

MINUTES of the Village of Montgomery Planning Board meeting held in the Meeting Room of the Village Hall, 133 Clinton Street, on Wednesday, October 26, 2022, at 7:30pm.

ATTENDANCE: Chrm. Conero, Mbr. Romano, Mbr. Frisbie, Mbr. Steed (absent), Mbr. Meyer, Vlg. Atty. Stephanie Tunic, Vlg. Atty. Joseph McKay, Vlg. Eng. Scott Sicina of Lanc & Tully, Brian Rivenburgh, Ross Winglovitz, PE & Rueben Buck of Engineering Properties, Tom Olley of Olley Architects, Jim & Nancy Rathbun, Walt & Mary Ann Lindner, Don Berger, Sid & Karen VanDerley

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

The Chrm. welcomed new member Amy Frisbie to the Planning Board. She is replacing Erin Crowley who resigned from the Planning Board and thanked Ms. Crowley for her years of service.

Because of the Planning Board schedule and the upcoming holidays, to ensure there is enough public participation and public comment for the public hearings on their agenda, the Chrm. is suggesting combining the November 23, 2022 and December 28, 2022 meetings to December 14, 2022.

A MOTION was made to COMBINE THE NOVEMBER 23, 2022 AND DECEMBER 28, 2022 PLANNING BOARD MEETINGS, BOTH TO BE ON DECEMBER 14TH AT 7:30PM, at 7:31pm by Chrm. Conero, seconded by Mbr. Romano and carried 4 Ayes 0 Nays.

PUBLIC HEARING

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

A MOTION was made to OPEN THE PUBLIC HEARING FOR ROWLEY – RAILROAD AVENUE 202-13-1.123, 202-13-5.21 & 5.22 at 7:35pm by Mbr. Romano, seconded by Mbr. Meyer and carried 4 Ayes 0 Nays.

Atty. McKay said, for the Board's benefit, he had prepared three draft documents for their approval. He also has several questions.

Reuben Buck is representing the applicant. The action proposes a development along Railroad Avenue, tax lots 202-13-1.123, 202-13-5.21 & 5.22. The applicant is proposing a 9-lot subdivision. Lots 1-7 are proposing a duplex on each lot. Public water and sewer services will be provided from Railroad Avenue. On lot 8, will be a 6,000 sq ft mixed use building. The first floor is going to be commercial; the second and third floor will have 6 apts. each. Also, on lot 8 is proposed a 24-space parking lot to be reserved for residents of that building. Lastly, on lot 9, the applicant is proposing an 18-parking space municipal lot to be dedicated to the Village. Additionally, the applicant is doing improvements along Railroad Avenue, including on street parking, improved drainage along Railroad

Avenue and Clinton Street. The mixed-use building will also have its public utilities from Railroad Avenue. He'll be happy to answer any questions the Board or public may have.

Chrm. Conero asked if the Board has any questions. They have been meeting for several months on this project and they've put a lot of time into the detail to this project; both architecturally and with the site plan looks.

Mbr. Meyer asked if the parking on Railroad Avenue is parallel parking or parking where the people will be backing out into the street?

Mr. Buck replied, parallel.

A MOTION was made to OPEN THE PUBLIC HEARING TO THE PUBLIC FOR ROWLEY DEVELOPMENT – RAILROAD AVENUE 20-13-1.123, 202-13-5.21 & 5.22 AT 7:35 PM by Mbr. Romano, seconded by Mbr. Meyer and carried 4 Ayes 0 Nays.

Jim Rathbun – 159 Clinton Street – I think if you're a resident of the Village and you don't know that this current property is not ideal residential real estate, there is no green space there now and he's curious as to what is going to be available for these units in terms of back yards or space for children to access. It's the first time he's looking at the drawings and he sees space behind these units. Is that proposed to be green space.

Chrm. Conero said each unit, the duplexes, all have back yards that border the property line of the railroad tracks. The apartment building does not have green space in it. Again, they tried to get that building in, situated in a way that it would enhance that street and line that street. Right now, it doesn't have any curbs or sidewalks on it. They're Comprehensive Plan Committee also recommended to our Village Board, back in 2020 that that land should be rezoned to residential from industrial; they didn't want the truck traffic in there, back and forth in the middle of the Village. It's a unique piece of property because it's an industrial zone bordered by a lot of residential. He knows they are on Clinton Street. He's not sure if it shows on the plans, but they anticipate having a stop sign at the corner because there's a blind spot coming through, that was recommended by Mbr. Romano and they are all in agreement on that. Does that answer your question about the green space?

Mr. Rathbun replied, somewhat. What is the proposed socioeconomic status for the property owners?

Chrm. Conero replied, there is no mention of that at all on their application.

Mr. Rathbun asked what the units would be sold at?

Chrm. Conero said, he has no idea. The Planning Board doesn't get involved with that. There is no subsidized housing, that he knows of. These will be owner occupied duplexes, the apartments; there will be business on the bottom so there will be a mixed

use of business and residential on top. They hope to extend the downtown area to there, as well.

Mr. Rathbun asked, what businesses would be going in?

Chm. Conero replied, he doesn't know. The property owner is here.

Brian Rivenburgh said, their office is in the old Walden Savings Bank; they've been in town for many years, about 25-30 years. They've owned the property, they used to run the lumber yard there. They plan on building all of those units and then keeping them. They will be renting the duplexes at market rate and renting the apartments at market rate and renting the commercial space at market rate.

Mr. Rathbun asked, they're all rental units?

Mr. Rivenburgh replied, yes. They will be managing them from their office, here in Montgomery.

Chrm. Conero said the Planning Board has asked the applicant to work with our architectural review planner, in Corning, NY, her name is Elise, he met with them and that's why you see that building that looks historic. It utilized a lot of the historic features that were integrated into that; a lot of windows a lot of lights, window space to allow natural light into the building, the roofline and the details to all the windows have been approved or we wouldn't come to this junction in the application until that was satisfied. He was more than happy to accommodate most of the changes that she recommended. He thinks it's going to be a fantastic looking building down there; better than what's down there now.

Mr. Rathbun asked, the units themselves, are they going to have some sort of the back, porches or something that looks out to the back?

Chrm. Conero asked, the apartments?

Mr. Rathbun replied, yes.

Chrm. Conero said, there will be nothing in the back.

Mr. Rivenburgh said, there are storage units for the apartments.

Don Berger asked, the Railroad Avenue to the corner of Clinton, how is that going to look, is it going to be more square, how is that going to be and number 2, the border of the property to the railroad tracks, what is going to be put up to prevent children, or anyone else, from walking out on the tracks?

Chrm. Conero asked Mr. Buck if there is anything on the backside of the railroad tracks or the backside of the seven duplexes? Is there anything proposed for health and safety reasons?

Mr. Buck replied, nothing currently.

Chrm. Conero said, so it's just an open parking lot with access to the tracks? The other question was about the alignment of Clinton and Railroad, if you could just comment on that, too?

Mr. Buck said, they are proposing a curbed island at the corner, here, (indicates on site plan); the sidewalk coming along Railroad Avenue will connect to a sidewalk going up the street and then there will be a stop sign at the corner and a crosswalk proposed on the corner of Clinton Street.

Mr. Berger said, what he meant by that was, it's kind of wide-mouthed there.

Mr. Buck replied, it will be squared up.

Chrm. Conero said, they are going to have a street line, curbs, sidewalks. It's going to look nice.

Mr. Berger asked, is the curb line, there is speculation, or talk about doing a railroad crossing. Is there going to be curbing? He thinks the connection to the railroad crossing and the curbing of the project blend in together.

Chrm. Conero asked, is there curbing on Clinton Street?

Mr. Buck said, there is proposed at the end of the entrance to the parking lot but nothing extending down to the railroad track.

Mr. Winglovitz asked, so they're redoing the railroad, redoing that crossing?

Mr. Berger replied, it was brought up a number of months ago, he believes, by Buddy. He was talking with the railroad and they talked about redoing that and he suggested to the Village Board about the type of crossing they should be putting in. It would be nice if it was a continuation of curbing to blend in with the railroad track.

Chrm. Conero said, on this project, he can't see bringing it all the way to the railroad crossing until they change the railroad crossing around. He doesn't know if there is any proposed sidewalk on that side of the street. They will take a look at that.

Nancy Rathbun – 159 Clinton Street – she knows there's a need for rental units but she's assuming a lot of families are going to move into these, do you know how many bedrooms will there be?

Mr. Buck said the apartments are two bedrooms and the duplexes are two bedrooms.

Ms. Rathbun said there will probably be a lot of children. She would like to see a little bit of open space, maybe a playground or someplace for all of the people living in the apartment to spend some time outdoors and some green space, she doesn't see any green space there.

Mr. Buck said the geometry of this lot is tough and very narrow. They are pinned in from Railroad Avenue and the railroad itself. The building is very close to both the front and rear setbacks lines so the hope would be that whoever moves in here takes advantage of the parks here.

Chrm. Conero said, they will be paying "in lieu of" parkland fees to our Village Park, to help us enhance the park, as well. All the builders have to pay that.

Ms. Rathbun said the children aren't going to go from the two-bedroom apartments are not going to go down to the park in the afternoon. There is no space for children there at all.

Mbr. Romano said, in her opinion, two bedrooms are mostly for newlyweds or a baby and that's about when they move out. If they choose to stay, they stay with one child.

Chrm. Conero said, the green area that was going to be proposed there, they liked the idea of having some parking. They have a parking situation in downtown Village of Montgomery where we're always looking for parking. The developer said he was going to donate that piece of land for parking, so we're excited we are going to get some parking in the village. Anyone who's been on the Planning Board for many years, knows that parking is always in issue downtown.

Ms. Rathbun asked if new developments were required to have a certain percentage of green space.

Eng. Sicina said typically, if an applicant can't provide a playground, they would pay a payment in lieu of that, that way the Village can update their own park; potentially put a new playground/park somewhere else.

Karen VanDerley – 268 Goodwill Road – She has a huge concern of any child with a railroad; there is no protection from that railroad where these apartments are. There needs to be retaining wall, a fence, something that will deter kids from going up there. It's really dangerous; you never know when a train is going to come through there and she'd hate to see a fatality happening with that with those children there. She begs them to really think of something to put up where the apartments are and housing is now in that area up there. As a kid, she used to walk it. Her other concern is that she is parked down here, at the four corners. She walked up the street, and she is older, who's going to walk all the way down there, from Railroad Avenue, all the way up here to come to our businesses? She knows we are hurt for parking but that is a huge hill that you have to

climb to get up here. She's not understanding why the Village wants that extra parking. To her, it's going to be extra parking for people down there. It's not going to be extra parking for the Village, up here. It could be for the businesses down there, she doesn't know what kind of businesses will be down there, but to actually give it to the Village, she is totally lost why that would be beneficial to the Village when all the businesses are up here.

Chrm. Conero said he understands what she is saying, but he thinks the Village Board voted to make that into a parking lot. The Planning Board actually agreed to that because of the lack of parking even in that area. They have some events that happen there.

Ms. VanDerley said, one event.

Chrm. Conero continued, they have one event plus Montgomery Day that people can utilize that parking lot on.

Ms. VanDerley said, for 18 spots, you're not going to get that many people; you're going to get a float.

Chrm. Conero said, and the tractor parade.

Ms. VanDerley said, you're not going to get any tractors in there.

Chrm. Conero said, not trying to get tractors in there, people to park.

Ms. VanDerley said, you're not going to get that in there because they come up here to watch the parade. The parade doesn't go down there, it goes down Railroad Avenue. She's been on that committee from the beginning, 12 years. You don't get any participants down there to watch the parade. They all walk up here or they go to other parts of the Village. They never stay down there.

Chrm. Conero said, again, they are happy to see some increased parking.

Ms. VanDerley interrupted, she understands, she just doesn't want the people in that apartment/development park an extra car there and the Village has to plow around it each time they're plowing down there...

Mbr. Romano said, just so you know, the municipal parking lot we do have, we can't control that because it has her neighbors parking there. That's uncontrollable.

Ms. VanDerley said it's not uncontrollable.

Mbr. Romano said, if her neighbor parks in a snowstorm in the municipal parking lot, there's nothing the Village can do. There's nothing can be done about it. If someone in the duplex parks there, it's municipal. There's nothing else they can do with that lot. The

parking lot, they are grateful for and a greenspace, she personally wouldn't want her children playing in it.

Ms. VanDerley said, that's not what her concern is; you have to have something there to deter kids.

Chrm. Conero said he agreed with the fence.

Mr. Rivenburgh asked if he could answer the fence question.

Chrm. Conero said, yes.

Mr. Rivenburgh said, it was their intention to provide fencing along the railroad track. Right now, there is chain-link fencing that will be coming down but they are going to replace it with, probably, vinyl fencing going all the way down along the railroad tracks.

Mbr. Romano asked, privacy fencing?

Mr. Rivenburgh replied, yes, it'll be a privacy fence.

Chrm. Conero directed to Eng. Sicina, was that a building requirement or is that on the Planning side?

Eng. Sicina said, he doesn't think there is anything specific in the code.

Mr. VanDerley said, he wanted to add that the parking is not downtown. Basically, for taxpayers, they'll be footing the bill for maintenance on it. He feels it's wrong. The applicant's should make it a parking lot and keep it as part of theirs and let the Village residents use it as they need. Walden Savings Bank has their parking lot open every night for people when they need it; there's no charge for that. It's just part of the downtown area. For the taxpayers to be paying for a parking lot they aren't going to use. The only one he believes will use it are the applicants.

Chrm. Conero added, and the businesses along the road.

Mr. VanDerley said he is a farmer. He would like them keep in mind that you have an active business right behind there. Skip works seven days a week until about 10-11 o'clock sometimes. He'd hate to see people complaining to him that he's making too much noise at these houses right there. He's away on business, he just left today and he came in his place. He's very upset and he understands that the old barn is being torn down? He and him thought it would have been very nice if the applicant's tried to preserve that, somehow, with shops or something, instead of tearing it down. A quick history, they used to put railroad cars in there with coal, up to the second story and empty them out. That's how they used to carry two coal cars in that; that's how big those beams are that held that barn up.

Chrm. Conero said, that's why it's situated at an angle for the tracks.

Mr. VanDerley said, the tracks. Skip was telling him the other day, there was a ramp that went up and pushed the cars up there were like three different chutes where they emptied the coal out of them down into the bins.

Ms. Rathbun said, her other concern is the mixed-use building. When they were up at Scott's Corners, there are still four vacant store-fronts there that have been vacant for who knows how long. She's concerned about that being vacant, too.

Chrm. Conero said, the Village Board and the Comprehensive Plan Committee, and also, the Planning Board had asked to have that as a mixed-use building, so we can generate some revenue coming in but there's not; they didn't make it a total residential building. It's in a B2 zone, so there's business on the bottom. That's what we encourage. You look at the building and the size of the building; he thinks the Village will be proud of seeing when they go down that street.

Mr. Rathbun asked, how many businesses would be in there?

Chrm. Conero said, he believes there's three.

Walt Lindner said, in regard to the comment regarding parking; one of the biggest issues that the Village has, speaking on behalf of the Village Board, in complaints that we get from businesses in town, is that there isn't enough parking. The restaurants want parking down at the Village park all the way up 211 to accommodate their customers. It's something we desperately need; the Village is in negotiations right now and is looking at two additional parcels within the Village as possible sites for parking. It's a major issue to try to get more parking spaces.

Chrm. Conero said, he thinks Karen agrees with that, that we need parking; she's concerned about the location of it and whether it would be used for people in the downtown area. He thinks that if you look forward to what's coming, more businesses will come, more people will come they need a place to park.

Ms. VanDerley said, the person that is building that is giving us that parking down there also owns the building where Walden Savings used to be, the parking lot is only used for their business. It would be more logical to her that we buy the back property down there from the owner of the property to use it up here where hardly anybody from the Village will have a beneficial...

Chrm. Conero said, the applicant is also constructing it for us to a point. Again, it's a win win situation for the Village. If he gave us a piece of land and said, "build it," that would be a different story but that's not happening. He understands her point, though.

Chrm. Conero asked the Board if they had any questions or comments.

Mbr. Romano said she agrees with the privacy fence.

Atty. McKay asked, there are no proposed variance on the project?

Mr. Buck replied, no.

Atty. McKay asked, in respect to the proposed parking on lot 9, who's constructing the parking lot?

Mr. Winglovitz asked, the municipal lot? The applicant is.

Atty. McKay said, okay. We already talked about the parkland fees; there was no need for referral to SHPO as there is no historic district nearby, right?

Chrm. Conero replied, correct.

Atty. McKay asked, there is no wetlands on this one?

Mr. Rivenburgh said, no bats either.

Atty. McKay said there were bats and bald eagles. These are the questions he had so will tweak the drafts based upon those answers.

A MOTION was made to CLOSE THE PUBLIC HEARING FOR RAILROAD AVENUE 202-13-1.123, 202-13-5.21 & 5.22 ON OCTOBER 26, 2022 AT 8:00PM, by Mbr. Romano, seconded by Mbr. Meyer and carried 4 Ayes 0 Nays.

Mbr. Romano asked when they would start construction. Mr. Rivenburgh replied, as soon as possible.

Chrm. Conero asked if they need to vote on SEQRA tonight. Atty. McKay replied, in order for the Board to take any action, the Board would first have to approve the negative declaration under SEQRA, that means you've reviewed all the potential adverse environmental impacts and you would be agreeing that the applicant's submission and compliance to the process has resulted in a plan which has no adverse or environmental impact. If they Board agrees with that, the Board can adopt the negative declaration. Once you adopt the negative declaration you can then move forward to consider the subdivision, site plan and special exception use application. There are a few highlights. Chrm. Conero said, plus the water per day. Atty. McKay said he couldn't find the proposed amount of water per day; do you remember off hand or have it handy? Mr. Winglovitz said gallons on day per waste water? Mr. Buck responded 7,785 gallons per day.

Atty. McKay asked, the project isn't located within the view of any town, county or state recreational trails? The Board members replied, no.

A MOTION was made to ADOPT THE NEGATIVE DECLARATION, AS WRITTEN BY ATTY. MCKAY, FOR ROWLEY DEVELOPMENT - RAILROAD AVENUE 202-13-1.123, 202-13-5.21 & 5.22 ON OCTOBER 26, 2022 AT 8:03PM, by Mbr. Romano, seconded by Mbr. Frisbie and carried 4 Ayes 0 Nays.

Chrm. Conero asked Mr. Rivenburgh if the pole would still be moved. Mr. Buck said Frontier is speaking with their attorney regarding the wiring. Mr. Rivenburgh said his attorney and Frontier's attorney are going back and forth on the language and as soon as they get the language for the "air easement," then they will remove the pole. They would've moved it already but held off because of that. Chrm. Conero said he doesn't think that a lot of that wire is being used. Mr. Rivenburgh said Frontier mentioned they have over 1,000 data connections on there.

Atty. McKay reminded Mr. Winglovitz that because this is a special exception use, they would need to go to the Village Board. Mr. Winglovitz said they did. Atty. McKay said that was for the lot. Mr. Winglovitz said it was both.

Chrm. Conero asked Mr. Winglovitz about the railroad easements that Mbr. Steed had requested. Mr. Winglovitz said they provided a letter stating there were no easements that they could find anywhere. The title company researched it, they researched it.

Mr. Winglovitz said they need to get the subdivision approved, so they'll get the preliminary subdivision, preliminary site plan, they'll go to the Village Board while they're getting Rowley subdivision from the Health Department, they'll come back and finalize.

ADJOURNED PUBLIC HEARINGS

RE: ZAFIR – DUNN ROAD 213-3-4.22

Tom Olley is representing the applicant. There is discussion regarding the warehouse/landscape architect's comment letter.

Mr. Olley said they made a few minor adjustments to the site plan to answer Scott's last review; nothing really significant that changed the appearance of it. They changed the landscaping materials, they also added some landscaping along the east side of the proposed building. They discussed that at the last meeting. He went out and walked it, there was a bunch of hemlocks in there along the property line and felt that it should be supplemented with some additional evergreens in there. As it turns out, your architect was making the same recommendation.

A MOTION was made to OPEN THE ADJOURNED PUBLIC HEARING FOR ZAFIR – DUNN ROAD 213-3-4.22 AT 8:13 PM by Mbr. Romano, seconded by Mbr. Steed and carried 3 Ayes 0 Nays.

Mr. Olley continued, the last time they had presented the architectural rendering of the project and they incorporated the features of that rendering into the hardline elevation drawing so that things are accurately depicted there. In reviewing the architect's recommendation today, they have no problem making that wider feature at the center of the project. They will take a look to see if it would make sense to put two smaller dormers in along with that particularly substitutive of the site plan.

Chrm. Conero asked if he was talking about the center bay, comment #1.

Mr. Olley replied, yes.

Chrm. Conero said he wanted to clarify a few things. Elise did call him. He thinks she was looking for a more detailed architectural rendering than what you have there. Right now, it doesn't show enough detail as a regular architectural plan would show. It shows a rendering of the building but it doesn't really, it almost looks like the two buildings are connected. Your elevations, these elevations...(to Ms. Murphy), did we send the elevations to Elise?

Mr. Olley said he did. He sent her this (the rendering), the complete site plan and the colorized drawing.

Chrm. Conero said he took a bunch of photos of the property from the street at different angles, which helped her out with her review. Also, he spoke with her and if there are questions on the review that she can't understand because of the drawing and how its depicted, that you'd have to resubmit to her to answer questions. He suggests that it would be a good idea for your architect spoke in a conference call with this group. It takes him (the Chrm) out of the picture to explain where everything is.

Mr. Olley said, he was equally confused by some of her comments because it didn't appear as though she looked at all of the materials that were submitted. He thinks she looked at this only (gestures toward the site plan) and didn't look at this, because these spell out the colors, the materials that she's asking for additional information on. When you go back to...

Atty. Midler said she understands what he is referencing.

Mr. Olley said they would be very happy to have a zoom call with her and the architect.

Chrm. Conero said he thinks, and he's not trying to compare, but they have another project in front of them that she reviewed, that had a much more detailed architectural renderings of the building. Right now, she commented on the center bay, it looks like it is a small center bay and these comments are based on what she is looking at. He doesn't want to spend a lot of time on what it looks like right now because he doesn't think they have all the information. We need to go back with her and schedule a conference call and let's hash it out. He asked Mr. Olley who his architect is.

Mr. Olley replied, Bill Pendergast. He works on staff. Setting it up would be through him (Mr. Olley).

Chrm Chrm. said, so we could set something up with her, Scott and maybe Atty. Midler?

Mr. Olley said he doesn't think that anything she is raising is a matter of legal interpretation of the code.

Atty. Midler agreed.

Chrm. Conero said, let's put this aside for a while and we need to pick up...

Mbr. Romano interrupted, #1 says, "...was considering dividing the façade into three or five sections with the middle bay being the entrance."

Chrm. Conero said, but she didn't look at elevations. He thinks she only looked at the rendering below, the one in the green. He thinks that what happened.

Mr. Olley agreed.

Chrm. Conero said, she did not ask for the meeting, he is asking for the meeting.

Mr. Olley agreed. It would be productive to get right to any of the issues.

Chrm. Conero asked her go give him what she had so they had something for tonight.

Chrm. Conero said, when you first started speaking tonight, you talked about some of the mitigation steps you were taking to minimize the visual impacts on the neighboring property. He asked Mr. Olley what page is on.

Mr. Olley is on page 4 of the site plan. At the last meeting, they were proposing to plant some spruce trees along the easterly side here, where the Ramos property comes back and they've added some deciduous plantings in the front to address the requirements of the commercial design elements and they are also providing screening along the westerly side of the property with, also, evergreens along that side to maximize the screening. Scott had some other minor comments about some signage that they've addressed and one of the arrowheads is pointing to the wrong parking space, and they'll fix that. The rest of it they've circled around and are complete on, as far as Scott's comments.

Chrm. Conero asked if any members of the Board had any comments.

Mbr. Romano said the neighbor wrote another letter, Jamie Ramos.

Mr. Olley asked what the date of the letter was.

Mbr. Romano said it was dated today.

Ms. Murphy said, it came tonight and gave Mr. Olley a copy.

Mbr. Romano read, “They ask that a privacy fence be put at the correct offsite line along the property. Spruces will not suffice or be accepted if all the wooded area is destroyed.” They neighbors saying putting a privacy fence along with the spruces along that side, is her understanding.

Chrm. Conero asked, how much tree cutting are you doing in the back and on the side? Have you identified the trees you are taking down?

Mr. Olley said, they provided a clearing limit on the plan that extends about 20ft beyond the building. His only concern about going in there with a fence is that it may be disruptive to the trees that are there along the property line.

Mbr. Romano said she is just reading what the neighbor wrote.

Mr. Olley said, the way it sounded is that it’s something they have to do. That is a concern of his and that’s why they proposed the spruces along there that would provide year-round screening, its actually right along what your architect recommended in her letter. If this Board thinks a privacy fence should go in there, they will consider it.

Chrm. Conero asked if there would be any other buildout on the property after this is done, or is it maxed out?

Mr. Olley said he doesn’t see it because they can’t meet all the...you never say never.

Chrm. Conero asked if they could put a note on the map that would be part of the conditional if we did approve it?

Atty. Midler replied, yes.

Mr. Olley said, practically speaking, provide the required vehicle maneuvering, the parking, the setbacks; if the use completely changed to something else, they’d have to come back before the Board, anyway. As far as using it for the manufacturing that they do now, he does not see any future expansion of that.

Chrm. Conero asked if the applicant would be willing to work on the existing building landscape if the landscaping design comes back and calls for maybe some of these plantings to be out here? Would he amenable to adding them to this?

Mr. Olley said he believes he would be to supplement what is there.

Chrm. Conero said they are not happy with what’s there now.

Mr. Olley said, in all honesty, he did put in what was specified on that plan. It was probably underspecified at that time. The Dillan plans. He’d consider putting some

plantings in. We have to be careful with the airport but perhaps some planting along the building, along the sidewalk would help break up that big blank space.

Chrm. Conero asked Eng. Sicina if there was anything in his engineer's report that needs to be addressed by Tom?

Eng. Sicina said, the only outstanding thing he has is he knows stuff was sent to the Montgomery Fire Department and he doesn't know if anything has come back yet.

Mr. Olley said he has not been contacted by them for any additional information.

Ms. Murphy said she sent them certified.

Eng. Sicina said, the other letter that was requested was to the Orange County Airport to memorialize the conversation they had regarding the drainage.

Mr. Olley said, he wants to correct the record on that, you were saying that in your review here, that it was to memorialize the drainage but it was in fact in response to the Orange County Planning Department's recommendation that they coordinate the project, the work on the project, with the airport.

Eng. Sicina said it's up to the Board if they would like the airport to send a letter and say they had this conversation...

Chrm. Conero said the airport should send that to you.

Mr. Olley said, he responded to the email that he copied the Board on. He did respond and did include the Planning Department Commissioner and said that he was very busy with things and would try to have something for tonight but he was obviously busy. They've asked; they've corresponded with him so it's up to him.

Ms. Murphy asked the Chrm. if he would like her to call.

Chrm. Conero replied, yes, call the fire department to see if they can respond back to this. And let's work with the airport, Ed Magryta. If you can't get Ed to respond, let's call Orange County Planning, Alan.

Mr. Olley said Alan was copied on Ed's response.

Chrm. Conero said, Alan is very concerned with any development going on around the airport because it impedes the vision for Orange County Airport.

Chrm. Conero opened the public hearing to the public.

Don Berger – Village of Montgomery – Everything, when you opened up to speak about this project, he couldn't agree with him 100%. But these are things that were talked about

by Ms. Romano a few months ago and he brought his concerns up last month about the building, you can't see nothing. He doesn't want to be artitory, he's been slammed here for that, but he also reviewed that particular project that you were referring to and it's like day and night. Who did these things? You have what appears to be a real professional depiction of the other project and this here, you can't make night or day out of that thing. You had talked about it a number of times and he was very disappointed when that was what they brought back to you and he commented at the last meeting on that. He agrees with them 100%. He thinks they are on the right track. The last thing he wants to say is that tomorrow you have a big meeting, a joint meeting with all the Boards. He thinks a lot of things can be resolved at that meeting. He knows they are not going to close the public hearing just by your tone today. He feels that way and is requesting they not close this public hearing, just based on the meeting tomorrow.

Chrm. Conero said he will get together with him and Elise and go over that and finalize one for the next meeting on December 14th.

A MOTION was made to ADJOURN THE PUBLIC HEARING FOR ZAFIR – DUNN ROAD - 213-3-4.22 TO DECEMBER 14, 2022, AT 7:30 PM, at 8:32pm by Chrm. Conero, seconded by Mbr. Romano and carried 4 Ayes 0 Nays.

Mr. Olley said two months ago they circulated the Notice of Intent.

Atty. Midler asked if they were willing to waive time restrictions under Village law?

Mr. Olley said he was going to ask is that you've just confirmed you were Lead Agency.

Atty. Midler said that triggered the SEQRA determination clock for the 28th, she's assuming you'll waive that time because there are a lot of outstanding items?

Mr. Olley replied, yes.

Atty. Midler said, the applicant is willing to waive time restrictions that may apply and suggests the Board declare themselves Lead Agency.

A MOTION was made to BY THE BOARD TO DECLARE LEAD AGENCY ON THE PROJECT, ZAFIR - DUNN ROAD – 213-3-4.22 AT 8:31 PM by Chrm. Conero, seconded by Mbr. Meyer and carried 4 Ayes 0 Nays.

OLD BUSINESS

RE: 76-78 WEAVER STREET 208-1-49 & 208-1-50

A MOTION was made to APPROVE ATTY. MIDLER TO PREPARE A NEGATIVE DECLARATION AND APPROVAL RESOLUTION FOR THE PLANNING BOARD'S CONSIDERATION FOR 76-78 WEAVER STREET 208-1-

49 & 208-1-50 AT 8:29PM by Mbr. Steed, seconded by Mbr. Romano and carried 3 Ayes 0 Nays.

RE: 76-78 WEAVER STREET – 208-1-49 & 208-1-50

A MOTION was made to APPROVE THE NEGATIVE DECLARATION UNDER SEQRA FOR 76-78 WEAVER STREET – 208-1-49 & 208-1-50 at 8:34 PM by Chrm. Conero, seconded by Mbr. Romano and carried 4 Ayes 0 Nays.

A MOTION was made to APPROVE THE CONDITIONAL FINAL SUBDIVISION APPROVAL FOR 76-78 WEAVER STREET – 208-1-49 & 208-1-50 AT 8:35PM by Chrm. Conero, seconded by Mbr. Meyer and carried 4 Ayes 0 Nays.

RE: 77 CLINTON STREET 202-3-7.2

Mr. Winglovitz is representing the applicant. This project has been before the Board several times. It's involved with the easement realignment with 88 Charles Street, B & K Properties and Philco. They are proposing a 2,160 sq ft footprint of commercial with three apartments above it, parking lot in the back with access. A common easement agreement with all four properties. They were here last month and had some comments from Scott, which they've addressed. In their October 14th, they received a review letter they'd like to go over. They've addressed the County Planning comments. Scott was recommending Lead Agency for SEQRA and a negative declaration. He respectfully requests, if the Board feels it's appropriate as well, set this for public hearing at the December 14th Planning Board meeting.

Chrm. Conero asked, we sent the NOI out. That went out a while ago. Did we declare ourselves Lead Agency?

A MOTION was made to DECLARE LEAD AGENCY ON THE PROJECT, 77 CLINTON STREET – 202-3-7.2 AT 8:40 PM by Chrm. Conero, seconded by Mbr. Meyer and carried 4 Ayes 0 Nays.

Mbr. Romano asked if they received their side-lot variances? Mr. Winglovitz replied, yes, in February 28, 2022.

Atty. Midler said the County referral was just responding to the NOI, they didn't give you a local determination on that, so she recommended they follow up with the County and ask for a final. Ms. Murphy will send a 239 Referral to the County. Atty. Midler asked if Mr. Winglovitz was sending her the easements to review? Parking agreement needed, possibly snow storage, dumpster easement? Mr. Winglovitz replied, no dumpster needed, it's curbside pickup. There'll be the cost for the revised cross easement agreement that you'll want prior to final approval. Snow storage, there's a note that any snow will be removed from the site if it exceeds capacity. Atty. Midler asked if they were

clearing any trees? Mr. Winglovitz said there is only one tree to be removed and he will note it. Bats? Atty. Midler said to get confirmation of the closest eagle nesting site and that you're not blasting? Mr. Winglovitz said the eagle site is behind Vinnie's property (Pathway), next to City Winery. Atty. Midler asked that he get something in writing. She understands that they generate a SHPO letter. Mr. Winglovitz asked if there was a hit on the EAF. Atty. Midler replied, yes. She feels every property in the downtown Village...Mr. Winglovitz said, okay.

Atty. Midler said you need AHRB approval and even though it's advisory, you can go now so if the Board wants, they can set a public hearing and the applicant can go to the AHBR. Mr. Winglovitz believes Marc has already gone to the AHRB but will confirm that. Atty. Midler said, if they have any recommendations, obviously, include it. Chrm. Conero asked if they referred them to the AHRB? Ms. Murphy doesn't believe they went to AHRB. Atty. Midler is the attorney for the AHRB and they did not appear before her. At the Board's request, Ms. Murphy will send a referral to the AHRB.

A MOTION was made to SCHEDULE A PUBLIC HEARING FOR 77 CLINTON STREET – 202-3-7.2 AT 7:30 PM OR THEREAFTER AT 8:44 PM, by Chrm. Conero, seconded by Mbr. Romano and carried 4 Ayes 0 Nays.

RE: KSH ROUTE 211 DEVELOPMENT 211-1-29.22

Mr. Winglovitz is representing the applicant. There was no site plan response from them, they were waiting for comments on the architecture. What you received today, there were three comments, two regarding landscaping and the suggestion was, and will have to discuss it with Jason, but it's about providing in the front of the building, trees that would break up the viewshed of the façade. More larger specimen trees right off the bat against the building. Chrm. Conero asked, looking north? Mr. Winglovitz said looking from 211. They do have landscaping but they're suggesting that they put it right against the building which is pretty tall, to help break up the façade with greenery. He felt it was a good recommendation. The second comment was about the viewshed from Weaver Street, that is with the vegetation remaining in place. They also suggested a similar treatment be done on the front if the vegetation were changed. Lastly, the building and the colors, that maybe they would want to go slightly darker on the building to help it blend in better.

Chrm. Conero said there were additional plantings they would like to see out toward the road more toward 211 and the intersection. Coming out of the view to the left, along 211, they'd like to see additional plantings. Mr. Winglovitz indicated on site plan. Chrm. Conero said the same type of plantings going up your driveway, maybe one or two up 211 to the north. Mr. Winglovitz said his concern is the grade dropping off. Chrm. Conero said you're going to clean it up because of the site issue that came out in the traffic study, so Elise mentioned some plantings there, as well. Mr. Winglovitz asked what type, street trees, evergreen? Eng. Sicina suggested they not cut down a lot of the trees closest to the residents, do supplemental screening. Chrm. Conero said the traffic study recommended the vegetation by the driveway be trimmed out so you can see

further, so back further? Eng. Sicina said some big trees may need branches trimmed up but can still be; when working with site distance, you might not take down a whole tree but take down a large branch that overhangs the road that's blocking the view. It doesn't mean take down the whole tree. Have the applicant show what's existing there, is it worth saving and if the Planning Board decides it's worth saving, supplement with additional screening.

Mr. Winglovitz said the updated traffic study was responded to with DOT's comments at this intersection (indicates on site plan), showing the left-hand turn. They are asking for left hand turn spots in since they're going to widen here, anyway (indicates on site plan). Chrm. Conero said if you're travelling south on 211, left turn. Mr. Winglovitz replied, yes. He said he thinks the realignment has helped a lot of their other concerns. Mbr. Meyer asked, you can't add additional plantings south of the entrance because it's still the farm, correct? Mr. Winglovitz said, yes.

Mbr. Romano suggested the dark color that Marc is building on Ward Street, be used on the warehouses; as dark as they can go. Chrm. Conero said Elise mentioned how light the building is and how it stands out and that it being darker, would blend in better. He also said that in the design review, they mentioned moving the parking lot over for the screening on buildings 3 and 4. You wouldn't see it coming north on 211, it would shield the building more. Is Elise talking about a vegetated buffer between the front of the building and the parking lot? That would move the parking lot back or the building back towards...what will that do to the layout to accommodate that? Mr. Winglovitz said that is a good question. He's not sure if they have 5 feet of area between the buildings and the sidewalks. They would need to move the building. Can you put that large a tree in that area? He doesn't know. They will need to move slightly. They have some room to play with. Chrm. Conero said, you would accomplish the same thing if you put the trees along the property line, is that where you have them now? Mr. Winglovitz said they have smaller trees along the property line right now. Is it appropriate for them to reach out to her (Elise) and discuss it? Chrm. Conero said, yes, any plans that are sent to our architectural architect for review, really need to meet with the architect and the engineers, our engineer and members of the Planning Board because the Planning Board is responsible, under the new law, for warehouse criteria and they need that expertise and those questions be answered, especially when it comes to landscaping and building design. They will do that for the next meeting. Mr. Winglovitz said they will talk to her and figure out what the best way to accomplish it and make any necessary changes. Chrm. Conero suggested not making changes on it until they speak with her. She had very little comment on it; just colors, parking and size of the trees. She got more out of these plan sets than other ones and that is very helpful.

Chrm. Conero said he will coordinate that with him (Mr. Winglovitz).

Mr. Winglovitz asked if the Board felt they were ready for a public hearing. The majority of the technical comments Scott did have, 7 or 8 minor comments about store placements, landscaping, so forth, especially with two meetings combined and if necessary to have in a larger venue. Chrm. Conero asked Atty. Midler if they were okay to go to public

hearing? Atty. Midler said the applicant previously had waived time restrictions on this so if you want to start getting public input, that's fine. Chrm. Conero said the proposed building is 45ft in height and that hasn't been in front of the ZBA yet. Atty. Midler said it was in front of the ZBA with no decision on it. They needed to wait for the SEQRA process. The expanded EAF was recently updated; they received it last month. Atty. Midler said they have a lot of information for the public to comment on, it depends on the Board whether they want the colors and architectural of the building to be finalized first before putting it to public hearing or do you want to start getting those comments in and crossing them out. Chrm. Conero wanted to know if they were ready. Mbr. Romano asked if they still had to go to Zoning. Atty. Midler replied, yes, once this Board has, because it's a Type 1 Coordinated Review, once this Board has made it's declaration under SEQRA, that's when other agencies involved can make their determinations. Chrm. Conero feels a lot of the comments will be about the height and he feels Ross has shown alternate plans of what it would look like when extending the building toward Weaver Street, toward the residents. He feels they have a great vegetative buffer there, he thinks their applicant wants to do a conservation easement there, there will be no more build out in that area. Mr. Winglovitz said, correct, with the 45ft height, these buildings are committed to a conservation easement all the way around the property. All of these wooded areas would be preserved. With the wider buildings, with the loss of height, they lose storage area and value; they proposed they be made 80,000 sq ft and reduce the stormwater and they will need to relocate it here (indicates on site plan), behind the Weaver Street residents reducing the tree buffer. Chrm. Conero said the design you sent to Elise showed what the view shed would be from Weaver Street based on 60,000 sq ft, not 80,000. So we don't really know what the visual impacts are going to be. Atty. Midler thought they discussed that last time. Mr. Winglovitz said they talked about that, as far as from 211 view, the banding is at 35ft, that's the 10ft. Chrm. Conero said they are talking about buildings 1 and 2 from Weaver. Mr. Winglovitz said they wouldn't be any taller. Chrm. Conero said there would be more of the tree line cut down and there would be a retention pond back there, so he thinks the public would want to know what the visual impact would be if it extends into the proposed conservation easement. Mr. Winglovitz said he'll show the visuals with the alternative proposal. Chrm. Conero said that will be the major concern that people will have. They are concerned about the height but you've shown what 45ft will look like and it's been reviewed by the architect what it's going to look like at 45ft, and ultimately, it's going to the ZBA if it goes to 45ft or not. There's an awful lot at stake. Atty. Midler said if the Board is looking to see something with regard to the thinning out of the vegetation, how that impact will look, she thinks that is appropriate. Chrm. Conero doesn't want confusion from the public. If you are directly behind it, you're going to be more concerned about what it looks like in your back yard than what it looks like from 211 and he'd like to hear from the residents. He wants it to be complete when they have all the information. Mr. Winglovitz said they will respond to Scott's comments and the comments from the architectural architect and they will return on the 14th. If they have everything, they could consider setting a public hearing for January.

RE: MINUTES

The Minutes of September 28, 2022 could not be approved as one member was not present.

RE: ADJOURNMENT

A MOTION was made to ADJOURN THE MEETING AT 9:05 PM by Mbr. Romano, seconded by Mbr. Frisbie and carried 4 Ayes 0 Nays.

Tina Murphy, Deputy Village Clerk