

MINUTES of the Village of Montgomery Planning Board meeting held in the Conference Room of the Village Hall, Clinton Street, on Wednesday, August 24, 2016 at 7:30 pm.

ATTENDANCE: Chrm. Conero (not in attendance), Mbr. Romano (not in attendance), Mbr. McLean, Mbr. Weeden, Mbr. Crowley (Acting Chrm.), Atty. Kevin Dowd (not in attendance), Eng. Dawn Kalisky of Lanc & Tully, Maria Beltrametti, James Dillin, Jean C. Cook, Garry M. Cook, Robert Wiggins, Jim Pillmeier, Larry Frumes, Sylvia Frumes, Margaret McManus, Joan Buck Smith, Michael Lynch

OPEN: Acting Chrm. Crowley opened the meeting with the Pledge of Allegiance.

RE: PUBLIC HEARING

ZAFIR, LLC, 213-3-4.22 Dunn Road Proposed Warehouse

A MOTION was made to **RECONVENE THE PUBLIC HEARING at 7:32 pm** by Acting Chrm. Crowley seconded by Mbr. Weeden and carried 3 Ayes 0 Nays.

Mr. Dillin said he is representing the applicant. They had a public hearing last month and there were a few issues with the adjoining neighbors so they did a new mailing to get the public hearing in order. They made minor changes to the map on the recommendation of the engineer comment letter of last month. It was basically a lighting shield issue and also changed the trees from White Pine to Dwarf Fat Albert. We also received a final letter from Parks & Recreation and Historic Preservation and their recommendations. The only thing they were concerned about was the color; to fit in with the surrounding area. And they also suggested that we put a cupola on top of it. They have no objection to that. The applicant was in to pay fees and had been told there was a suggestion of having the building the color red.

Acting Chrm. Crowley said it was Bill Freeman, from the Architectural Historic Review Board who suggested the color.

Mr. Freeman said they had sent a letter requesting to make it look barnlike since it was between two historic houses.

Ms. Kalisky said SHPO requested brown.

Acting Chrm. Crowley said the houses and buildings there are of a lighter color.

Mr. Dillin said the buildings are white and light yellow. The bar is light grey where it's painted. He doesn't know that they (the Village) would want red and that they were trying to screen it and tone it down. He brought a rendering that shows that the building will stand out.

A MOTION was made to **OPEN TO THE PUBLIC HEARING FOR PUBLIC COMMENT AT 7:40 pm** by Mbr. Weeden and seconded by Mbr. McLean and carried 3 Ayes 0 Nays.

Mr. Freeman said let's hear from the neighbors first but that he isn't opposed to a brown because that is a typical barn color, also. That's what the Architectural Historic Review Board was thinking-a soft brown would not be a problem, either.

Acting Chrm. Crowley asked if there were public comments or concerns.

Mr. Pillmeier said the brown was much better than the reddish color (in the rendering).

Acting Chrm. Crowley said the red color came from Skip Chambers's barn.

Mr. Wiggins asked if it would be up and down siding, like board and batten. Mr. Dillin replied yes, it's a steel building.

Mr. Wiggins said Skip's barn is the most successful up and down siding and corner boards of white-everything looks original with a good looking cupola.

Mr. Dillin asked what color it was.

Mr. Wiggins is said the cupola is white and the barn is red.

Acting Chrm. Crowley said it is set by itself and was originally a red barn. And when he did the steel, he did it in red. Are there other comments about the color? The brown is acceptable? The cupola on top, making it blend a little better? Any other concerns? I appreciate the fact that you guys are willing to...

Mr. Dillin said he feels that earth-tone colors don't stand out. Your eyes won't get drawn to it. Even the airport buildings, they're there but you don't notice them. That's what we were shooting for.

Mr. Wiggins asked about the dwarf trees.

Acting Chrm. Crowley said they were what was recommended. They will only grow to about 20 feet. How tall is the building?

Mr. Dillin said about 22 ft.

Ms. Kalisky said they are not fast growing. But they are 6-8 ft. when they put them in and eventually reach maturity at about 20-25 ft. high. And that's just to address the County's concern.

Mr. Wiggins said there are plenty of trees around there that are more than 25 ft.

Ms. Kalisky said if you want to argue with the County sir, we'll be right behind you on that. I understand the trees on your property are about 80 ft. high.

Mr. Pillmeier said to Mr. Wiggins not to argue or they'll make you cut down your trees. (There is laughter.)

Ms. Kalisky said the Fat Albert Spruce will grow wide, hence the "fat" and create a screen. You may eventually see the top of the building if you cut your trees down, but you wouldn't see the top of the building. In the winter, you have some evergreen so you should still be blocked.

Mr. Wiggins said thank you.

Acting Chrm. Crowley asked if there were any other issues. Comments? Concerns?

A MOTION was made to **CLOSE THE PUBLIC HEARING ON AUGUST 24th at 7:41 pm** by Mbr. McLean and seconded by Mbr. Weeden and carried 3 Ayes 0 Nays.

A MOTION was made to **DECLARE NEGATIVE DECLARATION AT 7:41 pm** by Acting Chrm. Crowley and seconded by Mbr. Weeden and carried 3 Ayes 0 Nays.

A MOTION was made **FOR CONDITIONAL APPROVAL FOR ZAFIR, LLC PROPOSED WAREHOUSE, SUBJECT TO ANY PENDING AND OUTSTANDING FEES at 7:44 pm**, by Mbr. McLean and seconded by Mbr. Weeden and carried 3 Ayes 0 Nays.

RE: PUBLIC HEARING

RE: BORLAND HOUSE 202-9-4 130 CLINTON STREET AMEND Special Exception Use Permit

Mr. Frumes said this was before the Village Board and they allowed the extended hours and they are here for the Planning Board approval for it. They have not heard any adverse complaints about noise or traffic or anything. They do not feel that two extra hours a day will affect their neighbors. It also helps their business because it is available for the people (that stay there) who arrive late.

A MOTION was made to **OPEN THE PUBLIC HEARING AT 7:45 pm** by Acting Chrm. Crowley and was seconded by Mbr. Weeden and carried 3 Ayes 0 Nays.

Acting Chrm. Crowley asked the audience if everyone was able to hear what is happening. Is there any public comment? The Borland House was serving brunch from 8am – 1pm and now they will be going from 8am – 3pm, is there any public concern or comment about the operation? All comments, good or bad are welcome.

Mrs. Jean Cook stated that it is okay.

Maria Beltrametti said this neighbor is all for it.

A MOTION was made to **CLOSE THE PUBLIC HEARING at 7:50 pm** by Acting Chrm. Crowley and seconded by Mbr. Weeden and carried 3 Ayes 0 Nays.

A MOTION was made to **APPROVE AMENDING THE SPECIAL EXCEPTION USE PERMIT, CHANGING THE HOURS FROM 8:00AM - 1:00PM TO 8:00AM – 3:00PM, SUBJECT TO ANY PENDING FEES**, by Acting Chrm. Crowley and seconded by Mbr. Weeden and carried 2 Ayes 1 Nay.

RE: CHANDLER LANE PHASE 1A – LANC & TULLY COMMENT LETTER

A MOTION was made to **ACCEPT THE CONSTRUCTION COST ESTIMATE FOR WATER AND SEWER INFRASTRUCTURE TO BE DEDICATED TO THE VILLAGE IN THE AMOUNT OF \$315,814.40; ESTABLISHING THE INSPECTION FEES TO BE POSTED IN ESCROW AT 5% OF THE CONSTRUCTION COST ESTIMATE IN THE AMOUNT OF \$15,800.00; ESTABLISH THE REQUIRED PERFORMANCE SECURITY IN THE AMOUNT OF \$45,575.00 FOR WATER AND SEWER IMPROVEMENTS WITHIN THE RIGHTS-OF-WAY**, by Acting Chrm. Crowley and seconded by Mbr. Weeden and carried 3 Ayes 0 Nays.

RE: MONTGOMERY SELF STORAGE 203-1-14.21 & 14.22 LOT LINE CHANGE

Mr. Lynch from Engineering Properties is representing the applicant. They are proposing a lot line change to include the existing entrance drive for the Montgomery Self Storage fully on lot 203-1-14.22.

Ms. Kalisky said a full EAF needs to be completed before they can file a 239 Review. Mr. Lynch said he would have copies sent to Village Hall tomorrow.

Ms. Kalisky mentioned that Lanc & Tully came into the original project at the end of it. There appears to be room to provide a 2nd driveway. Is the applicant okay with flipping the easement? Mr. Lynch said yes.

Ms. Kalisky explains to the Board on the site plan, what the intentions are; having the driveway fully on the storage facility property. He could sell lot 1 or 2 but for the development of lot 1, a shared commercial access would be prudent. She tells Mr. Lynch that if he wants to limit it to 50-100 ft. would be better with a 26 ft. driveway off of that and not running over his water service.

Mr. Lynch said they will draw up the easement, file it and if they want their own entrance, if we can match it up with the Patchett House, that's okay, too? Ms. Kalisky said yes. What goes in there will determine the type of entrance.

Ms. Kalisky said it is a subdivision by code, although it is a lot line change and is subject to a public hearing. There is discussion about whether or not to have a public hearing.

A MOTION was made to, **PENDING CONFIRMATION FROM THE VILLAGE ATTORNEY, TO WAIVE THE PUBLIC HEARING FOR A SUBDIVISION LOT LINE CHANGE OR SCHEDULE A PUBLIC HEARING FOR SEPTEMBER 28, 2016 AT 7:30 PM**, by Acting Chrm. Crowley and seconded Mbr. Weeden and carried 3 Ayes, 0 Nays.

A MOTION was made to **BECOME LEAD AGENCY, TYPE 1 ACTION**, by Acting Chrm. Crowley and seconded by Mbr. Weeden and carried 3 Ayes 0 Nays.

RE: LOOSESTRIFE FIELDS PHASE 2

Margaret McManus is representing the applicant, Tower Management. This was originally approved in 1996 and the first phase was developed and build. She indicates on the site plan what was completed and what they intend to do. Their wetland consultant has been back to the site and the wetlands have shifted. They are in the process of obtaining a JD of the area from the Army Corp. They are proposing four extra units.

Ms. Kalisky said the site plan approval predates the subdivision approval in 1996. The site plan was approved in 1995.

Ms. McManus will speak with her applicant about doing a re-subdivision to allow for the number of units they want.

Ms. Kalisky asked if both lots were owned by Tower Management. Ms. McManus said yes, although they may have different names. The architecture will be similar to what is there; porches will be slatted, lighting will be LED; they will provide a landscaping plan. They are also working on the storm water plan. Groundwater is 6 ft. below the surface. There was a delay with Central

Hudson regarding the gas lines, which are not there. She indicates on the site plan where the main and sewer are.

Ms. Kalisky said she has a copy of the original, signed site plans that can be looked at or copied.

Ms. McManus said that since the wetland boundary has moved back, the property has changed. They may be seeking an easement or right of way from the Village to use the property. She will confirm the history with her client in reference to shifting the lot line. They have looked at the 100 year flood plan; raised the elevation, as per FEMA to 4 ft.

Ms. Kalisky said they will need to provide a full EAF with anticipated water/sewer. It is subject to 239 review because it adjoins the municipal boundary and it is a Type 1 Action. The Village Board needs to be approached in reference to the easement or do a lot line adjustment on the property.

RE: LEE MCLEAN'S RESIGNATION

Acting Chrm. Crowley thanked Lee for his service and participation on the Planning Board.

RE: MINUTES

A MOTION was made to **ACCEPT THE MINUTES OF JULY 27, 2016** by Mbr. McLean and seconded by Acting Chrm. Crowley and carried 3 Ayes 0 Nays.

RE: ADJOURNMENT:

A MOTION was made to **ADOURN THE MEETING AT 8:47 pm** by Acting Chrm. Crowley and was seconded by Mbr. Weeden and carried 3 Ayes 0 Nays.

Tina Murphy
Deputy Village Clerk