

MINUTES of the Village of Montgomery Planning Board meeting held in the Meeting Room of the Village Hall, 133 Clinton Street, on Wednesday, June 23, at 7:30 pm.

ATTENDANCE: Chrm. Conero, Mbr. Romano, Mbr. Crowley, Mbr. Steed, Mbr. Meyer (Absent), Atty. Kevin Dowd, Vlg. Eng. John O'Rourke of Lanc & Tully, Scott Sicina of Lanc & Tully, Gary DeMaris, Jim Ullrich of Alpine Environmental Consultants, Kyle Wykel, Tom Olley, Walt & Mary Ann Lindner Hayyim Danzig, Todd Zwigard.

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

RE: OLD BUSINESS

RE: DEMARIS LOT LINE CHANGE/SUBDIVISION – 206-4-4 & 206-4-6

Mr. O'Rourke stated that they will need a road opening permit for the driveway; this does not need County Planning review; erosion and sediment control devices are now shown on the site plan; the side set back should be 10 ft.; and clean up the bulk table because some issues are preexisting and non-conforming so they want it clear on the subdivision so in the future if asked why it was approved, there will be a note that says it's preexisting/non-conforming. They revised the layout, the front yard variance and addressed the concerns with the drainage. It is ready for public hearing. 0

A MOTION was made to SCHEDULE A PUBLIC HEARING FOR DEMARIS SUBDIVISION ON JULY 28, 2021, AT 7:30PM, by Mbr. Romano, seconded by Chrm. Conero and carried 4 Ayes 0 Nays.

RE: NEW BUSINESS

RE: WIKEL SUBDIVISION – 202-5-10

Mbr. Romano recused herself because she is Mr. Wikel's neighbor. Mr. O'Rourke gave the Board a picture of the area. It's a two-lot subdivision between 211 and Hanover. It is going to need building variances for lot width. The lot accessing 211 will need a permit from DOT for the driveway. Mr. Wikel said he has that. Mr. O'Rourke says Lot 2 works; Lot 1 is going to need a variance because it is only 35 ft. wide. The proposed house shows that is 16 ft. wide; it's a very narrow house. In that setback, there's a sewer line and sewer easement proposed, so that lot is very thin and long and it's extended to 211 which is a weird configuration. The plan shows an 8 ft. swap on the 211 side. He shows the Board how Lot 1 looks. Mr. Wikel said he was trying to keep the square footage. Chrm. Conero said you have a lot line for your property and a lot line here, all the way to Hanover that's 9 ft. It's unusual. Mr. O'Rourke said they normally try to make the lots a normal shape so there aren't issues with neighbors in the future about property lines. Mr. Wikel wants to keep the shed on the property. Mr. O'Rourke tells Mr. Wikel that the engineer needs to revise the plans and show it more clearly. That the current plan shows a proposed driveway and house. Mr. Wikel does not know why it is there. Mr. O'Rourke advised Mr. Wikel to have the engineer clean up the plans. There are currently two separate lots, this is just a lot line change.

There is discussion regarding what is actually on the property.

Mr. Wikel is looking to sell the lot.

RE: KAMP PROPERTIES SUBDIVISION – 215 GOODWILL ROAD – 207-1-34

Mr. Olley is representing the applicant. They are proposing a two-lot subdivision of 2.4 acres. It is across from Spring Meadows. They are proposing a .6 lot and a 1.8-acre lot. They know they will need a variance because there is only 60 ft. of frontage and they cannot provide the minimum lot width required setback. They can do it, although they are not proposing it, a conventional subdivision can be constructed that will yield 5 lots. There is not a lot of detail on the site plan but once they receive the “common sense variance,” they will provide more.

Chrm. Conero asked why a variance? Mr. O’Rourke said for lot width for both lots; we have a 90 ft. lot width requirement that is measured as a front yard setback which is 30 ft. back from the front of the property line. He only has 60 ft. across the entire...lot. There is no way to do it so he needs a variance for that. He has plenty of land. Site distance is very difficult at that location the way it is proposed with a dual driveway. That will be a real issue as far as safety. And the neighbors, the proposed smaller lot is pretty close to those existing lots and should be shifted over to provide more of a side yard. Mr. Olley said that was why they pushed the houses back, so they weren’t on top of the DeMaris property. Mr. Olley said this subdivision would preclude any further subdivision of the property.

Atty. Dowd asked if the applicant’s intention is to build two houses? Mr. Olley said yes, one for themselves and one to sell.

Chrm. Conero asked about the wetland issue back there. Mr. Olley said the only wetlands is what is associated with the (inaudible). Chrm. Conero said it’s always been wet in that area and the drainage from Goodwill. Mr. Olley agreed, over by the Post Office. Mbr. Crowley mentioned a previous subdivision that went in there and the neighbors were very upset about the subdivision and how much it would affect the water that they already had. Isn’t that area there on Goodwill usually wet? Mr. O’Rourke said it’s a lot less than actually could be there. The stream is between the applicant and the neighbors but really shouldn’t be an issue. As you move forward and if the ZBA grants a variance, this Board should probably ask for some type, and not just a note on a plan, a deed restriction about building a future subdivision in that larger rear lot.

Chrm. Conero said they should refer it to the Zoning Board for verification, to make that decision and put the deed restriction in there. He agreed with Mbr. Crowley regarding the wetlands. They did talk quite a bit about it in the past. He doesn’t see a problem if you build the house up high enough. Mr. O’Rourke said the houses are away from the “wetlands.” They are not really wetlands, just low areas. Mr. Olley said there is no wetland vegetation...Mbr. Crowley said it’s just soggy.

A MOTION was made to REFER KAMP PROPERTIES SUBDIVISION – 207-1-34 TO THE ZONING BOARD OF APPEALS FOR A LOT WIDTH VARIANCE AND THE INTENT OF THE PLANNING BOARD TO IMPOSE A DEED RESTRICTION SO THAT A FUTURE SUBDIVISION CANNOT BE BUILT, by Chrm. Conero, seconded by Mbr. Romano and carried 4 Ayes 0 Nays.

RE: CITY WINERY – SITE PLAN AMENDMENT – 204-1-1

Mr. Zwigard said there are two items; a tent platform; a pressure treated wood constructed platform approx. 2 ft. above the grade with posts and concrete footings. The purpose of this temporary tent structure is so they can offer outdoor events. It has a handicap ramp, 2 egress

stairs with a railing all the way around and railings up the steps. It's approximately 9,920 sq. ft. The second item is a similarly constructed platform, located at the base of the berm along the back of the lawn. The purpose of that is to create a viewable area that is handicap accessible and for people who do not want to sit on the grass. It's approximately 2,000 sq. ft. and has one section in the middle of it which is lowered down for the already existing audio/visual control booth. That platform is at grade on the west side so that you can get right onto it. It has four other stairs coming off of it of varying lengths depending on the grade. The platforms will be level as the grade falls off. They only have the plan drawn, it's fairly accurate but they do not have details yet. He will use Lanc & Tully's comments for the basis of discussion.

Chrm. Conero asked what the purpose of the large platform is. Mr. Danzig responded, they have weddings and other large events. With COVID there's been a drop off on indoor events; more people would rather be outdoors than indoors so they wanted to offer outdoor events in a tent. Chrm. Conero questioned the stage area; it is still, the speakers will still be here (indicates on site plan). Mr. Danzig said yes, the existing stage is the only stage that has live performance for the public; it's already there and they've had a few concerts there. The new proposed viewing platform will be for people to sit there and hear concerts. Mbr. Crowley said, in the tent area if you're going to have an outdoor event, the assumption would be that there would be music. Mr. Danzig said yes. Mbr. Crowley continued, that was a big issue with a number of residents when you were just going to have a small platform; sound travels across the river, now you're even closer to the river with a large proposed tent area where you're going to have outdoor music instead of an enclosed building where you were going to have events. It's a huge change from what City Winery was supposed to look like when you first came to us. This (indicates on site plan) was supposed to be vineyards and this was going to be all green area and you were going to take the historic mill and make it an event center for weddings and now you're proposing two event centers on one lot of a historic site and taking away what was the vegetation and have outdoor music in a tented area. Just based, in the hamlet of Wallkill, there's an outdoor tent area and you can hear music, the river is there too, throughout the whole town when there's a wedding there, so she has a big concern about this whole new proposal for City Winery because it changes completely what you originally came before the Village of Montgomery with. Mr. Danzig offered a few suggestions; 1-to propose that any speakers that would be used in the tent (they would be temporary, only be for the event), that they face south so that it's aiming sound across the lot toward the berm. Mbr. Crowley said it was her understanding that the music that was going to be at the platform was going to be acoustic and not live; quiet acoustic music was planned unless she missed something. Mr. Danzig said the PDD allowed outdoor music and entertainment, Saturdays and Sundays, national holidays during the afternoon from 1pm-4pm and was just extended last night to 5pm at the Village Board meeting. It is limited to jazz, folk, classic and other similar types of musical entertainment. The concerts to date have been folk, a couple of jazz performances that were not open to the public for a recording, and no classical up to date. He is not aware of any restrictions on amplification, there was a restriction on sound level which he is struggling to find. Mbr. Crowley said that if you're going to have an outdoor event with music, it's going to be different from the music that was approved for the platform. Mr. Danzig said yes, and that the music in the tent platform would never be a concert, maybe a wedding or other private event with a small band or DJ. It wouldn't be a concert. Mbr. Crowley said the noise travels quite a distance on the river; whether it's a DJ or a band, it's still very different from what was originally planned for this area. The second question; now there'll be loud music playing from this area (indicates on site plan); at any time would there be two events simultaneously? Mr. Danzig said there may be two events scheduled for the same day but there would never be an event with live sound (or any kind of sound other than conversational sound) on the tent platform at the same time as an event at the platform for music. It wouldn't be simultaneous; if there are speakers at one event, there wouldn't be speakers at the other one. Mbr. Crowley asked if, at any

time, would there be an indoor event in the building and an outdoor event at the same time. Mr. Danzig said he hasn't spoken with the operations team about that or with his boss, so he doesn't really know. Based on what the facility can do and what the kitchen can cook, with the parking lot can fit, they wouldn't be able to have two large parties. Mbr. Crowley said that you could cater. How many people can fit in the proposed tent? Mr. Danzig said the same 400 that is roughly what the main room can. Mbr. Crowley thought it was 350, now we're talking 800 people. Mr. Danzig doesn't think there will be two simultaneous events, they couldn't accommodate two. The parking lot cannot accommodate more than 400 and neither can the staffing, kitchen, but he's not the operations manager. Mbr. Crowley said you can see where she's coming from. She doesn't know if Mr. Danzig has been part of this from the beginning, this to her is very different. There are two venues that can be on this property and it is not what was the original intent. She is very concerned as a resident and member of the Planning Board, that they took a historic piece of property along the river and this was to be vineyards; and she knows with the platform, there was supposed to be a natural kind of amphitheater and yet that platform might have been approved but this area here (indicates on site plan) was a natural amphitheater where people would go out and sit. Mr. Danzig said yes, that's how it was built with the berm as requested by this Board and the Village Board. Mbr. Romano said now you're adding the sound and seating. Mr. Danzig said the platform is mostly built but the tent is not up yet. He put in for a permit with the building inspector. It was reviewed and paid for. Apparently, there was a misunderstanding between him and the B/I what was communicated verbally. He had the impression that they were authorized to go ahead. He went ahead with the work. As soon as the B/I came out to inspect the footings, he told Mr. Danzig it needed to go to the AHRB for review; he said he made a note on the application. Mr. Danzig was not aware. He did put an application to the AHRB and was told it needed to go to the Planning Board. He understands that it is out of order and he made a mistake but he's trying to rectify it. Mbr. Romano said that when they approved the original application, any alterations were supposed to be brought to the Board. Mbr. Crowley asked if she missed something. Atty. Dowd said it was built, the permit was not issued. It did not come to this Board or the AHRB. There are notices of violations against City Winery. They appeared before the Village Board last month and last night and basically, there are a series of issues on the property that he believes they are trying to address but there are notices of violations, stop work orders were issued until they get the approvals that they need. Mr. Danzig said they are trying to correct the mistake that they made. Mbr. Crowley said she is struggling; a mistake of building something without...City Winery has been before the Trustees and this Board how many times? How does that happen? Mr. Danzig said they felt the immediacy of offering an outdoor space for potential weddings and looked at two locations, beside the parking lot and this area (indicates on site plan). It wasn't in the wetlands and was available. They got quotes from tent companies to rent or lease. They proposed putting down temporary plywood with a dancefloor. The sample was inadequate and his boss asked him to find better flooring. They spoke with contractors, they looked at their options and decided to put a permanent structure in place. He filed for a building permit. He didn't realize it required an appearance with the Planning Board, the Trustees or the AHRB. I spoke with Todd who also didn't feel it was a structure. He was under the impression that he had approval from the Building Inspector. When Bruce came to inspect the footings, he hadn't approved the building permit because it hadn't gone to AHRB. Mbr. Crowley again asked if Mr. Danzig had been part of City Winery and the development of this from the beginning? Mr. Danzig said he came in after the zoning change was issued. Mbr. Crowley said then you knew there was an AHRB, Planning Board, that there was a lot of concerns within the Village about this venue, traffic, you've known about the many conversations between the Village Board...Mr. Danzig said yes. Mbr. Crowley said now what are we going to do? Mbr. Romano asked about the wetlands. The wooden stage platform appears to be located in the wetlands? Chrm. Conero said there is additional noise and additional change to the plan. This is a substantial change. We should have a public hearing and hear from the neighbors,

Loosestrife, people on Factory Street as what this is turning into. There was a letter from someone on Factory Street indicating that there was parking on Factory Street because of an overflow on parking. Again, we know you're overflow parking isn't in yet...Mr. Danzig said it was mentioned last night at the Village Board meeting that they were putting in a permit to do the work to install the already approved overflow parking lot and we are looking to do that as quickly as they can. They found out that there was parking on Factory Street from two neighbors, the Bakers and Williams, obviously it's an issue for us. It was never supposed to happen. They had parking attendants who were directing people in and some people started parking on Factory Street; it was not their intention. They are figuring out alternate locations for their staff to park. There will be more spots available in the lot while they prepare the overflow parking. Chrm. Conero said if you have an event in the building and you have an outside event going on at the same time, how do we calculate the parking? Mr. Danzig is not suggesting that they have two events at the same time, he was asked that but he doesn't know the answer. He never suggested having two big events at the same time. Atty. Dowd said you can have one follow the other; one inside and later, one outside. What's going to happen is people will be leaving one and coming in for the next one at the same time. Mr. Danzig said the concern is the number of parking spots. He's not sure, he's not an engineer and doesn't know what they require. Chrm. Conero said how do you know? So, if you sell tickets to a concert, how do you know how many to sell if you don't know the capacity of the parking lot? Mr. Danzig said for an outdoor concert, they consider capacity 400 and the assumption is that there will be 200 cars. Some people come in larger groups, some come 1 person per car. With the overflow parking lot, we will have more. Mbr. Crowley said you can't sell 400 tickets if you don't have parking, that's what we're saying. You can only sell what you can park. Mr. Danzig asked if that was written in the zoning or PDD? Mr. O'Rourke said it was part of the site plan approval, the calculation for the parking spaces. Back then, nothing but the concerts were small jazz, small folk, it was never mentioned to this board that there would be 400 people. Mr. Danzig said outdoor concerts were discussed originally with the mayor, with the Village Board, with this group before construction began, before we closed on the property. Mbr. Crowley said not for 400 people. Chrm. Conero said the major concern from people was that it wasn't going to turn into some big concert venue, like what it's turning into now. If you sell 400 tickets at this historic site, you don't even have parking for it. Where are you going to park them? When is your next show? Mr. Danzig said Sunday; 200 tickets were sold. Chrm. Conero said he hopes you have enough parking. Mbr. Crowley said you only have 160 spaces (parking). Mbr. Romano said normally people get their permits before building stages and things like that. As of right now, this site with 10,000 sq. ft. tent and another stage and indoor area, you need to show us on premise parking for it all to be full for max capacity. There are 3 different venues you need to show parking for. Mr. Danzig said they haven't had an event...Mbr. Romano said we are not looking at you personally, we are looking at the map, the site. Mr. Danzig said he doesn't believe it's possible on this site to have parking for 400 people here, there and there. He is not proposing they will be having events with 400 people at each location. Mbr. Crowley said when this was originally proposed, this (indicates on site plan) was never proposed; this 400 additional people. The platform was supposed to be low key concerts, never was the number 400 people ever mentioned. Since the beginning, you guys have broken the rules every step of the way. Every step of the way. Since you originally came here, you have continuously lied to us. She is very frustrated. You wanted to before you even opened, before the parking was done, you wanted to have the building opened. You wanted an operating certificate before this parking was completed. We wanted asphalt, there was a struggle with that. Never was this going to be 400 people of a concert venue. Never was there any...this was supposed to be vineyards and people were going to walk through here, it was going to be a quiet indoor venue with a small concert series, like we have here in the Village. Never was it going to be this. You guys built fences that you weren't supposed to build. You've were burning, there were water issues. You haven't followed the rules since the very beginning. Am I wrong? Chrm. Conero said you brought up good points. Mbr.

Romano said going forward, you have the right to want something larger, the owner. You are not attached to this site; this site is in the Village of Montgomery. The owner might sell it. And then we're sitting on it. So, you need to accommodate every person on site, if you cannot, one of them should go. Mr. Danzig said COVID presented them with big challenges. The company almost went bankrupt across the country; they employed 1,400 people, 200 were furloughed. All salaries, including his, were cut 50%. The company almost went bankrupt. They have a facility that they invested \$12,000,000 in construction costs, \$1.5 million for the property. They followed every letter of the law of the State Historic Preservation Office, National Park Service, to maintain the integrity of the historic property. They put in for a building permit, zoning change, they did everything that they could. You rattled off a list of complaints and issues. He took a summons from a DEC officer for someone who was burning illegally. The person burning didn't speak English. He wasn't onsite the day it happened. He went to court 4 times and appeared for that to undo that mistake and that was dealt with and erased from the record, he was told. He's not informed of water problems. Chrm. Conero said let's agree that there were issues. And more issues than what we normally see. Mr. Danzig said there were challenges that needed to be worked out. Mbr. Steed said there are septic problems...didn't get a permit to open up...you talk about mistakes...Mr. Danzig said the septic is an existing septic at the barn that was installed by Jeff, the previous owner of the property. They have a problem with brown water is leaking out. They maintenance guys took a backhoe and dug out two spots, thinking something was blocked. Now, it's opened up...Bruce came to see the footings and structure and he asked what was going on. He was told to get a permit so he did. Mr. O'Rourke said when his guys were there, they were told it wasn't septic, it was drain lines. They have pictures. When you do a septic system, you have to have an engineer design it, you can't just randomly go in dig trenches, which you guys were doing. This was a brand-new septic system that was not designed by an engineer, not reviewed by the Health Dept or reviewed by the Village. He is just pointing that out. Moving forward, they'd like to see a plan that shows everything so we're not back here in two months, with a septic system design or a failed septic system. He'd like to see everything on the plan with a narrative explaining what you are doing and they can move forward. Mr. Danzig said he spoke with the mayor and Board of Trustees and he was instructed to was present a diagram of what the previous owner of the property installed at the barn and when he did it. He's not sure of the year it was done. He has a sketch from Jeff. Bruce said he needed measurements. That's all he has for the septic system. What he proposed in a letter to the BI, that City Winery wants to install (inaudible) this winter when cutting a trench was not going to disrupt their business dramatically and pump sewage from the barn up to the Village main. There is an existing tap that they used when they installed the...box ?? for the main facility and there's a...(inaudible). They will have it engineered. That was the proposed plan. Chrm. Conero said on the original PDD that was just a bridal suite, never supposed to be an Airbnb, never supposed to be a high usage type of building. That's probably why your septic system failed. Isn't there a Cease-and-Desist order on the Airbnb until they get the septic system fixed? Atty. Dowd believes there is a stop work order. Mr. Danzig doesn't believe there is a problem, he was there today and didn't see any brown water. Mbr. Crowley asked how it was an Airbnb? It wasn't approved for an Airbnb. Mr. Danzig said he was told, and apologized because he manages construction for the company. He does it in a nationwide capacity. He's there as often as he can be to try and prevent problems, to solve problems and move forward. He doesn't rent apartments, he doesn't rent Airbnb's, he doesn't schedule concerts, he doesn't man the parking. Mbr. Crowley asked who directs him? Mr. Danzig said his boss, Michael Dorf. He was not informed it was posted for Airbnb's. He didn't know it was an issue. When he found out they needed an application for it, he filed for it. He didn't know anything about it. He was told employees were using it; he didn't know. Mbr. Romano asked if he is supposed to attend Planning Board meetings nationally. Mr. Danzig said typically, no. There is no person titled for that. Mr. O'Rourke said this is nothing new. Mr. Danzig said they are typically indoor projects/venues. This is his first one outdoors with wetlands, historic property,

several boards to deal with. He's offended that the Board feels he's deceived them. Mbr. Crowley said she's sorry he is but she's offended, too, by the fact that when it was brought before her, that this was a venue that was indoors; inside the mill. This was going to be an area with a small venue for music and this was going to be a bridal suite. So, she does feel deceived and does feel the Village of Montgomery whom she represents, feels deceived that this is now an Airbnb, there's a huge, almost 10,000 sq ft platform tent in addition to a venue that was 350 people that is now 400 people. So, there's 400, 400, and 400 for an outdoor concert. You can see where the Board feels deceived, well, she's not speaking for the whole Board. She feels deceived and sorry if she's pointing out, City Winery, not him, sorry that she said he lied. City Winery has lied to the Village, the Village residents and she feels as a member of this Board, lied to and deceived. Everything seems to happen after the fact. Now it's an Airbnb after the fact, now this little tiny platform which was going to be a nice concert area with neighbors who came at a public hearing and voiced their concern about this and were assured that it would be light music and that there was going to be a time frame and she takes issue with the Trustees that they extended that. Because that was a huge issue that the neighbors had with this. Again, you've been a part of this project so you know what the issues have been with City Winery and the Village of Montgomery and with the Planning Board. That you thought you could go ahead and develop this huge tent area on a historic property when you knew how much it was just to get this venue approved, it just seems like everything keeps adding up more and more that was not on the original plans, was not the original intent. It keeps changing. Mr. Danzig said it has changed because they are reacting to the year impact of a global pandemic. The business is founded on bringing people together so they can celebrate, eat and drink, so they can hear music. It was evidently clear from day one. And what happens in a company when we can no longer create gatherings indoors is we need outdoor space. There was an urgency for that. He should have called the mayor or Village Attorney and ask for the proper process for that. He thought that the building permit was necessary. He wasn't told about the Airbnb approval. Mbr. Crowley asked if he knew about the fence and how that went before the AHRB and the fact that any of the design had to go before them? The design for the outdoor structure, here. Like the lighting, signage. You know it's a historic site, everything that is done on a historic site has to go before the AHRB. Every step of this process had to go before the AHRB and has to go before the Planning Board.

Chrm. Conero asked what is not completed on this site. We know the parking lot has not been completed. Mr. Danzig said the overflow parking has not been completed. Chrm. Conero asked if the lighting was almost done. Mr. Danzig said yes. The project is complete except for the renovation of the hotel, the two-story building called the packing house, which was approved in the zoning and PDD. There is discussion about the "bridal suite" and hotel. Mr. Zwigard said that Mr. Dorf started the design work for the hotel but stopped due to financial reasons. Mbr. Romano asked if he intended to complete it and Mr. Zwigard said yes. Chrm. Conero asked about the overflow parking, as there was a bus parked at Kalpac the previous evening. Mr. Danzig said that they asked Kalpac for permission to use their parking lot but they declined. Atty. Dowd said you cannot look for parking on another site. It is not allowed under Village law. You are supposed to have enough parking on your site for your employees and for your guests; that's what the parking calculations are all about. That is what the law requires. Speak with City Winery that they cannot do what they are doing, they have to stick to the rules. Don't sell more tickets than they can accommodate on site with simultaneous events going on, especially if there are issues with parking.

Mr. O'Rourke said whoever you have at City Winery, make sure the plans have everything in writing so there is no question about your intentions. The site plan needs to be updated. Show everything. Mr. Danzig said there are many issues and urgency. Mr. O'Rourke said there's a plan, it has to be on a plan sheet. Mr. Danzig said, a proposed tent platform includes a solution for a

failing septic system across the property? Everyone said yes in unison. Too many people speaking at once. Mbr. Steed said it's not just one piece of paper, its multiple, you just put the septic on one piece of paper.

Chrm. Conero asked Mr. O'Rourke to go through their comment letter. The bulk table should include everything on the site plan. Mr. Zwigard asked for clarification; are you referring to area calculations? Mr. O'Rourke said typical bulk tables, side yard set-backs, what you are proposing. Mr. Zwigard said not cubic volume, sq footage...Mr. O'Rourke said if you look at Village code, there are bulk tables and they'll say front yard setback, rear yard setback, that's what we're looking for. Chrm. Conero said #2, the platform should be labeled as a stage instead of a platform. The plans do not match what was constructed. He asked Mr. Zwigard how that happened. Mr. Zwigard said the stage is not in the wetlands. He said he made a mistake and will correct it. Chrm. Conero said proposed grading should be shown on the plan. Mr. Zwigard said there is no proposed grading. The viewing will be made of pressure treated wood. Mbr. Crowley asked if there was wetland area that would be affected by it. Mr. O'Rourke said that's another issue; the wetland delineation, making sure it's not disturbed, as well as the bald eagle. Chrm. Conero asked if the wetland delineation was done for the proposed tent that's already built? Mr. Danzig invited the group to tour the site with him tomorrow. Chrm. Conero said he wouldn't know. Mbr. Crowley said wetlands move so if you're going to build a structure, you need the Army Corp to come out and delineate the wetlands. Mr. O'Rourke said it is good for at least five years. He can do a site visit so that the Board is aware. He'll confirm a time with Mr. Danzig and with the BI. Chrm. Conero asked if the proposed fence was new. Mr. Zwigard said the fence location is incorrect on the drawing. It is a deer fence and is pressure treated. Mbr. Crowley asked why it is pressure treated when it is in the wetlands. It was brought up at a previous meeting. She said it was told to her by City Winery. Chrm. Conero said we will have the BI and our engineers confirm what it is and where it is and it needs to be indicated on the next site plan. #6 Was already discussed. #7 Is there 3 units in the bridal suite? Mr. Danzig said yes. He said the hotel will have 12 units, the bridal suite was originally there, has 3. Mr. O'Rourke said there was no co issued for it yet. Mbr. Romano asked why were there people in it with no co and septic problems and it's an Airbnb? Chrm. Conero would like clarification as to whether it was always 2 or 3 units. #8, Details regarding the proposed lighting. Light pollution is always a big thing of neighbors and that was brought up at the public hearing. Is there additional lighting proposed for the tent area? Where is it going? Mr. Zwigard is only aware of string lights in the tent. Atty. Dowd asked about lighting when leaving the tent area? Mr. Zwigard said they would have lights. Chrm. Conero asked him to show them on the plans. Materials for the walking paths should be noted. It's a concern for tripping. That's why we requested the parking lot be paved before you opened. #9, Fence details were already discussed and will be updated. #11 the buffer of trees. These were already completed and will be updated on the site plan.

Mr. O'Rourke said that when the plans are submitted with revisions, he doesn't care if they are in color, dark or light, existing conditions are here, and this is what we're proposing moving forward. Mr. Zwigard asked if they wanted two plans. Mr. O'Rourke said to submit one plan; existing conditions, make it light like you have it here (indicates on site plan) and what you're proposing or what is built and not approved, make it darker, like you have here, just clean up the labels. Present and future. Have an engineer develop a full set of plans.

Chrm. Conero stated that because this is a historic site, it is a type-1 action and needs a long EAF. Mr. O'Rourke said there are two restrictions. Originally, the DEC was involved because of two endangered species, the bat and eagle. You can only cut trees down during a certain time-frame; from November to March. Trees have already been cut or knocked over because they are gone. Mr. Danzig said there was tree damage during one of the storms. They didn't intentionally clear

any trees. Mr. O'Rourke said the other restriction pertains the bald eagle. There are restrictions as to what can and can't be close to the river, keeping the trees. The DEC had commented about this corridor. They will have to be notified because of the changes and submission of the EAF. Mr. Danzig said they have been abiding by the conditions of the PDD. #14 This will have to be sent to the Orange County Dept of Planning. Mr. Danzig asked about the process. Mr. O'Rourke said they submit an application, full site plan that comes to this Board, they will confirm lead agency, like previously, and send it to any other involved agency; DEC, OC Planning (they review inter community impacts). You are next to a municipal boundary, the Town of Montgomery, we have to submit it to OC Planning, they globally look at the project and comment. Chrm. Conero said this is the procedure for any site plan.

Mr. Danzig asked for guidance on how to prevent overlapping venues? Mr. O'Rourke suggested as an example, you have to look at your site, you have 300 parking spaces, so from that 300, I will have x amount for the winery itself and dinner, x amount for the wedding venue, you will never have a wedding venue at the same time as a concert, at a concert you have 250 people, again, still dinner and winery (about 50 people), you have to start with your parking. Start with your parking first.

Mbr. Crowley asked with 400 people, they will need to use the bathroom. Are there additional ones for the concert area? Mr. Zwigard said there are no additional, only the ones in the winery.

Parking calculations are discussed. Mr. Danzig said they are looking into a parking attendant. They cannot make any changes to the parking lot without coming to the Planning Board.

A MOTION was made to APPROVE THE COMPLETION OF THE OVERFLOW PARKING, AS PREVIOUSLY PLANNED AND APPROVED IN THE ORIGINALLY APPROVED SITE PLAN by Mbr. Romano, seconded by Mbr. Steed and carried 4 Ayes 0 Nays.

RE: DISCUSSION REGARDING LOCAL LAW CHANGES

Chrm. Conero explained the zoning changes. The Village Board is looking for recommendations from the Planning Board before they approve it.

A MOTION was made to RECOMMEND THAT THE VILLAGE BOARD ADOPT INTRODUCTORY LOCAL LAW I-3 by Chrm. Conero, seconded by Mbr. Romano and carried 4 Ayes 0 Nays.

RE: MINUTES:

Not all members were present to APPROVE THE MEETING MINUTES OF March 24, 2021.

RE: ADJOURNMENT:

A MOTION was made to ADJOURN THE MEETING AT 9:12pm by Mbr. Romano, seconded by Mbr. Steed and carried 4 Ayes 0 Nays.

Tina Murphy, Deputy Village Clerk