

Minutes of the Regular Meeting, of the Board of Trustees, of the Village of Montgomery is held in the Meeting Room at 133 Clinton Street, Montgomery, NY 12549 on Tuesday, May 15, 2018 at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Fernandez, Mary Ann Lindner, Aleksander Vezuli, Johanna Sweikata, Joseph Catalano, Ross Winglovitz, Jane Samuelson.

Mayor Brescia opened the meeting with a Pledge of Allegiance to the flag.

RE: MINUTES

Mayor Brescia called for a motion to approve the minutes of May 1, 2018.

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved the minutes of May 1, 2018. Motion carried, 5-Ayes, 0-Nays.

RE: REQUEST TO MEET WITH THE BOARD

Atty. Joseph Catalano presented the Board with the PDD Sketch Plan proposal for the City Winery Hudson Valley, LLC. The property is located in the RM1 zoning district of the Village. Since the Zoning Code does not allow for any of the uses proposed for the property and planned development districts are only allowed in the industrial and business districts of the Village, therefore, City Winery is requesting the Board of Trustees to amend the Village Zoning Code and Zoning Map for SBL 204-1-1, 23 Factory Street, to allow the proposed development on the property.

City Winery Hudson Valley LLC is a New York State company. This is a direct subsidiary of City Winery which together with its founder and chief executive operator, Michael Dorf, has successfully opened and now operates winery, eating and event establishments in New York City, Chicago, Boston, Nashville, Atlanta and Washington DC. (See <https://www.citywinery.com/>) Mr. Dorf has now focused on the historic mill property by the scenic Wallkill River in the Village of Montgomery as its next location for a unique version of the City Winery concept. The focus for the Montgomery location will be on the winery both in augmenting City Winery's production needs along with offering the various experiential elements of wine and wine making to the public in a special setting.

Currently City Winery is in contract to purchase the property from the current owner Steinberger Bros Realty LLC. The property is approximately 21.46 acres in size. The northern boundary of the property borders the Wallkill River and Loosestrife Apartments borders the property on its eastern side. The historic Montgomery Worsted Mill buildings are located near the River and Factory Street terminates at the main buildings. The entire parcel is proposed for the establishment of the mixed use planned development district. The existing structures will be redeveloped in terms of structure but the other vacant areas of the property are intended to be cultivated and utilized for establishment of a vineyard, walking and scenic area, outdoor event spaces and parking.

City Winery proposes a mix of uses on the Property (identified on the Sketch Plan which is submitted herewith) which will take advantage of its unique historic industrial buildings and its scenic location on the Wallkill River. The following types of uses are proposed to be incorporated in the PDD as allowable uses:

Winery, distillery, restaurant/café, catering, event/banquet space (indoor), outdoor café area, outdoor ceremony/event areas, on-site lodging (14 rooms), live music/entertainment, retail (associated with winery/distillery), wine tasting/tourism activities, horticulture (vineyard), hydro-electric plant (existing)

This mix of uses will create a destination of those who seek quality wines, food and entertainment and those who want to book a special events in a unique space for weddings, and private parties in an atmosphere centered around vineyards and the art of wine making. City Winery intends to make use of this large, scenic parcel of land to blend the existing historic industrial structures with a vineyard and outdoor meeting and event spaces.

The winery will be established in the main mill structure next to the banquet or event space. A distillery is also proposed. There will be complete on-site accommodations for guests and patrons with the establishment of a 350 seat event or banquet space, a 60-seat restaurant or café, 30 person capacity wine tasting bar, a 11-room hotel, a 3-room bridal suite, an area for outdoor ceremonies and an area for music entertainment along with walking paths throughout the property. There is plenty of available space for on-site parking for both passenger vehicles (a capacity of approximately 300 spaces) and buses (4 spaces). Note that the exact numbers regarding capacity may change slightly as the plans are more fully developed from the present sketch plan.

Present plans foresee the operation being open when events (such as weddings or other types of private parties/events) are booked and otherwise open to the public generally from Fridays through Sundays or Holidays for tours, wine or spirits tasting and associated dining. Currently, it is envisioned that weekday operations will be limited to the wine and spirit making. When events are booked for the facility, the buildings would be closed to the general patronage. The weekday hours of operation may change for public patronage as the local market and local patronage dictates.

As shown in the Sketch Plan, the uses outlined above will be accommodated into the existing structures on the property without the construction of new structures except for two small outdoor stages of platforms. Currently, the existing buildings total about 46,000 square feet so the present density of 2,143 square feet per acre will be maintained. The existing structures will be completely renovated but the historic mill architectural character (circa late 1800's) will be utilized both in the interior and exterior renovations. There will be extensive landscaping with outdoor walking paths and two areas for outdoor ceremonies and entertainment. Grape vines will be established throughout the property to create the vineyard atmosphere. The main exterior improvements will be the installation of a canopy area for the main entrance and obviously, the parking areas and the on-site vehicular and pedestrian travel ways.

The property is currently served by Village water and sewer connections and no upgrades are foreseen to be necessary. Factory Street will continue to be the sole means of access to the property.

There will be little or no effect on community services. Coordination with emergency service providers will occur during the PDD review stage to ensure there is sufficient access to the buildings and other areas of the property. There will be, obviously, be no impact on the public schools since only lodging is proposed and not additional residential units.

There is expected to be a very positive affect on cultural aspects of the Village since this proposal will preserve the historic buildings as well as provide a destination for tourism. There is also expected to be a positive effect on the Village economy as this proposal will create a significant amount of both part-time and full-time jobs as well as incidental benefits to the Village and area businesses since the City Winery will attract visitors to come to the Village.

The proposal meets both the Village's and Orange County's goals to create employment opportunities, promote tourism and economic development, and increase sales tax revenues in the Village. It also meets the well-regarded planning goal of redevelopment of properties for new sustainable uses. The property is unique in the Village not only for its historic use but its size and location enables the proposal to fit remarkably well into the existing land use pattern of the area.

Presently the property is utilized for a mixture of industrial and commercial uses but it is in a residential housing including single-family residential structures (some historic), an apartment complex and townhouses. The location at the end of Factory Street and bordering on the Wallkill River as well as its large size effectively isolates the property from surrounding residential uses so there will not be a significant effect on surrounding properties or the neighborhood.

City Winery is proposing to make a substantial investment in the Village of Montgomery by completely renovating and revitalizing what is now an underutilized and deteriorating historic industrial property into a vibrant destination and aesthetically pleasing property that will be an asset to the community.

Therefore, I am requesting on behalf of City Winery Hudson Valley that the Board consider approving the Sketch Plan and allowing for the planned development district to be considered in the RM-1 district for parcels of at least 10 acres in size by amending the definition of the term "Planned Development District" as set forth in Article 1 of the Zoning Code; and rezone the planned development by amending the Zoning Map.

Trustee Lindner asked if there are any planned ideas for the island. Atty. Catalano replied, at the moment there is nothing planned for the use of the island, perhaps maybe in the future. Mayor Brescia suggested the building to be open to the local patrons to facilitate up to ten chairs during a private event. We want to share this venue with the locals, you will be closed during the week and open on the weekends, so as long as it open the local patronage; I am all for it. The Board agreed with the Mayor's suggestions. He also asked about the sound proofing. Atty. Catalano said the sound will drop off on the Village side of the facility and carry more on the side of the water. Trustee Hembury stated that Bob Williams is in favor of the development as long as it is done as presented. He also asked, why did you chose the Village of Montgomery as your next location. Mayor Brescia stated because Michael Dorf loved the building and its history of knitting. He also lives in close proximity of this location, it calls to him for the location and the space needed for storing wine.

Mayor Brescia called for a motion to approve the City Winery Hudson Valley LLC Sketch Plan as proposed.

RE: APPROVE CITY WINERY HUDSON VALLEY LLC PDD SKETCH PLAN AS PROPOSED

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved the City Winery Hudson Valley LLC PDD Sketch Plan as proposed. Motion carried, 5-Ayes, 0-Nays.

RE: VILLAGE OF MONTGOMERY DECLARATION OF INTENT TO SERVE AS LEAD AGENCY

Mayor Brescia called for a motion that it is the Village's intent to serve as Lead Agency in the SEQRA process.

Moved by Trustee Andolsek, seconded by the Deputy Mayor Scheels, the Board declared itself as the Lead Agency in the SEQRA process for the proposed PDD Sketch Plan for City Winery Hudson Valley LLC. Motion carried, 5-Ayes, 0-Nays.

Mayor Brescia suggested a site tour be arranged for the Board of Trustees and the Planning Board. Atty. Catalano stated Mr. Dorf will not be closing on the property until mid-August. He will be participating at the Taste of Montgomery on June 2nd. Trustee Hembury asked, how long it will take after the approvals to be open for business. Atty. Catalano stated it will take some time due to the historic nature of the building.

Mayor Brescia has recused himself from the Chandler Lane PDD portion of the meeting and hereby authorizing Deputy Mayor Scheels preside over this portion of the meeting.

RE: CHANDLER LANE PDD PLAN

Atty. Catalano presented the Board with a revised the site plan for Chandler Lane PDD-1 proposal. The parcel of the property located on the corner of Route 211 and Chandler Lane, owned by EDMARC, LLC, was rezoned as Planned Development District – 1 or PPD 1 in 2008 by the Village Board and to date no development has occurred on the property. In 2008 the Planning Board approved a site plan as Phase 1A of the PDD but no development occurred pursuant to the side plan approval. The owner has recently proposed a new site plan that proposes to develop the entire PDD without phasing. Although it is not required by the Village Code, the owner has provided individual Trustees with an opportunity to review and provide input on the proposed site plan before submitting it to the Planning Board for review and approval in order to make sure that the Trustees agree that the proposed site plan is in compliance with the terms and requirements of the original PDD approval and is consistent with the approved PDD concept plan and layout. The Trustees have informally provided individual input regarding the proposed site plan and have suggested changes to it. Therefore, the owner has adjusted the site plan in accordance with the input received and those suggestions and have subsequently presented the site plan to the Village Board for its consideration prior to being formally submitted to the Planning Board for its site plan review under the applicable PDD procedures in the Village Code and in the specific Chandler Lane PDD-1 zoning.

He further stated this is based on all of the review that has taken years, where your consultants have been involved in and public participation as well. At end, PDD was approved with a set requirements, conditions, and perimeters, this meets all of those conditions. The PDD changed the zoning for this parcel and this complies with that. The difference is when you were involved, that predated your being a Trustee on this Board. When Ron proposed a PDD development when you were a Trustee, that was different than originally proposed, that changed the original approval. He was asking the Board to amend that original approval.

Trustee Hembury stated going back, he was a Trustee when the plans before this one was presented.

Atty. Catalano stated that was not incompliance with the rezoning of the property for the PDD. Marc was asking for an amendments, which included public streets rather than private. It also included only 25,000 square feet of commercial space instead of 75,000 square feet of commercial space that is being proposed now, and it included public garbage removal and things of that nature. He has abandoned that, he heard the message from the Trustees.

Trustee Hembury said what we had, derived from the advice of the hired professionals; Lanc & Tully Engineering along with the input from the Montgomery Fire Department and the Superintendent of the Department of Public Works. Thus, we did not do it.

Atty. Catalano said he is not arguing it, you could not and you denied it as you did. Marc went back to the original approval. Deputy Mayor Scheels stated everything that came from the meeting with Viking Heights, they were agreeable with the single family homes along the roadway on Chandler Lane. They also wanted to lessen the numbers and increased the commercial space, it has changed. Trustee Hembury asked, so you can tell me that this likeness of your plan is exactly what the residents wanted from the meeting held at the Senior Center. This is a product of their requests. Atty. Catalano stated some folks were not happy with the original PDD approval. Trustee Hembury said it looked like most of them were and left happy, as he recalls it. Atty. Catalano said I can say that because I have participated in all of the public hearings. This is very close to what it is. Trustee Hembury said I'm sorry, I can't do in good conscience. Mr. Winglovitz stated, I think two were not

happy with the proposed business to the PDD and four did not like the proposed revision for certain reasons, you can't marry those two things together. Trustee Hembury said Ross, years from now when I'm walking around with canes and the unborn is sitting in this spot, I hope he is watching out for me. It is just that time we were fine, I am not going for this. I want the residents to see this. Mr. Winglovitz mentioned wanting to emphasize that this is courtesy step, this is not a legal step that is required. We can present this directly to the Planning Board, as it is, and have the Planning Board provide their determination. Trustee Hembury stated wanting this on the record. Atty. Catalano replied that is fine, you are also invited to participate on these one on one meetings. Trustee Hembury stated he has and also participated during his vacation. Atty. Catalano mentioned speaking of the last two months, when he reached out to the Trustees'. Trustee Hembury said then do it again, once on you, twice on me. Atty. Catalano stated again, this is something that we can present to the Planning Board without getting the Trustee's or the public's input at this stage. It has already been done on the original PDD. Trustee Hembury said he would feel comfortable with the residents listening to the proposal. Deputy Mayor Scheels mentioned when we have the public hearing, it will be publicized. Trustee Hembury stated when you have the public hearing, it will be too far into the process. Whereas, the residents could stop it right now. After the public hearing, you could then go back to the drawing board. Deputy Mayor Scheels stated this plan is what the public hearing is going to be on. Atty. Catalano mentioned this plan has already been approved. Trustee Lindner also stated that this was approved and this is the tweaked of the earlier plan. Trustee Hembury said I understand but this is different than what the residents have heard. When Steve was sitting here and he mentioned to the gentlemen there before, what about weekends. Someone from the community could provide more insight and perhaps bring up something that hasn't been thought of. He would be happy with it then. Trustee Andolsek mentioned these changes are changes that came from the community input. Trustee Hembury said he must be minority on this but sometimes you have to stand by yourself. Atty. Catalano said the public's chance to weigh in on this has already occurred, at this point it is time to get the plan drawn to review the site plan. If the Planning Board wants to have a public hearing then they can. Trustee Hembury said okay. Mayor Brescia would like to give his opinion and am staying out of this, this is the first he has seen this drawing. This a suggestion, you don't have to do it. In Walden there is development called Winding Brook that has a swimming pool in their project. I represent the Fairways in Middletown and they have a beautiful swimming pool in their project as well. If you are going to have 160 condos they are going to want a swimming pool, not to say that you have to have in the plans but I would suggest that an area be set aside to have the HOA build one in the future. I would hate to see that you corner yourself down the road that it can't be a possibility in the foreseeable future. Again, it is just a suggestion. A question was asked by someone present who did not state their name, asked how many condos are being proposed in the this revised plan. Atty. Catalano stated that it was approved for 184 condos this revised plan has 165 condos in the proposed plan. He expanded further on the revised proposed plan; there will be a variety of interior spaces available for marketing, for instance the two bedrooms have different interior layouts. Hopefully designed for marketing to people who want smaller living spaces. There will be two story townhouse types of homes as single units separated by walls with a garage and a driveway for each, green spaces and the commercial buildings. The hope is that the small businesses owners will want to live above their prospective businesses. No further discussion was heard on the Chandler Lane PDD revised plan.

Deputy Mayor Scheels called for a motion to adopt the resolution for the Chandler Lane PDD-1 site plan proposal.

RE: ADOPTED CHANDLER LANE PDD -1 SITE PLAN PROPOSAL

Village Board has reviewed a proposed site plan depicting a full buildout of the Chandler Lane PDD-1 development and hereby determines that said plan (revision 2 - dated May 11, 2018; as prepared by Engineering and Surveying Properties) is compliant with, and meets all of, the parameters and requirements of the PDD approval as set forth in Schedule A of the PDD approval resolution dated July 8, 2008, and that the site plan (including its layout, street grid, proposed building locations and type, number of units and amount of nonresidential space), satisfactorily conforms to the general layout, street grid and design of Concept Plan Alternative B as originally approved by the Board. As such, the Planning Board may review the site plan identified herein for purposes of ensuring it is properly constructed pursuant to Village requirements. This Resolution is effective immediately and the owner may proceed to the Panning Board review stage in accordance with this Resolution.

Upon motion made by Trustee Lindner, seconded by Trustee Andolsek, the foregoing Resolution was duly adopted by a majority of the Board of Trustees. Motion carried, 3-Ayes, 1-Nay (Trustee Hembury, 1-Absentia (Mayor Brescia).

Mayor Brescia is now presiding over the remainder of the Village Board meeting.

RE: APPROVE LANC & TULLY ENGINEERING AND SURVEYING SERVICES

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board reviewed and approved Lanc and Tully Engineering and Surveying services, for the storm water drainage issues for 153 Mason Street (Carmichael) with the boundary survey at \$900.00, topographic survey at \$500.00, and easement descriptions at \$100.00, and storm water revision design at \$1,200.00. and for 128 Sears Street (Crowley) with the boundary survey at \$950.00 and \$1,850.00 if drainage revision can be effected along the parcel boundaries with tax lots 206-7-2 & 7 (Holy Name of Mary Church) and if agreed upon by the parcel owner, boundary survey will be required for the additional two (2) tax lots, Topographic Survey at \$500.00, easement descriptions at \$100.00, storm water revision design at \$1,900.00. Motion carried, 5-Ayes, 0-Nays.

RE: VILLAGE HALL CLOSED IN OBSERVANCE OF MEMORIAL DAY

Village Hall is closed on Monday, May 28th in observance of Memorial Day.

RE: EVENTS

May 19th, Village of Montgomery Wide Yard Sale day is held from 10:00 am to 5:00 pm.

May 28th, Memorial Day Parade line up is at 10:30 am, at the Orange County Firefighters Museum and steps off at 11:00 am.

RE: RESOLUTION FOR GRAND MONTGOMERY CHAMBER MUSIC SERIES TO APPLY FOR ORANGE COUNTY TOURISM GRANT

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board authorized Aleksander Vezuli with Mayor Brescia to apply for the Orange County Tourism Grant in the amount of \$3,000.00. Motion carried, 5-Ayes, 0-Nays.

RE: APPROVE REQUESTED USE OF THE SENIOR CENTER

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved the request to use the Senior Center by Pianist, Gregg Michalak for recorded purposes on Sunday, May 20th from Noon to 2 pm with the proper certificate of insurance provided listing the Village as additional insured. Motion carried, 5-Ayes, 0-Nays.

RE: ADJOURNED

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board adjourned the meeting of May 15, 2018 at 8:31 pm. Motion carried, 5-Ayes, 0-Nays.

Monserrate Rivera-Fernandez, Village Clerk

