

MINUTES of the Village of Montgomery Planning Board meeting, held in the Village Hall Conference Room, 133 Clinton Street, Montgomery on Wednesday July 28, 2010 at 7:30 pm

ATTENDANCE: Chrm. Conero, Mbr. Weeden, Mbr. McLean, new Member Walter Lindner, Mbr. Romano was absent, Village Attorney Kevin Dowd, Village Engineer Dawn Kalisky, applicant Marc Devitt with Joe Catalano and Ross Winglovitz, Wallkill Valley Times Reporter Rachel Coleman.

OPEN

Mbr. Weeden (standing in for Chrm. Conero) opened the meeting with the Pledge of Allegiance to the Flag

OLD BUSINESS

None

NEW BUSINESS ACADEMY HOUSE/MONTESSORI SCHOOL SEU & SITE PLAN

Mbr. Weeden asked Marc to explain the project but Att. Joe Catalano did that. He said that they were at the meeting for a Special Permit to change the Inn across the street (134-138 Clinton Street) to a private Montessori School. The use would be just applicable to the Inn building- the Meade Tooker House. The school would be renting that build and using the upper three floors, for children Pre-K thru 7th Grade. The amount of children would be between 25 to 35. Nothing has to be changed to the building or site, except for a provision for a handicapped spot in the exiting parking area and a handicapped accessible sidewalk to bring those individuals to the rear of the building. In accordance to the Village's Zoning Code, a private school is an allowed use in the Neighborhood Business District, by the provision of a Special Permit. We have already been to the Board of Trustees because of the close proximity to this property (Village Hall). Under a provision of yours in the Code, the Board of Trustees has to approve new uses within a proximity of Village owned property. The Board of Trustees were generally receptive to the idea.

Joe continued one of the issues in the application is the area setbacks required for a private school. Your Zoning Code required 50' setbacks from the school building to any property line. The building is existing and there is a very limited area between the building and the property line. If that is the case and the Board decides we need an Area Variance for that, we will need a referral to the Zoning Board of Appeals.

Ross Winglovitz added speaking of the exiting lot, it is already paved and has room from a handicapped space. We will put up the required signage according to the ADA and there will be a concrete walk, which will be imprinted, to the back patio.

Joe said since this is a private non profit school, issues regarding recreational areas are not required. There will be no service or preparation of food in the school, the children will bring their lunches The tradition of the Montessori school is that the children eat in the classrooms

with their teachers so there is no need for a lunchroom or cafeteria. There will be recreation or phys-ed and that is provided by classes such as yoga, dancing and given the proximity to the Village park, they can bring the children there. This is a very unique situation and a perfect fit for this building. We were originally thinking of making this residential but when this came along and it seems to be a perfect idea and the building will not have to be renovated in the interior. They are repairing the building now, they have to replace some rotten siding and windows.

Mbr. McLean asked if they were making the building bigger or squarer. Wasn't there a different front way? Marc Devitt answered there was two original doorways, we took both of those doors out to replace them. The one on the right, as you face the building, is more Federal style. The one on the left is more Greek Revival and the bay window we took off, behind that and when we took off the siding you could see the old frame from the original window. So it would have matched, the two doors would have been out front and on either side there would have been two windows. In conversation with the AHRB, they think it was two separate renovations, the door being one and the bay window being the other. Typically that would have been Federal Style and those two front doors would have been similar to the one on the right. Mbr. McLean asked if the entrance to the building will be in the parking lot. Marc answered there will be a handicapped entrance to the back of the building from that parking lot. The main entrance will be in the front off the sidewalk. Marc said they had taken off the deck but it's going back on. The frames of the doors are still there but we never cut the top part open and we don't have to worry about the traffic in and out.

Joe explained that there is a commercial use in the basement, it's a Day Spa and that will still remain. It is an existing parking lot and we show 15 spaces and based on the Zoning Code we are required to have 11 spaces. Mbr. McLean asked if they had enough parking for the teachers and is busing now part of the Villages responsibility? Joe answered the children will be bused from various school districts by mini buses. Based on past years, maybe four to six mini buses and they are scheduled for ten minute drop off intervals. It's not six buses at one time it is one at a time and it's the same at the end of the day.

Joe said the director of the school is here tonight, Parinaz Mokhtari, and if you have any questions feel free to ask her.

Mbr. Lindner asked what about handicapped accessibility with ...Marc said any handicapped students that they have will be taught on the first floor. There will be two classrooms on that floor. There will be two classes on the second floor and administrative on the third. Joe explained about events in the school when the students put on a play. Those will not be held in the building, they will be using a building that will be accommodating large groups. That would be done at either the Senior Center or Fire House, with separate rental arrangements. Traditionally there are no large gatherings at the school, just regular operations from 7:45 to 3:00 in the after noon. Mbr. McLean asked if there would be any interference with the Nursery School around the corner. Marc answered he didn't think so because drop off is about 9 am. to 11: 45 and then noon to 2:30 pm.

Mbr. Lindner asked how many students they anticipated. Parinaz answered between 25 and 35.

Marc said the number might be a little shy now because of the time constraints. Parinaz has been operating a Montessori School in New Windsor for the last 10 years. The owners of the property are selling the building so she is in need of a place to open her school and the Inn is ideal. Parinaz explained that they teach about the history of where we are and this will be just beautiful with the museums and all. Mbr. McLean asked if the school as religious. Parinaz answered no but we do read about a holiday when it comes about but we don't preach about it.

Att. Dowd said he had two things to talk about. When he originally spoke to Joe about this project and the change in the use. The Spa came up and I raised the issue to Joe that he didn't think that the Spa had ever been formally approved, as far as the Site Plan for that building. I don't see on the application how you are handling it. Marc said there was a pre-existing commercial there, attached to the Inn. Att. Dowd asked if they had gotten a waiver for the Site Plan from the Building Inspector or did it just pop up? Marc said that use never changed, it was always a Commercial use. Att. Dowd said but it was never a Spa. It is a personal service shop opposed to some other kind of business. It is a different classification but permitted. I just want to make sure that when this Board considers this use for the building that all uses are covered. When that opened up I thought it was going to be an accessory to the Inn, and I know this Board never approved that use. Marc commented it was always a separate commercial use. Att. Dowd replied yes it has changed from Retail to Personal Service and it has to be approved by this Board or get a waiver from the Building Inspector. The Village is supposed to confer with me about it and then notify the Planning and Village Boards that it was granted and it never popped up. I just want to close any loose ends out there and what you have in that building is approved by this Board for all uses allowed in that building. Marc asked if the Board could approve it as Commercial space in case the use was to change. Att. Dowd explained that if it changed from Personal Service to another Retail, you would go to the Building Inspector and ask for the waiver back to Retail. Joe said it is on the Site Plan. Att. Dowd said I know but there is nothing on the application that you are asking for that to be approved as such. We can amend the application and when we do the notice for the Special Permit for the School and Site Plan it would be for a Personal Shop as well. Joe explained that on page 2 of the Site Plan application it explains the existing uses Bed and Breakfast, Spa and Residence. Att. Dowd said I just want you to be covered.

Att. Dowd said the second issue is, Chrm. Conero isn't here, but he sent me an e-mail and he had a Web-site that was connected to criteria for Montessori Schools. There was something in that saying that there has to be 40 sq. ft of space for each child in the interior and sinks and toilets that children can reach, I assume you took care of all that. Marc said yes and she has to have an inspection by the Health Department as well as a Fire Inspection.

Att. Down continued saying that the Chairman was observing traffic on Clinton between 8 & 8:30 am. He was a little concerned about the drop off and the bus traffic in front of the parking lot. He was questioning if it would make sense to reconfigure the parking lot so that the buses can enter into the property, drop off the children and then exit. Marc said it is kind of a difficult thing to do. Att. Dowd said not necessarily with a separate out exit but in the same driveway. Marc said there is a bus stop now on Clinton Street that actually picks up and drops off twice in the morning. High School and Middle School on Clinton Street across from Ed's Deli. It has been that way for 30 years and it's a bus. If a bus stops on Rt. 211, you have to stop. It is easy to

say that on Clinton Street there is a lot of traffic between 8 & 8:30 am. The traffic in front of the B & B in the morning there is traffic on the road but as far as parking, no one really parks there. Joe said the schools policy and procedure is that a teacher will meet the students at the bus and they get escorted to the door and another will greet them and take them to the class. Mbr. McLean asked what would happen if you put the stop on the side street and the bus stop was there. Then you would not be on Clinton Street. Marc responded I don't know if Fought Street would be any better than Clinton Street. It's a little narrow and there is no sidewalk. Att. Dowd said Kevin raised the issue and I had to bring it forth. If the Board wants to consider that you would come in and out and I know there would be an issue with parking and the turn around but you have more than enough space there and you are within walking distance of the parking lot. If the Board thought it was a major concern for them and that they wanted to go into the parking lot and you needed more space, you can take some of those spaces out of there. Joe said if the Board required us to make a turn into and a turn out, that might be less safe than the bus stopping in front of the building. You are making two extra turns. Att. Dowd again said the Chairman expressed his concerns and I have to relay them to you. Joe said the arrival times will be between 8 and 8:30 and will be staggered and pick up times will be from 2:45 to 3:15 pm. Mbr. McLean said then you will have bus stops on both sides of the street. Att. Dowd asked if Valley Central's bus will be there at the same time. Mbr. McLean said yes and if they are not around the same time (the VC buses and the Montessori buses) then the streets are going to be blocked.

Mbr. McLean said the street has to be busy with people going into the deli and getting their coffee and stuff.. Att. Dowd said that is one of the concerns. Marc said he has been in Ed's Deli every morning between 6:30 am and 9 am and I have been behind the bus, in front of the bus...Mbr. McLean interjected that in the school year he has to leave his house at a certain time or else he gets stuck between buses. Marc continued there are school buses that stop all over this Country.

Joe said if this is that much of a concern, we can ask the Board of Trustees to designate a few spaces in front of the building during those hours. Ross Winglovitz said as the school operates then you see if there is a problem, if there is, then you go for a solution. Att. Dowd said you could always come back. Mbr. McLean said you need to address it in the beginning and then you can come back and address it a second time. Att. Dowd said maybe business owners or people who use the street might come to the Public Hearing and it would be a pre-cursor to that.

Joe said we are asking the Board a bit of a favor. Since the school wants be operational this year and Parinez has not be able to advertise, we would like to see if the Board would be amendable to accelerate the process. If we do need an Area Variance can you get that referral over to the ZBA and also schedule a Public Hearing before the next meeting. Att. Dowd said the ZBA is ready for this referral and the date is set. Marc thought they needed a referral to the AHRB, we went there but it did not work out. Att. Dowd said they did not have a quorum. They meet the second Monday of the month, August 9th and you don't need a referral from this Board. Rose said Ronnie (ZBA Secretary) already gave Marc the list for the mailings of notice of Public Hearing. Att Dowd said I will prepare the notice when I am sure this Board refers it to the ZBA and he explained when they have to go to the ZBA. It's pre-existing and it's a change in use and they cannot meet the set backs for the new use. Mbr. McLean said we refer them based on them

passing all inspections and stuff. Att. Dowd answered the referral is the ZBA giving them a Variance. If they don't get the Variance, they can't go any further. If they do get the Variance you have your Public Hearing to grant them a Special Permit. Every thing is subject to the Building Inspector and the Fire Codes. Joe said we don't have to do anything about a referral for the ZBA meeting. Att. Dowd said you have to do the mailings. There is no pre-meeting for the ZBA we go right into the Public Hearing.

The first thing this Board has to do is declare themselves with the intent to be Lead Agency under SEQRA.

A MOTION to declare it's intent to become Lead Agency under SEQRA with the Environment Review of the project was made by Mbr. McLean, seconded by Mbr. Weeden and carried 3 Aye, 0 Nay vote.

Att. Dowd said that starts the 30 day clock with any other involved agencies. The Village Board has basically said they are referring this to you and the ZBA. I am sure the ZBA will refer to you as well.

A MOTION to refer this project to the ZBA for an Area Variance for setbacks was made Mbr. Lindner, seconded by Mbr. McLean and carried 3 Aye, 0 Nay vote.

Marc asked the Board, being that time is short and Paraniz would like to open by Sept. 1st, if they could hold a special meeting on August 18th, and have a Public Hearing on that date. If there are any other issues on the 18th we can clear them up at the regular meeting on the 25th. Att. Dowd said the 18th was not good for him but Thursday 19th was okay.

(Chrm. Conero arrived at the meeting late)

A MOTION to schedule a Special Planning Board meeting on Thursday August 19th, 2010 at 7:30 pm. was made by Mbr. Lindner, seconded by Mbr. Weeden and carried 4 Aye, 0 Nay vote.

A MOTION to scheduled a Public Hearing at the Special Meeting on Thursday August 19th at 7:30 pm, was made by Mbr. Weeden, seconded by Mbr. McLean and carried 4 Aye, 0 Nay vote.

Att. Dowd explained that if the ZBA does not give them the Variance the meeting on the 19th would not be necessary. Chrm. Conero wanted to know what day the ZBA meeting was. Someone answered the 11th of August. Joe thanked everyone

Trustee Roepe asked on Paraniz behalf saying she called him a while ago trying to find a location and hoping to open a school by September. As a Board member, and the Board is in favor of the project, we also support a viable business being there. My personal opinion is that it will do extremely well over time. I think unfortunately, because of the uniqueness of timing of this, she is finding herself in a situation where she has to go through the hoops and process and at the same time she has not had a chance to open her doors, show the school and tell the people the new location. She is losing parents, without necessarily replacing them, because she cannot advertise. When I am going to ask the Board if there is a problem in anyway if Paraniz telling parents "it looks good". Chrm. Conero answered that is a tough one because you really don't

want her to do that, especially before it goes before the ZBA. You kind of accepting that it is already approved and accepting applications. Att. Dowd added if you have any member of the public that opposes this and they get on the record saying "Tell your parents that it is basically a done deal." Then they can take a law suit against the Board saying you didn't give this a fair hearing and it was determined before our comments. Trustee Roepe said I don't expect anyone to say anything is done at this point. Is there anyway she can say, obviously contingent ...Att. Dowd interjected we would never stop you from saying anything you want to say to the parents of the children, it's up to you. On behalf of the Board and we can't allow them to suggest to you to do that. Again, we don't know what the Public Hearing will bring. There maybe people who are concerned about it and any indication by this Board that this is okay to tell the parents that it is likely a done deal, would really put the Village in jeopardy. Joe said I think you still could be allow to bring potential parents there and say this is the proposed location, but it's not approved yet. Marc said we don't want to do anything without bringing it up to the Planning Board. Att. Dowd continued would it be appropriate to do that, it's...on what they will do and you don't want to put the applicant (Mr. Devitt) or the Village at risk of losing the approval, if they get it by a challenge. That would set you back a long way. Paraniz said waiting this long, as you say, it's the timing. I have spoke to your consultants, Dawn and the Chairman and the schedule is very tight but we are trying to accommodate you. Trustee Roepe thanked the Board for expediting the process. Chrm. Conero said it's important that we move forward with this next door. When I was presented with this project, I thought it was a good idea. I just don't think you want to put an ad in the paper saying accepting applications. Paraniz said that really was not their intention.

Att. Dowd said to the Chairman, in your absence I did raise your e-mail today about your concern with the traffic. Chrm. Conero explained that he did not know how the Board felt but I have been noticing a lot of traffic on Clinton Street in the morning, especially when it comes to the Downtown area. I don't know if it's a lot of people avoiding the traffic light but regardless there is a lot of traffic. If there is a way, either to put a note on this plan that says the Village Board decides that there is a traffic problem, we can suggest putting the buses into the parking lot . We can re-delinating the lines in the parking lot and making it so the buses can go in and out of that parking lot and getting off the street. He asked how many buses do you think you will have. Marc answered six at the most. Is your concern with the six buses actually coming onto Clinton Street? Chrm. Conero said you and I are concerned about their lights on, you can't get around them and they hold up the traffic. You have Downtown business people who will be very impatient with school buses. What I am trying to say that when they pull down the street , you get two or three they are going to be lined up to the corner. If the come this way they will be lined up in front of the deli and the Municipal parking lot. If you do have enough land to bring in the buses or possibly create a drop off zone. I was thinking, a drop off zone if it was on the street, the Village Board would have to approve that, if the buses lights are on, no one can pass the bus. If there was some traffic problem, we could have you create an in and out in your parking lot. Ross Winglovitz these will be small buses with two or three tops and come more frequently. Mbr. McLean said there has to be more than three or four buses if you have two or three kids on a bus and you have 25 to 35 kids attending. Paraniz said some parents drop off their children and they could park in the Municipal parking lot. Mbr. Lindner asked would it be different if you had a parking space out front and a small bus pulls up, turns off the bus with the lights on. If you are not crossing the street and people are just coming out and going up the stairs. Att. Dowd said if they are parked with their lights on,

you can pass it. Marc asked if a bus can do that. Chrm. Conero said you have the potential in front of your place. So if you drop you kids off they will have to go between the cars to get to the school. Joe said but they will be met by a teacher. Chrm. Conero continued correct but what I am saying is that they are walking between cars and it's not a specific drop off zone there. Let's hope the Village Board takes a look at that. I am not here to hold you up but I don't want to create a problem for the Downtown business area and I don't want to create a problem for the people at the Chocolate Goose. We have to look at this now not just for now, but for the future as well. If there is a provision that we can put on this saying if this gets to be a problem we could require you to create an in and out. Marc said if there is a provision and there are some options that we can go back to the Board of Trustees and ask for a drop off time between these hours this and that or no parking in front of the building. Marc said Joe brought up a good point is it safer for the kids to be stopped or having them pull into the parking lot and backing out and making a right hand turn in and out or a left. You are making more turns than just stopping. Chrm. Conero said you have enough room to come out Fought Street. Marc continued what I would do is that if we ever did put a driveway there, I would have no problem saying the drop off now is in the parking lot and you exit out that way. I have no problem with that, if there ever is going to be a driveway there. Chrm. Conero said what I am saying is if there is a problem in the street, I want something on the map saying prior than you putting a driveway in. Marc added as long as the Board is flexible enough that if we lose four or five spacesas long as the Board is on record saying the Municipal Lot is there because you do not meet your off street parking. Att. Dowd said have the bus come in, back up and go front ways not back out. If you need to clear some space on one side of the isle for them to back in so they can get back out, spaces might be lost but across the street it's walking distance to the Municipal Parking lot. Mbr. Weeden said you might be better off putting the driveway on Fought Street and better off coming in that way. The kids are getting off on the right side in the parking lot. Marc said there is no exiting driveway there now.

Att. Dowd said if you get your SEU, you have six months or a year to come back to review the traffic situation. We will do a renewal and examine to see if the traffic is working or not. Marc added if there is a problem, the Board can come to us and say we need to re-address this. Not that we have to come back and review our permit. Att. Dowd once you get your permit, you can turn around and say we are not coming back. But if we have some condition in there, we can re-examine that part. Chrm. Conero said he did not want a situation where you are not the owner anymore and we have a situation. We can refer back to the decision of the Planning Board and say we talked about putting another access off Fought Street., that would reduce all the congestion on the street. Maybe for the next meeting you can bring a map showing an entrance on Fought Street, with a re-delineated parking lot. I see a lot of space on the map and to me you can do it, but I am not an engineer. Att. Dowd said if the Village wishes to re-examine it sometime they can because there was a definite problem on Clinton Street. Chrm. Conero added I understand buses stop on 211 and Clinton Street and other streets, but in this situation we can mitigate that problem by having the buses off in the street just by park ...that is what I am saying. I am not saying it is not happening all over the Village, where its happening in other places. This project presents an alternative to that and if there is a problem on the street and I would like provisions that could go in. I am not asking you to do it by September but if there is a problem down the road that somehow the Village Board could refer back to the plan and say we talked about that egress.

Mbr. McLean said the project was okay with him but you are going to have more traffic in that area because of people dropping off their children. You really don't know what is going to happen. Chrm. Conero asked about how many children would be attending the school. Paraniz said 25 to 35 and if the parents bring in their children the Village business will have more business. That is a plus for the Village bringing in different families into the district. This will also bring five full time jobs. Mbr. McLean asked if she was bringing existing staff with her. She answered yes. He also wanted to know if she was bringing the existing students with her. She answered yes we have a few that are coming. Paraniz said she thought the school will do very well and the area is very beautiful. Chrm. Conero asked how many classrooms will there be? Marc answered four, two on each floor. Joe said there will be one multi-purpose room and the other will be offices. Paraniz said the children are with each other for three years.

Chrm. Conero said we will see you at the August 19th meeting. If all goes well, we can cancel the 25th's meeting. Att. Dowd asked for Marc to bring a design for the sign that will be going onto the building.

NEW BUSINESS Raymond Shipman 3 Lot subdivision 176 Union Street 208-1-56

Ross Winglovitz from Engineer Properties explained Shipman's project. They propose a three lot subdivision at 176 Union Street. Ray's existing house is on 1.168 acres, more or less. What they propose to do is cut off a lot on either side of the house. One lot will be approximately 11,000+ sq. ft and the other 13,000 sq. ft. We have to notify the DOT for the two entrances. The shoulder comes right up against the sidewalk and the sidewalk has only a 1 -1 ½ lip in that area. People drive across the sidewalk and the driveway starts on the opposite side. We propose to connect to the Village water/sewer. There is a sewer main that runs down the North side of Union Street and runs underneath the sidewalk. The water main is on the opposite side of the street. Dawn said you may have one on that side of the street but it's questionable. We have submitted the EAF and we are here to answer any questions the Board may have.

Mbr. McLean asked if they were actually putting in a sidewalk for just riding over the sidewalk. You drive over the sidewalk because that is what is there now. Mbr. McLean said you can actually park in front of those driveways/house because there really is no driveway and you can't get a ticket. Ross said correct there is not a defined drop along this whole stretch. Dawn said that is a State road and that's what the State wanted and that is what they got. Ross said if you park and block the sidewalk, you will get a ticket. Chrm. Conero asked if they were parking in front of the home. Ross said who knows that they are going to do, but we would like to see the garages in the back of the house and people will park on the side of their home, or the rear portion.

Chrm. Conero said to Dawn that she spoke about the grading lines. Dawn said what we have asked Ross when he resubmits is to showproposed.....bulk requirements of the Zoning District. The driveway for Lot 2 is very close to the adjoining property line and it has the right to be there. Since the topography slopes down, in the back, as it stands right now any turbulence, the water is going to run right down the driveway. Ross said we plan on raising the

house so it's above street level. The driveway will be at a 2% grade and it will drain back to the street system. Dawn said the Building Inspector, if and when the project gets approved, gets a copy, when they come in for a building permit, matching up the plot plan with..... Att. Dowd asked what size house they were planning on building. Dawn said they will be rather large. Ross said maybe 2,400 sq. ft.

Chrm. Conero said they are going for a three lot subdivision and we can now set a Public Hearing on that. Att. Dowd said first you must do Lead Agency. Chrm. Conero asked if the home was in the historic district or adjacent to it. Ross thought that ended at the school. Att. Dowd said if the property is within visual site distance of a historic property it ... under SEQRA, Type 1 and there is also the possibility of SHIPO. He asked Ross if you could locate anything around there that would be historic, that would be great.

Att. Dowd said because it is on a State Highway we have to do the DOT as an involved agency and send it the Dept. of Planning.

A MOTION to declare our intent to become Lead Agency under SEQRA was made by Chrm. Conero, seconded by Mbr. McLean and carried 4 Aye, 0 Nay vote.

A MOTION to set a Public Hearing on September 22nd, 2010 at 7:30 pm was made by Mbr. Weeden, seconded by Mbr. Lindner and carried 4 Aye, 0 Nay vote.

Chrm. Conero asked Ross if he could get pictures of the surrounding area of the house just to be sure. If it has to go to SHIPO, I don't think they will have a problem with it. Att. Dowd said he can come back here at the August 19th meeting and he can let us know what he found out.

RE: MINUTES

A MOTION to accept the Planning Board Minutes of the May 26th meeting, as written, was made by Mbr. McLean seconded Mbr. Weeden and carried 3 Aye, 0 Nay vote. Mbr. Lindner abstained from voting because he just joined the Planning Board this evening and could not vote.

RE: ADJOURNMENT

A MOTION to adjourn the meeting at 9:00 pm was made by Mbr. Weeden, seconded by Mbr. McLean and carried 4 Aye, 0 Nay vote.

Rosemarie R. Griffith
Deputy Village Clerk