

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

**ATTENDANCE:** Chrm. Conero, Mbr. Crowley, Mbr. Steed, Mbr. Romano, Mbr. McKenna, Atty. Kevin Dowd, Eng. Dawn DeSantis of Lanc & Tully, Maria Beltrametti, Howard Weeden, Walt & Mary Ann Lindner, Jane Hoeffner, Jay Samuelson, Amy Haight, David Tompkins, Michael Estela

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

**ADJOURNED PUBLIC HEARING 7:30pm**

**RE: DARWIN SUBDIVISION 210-8-5.22**

The Chrm. asked Mr. Weeden about the driveway; he said the existing driveway will be moved 3ft from the property line. They will also replace some of the curbing in the front.

Mbr. Crowley asked why the property line wasn't straight. Mr. Weeden said it was because of setback lines.

Ms. DeSantis said their comments were technical in nature. The subdivision conforms to code and the driveway has appropriate width.

**A MOTION was made to OPEN THE ADJOURNED PUBLIC HEARING FOR DARWIN SUBDIVISION by Chrm. Conero, seconded by Mbr. Steed and carried 5 Ayes 0 Nays.**

**A MOTION was made to CLOSE THE PUBLIC HEARING FOR DARWIN SUBDIVISION at 7:40pm by Chrm. Conero, seconded by Mbr. McKenna and carried 5 Ayes 0 Nays.**

**A MOTION was made to ISSUE NEGATIVE DECLARATION ON SEQRA by Chrm. Conero, seconded by Mbr. Romano and carried 5 Ayes 0 Nays.**

**A MOTION was made to APPROVE THE DARWIN SUBDIVISION SITE PLAN AS APPROVED BY THE PLANS, SUBJECT TO THE EASEMENTS, (MODIFICATION OF THE VILLAGE EASEMENT) AND PENDING ANY OUTSTANDING FEES by Chrm. Conero, seconded by Mbr. Steed and carried 5 Ayes 0 Nays.**

**OLD BUSINESS**

**RE: KSH-ROUTE 211 DEVELOPMENT 211-1-29.22**

Jay Samuelson is representing the applicant. The concept plan and EAF have been revised and submitted. They have addressed Lanc & Tully's comments and are there to have the Board declare its intent and circulate for lead agency.

Plans need to be sent to DOT, DEC, Army Corps, Town of Montgomery and 239 Referral to Orange County Planning Department. Mr. Samuelson will provide copies to Ms. Murphy.

**A MOTION was made FOR THE PLANNING BOARD TO DELCARE INTENT TO BE LEAD AGENCY by Mbr. Romano, seconded by Chrm. Conero and carried 5 Ayes 0 Nays.**

**RE: LOOSESTRIFE FIELDS – PHASE II 204-1-2.22**

Amy Haight is representing the applicant. She said since she was previously there, the fire access was an issue so they've widened the bridge and have run truck turning at fire access apparatus through the site using the Montgomery Fire Department's largest truck. They have worked with the health department; the water report has to be stamped and signed, there was no problem. The SWIPP was an issue. The review went to the State and they DEC has signed off on the method they are using to treat the storm water runoff from the existing building on site and the parking lot in lieu of treating the impervious they are creating on the east side of the bridge. The existing building impervious is not currently being treated so they are going to take care of that with treatment and they detain the storm water runoff from the two buildings and the parking area on the eastern side of the bridge.

The Army Corps said there was some fill located within the Army Corps wetland. She indicates where on the site plan. There was asphalt in there. They visited the site with Brian Orzell of the Army Corps and he had them remove it and replant with wetland plantings. He will be out again on November 7<sup>th</sup> to verify. She will meet him there. Chrm. Conero asked where it came from but Ms. Haight doesn't know.

Ms. Haight said the bridge design will be finalized soon. She confirmed it was widened to 26 feet with a 4 foot sidewalk. Chrm. Conero said the fire department had a problem with the weight limit on the bridge with their trucks. Ms. DeSantis said they need to know what is being proposed and how they are going to construct it without any wetland disturbance. She asked if she could meet Amy on November 7<sup>th</sup> with Brian Orzell. Ms. Haight said yes and will confirm the time.

Chrm. Conero asked Ms. Haight to explain the fire truck turnaround. She indicates where it is on the site plan. Mbr. Crowley said the fire department's concern was that 4 trucks minimum respond to a call and will line up across the bridge and be in that area. They will need at least the tanker and their largest truck. Mbr. Romano asked for clarification on the truck location. Ms. Haight said the largest truck is 39.66 ft. long, the bridge is 100 ft. Chrm. Conero asked how they would construct the bridge without wetland disturbance. Ms. Haight said they are still waiting on a design but they may ask for a temporary crossing permit from the Army Corps. She will discuss that onsite with Mr. Orzell on the 7th.

Chrm. Conero said there are a lot of inconsistencies with this from when we left the Public Hearing. When they opened the Public Hearing they were pretty comfortable with everything on here (site plan) but now things have changed a lot and he's concerned about how much they've changed. He knows they've waived their right to public hearing/62 days. He's not sure...Atty. Dowd said they have to have another public hearing. The plans at the time were not sufficient. They rushed to a public hearing and are now stuck with this, especially the fire apparatus issue. Part of the problem is the 100 ft. long bridge. It is acceptable but the question raised by the fire department is that they stack. It's not so much that the trucks go over the bridge, it's the standing weight of the trucks. A filled tanker on that bridge, is what they were questioning and whether your design, at the time, was at the weight limit of the truck itself-standing weight. Ms. Haight said its 70,000 lbs. with water in it, by fire code. Atty. Dowd said that will hold a truck going over the bridge but if they are stacking more than one truck; that was the concern of the fire department and this Board. Ms. Haight said she doesn't see a need for more than one truck on the bridge at one time. There is room to stack it up on the east side of the bridge in the parking lot.

Mbr. Romano reiterated that at least 4 trucks show up. That doesn't include an ambulance or other vehicles. Ms. Haight they don't have to stack up on the bridge. Mbr. Romano said she can't see how 4 vehicles can maneuver out of there. Ms. Haight indicates on the site plan. The bridge can be designed to hold one truck but she doesn't think it can hold more. There is no turn around, they have to back into an area by the bridge and pull out. Chrm. Conero expected a turn-around at the end. Ms. Haight isn't sure that is possible as the wetlands are there.

Ms. DeSantis said the configuration they have is somewhat skewed from what is shown in Appendix D. The dimensions do work with the fire code requirements. Initially, they tried a hammerhead but it didn't work.

Chrm. Conero said they will refer it to the fire company. Where is the storm water? Ms. Haight said it's on both sides of the bridge. Ms. DeSantis some items still need addressing. Ms. Haight said sheet C140; the existing building is not being treated from this impervious (indicates on site plan). They are proposing to treat with a bio area, storm water runoff from the parking lot catch basin into here (indicates). That will discharge into the wetland after it's treated, same thing here (indicates). She explains where the wall and contour lines are. She explains where roof run off will go.

Atty. Dowd asked if the Board felt this was adequate for public hearing. Chrm. Conero said he would feel comfortable with having the plans together, knowing what kind of bridge it is and more particulars on it before they open another public hearing. Atty. Dowd said the fire department should also have that knowledge.

Chrm. Conero asked, the Army Corps engineers have delineated this plan a while ago so they are just coming out to recheck the spot you had to make into a wetland? Ms. Haight said yes. Ms. DeSantis said when you reflagged, did it change the wetland boundaries as depicted on this map? Ms. Haight said no; Brian Orzell went through looking at that area and validated the existing wetland flags that were still out there. That has not changed. It has been restored to...

Atty. Dowd asked if there was any correspondence regarding the delineation being suitable except for that one spot. Ms. Haight said yes and will forward it to the Board.

The outstanding issues are the SWIPP, the Army Corps, the bridge, the fire department, the bridge design and the wetlands.

## **NEW BUSINESS**

### **RE: CENTRAL HUDSON 203-2-4.1**

Dave Tompkins and Mike Estella are representing the applicant. The site plan initially submitted was a concept plan; he gave updated site plans to the Board.

Ms. DeSantis said what they are proposing/what the zoning is, they need to develop a full site plan but there are questions. It is an existing site, this is an amended site plan, it is an existing special exception use so the use is the same.

Mr. Tompkins said it is a complete rebuild of the substation. This substation was believed to be built in 1949. The transformer was put in place around 1954 so it's aged and needs to be updated so that the reliability of the system is better and can meet both current demand and future demand as well as be part of system where load is shifted in times of crisis, in times of storms. These systems send load where it needs to go. It is a complete reconstruction of the system. The

transformers come out, the reducers, all the equipment will come out. There will be new poles placed in, the old poles will come out. There would be a new access road put in, slightly larger than what is there now. The site is a 1.1 acre property. They show a poster of what is proposed. A security gate will be put in. These are not manned so one of the security aspects of the substation is that Central Hudson employees, inspectors, police, they want to drive by and look in and see that no one is there. There shouldn't be people there and people walking around, that's a red flag. The openness of the picture right now is actually an important security aspect. These are considered targets from an infrastructure network. Screening is hard because of overhead lines. They cannot plant things that grow tall. There is wetland on both sides of the entrance.

Chrm. Conero asked what kind of security gate would be installed. Mr. Estella said they are not sure yet. Some substations have card access. The Chrm. asked if they could consider something more historical/easy on the eyes and if the building is concrete or metal. Mr. Tompkins said there is no building; what is there now only houses equipment.

Atty. Dowd asked if there was a berm there. Mr. Tompkins said no, just about 100 ft. of natural vegetation and a stream.

Chrm. Conero clarified that this is an amended site plan.

Ms. DeSantis said it is subject to 239 Review, the Town because of proximity to town line, SHPO because of proximity to Water Works being on the National Register (Type 1 Action), DOT because you are replacing the driveway access, the DEC and Army Corps because of wetlands.

Mr. Tompkins would like to schedule a public hearing for next month and/or possibly waive the public hearing since it is an amended site plan.

The Board does not want to waive the public hearing. They want to give the residents a chance to speak if they have questions or concerns.

The Atty. said a full EAF still needs to be submitted.

**A MOTION was made FOR THE PLANNING BOARD TO DECLARE ITS INTENT TO BE LEAD AGENCY, TYPE 1 ACTION, by Chrm. Conero, seconded by Mbr. Steed and carried 5 Ayes, 0 Nays.**

**A MOTION was made to SCHEDULE A PUBLIC HEARING FOR CENTRAL HUDSON AMENDED SITE PLAN AT 249 WARD STREET, FOR WEDNESDAY, NOVEMBER 28, 2018 AT 7:30PM by Mbr. Romano, seconded by Mbr. Steed and carried 5 Ayes 0 Nays.**

**RE: MINUTES:**

**A MOTION was made to ACCEPT THE MINUTES OF SEPTEMBER 26, 2018, by Mbr. Romano, seconded by Mbr. McKenna and carried 5 Ayes 0 Nays.**

**RE: ADJOURNMENT:**

**A MOTION was made to ADJOURN THE MEETING AT 8:23 pm by Mbr. Crowley and was seconded by Mbr. McKenna and carried 5 Ayes 0 Nays.**

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Tina Murphy, Deputy Village Clerk