

MINUTES of the Village of Montgomery Planning Board meeting held in the Meeting Room of the Village Hall, 133 Clinton Street, on Wednesday, February 23, 2022, at 7:30 pm.

ATTENDANCE: Chrm. Conero, Mbr. Romano, Mbr. Crowley (Absent), Mbr. Steed, Mbr. Meyer (Absent), Vlg. Atty. Stephanie Tunic, Vlg. Atty. Joseph McKay, Vlg. Eng. Scott Sicina of Lanc & Tully, Ross Winglovitz of Engineering Properties, Tom Olley of Olley Architects, Kyle & Jessica Venetis, Walt & Mary Ann Lindner, Don Berger, Todd Zwigard, Hayyim Danzig.

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

RE: OLD BUSINESS

RE: ROWLEY DEVELOPMENT – 99 CLINTON STREET 202-3-13

Chrm. Conero said they have the Final Conditional Site Plan Approval, SEU along with the Resolution Granting the Final Conditional Subdivision Approval. Atty. McKay said at the last meeting the Board issued a Negative Declaration, gave a Preliminary Approval with Subdivision and with respect to the Site Plan Approval. This draft resolution provided tonight is exactly the same; they have a report from the Village Engineer stating the final submission is in substantial compliance with the Preliminary Approval. The words “preliminary” have been replaced with “final conditional” throughout, and made reference to the final submissions that Mr. Winglovitz made and the final comments from the Village Engineer. One additional matter is a statutory condition; his advice is, once the Board has acknowledged there is substantial compliance after the Neg Dec is issued, it should be made prior to the approval. In the code, in cases with a certain number of lots or multiple residences, the Village Board also gives final approval to the application in addition to any other approvals given by any other Board in the Village. That is a Final Condition that he added to the approval. Chrm. Conero asked, if we vote for this, we send it to the Village Board? Atty. McKay replied, yes. It doesn’t require an appearance or public hearing, its under Section 122-51, “in addition to the approval by any other Board in the Village, if there are multiple residences, then it is a further requirement that the Village Board give further approval. Chrm. Conero said, after we finalize this tonight, it has to go to the Village Board under 122-52 actually says, “Applications meeting the following criteria shall require the approval of the Board of Trustees in addition to any other approvals by a Village agency or officer. This list shall not be in limitation of any application otherwise requiring approval of the Board of Trustees. A-Where you subdivided land into more than three lots, B, as in applicable here, “Approval of four or more dwelling units.” His review does not indicate that a separate public hearing is required although 122-53 F says, “The Board of Trustees may conduct such proceedings and/or hold such hearings as it deems appropriate for proper review of the application before it.” Chrm. Conero said, this is on 122-51, 122-52 and 122-53 in the Village Code. It specifically talks about the number of dwelling units involved in the approval that has to go to the Village Board for approval, as well.

A MOTION was made to ACCEPT THE RESOLUTION OF FINAL CONDITIONAL SITE PLAN APPROVAL AND SPECIAL EXCEPTION PERMIT FOR ROWLEY DEVELOPMENT – 99 CLINTON STREET 202-3-13 at 7:35 pm, by Chrm. Conero, seconded by Mbr Romano and carried 3 Ayes 0 Nays.

A MOTION was made to APPROVE THE FINAL CONDITIONAL SUBDIVISION APPROVAL FOR ROWLEY DEVELOPMENT – 99 CLINTON STREET 202-3-13 at 7:36 pm, by Chrm. Conero, seconded by Mbr. Steed and carried 3 Ayes 0 Nays.

RE: CITY WINERY – 204-1-1

Todd Zwigard and Hayyim Danzig are representing the applicant. Chrm. Conero questioned the date of the site plan updated 1-25-22. Mr. Zwigard replied, yes, but he has updates on that as they are continuing to address what seems to be more and more issues. Chrm. Conero asked, you are in receipt of the Engineer's report? Mr. Zwigard said there were two letters since they were there last. The first one is December 15th, which he answered and then there was another letter from February 18th that he suggested they use tonight; that's the most recent. They should go through them and see what is already addressed and what isn't; they'd love to be able to leave with a clear understanding of what would be the conditions for an approval for the project, for the amendment. If they can define it, they will come back next month with all of it. They understand that there are still open issues.

Chrm. Conero stated, they will use the February 18th letter because it's the latest one from Lanc & Tully. He asked Scott if the items from the December 15th letter had been resolved. Mr. Sicina replied that he'd have to look. Mr. Zwigard said they could start with that letter. Chrm. Conero confirmed they will be using the February 18th letter; there have been many changes and he wants to be sure. Mr. Zwigard said they are bringing nothing new except for the spa and pool.

- 1) Spa area and additional plumbing fixtures that are part of that. There was a request to calculate the water demand and sewer discharge off site. There are 107 drainage fixture units which requires a 55-gallon permanent pump, they have the specs for the ejector pump which he will submit. They are still waiting on the water demand. Atty. McKay asked if the water demand was for all of the proposal or that one specific item. Mr. Sicina said it is the one item they are proposing that would have a water demand; pools, showers, sinks. Atty. McKay asked, does that include special events and water demand for them? Mr. Sicina said, the water demands for the spa are generated about how its going to be used. Atty. McKay said, that is fine. He's just questioning the entire water usage. Utility lines coming into the building; he has added this to the site plan for the next submission. Mr. Sicina asked if that is coming from the existing building or new lines proposed? Mr. Zwigard said the only thing coming from the existing building is power and sprinkler. Mr. Hayyim said the existing has a new 6" water main that was put in about 2 years ago. Mr. Sicina asked if they were proposing to tap into that? Mr. Hayyim said it is already stubbed into the two-story building (hotel). Mr. Sicina

- asked, you're pulling water from the existing hotel building? Mr. Hayyim replied, yes. Mr. Zwigard said, and gas; they will be heating the pool with gas.
- 2) Are the facilities open to the public or intended to be for hotel guests only? For hotel guests only. It is not for the public; just an amenity to the hotel. It does not impact parking calculations to the site.
 - 3) Proposed grading around the spa building should be shown and height of any additional retaining walls. There are no additional retaining walls. There is minimal grading to be done because the elevation of that area is where they want it to be. They are excavating and then building back the terrace around the pool, which is the roof of the spa underneath. Mr. Sicina suggested spot elevations. Mr. Zwigard has a larger plan of that area. (He shows the Board) They are proposing to add a glass box; a vestibule to go outside, they are creating a roof on the terrace that is outdoor. There will be two steps down, a terraced area with a handicapped ramp, an outdoor shower, more steps to the pool area with a walkway around it. There is an additional ramp here (indicates on site plan). There is handicapped accessibility from inside the hotel. He indicates the stormwater management area that is existing. There will be a hot tub and a pool. Chrm. Conero asked, these are additions to the site plan? Mr. Zwigard replied, yes. They added a wall in Phase I that was approved by the Building Inspector.
 - 4) Construction details for the walkway associated with the spa building should be shown. He asks Mr. Sicina for clarification; which one? Mr. Sicina replied, he should have details for both if they are going to be different.
 - 5) The new spa building should be included in the lot coverage calculation table; he's done that. You'll see it in the new chart. It was a minor increase. This is about 3,000 sq ft of pervious/impervious area. Compared to the whole project, it is less than 1%.
 - 6) As proposed, fencing is shown to conflict with an existing stormwater management area. That was corrected and has been changed. It was an oversight on his part. He was making a rectangle and didn't realize where it was going. They will shape it around that area and that's fine.
 - 7) The applicant has advised that a wetlands permit was not obtained for the work completed in the wetlands. Atty. McKay said you indicated that the applicant's attorney was working on obtaining the proper permits. If your attorney wants to speak with me, that's fine. Mr. Zwigard said it's over his head and feels City Winery's attorney should address it. Atty. McKay said he doesn't have enough information to comment on it. Mr. Hayyim asked, this is specifically the deer fence? Mr. Sicina replied, any wetlands on site. Mr. Hayyim said there was a nationwide permit for the work that was shown on the site plan, that permit was open for work completed in the wetlands, there was a small disturbance below the threshold for the need for something. That was a hard packed gravel road connecting the paved parking lot to the overflow parking lot. Mr. Sicina said the last time you were here, you or Mr. Dorf mentioned that there was no permit obtained and you have to provide documentation showing that (for the deer fence). Atty. McKay said, if no permit is required, that is fine, you just need to clear it up for the record. Mr. Zwigard said, what Mr. Hayyim was referring to is this culvert area, here (indicates on site plan) where we crossed the wetlands. That

- was under the allowable square footage under the Nationwide Permit. Mr. Sicina said it would be that and the fence. Mr. Zwigard said they did not have a permit for the deer fence. Chrm. Conero asked them to make sure their attorney clarifies that when he clarifies the Nationwide Permit. Mr. Zwigard replied, okay.
- 8) The project requires review by OC Department of Planning. We believe the Planning Board can refer the plans to the County at this time. Atty. McKay said, this is another back and forth between the Village Board and Planning Board matter. They need a discussion of which agency has approval authority and they aren't wasting time and money.
 - 9) The application should be referred to the County Health Department. Mr. Hayyim said he has been in touch with a woman at the Health Department where he received a copy of the pool application and the hotel application, which are in process and he will submit them when they are completed. She thought the pool application would be a formality and not have jurisdiction over the pool based on the square footage of the surface area and the shape of the pool; it's a private amenity and not a public pool. She will confirm that when he submits the application. The hotel application, he hasn't done yet; she may have comments but he isn't anticipating any problems there. Mr. Sicina asked if the pool application included the spa. Mr. Hayyim said he wasn't sure. Mr. Zwigard said they had to reduce the deep end from 6' to 5'. Mr. Hayyim said the threshold for attended pools (depths, volume, lifeguards) was 6' and above. At 5' they didn't require a lifeguard. Mr. Sicina asked Mr. Danzig to provide a copy of the correspondence to the Board. Mr. Danzig said it was verbal but will send with a copy of the application.
 - 10) After completion of construction, certification will need to be provided from a licensed professional that the site meets all ADA requirements. That is fine, they have agreed to do that.
 - 11) The applicant's representative states SHPO will not require further review of this plan. We recommend a letter from SHPO be obtained that makes it clear the agency is aware a new building will be constructed on this site and they have no comments. They are in communications with SHPO and do intend to show them the work in relationship to the hotel and will provide a letter from them stating that they do not have to review that work. Chrm. Conero asked them to provide a copy of the correspondence when they receive it.
 - 12) The "North Wall." Mr. Zwigard said they consider it existing. Mr. Sicina was correct. It was a change in Phase I so it's not right to call it existing in the amended plan. It wasn't on the original plan. We do want it approved. It was added; Bruce approved it. Chrm. Conero asked if there was documentation that it was approved. Mr. Zwigard said he has a copy of the drawing. Chrm. Conero asked that the wall be added to the amended site plan. Mr. Sicina said that any wall over 4' has to be engineered and if it is, to provide paperwork for it. Mr. Hayyim said it is an 8' concrete wall.
 - 13) In reviewing photos from a site visit in September 2021, it appears that the existing stormwater management area near the proposed pool may have been removed. Mr. Zwigard said it was not removed and it's there; it was built as designed. Mr. Sicina said the originally approved plan shows, that you have

shown in the stormwater maintenance area in the vicinity of where you are putting the pool, a pretreatment area that was going to be near the parking lot area; that was to receive the water after pretreatment settling for sediments and piped into the retention area. The photos he saw from this past summer appeared that that was not there. Looking at Google Earth images, he can tell it was being constructed. He could see the outlet catch basin sitting there, he could see the depression, but when he looked at the photos, it looked like a flat plane up there; like there was nothing really up there. Mr. Hayyim said you are describing where the pool would be; to the west of the stormwater management area. He indicates on the site plan. Mr. Sicina shows them what he is talking about. It's supposed to be a pretreatment area based upon the originally approved plans. Are these trees planted in here (indicates on site plan)? Mr. Zwigard replied, yes. Mr. Sicina said they are in the pretreatment area and they shouldn't have anything in it. Again, the photos appeared differently. Mr. Zwigard has photos. He understands. They revised the design to eliminate that and extend the berm and trees further for more privacy. He believes that he worked with Ross but will double-check. He will speak with the civil engineer and get back to them.

- 14) Erosion and sediment controls should be shown for the banked parking, as some disturbance will be required to install...they will show that. Mr. Sicina said, that is the area that you are going to be paving.

Mr. Zwigard said, that covers the items on the newest letter which does encompass the old letter. Chrm. Conero said, the Board received their email regarding paving the parking lot. Mr. Zwigard said, yes, they will be paving it. Chrm. Conero asked that it be properly lit. Also, the number of people that are allowed to attend an outdoor event. You have here 500 max. That's been a source of confusion because we have in the minutes, in public hearing, that you were not going to go over 200. Now, this arbitrary figure has been put on the site plan (500). He feels that this plan needs to go back to the Village Board to figure out and take into account all the comments from the public, that went to the public hearing and were told there would be up to 200 people there. The Village Board will have to take that up and let the Planning Board know what that is going to be. Mr. Zwigard said, that proposal is just a parking analysis based on the number of parking spaces they can create. They could have a concert for 500 as long as City Winery agrees, that they will not have simultaneous events; only one at a time. Chrm. Conero said it needs to be addressed as soon as possible. Atty. McKay said they need the civil engineer's letter, updated. Mr. Zwigard said he will submit a cover letter; the engineer's letter and they will make their case. Chrm. Conero asked, how is it enforced? They say they aren't going to run an event indoors and they're not going to run one outdoors, at the same time, which makes sense. That should be discussed, as well. Mr. Zwigard asked if they should address that in their proposal? Atty. McKay said, the PDD is a legislative approval by the Village Board. You have your original approval, what the code contemplates, if there are any amendments to the approved PDD, that those approvals come from the Village Board. But, in addition to that, the code also says that once the Village Board approves the concept of the amendments, it goes back to the Planning Board for final site plan review. It doesn't state that a public hearing is needed. The Village Board could choose to do so. At what point is the application sufficiently

complete for Village Board approval? Make the same presentation as here; site plan, address the engineer's comments. The Village Board will have to be lead agency; they have to give legislative approval on it. You will end up back here for final site plan review. Mr. Sicina said the questions regarding the stormwater management; if it's not installed properly, it can change how the layout of the site is. They might have to add a stormwater practice somewhere to address them not having one. It could change the layout of the site plan. Chrm. Conero asked Mr. Sicina if the plan was sufficient enough to go to the Village Board? Mr. Sicina we should give them a layout that this Board feels is ready to be approved first. Atty. McKay agrees. Mr. Zwigard said, when Scott's letter goes from 14 to 1 or 2. He feels they will be closer at the next meeting based on what they discussed tonight.

Atty. McKay asked, in his review he didn't see an EAF. Mr. Zwigard said he submitted one 3-4 meetings ago. Mr. Sicina said August 2021. The February 10th improvements; were they made previously and will they be incorporated into a new approval? Mr. Zwigard said certain things were done with approval and certain things were done without approval. They are trying to clean all of it up. He shows a list to Atty. McKay who says, that is what he needs to present to the Village Board when they get to that point.

Mbr. Romano said, there is a fence around the whole pool area, it shows on the right side that there is a path with no doors. Mr. Zwigard said there is a locked gate. Mbr. Romano said yes. Okay. Mr. Zwigard said it is 4' high and meets the requirements by law.

EXECUTIVE SESSION

Moved by Chrm. Conero, seconded by Mbr. Steed, the Board entered into Executive session for attorney client privilege at 8:23 pm with Atty. Tunic, Vlg. Engineer Sicina and the Deputy Village Clerk, in attendance. Motion carried, 3-Ayes, 0-Nays.

RE: EXIT EXECUTIVE SESSION

Moved by Mbr. Steed, seconded by Mbr. Romano, the Board exited executive session at 8:34pm. Motion carried 3-Ayes, 0-Nays.

RE: KAMP PROPERTIES 207-1-34

Tom Olley is representing the applicant. They are seeking final approval; they did preliminary last month. There are no amendments to the plan that are necessary. The only thing is outstanding fees, execution of easement documents that would be filed simultaneously with the subdivision plat. He's been back and forth with Atty. Tunic regarding the wording.

Atty. Tunic said 122.51 & 52 for Village Board approval on certain applications; the Village Engineer can tell her whether...Chrm. Conero said he wasn't aware that this

pertained to a two-lot subdivision. Atty. Tunic said, it's not for a two-lot subdivision, that wouldn't be the reason. Under 122.52 it says, "water and or sewer facilities requiring pump or booster station." And you have two pump stations. Mr. Olley said they will be private, not for municipals. Atty. Tunic said, it could be inferred to mean something more. Mr. Olley said, in a case where it has to be turned over to the Village, where they would be having to accept the responsibility of the maintenance, etc., then yes. There is a pump station on the property that goes to a gravity connection to the sewer main. It's a private pump. Each property owner is separate. Chrm. Conero said that because it is not being dedicated to the Village and does not impact the sewer system at all, it's been engineered, he doesn't have a problem with it. Mr. Sicina said, he agrees. It may be more for a system being taken over by the municipality, he doesn't believe there's any need to have Village Board consent. Mbr. Romano agreed. Atty. Tunic said for this particular project it makes sense to go right to final vs the Village Board and it has been engineered. She prepared the resolution; it mirrors the preliminary. They still have the condition of the easement and there has been no change to the plan.

A MOTION was made to ADOPT THE FINAL SUBDIVISION APPROVAL AND RESOLUTION FOR KAMP PROPERTIES SITE PLAN, 215 GOODWILL ROAD 207-1-34 at 8:40 pm by Mbr. Romano, seconded by Mbr. Steed and carried 3 Ayes 0 Nays.

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

Mr. Winglovitz is representing the applicant regarding their application for a 9-lot subdivision; 7 will be duplexes plus commercial property, a 3-story building with 12 apartments above and a parking lot to be dedicated to the Village of Montgomery. On the 15th, the Village Board adopted a motion regarding the lot and on-street parking.

Atty. McKay said when they were there last month, there was a discussion about getting the Village Board's conditional approval that the Board would accept the parking lot. If not, it would require an amendment to the plan. He met with the Village Board on the 15th, they presented the information and the Village Board and they voted to authorize the acceptance of the irrevocable offer of dedication of the parking lot and parcel. The means subject to a lot of conditions, one being final approval of the plan, that the Village Board would then accept deed title to the parking lot. Authorizing resolution does contain a lot of conditions; some information for the Board. It would be like purchasing any other piece of property, this is free. They discussed: the applicant would provide the Village Board with a clean title search, meets and bounds description of the property, an accurate survey, a deed. One of the concerns of the Village Board was that uses of the site might have been put to in the past, such as the proximity to the railroad. The Village Board is suggesting that some type of analysis be done; Phase I before they accept the property or not and that this Board have the Village Engineer do a site visit so it can be determined that some more significant review or Phase I on that lot was necessary. And also, because there was a concern of the rights of way of the railroad, or any other third party. The

applicant will provide an analysis of any third parties with respect to the site, do the search and provide that information and delineate it on the plan. They will construct the parking lot to Village Code/Building Code subject to the review of the Village Engineer as to the fact that it's properly constructed. The Village Attorney is to ensure all conditions are met before accepting the property.

Mr. Winglovitz said there are comments from Mr. Sicina. 1) There will be storage at the rear of this building (indicates on site plan) for the tenants. They will take approximately 2,000 sq ft and use it as individual storage units for the tenants. They will delineate it and put a note on the map for that. They met with Buddy regarding the drainage. There's a series of drainage pipes that cross the road; they went through it. 3) There are structures that do come onto the property that there is no evidence of where they come out. Grade-wise, everything has to come this way toward the Wallkill. Chrm. Conero asked if they had catch basins in between the 7, is it on the plan somewhere? Mr. Winglovitz said there are a couple of catch basins where they pick up culverts coming across; there's a culvert here (indicates on site plan), where they need to have them, there are structures picking up each one of these pipes that comes onto the property from the Village road. Mr. Sicina said, you're taking drainage off the side street and you're saying there's no known discharge but during a storm event, it's going somewhere. It's important because it will also be how you handle your SWPPP for the site. Water doesn't go in that direction and you're changing the flow pass...Mr. Winglovitz said they can try dye testing them. There's no evidence; they've probably been covered over after years of grading in the lumber yard. Mr. Sicina said, if Buddy doesn't have any backups at those catch basins and you've shown evidence that it backs up it should be releasing somewhere, you should be able to find it. Mr. Winglovitz said they will do their best to find it. They ordered railroad maps. Sometimes they are good and sometimes they aren't always accurate. They will increase the stormwater pipe at the end to 18." They will clean up contours, 6,7 and 8. 9) no problem. The proposed utility pole; this is a 5-1 walk so they have sufficient width here (indicates on site plan) and they may have to narrow the walkway right at the pole. Mr. Sicina asked, you're talking about relocation of the main power line, that's not a pole serving the site? Mr. Winglovitz replied, correct. That goes through the site and is communications. Chrm. Conero asked, the pole is in the middle of the sidewalk? Mr. Winglovitz said it is on the edge of the sidewalk and the sidewalk is 5' wide, so you'd encroach into the sidewalk slightly. Mr. Sicina said the Village would like to see the utility pole out of the sidewalk, if at all possible. 11) Mr. Winglovitz said they will increase the parallel parking to 22 ft. 12) CB#6, this is where everything is connecting? Mr. Sicina said the one just north of the entrance, just because you have that pipe coming in...Mr. Winglovitz agreed and said they're replacing what's coming out so they'll replace that. It's going to get a lot of traffic on top of it. 13) They will provide additional signage regarding the residential lot; residents only. 14) Was already discussed. 15) Roof leader discharge; no problem. 16) Not an issue. 17) No issue. 18) He spoke with Rubin regarding EX-A1; that was based on the original transfer that was done through previously approved projects. He will verify that. 19) He spoke with his client regarding architecture; he is working on it. They expect to have it for the next meeting. Chrm. Conero asked if the architecture would fit in with the character of the neighborhood. Mr.

Winglovitz said he hasn't seen it yet. Chrm. Conero is interested in seeing what the building would like; they've already seen what the duplexes would look like.

Mbr. Romano asked, when you're coming down Clinton, people just fly down. When you come off 17K and turn onto Railroad, there should be a stop sign at the corner of Clinton, with the walkway. She feels there should be a stop there when you're coming off the hill. It will be a new configuration there. Trustee Lindner said it makes sense.

Mbr. Steed asked, 3) Third party conflicts; according to the scale, 1" = 30.' That building is in the railroad's right of way. You would be cutting into the #9 parking space and others. The right of way goes right through the parking lot that you want to give to the Village. Mr. Winglovitz said, they own based on the surveyor, out to here (indicates on site plan). You own the property but the railroad owns the right of way on your property. Mr. Winglovitz said not that he's aware of but that's part of the title question, just to make sure. Mbr. Steed said at the turn of the century, it will indicate the footage from the center track. Mr. Winglovitz said they have that map. They didn't do the original survey but they can order the map. They will have their surveyor look at it. The surveyor record who did this previously, when they were there for the self-storage facility, he established the rights of ownership of their client vs. the railroad. Mbr. Steed said ownership is one thing but right of way is different. We don't own that, the applicant doesn't own that, the railroad owns that. They can put an extra track there if they wanted to. That's his concern, that the Village be caught with egg on its face. Mr. Winglovitz said that came up during the Village Board discussion. They will guarantee that with further title work. Mbr. Steed said you will have to go back to 1900 when they purchased it and the footage on each side of the track. Mbr Romano asked how many lots would be lost? Mbr. Steed replied, at least half of the parking spots. Mr. Winglovitz will get clarification.

Atty. McKay said this project will be referred to the Village Board for approval.

RE: DUNN ROAD – ZAFIR 213-3-4.22

Tom Olley is representing the applicant. He is there for Board input on the location of the loading docks, the front façade and orientation.

Chrm. Conero said they reviewed the warehouse criteria. #7) The Planning Board shall review the color and material and design of all structures, roof pitch, visibility from public roads, scenic areas, consistency with the community character, variations in materials, façade depths and other architectural design elements shall be used to break up the visual mass of large buildings. Multiple structures on a single site should have a unified design. That is part of the warehouse criteria. #12) No loading shall occur from the facade of the building facing a public street.

Chrm. Conero said, we spoke with our attorney on that. We cannot allow that to happen. The Comprehensive Plan Committee was pretty adamant about putting that in there because they didn't want trucks facing the public street in any of our industrial zones. A

lot of other projects before our Board are not facing the outside. We realize you have a size constraint on the lot and size of the building you are trying to put in there. We don't want to see trucks on the outside. Mr. Olley said they don't have them facing forward even though the trucks themselves would be in the front of the building. The code said it can't be in the façade facing the street. Atty. Tunic said, no loading shall occur on the face of a building facing a public street. Those inlets are still coming out of the face of the building and the loading is still occurring within the face of the building. Mr. Olley said he understands, now, how they are approaching it. He asked if the building were cut back and the docks were only put on one side of the building, are they falling into the same situation, even though it's at the rear of the building projecting from the sides? Would they be considered facing? Atty. Tunic said no, they're not on the face of the building. Mr. Olley said, ok. They'd be happy to rework it with that but when they were taking a very literal read of the code, they were afraid it would be in violation of the code because it was facing the street, despite how far back in the building. They can absolutely rework something like that; more to the right. Atty. Tunic said #7) the loading docks can't be in the front; it has to be somewhere else. Visual design, technique, input and review that will still occur with the building style. Mr. Olley said they will go to work on that and bring back something that the Board will find more favorable.

RE: DUNN ROAD – BUTLER CONSTRUCTION 28-1-13.22

Mr. Winglovitz is representing the applicant. They were here last month and one of the big, outstanding items was the use. He sent a letter to Bruce regarding the use and asked for an interpretation. He hasn't seen anything and understands he's had some family issues.

Chrm. Conero said he spoke with Bruce and he hadn't gotten the interpretation, yet, for us. Atty. Tunic said she communicated with the Building Inspector. He needs more information because in order to determine whether or not this is a definition of non-nuisance industry, he's asking for a project narrative along with a complete list of what the uses on the site will entail. Specific uses are how many trucks will be repaired? Are they only Butler's trucks? Storage, quantity, how many per day, exact uses, etc....

Mr. Winglovitz said he will get with Bruce regarding the additional information.

RE: 105 WARD STREET/109 WARD STREET 202-9-2

Mr. Winglovitz is representing the applicant. They were here last month regarding the proposed lot line change. There is actually a deed overlap between the two properties and to resolve that, so to resolve that, they are swapping equal pieces of property. There is no variance required. It cleans up the survey. They would like to schedule a public hearing.

A MOTION was made to SCHEDULE A PUBLIC HEARING FOR 105 WARD/109 WARD STREET 202-9-2 ON WEDNESDAY, MARCH 23RD AT 7:30 PM, at 7:30 pm by Chrm. Conero. seconded by Mbr. Romano and carried 3 Ayes 0 Nays.

RE: 88 CHARLES STREET 202-3-10.2

Mr. Winglovitz is representing the applicant. Their application is for two improvements to the property; one is for the patio on the west side of the building. This creates a relocation of the drive aisle and reduction in parking. The second is a cooler that is being installed on the back side of the building. They need to go to the ZBA for that; they are hoping to go next month. By then, they will have exact dimensions of it.

Chrm. Conero asked, you are going to the ZBA for the outdoor? Mr. Winglovitz said the setback with the cooler to the property. Chrm. Conero replied, okay. Mr. Winglovitz said he's going to start with an interpretation with them because it's somewhat of an accessory structure. It's actually not connected to the building; it's sitting on a concrete pad. It may not need a variance for that but then it would need a variance for setback from the building.

Mr. Winglovitz continues with Scott's comments:

- Spot grades for the handicap ramp; they will get detail on that. It's going to require a handrail.
- The site plan should show the proposed property line; they have the lot line change here (indicates on site plan), they should show the configuration of this lot after the lot line change.
- Two parking spaces here; nothing has changed. They can fit them back there; they will show movement. Mr. Sicina asked how often the waste oil is picked up. Mr. Winglovitz said he didn't know. Mr. Sicina said there are concerns regarding the vehicle picking up the waste oil with the turning motion. They currently use the alley next to 88 Charles Street that there is no easement on. Just so the Board understands the turning motions, that's what brought that up. Chrm. Conero asked Mr. Sicina to indicate the turning motions on the site plan. Mr. Sicina said if access changes, they need to determine how and where.
- Loading zone; there is no loading zone, it's preexisting, non-conforming, they are not removing one.
- Overall parking has been reduced by 5 spaces due to the patio. They are requesting a waiver regarding that.
- They require a rear-yard variance for the cooler.
- They require a public hearing.

Atty. Tunic asked when did the loading zone become pre-existing? Was it always? Did it receive a variance in the past? That would dictate whether or not they need to...Mr. Winglovitz asked if there was a site plan in the past? Ms. Murphy said she would look into it.

A MOTION was made to REFER 88 CHARLES STREET 202-3-10.2 TO ZONING BOARD OF APPEALS FOR SETBACKS AND VARIANCE FOR STORAGE COOLER AND INTERPRETATION FOR LOADING ZONE by Chrm. Conero, seconded by Mbr. Steed and carried 3 Ayes 0 Nays.

RE: MINUTES

A MOTION was made to APPROVE THE MINUTES OF JANUARY 26, 2021 at 9:24 pm by Mbr. Romano, seconded by Mbr. Steed and carried 3 Ayes 0 Nays.

RE: ADJOURNMENT:

A MOTION was made to ADJOURN THE MEETING AT 9:24 pm by Mbr. Romano, seconded by Mbr. Steed and carried 3 Ayes 0 Nays.

Tina Murphy, Deputy Village Clerk