

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

ATTENDANCE: Chrm. Conero, Absent-Mbr. Crowley, Mbr. Steed, Mbr. Romano, Mbr. Meyer, Absent-Atty. Kevin Dowd, Vlg. Eng. Aileen Leahy of Lanc & Tully, Ross Winglovitz, Krista Wild

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

RE: NEW BUSINESS

RE: WILDFIRE GRILL PATIO PLAN – 202-2-7

Mr. Winglovitz is representing the applicant.

Mbr. Romano recused herself as the applicant is her neighbor.

Mr. Winglovitz said the proposal is for 36 outdoor seats in the patio seating area. When Krista got the property, it was converted to a seating area, along the way she learned she needed to come to the Board and clean it up and in conformance with the Village site plan and zoning requirements. The original application had indoor seating and 4 parking spots in the back; for the two residences upstairs. They are proposing to keep to parking spots in the back; the alley accesses the rear. And Krista has a letter from her mother, who has the property next door, to provide two spots over there. They can formalize that, in a legal perspective. They would like a waiver for the additional parking requirements.

Chrm. Conero asked when the first approval granted? Mr. Winglovitz said the original site plan was from 1999. Chrm. Conero said, so in 1999, you had an approval for two apartments in a mixed-use building, you had 4 spaces to park in the back; so which drive did they use for that? Mr. Winglovitz indicates on site plan. Chrm. Conero continued, the same driveway on the right is Krista's property? Mr. Winglovitz said correct. Ms. Leahy added, part of the property for that driveway is the neighboring property. She said the original site plan was approved without needing any property for that access, but you might want clarification from the neighbor...Mr. Winglovitz said they both need it for access to their property; it would be in their benefit to have some agreement, for that, so they can formalize it. Otherwise, they could only get a bicycle in there. Ms. Leahy said 7.3 feet isn't enough for a car. You never know, if in the future someone else buys that property and doesn't want...Mr. Winglovitz said it shouldn't be a problem. Chrm. Conero said the additional two spaces that you're proposing is on Cassandra Wild property on the left side. How is that going to be laid out? Mr. Winglovitz said there is actually 6-8 parking spots here, now. The paved drive is adjacent to the building, we can sketch that in and designate the two spots; but the paved drive is adjacent to the Wildfire lot and they can park there for access to the front use the drive.

Chrm. Conero asked for provisions regarding an emergency exit in the back. Mr. Winglovitz said the gate (indicates on site plan) goes out to her mother's property for that. There are two exits from the building. Chrm. Conero said asks, showing on site plan, where the parking would be designated. Mr. Winglovitz said yes. Chrm. Conero asked if it would be two-way? Mr. Winglovitz said it's not big enough for two-way but there would be...there are two units in that building so there's 8 spots. Six spots would be required by code on that side. Chrm. Conero said there are 4 spots for the building here, you'll have six spots left to park so you'll need an

easement from this landowner, you'll need an easement from this landowner, correct? Mr. Winglovitz said yes. They will do it mutually so they have access. They know they have to do all that, they wanted to make sure everyone was on board before they spent money on attorneys.

Ms. Leahy said as far as the site plan, they want it updated to show the parking on the neighboring property, how many parking spaces there are, required parking, show what is existing and available. Mr. Winglovitz said not a problem. Chrm. Conero asked if they got a variance in 1999. Mr. Winglovitz said it was not required. It's usually a waiver of the Board. Chrm. Conero said you had apartments upstairs. Mr. Winglovitz said there were two units upstairs. Ms. Murphy said originally there were two separate businesses underneath and then they changed it over to one. Ms. Murphy hands the resolution to Chrm. Conero and looks for the site plan. There was a Special Exception Use for the two residences. Chrm. Conero said they will have to check with Atty. Dowd whether that was a permitted use or if they have to go before the Zoning Board to get that corrected; they may need a variance for the two apartments above there. Mr. Winglovitz said Atty. Dowd was the attorney back then...they aren't asking to change that. Chrm. Conero said the EAF is in site of the Historic District and it will have to go to SHPO, just for comment.

Chrm. Conero asked if they would be able to turn around in this area and come back out? (indicates on site plan) Mr. Winglovitz said yes. Chrm. Conero said this one, you're backing out into the street, backing out over a sidewalk. Mr. Winglovitz said, right now, they back into each other's property back here (indicates on site plan). Chrm. Conero asked what the adjacent property was? Business or residence? Ms. Wild said one-family.

Mbr. Steed asked, the side yard is supposed to require 12ft and they propose 7.3ft? Mr. Winglovitz said on this side here (indicates on site plan). They will get an agreement to they can both use it.

Ms. Leahy said there is an existing parking area, she has a concern with the cars parking right behind each other, being room for someone else to pull in. Chrm. Conero asked if there was room back there for the single-family residence. Mr. Winglovitz said there is about 5 spots. Chrm. Conero said it's a tough situation. There used to be parking back there and there wasn't a problem, now the business is moved outside and it's a problem. Mbr. Meyer said it's tight back there. You're suggesting using part of this area as an emergency exit, to complicate matters, when cars are parked in areas where people have to evacuate, adds to the trickiness of the situation. Mr. Winglovitz said that is the driveway and there is no parking on it. They will show it.

Chrm. Conero said this is a self-imposed situation. They are accommodating our businesses downtown to help them succeed but would like to see the back of Sean Clancy's property to somehow show the spots that will be used in this area and make it safer so people don't have to back out. Mr. Winglovitz said he will show both sides.

Ms. Leahy said the increase in number of seats vs. what the grease trap...was it updated? Can it handle more? Just clarify so the grease trap isn't overloaded.

Chrm. Conero asked how many people were allowed in in 1999? Chrm. Conero asked if there was a stage? Mr. Winglovitz said no. Mbr. Meyer asked if music was part of the application? Mr. Winglovitz said no. He also asks what the seating capacity inside was. Ms. Wild said 75 per the building inspector. Chrm. Conero asked where the residents were parking now? Mr. Winglovitz said where the revised site plan indicates. Ms. Murphy pulls out the site plan. Chrm. Conero sees where the parking was and the grease trap numbers. Ms. Leahy said it may have been updated.

RE: MINUTES:

A MOTION was made to APPROVE THE MEETING MINUTES OF AUGUST 26, 2020, by Mbr. Steed, seconded by Mbr. Romano and carried 3 Ayes 0 Nays.

RE: ADJOURNMENT:

A MOTION was made to ADJOURN THE MEETING AT 7:48pm by Chrm. Conero, seconded by Mbr. Meyer and carried 3 Ayes 0 Nays.

Tina Murphy, Deputy Village Clerk