

Minutes of the Public Hearing of the Board of Trustees of the Village of Montgomery held in the Recreation Center at 60 Bachelor Street, Montgomery, NY 12549 on Monday, **June 23, 2008** at 7:30 P.M.

Present: - Deputy Mayor Scheels, Trustee Andolsek, Trustee Cantiello, Trustee Kiernan; Atty. Dowd; (Absent Mayor Brescia); Atty. Dowd; Devitt Management & Associates – Marc Devitt, Atty. Catalano, Eng. Bossolini; and attached list.

**RE: PUBLIC HEARING -- DEVITT MANAGEMENT PROJECT
CHANDLER LANE/RT. 211 (213-1-1)**

Moved by Trustee Andolsek, seconded by Trustee Kiernan, the Board opened the Public Hearing at 7:30 P.M. on the Planned Development District application of Devitt Management and Associates which proposes to change the zoning on 213-1-1 on a parcel of land on the corner of Route 211 and Chandler Lane from I-1 to a PDD. The motion carried by a 4-AYE, 0-NAY vote.

Deputy Mayor Scheels noted the Original Notice of Hearing, Affidavit of Posting and Affidavit of Publication were present and ordered they be filed.

Deputy Mayor Scheels: We are here for the PDD application for the Devitt Management project for the Final Environmental Impact Statement. This is a public hearing for public input for us to be able to consider before we make any final decisions. Joe, do you want to make a brief statement on what we are looking for?

Atty. Catalano: Good evening everybody. My name is Joe Catalano and some of you may recognize me from the last public hearing you had. I represent Marc Devitt the applicant for this proposed Planned Development District. The project engineer, Francis Bossolini, is here as well. This is the second public hearing that the Board of Trustees has held. The first one was held on April 15th and many of you were there on that evening. There was a public hearing held on both the SEQRA issues and the documents as well as the overall project. The SEQRA public hearing comment period was held open until April 30th. We received a number of comments from agencies and members of the public and the transcript of the public hearing was also made available. That was all combined into a final environmental impact statement which the Board accepted and has on file at the Village Hall. That statement includes all the public comments as well as the applicant's responses to those comments. So, this public hearing is really on the actual rezoning of the parcel of property in question -- from its existing zoning designation of industrial park to a planned development district designation. A PDD development is a two-step process. One is a rezoning by the Board of Trustees together with any conditions or terms that the trustees place on it. The second phase of the process is a site plan review and approval with the Village Planning Board. So, the site plan review and approval phase does not begin and would not begin until after the Board of Trustee has made its decision on the PDD rezoning. So, the purpose of the hearing tonight is for the Board of Trustees to hear input from you on the proposed project and to take that into consideration before they make their final decision on whether to rezone the property. Thank you.

Deputy Mayor Scheels: With that, I a going to open it up to the public. What I would like you to do is if you have a question or statement to please stand, state your name and address and then give us your concerns so that we can address them.

Frank Tyrell, 128 Olsen Court: My question to the Board, is the developer going to have a performance bond held in abeyance for the sewer system? I know we said we had excess capacity for it, but I think being the sewer system is old, that we should have some sort of an escrow held because we are relying on a developer from the Goodwill development to upgrade our sewer system for \$2 million. I think that it would be a good idea to have some sort of bond. A bond just for the sewer system in the same amount \$2 million, like we got from the Goodwill development. I think that it would be a good idea to have a performance bond held in escrow for at least 10 years just in case something happens. In time, if everything worked out well for the developer, then his money would go back to him. I think that it is important that you have some sort of escrow since the sewer system is so old and they are going to be tying into that. So, I think that it would be a good idea if you have something in an account for that. Also, most of us here are leaning toward single-family homes and some kind of commercial development. I understand there is going to be or it appears to be set up for condos. I really speak for myself. I don't want to see any apartments there. I will open it up to the floor if anybody else wants to speak.

Deputy Mayor Scheels: Thank you. Is there anyone else that would like to comment? Yes, sir, state your name please.

Dennis Kugler, 135 Snow Bunting Court: I have lived here since 1984. Before I moved up here, I lived in Rockland County in a condo complex. Originally, it was a very nice place to live which turned out to be quite the difference. The reason is, I would say is half of the condos had absent landlords that rented them out. I guess you would have to say undesirable people. So, that was my experience. Before I moved to Rockland I lived in the Bronx, rental apartments, and I don't think that I have to go into that. That is some of the concerns that I have and a lot of the people that I have spoken too have the same concerns.

Deputy Mayor Scheels: That is also one of the concerns the Village Board has addressed.

Dennis Kugler: I don't know too much about the law, but if this is to become a condo complex and apartments, is there a law that would made it a condition that people could not rent them out?

Deputy Mayor Scheels: The Village Board has had conversations that if we do go with the condos and knowing know there are a lot people who are against having apartments, there would be a stipulation that they have to be owner/occupied. There will be no sublet and that is another one of the conditions that we have already been addressing.

Dennis Kugler: I think that it would be reasonable to say that the County does need rental apartments. Not everybody can afford a home or even a condo, but I will speak for myself. I don't think that is the location for rental apartments in this particular neighborhood.

Deputy Mayor Scheels: Thank you. Yes, you are next in the back.

Renee Picarello, 62 Charles Street: My husband grew up in Montgomery but we moved to New Jersey and then chose to buy a house in Montgomery because of its historic

values, antique shops and the quaintness of the Village. And my concern is will there be anything like a tree barrier up? Right now there are very nice open fields and it is a nice way to drive into the Village of Montgomery when you are coming from Middletown and to now come into this supposedly quaint historic village and see apartments or condos, is really going to take away from what we pride ourselves on.

Deputy Mayor Scheels: Thank you. Sir, you are next.

Michael Casamassimo, 49 Wavey Willow Lane: Basically, I agree with her. I think that it is going to be a big eyesore if you have houses, apartments and condominiums. It is going to take away from the whole Village. I still have a concern about the fire department on the other side of the village when you build a big place like that over there. You are going to have problems getting across this town. To me that is a big concern also.

Deputy Mayor Scheels: Thank you. Next?

Mike Lynch, 72 Weaver Street: What is the zoning on that property right now?

Deputy Mayor Scheels: Right now, it is industrial.

Michael Lynch: Why did they rezone it that way to begin with?

Deputy Mayor Scheels: I was born and raised here and I believe that has been zoned industrial since probably 1967 or 1969.

Michael Lynch: Why would you want to change that now?

Marc Devitt, 146 Union Street: It was originally zoned RM-1 and somebody came along and had the idea about trailer homes. So, according to the Village Board, they rezoned the property because of what they were going to do. He never built that and it just stayed industrial.

Deputy Mayor Scheels: So, it's been industrial since that point in time. There has been no development there. This project came up, there was a lot of investigation done and we have been entertaining an idea of getting something into that property that will help with the Village impact of taxes.

Michael Lynch: Have they taken into consideration like this gentleman in saying about the fire trucks on Route 211 especially between three o'clock and six o'clock when school is letting out? You are talking about a dramatic increase in traffic on top of what we already have.

Deputy Mayor Scheels: I was not aware that there was a problem for the fire department getting to Viking Heights and in that area.

Michael Lynch: I mean four o'clock I have seen traffic backed up from the elementary school all the way down past Chandler Lane.

Deputy Mayor Scheels: I am listening to you, but I have been on the ambulance service for a lot of years and I not going to tell you how many, but usually when we are responding people obey the law and move out of your way. So, I can understand that

you have a concern, but I know they can get to Viking Heights, Romer's, and other places on that side of the village. Hopefully, we won't have a fire that we would have to concern ourselves to that extent where that would be a major issue. But, we are writing it down, fire coverage, as a concern so we can discuss it. Thank you.

Elyane Rosen, 120 Olsen Court: My concern at this point in time is the amount of houses, condos and apartments and basically how it is affecting the schools. At this point, I don't have any kids in school. however, we do know the schools are very over crowded. There are a lot of children in each classroom therefore they are not getting their education as they should. So, I personally would like to see if they are going to do something with that land, to see if fewer children would be with houses than with apartments or condos.

Deputy Mayor Scheels: You would have fewer children with condos. That happens to be what we were going through when looking at all the impacts. What the facts state, is this project has only about 48 children and they would not be going to Montgomery Elementary School. They would be going to Berea and Berea Elementary would have the capacity to handle the children as per the school system. But like I said, we are taking down the information and we are here for public input.

Elyane Rosen: I know they would go to Berea but in the mean time they would all get to the high school and middle school and that's over crowded and they are all busting at the seams.

Deputy Mayor Scheels: Thank you. Yes Ma'am.

Theresa Brown, 261 Chandler Lane: I am just going to give you background on what you were saying. I have worked in the Newburgh City School District and my husband teaches at the Valley Central High School. I can walk into NFA during the changing of classes, in Valley Central you get swept up. . . the schools work with the numbers saying they can fit those children. But you need to be in the buildings and see where it is at. Does that mean they are going to be redistricting this entire area? Because if you are going to put that section into Berea School, that means you are redistricting. Correct or incorrect?

Deputy Mayor Scheels: No.

Trustee Kiernan: No

Theresa Brown: How many of you have been through Berea?

Deputy Mayor Scheels: I have.

Trustee Andolsek: I have.

Trustee Kiernan: I have.

Theresa Brown: And you don't see anything wrong with the class sizes?

Deputy Mayor Scheels: I can only tell what the percentage we are being told by the school officials. I have gone to Berea because I have grandchildren that attend that school.

Theresa Brown: What I am concerned about and what I would like you to look at is the fact that in any school district, a district official can say oh I have some new slots open. However, and to that there are a lot of other variables that need to be looked at. The other situation is what that other lady has said, our middle school and our high school are beyond having space. NFA has different times they start classes...the impact has to be looked at.

Deputy Mayor Scheels: NFA is set up completely different. They have a whole different system than Valley Center School. We could have the children come at different times of the day and have the same schedule. That is something that we have to look at and we have been looking at traffic studies. These studies are in the impact statement. All these studies have to be done before anything is done. So, these things are being done.

Collin Schmitt, 213 Cardinal Drive.: I am a Valley Central High School student and I would like to speak up. There is no room in the High School. There is no room in the Middle School. You can't use book bags in the Middle School, you have to carry your books. I just want to let everybody know there are a lot of students in the Middle School and High School and it is crowded. There is no where to go. In certain incidents students had to search around the building just to get a seat. They have to sit on radiators or floors just to get a seat in some classes. I just wanted to point out that I go to the school and so I do see it. You probably can ask any student there, you can't walk through the halls. I am happy I am tall and see above everyone.

Deputy Mayor Scheels: Is the school addressing that, do you know? That is a school issue, are they addressing that?

Collin Schmitt: It is a school issue but when they have no control over what's being built in the Town it becomes a problem.

Deputy Mayor Scheels: But you are saying it's now over crowded and there is building in the Town of Montgomery, do you know if they are addressing that issue too?

Collin Schmitt: I am not sure about that. That is a School Board issue. I am saying just from what I am seeing in other places that I have gone to like Staten Island and New Jersey, I hope we get smarter. Whatever you decide to do, I just hope you keep in mind to protect this area because people do want to come back here. If it is not a nice place, you are not going to want to come back. I thank you for your consideration.

Deputy Mayor Scheels: That is what we are trying to do.

Beth Blaska, 102 Washington Avenue.: I am a resident and a School Board member. We have two impact statements done that we paid money for and it says we are not crowded. We had a meeting about overcrowding, redistricting if you remember a few years, but our impact statement came back saying we're not overcrowded. Well, this is the reality and I am saying don't believe impact statements either.

Dominic Bonasio, 66 Walkkill Ave.: Who does the surveys for the water and sewer and who pays for it? It said they surveyed the road, did sewer and water studies go in the impact statement.

Atty. Catalano: The applicant did all the studies and they pay for them. And then they are reviewed by the Village's consultants.

Deputy Mayor Scheels: Yes. The applicant, Devitt Management, does all the studies and they pay for it.

Dominic Bonasio: Who will pay for the expansion of the sewer plant because I understand the sewer system is to capacity.

Deputy Mayor Scheels: No it's not.

Dominic Bonasio: I heard from people that it was. Another thing is there enough water and sewer for this project?

Deputy Mayor Scheels: Well, we don't have plenty of water but this development, as many know who has been coming to the meetings, has three wells on it and the applicant has offered graciously to donate two of them to the Village for village-wide usage.

Dominic Bonasio: Will the Village pay to maintain everything?

Deputy Mayor Scheels: No.

Trustee Andolsek: No.

Dominic Bonasio: Everything is going to be private and nothing turned over to the Village?

Deputy Mayor Scheels: Yes and nothing will be turned over to the Village.

Trustee Kiernan: ...waste pickup, garbage pickup, all done by Devitt Management team.

Deputy Mayor Scheels: Yes sir.

Tony Marino, 131 Snow Bunting Court: Getting back to the traffic, I know what people are saying about after school lets out you can't go down there. You have trouble coming up that road that time of the day. When I lived in Mayopac the same thing happened. This kind of reminds me of Mayopac. It started out small and got big and bigger. What they did do is build a substation. They could do that with this development and put a tanker in there because if they put condos in there they are going to be attached.

Deputy Mayor Scheels: The fire district has been discussing that.

Tony Marino: So, they are concerned about it then?

Trustee Kiernan: No. What they do with a project of this size, even with the senior citizens project, is all the construction is built to the fire department's request.

Deputy Mayor Scheels: They do not want problems. That is why they are looking at it. It has to do with the Village of Montgomery safety. If they did put a substation up there, it would be a win, win situation for Viking Heights and that end of town. This is all in the talking stages. Like I said, we have not approved of anything being built. We have not gotten that far. We can work on the comments.

Atty. Catalano: I just want to point out that pursuant to the revised building codes sprinkler systems will have to be in place in all commercial and multi-family buildings. So, that should help.

Trustee Kiernan: That is definitely one of requirements for the underwriters for the state of New York. But I do know that is one of the requirements and I know probably Darlene could back us up on that.

Deputy Mayor Scheels: The gentleman over there.

Bill Harkins, 214 Frieda Street: I am a little confused because of the very first meeting that we had when it was discussed about this commercial property being tied in at Frieda and Blue Jay and Cardinal Streets. The comment was made that there was going to be a small village over there where the people live at that end of town could walk over sidewalks go pickup the morning paper or have a hamburger. The second meeting a comment was made by someone on the Board that we do not want to create another village. We don't want to have any competition with what's down in the Village today. So, you said it would be doctor's and dentist's offices. So, my question is why would we want to tie into Frieda Street and who is going to want to walk over there? Why not just use Rte. 211 . . . is the plan to still try to tie into Frieda and Blue Jay and Cardinal Streets?

Deputy Mayor Scheels: Actually, we don't know what is going to be there. That would all come at the site plan stage. When it comes time to put something in there, we would be discussing it at that time.

Bill Harkins: If you say dentist or doctor offices can only go in there and someone is dieing to put a pizza place, he's going to let the place set empty and not collect any money on it? I don't understand that, it would not be a good business man on his part.

Deputy Mayor Scheels: Each building is going to be zoned commercial. In our findings statement we are going to have uses that are permitted there. That is what the impact would at that point and time will be as to what kind of uses we would like to see there and what we would not want to see there. When we get to that point, if we ever get to that point, that's when we put down on paper what kind of businesses we want to see there. And, Mr. Devitt has always been good about not overloading on any one thing. I don't think he would be foolish enough to be putting something in that would be a great big competitor. He is looking to be able to have something that is nice for the Village, something that fits into the historic nature of the Village. I have not heard one word from them at all or seen anything that they are looking to put up skyscrapers or any kind of buildings with 50 people. He is looking to put something that fits into the Village.

Bill Harkins: That's where my confusion was because at the first meeting when you had a potential layout before this Board, it looked like a nice village-type area that for people at this end of town could enjoy. The second meeting it was going to be something of an eyesore and what we are going to get out that.

Deputy Mayor Scheels: No. I can tell you that as long as I sit on the Board, and I'm sure the rest of my constituents will agree, that will not happen.

Trustee Kiernan: I think what perhaps could clear this up is, we would like to see a planned development which is accessible by the pedestrian and there will be some services there, hopefully there is going to be a grocery store there.

John Crofoot, 235 Frieda Street: Could you just summarize the proposal like in terms of how many units and what is actually going to be there?

Deputy Mayor Scheels: Actually, at this point in time we don't have what is going to be there. They can tell you what they would like to put there, but that is all they can do because we are not that far. Francis Bossilini, their engineer can tell what they would like to see.

Francis Bossilini, Eng.: The proposal that we presented at the first public hearing in the other building where we had the power-point presentation, which is still the current plan, up to 110,000 sq. ft. of mixed-use commercial which would include a restaurant, a delicatessen, small retail shops, offices, professional offices, dry cleaning drop off, those kind of things that might be associated with the neighborhood type of development and a residential component that would include up to 182 units. Our proposal had a combination of for rent and for sale product and the Board is considering that ratio for a for sale and for rent product. For sale product would be a condominium that would be set up like a condominium with a homeowner's association, for rent in our proposal would be apartments that would be owned and operated by the management company. So that ratio is one of the topics the Board is considering. We have a proposal and they will tell us in the legislation should they choose to adopt something what that ratio will be. Also, in that legislation if they choose to adopt that we will have a schedule of allowed uses. There has already been some discussion on to what allowed uses will be there.

John Crofoot: How many units? You must have a ballpark number of what is going in there.

Atty. Catalano: The proposal of the specific number of units will be what the Board of Trustees will ultimately allow and the property will be zoned that and only that.

John Crofoot: Is there a number on that, a 100 or 500?

Deputy Mayor Scheels: 182 units – rentals, condos, combined.

Francis Bossilini, Eng.: Our proposal had 110 condominiums and 72 rental units. Again, the Board has communicated they are considering that ratio that would be requiring the developer to have less rental units.

Vic Horton, 214 Cardinal Drive: I am asking if you reconsidered not having access off Chandler Lane?

Atty. Catalano: The proposal is before the Board and no decisions have been made on that proposal yet.

Deputy Mayor Scheels: They have not changed their proposal yet and there has been no decision on that yet. It is an open issue.

John Crofoot: Then what is this meeting for?

Deputy Mayor Scheels: Public comment, your input. A public hearing does not require us to answer any questions, whatever we know we would like to try and help you get a little more understanding of the project. Actually, a public hearing is just that, to hear the public.

Atty. Catalano: To answer your question, the purpose of the public hearing and the decision that is before the Board is whether to rezone the property from industrial to planned development district. That rezoning is going to have specific requirements, applicable just for that district which will include a set number of commercial spaces that will be allowed, a set number of residential dwellings that will be allowed, the types of uses that will be allowed, apartments, condos, retail and offices, those types of things. From that, if the Board decides to rezone the property to this planned development district, they will set the parameters for how that district can be developed pursuant to the concept plan that we offered to the village at this point. Once that rezoning is in place then it will go to a site plan review process where all the details will be worked out as to size of the buildings, location of the buildings, exact lists of the streets and that sort of thing. That will be a whole separate process. But this hearing is for comments for the Board to receive before they make a decision whether to authorize the applicant so they can go on to that site plan process. Does that answer your question?

John Crofoot: Yes, but I am looking for the total number of people because I think there is about 500 units going in on Goodwill Road, is that correct?

Deputy Mayor Scheels: We don't know because that is the Town, not the Village.

Trustee Andolsek: That is the Town.

John Crofoot: You are asking for it to be rezoned?

Deputy Mayor Scheels: That is what we are here for tonight.

Atty. Catalano: We are asking for it to be rezoned to a planned development district. Just let me explain that concept for a moment. The Village right now has legislation that authorizes planning development districts in industrial zones. Basically, that is called a floating zone. It is out there and not anchored to any particular parcel of property. We have asked the Village to put that designation on this particular piece of property which is 36 acres. The PDD district has its own terms and conditions that the Board can place on it. We have proposed terms and conditions for the Board. Those are what Francis said and pointed out. We are asking for a maximum number of residential units and a maximum number of commercial space. If a grocery store is going in there, we are limiting the size of that to a maximum of 35,000 sq. ft. and another 65,000 sq. ft. in a variety of buildings for other non-residential type of uses and 170 residential uses consisting of detached single family cottages, condominium types and multi-family condominiums and apartments. If the Board does not authorize the rezoning then the applicant does not have any authority to go further in the process.

Renee Picarello, 62 Charles Street: At the June 16th meeting it stated that you would allow up to five people in a two bedroom condo and three people in a one bedroom apartment. Basically, they had figured out that there would be .3 children . . . so you are saying if you are putting in condos you are going to have about 48 school kids added to the district. If you have 182 units of condos and apartments, there will be a lot more than 48 kids. People move here to raise a family not to come as a single person. It is a family area. And my other question is this ever going to go to a public vote because you have a very small percentage of people that are able to be here tonight to make comment on how they feel. Unfortunately, people are under other obligations and cannot always make these meetings.

Deputy Mayor Scheels: No. It does not go to a public vote. That is why we have public hearings so that we can listen to the public. At the last meeting, we did change it from five people in a two bedroom condo and four people in a two bedroom condo.

Trustee Kiernan: Mrs. Picarello, did you understand what JoAnn just said?

Renee Picarello: Yes, I understand.

Deputy Mayor Scheels: Mrs. Brown?

Theresa Brown: I am interested in what he said. As a Board I would like you to consider the fact that yes we are looking at a village situation. But if we have 500 units going in the Town and 182 units in the Village, they are go to the same school.

Deputy Mayor Scheels: Absolutely.

Trustee Kiernan: That is a senior project that going in out in the Town.

Deputy Mayor Scheels: The senior project at the Village at Goodwill is 55 and over.

Theresa Brown: You are still going to have an impact because taxes and everything is going to be so different. And as a point of information, the reports are on file are in the Village Office.

Maureen Morrissey, 5 Oakley Street: I am interested in seeing what this 36 acres will be like if you approve the condominiums. You can just go into Country Club Heights in Maybrook and see what it would be like . . . this will not be a farming community if you allow this kind of development to happen to our village. Thank you.

Deputy Mayor Scheels: No. That was very poor planning on the part of Maybrook.

Donna Suydam, 129 Senior Street: I have a few concerns. Today when I was home at lunch time our water was brown. It has been an intermittent problem. I called the Village and they were wonderful and they sent someone over right away. I was told the pipes were old and they were in the process of changing pipes in the Village. However, on my street my house is the end of that section of pipe and looping it would help. However, because of the expense it not something that is going to be done for years. So, they told be to run the water for 10 minutes and hopefully it will clear up. It could be because of

the sediment in the pipe making the water brown. My question is does the village incur the cost of all the water and sewer or does the owner of properties?

Deputy Mayor Scheels: The developer incurs all the cost to get water and sewer services.

Donna Suydam: I also have a concern of this development altering the perfection of our small village. And we do have a problem with our schools. When we dismiss our sixth graders on the first bell and they can get their coats and backpacks in the hallway. We do the best we can. We have large classrooms and ratio of students to teachers. That's all that I have to say.

Deputy Mayor Scheels: Thank you. Next?

Anibal Rodriquez, 202 Oriole Drive: This water that the village is going to get and they will be tying into the exiting pipes, are they going to pump another two wells into the system?

Deputy Mayor Scheels: They are already there.

Trustee Kiernan: They are already in.

Anibal Rodriquez: I have lived in the Heights since I was 36 years old, and right now there are water mains coming apart. I don't know how old the pipes are in the Village here. I am sure they are a lot older than the ones in the developments. So, by building up the pressure and tying into the old existing piping, you are going to have more problems . . .

Deputy Mayor Scheels: You should not have more problems. You should just have more water.

Anibal Rodriques: Can you see underground and see the situation of the pipes and the condition of the pipes? No, even with the sewers either. Here in the Village right now, they are having problems because a lot of the restaurants and delis and pumping grease from their cooking into the sewer. There are no grease traps in the either the restaurants or delis and that is a state law.

Trustee Kiernan: There are some grease traps out there.

Anibal Rodriques: There may be some but I am just saying that all of them should have a grease trap because that is state law. You can't tell those people the water system and the sewer system is up to par when they have been here for the last 60 years and there is going to be a lot of problems as you are adding more houses and development. Sooner or later who is going to pay for this, residents of Montgomery. Case closed.

Trustee Kiernan: Can I answer that?

Deputy Mayor Scheels: I don't think you can answer that at this point in time.

Trustee Kiernan: Okay.

Deputy Mayor Scheels: Yes, ma'am.

Joan Grippo, 213 Oriole Drive: My concern is in two areas. I work in Montgomery Elementary School and dismissal is abundant. I would like to address the weekends. I can't get out. Whether I go Snow Bunting or Chandler Lane, I have to wait a considerable amount of time for the traffic going in both directions before I can get out. And, I have addressed this before in other meetings. I would like to know what the traffic study says in this regard. If for example, if you are going to put in 180 homes, let's say one car per family, that would be at least 180 additional cars once a day. You know as well as I do that we don't just go out once a day. So now you are talking, if my addition is right, 360 cars. How long will it take you to get on Rt. 211 to go to Middletown or again I will express the same point as I did the last time, you'll have to go on I-84 to get to Middletown to do your shopping. My second remark is regarding the water pressure. Lind, you live right up the block from me, the water pressure is terrible.

Trustee Cantiello: At times, yes.

Joan Grippo: When you turn the water on in a particular part of the day, especially around the dinner time, I would probably have a little better than a trickle. I would like to know how this new development is going to address this water pressure before I have no water at all.

Deputy Mayor Scheels: Thank you. Yes, sir you are next.

Robert Maglione, 217 Oriole Drive: I moved up here last November. I am also worried about the class for the level for the 182 units and Section 8 housing. So is there a law that you have to allow a minimum for Section 8 housing? That would have an affect on property values. We would have to lock our doors. We would have to lock our cars. I am really worried about that. If that would change, it would affect all of us. I know there has to be progress, but I hate to see it change.

Deputy Mayor Scheels: One question, you do realize that it is industrial right now?

Robert Maglione: Yes. What are they going to put in industrial, big buildings?

Deputy Mayor Scheels: Big buildings. . .

Robert Maglione: Keep it the way it is.

Deputy Mayor Scheels: You can't prevent people from building on their land. It is against the law.

Robert Maglione: What is the law on low-income housing?

Atty. Catalano: They are not proposing any Section 8 housing.

Robert Maglione: Is that going to change down the road?

Deputy Mayor Scheels: No.

Atty. Catalano: No. There development is not going to be developed as affordable housing. There is no federal money for it.

Deputy Mayor Scheels: The Village Board is discussing that the housing will be owner-occupied. If we allow a project like this to go in there, the Village can be very specific of what we allow. So, say if we allow condominiums, we can specify that they can only be owner-occupied and that they cannot be rented out. So, we can put preventative measures on the project.

Robert Maglione: When you say the Village, who do you mean?

Deputy Mayor Scheels: You have to come to the Board meetings that we have the first and third Tuesdays of each month and you would express your interest in the Village and what you would like to see. That is why were elected so that we get an ideas of what you would like and then we can put it out there.

Robert Maglione: Can I ask what the positive would be?

Deputy Mayor Scheels: Joe, you can answer that.

Atty. Catalano: That is a question I would like to address. I listened to all the comments and I appreciate your position and your opinions. I do this a lot for other towns and sometimes sit where Kevin is now. But, I get the feeling that a lot people have not really looked at the actual details of the proposal that have been submitted to the Board because I can tell you that I have worked very hard along with Marc, his father here and Francis in trying to put a project together that would fit into this community. We have not disregarded any of your concerns that you have expressed tonight. In fact, we tried to make it so it would work and be an asset to the Village and not a detriment or something this Board or Marc or anybody involved in the project would not be supremely proud of it. The benefits for this project is trying to do what a lot of the planners now call new urbanism or New York traditional type of development, which is where the status falls now in development and even with strip malls or with single family homes on half acre or more lots. We tried to compact that development so you could afford a couple of things that are benefits. One is for the development to use utilities efficiently because of the water and sewer and all those infrastructure elements. In addition, the Board has been very adamant from the beginning to limit the size of these condominiums or apartment units to one or two bedrooms. That does a number of things, one that creates less of an abundance of large families, obviously, and more of a market for people who are tying to start a new family, perhaps or a single professional, single worker or empty nesters, retired folks that really don't want that hassle of caring for a half-acre piece of property or lawn. This is all going to be a self-contained development. So, the homeowners association is going to maintain and improve all the roads and sidewalks, lawns, open space, everything. It will be really a turn-key kind of situation for any resident. We feel that is going attract people that are really not interested in having families for the long term. So, it might be new families, couples without children, senior citizens that may not want move out of the Village but move into condominiums, things like that. The other thing that the Village Board has required us to do is to put in a substantial amount of commercial space. What this does is that it generates a high volume of taxes for the Village, for the school district, for the Town and County. But it does not have the added services needed such as school children, garbage removal, things like this. The other benefits the development is proposing is that this project is all going to be privately maintained. So, there will be no impacts on the Village Department of Public Works. Trash removal will be all taken care of. The sidewalks will be privately maintained. So, it

is going to be a very limited amount of services that the Village is going to have to provide to this property. Those services will include fire and police protection. We have determined there should be enough capacity to be able to handle this type of development. A couple of other things, just to mention is production wells that have been developed on the site by the owner. These wells really hit pay dirt. The amount of yield from those wells will almost double the water supply of the Village as it is right now. The Village has for many years looked for other water sources and we have found one and are willing to donate it to the Village even though this development is going to use a small fraction of that water. So, all that will be donated to the Village at no cost. And the infrastructure, the sewer lines and water lines, will all be paid for by the developer. There should be no impacts to your existing system. In fact, there should be an improvement in your water supply, a great improvement. So, in addition, the design of this project has been proposed to be consistent with your scale of your village. What we did is take the center of the village, as exists right now, and take a little bit of that toward this end of the village. The Board of Trustees is going to have the design approval and control over the types of buildings and architectural design that will be offered. And we feel that we will be able to work with the Village Board and the ideas that Marc has in mind is keeping with historic. So, we feel that we have addressed a lot of the comments and anticipated a lot of these kinds of concerns in our original proposal. I would seriously invite you to take a look at what is proposed and the description of the type of uses and such. We think that it is going to be an asset to the Village on the whole. It will raise a significant amount of taxes that would not otherwise be raised by this basically vacant parcel of property. The industrial uses, I think, could be stated, matter of fact, are not appropriate for your village setting at this time. I don't think that it would be appropriate and I don't think residents of Viking Heights would really appreciate a truck stop or warehousing on that particular piece of property. That was thinking that was done decades ago when your village was not developed in an industrial way. We feel this project is more in keeping with the Village character and that is why we have asked the Board to consider this. Thank you.

Deputy Mayor Scheels: The gentleman over there.

Peter Reginella: I live in the Town of Montgomery. I don't live in the Village but I have a business in the Village. How much commercial do you have in the Village right now? Does anyone know?

Trustee Kiernan: I don't think that we have that much.

Peter Reginella: I think this project is double or triple than what we have now. Are we changing the nature of the village? What's going to happen to our historic area? It seems to like the whole center of the village will shift this way because that is a lot space for a store, a deli, a restaurant, and this and that. And I am thinking, what is going to happen. The building, there is not much you can do about it. I think that basically it is going to die off and it is going to have a very dramatic impact on the character of the village. A 110,000 sq. ft. of commercial you are talking about. I personally do not have a problem with it because what I will do is move and I will rent from Mr. Devitt. I heard only good things about the Devitt's. So, I will just close up my store there and move over to where the action is going to be. For number one, that is something to think about. Number 2, this gentleman spoke very candidly about the benefits and the infrastructure, etc. Again, I don't live in the Village but I have concerns. I've built a business here and would love to see this town continue. Most of my business is from out of town. I do very little business

from the village or town. I get it from Westchester and Jersey but these people like to come to a nice beautiful town. It's the first time they come to try on a dress at my shop and they might not come up for second try. I might lose a sale. Again, that is my problem. About the infrastructure, you speak very elegantly about it. You speak about the middle schools, the high school, the people are not going to move here. But I think their concerns have been addressed. I understand you have the details, but I would like to hear from you if you could address those concerns because I'm interested. On the one hand, the professionals say, you have .3 of a child and on the other hand this woman who is there everyday tells another story. This young man is there everyday and he tells a different story. Who do I believe? Do I need to go the school myself and walk the hallways? Who do I believe? But that is something that can be addressed. I think that you should address it because it is legitimate.

Deputy Mayor Scheels: We will address it but not just tonight.

Peter Reginella: I made notes and listened to those who spoke . . . if you want me to shut up I will.

Deputy Mayor Scheels: I made notes too . . .

Richard Neidermeyer: . . . answer his questions.

Deputy Mayor Scheels: . . . I am not asking you to be quiet. I am just saying that this is a public hearing and we are here to listen to the public. We can't answer the questions. We can only listen and I have been listening and for people to keep going over the same thing, it is not going to change the fact that we can only listen. I understand what you are saying about the businesses.

Peter Reginella: I'm not asking you to answer the concerns. I didn't hear that gentleman handle the concerns.

Deputy Mayor Scheels: They are not here to answer the questions. This is only the public hearing.

Atty Catalano: I can answer the gentleman. We responded to these concerns in the environmental impact statement that are on file. Just to summarize, the calculation of the number of children that this project may generate was first 48 children. These are based on studies that are done by professional planners across the country and they are acceptable studies on how to project the number of children that they allow into two bedroom or single bedroom apartments. They are numbers that are based on existing projects within your town as well. They are estimates based on the fact of maximum amount of bedrooms that can be allowed on these things. The issues regarding the conditions of the school, at this time are obviously not generated by the project. Because this project is not adding to the school all at once, it is over phases as the project is being built. It will be slow phasing in of the number of students. The project is something like an eight-year type of building plan.

Peter Reginella: I understand. What you are saying is the projection by the professionals is done in a vacuum, in a laboratory without calculating the realities that is in.

Atty. Catalano: It is not done in a laboratory.

Marc Devitt: In the Village right now, we have 110 apartment units, one and two bedroom, and there are 17 school-age children that calculates out to 1.8 children per unit. We can go on what we have, but that is what we know. Outside of that, we have to rely on the professionals in the studies that they do.

Deputy Mayor Scheels: Thank you.

Peter Reginella: The key is the infrastructure in place cannot handle the students currently here. That's the key. What must happen whether it is .8 or .3, is that we have to increase the infrastructure to handle any increase whatsoever. If right now they are busting out of the seams by add .3, there will be .3 too much. So, we will have to add another school or build an addition to a school in order to handle even the .3. But, anyway you answered the question. The other thing, I don't believe the village tax will be a problem other than the sewage treatment plant. But if the sewage treatment plant has to be expanded the village residents will have to pay for that. What I am really concerned about is the school tax because I live in the town. I pay that school tax and .3 or not .3, we pay too much as it is. And we know what we have now does not seem to be enough for our kids, so we will have to incur a lot of expenses. These are some of things that I wanted to bring up. Again, ma'am I concerned about shifting the center of the village.

Deputy Mayor Scheels: That is why when I told you when and if we get to the point of going to put something up there, we are going to have specific guidelines of what can go up there so that we don't do that. We certainly don't want to loose our village. I was born and raised here and that has always been there, I love it dearly, I would not like to see it go any where. But if something else comes in, that is fine and good but they need to have something different to offer.

Peter Reginella: You know right now, a lot of the landlords are spending a lot money to renovate and update those historic buildings in conformance with the historic nature of the village. They have spent a lot of money and the renters are paying a little bit more because of it. They want to keep it historic for the village. I opened my store a little more than four years ago and I bring people into the village . . . most of customers are from outside so I don't worry about people putting pressure if I speak my mind. So, I will speak my mind every chance I get and I can take that business at this point anywhere. Right now with the Daily Bean closed and Verizon just went out and a couple of other stores on Clinton Street, I feel it. Pedestrian traffic is important to me. Nobody walks anymore and if you think people are going to walk to whatever you build, yes, if it's done right they will. I'm telling you I see nothing in the Village.

Deputy Mayor Scheels: That is why I have spent a little more than a year on the Master Plan Committee to make sure that it stays way.

Trustee Kiernan: Keep in mind there will be 110,000 sq. ft. of commercial space and probably 40% of that is under one building and will be a grocery market that would be 40,000 sq. ft.

Peter Reginella: You know when I saw the River School open up in Mr. Devitt's building over there. I thought great I am going to get all these artist people coming around to the

coffee shop and they would come into my shop and they just moved. They went to Mr. Devitt's other building. . .

Deputy Mayor Scheels: Right, because they grew too big and had to move. We agree with on not wanting to upset the balance of the Village.

Peter Reginella: Thank you for letting me speak tonight.

Frank Tyrell: I think I can pretty much speak for everyone here that we are pretty much all against the apartments. We know that we are going to have development down there. We want it done in a way that so as not to have access off Chandler Lane. We know there is going to be condos in there, one and two bedrooms. We want it owner occupied. We want some commercial in there, but we do not want to hurt or compete with the downtown like Pete just said. We just want it developed the way we know that it is right and hope he develops it right. But, we know we don't want apartments up here because we know it will bring undesirable people that we don't want. For access, you have Rt.416 and Rt.211 which would be perfect off there. If anybody had to shop, they could drive there because we have to drive from up here anyway. If you want to have sidewalks, you could have them down Rt.211 and connect to the rest of the Village and then anybody could walk from there and go uptown to the Village. We are concerned if you have apartments and condos, it is not like the homeowners here in the Village are going to be walking from the Village to the condos. We are not going to do that. If they have to shop they will be driving just like we have to do with everything else up here, get in your car and drive over there. But, we really don't want any access off or to Chandler Lane. We can get back and forth to work. We are not worried about new people moving here. We care about what we have here in the community and that is why we were insisting on single-family homes, but we are willing to negotiate with single family homes and condo. But, we definitely don't want apartments. Apartments are not what we are about. Okay, we know Marc and Ed do a good job and that is what we expect. We don't want access off Chandler Lane. You can tie into the sewer lines and do what your performance bond is and meet your times frames, etc. We are not against development. We know it's going to happen. We have an impact and we want what we want to see and we want to maintain the community as it is. We don't have sidewalks in our development and we don't care because we don't want to have sidewalks and having people walk here and hanging out in our development. I'm sure every homeowner is not going to hang out in the condos. Okay, so that is the bottom line. That is why we are here. We want to keep the Village a nice place to live. The schools are good and that is the way we want to keep it. You change Viking Heights, you don't have to worry about a historic society.

Deputy Mayor Scheels: I just want to assure you that we are listening to you. I did tell you that is why we had this public hearing now instead of later so everybody could attend it. And I did tell you we have been listening to you as far as the apartment/condo issue. So, we are listening to the public.

Trustee Kiernan: I would like to say one thing JoAnn if I could to help Frank out a little bit. I think you are going to find probably 70% or 80% or more that you are going to be happy with without further discussion. But first and foremost I would like you to think about 36 acres with zoning in the Village of Montgomery for single family units of 12,000 feet. If you would have taken that number of units and put it at that property as single family homes of two and three bedrooms, the entry into your schools would be catastrophic. Way more than what this present project proposes. If you take 36 acres

and put three or four house on each acre, two or three bedrooms, think about what that repercussion has to your Village.

Deputy Mayor Scheels: Yes, sir.

Richard Hornbeck, 126 Olsen Court: Along with what Frank said here. I agree with him. I mean I don't mind having commercial use over there and condos, but I'm really against apartments. Ownership is one thing, rental is another. You can't really control it. How are you going to screen the people who go into those apartments? How are you going to do it? If you don't rent all them, what's going to happen when you don't rent them all? Can somebody address that for me? Because if we have 110 apartments and you rent only 50 or 60 of them, what happens to the other ones? Who is going to control that? You say your attentions are not Section 8 housing, but your attentions don't mean anything. So, I'm really against the apartments. I'm sorry.

Deputy Mayor Scheels: We have heard that. That has come across loud and clear. We know and we are with you.

Richard Hornbeck: I have another thing. Chandler Lane is really not going to be able to handle all that traffic. I'm telling you now, I drive up it everyday and it is not going to be able handle all that traffic. I know the other place is going to have 400 retirees. It is a thoroughfare and we know people coming down Rt.211 are using it when they want to get over to I-84. It is a very busy road and a very small road right now. You are going to have to do a lot of work on it like widening it. Then to think that you are going to get a lot of traffic coming in from the opposite side joining us. I don't want entries onto Chandler Lane. Use Rt.211 and Rt.416. You are eventually going to have to have a light up there at that intersection anyway. You are getting close to have one there now. I am just voicing my opinion now. I don't think there is anybody in here, sitting here right now, that wants to have Chandler Lane as an access point to this project. Am I right or wrong? Everyone responded "right." We don't want apartments. All right, I'm done.

Robert Wiggins, 272 Union Street (member of AHRB): My first question is and I was just wondering if you have architectural drawings of the proposed units and commercial property? My other question is will the Architectural Review Board have any input? The Devitt's have very nicely in the past done this, but they are not required to?

Deputy Mayor Scheels: Right now, we haven't even accepted the PDD, so we are not to the point where we can put any buildings anywhere at all. They have brought us some drawings, sketches of what they would like to see like cottages for the condos. They brought it to our last meeting. I'm sure Marc is going to look to the AHRB or Master Plan for information. I don't foresee that he is going to change. He's born and raised here.

Robert Wiggins: Can you put these things out so people can see it?

Trustee Kiernan: They can go on line and see it.

Deputy Mayor Scheels: They have it on line. It's at the Village Hall and library. They are available for the public. We want the public to know what is being proposed. It's there.

Robert Wiggins: Thank you.

Deputy Mayor Scheels: Next.

Richard Neideremeyer, 222 Cardinal Drive: I've seen a lot of good points. One thing that I want to point out, as this is an open forum, is the children and play area. Recently we have put a new senior building in the park and displaced a lot of children. I connected to the community and I'm in the community a lot and I have noticed 30 or so children just wandering in the park with no real place to go. They have to actually use the parking lot of the senior center. In this development could it be put in that they put some place for the children to play?

Deputy Mayor Scheels: That is definitely something we could address. Anyone else have any questions or comments? With that I want to thank everybody for coming tonight. I did take notes and we will discuss everything. Nothing is set in stone yet. We will listen to you and I can guarantee that. At this time I would like to entertain a motion to close the public hearing.

Moved by Trustee Andolsek, seconded by Trustee Cantiello, the Board closed the Public Hearing at 8:56 P.M. The motion carried by a 4-AYE, 0-NAY vote.

Village Clerk Linda L. Thompson