

**MINUTES** of the Village of Montgomery Planning Board meeting held in the Conference Room of the Village Hall, Clinton Street, on Wednesday, November 20, 2019, at 7:30 pm.

**ATTENDANCE:** Chrm. Conero, Mbr. Crowley, Mbr. Steed, Mbr. Romano, Mbr. Meyer, Atty. Kevin Dowd, Vlg. Eng. John O'Rourke & Aileen Leahy of Lanc & Tully, Jay Samuelson & Zackery Szabo of Engineering Properties, Brian Rivenburgh, Walt & Marianne Lindner, Hannah Gorton, Mr. & Mrs. Mertz

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

**RE: OLD BUSINESS**

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

Mr. Samuelson is representing the applicant. They submitted a large Part III EAF in October and some conceptual site plans that have some preliminary engineering on them and there was a lot of discussion about fire access roads. They made a resubmission starting to address those, but they were looking for comments on the Part III EAF. They received a lot of comments on the preliminary plans regarding engineering issues they are aware of, but it was a start to get them through the EAF. The traffic consultant is still addressing concerns, there are comments about the SWPPP; specifications in the EAF. There are a lot of technical comments that still needs to be completed. They are interested in whether or not the Board has any comments about the EAF or plan in general.

Chrm. Conero asked if they received Maser's report. Mr. Samuelson said, yes. Their traffic consultant is reviewing Maser's report and is generating a response.

Ms. Leahy said there were no comments other than the SWPPP. Mr. Samuelson said they need to do soil testing; made broad assumptions on the infiltration rates. They seem to be better. They put worse-case scenarios assumptions for the SWPPP just to get through the report.

Chrm. Conero asked what changes were made to the plan?

Mr. Samuelson said most of the changes were done in regard to fire access roads. More turnarounds were shown. He had a conversation with Lanc & Tully and made changes to the turnarounds, road width/length.

Chrm. Conero asked if they reduced the number of truck bays? Mr. Samuelson said he doesn't think so, the bays could be up to 40 but its up to the final user. The traffic analysis is with the full 40. Chrm. Conero asked if they know who would be using it and which building? Mr. Samuelson is not aware, yet. Chrm. Conero said it will require them to be very strict about the use of those buildings; they will have to come back to us. Mr. Samuelson said they will come back with what they analyzed, the actual user, what they will require if it's greater, possibly more studies and design than what they mitigated the first time.

Chrm. Conero said Maser made some good points one being the proximity to Montgomery Elementary School and the increased traffic during school hours. Mr. Samuelson said he will acquire the Sailfish traffic report for their numbers. Their traffic consultant will look at all of this.

Ms. Leahy said it isn't clear the height of the office buildings. Mr. Samuelson said the height will be clarified for fire access; it should be >30 feet to the eave, which is required by fire code to the peak it could be 35 but they will clarify that on the plan.

Mbr. Crowley asked if the buildings were in the flight pattern of the airport. Mr. Samuelson said not to his knowledge. Atty. Dowd said we know that the overlay is wrong and we do not have updated maps. We told Ross he should contact the FAA. Mr. Samuelson said he doesn't believe they are.

Mr. Samuelson said they still have work to do before submitting to DOT for their input. They can finalize the SWPPP once they get the traffic back.

Mbr. Steed asked Ross last month for clarification of who the deed belongs to as the Links were still listed on it, to his knowledge; and to have a copy of it for the records. Mr. Samuelson said he will get a copy if there was a deed transfer.

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

Mr. Samuelson is representing the applicant. He said the eave heights are on the plan, the height is from the average grade around. The applicant has hired Jason Anderson to do architectural renderings and they will be forthcoming.

Chrm. Conero asked about the placement of the building and not to impede the visibility to the railroad tracks. Mr. Samuelson said they reached out to Railroad and they have no comment other than a siding for the railroad. Ross asked for the response in writing.

Mbr. Crowley asked about the snow removal. She said there is already a problem with water run-off on Boyd where even on a dry day it pools. Now, the snow is right up against Boyd Street, it floods anyway. There is a stream and a dam and water behind the post office, so she has a concern that the location of the snow removal will increase the water in that area. Chrm. Conero asked how that site was picked. Mr. Samuelson said that was the only area left that they could push the snow off the pavement. He will look into it especially if it will cause drainage issues. Mbr. Crowley said if there is a major storm, it will impede any vision of people going in/out of the post office, the bus stop for children, the railroad tracks. Chrm. Conero asked if the run-off of from the parking lot that is going to be paved, has that been calculated? Mr. Samuelson no, they haven't finalized their grading, where their total disturbance was. This is still preliminary in nature, it's still a sketch. Mbr. Crowley said this is on a hill, it gets wet by the railroad tracks and behind the existing building. There's no place for water run-off to go except for onto Boyd Street.

Atty. Dowd asked how many dumpsters they will have. Mr. Samuelson said four, one of each use. There are three for the existing and one for the new building. Mr. Samuelson will discuss commercial garbage pick-up with the applicant.

Ms. Leahy said they had questioned the location of one dumpster in front of a truck bay door. Mr. Samuelson said the applicant prefers to have one there for easy access.

Mbr. Romano asked how much parking would be there for employees. Mr. Samuelson said they could have up to 72 employees, they actually have 43 parking spaces but only need 14. (Two spaces for 3 employees.) There is ADA parking on the side of the building.

Mbr. Meyer asked if any trees would be removed. Mr. Samuelson said yes, all the tree along the tracks will be taken down.

**RE: City Winery – 204-1-1**

There is no representation. Chrm. Conero said it looks as though they've made some changes but did not submit a full plan or a cover letter.

Ms. Leahy said there was no cover letter so they made comments based on a previous submittal.

Mr. Samuelson said he is not aware of any submission made; they did it on their own. He cannot offer comment.

Atty. Dowd said last month, he had a conversation with Mr. Zwigard. Since last month's meeting there has been two huge signs painted on the rusted water tower, not approved by anybody, that says, "WINE." Not even City Winery, just WINE. He told them last month, if you want signs you have to come to this Board, you have to go to the AHRB because it is a historic property, in this case probably the Historic Preservation since they're now putting signs on a historic water tower. The building inspector said they intend to put a sign up on the smokestack where they have scaffolding, now. Chrm. Conero said that was not on the original plans, we didn't approve it. Atty. Dowd said AHRB hasn't seen anything that he knows of. Chrm. Conero said they didn't approve the off-premises sign that's still there, or the fence. They've submitted plans for a fence which they aren't here to talk about it, but it says here a fence type A... Atty. Dowd said back in June when this was first presented to the Board, there was no fence on the original site plan and they were told that that fence had to be approved by you but they had to go to the AHRB to review and approve the fencing that they wanted to put up. They never did. They put a deer fence around the vineyard, another fence along the site, and from the landscaping plan, they still intend to put up a gate and other fencing. Yet they want a temporary C/O and they don't want to pave parking lots. Chrm. Conero said these are only going to delay the C/O. Atty. Dowd said not if the Building Inspector gives them a temporary C/O. Mbr. Romano said he still has to comply. Atty. Dowd said, with Village law, yes. He's not doing that; he's adding to the violations by sticking signs up wherever he feels like sticking signs. It's block letters, not even historic, saying WINE on an old rusted tower on a historic property. Mbr. Crowley has seen the deer fence.

Atty. Dowd is not sure what the Board wants to do about this. Chrm. Conero said they should draft a letter to the Building Inspector about how the Planning Board feels about it, and copy the Trustees. Atty. Dowd said since the June meeting, they knew what they had to do, go for a variance for the off-site sign, go to the AHRB for the sign and fence, come back to this Board for approvals. Mbr. Romano and Mbr. Crowley said they like the concept of City Winery but they are not being "good neighbors." They aren't complying. This will set a precedence if they do not comply with the Village.

Atty. Dowd asked Mr. Samuelson to please address this with their client.

Ms. Leahy said they have received a letter from DEC. Mr. Samuelson clarified that this is in conjunction with getting approval from ACOE (the rear parking lot).

**RE: 99 Clinton Street – 202-2-13**

Mr. Rivenburgh handed out architectural renderings of the building. The front page is the front of the building. They will be putting in Andersen windows, hardy board siding, board and batten, here (indicates on plans), asphalt roof shingles. They had two entrances but because of the sloped sidewalk, in order to get the handicapped length required, they had to go to single entrance. They are still working on how they will tie into Village property.

Chrm. Conero asked, the entrance is not on street level? Mr. Rivenburgh said it is a raised sidewalk, it has to be that way because of the parking underneath the building.

Mbr. Crowley commented that the building has mission-look that doesn't look like the Village; the top has a barn look to it and it's right next to a brick building. The architectural design doesn't match the rest of the Village of Montgomery. It seems a little odd. Mbr. Romano said the windows aren't historic, on her house she had to have them. Mr. Rivenburgh asked why they weren't historic. Mbr. Crowley said they would want to have a full pane window. Mr. Rivenburgh said that isn't true. He's sold windows for 30 years and this is the look he wants. Mbr. Romano said on the bottom. He thinks it will be too busy with all the panes. To Mbr. Crowley that she is the first person to say she didn't like the look of the building. Everyone he shows it to loves it. Mbr. Crowley said the building is fine. She sat on the Historic Board here in the Village for 10 years, it does not fit the character of the Village of Montgomery... Mr. Rivenburgh said the board and batten siding is historic. Mbr. Crowley reiterated that she's not saying its not historic, it doesn't blend with the character of the Village. Mr. Rivenburgh said there is only one historic building on Clinton Street and it's the brick building that didn't burn down. Everything else is vinyl siding and vinyl windows. Mbr. Crowley said the pharmacy blends more. Mr. Rivenburgh said it has clapboard siding on it and a roof just like that. Mbr. Crowley said it doesn't have batten board going vertical, or three different types of siding and the windows are multi-paned windows. It does blend more with the character of the Village.

Chrm. Conero said our Master Plan talked about having architectural review in the Master Plan and to maybe add that to our code.

Chrm. Conero said they cannot comment on the design of the building, we'd only ask that you make it fit. Based on Mbr. Crowley's experience, she has a valid comment. If we could just go back to our site plan review...

Atty. Dowd said they started the SEQRA process. Mr. Samuelson said once they start the EAF, and the SHPO hit comes up, we automatically submit to them. It's all submitted online nowadays. That's where the no impact came from. They are not in the Bridge Street Historic District. Atty. Dowd said SHPO said, "substantially contiguous to." Chrm. Conero said within eyesight. Atty. Dowd said it still has to go to SHPO as part of the SEQRA process.

Mr. Samuelson said #6, the ADA parking. These are all existing parking spots along Walden Savings Bank. They are not proposing any change to these. They're only change starts from here, over (indicates on site plan). Without losing a space for parking, to get an 8 ft aisle, it's impossible. Ms. Leahy said that comment was based on ADA regulations. If you're modifying that parking area, which she considers that a modification, then it must be brought up to ADA regulations. Atty. Dowd asked where the handicapped parking was for the new building. Mr. Samuelson asked if they could park on the street. Chrm. Conero said there will be two lots; one has handicapped on it lot but there is none on the 2nd lot. Mr. Samuelson said all the spots on lot 2 are garage spots under the building. Chrm. Conero asked if they are required to have an ADA

spot on lot 2? Atty. Dowd said or something dedicated to the retail use on lot #2. Chrm. Conero said he knows they're within 500 ft of the municipal parking lot but its not handicapped accessible. Mr. Samuelson will review the code and see what they can accomplish. Chrm. Conero said you won't be able to provide the access? Mr. Samuelson said with the amount of space that is actually there, we'll have to lose a space. Chrm. Conero said the ADA space isn't within specs. When you review the ADA for lot 2, look at lot 1, as well. Mr. Samuelson said #6 and #7, those are existing spaces; they back out now, there is no additional room for pavement back there. They can try to provide something but will lose spaces. Chrm. Conero asked what grade lot 1 would be. Mr. Samuelson said it would be upper elevation, the same as it is now. The grade change will start here (indicates on site plan), where the wall starts. Ms. Leahy said in regard to spot #6, currently there are no spots on the opposite side. Mr. Samuelson said there are no spots there now. Again, they can provide room but will take away 2 spots...down to 7 spots from 10. Chrm. Conero said you have an ADA spot but it's not compliant. Mr. Samuelson asked if they could use part of the sidewalk for the access aisle? Mbr. Crowley said no, it needs to be marked; you cannot mark the sidewalk.

Chrm. Conero asked about #8, the materials for the proposed mixed-use building and the existing pavers along Route 211. Mr. Samuelson said he believes it is the final ground condition in this area (indicates on site plan). It will continue to be grass between the building and existing sidewalk, other than where the stairs and ramp will be. There will be changes made to the sidewalk to accommodate the ADA landing. They will indicate that.

Mr. Samuelson wanted to discuss #13, stormwater. They are definitely under 1 acre of disturbance. They are not changing any grade along the back-concrete curb. Currently, this entire parking lot comes this way (indicates on site plan), drains along this curb down Charles Street. They're net impervious is actually less than what it is today but generally they are keeping the drainage patterns where they are today. They are reducing the amount of impervious; they're taking out part of the access into the parking lot, which is now 45ft wide and reducing it down to 20ft just for the driveway in the back. There are additions to the front and some spots on the sides that was parking and will be grass. Chrm. Conero questioned, the water will drain out towards Charles Street. Mr. Samuelson said water will go out to Charles Street, down along the front of 88 Charles Street and then in front of their building where the catch basin is down further. Ms. Leahy said without a final grading plan it needed drainage. Mr. Samuelson said he would clean it up.

Chrm. Conero said #9, #10, #11 all had to do with ADA. Mr. Samuelson said they can make all those changes.

Mr. Samuelson brought up the lighting. There is a big spot light on the side of this building that he can try to determine what that light is and create a lighting plan with it. We know it currently lights up this area (indicates on site plan). Mr. Rivenburgh said there will probably be lights on the garages and at the front door. Mr. Samuelson said they can add them. Chrm. Conero said its an existing building with an existing light on it.

There is discussion about the garage floorplan. There is one stairway to go up.

Chrm. Conero said #14 is the waterline. Mr. Samuelson said this is existing and was shown on the mark out. There hadn't been a building there in his lifetime. That line has been abandoned for 45+ years. Ms. Leahy said the waterline was unclear on the plan. Mr. Samuelson said it showed up on the mark out. It doesn't go past the wall. Mr. Rivenburgh said it was cut and capped. He just paid for it. Buddy had said it was leaking so they paid to have it cut and capped (indicates on

site plan). Mr. Samuelson said they would come in off Charles Street. Sewer and water will...off Charles Street. #16, everything should be on this plan. They would like to begin the SEQRA process.

**A MOTION was made to DECLARE INTENT TO BE LEAD AGENCY FOR UNLISTED TYPE 1 ACTION by Chrm. Conero, seconded by Mbr. Romano and carried 5 ayes 0 Nays.**

Mr. Samuelson said regarding the EAF, the DPW and DOT, he can have it revised and to Ms. Murphy in the morning. The Indian Bat and bald eagle, there are no trees and the bald eagle is not here. They will include SHPO on the lead agency.

Mbr. Meyer asked about going to a single entrance. The plans call for 2 tenants, does that affect the ability to create more spots at a future date? Can it be rectified in the future? Mr. Rivenburgh said they don't intend to make them smaller. They intend to take one for themselves. There will be one available. Both spots will have their own set of utilities.

**RE: MINUTES:**

**A MOTION was made to APPROVE THE MEETING MINUTES OF October 23, 2019 by Mbr. Steed, seconded by Mbr. Meyer and carried 5 Ayes 0 Nays.**

**RE: ADJOURNMENT:**

**A MOTION was made to ADJOURN THE MEETING AT 8:35pm by Chrm Conero, seconded by Mbr. Romano and carried 5 Ayes 0 Nays.**

---

Tina Murphy, Deputy Village Clerk