

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

**ATTENDANCE:** Chrm. Conero, Mbr. Romano, Mbr. Crowley, Mbr. Steed, Mbr. Meyer, Vlg. Atty. Stephanie Midler, Vlg. Atty. Joseph McKay, Vlg. Eng. Scott Sicina of Lanc & Tully, Jay Sameulson of Engineering Properties, Walt & Mary Ann Lindner, Maria Beltrametti, Brian Rivenburgh, Hank Andryshak, Deborah Delgado, Jason Anderson of ADG

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

### **PUBLIC HEARING**

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

Chrm. Conero asked Ms. Murphy if all mailings were received, she replied, yes. He asked Atty. Midler if everything was in order to open the public hearing, she replied, yes.

**A MOTION was made to OPEN THE PUBLIC HEARING FOR 105 WARD/109 WARD STREET 202-9-2 ON WEDNESDAY, MARCH 23<sup>RD</sup> AT 7:30 PM, by Chrm. Conero. seconded by Mbr. Romano and carried 5 Ayes 0 Nays.**

**Mr. Samuelson** is representing the applicant. This is a lot line change between Montgomery Mart and Ms. Beltrametti. This is just cleaning up some overlap of those two properties of what's been built over the years. The blue part (indicate on site plan) is what's owned by Montgomery Mart, that will go to Ms. Beltrametti; what's in green is what is owned by Ms. Beltrametti and will go to Montgomery Mart, just to clean up the two property lines. The area being transferred is exactly the same, 264 sq ft. There is nothing new proposed, just a modification to the property line, that's all.

**Chrm. Conero** – We did hear back from County Planning and the Engineer pointed out; you've got a copy of this (to Mr. Samuelson)?

**Mr. Samuelson** – The tax maps are very approximate and they are never exact. All these lot lines (indicates on site plan) are based upon actual surveys and deeds. They know these property lines are correct. They are not impacting the property at all.

**Chrm. Conero** – Do any of the Board members have any comments or questions before we open up to the public?

He asks that anyone from the public who would like to speak or comment on this subdivision, just state your name for the record, please.

No one speaks.

**Atty. Midler** – the only problem she has with the boundary line is, she doesn't know if it's going to cause issues later; when filing with the County or its going to have repercussions later on.

**Mr. Samuelson** – It shouldn't. They'll actually provide the CAD file 2 tax map to show to them. But he doesn't know where they got the lines that they have.

**Atty. Midler** – If you look at the tax map, it shows that line is crooked. You can see the faint grey, looks like what there'd be on the tax map.

**Mr. Samuelson** – Based upon all the deeds and research that they found, the actual property line does go straight across. There is no separation between these two existing lots and this 3<sup>rd</sup> lot.

**Mr. Sicina** – There is discrepancy in the deed for Beltrametti.

**Mr. Samuelson** – There is not a discrepancy, there's a gore. That's about the only discrepancy they have.

**Mr. Sicina** – Between them and the lot below.

**Mr. Samuelson** – There is some overlapping deeds, yes, on this bottom corner (indicates on site plan) by about 3 sq ft.

**Mr. Sicina** - So that's pretty much the only area.

**Mr. Samuelson** – It's this back corner over here (indicates on site plan).

**Mr. Sicina** – The gore, correct, is just below the green area?

**Mr. Samuelson** – No, actually, this is the gore (indicates on site plan).

**Mr. Sicina** – So, what's the open area below the green area?

**Mr. Samuelson** – This is all part of Wang Shi lot.

**Mr. Sicina** – So, then why do we have dash lines in there? Are they representing something?

**Mr. Samuelson** – There are no dash lines here. This is the existing property line that comes right across the back, here. Ms. Beltrametti's existing lot comes all the way across here (indicates on site plan), it's a straight line, comes up this way and comes back through here.

**Mr. Sicina** – The map he has, has that highlighted as "Watson deed line per liber 12043, page 515." It's the same one that goes out and connects out to that overlap.

**Mr. Samuelson** - That's supposed to be for her, that's the deed for when he owned this property that was here. Their deed only went this far (indicates on site plan). It never came all the way up to where we are here. There could possibly be an additional gore, here. Think about all the research we've done; these are the ownerships of these two. He doesn't know what's going to happen back there, that's still up for discrepancy. That's not part of (inaudible).

**Atty. Midler** – By filing the subdivision plat that shows these particular lines now, the Village is essentially saying that we agree or approve of the lot line that you're showing. If anything, forgetting the diagonal portion which is a discrepancy at the top, even by the deed in your line there is a tiny encroachment.

**Mr. Samuelson** – He'll have to talk to the surveyor and have him give an explanation for why. That's just the way whoever surveyed this lot, where they wrote the deed to, but obviously you can see that they found rebar at the corner where they're calling it and not where the overlap shows. Somebody has already placed it. Whoever had done a previous survey already placed the corner and determined that to be the corner by evidence of the rebar that was found.

**Chrm. Conero** – What is a gore?

**Mr. Sicina** – It's an open space with no ownership.

**Mr. Samuelson** – To resolve that, you have to go back deed after deed after deed to see when it was pulled out of a prior deed.

**Mbr. Romaso** – So the Village owns it?

**Mr. Samuelson** – No, it goes back to if this was all one lot at one point in time, it would go back to the original one before either one of these, is his understanding of how the law works.

**Mbr. Meyer** – Why would it be pulled out?

**Mr. Samuelson** – Don't know that.

**Mr. Sicina** – It's not common but not unheard of.

**Atty. Midler** – Somebody didn't properly transcribe back in the day. They didn't have computers. She's concerned that by approving and accepting this subdivision plat, we're saying these are the lines. She understands their surveyor went through it and said these were the lines but, at the very least, we have some type of obligation to notify Wang Shi 88, Inc that, hey, by the way, your lot line is wrong and we're straightening it out on this subdivision. By this deed, it's only a small piece.

**Chrm. Conero** – (inaudible)

**Mr. Samuelson** – That's personal matter, not a Village matter. We are certifying that these are the boundaries, so it's not back on the Village, it's our surveyor saying that these are the boundaries.

**Chrm. Conero** – So, there's a discrepancy between this surveyor and this survey.

**Atty. Midler** – Yes, the deed descriptions.

**Mr. Samuelson** – He doesn't know how old or deep this deed is. It could be years old and still discussing links and chains rather than actual feet.

**Mbr. Romano** – She knew an older man owned that property years ago and he died. Someone else bought it. It's not that long, within 20 years, she thinks.

**Mbr. Meyer** – Watson?

**Mr. Samuelson** – Watson doesn't own any of them anymore. This is from an older deed prior to these two people owning it. It's been transferred several times with that.

**Chrm. Conero** – (to Atty. Midler) What do you recommend here. He doesn't want to cause any issue and doesn't want to hold the applicant up, either. Do we find from the surveyor exactly where he found this pole and rebar? Or do we...I never had this happen.

**Mr. Samuelson** – They were notified about the public hearing if they had any concerns.

**Atty. Midler** – Although, being notified and then in knowing that it's taking a portion that you believe to be your lawn are two different kinds of things, in her opinion.

**Ms. Beltrametti** – They are actually getting more property than they think they have. The Chinese restaurant; that back property line is a curve.

**Mr. Samuelson** – According to that old deed.

**Ms. Beltrametti** – It's the craziest thing. Brian told her he's never quite seen a survey like this; the fence that divides Suzanne Wasson's property from the back parking lot of MaryAnn's now. The fence is in the wrong place there's all kinds of curiosities. The Chinese restaurant, they're actually getting more property because she is losing a little bit. What meets that curve belongs to her.

**Chrm. Conero** – So, you're saying that the bar that they found is not really your property line?

**Mr. Samuelson** – Yes, it is. Maria originally thought that her property went to that curve instead of the actual line where they show it. She thought she had additional land back here.

**Chrm. Conero** – So really, this Wang Shi is actually gaining more property and their line is not where they say it is, there's discrepancy between the two deeds.

**Atty. Midler and Mr. Sicina** – Yes.

**Chrm. Conero** – Again, like he said before, he doesn't want to cause any problems for Wang Shi or the applicant, but we need to make sure this is correct because the Village is basically, by agreeing to this, saying that this is the lot line.

**Mr. Samuelson** – The reason that these notes are placed on there is so that when this map is filed, the person that comes to do the next survey can see that and they can trace back to where...what Brian used to determine where these lot lines are. That's why he puts all those former lot lines that are deeds from years ago on the map, so he can calculate where the property lines are.

**Ms. Beltrametti** – He has all hers.

**Chrm. Conero** – He indicated it on the corners. Brian is your...

**Mr. Samuelson** – Surveyor. Yes.

**Atty. Midler** – Option 1 would be, to confer with the surveyor to confirm with the surveyor that those 3 sq ft are in the overlap, 2 they could contact Wang Shi and get approval and understanding that they agree with your survey, and they're okay with it moving forward and 3, which she doesn't know if you want to, slightly pick that up so it matches their line and just concede to it.

**Chrm. Conero** – You mean the overlap? So, there would be no more overlap?

**Atty. Midler** – Just that tiny part. They're getting this portion, that's fine, but just the last part.

**Mr. Samuelson** – He doesn't know if that is correct or not. He doesn't want to give away land that they don't deserve.

**Ms. Beltrametti** – If you're referring to where the fence is, that was straightening out that line because it's a curve. The property line in the back is a curve. When that fence was installed, NCO, by the way, she believes it was in 1993, Dr. Star owned the property at the time and they just...gentlemen's agreement. We're going to put the fence straight, as opposed to on the diagonal. According to Brian, the Chinese restaurant (inaudible), she doesn't know what their last name is. Is it Wang?

**Chrm. Conero** – It says Wang Shi.

**Ms. Beltrametti** – Anyway, they're getting more property than they think they have, according to their own deed.

**Atty. Midler** – She understands. She's not trying to overcomplicate it but from the Village's standpoint, if they're filing this plat we're conceding.

**Chrm. Conero** – What do you suggest, then? What do you guys think (to the Board members)? He doesn't want to hold things up but feels they need to clarify this. We will adjourn until next month.

**Atty. Midler** – If they are active property owners, she thinks they would be happy for this.

**A MOTION was made to ADJOURN THE PUBLIC HEARING FOR 105 WARD/109 WARD STREET 202-9-2 TO WEDNESDAY, APRIL 27, 2022 AT 7:30 PM, at 7:45 pm by Chrm. Conero, seconded by Mbr. Meyer and carried 5 Ayes 0 Nays.**

Mr. Samuelson agreed to contact Wang Shi.

### **RE: OLD BUSINESS**

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

Chrm. Conero asked Mr. Sicina if all the items had been satisfied from the previous meeting? Mr. Sicina said if they weren't, they are in the new comment letter. Chrm. Conero said they will go from the March 18<sup>th</sup> letter from Lanc & Tully.

Mr. Samuelson said nothing has changed; they have provided more design details. He can summarize a lot of the comments. Items 1-7 mostly have to deal with storm water of some sort. Ross has already reached out to Lanc & Tully's office to set up a meeting for next week to discuss a lot of that. Unless you have specific questions about it, he'd rather resolve them with Lanc & Tully. Chrm. Conero said that was a good idea. Mr. Sicina confirmed there is a meeting scheduled for next Tuesday with him, Ross, John O'Rourke and Buddy. Chrm. Conero said he is glad someone from the Village would be there. Looking through it, there are quite a few issues. Mr. Samuelson said there are a lot of unknowns on some of the drainage. He knows they had a proposal for this parcel 10+ years ago; they went through site plan approval that never got built, but there are different things going on there, so they'll sit down with them and go through all of those comments.

Mr. Samuelson said, subdivision plan, yes. They're working on putting it together. The original survey was done by a firm out of Narrowsburg or PA. They are working on re-surveying this so that they can certify all these lines and they'll have the subdivision map for them soon. That was #8. The subdivision plan so that's going to define the meets and bounds for each one of the individual lots and the portion to be dedicated to the Village. #9, the crosswalk at Clinton and Mason; they have no problem adding that. There is a

sidewalk that does run up; if you're looking at the plan, the left side of Mason. The demolition plan, they'll talk about the 12" and what they are going to do and how they're going to remove it, that's not an issue. So, it just doesn't run underneath a building.

The fencing; the fencing was installed many moons ago by the lumberyard. At some point in time, whether it had permission to do it on the railroad property or not, they don't know, but it's their fence so they were just trying to clean it up, take it down. They will reach out to the railroad prior to construction, if need be. It's the applicant's fence that they've owned and had; it's been there for 40+ years. Chrm. Conero asked, you're going to pull that fence out and provide screening? Mr. Samuelson said, it's not on their property and probably never should have been there in the first place, that many years ago. Chrm. Conero asked, it's not on the applicant's property? Mr. Samuelson said, no, it's on the railroad property. It was installed 40 some odd-years ago, when the lumber yard was storing stuff out there. Chrm. Conero asked, is this the fence that runs down...Mr. Samuelson indicates where the fence is on site plan. Chrm. Conero asked if they were going to notify the railroad or just remove it? Mr. Samuelson said, the original owner of the property installed it, it wasn't the railroad that installed it. They plan on pulling it off. Mr. Sicina suggested they reach out to the railroad and notify them that you're removing the fence off their property that wasn't supposed to be there.

Mr. Samuelson said #12; regarding erosion control, they'll make sure they take care of that. #13 is regarding landscaping; they can modify that plan. #14; there's a bunch of signs that say "For 40 Railroad Avenue," and "Parking for Nuzzoli." Those were all people who were using the property. Mr. Rivenburgh said they were previous tenants. Mr. Samuelson said all of those signs will be removed.

Mr. Samuelson said, the stop sign coming down Clinton, they agreed. Maybe they can look at doing some sort of striping there to prevent cars from parking right on the corner so they can see that stop sign. And maybe even a "stop ahead" sign at the top of the hill so people will know. He believes that was the extent of the comments.

Chrm. Conero said the parking. Is it possible to have any diagonal parking on Railroad that would give more spots to park? When you go down there around 4:30-5:00, there are a lot of people parking down there on both sides of the street. Mr. Samuelson said they don't have the width to do that. Mr. Sicina confirmed that. Mbr. Meyer said one of the exits for the parking lot is on Clinton Street instead of Railroad to maximize the space in the parking lot. Is it enough? Mr. Samuelson said a lot of the reason for curbing there is to pick up a lot of the drainage. Hopefully, with the curbing and catch basins they are adding, it will improve the drainage in that area.

Chrm. Conero asked, (holding up a picture of the proposed building & housing) you submitted this as part of the design? Mr. Samuelson said, yes, Brian had dropped off some of what the architecture would look like. Chrm. Conero asked if it was a flat roof. Mbr. Romano liked it. Mbr. Crowley asked if all of the houses would look like the picture. Mr. Rivenburgh said, yes. Mbr. Crowley asked if they would all be the same color. Mr. Rivenburgh replied, they don't have to be. Chrm. Conero asked, the apartment

building is going to have a flat roof? Mr. Rivenburgh said it's a 3-story building and it's a 35ft height limit so it has to be flat. Chrm. Conero asked the Board if they had a chance to look at the designs and if they were okay with them. Some members replied, yes. Chrm. Conero said he doesn't know. I would refer to a design architect to tell them. He's bringing it up because it's been brought up many times about having historic looking buildings with peaked roofs, not flat roofs. He refers to Mbr. Crowley since she had been on the AHRB. Mr. Rivenburgh asked, flat roofs aren't historic? He refers to the old dress building on Railroad. Mbr. Crowley replied, it's not a residential building. Mr. Rivenburgh said, it's commercial on the 1<sup>st</sup> floor and residential on the 2<sup>nd</sup> and 3<sup>rd</sup> floors. Mbr. Crowley said, it wasn't always. Mr. Rivenburgh said, it is now. Chrm. Conero said he's just bringing it up because he knows it will come up. Mbr. Crowley continued, the windows aren't historic, the shutters aren't the right size, the windows at the bottom aren't the same style as the top. The pillar on the sides; is it going to be 3D? Mr. Andryshak said they will be recessed. It's a floating column. Mr. Rivenburgh said if you go to the city of Beacon, every single roof is flat. Mbr. Crowley said it's not Beacon and Beacon Main Street is not the same as the Village of Montgomery. Mr. Rivenburgh it surely doesn't mask the vinyl sided peaked roof buildings on Clinton Street, right. Mbr. Crowley said Main Street Beacon is not the same as the Village of Montgomery. Chrm. Conero said there's clearly an issue with conformity of downtown; of any of our districts and that is because of the lack of design guidelines...forever. He's bringing it up in case someone wants to question this as to why it has a flat roof, we'll say that it's what was presented. Mr. Rivenburgh said there's a 35ft height limit; there's three stories. You can't put a pitched roof on that. Mbr. Crowley said we didn't say you had to make it a 3-story building, either. Chrm. Conero said, when you agree to a 3-story building, then you say with a flat roof, it's one of the things that economically doesn't work. Mbr. Crowley said, the Clinton business district is not in the Historic District, that's why it's kind of mish-mosh. Chrm. Conero said it's not within eyesight of it, either. Mr. Rivenburgh said they might change the shutters because he doesn't really like them; they may make the windows bigger. The reason they put the shutters on was because the windows looked too small in the front. They tried to make it look more store-front because that's what it is. It's not residential. It needs to look distinctly different on the first floor. Mr. Andryshak said, just like those windows on Clinton Street; the storefront windows are a lot larger than the residential ones on the 2<sup>nd</sup> and 3<sup>rd</sup> floors. Mbr. Crowley replied, but not where the pharmacy used to be or the row houses...Mr. Andryshak said if you look at the pharmacy windows on the bottom are larger than windows on top. Mbr. Crowley said, but they are paned windows. That comes from the mayor who wants paned windows. It was a big push on the guidelines for the Historic District, that windows be paned. Mbr. Romano, again, said she likes it. Mr. Rivenburgh said it is going to be a stand alone building...inaudible...too many people speaking at once. Mr. Rivenburgh said if there's something on the elevation of the building that would improve the building, he's all ears. Chrm. Conero said they don't have design guidelines built in our code, so they can't; he appreciates him putting them in there so they can look at them. Again, he said there are people who will not like this. Mr. Rivenburgh said he wanted to make a point at the Village Board meeting. You said their building at 99 Clinton Street, that there was 3 or 4 people that did not like the building. It wasn't everybody that didn't like the building and what they didn't like was the board and batten siding. When they went to the Zoning



Board, your Zoning Board, for the height variance, every single member on the Zoning Board said, "nice building." So, who does he listen to? Mbr. Crowley said, the Historic Review Board. Mr. Rivenburgh said, but it's not in the historic district. Mbr. Crowley said, she understands, but you wanted an opinion about...Mr. Rivenburgh said you can't please everybody. He tries to please the majority and themselves. Chrm. Conero said they weren't seeking an approval on the design of your building from the Zoning Board, we were seeking the height variance. Mr. Rivenburgh said he wasn't seeking approval for design from this Board, either. Chrm. Conero said the reason he brought it up with the Village Board, and he's not lying when he said that numerous people had a problem with it, he wouldn't go to a Tuesday night Board meeting to talk about something that he's lying about or coming up out of his head, he told you before that he doesn't know what a good-looking building is. It's really up to an architect. He's just relaying the information from the Comprehensive Board that he's on, that Village Planning Board had issues with it, people who are historic people that look at downtown, looked at that design and didn't like it. He thought the Village Board voted to approve it so you're good. Mbr. Crowley said the AHRB has given their opinion to residents even if they didn't live in the historic district; that they wanted to blend with the aesthetics of the Village of Montgomery. Mr. Rivenburgh said he could have but his partner and him have been in the construction business for 40 years. They have architects and other builders that they network with and they think they know what they want. If there's something that they want, because they're the ones that are going to pay for it, live and take care of that building, then they want it to look the way they want. Mbr. Crowley said you're going to make good neighbors. Mr. Rivenburgh said he will not build something that is distasteful. Mbr. Romano asked if there is a problem with the roof, will you seek a height variance? Chrm. Conero said it will be too high. Mr. Andryshak said a pitched roof would be over 40 feet. Mr. Rivenburgh said they would never get a variance on that. Chrm. Conero said the Planning Board, as far as 99 Clinton Street, their job is over at 99 Clinton Street. It was forwarded to the Village Board and they approved it, so it's a moot point to go back in time to talk about that project. He's bringing it up because this project is new and it's still on their plate and eventually it will go back to the Village Board. Atty. McKay suggested giving a copy to the Village Board to review because ultimately, you end up there. Chrm. Conero agreed. Mr. Rivenburgh said they tried to make this apartment building as historical and blend in as much as they could. They want it to be a nice building. Chrm. Conero said that's not the issue. The issue is whether it is or it isn't and that's why they leave it up to the experts who have more expertise than our Board to say we like it or don't like it. Mr. Rivenburgh said, that's why he hired an architect. Chrm. Conero said, once we get our design guidelines done, it will be a formal thing that will go to an architect design firm and they evaluate it. They can't do it right now; he's just bringing it up.

Atty. McKay asked if there is any issue with parking. He knows the Village Board has approved of the dedication. Are you still looking for a waiver or reduction on the parking lot, now? Mr. Sicina replied, he doesn't know how that works when they need to construct the parking lot prior. If they are looking for the waiver for the parking lot and the lot has not been created yet, can they obtain a waiver from parking that has not yet been created yet? Chrm. Conero replied, no. He thought they were going to construct it

with the conditional approval or condition? Atty. McKay said it would be a condition. There's a condition of approval when they create the lot and dedicate it. There would be a certain number of spaces in the lot. The question he has is whether or not it's in addition to dedicating the parking lot, do you still need a waiver of the total space number based upon the way the plans are drawn now? Mr. Samuelson said, yes, he doesn't think that with the lot and the on-street parking...Mr. Sicina said, based on the Planning Board will still have to provide a waiver for parking for the use of the Village parking lot. Mr. Samuelson said, they need 21 spaces; that lot has 19 and they are formally creating 14 spaces along the street. That's 33 spaces they are creating when they technically need 21. Mr. Rivenburgh said they are dedicating a public parking lot. Mr. Samuelson said, you're improving these 14 spaces that theoretically could exist on the public street but you're also dedicating 19 more that don't exist. Mr. Rivenburgh said, if there's a public parking lot there, there's a waiver in the Village that says if they do it within 500 ft of a public parking lot, you don't need to meet the calculation. Chrm. Conero said, if the parking lot is there. Mr. Sicina said, he's correct, but what you're saying, Joe, is that the Planning Board still needs to grant that waiver. You said you need 21 commercial spaces, you have 19. Mr. Samuelson said, 19 in the public lot that they are creating, plus 14 more along the street. Mr. Sicina said they will need the waiver because they're constructing the parking lot. Chrm. Conero said you're not creating 14 spots on the street. Mr. Samuelson said they are defining them better.

Atty. McKay said at some point, he has a note from the Village water department, there was some discussion last time about delineating on the map potential rights and 3<sup>rd</sup> parties, particularly in this case whether or not the railroad has any easements, rights of ways in or around the property. Mr. Samuelson said he doesn't believe they do but will confirm that when they finalize the survey. Atty. McKay said it was a discussion they had when Ross was here, the last time. He's not saying it's something you just get...inaudible. He wanted to make sure it was still on the list and you're addressing it. Mbr. Steed said, Ross said they ordered railroad maps and he specifically asked Ross to submit a revision indicating the meets and bounds of the railroad right of way on each side of the tracks. Mr. Samuelson said they hadn't gotten the full railroad map yet. He will make sure they get that. Atty. McKay said, it will still go back to the Village Board for final approval.

## **RE: FOOD BANK OF HV – 36-1-2.12 & 214-1-1**

Mr. Samuelson is representing the applicant. The last time they were there they presented an updated sketch. This submission has actual detail design of the lot. They have comments from Scott that they have no issues responding to; a lot of it requires further detail from them, which they know and are working through, basically on sewer and water and stormwater. They are the three big outstanding design issues they are still working on. He sent a letter to the Town Board to talk to them about the commercial private road. They have confirmed that that is the only approval they need from the Town of Montgomery. They will on the Town Board agenda soon, to have them grant them the commercial private road. To answer Scott's question regarding the "T," he will amend it

and show it. They are planning on using the driveway as the third part of the "T." He will make sure it's clarified on the plans. Chrm. Conero asked where the "T" was. Mr. Samuelson indicates on site plan...they are going to take the commercial road past the entrance to the Food Bank and if anyone had to turn around, they could pull up, back in and turn around. This is temporary for this project. Atty. McKay asked Mr. Samuelson to explain that again, because they last time they were there, there were questions regarding the rest of the property or has the plan evolved in any way? Mr. Samuelson said the last plan had a cul-de-sac. They removed the cul-de-sac. The only property that is being developed is all within the Village, other than improving the existing driveway that's already there to the Town road standards for commercial private road. Atty. McKay so this will have a private easement to access this. Mr. Samuelson replied, yes, private easement to access the lots that in the Village because this lot in the Village is landlocked; it has no frontage. By creating the commercial private road, we're giving frontage on both of those lots. The "T" is a temporary turnaround for maintenance or whoever is maintaining it, to turn around. Chrm. Conero asked, lot 1 is the Food Bank and lot 2 will be, are you still at 3 lots? Mr. Samuelson said, there's the existing lot that's in the Town, they aren't doing anything other than the commercial road. It's really just a two-lot subdivision. There are stormwater issues and some grading that go over the Town line and he will speak with Nick and see if he's okay with that and he'll get easements to show that, if they need to. He wants to talk about the comments regarding lot 2; and the SEQRA on lot 2. Nick has no plans for anything there. He doesn't know how to address this. He's done this in other towns, where he can show a concept of what could be done that complies with zoning just to give you an idea. He's hesitant to do that because it scares people. He doesn't want to overwhelm the project with something that could go there. Who knows what is going to go there? Chrm. Conero asked which comment that was. Mr. Samuelson said, #11. Mr. Sicina asked if they would put an easement there that says it could only be used for agricultural uses, that way ensuring there would be no other development on it? Mr. Samuelson said, he's not looking to do anything on it right now, but he doesn't know about the future. He doesn't think he would restrict future development on it. Chrm. Conero said, he doesn't know why he would do that. He's obviously subdividing it into two lots for a reason. Mr. Samuelson said he subdivided it to do the piece for the Village and he can maintain the rest of it for his use right now; it's agricultural, he's growing stuff on it right now. Chrm. Conero asked, that whole lot is in the Village? And they are subdividing within the Village and that's zoned industrial. Mr. Samuelson replied, yes. Mr. Sicina said, he's trying to avoid segmentation. They could come back in a few years and add a larger warehouse on the 2<sup>nd</sup> lot. How does that effect the Village? Chrm. Conero said they have design guidelines for industrial warehousing that they would have to conform to, anyway. Our zone would allow...Mr. Sicina said you have to look at the future water demand, sewer demand, truck traffic. It's different if it's going to be used as a farm field or if's going to be used as the next KSH site. Mr. Samuelson said he doesn't want to make a big deal out of it. Can they add notes to this subdivision that specifically say that this is not a buildable lot at this point in time and any future development is required to come back for review and approval? Does that satisfy it? He's done that on residential subdivisions before but not on commercial ones. Atty. McKay said they'd have to come back anyway. Mr. Samuelson asked if that would satisfy SEQRA? Chrm. Conero said, again, lot 2 could be one big warehouse or 6 small

ones and each one of those, a big warehouse, depending on what they are doing in it could have a different water/sewer demand than 4 or 5 smaller ones. If you had a manufacturing plant on there...he doesn't know. Mr. Samuelson said they have time. Mr. Sicina asked if they could set up a meeting to discuss this. Mr. Samuelson replied, yes.

Chrm. Conero said, #4 mentions SHPO's recommendation for a 20ft wide vegetation buffer. Mr. Samuelson indicates where that is on the site plan. They added vegetation along the side, the screening. They have the historic house across 211, the cemetery, they have a portion of the zoned PDD; they have the buffer from them. Mbr. Crowley asked how big the buffer is. Mr. Samuelson replied, 20ft.

#5-DOT. Mr. Samuelson has reached out to DOT and provided copies of the email from the engineer; they've already permitted that entrance and since they aren't doing any work in the right of way, there's nothing further from them.

#6- Mr. Samuelson doesn't know why the EAF was not submitted. He will make sure it is on the next one.

#7 & 8 were discussed with the easement. He will speak with Nick regarding the easement.

#9, 10 & 11 are all additional detail for design of water/sewer and stormwater. Chrm. Conero asked if that was still proposed to come down. Mr. Samuelson replied, yes. They had a meeting with Scott's office and Buddy and they talked about bringing water and sewer down 211; it will probably be extended on Marc's property. They're still looking at the numbers and seeing if they can get it across the current Butler piece, closer to the intersection of 416/211 and come in that way. Or do they need to come in this way (indicates on site plan), it all depends if they can make gravity for sewer work, depending on which route they go. They are trying to get it closer to the intersection of 416/211 so that it's available for the County. There's going to be limitations on connections on that point in time; that will all be in the resolution and approval about who's allowed to connect until additional supply. It will all be in their water report. They are working through stormwater.

#13-the County. Mr. Samuelson said he has started the process to reach out to FAA. He needs more design detail for them before he can submit to them and get a real conversation going. The top of their building will be under the easement, so he knows there will be requirements; the red beacons, etc. It will be a matter of going through the process.

The Board members did not have any questions. Chrm. Conero said he knows the applicant is anxious to get going on this. They've reached out to him.

## **RE: HANOVER DEVELOPMENT – 202-3-4.2**

Mr. Samuelson is representing the applicant. They resubmitted and had a couple of minor comments from Scott's office. The comment about the additional 4 potential apartments in the existing building, they can add a note that they are required to have "Resident Only" signs if those are and they can show potential locations on the plan.

He's not sure why the existing shed was not shown on the survey, but there is an existing shed on the corner of the lawn (indicates on site plan) that has their surveying equipment in it.

They will give planting details.

#5-side yard variance. Chrm. Conero asked if they needed to be referred to the ZBA for the side yard variance. Atty. Tunic said, yes. Mr. Samuelson said they sent a letter to Bruce for an interpretation in early January but haven't heard back from him. Atty. Tunic said she will get him something in writing. Mr. Samuelson said they will go to the ZBA anyway. If they determine that it's not zero, they will ask for the variance. Atty. Tunic said she believes Bruce is going to require the 12 ft, so they can either appeal it or...it's consistent with the previous applications. Mr. Samuelson said Bruce is trying to interpret whether their building with the overhang on the 2<sup>nd</sup> and 3<sup>rd</sup> floors is the zero-lot line or not. That's the interpretation that they are requesting; that does meet the zero and 12. Atty. Tunic doesn't believe the ZBA can do that interpretation; it's the jurisdiction of the Building Inspector. It's not just a zoning code interpretation. Atty. Tunic said she will send something to him in writing and you can choose to appeal that or you get a referral from us that you need a variance. Mr. Samuelson said they will plan on applying with the ZBA. Other than the side yard and variance, he believes everything else has been addressed except for architecture. They've gone back and forth several times and haven't been happy with what they presented. They are getting close.

Mr. Sicina asked about SHPO. Mr. Samuelson said, yes, that was submitted last week. They did the Phase I A and B. They had the archeologist reach out to SHPO and talk to them about how it's been developed for years. They agreed that they would do the testing on the two lawn areas in the back. They found an arrowhead but thinks it's absolutely nothing. They are hoping to get the sign off in the next couple of weeks.

Mr. Samuelson said, yes, they will still go to the AHRB but are still working through the architecture. They do not want it to look like their existing building.

Chrm. Conero said they will have to leave the Public Hearing open and adjourn it until they get their interpretation from the Building Inspector or variance. Atty. Tunic said they need to leave it open because we need the ZBA and it's part of the SEQRA process. You can vote to refer them to the ZBA because the Building Inspector interpretation can come in separately. Chrm. Conero asked, they can refer them for the side yard variance? Even if they have a favorable interpretation from Bruce? Atty. Tunic said Bruce is going to want them to go for the side yard. Her and Scott have had discussions with Bruce. She will get something in writing regarding the overhang.

**A MOTION was made to REFER HANOVER DEVELOPMENT, 71-73 CLINTON STREET 202-3-4.2 TO THE ZBA FOR SIDE YARD VARIANCE, at 8:36 pm by Chrm. Conero, seconded by Mbr. Romano and carried 5 Ayes 0 Nays.**

Mr. Samuelson said all they have left is architecture, ZBA and SHPO. Chrm. Conero said, we're pretty close.

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

Chrm. Conero said, we have a comment letter from Lanc & Tully. They have received their area variances and their waiver of off-street truck loading space.

Mr. Samuelson is representing the applicant. They were at the ZBA last month and got the variance for side yards; one is 4' and one is just over 8." A variance was granted to eliminate the required loading zone based upon the unique configuration and access to this lot.

#2- Mr. Sicina said, previously when they were here, there was discussion how the lots were going to be cross-connected between 88 Charles and 71 Clinton (Hanover Development); it was discussed about egress and emergency access. That's been removed from the plan and should at least address the Board as to why they made these changes after they discussed having a more open plan. Mr. Samuelson said, they discussed it with Marc after the meeting. Marc was not in favor of it. The way that this parking lays out and the way parking lays out next door, they don't line up. It's even tight for a one-way access. He indicates on the site plan. The original one submitted had back-to-back curbs. It was discussed to try to open them up but they didn't actually touch. They revised them to remove any potential connection between them. Just because we have someone going back and forth here (indicates on site plan) one way, you're not going to get people to go one way, even with signs. They will leave it as is so people can have room to turn around and go back out the way they came in through 88 Charles. That was part of the reason for the ZBA's granting of the variance with no loading based upon trying to get any loading trucks in and out of there would be almost impossible.

Chrm. Conero asked the Board members if they had any comments. Mbr. Crowley asked, they will be going in at 88 Charles? Mr. Samuelson said, that's how it goes to the white building adjacent to this. There's an easement that goes through 88 Charles for access through all of those lots and actually, the easement continues over to 77 Clinton for them to park on. That easement is being modified to follow the new parking so that this building here, (indicates on site plan) still has access to 4 parking spots, like it does now. They'll make the other 8 parking spots for the new building.

Mr. Samuelson said the question about the swale and the roof drains; it's not intended to be a swale, it's just the grading between the two buildings so that any water that falls in between the two buildings will run down the sidewalk areas and back into the street. This building will have a center pitch, with liters on both sides adjacent with roof liters coming

out the back that they will come through and discharge into the parking lot. There is no nearby drainage system anywhere to tie any of the drainage in. All of this continually sheet flows towards Charles Street. Chrm. Conero asked if it was going over the back sidewalk? Mr. Samuelson said the roof leaders will go underneath the sidewalk and come through the curb; it will discharge onto the parking lot, not on the sidewalk. The only water that will run on the sidewalk is whatever falls between the two buildings. Chrm. Conero asked where the water goes after going through the curb? Mr. Samuelson said it goes through the parking lot, 88 Charles Street and the next catch basin will be the one they are installing in their parking lot. Chrm. Conero asked if the runoff was that substantial coming off that? Mr. Sicina thought the roof leaders discharged into the swales and if it's on the sidewalk, you're getting discharge on the pavement and it's not terrible. This is currently how the drainage is on site.

Mr. Samuelson said, specific landscaping; they will add some specific shrubs, that's no problem. Chrm. Conero asked if they are the shrubs in the front or the back? Mr. Samuelson replied, along the side between their building and the applicant's. That's the only landscape spot along with the island in the back corner. The front will be up against the sidewalk. Chrm. Conero asked, your building has landscaping in front of it? Mr. Samuelson replied, yes, their building is pushed back a little bit. Their parking lot has more room for it. It matches the existing buildings.

Mr. Samuelson said he needs to change the call out of this (indicates on site plan). Everyone knows this is not a retaining wall; it's more of a planter box with a fence in it. The grade is the same on either side of it and they're still having discussions with 88 Charles about it. This planter box goes on all three properties, it's not on any one property even though it was meant for Mario many years ago. They're trying to figure out what they are going to do. It is most likely going to go away.

The last one is the lot line change that is here (indicates on site plan). 88 Charles will be on the ZBA meeting this month for the variances they are requiring, so once they get those, they will submit the lot line change application for that. They know they can't get any of this approved until that is done, but they can get it to that point where as soon as that's done, they can get this approved.

Atty. Midler reminded Mr. Samuelson that she will need to review the easements.

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

Chrm. Conero said they received the interpretation from the Building Inspector that he's requesting more information as to whether it is a non-nuisance business.

Mr. Samuelson is representing the applicant. He said they knew that they were moving down there when they did the annexation, they knew what it was going to be. But okay. He spoke with Butler; they received the determination and will move forward with that.

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

Chrm. Conero said architectural designs have been submitted.

Jason Anderson from ADG said, they have the 4 buildings, 2 35ft and 2 45 ft, what this is showing is representation of both. If you notice the one that the glass comes up below this band of paint is the 45ft building and this is the 35 ft. They tried to keep uniformity between them but have a little bit of distinction and still articulate the warehouse structure for what it is with a little bit of enhanced glass, daylighting around as well as breaking it up with different colors and even the colors that you see here look a little bit different; everywhere that's shown in white projects out from the building. This way, it's not one flat building, it's multiple projections as you go down. Mbr. Crowley asked what material the outside would be. Mr. Anderson said they are proposed to be precast panels; concrete panels. It is a double-layer of concrete with insulation between it. It's a long life-cycle building, it's not a metal one. It serves a two-fold purpose, it's what all contemporary warehouses really need to be to be able to lease them. The other is noise. The STC rating is very good on these. Any activity within the warehouse does not translate out. That's one of the biggest pieces; on the flip side, where you do have some truck traffic, you will get bouncing off. Not as much as you would get on metal buildings because concrete absorbs it a little bit better but you do have a little bit of concerns about that. The interesting thing about these is the truck terminals are facing toward each other. This view (indicates on rendering) is along the residential side. The intent was, that it would look like a series of office buildings; two story glass...inaudible...which is like a shield of sunlight. Mbr. Crowley asked, that side of the building would be facing the back of the residents? Mr. Anderson replied, yes. The intention is there could be a few tenants; he doesn't know how that's going to break up. Warehouses can be broken up for multiple tenants. There are different entryways going down that building. Mbr. Crowley asked, this is the office building? Mr. Anderson said, no this is the office side. That is the side that would have the offices. You can see it here (indicates on rendering); this, if you can imagine, would be broken up into 3 different warehouses/tenants in the building. This would be one entry, second entry, third. This is the corner that faces 211. The farm stand would be here (indicates on site plan). This is about your best shot, prominent view. They don't have landscaping yet but will put those trees in. The trees were based on the previous plan presented. This is the actual image. Mbr. Crowley asked, the trees that are there right now, the building will behind the trees...Mr. Anderson indicates the trees on the right side of the driveway on the rendering. Mbr. Crowley asked how the trees would be on the left side of the driveway since they don't own that property. Mr. Anderson said once they have the landscaping plan, will indicate what will be there. Mbr. Romano asked, the buildings will be behind the tree line, for the most part, except in the winter? Mr. Anderson replied, yes. They'll take the same pictures and show it in the winter so you can see what it will look like for both. Mbr. Meyer asked, if there are people coming down from Chandler, they won't see that nice view of trees, they're going to see more of the driveway. Mr. Anderson said they will see the driveway...Mbr. Meyer continued, they are going to see asphalt and Chandler isn't going to meet with the driveway. Mr. Samuelson said they are working on that... they are trying to work with the neighboring property to realign this driveway with Chandler. Otherwise, coming down Chandler, the



road will be offset to the right. You'll be looking down the driveway and won't even see it. Mbr. Meyer said, for practicality purposes, if it meets Chandler, that's practical for the road but for aesthetics, if you do align it, you'll see more of the driveway. Mr. Samuelson said they will be able to shield some of it in the area where the storm water pond is on the front right. Mbr. Crowley said, if you're going to be in Devitt's PDD, you're going to see the whole warehouse. She doesn't know how DOT has been able to configure that when the warehouses can be broken up into multiple warehouses so there's 4 buildings with the potential of 10 tenants; that need trucks and people, there's the PDD across the street, there's the Food Bank, two additional lots that are zoned industrial, Medline, 416 that no trucks can get through. We have the airport. She doesn't know how this is all configured plus, you can't get in and out the Village now. And there's truck traffic all night long. How is this being allowed? Chrm. Conero said the parking calculations were based on the number of bays. So, if a warehouse is split into 3 units, those traffic/parking calculations...Mbr. Crowley said, that's a lot of bays. If you have one company managing so many bays. You know what your truck traffic is going to be. But the other portion of that warehouse is going to have more truck traffic. Chrm. Conero said the parking calculations, Scott, there's a formula they use to determine how many trucks per day, whether it's one big warehouse or four small ones. Now, we're talking about 12 warehouses within 4 buildings. Mr. Anderson said, the adjustment to restrict the size of the buildings leads you to having more tenants. The majority of your truck traffic is in your last mile or your larger warehouses; they have the most truck traffic. As soon as you start restricting something, like 100,000 sq ft, they start to break those up and they advise that they need storage. It's not a truck depot. It comes here, gets stored and then gets shipped out. You're actually reducing truck traffic here, as opposed to one big building. With this sq footage, for one tenant, they'd have cross stocks and that's where you get continual traffic. Mbr. Romano asked, for each building you can have 3 or 4 potential tenants. Chrm. Conero said the two 45 sq ft ones will be built first. Mr. Samuelson said the applicant intends to move from Cornwall to here. He needs two since they were broken down. The other two, he may not build right away. They are only going to clear what they need to.

Chrm. Conero thanked Mr. Anderson for giving them an idea of what this will look like coming in to Union Street from the Town coming in. He thinks it doesn't match the historic character of the Village. He doesn't know if there's a way to somehow come up with other types of warehouses that would be more in line with a historic village, as we have here. Mbr. Crowley agreed, it looks a little modern with the glass. Is there any other façade that you could put on it to make it look...Mr. Anderson said applications on the façade can be done. There are variations they could do on the concrete. Applying something to it is more difficult but they can cast it into the concrete, such as corrugated designs. Chrm. Conero asked about brick or stone in the front of the building. Mr. Anderson said they could look into that. He said the earth tone colors like grays and tans. Mbr. Crowley agreed that stone would blend better with the white or gray and the windows.

Chrm. Conero suggested sending the renderings to Orange County Planning, as well as Lanc & Tully, based on the warehouse criteria and the Planning Board's ability to look at

these things a little closer. Mr. Anderson said it's easier when it's historical because there are certain guidelines you work with. The other thing is the right landscaping for these. You have to hide these. The food bank has a certain look that they want and they will be much more visible. Chrm. Conero said the 45ft height variance comes up a lot and you say you've done a lot of warehouses. Is that the standard height? 36ft clear is standard; 36 clears to the underside of any structure and you need 9 ft above that for structure and roofing, so you're up to 45ft. Chrm. Conero said that's something he's been bringing up; seems you always have to go to the ZBA for a height variance. Mr. Anderson said it all comes down to racking. The trouble is one more level of racking from 30 to 36 and you can't go up to the top; you need a sprinkler system that has coverage so they can only rack up to 30 ft, so before would be 24 ft that extra 6 ft allows the entire facility another entire row of racking, which, depending on the size of the facility, if they didn't have it, would allow another 50 or 80,000 sq ft. You're better going with the extra 6ft. Chrm. Conero said, we get this a lot.

Chrm. Conero asked if the road going in was going to be flat, like the rendering. Mr. Samuelson said there will still be a dip in it; they aren't filling it in completely. It will go down and back up.

Mr. Sicina asked Mr. Anderson took into account grade difference? Mr. Anderson said they do but they were having trouble with additional grading here (indicates on site plan). They do in the back because they have more to work with there. Mr. Sicina said there is a grade change; sometimes there are grade changes to make it look flat.

Mr. Anderson said they modeled the whole site in 3D and from there set the...inaudible. What other view should they present? Mbr. Meyer said one from Chandler, for the residents and people coming from Chandler. Mbr. Crowley said from Devitt's PDD. Too many people speaking at once. Mr. Samuelson said Marc's PDD is going to be cut down and closer to street level; it won't be what it is now. Mr. Sicina suggested a rendering from the residential side (on Weaver).

#### **RE: MINUTES**

**The 2-23-22 minutes were not approved.**

#### **RE: ADJOURNMENT:**

**A MOTION was made to ADJOURN THE MEETING AT 9:16 pm by Mbr. Romano, seconded by Mbr. Crowley and carried 5 Ayes 0 Nays.**

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Tina Murphy, Deputy Village Clerk