

Minutes of the Public Hearing for Introductory Local Law 1 of 2023, of the Board of Trustees, of the Village of Montgomery was held in the Village Hall Meeting Room, at 133 Clinton Street, Montgomery, NY 12549, on Tuesday, August 1, 2023, at 7:00 pm.

Present: Mayor Brescia, Deputy Mayor Andolsek, Trustee Hembury, Trustee Picarello, Trustee Lindner (Absent), Atty. Will Frank, Atty. Joseph McKay, Village Clerk Rivera-Fernandez, DPW Supt. Nelson, Chief of Police Herlihy, PB Chrmn. Conero, AHRB Chrmn. Freeman, PB Mbr. Romano, Building Inspector Yancewicz, Helen Budrock, Cynthia Nokland, Mary Lippincott, Johanna Sweikata, Maria Beltrametti, Don Berger, Historian Fitzpatrick, Acquisitions Marketing videographer Jose Rojas.

CALL TO ORDER – PLEDGE OF ALLEGIANCE

Mayor Brescia opened the meeting with the Pledge of Allegiance to the Flag.

RE: OPEN PUBLIC HEARING

Moved by Deputy Mayor Andolsek, seconded by Trustee Picarello, the Board opened the Public Hearing for Local Law I-1 of 2023, a local law to be considered for adoption that “Amends Chapter 6 of The Village of Montgomery Code, entitled “Architectural and Historic Review Board” which amendments are intended to enhance the existing regulations protecting the exterior appearance of buildings and land developments within the historic district of the Village. Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

Mayor Brescia asked the Village Clerk Rivera-Fernandez if all the paperwork is on file to hold this public hearing.

Village Clerk Rivera-Fernandez replied, yes, all the paperwork for this public hearing has been filed to hold this public hearing.

Ms. Budrock provided a synopsis regarding the two companion laws, the first is an amendment to Chapter 6, of the Architectural & Historic Review Board law, of the first Public Hearing and the seconded Public Hearing is on the Zoning Law map. She provided a quick overview regarding Chapter 6 amendment.

1. Modify definition of “affected parcel” to include all parcels within or adjacent to a historic district or historic site.
 - a. Therefore, if there is a street in between the two historic districts, they are considered adjacent.
2. Update and codify the exiting historic district guidelines by adding them to §6.6. Those guidelines have historically been used by the AHRB in conducting their reviews but were never formally adopted into law.
3. Add design guidelines specific to new commercial construction. The existing guidelines primarily address residential construction. It does not include the industrial zones. The only thing that would be covered would be contiguous to a history property or the historic district. The zoning changes are the ones that will address properties that are industrial in nature. Therefore, that is why there are two companion laws, one for the Historic District and other is for the Zoning which covers the entire village and the outlining areas also.

Mayor Brescia asked to what extent are the new warehouses in the industrial zones going to be required to do some Architectural and Historical review.

Ms. Budrock said that would be covered under the zoning law. Due to there being two separate laws and two separate public hearings, she does not want to mix and match them too much, but she is happy talk about the zoning changes at the same time.

Mayor Brescia said there are few people here to speak at the public hearing, that is why he is interrupting a little bit.

Ms. Budrock said that is quite alright.

Mayor Brescia said the Board intends to hold the public hearing open. There are a few questions that Chrmn. Wilbur asked a few questions. He feels that between Brian and Kevin it may have been resolved.

Historian Fitzpatrick said we are in the process now to arrange a meeting with Chrmn. Freeman, Chrmn. Wilbur and PB Chrmn. Conero to speak about different aspect of it.

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Ms. Budrock said she provided some clarification. Anyone that lives outside of the historic district does not require Planning Board approval. However, for commercial and industrial use or a special exception use, or a Planned Development District will require Planning Board review. We tried to do a balancing act, we know the properties that are in the historic district, they know there are some restrictions on materials and vinyl siding. We are proposing amendment to the zoning law to cover the Village as a whole. Anything outside of the historic district but only for those projects that would normally have to go to the Planning Board.

Trustee Hembury asked for Chrmn. Freeman thoughts on the amendments.

Chrmn. Freeman said he had some questions and is in favor of the amendments.

Atty. Will Frank said any application the comes into the Village, will go to the Building Inspector. Who is going to look at it and he will instruct the applicant if they need to go the Planning Board or the AHRB and then they will be the first point of contact and distribute the flow chart Ms. Budrock has put together along with copies of the rules and regulations. They will know the process and at that point its going to be made known to the developer or applicant what types of escrows will be needed to post, of which it will come to the Planning Board stage as well.

Ms. Budrock said this is very much in the draft stages.

Atty. Will Frank by keeping the Public Hearing open allows for public comments to be received.

Chrmn. Freeman asked if the AHRB is responsible for signage for the entire Village or not just the historic district, would you like that to continue.

Mayor Brescia said to an extent, he wants to know more about that before it is allowed. We currently do not have guideline for signage. It really needs to be refined a bit more for business district.

Ms. Budrock suggested the applications for signage should be referred to the AHRB. If you want to make that more of a policy and make it a law, then amendments would be needed to the Zoning Board. (In audible) ac unit turned on.

PUBLIC COMMENT

Mr. Berger has a question regarding page 3, paragraph D, it states:

New structures proposed **on an affected parcel**? Does that mean within the historic district.

Ms. Budrock replied that means with the changes that we have made, it changes the definition of an affected parcel to be anything in the historic district or adjacent. So, the only difference of what it was before and what we are proposing is that if there is a street in between, it still counts. Right now, the definition of adject says if there is a street in between it does not count. The AHRB felt like it should.

Mr. Berger asked during those Planning Board meetings that was big question. He surmised the problem to be, has been the applicant being outside of the historic district and there was a lot of push back as to what they were supposed to do, harmonize and things of the sorts. He feels it just does not seem to be defined enough. There were questions about footage at those meetings. It seems at the Planning Board it went on forever between the Planning Board and the applicant. Again, he suggests that it be defined a bit better. What is the sight distance?

Ms. Budrock said it sounds like you are talking about two different things.

Mr. Berger said he is talking about a building outside the historic district.

Ms. Budrock said if a building is outside the historic district. She referred to the map. If you are in one of the shaded parcels, you must go the AHRB, if you are not then you are subjected to the Planning Board with a different set of guidelines that are in the zoning code.

Mayor Brescia said we will take your comments and have them incorporated to be reviewed.

Mr. Berger secondly, on page 3 paragraph (g). it states:

Consideration of tax abatement goes before the Board of Trustees. He feels that is not true. A reduction of an assessment may be but not the tax abatement. The tax abatement goes before the IDA.

Ms. Budrock that was not changed from the existing law. So that needs to be modified.

Mayor Brescia said the assessment goes to the Board of assessment every May on the second Tuesday.

Atty. Will Frank said a recommendation can be made to the Board of Trustees to see if the Board wants to take action on the assessment. It is a recommendation to the Board of Trustees.

Mr. Berger asked why it was not available on the website.

Atty. Will Frank replied it's not a prefect system, you're that his point is well taken. He will speak to the office about it.

Trustee Picarello asked Chrmn. Freeman regarding his input is regarding section D on page 4. Regarding the 60-day interval for a decision to be made. For appropriateness that statement is not required. It could take longer than 60-days, she is not sure what other municipalities like to do.

Ms. Budrock said it was originally 30 days and changed to be 60 days, to allow for more time.

Mayor Brescia said the applicants want to see turn around, sometimes we take too long in the process. He would rather see it be 30 days, lets think about that. Are there any other questions on this public hearing?

Trustee Hembury asked what if an applicant wants Solar?

Ms. Budrock replied, there is additional language that was added to the AHRB regulations regards to Solar applications which is on page 13, paragraph (h). It reads:

No solar energy collector panels or attendant hardware or other energy conservation equipment shall be constructed or installed on any affected structure without prior approval from the Architectural and Historic Review Board. Roof-mounted solar energy collector panels visible from the public right of way are prohibited. In some instances, solar energy collector panels that are integrated into and harmonious with the architectural design of the structure, or ground-mounted solar panels sited in rear yards not visible from the public street, may be permitted.

PUBLIC HEARING FOR INTRODUCTORY LOCAL LAW 1 OF 2023 TO CONTINUE ON SEPTEMBER 5, 2023

Moved by Deputy Mayor Andolsek, seconded by Trustee Hembury, the Board held the Public Hearing for LL I-1 of 2023 open to be continued on September 5, 2023, at 7:00 pm. Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner). Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

Monserrate Rivera-Fernandez, Village Clerk

Minutes of the Public Hearing for Introductory Local Law 2 of 2023, of the Board of Trustees, of the Village of Montgomery was held in the Village Hall Meeting Room, at 133 Clinton Street, Montgomery, NY 12549, on Tuesday, August 1, 2023, at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Andolsek, Trustee Hembury, Trustee Picarello, Trustee Lindner (Absent), Atty. Will Frank, Atty. Joseph McKay, Village Clerk Rivera-Fernandez, DPW Supt. Nelson, Chief of Police Herlihy, PB Chrmn. Conero, AHRB Chrmn. Freeman, PB Mbr. Romano, Building Inspector Yancewicz, Helen Budrock, Cynthia Nokland, Mary Lippincott, Johanna Sweikata, Maria Beltrametti, Don Berger, Historian Fitzpatrick, Acquisitions Marketing videographer Jose Rojas.

CALL TO ORDER – OPEN PUBLIC HEARING

Moved by Trustee Picarello, seconded by Trustee Hembury, the Board opened the Public Hearing for Local Law I-2 of 2023, a local law proposed to be considered for adoption that “Amends Chapter 122 of The Village of Montgomery Code Entitled ‘Zoning’” which amendments are intended to establish updated design guidelines for new construction of any residential, commercial, or industrial structures requiring site plan approval by the Planning Board within the Village.

Mayor Brescia asked the Village Clerk Rivera-Fernandez if all the paperwork is on file to hold this public hearing.

Village Clerk Rivera-Fernandez replied, yes, all the paperwork for this public hearing has been filed to hold this public hearing.

Atty. Will Frank said as a matter of record, on June 26th a notice of intent from the Village Board to serve as lead agency on SEQR to receive no response, of which there has been no objection 30 days have passed. Therefore, we are ok to go forward with SEQR and the Village serving a lead agency.

Mayor Brescia asked Ms. Budrock to provide a synopsis of the proposed Local Law 2 of 2023.

Ms. Budrock said the prior public hearing was regarding AHRB law for parcel within the historic district. The companion local law changes to the zoning law are similar. It is intended to cover properties that normally would not go to the AHRB that are not in the historic district, but those that require Planning Board review. So multifamily, industrial, commercial, planned development district, therefore anything that would normally go to the Planning Board for review will now have a separate set of design guidelines that would apply to them. They are not as restrictive as the guidelines that are in the AHRB law, due to the nature of being outside of the historic district. However, they sort of apparel and mimic each other, they are a little bit more general but harmonize in the use of materials that are compatible with the historic nature of the Village. It allows the Planning Board to flexibility to hire a consultant, a historic preservation architect to review the designs and charge the fee back to the applicant. The issue before was that the zoning code had nothing for the Planning Board refer to, now this fills that gap.

Mayor asked if there are any questions regarding public hearing.

PUBLIC COMMENT

Mr. Berger said any time when you have design guidelines, it’s a direction the village needs to take. We are presently undergoing the warehousing on route 211. As you mentioned, it will be a while before these laws will be adopted. Is there a way we can implement these design guidelines changes to the existing and future projects before these laws are adopted.

Mayor Brescia said some of these changes have already been incorporated to the KSH, Rowley Development, and Pathway Projects.

Chrmn. Conero said Pathway is different, during the moratorium the comprehensive plan group met specifically about zoning. During that process we developed warehouse guidelines that helped us define how we wanted a warehouse and what we wanted it to look like. It was signed into law in 2020. It gave us the ability to use an architect to send the plans out for review for landscaping and architectural review. We are covered for the pending warehouses.

Mayor Brescia said if we were not, we could try to expedite this by first meeting in October.

Chrmn. Conero said he does not feel what is being proposed is going to affect a warehouse. This is to help the Planning Board with things and uses other than warehouses in the industrial zone and the business zones.

Mr. Berger asked other than warehouses, why would you exclude warehouses.

Mr. Budrock said it is not excluded its just an extra measure. So, the zoning changes that were adopted several months ago are specific to warehouses and specific just to the industrial zone. So, if you have another use that is in the industrial zone, that is not a warehouse such as a factory or a business park, that is not covered by those specific warehouse design guidelines, that will fall under this law. Its more general, it does not matter what zoning district it is. If it is village wide, if its commercial, industrial, multifamily, or a planned development district than the design guidelines apply. Its an extra layer on top of what the village has already adopted. This gives you additional protection, however, it is not retroactive. This is for new applicants.

Mayor Brescia said we are covered on what we have done thus far.

Atty. Will Frank said, the comments from the Orange County Department of Planning did not have a binding comment and have provided a determination letter. So, when the Board is ready to adopt, no further input from the County is required.

Mayor Brescia additional comments will be heard as we progress forward. If there is something we may have missed, it can be tweaked sometime down the road. Are there any other comments?

PUBLIC HEARING FOR INTRODUCTORY LOCAL LAW 2 OF 2023 TO CONTINUE ON SEPTEMBER 5, 2023

Moved by Deputy Mayor Andolsek, seconded by Trustee Picarello, the Board keep the Public Hearing open to continue September 5, 2023, at 7:15 pm. Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

Monserate Rivera-Fernandez, Village Clerk

Minutes of the Regular Meeting, of the Board of Trustees, of the Village of Montgomery, was held in the Village Hall Meeting Room, at 133 Clinton Street, Montgomery, NY 12549, on Tuesday, August 1, 2023, at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Andolsek, Trustee Hembury, Trustee Picarello, Trustee Lindner (Absent), Atty. Will Frank, Atty. Joseph McKay, Village Clerk Rivera-Fernandez, DPW Supt. Nelson, Chief of Police Herlihy, PB Chrmn. Conero, AHRB Chrmn. Freeman, PB Mbr. Romano, Building Inspector Yancewicz, Helen Budrock, Cynthia Nokland, Mary Lippincott, Johanna Sweikata, Maria Beltrametti, Don Berger, Historian Fitzpatrick, Acquisitions Marketing videographer Jose Rojas.

CALL TO ORDER - PLEDGE OF ALLEGIANCE

Mayor Brescia opened the meeting with the Pledge of Allegiance to the Flag.

MINUTES

The Board held their approval for the September 5, 2023, meeting, to allow all Board members time to review.

REQUEST TO MEET WITH BOARD

Taylor M. Palmer, Esq. representing for Pathway Place Management LLC., has been referred by the Planning Board for, the Board of Trustees approval of the proposal, to develop six (6) Townhouse units located at 13 Factory Street, SBL: 203-1-1. Atty. Joseph McKay has prepared a resolution to be considered for adoption.

ADOPT A RESOLUTION APPROVING THE SUBDIVISION APPLICATION OF PATHWAY PLACE MANAGEMENT, LLC PURSUANT TO THE VILLAGE CODE CHAPTER 122, LOCATED AT 13 FACTORY STREET, SBL: 203-1-1

Moved by Trustee Picarello, seconded by Deputy Mayor Andolsek, the Board adopted a resolution approving the subdivision application of Pathway Place Management, LLC pursuant to the Village Code Chapter 122, located at 13 Factory Street, SBL: 203-1-1. Motion Carried, 3-Ayes, 1-Nays, 1-Absent (Trustee Lindner).

Helen Budrock provided her presentation during the Public Hearing.

JOULE COMMUNITY POWER - CLEAN ENERGY CHOICE FOR THE VILLAGE OF MONTGOMERY

Peggy Kurtz Community Coordinator with Joule Community Power presented a power point regarding Clean Energy choice for Montgomery, to the Village of Board of Trustees. The Board would like to see more options of energy sources and look at it again.

ABSTRACT – NO. 07 – 2023

Moved by Deputy Mayor Andolsek, seconded by Trustee Hembury, the Board approved the Abstract No. 07-2023. Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Hembury).

OLD BUSINESS

Trustee Hembury mentioned during the last storm, we had six inches of rain. The DPW was still out there picking up to the garbage and he thanked them for always doing a great job. The Toys for Tots is scheduled for December 10th, the time is yet to be determined. He also mentioned touring the Medline Facility and they are powered by seventeen thousand solar panels. The Clinton Street Car show is scheduled for September 17th, there will be available parking of the church. The proceeds of the car show will benefit the Montgomery Food Pantry. A Stuff the Buss food drive will be located in the Municipal parking lot.

REPORTS – DEPARTMENTS – BOARD – COMMITTEES

POLICE DEPARTMENT REPORTS

Police Chief Herlihy said the department is preparing for the upcoming events, Tractor Parade, GMD and the Car Show. The speed zone of 25 miles per hour signs needs to be updated in several areas.

DPW REPORTS

DPW Supt. Nelson mentioned after the heavy rain of July 12th, there was a heavy watermain break on Bridge Street. His department staff assisted the Town of Highland, and they were happy to see us.

NEW BUSINESS

APPROVE DPW SUPT NELSON TO CARRY OVER HIS VACATION LEAVE TIME

Moved by Trustee Picarello, seconded by Trustee Hembury, the Board approved DPW Supt. Nelson to carry over his vacation leave time of 278.75 hours to be used by December 31, 2024. Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

APPROVE JUSTICE COURT CLERK NELSON TO ATTEND THE NYS ASSOCIATION OF MAGISTRATES COURT CLERK ANNUAL CONFERENCE, FOR TRAINING AT THE COST OF \$1,394.18 FOR LODGING AND TRAINING

Moved by Trustee Picarello, seconded by Trustee Hembury, the Board approved Justice Court Clerk Nelson to attend the NYS Association of Magistrate's Court Clerk, annual conference held at the Turning Stone in Verona, NY on Sunday, September 17th through Wednesday, September 20th, to complete the mandatory credit training classes, at the total cost of \$1,394.18, that includes the training and lodging. Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

SET PUBLIC HEARING DATE FOR INTRODUCTORY LOCAL LAW 3 OF 2023 TO BE CONSIDERED FOR THE SEASONAL OUTDOOR DINNING LAW FOR THE VILLAGE OF MONTGOMERY

Moved by Trustee Picarello, seconded by Trustee Hembury, the Board Set a Public Hearing date, to be held on Tuesday, September 5, 2023, at 6:45 pm, for Introductory Local Law 3 of 2023, a local law to be considered regarding the Seasonal Outdoor Dinning Law for the Village of Montgomery. Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

CONSIDER APPROVING THE AGREEMENT WITH UAUDIT FOR AUTEL EV MAXICHARGER DC FAST 60kW-240kW with 20KW increments with a one-year term for the Village of Montgomery.

Moved by Deputy Mayor Andolsek, seconded by Trustee Hembury, the Board approved the Agreement with UAudit for Autel EV MaxiCharger DC Fast 60kW-240kW with 20kW increments, with a one-year term for the Village of Montgomery. Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

CONSIDER UPGRADING THE ECODE ANNUAL SUBSCRIPTION WITH AN INCREASE OF \$200.00, TO UTILIZE THE SERVICE TO ADD AGENDA, MINUTES, LAWS, RESOLUTIONS, BUDGETS, FEES, COMP. PLAN, ETC.

Moved by Trustee Hembury, seconded by Trustee Picarello, the Board approved to upgrade the eCode annual subscription with an increase of \$200.00, to utilize the service to add Agenda, Minutes, Laws, Resolutions, Budgets, Fees, Comp Plan, etc. Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

RE: EVENTS

Summer Concert Series presents the Thursday evening performances, held at the Clinton Street Bandstand by:

- Hurley Mountain Band on August 3rd, beginning at 6:30 pm to 8:30 pm.
- Classic Rock Euphoria on August 10th, beginning at 6:30 pm to 8:30 pm.
- Midnight Image on August 17th, beginning at 6:30 pm to 8:30 pm.
- The Maybrook Wind Ensemble on August 19th, beginning 4 pm to 6 pm.
**(Splash of Summer: Shop Local-Entertainment-Dine) 2 pm to 4 pm.
- Some Guys and a Broad on August 24th, beginning at 6:30 pm to 8:30 pm.
- Oxford Station on August 31st, beginning at 6:30 pm to 8:30 pm

Grand Hollow Old Time Power Association

- Tractor Parade & Farm Day, Saturday, September 2nd, with the parade starting at Noon. (For more information contact – Skip Chambers 845-234-5579)

PUBLIC PORTION

Mr. Berger in his review of the budget actuals, he asked who Green Co. is? He also asked why the Trustee contractual was under budget.

Mayor Brescia asked the Village Clerk Rivera-Fernandez if she was to answer the question.

Village Clerk Rivera-Fernandez said that is the name of one of the banks the Village does business with.

Mayor Brescia said he will inquire as to why the contractual was under budget.

EXECUTIVE SESSION

Moved by Deputy Mayor Andolsek, seconded by Trustee Picarello, the Board Entered Executive Session pursuant to the Open Meetings Law article 7 § (f) for matters regarding the possible appointment of a particular individual, with the Chief of Police Herlihy, and the Village Clerk Rivera-Fernandez in attendance. Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

EXIT EXECUTIVE SESSION

Moved by Deputy Mayor Andolsek, seconded by Trustee Picarello, the Board Exited Executive Session at 9:28 pm. Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

HIRE PART-TIME STREET CROSSING GUARD

Moved by Trustee Hembury, seconded by Deputy Mayor Andolsek, the Board hired Steven Baron as the Part-Time Street Crossing Guard, at the rate of \$18.00/hr. Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

HIRE PART-TIME POLICE OFFICER

Moved by Trustee Picarello, seconded by Deputy Mayor Andolsek, the Board hired Jason Andino, and Jordan Mauro as Part-Time Police Officers, with a one-year probationary period, pursuant to the CBA. Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

HIRE FULL-TIME POLICE OFFICER

Moved by Trustee Hembury, seconded by Deputy Mayor Andolsek, the Board hired Matthew Mahoney as a Full-Time Police Officer at the starting rate of \$55,537.00, with a one-year probationary period, pursuant to the CBA. Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

ADJOURNMENT

Moved by Trustee Hembury, seconded by Trustee Andolsek, the Board adjourned the meeting of August 1, 2023, at 9:29 pm. Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

Monserrate Rivera-Fernandez, Village Clerk