

**MINUTES** of the Village of Montgomery Planning Board meeting held in the Conference Room of the Village Hall, Clinton Street, on Wednesday, May 25, 2016 at 7:30 pm.

**ATTENDANCE:** Chrm. Conero, Mbr. Romano, Mbr. McLean, Mbr. Weeden, Mbr. Crowley, Atty. Kevin Dowd (not in attendance), Eng. Dawn Kalisky of Lanc & Tully, Darren Doce, Steve Crofoot, Taylor Raimondo, James Dillin, Marc Devitt, Joe Catalano, Maria Beltrametti

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

**RE: OLD BUSINESS**

**AGOTARAS PROPERTIES, LLC, 205-1-11, 10 & 5 Lot Line Change**

The Chrm. reported that they received the County's response and they had no issue with the changes.

Ms. Kalisky said all parties involved will need to sign the mylar, as well as mentioning that there may be a future issue with a fence on the property. Mr. Doce will indicate on the final site plan, a note as to who the fence belongs to, to avoid future disputes.

**A MOTION** was made to **DECLARE NEGATIVE DECLARATION TYPE 2 ACTION** by Chrm. Conero and seconded by Mbr. Weeden and carried 5 Ayes, 0 Nays.

**A MOTION** was made to **GRANT FINAL APPROVAL OF THE LOT LINE CHANGE, SUBJECT TO VILLAGE ATTORNEY COMMENTS AND PAYMENT OF ANY OUTSTANDING FEES, AND NOTE ADDED REGARDING WOODEN FENCE**, by Chrm. Conero and seconded by Mbr. Romano and carried 5 Ayes 0 Nays.

**RE: NEW BUSINESS**

**ZAFIR, LLC 213-3-4.22 Proposed Warehouse**

The Chrm. states that this property is of Dunn Road and is in an I1 zone. It can have warehouse related structures with a SEU and is next to a historic building. This will need full Type 1.

Mr. Dillin is the surveyor, representing the applicant.

Ms. Kalisky said Lanc & Tully's letter was lengthy, but this is the initial submittal. There are procedural items.

Chrm. Conero mentioned again, the historic building adjoining the site.

Mr. Dillin will submit a full EAF so that a 239 can be submitted...by early next week. He will get the number of employees, hours and specifically what materials will be stored in the warehouse.

Chrm. Conero asks what type of business it will be. Mr. Dillin stated that they will be storing polyethylene rolls (thick plastic), polyethylene fittings and cardboard boxes. He's not sure if there will be assembly or just storage. He does not believe there is any manufacturing.

Ms. Kalisky asks the type of traffic they anticipate. Mr. Dillin stated there are 3 bay doors; according to the applicant, there are 2-3 trailers or box trucks that make deliveries per month. They put three bays to accommodate the building.

Ms. Kalisky stated that for a SEU, all specifics for/of the site need to be listed.

Chrm. Conero asked if the Dunn House was on the plan.

Ms. Kalisky said it was further down and that they will have to refer this to the Town in addition to 239 for SEQRA and a courtesy copy to Charlie Woznick, the Highway Superintendent, because the driveway cut will be off their road. We're hoping that the Town of Montgomery Planning Board lets this fly on through and we'll coordinate with Charlie directly for the approval of the driveway cut.

Chrm. Conero asked if any structures would be removed for this. Mr. Dillin said there are trees on the edges but not where they will be building.

Ms. Kalisky said this was the lot subject to lot line change, Aiello.

Chrm. Conero asked about the lighting plan, because of being adjacent to a historic property and the airport. Mr. Dillin said he will show them the lumens; how they shine down and the candle power they are.

Chrm. Conero asked about municipal water and sewer. Mr. Dillin stated there will be a well. Ms. Kalisky said they will have to witness the testing. The zoning code, 122-47, all the requirements for the site plan/SEU spells out everything.

Chrm. Conero asked if there were wetlands on the property. Mr. Dillin said there is a little. It's been flagged since March 2016 by Fusco. They are not disturbing anything. The drainage is buried underneath Dunn Road; there's an 18" culvert that runs across. Sheet drainage off the parking lot into the grass and back into it. Ms. Kalisky said the disturbance is less than an acre, therefore it doesn't warrant a full sway. They have an erosion control plan, as required.

Chrm. Conero reiterated that under SEU, they need to tell the Planning Board exactly what they are doing in there and any deviations from that means their SEU is not in compliance. Ms. Kalisky agreed. She advised Mr. Dillin that the code states if they make any changes, they are required to come back to the Planning Board.

Mr. Dillin will submit 3 additional sets with 3 EAF long forms.

Ms. Kalisky said they need 239; they will get comments regarding the lights from the County; the Board may declare intent to be Lead Agency.

**A MOTION** was made **TO DECLARE INTENT TO BECOME LEAD AGENCY UNDER SEQRA-TYPE 1** by Chrm. Conero and seconded by Mbr. Weeden, and carried 5 Ayes, 0 Nays.

Copies need to be sent to the Town of Montgomery, Charlie Woznick (Highway Superintendent) and SEQRA.

Mr. Dillin will send copies to SHIPO.

**RE: OLD BUSINESS (AGAIN)**

**CHANDLER LANE, PHASE 1 REVIEW**

The Chrm. states that back in 2010, the Village Board gave approval for Phase 1A. Mr. Catalano said this is the block on the corner of Union Street/Chandler Lane and it is just commercial. Mr. Devitt indicates the location on the site plan. It is a culmination of the review process that follows the Board of Trustees approval of the PDD. This is where we're starting from; with one building at a time.

Mbr. McLean asked why just one building. Mr. Devitt said there's a cost associated with it. If they can build one building, get the tenants, secure permanent financing on that building and then go on to the next building. They are complying with what was in the original PDD.

Mr. Catalano explained that the Village Trustees approved an overall plan for the entire property and a schedule of allowed uses-they rezoned this property. They propose this as the first phase. The Planning Board reviewed this and approved it-it's more detail; landscaping, drainage, lighting, walkways.

Ms. Kalisky said they received conditional approval per the resolution.

Mr. Catalano said he spoke with Mr. Dowd regarding easements, etc. They received some approvals for the sewer line extensions, water lines, A-H conditions on the resolution. They will be filing those, formally, with the Village as they get them. The Architectural Review is one of them. Under the resolution, look at the drawings and see if it is consistent with the design manual.

Chrm. Conero asked if they should refer this to the Planner.

Ms. Kalisky said that their letter (Lanc & Tully's) was just to inform the Board of why they (Devitt) were coming back and refresh everyone's memory. She asked for updated plans.

Chrm. Conero asked if there would be flex space above the commercial. Mr. Devitt said yes.

Mr. Catalano said they are waiting on the DOT for the work permit for the entrance. Parking will be behind the building.

Mbr. McLean, again, asked if they will be returning for each building. Mr. Catalano said yes, for the architectural drawings. Chrm. Conero said there is a lot of control in the PDD over the design/aesthetics of it. Mr. Devitt said he believes it is more to protect the Village. Mr. Catalano said the design manual is a lot of guidelines; they form what the buildings are intended to look like. You had proposed pictures but not architectural drawings. This gives you the opportunity to see if it is what everyone intended. Chrm. Conero asked if it will be cement-siding, hardy board, Anderson windows. Mr. Devitt said yes. They may come before the Planning Board for approval for multiple buildings. Mr. Catalano said this is the largest building in Phase 1.

Ms. Kalisky said their biggest concern is that the latest plan set is from Francis, from July 20<sup>th</sup>, 2011. It went to the State and County for their water/sewer review and approvals. All Ross could send her was the DEC and they have a revised date of August 20<sup>th</sup>, 2012. It's not every sheet of the plan set. They have one complete 14 page plan set. DOH revisions are in there. Only six sheets are applicable to the DEC.

Mr. Catalano said the problem is that the engineer left the Ingalls firm and Ingalls has all the files. They are in the process of trying to get the CAD files so that Ross can work off of them.

Ms. Kalisky said they have a copy of the NOI for the SWIP. The notice of intent was filed with the DEC, there is an acknowledgement for that. But it says copy to preparer, Engineering Properties; did he submit the SWIP or is there a new SWIP? Mr. Devitt said he isn't sure. Because of the problem with Ingalls and Associates, Ross needed to submit something himself. He will make sure Ross confirms that with her. Ms. Kalisky said the latest they have is from 2010 (copy of acknowledgement) not the actual NOI. You have coverage under 2015 but the SWIP isn't 2015 so you shouldn't have to meet 2015 regs. You have approvals back in 2010, the 10 regs, 2008, actually. She will speak with Ross.

Mr. Catalano said they will formally file with the Village once Dawn and Ross work things out. You have 62 days to review this, so we will get started, and continue working on the other conditions as we go. Once we have the conditions satisfied, we will ask for authorization for the Chrm. to sign the plans and ask for a building permit from the building department. We have to provide a construction estimate for the water and sewer, you have to give us an inspection estimate and we have to post money to pay for the inspection.

Chrm. Conero asked if they had DOT approval yet. Mr. Catalano said it could be any day now.

Mbr. Romano questioned the condition of the well. Mr. Devitt said the well is fine. When they retested the well, there was bacteria found but nothing that couldn't be treated.

Mr. Catalano said a condition of the PDD is that we offer the wells for dedication to the Village. The Village doesn't have to accept them but they will stay there; the dedication is permanent. They can accept them and take them over anytime. That offer is just before we get a CO, not a building permit.

Ms. Kalisky said the legal documents are the easements. She needs a current plan to see how much of the municipal infrastructure you have to construct to support that building. Mr. Devitt said he will speak with Ross.

Mr. Catalano asked about the infrastructure for cost effectiveness; do they put in all the infrastructure for the entire block or can it be pieced in? They haven't gotten to that yet. That block is a big project.

Ms. Kalisky said the improvements are only water and sewer, everything else is fine.

Mr. Devitt will submit two whole packets, one for Alan and an extra for the office.

Mr. Catalano will have Ross call Dawn.

Inaudible...too many people speaking at once.

#### **BORLAND HOUSE 202-9-4 Change in Hours**

Chrm. Conero asked when this happened; if it was at the last Village Board meeting. Ms. Murphy responded yes, it is just a time change from 1pm to 3pm. The Chrm. asked why there wasn't a SEU application submitted.

**A MOTION** was made **TO ACCEPT THE CHANGE OF BRUNCH HOURS FOR THE BORLAND HOUSE FROM 8AM TO 1PM, TO 8AM TO 3PM** by Mbr. Romano and seconded by Mbr. McLean and carried 3 Ayes, 2 Nays.

**RE: MINUTES**

Ms. Murphy inadvertently did not include the previous month's minutes in the Planning Board packets.

**RE: ADJOURNMENT:**

**A MOTION** was made **TO ADJOURN THE MEETING at 8:35 pm** by Mbr. Romano and was seconded by Mbr. Crowley and carried 5 Ayes 0 Nays.

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Tina Murphy  
Deputy Village Clerk