

**MINUTES** of the Village of Montgomery Planning Board meeting held in the Conference Room of the Village Hall, Clinton Street, on Wednesday, June 28<sup>th</sup>, 2017, at 7:30 pm.

**ATTENDANCE:** Chrm. Conero (absent), Mbr. Weeden, Mbr. Crowley, Mbr. Steed, Acting Chrm. Romano, Atty. Kevin Dowd, Eng. Dawn Kalisky of Lanc & Tully, Ross Winglovitz, Maria Beltrametti, Michael Lynch, Sergio Sardinah, Mario Sardinah, Walt & Maryanne Lindner, Ron Feller, Lauren Rowley

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

**OLD BUSINESS**

**RE: PLEAVE EXTENSION**

Ron Feller and Lauren Rowley are representing Pleave. Atty. Dowd stated he hasn't received anything from their attorneys; Ms. Rowley stated she will follow up with them.

**A MOTION** was made to **GRANT A SIX MONTH EXTENSION TO THE PLEAVE PROJECT** by Acting Chrm. Romano and seconded by Mbr. Steed and carried 4 Ayes 0 Nays.

**RE: RIVER STREET SUBDIVISION 208-1-24.1**

Mr. Lynch stated they were able to work out the drainage issue on the northern property line with the Village engineer and they will put in structures and a swale along the property line (he indicates on site plan) that will direct water away from the neighboring properties.

Atty. Dowd said he spoke with their attorney and if the Board grants a conditional approval, he will provide easement agreements and fees, etc. They have to produce the documents with his approval. They are ready to go along with SEQR and subdivision approval. The Planning Board is already lead agency.

**A MOTION** was made to **DECLARE LEAD AGENCY FOR SEQR** by Mbr. Crowley and seconded by Mbr. Weeden and carried 4 Ayes 0 Nays.

**A MOTION** was made to **DECLARE NEGATIVE DECLARATION** by Mbr. Crowley and seconded by Mbr. Weeden and carried 4 Ayes 0 Nays.

**A MOTION** was made to **APPROVE A CONDITIONAL APPROVAL FOR SUBDIVISION UPON THE RECEIPT AND APPROVAL OF THE EASEMENT AGREEMENT DESCRIPTION, PAYMENT AND FEES AND ANY OTHER MATTERS, WITH THE APPROVAL OF THE ATTORNEY AND ENGINEER** by Mbr. Crowley and seconded by Action Chrm. Romano and carried 4 Ayes 0 Nays.

**RE: LOOSESTRIFE FIELDS 204-1-2.22**

Amy Haight is representing the applicant, Tower Management for Loosestrife Fields. They have revised the layout by adding a bridge over the wetland to create less impervious and less disturbance overall and adding retaining walls where the grading was going close to the property

line which may be an issue where they are doing the storm water treatment but when they revisit the swip the sizes of structures and features will change. They would like to narrow the bridge from 22 ft. with a curb, to 16 ft. Atty. Dowd asked how two cars could fit on that? The site distance is adequate and fire code requires 20 ft. but is there a possibility that the Board could narrow it? It would span the entire wetland. They will be shy 4 parking spaces on this layout and 5 spaces be placed on the other portion of the Loosestrife Development and possibly a waiver for the other 4 spaces. Again, they may be able to create more room once they revisit the swip. Mbr. Crowley clarified that with moving those 5 spaces, they will still be short 4. Ms. Haight replied yes. Mbr. Crowley asked Atty. Dowd, these are two separate properties, how does that work? Ms. Kalisky said they are two separate companies. Atty. Dowd said there would need to be an agreement between the LLC's allowing those lots to be on the other property.

Atty. Dowd said they proposed grading work on the Village parkland. Ms. Haight said they are still proposing that here (indicates on site plan). Ms. Kalisky said they discussed back in October that not only was it grading but storm water features and storm water features would not be permitted. Possibly a temporary grading easement in that area but nothing permanent within the parkland. Atty. Dowd said they would need approval from the Village Board and the problem is that without knowing the extent of the grading the Village Board was in the dark. Not only is it Village owned property, it is also designated parkland. They need to know what the impact would be to the Village's parkland. Ms. Haight feels this design is less of an impact than the previous design-there is no disturbance to the wetlands. Ms. Kalisky suggested losing a unit or two to get everything on that site. It's a large lot and it supports the density but the developable portion of that lot is significantly less than the total lot area. They need to grade on Village property, they need to put additional parking on the adjoining lot, with a variance from the Zoning Board, and the grading. They've not redone their calculations based on the change in impervious, no extensive storm water facilities, there are other means of doing storm water treatment; underground, not just open, that would provide additional parking. There cannot be anything on Village parkland. They need to demonstrate what they need for their water quality, for their drainage.

Ms. Haight said they want to put in a truss (suspension-type) bridge, if they need to drive piles that would be allowed. Ms. Kalisky said reducing the size of the bridge would not be allowed due to fire.

Atty. Dowd summed it up with a need for a wider bridge for a fire truck and they need to see the extent of the grading on Village Property for a better idea on the impact.

## **NEW BUSINESS**

### **RE: 9 FACTORY STREET LOT 1, 203-1-14.212**

Mr. Lynch is representing the applicants, Sergio and Mario Sardinah, who are proposing 2200 sq. ft. Dunkin Donuts with an attached 4000 sq. ft. future commercial/retail space with a right in and right out entrance and exit off 17K. The property also fronts on Factory Street so they are also proposing a two-way entrance and exit there. The project meets all the zoning requirements. They do have disturbance greater than an acre for commercial property which requires a swip that they will prepare with future submissions. He hands Deputy Clerk Murphy the signed owner's endorsement.

Atty. Dowd asked what the aesthetics of the project were. The Village is concerned about the historic nature of the building and Dunkin Donuts has their own symbol and certain colors but in other communities they have other matters. Ms. Kalisky said it will have to go to SHPO, they will want to see that as well because they are adjoining property on the Historic Register. This is the gateway to the Village so aesthetics are important.

Mr. Sardinah said their intent is to have gable design and any other requests that the Village of Montgomery asks. There is discussion of other Dunkin Donuts in other Towns/Villages in the area.

Mbr. Crowley said her concerns are of the parking in front, as it is the gateway. Along that corridor, the parking is in the back of the building; the Wallkill River School, the parking is in the back, the new school, the parking is going to be in the back. Across the street, the parking is all behind. Ms. Kalisky said they have a 50 ft. front yard setback. The new school got a variance to bring the building up front. Atty. Dowd said front yard parking is allowed under the code.

Atty. Dowd asked if they would be using the shared driveway on the other lot. Mr. Lynch said no, as of right now. Ms. Kalisky said they have concerns having the driveway opposite Patchett House. The new school is using that. There will be 80 students, a lot of teachers, buses, the Wallkill River School, Ms. Claire's; these are morning hours, which are peak hours for Dunkin Donuts-that's why they recommended a traffic study be done to see what kind of impact. Mr. Lynch said they will be consulting a traffic engineer for suggestions and ways to alleviate that. Ms. Kalisky said it may be removing the dead-on/opposite entrance; going through the easement that is provided on the existing which gives you enough separation where people aren't going to be pulling out and into one another. Mr. Lynch said their typical design is to have them across from one another so that at least you are making eye-to-eye contact and with off-sets that can create problems because you're not looking at the car across from you. That's why they proposed it to be directly across. Ms. Kalisky said your traffic study will show.

Acting Chrm. Romano said you need all this room to go around, what would happen if the parking was in the back? Ms. Kalisky said you would lose a number of spaces in the que and would have a backup onto 17K. Acting Chairman Romano asked if there was access to the other commercial space from the back. Mr. Lynch said they are proposing a sidewalk along the back of the building so there could be exits, ingress and egress. All of the parking will be in the front parking lot. Ms. Kalisky said the main entrance to Dunkin Donuts and the future retail business is going to be fronted. Atty. Dowd asked if the only way out to make a left, will be on Factory Street? Have you run it by DOT at all? Mr. Lynch said this is preliminary. Ms. Kalisky had suggested they send the concept plan to DOT before you find out what this Board wants. Mr. Sardinah said he would like to have full access on 17K but doesn't think DOT will approve. Ms. Kalisky suggested they send it and see what they say. Atty. Dowd asked if there would be signage directing customers to the exits out of the parking lot, as left back onto 17K can only be obtained from Factory. Mr. Lynch said yes.

Mr. Lynch asked Ms. Kalisky about the parking requirements; 1 per every 250 and that was for retail/commercial, but they took the most conservative approach that's why they did the 1 per 200. Atty. Dowd asked if there were any proposed tenants. Ms. Kalisky questioned the restaurant use. Mr. Lynch said the code says 1 per every 4 seats and Dunkin Donuts doesn't have many seats; or equivalent to 4 areas that's why they used the 1 per 200.

Atty. Dowd said there will be a lot of young children there, especially between 8-9am. Mr. Sardinah said he doesn't believe there will be additional traffic, they will be capturing what is

already there. Mbr. Crowley said there is already stop and go traffic on 17K, this will be adding to it. Ms. Kalisky said and the added traffic on Factory Street. Mr. Sardinah asked if they should ask DOT for full access there. Atty. Dowd asked in and out on 17K? That should be left for a traffic expert to decide. Ms. Kalisky reiterated that it needs to be approved by DOT. Mr. Lynch asked if they should copy Lanc & Tully when they contact DOT. Ms. Kalisky said yes. Her concerns are the driveway opposite Patchett House driveway. She suggested adding the easement as a secondary driveway in there plans to the DOT; there will be better visibility and approximately 120 ft. of separation between the properties.

Mr. Lindner suggested moving the Dunkin Donuts to the side of the proposed retail space. Mr. Lynch said it would affect the que.

Ms. Kalisky summed it up with: they need a traffic study, several concepts submitted to DOT concurrently with Lanc & Tully, when everyone comes to a general consensus, then proceed on with SEQRA...etc. Atty. Dowd asked for basic architectural. Ms. Kalisky reminded them that they need to go before the Village Board for approval.

**RE: MINUTES**

**A MOTION** was made to **ACCEPT THE MINUTES OF May 24<sup>th</sup>, 2017**, by Mbr. Steed and seconded by Mbr. Crowley and carried 3 Ayes 0 Nays.

**RE: ADJOURNMENT:**

**A MOTION** was made to **ADOURN THE MEETING AT 8: pm** by Acting Chrm. Romano and was seconded by Mbr. Steed and carried 4 Ayes 0 Nays.

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Tina Murphy  
Deputy Village Clerk