

MINUTES of the Village of Montgomery Planning Board meeting held in the Conference Room of the Village Hall, Clinton Street, on Wednesday, February 27, 2019, at 7:30 pm.

ATTENDANCE: Chrm. Conero, Mbr. Crowley, Mbr. Steed, Mbr. Romano, Mbr. McKenna (not in attendance), Atty. Kevin Dowd, Dawn DeSantis of Lanc & Tully, Maria Beltrametti, Walt & Mary Ann Lindner, Ross Winglovitz, Joe Catalano, Jeff Steinberger, Marc Devitt, Amy Bombardieri, Al Baty, Amanda Dana, Bill Fioravanti, Don Berger, Paul Satkowski, Jane Hoeffner, Jeff Steinberger, Robert Williams, Charles Baker, Barbara Meyer, Karl Meyer, Dickie Baxter, Doug Hantusch

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

PUBLIC HEARING

RE: CITY WINERY – 204-1-1

A MOTION was made to OPEN THE PUBLIC HEARING FOR CITY WINERY, 23 FACTORY STREET, 204-1-1, by Mbr. Steed, seconded by Mbr. Romano and carried 4 Ayes 0 Nays.

Chrm. Conero asked if all Public Hearing notices were mailed and receipts received. Mr. Winglovitz said they were brought to Deputy Clerk Murphy; Clerk Rickerd said they were not received at Village Hall. She asked if he remembered how many he had. He did not. Atty. Dowd asked where the file was. Clerk Rickerd said she would look. Atty. Dowd said the Public Hearing cannot be opened until they've shown that they complied with the notice provisions. Mr. Winglovitz asked if the Board could go onto another applicant and he would check his office and return. They said yes.

OLD BUSINESS

RE: 228 WARD STREET 203-1-12.12 & 12.212

Atty. Dowd said the ZBA had a public hearing on Monday (February 25, 2019) on this matter for the front yard setback, however, County Planning had not responded so the matter was adjourned for two weeks to March 11, 2019. You can still hear from Mr. Devitt on the application but there's not much you can do because they haven't received a variance yet.

Mr. Devitt said he would like to talk about some of the site plan issues. He knows the Planning Board is in receipt of the completed site plan to date. He knows Dawn has comments. Ms. DeSantis only had a few technical comments from the SWPPP, minor modifications, with no exception to the design or the overall report. She said she's sure Ross wouldn't take exception to any of those. Chrm. Conero said there hadn't been many changes to the plans since the last time they met. The ingress and egress are the same, setback is the same; they were waiting to hear back from the ZBA for the front yard variance. Marc said yes.

Ms. DeSantis said that they received, via email, a traffic study; she did inquire with Ross if they actually provided copies to the Planning Board. They got it Monday afternoon. She did discuss it with Ross this afternoon but they hadn't had an opportunity to really review it. It does not take into account the traffic from Loosestrife and that should be included in their findings. The portion

that is currently before the Planning Board, the potential impact should the site plan be approved. Not impact, but additional comments. They cannot offer any comment other than that quick little cursory review-they mentioned to Ross, so there's no official comment on the traffic study. Chrm. Conero asked if there will be for the next meeting. Ms. DeSantis said there will be for the next meeting, yes. Chrm. Conero said it is pretty comprehensive, what they did and the recommendation at the end was...you need to review this and make sure it's correct, right? Ms. DeSantis said right, but the impact on level of service and increased turn movement did not take into account an active project for the Planning Board so that does need to be included. She feels it revised the counts, to a degree that may change the level of service, she does not believe so until she sees it and can't really say. The report needs some adjustment, as well. By the time they get back here, she assumes it would be done and then it will be time for us to actually review it. They did expand the parking to accommodate everything. There are just technical comments just with the calculations in the SWPPP, there's no revision as far as the plan set, in that regard.

Mr. Devitt asked if there was a possibility that the Planning Board could schedule a public hearing for the next meeting, understanding that they do not have a response/update on the traffic, yet as well as the ZBA variance. He's trying to get this ready by September. Atty. Dowd said he doesn't believe the ZBA would deny it; is confident it will be granted by the next meeting. The traffic results so far do not seem to have any impact.

Atty. Dowd asked Clerk Rickerd if the plan set had been sent to the County for review for the ZBA. She said it was sent on Tuesday (February 26, 2019). Their meeting is scheduled for March 11th.

A MOTION was made to SCHEDULE A PUBLIC HEARING FOR 228 WARD ST – LEARNING TOGETHER – FOR WEDNESDAY, MARCH 27, 2019, AT 7:30PM, PENDING COUNTY RESPONSE AND TRAFFIC STUDY, by Chrm. Conero, seconded by Mbr. Romano and carried 4 Ayes 0 Nays.

Mr. Winglovitz said that in regard to Loosestrife, he did speak to the traffic engineer, they did a background traffic rope at 2% so they want to.....4 units; the background traffic counts for more than half of what the trip generation would be from there. They will get it in writing.

FIRST PUBLIC HEARING

RE: CITY WINERY – 204-1-1

A MOTION was made TO REOPEN THE PUBLIC HEARING FOR CITY WINERY, 23 FACTORY STREET - 204-1-1 – by Mbr. Romano, seconded by Mbr. Crowley and carried 4 Ayes 0 Nays.

Mr. Winglovitz has returned with the affidavit of regularity and the green receipt mailing cards. They had 8 mailings and 7 green cards returned.

Mr. Winglovitz with Engineering and Surveying Properties, here on behalf of City Winery Hudson Valley regarding their application for a winery and events center at the Montgomery Worsted Mill at the end of Factory Street, you can see it from River Street (indicates on site plan). What the applicant is proposing is to renovate the existing mill facility for winery and event space, café and tables, distillery, a small hotel with approximately 14 rooms and a bridal suite in the old barn, at the end of the property. They'll be a new drop off here (indicates on site plan)

area developed, as part of that; there's an existing traffic circle now. That will be improved with a waterfall feature at the center. A new road will be constructed to a loading area; they need this to bring in grapes, specifically in August or September when the grapes reach maturity. Trucks will not be large tractor trailers, they will not be coming in and out of the site often. Only in the fall and bringing in the grapes. Production wine will be going out on smaller trucks. In addition to that, there is 172 parking spots, some spread around in smaller areas, one larger area and 122 overflow parking spots. This project is subject to an expanded environmental assessment form that was presented to the Village Board as part of the PDD application. That process started last May or June; there were eagle studies done, traffic studies done, storm water, historical. One of the things is renovation of a historical building, SHPO signed off on that, the DEC signed off on any potential impact on the eagles. The Board, in February, granted the PDD application and issued a negative declaration regarding any of the potential environmental impacts. They are here before you tonight regarding the site plan. This is the layout of the facility. We've been here 4 times; starting in November. They've been making slight changes all the way based on comments from the Board. We are here this evening to hear any comments that the public might have in regard to this application.

Chrm. Conero said the engineering report came back, dated the 22nd of February, giving some recommendations/comments. Dawn, do you want to go over those? The second one has to do with allowing the Planning Board to give approval on landscaping designs. Ms. DeSantis said that is correct. Chrm. Conero said wetland markers should be provided all around the wetlands, not just around where the paths are. Ross, do you have this? He replied, yes.

Ms. DeSantis the PDD was adopted as indicated in your submittal letter. Whatever notes the Planning Board deemed appropriate to include on the site plan itself, other than going back into the legislation, that is the important document of this site. As we typically do with other PDD's we don't put the entire legislation as notes on the plan set, however, there are pertinent details for the enforcement action. The restrictions on the uses in its entirety are there, should be included on the site plan, as well as the development requirement, as spelled out in PDD legislation; should be included on the site plan. And the note that one of the mitigation measures that's set forth in the SEQRA finding statement should be addressed and implemented. They can refer back to scheduling the Village's code enforcement to ensure that the SQRA finding statement and mitigation measures are included. Mr. Winglovitz said they have no problem with that. It may require another sheet-they can put a big reference on the front cover. Ms. DeSantis said whatever you have to do-you don't have to add another sheet.

Chrm. Conero when they spoke before about the flexibility of the landscaping design and how it's evolving, they don't have a final landscaping design, so #2 would be that the Planning Board would be overseeing that part of it...Ms. DeSantis said in accordance with Village Code on site plan review, it's the Planning Board's jurisdiction to review as part of a site plan development; landscaping plan, lighting plan, the whatever plan. The mill requested that it be the function of the building inspector's issuance of the CO if he is satisfied with an approvable landscaping plan. That basically takes the Planning Board out of their jurisdiction, or purview of landscaping review and approval and gives review and approval authority to the building inspector for his satisfaction and ultimate approval of the site plan itself. Chrm. Conero said during the PDD process we heard a lot from neighbors about having proper screening and I think they would have more expertise in that area. We should stick with bullet #2. Atty. Dowd asked Mr. Winglovitz when such a plan would be finalized. Mr. Winglovitz said within the next couple of months, the applicant would like to see what's readily available. He feels the specific concerns are the buffer plantings, which is a noise barrier (they are labeled D on this plan). The remainder of it primarily flowers, vineyards and so forth. They don't have a problem as long as they can proceed with the

other plantings and that the details of the “D” areas, which are the buffer areas, will be reviewed and approved by the Planning Board prior to installation.

Chrm. Conero said they will make it a condition of the approval, that the Planning Board look at location “D” on the map. Atty. Dowd said you want the plantings will be done after most of the construction is done. You don’t want to put trees in and have to, during the parking lot, knock the trees down and kill the roots. It would make sense that before the CO is issued for the public use of the property that those plantings have to be done-----through your conditioning. Mr. Winglovitz said plantings have to be completed and also need to be approved by the Village. We have several months. Atty. Dowd said come to the Board first with the planting scheme, which will have to be carried out before it’s open to the public. Chrm. Conero said once that happens, it would be the building inspectors job to review what the Planning Board recommended for the area “D” screening. The third bullet was the wetland markers. Mr. Winglovitz said yes, it’s not a problem. Ms. DeSantis said additional because it is the walking path.

Chrm. Conero opened the Public Hearing to the public, asking that they state their full name and address for the record:

Bill Fioravanti –is representing Orange County, he’s the Director of Economic Development - he said he’s lived in Orange County over 20 years and his first 9 or 10 were in the Village. He lived off Weaver (inaudible). He wants to be a part good the projects here, this is one of them, City Winery. He’s gotten to work with Mr. Dorf and the City Winery team since day one. They’ve been open, accessible, very considerate about their neighbors, about the Village, about the residents and the impact it will have here. They’ve been very open to working with local vendors, that’s what’s important to us..... came to us and said we’d love...(inaudible). He’s (Mr. Dorf) also a resident of the Hudson Valley. He values the landscape here and is the right kind of person when it comes to that. From The Times perspective, this is a big win. City Winery is a success, another premier company, premier brand to go along with Woodbury Commons, Legoland and West Point, Angry Orchard and all our breweries and cideries and farms and orchards that make, shaping up Orange County into a big time destination. They are a proven body already. Mr. Dorf is and City Winery is so I think we can count on it being a big success as a result of That success is great for additional property tax and sales tax revenue, of course the jobs to go with it and the impact of that and the (inaudible). And all those benefits are a big win for the Village, as well. This is the kind of project that you can hang your hat on. Again, being a former resident, he understands that there is something special about the Village and the makeup and the historical district, he thinks it will fit in perfectly in any area in the Downtown and the Village will be a very good neighbor. (inaudible) Thanks a lot.

Chrm. Conero asked Mr. Fioravanti if he had any comment on the site plan. He replied, no.

Don Berger – Most of you know my feelings toward this project, I’m very much in favor of the project other than a few things that I’m leery of. I think you’ve heard me at the hearings at the Village Board level. Factory Street concerns me and I think there’s a number of things that really need to be done. Let’s start off with the railroad crossing. I know that the City Winery has talked to the railroad and they’ve talked about cutting back some trees and do some markings. But the railroad crossing itself is not in good shape. That has to be upgraded. His real concern is from the railroad crossing down to 17K, everything that’s going to be following down to that. You have three projects that are on the Board, we have schools that are in there, daycares that are in there. He brought it up at the Village Board meeting, are any of you aware that’s not a single school sign there? There is not a single speed limit school zone speed limit sign there. Has anybody asked to have that put up? He thinks those are safety issues, they need to be put up. He thinks the railroad crossing, down to 17K, there should be a line put in that should be created into two lanes.

We have school children that get off 17K that need to walk up to the Loosestrife area. There are quite a bit of kids from the High School, Jr. High, he's not sure if the elementary school stops in there or not, but you have those two school buses that do stop there and there's quite a few kids. These kids walk right up in the center of the road. There's no sidewalks, why aren't we asking for a sidewalk to be put in? He thinks it's necessary. Everything you need to think about is the safety of individual that goes up and down Factory Street. Whether they be children, car traffic or truck traffic. He sees very little being talked about, he sees very little on the traffic impact studies on this, nobody's really talking about it. He thinks everything has to be marked properly. Factory Street from 17K up to railroad crossing has really no definition; there's no definition to that road. Up where you get to where the old Orange County Choppers are, the road's all over the place so cars can travel all over the place. He thinks the road needs to be defined, particularly, he thinks they all can agree City Winery is alcohol. You need to have safety precautions put in which leads him to the other part. They put out the hours of operation and days of operation but he doesn't see this happening down the line. He sees that this business is going to grow and he thinks that because of the possible growth, he's talking about maybe a 6 or 7 day operation, this Board needs to act proactively, not worry about what they're saying is is that they're only there for weekends, we don't have to worry about the kids because there are no kids. We have to think proactive, not reactive. When some kid gets hit because they get a special permit to operate there. I want this thing to go in but he wants them to do it right, right? Do it right and we won't have these problems. That's enough on all of that stuff. You guys have to get the gist of where he's coming from. There's only one question he has for the new design plan. There's been a lot of talk about the music bouncing off the river and going across onto River Road side. On the river bank where the concert ground is going to be, why can't there be a tree line put in there that will cushion anything that might go across the river? Something of that nature.

Mr. Winglovitz - indicates on site plan where. Mr. Berger said yes. Mr. Winglovitz said the existing tree line that they cannot touch because of the eagles. Mr. Berger said the eagles are way down river. Mr. Winglovitz said yes but when they are feeding in the river, they don't want trees removed along the river. Mr. Berger said he wasn't talking about taking trees down he meant putting trees up. Mr. Winglovitz said if canopy and overstore nothing is going to grow and everything is facing in the opposite direction. Mr. Berger said maybe something should be thought about to create a buffer so that the people, residents on the River Road side don't get slammed with the music. He thinks it's a reasonable request. It can't be up to all of us guys. Taxpayers not pay a dime of this. City Winery's got an awful lot of money from the State, they're getting grants, you know down the road where they're going, they're going to the Town, you know that. They're getting an awful lot, they can give something back. The thing that bothers him, is this quote in the paper from the City Winery folks, "Catalano says the project will not contribute to the improvements of Factory Street." They haven't even been approved of anything yet and they're making a statement like that. He thought they were supposed to be good neighbors and what have they been saying? They're good neighbors. That's not a good neighbor quote. Thank you.

Al Baty – he's a very longtime resident, here. He likes the project as long as it doesn't come out of the expense of the taxpayer. On the site design, he noticed, looking at the drawings, that there's two waste water pump stations. One for the cottage, which is really no concern, the other one collects everything else and pumps up on a 2" discharge. Would that be correct?

Mr. Winglovitz – the size, he cannot quote, Al, but there are two; one for the bridal suite and one for the main facility.

Al Baty – he has two questions, how much discharge are we causing when everything is in full operation on a daily basis. How much water usage is the facility going to use when everything is up and in operation? Can the Ward Street pump station at the end of Factory Street handle the additional loading coming from this facility, as well as Loosestrife, as well as the additional school being planned without further updates? If further updates are going to be necessary it should be at the cost of the winery, not the taxpayers. Another issue on wastewater discharge, since you cannot tell me how much discharge is going to need to dump, what is the BOD loading coming out of that facility. He's not talking domestic waste, he's talking winery. Most of us know, especially if you're engineers, that wineries and distilleries generate a high BOD loading discharge. There is no pre-treatment facility that he knows that has a schematic for that winery or their discharge to the public sewer system. Right now average BOD loading for domestic operation, wastewater plants between 2-4 hundred mg per liter. You can try to tell him he's wrong, but he's not. The average discharge for a winery is somewhere between 1000-1200 mg per liter. That's got to be awful expensive plus the existing plant that we have in the Village doesn't have the oxidation potential to reduce that without further cost. He doesn't know if anything of that nature has been discussed but it should be.

Amanda Dana – she is Director of Tourism for Orange County – When she first saw the industrial building there and always wondered what would happen here. This could be an industrial application. This could be something, that perhaps, we wouldn't want.....Montgomery area. It was quite a relief to see that a company like City Winery came in and wanted to repurpose this industrial building and really make something of it and contribute to our community. To answer a question about the activity behind this company, all of their 8 locations right now have done a fantastic job as far as becoming at being a community minded company. I'm sure...that can support that. In her short presentation she says that these type of projects do not come along very often. For a project of this nature is something to be embrace. Tourism will carry a municipality and that is proven throughout the country and throughout the state. This is a great project and we should endorse it and provide the necessary information that we need for safety, for infrastructure, of course. This is a great project and we should support it and approve it. Thank you.

Robert Williams – 15 Factory Street – he wants to comment that he's been in contact with Michael Dorf and his team and he has to say that they are extremely personable. So, without them currently being a neighbor, they've been a good neighbor. He thinks they will really do a good job of perpetuating the history of the Crabtree Mill and the legacy. At the same time, be a good neighbor. He would urge is that the upper portion of Factory Street is defined by its historic houses, the country lane and, of course, the Mill. The Mill is on the National Registry, his house is on the National Registry, the other three houses on Factory Street are eligible for listing on the National Registry so I urge that the upper portion of Factory Street be kept the way that it is with, perhaps the exception, of changing it to a no parking street from the railroad crossing up so it will allow the proper ingress, egress traffic.

Mbr. Romano asked, what about sidewalks?

Robert Williams said that would affect the integrity of this property.

Mbr. Crowley asked, what about the lower end of Factory Street?

Robert Williams said the lower end is fine. The upper end, what is so unique about is it is that you have a collection of buildings and the factory itself that are so remarkably intact that when

you go up the upper portion of the street, it kind of sets the feeling of what you're coming to, the buildings, etc. You really don't want to lose that.

Chrm. Conero said okay.

Maria Beltrametti – 109 Ward Street – What is the potential for development or access, she thinks there is potential for a foot bridge between the mainland and the island.

Mr. Winglovitz said that was one of their earlier concepts but it's not proposed. They would have to come back to this Board for the "okay."

Chrm. Conero had a couple of questions. Some of the good things that Mr. Baty brought up was the sewer demands and the treatment facilities, has that been discussed and that meets all requirements...

Ms. DeSantis - that was reviewed as part of SEQRA.

Chrm. Conero - in regards to road improvements, SHPO recommended not having any road improvements, as Mr. Williams brought up. They recommended that you do not disturb Factory Street, that you leave it the historic street that it is. As far as sidewalks go, he's pretty sure Self Storage is supposed to have sidewalks up and down that street. So, Montgomery Self Storage should be putting the sidewalks in. That has been...

Mbr. Romano said, you're asking for sidewalks for 17K to the railroad tracks. The lower part.

Chrm. Conero said the hours of operation, that's the reason why they are recommending that the traffic study that's been done is because it doesn't conflict with the schools and it doesn't conflict with the hours of operation at the winery. They say it's going to be 3 days a week but if it goes to more than 3, they have to go back to the Village Board and they have to ask for a change to the PDD law and it will have to go through this whole process again and come back to the Planning Board.

Mbr. Romano said they cannot compare it to the Town and Angry Orchard.

Mr. Berger said he is not comparing anything to anything.

Chrm. Conero said he understands his concern with this, too. And the noise situation, too, the noise has really been mitigated in the PDD, as well. But that type of genre of music there, maybe that type of music doesn't produce the higher decibels that travel through the Wallkill River valley.

Mr. Berger asked who the code enforcer is for this venue. If there is a problem, who is the code enforcer? Let me just move on with this This Board and the Village Board brought up the issue at Dunn, right? They said that was put up over the weekend when there no code enforcer around to make sure that was done right. That's what everybody said. Who's going to be that person?

Chrm. Conero said we don't have a full-time code enforcer. Also, in the PDD, if we read it correctly, is there is supposed to be a liaison for City Winery so our code enforcer or our Village Board can go to that one person to remedy any problems that might happen; whether it be noise problems or anything that violates the PDD and the hours of operations and the noise, those type of things. He thinks they are covered for that. They don't need a full time code enforcer for one

place but I understand your point. How would the code enforcer be able to site somebody even after the fact?

Mbr. Crowley – anytime anybody has any problems with noise from their neighbors, from down the street, you call the police.

Mr. Berger – Ms. Crowley, I'll bet you whatever you want to bet, that the police department showing up at a wedding venue, the people of City Winery will be screaming to the Mayor and that will never happen again. I bet you whatever you want to bet. That's why you need a code enforcer.

Walt Lindner – 101 Jefferson – in the letter we got from the Orange County Department of Planning, he sees that under traffic, item 1, point A, it says here, “ We recommend that the Village work with the applicant and the NYS DOT to determine whether road improvements will be needed as part of the application.” He thinks that is something they should make part of the approval process, it addresses part of what Don was talking about.

Atty. Dowd – County Planning has changed its letters a few times.

Mr. Lindner said this is the most recent.

Atty. Dowd said he understands. The actual traffic counts and the turn lanes and other things that involve traffic law were all part of the SEQRA process. The DOT reviewed the application, they had no desire to require right hand turn lanes, left hand turn lanes or whatever. The Village Board, as the overseer of Factory Street, their street Superintendent, Buddy Nelson, did not believe that Factory Street has any...right now any further improvements as far as the pavement was concerned. These are advisory. This is an off-site improvement and you're jurisdiction is the site itself not on Factory Street. The Village Board has made that determination and declaration and not requiring mitigation other than that railroad crossing. They do not require any improvements at this time. If the traffic counts change significantly, and they want to be there 7 days a week, before they can do that they have to get permission from the Village Board, they would have to study the traffic counts; other improvements on Factory Street, the DOT would have to get involved again, that the number of people coming out of City Winery 7 days a week making a right hand turn or left hand turn, then yes, that would have to be done by the applicant, as required by DOT. You have to very careful, the upstate law does not allow us to impose grounds for offsite improvements for existing conditions. The road on Factory Street, right now, exists as it is. It is up to the Village to oversee that and make improvements. City Winery, just like Loosestrife, just like the schools, will be paying taxes just like everyone else pays taxes toward road improvements throughout the Village. This was an advisory, the Village Board already did this when they did the SEQRA process. The only consultant was the DOT. They did a traffic study, they worked with the applicant and the result is what the result is.

Chrm. Conero thanked Atty. Dowd for the clarification. Again, these are recommendations from the OC Planning Department they are not requirements...as far as the SEQRA process that the Village Board did prior to approving the PDD.

Ms. Beltrametti – one more question. If she understands this correctly, the hotel is open all the time, not just on weekends?

Chrm. Conero – you would have to refer to the PDD on that. He doesn't know. This is only site plan...
Tape Flipped Over

Atty. Dowd said it is only on weekends.

Mr. Berger – going back to the lodging thing on this resolution, should that be included in here, only on weekends? It's not on here.

Ms. Beltrametti said she doesn't think they can do that.

Atty. Dowd said that's what it is.

Ms. Beltrametti said you can't restrict somebody.

Atty. Dowd said this Board cannot do that.

Mr. Berger said that's what we're asking here, right?

Atty. Dowd said this Board has no jurisdiction to change that resolution, only the Village Board can change that.

Chrm. Conero said if the hours of operation have changed, the days of operation have changed, if it goes from a 3 day operation a week to a 7 day operation they have to go back before the Village Board, whoever's on it, and actually present a change to the PDD, amend the PDD.

Ms. Dana said if she can add to that, they have the right to run it as a 7 day operation official change. They might not do that.

Chrm. Conero said but they have to come back to the Village Board to do it. They have a right to do a 7 day, but the Village Board has a right to approve it or not approve it.

Doug Hantusch – he's a Village resident and a member of the Board of Fire Commissioners for the Montgomery Fire District who will be in charge of protecting this property. With the hotel, a public assembly venue, has there been any special considerations for fire apparatus accessibility, sprinklers, stand pipes, anything like that?

Mr. Winglovitz – the State Building Plans will have all sprinkler systems; fully required to do sprinkler systems because it's a multi-family building, commercial building so it will all be required fire code.

Mr. Hantusch – will they be notified of that, the Fire District, when these final plans are drawn up?

Mr. Winglovitz – they will be submitted to the Building Inspector. He's not sure if he interfaces with you guys. It will be up to Bruce.

Mr. Hantusch – What is the time frame so he can inquire?

Mr. Winglovitz – in a couple of months.

Mr. Hantusch – I've been to City Winery in Manhattan numerous times, it's a lovely venue, it's a very nice place, it's not a "bar." It's a really nice place. It seems to attract a nice crowd. It's really a nice venue down in the city but I know they're not the kind of place that attracts real hard

rock bands, pretty acoustical kind of stuff. It's very interesting. I agree that it's something that should be embraced, needless to say, I don't think the taxpayers should be footing the bill for that.

Chrm. Conero – I think it's been embraced by the fact that the Village Board approved the PDD at this point. We are really concentrating mostly on the site plan and the things that go along with the site plan.

Paul Satkowski – from Copperfield's - will they be applying for something that makes them tax exempt for the next 10 years?

Mbr. Romano – that's not for our Board.

Atty. Dowd – This is not something you (the Planning Board) would get in to. They have a right to apply to the Town or the County IDA for tax abatements. It would not become completely off the rolls. They would still pay the initial land tax, for improvements they we be have to be exempt from for a period of time. It would be graduated in over a period of time.

There is discussion about the assessor.

Atty. Dowd – With the assessor they don't have to get IDA consent if they apply...5% a year over 10 years.

A MOTION was made to CLOSE THE PUBLIC PORTION OF THE PUBLIC HEARING FOR CITY WINERY FOR FEBRUARY 27, 2019, AT 8:20 PM by Chrm. Conero, seconded by Mbr. Romano and carried 4 Ayes 0 Nays.

SECOND PUBLIC HEARING

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

A MOTION was made to OPEN THE PUBLIC HEARING FOR LOOSESTRIFE FIELDS – PHASE II – 204-1-2.22 by Mbr. Steed, seconded by Chrm. Conero and carried 4 Ayes 0 Nays.

Amy Bombardieri – this is an extension of the existing Loosestrife Fields residential area. Patchett Way is going to be extended through here (indicates on site plan) with an addition of 4 buildings with a total of 38 units. There is a wetland that runs through the middle of the parcel and we are going to bridge over it so we don't disturb that. They meet the parking requirements, we've already been through. The Health Department approval for the water and sewer and they are currently working with the Army Corp of Engineers to get a temporary disturbance permit for the installation of the bridge. Storm water is being handled through a series of detention and bio infiltration areas and there's an existing foundation that was previously approved that will be partially used to construct this building (indicates on site plan). They are going to move the front half of the foundation for the proposed building. They are not proposing any permanent wetland disturbance for the installation, it's just going to be during the installation of the bridge.

Chrm. Conero – when we last met, you were going to move the utilities from underneath the bridge, you were going to move them.

Ms. Bombardieri – there was a conflict with what the structures were, what was happening with the -----enclosure and the proposed structure. There was also an issue with the getting gravity ----- the combination of those things made us keep the sewer line where it is and revise the type of abutment that's going to be used for the bridge. We're using these micro piles that are smaller in diameter and they're going to be driven into bedrock. That will limit the potential for settling and give them room to put the sewer line between the piles.

Chrm. Conero – have any details been sent to your office on that (to Ms. DeSantis)?

Ms. DeSantis – no, they should be on the plan set. That was just a narrative in a submittal letter.

Chrm. Conero – we really need to look at the structure of the bridge and make sure it's not going to interfere with the sewer and the water. There's a comment letter from November 20th from Lanc and Tully. Do you have that?

Ms. Bombardieri – yes she does.

Chrm. Conero – he's not going to go through all the comments.

Ms. Bombardieri- the other outstanding is the Army Corps. They're waiting on the -----letter.

Chrm. Conero – he knows this isn't completely ready to go yet but he wanted to get people's reaction to this and the site plan at Loosestrife. At this point, we'll open up the public portion of this. If you have a comment on the site plan, state your name and address.

Marc Devitt – 140 Union Street – when Loosestrife was originally developed and approved they had dedicated, he believes, 4 or 5 acres back to the Village of Montgomery for parkland use at the end of this phase (indicates on site plan). Is this going to provide any access and or improvements to that parkland to be potentially used by the residents of Loosestrife or the residents of the Village of Montgomery?

Chrm. Conero – I don't know. I don't believe there's any access to it specifically in the plans to get to that piece. The piece you're referring to is adjacent to...

Mr. Devitt – it borders the river and is adjacent to the property (indicates on site plan). Just something to take into consideration, it is Village property and is river frontage and should be able to access by Village residents so that should be taken into consideration. Whether a portion of the park and rec fees that they're going to have to pay anyway go to that. Maybe some combination of contributions outside of that from the developer to open those lands up.

Chrm. Conero – good point. We've done that with other properties on Factory Street; allow River access. The apartment building up there at the end, there's a right of way that people can go down to River from there.

Ms. Bombardieri – there's a wetland there so if we were to provide any kind of pathway, we'd be going through wetlands.

Mbr. Romano – isn't it to the right?

Ms. Bombardieri – the wetland delineation line is around the whole thing.

Chrm. Conero – does anyone else want to comment on this?

Don Berger – the buildings that you’re building, are they going to be similar to the existing ones? The same look and color?

Ms. Bombardieri – yes, they will maintain the light fixtures, the colors, the style of buildings, , very similar.

Mr. Berger – and everything he said before, if you can take that stuff and throw it onto hers so he doesn’t have to go into it again. Fair enough? (Laughter)

Mbr. Romano – again, its offsite.

Walt Lindner – since Doug is here, have you gone over all this with the Fire Department? The turnarounds?

Ms. Bombardieri – they’ve done a truck turning pattern showing where they come in (indicates on site plan) and pull in here and back out. There is access. She’s given the plans to the Fire Department. They hand delivered them, two submissions ago and she dropped this one at the door, no one was there.

Mr. Hantusch – you hand delivered it to the door?

Ms. Bombardieri – somebody hand delivered it two submissions ago to someone who was coming out of the Fire Department and the last time she submitted it, it was left at the door.

Chrm. Conero – we also had the chief and assistant chief here, Quinn and Sharpe, they know about this, they brought up their concerns about the trucks across the bridge, they brought up the weight of the trucks on the bridge, that the bridge has to sustain the weight. They also brought up concerns about the turning.

Mr. Hantusch – you did mention, “we left an area for you to pull in and back up.” This isn’t like a motor vehicle, this is a fire truck.

Ms. Bombardieri – yes, we worked with deputy chief to develop a truck that we could use that matches your largest truck and showed that on the turning template.

Chrm. Conero – he forgot how long it was, they used the weight of the truck and how it was going to turn. They did the turning radius’ to make that work.

Ms. Bombardieri gives a set of plans to Mr. Hantusch.

Chrm. Conero asked if there were any other comments.

Clerk Rickerd stated, for the record, that there were 7 mailings and 6 returned green cards.

Mbr. Crowley – anything more detail about the bridge?

Ms. Bombardieri – they are working with the bridge manufacturer to come up with a design. That is one of the items that’s outstanding. She knows it’s very important.

Chrm. Conero – we can close the public portion...no?

Ms. DeSantis – she said no. There is way too much missing. They were assured that it would be included but it has not been. We would not recommend it.

Chrm. Conero – we will adjourn the Public Hearing until next month. We'll look for answers to the engineer's report, the construction of the bridge and any other outstanding issues we have.

Ms. Bombardieri – the biggest thing we don't have control over is the Army Corps. She'll gladly come back but she doesn't know if it's worth it to.

Mbr. Romano – you were supposed have them at the last meeting.

Ms. Bombardieri – they are waiting on information from them. She thinks the government shutdown might have affected that for a little while. They are in communication with them but they don't have control over how fast they get the information we need from them.

Atty. Dowd said the public hearing can remain open for 120 days.

Mbr. Crowley – do you think you'll be prepared in March? We don't want to go through the process of scheduling a public hearing and not have...

Chrm. Conero – we can adjourn it until next month.

Ms. Bombardieri – what if she doesn't have the information?

Chrm. Conero – he understands, that was his concern about starting the public hearing portion last month so we did this and it's where we're at.

Ms. Bombardieri – she understands and appreciates it.

Chrm. Conero – he knows she does. There's a lot of pieces missing here.

Ms. Bombardieri – when do I need to let you know by if we don't have the information we need and don't want to be on the agenda?

Atty. Dowd said you adjourn the public hearing for a date specific, next month, and you have to at least open it. If there's no new information on that date that we open it and immediately adjourn it again.

Ms. Bombardieri – she'll let them know a couple days before.

A MOTION was made to ADJOURN THE PUBLIC HEARING FOR LOOSESTRIFE FIELDS – PHASE II – 204-1-2.22, TO WEDNESDAY, MARCH 27, 2019 AT 7:30PM by Chrm. Conero, seconded by Mbr. Romano and carried 4 Ayes 0 Nays.

OLD BUSINESS CON'T

RE: CITY WINERY - 204-1-1

Chrm. Conero we had a public hearing, we closed the public hearing portion of that. At this point, now, we can make recommendations to either approve or disapprove this.

Mbr. Romano asked if they are allowed to clean up debris on the river. Mr. Winglovitz said one of his tenants have a lot of scrap material that they've been removing. Mbr. Romano said she likes that idea of a bridge to the island. Mr. Winglovitz said they put it off for now but may revisit it later on. Mbr. Romano asked if there would be boats. Mr. Winglovitz said no. Mbr. Romano does not agree with more buffering. Mr. Winglovitz said they need it between them and the residents.

Mbr. Crowley asked if there was anything on the plan that protects or prevents people from going out on to the dam. Mr. Winglovitz said you would have to go through the building to get out there. It's secured internally. The turbines will be inside that structure.

Mbr. Crowley asked if there were any risks for people or to steer people away from the river other than...is that a walking path around...Mr. Winglovitz said down the back. She asked about the tree line there out of concern for safety.

Mr. Steinberger said the river is about 10 ft. there. There has to be public access for fishing, kayaking. It's fenced off but people like to fish at the island.

For conditional final site plan approval these are the following conditions:

- Outstanding fees are due
- Amend the plans pursuant to February 22, 2019 Lanc & Tully letter referencing comment #1 and #3 which is the: add the schedules to the map and the wetland markers
- Planning Board requests a more detailed landscaping plan be submitted by a May 22, 2019.
- CO for public use of the premises will not be allowed to be issued until those plans are agreed on and complete

Mr. Winglovitz says he doesn't expect the plans before June. They do not expect to be in until fall. Atty. Dowd clarified, for the buffer area at least for approval, even if they aren't planted.

A MOTION was made to APPROVE THE SITE PLAN FOR CITY WINERY 204-1-1 WITH THE CONDITIONS THAT OUTSTANDING FEES ARE PAID, SITE PLANS ARE AMENDED PURSUANT TO LANC & TULLY'S LETTER DATED FEBRUARY 22, 2019 REFERENCING COMMENTS 1 & 3, A DETAILED LANDSCAPING PLAN BE SUBMITTED AND NO CO WILL BE ISSUED UNTIL SUCH PLANS ARE ARGREED UPON AND COMPLETE, by Chrm. Conero, seconded by Mbr. Romano and carried 4 Ayes 0 Nays.

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

Chrm. Conero said at last month's meeting, they had an issue with the Environmental Impact Statement. They were hoping some of those could be resolved with an Expanded EAF, which they submitted.

Mr. Winglovitz said you guys declared Lead Agency, they heard from DEC, DOT, Kelly? Based on all those responses to the Lead Agency request, they submitted an EAF. They prepared a Part II which is like a checklist just to go through a threshold where we would provide additional information for you to evaluate those thresholds. Based on that they prepared a letter indicating where they would do additional studies; analysis to impact on land, increased roads, surface waters, additional impervious, they need to prepare a SWPPP to address how to deal with runoff, there was a hit for the Indiana Bat and the ---wren so they will do a habitat assessment on the site; what to do to mitigate. Historical Archeological Resources-potential for prehistoric resources on the site- they will do a Phase I Environmental Assessment, a study of the history of the property...soil testing on the property to tell if there is any evidence of any artifacts on the property. Transportation, what they are proposing to do is a traffic study to analyze 211 to Chandler in the side entrance so this intersection (indicates on site plan), 211 and 416 and 211 and Rt. 17K, those three intersections as part of the traffic study. That traffic study will include any of the known projects; the Devitt project will be included in the analysis as part of the projected traffic production. Impacts on light, we took that threshold, that we going to have light so we're going to need to do a lighting plan and discuss how that lighting plan is going to be appropriate for this area. Consistency with community plans; because they are adjacent to the airport, the County is concerned with any potential hazards this can have with air traffic so they are going to discuss that and contact the FAA to ensure there are no issues. Chrm. Conero asked if they are filing the FAA form. Mr. Winglovitz said yes, it is part of the process. Chrm. Conero said he understood that the flight pattern gets narrower as it goes down it also goes up. As you go back, like with the one building it was 3% but the taller part of the building was impacted less than the taller part of the building. They are farther back from the flight pattern. Mr. Winglovitz said the approach is further here (indicates on site plan) and they've extended the runway so it's over there. Chrm. Conero said one of the recommendations from the County was to make sure they are in compliance with the FAA; what the regulations are for the airport.

Ms. DeSantis said the submittal was they're scope in the narrative, a revised EAF. They looked at both. Question, is the water/sewer extension is going to be private or dedicated to the Village? Mr. Winglovitz said public, he thinks. There is sewer that goes across the site but they're going to need to extend a portion of it to get to this rear building. That's for more than one property. Ms. DeSantis said with the extension of the municipal services, water and sewer, engineering reports are required so you might as well include them in your report. Just like the SWPPP with storm water, we all know that they have to do a SWPPP included as part of the expanded EAF...everything else seems to be, the scope and additional studies that they're going to do and provide for your review is prudent for what the development is. The part II EAF that they did complete, other than the revision of the impact on ground water, though nowhere small, is additional on the Village wells. As far as they were concerned, it's what they would be looking for.

Chrm. Conero asked about the parking for the business, how many spaces of parking do you have? Mr. Winglovitz said 28 each. The building is approximately 5,000 sq. ft. So 50 required, 56 provided. They will only be spaces for offices.

Atty. Dowd asked when they will be before the Board again.

Mr. Winglovitz said it will be several months for this one. They have to have time to do studies and design.

RE: MINUTES:

THE MINUTES OF DECEMBER 19, 2018 HAVE NOT YET BEEN APPROVED AS THERE WAS NO QUORUM IN JANUARY. (Deputy Clerk Murphy was not in attendance and did not remind the Board.)

A MOTION was made to APPROVE THE MEETING MINUTES OF JANUARY 23, 2019 by Mbr. Steed, seconded by Chrm. Conero and carried 4 Ayes 0 Nays.

RE: ADJOURNMENT:

A MOTION was made to ADJOURN THE MEETING AT 8:55 pm by Mbr Steed, seconded by Mbr. Romano and carried 4 Ayes 0 Nays.

Tina Murphy, Deputy Village Clerk
Recorded by Veronica Rickerd