

**MINUTES** of the Village of Montgomery Planning Board meeting held in the Conference Room of the Village Hall, Clinton Street, on Wednesday, August 28, 2019, at 7:30 pm.

**ATTENDANCE:** Chrm. Conero (Absent), Acting Chrm. Crowley, Mbr. Steed, Mbr. Romano, Mbr. Meyer (Absent), Atty. Kevin Dowd, Dawn DeSantis of Lanc & Tully, Zachary Szabo of Engineering Properties, Vincent Satriano and son, Maria Beltrametti

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

**RE: OLD BUSINESS**

**RE: Noorlander Lot Line Change – 206-7-9 & 206-7-11**

Mr. Szabo is representing the applicant. He is looking for a conditional final for the project.

Atty. Dowd said the encroachment agreement, which involves a fence and a walkway, will continue to exist subject to certain conditions that the Village Board approved and then the easement between the two properties themselves to guarantee the parking on the one lot and the fence and maintenance of the fence that runs between the two properties. You can give conditional approvals subject to the agreements being signed by the parties, fees and the filing of the maps.

Ms. DeSantis said you will need to revise notes before you file the maps.

**A MOTION was made TO DECLARE LEAD AGENCY WITH A NEGATIVE DECLARATION AND TO APPROVE CONDITIONAL FINAL PENDING THE SIGNING OF THE EASEMENT AND ENCROACHMENT AGREEMENTS, ALL FEES BE PAID IN FULL AND SITE PLAN REVISIONS MADE by Acting Chrm. Crowley, seconded by Mbr. Romano and carried 3 Ayes 0 Nays.**

**RE: NEW BUSINESS**

**RE: Pathway Place Management Additional Units - 203-1-1**

Mr. Szabo is representing the applicant. They are proposing 22 units along Factory Street with associated parking. The first bullet, he said he will have the architect address the issue with the 35ft separation; they'll revise the building for that, as well as the height of the building in the architectural plans. Ms. DeSantis asked if he knew the height of the building. He said no. These plans are just sketch, right now. The second bullet, they are proposing to move back the parking a little from what is existing and proposing more green area there. It seems a little close to the road. Ms. DeSantis said the code requires landscaping buffers in front of parking areas. You cannot plant because you have parking right on the property line and you cannot plant in the Village's Right of Way. You need to do your own buffer. Mr. Szabo said they are trying not to off-set the intersection there. Ms. DeSantis said she understands but there is no landscaping buffer, you're going to have to put that back a bit. It also does not meet any fire codes. Mr. Szabo said they will address the fire codes at a later time. The side yards correct; minimum of 10, 15 for both. Atty. Dowd said required 10-15 side, proposed 17.2. Each side has to be at least 10. Williams' side has to be at least 10ft. It is also a historic property and will require a long form EAF, Type-1 Action because of the proximity to that historic property, and DEC for the bald eagle. Mr. Szabo said they don't have a copy of the cultural resource investigation from the original apartments. Ms. Murphy will see what the Village file has.

Acting Chrm. Crowley asked if the buildings would be two-story. Mr. Satriano said the front elevation can be up to 35ft, the front of the existing properties is two-stories which is well below the code. This building is going to meet the code of 35ft, it will be one story higher in the front. They will aesthetically look like the buildings that are already there but a story taller. The front of the existing is two stories, the front of the proposed is three stories. Mbr. Crowley asked if it was because of the drop-off in the back. Mr. Satriano said it's taller. She said you had said there was an entrance in the back. Mr. Satriano said there is not going to be an entrance to the back. Because of the grade of the property, you'll have the fire road but there's not going to be entrance to the back. Ms. DeSantis said it does not meet the fire code, so you'll have to revise the layout to meet that...and even the drive around does not meet emergency access. There is no way out, it needs to loop around. Mr. Szabo said he understands.

Mbr. Steed asked approximately how far the eagle's nest is. Mr. Szabo said he will be in touch with the DEC. Ms. DeSantis said it should be in the records for City Winery; you're probably about 500ft from it according to the location maps. Mr. Satriano said the existing units, the eagle's nest is obviously behind them...Atty. Dowd said it's the construction, the noise from the construction, the additional activity, anything...Acting Chrm. Crowley said the nest was not there in 2001. They have just come back in the last five years. Atty. Dowd said there are very strict rules, as we found out with City Winery. Mr. Satriano asked, strict rules in terms of the limit and time frame that you're allowed to build or whether or not you can build. Ms. DeSantis said the limit and time frame of disturbance. Once again, it has to be permitted by the DEC, it is still an endangered species. Once you get your concept revised where you meet fire code, include that with the long form EAF. The architectural are helpful for SHPO; they are required by code to but are important to determine to what extent of the Appendix D of the fire code needs to be satisfied; meeting aerial apparatus access.

Ms. DeSantis said the building type, split two story, three story; it sounds like its...from the lowest ground elevation.

Mr. Satriano said when he spoke with the architect, the interpretation of the Village Code was it could be measured from the front of the building. Ms. DeSantis said she was talking about the fire code. It's different for aerial apparatus access if it's in excess of 30ft, you must have aerial apparatus access. To Mr. Szabo, you have fire code in your office so just refer to Appendix D and make sure the plan complies with that.

Acting Chrm. Crowley said, so you'll be coming back with revised concept, the long EAF form, architectural, DEC.

**RE: MINUTES:**

**A MOTION was made to APPROVE THE MEETING MINUTES OF JUNE 26, 2019 by Mbr. Romano, seconded by Mbr. Steed and carried 3 Ayes 0 Nays.**

**RE: ADJOURNMENT:**

**A MOTION was made to ADJOURN THE MEETING AT 7:49pm by Mbr. Romano, seconded by Mbr. Steed and carried 3 Ayes 0 Nays.**

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Tina Murphy, Deputy Village Clerk