

**MINUTES** of the Village of Montgomery Planning Board meeting held at the Montgomery Senior Center, 36 bridge Street, on Wednesday, January 25, at 7:30pm.

**ATTENDANCE:** Chrm. Conero, Mbr. Romano, Mbr. Frisbie, Mbr. Steed, Mbr. Meyer, Vlg. Atty. Joseph McKay, Vlg. Eng. Scott Sicina of Lanc & Tully, Ross Winglovitz, PE & Jay Samuelson of Engineering Properties, Atty. John Cappello, Tom Olley of Olley Architects, Randi Picarello, Don Berger, Robert Williams, Vincent Satriano, Beth Selig, Bill Freeman, Sue & Mike Hembury, Mary Ann & Walt Lindner, Joan Christiano, Steve Brescia, JoAnn Scheels, Tina Husinko, Jesse Meyer, Jeff Van Zand, Chris Ladanyi, Mark Gridley, Rie Kawada, Veronica Rickerd, William Geist, Karina Tipton, Michael Grundy, Emily Ganter, Susan MacEwen, Mike Lundy, Branden Rabb, Jason Anderson, Rich Neidermeyer, Walt Pahucki,

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

**OLD BUSINESS**

**RE: ZAFIR – DUNN ROAD 213-3-4.22**

Atty. McKay read the main points of the documents.

**A MOTION was made to APPROVE THE NEGATIVE DECLARATION AS WRITTEN BY ATTY MCKAY FOR ZAFIR, DUNN ROAD 213-3-4.22 AT 7:38 PM by Mbr. Meyer, seconded by Mbr. Steed and carried 5 Ayes 0 Nays.**

**A MOTION was made to APPROVE THE RESOLUTION AND PRELIMINARY SITE PLAN APPLICATION AND SPECIAL EXCEPTION USE, AS WRITTEN BY ATTY MCKAY FOR ZAFIR, DUNN ROAD 213-3-4.22 AT 7:40 PM by Mbr. Romano, seconded by Mbr. Frisbie and carried 5 Ayes 0 Nays.**

Atty. McKay to confirm whether the project needs to appear before the Village Board for their approval.

**PUBLIC HEARINGS**

**RE: PATHWAY PLACE MANAGEMENT, LLC 203-1-1**

**Chrm. Conero** asked Ms. Murphy if the mailings had been received to be able to hold the public hearing.

**Ms. Murphy** replied, yes (13 of 13).

**A MOTION was made to OPEN THE PUBLIC HEARING FOR PATHWAY PLACE MANAGEMENT, LLC 203-1-1 AT 7:41 PM by Mbr. Meyer, seconded by Mbr. Steed and carried 5 Ayes 0 Nays.**

**Atty. Taylor Palmer** is representing the applicant. They are looking for site plan and subdivision approval for a proposed 8-unit townhouse development. He is going to give the public a background on some of the project details and then his colleague, Jay, will walk them through the progression of the site plan that's been revised and reduced in its development, scale and proposal, in response to public comments and comments from the Board over the last four years.

Nearly four years ago, in August of 2019, the applicant originally submitted a proposal to the Planning Board proposing a residential development consisting of a two-story building with 22 residential units. As he mentioned, they reduced the project down to 8 units consistent with changes to the Village code and of course to response from comments from the Board. At that time, the density was permitted... (**Atty. McKay** asked Atty. Palmer to slow his speech down a bit; that he was writing as fast as he could.)

**Atty. Palmer** continued; the building next to the existing project is 13 total units. It's an existing apartment building, as you're all maybe familiar, next to the proposed development and this new development would be on a separate lot that would be subdivided from the existing lot. During the course of the Board's original review of the application, the zoning code was changed and the project was since reduced to the current proposal. In December 2019, the applicant revised the site plan, at that time showing 10 total units for the proposed structure. That was a reduction of 12 total units from what was originally proposed. Since that time, the applicant has appeared at several meetings of the Planning Board over the last three years and has continued to adjust and modify the proposal, which again, now is 8 residential town homes. That's built into the slope of the property behind a landscaped berm that will provide additional screening to create what is now going to be referred to as "Lot 2." The existing apartment building with the 13 units that currently exists there today will be new "Lot 1." The applicant during the process with the Planning Board, also set up a meeting with the State Historic Preservation Office, again, Ms. Selig will speak to those discussions with the Board, and that took place in October of last year. Following that SHPO meeting, the project was again revised, and again, they have a visual representation of this that Jay will walk through just to sort of lay out for you those changes more visually for the benefit of the public. There were comments that were referred from the SHPO to ensure that the project would not have any visual impacts, in particular, to the Crabtree House, which is about 250 ft way from the closest development on the new site. The building was reduced in size, scale, additional screening was implemented, as he mentioned, the berming with the screening to provide additional screening. The building was set further away from the property line and reduced the size of the overall building. They also adjusted the architecture and the façade of the building to further reduce, or mitigate any potential impacts. It would be worth noting that the Crabtree House is also approximately 275 ft from the existing, Crabtree Lane apartments down the street. Some of the other changes to the project include a garage space that was added which was a result of the reduction of the size of the proposed parking area and any other visual impacts that might be associated with same. The project is co-compliant for parking but they also added additional parking spaces at the recommendation of the Planning Board to provide for visitor spaces. The applicant also retained a historic cultural resources consultant, Ms.

Selig, to repair recommendations based on comments from the Board and on referral to that State Historic Preservation Office, which he'll interchangeably refer to as "The SHPO." As you are all familiar, Factory Street is currently a mixed-use neighborhood; it is presently ..... by a warehouse at 11 Factory Street, a storage facility at 9 Factory Street, the Kal-Pac Corporation at 10 Factory Street, residential properties at 15-20 Factory Street, of course City Winery which is the restored mill complex at the northern extent of the roadway with a large parking area and related improvements and vehicle traffic that travels on Factory Street for weddings and other events there. There's also existing multi-family developments on Patchett Way and of course, the Crabtree Lane apartments and of course, 15 Factory Street which is the Crabtree House, 13 multi-family apartments immediately adjacent and part of this development site that is being subdivided today. Given the existing built environment, including along Crabtree Lane, the proposed driveways for the 8 total units are consistent with the character of the neighborhood. They also have some photos of the existing screening in the area both on their site and on Factory Street, which they will show momentarily.

They've also made attempts and outreach, they mentioned to the Board before, with respect to the property owners. The Board has spent a lot of time, and they've worked very hard to address the comments from the Board and the SHPO, with respect to any potential impacts to the Crabtree House, or otherwise. Of course, this is a development that is consistent with the existing apartments located next to it, and they've also offered off-site mitigation that has, at least at this time, has not been responded to by the owner of the Crabtree House. Again, they are making that offer consistent with the application although they don't believe its necessary. They are certainly trying to do anything they can to mitigate that procedurally, for the benefit of the Board and the public. This is an unlisted SEQRA action, not a type-1 action and the Planning Board is the lead agency for the environmental review of the project. The County General Municipal Law 239 Referral was made in connection with this application for the site plan and subdivision and as the Board mentioned at the beginning of the meeting, the meeting was noticed in accordance with Village law and the Village zoning requirements. With that background, he will have Jay to walk through the transition of the project, again, responsive to comments from the Board.

**Jay Samuelson** of Engineering and Surveying Properties introduced himself. He said, a clarification of Taylor's comments is, what he is referring to as the Crabtree Apartments, most people refer to it as Loosestrife. So that we're all on the same page and know which ones we're talking about.

\*\*\*As Jay is speaking, there is a slide show of the history of the project.\*\*\*

In August of 2019, they made the original submission, as Taylor said, which is a 5 ½ acre parcel. There are 13 existing apartment units on the complex with 26 parking spots. The original application was for a new building that housed 22 units and provided 47 parking spaces. That was a little over what the code required but those were to account for handicapped spaces and additional guest spaces. They had two points of entry, one utilizing the existing entry into the current building and a 2<sup>nd</sup> one for fire and emergency

access, so that way the entire site had two points of entry; ingress and egress. They made that presentation to the Board, they had some comments, they resubmitted in October of 2019, essentially the same building with the major change of shifting the building back away from Factory Street. It still had 22 units, still had the same parking and same two entrances.

In December of 2019, they made a revision to 10 units; that was a reduction. The building size itself was reduced by 20% and the unit amount was reduced by 55%. Again, this had two points of access. There were 24 parking spaces (22 spaces out front). Again, two points of access. All of this complied with zoning, all of the application complied, none of them needed variances. At this point and time, the Board made several comments about the visual impact that they would have, so they started contacting the State Historic Preservation Office; they made several submissions to them. Basically, this is the same plan that was submitted in December. This was submitted to the State Historic Preservation Office in February 2020. Again, it's the same plan, they added some really basic landscaping in the original. They gave them some site lines showing what the site-line would be from both Factory Street and the Crabtree House looking what the elevation or topo was, where the trees were planted, where the existing trees were and where the proposed building would be. They did get some comments back, they made some revisions. They made this one basically again, the same 10-unit plan, this one had to deal with a lot of changes to landscaping. SHPO asked them to bury the landscaping, add more in front of the building, which was done, again, with the revised site lines. That was March of 2020, which we all know is when the pandemic hit.

This project was put on a temporary hold, like most everything else was. During that time, when we were on hold, the Village went into moratorium around June of 2020, which lasted until they adopted the new zoning in July of 2021. At that point and time, there were changes to the zoning that affected this property. They took some time to look at those zoning changes, look at their layout and modified their layout. That's when they changed to a townhouse style unit and subdivision. Both still comply with the multi-family zone in the Village. This was an 8-unit townhouse project so that eliminated all of the large parking lots in front, the two entrances and they revised it to show that each of the units would have a driveway; they combined them so there would only be four driveways instead of eight. One of the other big things that the zoning change did was they implemented the section of the code that prohibits any disturbance of slopes greater than 20% within 100 ft of the river. So, where they are, that pushed their building a little bit closer to Factory Street to make sure they could comply with that section of the code. Again, this was April of 2022. The next time they submitted was in August of 2022. They made some minor changes to it. It's still the 8-unit building. They've added some landscaping, they've showed the berming in each of the lawn areas in front of each of the units. Again, it's still an 8-unit building with 4 driveways. This reduces the unit by 64% from their original application. Here is some of the original landscaping. (Still the slideshow.) Here is the revised site lines that showed the different housing and different landscaping. Here was the original concept of an elevation, this is the second one which was a very dark color. They changed to a much lighter color that would fit in better with the background. December 2022, was one of their latest submissions. In between the

August submission and the December submission, they have had several conversations back and forth with the State Historic Preservation Office. They went through a couple of conversations with them. They had a conference call with their team with SHPO and a couple of members of the Planning Board. At that point in time in December, they shortened the building again. They took another 9-11 ft out of it and shifted it 6 ft to the left, giving them an additional 15 ft of landscape area on the right side. So now their building is shrunk even more; they are 22% reduction from the original size. They are still at 8 units, still with 4 driveways, more landscaping, more site-lines. (Still the slideshow.) Here is the perspective they originally had done that they had the architect to do, looking; because the Board had asked them what the building would look like if you were sitting on the porch of the Crabtree House. This was the initial perspective that was done. When they shifted the building, the same renditions with the same landscaping. Now, they've moved it back. Here is the current proposal of what this building would look like with the landscaping and the color from the edge of Factory Street if you keep going. Here is a couple of different perspectives of it and here is the now perspective of it from the Crabtree porch. You might say that they look exactly the same. They can provide this perspective; it is at Village Hall. If you look at these two closely, there is a big difference in the two perspectives. One is much further back, much more screened on their property, shielding the building a little bit further.

So, overall, since the original submission in December of 2019, they've reduced the building size by approximately 22%, they've reduced the unit count by 64% and through all the changes that they've done, with the changes of the building, changes to the parking and used driveways, they've actually reduced the amount of the pervious cover by almost 26%. They have reduced this project significantly between 2019 and now. He shows an aerial photo of the area where they are at, discussions with Mr. Palmer talked about the location of where the actual proposed site is, below that is the 13 existing units, below that is the Kal-Pac site and to the right of that is the storage units. The white roofs at the very top are where City Winery is, in between there are residential units, the Crabtree House and Loosestrife Apartments are to the right. This neighborhood does have a wide variety of uses between industrial and multi-family, single and City Winery. Jay introduced Ms. Selig to speak.

**Beth Selig** of Hudson Cultural Services. She has been working with the SHPO and applicant's team on this project since April of 2022. She has had email conversations and, as Jay mentioned, had a conference call most recently in October of this year. Through the course of this consultation one of the things that the SHPO agreed upon was they liked the color. They thought it fit the neighborhood and blended with the vegetation. In their conference call where members of the Planning Board were there and our team members were there, some of the suggestions they had were to shift the building back further off the road to create more of a safer distance in between. They looked at potentially reducing the size, which has been done, they brought the size of the building down. The overall, they did feel that the applicant had been responsive to their comments and different request that they had made. One of the things the SHPO staff did stress was under SEQRA, they don't have jurisdiction. They are not lead agency, they don't have the right to issue a determination; all they can offer to the Planning Board is what they

believe is going on and what their recommendations are. The SHPO did ask for color changes, that did happen, they asked for setbacks, that vegetation and screening should be appropriate at the rate of success that's profitable. As Jay has described and Taylor has described, the applicant has reduced the overall scale and mapping, altered the design to create and articulate...and transitions quite nicely from the industrial side of the neighborhood to the residential portion of the northern end of Factory Street and to tie in the two different apartment buildings; the one at 13 Factory Street and Loosestrife Apartments up to the northeast. As mentioned, the neighborhood is a mix of warehouse, multi-family, single-family and then the restaurant and event space up to the north. She has been to City Winery for an event and there has been some rather substantial changes to that property; creating the parking lot and creating a more modern feel while maintaining the historic aspect. That is all of the comments she has.

**Atty. Palmer** said they are here to answer any questions the Board might have, you're certainly at the helm here, but they're here to address those comments. The applicant did hard work and appreciates the public's comments and input, they've been doing everything they can to make this another successful project.

**Chrm. Conero** thanked Taylor, Beth and Jay. He asked if anyone on the Board had comments before they opened to the public. The Chrm. stated that this is a public hearing so they aren't really there to answer a lot of questions, it's not a back-and-forth question answer thing. If they have a question and if they can answer it, they will or they can't, they'll get back to you but they'd like to keep the questions and answers down to a minimum, it is a public hearing. If you do have a comment on the site plan, subdivision, the architecture of the building, anything with the historic character of the neighborhood, all of those things, they are here to listen.

**Atty. Palmer** interrupted, just so they know, it's being recorded, everybody else is taking notes, they are taking notes, they will respond to all the comments in writing if they don't answer.

**A MOTION was made to OPEN THE PUBLIC HEARING TO THE PUBLIC FOR COMMENT FOR PATHWAY PLACE MANAGEMENT, LLC 203-1-1 AT 8:02 PM by Chrm. Conero, seconded by Mbr. Steed and carried 5 Ayes 0 Nays.**

**Robert Williams – 15 Factory Street** – He has a list of concerns, followed by some suggestions that are meant to be constructive for everybody.

- Lack of screening. This project is still very visible from the Crabtree property as it is proposed and he thinks SHPO has been very consistent over the past number of years about this being a major concern. He certainly hopes the Board takes that into consideration. He hands out a photo that was taken from the front porch of the Crabtree house and that black line that is on there shows the area that would be visible, of this project (from the Crabtree House). If there's any questions, he'd be more than happy to answer them.

- The potential lighting. Should be taken into consideration as well as the installation of sidewalks. The installation of sidewalks has been before the Village over the past few years and SHPO has weighed in on this over the past couple of years, that any of these improvements be made to the west side of Factory Street. As you can see from the plans behind you, the Village's right of way is on the west side.
- Factory Street is a no parking street. That also impacts the environment.
- The plans that they've shown, would be to actually see a line of site rendering from the Crabtree House. They did present one but it's a little more outstanding than they are showing. It would probably be helpful to show from the Crabtree House and other residences in the neighborhood. The Crabtree House, even though is listed on the National Register, is not the only property on Factory Street that is eligible for listing on the National Register. The State has already recognizes the AHRC building as being eligible. It's also on the same side of the street as the Crabtree House. The house that's in between AHRC and Crabtree House is also, from his experience for listing on the National Register.
- He strongly recommends that the Planning Board members who have not been out to really have a look at Factory Street to go out, have a look at it the environment that they're talking about and take a look at the single-family residences and consider how this project will really impact that neighborhood.
- Has the Board considered reaching out to Elise Johnso-Schmidt on her suggestions in reference to this project since she specializes in cultural resources and landscape planning and he believes she is on retainer by the Village.

**Chrm. Conero** said they really refer the industrial zone plans because they have warehouse criteria built into our code. So, when they have this warehouse criteria, the Planning Board needs to have some input so they hired a historic person who will actually look at the plans and give suggestion. He asks Atty. McKay if they can legally refer to her? Maybe under SEQRA?

**Att. McKay** replied, you could under SEQRA.

**Chrm. Conero** said, he doesn't have a problem doing that, he doesn't know what the Board thinks. They will take that into consideration, though.

**Robert Williams** continued:

- The style of the building, although not unattractive, really doesn't fit in with the buildings that are on Factory Street. On the east side of Factory Street, you have the Crabtree House, the AHRC which is eligible for the National Register, the house in between which in his opinion is eligible; he's put about 30 properties on the National Register. All of those buildings were built in the Queen Anne Victorian Style and in the proposal, he really sees nothing that reflects that style and he thinks that needs to be taken into consideration.

- He may have some of his footage off and is sure he'll be corrected when he sits down, but the initial building, before it was scaled back 9 ft, was 180 ft by 50ft in depth, so 8 units. He went to Marc Devitt and had a discussion with him. Marc just built, and he's sure everybody is familiar with it, the buildings he built up on Ward Street; the store-front and behind that he has a 6-unit, two-bedroom facility. That building is built within a historic style. It happens to be reminiscent of the architecture that Chauncey Brooks built when he first came to Montgomery. Chauncey Brooks, by the way, built 3 houses on the east side of Factory Street. So, he asked Marc, what if, since the applicant is looking for 8 units, what if they took his building and put two more units on, what would the footprint be of that building? And so Marc did the calculation on it and came back with 120 ft by 40 ft. (He passes out a picture.) The building in that picture is 165 ft by 40 ft. If you look at these numbers here; 180 ft, 171 ft, 40 ft, 50 ft, they're good numbers but when the building is actually built, it's a little bigger than you thought it would be. That building gives you a rough idea of how big this building would be. It really, in his opinion, overpowers the neighborhood and it provides for an abrupt transition between multi-family, high density and low density single-family. He thinks that should be taken into consideration here.
- Looking at the renderings, and in the photograph that he passed around with the Crabtree House (with the black line), the one issue he has with the screening the way it currently is, is that you have a lot of leaf-bearing trees. Certainly, in later spring, summer, and early fall, it's a lot better than it is for the other half of the year, but the other half of the year is what you see in that picture. Similarly, when he looked at the plantings that the applicant is showing on the renderings, he sees some fir trees but he sees a lot of leaf bearing trees. Again, whatever the plans allow to built on this property, it needs to have screening that would be for four seasons. This doesn't really do four seasons. That needs to be taken into consideration.
- The lighting is a concern. He doesn't see spotlights on the rendering, which is good. He does see wall sconces. He does recommend that whatever is built on this property, it has shoebox-type lighting which focuses the light downward and doesn't really go out into the neighborhood. He thinks that should be taken into consideration.
- He does stress that, the current proposal as it is, please go out and take a look at the neighborhood, look at the property. He feels it overpowers the street and provides an abrupt transition from the lower part of the street to the upper part.
- The building that Marc had proposed, 120 ft by 40 ft, that gives you 50 ft of additional buffer at the north end of the property, which he's not saying is enough, but its better than what's being proposed. By shrinking the building, a little further down Factory Street, you also have the ability to push the building back, not very much, but you can push the building back a little further and still be out of the 100 ft buffer for the Wallkill River. The building that Marc built have no garages for them. The one challenge of having those two parking spaces be a garage, is how many people really, on a routine basis,

park in a garage? That's not to say that nobody does, but you're going to find that more people don't than do. It would be better to have two outdoor parking spaces for this. If you used the building that Marc had constructed, you would be closer to having the two exterior parking spaces. If by chance moving down back a little doesn't allow you to do that because you would still be encroaching in the right-of-way of the Wallkill River, how much is it to really go to the ZBA for a variance to push that building back a few feet to get that second parking space? Remember, this is a no parking street, the upper portion of Factory Street. So, there's a lot of competition on that street between the Winery, the people that already live there and so forth.

Those are the things that he'd like the Planning Board to consider in making its decision.

**Chrm. Conero** thanked Bob.

**Atty. Palmer** said to the Chrm. they are going to provide written clarification but he thinks a lot of this project has spent time being sure to manage and mitigate any potential impacts, specifically to this property, so they might be able just to speak to a couple of those comments only because there was a lot of information there and some of it is not accurate to what is being proposed but also, consistent with what they've done to help mitigate those impacts. He did want to speak specifically to Beth, who is their cultural resource expert about what exactly the Crabtree House is listed for, which is not a visual; if looking from the Crabtree House's porch toward any view scape it's seeing the actual Crabtree House itself and what the Crabtree House stands for, it's a little different than just what the visual impacts are.

**Chrm. Conero** said he doesn't envision them closing the public hearing tonight, he thinks they will adjourn it until next month just to give you time to look at these photos that were given to them tonight. And you have comments that you're recording so if we could...

**Atty. Palmer** interrupted the Chrm...just for the record because it is a public hearing, if he may have Beth speak to that one comment and as we mentioned, we are more than willing to provide additional offsite screening on the property of the Crabtree House. He can't speak to Mr. Williams directly but through the Board they are again, offering that, and please, they hope that he'll contact them.

**Beth Selig** said the Crabtree House is listed on the National Register for its Queen Anne Architectural Style and it's significant to the owner who built it. The National Register listing includes the house, the main property and the property to the east of it where the original owner had gardens. It does not consider anything on the western side of Factory Street. When we are talking impacts to an historic property, we're talking about how is the impact going to prevent the property from conveying its historical significance. So, when you're on Factory Street and looking at the Crabtree House, are you still going to be able to understand the historic house and its historic property. She talks with the SHPO all the time and one of the comments that the reviewers at the SHPO usually say

is, just because a new property is visible, doesn't mean that the visual is a negative or adverse effect. She just wanted to share that with the Board.

***Tina Husinko – 17 Factory Street*** – She is Bob's neighbor and lives in between his house and the AHRC, it's 17 Factory Street. They've been there about 30 years. Of course, she doesn't want any change at all. She loves that street; it's a beautiful street. It's historical, it's got so much there and it's a private street and she can appreciate that. She knows she can't stop anything here but she can ask that when they go along in their way through this, that they take into account what the street is. It's a little tiny piece of the history in the Village of Montgomery and she would hate to see it totally destroyed, emaciated with big buildings and no trees anymore. If it happens, it's done with integrity as to what that street is. She prefers that nothing change but that's just her and where she's at in her life. It would be very important to Bob and everyone else on the street that how you build, what you build, where you build it takes into account what the street is. It's a tiny cosmic of what Montgomery was and she would hate for that to be lost. If things could be moved back away from the street so that there is some kind of vegetation barrier, trees, anything between those buildings that anything coming up between that and the street that could help. She just wanted to put her two cents in. If she had her way with anything, nothing else would change on that street but she doesn't have her way with that so she would just ask that what ever comes, comes with a knowledge of what the street is, what the Village is and build into that, rather than making us try to live around what monstrosity that's been put there.

***Don Berger – Montgomery*** – The one thing overall that he just wants to say, whatever the Board, however you move on this, he thinks they have to take huge consideration of everything that the residents of Factory Street are here talking about. He thinks they have to protect what they already have; he's not against the project at all but he thinks it has to be the best project that will make these folks happy.

The other thing he'd like to talk about; he brought it up and he's going to bring it up for this project. He brought it up for City Winery, he brought it up for Loosestrife and he's going to bring it up again. Factory Street itself, no improvements. We have from 17k, he always brings up the bus. They drop the kids off at 17k, they don't have an inch of sidewalk to walk on. He talked about, specifically through City Winery, putting barriers up so these children can be protected. He believes that that infrastructure is a must and it's his understanding that in part, some of those sidewalks have already been previous projects have been agreed upon and have not been done. He's not sure of that, it's what he's been told. But with...he thinks they need to capitalize on these huge entities coming in here, not necessarily the Pathway project but certainly Loosestrife and City Winery and with a little help from Pathway, that they can improve that street. There's a railroad crossing there that needs improvement, he told them that with City Winery four years ago and nothing's been done. There's no protection there, nothing. With these units going in, with the additional units going in at Loosestrife, he can only see that area, it's grown, it's growing real quick here but the Village is not doing anything, as far as he can see, that is protecting our infrastructure or even improving our infrastructure there. He thinks there's massive stuff they can do to make it right. There are three schools right there and you're

going to have an increase of traffic. Nobody seems to really consider the traffic that the street here is going to come under. We keep giving these negative decisions, you know we don't do traffic studies. He doesn't understand. He doesn't get it why they don't do that. He thinks it's a necessary thing before it gets out of hand. He's not against the Pathway, he thinks what these residents here spoke upon, he thinks they really, their considerations are way up here and he hopes they fill their concerns. But on the other aspect it might be too late since the other two projects are approved, gone. They really need to protect Factory, they need to improve Factory particularly from the Railroad to 17K, that's where the kids are and they're not doing anything to protect those kids. Has anybody watched the school stop there?

**Chrm. Conero** asked, on Factory Street or on 17K?

**Mr. Berger** replied, 17K it stops and the kids walk up.

**Chrm. Conero** said, and the Montessori goes in the parking lot and go around.

**Mr. Berger** said, VC Schools. Check it out, it's a lot of kids and there's nothing there to protect them.

**Chrm. Conero** said there were sidewalks that were supposed to go in on the self-storage side.

**Mr. Berger** asked, why aren't they in?

**Chrm. Conero** said he would find out.

**Atty. Palmer** said for your information and he can certainly refer to their counsel, they are certainly being responsive to the comments tonight and they are going to put them in writing, as they mentioned but one comment that was mentioned that the opinion or the community thought what may be a generalized mini-opposition is not a standard that you consider in a SEQRA determination.

**Chrm. Conero** said they know that.

**Atty. Palmer** replied, okay.

**Rie Kawada – 10 Factory Street** – she works at Kal\_Pac and is noticing what he said about the increase in traffic; the daycares, the Montessori School, the Learning Center and the City Winery. She's noticing more and more traffic and just wanted to know how this building is going to affect their street.

**Chrm. Conero** said he can answer a little bit. The 8 units didn't really generate a lot of traffic so he thinks that is why they didn't really look at a traffic study in that area because we're talking about 8 units and it just didn't have an impact. They did a traffic study for Loosestrife which is up in the back where they are going to build; they did a

traffic study and didn't see any kind of road improvements for that either. There were really no traffic problems for 8 units that they saw.

**Mark Gridley – Town resident on River Road across from the project** – His main concern is, not so much the front, but he understands where everyone is coming from, he's looking at his view from across the river at the back of this thing. It's on a big slope there that's a pretty steep area; a lot of trees. He's looking at how much disturbance will be on the riverside and what it's going to look like. Is it going to lord over the river? Is it going to be way above the tree line? Are you going to clear it up like the one next to it, down to the river almost? It's a nice area, it's a very rural area across the river. And on top of that, lighting. Is it going to be something that's bright, shining in the back? He hopes not. He looks at the current apartment complex on the other side driving by at night, in the wintertime, it is pretty bright. He thinks there is some exterior lighting on the outside. Again, he's just looking at what it's going to look like; he sees the large retaining wall, the height of that. How high is that?

**Chrm. Conero** replied, approximately 6 ft high.

**Mr. Gridley** said, it's not a giant wall.

**Chrm. Conero** said, it'll probably have a railing on it, too.

**Mr. Gridley** said, his concern, again, is clear cutting, chopping down most of the trees along the river. He knows the eagles like the pines along that section. It's a beautiful spot, that's all he is saying. He'd like, as a neighbor of the Village; you have a great Village, it's beautiful, he'd like to see it stay that way. He'd like to see his area stay that way. He's not against development, just smart development. The least impact as possible. Thank you.

**Chrm. Conero** thanked Mr. Gridley.

**Mike Hembury – Presidential Heights** – He has just one question, when you went from apartment size to townhouses, is that number for homeownership or renters? Will people actually own these?

**Chrm. Conero** asked if these would be rentals? Or homeowners?

**Vincent Satriano** replied, it could be either.

**Chrm. Conero** said it hasn't been determined, yet.

**Mr. Hembury** said it could be homeownership.

**Chrm. Conero** said we don't know yet. They hadn't discussed it with them. He asked if there were any other questions.

**Mbr. Romano** asked how many residential houses are on Factory Street.

**Mr. Williams** replied, four total single-family houses.

**Mbr. Frisbie** asked how big the units are.

**Mr. Samuelson** replied, around 1,800 sq ft.

**Mbr. Frisbie** asked, on two floors?

**Mr. Samuelson** replied, on two floors.

**Mbr. Frisbie** asked, with an accessible basement?

**Mr. Samuelson** said, there is a walkout basement that's finished. One car garage.

**Mr. Satriano** said it's a normal 3 bedrooms; they took into consideration and adjusted it have 3 bedrooms.

**Chrm. Conero** said, he thought they were all 2 bedrooms.

**Mr. Satriano** corrected himself, two bedrooms, yes.

**Chrm. Conero** asked Jay what the maximum height was on the building.

**Mr. Samuelson** replied, 33.6 or 33.8, they are under the 35.

**Chrm. Conero** said, that's at the peak on the front.

**Mr. Samuelson** confirmed, yes.

**Chrm. Conero** said he moves to adjourn the meeting until next month. There's crummy weather out, there's a lot of things they can follow up with, he knows with the picture here and some of the visuals that; he doesn't think this visual represents or is in line with what he sees in the other visuals, so, it's the first time he's seen the one.

**A MOTION was made to ADJOURN THE PUBLIC HEARING FOR PATHWAY PLACE MANAGEMENT, LLC 203-1-1 TO FEBRUARY 22, 2023 AT 7:30 PM OR THEREAFTER AT 8:31 PM, by Chrm. Conero, seconded by Mbr. Romano and carried 5 Ayes 0 Nays.**

**Chrm. Conero** said this will give you time to answer the questions that were presented tonight. We'll get the minutes to you as soon as possible...

**Atty. Palmer** interrupted, just because the owner of the Crabtree House is here this evening, there was mention of what it might actually look like from the porch, if it would

be possible for them to access the property to be able to give you a better sense and representation. They're certainly pleased...they haven't had the ability to be able to make meaningful contact to be able to do those things.

**Chrm. Conero** asked if they sent a letter. Have you had...

**Atty. Palmer** said, text messages, phone calls...

**Chrm. Conero** said, any registered...

**Mr. Williams** said he hasn't gotten one text message and no phone calls.

**Chrm. Conero** said, there's no legal, no physical paper you can show us that you contacted him.

**Ms. Selig** said she can show the emails she sent that were bounced back to her because the email address she was given was undeliverable.

**Chrm. Conero** said he encourages them to engage dialogue with the neighbor. Since the email and phone mail failed, maybe a letter? You know his address.

**Atty. Palmer** said, no problem. He thanked the Board for their time.

**Chrm. Conero** said, the next meeting is the 4<sup>th</sup> Wednesday of February, the 22<sup>nd</sup>, at 7:30 pm. He thanked everyone for their input.

**RE: KSH ROUTE 211 DEVELOPMENT 211-1-29.22**

**Chrm. Conero** asked Ms. Murphy if the mailings had been received to be able to hold the public hearing.

**Ms. Murphy** replied, yes (25 of 39).

**A MOTION was made to OPEN THE PUBLIC HEARING FOR KSH ROUTE 211 DEVELOPMENT 211-1-29.22 AT 8:35 PM by Chrm. Conero, seconded by Mbr. Romano and carried 5 Ayes 0 Nays.**

**Mr. Winglovitz** is representing the applicant. He is there with John Cappello, counsel, and Jason Anderson of Anderson Design Group, the architect for the project. There's no secret everyone has heard about this project. It's been around for a while. They started this in January of 2019.

\*\*\*There is a slide show of the project while Ross is speaking.\*\*\*

This is the original project or version of the original project. There was a 200,000 sq ft warehouse and a 100,000 sq ft warehouse. In the earlier version of this that he didn't show, it had two 40-unit senior housing units on the property behind the houses on Weaver Street and the car wash. When they first submitted that the Village Board removed their ability to get to that zoning; they changed the zoning for senior housing, so that was no longer permissible on this property. They revised it to show some office buildings behind the Weaver Street residents and the car wash with the two warehouses. That was 2019. They had eight different submissions of this plan; grading, utilities, landscaping. There was an expanded Environmental Assessment Form so the Board asked for significant environmental studies on the project. They studied wetlands, stormwater, endangered species, archaeology, traffic, water and sewer. A total of eight submissions for that. That brought them to June 2020 when there was a moratorium put into effect. It prevented them from proceeding forward with this plan. It lasted about a year. Forward to July 2021. They brought this plan in to the Board; a plan that fully complied with the zoning. This was a new plan that they proposed to the Board. There was some discussion about preserving open space; could they get rid of the office buildings that were there. They ended up developing this plan which provided for four buildings. Building 1 and 2 are 60,000 sq ft buildings. They are 35 ft high in conformance with the zoning. Buildings 3 and 4 are 80,000 sq ft each and complied with zoning but that's the maximum square footage and they are proposing 45 ft high. They've been in front of the ZBA regarding potential variances for those buildings. This plan is their preferred plan.

They have developed an alternate plan if they did not get the 45 ft height; this has the buffer, a conservation area, the hatched area, behind Weaver Street that would be a conservation easement that would be granted to preserve that; no tree cutting, etc, in that area. It would preserve the buffer to all the residents, including on 211 as well as Weaver Street. The alternative plan is something they included in their environmental assessment, is all buildings being 35 ft high. If they lose the ability to stack on the two buildings that are closest to the Hoeffner Farm, which are buildings 3 and 4, if they have to reduce them to 35, it will make buildings 1 and 2 slightly larger. By doing that they still have 35 ft high buildings near Weaver Street but it affects where the stormwater ponds are. If they have to have a stormwater pond in the conservation area, their client would no longer propose the conservation area as part of this process. That is the alternative plan. It is not their preferred plan. The preferred plan is what they originally presented.

Based on this new plan, they've updated all of the Environmental Assessment, the traffic study, the intersection of Chandler, 211 drainage. It's all been updated again based on the new plan. One addition on the new plan is they were able to acquire a 50 ft strip of property that allows the entrance now to be aligned opposite Chandler. With the old plan that was a problem with offset intersections. It was something that the DOT was not in favor of, it was something the Board was not in favor of. With the acquisition of that 50 ft, they now can line up their driveway opposite Chandler. The DOT has reviewed the traffic study several times already, they are requiring a left turn lane be constructed into the project so that any vehicles entering would have a left turn lane to cue and enter into the site. They're also discussing the potential for a short-left turn lane entering Chandler.

Currently, this is the proposed plan in front of DOT left turn lane into the site with the realignment of their site driveway with Chandler.

One of the things that the Board was very concerned about was the visual impacts and esthetics. Jason Anderson is here and he can walk you through the architecture of the buildings and the perspectives.

**Jason Anderson** is the architect. The Montgomery Grange is where their building is and where he is located. This project has gone through of changes with site plan...they had the original submission of a much more contemporary building. What you are seeing on the screen, as warehouses go, is more contemporary and a bit more...They have been working with Elise, the Village's architectural historical consultant. They've been working with her on colors, on window placement, façade. What you see is what they've come to an agreement on. This is a concrete building; the walls are concrete; it has a flat roof. If you take a look at the façade, the color is much more neutral. The lower section of the building has horizontal...they have what would be a historical building having the rhythm, the painted pilasters that go around the building and you'll notice the windows here are much more representative of what you would see in older...they came up with a square window. They have divided lights...are inherent of a historic warehouse. What you are seeing here is the 45 ft high building. The other view, the 35 ft. The 35 ft, that band that you saw on the 45, it not on the 35 ft because it is lower. That's the structure of the building. They did some view shed analysis. The way that they do a view shed analysis is they do a 3D model of the property and surrounding properties. They put it in the computer and lay it out, from there, they superimpose them, now they add the site model on the computer, they add the building models on the computer and then they take images. They discussed with the Board locations where images of concern or vantage points, where they'd be sensitive vantage points. The circles are vantage points that they took physical images of, about 1 ½ years ago, with "worst case scenario" which is the leaves off; winter/spring. They took five of them; the bar, the farm stand, Chandler and two on Weaver. They took those images, brought them in and they removed all the negative space around all of the branches so you can actually see through to the image. They take that and superimpose behind it, a model that they created of the property. What that does is allow you to see; one example is his back it to the bar to the left (where the hotdog stand is sometimes) so if you look on the left that's the existing image, that's the image that they took. If you look to the right, there is the building in that same image. What they do is take the proposed landscaping and what the landscape architect says it will be at year one, they take that and indicate it in the upper right-hand corner. They project that out and enlarge the tree at different years. The bottom right is year ten and they usually plant it at 4-5 years old. At year ten it will be about 15 years old. What you'll see are conifers that are almost as tall as the building. There are also pin oaks, that is what the landscape architect suggested at the time for those areas because pin oaks leaves stay on the trees after they die until the spring. That's what you're seeing there. They made sure the building sort of worked in with that color. The next image is getting closer. You see our buildings. What you are looking at is the 45 ft high buildings. Worst case, no leaves; new landscaping 45 ft high. There it is with landscaping at year one. This now, is from Chandler, across the street. You'll notice the angle here, sometimes it's a

little hard to understand when you're looking at the site, it's not in the field it's in where the woods actually are. When you're actually to the south of Chandler, you're looking at; they have the dash in the buildings because the existing vegetation is to remain and they aren't going to be able to see buildings at that point. That's why they put the dashes in so you can understand where these buildings would be. Here they are at Weaver. You will see, that existing image that they took 1 ½ years ago, in this case, it doesn't matter what year plantings it was, you cannot see the buildings through the existing trees. If you take a look there, that is the outline of the building, they sort of drew it through the houses, there. There is one and the other is further back. The next slide is getting closer...that's the existing ridge. Now, you can see the two buildings and again, these are the 35 ft high buildings. When you're trying to understand the height of buildings in the area, a typical two-story farmhouse is 32-35 ft tall. His Grange building is 43 ft tall. They are working on project behind Butler Construction on the opposite side of the road, they had to measure all of those trees. They are between 60-80 ft tall. Just to give a perspective, these trees are between 50-70 ft tall. Part of what you see along each of these; if you were to zoom into the bottom, part of what they do is a site analysis of the topography. At eye level, which is about 5 ft off the ground roughly at Weaver Street on the left-hand side, take a look at what the property does, it drops back, then it comes back up, they do a grading of the actual site. There you see the 35 ft high building, zoom out a little and to the right is the 45 ft high building. Part of the reason they are not proposing to get closer to Weaver Street with the 80,000 sq ft buildings, keep it back but raise it on the other side, is because no matter what they do, you're not going to see three of those buildings through the other buildings. If they were 50 ft high and you're still not going to touch the other buildings. It's the angle you are looking through...that's something to help understand that perspective from the application.

**Chrm Conero** asked the Board members if they had questions for the applicants at all.

**Mr. Winglovitz** said Jason made a really good point and he wanted to bring it back up. Anybody that he talks about this site, everybody in the Village thinks this is going to be in the middle of that field. It's not in the middle of that field. He wanted to bring up Jason's view shed where he has his points. The site is entirely wooded, so the view of the buildings from anywhere, will be coming down 211 into the Village where he showed those viewsheds of the buildings in the distance. Other than that, it is completely wooded. The vegetation to this gentleman, a wall, the property line will be preserved in that conservation area to preserve that vegetation.

**Atty. Cappello** said just a couple of things he wanted to highlight and go back to. When they talked about the evolution of this plan, this did start out with residential closest to Weaver Street. The Village Board decided it wasn't appropriate for this. Then, under the zoning the applicant came back with larger warehouses that were once more what the zoning said could go there. The Village adopted a moratorium, reviewed the zoning and came up with new zoning to address this situation. The plans before you, both alternatives, comply, and he knows because he saw a portion of the Village Board meeting and he saw the folks talking about why they are going to 45 ft. By going to 45 ft with the two buildings furthest away, it makes those buildings a little more profitable.

The buildings closer to Weaver Street could be shrunk to 60,000 sq ft and stay at 35 ft. If they have to make all the buildings 35 ft in height to make the project profitable, they would have to expand the two buildings closest to Weaver Street to 80,000. The alternative they preferred though, is that band of green between the two 60,000 sq ft buildings and Weaver Street will be preserved. When they talk about conservation easement, that is a legal document that once the Board determines this is the alternative that they prefer and go to, there will be legal documentation for conservation to prepare and reviewed by your attorneys to ensure that that area not only stay as the buffer, that it stays green. It will have rules and regulations and perpetuities so long as this property is used for warehouses and uses as its purpose, that will be a green buffer that will exist forever between these buildings and Weaver Street. It's a pride and true way there's conservation easements all around the country that are still, there are still conservation easements from the 1800's that are still enforced. They are forcible documents that the Village can input to ensure that green band around there is protected in perpetuity of this project going forward. He wanted to clarify that and if they go forward will put in writing, provide examples as the Board sees fit to make sure they know how they want to protect, how you want make sure this goes so that the people on Weaver Street are protected.

**Chrm. Conero** said, the Planning Board has taken an extraordinary amount of time with concerns with the residents on Weaver Street. They met with the mayor and they met with a lot of residents on Weaver a few years ago. They talked about this piece of property is zoned industrial, it's going to have something there someday but having a 240 ft buffer between the residents on Weaver Street and the beginning of the project and its going to keep the old grove of trees in place. It's really going to mitigate a lot of the visuals that you are going to see from the warehouses and if you went to the alternate plan, you would be back to 120 ft and you would really see it because there would be more of trees being cut down for the mitigation of storm water. He asked about the easement and is glad the applicant is agreeable to that but he wanted to express that they did their due diligence to make sure there was that green space and they have an easement in place.

At this point, we can open it up to the public. Please state your name and address for the record and we're here to listen.

**Mike Hembury** – He is a Village Board member. He is here with the Mayor, the Deputy Mayor, the Planning Board here, these guys went above and beyond and he'll tell you why. From the beginning when he got on the Board, this was owned by, he cannot remember, a guy owned it. He came along and he wanted to, first, he wanted to put up some sort of pork factory, that went by the wayside. Then they wanted affordable housing, this was when they changed if from industrial. Then they wanted workforce housing, they wanted a hybrid kind of thing industrial and residential. The residential would have been 180 apartments on lower Weaver Street. Folks, they're here to stay, our kids live here. That would change the setting, unbelievable cluster housing. He grew up in the Bronx. Now it's back to industrial. Now, we got thinking how this is zoned. These

guys are going above and beyond. He's going to vote for whatever they want but he knows the history here. He knows what was prevented so we'll leave it at that.

**Don Berger** – He wants to first touch on, he's asked this Board, he's asked the Village Board. Who exactly is 211 Warehouse? The answer is they didn't know. It's a group called the Ratsky Group (spelling??); Simon Dushinsky. They purchased the property on August 11<sup>th</sup> for 5.8 million dollars. That was a over \$5,000,000 profit over a couple years. Ross and the group here spoke about the conservation easement, well, way back when they had those meetings, that they were very in clear in what they wanted over there and there was somewhat of an agreement made between the Village Board and the Planning Board at these meetings that they would proceed this way. What changed? The ownership has changed. Now all of a sudden, the project has changed. It's not the same project that they had agreed to back at those meetings. He heard, and he's not sure who said it, you talk about the conservation easement, Kevin, you just brought it up. What he heard was if they don't get the 45 ft, you're not getting an easement.

**Chrm. Conero** said if they increase the, like Jason and Ross said, if they want to put in the maximum size building, they can, which is 80,000 sq ft. They would reduce the buffer because of the storm water mitigation. The storm water retention pond...

**Mr. Berger** interrupted...He gets it. That was not the agreement they made with the residents. That was not the agreement. Other thing, KSH was the previous owner of the property. KSH had intended to take one of those buildings. Is that part of the plan?

**Chrm. Conero** said, they do not know the occupancy is stated right now. They think he is going to be renting out a portion of it.

**Mr. Berger** asked if KSH was coming to Montgomery?

**Chrm. Conero** said he doesn't know. Probably. He's not sure why it matters.

**Mr. Berger** said it matters to him. He'd like to know who's occupying the building. If not, they're all spec. They all should want to know who's occupying these buildings.

**Chrm. Conero** said they will when someone applies to there.

**Mr. Berger** said you're going to have the approval process before that happens.

**Chrm. Conero** said right.

**Mr. Berger** said he'd like to see that before. The gentleman who stood up and was talking about seeing the buildings. He (Don) had suggested at the Village Board meeting last week doing a balloon or flag test to appease the residents, put the flags up, put the balloons up from the 211 side and the Weaver Street side and they all go out there and look at them. And you put them on all corners of the building, now this was just recently done on Bracken Road for a particular warehouse that's going up there. So, you can tell

that people are concerned about seeing these buildings. To help that and to get a visual, because he believes, Brandon is absolutely correct, in what that line tells him nothing. Why don't they do a balloon test, have the applicant do a balloon test and a flag test. Put them up the trees 45 ft, 35 ft, on all the corners of those buildings so they can actually see what the height of these buildings actually are and whether they are going to be able to see it from the folks on Weaver Street; whether they can see it or not.

**Chrm. Conero** said he understands what he is saying.

**Mr. Berger** said, that's the one thing that he really thinks needs to move forward to get a balloon test up there and let's see what's really going on. He does object to the 45 ft, their original agreement was 35 ft. There was no talk of reducing that easement on the original KSH project. Again, the only thing that has changed here, is the applicant and Route 211 Warehouse, they've changed the entire project. If it's going to 45 ft it's changed the project.

**Chrm. Conero** said it's always been 45 ft even when KSH had it. He can show you the dates on the plans.

**Mr. Berger** interrupted, 35, 35, 35.

**Atty Cappello** said he will document, that's what he does. They will submit documentation that will demonstrate that it was 45 ft. There were discussions about the conservation easement in context with the Village Board considering their new easement at that time the buildings were 45 ft. The law that was adopted, they had the height of 35 ft and therefore they were asking for relief on two of the buildings with zoning after it was adopted.

**Chrm. Conero** said that would be the Zoning Board of Appeals.

The audience is having trouble hearing.

**Chrm. Conero** said, he (Atty. Cappello) is going to submit any paperwork that was involved about the 35 to 45 ft height. The plans that he (the Chrm.) has seen recently and the plans that the Planning Board have worked on have all been 45 ft in height in hopes they get a variance. But it needs to go in front of the ZBA for that variance.

**Mr. Berger** said in closing from where he stands, they had a joint Board meeting on October 27<sup>th</sup> and he thinks, if he heard it correctly, that Steve agreed on many of the things here about the changes and heights and stuff, and he thinks what he heard at that meeting was stick to your zone.

**Chrm. Conero** said, again, he wanted to just point out, by sticking to the zone, the buffer between the Weaver Street residents and the project is going to be reduced significantly. You are going to see the buildings. The old grove trees are going to come down and the easement is not going to be there. You can't argue with the fact that it was 240 ft and now

it's 120. He's saying that he's not on the Zoning Board of Appeals and he doesn't make these decisions, but he can tell them that the Planning Board, and he thinks he can speak for everyone there, is pretty happy with the easement that the applicant has offered them and he thinks that the visuals that Jason Anderson has provided, a balloon test is not necessary. He thinks the visuals...(the Chrm. is being interrupted by a member of the audience). Again, he will listen to everyone else, too. He will give everyone else a chance to talk.

**Mr. Berger** said, he said to this Board, or actually you, Kevin, to go out to Neelytown and check out Cardinal and the type of trees and plants that they put on the new building that they're constructing right now and how it's hitting really, really nice.

**Chrm. Conero** said he feels they've done a really good job; this piece of property hides 75% of it or more. The only place you're really seeing it from is on 211.

**Brandon Raab** – 73 Weaver Street – He asked the Chrm. to repeat his last comment. You said you can't see this from anywhere except 211.

**Chrm. Conero** said you won't be able to see it significantly from your house because of the way the tree line is, they explained to you the height of the trees.

**Mr. Raab** said thank you for allowing him to speak. You've been out to the property. Have you stood in back of the Weaver Street property and actually looked up the hill? Have you? (He asked the Board members.) So you've walked on the back of the properties on Weaver Street and actually can see what they've discussed. He'll have them over and show you how the rendition of what he's saying and he apologizes to him, also, what you're saying is completely not factual. You will 100% see these buildings at 35 ft clear as day. The reason being is because if you (they pull up the slide of Weaver Street with the line where the building would be.) What you're seeing here is the highest point on Weaver Street. If you look directly across their land, it's the exact same height of this property. This photo does not do a rendition, it's curved slightly. Basically, you're looking at the top of an SUV and white gardening area, is basically almost the bottom of the property. If you walk back there, you would easily be able to tell just by this, that if you did a balloon test, the balloons would be sitting almost at the top of the trees. If you keep going down Weaver Street to where he lives at 73, you are now a good 30 ft below where the bottom of those warehouses are going to be. Now, if you look at the 45 ft warehouse or the architectural, is that a retaining pond in the back? Do you see the lot that's a double lot? That's his property. That retaining property is actually already into the buffer zone. There's no way you can build that retaining area and not take out...first of all, he doesn't know how they're going to build it because that parking lot, you're either going to have to take out the 30 ft mountain or you're going to have to raise everything up about 30 ft in order to just create that. Then there's going to be a 30 ft slope. Somebody mentioned before that you can't have a 20% grade? It absolutely will be. There's no way that you can obtain that without building it. You're parking lot has to be about 20-30 ft taller than that retaining pond because his property drops. The edge of that is at least 30 ft to where the bottom of the buildings will be. If you've been out to the

property like you say you have, you would know that. Where the parking lot sits, will be 30 ft above; basically, the top of his house which is very tall, will be the bottom of the warehouse. There's no way that you can't look at that. And to not want a flag or balloon test for all the people who are there from Weaver Street, that are going to be looking at this is absolutely insane to him. The idea that that rendition would not make a significant impact on that water shed area is just not possible. There's no way. The next point that he started to get upset at...(changed tape). There will be 100% visual and that's in the summer time. In the wintertime, all you're going to see is lighting 24 hrs a day. At nighttime there will be full lighting, more than a street light, more than an intersection. It's going to look like ShopRite. The only way that he can put this is if you go to ShopRite and look at the Tower Holding Corporation, that's what it's going to look like with maybe a few trees pinned here and there. It's kind of concerning and upsetting to point that, honestly when this does work out and get built, his wife and him will be moving out of here because unfortunately, the best interest of your community is actually not part of this plan. That's the large concern of his family and that's the reason why he brought his child here with him, who had to step out because it's getting so late. The buffer zone, besides this, just doesn't make sense for the area that it's fitting in.

**Chrm. Conero** said the architect has given some idea of what a 35 ft building would be.

**Mr. Raab** said not even close. And to sit there and keep saying this, to believe that that's actually the right height, is (inaudible). It's giving you the right idea of what something may come close to, or not really, he could understand that.

**Chrm. Conero** said he's not sure that a balloon test, and he doesn't know if they'd be willing to do that. He's not sure what a balloon test would actually accomplish...

**Mr. Raab** interrupted, he was going to go out there himself, go to the dollar store, buy a bunch of balloons, set out a 45 ft line and drop it up and you can see for yourself and bring a picture here. You would actually know for yourself. He's a resident that's speaking out but it's going to affect everybody that's on that street and if you don't think it's going to change the quality of life on that street, that people are going to want to move out. It's going to happen.

**Chrm. Conero** said there's always a challenge between the residential areas and the commercial areas. If you look at what was originally in the zoning, they created warehouse criteria, which reduced the size of the warehouses instead of having one big 250,000 sq ft warehousing, they allowed for 80,000 sq ft, they allowed for a larger buffer area between residents and this. There was a 100 ft buffer according to code. There's 240 ft.

**Mr. Raab** asked how long is a lot on Weaver Street, front and back, the average lot?

**Chrm. Conero** said he doesn't know. Yours is...

**Mr. Raab** said, not his.

**Chrm. Conero** said he doesn't know.

**Mr. Raab** asked if a lot was more than 250 ft?

**Chrm. Conero** said, he doesn't know, his lot is 75x125.

**Mr. Raab** said if his lot was 75x125, the second lot is actually smaller than the first one and if you flip that piece over, how does that make sense to you with that being 250 ft? How does that make sense?

**Chrm. Conero** said that is not the preferred plan.

**Mr. Raab** said go to the preferred plan. They can do this again. He talks the truth.

**Chrm. Conero** said, what you're saying is basically that you have a problem with the visuals. He understands that.

**Mr. Raab** said you spent so much time with the other property that you were talking about prior to this, jump through a million hoops for that, you're worried about what it's going to look like on 211 but the actual people who it's going to affect in this Village, that actually live next to that, you don't care about this. And it's obvious. Not to be rude, but you can also feel it in the way you are describing it. Again, the reason why his wife and him will be considering moving...

**Chrm. Conero** said they don't want them to move. He also wants to take into consideration that...

**Mr. Raab** interrupted; they're all going to move, they're going to be looking at a massive warehouse, you don't have anything that large. He described to them, what you see at ShopRite in an industrial area, that is what you will see in your back yard.

**Chrm. Conero** said again, they looked at different alternatives to this property as these guys have stated before...

**Mr. Raab** interrupted, he's got another alternative, maybe get rid of the two warehouses closest to the people and just leaving the back two warehouses. Then there would actually be an actual buffer zone of 250 ft.

**Chrm. Conero** said not according to what their engineers are telling them.

**Mr. Raab** asked, what recourse do they have when it's completed and there's no buffer zone and they'll see it completely, and then it's 250 ft, do they get to go back to them and say what are you going to do about that. Why don't you move into my house and he'll move into yours. Will that work?

**Chrm. Conero** said the applicant has a right to build these things...

**Mr. Raab** interrupted, 100%. The reason why we also choose to end up living here and then you're not and then you lose people that actually care about your community and you end up with people that don't care.

**Atty. Cappello** said, there is a lot of back and forth as to what is true and what is not true. What he said on his original comment, they are there to listen. They will show pictures, they will have measurements, a professional engineer is preparing the plans, they will meet with this gentleman. He is representing the applicant who owns property in the Village who has a right to apply. Speak and we will listen to you. You are now telling professional that what they are doing is not true. They will submit and you will be able to review. There will be grading plans there, there will be measurements they will be based on the survey. You can measure them. You can have your comments. They will try to meet with them. They understand their concerns and will do their best they can do within the context of the law and what is permitted in the law to address your situation. They aren't trying to make them move, this is what was permitted in the zone. If this is residential, it was proposed there and the Village said they didn't want it. These people have owned this property and tried to develop this property just like the person did who developed all those single-family homes along your street, developed the property at one time. They are proceeding according to the code with plans they believe meet the code. They understand the difference between 35 and 45, they're going to have the documents to this board, to the ZBA and to address your concerns. They will listen to it, they will submit something in writing and you will have the opportunity to review and you will have the opportunity to comment.

**Mr. Raab** interrupted, he understands they have to build on what they need and try to move forward, but he wants to make sure that's understood, your building will be 100% observed from our area.

**Chrm. Conero** said the applicant's attorney said he would meet with you after the meeting.

**Jeff VanZandt** – 91 Weaver Street – something that really isn't being mentioned here is the sound for the residents that live on Weaver Street. When he comes home, and all the other residents, there's no sounds of forklifts, trucks, all other noise pollution is going to be taking place. Not during construction, they understand things have to be built. But, while these warehouses are in operation, what are the hours proposed. These are obviously speculative warehouse so the residents have no idea who is going to be moving in and using them. He thinks it's up to the Village to set appropriate hours to limit the sound as well as what Brandon said about the lighting. Apparently, this parcel of land has to be developed commercially or God will come down and separate the earth. He thinks it's absurd that the Village is entertaining this because it's going to change the look of a historic entering...if his grandfather, who was friends with Steve's father were here today, they'd be crying and screaming about this proposed. The Village probably would have said, you know what, let's do something else because this, excuse the term,

abortion, entering the Village is going to be a Medline entering the Village. And if anyone here likes the way Medline looks, just shrink it and shrivel it up into four pieces and plop it right there, that's what you're going to have, eventually. There is no way you are going to hide these buildings in the back of Weaver Street or hide these building coming down 211. The rendition that was shown here to the residents is an insult because you could barely see them. When these buildings are built, they are going to look like gigantic eyesores and what's their recourse then; to move.

**Chris Ladanyi** – 87 Weaver Street – He was also part of the Master Plan Sub-Committee during the moratorium. He doesn't know what to think, all the building that has happened. There was a lot of time and effort put into that committee...he appreciates the fact that the environmental conservation buffer is there but he thinks that the sub-committee had successes and they had some failures. He believes that the warehouse period, does not belong in the Village setting. He made that very clear in all of their meetings. Others had different opinions and that's what it's all about, compromise. About knowing each other and meeting somewhere in the middle. He believes that even though they had successes, there was just a pure failure that they still have warehouses, not an approved use, a special exception use, be clear about it. It's not an approved use within the zoning, it's a special exception use. It's special. There are extra layers of things that need to happen. This project needs to be approved not only by the Planning Board, but also by the Board of Trustees because it's special exception. Which public hearing is this? Is this for preliminary site plan approval, site plan approval, special exception use.

**Chrm. Conero** said site plan approval and special exception use.

**Mr. Ladanyi** asked, you can combine the two?

**Chrm. Conero** said yes. There is no subdivision.

**Atty. McKay** said there is one application.

**Mr. Ladanyi** said it seems odd.

**Atty. Cappello** said every municipality in New York State does it. You can look at Town Law, Village Law, NYS Law; site plan public hearings are discretionary, special permit is issued by the Planning Board, it can be issued by the Town or Village Board but that's not the case here.

**Chrm. Conero** said their legal representation is correct, it's legal, and just as John said.

**Mr. Ladanyi** said with that green space, they are still losing habitat, trees, and the wetland that goes through there. He knows there's been alternate different projects proposed for that site that were either knocked down or turned away. A target warehouse was going over there but based on Orange County government, that area is classified as a recharge area, things like that. And he knows they are lead agency for SEQRA, you need to be able to talk about due diligence, that's a huge responsibility. The amount of stuff

that you have to go through to be able to understand the impact of any given project, especially warehouses in the Village setting with that type of property, which on the Orange County tax map, the taxes that they pay on that property are next to nothing. Why is that?

**Chrm. Conero** said, there's nothing on it.

**Mr. Ladanyi** said, because there's nothing on it and per the County there's only 1 acre of developable land. Through the County's eyes and tax purposes eyes, that piece of property is garbage. He's paying more in taxes for his house than that 30-some-odd-acres. You can't have it both ways. You can't have it where you have this property that on the County gets no taxes at all and the flip side start getting...about profitability and things like that. It seems crazy to him, the fact that they are even entertaining still, these warehouses on a recharge area for topography (not sure if this is correct). When everything comes down to the variance, you apply for a variance when there's an unnecessary hardship. What is the unnecessary hardship here? It's the profitability here.

**Chrm. Conero** said he thinks it's more of a compromise.

**Atty. Cappello** said it's an area variance, and an area variance is not an unnecessary hardship. The standard is a balance of the benefit of the applicant to go the extra 10 ft vs the detrimental. You're saying a lot of legal stuff here but you're just not correct.

All talking at once.

**Atty. McKay** advised the Chrm. to let the public make their comments and go from there.

**Mr. Ladanyi** said, his point is not only is it a special exception use, not they're entertaining variances and being threatened with area variances. If you don't take this, we won't compromise here, why did they ever do the master plan sub-committee? You just mentioned that it took years to do this; to put in maximum building heights, to put in the height requirements, that all goes away, what are we talking about here. Why do that? Why do the master plan sub-committee when you can have an applicant come in here and apply for variances?

**Mbr. Romano** said the same applies to the residents, too. If someone wants to use an area variance to extend their home, it applies to them, also.

Several people speaking at once.

**Chrm. Conero** said he understands what he is saying, again, you have a right as an individual, as an applicant, as a resident to ask for a variance, that's why they're doing it. It's in the Master Plan. You know that the Master Plan, when they went through the Master Plan and he's been the Chairperson for that since 2008, that piece of property has been talked about over and over and over again. It's like the applicants were saying, it

went from senior housing, it went from housing, it went to some manufacturing plant that you don't want in your back yard, either.

**Mbr. Romano** interrupted, baseball. The residents didn't want it.

**Chrm. Conero** continued, the manufacturing plant was going to make...

Too much speaking at once.

**Chrm. Conero** said, yes, when you talk about the Master Plan and what it says, we want it to stay industrial, that's what it was for. He's not the only one on the Master Plan, there were 12 or 15 of them and it was voted on by the Village Board. They don't think the warehouses are such a bad thing.

**Mr. Ladanyi** said he agrees to disagree with him.

**Chrm. Conero** said, that's fine.

**Mr. Ladanyi** said, he agrees leaving it industrial is fine. Take warehouse off the permitted use, that was his thing.

**Chrm. Conero** said he understands that.

**Mr. Ladanyi** said that way you could have office space, breweries.

**Atty. McKay** said this is what the zoning permits. Your argument is to go to the Village Board and tell them to change the zoning again. You've spent a long time questioning what this Board is doing. They didn't make the zoning, they don't make the zoning and this Board does not grant the variances. So, you have the right to express those concerns to the Village Board and if the applicant makes an application to the Zoning Board of Appeals, you have the right to attend that hearing and address those comments there. But, neither of those two issues are for this Board. The Board's been taking a lot of heat for the fact that this zoning exists, which is not their authority and the fact that there might be some sort of trade off or threat of a variance. That's not this Board, either. So, your points are well taken but he thinks they are addressing them to the wrong Board. You can address the issues concerning the zoning and perhaps more changes to the zoning with the Village Board and if the applicant makes an application for the variance, there will be a public hearing at the Zoning Board of Appeals and you can make your arguments to the ZBA.

Someone asked, what is the goal of this Board. He's been down that road and it was a failure on his part not (inaudible)...

**Chrm. Conero** said, he doesn't want to start limiting time, but we might have to limit it to 3 minutes one person at a time here and you can just circle back.

**Mr. Ladanyi** said, he wanted to talk about who the applicant is.

**Chrm. Conero** wrote that down.

**Mr. Ladanyi** said this will reduce the home values on the adjacent properties. They're saying that its a fact that you can see these things through the trees, it's a double-fact that the property values...(inaudible)

**Mayor Brescia** – He asked if this was an I2 zone, right? I1. Regardless. The height was always 35 ft. 45 ft, you need a variance. What the Village Board did was take various options from the Master Plan Sub-Committee and they compromised. They listened in the interim, to the concerns from Weaver Street but the buildings are 35 ft. Everybody bought their houses on Weaver Street....35ft way before the change in the zone. What this zoning did is it reduced the size of the warehouses in that zone. From 200,000 sq ft to 80,000 max. They could've built more than one 100,000.

Someone said if you approved it.

**Mayor Brescia** said it was allowed in the zone. They tried to address as many concerns as they could when they updated the Master Plan. They looked at the warehouse design and he pushed, strongly, on the aesthetics of the building and he thinks Jason did a pretty good job. He would've liked it more like a federal building but there's only so much you can do with a flat-top roof. They did divided light windows like they have in this senior center, the Village Hall has simulated divided light, two over two. The building looks pretty damn good, he thinks, the Village. The Village Board said to the ZBA that they recommended against the variance for height. They want to try to minimize warehouses in the Village (inaudible). They reduced the size of the warehouses; they aren't really crazy about warehouses in the Village but he thinks this is not as bad as everybody is making it out to be.

A woman interrupted and said she heard them say if they reduce to 35 the numbers then the buffer zone gets decreased.

**Mr. Raab** said, yes it will.

35 is great but then the buffer zone is ridiculous. People speaking at the same time.

**Chrm. Conero** said, like their attorney said, the variance that they're seeking is not this Board. It's the Zoning Board of Appeals. If there's a concern about the 35 for 45 ft height, the only reason the applicants and he brought it up is that he wanted them to be clear, and he brought this up with Don and a couple of other Village residents at the time, that it will decrease the amount of buffer you have between the back of residents of Weaver and this project.

**Mr. Raab** said the issue isn't about the height, the issue is, he doesn't think they understand, you will see this. It will be in your face and in our back yard. There is no

buffer zone. You will see it. (To the Mayor) You have a train yard in your back yard, correct?

**Mayor Brescia** said, always have.

**Mr. Raab** said this is going to be running 24/7. There is no intervals, you will see cars coming and going the car headlights will be going through the back right through his back windows.

**Mayor Brescia** said, you are assuming it's going to be a 24/7 operation. We don't know yet. They designed this zone with a lot of compromising. They know there would be a larger buffer and if they go with a 35 ft building, or the ZBA declines it, he would also take into account that he spoke with the director of OC Airport, they might have to look at the height variance, as Jay Samuelson can tell you, and Ross, that they're having problems with the Food Bank because it pierces the flight zone.

**Chrm. Conero** said they have FAA approval.

**Mr. Samuelson** said that's not necessarily true. There are issuary (not sure if correct word but how it sounded) differences with the FAA but that's not a true statement.

**Mayor Brescia** said it's still a delay in the project and it's jeopardizing the potentiality of that grant.

**Mayor Brescia** continued, all he's saying is there was compromise when this was created and it's up to you guys to decide what allowed there and the ZBA if there's a variance. There's going to be a buffer, it might be reduced with a 35 ft building but this zone is a lot better than what was there before and everybody moved in on Weaver Street. Some people want residential and no warehouses, no industry but there's got to be a balance.

**Atty. Cappello** said they understand hearings can be open and they are going to have to submit responses. They are not asking the Board to close the hearing. He's talked with Ross and Jason, they will do something, whether its poles or balloons; every balloon test that he's ever done, no one believes what the balloon tests show so, he thinks the pole with the flag ought to do it. They'll put four corners at the 35 ft building; they'll also put a pole at 35 and a pole at 45, matching each other so you'll see where the other buildings will go there so you can see with the preferred plan. They will coordinate with their engineer and the Village to publicize the dates so anyone who wants to come and look at it can look at it.

**Karina Tipton** – 225 Union Street – She understands that there are a lot of people in this room that personally invested in this project after spending so much time. She appreciates that. Inaudible. She lives across the street where it's going to end up on Union Street. She's in the big house on the hill. She will be directly overlooking this warehouse once it's constructed. She has the same questions ..... has been commenting on so her comments are a little wide ranging. She has specific comments on the site plans and

specific comments on the SEQRA process. To start with, they've spoken a lot about the height of these warehouses, she wants to point out that no body yet has spoken out about the residents on Union Street. Union Street has exactly the same issues that Weaver does. The houses that you can see that are directly on Union Street, right in front of where the warehouses are, their ground surface elevation ranges from 380 ft of the back of the property to 400 ground surface elevation at Union Street. The elevation height, at the top of these buildings, the highest, the 45 ft one is 392 ft. This building is going to be above the back of their backyard. The top of the building will be above their property. Her house is constructed at approximately 420 ft, so her house will be slightly above the top of this building. There's impacts, not just the visual impacts that are well taken. There are a lot of other impacts, too.

Incidentally, she'd like to mention that she lives in the last house that Chauncy Brooks built. Everybody here heard a lot about the Crabtree House which was also Chauncy Brooks house. She has to admit that when Mr. Williams was talking about the Crabtree House and how much attention the Board has given to the visual impact on the Crabtree House, she was asking herself what would it take to get this Board to ask about the visual impact to the last house that Chauncy Brooks built, the house that she lives in. She wanted to put that on the table because those use...to a certain extent but you may have noticed they did not address the 11 houses that are on Union Street on the Middletown side of the auto body shop. You entirely neglected those 11 houses, those 11 home owners that are on this side of Union Street. Beyond those visual impacts they heard a couple of comments about light impacts. She wants to reiterate that. In this site plan the lighting is adequate. It is affixed to the top of those buildings so it's going to be shining in all of our bedroom windows, it's going to be shining on all of our houses. The lighting currently is not dark sky compliant and what does she mean by that? Dark sky compliant lighting requires that your light is downward pointing and that it also has color temperature so that its warm and not cool. A lot of studies have proven that these warmer temperatures have a great impact of protecting the habitat around you. For your eyes, we all know that you're not supposed to stare at your phone right before you go to sleep, it's bad for your eyes because the blue light is bad for you. Ambient lighting is very cool lighting and it also uses very bright lighting and they do not appear to be downward compliant. Somebody mentioned, why don't you just take Medline and split it into four pieces. Medline would be better than this because Medline has dark sky compliant lighting. If you drive out past Medline at night, you will notice the lights at Medline are much nicer than the lights at Aden Brook. Even though the Aden Brook building is much smaller than Medline, it's lit up like a huge building. Please take a look at the Medline lighting plan and please require dark sky compliant lighting for these buildings. The color of the roof is going to have an impact on those of us who will be looking down on this property. Right now, she's assuming its going to be a light roof, she has no idea. What she suggests, there was a lot of conversation about storm water impact, there was a lot of conversation about if they have to make these warehouses bigger the retention basin will have to go in the buffer zone and you're going to lose your conservation easement. Here's a great idea, green roofs. Permeable pavement, a lead building. The Comprehensive Plan requires a lead building by consideration by the Planning Board. Ask them to look at the lead building considerations and see and see how efficient they

can make these buildings, how energy efficient they can make them. How little water they can demand from the Village. They just came out of their summer drought. Find out if they can actually find a way to prevent storm water from actually going into an infiltration basin. They can use green roofs, they can use permeable pavement. There's a lot of techniques out there, this is not new stuff, people have been doing it for decades. The US Green Buildings Council has a guideline, a guidance that's called Lead BD & C for warehouses and distribution centers that specifically addresses the differences in energy use, site selection and resource usage. It's ready for them to use, it's a template so you don't have to say go get the certification. Just make them use the template that will be a huge improvement for this.

Somebody mentioned the noise issues. All of these truck bays are in the center of these warehouses, which she understands and appreciates the efforts to protect those of them on the perimeter, these buildings from the impact of truck noises, however, there is more you can do. She suggests a noise study would be appropriate. She did hear a noise study in the list of other studies that were done by the applicant. If this height variance does go through, you will have a taller roof, a taller wall facing Weaver Street and noise from inside this canyon of trucks bounce off of that wall and back toward Weaver Street. Not only to mention that its going to be funneled directly toward her house. It's going to be funneled, just like a canyon; you can stand at one end of the canyon, you'll feel an echo. It's going to go right toward her house. A noise study would definitely be merited in this case. In addition to that, operational hours are critical, they're critical. They've talked about that difficulty with the neighboring different uses. Operational hours are so critical and they should definitely be, not only on the site plan and in the negative declaration. These things need to be coded in your negative determination. You should require shushers instead of truck back up beepers. The Town Board has been doing this for a lot of their warehouses. She stopped one of the Amazon trucks and they don't have back up beepers. You can require that any users in those potentially speculated warehouses, we don't know who's going to be operating it yet, you can require preemptedly, that they use shushers for their yard.

Inaudible due to someone coughing.

There's nothing that carries more than a back up beeper. She can tell you that because where she lives, and she's right across the street, she can hear back up beepers from Butler which is at the end of the Village. It carries very well. Also, in the site plans, she didn't see a traffic flow pattern available so she's not sure if trucks are allowed to circulate around the entire perimeter or if they have to stay in their canyon. You mentioned a traffic study but she did not see a traffic study for review at the Village Hall, the only materials available to her there were the site plan, which she did review. The site plans do not seem to incorporate the level of protection that you can afford to her, as a resident, that a traffic study may have merited. Even though you have DOT recommendations, the DOT doesn't care about protecting the Village, the DOT cares about protecting their roads. They care about protecting the path of traffic through their roads, they're not into people, they're into making sure traffic keeps moving. Anti-traffic

jam, that's it. That's where the DOT's priorities are. While they do have these turning lanes required.

**Chrm. Conero** told her they did do a traffic study. It was part of the expanded EAF they asked them to do.

**Ms. Tipton** said, ok. Here are some suggestions since she did not see these requirements on the site plan and maybe they can be included in your negative determination. A requirement that tractor trailers are not permitted to turn left onto 211. Prevent them from turning left and going into the Village downtown. Say they have to turn right. Medline did that and it's been working great. She hasn't seen any Medline trucks from her perch on the hill since they started enforcing that. Additionally, since you're requiring that they can't turn right into the property, why should they have to go from 17k down 211 and turn right onto the property? Make sure they are all coming from Neelytown Road and 84. These site plans, the reason why she wasn't sure there was any...(inaudible)...traffic study, is there's nothing in the site plans for pedestrians. As you know, the Comprehensive Plan does include a stretch of sidewalk from the auto body shop down past this development, has a proposed sidewalk area. They don't have sidewalks. 11 households and herself do not have a sidewalk. If she wants to walk down into the Village and get a beer at Copperfield's she has to cross the street, walk through her neighbor's front yard, slide over to the auto body's parking lot and then she hits a sidewalk. Why don't you require them to put in a sidewalk. It's the least they can do. They're building next to a residential neighborhood. In addition to that, what about other traffic calming measures. Like she said, the DOT doesn't care necessarily about calming traffic, they just want to keep traffic moving. There are some creative things you can do with raised pedestrian crosswalks. The biggest thing that she is concerned about here is she did not see any kind of use of this project as an opener to have a conversation with the DOT. The Village Planning Board and the Village Board have been talking for a very long time about how they are restrained by the fact that 211 and 17K are state roads. Use this as an opener. Work with the DOT and see what you can up with creatively. Who knows, maybe her dream of having a roundabout at 416 and 211 will finally come through. Sitting at home for the past two years because of COVID, sitting, overlooking 211, she can tell them, people come zooming in from Middletown and they use the hill just past her house to slow them down. They do not hit their brakes when they come to the Village. They let gravity do it for them. Then, when they're leaving the Village, they're going 45 mph by the time they hit her house, they are not going 30 mph all the way down past Hoeffner's, which is where the speed limit actually changes. They are increasing their speed all the way. You really need more traffic suppression and traffic control and calming on that end of the Village and this is your chance to get it done. Stop complaining that you can't do anything on this road because it's a DOT road. Just go ahead and talk to them about it and use this as your foot in the door. There's a few other things she's mentioned already, she understands there were water studies again, try to build the most efficient buildings that they can. It will reduce their use of water, their draw on water. I'm sure one of the reasons why people said no residential back there was because they don't have the water to afford it. Let's not turn our back on that argument now.

The loss of habitat behind these houses is going to be a huge blow. She can sit in her front yard and in summer she hears tree frogs, in the spring she hears peepers. What a celebration of the end of winter is a peeper. There are hawks that perch in the tall tree on her yard and soar down to the river. She's seen bald eagles on the Wallkill River. This is a huge, wonderful, rich habitat and we need to make sure we're protecting it as much as we can. Fight for that conservation and fight for the neighboring reduction in noise, reduction in light impacts and make that conservation easement a place where the turtles are going to want to go, where the hawks are going to go. Where you're going to have those tree frogs show up and not just vanish because they are so disrupted. On a more personal level, as somebody that lives on the far end of the Village, that it's really discouraging to feel like she is not well represented all the time. They don't have a sidewalk. Just last week, a FedEx truck ran into a car that was stopped behind a school bus because there's no traffic calming coming into the Village. How lucky are we that the child crossing the street in front of the bus was not struck? This is my neighbor's kid. And we're creating an environment where there's more and more trucks coming in and passing by right in front of these houses that are on Union Street. We're creating an environment where the people that live there, these 11 houses are people who have lived there for decades, and they've had two new households move in in the last three years. What a compliment to Montgomery that these two families wanted to move in to raise their families here. Her next-door neighbor and her husband, when they moved onto Union Street, all of their parents moved in also. My next-door neighbor's family and her husband's family live in the Village, as well. They live here, they are members of this community. Please don't overlook these concerns on 211 just because they are on a State Road. Everything that Weaver Street is concerned about, they're concerned about, too. On top of that, you have FedEx trucks barely missing school buses when they're stopping short. Thank you.

**Resident** on 14 Sycamore Drive (Couldn't hear his name and he didn't sign in.) He moved here in 2020 and they kind of found this place by mistake. (Inaudible) He moved up his whole family because it was so breathtaking when he came into town. He's lived in Brooklyn his whole life; he still works in Brooklyn. He's surrounded by warehouses. It's just one thing he told his wife, that it looks like a little movie town. It's beautiful. It's nothing he's seen in his entire life. He feels warehouses take away from that effect. He tells people where he lives, they visit him and are overwhelmed by its beauty.

**Chrm. Conero** thanked him and said it's a team effort because the Village Board is very instrumental in keeping the Village the way it is and so are the Planning Board and Zoning Boards are very dedicated, Village residents here and they take it seriously. They take their preservation seriously and they have a Comprehensive Plan, they take that very seriously. He's very happy with the community, as well, that's why he's been there for a long time.

**Mbr. Romano** compared living here to the Burb's, the whole picturesque thing.

**Mayor Brescia** said he wanted to say something about sidewalks. They all cost money. They've probably done more infrastructure improvements the last few years in the Village of Montgomery than in the seventy-five years. He's never had a sidewalk in front of his house his entire life. Presidential Heights, those sidewalks...inaudible. Unfortunately, your developments didn't require developers to put in sidewalks. On Factory Street, if its on the site plan or subdivision or a signed map, the developer should put the sidewalk in. He suggests that the Planning Board have work sessions when these projects are completed with the code enforcement officer to make sure they comply with what's on the site plan. Everything costs money. Factory Street, some of these businesses that have schools have only been there a handful of years. Presidential Heights, you have a lot more school children walking home from there without sidewalks. We'd be happy to do it, they're putting one in on Boyd Street as we speak but it's not cheap. They would need more than a million dollars, at least, to put sidewalks in in these other areas; probably closer to two. They are happy to listen to suggestions, traffic mitigation and Trustee Hembury and Trustee Lindner both, and myself have all spoken to the DOT about a possible signal light up here for traffic coming into the Village. They've done some of the things you've suggested and some things they haven't done but they are always open to suggestions. ...Inaudible...part of the reason why you guys moved into the Village and they always want to keep it safe. It's one of the safest villages in the country. Trustee Hembury hounds that all the time. We're always looking for ways to improve. They can't just add sidewalks to areas that just recently put up development. All new developments basically have to put sidewalks on one side of the street.

**Chrm. Conero** said that's true.

**Mayor Brescia** continued, he doesn't come to the Planning Board meetings because he believes in sanctity and separation but tonight was important because of the project and they wanted to hear what the residents had to say, as well. There definitely has to be a balance with commercial, residential and industrial. You do get ratables with industrial. Some properties have been zoned industrial for years. They've tried to revive those properties and make them more palatable for residents. Some people just don't like warehouses. They try to minimize it, try to reduce the size, increase the buffers and do other things.

**Mr. Raab** said he doesn't think it's a problem with the warehouse exactly, it's the size and scope and how close it's going to be. He doesn't think they understand the size and scope of what it's going to look like when it's completed that close.

**Chrm. Conero** said, it's going to be an impact.

**Mr. Raab** said, he thinks when you see the balloons go up, you're going to see a big difference.

**Mayor Brescia** said that maybe the applicant will be willing and try to mitigate some...inaudible...several people speaking at once.

Someone asked the Mayor if the applicant could put the sidewalks in.

**Mayor Brescia** said that would be a great idea.

**Chrm. Conero** was going to motion to adjourn the public hearing to next month, but Atty. Cappello asked if it could be adjourned until the March meeting, they want to gather everything in, Ross will be away.

**A MOTION was made to ADJOURN THE PUBLIC HEARING FOR KSH ROUTE 211 DEVELOPMENT 211-1-29.22 TO MARCH 22, 2023 AT 7:30 PM OR THEREAFTER AT 9:59 PM, by Chrm. Conero, seconded by Mbr. Romano and carried 5 Ayes 0 Nays.**

### **NEW BUSINESS**

#### **RE: MILLS – 109 UNION STREET – 206-6-1.2**

**Lara Pruschki** is representing the applicant. The applicant is doing a proposed two-lot subdivision. The existing lot is .671 acres, located in the R5 residence zone. On the parcel currently, is the existing single-family dwelling. The proposed subdivision will include lot 1 which will be between .42 acres and will contain the existing house and the only change will be adding a new entrance, west on Sears Street to access the parking area in the rear of that dwelling. The second lot will be .24 acres and will use the existing entrance to create a new driveway to the proposed dwelling. Water and sewer will be accessed along Sears Street. The water/sewer for the existing dwelling is accessed along Union Street.

**Chrm. Conero** asked, there's sewer running down Sears Street?

**Ms. Pruschki** replied, yes.

**Chrm. Conero** asked if this house was in the historic district.

**Eng. Sicina** replied, no

**Chrm. Conero** asked if it were within eye sight of the historic district.

**Ms. Pruschki** said she doesn't know.

**Chrm. Conero** said he brings it up because it will have to be referred to SHPO if it's within eye sight.

There is discussion and it is determined that the project is across the street from the historic district/within eye sight.

**Chrm. Conero** said it will have to go to SHPO for comment.

**Ms. Pruschki** said, okay.

**Chrm. Conero** asked if the proposed set backs were correct. He asked if anyone had any questions. All the set backs are met.

**Ms. Pruschki** said it is lined up with 129 Sears, the neighbor.

**Chrm. Conero** said it needs to be referred to Orange County Planning.

**Eng. Sicina** said it is permitted by right in the zone. There is no variance required. The applicant did note that there was a preexisting, non-conforming with the existing lot 1. He asked that it be labeled on the plan and where it is off the front porch, facing 211. The existing water/sewer service line to the existing dwelling on proposed lot 1 should be shown to ensure that no utilities easements are required across the proposed lot 2. Any proposed grading, particularly pertaining to the new driveway entrance onto lot 1 and then the parking area provided on lot 2 be added to the plan. Just a note suggesting that the existing tree that's located where the new proposed entrance to lot 1 is be preserved as best as possible, even if it means shifting the driveway a little bit. He requested that dimensions be added to the plan stating that the relocated shed will be located at least 3 ft away from the existing property line to meet zoning code. Providing a graphic scale on the plan. The project site is directly adjacent to Union Street Academy-Hill Historic District and does not meet the criteria for a type-1 action, they believe it will an unlisted action. A short EAF was provided. There was a potential for bat habitat but the site is large and cleared already. He thinks there's minimal tree removal on the site, but they still should address that. The project requires a public hearing and referral to OC Planning.

**Chrm. Conero** said they should decide whether they want to go to public hearing and they would have comment back from the County by then or..

**Atty. McKay** said, you may not.

**Chrm. Conero** said they could still have the public hearing.

**Atty. McKay** said, you can, you could leave it open. He doesn't see any other agency that would have to issue a permit, so you could declare yourselves lead agency tonight. Schedule the public hearing. It's a two-lot subdivision. The County should get it back.

**Chrm. Conero** said they will schedule the public hearing for next month and declare themselves lead agency at that point.

**Atty. McKay** said he can follow up with a resolution, you could make a resolution for this evening that you reviewed the application, it's sufficient for SEQRA purposes, SEQRA applies, you declare yourselves lead agency, preliminarily classify it as an

unlisted action, refer to Orange County, refer to SHPO, schedule a public hearing for February 22<sup>nd</sup>.

**A MOTION was made to DECLARE LEAD AGENCY FOR MILLS – 109 UNION STREET – 206-6-1.2 – THAT THE PLANNING BOARD APPROVE ATTY. MCKAY TO DRAFT A RESOLUTION THAT THE PLANNING BOARD HAS REVIEWED THE APPLICATION FOR MILLS – 109 UNION STREET – 206-6-1.2, THAT IT IS SUFFICIENT FOR SEQRA PURPOSES, SEQRA APPLIES, IT IS AN UNLISTED ACTION THAT IS BEING REFERRED TO ORANGE COUNTY PLANNING AND SHPO AND THAT A PUBLIC HEARING IS SCHEDULED FOR WEDNESDAY, FEBRUARY 22, 2023, AT 7:30 PM OR THERAFTER, at 10:08 pm by Mbr. Romano, seconded by Mbr. Steed and carried 5 Ayes 0 Nays.**

**RE: MINUTES**

**A MOTION was made to APPROVE THE DECEMBER 14, 2022 MINUTES by Mbr. Romano, seconded by Mbr. Steed and carried 5 Ayes 0 Nays.**

**RE: ADJOURNMENT**

**A MOTION was made to ADJOURN THE MEETING AT 10:10 PM by Mbr. Frisbie, seconded by Mbr. Meyer and carried 5 Ayes 0 Nays.**

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Tina Murphy, Deputy Village Clerk