

Minutes of the Regular Meeting, of the Board of Trustees, of the Village of Montgomery, was held in the Meeting Room, at 133 Clinton Street, Montgomery, NY 12549, on January 18, 2022, at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Will Frank (Absent), Atty. Stephanie Midler, Village Clerk Rivera-Fernandez, PB Chrmn. Conero, PB Mbr. Steed, Ross Winglovitz, Brian Rivenburgh, Mary Ann Lindner,

CALL TO ORDER

PLEDGE OF ALLEGIANCE

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

MINUTES

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board approved the minutes of January 4, 2022, with a correction on page one, on the third to the last paragraph, of the first sentence by inserting “not” after but and before for other areas of the Village. Motion carried, 5-Ayes, 0-Nays.

REQUEST TO MEET WITH BOARD

Ross Winglovitz, PE with Engineering & Surveying Properties, PC representing for Rowley Development Corp. The subject for the meeting tonight, is an application that Brian Rivenburgh has in front of the Planning Board, regarding the re-development of the property on Railroad Avenue, between the railroad tracks and the old Brescia Lumber yard. Now what we are looking to do is develop this consistent with the new zoning that was adopted for the property. A portion of the property was re-zoned as an R-6, the southern part as a B-2. What we are proposing is seven duplexes on the south end, and at the corner a mixed-use building with three stories, with 6,000 sq. ft. of commercial on the first floor with two floors of apartments with six on each floor, for a total of 12 apartments. Along with that development, there will be the construction of a twenty-four-space parking lot for the residents as well as the construction of a nineteen-space parking lot that they are looking to dedicate to the Village as a municipal parking lot. In addition to the nineteen spaces, we are proposing to construct eleven more spaces along Railroad Avenue, which will be more formalized parking with curbing sidewalks, street trees, etc. to finish the road way up in that commercial section to be consistent with downtown Clinton Street. The first parking lot entrance is off of Clinton Street which is proposed as the municipal parking lot. The second parking lot entrance is directly off of Charles Street and is for the residential which is private. There are a lot of proposed public improvements, that the village would own and maintain. The Planning Board asked us to present to the Village Board this proposal and discuss its adequacy for the Village Board and the cost of the construction of those improvements.

Mayor Brescia asked Mr. Winglovitz if he is looking for the Village Board to accept the parking lot.

Mr. Winglovitz replied, yes, the public parking lot on the end and then there will be formalized parallel parking along Railroad Avenue from Clinton Street to just past Charles Street.

Mayor Brescia said he’s aware of some concerns the Planning Board has regarding the parking lot. However, he would definitely like see the Village acquire the parking lot as a municipal parking. We need parking, we have lost parking in the Downtown of Montgomery. In the comprehensive plan, the committee had a concept was to extend the B-2 zone from downtown in that area. It is through that prerequisite that you should have a municipal parking lot there. The existing businesses, besides the one’s that will be created, to name a few – Chambers, the hair salons, there are businesses at the old Rowley Lumber, not to mention the events such as General Montgomery Day, Toys for Tots which we need parking for. It may very well be a good area for a farmers’ market sometime in the future, to be held in the parking lot. Of course, the Village will have to maintain the parking lot. He strongly feels

the Village will benefit greatly with additional parking. As it was mentioned to him, Walt, and to Kevin by Brain that the parking lot would be dedicated to the Village but was not planning on paving it. He has spoken with Brian since and said he would help out with regard to prepping the parking lot.

Trustee Lindner asked Brain about the private parking that is designated for the apartments, is strictly for the apartments and not for the businesses.

Mr. Rivenburgh replied, yes that is correct.

Trustee Lindner asked Brian how many parking spaces that are required to have for the six thousand square foot retail on the first floor.

Ross replied, according to the Village Code a 6,000 square foot retail is required to have a maximum of thirty parking spaces. There are two scenarios' depending on the uses, it is either 1 per 200 or 1 per 250. So, the worst-case scenario it's thirty parking spaces by the code. There are 19 spaces in the parking lot and 11 on the street.

Trustee Hembury asked, how it is the parking going to governed? Who is to say the apartment residents will not be using the municipal parking lot should they decided to have more two vehicles?

Mayor Brescia said he feels the parking lot cannot be governed. Keep in mind, there will be parking at different hours of the day. Chances are the businesses are not going to be open after 5 pm. People may park there at night, with some overflow parking. In the downtown area, we had wanted to buy the parking lot behind the bandstand from Rich and Brian, but it wasn't possible, they needed that for Walden Savings Bank. Projects are being proposed to be built in the downtown area, where we are going to lose parking.

Trustee Lindner said, creating thirty parking spaces in the municipal lot, between the nineteen and eleven, it meets the requirements for the amount of the parking for the commercial use.

Ross said that is the worst-case scenario, for the size of the first floor of commercial use.

Trustee Hembury said, the Village is responsible for maintaining it.

Mayor Brescia commented the Village is responsible for maintaining the parking lot once it's been dedicated to the Village, as Village property. If for any reason the Village does not accept the parking lot, in which case the parking lot it is their responsibility and remains their property.

Trustee Hembury said, he thinks it will be used as Village parking anyway. At this point, everybody seems to have parking now for the businesses. What we are doing is creating a parking lot for this new development. It's no secret; he is totally against this development and votes against it. He did like it from the beginning. It is closing in, after speaking with the neighboring residents and they do not want it. For the record, he is not changing his mind.

PB Chrmn. Conero asked Atty. Midler from a Planning perspective, we have an issue where we need thirty parking spaces and they only have nineteen spaces. It's a lot that's not been constructed for one. And secondly, what they are here for tonight, according to Lanc & Tully: "The full requirement for the residential spaces has been provided while the commercial uses will utilize the parking lot proposed to be dedicated to the Village. The applicant is seeking a waiver from the Planning Board to reduce the overall amount of parking for the commercial portion of the project in accordance with 122-45D (5)". He looked it up and suggests getting more clarification from Lanc & Tully on that. We note that onsite parking will be supplemented by on-street parking to be constructed by the applicant. We note parking on Railroad Avenue would need to be approved by the Village Board. So, what they are really here for is the parking on Railroad not just the commercial lot. He looked it up today, there was some talk about referring them for the public parking to be dedicated to the Village Board. This is not the case today;

this is about parking on the street. There are fewer parking spaces on the street. Tonight, before coming here, he saw fifteen parked cars at four and five o'clock on Railroad Avenue already. He is just saying that he isn't sure how we are going to accommodate the 6,000 square foot retail and parking on the street in a small lot with the existing businesses that are there.

Mayor Brescia asked if there were fifteen cars parked on both sides of Railroad Avenue.

PB Chrmn. Conero said it was mostly on this side of Railroad Avenue from Modd66 to the corner. We tried to get as much parking for Modd66 on site as much as we could. However, from Modd66 and down to the corner, a lot of these proposed parking spaces are going to be used for the existing businesses on Railroad Avenue. Which they may be forced to park further down on Railroad Avenue or somewhere else. From the prospective of the Planning Board, he is concerned with having appropriate parking for the commercial space. Not knowing what type of businesses that are going be and that it's not constructed. He asked Atty. Midler for her assistance.

Atty. Midler said unfortunately, this a Rowley application so she refers him to Atty. McKay. However, she advises the Village Board at this time there are a lot of questions, which she is also wondering exactly what portions are for the Village Board and the Planning Board.

Chrmn. Conero said putting Rowley aside for a moment, the Planning Board has an applicant that wants to construct a parking lot and that isn't constructed as of yet, how do we make this work. Is it a conditional thing, where you say it has to have a conditional approval until the parking lot is constructed or it is...?

Atty. Midler said yes, it has to be. (In audible) speaking at the same time and over each other.

Mr. Winglovitz said with these site improvements, the CEO of the building would be subject to the completion of the site.

PB Chrmn. Conero asked does that mean the Village of Montgomery has to construct that before it can be approve the commercial aspect of this project.

Trustee Lindner replied, I do not think the Village is constructing it at all.

Mayor Brescia said there was a question about the parking lot being paved.

PB Chrmn. Conero said even if it's not been paved, its constructed. In other words, if the applicant puts in and builds a commercial space of this size, it needs thirty parking spaces and that is not constructed. He also asked if we are putting emergency parking in, this is what he is trying to convey and what he is up against.

Mayor Brescia said it is highly unlikely that you are going to have thirty parking spaces filled. There is parking on the other side of Railroad Avenue and up the street. As it happens now in the downtown area. Currently people park and walk two or three blocks to go to Ward's Bridge Inn or to any other business.

Mr. Rivenburgh said when he first approached them about this project, and how to do it. The Board wanted to get rid of the industrial and create residential R-6 and B-2. Wasn't that the goal for Railroad Avenue to become an extension of downtown.

Trustee Lindner replied, yes.

Mr. Rivenburgh said if you are going to have an extension of downtown, you need a public parking lot. Now as far as constructing the parking lot goes; during the construction of the building for our parking lot, we are going to put in all of the curbing for the public parking lot.

Mr. Winglovitz said, that is correct for the curbing of the public parking lot, yes.

Mr. Rivenburgh further said, they are going to grade and pave it at the same time.

Mayor Brescia said, you are then going to pave it.

Mr. Rivenburgh replied, yes. What he is not going to do though, being apprehensive of Lanc & Tully Engineering loading up public parking lots with items that are not needed, such as special lighting and items of this nature. He amenable to relocated the telephone pole. The original cost to the move telephone pole was \$80,000 to move it and now its \$100,000.00. He is going to have Frontier relocate the telephone pole. We are adding all the curbing, and pave the parking lot to the same specifications as is our residential parking lot is being paved. Any lighting that the Village wants or anything else you want in the parking lot, that is on the Village. He feels that's fair enough.

Mayor Brescia said when we had a meeting, you said you weren't doing the paving. (In audible – too many speaking over each other and at the same time). We have never had sidewalks on Railroad Avenue.

Mr. Rivenburgh said the sidewalks are going all the way down the street and around, which we never have had before. It will become more formal. As far as the three commercial businesses, they are going to average about 15 or 16 hundred square feet because of the storage lockers we are adding for the apartments. He would be extremely shocked that those businesses are going to use all nineteen parking spaces.

Mayor Brescia said Trustee Andolsek mentioned, unless you are going to have a doctor's office.

Mr. Rivenburgh said the businesses are probably going to be open from 9 am to 5 pm or maybe 6 pm. On other times, at night and on the weekends, it's a public parking lot. The citizens of the Village of Montgomery, park anywhere anyway whether it's private or public parking.

Mayor Brescia said keep in mind that residents have to get their cars off the street after a snowfall of two inches or more. We some residents on Clinton Street and some areas that do not have off street parking. So, some have used the Senior Center parking or other areas during these times or get fined.

Mr. Rivenburgh said now you are going to have a commercial building there with store fronts on either side of the street with a public parking lot, it truly is an extension of downtown. The public lot benefits me too. He feels its going to be a corner stone. What has the Village done to increase the public parking in the last five years.

Mayor Brescia said we have lost parking.

PB Chrmn. Conero said Brian brought up a good point about the lighting. He did say, he isn't going to put in the lighting but you may want to look into it and ask Lanc and Tully, about the safety issues of the parking lot without lighting. There may have to be lighting added.

Mayor Brescia asked how much lighting do we currently have in the municipal parking lot now.

PB Chrmn. Conero said he is going by.....

Mayor Brescia said he doesn't think the municipal parking has any lighting other than the bandstand. It is something that we definitely have to look at.

Mr. Rivenburgh said lighting could be added to the side of the building.

Mayor Brescia said LED maybe best and would definitely help. The telephone pole that is to be relocated; will it have a light on it?

Mr. Winglovitz said there will two telephone poles that are not existing today.

Mayor Brescia said lighting could be added with more then the average street light as well.

Mr. Winglovitz replied yes, you can certainly do that.

PB Chrmn. Conero said that is why they are here today. They want to be able to use off premises parking for their site. This is what the Village Board has to approve.

Mayor Brescia said he would be amenable to that.

Trustee Lindner also agreed.

PB Chrmn. Conero said we want the parking lot. We have tried to expand the parking on Wallkill Avenue and it did not turn out as we had hoped. We have had ideas but nothing has ever materialized.

Trustee Hembury said he is aware that this is going to be parking for everybody but feels 90% of the spaces will be filled with people who already live there.

Mayor Brescia asked Mr. Winglovitz if he is looking for the Board to take action on this tonight.

Mr. Winglovitz replied, yes.

Atty. Midler asked if the Mayor or the Board has any legal questions of the applicants or application, she would strongly advise going to the outside counsel that the Planning Board has which is Atty. Joe McKay and not take any action tonight. If you have any questions, she is not familiar with any of the details.

Mr. Winglovitz asked if the Board could reach out to Atty. McKay for is opinion for the next meeting.

Mayor Brescia and the Board are agreeable to reaching out to Atty. McKay.

Mr. Winglovitz thanked the Board.

OLD BUSINESS

None

NEW BUSINESS

APPROVE RESIGNATION OF VILLAGE OF MONTGOMERY IT SUPPORT

Moved by Trustee Andolsek, seconded by Trustee Lindner, the Board accepted the resignation of the Village of Montgomery IT support, Jedd Jackie, effective January 1, 2022. Motion carried, 5-Ayes, 0-Nays.

Mayor Brescia asked the Village Clerk Rivera-Fernandez to invite Frank Dunne to the next Board meeting.

APPROVE CONTINUED USE OF THE RECREATION CENTER BY THE GIRL SCOUTS,
HEART OF THE HUDSON VALLEY TROOP 692

Moved by Trustee Hembury, seconded by Deputy Mayor Scheels, the Board approved the Girl Scout Heart of the Hudson Valley Troop 692 request continued use of the Recreation Center for their meetings on the second and fourth Thursday of the month, for the 2022 year; providing the proper certificate of insurance listing the Village of Montgomery as the additional insured. Motion carried, 5-Ayes, 0-Nays.

THE BOARD TO CONSIDER ADOPTING AN AMENDED FEE SCHEDULE

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board amended the Planning and Zoning Fee Schedule, for Major subdivision applications, section (e) Recreation Fees in lieu of parkland; the sum of \$2,000.00 for each dwelling unit created, and \$750.00 for each apartment, unless otherwise determined by the Board of Trustees. The Board held their decision on the remaining portion of the Fee Schedule for the next meeting on February 2, 2022. Motion carried, 5-Ayes, 0-Nays.

RESIDENT ON UNION STREET REQUESTS ADDITIONAL CROSSWALKS ON UNION STREET BETWEEN THE DOWNTOWN AND MES AND TO CONSIDER REDUCING THE SPEED LIMIT

The residents of 46 Union Street request additional crosswalks on Union Street between downtown area and the Montgomery Elementary School, as well as decreasing vehicle speed limit in the Village for safer crossing of Route 211 and accessing to the park.

Mayor Brescia said he spoke with the residents of 46 Union regarding their request and is agreeable to adding additional crosswalks on Union Street but is not agreeable with lowering the speed limit for the Village of Montgomery, NY.

CFA FUNDING AWARDED TO THE VILLAGE OF MONTGOMERY

Governor Kathy Hochul and the Housing Trust Fund Corporation congratulates the Village of Montgomery on be awarded \$20,0000 for the New York Main Street Program.

APPROVE SET UP AN (RFP) REQUEST FOR PROPOSAL FOR THE DESIGN GUIDELINES

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board approved creating a (RFP) Request for Proposal, for companies who could be interviewed for creating design guidelines in the village for commercial and industrial buildings. Motion carried, 5-Ayes, 0-Nays.

PUBLIC PORTION

No one addressed the Board with any questions or concerns for the public portion of this meeting.

ADJOURNMENT

Moved by Trustee Andolsek, seconded by Trustee Lindner, the Board adjourned the meeting of January 18, 2022, at 8:06 pm. Motion carried, 5-Ayes, 0-Nays.

Monserrate Rivera-Fernandez, Village Clerk