

MINUTES of the Village of Montgomery Planning Board meeting held in the Meeting Room of the Village Hall, 133 Clinton Street, on Wednesday, July 27, 2022, at 7:30 pm.

ATTENDANCE: Chrm. Conero, Mbr. Romano, Mbr. Crowley (Absent), Mbr. Steed, Mbr. Meyer, Vlg. Atty. Stephanie Tunic, Vlg. Atty. Joseph McKay, Vlg. Eng. Scott Sicina of Lanc & Tully, Ross Winglovitz, PE & Reuben Buck & James Martinez of Engineering Properties, Deborah Delgado (Village PartTime Clerk), Tom Olley of Olley Architects, Walt & Mary Ann Lindner, Steve Snyder, Don Berger, Jane Hoffner, RJ Smith, Chris Ladanyi, Marcia Jacobowitz, Karina Tipton, Tina Murphy/Deputy Clerk (Absent)

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

RE: ADJOURNED PUBLIC HEARINGS

RE: Food Bank of Hudson Valley – 36-1-2.12 & 214-1-1

Chrmn. Conero said, thank you everyone. We had adjourned a public hearing for the Food Bank of the Hudson Valley. At this time, we would like to refer to our attorney on some changes that happened in the past 36 hours to bring the Board up to date. Can someone make a motion to go to executive Session?

A MOTION to go to ATTORNEY/CLIENT DISCUSSION for the Food Bank of Hudson Valley – 36-1-2.12 & 214-1-1 at 7:35 pm was made by Mbr. Steed, seconded by Mbr. Romano and carried 4 Ayes 0 Nays.

A MOTION to exit ATTORNEY/CLIENT DISCUSSION and reopen the adjourned public meeting for the Food Bank of Hudson Valley – 36-1-2.12 & 214-1-1 at 7:54 pm, was made by Mbr. Meyer, seconded by Mbr. Steed and carried 4 Ayes 0 Nays.

Chrmn. Conero said, okay, Ross, do you have any other additional information you want to share with the audience and the Board?

Ross Winglovitz shared he will go over Scott's comments briefly and then I can talk about the additional information that we are seeking to approve.

- *Jurisdictional determination for the United States Army Corp of Engineers (USACOE)*, as everybody remembers *there is a wet area* in the back of the site, partially on Adenbrook farms property and partially on this site. It has been delineated by a wetland biologist. Their determination it is an *isolated wetland*. Meaning it is not a wetland that will subject to the jurisdiction of Army Corp of Engineers. The question has always been, and we don't believe it's jurisdictional. There are no permits that would be required. Do we need to get it confirmed? I have discussed it with the applicant and with Scott's office (Lanc & Tully) and we will commit to get confirmation from the court that the wetland is isolated prior to final approval.

Chrmn. Conero asked, prior to final approval to the project?

Ross Winglovitz confirmed, to the project.

Chrmn. Conero shared, you found there is an isolated wetland. Has the Army Corp of Engineers been contacted?

Ross Winglovitz confirmed, not yet. That part has been prepared. Once we have to do a jurisdiction of determination there is a lot more information that is required other than the delineation of cross section, such as soil boring and so forth. All that has been collected last week, and that report is being put together to submit this week once we commit to doing it.

Chrmn. Conero asked if the isolated wetland, your consultants will do the wetlands?

Ross Winglovitz said, that's correct.

Chrmn. Conero asked, if you then will share with our engineer?

Ross Winglovitz said, that's correct.

Chrmn. Conero said, ok. All right.

Mbr. Romano shared; the Army Corp of Engineers takes months. You have to get it (submission) in.

Ross Winglovitz shared it can't take months. We are going to ask them to expedite the best we can. The last thing we need is for that to slow down the project.

Ross Winglovitz shared, there are several other state and county permits, so we will process them all together or confirm if they are not needed at the same time. We will make it happen.

Chrmn. Conero said, ok.

Ross Winglovitz shared, there were questions about:

- **Water and sewer services** to the property and easements. We have gone back and forth with Scott's office regarding what has been requested. We had originally shown a sewer main through the project, through the proposed site plan through the second lot (lot #2). We have removed that sewer and only have a sewer service that goes through to 211, which will be the Village's main for sewer. This will be sewer service into the property, which will end at a manhole just as it gets out to the new lot #1, with a service connection to building. There will be no other services. If services are required for lot #2 - it will have to be figured out how that will be conjured at the time, and we go from there.

Atty. McKay asked, is that just to eliminate an easement?

Ross Winglovitz shared; this would be a private easement in favor of the Food Bank for sewer service. The public easement will be along 211 for the public extension of the sewer. Water similarly will be a public extension. That easement goes across the Devitt property. That would come up this side of the Butler Construction property. Again, the public easement ends along 211. It would be a private easement between Butler and the Food Bank; between 211 and the site for the water main to come into the site. There will be a couple of hydrants for fire protection that are important. We will maintain the eight in size, because of the fire protection and hydrant flow with the water service only into the Food Bank. I did prepare a sketch of the modified easements and send them to Scott's office for their review and approval and I think we were satisfied. I think there was one change that was requested regarding the easement and that was to widen the easement. We have an easement here (pointing to the renderings) that's 211 and there's Chandler. It starts the connection at Chandler and comes down through an easement along the front of the Devitt Property. Continues down along their property until it gets to Butler, sewer is here. Water continues down and we had narrowed the easement in front of the Butler property. Scott had asked if we could have that easement to be continuous with the front property line so that it would be public right of way to the easement, and we could accomplish that. That will be modified.

Ross Winglovitz shared, there were several comments regarding the SWPPP (Storm Water Pollution Prevention Plan). Some of them are just ministerial hitting the logbook and so forth. Primary comments were what's called the *Water Quality Volume*. We have to treat water before we put it into the ground. We have agreed with Scott that I think these four bays are satisfactory, with the addition of an outlet pipe from one of them to let it drain during extreme events so that's its emptied prior to storms.

Chrmn. Conero asked, so we are using this drain too, into the pumps?

Ross Winglovitz shared; it would drain into the storm water pump. These are like pre-treatment areas like most of the sediment would go. Scott's concern is that it may be full of water when it is needed, so we will have a riser and a drain to make sure that drains right. I think that was it, off the top of my head.

Ross Winglovitz shared oh, we did get a letter today and I forwarded it onto Scott's office from the town indicating that once the SEQR (State Environmental Quality Review) determination is made they can act regarding the commercial project.

Atty. McKay asked Ross to repeat what he shared.

Ross Winglovitz shared the Town, from Brian Maher, had sent a letter indicating that they discussed the private commercial access drive and that they are willing to approve it subject once the SEQR is completed, as they can not approve at this time.

Ross Winglovitz shared what we were *hoping to accomplish this evening is a negative declaration, so that we can proceed with the outside agencies*, DEC, Department of Health, and appropriate/preliminary site plan approvals will help us proceed with the outside agencies for sewer & water and so forth and subdivision also.

Chrmn. Conero asked the Board if they have any questions on the Food Bank?

Mbr. Romano asked if they have any architectural renderings of the building?

Ross Winglovitz shared; we do not have that yet. The architectural review would have it. A variance was granted for the building height.

Chrmn. Conero said, right. We learned about that. You are looking for a negative declaration. We did isolated wetlands. At this time is there anyone from the public who would like to comment on this project, just state your name and we will entertain any questions, concerns, or comments.

Don Berger introduced himself from Montgomery, asked Ross - the waterline from Chandler down to Butler water and sewer I guess, a two-part question.

Chrmn. Conero addressed Don, please can you address our Board. You know...

Don Berger asked, who is paying for it and the second part is how close is it to the graveyard?

Chrmn. Conero shared, I don't think it's disturbing the graveyard at all.

Ross Winglovitz shared; the graveyard defined here is on the Butler property.

Chrmn. Conero shared, we also have a landscaping design as well, for the screening for the graveyard and there is a historic house too.

Ross Winglovitz shared, there is a historic house too, across.

Don Berger that's on the opposite side from there.

Chrmn. Conero shared, so your other comment is who is paying for the water and sewer.

Don Berger asked, who is paying for the water and sewer, the line going up.

Chrmn. Conero said, it would not be the taxpayers. It is not us.

Don Berger reiterated it's not the Village, that's all I wanted to know.

(Inaudible – laughter)

Don Berger asked if the Food Bank is paying for it? All the work through all the grants and stuff?

Chrmn. Conero shared, he did not know.

Ross Winglovitz shared; the project is.

Don Berger reiterated Ross's comment 'the project' and said, ok. All right.

Chrmn. Conero asked if anyone else had comments calling on resident Karina Tipton.

Karina Tipton shared; she has questions on the lighting for this building. She was hoping it was going to be dark skies compliant. At Medline it is dark skies compliant.

Ross Winglovitz shared; it is.

Karina Tipton said, that is great. It is the same lighting colors that Medline used that was really something it is not just about the wattage, she is not a lighting expert, but it is also about the color of the led lights being used.

Chrmn. Conero shared, we have comments from the county indicating they would use dark skies criteria. We are aligned with that.

Karina Tipton said, thank you.

Ross Winglovitz shared, Marcia had a good point, no one is surprised, that the FAA may very well require lights at the corners of the building – those little red lights.

Karina Tipton said, yes that is apparent.

Chrmn. Conero shared, I can imagine.

Karina Tipton shared, that is apparent for night blindness.

Walter Lindner from Village of Montgomery asked, if there has been any more conversation with the DOT regarding 416 and 211. There were some discussions of a possible-traffic circle?

Ross Winglovitz shared, not regards to this project. As part of the KSH project, the DOT asked for a concept plan for the 416/208 (*I think he meant 211 but he said 208*) intersection.

Chrmn. Conero asked if the DOT has a comment on the entrance, because this is an existing entrance and I think they did not have a comment on this?

Ross Winglovitz, they did not have a comment.

Chrmn. Conero shared, so there has been no comment from the DOT on the entrance for this project.

Chris Ladanyi introduced himself, good evening, everyone Chris Ladanyi, Village of Montgomery. He asked if this has been approved or has the FAA been notified of any of this?

Chrmn. Conero shared yes. The FAA has been notified, but we do not have their final approval. We have to get to a point where we can send things out.

Chris Ladanyi shared, ok. Based on the best of his knowledge, they can do three things with the project: Deny, Approve or Approve with lights on the building.

Chrmn. Conero said, correct.

Chris Ladanyi shared, I know speaking with them a decent amount, that sometimes that with all due respect to everybody, sometimes the Village or everybody forgets to notify them (FAA) like the development on... (did not say which development).

Chrmn. Conero shared, the county made us aware and that was one of their conditions that we had to be compliant. The only way we can override them is with a super majority.

Chris Ladanyi said, ok thank you.

Karina Tipton shared, sorry as she forgot her second comment. It has to do with the truck sounding devices. We had a lot of issues in greater town in the back of Weaver. I live right on 211, down the hill from them. I could hear beepers from the noise of Butler. Is there an inclusion in this to require trucks/pantry owned trucks to use shushes or an alternative of notification method? That has been included in all the approvals from the Town for Medline and Amazon recently, as well as UNFI, actually.

Chrmn. Conero shared, he is not aware of that at all.

Karina Tipton asked, is that something the Planning Board would consider.

Chrmn. Conero shared, we could look into putting that in as a condition.

Ross Winglovitz shared yes, but one of the problems with that is that these are private haulers that come to the facility, and we never know where they are coming from or who the hauler is. If we had our own fleet, then we can control that, but we cannot control that.

Karina Tipton asked, would there be any yard junkies working on the site?

Chrmn. Conero shared no. There is no yard truck stop that I am aware of.

Karina Tipton asked, sorry to be ignorant, but what are the hours of operations?

Chrmn. Conero shared, it is in the application. I do not have the application in front of me right now. They are within the Village hours of operations, I believe.

Karina Tipton shared, ok. I do not have an air conditioner, so my windows are open all the time. It's like a real issue for my household

Ross Winglovitz shared, Marcia indicated, its mostly open 7am – 5pm and there are volunteers to come to help during the evening hours.

Karina Tipton shared; they are probably not showing up in a box truck.

Ross Winglovitz shared, no.

Karina Tipton said, yes/ok. Thank you.

Chrmn. Conero said, you're welcome. He called on Bob in the public audience.

Bob Williams shared 15 Factory Street. The two historic sites that are up there, one being Germantown cemetery which is in the Town of Montgomery and the Johannes Miller House which is in the Village of Montgomery. Both which are pretty much opposite one another. There will be screening put up to protect both of these historic sites.

Chrmn. Conero shared, yes. The landscaping design plan, the latest one I've seen and looked at there is screening and that was also requested by the county as well in their review of this project. There is screening on those sides. I think that Scott – you looked at the landscaping design, right?

Scott Sicina shared, yes. They are providing landscaping for both the cemetery and the Wiggins house.

(inaudible)

Ross Winglovitz shared, was looking to share landscaping plan boards. There is a screening wall. This is James Martinez from my office so here shows the screening of the wall west of the property boundary.

Chrmn. Conero asked if there is any comment on this. This is actually the landscaping design, that he designed across the property entirely. They hired another company to do. There are no other people to speak on this. We should close the Public Hearing.

A MOTION was made to CLOSE THE PUBLIC MEETING FOR THE FOOD BANK OF HUDSON VALLEY – 36-1-2.12 & 214-1-1 at 8:10 pm by Mbr. Steed seconded by Mbr. Romano and carried 4 Ayes 0 Nays.

Chrmn. Conero shared, I know you are seeking a negative declaration provided you get conditional approval. I think we are at a good point to issue a negative declaration. I know you know we do not have a final delineated wetland, but you have demonstrated that you believe they are isolated wetlands.

Ross Winglovitz confirmed yes, as part of our final approval, we are committed to having them.

Chrmn. Conero shared, I think it would help move the project along, as well. I think we should approve the negative declaration. Joe (Village Attorney), do you think we are ready to do that tonight?

Joseph McKay shared; I have no objections. I can prepare the negative declaration.

A MOTION to was made to DECLARE A NEGATIVE DECLARATION UNDER SEQRA FOR the Food Bank by Mbr. Romano seconded by Mbr. Meyer and carried 4 Ayes 0 Nays.

Mbr. Steed asked, what about the conditions?

Chrmn. Conero shared, I think any conditions that we want to impose on the project, should be done during the site plan approval and the rest of the project approval.

Joseph McKay shared, the Negative Declaration document that I prepared doesn't have any stipulations or conditions, but based upon what we talked about this evening, we understand that the conditions would go in as preliminary approvals and that there would be true conditions assuming the master never gets signed and permits wouldn't be issued to do anything like move dirt or cutting trees until we know for sure, particularly the wetlands are delineated, and we get past that issue. There are some other motions, run of the mill, ministerial we know, some DOH approvals that are required and things like that but those are standard issues, but they are not SEQR issues. That is why I am comfortable having the board approve the negative declaration tonight. With those other standard type of the regulatory type of approvals before final approvals are issued.

Joseph McKay to provide the summary for negative declaration

Chrmn. Conero shared, the vote was behind us and that was unanimous. When it comes to the conditional approval, that you are looking for the site plan – you are looking for additional site plan approval, and the two-lot subdivision, I think we are close to that. I think if we move forward with that *authorizing our attorney to draft the initial approval*.

This way we have time to look at that and make sure that all the points are on the conditional site plan approval.

Joseph McKay shared; the board is aware we had additional client discussion around that plan. A lot of this has just happened within the past 36 hours or so, as I have gathered much together for the board as possible. This is truly a draft. Obviously, we have not even had a chance to discuss them and need to verify some of the points with Scott as well. I can circulate a draft preliminary approval for site plan, special use and subdivisions.

Chrmn. Conero shared, this document we have for negative declaration is ok or will be revised at all?

Joseph McKay shared, well you can proofread it for me and make sure that what I say, what the negative declaration is, is accurate for what you say it is. Yes, just have somebody review it.

Chrmn. Conero shared, from what I read on this document, I am comfortable with what's in here. I just want to make sure everything is in here.

Joseph McKay shared yes, that the draft with a signature (inaudible) so that is fine.

A MOTION was made to the CONDITIONAL FINAL APPROVAL, that WE INSTRUCT OUR ATTORNEY TO PREPARE AND PRESENT VARIOUS DOCUMENTS FOR US TO REVIEW THEM AND MAKE A DECISION NEXT MONTH AT THE NEXT PLANNING BOARD MEETING BY CHRMN. CONERO AND SECONDED BY MBR. MEYERS. CARRIED 4 AYES 0 NAYS

Chrmn. Conero shared, good night to the Village Attorney Joseph McKay

RE: KSH ROUTE DEVELOPMENT 211-1-29.22

Chrmn. Conero shared the next item we have on our agenda tonight is the adjourned public hearing for KSH that is on Route 211, that we adjourned last month. Again, they are seeking a two-lot subdivision for a lot line change to align Chandler Lane with the entrance to their project. Ross, do you have anything new, so I will open to you.

Ross Winglovitz shared, Good Evening. We were here last month as Kevin said. The whole purpose of this hearing and the application is solely for the lot line change between the Hoeffner's and the applicant. One of the desires of everybody: the Village, the applicant, DOT has been to realign the driveway, so the driveway can be opposite Chandler Lane; that's important for safety and traffic flow. The applicant has been able to contract with the Hoeffner's, the problem is, it is a short window for that contract to get the approval, so that whatever happens on this property or the Hoeffner property, the driveway can be at the best possible location to design this driveway change. That is the

sole purpose of the hearing tonight. There were other comments from the consultants that we need to address for the site plan application and so forth, the architectural & landscaping all that is being worked on. This is not related to that – it is solely for the lot line change, while everyone is on the same mind.

Chrmn. Conero said, thank you. He asked Stephanie (Village Attorney) to comment on the segmentation part of this as we discussed the last meeting.

Attny. Midler said, sure. Under 6NYCRR 617.3G1, it says:

KSH SUBDIVISION SEGMENTATION

6 NYCRR 617.3(g)(1) Considering only a part or segment of an action is contrary to the intent of SEQR. If a lead agency believes that circumstances warrant a segmented review, it must clearly state in its determination of significance, and any subsequent EIS, the supporting reasons and must demonstrate that such review is clearly no less protective of the environment. Related actions should be identified and discussed to the fullest extent possible.

Accordingly, segmentation is allowed so long as the Planning Board finds that the circumstances warrant a segmented review and that it can demonstrate that the review is clearly no less protective of the environment.

Here, the Planning Board has stated on the record that the circumstances in this case warrant segmenting the subdivision approval from the remainder of the site plan and special exception use review. The corresponding property owner has indicated a short timeline to allow for the transaction to occur with KSH. Based on the advice of traffic engineers, including the Village's own traffic consultant, it is a beneficial long-term solution for the subject driveway to align with Chandler Lane, thereby necessitating the need for the land transfer and subdivision.

Based on the evidence in the record, confirmed by the Village's consultants, an approval of the subdivision would be no less protective of the environment should the segmentation not occur for the following reasons:

1. The creation of the alignment that would be allotted should the subdivision be granted would not in it of itself create any traffic. As such, the subdivision would not be the cause of any traffic in this instance.
2. Developer's traffic consultant's Creighton Manning, whose findings were unanimously approved by the Village's traffic consultants Colliers, found that the relocation of the driveway would have less of a wetlands disturbance, thereby reducing any impact to wetlands and resulting in a measure that is actually more protective of the environment.
3. Colliers indicates that the alignment to be made possible by the subdivision would satisfy NYSDOT design criteria. Creighton Manning's findings state that the driveway alignment was a request from NYS DOT.
4. Creighton Manning found that the alignment would reduce the opportunity for conflicts on NYS Route 211 resulting from opposing left-turning vehicles.

5. Creighton Manning found that the alignment creates a more conventional intersection omitting overlapping turning movements which cause conflicts.
6. Creighton Manning found that the alignment establishes an intersection alignment that could allow the construction of a southbound left-turn lane for vehicles turning from NYS Route 211 onto Chandler Lane – meaning that the alignment could accommodate future roadway improvements.
7. Orange County Department of Planning comments dated June 28, 2022, stated “we appreciate the applicant’s efforts to align the proposed driveway for this project with the intersection of Route 211/Route 416 and Chandler Lane, as this reduces potential traffic conflicts and potential vehicular accidents”.

The applicant has further indicated in correspondence that it understands that the granting of the subdivision in no way binds the Planning Board to granting the overall site plan or special exception use permit. The Planning Board hereby finds that the granting of the subdivision is favorable to these properties in its own right and would be beneficial despite the specific needs of this specific project.

Ross Winglovitz agreed.

Chrmn. Conero shared, thank you for going through that. It is going to be no less protective of environment and no wetland intrusions. We want to move forward. At this time, I would like to open it up to the public and then we will open to the rest of the board.

Don Berger of Montgomery, just out of curiosity for the lot line change – is the sale of the property complete or is it contingent on the approval of lot line change?

Chrmn. Conero said, I do not know.

Ross Winglovitz shared; it could not be transferred unless the lot line change is effective.

Don Berger said, ok not until the lot line change is approved that it is finalized. Now the only other thing, I know that Ross mentioned that we are only here for the lot line change but with Stephanie reading her declaration over there, and you know that traffic seems to be the key to everything she is talking about. I always get disgusted when there is no impact to traffic because one additional truck or car is an impact to traffic. So, I have never, for all these years I have been doing this, I cannot understand that. But my curiosity is that in the plan itself, are they going to have turn lanes particularly if they are coming out of the KSH property, you know how they have... I do not know that a traffic light has been approved yet, or if that in fact if that’s (traffic light) even going in there. How are they going to make those turns? Is there going to be an additional lane for KSH turning right onto 211 to get them onto 211 or is it going to be strictly stop and go?

Chrmn. Conero shared, you have to look at the traffic analysis and what was determined by the applicant. Our engineers looked over that. I do not even know if they have been finalized yet.

Attny. Midler shared, that I want to note the June 28th County comments do have a whole section on traffic impact. Obviously, the applicant has still to look at those comments and we want the Board, unless stated otherwise, we want those incorporated into them. Which there are several of them.

Ross Winglovitz shared to Don, regarding the project and traffic, there is a left turn lane in the proposal that is a part of that.

Don Berger asked, there is? Ok. All right.

Chrmn. Conero shared, I have not heard of the lights. I don't know yet.

Don Berger said, through the course of the years, they have talked about lights there. It is not a secret that they talked about it. Is it part of the DOT plan? So far, I guess not, because I have not seen anything other than talk about light.

Chrmn Conero, shared I think the key to the board, it was less of an impact to traffic than more. I think that was a big consideration on how we got here to this point. If it were more, that would be a concern to everyone. Especially if it had an impact.

Don Berger shared; I believe that - I think what they have done there was necessary. If we are even to move forward, that has to happen. I think the greater impact, is not the trucks or cars coming out of KSH, it is the folks and trucks turning into Chandler crossing the northbound lane and if you are coming from Middletown taking a left into KSH. That is going to be a problem if there are not turn lanes on 211, that is going to be a major problem.

Chrmn. Conero said, I think they are proposing a left turn lane on southbound. Ross mentioned that in his presentation.

Don Berger shared; I hope so.

Attny. Midler shared, Ross to be clear and for the public to be clear, any further concerns and comments that come up with traffic, and now the proposed approved intersection will be fully analyzed as part of the Type 1 Review for the greater action. As you said, this completes the potential first step, which is a small first step, if we are going to continue on with this project.

Don Berger said, right. Ok.

Chrmn. Conero anyone else?

Karina Tipton asked about the wetlands that are now going to be impacted. Are those referring to the wetlands that are immediately adjacent to the farmlands?

Chrmn. Conero shared, those would be the wetlands along 211, the current driveway.

Karina Tipton replied, ok. So essentially there is no impact because KSH would not need to...

Chrmn. Conero shared, less intrusive.

Ross Winglovitz shared, reduced impact by relocating the driveway.

Karina Tipton said, ok thank you.

Chrmn. Conero called on the public, Chris.

Chris Ladanyi of Village of Montgomery shared, just to be clear this is not a desire, this was a requirement to move forward with any sort of development on KSH.

Chrmn. Conero said, no.

Chris Ladanyi said, because in the code it says a new driveway has to be within fifty feet of the next intersection which is Chandler. So, how is that not a code requirement?

Chrmn. Conero shared, well that is a good question. Scott, as there is a provision in there that does not allow an intersection within fifty feet of another intersection. That has not come up in any account review that we had.

Mbr. Romano commented that is not an intersection.

Ross Winglovitz shared, it's a state highway jurisdiction, and according to NYS jurisdiction we look to.

Scott Sicina shared; we do not have technical jurisdiction on the entrance. As far as the state road, the state has jurisdiction on what the state would like to see on the state road. *(The NYSDOT will determine the location and layout of the proposed site entrance since the entrance will be on a state road. Additionally, the new location of the driveway is a safer layout compared to what had been previously proposed.)* We can't state what we want, we can put our opinions in but ultimately, it's the state's decision. If it were a Village Road, that is where the Village would come in.

Chrmn. Conero said, if it's a Village Road it would be that way. You would not be able to do that on a State Road.

Chris Ladanyi asked, wouldn't the new road be a Village Road?

Chrmn. Conero said, no, it's a driveway.

Chris Ladanyi said, follow up question, do we know who the applicant is?

Chrmn. Conero said, we only know KSH, and Ross represents them.

Attny. Midler said KSH Route 211 Development, LLC., is the owner/applicant.

Chris Ladanyi said, we really don't know who we are dealing with today here then? The owner of record is a LLC, a limited liability company. But who owns it?

Chrmn. Conero shared, I don't know.

Chris Ladanyi said, you don't know. That LLC could have changed hands about twenty times since the original subdivision approval/proposal was conspired. Correct?

Chrmn. Conero shared, right. But the criteria have not changed up since the meeting.

Chris Ladanyi shared, regardless of the criteria, KSH could be holding a property in trust for another person, another LLC, another corporation, or extreme diverse entities. KSH is not a nonprofit company, so we have a right to know who it is.

Chris Ladanyi shared, Kevin Dowd, the former Village Attorney, mentioned Israel Friedman early on and then stopped using his name throughout the remainder of the process for some reason. These owners or owner, whoever it is, does not have the right to anonymity, nor the right to conceal their identity from the Village. Just as the board has no obligation to grant any approval of anonymous applicants. That's all I have to say. I recommend that you don't approve anything until we know who we are dealing with.

Mbr. Steed shared, to alleviate your concerns about Israel Freeman, I went down to the real property office in Goshen, trying to determine and verify he owns is 1% of 1% of the KSH property. It was only a spec call when you came in here. That's what I did, all right to protect the Village. But I'm sure KSH, LLC a living liability – they are registered in Walden, aren't they?

Attny. Midler shared it would be registered with the department of state but does not necessarily need be tied back to an individual. As far as this board is concerned, obviously we are concerned who the property owner is of record. In this case it is an LLC, and we as the board cannot tell people how to organize their business in the matters of the holdings.

Mbr. Steed asked if they are an invisible entity?

Attny. Midler shared, what I can tell you, based on what they submitted into DOS, their address is 2 Mill Street in Cornwall. That's what we know.

Chris Ladanyi asked, what is their record in Cornwall? Why aren't they using it, you know?

Chrmn. Conero shared, in their initial presentation was their warehouse needed more space. That's why they are doing this, to grow their business. That's how it's been presented to us. Again, this is the two-lot division we are talking about. Again, what the attorney has stated is that this approval, if we do grant the approval for the entrance, there is no way or baring on the warehouse proposed.

Chris Ladanyi said, ok. So, the applicant here is KSH.

Chrmn. Conero said, yes, for the coordinates.

Chris Ladanyi shared, my point is, I don't think any of this should be approved until we understand who this client is, know why and what their intentions are, what their records are, you know. That's my two cents.

Mbr. Romano shared, in NYS you can create, an LLC. Anyone has the ability to create an LLC and that's where your anonymity comes in and it protects you. I don't know, but I don't think we are able to do that; nor do I want to do that.

Chris Ladanyi asked, so does anyone other than me want to know who is holding the LLC?

Mbr. Romano shared, no I do not, for an LLC. We live in America, in NYS. I know people that have LLC's and they want to be anonymous and that's it. I don't know what to tell you. It's the law. You know they have that ability, and I cannot look at who it is. We live in America.

Chris Ladanyi said, I know we live in America.

Mbr. Romano yes, we do.

Chrmn. Conero shared, we can try to get you that information on the LLC. You know it's KSH, LLC, so you can find out who the property owners are.

Mbr. Romano reiterated; you could do a search.

Chrmn. Conero shared, the board is not going find out who the property owners are. We know it's KSH, LLC. Our attorney says we are doing the right thing, so we are ok with that.

Mbr. Romano shared, they hired... (paused speaking)

Chrmn. Conero shared, again if anyone else has comments on this subject.

Mbr. Meyers shared, the thing here is, they are meeting the code and have been following the rules and that's what we ask for, as well.

Chris Ladanyi shared, sure, I'm not dismissing that at all. I'm just bringing up the point that we don't know who they are. Doesn't give me a warm and fuzzy feeling not knowing who they are or what the relationship is at all (inaudible).

Chrmn. Conero asked the public if anyone else has comments? You guys (the board) have any comments?

Mbr. Romano shared; I think this is a long time coming.

Chrmn. Conero said, all right so we do have the comments from the county. Great. The only one we have to think of is if we have a problem with the FAA?

Attny. Midler said, that will still be a binding comment to the Type 1 Review of the action, yes. The county pulled all the different actions together, but this is not disputed whatsoever that the binding comments, and just in general, the county comments will be addressed and reviewed as part of the Type 1 Review.

Mbr. Romano shared; it seems that this is for the other part.

Attny. Midler shared, yes. As you can see the actions portion, they do consider and acknowledge the subdivision. Also, the portion that I read earlier, they specially just discussed the intersection. But as far as moving forward at this time, its understood that those comments will be addressed with the greater site plan. With the study, it is not impacted of the intersection with the building.

Chrmn. Conero shared, the Type 1 Review is for the warehouses, not for the subdivision.

Attny. Midler shared, correct. Because we are proceeding with a segmented review, we are proceeding with this as the *unlisted, uncoordinated portion* of no other involving agencies as we discussed, other than the county's received comments we discussed. At this time, if the board wishes, you can authorize me to draft a negative declaration of the two lots subdivision and draft the preliminary subdivision approval for the two lots.

A MOTION was made to CLOSE THE PUBLIC MEETING FOR KSH ROUTE DEVELOPMENT 211-1-29.22 at 8:47 pm by Mbr. Steed seconded by Chrmn. Conero and carried 4 Ayes 0 Nays

Chrmn. Conero shared, what we want to do now, we want to have the SEQRA quote for unlisted uncoordinated action and have you document whatever is needed.

Attny. Midler shared, yes. You can make the motion to allow me to draft a negative declaration and preliminary approval that the board to use for the next hearing.

A MOTION to was made to ALLOW VILLAGE ATTORNEY TO DRAFT THE NEGATIVE DECLARATION UNDER SEQRA and PRELIMINARY APPROVAL

FOR PLANNING BOARD TO BE USED AT THE NEXT PUBLIC HEARING FOR the KSH ROUTE DEVELOPMENT 211-1-29.22 by Chrmn. Conero seconded by Mbr. Romano and carried 4 Ayes 0 Nays.

Chrmn. Conero asked could they vote on the approval of this?

Attny. Midler said, she would stay away until we have the written resolution. The normal activity is you authorize me to do it and you have time to review and comment on it, and then come to issue the formal review decision.

Chrmn. Conero shared we will have the Attny. Stephanie Midler write up the resolution for us. Can I get a motion for that?

A MOTION was made to have ATTNY. MIDLER DRAFT THE RESOLUTION AS REQUIRED BY THE CODE FOR THE SUBDIVISION FOR THE PLANNING BOARD TO REVIEW AND MAKE FINAL COMMENTS TO FOR the KSH ROUTE DEVELOPMENT 211-1-29.22 by Mbr. Romano seconded by Mbr. Steed and carried 4 Ayes 0 Nays

Ross Winglovitz shared he wants to confirm the motion is for the subdivision and not a preliminary final with a two-step process.

Attny. Midler shared; I do not think I have the ability to circumvent that in the code.

Ross Winglovitz shared; I do not think there is a preliminary approval for subdivisions. I know some of the site plan stuff has that two-step process.

Attny. Midler said, correct. I will confirm and draft the approval as required and if anything, I will let you know.

Chrmn. Conero shared, so that motion is basically to draft up the document as required by the code, ok, in a positive solution.

Ross Winglovitz said, thank you very much.

Chrmn. Conero and the board said thank you.

OLD BUSINESS

88 Charles Street: 202-3-10.2

Chrmn. Conero in order of old business for 88 Charles Street which is seeking their *conditional final for subdivision and site plan approval.*

Attny. Midler said, correct.

Chrmn. Conero asked, can I get a motion for conditional final for the subdivision and site plan approval?

A MOTION was made for CONDITIONAL FINAL SUBDIVISION AND SITE PLAN APPROVAL for 88 Charles Street 202-3-10.2 by Mbr. Steed, seconded by Mbr. Meyer and carried 4 Ayes 0 Nays.

Chrmn. Conero said, carried.

Ross Winglovitz asked to confirm if that's 88 Charles Street.

Chrmn. Conero said, yes.

61 PROSPECT TERRACE 207-1-27.212

Chrmn. Conero asked what exactly was that?

Attny. Midler shared, all that we were to do tonight, when they appeared in front of the board, there was discussion if they would need a variance the set up from the existing garage. Confirming the applicant and while reading through the non-conforming exception to the code, I do not believe they need a variance for that. So, at this point they would like to set up a public hearing.

Chrmn. Conero said, so the public hearing (interrupted).

Mbr. Romano shared we have nothing on this right?

Chrmn. Conero said, no, they submitted a site plan.

Attny. Midler shared, they just submitted a site plan

Scott Sicini shared, that is the one who worked with the Attorney.

Attny. Midler confirmed, they worked with her. She worked with the applicant to see whether or not we would need to make the non-conforming set back come into compliant. But the non-conforming section of the code made it clear we did not have to do that.

Chrmn. Conero referred to Scott, your comments on 61 Prospect are ok and it is good enough to go the public hearings?

Scott Sicina shared, yes.

Mbr Romano stated, *it is not* a ZBA referral its just a public hearing.

Chrmn. Conero shared the Planning Board can set a Public Hearing date for August. Can I get a motion for that?

A MOTION was made to SCHEDULE A PUBLIC HEARING AT THE NEXT SCHEDULED MEETING ON AUGUST 24, 2022, AT 7:30PM OR THEREAFTER FOR – 61 PROSPECT TERRACE 207-1-27.212 by Mbr. Romano, seconded by Mbr. Steed and carried 4 Ayes 0 Nays.

Zafir - Dunn Road: 213-3-4.22

Chrmn. Conero shared Zafir, Dunn Road we have Tom Olley.

Tom Olley shared, back in the spring we were here to have a discussion with the board about the design of the buildings, the location of the loading docks because you had issues with the location of them, with respect to the Village design standards. The design standards were set forth as it would apply to the warehouses. So, we had, I thought, a very fruitful discussion that evening and we went back came up with the design of placing the loading docks on the side of the building towards at the rear and one of the things that Scott Sicina (Village Engineer) had asked that we demonstrate that the trucks that would be using this site would maneuver in there. We provided that overlay on here and we also obviously updated the plans with the variations of the grading and the parking areas, the pavement areas, circulation areas and provided other engineering information that Scott had asked for. What we are *seeking tonight is to try to move this towards a public hearing* so that we can accomplish a couple of things. Obviously, get closer to an approval but we want to just stop the moving targets so we can submit to the Army Corp of Engineers for preconstruction notifications. We do have a wetland on site that we believe to be a jurisdictional wetland. Now I will call Scott out on that, he says we are filling the entire wetland. Well, you have to understand that the wetland size is .036 in its entirety. We are only filling about half of it. We are only filling a couple of hundredths of an acre of wetlands. We do not even approach the threshold for requiring anything other than filing the preconstruction notification with the Army Corp. Obviously, the other thing is the Part 77 FAA filing that we will have to do. A couple of things to note here, is:

1. This Building is further removed from the thresholds for the more east/west runway
2. This Building will be a couple of feet lower than the absolute high spot of the other buildings. It was this peak and this peak on the other building that intruded into that space. We will be below it. We are confident of that, but we have to file because of the proximity of the airport, we have to do the Part 77 of the filing.

Chrmn. Conero shared, one of the things... Do you have a copy of the Lanc & Tully Engineering report?

Tom Olley confirmed yes, we do.

Chrmn. Conero said, so one of the items on here, #3 is about the curbing. I know that in your document that you sent to the Planning Board your document, your applicant wants to waive that requirement for having curbing. Since you do not have existing curbing currently; with the existing warehouses on site, it's up to the Planning Board as Scott mentioned that we can waive that provision in the code. I wanted to bring that up.

Tom Olley shared, the basis for that would be that the property to the west is uphill, and the absolute low spot in this area is right through the center of this property, so we wouldn't need to direct storm water by using curbs, but actually allowing it to flow over land and spread fashion to that collection point would not affect any other properties.

Chrmn. Conero shared, I think that we can waive that. That's up to you guys. I do not know how you feel about that (referring to the board). There is no curbing on the existing site and to place curbing on the new site – I just do not see it being necessary.

Attny. Midler shared, if I may, so I can highlight the standards in the code that you are required to look at. You are allowed to waive the installation of the curb where such installation is inappropriate to the site and the general welfare and safety of the public would not be adversely affected. In considering such waiver the Planning Board shall review the site location previous impact and aesthetic of the proposed improvements to be installed and their overall effects to the surrounding properties.

Chrmn. Conero said, I think Tom, you have demonstrated that with the runoff, we are not trying to direct storm water with curbing. We want that to come down manually.

Tom Olley said, right. The more that it can flow over... (paused speaking).

Chrmn. Conero said, so using that criteria that the attorney pointed out, I do not really see that you need that; not on this site.

Mbr. Romano shared, nothing. Do we need to vote on that?

Chrmn. Conero said, no. We just have to agree #3 is ok.

Attny. Midler said, I will include it as part of the approvals.

(inaudible)

Chrmn. Conero asked board members are you ok with that (waiver)?

Mbr. Steed said, ok.

Mbr. Meyers said, ok.

Chrmn. Conero shared, if you want to go through some of the other ones. I'm not sure how detailed you want to go with these.

Tom Olley shared I can give you a quick recap:

- As far as access to the septic tank – it is behind the loading dock area and it's 750-1000 septic tank. It is nothing more than a residential size tank. Any septic hauler has plenty of hose to reach that. It has a fractional horsepower effluent pump, so the pump station – it is just manually taken out so there is no need for trucks or anything. If it should have to be serviced, just like anyone else' lawn, the driver would drive around the lawn and get to that spot for servicing. I want to even point out that the septic tank to this building is out in the middle of the lawn also. It's a matter of it being right behind.
- Dimensions, we will certainly add (#5)
- Water being removed from this is no problem
- ADA signage, no problem
- Confirming the building elevation is thirty feet and that will be the maximum and in reality, it may be a little bit lower as we didn't want a repeat of the last time.

Chrmn. Conero shared, this brings up to number 8. The building elevation that you submitted to us were going to be under thirty feet tall (maximum). We also have design guidelines that we would like to look at as well for this. I think the board has to agree on the design and we should also send to our design architect as well, to see how it will fit in with existing buildings in the surrounding areas. Do you have, other than the elevation view, other architectural views on this?

Tom Olley shared just the larger views we included with the plans; this is the only color version that we had. We tried to match as closely with our printer to the colors the buildings out there. That is the intention to match the roof and the siding on that. One of the things we had incorporated in the design here with our architect is to introduce some windows. It's going to be an industrial building which will have both manufacturing and storage areas in it. The windows will be placed at a high enough elevation that it would be above the stacked storage in the building to allow natural light in but to also break up that façade.

Chrmn. Conero asked does the board if they had any further questions about this? Based on some new laws that the Village passed about design guidelines and designing warehouses and the criteria, I believe the Planning Board has a lot of leeway to how this is going to look. We understand the building next to it, we did not have any input basically on what that was going to look like. But now we have input, and we will be seeking input on this one. Stephanie, I do not know if we can make a determination based on these elevation plans.

Attny. Midler shared, if you need to see more, you can certainly ask the applicant to provide more information on what you would like to see.

Tom Olley asked as far as the plan, what is it you would like to see?

Chrmn. Conero shared he would like to see how it will fit in with the existing building that is going to be in there. I think that having photographs or pictures that would show the existing building and what the new building might look like, would give our architect designer Elise Johnston-Schmidt that we would be able to submit to them for comments.

Tom Olley shared ok, so you are really looking for perhaps a perspective drawing that would show the two buildings, so you can see them side by side.

Chrmn. Conero said, right. Include the landscaping plan there as well, so you can see what kind of trees you are planning on planting there or what other landscaping you plan on. I do not know if you have more on landscaping plans.

Tom Olley shared, yes. There is a comment that we will get to on that as well.

Chrmn. Conero said, ok. If that is it, are you ok with that (asking the board)?

Board Members said, yes, ok at once.

Tom Olley asked, if we are ok with the height of the building, can we submit to the FAA on the Part 77?

Chrmn. Conero said, yes. You are within the zoning. We have no problem with that.

Tom Olley shared, right, but well the general concept... No, we are not going for any variances, but as far as the general concept of the plan with the loading docks in the back of the rear and there would not be some other change. Then that is fine.

Chrmn. Conero shared, I think the changes you made to it satisfy having the trucks base/loading base facing the front of the building. I think what you did it smart.

Tom Olley said, ok. The next question Scott raised about the landscaping and your special exception use requirements call for a mix of assiduous and coniferous trees. We did not add any of the assiduous (hardwood) trees because we were trying to maximize the screening of the building from the roadway. Even though we have an airport without trees on it right in the front yard. We wanted to provide some heavy screening of the area where the trucks would be, and even the front of the building to break up that look. We had, this was before Scott was involved with the review, the FAA had concerns about the specific species of trees around the fat albert spruces. In that, we used the same because they do not grow tall and would not eventually become interference to any aircraft in the area. What we did was soften it with the assiduous shrubs in the front of it. If this board wants us to substitute some of those trees with hardwood, we would absolutely do it. There are species that are street trees, which are preferred by power companies because they have limited growth. I do not know if, I would think that normally under special exception used permit the Board has certain discretion to address specific concerns of a

particular site or application. That's the purpose of the special exception rather than it being a permitted use. That is up to you. We will do what we need to.

Chrmn. Conero shared, I think the matter of coniferous trees on the landscaping on the existing site and I am concerned what it's going to look like. While I do not think a lot of people will think to favor, it is a little farce. I think that is going to be of concern. As we move forward with our landscaping criteria for warehouses, I think we want to see something there. I am not sure, Scott can help us on that, if he is looking to change those types of trees to shorter types.

Scott Sicina said, I would have to look into that to see if that is available for you to grant a waiver for it on a special exception use permit.

Chrmn. Conero said, ok, so you can look into that. I appreciate that.

Mbr. Romano asked, will you be giving us a 3-D rendering, not just the elevations, what it would look like?

Tom Olley shared; we had not contemplated that. The size of the project – those can be fairly expensive to generate.

Mbr. Romano asked to see as close that you can get for that, right.

Chrmn. Conero said, we have been getting this type of architectural on other buildings so it should not be too hard to get. We need something to look at.

Mbr. Romano said, we need a little more than this.

Chrmn. Conero shared, that is what I was getting at before.

Tom Olley said, yes. I will get it for you.

Chrmn. Conero shared, this brings us down to #11, which is the wetlands and we touched on that.

Tom Olley shared, #12 was a construction detail. Scott did raise questions about, that we had a manhole that the survey listed as being buried over here and it is actually behind the fence in the airport. You can see the top of it, so I do not know if the surveyor just mislabeled it as not being accessible, because it was on the airport property. I know he called it out as buried. Until you brought it up, we never really looked at it.

Tom Olley shared, as far as water goes, how do we determine the flow. Well, everything around here is higher, flows down to the south and the Wallkill River is to the West. The land out here is higher, so the flow is out that way and we did not trace it out, because it is on the airport property.

Scott Sicina asked, there are no actual survey shots or the inverse regarding that manhole? So, he just there are (inaudible)

Tom Olley shared, no. They got the location wrong, and it is an 18-inch pipe and to be able to measure that. It flows this way. You can see the water flowing off the property and it is not on to the property.

Tom Olley shared, then the next question #15, Scott, I think it was the swale on this side of the building, you said south side we have south side on both sides, so you are looking that we have some sort of ... (paused speaking)

Scott Sicina said, since we are here, let us address it now, otherwise, we will see the sheet flow, all that flow. It's really going to be the roof tops that go into that swale. It could be a decent amount of water and could be an icing issue. We have the ability to easily adjust that.

Tom Olley said, okay. We could tie something right into the drain of the loading dock there and that would be fine. We will take care of that.

Tom Olley shared, we do want to disconnect the storm roof drains and let it flow through the swales.

Scott Sicina said, yes.

Chrmn. Conero asked, that was 14? Ok #15.

Tom Olley shared, that was #15.

Tom Olley said, I told you I was going to fly through this. #16 happens to be some contour labels. I think Scott will understand this and Ross will understand this, I think it was a synchronization issue with the labels. We will take care of that.

Chrmn. Conero shared, we should have you submit the architecturals for the next meeting. I guess the board can decide if we can move forward with a public hearing. Do we have enough information to do that yet?

Attny. Midler shared, sure, we have not commenced, now that it is a deal with the FAA involvement and the Army Corp of Engineers involvement, it will be an unlisted but coordinated, so I would say that the board can submit towards intent to be the lead agency. I would ask if the board is ready to do that, and in addition, we have not approached the county yet. Those are my two outstanding things, so procedurally if you want to.

Tom Olley shared; I would respectfully submit that. I think we have gotten to the point where the plan is fairly static now, that any of the changes that we are going to make are

not going to be very significant so it would be appropriate to do the GML 239 Review on it at this point.

Attny. Midler shared; she would be fine with it.

Chrmn. Conero reiterated to get confirmation with the Attorney that it is an unlisted but coordinated?

Attny Midler confirmed, yes.

Chrmn. Conero asked, what other agencies do we have to coordinate with other than Orange County?

Attny. Midler shared, FAA, SHPO is required and the Army Corp of Engineers. I now provide Tina the list and then we send it to the applicant who will provide us with the mailing.

Chrmn. Conero said, okay.

A MOTION was made to DECLARE INTENT TO BE LEAD AGENCY OF SEQR, AS AN UNLISTED COORDINATED REVIEW FOR ZAFIR DUNN ROAD – 213-3-4.22 at 9:02 pm by Chrmn. Conero, seconded by Mbr. Meyer and carried 4 Ayes 0 Nays.

Chrmn. Conero shared, ok that passed. You will prepare that document.

Attny. Midler replied, yes.

Chrmn. Conero asked, if we move forward with the site plan, do we move forward with a public hearing? I think that's what prompts that, is that it is pretty static at this point, and I don't see any major concerns. Scott, do you see any major concerns?

Scott Sicina shared, the only thing that can potentially affect the project moving forward, is that I do have a request that you contact the DEC, as far as we are not MS4 (Municipal Separate Storm Sewer System), so we do a preliminary of the storm water on the site and the DEC issues a final approval. The question is if a segmentation is a question? The building that is onsite I believe was constructed in 2018 or thereabouts.

Tom Olley confirmed, 2017-2018. Yes.

Scott Sicina shared, it becomes a question whether there is the issue of segmentation, because one building was built and now they are going to pursue another building to be built. Now the first building that was built under the acre disturbance, and what they are proposing now is under an acre of disturbance. Once they exceed that 1 (one) acre threshold, they have to develop a SWPPP. If the state determines that because of the existing building and the construction that was needed to put that in and the new

combined building, puts them in a net over one acre disturbance, they could have to put storm water practices on their site *to deal with treatment and pre-opposed flows*.

Tom Olley shared they have a response on that:

1. The storm water general permit for construction activities has definitions in there for this sort of thing because this project *was not part of a master plan project*, and this happens to be future development that was not conceived at the time; 2016 was when I came before the board and received approvals.
2. It was not a phased project. It was not a segmented project. It became a project only because the *owner has been successful in his business and now needs a larger facility* and one that is more sterile to be able to provide FDA certified products. But I will reach out to Dave Gasper on that.

Scott Sicini shared, I do believe Tom is probably correct in this scenario because a lot of times it would talk about a larger development plan as far as somebody saying – let’s just take KSH here for an example; they are building four buildings, if they only provided storm water for one building and then built the other three – that would be the next phase. In the sense there might have not been an idea of we are going to construct a warehouse in the future in the next couple of years. The other thing is the state does not put a defined timeline on it, which makes it vague from the state’s sense. It makes it difficult from my and Tom’s sense to try and figure out when and if there is a threshold of time or how do you justify somebody had this thought and target in mind in their first submission? Unless they actually submitted something to you where it is shown.

Tom Olley shared, and that is part of the whole litany that they incorporated into that definition over time. That pretty much says if you put out anything in the past that shows even an offer/real estate offer that they might do that they may say – that 13K Square Foot building site available or something like that – that would trigger it. That would definitely trigger it. In the absence of no mention in any other plans and no mention in any other real estate dealings or offerings or anything like that – that’s why Scott and I agree that we are probably good here. I will reach out to Dave Casper on it and provide you with the information.

Chrmn. Conero said, we basically have enough information to go to the public hearing on this, I believe.

Attny. Midler shared, I will provide you with the support with the understanding that it could change, also motion to refer to the county. Include the two motions.

A MOTION was made to REFER TO THE COUNTY FOR ZAFIR DUNN ROAD – 213-3-4.22 at 9:08 pm by Chrmn. Conero, seconded by Mbr. Meyer and carried 4 Ayes 0 Nays.

A MOTION was made to SCHEDULE A PUBLIC HEARING FOR THE NEXT BOARD MEETING ON AUGUST 24, 2022, AT 7:30PM OR THEREAFTER FOR

ZAFIR DUNN ROAD – 213-3-4.22 at 9:08 pm by Chrmn. Conero, seconded by Mbr. Romano and carried 4 Ayes 0 Nays.

Chrmn. Conero said all right we are good.

Tom Olley said – thank you very much.

Mbr. Romano reminded Tom to provide the architectural drawings as they are sending to another agency, and they may throw it back at us.

Tom Olley said, we will work on that.

Mbr. Romano said, thank you.

OLD BUSINESS

RE: 9 Bridge Street/62 Clinton Street: 202-2-1 & 202-2-3

Reuben Buck introduced himself from Engineering Properties, on behalf of the applicant 9 Bridge Street, LLC, for a lot line change. He received a letter from Scott Sicina's office. He will go through the comments quickly:

1. Variances required; for the project, which we have listed on the bulk requirements table
2. Item two is regarding the striping; we have shown on lot 202-2-3, we dashed it. It's not proposed, we are simply showing just to demonstrate this lot does need a variance for parking spaces required as there is not enough room in the rear of the building for those additional parking spaces
3. Gravel driveway on that lot as well. The driveway is not proposed to be paved. We would request that the board grant a waiver for paving of that driveway. We can provide additional information. It's an existing gravel driveway so we would request the board request a variance vs. paving.
4. Pool foundation that was located in between the two lots is no longer there – it's been removed.
5. Off street parking area that is proposed – we again would request the board entertain a waiver considering a portion of the existing parking lot does not have curbing and the new portion has been designed the water will sheet flow back out to Bridge Street back to the catch basin on the corner.
6. Building being located in the Village's Bridge Street Historic District. We will make sure we comply with all the regulations and codes regarding the architecture of the addition to the existing building.
7. Similarly, we will ensure that SHIPO is contacted for any modifications to the existing building as well.
8. Request the board to refer the plan to the county for review

Mbr. Romano asked if we would have to refer them to the AHRB?

Chrmn. Conero confirmed, yes. Let's go through the pavement of #3. How are you going to delineate the spots if you don't have pavement?

Reuben Buck shared, they are not delineated currently and the residents there have used the parking area and we don't see it necessary to pave and stripe the lot considering there are only four (4) dwellings and there is not a lot of traffic there. It is a residential use. Iron Café comes to mind – they have a gravel parking area that is used. There are many more trips in and out of there and there is not an issue with parking there.

Chrmn. Conero asked where are your parking areas for your apartments that you're proposing?

Reuben Buck showed on the board, the parking for the apartments is over here. So, the parking for the existing parking includes six (6) - there are five (5) parking spots here and then 1 space located kind of tucked into the corner where the building jogs.

Ross Winglovitz noted, those are all existing not proposed, it could change. Suggested, maybe we can place a sign for each parking where the parking is going to be to delineate it on the gravel as it has been graveled forever.

Chrmn. Conero indicated, I like the fact that you have actually gotten enough parking on the site. This is good as we are always looking for more parking downtown. I don't know how the board feels about the paving issue. They are asking for a waiver from the pavement as it states here. We can, I guess, grant that waiver?

Attny. Midler said, should we have a waiver for the gravel and a waiver for the curbing?

Mbr. Romano asked, should we wait until they go to the AHRB for the waiver?

Scott Sicina shared, they won't have to go the AHRB for that building, as it is an existing building.

Mbr. Romano said, ok, yes - I get it.

Chrmn. Conero was reviewing the spots on the plan again.

Ross Winglovitz stated, as far as the curbing, when we got the original building approved there was a curbing requirement that said, if everything sheet flows to the center and then goes out the entrance to Bridge Street and that's what the existing parking lot does. In fact, not having curbing helps snow removal.

Mbr. Meyer asked, is the lot behind Iron Café, a lot that is used by the Iron Café or others? I know there is a house there and that lot behind the Iron Café is specifically used for Iron Café.

Reuben Buck shared, the Iron Café house has two parking spaces that are kind of paved on the street. That parking lot next to the Iron Café is used for residential and obviously for the business.

Mbr. Meyer indicated, it is comparing apples to oranges in a sense; because when I'm going in and out of a business, I'm not necessarily taking ownership of a space I'm parking in. So, I am not going to necessarily worry about whether I am in spot one or spot three on any given day that I patronize that establishment. But here if these are residential spaces and they are not defined, that can get controversial between residents that might take ownership of a particular spot and the next thing you know, they want to park in a particular place and they are almost taking up two spaces because they can as it's not defined. That's all.

Reuben Buck suggested, we can add signage that can delineate 'these parking spaces have been reserved for this apartment' to clarify that.

Ross Winglovitz also suggested, "numbers 1-6" and then assign them.

Mbr. Meyer said, yes. That will be fine.

Ross Winglovitz shared, from a gravel perspective it's probably a lot less intense use. As in Iron Café you have people coming in and out. But you don't have this issue of ...

Mbr. Meyers continued ...ownership of a particular spot when you're a resident.

Ross Winglovitz stated, when somebody parks in my spot, I am not happy.

Mbr. Meyers shared, and a sign will accomplish that and it's a lot cheaper than paving of course.

Chrmn. Conero asked, what are you guys thinking?

Mbr. Romano shared, she's ok with not paving it.

Chrmn Conero shared, he's ok with not paving and not having curbing either, since it does not have paving and curbing in it now. Other than the delineation of the spots, I think I would be ok with this.

Chrmn. Conero indicated, so we going to refer to AHRB?

Attny. Midler asked, do you have architecturals?

Ross Winglovitz said, not yet. We will soon.

Attny. Midler indicated, so I don't think we would do that yet, because this board has not had a chance to comment on them. But another board you should refer to is the ZBA

as they need variances for lot 202-2-3. Previously they were averaging like 2,200 sq. ft. which is still non-conforming for the requirements of the 2,500 sq. ft. per dwelling unit. Now you are going down to 1,129 sq. ft. per dwelling unit. You are increasing the non-conforming, so I am asking the board to seek a variance for that.

Chrmn. Conero asked if this is the Barracuda Real Estate LLC. property?

Attny. Midler said, yes. Along with the same lot the code requires 8 parking spaces, and they are showing 6.

Chrmn. Conero asked to confirm, this building is a B zone?

Attny. Midler confirmed, B2.

Chrmn. Conero reiterated, B2. Are there apartments downstairs?

Attny. Midler said the whole building is apartments. Right?

Ross Winglovitz confirmed, residential.

Attny. Midler indicated, in and of itself that multi-dwelling is actually, the use and is nonconforming, but because you are not touching the structure the way I am reading the code. It is just the area variance for the dwelling lot per unit.

Chrmn. Conero clarified, but the structure has been changed. Hasn't it?

Ross Winglovitz shared, the renovations under the building permit.

Chrmn. Conero asked again, but the front has been changed, there have been a lot of changes?

Attny. Midler shared; the use is the same.

Chrmn. Conero asked Ross if the use is still the same?

Ross Winglovitz confirmed yes, is my understanding. Those four units are still four units, he's just renovated the building.

Attny. Midler asked, so now because you are making the lot smaller?

Ross Winglovitz indicated; it was needed.

Attny. Midler shared; you're increasing the degree of non-conformity.

Chrmn. Conero said, all right. So, we will refer to the ZBA for that variance on the property for the Barracuda which is 202-2-3

A MOTION was made to REFER TO THE ZBA FOR VARIANCES FOR 9 BRIDGE STREET/61 CLINTON STREET – 202-2-3 AT 9:18 PM by Chrmn. Conero, seconded by Mbr. Romano and carried 4 Ayes 0 Nays.

A MOTION was made to REFER TO THE COUNTY FOR 239-REVIEW FOR 9 BRIDGE STREET/61 CLINTON STREET – 202-2-3 AT 9:19 PM by Chrmn. Conero, seconded by Mbr. Meyer and carried 4 Ayes 0 Nays.

Chrmn. Conero asked, to confirm if we wait on AHRB?

Attny. Midler confirmed, yes as you need to see architectural first.

Chrmn. Conero reiterated, we need to see architectural first so we will wait on that.

Scott Sicina shared, we need a motion to grant a waiver on 202-2-1 for the gravel and the curbing on the existing lot/the Barracuda lot and then they also need the same waiver for the curbing on the site where they are putting the new parking lot that is going to be paved.

Attny. Midler confirmed, the lot is 202-2-1.

Scott Sicini confirmed, that is correct.

A MOTION was made to GRANT A WAIVER FOR THE CURBING AND THE PAVEMENT FOR 9 BRIDGE STREET/61 CLINTON STREET – 202-2-1 AT 9:20 PM by Mbr. Steed, seconded by Chrmn. Conero and carried 4 Ayes 0 Nays.

Chrmn. Conero said, we are good with that.

Reuben Buck and Ross said, thank you.

Mbr. Romano said, you're welcome.

Attny. Midler shared, she just had a question, I do not see in my file, and it could be just her file, I need *a note of verification from Barracuda*. I just saw it being signed off by 9 Bridge Street LLC. So, if you can get me that for my file. I also know you have it delineated as the use being commercial for the new proposed building, but just to confirm it will be a permitted use under the B2 whatever the commercial choice is. Do we know what that is?

Ross Winglovitz said question, we have not gone through this before because we always knew what the specific use was, at least with Stephanie. Question, do we define a bunch of uses, so that if somebody comes in those uses are permitted or do we leave it commercial when a use comes in, they have to come here. Are they all permitted uses or special permitted uses?

Chrmn. Conero, I don't want them back here for every time.

Attny. Midler shared she has to check her table as she doesn't know how many permitted uses you can get. We should talk about that because...(Checking for her tables)

Ross Winglovitz shared, we can figure that out between now and next week.

Attny. Midler indicated, yes because I don't know how many you are going to get. B2 permitted is kind of limited, but I guess there are a few things you can do. It's up to the applicant, if you want to propose some certain special exception uses include it as part of – include it now, otherwise it's going to be understood you will be coming in as a permitted use in the B2 zone.

Ross Winglovitz shared, my understanding from Marc, it's going to be an expansion of the existing use that's there on the first floor – the salon.

Attny. Midler restated, the hair salon.

Ross Winglovitz said, yes. They can expand products. But who knows things change – hair goes out of style? (laughter) We will figure it out between now and next week. If he wants to specify the use, we will let you know.

Attny. Midler shared, lastly, with the AHRB involvement and the ZBA being involved you want to declare intent to be the lead agency. It will be just internal but nevertheless the circulation.

A MOTION was made to DECLARE INTENT TO BE LEAD AGENCY UNDER SEQR – 9 BRIDGE STREET/CLINTON STREET 202-2-1 & 202-2-3 at 9:23 pm by Chrmn. Conero, seconded by Mbr. Meyer and carried 4 Ayes 0 Nays.

Reuben Buck thanked the Board

Chrmn. Conero thanked Reuben and Ross.

RE: MINUTES

A MOTION was made to APPROVE THE MINUTES OF July 27, 2022, at 9:24 PM, By Chrmn. Conero, seconded by Mbr. Steed and carried 3 Ayes 0 Nays.

Mbr. Romano abstained as she was not present in the last meeting.

RE: ADJOURNMENT:

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

Deborah Delgado for
Tina Murphy, Deputy Village Clerk