

**MINUTES** of the Village of Montgomery Planning Board meeting held in the Conference Room of the Village Hall, Clinton Street, on Wednesday, December 19, 2018, at 7:30 pm.

**ATTENDANCE:** Chrm. Conero (not in attendance), Acting Chrm. Crowley, Mbr. Steed, Mbr. Romano, Mbr. McKenna (not in attendance), Atty. Kevin Dowd, Dawn DeSantis of Lanc & Tully, Maria Beltrametti, Walt & Mary Ann Lindner, Don Berger, Ross Winglovitz

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

### **OLD BUSINESS**

#### **RE: CITY WINERY – 204-1-1**

Mr. Winglovitz is representing the applicant in the conversion of the Worsted Mills into a winery and event space, café, distillery, hotel, mixed use, planned development district project. They are trying to proceed with the PDD and Village Board along with the Planning Board. Their goal is to get started as soon as they possibly can. They submitted a well-developed set of plans and have received comment from Lanc & Tully regarding the details of those. The only changes he's bringing to their attention tonight is the wedding platform that was to overlook the river; it has been removed as part of the eagle mitigation. They resubmitted the eagle mitigation plan and will only work during the months that are acceptable to the eagle; October 1<sup>st</sup> – January 1<sup>st</sup>. He said they will do a phasing plan; bridal suite, distillery, overflow parking; all done later. This affects the storm water. They reversed the stage to now face the hill instead of the river.

- They will provide a detailed layout of what the uses and occupancies are. Event space is going to be 350 seats.
- The sewer is old...they will update on the plan
- They will prepare a more detailed landscaping plan next month by either the architect or they will send it out.
- Parking calculations will be provided; they have 170 paved spaces-about 506 total throughout the grounds. He indicates on site plan.

Acting Chrm. Crowley asked Mr. Winglovitz to walk them through the traffic flow. He said from Factory Street, drop off if you need to, and circle around to leave or enter the parking area (if parking). The exit from the parking area is on Patchett to Factory. Acting Chrm. Crowley said her concern is entering from Factory to drop off, a lot of people may want to do that and they're going to continue around combining with people coming in from Factory St. Mr. Winglovitz agreed. He will look into another possible entrance to the parking lot. Acting Chrm. Crowley said it will be like a round-about with people going around; people tend to cut across them. Can they put directions on the road to mitigate people going around and coming in at the same time? Mr. Winglovitz said a stop sign? Dropping off may be a problem. Ms. Kalisky said it is not uncommon for this type of circle. It's a slow speed, not like a highway. And there will be a stop sign at the loop.

Acting Chrm. Crowley asked if the parking lot would be lit. Mr. Winglovitz said yes, as well as the walkways to the sidewalk. The walkway in the vineyards will be a dirt/natural walkway and will not be lit. It is more for summertime and during the daytime hours.

Mr. Winglovitz said there will be a standby generator behind the hotel area for wine production and the pump station.

The flood plain grading is done, we put that right on the plan since it is a permit. The EAF talks about filling in the flood plain; they are not putting soil into the front plain that will could displace the flood plain. They will put those calculations on the plan.

Curbing is proposed at the entry feature and inside the island and up to the grass area. Ms. Kalisky asked what they were going to do with the side walk that runs along...Mr. Winglovitz indicates on site plan. They purposely added grading there...Ms. Kalisky said the ADA requires that where it is flush with gravel to pavement, it needs detectable warnings. The visually impaired can't walk into... Acting Chrm. Crowley asked about curbing for plowing, otherwise they will be plowing over the sidewalk. And where will the snow be pushed off to? Mr. Winglovitz indicates on the site plan. If they had to they could push it back to the overflow parking lot, it's not a big deal. It's something they will use in the summertime or if there is more than one event going on. They are not planning on striping it. They are showing it to show what they can do here. The dumpster will located somewhere be in the back, in an enclosure. Lighting in the back, again, it will not be used in the wintertime or evening. If they needed it, they could propose portable lighting so it doesn't affect the neighboring properties. The only big trucks that will be coming in will be the grape deliveries in the fall-box trucks. Mr. Winglovitz feels the area around the loop should be upgraded to accommodate the weight. He will meet with Lanc & Tully with changes. Mr. Winglovitz proceeded to give Ms. DeSantis architectural plans but she stated the Planning Board also needed copies that he will provide (in smaller form).

There is a slope, so they are cutting and filling (he indicates on site plan) to make it level enough for handicap accessibility. This will be raised up about 4-5ft above where the entrance currently is. You will have to walk down to this courtyard area (indicates on site plan). Acting Chrm. Crowley clarifies that the road is being built up and Mr. Winglovitz indicates where the ramp will be on the site plan. This will minimize the slope on the road.

Ms. DeSantis asked if the SWPP could be pulled and revised and provided to the Planning Board for their file, the Chrm and for Lanc & Tully.

Mr. Winglovitz said he will respond by the 11<sup>th</sup> for the next Planning Board submission. Atty. Dowd said there will be a Public Hearing scheduled at the Village Board meeting on January 15<sup>th</sup> in the court for the Local Law for the PDD. Since not all of the Planning Board is present, they should wait until the January meeting to make any recommendations to the Village Board on the Local Law. SQRA may not be complete by the 15<sup>th</sup> so they need to wait and see.

## **NEW BUSINESS**

### **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. It's about two years ago, this time, that they presented the initial school. They did a lot line change between the two parcels to make this lot (indicates on site plan) slightly larger but they are proposing to do another lot line change with the abutting parcel, owned by the same entity. The school has been very successful. The parking lot is full! They want to expand so they are looking for an approximately 6,400sq ft. school adjacent to the existing school with similar architecture. They have issues with setbacks. Because it's a school, it's a 50ft. setback where they are proposing a lot line. He spoke with Joe (Catalano) and they are about 44 ft.

Atty. Dowd said you're title on the site plan is 212, 228 Ward Street but on your map 212 is owned by 212 Ward Street, LLC. Mr. Winglovitz will correct it. Atty. Dowd said the variance that was granted in 2016 to the Montgomery Group with the original building, a front yard was given to the other, SEU requires a 50 ft. setback from all property lines. They were given a 13 ft. variance for the front yard and the reason for that was that they were trying to create a street-scape consistence with the Patchett House. Now, you're proposing an addition to the school and a setback further but not 50 ft. or you need another variance. At the time you built the first school, the zoning board gave you a variance for the side yard, even though you shifted the building to the left; they gave a variance of 27 ft. Were you proposing that this 2-story school is not 50 ft. from the setback? If the plans stay this way then you need two variances from the ZBA and we refer you to them. Representations made to the Board 2 years ago about why you needed the variance in the front yard and side yard, and one of the questions that came up was why can't you push the lot line further back and avoid a variance at all or get a smaller one and the response was it might make that yard unbuildable or difficult to build on. Now you're moving it a whole 75 ft. to the left and you still need a variance for the side yard. You will have to explain the past representations from 2 years ago and why you're not abiding by them now. Acting Chrm. Crowley said there is a walkway to the playground and if you bring the building up, then this...Mbr. Romano said the walkway can change and asked if the storm water was a problem. Mr. Winglovitz said it could be. Mbr. Romano said if that was the only location for the storm water to keep it back. Atty. Dowd asked if there was a reason that they were not attached. Mr. Winglovitz said Marc wanted two separate structures. Maybe for future use/rentals.

Atty. Dowd if the children would be using the front door? Acting Chrm. Crowley said that they had had a concern that is was so close to the road. Now, that's not what it is showing now. The front of the building shows a sidewalk going around to the proposed playground. They could go out the back door to the playground. Mbr. Romano said they may just want the look of it. Acting Chrm. Crowley asked if the new building would interfere with the parking. Mr. Winglovitz said yes, that (indicates on site plan) parking would be gone so the bus pattern would continue like it does today; the buses come in and go right around to the front. We did give it more room for another bus to que and unload onto the sidewalk. He indicates on the site plan, the flow. Acting Chrm. Crowley asked how many kids would potentially be in the second building. Mr. Winglovitz is not sure of the total number. Atty. Dowd said there will be 32 new employees, is that why you will have 32 new spaces? How many children, I have no idea? Acting Chrm. Crowley is wondering how many buses are going to be coming. Many kids are brought by parents. Would this require a new traffic study because more traffic will be coming through here, now? And through this (indicates on site plan)? Ms. DeSantis said one was never done for the Wallkill River School, Ms. Claire's or this school and now the other new school. Acting Chrm. Crowley said her concern is it used to be Patchett House, which is one, and there was a small school in the back and now we've added another school and now more. It's not just this little Patchett House anymore. This is quite the complex where it wasn't previously. The Wallkill River School was not even supposed to have the number of people that had been in that parking lot; same with Ms. Claire's, it was supposed to be much smaller (it is now). Then we added what was supposed to be just a school, which is a fairly big school, and now it's a bigger complex. It's a lot of traffic coming out on Factory Street, which is barely a two-lane road. And of course we have City Winery which is supposed to be different times but there is also a proposed development, Loosestrife, of more housing there and it's all funneling out onto this tiny little street which funnels out onto 17K. Mbr. Romano asked where the storm water management is on the first building. Is it in front? Mr. Winglovitz said it was under the development and not required. Mbr. Romano said it wasn't required but now it is? He said yes.

Atty. Dowd said these plans are just sketch and need to be more refined. Mr. Winglovitz will speak with the applicant to decide how they will proceed with the ZBA and the variances and return next month. He said he received very good comments. Atty. Dowd said since they may want to decide how to configure this lot after the last visit to the ZBA.

Atty. Dowd questioned the property being leveled. Mr. Winglovitz said it was extra landscaping due to the parking bind? They are putting 53 spaces in that place. Atty. Dowd said they cannot add parking without coming back to this Board for a site plan amendment. Mr. Winglovitz said it's landscaping. Atty. Dowd said you said it was for parking?? Mbr. Romano reiterated a need for a traffic study and a revamping of the whole parking. Mr. Winglovitz said this will add a significant number of parking spots. Atty. Dowd feels that Ross has a good idea of where our thoughts are with the plan that's been initially proposed. He (Ross) will come back with a better plan. Atty. Dowd said he is assuming this addition is for the same school and not a different school. Mr. Winglovitz said yes. Ms. DeSantis questioned the new parking currently under construction right now. Mbr. Romano said you did say parking. Atty. Dowd there better not be parking. Ms. DeSantis said everyone is aware that it is in fact parking so you may want to rethink the approach on that. The applicant may want to rethink what he is doing on Route 17K. Atty. Dowd said the original building was 40 employees, you're saying it's now 53 employees. Mr. Winglovitz said there are 3 teachers in each classroom and only 12 kids per; 4-1 ratio. DeSantis said then the parking doesn't meet the requirement. You have 40 employees existing but you're saying there's 53 and 32 new employees which probably means 48. Atty. Dowd said you would need 72 based on the plan and an extra 13 and you only show 80. You are going to need to come back and tell us how many children you're going to have. Too many people talking at once. Atty. Dowd said no one has a problem with the operation. Ms. DeSantis said the ½ acre lot may be required to support, this, huge and self-supporting...you may want to discuss that with Marc, as well. Without approval to modify his site, an amended site plan for the existing school, that adding parking now would perhaps lend the Board to think that this isn't going to be enough, either. Too many people speaking at once. Mr. Winglovitz said they are much more successful than they expected. Ms. DeSantis said, once again, the site needs to be able to support it (the school). Acting Chrm. Crowley said, you (to Ms. DeSantis) said that the last time, when they proposed the school; why were they trying to put it on such a small parcel when there was so much room. And he said he didn't want to expand on it because he was afraid it would be difficult to develop. Mbr. Romano said he may run into that with lot 2; maybe he can reshape it all into one lot. Ms. DeSantis reminded Mr. Winglovitz that a long EAF is needed because of the proximity to the Patchett House. He also mentioned they were hit for the eagle nest, as well, which wasn't there two years ago.

**RE: MINUTES:**

**A MOTION was made to ACCEPT THE MINUTES OF NOVEMBER 28, 2018, by Mbr. Steed, seconded by Mbr. Romano and carried 3 Ayes 0 Nays.**

**RE: ADJOURNMENT:**

**A MOTION was made to ADJOURN THE MEETING AT 8:23 pm by Acting Chrm. Crowley and was seconded by Mbr. Romano and carried 3 Ayes 0 Nays.**

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Tina Murphy, Deputy Village Clerk