

Minutes of the Public Hearing, of the Board of Trustees, of the Village of Montgomery is held in the Court Room at 133 Clinton Street, Montgomery, NY 12549 on Tuesday, January 15, 2019 at 7:00 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury (absent), Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Fernandez, Maria Beltrametti, Don Berger, Johanna Sweikata, Mary Ann Lindner, Anita Falcone, Lisa A. Scheu, R. L. Williams, Jeff Steinberger, Trish & George Husinko, Mark & Heidi Gridley, Tina & Sean Murphy, Erin Crowley, Kevin Conero, Ross Winglovitz, Atty. Catalano, Darrin Schechter, Tom Tigh, Nina Schneider.

Mayor Brescia called for a motion to open the Public Hearing for the Introductory Local Law I-2 of 2018.

**RE: OPEN PUBLIC HEARING FOR INTRODUCTORY LOCAL LAW I-2 OF 2018**

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board opened the Public Hearing to consider Introductory Local Law I-2 of 2018, said Local Law amends the Zoning Law to permit Planned Development District in the RM-1, Multi-Family Zoning District under certain circumstances and amends the Zoning Map to authorize a PDD on a 20-acre site at the terminus of Factory Street. Motion carried, 4-Ayes, 0-Nays.

Mayor Brescia asked the Village Clerk Rivera-Fernandez if all of the papers have been filed to hold this Public Hearing.

Village Clerk Rivera-Fernandez replied yes, all of the paperwork has been filed to hold this Public Hearing.

Mayor Brescia opened the Public Hearing for public comment.

Darrian Schechter resident of 274 River Road provided the Board with a list of the local wineries in the area. All of the wineries have issues with noise, music from the weddings, drugs, drunk driving, accidents, and including rapes. He personally lives on River Road and from where he lives, the high school itself is only a mile from his house. Any time there is a game, he can hear every word of it, as well as his neighbors. On the back of the list, there is a picture of the sound system used at the high school. It is a few small metal boxes. He mentioned haven spoken with the owner and he has been told me, that I'm not going to hear anything. Mr. Schechter has been a special audio engineer for thirty years. He has done weddings, festivals, and concerts throughout his entire career. At weddings people are drinking from four to five hours, they get into their cars and drive home. This is going to going on up and down Factory Street. In order to access Factory Street, a left has to be made at the senior citizen complex, pass by the pre-school, and the children's dance school, as well as the children's art school, in order to do so. Having an establishment that is for one hundred percent for drinking, that is more by itself. The noise issues, when the Village host concerts here, every person on River Road from the Veterinarian to Brocks Farm, fifteen of us have to close all of our windows. We accept it because, it is to our understanding the Montgomery Fire Department benefits from it. We are thankful for this, and this is why we do not complain, we can hear it so loud. It vibrates our houses.

Mayor Brescia stated the Montgomery Fire Department does not benefit from the Summer Concert Series.

Mr. Schechter continued to say, he called Michael Dorf directly and graciously met with me. He explained what was going on with the project. He totally down played it. When he spoke with Mr. Dorf, he took me around and said they were not growing grapes here, the vineyard is for aesthetics, with a little bit of acoustic music. This is the case what so ever, he forgot to mention anything regarding the fifteen-room hotel or the bridal suite, of which faces directly into my living room. He asked Mr. Dorf about hearing of a hotel being built. Mr. Dorf responded a few rooms will be built for people to stay, if they have a wedding. He then goes on to tell me that, Steve referring to the Mayor, Hasid's were looking to buy and up high density towers here. So this is definitely a better option. He had a conversation with two different neighbors that may not be here. Who also stated you had a private meeting, nothing official where you poled people together but some of your friends? And also told them the same thing. He stated not being aware that his cell phone recorded the conversation.

Mayor Brescia stated he never said that and he does not appreciate Mr. Schechter saying that. Again, Mayor Brescia stated he never said that. He asked Mr. Schechter to continue with his statement.

Mr. Schechter feels the people who are in favor of the development are being made to believe that something else is better because it's the alternative. He feels this is going to ruin every single family who lives on River Road. We are going to hear nothing but noise. Again, he states having done hundreds of festivals, Angry Orchard started out with the same thing, and one guy with an acoustic guitar. They have festivals all the time and you can hear it from miles away. There are always arrests, drugs, including drug overdoses right in the parking lot of Angry Orchard. These are our neighbors. The difference between all of these wineries, if you google it, we are the only one in the entire United States that has a winery in the Village. We pride ourselves, we have one traffic light for a great small Town that is the worst thing that could ever happen to the Village. Not one person here has been notified, nor in the Village, aside from a few people in the Village know about this. Mother are walking around with baby carriages along that road, every day. As a person, who has done festivals, he knows for a fact that Mr. Dorf is playing us. He knows his sound guy from NY City, who has stated that they will be having festivals and other things. He finds it interesting because they never said anything of this nature. If you go online, they are billing our small village as a weekend destination. He feels it is disgusting, it is not right. He is calling the Board out to perform their civic duty. If something happens, where a drunk driver hits someone, it going to be someone fault here, if you allow this. He references General Montgomery Day, one person had one too many beers. What happened? He drove up Route 211 and killed a poor child. Oh My God, we had to stop drinking.

Mayor Brescia stated that is not true, at all. Trustee Lindner also stated that is not true. Mayor Brescia asked Mr. Schechter to conclude his remarks. It is absolutely, not true.

Mr. Schechter stated his other remarks are about the life function and the Eagles. Right under the bride suite, there have been Eagles longer than he has. He has lived in Montgomery for nine years and owned a house for five and half. There are Eagles who live right there! Mr. Dorf was telling me, it is not going to bother them. They will start a two-year construction project and this is not going to bother the Eagles. The other issue is going to be life function.

Mayor Brescia stated this is all going to be addressed in the SEQR process, at the Planning Board level. There is a time limit for anyone to speak, it is three minutes.

Mr. Schechter stated this is the first-time hearing of this development.

Mayor Brescia stated it has been advertised more than any other project, he has been involved with, in thirty plus years. It's been published in the Wallkill Valley Times, on the Village website, and on Facebook.

Mr. Schechter mentioned working from home, he is self-employed. His business phone records every call that comes from New York State. He stated having two different recordings, he phoned the Village Clerk office and asked when the meeting for the winery. He was then instructed there was nothing on file. He asked his neighbor if, they knew anything regarding the City Winery meeting. They also were unaware of a meeting.

Mayor Brescia thanked Mr. Schechter for his comments.

Mr. Berger stated being in favor of the Winery. He feels it is going to be a great project. His only concerns are with the new school going in on Factory Street and the future apartments that are being considered at Loosestrife. He comments on the accumulative impact studies, the prospective owners had stated they will not be adding stop lights as well as several other things. A few trees will be trimmed and add paint markings at the railroad crossing. If anyone knows of Factory Street, first of all coming from the Winery to 17K, it does not have one single speed limit school zone signs. He feels this is needed and should be installed. After all the Winery is an alcohol based venue. His concerns are regarding the school. Secondly, from 17K up to railroad tracks, he feels the simply adding a double lane; for school traffic and high density traffic, in addition to adding sidewalks. This is a bus stop for the Valley Central School district and the children who live at Loosestrife have to walk along the road. Furthermore, a venue involving alcohol heightens the problems that could happen. For the sake of safety, it is needed. The third, issue is the conditions of the railroad crossing, it is in disarray. Whatever has to be done, get it done? After working for the railroad company for thirty-seven years, he states knowing how it works. It also needs more safety barriers. The road from the railroad going back to City Winery, he feels needs to be redone. He feels it should be widened and repaved. Another problem with Factory Street, the street itself is really not defined. It blends in with not definition. More importantly, the taxpayers should not have to finance any improvements at this corridor. City Winery has been awarded a 2.2 or a 1.9 million dollar grant. It's an awful lot of money. Addressing the zoning change of use to a PDD, multi-use, he feels the intentions of City Winery is to be a real good neighbor. It seems they are a good bunch of people and want to do the right thing. Steve is correct, the meetings have been published. If City Winery truly wants to be a good neighbor, they will fund these improvements. It will make their place, a better place for it.

Ms. Nina Schneider is also in favor of City Winery. First of all, she has attended several meetings and has met Michael Dorf. He lives locally, and is very responsive to different suggestions that were made. She feels it is a nice fit to the Village, being a business owner for thirty-four years on Clinton Street. This is an upscale type of business that is neighborly addition to the Village. It will look very favorable for Montgomery. She recently attended the meetings but not all of them, and is very pleased with the preservation of historic aspect of the Village. It is a gem and wants to protect it from large warehouses, which would deter from the charm of the Village. From everything, she has heard, City Winery has been very respectful and a good neighbor.

Mr. Mark Gridley of 646 River Road, which is three hundred feet from the Mill, across the River. He is aware that, he not a Village resident but would like to state for the record. He is not sure how much of a winery this going to actually be. He can definitely see that it is a concert and wedding venue. He has three children and their bedrooms face the facility. The Village hosts the Summer Concert Series and he can hear it. It is not bad with moderate amount of people, but this is a venue of three hundred people. He read about the three decimal levels over normal, what is their version

of normal levels. He wants to know, what they are going to do to guarantee that this does not affect his weekends, his quiet time. He purchased his property because it is surrounded by forever green. He enjoys living where it's quiet and peaceful with occasional passing cars. The Mill starts up the generator that can be heard as the water run through. However, concert and wedding venues, with lights and noise. On a quite night they are going to have platform outside the faces the direction of River Road and the River. He is a police officer and works at various places that host concerts, there is an increase of people driving under the influence of alcohol as well as noise. Most of these are venues alone with nothing around them. Again, what are they going to do, to guarantee to not disturb the peace? How many venues will they have? What is it really going to be? A venue with a few concerts a year as the Village does, or is it going to be very weekend? He cannot talk for speak for anyone in the Village, but it is going to be right by his house, his family and his children. What is the recourse when his property value drops? He hates to think of selling his home. He will not sit and listen to noise every weekend. They could operate during normal business hours while he's working, but nights and weekends is not welcomed.

Mr. Gregory Husinko of 17 Factory Street, his property is two hundred feet from this development. He has never received a written notice about this project development but heard through other means of meetings for this project with the Planning Board. All other projects prior to this, he's been informed of in writing. He does not understand why there was not communication inform us early on about this development. The fact that there is going to be a three hundred space parking lot, that is one hundred and fifty feet from home. The other issue is that it's going to be a weekend wedding venue with hundreds of people attending. The potential of people puking on his lawn and parking along Factory Street. Not widening Factory Street, is a lane. Again, not being notified properly early on, on this development and now it seems as if it's a done deal.

Mayor Brescia stated before moving onto the next speaker, he asked Todd Zwigard the architect for the City Winery project development, to give a summation of the sound abatement. Atty. Joseph Catalano stated that the project is the City Winery project, for those of you who and have looked online about the City Winery brand is. Currently they have several locations in major cities throughout the country which are called club type of facilities, hosting regular concerts all the time. This not be proposed as a City Winery location of this nature. The emphasis on the concerts is misplaced. What is being proposed, is principally a winery to manufacture wine. That is the reason why this location was originally selected. In an effort to supply their other facilities with the wine that their brand is all about. This why we are proposing this as PDD, with mixture of uses to follow and further the winery theme. There is an outdoor space being proposed, but as our application materials state; that stage is not going to used continuously buy only during the hours of one and three in the afternoons, on weekends. It is not a central feature of this project by any means. The central aspects of the project, again, is a winery and the generation of tourism about wine making. Developing the site for a destination, for people that are interested in wine. They will have the opportunity to taste the wine, with tasting rooms on site, primarily on weekend hours. The other main feature of the site is an indoor event space for up to three hundred and fifty people. These are for private weddings. There is talk about uncontrolled concept like atmosphere, is entirely misplaced. The concern as to how to control that; it's controlled by mechanism of what we asking for. It is described on our application. We are asking of specific uses and very detailed about the hours of operation and so forth. If the Board goes ahead and approved that, we are bound by those conditions and terms. It cannot, change over time without specific Board approval. In that sense, this project is going to be controlled, as any other zone development in the Village. This is going to create its own zone law with specific conditions and requirements just for this property. It could be enforce by your code enforcement officer as any other business or commercial operation, by following the zoning regulations or specific approvals. What we have proposed to the Board has not really changed that much, since the initial meeting with the Board in the spring

of 2018. We had an open public meeting at the site in June of 2018. Since then we have been conducting studies and evaluations in order to satisfy the other governmental agencies that are involved, which includes the DEC with the Eagle habitation protection, the State Historic Preservation Office because you have a unique historic structure. We are proposing to invest heavily into making sure it is rehabilitated in line with its architectural history. In addition to that, we have the DOT, the County Health Department, all of these agencies have been notified of this and we have working and consulting with them to make sure this project meets with their requirements as well as the Village requirements. As far as the noise, the fact that the project is proposing only mid-afternoon concerts, Jazz and Folk for a limited number of people of two hundred people at the most. It is mostly going to serve during the event period of time, during a wedding. The outdoor stage is also proposed for outdoor ceremonies, if the clientele desired an outdoor ceremony.

Mayor Brescia also asked Joe to speak on the sound proofing of the facility.

Mr. Todd Zwigard stated being very excited about restoring and adaptively reusing this very appropriate building for City Winery to use. We have been working very closely with the States Historic Preservation Office to do all of the things that will allow us to apply for the tax credits, as well as allow us to maintain the integrity of the historic building. The windows replacement is necessary because they are beyond restoration, being of single pane glass. We will be installing insulated glass windows and keeping the storm windows, in addition to those in the winery, for maximum thermal value to maintain the temperatures inside. The building is currently uninsulated which does both the work for human occupants and for winery. So we will be insulating all of the rooms, it will be done on the exterior in order to maintain the character of the indoor wood and truces. The roof will be replaced with a similar, a raised seam metal roof, which will be similar in color to the original. There will be little difference when it is done but we will have an insulated shell. The brick walls are thick enough with the use of thermal mass and therefore not a lot of sheetrock in to the building. City Winery is all about the historic character. They love the building the way it is, which is taking a minimal low impact approach to making work for our new uses. Another approach which addresses the sound which is the idea of the court yard. A lot of the outside activities will be contained between the three buildings, in an area this is called the court yard. It is not going to very visible at all from the outside. It is actually surrounded by buildings on all four sides with two major openings. Of which is being achieved by demolishing some of the original boiler room and putting the terrace on top of it. We are retaining as much as possible, working with SHIPO to keep the character. Therefore, a lot of the outdoor wine tasting and some dining at the café, if the café spills out into the court yard space. Other than that, we are trying to create a very concoct winery setting. There will be some vineyards that will be used most for show, walking paths and parking. Are there any other questions specific to the indoor treatments, sound? We have to build the addition treatments inside the event space for the acoustical control. We do not want reverberation, there will be sound absorption that will be introduce. There is no intention of allowing sound to be coming out of that event space. It is about maintaining a good environment for the occupants inside while event is in progress.

Mayor Brescia stated receiving a letter from the Village engineer and many of the issues have been or will be mitigated. Relay our concerns regarding the railroad tracks. Again, the article has been advertised in the newspaper, Facebook, and Hudson Valley Magazine. Bob Williams has an informational meeting of which Michael Dorf attended. Many residents on Factory Street were in attendance, as well as residents from across the Wallkill River. He stated not being involved with invitation list. He believes Greg's wife attended the meeting.

Greg stated the informed received was relayed as cocktail lounge. Is the parking lot not for three hundred cars?

Architect Zwigard stated the parking lot is for one hundred and sixty cars and in addition to overflow parking for one hundred and twenty cars.

Greg stated that is two hundred and seventy cars. How many people will two hundred and seventy cars transport to the site?

Architect Zwigard believe the estimated number of people per car is two.

Mr. Berger stated he believes the standard is three.

Greg said for a wedding or an event, in this very acoustically proper venue, have you ever been to a wedding. Do not people spill out from the event spaces? Especially with a venue serving alcohol. These people are going to be in my front yard. He no longer receives the Times Herald Rec,

Mayor Brescia asked Ed Malley if he had any questions regarding the winery.

Mr. Malley mentions the traffic and road being narrow to the turn around.

Architect Zwigard stated the turnaround is being reworked, it currently too steep. It is being made to be more gradual.

Ross Wingluvitz with Engineering & Surveying Properties, they are the civil engineers for this project.

Mayor Brescia asked Ross to direct the questions directly to him. This is a public hearing. It is being made into an informational meeting and we are taking questions as well.

Mr. Wingluvitz stated that existing entrance will be reworked from Factory Street down around the front. There is a plan to widen it out and reduce the grade with a promenade area to the front of the building, to improve the traffic patterns for vehicles to go in, out and drop off. In addition to a waterfall feature. The only thing new impervious is the parking that we have to add. Everything else is a repurpose of the existing structure or a lot is existing pavement that we will be removing and replacing.

Atty. Catalano stated the making of the wine is going to be operational, Monday through Friday. The events or any special private parties at the site is only going to be held on weekends, Friday evenings, there will be café, a wine tasting room that will be open locally.

Mayor Brescia asked if the Restaurant is going to be open during the week.

Atty. Catalano stated it is not being plan that was from the beginning. However, if there is a demand from the locals, certainly.

Tom Tigh stated with the time constrains, it is just like a college town, and we have the same problem. It is a valid concern with what these people are saying.

Mayor Brescia said Tom we have seen it with Angry Orchard, it is in the Town but they did not expect to get what they have gotten.

Tom stated that is exactly what has happened.

Mr. Robert Williams stated Mr. Mayor and members of the Board, resident of 15 Factory Street. First of all, he appreciates all of the comments and concerns. We all have properties here and we want to protect our investments and the quality of life as we have come to certainly know and love. Factory Street runs through my property, his property is located before you come to the Crabtree Mill. His property is listed on the national register. As well as the Village Hall. The three additional houses on Factory Street are all eligible to for being listed on the national register. So it is an important street, it probably the most within the Village, the most unique cluster of historic buildings. The letter that was sent to you folks by the State, he would certainly hope that the Board would head to the recommendations to this project. Certainly widen Factory Street would not be wanted. It is clearly stated there. He met with Michael Dorf and member of his team, they certainly have been very accommodating. He feels they will be good neighbors and we will hold them to that. He feels this is a good use of the Mill, this is a way of mitigating the gross development of the property and keeping as much open space as possible. The concerns of the noise and the other stuff needs to be addressed. He trusts the Board and their engineers will do that as well, to mitigate that to everyone's benefit. He asks that you head to John Bonife's letter and everyone work together and make this a success for all of us.

Mayor Brescia stated not receiving a copy of the letter.

Mr. Williams said the letter focuses on the importance of Factory Street. The overall impact of the historic resources along Factory Street, the intersection of Ward Street and north of the railroad crossing must be carefully addressed. The significant increases can alter the setting of the historic resources introduces excessive noise and vibrations to the impact of historic buildings. He also noted in the letter that the defining character of Factory Street is that it is a small street with mature growth on the each side of it. To lose that, it would have serious impact on the historic resources within that area. He will provide the Board with a copy.

Ms. Tina Husinko wanted to add her concerns, she is very worried. Selfishly, it is a beautiful little street. She absolutely loves it. It is narrow. The two major concerns is people wondering out of the venue, up and down the street. If they have been drinking, not sure of where they are and not sure of what they are doing and ending up on our property and being noisy. The second, is the concert venue area, not matter how it is built, it is going to impact us, and noise carries. She is sure this will be wonderful for the Village, which is why you would be interested in having this here. As a private citizen on that street, she is worried the impact their lives. Please keep that in mind and keep the people contained to the venue rather than wander.

Mayor Brescia asks Joe to keep the after party, mingling on the lawn or the parking lot. We ask that they maintain security at the site to move people out expeditiously after an events. We should not exhaust Village resources, i.e.: police to go down there and move them along. It is definitely a concern as well as the noise on the outside of the venue.

Atty. Catalano said for those who have met Michael Dorf, he certainly wants to be a good neighbor. He knows, if this project is approved, it will be a compatibility with the community. If the facility receives a host of complaints, by the neighbors or the community members while it is operating, it will not do well as business purposes. The intention, he feels it was conveyed in our application documents to try to be sensitive to these issues, as well as it is to the owner and continue to work with the Village on that.

Mayor Brescia stated he certainly appears to be.

Paul Satkowski of Copperfield's, he basically came to reiterate what Tom Tigh mentioned. (In audible) speaking to low from the back of the court room.

Susan Cockburn (In audible) speaking to low.

Atty. Catalano stated the EAF is on file. Village Board is the lead agency, they will be making a determination (In audible) people in attendance are speaking over the speaker.

Mayor Brescia asked if there are no further questions, the public hearing is left open through February 5<sup>th</sup>. Written comments can be submitted to the Village Clerk Fernandez.

**RE: PUBLIC HEARING ADJOURNED**

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board adjourned the Public Hearing for Introductory Local Law I-2 of 2018, to reconvene on February 5<sup>th</sup> at 7 pm. Motion carried, 4-Ayes, 0-Nays.

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Monserrate Rivera-Fernandez, Village Clerk