

St12Minutes of the Special Meeting of the Board of Trustees of the Village of Montgomery held in the Meeting Room at 133 Clinton Street, Montgomery, NY 12549 on Thursday, **July 17, 2008** at 10:00 A.M.

Present: Deputy Mayor Scheels, Trustee Andolsek, Trustee Cantiello, Trustee Kiernan; (Absent- Mayor Brescia); Atty. Dowd.

Moved by Trustee Andolsek, seconded by Trustee Cantiello, Mayor Brescia opened the Special Meeting. The motion carried by a 4-AYE, 0-NAY vote.

**RE: DEVITT MANAGEMENT PDD PROJECT
CHANDLER LANE/RT.211**

Deputy Mayor Scheels advised the purpose of this meeting is to discuss the Devitt Management PDD Project. The Board read the letter from the Orange County Planning Department received prior to the meeting, and discussed Atty. Dowd's letter to the Board dated July 9th.

Atty. Dowd explained the process that lead up to the letter and the changes that took place from the first submission by the applicant. When the document was to the Board's satisfaction, they continued to the Findings Statement stage. A meeting was scheduled for the Village's consultants to meet but subsequently it was cancelled because he and Alan Sorensen could not make it. The July 1st meeting of the Board was the first time he had seen the Resolution and Findings Statement. Upon review the next day he saw some problems with the resolution which lead to the letter sent to the Board. He expressed his feelings of not being against the project but only wanting to protect the Village because of the large number in attendance at the public hearings and meetings. It was his intent to make sure what in the documents is what the Board wanted without any questions. Upon further review, he feels perhaps GML 239 referral process may have not been followed. Also, because of the changes from one and two bedrooms to two bedroom condos there may be issues such as impacts on population, number of school age kids, etc. Deputy Mayor Scheels said when they met with the applicant and their consultants they asked many questions and we were satisfied with the answers.

Then Atty. Dowd proceeded to review Schedule A of the Findings Statement with the Board to determine if the content is what the Board intended. The Board discussed what they want and do not want for a PDD project. After reviewing Schedule A, Atty. Dowd will further clarify, for example, rental with the option to buy, reasonable amount of time to display business signs, etc. The Board also agreed Recreation Fees would be paid upfront before issuance of a certificate of occupancies, for example 50% when the project is approved by the Planning Board and 50% when the first building permit is issued.

Atty. Dowd stated the Village Board has proceeded at breakneck speed with the project compared to other towns and Orange County. Trustee Kiernan and the Board agree saying that the Board has done a lot of work staying on track to bring this project so far in a short of amount of time. The applicant as well has worked hard.

Deputy Mayor Scheels said it is important to state clearly all conditions that apply to a PDD. Atty. Dowd said that is why it is important what was discussed and was agreed

upon is in Schedule A. If the Planning Board is not sure what the Board intended, it will go back to the Village Board for further clarification.

Upon further discussion, Atty. Dowd said because the Board may not have followed procedures for adoption of a local law, he recommended at the next meeting, August 1st, the local law to change the zone from an I-1 to a PDD be reintroduced to the Board and a public hearing can be set for August 19th before the regular meeting. The Board then can adopt the local law that night. If there are any further changes to Schedule A, the Board can contact him and the changes will be made accordingly. He will prepare the Notice of Public Hearing and Local Law for the next meeting if that is the direction the Board would like to proceed.

Deputy Mayor Scheels and the Board were reluctant because they feel it was done properly but agreed it is probably the best thing to do to eliminate questions if they should arise in the future.

Moved by Trustee Cantiello, seconded by Trustee Andolsek, the Board adjourned the meeting at 12:20 P.M. The motion carried by a 4-AYE, 0-NAY vote.

Village Clerk Linda L. Thompson