

MINUTES of the Village of Montgomery Planning Board meeting held in the Conference Room of the Village Hall, Clinton Street, on Wednesday, January 23, 2018, at 7:30 pm.

ATTENDANCE: Chrm. Conero, Mbr. Crowley (not in attendance), Mbr. Steed, Mbr. Romano, Mbr. McKenna, Atty. Kevin Dowd, Eng. Dawn DeSantis of Lanc & Tully, Maria Beltrametti, Walt & Mary Ann Lindner, Ross Winglovitz, Joe Catalano, Jeff Steinberger, Marc Devitt, Amy Bombardieri

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

OLD BUSINESS

RE: CITY WINERY – 204-1-1

Mr. Winglovitz is representing the applicant along with Joe Catalano, the project attorney. Since December 19th, a few things have happened. The Trustees held a public hearing that will continue on February 5th, it's still open for comment and Planning Board attendance. They are hoping that the Trustees will approve the PDD. Since the December 19th meeting, Mr. Winglovitz has received comment from Lanc & Tully and has made additional changes to the site plan. Mr. Winglovitz said it was an extensive technical comment that was reviewed and changed. The traffic flow around the circle and the alignment of the exit from the parking lot, connecting to Patchett Way. It's at the top of the loop so if you did drop off you wouldn't have to continue down the loop again. You can now cut straight across to the parking lot. They feel it will be a big improvement on traffic flow, specifically for the event space.

Chrm. Conero said a lot of your plans have busses coming through. They will take the same route? Mr. Winglovitz said yes; they can more easily come in drop off/back in. Before, they would have had to turn left.

Mr. Catalano said they received a signoff letter from the DEC regarding the eagle habitation/mitigation plan. What they are proposing is fine. Atty. Dowd said the letter from the DEC is only for one year. What happens after a year, do you have to refile? Mr. Winglovitz said no, as long as there is no change in circumstance. It will be evaluated at that time. Mr. Winglovitz said they hope to have all the parking lots/exterior construction done by then. Mr. Catalano said Lanc & Tully mentioned their grant for a net zero project. They are proposing to enhance the hydroelectric plant. If that doesn't provide enough electricity to meet the net zero requirement, their option is to install solar panels to fall back on. They don't know the size or location. They don't even know if it's needed. They want to ask this Board and the Trustees if they are going to install them, they will come back for an amended site plan to approve that. That installation would be something that the DEC is concerned with, as far as the eagles to reevaluate whether solar panels will impact the habitat. Atty. Dowd asked if they would be building mounted solar panel or free standing. Mr. Catalano said they are not sure if they will even need them yet. Atty. Dowd said the AHRB has spoken with the Village Board regarding their concern about solar panels on historic buildings and historic neighborhoods (even free-standing ones) so it may come up in the future. And what will SHPO do? Maybe it should be evaluated in this SERQA process? Mr. Catalano said they don't even know if it's necessary yet. Mbr. Romano asked when they would know. He's not sure, it will be months. Atty. Dowd said your expansion of the plans, is that part of your SEQRA analysis. Is there change in the river or dam? Mr. Winglovitz said there are no changes. They may add additional turbines. Atty. Dowd asked if they would be a disturbance to the area. Ms. DeSantis said they are interior. Mr. Catalano said this is uncertain but they would come back to the Planning Board if necessary. Chrm. Conero said does the Board

have an idea that they are going to include solar in the code, just to make it allowable? Atty. Dowd said the recommendation of the chairman of the AHRB was not to allow solar panels on historic homes and to restrict them on other neighborhoods with freestanding solar not to be on the side yards. Chrm. Conero said there are a lot of different ways to blend them in. Ms. DeSantis said the PDD Local Law would have to be amended because that's not one of the following...Mr. Catalano said he would ask the Trustees to add accessory solar panels to that at the public hearing, just to keep that option available. Mr. Winglovitz said SHPO would have to sign off on it because it will be an impact to a historic structure. Atty. Dowd asked if the grant money they are taking is a condition on the net zero. If you can't generate with new turbines do you have to go to solar? Mr. Catalano said no, there are other options. NYSERDA doesn't care how you get the net zero as long as it's renewable energy.

Chrm. Conero wants to make sure the Village Board puts in the hours of operation are in the PDD. At the public hearing they mentioned that the Planning Board specifies the times...Atty. Dowd said that is part of the PDD regulations and resolution that the Board passes. What the allowable uses are and hours of operation.

Chrm. Conero asked about the grass walking paths. Dawn mentioned it in her comment letter, #7. Mr. Winglovitz said they will have their vineyards in areas around here (indicates on site plan) they want clear pathways, maintained lawn areas, for people to walk to different parts of the site. It was more extensive but this wetland finger came up here and actually took part of the pathways. It'll be like Bethel Woods. They can mark the wetlands along the path so it's differentiated. They are 4 ft. high and reflective.

Chrm. Conero asked about the lighting plan. It appears only by the main parking lot up by the bridal suite/the old barn. Is there any down...Mr. Winglovitz said it is through the parking lot, around here and at the entry to the building. Chrm. Conero said there is no lighting on the parking lot that is graveled. Mr. Winglovitz said no. Mbr. Romano asked if the path is lighted. Mr. Winglovitz said no, it's only used during the day. She asked what happens at night with the stage. Mr. Winglovitz said it's only operational from 1-4pm. There is no lighting for the stage area. Chrm. Conero confirmed that it is only lit at the main parking lot and not down the road to the graveled lot. Are there safety issues that they need to be concerned about regarding lighting down there? Mr. Winglovitz reiterated it is only daylight hours that it (the graveled lot) will be used. Chrm. Conero asked what will be lit on a typical night. Mr. Winglovitz said there will be security lighting around the front of the building (indicates on site plan).

Mr. Winglovitz said landscaping and buffering plan. This is what the client is proposing and it's not typically what this Board sees, they want their feedback on the acceptability of this plan or a plan that would label trees, quantities, heights... Ms. DeSantis said yes, a standard landscaping plan. Mr. Catalano said under the PDD regulations, a landscaping plan is required and a general plan with buffers and screening isn't typical, so to keep it moving, they ask this Board for a conditional approval subject to submission of an acceptable landscaping plan. Their client's picture of the site keeps evolving and the landscaping plan hasn't been looked at in detail yet. The number of trees/plantings will be done at a later time; after the PDD is approved.

Mr. Winglovitz asked if a public hearing would be necessary by this Board in addition to the Village Board. Atty. Dowd said they are anticipating action at the Village Board meeting but they are not sure if the public hearing will continue. Chrm. Conero said things change. Atty. Dowd said the public hearing is supposed to be about the Local Law and what's in the law, not site specifics and issues that they've had. Mr. Catalano said City Winery would like to start this project ASAP. Chrm. Conero said a couple of comments at the public hearing were the traffic

going up Factory Street. Is Factory Street wide enough for that? Atty. Dowd said there were no recommendations in the traffic study that Factory Street should be widened. There were issues with the railroad crossing and conversation regarding 17K onto Factory Street. Ms. DeSantis said this is off-peak traffic volume wise as opposed to Monday through Friday peak am and pm hours. Atty. Dowd said it could become a speedway for residents...coming home from work and the school that's there, you don't want someone racing down the street. Chrm. Conero said it's important to maintain the historic character of that street. Mr. Catalano said SHPO mentioned that. Atty. Dowd said SHPO is not in favor of widening Factory Street, either.

Mr. Catalano said the local residents expressed concern over wedding parties spilling out and disrupting the neighborhood; peaceful neighborhood on the weekends. They went to Mr. Dorf and he is putting together a plan where they will have outdoor attendant's onsite during any events of so many people or more. They will assist with parking and security purposes to make sure guests are staying on the property and not getting too loud. Mbr. Romano said her worry is the river and them being drunk, not harassing people who live nearby. Chrm. Conero asked if the security detail or some type of security, could be added to the PDD, as well. Atty. Dowd said with the comments from the neighbors, the Village Board would consider having some requirements to have onsite security so it wouldn't cost Village taxes to have police go there; have someone there to control venues. Mr. Catalano said this is not supposed to be a rowdy type of place. It's not being presented that way. Mbr. Romano said during weddings, people will not be wandering the paths, because of the lack of lighting. Mr. Winglovitz said maybe if it's during the daytime. Mr. Catalano said there will be outdoor seating areas.

Ms. DeSantis said their comment on the water, she wants it on the record even though it's in the letter the applicant should consider replacing the lines to the structures. Buddy has repaired connections there, specifically on the fire line into the building. You need to speak with him. After the meter, the line is private and costs of water loss due to a line break would be the owners responsibility, however, there is still a loss of water for the Village. You'd hate to have everything blow apart.

Mbr. Romano asked about the phases. Mr. Winglovitz said Phase 4 is the bridal suite area, that is limited to October 1st to December 31st. That will be a future phase. Mr. Catalano said the winery is their first priority. Mbr. Steed asked if a preliminary study could be done to find out the calculation of the output of the turbines. Mr. Winglovitz said they will look into that.

Mr. Winglovitz asked if there could be a public hearing at the next meeting. Mr. Catalano asked if it could be scheduled. Atty. Dowd said it's not even authorized yet. Mbr. Romano said she feels they should have one. Chrm. Conero agreed. He said depending on the outcome of the Village Board meeting, they will schedule the public hearing.

A MOTION was made to SCHEDULE A PUBLIC HEARING FOR CITY WINERY FOR FEBRUARY 27, 2019, AT 7:30 PM, PENDING THE OUTCOME OF THE VILLAGE BOARD MEETING/ADJOURNED PUBLIC HEARING, ON TUESDAY, FEBRUARY 5, 2019, by Chrm. Conero, seconded by Mbr. Romano and carried 4 Ayes 0 Nays.

RE: KSH Rte 211 Development – 211-1-29.22

Mr. Winglovitz is representing the applicant. They have received comment from DEC, DOT and County Planning. They have changed the plans. Senior housing has been removed and two offices proposed, consistent with the zoning. One behind the car wash and one behind the residences on

Weaver Street. In addition to that, they have rotated the warehouse on lot 1. Originally, they had the loading here (indicates on site plan), nearest the residents. After looking at it again, they put it on the backside of the building, further from the residential houses on Weaver Street. Wetlands have been redelineated and has provided a little more room so the building on lot 1 got a little smaller and the building on lot 2 got a little bigger. Lot 1 is 200,000 sq. ft. and lot 2 is 100,000 sq. ft. Chrm. Conero asked, so after you delineated, you have more usable land than you did before? Mr. Winglovitz replied, yes. Chrm. Conero asked how many feet are from the back of the property to the buildings. Mr. Winglovitz said the building itself is between 370-400 ft. to the building and to this building it's about 250 ft. from the property line. Chrm. Conero said, not the odd lot? Mr. Winglovitz said no, it's pretty close. They just resurveyed it. It's about 120 ft. from the rear of that lot. Atty. Dowd asked about the two office buildings. Mr. Winglovitz said the side yard is 30 and they're at 50 (indicates on site plan), behind the car wash, 60ft. Atty. Dowd said the code, 122.27 transitional yard & screening in the B1 and I1. He's making sure there's 50 ft. and a buffer. They're both more than 50 ft.? Mr. Winglovitz said yes; this building (indicates on site plan) is about 55-60 ft. Atty. Dowd asked about the access being problematic. Mr. Winglovitz said there is plenty of site distance so he doesn't understand the comment. He's had plenty of projects with 50 ft. frontage on a State Road. One of the other things they asked for was a traffic study which is what he wants to speak about tonight, just to identify this Boards concerns on traffic and which intersections they would like them to study. DOT doesn't give specific direction obviously, they have to study Chandler and the new proposed entrance. A good site entrance on 211. Atty. Dowd said their concern is about the traffic on all of the agendas in the Town and the Village and the cumulative impacts will be. Everything along 17K and 211 to 416 and Dunn Road, Marc's other project.

Chrm. Conero said one of the recommendations from OC Planning Department looks to the applicant providing an Environmental Impact Statement of the project which includes traffic impacts, small engine impacts, wetland impacts, wildlife impacts, inter-municipal impacts, historic resource impacts, economic impacts and impacts on OC Airport. He feels they should move forward on the EIS on the property based on just recommendations from the County. Atty. Dowd asked what the impacts are for the airport. Mr. Winglovitz asked the County for the corridors analysis, where he needs to avoid them if not, proceed. They have not responded. Atty. Dowd said the airport director said the FAA needs to know the plans and proposed building sizes and flight paths. The Village is considering lowering the 35 ft. height requirement in that general area. Mr. Winglovitz would like to submit an expanded EAF and storm water report.

There is discussion of what studies will be done. Chrm. Conero said an expanded EAF and what they want studied should be done. Mr. Winglovitz will draft a listing of studies to be included in the expanded EAF for review and comment by the Planning Board.

RE: 228 WARD STREET SUBDIVISION/SEU - 203-1-12.12 & 12.212

Mr. Winglovitz is representing the applicant, Montgomery Group, with an application for an addition/expansion of the Learning Together School on Ward Street. The major changes from the last meeting, there was a discussion about the location of this building, they had back a little further and the Board wanted the front of this building match the front of the existing building that's there. Marc agreed and moved the building forward. They are going to be connected, the building will be colonial style and not match the style of the first building. There is a question about lot line change which made the existing lot, 12.2 even smaller so they proposed a lot line change with the abutting property over/eliminating a lot and adding the residual into 212 Ward

Street, LLC property, tax lot 11. Then they will have the sufficient side yard, 50 ft. requirement of the code; that will resolve the remaining lot and buildability.

Atty. Dowd said the only issue he sees is the addition not being 50 ft. setback for the front yard. You'll need a variance for the 37 ft. The ZBA will be hard-pressed not to grant the same variance. Chrm. Conero asked why it is being referred to the ZBA. Is it because it's a separate building. If it were an addition on the existing building, would it maintain... Atty. Dowd said it's increasing the degree beyond what the ZBA approved for the front yard. Mr. Catalano said the ZBA established the front line for that building. Atty. Dowd said they didn't anticipate an addition to the building. It makes it easier. The variance is still needed. Get on their agenda ASAP. Mr. Catalano asked if it would be an amendment to the previous... Atty. Dowd said right now, it's in violation of the zoning law; it's 37 ft. and should be 50. The existing building has a variance.

Mbr. Romano asked about the parking. Mr. Winglovitz said comment 4 is the number of employees and the parking. They have no problem adding additional parking. The numbers that Learning Together gave Marc; they can add 9 parking spaces across the back and grab one here and get to the 91 that Dawn was talking about. Mbr. Romano said there is one road servicing 4 buildings. Mr. Winglovitz said there is 2 (indicates on site plan). Mbr. Romano said they are all in service at the same time, during the day. Chrm. Conero asked if there would be visitor parking. All 91 are for employees? Mr. Catalano said there are part time employees, as well. Chrm. Conero asked about another access road. Mr. Winglovitz said that DOT wants to limit access on the State Road. Mr. Devitt said they can certainly add more parking, use the space that's there. They show 80 parking spaces with staff utilizing 72 of them. It could be less but they'll use the higher number. He asked Ross to add additional spaces and they can add more. Chrm. Conero asked about the ingress/egress. Mr. Winglovitz said it works now. There hasn't been any issues. Chrm Conero is concerned about the traffic. It is a busy part of the day. This Board needs to decide if you need to have a traffic study done on 17K which might warrant a turning lane, or some other way to mitigate traffic issues on 17K. Mr. Winglovitz said a turning lane might make the project financially...it's a \$600,000 improvement to 17K. It's in a corridor where there's a school this site. There's a lot more kids entering and exiting 17K than there is here. There hasn't been any issues that he is aware with backups in or out.

Ms. DeSantis brought up the previous Dunkin Donuts project which included a traffic study which concluded a left turn lane is recommended currently for the Factory Street intersection for peak hours. Mr. Winglovitz said they are a huge traffic producer from 6am-9am. He will get a report from Maser regarding the school use and the previous traffic counts. Mr. Catalano said City Winery's traffic study wouldn't apply since the hours of operation are different. Atty. Dowd asked, didn't it say what the peak hours were on 17K? Too many people speaking at once. Ms. DeSantis asked that Wallkill River School and Ms. Claire's be included in the count as part of the Maser report.

Chrm. Conero confirmed the bus route in the parking lot. Ms. DeSantis said these are smaller buses.

Chrm. Conero said this is a 239 Referral to the County, not SHPO.

Chrm. Conero also asked if there was a retention pond in the front of the property. Mr. Winglovitz said yes. Chrm. Conero asked if it were being constructed underground or if he would see it while driving by. Mr. Winglovitz said aesthetics are important but not designed yet.

A MOTION was made to REFER LEARNING TOGETHER EXPANSION/SEU 203-1-12.12 & 12.212 TO THE ZONING BOARD OF APPEALS FOR A VARIANCE FOR THE FRONT YARD by Mbr. Romano, seconded by Mbr. McKenna and carried 4 Ayes 0 Nays.

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

Amy Bombardieri is representing the applicant. It's a 6.6 acre parcel that consists of an extension of Patchett Way to serve 4 new residential buildings. There will be a total of 38 units within those 4 buildings. There will be 288 compliant parking spaces. There is a proposed bridge to serve buildings 13 & 14 with a total of 18 units on that side. The last submission provided a SWIPP, preliminary bridge details and ACOE correspondence. The bridge is 100 ft. long with a 24 ft. wide travel way with a foot on each side for a guardrail and a 4 ft. pedestrian walkway. The bridge will be designed to meet highway roading requirements for the fire service and 25% impact additional road grading on it. They are in the process of getting the ACOE permit that is required. Chrm. Conero asked if that was for the bridge. Ms. Bombardieri said for the wetland disturbance to build the bridge. It's a nationwide permit #33.

Chrm. Conero asked about the master water chamber meter being installed. Ms. DeSantis said it is part of the code.

Chrm. Conero said the proposed bridge, the specifics on the construction of the bridge and how it's going to... Ms. DeSantis said the site plan needs to be revised because it's different from what the sketch details were. You have a 30ft. wide by 100ft long structure that's currently on 4 ft. walls. The sewer line is directly underneath the 4ft...the wetlands aren't overly stable so she's assuming if the footing is for the bridge abutment is 6ft or 8ft you can't run sewer under there with what you have proposed and she doesn't know if they'll make grade over there. They can go lower and back up with the water main but the problem is you're adding sewer. You can't have a sewer pipe directly underneath a 4ft. abutment even if it stays at 4ft. underground. If there's a break in the pipe, that water is coming into the Village sewer system. You will recall a few years back Village performed a DEC infiltration management program and abatement. We do not want to have new construction that has the potential of breaking and allowing water into the sewer system. Ms. Bombardieri said because they are boring underneath the wetlands, they can move the utilities. Ms. DeSantis said you may want to consider that. No matter what the bridge comes in at, no one knows what yet. Our concern is the utilities running underneath it, although they are private, they connect to our municipal system. So, it's our water that would be flowing out of a broken main and water coming into our sewer system. Chrm. Conero said that they need a plan in place to mitigate this issue with the sewer and gravity fed and the potential for problems. We can't ignore that part of the engineers report. Ms. Bombardieri said they could move the line and also have it pumped. Chrm. Conero asked that they could move the sewer line out from under the bridge. Ms. Bombardieri said yes, moving it south. Ms. DeSantis asked if they had a support structure for this bridge. Ms. Bombardieri said they are working with several manufacturers and they have engineer's designs. Ms. DeSantis said they need to know the depth of the footings. Chrm. Conero asked if the fire department had comment on this. Ms. DeSantis said they haven't heard from them. Chrm. Conero asks Clerk Rickerd to have the Fire Chief notified to submit comment for this. Ms. Bombardieri said they had communicated with them but hasn't heard anything recently, regarding the turning radius and pedestrian walkway. The Chrm. doesn't feel comfortable with setting a public hearing until they speak with the fire department but does want public comment if there is any.

A MOTION was made TO SCHEDULE A PUBLIC HEARING FOR LOOSESTRIFE FIELDS-PHASE II ON WEDNESDAY, FEBRUARY 27, 2019, AT 8:00PM, by Mbr. McKenna, seconded by Mbr. Steed and carried 4 Ayes 0 Nays.

RE: MINUTES:

THE MINUTES OF DECEMBER 19, 2018 COULD NOT BE APPROVED AS THERE WAS NO QUORUM.

RE: LOCAL LAWS

The Trustees have two local laws they are considering:

- 1) City Winery change of zone to a PDD. Once this is changed, the Village Board will set a resolution for the exact uses; that will control your review of the site plan. They will do SEQRA, as well.
- 2) Senior Overlay District on Route 211. That proposal is to remove/change the overlay district to apply only to the Route 17K corridor. Even though it removes the ability of having the senior overlay on Route 211, it does not mean that any kind of senior housing cannot go on through the PDD process. That gives the Village Board a better way of measuring appropriate uses; senior, workforce, whatever it might be. The senior overlay was adopted 15 years ago. It was adopted for the one on Route 17K and it included both corridors of state highways.

They are looking for the Planning Board's recommendation whether they recommend to the Village Board to adopt these two local laws.

A MOTION was made to SET A POSITIVE RECOMMENDATION TO THE VILLAGE BOARD FOR THE SENIOR OVERLAY DISTRICT FROM THE 211 CORRIDOR, by Chrm. Conero, seconded by Mbr. Steed and carried 4 Ayes 0 Nays.

As far as City Winery, Chrm. Conero said as long as the hours of operation are specified and anything that they want in that PDD, must be put in there. It is critical that they get this right.

A MOTION was made to SET A POSITIVE REFERRAL TO THE VILLAGE BOARD REGARDING THE PDD FOR CITY WINERY, by Chrm. Conero, seconded by Mbr. Steed and carried 4 Ayes 0 Nays.

RE: ADJOURNMENT:

A MOTION was made to ADJOURN THE MEETING AT 9:10 pm by Chrm. Conero, seconded by Mbr. Steed and carried 4 Ayes 0 Nays.

Tina Murphy, Deputy Village Clerk
Recorded by Veronica Rickerd