

MINUTES of the Village of Montgomery Planning Board meeting held in the Conference Room of the Village Hall, Clinton Street, on Wednesday, February 26, at 7:30 pm.

ATTENDANCE: Chrm. Conero, Mbr. Crowley, Mbr. Steed, Mbr. Romano, Mbr. Meyer, Atty. Kevin Dowd, Vlg. Eng. Aileen Leahy of Lanc & Tully, Jane Samuelson of Engineering Properties, Jason Anderson, Don Berger, Christina Romano, Walt & Marianne Lindner, Joe Lofrese, Beverly & Fred Mertz, Building Inspector Yancewicz

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

RE: PUBLIC HEARING

RE: ROMANO SUBDIVISION – 202-6-7

Chrm. Conero asked if all of the mailings had been done.

Mbr. Romano recused herself.

Christina Romano is representing the applicant. She hands Ms. Murphy the receipts for the mailings. 25 went out, 13 came back signed and one was returned, (as it is a rental property and no one is living there).

A MOTION was made to OPEN THE PUBLIC HEARING FOR ROMANO SUBDIVISION 202-6-7 by Chrm. Conero, seconded by Mbr. Meyer and carried 4 Ayes 0 Nays.

Ms. Leahy said all the letters received, Office of Parks and Recreation, Orange County Planning, show there are no concerns with this subdivision. They had comments about putting notes about moving utilities and access on one lot and the utilities that run to the other lots.. They understand that some of the utilities might be moved, some might need community services to and from the building so they recommend that the plans could be approved with some conditions. The comment letter states it shows the location of the existing water services on lot 2, that should be reviewed by the attorney and then the plan should have a note stating who is responsible for moving the utilities.

Ms. Romano said the attorney is drawing up a temporary easement for the existing water main, the applicant is going to abandon that current water main and add their own. The new owner can choose to use it if they want. That will happen during their building/construction.

Ms. Leahy said all of that information will have to be included on the plans in order to be...

Ms. Romano said it will be drawn up and resubmitted.

Chrm. Conero reiterated that they received a letter back from Orange County Planning and a letter back from New York State Historic Preservation who have no objection or concerns to this.

Chrm. Conero opened the Public Hearing to the public for comment.

Joe Lofrese – 55 Union Street – he lives across from the property. He just received the letter today and isn't really prepared, his concern is that it is a corner lot and there are a lot of kids here, scooters, bicycles, he wants to make sure there's no variance to come into play because there

should be 50 feet from the corner lot because of safety for the kids. When people turn onto Mason Street it's a big deal...if they're going to build there, make sure that it's 50 feet back and 25 feet from the front of the property and 50 from the corner. Is that correct?

Chrm. Conero said the house would need to be constructed according to the setbacks that are in the code. He's not sure specifically what they are. He believes the side yard is 25 feet on a corner lot.

Mr. Lofrese said he thought it was 50ft...Chrm. Conero said width is 50, side yard is 25ft, rear yard is 25ft.

Atty. Dowd said the access is going to be off Meade Alley, not Union Street.

Building Inspector Yancewicz said he believes Mr. Lofrese is talking about site clearance, as far as making corners. On a corner lot is 50ft/50ft diagonally nothing to obstruct the visual turn. It's in the zoning code.

Atty. Dowd said the plan that's presented to the Board meets those setbacks.

Mr. Lofrese is concerned about a variance coming into play after. He's worried about the safety.

Atty. Dowd said there is no construction proposed on the lot at this time. So by itself and the proposed location meets the code. If a new owner wants to come in and build and wants to build closer to the side lot, they would have to apply for a variance before they could get a building permit. It's not going to preclude anyone from coming forward and asking for a variance but right now, with it being a new lot and nothing being built, showing that a house can fit on the lot and still meets the code. It meets the code.

Mr. Lofrese said its fine and whoever is going through the contract, that they are aware of this and it's noted so there is no surprise that they come into this thinking that they're going to be...it is a big issue down the lot. He has no problem with it being divided, he's concerned about the safety in that area.

Atty. Dowd said before the house can be built, they have to apply for a building permit, it has to meet the setbacks, it has to go to the AHRB because this is the Historic District, the materials used for the house have to be approved by the AHRB, there's enough controls here before any building goes up. This protects the integrity of the District as well as the neighborhood.

There are no other comments.

A MOTION was made to CLOSE THE PUBLIC HEARING FOR 45 UNION STREET by Chrm. Conero, seconded by Mbr. Steed and carried 4 Ayes 0 Nays.

A MOTION was made to DECLARE NEGATIVE DECLARATION, UNLISTED ACTION UNDER SEQRA by Chrm. Conero, seconded by Mbr. Crowley and carried 4 Ayes, 0 Nays.

A MOTION was made to GRANT CONDITIONAL FINAL APPROVAL FOR THE SUBDIVISION OF 45 UNION STREET, 202-6-7, by Chrm. Conero, seconded by Mbr. Steed and carried 4 ayes 0 Nays WITH THE FOLLOWING CONDITIONS:

The plan shall be amended to include the proposed location for the relocated water service on Lot 2 with an easement for this service; which easement is subject to the review and approval of the Planning Board attorney.

The plan shall include a note stating, “No building permit will be issued for the new lot until such time as the water service is relocated and the easement adjusted and re-filed with such water service relocation being the responsibility of the owner of the lot.”

That any outstanding fees due and owing to the Village for review of this application be paid.

That prior to any building permit being issued for Lot 2 for a single-family house, that a certificate of appropriateness must be acquired by the owner thereof for the proposed house from the Architectural and Historic Review Board.

A MOTION was made to CLOSE THE PUBLIC HEARING FOR ROMANO SUBDIVISION ON FEBRUARY 26, 2020 AT 7:41pm by Chrm. Conero, seconded by Mbr. Steed and carried 4 Ayes 0 Nays.

A MOTION was made to BECOME LEAD AGENCY ON THIS NEGATIVE DECLARATION UNLISTED ACTION UNDER SEQRA by Chrm. Conero, seconded by Mbr. Steed and carried 4 Ayes 0 Nays.

RE: OLD BUSINESS

RE: KSH 211 DEVELOPMENT 211-1-29.22

Ms. Samuelson is representing the applicant. The fire access is currently the private road coming in; Lanc & Tully pointed out that they have a gross building area of over 124,000 sq. ft. that requires two fire access points. The intention is to use the 2nd driveway as their 2nd fire access. They'll have to cross the wetlands right there; it's fairly narrow, they'll come through and connect to this driveway (indicates on site plan).

Chrm. Conero asked, so you envision trucks for the first warehouse going in through the private road, for the big warehouse? Ms. Samuelson said it would be for both warehouses. Chrm. Conero asked what the 2nd one would be for, is it just fire access? Ms. Samuelson said that would just be the second fire access; it would be the main driveway for the two offices but would also serve as the 2nd fire access. Chrm. Conero asked if that had to be dedicated to each property? Now, you're sharing. Ms. Samuelson said they would have to do a cross-easement between the two properties.

Atty. Dowd said you are very close to .1/10 of an acre of the wetland disturbance. Ms. Samuelson said they are already over. They know they are going to have to do mitigation. Atty. Dowd said he knows they are already on top of the .1/10 of an acre from past disturbance plus what you're disturbing, that's going to kick you over that. Ms. Samuelson said, correct. Atty. Dowd asked what she thinks is going to happen with the wetlands and the ACOE? Ms. Samuelson said they are proposing to mitigate the wetlands with a factor 2-1 so for whatever amount of wetlands they end up disturbing, i.e.: .2 acres, they will mitigate .4 acres, which is what ACOE requires you to do.

Atty. Dowd asked if DOT responded about access to the office building. Ms. Samuelson said no. Atty. Dowd asked if they spoke with DOT at all about access. Ms. Samuelson said they just received comments from Masur on this project so now that they are comfortable; they thought it was premature to send it to DOT...(interruption from the audience) before they had the Planning

Board's consultants comments received and addressed. Now, they will forward to DOT for their comments.

Chrm. Conero asked, this is your proposed solution for item 1 (on Lanc & Tully's comment letter)? Ms. Leahy said the access from the office side, the access really is concerning the larger warehouse, the one that is 200,000 sq. ft, make sure whatever access is for fire access it is directly links to that. It looks like right now you're tying into the fire lane that is going around the smaller warehouse but...Ms. Samuelson said tie into both. They will figure that out. They can't go around the building and back up this way...Ms. Leahy said whatever access you put in meets fire code.

Chrm. Conero asked, what if the DOT says no to the entrance, the 50ft right of way that they said no to for the senior housing? What are your plans to move forward with this project? You have two large buildings and you don't have the access roads to put them in there. Ms. Samuelson is not sure what they are going to do. Atty. Dowd asked if the buildings would be sprinkled. Ms. Samuelson said yes.

Ms. Samuelson said there is no existing sewer easement; when the sewer main was put in, there was no easement created. Chrm. Conero asked, there's a sewer main going through the property? Ms. Samuelson said yes. Ms. Leahy said that was not her understanding from speaking with the DPW Superintendent. Lanc & Tully had done the original survey but it doesn't show any easement. Ms. Samuelson said the applicant will work with the Village to rectify that.

Ms. Samuelson the stormwater outlet; they will flatten the slopes on the pipe so it will be as high as it can be in the pond, so there is no surcharge in the pipe. Ms. Leahy said they had noticed that the water elevation seemed to be higher than the discharge elevation. Ms. Samuelson said part of the pipe may be underwater but it will only be temporary. Ms. Leahy suggested they should go back through and check them.

Ms. Samuelson said the water main profile was mislabeled as existing instead of proposed and they will double check that.

Ms. Samuelson said the rest of the comments refer to the SWPPP. 1-7, they are ok with and will edit. #8 is the sheet flow vs flow through the liberin buffers. Those are two different types of sheet flow and you can't double count them, that's why they only used one. They are using infiltration so there is more green infrastructure than they actually need. They really don't need the sheet flow as a method but count it in the SWPPP.

Ms. Leahy asked if they are proposing to tie into an existing 8in waterline along Route 211, the water line along that road is a 6in line. There is an 8in line that was done for the Weaver Street water line, that is capped and can be extended to supply water. That's an option for getting the current size water line. Ms. Samuelson said they will speak with Buddy.

Atty. Dowd asked who was with Ms. Samuelson. Jason Anderson renderings of the proposed buildings for a visual study. They are 30 ft high and consist of a mix of buildings.

Mbr. Meyer asked what the distance between 211 to the first building. Mr. Anderson said approximately 680ft.

Mbr. Romano asked if they have a tenant yet? Mr. Anderson said only the applicant right now.

Atty. Dowd asked if there has been any further discussion with the Hoeffners. Ms. Samuelson said no.

Residents asked questions regarding the screening on Weaver, the Board's concerns, water main concerns, Chrm. Conero said when the Board feels comfortable, they will go to a public hearing, at the time, you can state what you want to say about it. You can write letters to the Board, but it's a process they are going through right now and this is where they are at.

RE: BOYD STREET 207-1-46.2

Ms. Samuelson is representing the applicant. The fire access; the existing building is sprinkled and the new building will be sprinkled so a second fire access is not necessary. Ms. Leahy said correct, according to code, based on all of the buildings, whether warehouse or office and the size of the building (under 124,000sq ft). Ms. Samuelson said they would not have access all the way around the buildings but since they will be sprinkled, that may be waived by the fire code official, which they will ask.

Ms. Samuelson said regarding the site disturbance, they are pushing an acre in size and will be doing a SWPPP.

Ms. Leahy said make sure there is an area for storm water treatment. Ms. Samuelson believes it is going under the pavement, do underground storage. Ms. Leahy said to make sure they develop that; it is still a sketch plan. Ms. Samuelson said once the Board is comfortable with the layout, they will do the full design. Chrm. Conero said there's a natural berm along the side of Boyd Street, a pretty high elevation off street-level. He'd like to see proper shielding on that berm maintained. He thinks the tip of the building encroaches out toward the street more, to continue the shielding all they way up to the intersection of Boyd and the railroad tracks, you might have to scale back the building a little to make that shielding possible. Are there any site concerns from the railroad for the railroad tracks? Mbr. Meyer said it was brought up at a previous meeting. Chrm. Conero asked if they ask for the shielding/screening on the berm, or continue the berm higher toward the railroad tracks. Atty. Dowd said it shouldn't infringe on their easement (with the railroad). They should provide a letter from the railroad. Ms. Samuelson asked what their concern was? Chrm. Conero said they are concerned about proper screening along Boyd Street for the neighbors. If you maintain the elevation along Boyd Street with what we decide to have as screening, we don't want to cause a problem with the screening at the intersection of Boyd and the railroad tracks. Ms. Samuelson said Mr. Anderson also did a rendering of the proposed building.

Mbr. Crowley has a concern with snow removal. Ms. Samuelson indicates on site plan. Mbr. Crowley said water already floods that area so now the snow will further complicate the flooding. Mbr. Romano said they spoke about this previously. Ms. Samuelson will look into it; the storm water management plan will address some of flooding. It will be underground storage and give it a place to go. Chrm. Conero said the area is prone to flooding. Mbr. Crowley said there is a dam there. Mbr. Romano said it looks good on paper but when real life happens, it doesn't look like that at all.

Chrm. Conero said there are two things, snow removal and the runoff in general. You're going to be paving the parking lot? Mbr. Crowley said this concern has come up with another applicant and actually having the snow removed from the property. It would have to be paid to be removed. Ms. Leahy said to put a note on the plans to note, snow will be removed within a certain number of hours.

Mr. Anderson shows what the proposed building would look like.

Mbr. Romano suggested showing the building with what is already existing. Mr. Anderson explains the pictures. The building will be 30 ft high. Chrm. Conero suggested views from the street with screening.

Mbr. Crowley asked where parking would be. Mr. Anderson indicates on site plan.

Mbr. Steed requested a letter from the railroad concerning the building near the intersection of Boyd and the railroad tracks, whether or not they had concerns. Ms. Samuelson said okay.

Atty. Dowd asked where the dumpsters would be located. Mr. Anderson indicates on site plan. Mr. Dowd asked if they would have private service, as the Village will not go into the property. Ms. Samuelson will look into it.

RE: 99 CLINTON STREET 202-3-13

Ms. Samuelson is representing the applicant. There is only one comment on the height of the proposed building.

Chrm. Conero asked what is proposed for the additional space on the 3rd floor? There are two windows on the 3rd floor where the peak is. Mr. Rivenburgh said the way the building is designed, you can't lower the height of the building. There is a parking garage, the 1st floor commercial space, on the 2nd floor there are apartments and bedrooms in the attic. Chrm. Conero asked if the bedrooms in the attic are part of the 2nd floor apartments? Mr. Rivenburgh said yes. There are 4 bedrooms. Chrm. Conero asked if the variance was for 4 apartments upstairs. Did the ZBA approve the 3rd floor. Mr. Rivenburgh said they had the plans. They layout did not change. Atty. Dowd asked, the entrance to the apartments is in the back? Mr. Rivenburgh said yes. Atty. Dowd said the variance was to allow you to have 4 apartments in that building and so on the back, the 2nd floor was going to be the apartments there was not going to be a 3rd floor. Mr. Rivenburgh said if you want to call the attic a 3rd floor, you can call it a 3rd floor but the bedrooms were always there, that has not changed. Atty. Dowd said he has to be referred to the ZBA for the height variance. The ZBA can verify. Mr. Rivenburgh said after they went to zoning, they didn't just change the apartments and put bedrooms in the attic, they've always been there. Atty. Dowd said when you say attic is that going to be a full-size 2nd floor or is that going to be...(inaudible)? The 2nd floor is where the bedrooms are going to be? Mr. Rivenburgh said some of the outside walls will be sloped down a little bit. The architectural are there.

Chrm. Conero said he was under the assumption that the apartments would have been on the 2nd floor, he, as well as the other Board members, were not aware that was going to be a 3rd floor. Mr. Rivenburgh said the apartments are on the 2nd floor, the bedrooms are on the 3rd floor. Mbr. Crowley said they are two-story apartments. Chrm. Conero said we will refer to the ZBA for the height variance.

Mbr. Crowley asked how tall is 99 Clinton Street? Neither Mr. Rivenburgh or Ms. Samuelson know the height. Mbr. Crowley is looking for a perspective of how high the proposed building will be.

Chrm. Conero said while looking at the Master Plan, there are no building design guidelines, but there is a building design in how a house/building is done in the Village of Montgomery and there is nothing in there with siding like this (the proposed). It's shiplap, it's all horizontal siding. It's

not vertical like this. He agrees with Erin. Mr. Rivenburgh said it's too big a building to have all horizontal siding. When you put a paint scheme to that, it's going to look beautiful. It's colonial, shiplap siding. Mbr. Romano said it will be much taller than the other buildings. Mbr. Crowley said significantly taller than the building right next to it.

Chrm. Conero said we send it to ZBA.

RE: MINUTES:

A MOTION was made to APPROVE THE MEETING MINUTES OF JANUARY 22, 2020, by Mbr. Crowley, seconded by Mbr. Romano and carried 5 Ayes 0 Nays.

RE: ADJOURNMENT:

A MOTION was made to ADJOURN THE MEETING AT 8:24pm by Chrm. Conero, seconded by Mbr. Crowley and carried 5 Ayes 0 Nays.

Tina Murphy, Deputy Village Clerk