gables, flat roofs, etc. to create visual interest

It ties in the other point that I spoke about in my reference library have an illustrative example of what I just said. I think some illustrative examples could be useful. This is one building but the variations in the roof line and facades make it look like six individual buildings. You are proposing some larger buildings and this is the way to achieve that. It could help and you could probably use this one to kind of convey that point. I am not saying that every single point in here has to have a visual reference. I think in this project is one of the more important points to convey in the design, so you don't have a linear building that has three store fronts and everything else on the facade is the same material that stretches from end to end. Joe said from the original concept, we did break up the buildings to smaller buildings than what was originally proposed. Marc said that is fine and we can add that. Alan said that's going to go a long way. It took a little while to put this in a narrative form but the visual and when you put the two together, it's very helpful. I think if you have some of the broader concepts like that, to me this is one of the more important ones. So you know when you are going into it as you design the Village, you want to incorporate some of those elements. I still think there needs to be a mechanism by which, when you come up with a design, the Board has an opportunity to take a look at it for a consistency review.

Att. Dowd asked when they apply for the Building Permit will they have to submit a copy of the elevations to the Planning Board? Marc answered yes, we will submit a sketch or something. Joe added prior to the application for the Building Permit, we want to make sure they are okay. Att. Dowd said before the Building Inspector issues the Building Permit, this Board can say yes, this is consistent. It depends on what the Planning Board needs as a comfort factor, they will want to see it because the Building Permit has been issued. Joe said overall that is our intention at the same time, we don't want to get into a long review process. Att. Dowd commented you can refer this to a consistency review and the Guidelines you are approving, even if your not here and some other Board's here, it's clear that it's a consistency review of the Guidelines. Joe asked Alan to add his drawing to the Guidelines. Alan said that is one of the more important points, as I was thinking about it. Because you are going to have some of the longer buildings in there but you want it to look like individual units. Chrm. Conero mentioned this is kind of an overview Guidelines, there is nothing specific in it. Francis said yes there are specific in it like the front of the building is on street side. If we had submitted a Building Permit application that has that blank wall and the front on the parking lot side, that does not meet the guidelines, you would flag that. There are specifics without being exactly specific with the architectural component. Chrm. Conero said there is nothing specific in the exact materials you are going to use. Joe said yes there is, go on Page 2 of the Guidelines the second to last bullet there, we listed a number of

materials. Marc added again you will see that in the consistency review. You will see a list of materials and what they are going to be. Joe said we didn't want to pin point a particular material because the idea is to have some variety. Mbr. Romano added you also say the use of vinyl and plywood will not be used. Joe answered right.

Alan said on Page 2–Ground Floor Retail– it's the third bullet, I think that's very important for the pedestrian environment. In the second line the words –were practical – I think that's an important element. There should be transparency in the windows on the ground floor. Because you are building a new buildings and you are oriented to the street, I am not sure where it would not be practical. Mbr. Romano asked if he meant like a corner building where there are windows in the front and maybe a side window where you can see the whole corner in the inside? Att. Dowd added it does not have to be a corner, it will be on the side. Alan continued "Ground floor retail service, restaurant or other commercial uses must provide ,where practical" take out where practical "suitable display windows on the front facade to provide views into the interior of the building." Joe said I would be hard pressed to say where not to be practical, if it meets the Code.

Chrm. Conero asked about the alleyways. There was some talk last month about the entrance to other businesses off the alleyways. Now the alleyways are designed to get the people from the back, who parked, to get the pedestrians to come to the front. Marc might, because he does not know yet who his tenants are, he may have entrances off the alleyway, to businesses or to the second floor. Marc commented there are a couple of things and I had asked Alan. Not necessarily, if you have one of those main buildings that is on the corner, in the center of alley and we could have a tenant that needs 400 sq. ft. I think I referenced a little shoe repair shop and they don't really need much space and their rent is a lot less. It could be this little shop that's in the alley and it has it's side hanging off, you are going there specifically because you know where that guy is. Again, I don't want to take away from the main goal to getting everybody to the main street scape. Chrm. Conero said that also brings up a point that if you were going to do that, in an alleyways, I would think it would have to be a different width. The alleyway, what I am saying, is that you have building one who does not have a side entrance and you decide to put an entrance in building two on the side, your alleyway is going to have to accommodate that. Do you have to reduce the building? Joe answered no, the width will be decided by the Building Code. By having that entrance there, the Code is going to require a certain width of the alleyway. Marc said he thinks about these older New England communities and you see some of these alleyways that have, not necessarily a store that's taken up that corner building. Alan said there was an example of that in Warwick, NY when you go from the Municipal Parking lot, in the back, across the little bridge there is a little flower shop on the corner. Marc continued my question to Kevin was I don't know if I'm going to have that. I think those things had some nice touches to the over all design. Alan said I would not be adverse to that. The reality, you may have some people that park in the parking lot and just go to the shoe shop and go back. The majority of the patrons are going to be going to the store front. When you add other activities in the alleyway, that keep eyes on the alleyway, that's a very positive thing from a defensible space standpoint. In that situation, the shoe shop for example, in addition to having a door, I think it's important to have a window. As someone is walking down the alleyway, there is a store front Marc explained it's not somebody that needs to be right on the corner of Rt. 211 and this new main street. Everybody knows there they are. It's like a listing in the Yellow Pages, you are looking for something specific and that's where they are. They don't need the space. We talk about the second story offices and they could have a side entrance off the alley, instead of taking up space from the front from those commercial tenants. Alan said understood and I don't have a

problem with that and once you build your first building and you come in for the second building, where the alleyway is going to be created, that's when those final decisions will be made. It's kind of hard, without the ability to see what buildings this alleyway is going to be in context with, it's difficult.

Francis commented this is sort of an organic development, you have to see what happens after you put this first one in. Alan said I can't predetermine. Marc said say we get a building up and it is approved. There is an alley with a specific width and then we get Joe's Shoe Repair. He wants to come into this space, is that something we can come back to the Planning Board and say we would like to modify the building you approved to put in this little 600 sq. ft. shop. The door is in the alley and window is next to it. What I am saying is we come back for the consistency review and the Board says it looks great, go ahead Marc and I build this building. In five years down the road I get phone calls, I wish you had this smaller space here and there. That's what I am saying, maybe at that point if I say "hey I'll come back to the Board if I can put this store front in here off the alley." I just want to make sure that is a possibility down the road. Joe said you can say that any updates for a Building Permit or Building Permit Amendment would first have to be reviewed by the Planning Board.

Chrm. Conero asked if the consistency review will be going to Dawn for her to look at. Att. Dowd say no. Dawn said it's architectural. Chrm. Conero stated there is no Engineering in there at all! What about lighting and landscaping. Dawn said lighting and landscaping is supposed to be part of the Site Plan approval. When I say lighting plan I mean the parking lot lighting. The lighting on the buildings that would fall under architectural. The site lighting has to be approved, Site Plan approval. Francis said we chose this fixture (indicating on a drawing) and it shows where it is on the street and the parking area, it shows the illumination. Joe said check with the Engineer for the Building or the Architectural Designer they provide ... the Building Inspector for State Code, whether the structure conforms to the Code. Chrm. Conero said I am talking about the illumination of the lights and where they are going to shine, on the building and in the parking lot. Francis said we have completed that since the comment letter, that was one of the outstanding issues. We will be sending that to Lanc & Tully for their consent before the Chairman can sign it. Alan asked if there was a photometric plan? Francis answered yes.

Mbr. Romano said the consistency review would be architectural and they would come to us. Att. Dowd said they will come to you and they will have to go to the Village Board also for the SEQRA findings. You would look at it from the view point of consistence of what you are approving. As part of that, you would also look at the lighting on the building.

Chrm. Conero said we will be going into the Engineering report but does Alan have anything else to add to the Design Guidelines? Alan said one thought I had, and it would be a community preference, we want the buildings oriented to the sidewalks. There are some merit, for the first floor of the building, a minimum set back of five feet from the sidewalk edge have some green space. As you get up to the second, to allow the second floor to project out five feet so it is flush with the sidewalk. Those two things helps with the scale of the building facade and also provides a little green space along the sidewalk and you can have it as an option or a requirement. If I were going flush to the sidewalk, you will have a uniform building line. Mbr. Romano questions Alan by saying you are saying not to do it all that way, they should have variations of both. Alan responded I have seen some communities where it's just mandated that you have that five foot setback for the first floor in the front of the building. In the front is where

you have the ability to vary and variation may create the appearance of the individual buildings, one that projects out five feet and the next on recessed in. Chrm. Conero asked Alan to illustrate that. Mbr. Romano said and there are some buildings that are flush with sidewalk. Chrm. Conero said that's a canter lever. Mbr. Romano continued let's say there is a Star Buck's or a coffee place that it is flush building with all concrete. Alan said you can have balconies projecting out, for example, that would add visual interest. Marc said I don't have a problem with that and leaving it as a requirement to include it as an option in the Design Guidelines. But I don't know if we would do it with every single building. There might be an area that it fits better and another that it doesn't. Mbr. Romano said I think that is a nice idea and not uniform for the whole thing, but that is my opinion.

Att. Dowd said Alan your talking about Rt. 211 and the street scape. You will have a curb, a little bit of sidewalk and grass. Alan explained particularly in the buildings where you are going to have mix use above, that will be very important to have a little green space. There are other areas in development where you just might want to have a wider sidewalk width for the purpose of outdoor seating. I could word this in such a way that it is something that is encouraged to add visual interest.

Alan said he did a quick cursor review because he wanted to get a feel where the Board wanted to go. He will look at it in more detail and add a few more bullets. Having a better understanding of the process, using the consistence review thing again, he thought it gave everyone a better comfort level, within these Design Guidelines. You could use the best materials and someone could come up with a building that just is not right and that's where the consistence review comfort level comes in. Joe said once you see the designs, colors and see all the details, it won't take the Planning Board to say "Yea, this is what we were think of" or "Whoa where did this come from".

Att. Dowd found a minor typo on the Signage on the second bullet. The words say "Plastic signs are not be allowed." It should say are not allowed or not to be allowed, that makes more sense.

Dawn asked if the reference to the street and site lighting fixtures be move to the Designed Guidelines, once again as we said the siting plan is for the Site Plan review. All the other discussion should remain. Joe said we were hoping these Design Guideline will follow each phase for the non residential. Francis said you could qualify that by saying "The lighting plan will be submitted for approval for each phase." Marc said the Design Guidelines might make a good reference for future projects. In that lighting design that we submit for sight design for the parking lot, if we had lights in there that were just a square box, is that sufficient? We would meet all the requirements as far as illumination is concerned but it looks like c... Dawn is going to have to see that no matter what. Dawn said do we care about the fixture you use, no. We don't mark the pretty box, we look at the luminary and how far it goes and how bright it isother than that we don't care.

Chrm. Conero said ...will have to take care of those lights and it's different than a regular Site Plan approval. It's a major subdivision and we want to keep all the street lights, especially if they are going to be dedicated to the Village. We want to keep consistency, not just for aesthetic reasons but also for maintenance reasons. Dawn commented once again that is a decision we don't make you folks make. There is fixtures you can request but there nothing in the Code that says this fixture must be used. Chrm. Conero said no, we ask for that. Mbr. Weismann added what is appropriate, in this context, it's just another item of consistency review. We got the

lighting plan and now we have to agree on the lights. Att. Dowd explained that the first bullet we are talking about should say the building lighting or architectural lighting shall be consistent with the ornamental lighting on the plan. The Guidelines for the buildings and that lighting have to be consistent with what you have on the lighting plan. Joe said we will take out the first bullet in there and add what you just said to the last bullet. Att. Dowd said answered yes you can do that and that would be consistent with lighting plan or the fixtures for the lighting plan.

Mbr. Romano asked which building are you planning on building first, the corner one? Joe answered which every one he get a tenant for. Marc explained that ideally he would like to develop the corner and that will show an entrance. Mbr. Romano said I know this is the wrong word but it's the foundation for where the other ones are placed. Literally, your cornerstone and I was not trying to use that word. I know it's up to the tenants too. I would think everything builds out from that corner. Joe said on the other hand if somebody came to Marc and said I want the building in the back, that building would go up first.

Chrm. Conero said speak of cornerstone have we heard from the DOT yet? We have the DOT involved, they would like a road in there. Francis said we are finalizing our paperwork for them. He spoke to the guy last week and he said to just send in the permit application. Chrm. Conero said you are talking DOT to get the road cut in and they are on board with that? Francis said they have approved the concept. In the PDD and DEIS stage, where we commented that all the traffic should come off of Chandler Lane and the people on Chandler Lane said the traffic should come off of Rt.211.

Mbr. Romano said she had one more question. Say you get a tenant for the building next to the cornerstone, is that going to offset, depend on materials, isn't that going to offset and change the corner building. Chrm. Conero asked what are you talking about, going down the new road or going down Union? Mbr. Romano continued to me if you were to build either one, is that going to change the corner building? Marc asked her if she meant the style. Mbr. Romano said no, if you get two big tenants, let's say 10,000 sq. ft. tenants, let's say, for the second building you are going to put them in because that is where you make your money. That's going to be huge! Joe explained that we could not do that without coming back to the Board. Mbr. Romano asked if it was going to offset that building and change the look of it. Joe answered no you would refer to the Site Plan and that corner building at least has the footprint. Mbr. Romano said we are not getting exact measurement on each building. Joe said you are with only about a 10% deviation. Francis is if we show a 40 x60 it is not going to 100 x 80, but it might be 41 x 59.

Dawn commented that because of the landscaping plan in accordance with the findings statement.....they shall provide a detailed landscaping and lighting plan for the Site Plan approval process. When I say site we have around parking areas, street trees and landscaping bed or grounds, depending on the alleyways you know the configuration. There is not, other than a broad brush, Alan do you have any more specific, basically for the Design Guidelines specific to building landscaping as opposed to and the only thing I see in here is "Areas not paved should be landscaped. Landscaped areas may be grass. Ground plantings or raised bed plants, and may incorporate stormwater management practices and outdoor furniture." This is on Page 4, fourth bullet down under alleyways. We have lighting, signage, architectural and alleys but we have nothing. Alan said that's a good point especially if the building is set back five feet, there should be planting beds. Marc asked if that should be done when we come back? Dawn said your not coming back for a review. You are trying to get a document that has your

Guidelines and consistency review. Okay, we will have at least this and if you don't building this and you sell it and they say "Gee, the landscaped areas may be grass. I don't want to put in trees and nothing in here says I have to, or whatever. You have tighten up quite a bit on every other aspect other than the actual landscaping. Alan commented he could come up with a few bullets for there. Joe said since the building landscaping and or the alley landscaping will be so intricately tied with the building design, that plan could go to the Planning Board at the same time as the building plan. Marc asked Alan to add that and when they come back to the consistence review that's all in there and we will see the landscaping design. Joe asked Alan to insert the drawing had brought with him. Alan said he could do that. Chrm. Conero added if you have any other drawings that could be applicable to these thing, add them too. Alan said I could add a few sketches to illustrate some points. Chrm. Conero asked if Alan will come to the next meeting or e-mail the information to us. Alan was not sure but he could send things to Rose.

Joe said we were hoping to get a decision from the Board tonight. Att. Dowd asked if they saw the letter from the County? They are withholding their recommendation. Joe said they can't. Att. Dowd continued saying they want us to provide them with another plan. Chrm. Conero said we really have not even got into the Engineering report yet. I just wanted to get to these Design Guideline and what we need Alan for. Joe told Chrm. Conero they would go ahead with Alan's changes or amendments as long as they are in communication. About the letter from the County, it is not about this particular phase. Att. Dowd said Number 2 certainly is and Joe agreed. There was no lighting plan submitted to them and we did not have them either. If Francis has it now and he gives it to us to review, we can forward it to the County. Joe said they are not saying they want to look at it they are saying that they recommend that the Village ensure. Att. Dowd said they summerize that reserve certain conditions and the want the SWPPP. Joe said the post construction SWPPP and that is not going to happen. Francis said they want the SWPPP that illustrates post construction. Did they review the SWPPP on top of the Village reviewing it? Att. Dowd the letter says "they are reserving their recommendation until they receives a copy of the Post-construction SWPPP for this site and the Site Plan is referred back to our office." So they are going to hold their determination whether it's Local for us or they are going to make conditions that are contingent upon us. They are saying we didn't give them a complete picture. Joe said but they are saying the date of full statement was March 29, 2010. It's a little contradictive plus they do give you recommendations, even though they say they don't. Att. Dowd said we don't know if those recommendations are of... "our approval of this is contingent upon you complying with these recommendations." Are they advisory recommendations or conditions of their approval? They are not giving us their approval. I think what they are saying is until we get the SWPPP, this is not complete, this is what it sound like to me.

Chrm. Conero said we jumped the gun on #2, but what does #1 mean about the sidewalks on Chandler? Dawn said that was a nice recommendation. Chrm. Conero continued that is up Chandler on a different side. Joe commented that they were going to incorporate sidewalks there. for this phase because we are not building out. Chrm. Conero asked how would they get to the site? Francis answered there is a sidewalk there now, which goes through Chandler. Att. Dowd asked if this phase had an entrance off of Frieda Street. Chrm. Conero said yes, that's the first street. Francis added it's the opposite street and we will put our sidewalk though that intersection. Joe explained that the Chandler portion of the site is reserved and there is no sense in putting a sidewalk in there, Dawn commented it's a nice recommendation when you get to that phase you are going to have the sidewalk there or construction of that. Chrm. Conero said

the Site Plan does not include sidewalks. Dawn continued this is Phase 1-A and Phase 1-B is kind of blocked out right now. If you will recall, the other buildings are proposed and that was all pretty much Phase 1 in the DEIS. They have come and asked if they could do Phase 1-A and 1-B and they are splitting Phase 1 and everyone was fine with that. They will have to come back for a Site Plan review for 1-B and at that time the comment would be appropriate at that time. The roadway connects from opposite Frieda Street and all the way around and then down 211 and back to Chandler and they have sidewalks there. They have pedestrian access from up Chandler Lane, should they so desire they can step on the sidewalk and onto the road that is constructed. In Phase 1-A you can walk from Frieda Street and across Chandler and walk down the sidewalk of the site.

Chrm. Conero commented that the County does not know about Phase 1-B. Att. Dowd said they should be. Dawn said they were an involved agency with the DEIS. Joe said David Church was even at the Public Hearing. Att. Dowd said Planner Jennifer MacLeod is new at the County and was not around for the DEIS.

Mbr. Romano said what I see is that Lanc & Tully and Orange County Dept. of Planning are both asking for lighting. I am confused as to why... Dawn said what qualifies Jennifer MacLeod, the Planner to review and comment. Francis said what is the Planning Dept's jurisdiction anyway, if the Village Engineer Att. Dowd said if we got this letter a day earlier we could have spoken about it.

Francis said SWPPP's are generally reviewed and approved by the MS4 (the local Engineer) and the DEC because it is their permit. The Planning Dept. may opine if they want to have low impact development in the project. Actually in this project, because of the soil, we have ... water anyway and we have very little runoff. As far as the technical matter of the SWPPP it is reviewed by your Engineer and the DEC. Mbr. Romano stated and then it goes to Orange County Planning. Dawn said no. I like the buzz word for the low impact development structures but once again she is not qualified to review. Rose said when Jennifer called her today, she told Rose that David Church will be commenting and signing the document. It is not only her review and David's too! Dawn said I can only offer my opinion. Att. Dowd added the problem is the County started within 30 days and they are withholding their recommendation because they say they want something that you say then are not entitled to have. If you try and give a Conditional Approval without that County recommendation of some sort on the record - Marc asked when it was sent to the County. They received it on the 29th and today is the 30th day. Joe said but they have given you recommendations. Att. Dowd commented they have not determined whether or not there is any inter municipal effects of this development or concerns that they have jurisdiction over, especially the SWPPP and that does not make any sense to me.. If we act without their approval or their final recommendation by determination, our approval is null and void, by case law. If we would have found this out yesterday we could have called them. Dawn said it is dated May 22 and is faxed from the County on April 28. If we had received this sooner we could have addressed it days ago.

Chrm. Conero said we don't have the lighting plan in place nor the landscaping plan in place and we don't have the letters from the DOH and DOT and the DEC. Att. Dowd explained that those would be conditions of your approval that have to get DOH, DOT and DEC approval. Chrm. Conero continued are you looking for a Preliminary Site Plan approval? Att. Dowd said I would call it a Conditional Final Approval with the conditions that they get these approvals. Joe added

with the modification that we put a note on the map referencing the Guidelines and also with the approval with the modification that the technical engineering be part of this pursuant to Lanc & Tully's letter. Chrm. Conero said we did not see the lighting, our Board has not seen any light submissions, right? If Lanc & Tully has not seen them, we have not seen them. Francis said the plan itself is a picture of illumination and the landscaping plan is part of the Site Plan. The specific building foundation landscaping is less generic or vague for submittal with the Architectural Plans. Site landscaping is part of the Site Plan.

Chrm. Conero explained I am just not in a position right now to entertain an approval, I don't know what you guys want to do. Mbr. Weismann added even though I agree and approve the concept of the Design Guidelines, we have not had time to view them. Joe said let's get the County issue, give Alan whatever time he needs to amend the Guidelines and circulate them. We will get the lighting plan. Marc asked if there were any specific thing the Board wanted to see. Chrm. Conero said I would like to see all the pieces put together and I don't feel they are all together. Mbr. Romano said I don't understand, our Engineer usually asks for the lighting plan and I don't understand why the County is asking for the same thing. Dawn said it was not provided so they consider it incomplete. I agree with Kevin, the concept is beautiful but there are so many loose ends. We have notes from Alan that still have to go in here and we have OC Planning and the Airport. Joe said the Airport is a non issue. Dawn explained OC Planning attached the a letter from Mr. Sussey and you have to realize that he is the new Airport manager. The DEIS was reviewed and the finding statement was prepared and we offered comment from the Airport them. We have no issue with the flight path and we have the flight patterns. You have apartments over the commercial space and if somebody goes there and say "Gee Mr. Devitt I want to rent that apartment, a plan goes by and they say I don't want to be by an Airport" they are not going to rent it.

Chrm. Conero asked Dawn what more she needed. Dawn answered there are a lot of technical items, it's not anything the Planning Board has to hinge their decision on. I need a clarification from Marc on the drainage structures. Francis said I actual got the Village Regulations and construction details. Looking at them at first glance I think we will be consistent with the details in the Village Regs. Dawn said that is #7 and Marc if you don't want to do that, just say I want to do what is on the plan. What's on the plan is what is going to be constructed, it makes better sense. Marc said this is no issue. Dawn answered good you don't want to waiver. Att. Dowd mentioned to the applicant that in this next month get those technical items to her. Francis answered we are pretty well set and we can address Lanc & Tully's last comment letter. The less you have, is the less you have to do later on.

Dawn said the extensions of the municipal water and sewer system, you know that they are there and they are on the plans. There are requirements from the DEC and DOH. The Deputy Mayor from the Village Board has to sign the application. Typically they would not sign the application until they say to the Village Engineers are we good to sign these, yea your good to go. Because they are basically preparing this for the Village of Montgomery because the Village is the applicant to the DEC. Not Edmarc or Chandler Lane PDD, it's the Village of Montgomery. They have not submitted the applications as of yet, and when the documents are complete, the Village will sign them.

Dawn continued just to follow up on your question about the DOT. They need to obtain a DOT permit. Having a conversation with Mr. Donohue is always a pleasure and I hope you get

something in writing from him. Francis said we are providing the permit access for the entrance and utility work. Dawn continued, right, and I don't but they might come back and say you have to do this. You have to submit plans to them and they have to be approved by the DOT. The plan set is going to look different when you get it back for signature in so far as specific construction details. The road layout isn't going to change, I'm quite sure. If it does, you'll have to come back. There is no reason why the DOT should not process that permit. It's not just the DOT and they are seldom happy and there are a lot of details that they require that are not on there now. They are asking for their review and feedback. The process is now, you have to send a check for \$2,000 in order for them to even look at this. In about four months you should get a comment letter if you e-mail him every other week because he does not answer his phone. Whatever they require to issue this permit is going to require an ... on the plan, you are going to see what the DOT is requiring of them. The plans will be modified according to their comments. Just like they would be modified according to the DEC comment or the DOH comment. Don't be surprised when it comes back with additional requirements and details because they will happen because of the other agencies. When all is said in done, they will have the permit in hand from the DOT. The water/sewer we will know that's approved because it is issued to the Village of Montgomery. The DOH and DEC are going to issue the approval to Ingalls, in letter form, and then for your approval.

Dawn continued we are going to ask one more time, or just remind you whatever comment letters come in and your respond, let the Board have a copy so they can keep track of where things are. Mbr. Romano said the DOH got an incomplete application and they put it on the side. Marc said the reason why it got put on the side was because that has to come from the Village. Dawn has to be satisfied and then the Village can sign the application and they can review it. Mbr. Romano said I guess we have to go through the channels and make it happen quick. Marc said that is not going to happen. Next month, I want to know, is there anything else specific that you want from us. Joe said in the next 30 days we will get, within our control, items resolving these conditions. Chrm. Conero asked if a Conditional approval that would have to approve the Design Guidelines as well. Att. Dowd explained in the Conditional Approval you would approve and adopt the plan. I have been working on a Preliminary Resolution of a Conditional Approval and we have been going back and forth for a couple of days.

Marc asked Chrm. Conero if he is comfortable with that position they are in for next month. Chrm. Conero answered I have not read the Design Guidelines. Dawn said it would give George and Lee an opportunity to go over the Design Guidelines as well. Att. Dowd said lets send the SWPPP to the County. Francis said he can do that, he will provide it. Dawn explained that you get their comments and they need this and that. Do you want to argue with them or give it to them. In their recommendations they can't make any requirements and if they do and they are crazy, the Planning Board over rules them. Legally, you are covered. Joe said we will get the SWPPP to the County and ask them to comment before the next meeting.

MINUTES

The Minutes *could not be approved* because Mbr. Weismann was not at the last meeting and Mbrs. McLean and Weeden were not present at this meeting.

ADJOURNMENT

A MOTION to adjourn the meeting at 9:05 pm was made by Mbr. Weismann seconded by Mbr. Romano and carried 3 Aye, 0 Nay vote.

Rosemarie R. Griffith
Deputy Village Clerk