

MINUTES of the Village of Montgomery Planning Board meeting held in the Conference Room of the Village Hall, Clinton Street, on Wednesday, April 24, 2019, at 7:30 pm.

ATTENDANCE: Chrm. Conero, Mbr. Crowley, Mbr. Steed, Mbr. Romano, Mbr. Meyer, Atty. Kevin Dowd, Dawn DeSantis of Lanc & Tully, Amy Bombardieri, Steven Hodge, Robert Reynolds Jr, Brian Quinn, Walt & MaryAnn Lindner, Lauren Rowley, Hank Andryshak

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

ADJOURNED PUBLIC HEARING

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

A MOTION was made to REOPEN THE PUBLIC HEARING FOR LOOSESTRIFE FIELDS – PHASE II – 204-1-2.22 by Mbr. Steed, seconded by Mbr. Crowley and carried 5 Ayes 0 Nays.

Amy Bombardieri: They are still waiting on the Nationwide Permit being returned from the Army Corps.; they have up to 30 days to either request more information and/or grant the permit. It was submitted on either April 4th or 5th. They should hear back from them soon.

Chrm. Conero: they are going to have the fire department and Building Inspector come up and also speak regarding a couple of the comments from Lanc & Tully, to listen to what their concerns are with this. We are just waiting for the Army Corps? What about the bridge not having the pedestrian walkway?

Ms. Bombardieri: the walkway is not there. She requested updated details. The walkway is a cantilever off the side of the bridge (indicates where it will be on the site plan); the bridge details only show the width of the travel way, vehicle way.

Chrm Conero asked Ms. Bombardieri if she had a copy of Lanc & Tully’s letter. She said yes. The engineers said the code compliance officer had offered a comment regarding the truck turnaround does not meet the NYS Fire Code even though the plan does include the turning maneuver. They wanted comments of the code compliance officer and fire department. Who’s going first?

Bruce Yancewicz Sr., Building Inspector for Village of Montgomery: Under Appendix D, the jurisdiction of the roadway is determined by the Code Enforcement Officer and the Fire Department. You have three choices, hammerhead, cul de sac or a “Y.” That’s in the Fire Code, there is nothing you can do to change that. The road width is 26ft minimum from the entrance all the way through. The bridge, exclusive of any sidewalks is 26ft because of the aerial ladder. Then, where the parking lanes are and apartments are, then between the tail-ends of the parking spaces that has to be 26ft.

Ms. Bombardieri said they already are. The dimensions of the hammerhead...

Mr. Yancewicz said where you have your hammerhead is going to be in the middle...that’s not acceptable. The code says no parking spaces and you have three (indicates on site plan). This is more or less a Y and not a working hammerhead the way we have it designed. Your hammerhead will have to be at the end of the facility so you can come in here; either a Y, cul de sac, or a hammerhead; get rid of this, the bridge 26ft, exclusive of sidewalks or anything else.

Ms. Bombardieri said the bridge is 26ft. The travel-ways are all 26ft. So 26ft across the bridge, without the sidewalks. The location is the problem?

Mr. Yancewicz said the location is unacceptable. It has to be here at the end. That's what the code says.

Chrm. Conero said, so we're clear, the code says the hammerhead has to be at the end?

Mr. Yancewicz said they are always at the end; cul de sacs, hammerheads are always at the end of the properties. We did it at Purple Heart Way, we made them build a temporary hammerhead then they put the cul de sac in.

Ms. Bombardieri said she wasn't aware that it was a requirement that it had to be at the end of the road.

Mr. Yancewicz said, yes, it is.

Chrm. Conero asked if there was access around the back of the building. Do you have concerns with that, too?

Mr. Yancewicz said they do. They would like to have it like we did down at the senior center, at Brescia Way, they made sure they had the compacted grounds to drive the trucks on that. That holds 75,000lbs.

Ms. Bombardieri said her understanding is that as long as you can get within 300ft of the entire building from where the truck is parked with the hoses...then it's accessible if its not sprinklers...

Mr. Yancewicz said you've got men in the back and you have ladders, they're not going to be sinking in mud holes so that's why it has to be a drivable surface, even if you have grass on it. That's what we did down here at Brescia Way.

Ms. Bombardieri said but if they can get within 300ft of the entire building, is her understanding, if it's accessible, if it's not sprinkler and 150ft if it is.

Chrm. Conero asked Atty. Dowd, other projects that they've done, there are actual roadways in the back of these apartment buildings to fight the fire from behind. He doesn't recall if there are access rows in back of these at all?

Ms. DeSantis said no.

Chrm. Conero said if they required it on one apartment building in the general vicinity, then why isn't it in this one? Why isn't it in the plan set?

Atty. Dowd said they have to enforce the codes. The code changes. They had concerns with the one on Factory Street from last month; adding additional units. That was an issue that came up in the early 90's with the Village and you made them have something in the back. It depends what the code says and it depends what your experts in the fire field say. If you have apartments in the back of the building that don't have frontage on the street and if there's a fire, how are you supposed to get out of the building if you can't get to the front of the building where the firemen can get you, and the only way out is the back window on the second floor.

Ms. Bombardieri said she thinks there is pedestrian access in the stairways.

Atty. Dowd said but if they're blocked. No one knows where a fire can start. There's smoke, how do people get out of the back units if there's no place to get a ladder out? He is a lawyer, not a firefighter or building inspector either, your job is to make sure that the plans you approve meet all codes, not just the Village but also Fire Code.

Chrm. Conero said we're at a public hearing and feels that this should've been brought out a long time ago; that the hammerhead is in the right place, if they need access around back...I'm sure the fire department has something to say.

Steve Dodge – Fireman - said he was sorry about not having information on the back up...but he was asked about the getting in/out with the roadway.

Mbr. Steed asked Mr. Yancewicz if the bridge would be in compliance with the walkway being 31ft wide.

Mr. Yancewicz said yes.

Ms. DeSantis said it shows that on one plan sheet, the details don't show that...

Chrm. Conero said there will be a pedestrian walkway alongside, cantilever walkway, but the details don't show it.

Bobby Reynolds – Chief of Montgomery Fire Department – the only concern that he had was the weight of the bridge being able to hold the weight of their apparatus, and possibly more than one piece, and the hammerhead that Bruce had addressed at the end, not at the middle. As far as the access goes around the building, there are things newer than Brescia Way, he believes, Patchett Crossing is newer than Brescia Way and that's just a field. He doesn't think there's any access for them. If your traffic comes out like it does now, that would be fine. If there's limited spacing that way, that's the only way for us to go there, that's a problem. He would imagine, bottom apartments, stairway up, top apartments with just windows. Right now, that facility, once you go into the back, it's against the woods anyway. He doesn't think there is access around the already established buildings. If it wasn't enforced then, and the field is not enforced at Patchett Way now, then it's not a concern of theirs. However, anyone living there should exit one way. To the back of the building, a clearance should be there for them to operate if that is their only way out. Parking your trucks though, that isn't going to happen unless you clear woods.

Chrm. Conero said that doesn't seem to be a requirement.

Mr. Reynolds said he doesn't believe there needs to be a road around it because it hasn't been enforced. Like he said, Patchett Crossing doesn't have any kind of access road around it, it's just a field that goes in from Ward Street all the way up. And that field is on a hill so there isn't a way they could put a truck up there.

Mbr. Steed so behind the building you want a flat surface...

Mr. Reynolds said a surface to operate on. He's not asking for anything to be driving accessible...inaudible...75,000 lbs., but a reasonable space to operate; better for your occupants and better for us to operate with. If you have trees growing and the building is pushed up against that, then it's not going to be accessible for those to get out.

Ms. Bombardieri said so to have men with ladders..

Mr. Reynolds said you need approx. 10-12 ft. to operate with.

Chrm. Conero said so some type of stone or something that could be maintained without grass on it.

Mr. Reynolds said even if it's a grass surface, as long as it's maintained.

Chrm. Conero said you mentioned the weight of the bridge that was brought up at the last meeting with Brian...

Mr. Reynolds said he spoke about that, that thing is 75,000 (inaudible) which will suffice as long as the bridge can maintain that.

Atty. Dowd said the last time you were here, they were concerned about the standing weight of the truck, not just the total weight of the truck, in other words you have a fully loaded tanker and it's got to wait on the bridge, you have that dead weight being more than 75,000lbs of the truck. That's what we've been asking Amy to do, is when she designs...

Mr. Reynolds said the biggest piece of apparatus would probably be a tanker from Air Guard Fire Department and that's 5,000 gallons, 40,000 just water and the vehicle weight of 70,000 or more, 90-100,000. That would be the biggest thing. I hope we would never have to get that far. That's where the whole complex is pretty much burnt to the ground.

Chrm. Conero said there were also concerns about the cueing of the trucks. Steve, you were talking about the cueing and the coming in of the trucks, you have 6 trucks coming in when you're cueing. That's why we did that turning spot there so we'd be able to show on a plan that we were able to turn around in that spot. That's why Amy has done that. That hammerhead that Bruce was talking about, that's where we...

Mr. Reynolds said that's half a Y. If you pull a truck into that, all they will be able to do to attempt to back that all the way around, they will need a lot more room than that. Having a full hammerhead that Bruce brought up or the cul de sac or the full Y that he was talking about, is definitely the way we are going to have to go with that.

Chrm. Conero said before we went to public hearing, we discussed the hammerhead at the end of that.

Ms. Bombardieri said she recalls that but at one point they did have a cul de sac but the dimensions of this meets the hammerhead requirements.

Mr. Reynolds said what Bruce stated, at the end.

Ms. Bombardieri said it's the location that's the problem.

Chrm. Conero asked if there were any other concerns from the fire department.

Mr. Reynolds appreciated the phone call and said it is definitely something good that they get involved in.

Ms. Bombardieri said she made numerous attempts to get them information.

Chrm. Conero asked who we would send any follow-up correspondence to. To you, Chief?

Mr. Reynolds said yes, to text him and he will pick it up. The post office box gets checked once a month and not by any of them.

Ms. Bombardieri asked if she could email him digitally.

Mr. Reynolds said for her to email the Village and they will email him.

Chrm. Conero asked if it is possible for her, this is late stage in the game here, we're at a public hearing and this is our, we were thinking that this plan was in good enough shape, had enough technical details worked out, that's why we went to the public hearing. And now we're finding that we don't. He has no problem leaving the public hearing open but she needs to address the hammerhead at the end of the project.

Ms. Bombardieri said she would rework it.

Chrm. Conero asked what is at the end of the parking lot, is it part of the wetlands in there?

Ms. Bombardieri in here (indicates on site plan), there's a retaining wall in here.

Mbr. Crowley asked if there was room at the end.

Ms. Bombardieri said she will have to move things around, but yes.

Mr. Reynolds said the whole issue is once the trucks get past that point they get blocked in, it'll turn into what they have now there, you have to pull in and back all the way out. You get stuck there.

Mr. Yancewicz read from the code: Table D103.4 Requirements for Dead Ends Roads and right below it, it has the hammerhead, cul de sac and the Y. It's very explicit as to what the code says. He doesn't have the other information regarding the 15ft that's supposed to be from the building, the rear, the sides have to be sufficient to hold ladders and such. It was done in Brescia Way but it's in the code and he can get it to her.

Ms. Bombardieri said the way she read the D103.4 is that they're speaking the dead end fire apparatus access roads but they're not saying that it needs to be located at the end.

Mr. Yancewicz said he hasn't seen a cul de sac or hammerhead in the middle of a complex.

Ms. Bombardieri said but if it meets all the turning requirements...

Mr. Yancewicz said but the one you have doesn't even come close to the code, it has 3 parking spots in it.

Mbr. Romano said the fire department just said that they're going to have trouble turning in that anyway.

Mr. Reynolds said right now the code states the cul de sac, the hammerhead or a Y, when you look at the plan it goes off to one side.

Chrm. Conero said that's the part of the program that she ran...

Ms. DeSantis said it is not a hammerhead...(too many people speaking at once).

Mr. Yancewicz said a hammerhead is both sides.

Ms. Bombardieri said you have a straight side and then you have a turn side. They meet the dimensional requirements and the radii are what the fire...

Mr. Yancewicz said it is just half of a Y, you need a hammerhead or a Y.

Ms. Bombardieri said, you're saying the alternative hammerhead is not acceptable?

Mr. Yancewicz said no.

Ms. Bombardieri said because of the trucks you have?

Mr. Yancewicz said the one you have now, the radius...

Ms. Bombardieri said 28. Minimum 28 and we're showing 28 and 30.

Mr. Yancewicz said he doesn't feel it's adequate enough for the fire apparatus and the congestion. He doesn't see it. If you have to move out quick enough and there's other apparatus there, my choice is to go with the hammerhead and everything at the end of the road.

Chrm. Conero asked if there is an interpretation problem with D103.4. Is that what we are talking about? The code of the hammerhead and where it's positioned here in the plan.

Atty. Dowd said he's saying that it has to be at the end, Amy is saying she doesn't read it as that, but I do not have D103.4 in front of me.

Chrm. Conero said to Amy, unfortunately, we have to go by what, or fortunately, however you want to look at it, unfortunately for you, he spoke up and told us about that because we didn't know that.

Mr. Reynolds said, looking on the map now, only Patchett Way has something but Mills Lane and Mills Place have nothing.

Ms. Bombardieri asked, nothing as far as a turnaround?

Atty. Dowd said you have to remember that was approved 20 years ago.

Ms. DeSantis said the code has changed.

Atty. Dowd said, you're saying it's not what you prefer and it's not ideal for the fire department to operate.

Mr. Reynolds said yes.

Ms. Murphy makes copies of Appendix D for the Board.

Ms. Bombardieri said they are showing the alternative hammerhead.

Mbr. Romano said but there's not even a hammerhead. There's no...(indicates on site plan). There's no road, you're utilizing, it's not right.

Mbr. Crowley said you can use part of it.

Mbr. Romano said where all the cars..that can't stay there. And the turning radius so they back up.

Ms. Bombardieri said this meets the alternative hammerhead. This is the straight part and this is the turn part, that's how it shows as far as the radii 20ft x 70ft.

Mbr. Romano asks what if there's a fire and there's 6 trucks here?

Ms. Bombardieri said back up into here and pull forward out.

Chrm. Conero asked Bruce, for clarity, the alternative that is listed in the document that was just handed to me, is not that? The alternative hammerhead design, it's not there now?

Mr. Yancewicz said no.

Chrm. Conero asked what the alternative hammerhead is, is it at the end of the property?

Mr. Yancewicz said it's at the end of it all...at the end.

Mbr. Crowley said you're only issue is that it has to be at the end. It meets it but has to be at the end.

Mr. Yancewicz said 150-500ft, you're required to have the hammerhead or the Y.

Chrm. Conero said the alternative hammerhead is not an option over 150ft?

Ms. Bombardieri said she reads it as an option aside from this specific example the alternative is a viable option.

Mr. Yancewicz said he is not going to okay that. I'm sure the fire department agrees that the hammerhead should be at the end or a cul de sac.

Chrm. Conero said he isn't sure she can do something for next month, maybe she can present 1 or 2 other alternatives that would take that in to affect.

Mbr. Steed asked Ms. Bombardieri if she could indicate road widths on the site plan.

Ms. Bombardieri pointed out that they are already on the site plan.

Chrm. Conero said they will keep the public hearing open and look for alternative hammerheads at the end of that parking lot.

Atty. Dowd asked Mr. Yancewicz about the back clearance, as far as what the Fire Code requires behind the building; the compaction on that and the width needed for ladders for rescuing people on the 2nd floor. Can you get that information to us so everyone is on the same page for next month's meeting?

Ms. DeSantis said she will send him a copy.

Mr. Yancewicz said to Ms. Bombardieri that she can call him or meet with him any time before the next meeting and gives her his cell number. He's usually in the Village.

A MOTION was made to ADJOURN THE PUBLIC HEARING FOR LOOSESTRIFE FIELDS – PHASE II – 204-1-2.22, TO WEDNESDAY, MAY 22, 2019 AT 7:30PM by Chrm. Conero, seconded by Mbr. Romano and carried 5 Ayes 0 Nays.

OLD BUSINESS:

RE: PLEAVE Extension

Hank Andryshak of RipShak Properties is part owner/buyer. They are awaiting the Army Corps; wetland delineation, prehistorical survey, endangered species, gov't shutdown, submitted all documentation in December 2018 and have been waiting for final approval since. They have contractors lined up and ready to go. They are waiting for the Corps to give the okay. Atty. Dowd asked if they received anything back SHPO on the wildlife studies? We don't have any documentation. Mr. Andryshak said he will speak with Ross, as Engineering Properties is handling this.

Atty. Dowd said they've had a conditional final but meeting the conditions has been the problem. They have delayed this for years because they didn't have a market or didn't want to finalize it. They recently started and stopped several times. Chrm. Conero asked where SHPO came in. Atty. Dowd said they came in in October. Chrm. Conero asked, hadn't it already been sent to SHPO? Atty. Dowd said most of their approvals have expired and they are getting reapproved, DOH, DEC. Ms. DeSantis said now with the joint application/joint permit, DEC, Army Corps, that is now a new box that you have to check.

Mr. Andryshak said once the land-swap occurs, he will be purchasing it and moving forward.

A MOTION was made to APPROVE THE REQUEST FOR A FIVE MONTH EXTENSION, TO EXPIRE IN SEPTEMBER 2019, TO PLEAVE, by Chrm. Conero, seconded by Mbr. Romano and carried 5 Ayes 0 Nays.

RE: MINUTES:

A MOTION was made to APPROVE THE MEETING MINUTES OF MARCH 27, 2019 by Mbr. Steed, seconded by Mbr. Romano and carried 4 Ayes 0 Nays.

RE: ADJOURNMENT:

A MOTION was made to ADJOURN THE MEETING AT 8:13 pm by Mbr. Meyer, seconded by Chrm. Conero and carried 5 Ayes 0 Nays.

Tina Murphy, Deputy Village Clerk