

**MINUTES** of the Village of Montgomery Planning Board meeting held in the Meeting Room of the Village Hall, 133 Clinton Street, on Wednesday, August 24, 2022, at 7:30 pm.

**ATTENDANCE:** Chrm. Conero, Mbr. Romano, Mbr. Crowley, Mbr. Steed, Mbr. Meyer (Absent), Vlg. Atty. Stephanie Tunic, Vlg. Atty. Joseph McKay, Vlg. Eng. Scott Sicina of Lanc & Tully, Ross Winglovitz, PE & Reuben Buck of Engineering Properties, Tom Olley of Olley Architects, Steve Snyder, Don Berger, Jane Hoeffner, Darren Doce, Bob & Cindy Reynolds, Jeff VanZandt, Jaime & Oswaldo Ramos

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

### **PUBLIC HEARINGS**

**RE: 61 PROSPECT TERRACE 207-1-27.212**

**A MOTION was made to OPEN THE PUBLIC HEARING FOR 61 PROSPECT TERRACE 207-1-27.212 at 7:33pm by Mbr. Romano, seconded by Mbr. Steed and carried 4 Ayes 0 Nays.**

**Mr. Doce** provides proof of mailings for the public hearing to Ms. Murphy.

**Mr. Doce** is representing the applicant. The property is located at 61 Prospect Terrace. It is an “L” shaped parcel that runs between Prospect Terrace and Valley Avenue. It is approximately .29 acres and is in the R4A zone which requires a minimum lot size of 10,000 sq ft. Lot 1 will be 11,500 sq ft and lot 2 will be 25,600 sq ft and contain the two existing garages. A single-family home is proposed for lot 1; have frontage on Prospect Terrace. Lot 2 will have frontage on Valley Avenue. One of the existing garages is going to be converted into a single-family home. The proposed parcels will be hooked to Village sewer and water.

**Chrm. Conero** asked Mr. Doce if he has a copy of the engineer’s report of August 15, 2022 and to go through them.

**Eng. O’Rourke** said they have to clean up the site; there’s a lot of driveways/roads mix-matched and if you don’t clean it up now, he doesn’t think it will get cleaned up, specifically, the water service and it could be that it’s two in the same trench.

**Mr. Doce** replied, there are two in the same trench.

**Eng. O’Rourke** said that should be noted; clean up some of the driveways. They did receive the easement language yesterday; they have not had a chance to look at that. Generally, it just needs a little tweaking here and there, it will make it much easier five years from now when two neighbors are in there and they hate each other. It is just a matter of separating it.

**Chrm. Conero** said he read through the easement.

**Atty. Midler** said she would review it and any approvals would be conditions upon (inaudible).

**Chrm. Conero** asked, they do not have to refer this to OC Planning?

**Atty. Midler** replied, no.

**Chrm. Conero** asked the Board if they had any questions before they opened it up to the public.

**Chrm. Conero** said, at this time they will open to the public, if you have comments on this project, address the Board with your comments and they will entertain it.

**Don Berger** – He was not sure of the 11,500 and 25,000, he does not understand what exactly they are doing there.

**Chrm. Conero** replied, they are building a two-lot subdivision and it shows how much square footage on each lot.

**Atty. Midler** said lot 1 is new...

**Mr. Doce** said, there is two existing garages; one garage is being converted...

**Chrm. Conero** said, they meet all setbacks.

**Mr. Berger** asked, the 25,000 sq ft is an existing building?

**Mr. Doce** replied, no, it is the lot size.

**Atty. Midler** asked, what is the square footage of the proposed dwelling and new building; the existing conversion building and the new one? She does not believe they are noted on the site plan.

**Mr. Doce** said, the existing dwelling does not have a proposed house for that. They are showing a rectangle. The building plans would be submitted to the Building Inspector and he would make sure they met the setback.

**Eng. O'Rourke** said, that is not unusual at this time. They would have an architect; you could put a scale on it and measure it out but it is a standard size building. But if they came in with an actual building footprint, Bruce would review it and make sure it would fit in the lot.

**Mbr. Romano** said this would fit because you have to show a building that meets the...she has a question, what are you doing with the other building by the road?

Mr. Doce said, it is just going to remain a garage.

Chrm. Conero asked if anyone else had a comment on 61 Prospect.

Chrm. Conero said they will close the public portion of this meeting.

**A MOTION was made to CLOSE THE PUBLIC HEARING FOR 61 PROSPECT TERRACE 207-1-27.212 AT 7:39PM by Mbr. Steed, seconded by Mbr. Crowley and carried 4 Ayes 0 Nays.**

Atty. Midler said she looked at her notes and their SEA was flagged for “archeological site,” so they are asking (the Board) for a no impact letter, if you can provide that.

Mr. Doce replied, okay.

Chrm. Conero asked, under SEQRA, what is this supposed to say?

Atty. Midler replied, Unlisted Uncoordinated Action. There are no other involved agencies.

**A MOTION was made to AUTHORIZE ATTY. MIDLER TO PREPARE A CONDITIONAL APPROVAL, CONTINGENT UPON RECEIVING A NO-IMPACT STATEMENT FROM SHIPO, FOR 61 PROSPECT TERRACE 207-1-27.212 AT 7:41PM by Chrm. Conero, seconded by Mbr. Steed and carried 4 ayes 0 Nays.**

**RE: Zafir - Dunn Road: 213-3-4.22**

Tom Olley is representing the applicant, Zafir, LLC. The property owners are Brian and Monroe Zafir. The existing building on the site is a 8,400 sq ft building that currently is used to manufacture food-grade liquid totes. It is a patented process, from 2018. The original site plan was approved in 2016, amended in 2018 to clarify the building height at the time. That was on the only change to the site plan. Since they received their patent, their business has grown. The patent opened a lot of doors for them and they have the need to expand their space, here in Montgomery, they also need to have a different sanitary setup in the building that simply cannot be accommodated in the existing building. They are proposing a 13,300 sq ft addition to the site. It would be a separate building that would be located to the north of the existing building, further away from Dunn Road, further away from 211 and it would be a building that would be approximately one foot lower in height than what is there now. The dimensions of the building are 80’x160’ and the existing building is 70’x120’. It is a little bit larger building, a little over 50% larger than what is there. They have worked with the Planning Board to develop the site layout that they are proposing. They are intending to preserve most of the trees on the perimeter of the site, only removing what is necessary for the building. The use of the building does not require access from all sides, other than for

safety and security purposes. There will be no vehicles that would have to go around the building. All access would be from the front of the building. It will be served by an individual well and a septic system for this building. The building will be used for the same as the existing building is and that existing building will also be used in their production. They may operate a second line in that building that may not have to meet the same FDA standards that they would have to in the existing space. They have filed with the FAA; who knows how long it will take, but they have been in contact with them. On the original building, it was the easterly ridge line of the low portion of the roof and the easterly peak of the upper portion of the roof that had to be lit as an obstruction to navigation. The west end does not meet that standard; they are approximately a foot below that and further removed from the runway, so they do not anticipate that there will be any obstruction lighting that will be necessary on this. The drainage will be high gravity to the existing low area in the front of the property. There is a small wetland in the back that has been delineated by a biologist and has been surveyed and shown on the plan. They are going to have to disturb a very small portion of it to accommodate the maneuvering areas for the trucks, to make sure all the trucks maneuvering is done on site.

**Chrm. Conero** said he had a couple of questions. What are the hours of operation that you anticipate for the new warehouse?

**Mr. Olley** replied, the same as the existing. They generally do six days a week. They run from 8:00am to 5:00pm in the evening.

**Chrm. Conero** asked if there would be cross-dock trucking between one building and the other at all?

**Mr. Olley** replied, there may be a small amount of it, so they have made provisions for a forklift to be able to move pallets of material from one building to the other but provisions have been made for it, however, it is not going to be a regular occurrence.

**Chrm. Conero** said, it would be low capacity.

**Mr. Olley** replied, yes, very low volume. As far as the trucks, right now they get a couple of trucks in a week and a couple of trucks out a week. Obviously, the increase in the production will probably double to one truck in and out a day.

**Chrm. Conero** asked, are the trucks full size?

**Mr. Olley** replied, they are mainly box trucks, 28', but again, that does not mean that a common carrier will not come in on the site with a tractor trailer.

**Chrm. Conero** asked if Mr. Zafir has the trucks.

**Mr. Olley** replied, no, his deliveries are usually done by Saia or FedEx Freight or UPS Freight. It is mostly palletized so it does not go out by FedEx or UPS, it's an LTL carrier.

**Chrm. Conero** asked if he submitted a lighting plan for this.

**Mr. Olley** said, they included the lighting on the plan, on sheet #4. The lighting will be limited to what is required at the personnel/exit doors and any of the area lighting will be limited to three lights on the front of the building, downcast, full cut off luminaires, just illuminating the front of the building. In the winter months, late afternoon, all the operations are done during the daylight hours.

**Mbr. Romano** asked, do you have the architectural renderings for them this month?

**Mr. Olley** replied, no, not the 3D. Their architect could not get that pulled together with the detail that expressed...he does not have that, only the flat plan version. He knows they want more.

**Chrm. Conero** said, several meetings ago, they asked that the loading docks relocated, based on the new zoning laws that they have in place. There are not supposed to be any trucks facing the street. We moved them to the side/rear.

**Mr. Olley** said they moved them to the rear and on their landscaping plan, they have provided screening along the west property line and providing a bermed/screened area for plantings along Dunn Road to further shield the property from view.

**Mbr. Romano** asked, there are no entrances on the right side of the building, just on the left?

**Mr. Olley** replied, the only thing is there would be an overhead door here (indicates on site plan) that would accommodate an at-grade fork lift to go out, but it is not truck loading; strictly and at-grade door.

**Chrm. Conero** asked how many employees they anticipate?

**Mr. Olley** replied, currently they have 4 employees; the site plan had called for up to 6 employees, so 6 more on top of that for a total of 12.

**Chrm. Conero** asked, the parking lot will accommodate 12?

**Mr. Olley** replied, yes, they have the parking calculations and loading space requirements on sheet #2. They will not change the parking that is associated with the existing building, they will add to it for the rear building.

**Chrm Conero** asked the Board if they had any questions.

**Chrm. Conero** said an NOI was prepared.

**Atty. Midler** replied, yes.

**Mr. Olley** asked if it had been sent out.

**Atty. Midler** replied, no.

**Chrm. Conero** said they want to see some comment back from SHPO because it is adjacent to a historic property and they want to see some traffic analysis in there, as well, and the number of trucks going in and out.

**Mr. Olley** asked how much more they want on the traffic analysis in what they are representing is that, this is not a cross-docking facility, it is not something that they can open the IP book and...

**Chrm. Conero** replied, he would like to see a letter from a traffic consultant saying that it's not going to have a detrimental effect on the area. He thinks it will.

**Mr. Olley** said they are anticipating one a day, not six a day.

**Mr. O'Rourke** said you can note it on the site plan.

**A MOTION was made to OPEN THE PUBLIC HEARING FOR ZAFIR – DUNN ROAD - 213-3-4.22 AT 7:58PM by Mbr. Steed, seconded by Chrm. Conero and carried 4 Ayes 0 Nays.**

**Chrm. Conero** said if you have a comment, address the Board.

**Don Berger** said the presentation confused him. Some of the things he said, and maybe he heard things wrong, really confused him. First, that that rendering is not here today that they can see it, the public can see it, this public hearing cannot possibly close. Number two, if he heard this wrong, correct him, this is going to be a food grade facility?

**Chrm. Conero** said this is a production facility, it is a low impact, no smell, no emissions to process, sealed plastic bags; big rolls of plastic. It is not a high impact type of thing.

**Mr. Berger** said, his question is, he thought the first building was the plastics building.

**Chrm. Conero** said, it is.

**Mr. Berger** said, when you use the word food grade, he interprets different things. Food grade is supposed to be plastics. He feels the presentation is confusing; not clear at all.

**Chrm. Conero** said the Board is clear on what it is.

**Mr. Berger** said, he is speaking and he is the public and he is not clear.

**Chrm. Conero** said, there is plenty of information here to go back and refer to, they do not plan on closing the public hearing tonight. He can ask Tom to explain it again.

**Mr. Olley** said, if there's confusion, he would like to clear it up. They manufacture a food-grade quality product. It is a tote so it has to meet FDA and (inaudible) requirements for sanitary environments, sterile handling of that because, whether it's 500 gallons or 250 gallons of ketchup or 2550 gallons of scrambled eggs, whatever it may be being shipped in those, has to meet that same safety standard...

**Mr. Berger** interrupted Mr. Olley.

**Mr. Olley** said there is no food processing there.

**Mr. Berger** asked, the first building was plastics.

**Chrm. Conero** said, this is the same type of thing but a little bit different.

**Mr. Berger** asked, that is not confusing?

**Chrm. Conero** replied, no.

**Mbr. Crowley** said no, one is plastic, one is food-grade plastic.

**Mr. Berger** said, the other thing is, he knows they got the email from Alan Baty. It was sent to you on August 22<sup>nd</sup>. Alan and him walked the property about four weeks ago, the Sunday after the Planning Board meeting and Mr. Olley talked about low-grade drainage and all that. To start off with, on the corner of that building is a large spring, it is not a wetland, it is a spring. A large one. It is not wetlands; it is a spring. Four weeks ago, when he was there was plenty of (inaudible) water.

**Chrm. Conero** said, we need water in the Village. How is that possible?

**Mr. Berger** said, the other point is that they walked past Aeillo's property, that whole area there, there is quite a bit of streams in that area. He thinks they need to be concerned about that. He always says it is always good to walk the property and see what exactly you have out there, he does not know if they did or did not. But they found that. Another thing that they found was a major drain pipe where the telephone sits on the corner of your property (to Mr. Olley) that drains the water from that property, underneath Dunn, to the airport where the main pipe brings it down to the river. So, it is not where there is a low-land sitting area; there is a major drain pipe there. He would think they would want that cleaned up and prove that proper drainage goes through there. The other concern is the tree line that is going to be behind your building is wetlands. From the rendering you have over there, he cannot really tell where the back parking lot, where the spots are and where the trucks are pulling in, how close you are going to be to those wetlands. It looks to him like it is awful close, but he does not have the blueprints of where the building is going to sit. He would be very concerned, as a Board, of those three items that he just brought up. With that being said, he's not done, with that being said, he would hope that a positive dec would be asked for here. There is a lot of things; you have brought up

traffic, a little truck here and there, he has been hearing that for five years. It is only going to be a little truck here and there, (inaudible), they all add up. If you want a traffic study, you get a traffic study. It is simple. And he thinks this Board, more importantly, should hold Zafir to the crust of what is going on here because they screwed you the first time. They screwed you. And Mr. Olley, you are just the engineer, you are not Zafir...

**Chrm. Conero** asked Mr. Berger, what does that even mean? What does that even mean? He screwed me, what does that even mean?

Both the Chrm. and Mr. Berger are speaking at the same time.

**Mr. Berger** continued, they violated the site plan, what makes you think they are not going to do it again?

**Chrm Conero** said they met the code.

**Mbr. Steed** said he would not accept a sketch without an engineer or architect stamp on it, as they gave us the first time a straight line, not the additional height. He will make sure of it.

**Mr. Berger** said he appreciates that but that is what everybody here should be looking out for. Earlier, he talked about lights and that kind of stuff. The lights were necessary on the original site plan, on the first building. But they went above it, 8' he thinks. His concern is this company has not been straight forward with them, so he does not think they should be bending over backwards for them.

**Chrm. Conero** said they are not bending over backwards, no one is bending over backwards. There are no shortcuts being taken.

**Mr. Berger** said he said it and it is on record now, he said it. He hopes that that happens here. Again, to come here with that rendering over there, come on.

**Chrm. Conero** said, one of the things that you mentioned was the wetlands, have the wetlands been delineated on, on the property?

**Mr. Olley** replied, yes, he would ask for a moment to address a couple of comments:

#1- he respectfully asks that an accurate transcript of Mr. Berger's comments be made part of the minutes because it is clear that there's animus toward the project by some statements that were just made and it clearly needs to be reflected in the minutes.

#2- there are no wetlands in the back of the property. He is not sure where Mr. Berger was walking back there, certainly he did not seek permission to enter onto the property. He does not have the standing permission that the Board has. The applicant has to adhere to strict access requirements because of his licensing and approvals with the food grade, so they are very concerned about people coming onto the property, so please, if you feel that you want to see something, please contact Mr. Zafir or him, before you go

onto the property because you certainly don't have permission to do that.

#3-The wetlands, the whole site has been walked; Lanc & Tully has been out there digging to witness perk tests with them. In this back corner in the woods (indicates on site plan), it's all sand and gravel; there's no wetlands back there, he can assure them of that.

**Chrm. Conero** said, he is confident that Lanc & Tully and you have determined that there's no wetlands on the property, because they would have flagged those and we've been waiting for ACOE to report back to that. He would like to ask about the runoff on the parking lot to the low area towards Dunn Road. You have calculated how much runoff you are going to have and that low area is going to be able to accommodate that runoff from the parking lot?

**Mr. Olley** replied, they are complying with the DEC regulations on the stormwater for this type of project. They show the 18" pipe going across the road, they cannot tell you much about the drainage on the other side because the airport has very little information on that. He met with Ed Magryta out at the airport a couple of weeks ago and he actually had their consultant doing some digging to see what they could find but somewhere between this area over here (indicates on site plan) and the river, there's a 36" culvert that has been there for years. He even visited with Frank Hoeffner and talked to him about the drainage in the area to get some further insight. There is a direct, closed drainage system between this area in the airport (indicates on site plan) which this pipe connects into and so does the pond further down the road, next to the Butler project and that does connect in the closed system, all the way over to the Wallkill River.

**Chrm. Conero** said, they know that the calculations going to be for the drainage...

**Eng. O'Rourke** said, Tom accurately shows the drainage pipes, (inaudible), the only question they had was concerning...again, they are waiting for the resubmission. A lot of these comments are already in there, but it was through the DEC and the impact of the existing construction and the new construction, whether that is cumulative in there for additional drainage analysis would be required. Tom's researching that.

**Mr. Olley** said, they reached out to the DEC and are awaiting their response.

**Chrm. Conero** said, but we, he is speaking for the Board, they would not approve a project that didn't have proper drainage.

**Eng. O'Rourke** said, this drainage works. What he is showing works but if the DEC says it's cumulative, a different regulation kicks in for water to follow, so they have to modify it. There are ways to do that and he would have to do that.

**Mr. Olley** said they will end up with more disturbance on the site to be able to other things with the drainage.

**Chrm. Conero** said, they had several letters from the public that clearly indicate that they are concerned and he wants to make sure it is right and that's why he's asking these questions.

**Chrm. Conero** asked if anyone else had a comment.

**Jamie Ramos** – from Montgomery. She apologized, she said she hates public speaking. She is the historic property on the corner that no one seems to be...

**Chrm. Conero** said, we got your letter.

**Ms. Ramos** said she put it in writing because she hates speaking in front of people but clearly, they are extraordinarily concerned. This affects them in so many ways. They are a young family and she grew up in that home. Robert Wiggins was her uncle, for lack of a better term. She saw what he went through to restore that house with the Village in mind. Everything he did was meant to be for this Village and thus far, it almost feels like the Village is not for that house. It is a historic home; it should not be developed. They bought it knowing that what exists there exists now, which is fine. But an extension destroys that home and everything that they bought into. She is known Tom for a long time, she does not think he recognizes her. She knows what production facilities do. (Inaudible) She knows what ...work places entail. It entails a certain amount of chemicals. She also knows the noise pollution. There is a noise ordinance in the Village of Montgomery. People forget about them. She is called the police on several of companies around that surround her. She also knows that as a resident, which she is considered within this. In the industrial zone, they are a residential zone. Which means that any industrial, according to your ordinance is 62 decibels from 9:00am-9:00pm, 75 decibels, if she is correct, is a vacuum cleaner. He (pointing to gentleman next to her) works with forklifts all day, she is surrounded by them, she knows they are much louder than that. So, if that is crossing directly behind her property. They are concerned with that. She also knows if they are expanding by 13,000 sq ft, like you said, they are going to get even bigger. Let's be honest. If we are going to accommodate this now, what is the next step. You have destroyed her property value with the first one. And you might want to correct the rendering where the pond is, it is way closer to where the building is. And (inaudible) stream, just use...the Board that came to welcome them to the Village, they walked it, they saw it. She is more than happy to invite you to my property, all of you, come walk it. You can see what has affected us so far. She cannot dry out her property and her pool is sinking. Her deck has sunk because of the wetness. She can show them where the culvert is, she thinks it starts on her property. They have a culvert pipe that is toward 416??

**Mr. Olley** said, there is probably another culvert on the County Property, the County owns the little triangle and Dunn Road and there is probably a culvert that goes across and it's probably the very head of the drainage on the airport that he touched on before. He told Jamie, you talked about the chemicals and your experience with (inaudible), that is food production, this is not food production. They are manufacturing a product that is suitable for food grade. There is no disinfection, there is...

Ms. Ramos replied, it was a sanitary lab; they worked closely with the engineering. And there were certain levels that made something food grade. She is worried about environmental impact for all of us, whether its chemicals, no chemicals, the wetlands, that she now has because of that warehouse. (inaudible) She said she needs to get a survey; she couldn't get one on time but they are way closer to her property line. Again, when they came, she walked everyone through. Essentially, they are on top of her. Again, lights; those west-facing lights for the airport, they bother her, they shine right into her house, especially winter, that is all she sees is light pollution from them.

Mr. Olley asked, from?

Ms. Ramos said, from the first building that is there.

**Mr. Olley** asked, the two red lights?

**Ms. Ramos** replied, they are right on her.

**Chrm. Conero** asked if there is any screening? You indicated on the site plan for screening? That you are going to leave the natural vegetation around; what is the buffer between the property and the neighbor's property?

**Mr. Olley** replied, there is, he would have to get precise answer for you...

**Chrm. Conero** asked, would you say it is very heavily vegetated?

**Mr. Olley** said, the area back in here (indicates on site plan) is definitely heavily vegetated.

**Ms. Ramos** said, (inaudible)...they are going to quite literally corner her home in. They have 3 acres; they have the biggest parcel in the Village. Now that they are here, we are here. They are on top of them.

**Mr. Olley** said, this is the Google Earth image.

**Mbr. Romano** said we have that.

**Mr. Olley** said, you are looking at the same thing. Jamie's house sits up here. The proposed building sits back here and there's a, that corner of the back left property is very heavily wooded and they go back to here (indicates on site plan). The side door setback is about 30 ft and about 15 of it would be cleared for erection of the building and keep the rest of the vegetation there.

**Mbr. Romano** asked Mr. Olley to explain again, why the building has to be so big?

**Mr. Olley** said, part of it is because of what Jamie said, coming back in here for future expansion. This is what they have determined in their business planning that they would build something bigger, like 50,000 sq ft but fitting the building on the site without coming up with some star-shaped building to geometrically fit the site 13,000 is the...

**Mbr. Romano** said, one day they could abandon the site, if they enlarge.

**Mbr. Crowley** said, they could sell it.

**Mr. Olley** said, could they relocate? Yes, they were in Middletown and moved to Montgomery.

**Ms. Ramos** asked, why here? Why the Village? They moved here as a young family, she knew what she was going into, she have known a lot of you for a very long time. She is just meeting some of you. They have a baby. They are planning on extending their family even more. Why here? This is not what we moved here for. She knows the integrity of the Village. She has a 250-year-old home that she is going out of her way to preserve in the integrity of this Village because it is a postage stamp in the middle of grotesque commercial, first of all. Second of all, she also invites all of them to come stand in her front yard at 4:00pm and watch the traffic. She does not have a guardrail. They are building a berm because she is terrified her son is going to be in the front yard and a tractor trailer is going to plow through it. She also put in her written comment, yes, it is a box truck now, tractor trailers later, what are you going to do coming out of 416, trying to get into Dunn, really quick and somebody comes ripping down. Nobody abides by 45 right there, I can tell you right now. Some of the biggest culprits are Malley, who drives like the devil himself and does not yield. She hears horns ripping all day, screeching tires, people do not stop.

**Mbr. Romano** interrupts, the jake-brake. She lives on 211.

**Ms. Ramos** continues, yes, the jake-brake is ridiculous; all hours, all night. If there is a noise ordinance, there needs to be a noise ordinance. She gets forgotten. She has the oldest home in this Village, she is the biggest home in this Village, she has the biggest land and she is trying to preserve it because that is what this Village is for. She has a baby.

**Chrm. Conero** said, he understands and the land all around your property is all industrial.

**Ms. Ramos** said, but it should not be.

**Mbr. Crowley** said, that predates them.

**Ms. Ramos** said, she understands but again, they are the generation that one day could be sitting in your seats. We have this boisterous Village. She knows the business owners; she knows a business owner that is coming here in September and she is incredible. She

wants to do things with this Village. They are the next generation. I want to raise my children here; we want to grow our family here. We have no intention of selling our home but if that warehouse goes up, she will be lucky if she can. It is worth nothing.

**Mbr. Crowley** said, Kevin's been on the Board for many years, Sophia's been on the Board over 20 years and she is a newbie, as is Tom and she has been there 10 years. They have grown up on this Board and they live in the Village, she is lived in Montgomery since she was 6, she is lived in the Village over 30 years, so she certainly understands. She is seen the transformation of Montgomery, but 211, they have no control over. If she could block it and say "no trucks down it," she is all for it.

**Ms. Ramos** said, but you have control over things.

**Mbr. Crowley** said, they have no control over truck traffic.

**Ms. Ramos** said, but you do over development.

**Mbr. Crowley** said, they are the Planning Board, not the Zoning Board or the Village Trustees so they are limited in what they can do. She hears what she is saying, she hears her plea, she hears the same trucks and is not happy about it either but that is why she is involved on this Board and you did purchase a house that is surrounded by industrial growth. She feels sorry that she did that; she lives off 211 but only by one house. Since she moved there 30 years ago, the traffic has increased and even though she is involved; she has been on the Historic Review Board, she is involved with this Planning Board, all that doesn't stop the fact that she can't control what the Trustees do. You can control that through voting, which is what she encourages people to do. The Planning Board did not zone this. This is zoned and approved by the Trustees.

**Mbr. Romano** said, the Town has zoning around there that they have no control of.

**Chrm. Conero** said, it is industrial land, we have your letter, we are not closing the public hearing tonight, we are going to leave it open. There a lot of things in the Notice of Intent that need to be addressed, so he appreciates her comments.

**Jeff VanZandt** – Village of Montgomery – the gentleman had mentioned that the facility could be open 6 days per week and maybe only one or half a truck on Saturdays, we do not know. But for the residents who like peace and quiet in the Village, on Weaver Street he does not need to hear beep, beep, beep, beep at five o'clock in the afternoon, or five o'clock in the morning. He does not need to hear it and he doesn't think anyone else in the Village needs to hear anything stuff going on that deals with industrial stuff on Saturdays. You want to mow your lawn, that's fine, but industrial stuff should not be going on on Saturdays in the Village.

**Mbr. Crowley** said, there is a lot of things that make noise in the Village.

**Mr. VanZandt** replied, he said a few things.

**Mbr. Crowley** said, no, but industrial. When somebody is coming in to do tree removal and grinding a stump; she lives right in the Village of Montgomery, she hears plenty of noise in the Village of Montgomery but she does not think there is a big difference between a beep, beep, beep and a chain saw.

**Mr. VanZandt** said, if it is in your back yard, you might want to stop it.

**Mbr. Crowley** said, she hears beep, beep for backup and you can still hear it with any of the Amazon trucks or anything that comes...

Inaudible...too many people speaking at once.

**Mbr. Crowley** said we cannot stop all noise.

Inaudible...too many people speaking at once.

**Bob Reynolds** asked if there were access around the building. He is not there from the fire department but from a fire department's standpoint, is there access for fire apparatus around the building or in the back of it?

**Mr. Olley** replied, the access meets the building code for access. They are not proposing a fire apparatus road around the building. It is not required by code; they are not proposing it and it would virtually remove all the trees there.

**Mr. Reynolds** said, he was not sure how much of a buffer zone between the building with them. It is a perfect example for when he was chief of the fire department. They had them put in a turn around at the end so that their ladder truck could go down there and make a turn. Again, he knows nothing about the project.

**Mr. Olley** said they provided the Village Engineer with the turning movements/diagrams so that you ladder truck has full access to the front of the building. They included knock boxes for access.

**Mr. Reynolds** said, like with Brescia Way, even in the back of the building, all they put was slip blocks to prevent heavy grass to grow through it, so you could drive a truck back there even though it is just dirt; it was not paved or anything like that. That was one question and he does not know, do you go to the fire department before this or when it gets to the building part of this project?

**Chrm. Conero** said, he was just bringing this up with Stephanie and John. When it is a residential unit, they need fire access all the way around the building, he believes.

**Eng. O'Rourke** said, NYS Building Code/NYS Fire Code says this does not warrant...it is the size of the building, the size of the roof...

**Mr. Olley** said, and the type of construction; metal building construction, steel beam...

**Mr. Reynolds** asked (inaudible)

**Mr. Olley** said there are no water mains out there.

**Mr. Reynolds** said, there are no water mains on 17K where we just built a building and I can tell you what we had to do there for a sprinkler system.

**Mr. Olley** said, you have a different occupancy. You have a repair garage which has...

**Mr. Reynolds** replied, flammable stuff.

**Mr. Olley** said, we are apples and oranges. If they ever, by rights, the airport is required to have sprinklers for all those hangers and if that ever gets built, they would be first to tie into that line going out there. I can assure you the owner would like that.

**Mr. Reynolds** added that they should have done that with the Medline project. They should have had that water line that Medline put in, tie into the Village and then you would have an extra water source, so now that we have this shortage of water, we could have a backup system.

Several people speaking at once.

**Mr. Berger** said, to clarify a few things, Bob, you are talking about the water, the Village is bringing water down to 416 for the Food Bank.

**Mr. Reynolds** said, they need to tie into the Town for shared services. If a well goes down in the Town, they can borrow from the Village and vice versa.

**Mr. Berger** said, Jeff was talking about the beeping's, you could require shushes, he believes. They have them at UNFI, there has been big battles over that. We do not have to do that, we can just require something else.

**Mr. Olley** said they will gladly add them to the forklifts that they have.

**Mr. Berger** continued, the other thing, you guys were talking about zoning and all that, so the Town, when they owned the majority of that property before for the annexation, that whole area was going to be rezoned to aviation/high-tech so that would have eliminated the industrial aspect that you guys were referring to earlier. So, a lot of this has happened because of the annexation. You are going to have Butler down there on Dunn Road and you are going to have all that I1, that you mentioned.

**Chrm. Conero** said Zafir has always been I1.

**Mr. Berger** said he knows that, what he is trying to say to you is that the Town, during their Comprehensive Plan and Review completed it, had an entirely different look of Dunn Road compared to what the Village has. That all comes down to that annexation

and how that annexation went down. To end it, the one thing at the last meeting that you made a mistake on was the curbing. He thinks they should have required curbing because he would have thought that since Dunn brings you all the way down to the airport, it would have been a much better look to that road if eventually, we had curbing going all the way down. Zafir, you had those two properties, you could have required him to put the curbing up, you did not do that, now it is going to have to come to the taxpayers to do that.

**Chrm. Conero** replied, we are talking about the curbing on the property?

**Mr. Berger** said, yes, it would make it look more attractive, a lot better.

**Chrm. Conero** said, what they could do is hold money back in escrow and if they ever decide to put sidewalks in and curbing down there, we will keep it in for a while. He knows they have done it for other people. We are not going to ask them to put sidewalks in front of their building for sidewalks to go nowhere, but we could hold money back.

**Mr. Berger** said, its stepping stones, Kevin, when Butler gets in there, you have that whole area, he just thought the road would have looked a lot better there. The drainage could have been upgraded to some sort and a whole different look added. A futuristic look rather than what is, it is.

**Mr. Olley** said, to bring up a point, it is not your road. It is a town road.

**Chrm. Conero** agreed, it is a town road, the property is in the Village. Dunn Road is a Town road.

**Mr. Berger** asked, the entire portion of that road?

**Mr. Olley** said, yes, it is.

**Mr. Berger** said, he was told that it is split.

**Chrm. Conero** said, the properties are on Village land.

**Mr. Berger** said, you could still have curbing on their property line.

**Chrm. Conero** asked if anyone else had any comments on this piece of property. There are a lot of unanswered issues here. The Notice of Intent did not go out yet. He recommends keeping the public hearing open.

**Mr. Olley** said, since they did not have the architectural renderings ready for you tonight, they were not going to ask to close the public hearing. The architect became a grandfather over the weekend so...

**A MOTION was made to ADJOURN THE PUBLIC HEARING FOR ZAFIR – DUNN ROAD - 213-3-4.22 TO SEPTEMBER 28, 2022, AT 7:30PM, at 8:33pm by Mbr. Romano, seconded by Mbr. Steed and carried 4 Ayes 0 Nays.**

**OLD BUSINESS**

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

Chrm. Conero said we had a public hearing, closed the public hearing, we asked our attorney to prepare a Conditional Final for Subdivision Approval and we also asked our attorney to prepare a Preliminary Conditional Subdivision Approval, correct?

Atty. Midler said it is a Conditional Final for Approval for the Minor Subdivision. Between herself and Scott, they felt their requirements were met subject to final review, to make sure the final plat requirements are complied with in full. At this time, you can move forward.

**A MOTION was made TO ADOPT A NEGATIVE DECLARATION UNDER SEQRA FOR KSH ROUTE 211 DEVELOPMENT 211-1-29.22, SUBJECT TO ATTY. MIDLER’S APPROVAL, AT 8:37PM by Chrm. Conero, seconded by Mbr. Steed and carried 4 Ayes 0 Nays.**

**A MOTION was made TO APPROVE THE CONDITIONAL FINAL SUBDIVISION APPROVAL FOR KSH ROUTE 211 DEVELOPMENT 211-1-29.22, AT 8:39PM, by Chrm. Conero, seconded by Mbr. Romano and carried 4 Ayes 0 Nays.**

**RE: 76-78 WEAVER STREET**

Chrm. Conero said they have the Engineer’s report back, dated August 18<sup>th</sup> and it does not look like there is anything major on here, John.

Eng. O’Rourke replied no, just the same comments as last time. They just did not receive a submission with any changes on the survey, but they are minor so you can schedule a public hearing.

**A MOTION was made TO SCHEDULE A PUBLIC HEARING FOR 76-78 WEAVER STREET 208-1-49 & 208-1-50 FOR WEDNESDAY, SEPTEMBER 28, 2022, AT 7:30PM OR THEREAFTER, at 8:46pm by Chrm. Conero, seconded by Mbr. Romano and carried 4 Ayes 0 Nays.**

Mr. Reynolds was advised that he has to have a public hearing on the subdivision, so unfortunately, you have to come here for a public hearing on that. They tried to get around it but they cannot do it.

Mr. Reynolds said he submitted everything, corrected the lot line change on the survey, he redid the language because they needed to for the County. Is there anything that has to be done for the next meeting?

Atty. Midler said an SEAF (short environmental assessment form) needs to be submitted. Eng. O'Rourke said he spoke with Scott and they offered to help him but you have to do that and because of regulations, you have to have a public hearing. You have to notify the neighbors.

Atty. Midler said, there is no separate lot line change provision so it is considered a minor subdivision, which is why all these regulations get triggered. Tina and I will help you.

Eng. O'Rourke said you can hire a professional to do it, or the Village has offered to help you. It is right in the code; you can go online and do it. Again, we offered to help; just call the office.

**RE: 77 CLINTON STREET 202-3-7.2**

Ross Winglovitz is representing the applicant for the site plan of 77 Clinton Street. They were before them in March but needed to for a variance which they did obtain. They were waiting for the lot line change for 88 Charles Street, that they had applied for, to be perfected. That has been granted an approval so they resubmitted, addressing the comments from March 18<sup>th</sup>. They did receive new comments from Scott; looks like they have some work to do. He has a few he would like to discuss:

#2-the plan is contingent upon access easements, which are noted on the plan. The applicant should provide some indication that joining property owners are amenable to the plan. That was provided as part of the 88 Charles Street application; it was an actual agreement provided. A letter from the attorneys from both Devitt, B&K and Philco. Eng. O'Rourke said, the agreements should be filed with this file. Mr. Winglovitz will provide copies.

There is a comment on drainage. Currently, the whole site sheet flows from Clinton onto 88 Charles Street's property; that is going to continue. They are adding a pervious area to it. There is no closed drainage system anywhere that they connect to; that would be good but it does not exist. He wants to offer a letter from the owners of 88 Charles Street, indicating that they are aware of what is proposed and that they do not have a problem with the sheet flow that is going to continue onto their property. Eng. O'Rourke added, he would rather not. It does sheet flow but it is completely all grass; a very large trigger. It sheet flows to an angle to 88 and there is a big puddle that all the cars have access to the back have to go through. There is an existing issue there now. If you do not want to connect because it is a long way to connect, but you could look into putting something into the ground. You could put a couple of seepage pits in there. You are taking a lot of impervious area and just sheet flowing across it there and it is fairly flat. He would rather see something than just an easement saying we are just going to have all this drainage because now all that drainage is crossing 88 Charles and it is going

to go onto our road and sit there. Mr. Winglovitz said, he will see what they come up with.

The box that Scott referred to is the 88 detector. They will add a legend and clarify that.

There is a sidewalk proposed on this side of the building (indicates on site plan). It is really an entryway; there is two doors that are coming in here. One of Scott's comments is to define the doors, so they will show them better. This is just a walkway from the existing pavers into the building. Eng. O'Rourke said, it was not labeled and there is no legend so they do not want to guess. Chrm. Conero asked if there is a green area between the sidewalk and the building? Mr. Winglovitz said, there would be if they did not put a walkway. There are two doors entering the building here (indicates on site plan); instead of just having two narrow paths, they are showing the larger concrete area from the existing pavers just into the building for access. They will show the doors and it will define it better. Chrm. Conero replied, that will be nice to see something other than concrete there. Eng. O'Rourke asked if the apartments would have access through the building? Will there be exterior porches? It appears that all access is through the building. Mr. Winglovitz said, yes, it is interior. Mbr. Crowley asked if there was access in the front? Mr. Winglovitz replied, yes and in the rear. Mbr. Crowley asked if there is two different retail spaces downstairs? Mr. Winglovitz replied, one retail space. Mbr. Crowley said, they will walk in and be...Mr. Winglovitz said there will be one staircase going up.

Mr. Winglovitz continued, they do have basic floorplans and elevations that they brought to the ZBA. They will submit those.

Dumpster...they are not proposing a dumpster. Many businesses use curbside pickup and they will do the same for this building. Chrm. Conero asked if that would be on the front of the building? Mr. Winglovitz replied, yes. Mbr. Crowley asked if that would be for the tenants upstairs, as well? Mr. Winglovitz said, everything will be to the Clinton Street side. Eng. O'Rourke said, if there are tenants, there may be bags out there. Buddy is concerned if they are bringing down trash, how are they are going to do it and where are they going to store the garbage cans. Mbr. Crowley said, in the winter and snow. Eng. O'Rourke said, not only that, are there cans sitting out there 24/7. Mbr. Romano asked if Devitt Management could designate a garbage area on the side of the building? Chrm. Conero said, like a garbage shed. Mr. Winglovitz said he will define the area.

There is a water and sewer service that was constructed as part of when Clinton Street was repaved, they are showing on the utility plan. They will label them as existing.

Atty. Midler asked if the parking calculations were correct? You received a variance for off-street loading and for the side yard. It says total parking required, 19 spaces; you are including 79 Clinton in it. You are only providing 12 so did you need a variance for that? Mr. Winglovitz replied, they note that there is the 500ft of the municipal parking lot. They are seeking the waiver. Scott pointed it out. In total, they wanted to make sure they provided the residential parking for Philco, as well as the proposed site. The easement covers four parking spots that are in this common access parking easement so that they have 4 spots that are going to be dedicated to them. Signage will be a good idea for those spots and they have to move their snow; it was put in one of their spots. That is the plan

to have dedicated spots. The spots are right here (indicates on site plan), that is where he's supposed to park now. By reconfiguring this, he will have 4 real spots. Atty. Midler asked, you have a new agreement with them? Mr. Winglovitz said, that will be part of that agreement for the access and parking. Atty. Midler asked if he was going to submit it. Mr. Winglovitz replied, yes. Mbr. Crowley is confused about the parking. 88 Charles is the arrow? Mr. Winglovitz said, yes, that is the two-way, this is all existing parking and 88 Charles Street parking. This is all new (indicates on site plan). Mbr. Crowley asked if the two-way was going up to the existing parking? Mr. Winglovitz replied, yes, they come in now through here and are supposed to park here, but this is...there is an old easement and when it was subdivided off, it needed it for access across 88 and for parking here. Eng. O'Rourke said there is also parking; there is a couple of easements back there.

Mbr. Romano asked about #20, removing it as necessary? She reads from Lanc & Tully's comment letter, "We note that removal of the large tree in the rear of the site may also impact stability of the wall." Are you keeping the wall? Mr. Winglovitz said, there is two things here; there's like a landscape tie/landscape area and the middle of that area is a fence. In order to get the spacing, they mentioned to Scott that they were going to take out the landscape tie and retain the landscape area on their side of the fencing. The wall that is the fence is going to stay, the planter does have to be removed. Mbr. Romano suggested putting drainage there.

Mr. Winglovitz said, Scott mentioned the meets and bounds on there for the easements; they have it in the lot line change plan. He did not want to muddy the site plan. Eng. O'Rourke suggested he attach it to the plan so that it is with it. It gets confusing.

#21 is about the utilities on Clinton Street but those are existing. There are no more cuts into the road. Eng. O'Rourke said, again, clarify because your plan had not shown it.

#22 is about County Planning referral. They would respectfully request that the Board make that referral. Eng. O'Rourke does not recommend; they will comment on drainage and lighting so you may want to add that before. It will come back. Atty. Midler suggested sending with an additional submission.

**A MOTION was made to SUBMIT 77 CLINTON STREET 202-3-7.2 FOR 239 REFERRAL TO ORANGE COUNTY PLANNING AT 8:59PM by Mbr. Romano, seconded by Mbr. Crowley and carried 4 Ayes 0 Nays.**

Mr. Winglovitz asked if they needed AHRB approval. Atty. Midler replied, yes. SEQRA has not been completed yet. It will be an Unlisted Uncoordinated. Mr. Winglovitz asked if it would be a Type 1 because they are in the Historic District? She asked how much disturbance about? Mr. Winglovitz said there would be 7,000 sq ft of disturbance. Eng. O'Rourke said it would not hurt to call it a Type 1, just to be safe. Mr. Winglovitz said it is an Unlisted Action in a Historic District. Eng. O'Rourke said making it a Type 1 does not require you to do anything extra. Atty. Midler said, Unlisted Action with agencies that require approval are Coordinated. Unlisted could be coordinated. Eng. O'Rourke said he is better off saying it is an Unlisted Action and

because it's an Unlisted Action he's going to have an Uncoordinated Review, so this Board is going to review it just like the ZBA did and the AHRB would have their own Neg Dec. Atty. Midler said, she doesn't think that's an option. If there is another agency that is making its decision in an Unlisted, she thinks requires Coordinate Review. Mr. Winglovitz said, let's do that. Atty. Midler said the reason he went to ZBA first is because that, according to their decision was a Type II because of the Area Variance. For your other projects where you have Unlisted Actions with ZBA decisions, and both would be considered Unlisted, so she does Coordinated.

**A MOTION was made to DECLARE INTENT TO BE LEAD AGENCY, UNLISTED UNCOORDINATED ACTION, FOR 77 CLINTON STREET 202-3-7.2 AT 9:04PM by Chrm. Conero, seconded by Mbr. Steed and carried 4 Ayes, 0 Nays.**

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

Atty. McKay said there was a change on the Neg Dec. concerning the wetlands. It seemed like it was a condition; they took one sentence out of the Negative Declaration and included it in part of the conditions of the site plan. Chrm. Conero said they voted on that last time to have the attorney correct it. Mr. McKay said they motioned at the last meeting to have it amended. The subdivision would be next. The applicant's counsel suggested that on one of the clauses concerning the grant of the variance was not necessary and he agreed. It was in there as a historical, procedural statement; that can come out. Also, Kristen O'Donnell had a clarification on page 2, referencing chapter 122 concerning the code section that was an issue where it starts with item #1, the Planning Board finds... "The final subdivision plat, submitted by the applicant generally conforms to the requirements of the required sections of the code." What they are going to discuss is whether or not it actually is a Final Conditional Subdivision Plat Approval. Since it is a minor subdivision, the Board can approve this document as a Conditional Subdivision Approval and he can delete the word Preliminary but there no other discussions in the last week or two.

Chrm. Conero said, if he is correct, he thinks the subdivision is probably the easiest part of this; this minor two-lot subdivision. Atty. McKay said the plat that has been submitted has no changes. The plat is fine. This can be a Conditional or Final Conditional Approval.

**A MOTION was made to ADOPT THE FINAL CONDITIONAL SUBDIVISION APPROVAL FOR FOOD BANK OF THE HUDSON VALLEY 214-1-1 AT 9:11 by Chrm. Conero, seconded by Mbr. Romano and carried 4 Ayes 0 Nays.**

Chrm. Conero said they spent a lot of time on this one to be sure all the conditions were met from the Negative Declaration on the wetlands, they wanted to make sure warehouse criteria was built into that, the Village has criteria now that the Planning Board has to look at, the design, we also need to go to the Village Board. Atty. McKay said the one thing outstanding, since they got past the wetlands issue is the building design because as part of your review of Special Exception Uses, the code uses the word "shall," we shall

review the building design. “The applicant shall make a building design submission, in terms of color, materials, design of all structures.” Then it goes on to be more specific but that is the criteria. Detail, color, materials and design for your review and approval.

Eng. O’Rourke asked Mr. Winglovitz if they have the renderings? Mr. Winglovitz said they hadn’t been completed. They do appreciate that the condition to be back to the Board to satisfy the condition. Mr. McKay said, so the Board is aware, the wetlands issue they had been trying to resolve, there was further discussion the past few days; it’s no longer per say, but now, our Engineers are comfortable that the proof that provides the initial review will now have to provide a letter to the Board verifying that the wetlands on the property are isolated and they take responsibility for the delineation and determination that the application does not need a referral to the ACOE for jurisdictional determination. That is how that was resolved.

Lastly, the submission of approved design. Jay had submitted a few comments; there are no grease traps here, so he removed them. The last page is standard resolution. The language in here is if there was a grease trap. If some of the language is problematic, he will amend. Chrm. Conero asked if the Board had any questions for Ross.

Chrm. Conero said this is not common, what they are doing; they have made significant steps to move things along, but they have what they need to cover as Planning Board members, is in there. They have a way to enforce what they were required to do. He is okay with this.

Atty. McKay said this now requires approval of the Village Board because it is a Special Exception Use. They do need a letter concerning the delineation of the wetland and they need the architectural submission. Then, if it comes back to you for action, then they go to the Village Board for approval. Chrm. Conero said he thinks the Village Board would want to see architectural on this.

**A MOTION was made to APPROVE THE NEG DEC AND RESOLUTION OF PRELIMINARY SITE PLAN APPROVAL FOR FOOD BANK OF THE HUDSON VALLEY 36-1-2.12 & 214-1-1 AT 9:17PM, by Mbr. Romano, seconded by Mbr. Steed and carried 4 Ayes 0 Nays.**

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

Reuben Buck is representing the applicant.

\*In terms of the drainage study, they’ve done that and submitted for their review. A quick summary for the Broad: concerning the 24” box over at the intersection of Clinton and Spring Street. Through onsite investigations and surveys, they were able to demonstrate that the existing drainage infrastructure goes to their property directly connects that 24” box culvert. In the proposed condition, they will be connecting into that

culvert. The time of concentration is increasing by .6 minutes and they are reducing the amount of pervious area flowing to that 24" box culvert. The drainage study that they prepared concluded that that culvert is insufficient for the flows going to it and development of the property betters that condition, though the culvert is still undersized for the amount of runoff going to it.

\*Lighting plan- they will address as needed.

\*Landscaping- they will add standard notes and details.

\*Parkland fees-they will pay those in lieu of providing parkland.

Chrm. Conero asked, the comments you are reading from is dated what? Mr. Buck replied, June 17<sup>th</sup>. Chrm. Conero said he wanted to make sure they were on the same one.

Chrm. Conero said, they met with the applicant and design team up at Johnson & Smith and Brian about the renderings and the changes. Has he submitted any kind of finals on the architecturals. Mr. Winglovitz replied, no. He did speak with him (Brian) and he mentioned the meeting and that it went well. He will be speaking with his architect. Chrm. Conero said they would want to see that.

Chrm. Conero said he met with Mr. Rivenburgh, his builder, and Elise from Johnson & Smith, they went through all 24 recommendations and they worked out what it is going to look like.

Eng. O'Rourke said, they submitted a drainage report. Scott is meeting with Buddy and the Railroad because the railroad will be doing some improvements to their drainage system there, as well. They need to coordinate that. The box culvert down there; they were hoping to have the applicant make sure it is clear. They are reducing the drainage by a little but it floods now, so they have to solve that problem, especially if the railroad is going tie in, too. They have to coordinate that whole drainage improvement; it's a big issue. Everything, generally, has been addressed by the applicant. The Village Board waived the requirement for some of the curbing. Buddy wanted to make sure the drainage got into the curb/existing catch basins so that made perfect sense. The problem is the drainage. They will meet with Buddy, they will meet with the railroad, and then depending on that they will compile a letter and contact you directly once they get some type of direction.

Mr. Winglovitz would like to set a public hearing. Chrm. Conero said they are concerned about not having the architecturals first. He asked the Board and they want to wait. Mbr. Crowley would like to know what it looks like. Eng. O'Rourke said, the number one comment you are going to get from the public is, "What does it look like?"

## **RE: MINUTES**

**A MOTION was made to APPROVE THE MINUTES OF JULY 27, 2022, at 9:36 PM by Chrm. Conero, seconded by Mbr. Romano and carried 3 Ayes 0 Nays.**

**RE: ADJOURNMENT**

**A MOTION was made to ADJOURN THE MEETING AT 9:25 PM by Mbr. Romano, seconded by Mbr. Steed and carried 4 Ayes 0 Nays.**

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Tina Murphy, Deputy Village Clerk