

MINUTES of the Village of Montgomery Planning Board meeting held in the Meeting Room of the Village Hall, 133 Clinton Street, on Wednesday, October 27, at 7:30 pm.

ATTENDANCE: Chrm. Conero, Mbr. Romano, Mbr. Crowley, Mbr. Steed, Mbr. Meyer, Vlg. Atty. Stephanie Tunic, Vlg. Eng. John O'Rourke of Lanc & Tully, Jay Samuelson of Engineering Properties, Tom Olley of Olley Architects, Kyle Bardwell of Chazen Companies, Walt & Mary Ann Lindner, Sara Gunn of Food Bank HV, Molly Nicol of Food Bank HV, Jason Anderson of Anderson Design, Don Berger, Brian Rivenburgh, Randi Picarello, RJ Smith.

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

RE: PUBLIC HEARING

RE: LOOSESTRIFE FIELDS PHASE II 204-1-2.22

Chrm. Conero asked Deputy Clerk Murphy if all the mailings were prepared and returned? She replied, yes.

A MOTION was made to OPEN THE PUBLIC HEARING FOR LOOSESTRIFE FIELDS PHASE II 204-1-2.22 by Chrm. Conero, seconded by Mbr. Steed and carried 5 Ayes 0 Nays.

Kyle Bardwell from the Chazen Company is there on behalf of the applicant, Loosestrife Towers. They are looking for the construction of lot 2 on the site that was previously approved in 1995; and received subdivision approval in 1996 for 68 residential units. Lot 1 has been completely built out, some of lot 2 has been built out and now they are seeking approval for the remaining residential units on lot 2, totaling 58 units; decreased from the 68 units approved in 1996. They have been in front of the Board a few times this year. They've received some comments on the bridge design on the site, which they've further added some details to and are furthering full design of the bridge prior to final site plan approval. Another comment, a couple of Planning Board meetings ago was regarding the traffic report and the fact that it hadn't been updated with City Winery. They addressed that and came up with a traffic plan in response to City Winery's traffic in which they addressed in the last Planning Board meeting that the Board felt comfortable with and opened up the public hearing tonight. He's here to answer any questions from the public on the project.

Chrm. Conero said they will open up to the public. He asked if any Board members had any questions. Again, they do not have the engineering specs on the bridge but this is all contingent upon the engineering of the bridge which the fire department had issues with, they had issues with; they will get to that. That will be a condition of approval if it does get to that point.

To the people in the audience, if you want to speak, just state your name and address for the record and they will be happy to listen to your comments.

Don Berger-Village of Montgomery: He has a couple concerns. You mentioned the traffic. Recently, at some of the other meetings that we've had with City Winery because the venue has changed so drastically; I don't know that all that stuff has been completely resolved particularly with the tent area where he thinks up to 500 people perhaps will be there at any given time. There was a lot of talk at the meetings with the Village Board and most of you were there about the traffic in and out and that was just with City Winery with a large influx of traffic that's going to happen there. He has seen no reports with this project yet. You said you have submitted a report with City Winery involved?

Mr. Bardwell said that is correct. They submitted for the last Planning Board meeting, including City Winery's traffic and determined that there a negligible increase in traffic.

Mr. Berger asked, the traffic with City Winery, was that from the original traffic plan or with the new stuff that is being added to City Winery?

Chrm. Conero said they've taken the traffic study that they initially did and they figured in what City Winery was going to generate and at the last Board meeting you determined that it was within the guidelines of what we were looking for. It wasn't a detrimental affect to it; only at certain times there's more increase, like when there's an event there. The majority of the time it passed that and didn't increase the level of traffic.

Mr. Berger asked, it didn't increase?

Mr. Bardwell replied, no.

Chrm. Conero said they did their due diligence in looking at the traffic.

Mr. Berger asked if that report was available.

Chrm. Conero said, yes.

Mr. Berger said he was curious about that. The other thing of concern is, he remembers Kevin bringing it up with the fire company, and back a year ago when this was brought up there was great concerns of the fire company and he remembers the trucks being able to turn once they got on the other side of the bridge. Has that been remedied?

Chrm. Conero replied, yes.

Mr. Berger asked how that has been remedied.

Chrm. Conero they, Chazen company, has provided turning radiuses for the largest truck the Montgomery Fire Department has. They went to the fire company, they asked for the largest, longest truck they had, they showed the turning radiuses on their plans. Then they sent those plans over to Lanc & Tully, our engineers, to look it over and determined that they would work on that area. They redesigned the parking lot from

when they initially had a problem with it...they don't have the plan with the turning guides. They wouldn't have gotten this far without that. It was a major concern with the fire department and them (the Planning Board).

Mr. Berger said that was the one concern from last year. And more recently with the advancement of City Winery and how it relates to this, he was really concerned. He will take a look at those reports.

An unidentified man spoke saying he would add that these units were approved for 68 units when City Winery did its traffic study, so while this project is due its review, City Winery came out and was approved, so these units, 68 units, should have been included in their traffic study for their... (inaudible) what we have been approved for.

Mr. Berger said he agrees with him but what he's talking about is the increase of City Winery.

The unidentified man continues, with City Winery, eventually something might have to be done but its scale, the number that these 58 are producing at that intersection are miniscule compared what's already there and what City Winery is putting out there.

Mr. Berger said originally, way back when during the City Winery, he was very vocal about from the railroad tracks to City Winery and a one-way street coming out of Loosestrife that something needs to be done there. Certainly, he believes from the railroad tracks to City Winery, he knows it's an infringement on properties and all that kind of stuff, but for him, he thinks there needs to be an upgrade there. It seems to him that, he has no problem with their project at all, it's just that he wants the infrastructure which sometimes we seem to think about that last when projects are being suggested. He just wants to see the infrastructure will work for the entire project and not. He thinks it was, for the intersection down at 17k and the traffic and everything getting in and out of there on weekends a couple of months ago, it is a concern and he thinks that when all due diligence they have to put what's best for our Village. He loves City Winery and he think the Loosestrife project is a good project. He thinks there is a need for more housing, they've talked about that a lot, but he would certainly like to see that infrastructure be part of these projects and upgraded to fit the needs.

Mbr. Meyer said they are also concerned about the amount of traffic there. He would like to know how the introduction of those traffic lights on 17k by the high school and Dollar General plays a part in not adding or subtracting from the traffic, but how does it help or hurt, he's thinking it might help the traffic flow.

Mr. Berger said, at the Town level, he's talked about that quite a bit because there is a new design on 17k there whether we want to admit to it or not. There are turning lane that weren't there during these projects. He knows it's a little up from City Winery in this particular project but there are also stop lights. He thinks at some point, they had mentioned that there might be a need for a stop light at Factory and 17k. It was just a thought.

Chrm. Conero said City Winery did do a traffic study and they did identify the critical areas that were the high school area, peak times for drop off, those were included, 17k and 208 and all the high traffic area were included in the traffic study for City Winery.

Mbr. Crowley said they were opposite the school times; City Winery height of their business is not the same as the school; the school has had some issues and had to change the timing of the lights a few times because it has backed up into the Village of Montgomery and up to Scotts Corners.

Mr. Berger said, again, he thinks it is very important that we put everything together, that particular area in the Village is growing quite fast. He doesn't know if the other apartment complex is still in the works; there's a lot of things going on and he just wants the infrastructure there to handle it.

Randi Picarello asked about the times of the lights. She wanted to know if it were still being looked at. Who is in charge of it? She was coming out of Brescia Way and it seemed like the traffic light in the Village and the new traffic light, the timing of them rendered it impossible to pull in/out anywhere between those lights.

Mbr. Crowley said that is not up to us. The Town of Montgomery or the DOT. The people at the school are noting it.

Chrm. Conero asked if there were any other comments regarding Loosestrife expansion.

Mbr. Crowley asked if the outside design, not trying to get ahead, what type of material it is going to be?

Mr. Bardwell said he is not familiar with what the architecture is at this point. As some point soon architectural elevation will be produced.

Mbr. Romano asked if they would match what is there.

Mbr. Crowley said the other buildings are in desperate need of painting, the roads need to be improved, there are potholes, the buildings haven't been painted since 1995. She thinks its some type of composite...it is not vinyl.

No one is sure what will happen with the existing buildings.

Atty. Tunic advised the Board to keep waiting on the engineering for the bridge, in case any additional comments come in from either the Fire Department or anything, just keep it part of the public hearing record. She recommends to keep it open because they are still waiting on final...

The fire department has reviewed and they have reviewed with the engineer the weight loads, engineering of the bridge, it's just the final design so there is no...

Chrm. Conero said they can't render a decision on this tonight because they haven't heard back from the County. If you suggest we leave the public hearing open, he doesn't mind leaving the public hearing open. We'll have the County Planning document back or won't and we'll go forward from there. What is the Board's feeling on that?

A MOTION was made to ADJOURN THE PUBLIC HEARING FOR LOOSESTRIFE FIELDS PHASE II 204-1-2.22 TO NOVEMBER 17, 2021, AT 7:30pm by Chrm. Conero, seconded by Mbr. Steed and carried 5 Ayes 0 Nays.

RE: OLD BUSINESS

RE: KAMP PROPERTIES 207-1-34

Mr. Olley is representing the applicant. They needed two variances, one for lot frontage and one for the geometry of the property for both lots. They did receive the variances from the ZBA. Each lot has 33.6 instead of the 40ft and they did indicate that in the table of minimum dimensions. They addressed the comments that the Board provided them, what John had provided them when they made their initial presentation before going to the Zoning Board and they are now returning to advance this with two lots. They've made Lot 1 wider than initially presented it's a 10,000 sq ft zoning requirement but that lot is about 29,000 and the second lot is 81,000 sq ft. They will make connections to the water system on the opposite side of Goodwill Road; there are actually two water mains that run down there. One is a 4in diameter main on the near side of the road and there's a 10in main on the opposite side; they will be connecting to the 10in main. They will have individual sewer connections for each of the lots and because they have this low area down here (indicates on site plan) it will be necessary for each of the lots to have an individual grinder pump instead of having any kind of maintenance agreement between the two parties. They will actually have two separate pumps. Sheet number 2 shows the proposed grading of the site; shows the utility connections. They've incorporated a culvert that will go underneath the driveway just to make sure that there's no ponding of any water behind the DeMaris residence. The only fill that will be placed out there (indicates on site plan) is to construct the transition for the driveways. That will taper out about 75-80 ft from the road. After that the grade will follow the existing contour. There is some regrading around each of the houses. They provided details for the pump station and erosion control measures. They provided for the Board's benefit, the responses they submitted to the ZBA prior to them granting the variances so that you have the issues that were brought up and addressed. They would like to advance SEQRA and schedule a public hearing. He received the Lanc & Tully review letter. They have no issues except for the driveway, comment #4. It is the most significant comment. There are a few things to take into consideration. Number 1 is the posted speed limit on Goodwill Road, which is 25-mph. That sets them in the DOT guidelines or American Association of State and Highway Transportation Officials Guidelines for certain distances, for site distance and stopping distance. For a 25-mph posted road what they consider to be the optimal intersection site distance varies from 240-280ft and that is based on whether you're

crossing 240 if you're making a right hand turn and not crossing a lane to 280 making a left-hand turn. There is another very important aspect of that because when you read the DOT guidelines, they recognize that you can't beat that in all conditions. The second very important criteria are the safe stopping site distance which is, for 25 mph 155ft. It's very considerable reduction in that distance and that is the ultimate avoidance of maneuver that you can take to just come to a stop. That accounts for reaction time by the driver, it doesn't take 155 ft for a car traveling 25 mph to stop but it takes into account the reaction time as well as the actual breaking time so that's where it comes down to the 155. The DeMaris's house is on top of the road and they have some things that are actually in the Village's right of way; an arbor and a picket fence. But they measured that site distance from a point (depending on which standard you're using) anywhere from 10-14ft back from the edge of pavement and measured 10ft back, they have about 180ft and admittedly it is between the arbor and the house. But it is clear site distance there measured at 210 ft at 10ft back from the road and at 14ft it drops to about 180. They exceed that safe stopping distance for that even though they don't meet the...Chrm. Conero asked what side of the road is that? Mr. Olley said that is looking north. There are other mitigating factors there. On the south approach is a full intersection stop, northbound there is no stop. Southbound coming on Goodwill, coming off Clinton, Valley, all three have stop signs. Mbr. Crowley said isn't there a stop sign...Mr. Olley replied, yes there is a stop sign at Robert and Tomkins. Looking to the right is not as issue, they meet the site distances. They cleared away some brush that was hanging in the road along the property line. It's to the left toward Clinton & Goodwill intersection. They meet the stopping site distance. They suggest a driveway warning sign be placed on the southbound approach to let people know there is a driveway up there. There's nothing they can do about changing the location of the driveway more than a few feet one way or the other. The DOT provides for mitigation measures to allow for the up-standard conditions or suboptimal conditions.

Eng. O'Rourke said is sounds nice but cut to the chase. Looking through the trellis doesn't work. It's a narrow window and you don't meet that. The site distance, there is a minimum stopping site distance for the car coming this way, he can hit his brakes and not hit the car pulling out. Typically, you like the site distance so you can actually see...he suggests at a minimum, talk to the Hwy Supt, you've got to have signage up there. He doesn't know if they've approached the neighbors about the trellis and see if they can remove it. He does have a serious concern with the site distance in that direction. Especially with two driveways together. It's a tough spot but they need a solid response rather than, "we think we can make it."

Mbr. Crowley asked, Autumn Leaf Ct, is it directly across or is it offset? Mr. Olley said it's directly across, maybe off by a few feet. Eng. O'Rourke said their angle, they can see. Mbr. Crowley said it's added traffic coming out. You've got a car coming this way, a car coming this way and a car backing up...it's not optimal. Eng. O'Rourke agreed and said there's also mirrors. You have to look into all the options and come up with something you are going to do. Speak with Buddy regarding what is allowed and approach the neighboring property owner but at least try. It's so narrow there. The deed probably goes to the center of the road because it's been there that long. Inaudible...

Chrm. Conero said, you mentioned mirrors. Would that be on the opposite side of the road and who's right of way would that be? Eng. O'Rourke said you'd have to look into it but it would be the Village right of way that it would have to be installed in. Then you'd have to have Buddy to accept that and cross easements that these people are responsible for. It's not a great idea but it's something. Chrm. Conero asked, are the things that are in the right of way that are prohibiting the site supposed to be there? They aren't supposed to be on that property; it's the Village right of way. Eng. O'Rourke said if you want to go to the DeMaris' and knock on their door and tell them; it's been there for years. Their deed is probably an old deed and goes to the center of the road. The Village has a right to maintain 33 1/3 ft; it gets too difficult to try to take it out. If they don't want it, have them provide a letter stating they won't remove it. But if you have the option, having it removed would make it much safer.

Chrm. Conero asked if they should send a letter to the DPW Supt and ask for comments on the site problem. We'll further ask about a possible mitigation? Eng. O'Rourke said that would be up to the applicant to contact Buddy directly. Mr. Olley said maybe they (a Lanc & Tully rep, the Chrm.) could meet out there with Buddy and take a look at it and go over any suggestions. They all agree to do that.

Eng. O'Rourke said they need to see the design of the two pump stations. Mr. Olley said they provided a design with head and flow volumes. There is additional information. Eng. O'Rourke said to just put a little summary together so they can get to Buddy so he's aware of it. Site distance is the big issue. He did attend the ZBA meeting and they were very concerned with the drainage and grading. They kicked that can to this Board because it's their prevue and he agreed. Tom did submit information but we all know that area floods. The apartment complex across the street, the one channel is definitely silted up. The Village can't go in there and clean it so he suggests approaching the neighbor across the street because it is causing some of the backup. The other issue is this grading; we should add a note to the plan saying "area prone to flooding" in those lower houses because that back lot is going to be, on a heavy storm, completely covered with water. So, note that on the plan, as well. The ZBA was very concerned. Chrm. Conero said, they also talked about the construction of the two homes will not have any impact on the stream. The additional runoff of the two houses and the excavation and grading of the driveway will not have a noticeable increase in the flow. Eng. O'Rourke said he's not saying to do a whole new drainage but at least put a note on the plan because what's going to happen is they're going to sell these lots and the homeowner is going buy it and come to the Village and scream that his whole front lawn is under water. Mr. Olley said he will include a note saying inundation during rainfall events. Eng. O'Rourke said since these last rain events, all he's doing is answering calls about flooding. It's an easy note to clear up.

Eng. O'Rourke said there will have to be a driveway easement agreement because of the combined driveway area...Mr. Olley said they have a double-wide driveway and each one stands on its own so they're separate. Eng. O'Rourke said they should still have a note or some language makes it clear that says each owner is responsible for their own

driveway. Mr. Olley said that is why they didn't do one single driveway. They will add something.

Mr. Olley would like clarification on parkland fees for a minor subdivision.

A MOTION was made to SCHEDULE A PUBLIC HEARING FOR KAMP PROPERTIES 207-1-34 ON WEDNESDAY, NOVEMBER 17TH AT 7:45PM by Chrm. Conero, seconded by Mbr. Romano and carried 5 Ayes 0 Nay.

RE: HANOVER DEVELOPMENT 202-3-4.2

Jay Samuelson is representing the applicant. This property is at 71-73 Clinton Street. It is a proposal for a new building fronting on Clinton Street that will be approximately 5,000 sq ft. It will be a mixed-use building with commercial on the first floor and residential on the 2nd floor. They are proposing 8 apartments in accordance with the new Village zoning that allows apartments above commercial as long as they're greater than a certain square footage. Each apartment will be approximately 1,000 – 1,200 sq ft; it is roughly a 5,000 sq ft footprint after removing hallways. They are in excess of the minimum.

The other change to the property is that they are revising the rear parking to have an entrance in and an entrance out, rather than just one in off Charles Street. The reconfiguration of the parking lot will gain about 21 parking spaces than what is there now, ending with about 52. There will be a sidewalk between the two buildings that will allow for access to Clinton Street or the parking lot. The access for the existing building will remain the same in the front, the rear access is for the kitchen and the stairs go up to the second-floor office. The new building commercial will access Clinton Street and the second floor will have access from the parking lot and the alley between the two buildings. They are working through architecture and layouts now but they will have for a future meeting. He has John's comments and doesn't see an issue with any of them. They would like to move to schedule a public hearing.

Chrm. Conero asked Eng. O'Rourke about the comments.

Eng. O'Rourke asked for clarification on the snow storage. The snow storage that is shown is not real but realizes that it is snow storage. Instead of having it close to the neighbors, like shown, add a note to the plan that if required by building department, any snow will be hauled offsite. Mr. Samuelson said there's already an issue with snow...everyone laughs.

Mbr. Crowley asked if the resident parking would be marked? Mr. Samuelson replied, yes. They are proposing 8 residential units so there will be 16 parking spots solely for residential use. Eng. O'Rourke said it is within 500ft of the municipal parking. Mr. Samuelson said there will be defined space for the residents.

Eng. O'Rourke said there's a note that you are holding off the landscaping to the building permit process...Mr. Samuelson said they haven't finalized the architecture of the

building and they haven't finalized door locations and it may shrink by a foot or two; he doesn't have that footprint yet. It's really just going to be around the new building because most of the rear is parking. Eng. O'Rourke said you have to at least show the minimum and if you can get more, you get more. Bruce is not going to review an ash tree vs. a maple. Mr. Samuelson said by the next submission he should have a more defined footprint that he can throw on there.

Eng. O'Rourke asked about proposed lighting in the parking lot. Mr. Samuelson said exterior mounted building lighting shining back on the parking lot. (Indicates on site plan) This area is pretty well lit, there is a large light on the side of the back of this building that lights up the parking lot. It's pretty well lit at night. They will have some on the new building. Eng. O'Rourke said, standard note that it's going to be down lighting, or whatever the case may be and ask the Board to take a look at it between now and then, just so you have an idea how well it's lit. Also, look at some of the drainage. You have a new building going in, you're roof drains and footing drains, and you have one catch basin in between the two aisles, you're grading doesn't look like it's directing all the flow to that catch basin, so he's concerned about bringing additional water out on Charles Street. It currently goes there. Mr. Samuelson said this part of the parking lot (indicates on site plan) will be curbed, other than the future connection and the requirement they have to provide access to that lot. They aren't curbing this so they can run that along the curb and make this more of a hump so it does not drain out to Charles Street and collect in this middle area, if they need to add another catch basin within the middle of the parking we can. Eng. O'Rourke said looking at your grade line a lot of it is going to miss that middle catch basin. Mr. Samuelson asked where? He has some...inaudible...to make sure they do have a swale coming across this driveway (indicates on site plan) to get it in there. He will make sure. Mbr. Crowley asked if it will be repaved. Mr. Samuelson said yes, the whole parking lot will be done. Mbr. Crowley asked if it would bring it up higher? Mr. Samuelson said there will be grade changes but a gentle slope from the building back; they do need to raise part of the parking in this area to make it the same elevation as the street. Eng. O'Rourke said to check with Buddy about the existing catch basin/pipe you're tying in to, so that it's in decent shape and can handle the additional flow. The area that you don't have curbed, he suggested a guide rail or stockade fence or curb stops so they don't damage the end of your pavement because it's not curbed. Mr. Samuelson doesn't want to do parking bumpers; he will come up with something else. Chrm. Conero asked if they would be replanting trees that they intend to remove. Mr. Samuelson said, no not with the grading. They will put up a fence, or something, to protect the neighbor for shielding.

Eng. O'Rourke said, you're doing a slight grading into that area, raising it 6 inches, either have a phasing plan, how you're going to do the parking lot; you'll probably be open and the restaurant...split in half and half because you don't want a giant mess, and just confirm, in one spot you look like you're raising it 4-6 inches, were you planning on repaving or ripping out the existing. Mr. Samuelson said it's ready to be replaced.

Chrm. Conero asked what the maximum height of the building would be. Mr. Samuelson said 35ft. They are staying within Village code. They aren't asking for any variances.

Chrm. Conero said, is that where the 3rd floor comes from? Mr. Samuelson said there will be a third floor. They are still working through the architecture. It'll probably look similar to John Wood's, on the corner. It'll have that same style, very flat sloped roof on the top, some dormers, but it will comply with the height. Chrm. Conero asked if they would have an architectural review of this if they go to public hearing? Mr. Samuelson said that is their goal. He met with the architect and plans to have it.

Chrm. Conero asked if there is Historic District down there? Mr. Samuelson said yes. Chrm. Conero said it will need to be referred to the AHRB. Can they go forward with the public hearing and refer back to them, or refer it first? Atty. Tunic said it would be fine as long as it gets to the AHRB. Their comments will then be incorporated as part of the public hearing record. Eng. O'Rourke said you can always keep the public hearing open.

A MOTION was made to SCHEDULE A PUBLIC HEARING FOR HANOVER DEVELOPMENT 202-3-4.2 ON WEDNESDAY, NOVEMBER 17, 2021 AT 8:00PM by Chrm. Conero, seconded by Mbr. Meyer and carried 5 Ayes 0 Nays.

RE: ROWLEY DEVELOPMENT 99 CLINTON STREET 202-2-13

Atty. Tunic recused herself from the two Rowley projects on the Planning Board agenda as they are clients of the firm she works for.

Mr. Samuelson is representing the applicant. This is a proposed mixed-use building located in the existing parking lot behind 99 Clinton Street. Keller Williams in on the first floor and Rowley Development offices are on the second floor. This project went to ZBA for a height variance that was approved. It will be fronting on 211, commercial will have access on 211, on the backside coming in off Charles Street will be the garage entrances for the residences above the commercial on the second floor. The parking lot will be cut off for the existing building. He said the handicapped space, (indicates on site plan) they can add spot grades to the existing pavement to show that it meets grade because it is flat there. The existing stripe is there. They will have to go to DOT to discuss the ramp with them anyway, they will bring this up with them, as well. Eng. O'Rourke, the curb brake for the drainage between the two, Mr. Samuelson said they will provide the calculation to show that it's adequate. Eng. O'Rourke said he doesn't think it's adequate, someone will plow snow there. It's small. He doesn't know why it can't be made wider; people will probably walk there; it's going to clog with leaves and snow and will save you a couple of feet of curb. Mr. Samuelson said they will look at it. Also, backing out of this spot (indicates on site plan), they are trying to make as much parking as they can get there. They can eliminate that space and stripe it out but they feel if a car needs to make a few maneuvers to get out, it would be better. Eng. O'Rourke said another option would be compact car or motorcycle space.

Eng. O'Rourke said you need to declare intent to be Lead Agency, reassert SEQRA, even if it was already done.

Mbr. Crowley asked what the height of the building is going to be? Mr. Rivenburgh said it will be 38 ½ feet high.

Eng. O'Rourke said this will need County Referral, DOT permitting, redo Lead Agency, even if it were done before. You may want to schedule the public hearing for December; that give the County and DOT time to respond.

A MOTION was made to DECLARE INTENT TO BE LEAD AGENCY, TYPE 1 ACTION, FOR ROWLEY DEVELOPMENT, 99 CLINTON STREET 202-2-13 by Chrm. Conero, seconded by Mbr. Steed and carried 5 Ayes 0 Nays.

A MOTION was made to SCHEDULE A PUBLIC HEARING FOR ROWLEY DEVELOPMENT, 99 CLINTON STREET 202-2-13 on Wednesday, December 22, 2021 AT 7:30PM by Chrm. Conero, seconded by Mbr. Crowley and carried 5 Ayes, 0 Nays.

RE: NEW BUSINESS

**RE: ROWLEY DEVELOPMENT RAILROAD AVENUE
202-13-1.123 & 202-13-5.21 & 5.22**

Chrm. Conero said this property was rezoned recently by the Village Board from Industrial to R6 and B2.

Mr. Samuelson is representing the applicant. This is their initial sketch plan that they are submitting based upon the rezoning. He thinks there is a minor issue with the map that was filed for the zoning. Chrm. Conero said it is being addressed. Mr. Samuelson said the zone line was placed on a tax lot line instead of the proposed. That is being updated. The area that is R6, there is 7 two-family homes proposed and the area that is B2 will be a mixed-use building with commercial on the first floor and apartments on the second and third floors. It's roughly a 6,000 sq ft building that will be six apartments per floor. There are two proposed parking lots, one on each side of the building. The one on the southern (or western) side will be solely for the residents of the building. He does need to make an amendment to show ADA parking but there are 24 spaces for residents. The other parking lot is proposed to be dedicated to the Village for a public/municipal parking lot and it will have 22 spaces in it. There is a 9-lot subdivision, there's a note saying not 8, this was a late change to a proposed Village lot. They will update their note. This is their initial concept, initial submission. They need to do engineering on it all but they wanted to bring the concept in and discuss it with the Board and get the comments.

Chrm. Conero asked Eng. O'Rourke to go through the comment letter. Eng. O'Rourke said this is a Type 1 Action under SEQRA. He's concerned about segmentation from here and the Village making that map change. He doesn't know if the Village adopted that, if they put Lead Agency notices out, or where you stand with SEQRA but just because of controversy they need to get that right. He wasn't aware it had been to the Village Board.

Chrm. Conero said it was several meetings ago. Mr. Samuelson said he would check with Ross.

Eng. O'Rourke, he agrees with Mr. Samuelson about doing the work on the engineering. It's a decent size so storm water management with a full SWIPP being required because it's over an acre and has commercial. Mr. Samuelson said the parking on Railroad Avenue, we can't count it because it's in the Village right of way, trying to provide more parking for the Village. Chrm. Conero asked, you have curbing, sidewalks, delineated spots out front so the street will now be defined? Mbr. Meyer said the intersection at Spring and Clinton is weird with the Railroad tracks not far from it; what is the benefit of having the entrance and exit to that parking on Clinton Street as opposed to Railroad Avenue? Mr. Samuelson said they can get more parking spaces this way. Mbr. Meyer said, but as far as traffic flow is concerned? Mr. Samuelson said it is a weird intersection with the offset of Railroad and Spring. Mbr. Meyer asked how many spaces would be lost if the entrance/exit were on Railroad? Mr. Samuelson said 2-3 spaces. Chrm. Conero said it does present an issue with the S turn. People will be coming down Clinton Street, people coming out of this parking lot. Who has the right of way? Eng. O'Rourke said this is just the initial submission. As they move forward, they're going to do further design and maybe put signs up. And maybe that we do reevaluate and you lose the three spaces and some parallel spots on the street. Mbr. Meyer said it looks a little off, it possible to readjust entrance/exit to that parking lot so it's flush with Spring Street? Is that beneficial? Mr. Samuelson said they could do that and move it further away from the Clinton/Railroad intersection. Mbr. Meyer said it may make sense for it to be more in line so people entering/exiting could go straight across to Spring Street, eliminating the number of turns. Mbr. Romano said there isn't a stop sign of Clinton. Chrm. Conero asked what is the proposed development for the lot that is going to be dedicated to the Village? Are you going to turn over a functional working lot? Mr. Rivenburgh said no. He is moving a pole (indicates on site plan) that is in the middle of the parking lot and the Village will pave the lot. Eng. O'Rourke said that should actually be spelled out either under SEQRA or certainly on the plan and we will need something from the Village that they will agree to those off-site improvements in that coordination. Chrm. Conero said if they are just getting the piece of land dedicated to the Village, couldn't it just be designed how the Village wants it to be? Eng. O'Rourke does not know what agreement they have with the Village Board. Mr. Rivenburgh said they will put the sidewalks in. Eng. O'Rourke said it needs to be documented what is going to be happening on the site plan. This is not ready for public hearing yet.

Mr. Samuelson said they will get to work and get some answers back to them.

Eng. O'Rourke asked Mr. Samuelson to follow-up with him about the SEQRA.

RE: FOOD BANK OF THE HUDSON VALLEY 214-1-1 & 36-1-2.12

Jason Anderson just wants to introduce them to the project. The Food Bank supplies food pantries and churches with food. The Food Bank is currently located in Cornwall and

they're looking to move out of Cornwall because it is difficult to get to major highways. They've been looking for property of over 1 ½ years where they can have warehousing to distribute food. Approximately two tractor trailers per day will deliver food; about 10 per week and 30-40 box trucks and mini-vans will come to pick up from there. That is basically the traffic. The big issue is having enough space and height. In Cornwall, they have 16 ft clear height for racking for storage. They are looking for 30 ft ht. He indicates where the warehouse will be on the site plan.

Molly Nicol is the CO of the Regional Food Bank which covers 23 counties from the Canadian border down to Rockland County. The six counties are serviced by a satellite Food Bank which is in Cornwall-on-Hudson. Food Banks aggregate large supplies of food from a wide variety of sources including the USDA and Feeding America. They bring in food, they inspect it, sort it, inventory it and then distribute it through a series of agencies, like food pantries, soup kitchens, senior living centers, backpack programs, all of those are supplied from the Food Bank including disasters. If you have a flood or hurricane, you know those guys handing out the water or food? That comes from the Food Bank. The disaster of COVID hit them hard. They're used to a disaster that's one location for a short period of time. COVID was pervasive and a long period of time and we're still in it. To put it into perspective, two years ago in the six counties of the lower Hudson Valley, they distributed around 15-16 million pounds of food. Last year, 22 million pounds of food. That's the uptick. They anticipate that that is going to stay with them for at least 5 years because the economic impact of COVID outlives the public health crisis. 22 million pounds of food, 57% of that had to be delivered from Latham down to the lower Hudson Valley because this warehouse is not robust enough to handle the volume. Delivering 57% of that food from Latham doesn't serve our neighbors in need very well. It also isn't a good business model for those of you who are business people; running a truck down full and running a truck back empty is not good for the environment or good for our business. All of those factors led us to conclude that they absolutely need to build a bigger facility. They looked at 18 different properties and concluded that they had to find land and this piece of property really is perfect for them. Number one, for the access and number 2, they like the Village. We are very, very good neighbors. We employ people, it's not just warehouse workers. We have office workers so there will be more employment in the Village because of this being located here. Their truck traffic is minimal. They are not Amazon; they are not UPS. They aren't running in and out. We're out in the morning and back at night. Their hours are 7:00am to 3:30pm. It's not 24/7, it's not 7 days a week. They are good community builders. They engaged 16,000 volunteers per year. That's all the people in the community coming and helping with sorting, inspecting and inventorying the food. They have Boy Scouts, they have people with developmental disabilities, senior citizens, regular folks coming and helping them. It really is a community building experience. We are hoping you consider them coming to join you in the Village.

Mr. Anderson said the fact about the volunteering. Ms. Nicoli said volunteers work on Saturdays. They have a lot of community partners that they work with.

Mr. Anderson said when you walk into the Regional Food Bank, you come in and have an office that manages, people that order, finances. The food pantries order what they need, someone grabs the orders, someone sorts it, gets it ready and boxed for pickup. 40% is freezer and cooler space to keep the food fresh.

Chrm. Conero said to keep in mind when designing this building and going forward, there are design guidelines that we have pertaining to warehouses, you're going to need to use those not just for aesthetics but also for size; the height. Your preliminary plans do take in to account the back of the property, there's going to be proposed residential in the back so part of our Comprehensive Plan Committee was that we increase the buffer size between residential and commercial. We just need to keep that in mind. How many employees do you think you'll have? Ms. Nicoli said they will start with 25 and probably have 50. They currently employ about 22 now, here in the Hudson Valley. The 70,000 sq ft warehouse in Latham employs 100 employees up there. The employees are college educated people in HR, finance and social services professionals.

Mr. Samuelson said (indicating on site plan) the intersection of 416 and 211, this is the existing cemetery and Butler Construction property, this is the existing access to Aden Brook Farms, so the proposal is, both of these properties are owned by Aden Brook, this one is in the Town, this one is in the Village, so there will be coordinated review, there will have to be a subdivision through both municipalities. The intent is to improve this driveway into a commercial road. They have DOT approval that for the previous building that Nick has on his property but they will still coordinate that with DOT. So, this will be approved to that point. This will come out of his overall piece; there's actually a separate piece in the Village and a separate piece in the Town so there will be some subdivision between the two that will go on. They can show you the map that shows the entire properties. They are aware of the parcels in the back, there is a piece of the original parcel in the Village that Nick owns that is back here (indicates on site plan) before they get to the Chandler Lane piece so there is a buffer there. What has been discussed tonight can be cleared up. This is the overall view and intention of the applicant.

Mr. Anderson said there is no food processing that happens there. It's just storage. They will need water/sewer for bathrooms for the employees and the basics. They've been negotiating with neighboring property owners as well as the Village is getting water and sewer from Chandler down, making a turn right next to Butler's property, tying into the Village water and sewer but that no other development that happens there would have access to that until such time that the other wells come online that are on Marc's property. Mr. Samuelson said all these improvements will be on Marc's property, not within the right of way but will all be within an easement that they'll dedicate back to the Village. They are going to do the improvements on his frontage that won't affect anything that he's doing and get to the very end and come across to the backside of this building. Chrm. Conero asked, you will be extending water/sewer from Chandler Lane down, on private property? Mr. Samuelson said yes and all be in an easement. Eng. O'Rourke said they have a very good team. When he looked at the plan, he assumed it was a hurry up project. They have to coordinate everything with the traffic and make one nice submission; EAF part II. Double check, the NYS Fire Code, depending on the size

of the building, is going to require two access points off an actual road. Mr. Anderson said they are just under that.

Eng. O'Rourke asked if they spoke with the County regarding extending the utilities? Ms. Nicoli said yes. Eng. O'Rourke said the airport has been going back and forth, on the other side of the road about expanding. They should have a meeting with the Village, your group and the County airport people. He'd hate to see them go in on private property and then the County decide they are going to do it and then there's two water mains, one under control, one not. They really need to coordinate that, it'll help you in the long run, hopefully they will pay part of it. Ms. Nicoli said they met with them once but a collective meeting would be very helpful. Eng. O'Rourke said it would be helpful to all three parties and also, the height of the building, when you meet with them...Mr. Samuelson said they looked at that and what height they can get to; 35 or if they need a variance to go higher. Mr. Anderson said if they stay within the zoning and building height, how do they hide the equipment for the freezers and coolers? It cannot be hidden on the roof; the ground has its own issues and they haven't figured that out yet. Eng. O'Rourke said when you look at the truck traffic and submit that, if you have a set route. Ms. Nicoli said they will not be driving through the Village. One of their main donors is UNFI and that's the opposite direction, it's very close to the highway. They are not driving in the Village. Mbr. Meyer said he appreciates that she brought up that its not just warehouse jobs, it's different kinds of jobs in this operation. The community needs different types of jobs beside warehouse jobs. You've clearly established the hours of operation, which is wonderful. He's still concerned who their neighbor is and they will be up and operational this Spring and they'll be operating your same hours. He is concerned about the traffic studies and how to alleviate the situation as best they can. The right thing to say is you won't travel through the Village but we all travel through the Village to get out and to get in. And you're proposing a nice-looking project but it's at the gateway to our Village, it's not just in our Village. Ms. Nicoli said they service six counties down here so they were looking for easy access to the highway. They don't get access to the highway going through the Village. Her transportation person is very particular about his trucks, he does not want them on tiny roads where they might have trouble. Chrm. Conero asked about the traffic study. Eng. O'Rourke said if there are two tractor trailers out in a day, it's minuscule compared to the other ones. They have to do the study, they have to coordinate it but it's limited to two trucks in/out per day over a ten-hour period, you're not going to know it unless you're stuck behind it. Lol As long as they go on the state routes and not through the Village. Mbr. Crowley mentioned that it's the same time as buses, there's traffic in and out. Mr. Anderson said it's not off of 211, which helps, too. Eng. O'Rourke asked, your trucks come down from Latham, are the trucks going to be stationed here, go to UNFI and come back? Ms. Nicoli said they are currently going to UNFI and taking food back to Cornwall. Eng. O'Rourke said you'll have your vehicle stay at this location? Ms. Nicoli said yes, overnight. They have 2 tractor trailers that will be here and probably 4 box trucks (less than 36 feet). Eng. O'Rourke asked, you won't be coming in/out from all over because there are other issues with other distribution and they're not their trucks, etc. These are your trucks. Ms. Nicoli said other vehicles will come to pick up food, minivans, pickup trucks. Eng. O'Rourke said to put a positive spin when you make this submission so we know the trucks are there and not causing issues.

Ms. Nicoli said even though their hours of operation are 7-3:30pm their trucks are out well before that; they come, they load up and they get out of there before 7:00am. Eng. O'Rourke said, for example, we're going to have a truck leaving at 10:00, we're going to have one coming in at 12:00. The key is not to have that interfere with that location, the biggest thing is the school and the school buses. That's what we want to coordinate. The same thing with the employees; if you have two shifts or three shifts, if we can get that so we know what the timing is, that's key. Mbr. Steed asked, your express route is going to coming out left onto 416 and left onto Neelytown Road, to UNFI, to I84? Ms. Nicoli said yes, they need to get to the five other counties and different locations in Orange County.

Eng. O'Rourke reminded the to try to set up the meeting with the County Airport, Lanc & Tully and the Village.

RJ Smith, in the audience, said there are many donations and many volunteers that are involved in making this happen. They are well under way with capital with this project.

RE: DISCUSSION

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

Chrm. Conero said he had a meeting with the City Winery people. He asked what was the update was on the Airbnb. They are doing the work there and that is good. You saw that they abandoned the platform down there so that will be removed and none of us were happy about that. One of the items is the overflow parking. City Winery does not want to pave it. One of the sticking points is this, on the site plan it says gravel. After speaking with Scott and Kevin Dowd, gravel was listed because it was temporary overflow parking, not part of the parking calculations. Our local law says that you have to pave parking lots. Eng. O'Rourke said before, the uses were very limited and they didn't need all that parking. It was never considered parking; it was considered overflow parking. Now, they are including it as parking because they have all these other uses. His opinion is that it should be paved, it should be curbed, striped. He wouldn't make them redo their whole stormwater management over again, because previously it was considered gravel, but it's going to be a real parking lot and if you don't have it striped, you'll lose about 25% of your spaces. Mbr. Crowley said, remember when they opened, they wanted a temporary CO and they didn't want to pave the main parking lot. Chrm. Conero said it was a safety concern. Mbr. Crowley said the overflow parking area is wet. She doesn't see how they leave that as gravel. Chrm. Conero said at the meeting, he told them he didn't know and he would get the information to him. He wanted to the rest of the Board to look at the parking calculations that their engineer did and determine whether its because they're abandoning the tent event so that's going to skew the numbers. Is the parking lot an actual overflow parking lot at that point or is it part of the calculations for the events? Also, according to the minutes in the public hearing on the PDD that was approved, in the minutes, their attorney got up and said there would be no more than 200 at any outdoor event. No more than 200, if that. So, they claimed that they never said that. If it's in the minutes, it happened, so, it happened. The original parking calculations for the overflow parking was based on 200 or less. That's another thing you have to

consider when thinking about this parking, is that we're increasing the size of this venue from 200 to approximately 400 or more. Mbr. Crowley said it went from 350 and their small music venue, and she remembers that. He had said it would be just like our venues in the city, very small. They are very tiny. She remembers because it was a public hearing and a lot of people had issues with the sound and how many people were going to be there and that there was already 350 people. Then it went from 350 people to 400 and now we've gone from a small group of people to 400 people even though they've taken back the tent. Eng. O'Rourke said they've taken back the platform, it's been cleared, leveled and grassed. Because of their past history, it's still a nice place for people to gather and congregate. Chrm. Conero said he was told that area that will be grass, in the future if he does have a wedding party or some type of party and they want a tent event, he will apply for a building permit with our Village and put up a temporary tent to have the event. Again, you can't take the overflow parking out of the calculation unless they abandon the whole use of the tent and go back to the original plans that were there for 200 or less. Mbr. Crowley said, they also said they wouldn't have all three venues in use at the same time and they've gone back on that a number of times. Now we're talking over 1,200 people when they originally came to us and said, we're going to be open for events Friday and Saturday for 350 people. Now they're open every day and it's 1,200 people. Mbr. Meyer said we sit here and he asked a question about the parking lot on the Railroad Avenue project, and why do we do this? We do this project the future, try to foresee the future with possible issues and problems. The parking lot needs to be paved; we know what this is going to end up being. We want this project, City Winery, to succeed, we want them to have their events and to make money. They need that parking lot, though. Mbr. Crowley said some businesses don't last forever and if something did happen when they go to sell, you don't want to mislead any buyers that you have all this parking and all this different venue space. You have to think of the future. Chrm. Conero said he wanted to bring them up to date on the zoom meeting he had with the Mayor and City Winery. He's asking John and Stephanie how he can get back to them. Stephanie said someone else will fill in for her for City Winery, the Zoning attorney. Mbr. Crowley reminded her that he does not have municipal experience. Chrm. Conero asked if he should get back to them? He wants to tell them that is based on our Engineer and our attorney, whoever it will be, had said. Our former attorney said that it needs to be paved. Can he, as the chairman, respond back to them. After consulting with our engineers and attorney, no, that this is the case and you have to pave it. Eng. O'Rourke said to blame it on them. Attorney Tunic said, she believes, she's not involved in any of this or the Rowley projects, she says they were involved in the sale of the land only. Eng. O'Rourke asked if they put the request in to him (Chrm. Conero). Chrm. Conero said they are talking about adding more viewing stands which furthers more people that to watch concerts. The Village Board is going to have to decide whether they are going to give them that change. Eng. O'Rourke said everybody wants to help City Winery but we want to help it so it doesn't ...inaudible...Chrm. Conero said he just to make sure it was all on the record; he's not trying to hide anything. Eng. O'Rourke said their recommendation is that they pave the parking lot. Trustee Lindner said he thought at a previous Planning Board meeting, that City Winery was supposed to come back with a master plan for review and Lanc & Tully to sign off on that had everything on it; from the platform, the parking, sewer hookup, all those things rather than them coming in as they had been with

piece meal. Mbr. Romano said they don't have an engineer. Chrm. Conero said they included the things we identified in there and Lanc & Tully responded to those things that hadn't been satisfied, parking, tent platform, those changed. Now the platform is not there, the overflow parking we have to make a decision on that. Sewer hookup and there's also a permit to start the construction of the hotel. Eng. O' Rourke said once everything is resolved, they can have one plan. It benefits them to do the piece meal. It does clarify what they need to do.

RE: CHANGE MEETING DATE:

A MOTION was made to CHANGE THE MEETING DATE OF NOVEMBER 24, 2021 TO NOVEMBER 17, 2021 by Chrm. Conero, seconded by Mbr. Romano and carried 5 Aye 0 Nays.

RE: MINUTES:

A MOTION was made to APPROVE THE MINUTES OF AUGUST 25, 2021 by Mbr. Romano, seconded by Mbr. Meyer and carried 5 Ayes 0 Nays.

A MOTION was made to APPROVE THE MINUTES OF SEPTEMBER 22, 2021 by Mbr. Meyer, seconded by Mbr. Romano and carried 5 Ayes 0 Nays.

RE: ADJOURNMENT:

A MOTION was made to ADJOURN THE MEETING AT 9:27pm by Mbr. Crowley, seconded by Mbr. Steed and carried 5 Ayes 0 Nays.

Tina Murphy, Deputy Village Clerk