

MINUTES of the Village of Montgomery Planning Board meeting held in the Conference Room of the Village Hall, Clinton Street, on Wednesday, October 23, 2019, at 7:30 pm.

ATTENDANCE: Chrm. Conero, Mbr. Crowley, Mbr. Steed, Mbr. Romano, Mbr. Meyer, Atty. Kevin Dowd, Vlg. Eng. John O'Rourke of Lanc & Tully, Aileen Leahy, Ross Winglovitz of Engineering Properties, Don Berger, Brian Rivenburgh, Vincent Satriano, Hank Andryshak, Walt & Marianne Lindner, Zackery Szabo, Todd Zwigard, Building Inspector Yancewicz, Randi Greene

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

RE: OLD BUSINESS

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

Mr. Winglovitz is representing the applicant. There are comments from Lanc & Tully regarding the layout and textural changes and technical comments. Mr. O'Rourke said the utility plans... Mr. Winglovitz said the utility plan was submitted but was on the "Grading and Drainage;" water and sewage is shown and laid out on that plan. Water lines come straight up the road, terminating at a hydrant and two services, one to each building for the water. Two services coming in, one for each building here (indicates on site plan), with domestic; those buildings will have sprinklers. The sewer line actually cuts right through the property, the village sewer line, so the service connection for each building will go directly into the sewer line (indicates on site plan).

Mr. O'Rourke said Ross did provide the cut and fill numbers but he'd like to see the calculations. They are disturbing more than 5 acres, and the Village is not an MS4; a waiver can only be granted by an MS4 or the DEC, so he'll have to submit their SWPPP to the DEC and request a waiver from them and they will process that. Mr. O'Rourke suggests they do that after SEQRA is taken care of before final approval and review it at that time.

They noted the historical structures in the area and need to expand on it. Mr. Winglovitz said there was a Phase 1A Archeological Assessment completed. John wants him to bring some of that information forward regarding potential impacts, into the text.

No variances were required. Lanc and Tully asked that they confirm lot coverage and building height be confirmed. Ross said 200,000 divided by lot area; lot 1 coverage is exactly 30%, lot 2 is 19% and lot 3 is 4 ½%. They will add those specific calculations. The building height will be 35 ft. John said if you're going for that height, you will need fire access; turnaround, etc.

Landscaping plan should be provided and show consistency with the regulations. Ross asked when they want that? They thought 70% of plans, SEQRA document, try to go through the big environmental impacts, sort through those, then bring the level of detail up. John said we don't need to see every detail of bush and tree, but you should show an area basically saying there will be landscape in this area with a mix of...he's looking at everything as a SEQRA issue. You're going to have to address it for SEQRA.

Mr. Winglovitz indicates where the tree line is and what will remain. Chrm. Conero is concerned about the buffer between the residential area; Mbr. Crowley is concerned about a buffer on the Hoeffner side of the property, as it can be seen coming into the Village from 211.

The aerial access around the building. Ross said he understands that there needs to be two accesses; aerial apparatus and fire apparatus access. Each one of these parking areas are 26ft, they are not labeled but they will be. They will give aerial access to the building and then the road around the building. They will look at how the turnaround will work in the parking lot; they may need to extend that. Mr. O'Rourke said they will need to see a turning radius. Mr. Wing said he will have that info on the next set.

Atty. Dowd asked what this property is listed as, is it agricultural? Ross isn't sure, he'll look into it. Atty. Dowd asked about approaching the Hoeffner's in reference to changing the lot lines for more property. Ross said the two parties cannot come to an agreement on it.

Mbr. Romano asked if a light would go in. Mr. Winglovitz said the study indicated that a light was not required. Chrm. Conero asked if Lanc and Tully sent the study to the outside traffic consultant (Maser). It was submitted but comments were not available yet.

Atty. Dowd asked if Lot 1 was going to be completely spec. Mr. Winglovitz said they have two options: they applicant is looking for 100,000 sq ft for themselves. Do they build it and rent half of it or do they build the 100,000 sq ft and occupy the whole thing? Then the 200,000 would be spec. AD said there are 44 loading docks on the site plan for Lot 1. Mr. Winglovitz said there aren't going to be 44, they just put them there to fill it in on the plan, based on sq footage. Mbr. Crowley asked if these trucks would be jockeyed? Mr. Winglovitz said this type of business would not require that. If they wanted it, they would have to come back before the Board and amend the site plan. They will decide what building they will go into and build once the site plan is approved. Mr. O'Rourke said because this is a spec building, you will have to be very tight on the resolution because someone else could come in here and want to park trailers, they could want to work 24hrs, they could want lights, you don't know the operation going in there. If you approve this, you approve it pretty tight and if they want to make those modifications, they're going to have to come back before the Board and reevaluate those changes. Under SEQRA, hopefully we don't have to reopen that. He's maximizing the site without having a tenant.

Chrm. Conero had questions regarding the office buildings and how they can calculate traffic, parking based on sq footage; we don't know who the tenants will be. We don't know how many cars are going to go in and out of there. You can have physical therapy in there and people will go in and out all day. Different types of businesses will generate more traffic. He doesn't understand how they can project how many vehicles will be entering and exiting that spot. Mr. O'Rourke said it's based on averages around the country, so generally, it's going to be okay. If you have a massive medical building with doctors, you may need more parking. Mbr. Crowley brought up the need for a light on 17K at the High School; traffic studies showed it wasn't necessary but everyone feels it's important to have one there. Mr. Winglovitz said they don't use lights because they tend to be more of a safety issue.

Chrm. Conero asked about a southbound left turn lane on 211 by Chandler. It's part of the traffic study summery. It would be operationally beneficial. Mr. O'Rourke said there must be another traffic study that says somebody is going to do a southbound and when that goes in this project will benefit from a right turn lane in, as well at that time. It's not needed now but will be needed when the Devitt project goes through. Chrm. Conero asked if it's possible to have two turning lanes in that area. Mr. Winglovitz said it would be a left turn for Chandler. When that goes in, the left turn for this project will go in. Mbr. Crowley said the streets are off-center. Mr. O'Rourke said it wouldn't be striped in that area and would be easier for drivers.

Mbr. Crowley asked where the wetlands are located and water runoff is in the residential area and would it affect the agricultural area on the other side. Mr. Winglovitz said everything will flow toward the wetlands. And the low spot doesn't discharge into the residential area, it discharges into the back of Hoeffner's fields. So, this water will be treated in a number of ponds throughout the development and discharged to the wetlands.

Chrm. Conero said when they were proposing senior housing, we received a letter from DOT stating that the access road wasn't wide enough. Do you have a letter stating otherwise for the office buildings? Mr. Winglovitz said no and once you are done with the study it will be referred to them (DOT) and they will come back with comments. Mr. O'Rourke said we are doing all these studies but DOT will be the overriding factor on this. Mr. Winglovitz said he wants the Board to be happy with the calculations and what is presented and then they will send to DOT.

Chrm. Conero said there was a section in the expanded EAF that talked about 302 employees, is that accurate? Mr. Winglovitz said this is based on number of parking spots for a spec warehouse. Mr. O'Rourke said this can be different based on the type of warehouse. This is a sketch plan, once you get close, things will change; before it goes to public hearing, you will have more specifics.

Mbr. Steed questioned the deed of the property. Mr. Winglovitz said he will obtain a copy for the record.

RE: 181 Boyd Street Realty, LLC – 207-1-46.2

Mr. Winglovitz is representing the applicant. They are looking to do an additional 26,000 sq. ft warehouse on their existing property.

Mr. O'Rourke asked for clarity on the number of employees and noted on plan. Ross said he would put what is projected; it will show more parking than necessary. John said they revised the layout so they do not need a variance. The Board should discuss the layout; there is an existing warehouse there. It's a limited site, it's fairly small, it is next to the railroad and we asked or some site distance and we don't want the building blocking the train or have any issues there. It will be going to County Planning for referral and may need to go to the railroad for referral. They are outside of the right of way and everything meets zoning and code requirements. The intersection is his main concern. There are trees there now so you cannot see a lot but isn't sure if there are site distances that the railroad likes to have.

Chrm. Conero said he did not see any place for garbage. Mr. Winglovitz will show a proper area for that.

Chrm. Conero questioned landscaping plans, lighting plans because of the proximity to residents, snow removal (where it's going to be put), signage. Mr. O'Rourke agreed. Mr. Winglovitz said he mentioned to the applicant the proximity to the road and the landscaping. Chrm. Conero said if the railroad has an issue they may have to decrease the size of the building to bring it back.

Atty. Dowd asked if the applicant would be moving into the new building. Mr. Winglovitz said yes. Atty. Dowd asked if the site would be updated to match the new building. Mr. Winglovitz is not sure. Mbr. Meyer asked how high the building would be. Mr. Winglovitz said he's can get that information but the new building would be higher.

RE: Factory Street – 203-1-1

Mr. Winglovitz is representing the applicant. Chrm. Conero asked if any changes had been made to the plan. Mr. Winglovitz said the parking lot was reworked to be slightly away from Factory Street and the fire access to the rear building.

Mr. O'Rourke said it's an aggressive plan on a tight site near a historic house. Emergency access/fire access and the height of the building is going to play into the factor but it's currently shown. It doesn't appear that there is sufficient turn-a-round area for the aerial access but not knowing the height of the buildings..if it's a typical 30 ft high building...Mr. Winglovitz said the building will be 3 stories in the front so it would be over 30 feet. John said you will need aerial access, as well which means turn arounds and 26ft width. Mr. Winglovitz said they're 24, they can get the width, the issue will be being able to get a turn-a-round in there. Will they need a separate exit out the other end of the parking lot? Mr. Satriano said the last meeting the issue was to get the full 26ft in the middle between the two buildings. Mr. Winglovitz said they got the 35ft separation for building 2, that was a zoning issue they were able to get to work.

Mr. O'Rourke said there is one dumpster at the very far end with no turn-a-round so he doesn't believe it is practical for the new tenants to walk that far. We are asking you to take a look at that, provide a turn-around & another dumpster. It doesn't look the required number of ADA parking. Mr. Winglovitz said agreed. The landscape buffer because of the proximity to Factory Street and the historic building adjacent to you. Mr. Winglovitz asked which building. Atty. Dowd read the 2001 letter from SHPO regarding 15 Factory Street. Mr. Winglovitz said they would, a part of the SEQRA and SHPO process, resolicit their comments as part of this plan. He knows Jay has been striving toward a plan that complies with zoning, with separations of the buildings, the set-backs complying with the side yard. He will get it sent out.

Mr. O'Rourke said that's the screening. They will want site distances at the entrance. You show a 60ft wide entrance; Ross said that was existing but they can narrow it down. Mr. O'Rourke said once you get to the fire, access and turning radius' they want to see all of that and 60 ft is pretty wide, especially with more people onto the site, so they would like a more normal width. This is a very tight area there's not a lot of flat area. The layout, they'd like so see real topo in and around the buildings. There is a 40-50-foot drop across there, you're going to have a huge wall; they need specific topo, you're going to be tight. Mr. Winglovitz said the parking lot is pretty large now so that will be cut down but there will still be a 15 ft retaining wall at the rear of this building. John said that is small but it all depends on how you design your building, if you build it with the grading. It's a great drop there especially with the proximity with the property line, and we have concerns about that. The general size of the retaining wall would have to be designed; normally, he asks for a real retaining wall design, just a standard one at this point because contractors come in and want to do something different. So, pending the on the height of the wall, the load on the wall for emergency access and the proximity to the building, you may have issues with the footings, as well, so you may want to start looking at that earlier rather than later. The biggest issue here, is the proximity to the property line, the grade change across the post unit and fire access. He's not sure if the fire access is only on one side or the back, as well. Mr. Winglovitz said it's over 30 ft so there's two access', one aerial and one...

Mr. Winglovitz said there is also the archeological and the eagle. Is the Board comfortable with doing lead agency circulation so that they can get feedback from those agencies regarding those specific issues because they are significant?

Mr. O'Rourke said it would benefit you to adjust a couple of things, rather than get a comment from SHPO about the proximity and at least show some buffer. They mentioned it back when you got the first and you had 500ft of trees and now you have 5ft of trees, you know they're going to come back with a comment. He suggests that they wait till they have a plan that they aren't going to get hammered on.

Chrm. Conero asked B/I Yancewicz if there needed to be aerial fire access at the rear of the building as well as the front of the building. B/I Yancewicz said he would get back to them at the next meeting.

Mr. Winglovitz said it does need both because of the proposed building height. He says 26ft on one side and 20ft on the other side. Mr. O'Rourke said the retaining wall is in the back. If you do the aerial access you have to be no closer than 15ft and no greater than 30ft. Where there's a hydrant you have to be 26...(inaudible).

RE: City Winery – 204-1-1

Mr. Winglovitz is representing the applicant, along with Todd Zwigard, the architect. They were contacted by the owner, Michael Dorf, regarding the potential for getting a temporary C/O for the building and not having to pave the parking at this time; they will have it completely graveled, safe, accessible and usable for parking but they want to let it sit over the winter and then be able to do that work in the springtime. They would like the temporary C/O to operate the business. The turnaround would be completed, the handicapped parking, access for the loading to the winery, etc, would be completed. Mbr. Romano asked when they were looking to open. Mr. Winglovitz said in November. Mr. Zwigard said they are under a lot of pressure and would like to open as soon as possible. They are working very hard. Realistically, the end of November. They are not talking about anything to do with the hotel building or distillery. They are talking about the event space, café, tasting room and the kitchen that serves those. Mbr. Romano asked what they are looking for. Mr. Winglovitz said to modify the site plan so they would be allowed to have a temporary C/O without paving this (indicates on site plan). Atty. Dowd said the site plan requires them to pave before they get a C/O. He asks what kind of events they are talking about in November/December. Mr. Zwigard said holiday parties. They have many people ready for them.

Atty. Dowd said, back in June, they came forward with some items that weren't on the original site plan such as fencing. And we had a discussion about the fencing, why it wasn't appearing...they wanted to put an entire fence around the property. They wanted to put an interior fence around the vineyards to protect the grapes from the deer. Has that fence been installed? Mr. Winglovitz said he had seen portions of it in. Atty. Dowd said, in June we told Todd that that required an approval of this Board to get that fencing put in. It required that they go to the AHRB because it's a historic property and because of this type of fencing, they need to go to SHPO because it wasn't on the original plans and from speaking to the AHRB secretary, they never appeared, yet the fence is partially up. This is not the first time they've done this. He spoke with Todd about the water lines and was told it wouldn't happen again. There's also an issue with the off-premises sign. He specifically told Todd that that sign was not permitted to go up without a variance from the ZBA or some action to allow an off-premises sign. Within two days the sign was up and it's still there. Mr. Zwigard said that is not accurate, it's not the sign that we're talking about. Atty. Dowd said we're talking about a very large sign and you're talking about, first, you told us that Mr. O'Brien had approved of a sign, replacing the Worsted Mills sign and had told you that Mr. O'Brien has a right to his property but does not have the right to tell this Board to approve an off-premises sign. Yet that off-premises sign is there anyway. Mr. Zwigard said the sign...Atty. Dowd said no sign was to go up without a variance from the ZBA and its up there

and it stayed up and the fence is up. Mr. Zwigard said he doesn't know what Atty. Dowd is talking about. What sign are you talking about? Atty. Dowd said the sign that's on John O'Brien's property on Factory Street and 177K. There's a sign on a post that says City Winery. You don't have the right to do that. You just do what you want to do. The Village went out of its way to change the zoning and everything was expedited. We think this is a great idea, supported it 100% but you have to obey by the rules of the Village of Montgomery and you're not doing that. Now you come asking for a temporary C/O, we don't do that, it's up to the Building Inspector, not to pave a parking lot at the end of fall. You're not obeying the laws of the Village of Montgomery. You're not obeying the site plan. Fencing it up without any approval from this Board. Why? Mr. Zwigard said the fence that was put up was the deer fence. Atty. Dowd said that was not on the original site plan and this Board has to approve it and the AHRB has to approve it and SHPO may have to approve it, it's a historic property it was never on your original site plan. Chrm. Conero said we did discuss the type of fence, what it would look like. He asked for clarification from Mr. Winglovitz of what would be paved; the circle area, the handicapped parking, the access road from the loading area would be completed. It's just the parking area they are looking to...Mbr. Crowley said in the winter, it can be wet and muddy and just graveling it with that amount of traffic, she doesn't see that as a wise decision and won't approve that. Atty. Dowd said in his June meeting notes, deer fencing may be on or near the wetlands, the ACOE was going to be contacted about installing the deer fence. Was that ever done? We haven't received any from them stating any amendments. Mr. Winglovitz says the ACOE has been contacted regarding the crossing for here and they are currently reviewing that doesn't know if the fencing was brought to their attention. Atty. Dowd said, Kevin just said we had a lengthy conversation with Todd about these issues, nothing was done, nothing came back to this Board for approval, nothing went to the AHRB. Chrm. Conero said in reference to the sign, he thought we referred them to the Village Board. Atty. Dowd said they talked about it but he spoke with the attorney for the winery and it was more appropriate for a ZBA variance because the conditions of the PDD did not apply to off-premises signs. The ZBA was the only place they could go. He heard that Mr. O'Brien didn't give them permission to put the sign up. We don't have anything in writing from Mr. O'Brien saying they could put the sign on his property. Chrm. Conero asked Mr. Zwigard if they received permission to put the sign up. Mr. Zwigard said they are still working with them on getting permission about a sign. We're talking about a new sign that we would like that's appropriate to City Winery image, their logo. All the discussion we're having now is about a sign that's been there for 70 years that said Montgomery Mills. We replaced the plaque on that sign with the same sign saying City Winery. It's a very minor change to a sign that's been there for 70 years. Mbr. Crowley said you were told not to do that. Mr. Zwigard said yes, we were told not to and we did it. Chrm. Conero said the mill sign was preexisting, non-conforming but now it's non-compliant. Atty. Dowd said we aren't trying to give anyone a hard time here, but again the Village Board with the PDD legislation, this Board with the review of site plan went out of its way and expedited this tremendously because they thought it was a great project for the Village of Montgomery. Mbr, Romano agreed with Mbr. Crowley regarding the parking. She feels the parking lot should be paved. Chrm. Conero asked Mr. Zwigard needed a temporary CO if the parking lot gets paved because it won't be complete. He feels the parking lot needs to be paved. Why is it the Planning Board's job to say it's okay if the parking lot isn't paved? Atty. Dowd said the Planning Board said it had to be paved, that's what the site plan had. Mbr. Crowley made it clear that they should stick to the site plan and pave the parking lot. She felt this was an issue when they brought up the overflow of parking not being paved and she didn't feel that was a wise decision, either. It would create a lot of dust, mud, buses may park there. She used Ulster County Fair as an example with their parking is muddy. Atty. Dowd said you have no control about issuing a temporary C/O but the site plan is the site plan. They haven't submitted anything and haven't gotten your approval for the fence. Chrm. Conero asked Mr. O'Rourke if he had any comments on this. Mr. O'Rourke said, no because if the Board's against

it, it doesn't make any sense. He had concerns about delineating the parking lot when it was going to finally be paved but if the Board doesn't want it, then you don't need his comments. Chrm. Conero asked if they were coming back to work on amending the fence. Mr. Zwigard is awaiting response from a letter that will address both the fence and sign.

RE: NEW BUSINESS

RE: 99 Clinton Street – 202-2-13

Mr. Winglovitz is with the applicants, Brian Rivenburgh and Hank Andryshak. This is an initial presentation. A proposed building at the corner of Charles Street and Route 211, known as 99 Clinton Street, the parking lot in the rear of the building. There are old foundation walls here, there were buildings on this property. He shows pictures of what it used to look like. They are proposing a 2-lot subdivision to put the buildings on separate properties. Then, the construction of a mixed-use building which would have a first-floor area of about 3,000 sq ft and the 2nd fl would contain 4 residential apartments and have a ½ story above. They were before the ZBA and a variance was granted for this specific use and it included a discussion on parking. The ZBA wanted parking on the property for the residential use. They will have a garage under situation where there will be 8 garage spaces that will be assigned to each of the residential units. The Board asked that they maintain the parking directly behind the corner building at 99 Clinton; there are 10 parking spaces including 1 handicapped. Under code, the distance to the municipal lot is under 500 feet, the basis for the waiver to allow that parking. Lot 1 is parking for the brick building (99 Clinton). Atty. Dowd said the variance is allowing them to have 4 apartments. Mr. O'Rourke said it also mentioned the variance for the parking, as well. Under the parking summary there must be 8 on site for the residents. They will need to submit a survey for the subdivision and if the parcel extends across the street...the location plan shows it goes all the way to Clinton. Mr. Winglovitz said it was a boundary survey, they did the topography, they'll extend out just to pick up some of the features there, there's nothing proposed there. Mr. O'Rourke said just for clarification. The parking has been discussed. Will there be cross easements for people parking in the new commercial because it needs to be clarified. Mr. Rivenburgh said no. Mr. O'Rourke said when you proceed, you will have a site plan and subdivision so we can break them apart and be more specific. Because of the location, DOT will be involved as well as the County. They reviewed the EAF and had no issues. It is designated as an archeological site so SHPO will need to be involved (proximity to Historic District). As far as an environmental assessment, it is already a parking lot now, as these progresses, we will look for drainage. Again, turning radius' so everyone can get in and around.

Mbr. Crowley asked if there were any tenants in mind. Mr. Rivenburgh said they would take one half of the commercial (2,000 sq ft). He says the street really needs it. He will make it look beautiful.

RE: MINUTES:

A MOTION was made to APPROVE THE MEETING MINUTES OF September 25, 2019 by Mbr. Romano, seconded by Mbr. Steed and carried 4 Ayes 0 Nays.

RE: ADJOURNMENT:

A MOTION was made to ADJOURN THE MEETING AT 8:43pm by Mbr. Crowley, seconded by Mbr. Romano and carried 5 Ayes 0 Nays.

Tina Murphy, Deputy Village Clerk