

MINUTES of the Village of Montgomery Planning Board meeting held in the Meeting Room of the Village Hall, 133 Clinton Street, on Wednesday, May 24, 2023, at 7:30 pm.

ATTENDANCE: Chrm. Conero, Mbr. Romano, Mbr. Steed, Mbr. Meyer, Mbr. Frisbie (absent), Vlg. Atty. Joseph McKay, Vlg. Eng. Scott Sicina of Lanc & Tully, Deborah Delgado (Village Part Time Clerk), Ross Winglovitz of Engineering & Surveying Properties, Lara Pruschki of Engineering & Surveying Properties, Michael P. Bontje of B. Laing Associates, John Cappello of J&G Law, Stosh Zamonsky of Anderson Design Group Architects, Officer Matthew, Trustee Randi Picarello, Trustee Walter Lindner, Marcia A. Jacobowitz, Esq., Mr. & Mrs. Mills for 109 Union, Officer Matthew

Public Attendees:

Achaia, James: Anticoli, Gabrielle: Baty, Al: Berger, Don: Fox, Margaret: Grasso, Margaret A.: Gunter, Emily: Holbert, David: Imbriani, Pat: Imbriani, Steve: Kitchenman, John: Ladanyi, Chris: Lindner, Mary Ann: Mahoney, Tim: Michael, Nancy: Monroe, Scott & Carol: Ocana, Carmela: Pahucki, Walter: Paz, F. Bryan: Ponessa, Brenda Dr.: Raab, Brandon: Reale, John: Reynolds, Bob & Cindy: Roerden, Gary: Suydam, Donna: Tipton, Karina: Van Zandt, Jeff: White, Nick:

Chrmn. Conero opened the meeting at 7:30pm with the Pledge of Allegiance. Thank you everyone. We have 3 items for old business tonight.

OLD BUSINESS:

99 Clinton Street – 202-3-13

Chrmn. Conero shared first on the agenda is 99 Clinton Street and asked Ross Winglovitz (from Engineering & Surveying Properties) who is represent that applicant.

Ross Winglovitz said yes. I don't have a plan and I just want to talk to the Attorney McKay about putting it on the agenda. Everyone knows the Village is purchasing that lot and I think the Attorney just needs a motion from the Planning Board to allow you to sign the Master, with certain conditions that would be held against escrow.

Attorney McKay confirmed. I did prepare the resolution (included in applicant file at Village Hall) for the Planning Board to review and what we are doing, we are essentially authorizing the Chairman to sign the final plat/maps and resolution. (Inaudible)

Chrmn. Conero asked applicant representation if they are ok with that?

Ross Winglovitz confirmed yes.

Chrmn. Conero asked for a motion for the Chairman to sign the Final Plat/Maps and resolution?

MOTION MADE at 7:35pm *for the Chairman to sign the Final Plat/Maps and resolution*, by **Mbr. Steed and seconded by Mbr. Romano.**

Motion Passed: 4 Ayes, 0 Nays

Ross Winglovitz said thank you.

Chrmn. Conero shared, we will get those to you at your office.

Chrmn. Conero shared, the next item of Old Business is 77 Clinton Street.

OLD BUSINESS:

77 Clinton Street – 202-3-7.2

Ross Winglovitz said I am representing Marc Devitt from Devitt Management. This is the lot next to our office. We were here in December and at that point we did not have architectural drawings. Marc had these prepared to present to the Planning Board and *get a referral to the AHRB*. We are in the Historic District and need AHRB review and approval. It's a very traditional house/building. Marc always does a wonderful job at what he does. We are looking for a referral on that (an architectural referral). As an update we forwarded on, we have done an archaeological assessment of the property. They didn't find anything. That was submitted to SHPO (State Historic Preservation Office). Hopefully by the time we come back to the AHRB, we will have SHPO sign-off on the State Environmental Quality Review Act (SEQRA) on the historic impacts.

Ross Winglovitz shared the other item that is out there is the *lot line change*. Remember this is part of that lot line change that is with 88 Charles Street and this parcel, that needs to be perfected. The Planning Board had conditional approval on the lot line change. Remember at the beginning there was an agreement to agree. All the landowners agreed they would modify the easement. We have been working through the last several months with everyone's attorneys. There are four parties involved in getting the agreement finalized, so it can be signed and then we can file the map. That is at the "5-yard line". We hope to have that agreement signed, so that we can bring the lot line change map and file it to allow Marc to finalize his approval. His site plan relies on that change.

Chrmn. Conero asked, when was this submitted to SHPO?

Ross Winglovitz that was submitted just recently.

Chrmn. Conero said, ok. What was that – Phase 1B?

Ross Winglovitz confirmed yes, Phase 1B. Which was tested on the property. That was done by Tracker Archeology company.

Chrmn. Conero shared, once we get this all together, we will refer to the AHRB.

Ross Winglovitz mentioned, I don't know if they need Historical Sign off from SHPO. They are just looking at the architecture is my understanding. We asked to go now, so

we can discuss the architectural approval from AHRB. Then we will come back to your board with SHPO in hand and hopefully with their approval or approval is modified, so that we can finalize the approval. The public hearing was held, and it was closed. We awaited the time frame that was needed.

MOTION MADE at 7:38pm to send 77 Clinton Street to AHRB for approval, by **Mbr. Romano and seconded by Mbr. Meyer.**

Motion Passed: 4 Ayes, 0 Nays

Ross Winglovitz said thank you.

Chrmn. Conero asked Ross how tall is that building?

Ross Winglovitz responded it's 22-feet.

Chrmn. Conero asked, do you have ZBA approval for the apartments upstairs?

Ross Winglovitz shared it's within ZBA compliant – falls under zoning code.

OLD BUSINESS

Butler – Dunn Road – 28-1-13.22

Chrmn. Conero shared next we have Butler which is on Dunn Road.

Ross Winglovitz said we were here before you last month, regarding the Butler application for 24,000 square foot contractor building and offices. We submitted coop design plans. Scott had several comments on the swift. It's kind of in a unique location. Our cage areas, our purpose areas where the good soil is. Our ponds would like to rely on filtration where the forest soils are. With that, we reach out to Scott. Scott reached out to DEC for some guidance on how we can deal with it. What we proposed was not acceptable to them. We are going to have to analyze this and move in a different way. Scott's comments relate primarily *deal with storm water*. I mean to bore anyone with things you don't want to hear about.

Ross Winglovitz reiterated, the other issue that we have is *perfecting the annexation*. The Village Board passed the motion for annexation. The map has never been filed, so today we learned the Attorney for the applicant who had been Aiello, had talked to Attorney W. Frank and are they are looking for a map of the annexation area, so that it can be filed with the county and can be finalized. I understand that the Planning Board does not want to have a hearing until that is done. I advised my client of that, and hopefully that will be completed in the next few weeks.

Chrmn. Conero asked, so the Board voted on it and approved annexation, and it just has not filed it yet? Who do we need to file it?

Attorney McKay shared there are a few steps:

The new territory is now approved and is in the Village under local law, but the next step of the process is for (doesn't specify who) but statute just says.

1. *Within a reasonable time* after the local law is adopted – *a survey of the new territory has to be performed*. It has to be filed with the county. Monuments have to be placed on the property. That's ending.
2. Needs *cooperation between the property owner and the Village Attorney* in order to work that out and get it done.
3. *A new Territory Map* has to be done and filed with the Orange County

Attorney McKay added, we can create a lot so then this Planning Board can for whatever approvals come in the future, we have complete jurisdiction over that lot.

Chrmn. Conero asked if that will go to Attorney W. Frank?

Attorney McKay confirmed yes, he's involved.

Ross Winglovitz said yes, he's involved and Kelly Markovitz, attorney for the applicant is involved. We are trying to get everybody together to get this finalized.

Chrmn. Conero said, ok.

Attorney McKay shared that piece of it, is a Village Board issue. Let me know when you're done.

Chrmn. Conero shared that was annexed in as an industrial piece of land. Was that zone industrial?

Attorney McKay shared he was not sure of the zoning.

Chrmn. Conero shared as far as he knows – it's industrial.

Ross Winglovitz confirmed it's adjacent to an I1. It was brought in as an I1.

Ross Winglovitz shared to Scott, a couple more comments besides the storm water: *Referral to the local fire department* – would Tina do that, or do we need to do that? Or we will work with her to figure that out, I guess is the best way?

Chrmn. Conero shared, I don't recall if we sent it, or Tina sends it.

Scott Sicina shared either way he can coordinate that. I don't think that's a problem.

Ross Winglovitz shared he would reach out to her, one way or another we will figure it out.

Attorney McKay shared that I spoke to Tina about it. She said, in cases where we start coordinated reviews with all listed agencies, it's her expectation that applicant will then, when filings need to be made – the items will be distributed to all agencies.

Ross Winglovitz shared we will take care of it.

Ross Winglovitz shared as far as *equipment and materials, the storage yard area* to be defined, so we will do that.

Ross Winglovitz shared that we noted that we are *not proposing curbing*. We are in an industrial area next to the airport. We have not proposed curbing the site. Part of the storm water plan is to allow sheet flow into the street.

Mbr. Romano asked if we have to officially say we are going to wave that?

Ross Winglovitz confirmed we have to ok that.

Ross Winglovitz shared ok that's it. We have to work on the annexation and get that perfected and the storm water comments and get the submissions together for next month.

Attorney McKay shared he has two questions, the information that is in there as you know in the past, (inaudible) In the file, I see the comment a nautical survey is supposed to be done?

Ross Winglovitz confirmed, we need to do that. We need the architecture, which is close to being finalized. We need to give elevation to each and every point in the building so they can run their analysis.

Attorney McKay shared, I also saw a note about decreasing/increasing the screening or at least having screening on the east lot line, near or between the lot line with the Johannes-Miller (Wiggins) house.

Ross Winglovitz shared the Hoeffner property is to the east, so there is an existing tree line. It's from here down will remain at the top of the hill. We are significantly below that elevation. The yard is being cut down and there will be a natural berm that will be left here. Then the screening near the woods that are here at the top of the hill will remain.

Chrmn. Conero shared I think you're talking about the screening next to the white house that's right there.

Ross Winglovitz said, I will update the landscape plan to make sure it's clear.

Chrmn. Conero asked if this is considered a warehouse?

Ross Winglovitz confirmed no. We went around and around with zoning and it came in under II. That was part of the interpretation from the Building Inspector regarding the use. It's interpreted as a non-use industry.

Chrmn. Conero said, it's been a while since we saw this.

Ross Winglovitz said, thank you very much.

Chrmn. Conero said, thank you for the update.

RE: FIRST ADJOURNED PUBLIC HEARINGS

RE: 109 UNION STREET 206-6-1.2

Owners: Mr. Harry & Mrs. Jennifer Mills

Chrmn. Conero said the next item on the agenda is 109 Union Street. This is an adjourned public hearing. There has been some additional information on this. Can I get a motion to open the public hearing?

MOTION MADE at 7:45pm to *open the Public Hearing for 109 Union Street*, by **Mbr. Steed and seconded by Mbr. Romano.**

Motion Passed: 4 Ayes, 0 Nays

Chrmn. Conero asked the representative of the applicant to go ahead.

Lara Pruschki shared, sure. I am Lara Pruschki with Engineering & Surveying Properties. Since the last meeting, we were referred to the Village Historic Architect for comments. We received comments back from her and the *most notable comment was the placement of the house along Sears Street*. The comment had addressed that this proposed dwelling should be in line with the principle dwelling in the front here. We noted, since this is actually fronting Union Street, we aligned this house with the adjacent house fronting Sears Street to be back down here towards this line. We believe the placement of the house is sufficient for this neighborhood.

Chrmn. Conero said, there was the design architect that did mention a few things. Not many, but they said that – I'm sure you have the letter. They questioned the *color* of it that was really it. They didn't have too much really to say about that. We do have a letter from the attorney and also Marcia A. Jacobowitz, Esq., sent a letter and we have that as well. Do any of the board members have any questions before we open it to the public?

Mbr. Romano shared that she doesn't have any questions. I think it looks nice and I am glad it's aligned with the house next door (referring to 129 Sears Street). I think that is sufficient for the neighbor's concern.

Chrmn. Conero said, if you have a comment on the site plan if you can come forward. We will limit to three minutes for your time. Please come up so the recorder can get you.

Donna Suydam shared hi. I live on 129 Sears Street. I own the home next to Harry and Jen Mills on the proposed property. Jason Rosenwasser could not be here. He's my advocate attorney. He could not be here today, as he had a conflict. Some things that he mentioned last month, I'm sorry as I had a difficult time hearing what this young lady shared about where it is aligned. Is it aligned with our house?

Marcia A. Jacobowitz, Esq. confirmed, yes.

Chrmn. Conero asked Donna Suydam if she could come up here, if not the recorder is not going to get you.

Donna Suydam asked can I just, see? Is this different than what we've seen? Is it a new rendering?

Chrmn. Conero shared no. It's the same rendering.

Donna Suydam asked if it's the set back on Sears?

Chrmn. Conero shared right.

Donna Suydam asked weren't they supposed to submit a photo from the street?

Chrmn. Conero shared well what we did was ask for photos to be sent to Elise Johnson-Schmidt. She's our board Historic Design Architect to go over what was submitted by the Mills. They also sent to SHPO and SHPO sent back basically, no impact letter. Elise sent back a letter too. We can get you a copy of that as well. Basically saying, the design of the house fits with the character of the neighborhood and that the placement of the house seems to be at a better location than being back further. I think personally, putting it back further, it's going to be more intrusive to your backyard, because the way this house is situated on the plan if you look, it's not as far back in your yard. If you push it further away and align it with the house 109 Union...

Donna Suydam said if it goes between our house and the proposed house, it will solve less feet, than it would from the other side of the proposed house to Mill's house.

Chrmn. Conero said, it all meets the zoning now, all the setbacks are OK on this. The only thing that we really were concerned about here was the historic significance of the building and how it's going to impact. There's a lot of the neighbors came out and spoke about their adjacent to the historic district.

Donna Suydam shared, and it can be seen from Union Street, and it's going to be seen from Union Street, which is the historic district. Unfortunately, the historic district ends at Union Street. So, but I wouldn't be able to be seen from that area. Has this gone to

Orange County Planning? It was suggested in the previous meeting. You mentioned it in January minutes, that you were going to have it sent to the referred.

Chrmn. Conero shared it was January 27th. It's basically saying that the Village should ensure the proposed dwelling would be sensitive to historic nature of the surrounding neighborhood as a site across the street from Union Street, Academy Hill, historic district such sensitivity should take into account the style, colors, and proposed building, in relation to the existing historic building in the historic district. And that's where this, along with the fact that it's adjacent to a historic area, we said that the SHPO, we can do that. We also sent it to Elise our design architect who used another project to look at over as well.

Donna Suydam shared here, you are specifically saying there's a decision to make, needs to be referred to Orange County Planning.

Chrmn. Conero shared it was made.

Attorney McKay shared it was referred. They've given a written response, and Kevin just read that response.

Donna Suydam said, ok. Jason asked if the public hearing could remain open. Unfortunately, he's not able to be here tonight.

Mbr. Romano asked why would stay open?

Donna Suydam shared that he had some things to submit, and he didn't know until the last minute that he wouldn't be able to be here.

Chrmn. Conero shared, I would be OK with closing the public hearing tonight and leaving it open for written comments within 15 days. If that would work.

Donna Suydam said, ok. What would be the period of time within which...he would just like the opportunity to submit something.

Mbr. Romano asked if it's a substantial thing?

Donna Suydam responded I don't know.

Marcia A. Jacobowitz, Esq. asked the Chairman if she may have the opportunity to speak.

Chrmn. Conero responded please do.

Marcia A. Jacobowitz, Esq. shared I am from Jacobowitz & Associates Law Firm representing this applicant, the Mills. There has been ample opportunity for the public to speak on this two-lot subdivision. This is a subdivision and it's met all of the regulations

of this subdivision code. The Village engineer has reviewed the letter that was sent this week, the third review is concluded, and then a negative declaration should be issued. This whole hearing has been open for several months. It's a two-lot subdivision, and as such, some of the things that are being raised and discussed are not relevant to the approval of two-lot subdivision. I understand some of the concerns, some of the questions. However, again, they're not relevant to approval of the two-lot subdivision. The style type of home, it's not relevant and I think that the applicant has gone above and beyond to accommodate the public and to allay any concerns with respect to historic value, significance and the appearance and location of the structure that may be put on this lot and it's time they get a building permit. Then you know, nothing really can be said about the type of house. We think that in conclusion, there's been a lot of opportunity for discussion, and I would look forward to having the public hearing closed. I would love to have a negative declaration issued this evening and approval of this two-lot subdivision granted this evening.

Donna Suydam reiterated the style house is absolutely significant because of the (inaudible – multiple speakers) of how it changes.

Chrmn. Conero shared so we're trying to pull the three-minute time run here. I know you had a lot of questions before.

Donna Suydam asked can we leave it open for submission of something?

Chrmn. Conero mentioned I don't know if we can leave it open for.

Attorney McKay shared I have a question if I might. Mr. Rosenwasser has been here twice, and his public comments were very specific, and they are on the record. Is there anything else that you'd like to tell us tonight, that he hasn't already put in the record in the last two meetings?

Donna Suydam shared sorry, but I missed the last part of what you said.

Attorney McKay shared, I'm sorry. I'll speak up. Mr. Rosenwasser was here twice, and he made some very specific comments that the board has considered. Those comments are in the minutes. They're in the record with the proceedings. If there is anything different – is there anything, that you would like to tell us tonight for the board to consider other than what Jason has already put on the record?

Donna Suydam shared I don't know, but he hasn't learned what we found out. I didn't know he wouldn't be able be here, until I heard from him.

Chrmn. Conero shared one of the specific things Jason was talking about was how this was going to be in line with the other house that needed to be determined. That's one of the things that we sent to our design architect and those were some of the things that she commented on. I've looked at this site plan. I think that it's in line with your house more than it is than with the house on the corner. I think it's going to conform to the

neighborhood more in that, closer to Sears Street than it would be back in Sears St. It would be more intrusive to your house, next door house; because it would be up so much higher, and even look down at your home. A lot more intrusive. So having this and the all the architectural reviews that have been done. I don't see any other reason to keep it open.

Attorney McKay shared we are getting a little bit ahead of ourselves. Let's see if anyone else has any further comments. We've taking your comments under advisement. Let's see if the public has any other considerations and then we can go ahead and see what the determinations are.

Chrmn. Conero asked if anyone else has another comment on 109 Union?

Donna Suydam asked Kevin are we entitled to have any copies of anything that you have?

Chrmn. Conero shared you definitely can get it all. Stop in the Village Office and they can give you copies of all the items. I can't give you my copies but then I will not have any.

Donna Suydam said, ok. Thank you.

Chrmn. Conero asked if anyone else had a comment on 109 Union? Do you want to keep it open or wait for other comments or feel any additional comments on the two-lot subdivision will make a difference?

Mbr. Romano initially shared it's just a two-lot subdivision and the shock of a Victorian having a lot and able to be subdivided was a bit much for the residents there. I realize that. The prints of the house that was depicted on it originally was quite large. Yes, it's a two-lot subdivision is a done deal, but there were a lot of residents that did come out. We did listen to everyone, obviously. For this house they have accommodated as much as they can. I think we should close it.

Mbr. Meyer asked why we don't close it allowing the submission of a written comments?

Mbr. Romano shared but that keeps it open, right.

Attorney McKay shared yes. That essentially keeps it open.

Mbr. Romano shared that keeps it open.

(inaudible) shared someone is raising their hand in the public.

Chrmn. Conero said to the gentleman to go ahead.

John Reale shared I have a quick question about architectural adherence. I don't know if anyone knows what a mansard roof is (also called a French roof or curb roof). I know there are a lot of houses in the Village with mansard roofs. I never hear anyone talking about having new houses or renovations conform to a mansard roof.

Mbr. Romano shared there's no design requirements for that part.

Mbr. Meyer wanted to give Donna Suydam the opportunity to submit her comments but that would mean it will remain open.

Mbr. Romano shared he's been here two times, and she could have brought it with her to be honest. It's common sense, I'm sorry.

MOTION MADE at 8:00pm to *close the Public Hearing for 109 Union Street*, by **Mbr. Steed and seconded by Mbr. Romano**.

Motion Passed: 3 Ayes, 1 Abstain (Mbr. Meyer)

Attorney McKay shared I want to ensure it's clear there are no written comments to be submitted.

Public shared we can't hear back here.

Chrmn. Conero shared we motioned to close the public hearing on 109 Union.

Chrmn. Conero shared that you want subdivision approval as well tonight.

Marcia A. Jacobowitz, Esq. shared yes, we would like the board to declare a negative declaration for the subdivision. (Inaudible) I think you declared lead agency.

Don Berger asked Kevin if Marcia could step out from behind as we can't hear her?

Marcia A. Jacobowitz, Esq. said yes, sorry.

Attorney McKay shared so procedurally; we just closed the public hearing. It's a subdivision, we have to have the public hearing open until we make a determination. My apologies, I got caught up in the conversation. Really, we should open the public hearing now.

MOTION MADE at 8:01pm to *reopen the Public Hearing for 109 Union Street*, by **Chrmn. Conero and seconded by Mbr. Steed**.

Motion Passed: 4 Ayes, 0 Nays

Attorney McKay shared ok. Now that you have opened the public hearing, the board can now make a determination under SEQR.

Chrmn. Conero asked if this is a Type 1 under SEQR? Unlisted?

Attorney McKay shared it's a negative declaration under SEQR.

MOTION MADE at 8:02pm to *declare a negative declaration under SEQR for this Type 1 project and authorize Attorney McKay to prepare it for 109 Union Street*, by **Chrmn. Conero and seconded by Mbr. Romano.**

Motion Passed: 4 Ayes, 0 Nays

Attorney McKay shared now you can close the public hearing.

(Unknown audience member) asked what was the motion for that?

Chrmn. Conero the motion was to issue a negative declaration under SEQR. Basically, we sent a historic review to SHPO, and they sent it back. They didn't have any comments on it. There is no significant historic impact to the property next door.

MOTION MADE at 8:04pm to *close the Public Hearing for 109 Union Street*, by **Mbr. Steed and seconded by Mbr. Romano.**

Motion Passed: 3 Ayes, 1 Abstain (Mbr. Meyer)

John Reale asked what's the response to my question about adherence to roof design in the Village?

Chrmn. Conero shared there are no historic guidelines for that.

MOTION MADE at 8:04pm to *authorize attorney to approve the two-lot subdivision for 109 Union Street*, by **Chrmn. Conero and seconded by Mbr. Steed.**

Motion Passed: 4 Ayes, 0 Nays

Marcia A. Jacobowitz, Esq. said thank you, very much.

Mrs. Mills said thank you.

RE: SECOND ADJOURNED PUBLIC HEARINGS

RE: Pathway Place – 203-1-1

Owner: Mr. V. Satriano

Chrmn. Conero said the Pathway project has been adjourned by the applicant. We granted the adjournment.

RE: THIRD ADJOURNED PUBLIC HEARINGS

RE: KSH – 211-1-29.22

Owners: KSH LLC.

Chrmn. Conero said that brings us to KSH.

MOTION MADE at 8:05pm to *open the Public Hearing for KSH LLC – 211-1-29.22*, by **Mbr. Steed and seconded by Mbr. Meyer.**

Motion Passed: 4 Ayes, 0 Nays

Chrmn. Conero shared we do have some answers to some of the questions you asked us last time in the last public hearing. I'm going to ask the applicant's attorney, engineer, and their architect to go over some of those issues that you submitted to us in the latest submission to us.

John Coppello introduced himself as the attorney with J&G Law and I am here with Ross Winglovitz the project engineer, Stosh Zamonsky the project architect with Anderson Design Group Architects and Michael P. Bontje of B. Laing Associates who is our sound expert. We are here tonight to discuss, I believe the 3rd (third) public hearing for this application, that has been before the board. Based upon the comments from the public at each public hearing, we've made several revisions to the plans to address some of the concerns the board and public have raised. The latest of the plans that have been submitted have made the following revisions.

1. We've applied some narrative and provided analysis on the *parking spaces and loading docks that are required for the site* and demonstrated that the loading docks far exceed the number required. Therefore, the other loading docks can be used as either as areas for parking or loading; that more than meets the town requirements for warehouses of that size. We also set aside some additional parking areas for trucks that are not in loading spaces.
2. There was additional discussion regarding the entrance, as you approach the Village from 211 into the Village. Instead of a wall when you enter the Village, Mr. Bontje provided an analysis demonstrating that *a double row of evergreens, when planted very closely, will actually provide more mitigation than the fence would.* So, we revised the plans to show that double densely row of evergreens in that area, based upon the public comments and Mr. Bontje's review.
3. We also *increased the height of the proposed wall from 6' (six feet) to 8' (eight feet)* that would provide, as demonstrated from Mr. Bontje report, additional sound mitigation that would reduce the decibel levels to a greater extent than the prior initiatives.
4. There were a couple more *elevations submitted, showing views demonstrating the non-glare of the building roof*, I believe.

I am going to turn it over to Ross, to see if there is anything that I missed in that reply.

Ross Winglovitz shared no. There was a question regarding the *access from the site and the lights in the neighboring property across the street.*

- We submitted photos showing the existing alignment, which is actually further east or north (pointing to the site plan on the board) whichever way you're looking at this. From the proposed alignment, the *proposed alignment is directly across from Chandler.*
- We also offered to that owner, that *we would pay for evergreen screening on that corner of the property.* Actually, will not only mitigate some of the light from our existing traffic turning left, but also existing traffic turning right on Chandler, which also currently has lights going across the house.
- John said *sound barriers* here and here (pointing to the outer Northeast border wall) have been *increased from 6-8 feet.* We asked Michael to look at increasing the height and provide additional mitigation, so we've done that.
- There was a question *lights shining into the wooded area, in the rear of the site* and we've a *double row of evergreens in that area.* That is existing and has been maintained and helps *mitigate the lights in the rear wooded area,* behind the property.
- There are *two groups of signage:*
 1. *Signage prohibiting trucks into this area, (pointing to employee parking in the outer perimeter).* They are restricted to the area between the buildings, so there is no reason for them to ever have to go around (employee parking).
 2. *Signage that will be incorporated into the DOT permit plans, which will prohibit left turns* and that will be *enforceable by the Village.* We will give that ability to the Village for left turns to be resolved.

I think that's it. That summarizes what we've done since we were here the last time.

Chrmn. Conero asked did you figure out the hours of operations yet? That was one of the comments from before.

Ross Winglovitz said yes, we did. Part of the analysis that we did, we exhausted analysis and exhausted amount of sound mitigation we proposed – definitely, we are not proposing to limit the hours of operations.

Chrmn. Conero asked about the liaison? You will provide a liaison or code enforcer to go on the site at a mutual and agreeable time to look at any issues going on.

John Coppello shared yes. We would provide *a representative from the property owner and eventual tenants to be available to field any questions and provide content information* to the code enforcement officer, police, and Village Board if ever a need is to address. Provide context to any folks on issues that could arise.

Chrmn. Conero asked if the traffic study was based on 96 truck bays, correct?

Ross Winglovitz shared it's based *on the square footage* of the building. The use of the square footage of the building is what the projected traffic volume is based upon and

(ITE) Institute Transportation Engineering Standard and was *reviewed by the DOT and accepted.*

Chrmn. Conero asked the *additional height of the wall* you proposed from 6'- 8', so that would *reduce the sound by,* it says in your report here in your submission, *2-decibels,* correct?

Michael Bontje said yes. I analyzed the 8' (8-foot) sound wall in the northern part of the properties, over towards the properties at Weaver Street. It *went from about 48* decibels at this out lot (pointing to the lot with industrial zone in the yard) *to about 46 decibels.* That would be a couple more decibels of *decrease.* It will have the *same effect on this, what I call analysis 2A, which is the closest approach of the entry road* for the trucks to the properties that are on 211. Again, this particular property I chose, because even though it's zoned industrial, it's part of this residential property. If I actually did the residential zone, the large levels would be even lower. The standard is 51 at night, I was getting 48 and now it's 46.

Chrmn. Conero asked *what is it on Weaver Street?* The decibel levels on Weaver Street now?

Michael Bontje shared the *decibel levels on Weaver Street run in about the mid-high 40's at night,* in this particular location (pointing to Weaver Street). Most of what you are getting are the sounds bleeding over from 211, traffic from 211. It would be slightly below that, but again from a different direction.

Chrmn. Conero asked if any other board members have specific questions for the applicant?

Mbr. Romano shared I am concerned about the turtles and the animals in between the west, on the side in between the parking lights going in that area. Yes, referring to the truck parking lot area.

John Coppello shared Ross had mentioned there are existing evergreens there. The trucks here should be shaded the area.

Mbr. Romano shared that was it, thank you.

Mbr. Meyer shared that I have concerns with noise mitigation. Michael, I'm sorry, I can't pronounce your last name?

Michael Bontje shared his surname.

Mbr. Meyer shared I appreciate your expertise and reiterate the comments of the board and happy you came last meeting. In your testing, in your analysis, what is the degree of error?

Michael Bontje said, I'm sorry?

Mbr. Meyer reiterated, what is the degree error and let me ask you why I say that – I'm not suggesting you are in error, but when you say you're lower the decibels to 46, they were 48. It's below the 51 standard – what happens if we are off a few decibels? If 5 degrees to me – help me understand – is that a reasonable amount of space or decibels that we can be off, but it would still be, ok? For example, if a police officer pulls you over, he might not pull you over within 5 miles per hour (MPH) over the speed level he may be off a few from his training on MPH. We have to get this right, because I think someone interested and trying to wrap my head around everything you shared last time and there is a lot. You are very thorough and clearly you are an expert in your field. We have to get this right. I think Medline was mentioned in the notes but not sure if it was the noise study or traffic study. Did they do a study with Medline, and did they get it right? I still hear noises from Medline, and I want to make sure that we are correct on this.

Michael Bontje shared basically what you are talking about is a level of precision in the analysis. Correctness is a set of brackets around every point. In noise analysis it's generally +/- about 2-decibels. The reason for that is that the most sensitive of the human ears can start to hear a difference in sounds at 3 decibels. In other words, if there is a 3 decibels difference between two sounds you can't hear the difference. Even with very acute hearing. If you have hearing like mine, which I am getting a little older, it's more probably more like 5 or 6 decibels before I can actually hear the difference in the sound. What we do is try to keep the precision to about 2 decibels which is less than the 3 that you would need. I'm not saying that 48 decibels here. That could be 50 or that could be 46. You are still below the standard. What I am also pointing out is that I added conservatism to my analysis, because I analyzed it at this piece on Weaver Street that sticks into the property (pointing to KSH property where the residential property also has industrial property). I analyzed it right there. There is another 125 feet of potential mitigation that I did not include and for me that adds conservatism. If there is going to be an error – if there is going to be an error on the low side. In other words, the 48 decibels that I am measuring here would probably be more like 45 decibels by the time I get to this point. I have a buffer that I am adding into my analysis to be conservative/environmentally conservation of about 3 decibels. Which again, that is from the threshold ability of hearing to hear the difference.

Mbr. Meyer asked why didn't you do it right then at the boundary between the residents and the property?

Michael Bontje shared because this is the piece of property that even though it's zoned industrial, it's attached to a residential property. What I normally like to do is be conservative in my analysis so that I am not off particularly on the high side when it comes to noise. By choosing this location, I am more environmentally conservative as a result. If I meet the standard at this location, I will meet the standard by even more at these locations (pointing to Weaver Street). I am estimating on experience, the difference

is 3 decibels. This is 48 and this will be 45 and the standard is 51. Does that make sense? I am using it to be conservative.

Mbr. Meyer said it's hard for me to ask this question, so you did it in the evening. Did you do in the dead at night? 3am?

Michael Bontje responded; your standard is after 9pm.

Mbr. Meyer shared; we are going to have more background noise coming from 211 at 9pm than we would at 2am.

Michael Bontje responded; this was done about 10pm.

The public called out a question.

Chrmn. Conero shared we will get to you when we finish with the applicant.

Mbr. Meyer shared I understand and appreciate your explanation.

Michael Bontje shared your standard at nighttime is 51 decibels. Nighttime goes from 9pm – 7am.

Mbr. Romano asked what time was the study done again?

Michael Bontje shared the nighttime study was done at 10pm.

John Coppello said I would just add to this, we did all the study, and we did the mitigation. That does not negate the fact that your Village still has a noise ordinance. If for whatever reason a particular tenant or someone did an operation there that exceeded the noise level, a call would be made, and they would be in violation of your noise ordinance. Still have that noise ordinance and that noise ordinance continues to be violated, then an official would have to remedy the situation.

Mbr. Meyer shared that is being reactive not being proactive.

John Coppello shared; we have been proactive. I am saying you have (inaudible) plus you also have suspenders later. You can study until King and Kong but until it happens, then you still have additional potential to address any situations. All of this is to show, this has been designed in a manner to mitigate potential impacts. To address based on all the science we have and everything we have submitted. In addition to that, if the science was wrong, you have a remedy to address that situation and abate any potential noise violation. Just like any other person it's a best guess, like if this person blast loud music all evening, they are in violation. You can do a study, this is what the house is going to do, but this is what the person living in the house (inaudible) – we have done everything we can do to mitigate it. You still have a remedy to mitigate. This is assuming you have 24/7 operations. For marketing purposes, you cannot merely restrict it in the being

competitive in the market. That doesn't mean the evidence of this size given these buildings are – it will not be 24-hour operations.

Mbr. Meyer shared but we are not committing to that yet.

John Coppello confirmed exactly.

Mbr. Meyer said thank you.

Mbr. Steed asked Michael Bontje am I correct that the decibel levels go from a nonlinear to an exponential blow up to a certain point?

Michael Bontje shared not to a certain point. On the continuum, it's a log 10 function. In other words, when you go up ten decibels that's a ten-fold increase in power and doubling what you may hear. When you go from 50-60 decibels – that may be an 8% increase as in a linear function, but it's not. It's a ten-fold increase in log 10. All of these analyses are based on a log 10 function. It's not a straight-line function. You asked does it occurs at any particular threshold: no, it does not. It's throughout the analysis.

Mbr. Steed shared thank you.

Chrmn. Conero shared we do have a letter from our Engineer Scott. Do you have any further comments on this noise study?

Scott Sicina said no. I basically summarized what the noise study stated, what they looked into through the entrance of what they reviewed and the enlarging of the sound barriers by an additional 2 feet resulting in an additional 2 feet EPA of noise mitigation. Besides that, the only other note that I had was the landscaping plans should note the requirements noted within the B. Laing Associates' letter. Basically, it's stated the tree species shall be used are spruce and a one-inch mesh deer type placed around and be fertilized with a __what type of__ fertilizer for two years. A lot of them become established as full foliage, as it will be required to provide noise reduction.

Michael Bontje shared I want to provide a slight adjustment to that. What I was getting after was the evergreens down here have to be the type that retains lower foliage. Basically, I'm saying it's not pine, because pines as they go up will lose their lower limbs and the evergreen is all up here. You want to get spruce-fir or arborvitae will do the same thing. I specified spruce-fir or something that must retain lower vegetation would be acceptable. This is for clarification.

Ross Winglovitz shared that we had proposed green giant arborvitae because of the narrow area we have for planting. Arborvitae screen does the same.

Chrmn. Conero asked board if any questions?

Attorney McKay (inaudible) take comments (inaudible)

Chrmn. Conero shared at this time, we will take comments from the public. We are going to do it by row, because I assume everybody wants to say something here today. Our applicants are in the first two rows. Tim, you're in the third row so you are going to go first. We are going to limit the time to three (3) minutes.

Tim Mahoney shared, no five minutes. Every time I get up you want me to limit my time to 2-3 minutes instead of 5. I'm going to take 5 - you give everybody five minutes.

Chrmn. Conero asked the board how do you feel about five?

Tim Mahoney shared I'm taking five. How do these trees right here mitigate anything from me here? This is not rocket-science. How do these trees over here mitigate any headlights coming directly into my house right here from a Peterbilt or a Kenworth?

Mbr. Romano shared those are for the sound.

Tim Mahoney said OK. Those are for the sound. You had signage that would be posted, *no left turn*, no left turn, no left turn. Now you're talking and have been saying that there are no left turns; but today you started talking about how when the trucks make the left turn.

Chrmn. Conero shared there are *no trucks making a left turn*.

Tim Mahoney asked, when did we get to the point where there are left turns. The first few meetings there was no left turn. Now today there are left turns out of here. I just wonder where...

Chrmn. Conero shared there are no trucks making a left turn. We will have that written into the plan.

Tim Mahoney asked what is going to *mitigate the truck lights going directly into my living room*?

Chrmn. Conero shared, during their presentation a couple of minutes ago, they did mention they would do offsite mitigation directly with you. If you want to plan...

Ross Winglovitz shared that for Tim, we *proposed we would offer to pay for planting for screening on this gentleman's property*.

Tim Mahoney shared *I want berms too not just rows of trees*. I want berms high enough where I don't have to see anything or hear anything.

Chrmn. Conero shared ok, we can work on that – go ahead.

Tim Mahoney shared obviously I have been speaking to everybody about this as it affects me tremendously. Nobody else is going to have Kenworth and Peterbilt coming through their living room windows. That being said, every time I come here – there is a variation of what’s being proposed. Anybody can make a proposal - I want fact. I don’t want what is proposed. I want factual, truthful information on what is going to transpire. I appreciate you getting back to me, Mr. Winglovitz. I also have been in touch with the traffic study and design of this from the state DOT. I don’t care about their driveway. That doesn’t affect this intersection or noise or the way the traffic is going to be proposed. I see left turn lanes, here and stuff like that. That was never issued to me or told to me how that was actually going to transpire there. I don’t know how you come up with these things, but none of this makes sense to me. It really doesn’t. It’s like I say it changes week to week. I don’t know if I will come back next week – if there is going to be something new here where you’re going to have horses running up and down to alleviate the cost. I don’t know the truth here. The way I look at it – I’m going to sell you a car, alright. I’m going to promise you that the car runs great. I’m going to get my mechanic to tell you that the car runs great. Not only I’m going to get the mechanic that the car runs great, but I am also going to get the lawyer for the car salesman to tell you that the car runs great alright. Then I’m going to sell you the car, but after I sell you the car, and after you purchase the car – then I will give you the battery and the starter to start the car. You know what I mean? If you are not willing to buy that car, right and so what good is the car without the battery? I want to see the battery in the car and test drive the car before I buy the car or else, I’m not buying the car. I’m tired of being lied to. Tell me the truth about what you are going to do. Stop with the rainbows and unicorns. Everybody in this room deserves to hear the truth. You know what I mean? Let’s stop dancing around. Tell people the truth. People are tired of the (swearword). Mic Drop.

Chrmn. Conero asked if anybody else in the third row?

Jeff Van Zandt said from 99 Weaver Street. I have a question for the sound engineer and the attorney. You said you were going to put an 8-foot fence – where are you going to put the 8-foot fence vs. the 6-foot fence?

Chrmn. Conero asked Ross to respond.

Ross Winglovitz shared it on the other side on Weaver Street side.

Jeff Van Zandt asked what is the distance from the fence to here since I don’t see a scale or ruler here? What’s the distance between here to here, Ross?

Ross Winglovitz shared approximately 250-300 feet.

Jeff Van Zandt asked if this plan was drawn to scale?

Ross Winglovitz shared it is a rendering.

Jeff Van Zandt said OK. Mike, one of the concerns I have is sound. These are our residents, so the sound engineer said he took a reading at Brandon's backyard. Did you take a reading on Weaver Street beside the backyard?

Michael Bontje asked to Chrmn. Conero if he could address the board?

Chrmn. Conero said yes, please go ahead.

Michael Bontje shared I took the sample on Weaver Street at about 10pm. I also took an am sample and pm sample as well on Weaver Street. I did, however, also take an interior sample behind the commercial property on 211.

Jeff Van Zandt shared that being said, as a resident, a lot of us feel that we are the Hatfield's and you're the McCoy's and then we have the lobbyist in a way. I don't want to feel that way. I want to feel that our board is here to protect the residents. I don't want to feel that the board is here to give the developers everything they want. I want to feel that it's 50/50, 60/40, 70/30. However, you want to break it up. I want to feel like most of the residents, since we are all concerned about this here. One of the things that they are saying is that they are not going to set *hours of operations* because it's not advantageous to them to say 9-5 as it's not sellable – it's not marketable. It has to be 24/7 to be marketable, as that's what it sounds like. The *board has the authority to limit* that and say we don't care as developers what you want – we understand you want to make the most amount of money, but that is to our detriment. With that being said, can any of the board members list a single benefit that any of the residents in the Village would get from having this not just in my backyard or as you're driving into the Village – I can't think from my perspective of a single benefit that any resident in this Village would get from this. The only person or entity that is gaining anything is the developer and that's ok. This is America. We have a right to do things as long as it's not a detriment to the residents. I really feel that putting an 8-foot fence here. You know in the last meeting – correct me if I'm wrong – the sound engineer used as an example used 4 box truck and one tractor trailer and one stand by generator as potential generating the sound. It has 96 truck bays.

Mbr. Steed said excuse me Mr. Van Zandt, you've exceeded the time limit so please wrap it up.

Jeff Van Zandt said OK. Maybe use the potential 96 bays – he used one box truck and one generator to mimic the sound – this potential it has. They are saying once it's built, if it goes beyond the decibel levels there is some type of recourse. What's the recourse? I have more things to say but have been cut off.

Chrmn. Conero said thank you.

Jeff Van Zandt said, you are welcome.

Chrmn. Conero asked the next resident to go ahead.

John Reale said good evening from 226 Union Street. The scale of this picture seems like it's a different size of the building than what it was from last month. Does that represent the same sizes?

Chrmn. Conero said I believe it's the same size.

John Reale said it doesn't appear to be.

Ross Winglovitz shared it's the same size as proposed. Nothing has changed in months.

John Reale asked what is the square footage of these two?

Ross Winglovitz shared those are 80K and those are 60K. They have always been that way.

John Reale shared; I just want to mention these questions. I have a few. How tall are these trees? A very good friend of mine I went to school with (Carmen Labriola) has a landscaping business in Westchester and Fairfield County and he shared, when you are to plant these trees, they are supposed to be staggered. Not just dinky little ...How tall are they going to be when planted? How many years is it going to take before they are 20-25 feet tall? What kind of *smell control* are you going to have? These diesels you can smell following up the interstate and it lingers. What's being done about that? You know how you don't smell diesel – you don't have diesel. How much are the *taxes being brought in* the vacant property of the Village? It's on the comprehensive plan – it's supposed to be assessed at the highest evaluation of what it can be used for – a warehouse. That's what the taxes should be coming in on. I think that's the highest evaluation I think they call it. What's going to be the *proposed tax revenue* after these proposed warehouses are going to be put in – no one talks about this. Are there going to be *any exceptions*? What's expected that is going to be put in there that is going to be used *24 hours a day*? When you're not talking about it – you're not thinking about it. Other people are going to be looking into this further. This is no joke and I'm no joke. You don't know who I am, and you don't know who I know. If this goes in – you will find out. The best thing you should do is just not put it in . That's the simple solution. There will be hell to pay if these go in. That includes you and a lot of other people. Understand. We don't want these.

Mbr. Steed said sir, I've let you exceed your three minutes by 30 seconds.

John Reale said, oh thank you so much.

Mbr. Steed shared you're welcome.

John Reale shared I will buy you a stopwatch.

John Reale shared you will find out about the DEC very soon.

Chrmn. Conero asked if anybody from the third row have any comments? Nancy do you have any comments?

Nancy Michaels said no.

Chrmn. Conero shared we will go to the fourth row now. Karina that is your row I believe.

Karina Tipton shared that is right I do have a comment. 225 Union Street. A few questions, one thing that was left over from the meeting last month, was the request for the *applicant to complete an impact to property analysis for the neighboring properties*. I think that is still open. I do have a procedural question for the board to consider, this is the public hearing and I know that many of the negative declarations that this board issues are issued as a statement. *Will this board include a written negative declaration that includes all of the agreements that have been sorted out in these public hearings, informally with the applicant as a formal legal document?* A written negative declaration will be read out by the chairman at the time of the vote. Or are you anticipating that all of these *informal agreements will be captured on the site plans for enforcement by the Village officers and the police?* Regardless of that point, many of these issues of course would be solved if the Planning Board would simply require *operating hours* to be enforced. As the applicant's representative stated, they do not have a market value reason to limit that themselves, but it is something that is on your plate. It is something you can do. It is well in your abilities and your responsibility. I am still a little bit *concerned about how the liaison situation* is going to work, like are they going to be on site, what's the response time? If somebody calls in, are they going to be in a call center, you know over in Newburgh or somewhere in New Jersey, like where is this? We don't know anything about the property owner, so we don't know anything about their management company and we're not really clear on who we're going to be dealing with in the future. Will it be a good partner to the village? And I would like to the Planning Board to consider as far as the noise goes, what is the *difference between the operation of commercial equipment for the purposes of constructing something or operating a landscaping business*, because all of those things are limited by the most. And just because this within an industrial area, it's still commercial activities that are adjacent to a residential area, and I think there might be an opportunity for the *Planning Board to add a little bit of weight to the negative declaration* or any other approvals that you're considering. I'd also like to read.

Mbr. McKay asked if Karina could elaborate on the noise ordinance?

Karina Tipton shared yes, sorry, in the village noise ordinance, there's a there's time restrictions for when you can operate construction equipment or when you can do landscaping on your property and it's within certain hours every day, at certain hours on the weekend. It stops at a certain point. Regular business operating hours.

Karina Tipton shared I'd also like to read some sections to the letter that was provided to the Village of Montgomery Zoning Board of Appeals by our Mayor Steve Brescia on

July 20th, 2022. It's attention Randy Wilbur, Chairman. It's regarding KSH Route 211 Development, LLC. Again, this was July 20th, 2022. *This letter is written as a direction and because of the Board of Trustees of the Village of Montgomery in connection with the application submitted to the Village Zoning Board of Appeals by KSH 211 Development, seeking a variance from the building height restrictions set forth in the Village Code, specifically to go to 45 feet. The Board wishes to lodge its unanimous opposition to the granting of the requested the height variances. When the Village developed its most recent comprehensive site plan, a great deal of consideration was given to establishing building height limitations. In particular, the proposed warehouse buildings would be located near the gateway to the Village and the additional height would not be in keeping with the plan. It should also be noted that the board went through great lengths in the plan to allow industrial development while being mindful of aesthetics of the building. Finally, the increased height if permitted would make the required vegetative screening of the proposed buildings quite difficult. The Village Board does not take exception to the remaining proportions of the project at this time. However, it is the position of the board that the building height standards for set forth in the code and the plan should not be changed to accommodate the developer. Accordingly, we respectfully request that the ZBA consider the contents of this letter of ruling on the pending variance application. Thank you for your consideration and signed Steve Brescia.*

Karina Tipton shared I bring this up because...

Mbr. Steed shared Karina you're over 4 minutes.

Karina Tipton shared ok. I will let that letter stand on its own merits then. Thank you.

Walter Pahucki said good evening. Tough act to follow after every meeting. I've come to all of these meetings, and this is my first time speaking about it. I have had a lot of considerations. Major concerns traffic, hours of operation, height of buildings, easement, environmental impact, noise, lighting and effect on property value.

Traffic, of course, the Village of Montgomery Planning Board and Trustees should restrict all commercial traffic from the location to make a right turn only. You should never be a left turn out of there and into the Village. No commercial traffic should be allowed to turn onto 211. This should be in writing before anything is approved. Signage should be required and the Village Montgomery PD that enforce this regulation. They should also get advanced DOT training to allow them to write those tickets for the traffic hazards.

Contractual with the Village of Montgomery. They should hold the applicants accountable, the tenants accountable, not just the drivers which are trying to make a living. Additional traffic studies should be conducted.

Hours of Operation. This should not be 24/7. This is us expressing our opinions, not asking questions. These are our opinions. If the Planning Board can legally

restrict this. They should. There's no reason for the board to allow 24/7. It benefits no one in the Village in anyway. Marketing concerns are not our concerns. Don't care.

Height of Buildings. The Village of Montgomery Planning, Trustee and Zoning board should not approve a variance for the building height. There's no reason to approve that variance. There's no hardship there, and that variance to make them higher, does not benefit the Village in anyway.

Easement. The Village of Montgomery Planning Board should get in writing that the easement space between the proposed employee parking lot and Weaver Street should never be changed. It should not be conditional. It should always maintain that. It should never be developed 100% always green.

Environmental Impact. There is a gentleman here – not sure if he's here tonight, He spoke last time about the *lights going in* and the deer, and the frogs, and the birds. People don't really think about that. They could be an environmental study, but you really have to think about all those animals. Like that gentleman said, they are going to be gone. There are also *runoff studies* with the Wallkill River. Of course, it's way too close to all these warehouses that are planned to go in on that whole property. *Permeable pavement* should be explored. That's another concern that was brought up.

Noise Mitigation Measures. We talked about noise a million times.

Lighting of course. The Planning Board should require Dark Sky Compliant Lighting. There are a million technological things that can be done. The Planning Board shouldn't just say – that's a good idea we will look into it. The Planning Board should require these things.

Effect on Property Value. I live, if I didn't mention it on 99 Union Street, I'm not very close but for anyone who doesn't know me, I'm only 40 years old. You've got another 50 years with myself here. I've never leaving. I'm just not. The property values are going to go down for everyone.

Walter Pahucki shared I thank everyone for your time for listening. Not sure where I am with the time.

Mbr. Steed shared you're over 3 minutes.

Walter Pahucki said OK, well, thank you.

Gabriella Anticoli shared my name is Gabrielle and live at 212 Union Street. I have not been to any public hearings, but I did watch them live online. There have been a couple of comments made by the attorney for the developer, to some of the residents that were coming with very valid and serious concerns about how this project is going to affect

their quality of life and their property value. And you know, they were told, well, you know, you should have done your research when you bought a piece of property with an I1 Zone behind it. But, I want to point out that the opposite of that is also true. That this *development is going in an I1 Zone with residential behind it*. When you read the Comprehensive Plan of Village, it singles out this particular piece of property by circling it in red, with an arrow pointing to it. On the paper, it says that this identifies this as an area that which any *industrial uses must be carefully regulated to ensure that they do not adversely impact community character for the surrounding neighborhoods*. So, these people are coming with their very valid concerns. I know the industry, so I have a concern with *24 hours a day about the truck traffic*. You're basically told well like too bad, because this is what we want to do, you know. That was the general impression I was given. You should have done your research. It's too bad for you because this is an I1 Zone. There are a lot of questions on this particular project, that had never been answered. They've been asked, but not answered, particularly the environmental impact on the wetlands. Particularly the fact that this is located on what the *Orange County has designated in 2010 to be a recharge area for the aquifer* for the underground world. Those things, those questions have never been answered. There's a natural resource study in 2008 for the Town of Montgomery and Welcome York, which designates the area South of the Village which this is in as areas of environmental concern. There's a list a mile long that I wouldn't be able to fit in my 3 minutes of the amount of wildlife, the amount of vegetation. There are *rare plants* in this area and all of these things. How does this plan address that? You're talking about all these plantings. Well, how does that *affect the watershed*? How do these type of trees, well you know what, they might shield us from a truck; but how does it affect the environmental issue? Serious environmental questions that have never ever had a definitive answer given. So, and like I said, we live on Union Street. We deal with tractor trailer traffic 24 hours a day. It's bad and I know a lot of people come to the committee and say it's awful and people just like brush it off - like well you know even the mayor would say, 'I live on Union Street say growing up - it wasn't that bad'. You know we're not talking about 1973. These warehouses weren't there so. There's an issue with the noise already. There's an issue with being overrun with tractor trailers, already. Then when you have decimal limits and people are throwing out some fancy words and saying, well, you know, I measured it here, I measured it there and I think somebody made the point, well, what did you measure it? There was 92 tractor trailer base. Did you measure 92 tractor trailers? How many are going to be at the bays every day? Nobody knows. It could be 92. It could be 180. It could be 10 times that, and we don't know that. So how do you get that? And if you're talking about everything has to remain on this property or then it can be considered nuisance. So, it is a private or public nuisance, you know, we would have to bring a complaint. Right. So, and I think you made a point that that's reactive and not proactive, but if the noise and the sound and the lights and everything that's going on this property cannot be contained on this piece of property and you have to go through all of this thing and five different plans saying this will mitigate this and this will mitigate that. *The court would say, what would any reasonable person consider a nuisance*. It is not what a decibel over here. It's what would any reasonable person consider a nuisance. So, it's not just an opinion or a decimal limit, it's a reasonable consideration. Thank you.

Mbr. Steed shared you past your four minutes.

Trustee Walter Lindner shared live on 101 Jefferson Road. A lot of people have expressed dislike for virtually any kind of commercial or industrial company. At this stage of the game, the plan until KSH came in with two 200,000 square foot buildings and then that precipitated the Village Board to put together a zoning committee to look at the entire rezoning of the Village and look at what we can do. Now that we get a lot of complaints and today we got a threat of hell breaking loose if this is approved. What I haven't heard is, what are the alternatives that people want to see. If you wanted IBM to bring a headquarters in here, not going to happen. At least some reasonable answer other than no, we just don't want it. Some people have said, well the Village could buy it. Well, the last owners, I believe paid \$5 million for it. I think the attorney will say that if we rezone it to something and it's not worth \$5 million then the owners are going to sue the Village and if we have to pay somebody \$5 million, for reimbursement for this, that doubles our budget. The idea that we could make this into 400 residential homeowners again, it's going to bankrupt our school district, so that's not going to happen either. So, I think we need to spend more time on what would be reasonable alternatives other than to just say I hate office. I hate commercial buildings. It's just not going to work.

Chrmn. Conero shared alright, thank you.

Chris Ladanyi shared, hello, my name is Chris Ladanyi and I live at 87 Weaver Street. I've attended each one of these public hearings and come back with responses to the comments I've gotten back with, with the what if I've said. Originally the residents' concerns about traffic, pollution, noise, property value, wildlife, etcetera. Alright, nobody could argue with these points, because they were valid so that we were told we were the ones that bought the properties next to I1 district, right. We were trying to think it's our fault for buying these properties. I came back and said the residents did give their due diligence by researching that property, based on the information that we had that showed that the industrial property had a low value, it was listed to only have one acre, one acre. The owner of the property has been paying taxes to substantiate that. Right. So, who in their right mind would spend \$5 million on a property that was valued at full market value at \$300,000. \$5.8? What I wanted to see in there is a would be one acre of something or nothing at all. The piece of property in terms of development, is a piece of garbage. It's not developable, period. Ok. Then the response I get about the one acre developable, is the Planning Board is following the law. Here's where the process is breaking the law:

The Village of Montgomery *Code 122-52G* states that industrial/commercial uses that have more than a 4K square foot gross requires approval of the Board of Trustees in additional to the approval of the Planning Board. Did the Trustees ever approve this?

Chrmn. Conero said no. What happens procedurally, is when a Planning Board approves a project, then the project goes through to the Village Board as a last step. You said 122-47 or 122-52G?

Chris Ladanyi stated 122-52G.

Chrmn. Conero shared that is one of the last things that goes to the Village Board if it's over 4K square feet.

Chris Ladanyi asked why wouldn't that be one of the first things? Why wouldn't you get the Board of Trustees as a legislative body - then get to you guys to vote - why wouldn't they be the first ones to comment and vote? Wouldn't they be the first ones to comment, vote and approve a project so you understand are these gentlemen wasting their time on this? Or is it to inflate the cost of how much money they put into it? \$5.8M plus another \$100K for this slither, plus all the engineering fees for all that? OK they are inflating, inflating and inflating so they can come back and sue us for \$5M, like Mr. Lindner said. Let me continue as I know I'm tight on time. That's against the law to me in my opinion. The property changed ownership recently. This process needs to start over. I don't understand there is a new owner - it's not KSH. Everyone refers to this property as KSH, excuse me - the board - this is not KSH anymore. It's 211 Owner LLC - this process needs to start from scratch. OK. The Village what I'm going to do is **122-1 code** states the purpose of the Zoning Code is to guide and regulate the orderly growth and redevelopment in a municipality with accordance with the Comprehensive Plan and with long-term objectives, principles and standards deemed beneficial to the interest and welfare of the people. The People, right? This project goes against the majority of the objectives of that law, the Comprehensive Plan lays out. The Comprehensive Plan is law right?

Attorney McKay shared no.

Mbr. Steed shared the time has run out.

Chrmn. Conero shared keep going as I want to address some of this.

Chris Ladanyi asked if I could have more time. Chrmn. Conero, the Chairman of that Comprehensive Committee, Mr. Steve Brescia, Ms. Ramono you were all members of that committee. Does this board really think that this project is aligned with the Comprehensive Plan? Another law 122-1 is to protect the established character and the social and economic well-being of both private and public property. This property will dramatically change the established character of this historic Village and have a negative impact and the well-being of this Village homes and way of life. Another piece of this 122-1 is to promote, in the public interest, the utilization of land for the purposes for which it is most appropriate. You think that 4-80K square foot warehouses, close to 100 tractor trailer base and 24/7 operations is most appropriate use? I don't think so - again - it's against the law. Another one to lesson and where possible, to prevent traffic congestion on public streets and highways. Increased tractor trailer traffic in the Village will not lesson or prevent traffic congestion - it will do the opposite. Lastly, to conserve the value of buildings and to enhance the value of land throughout the municipality. This project will most definitely decrease the property value of all individuals, OK. A lot of

these laws protect the public or the people within them, showing how the residents of the Village are an integral part of this process and their voices matter. There is not one person that I talk to that are in favor of this project except Mr. Lindner.

Public laughter & comments outburst...(Inaudible)

Chris Ladanyi shared I'm serious. This is not a joke. This infuriates me. (Inaudible – speaking on top of each other).

Mbr. Steed shared you are at 6 minutes.

Chris Ladanyi shared these public hearings are a snapshot of the residents' feelings towards the project. It's a snapshot of it – we are 100% against it.

Chrmn. Conero shared ok.

Don Berger called out Chris to hand it into the board. *Chris walked the paper to the board.*

James Achaia shared 14 Sycamore Drive

Chrmn. Conero asked sir, please come up as our tape system is not up to par. We have two of our Village Board members here looking into different recording equipment.

James Achaia shared I am a GM for a construction supply company in Brooklyn and we have a 30,000 square foot warehouse that has three active bays at any given time throughout the day. We also started by 5:30 in the morning or 6am. We could be unloading or loading 7-8 trucks and we only have three active. So having 96 bays, you got to multiply what...these are not going to be mom and pop shops here. These are going to be sizable operations. There's going to be forklifts. There are going to be skid loaders. There are going to be tractor trailers sleeping in here at times; because there's time requirements for how long their truck can be on the road. So, these guys are going to be coming in on the Interstate. They'll pull out here and they'll be sleeping all night, until they get unloaded in the morning. On top of that any fine, I know that especially at my job, the fines they are going to accrue; these businesses are just going to use as cost of operations. They'll eat them. So, what's the plan for getting them to stop any of that stuff when my own boss does it; because it costs less to eat a fine than it does to follow the rules, of what needs to be done here in these operations. These are going to be, these are not going to be ice cream shops here. There's going to be maybe construction supply equipment in here, or cement. You know, (inaudible due to coughs) they could be. This is just not going to be small things happening. That's just what I wanted to say. There needs to be more thought put into it.

Mbr. Romano said may I ask you; you said in the middle of the night the trucks come in; so, hours of operation are not going to matter are they?

James Achaia shared they're not when it's drivers coming in off the road, but when I get into my job at six in the morning, there's usually two trailers lined up outside the gate waiting to get off the road.

Mbr. Romano shared that is before the hours of operation being set, but the way you're talking is they can come in at any time and sit there and idle, is what you're saying.

James Achaia shared you have to find a way to stop that. They should not be a 24 hours operation here. You will have trucks lined up in the driveways, whatever just waiting to get unloaded by the vendors. You live in NY.

Mbr. Romano asked is yours 24-hours?

James Achaia stated no, it's not and these guys, they don't - it doesn't stop. We tell them all the time. They call up and they'll say, hey, what's your drivers operations. We tell them deliveries are from 7:30am to 4:30pm. That doesn't stop that these guys are coming off the Interstate. They sit there waiting to get unloaded.

Chrmn. Conero shared thank you. What was your name?

James Achaia shared from 14 Sycamore Drive.

Chrmn. Conero asked the next lady to come up to the front of the room and state her name.

Marjorie Fox shared she lives on 95 Weaver Street. The house was owned by my parents, 1960, and it was not zoned commercial. All this beautiful foliage or all these beautiful trees, everything that's great; but the tree can my size, so they get planted. OK. They're not going to help with the sound at all. It won't be until 20, maybe 30 years. I don't know about you, but I don't really think I'm going to be around for another 30 years. I hope to, but I don't think I'm going to be around for another 30 years. So, we have all this potential sound reduction, but all of this is potential, because 30 years has to go by first.

Chrmn. Conero shared anyone on the next row. I can't see from here.

Brandon Raab shared yes. I spoke before. I am reading from the phone that's why I'm moving up and down. We have some questions and some of them have been semi-answered. I heard some of them but a large portion have not still. First question I have is this a scale map? Is this the same map that was here last time?

Chrmn. Conero confirmed correct.

Brandon Raab asked it's the same exact map that was here last time. I'm going to hold off on that question right now. I want to skip to the sound study. Who did it sound study?

Chrmn. Conero shared Michael Bontje.

Brandon Raab shared you personally. OK. What hours did you do the study again? I can ask you that.

Michael Bontje addressing the board. The analysis was done PM Peak which ran to 4 to 6pm. Then I did it for the evening which ran around 10:00 PM and I did it for the AM Peak which ran from about 7:30 AM to about 9:00 AM.

Brandon Raab asked so where did you stay here?

Chrmn. Conero shared he said he did it right where your finger is (on the map).

Brandon Raab said OK. Well, what day was that study done?

Michael Bontje shared there's a difference between what you're talking about that I can explain this to the board.

(Inaudible – speaking over each other)

Brandon Raab shared you see the holes in this and that's why I'm asking.

Chrmn. Conero asked ... (Interrupted)

Michael Bontje shared he will answer the board. There are two things are being conflated. There's a *field study which analyzes the ambient sound levels and existing condition*. That's what we just talked about. Then there's a *calculation or mathematical analysis* that was done that that didn't really depend on the time of day. *It depends on the sound sources going on*. We got to level here about 48 and here about 46 with an 8-foot fence at this location, which again it's conservative. You can take another 3 decibels off of that and the analysis applies day or night.

Chrmn. Conero said OK.

Michael Bontje shared so, we met the nighttime standard, which is the lower of the two standards of 51 decibels and there is a day time standard that the Village has that I 10 decibels higher at 61 decibels. So, we meet the nighttime standard and we also meet the daytime.

Chrmn. Conero said to resident go ahead.

Brandon Raab asked someone was out there. In the dark? Were you there at night?

Chrmn. Conero asked Michael to confirm if you were there at nighttime?

Michael Bontje shared he was there at 10pm.

Brandon Raab asked you were not here at 10pm?

Michael Bontje shared no, on Weaver Street.

John Coppello called out the Mr. Chairman. This is not an interrogation.

Chrmn. Conero said the resident has some questions and I think if he had a copy of the sound study...

John Coppello said which has been on file for three months, as well as a lot of this information and everybody is saying questions about have not been answered. We'll answer reasonable questions as directed by this board after he speaks. If you want to direct it, I want to answer questions to the extent that we can. But we have attempted throughout this whole proceeding to address the questions in writing. So, when people say how are you going to document this - how are you going to document - everything has been sitting at Village Hall which documents where the signs are going to go, how the tree is going to be planted, how high they are going to be, what the details of the walls are, where the trees are. For people to say they're changing, this map is not the only map that is there. You know, we have sought to address questions. We will continue to seek/speak. We will make some issues in writing, so everything's on the record. So, we can comply when people ask about the easement, we committed in writing that there will be these and easement and that will be filed in the county. It will contain all of that. So, that information is there, and you know, so to address it all or be interrogated here, it's all in the study. Where we stood, what hours it was there. It's all in the analysis and in the study on the record in Village Hall.

Chrmn. Conero shared I will say you've done a great job answering all of the questions that come up in the Planning Board meeting and public hearing. Go ahead (directed at resident).

Brandon Raab said he should not even speak anymore.

Chrmn. Conero shared go ahead.

Brandon Raab (Inaudible)

Attorney McKay shared with resident – the point is you can ask a question.

Brandon Raab shared this is my response. My understanding the gentleman was out and he did the sound study. He just told you he did not. What am I missing? Right now, we're trying to rebut that this did occur and that's all in the study and this and that. My questions are valid. This portion of property that I'm pointing to right here, is much lower than this portion. This portion of the property is much higher and will be leveled with the second story of my house if that. Did you do a sound study for that? These are legitimate questions, but I'm not trying to be rude in asking, but the decimals are going to travel, and this is why we're passionate about the retaining wall. A wall that's

going to be held up or, you know, some sort of privacy wall that you guys will look into. What happens when the privacy wall - not saying it won't be - but if it's not built, or if it is built, it's built perfect. What happens in five years the truck goes through it? How long do they have to fix it? What is the repercussion? We as Village residents, is there a repercussion for that? That should be related to some sort of policy/law placed on the record, that could hold them accountable. Instead of being reactive/let's be proactive and that would be...

Mbr. Steed shared you are over 6 minutes.

Brandon Raab shared I understand that, but he spoke for about 3.

Mbr. Steed but I gave you six.

Brandon Raab said Yeah. So. With that said, we move on to the parking issue. We say we fixed the parking issue. This is what I heard someone say earlier that the parking issue was fixed. He just said the parking issue was fixed. When we addressed this last time, the concern was going to be - somebody else brought this up too - that there was going to be cross truck dock parking and there's really no parking spots for trucks to sit idle for empty trucks. There is no worthy parking at this facility.

Chrmn. Conero said we answered that though.

Brandon Raab said you said you did. This is the same rendition. You already admitted that this is the same exact rendition that was here last week. I don't see change.

Chrmn. Conero shared no, but...

Brandon Raab shared as a resident; I would like to see a change. I think I have legitimate question. I think it's legit.

Mbr. Romano said you do not have a legitimate question. That part is not legitimate.

Brandon Raab said, I would like to place on the record that Ms. Romano says I don't have a legitimate question. How is it not legitimate.

Mbr. Romano said we are not going to change the site plan because...

Attorney McKay shared let's listen to the comments.

Chrmn. Conero asked Mbr. Romano to stop and let's listen to the comments. I understand your comments and I want to get you answers to your questions. The answers though, might not be on the site plan. It might be on what was submitted. That's why I want to get to the bottom of this.

Brandon Raab said OK. So, I would like to hear that and understand from earlier, because we said out loud it was fixed, and everything is done. We don't understand that at present.

Chrmn. Conero said right. So, on they sent us on May 12th. They talk about the sound barriers, they talk about the traffic, they talked about the truck parking. OK, that's addressed and you can get a copy of that from the Village Office. Also, our engineers have also satisfied that too. They reviewed that.

Brandon Raab shared on what was shared previously, for someone who was building the house for on their property. You took a lot of time to explain where we're going from here to here. The Planning Board has not explained how are the truck spaces. You just said that you addressed it and they're there and moved on. I don't understand that. I don't see it and I can't see. As a resident, I'm asking you to understand it. You're telling me it's not a valid question. I'm saying, I think it is a valid question, because I don't see it or understand it.

Chrmn. Conero shared you're over time. I said I do have that information for you. In the Village Office you can get a copy – I would give you my copy but I have to go get it.

Brandon Raab shared your obligation is to explain how it is addressed.

Chrmn. Conero shared I just said, they went through it at the beginning of the public hearing.

Brandon Raab asked where? This is serious question. Where is it addressed? Where are you putting the parking for the empty trailers?

Chrmn. Conero shared right in the middle. In the middle of the plan.

Brandon Raab asked so, you are going to park trucks in the middle here, when you came back the truck into the bay. So, what are you? I mean, I'm asking a legitimate serious question. Are you going to move/hook up a truck and move the trailer out here, in order to pull in a trailer? Trailers are 53 feet wide/long. You put two 53-foot, wide trailers with the truck in front - which some still be hooked up; how are you going to put this truck parked down the center of that?

Chrmn. Conero said I would like to ask Ross to answer that question. If you could just answer the question.

Ross Winglovitz shared (inaudible)

Brandon Raab said with that being said, this is the reason why I'm asking the question. If I didn't actually push at the moment and it got told it's not a valid question, this wouldn't be coming up right now and you just kind of shush. We kind of shushed/brushed it off.

Chrmn. Conero shared we are trying to hold a public hearing, extended your time, you're over that time.

Mbr. Steed shared you're at 10 minutes.

Brandon Raab said I understand. I'm gracious. OK. The only thing that I actually have is *what would be*, as Karina had mentioned, I second the comments on *the adverse effect of the value of our properties?* There is going to be an adverse effect. This is not going to increase the property value. That's my last. I hope we get answers. Thank you.

Carmela O'Cana from 71 Weaver Street. So, I just want to share that I also work at a warehouse, and I think at that this point it is just not realistic. We all know exactly what he said is what happens at my warehouse too. Trucks come whenever they come. They come when their drivers can get there or when there are delays or whatever. There are refrigerated trucks that they have to sit there to load and unload with their ear plugs on. They have to just sit there and wait until the transporters tell them to move or not move. I don't think it's realistic to say that's not going to happen to us here. I think what is not responsible are the answers we are looking for, which is well we get market any different. Just because you can't do your job, doesn't make it my problem. That's exactly what is happening right here. There's no reason that if this is going to happen and this is going to continue; that it should be reasonable and fair to everyone else. Because my property backs up to that. Then that's something that I'm going to hear; because right now from a human standpoint, what I hear and see in the middle of the night when I go outside to take out the dog – I see pitch black sky and I see the big dipper. That's what I see right now. When I go outside right now when I take out my dog, I hear the frogs and the crickets. I don't hear a generator running. I don't hear a truck running. I don't hear those things right now when I go outside, as a human. I think it's irresponsible to think what this gentleman said before is not 100% accurate, because that's what happens on my property. It is cheaper for us to pay the fines, than it is to have this truck returned their goods and have it redelivered. That's just what it is. I'm sorry, that that's not fair to you and that's not what it is. So, I think a compromise would be reasonable is to consider what everyone has been saying. It's not acceptable for anyone to say that they don't have the ability to put a time frame on what's going to be working for us as a working individuals myself. Because I have children that I have to put to bed. I have little ones that go to school and that's just, you know, this is my home.

Mbr. Romano shared thank you very much.

Bob Reynolds shared hey. I am kind of embarrassed that I haven't been involved with this project from the beginning. I did go to one meeting at Dave Holbert's house and I kind of let it go by the waste side. You know, it's not in my backyard. Every one of these people that are talking, it is in their backyard. It's across the street from me. You talk about the decibel level and I know you're pointing to this one part here. I'm not an expert on this decibel levels or anything, but what is what are you basing that on? How are you

getting that number of 51 decibels? Well, I'm looking for an answer and that's all. How do you get that decimal level, what's that coming from?

Chrmn. Conero shared that was from Mr. Bontje can you repeat that again on how you derived the decibel levels again? What did you use for a source – that's what I ask?

Michael Bontje shared (interrupted)

Bob Reynolds asked the public to let the gentleman talk, please.

Michael Bontje shared basically, what I calculated was the outer roadway is for passenger vehicles and occasional van, like delivery vans. There are no trucks allowed on the inside. So, this area we basically are running mid 60s decibels in terms of cars running along. It's also flat. Then you insert the barrier wall. It also has a lower sub source. In other words, sub source is the tires and then the engine as they are both lower on vans and cars, but all of the trucks, all larger trucks go inside this particular area and then the building height is actually 30 feet. So, the buildings themselves, not just the distance, but the walls involved with the buildings and the exterior that we're putting on them - with the agriculturally, architecturally rough features are the sound barriers. Now, the one exception to that was between the buildings, there was a potential for the sound of flank through. When a sound escapes we call it *flank*. What I did was specify two 15-foot-high walls that offset one another between the buildings to prevent that flanking. So, the sound analysis that came from in here, which is up in the mid-70s, was tested as a barrier using the buildings. This wall doesn't really apply to those interior ones, because the buildings actually do a great job.

Chrmn. Conero asked so the source was about 70, is that right?

Michael Bontje shared yes, mid 70's.

Chrmn. Conero shared ok. Thank you.

Bob Reynolds asked if that's a back up alarm on a truck or something like that.

Chrmn. Conero shared we are not talking about that as the residents on Weaver had some concern about having the backup alarms.

Bob Reynolds shared the backup alarms are anywhere between 87 to 112 decibels. I know you're doing it from a height level of 30, but I think sound goes up. I'm not sure. I think you can hear it can go over the building even though it's 30 feet high. I'll just give you an example. Again, I didn't do any research on this, you can do it yourself, but I have been around a lot of race cars. A race car goes about 130 decibels. On Weaver Street, across the street from these people at 76 Union, I can sit with my wife on the night when they are having races at Orange County Fair Speedway, 130 decibels out of the race car and I could hear them from 12 miles away. I'm sure everybody can hear them also. (Inaudible due to applause)

Bob Reynolds shared talking about the trucks coming out here, they can't make the left-hand turn. You can put a sign up there. You can put everything you want up there. That's a state highway and I don't know, you can check with the Village Law Enforcement or Mr. Rob there can... I don't think you can enforce anything on that. If they do, it would do – slap them on the hand? You can't give them a ticket for doing it on a state highway.

Chrmn. Conero shared I think it's going to be an agreement between the developer and the Village.

Bob Reynolds shared, it's in an agreement but that doesn't mean anything. They can change that agreement. They can do whatever they want to do.

John Coppello shared the DOT is also involved.

Bob Reynolds shared I guarantee that's not going to happen (referring to the DOT). Regarding the 24-hour operation, like the other gentleman said, there too; even if you limited it, you could still have trucks going in there, back up alarms, sitting there idling, you know. I would hope that and again I'm ashamed that I didn't start the from beginning, but I would hope that you did your due diligence and making sure that all of this was legal to do on the property that it is. If not, don't approve it. That's simple. Thank you.

Bob Reynolds shared I do want to say one other thing – I'm sorry. Mr. Lindner brought up a valid point, that we all should be ashamed of ourselves and didn't follow and look to see what we could do. To attach like he was before is not right. Thank you.

Chrmn. Conero said thank you.

Trustee Randi Picarello shared 136 Bluebird Drive. I just wanted to point out to everybody a couple of different points, none of them that will probably be popular, but what's fair is fair. I stated before, but I definitely want to on the record; the ***Town of Montgomery is looking at their sound ordinance*** and it's not time oriented, it's decibel oriented. I believe they're almost done with it and suggest to definitely connect with them. It might solve or mitigate some of the issues about when the noise would be, how high it will be. It just should be a certain noise level all the time. It should be certain decibel and it shouldn't be only until 3:00 PM or 4:00 PM. What is the loud all day long? That's the issue they are having in the Town, and that's why they're addressing it in that manner. So, I believe they're taking it from the Village of Walden. They're taking some notes from them. They have pretty tight noise ordinance, and I can only speak to the ***Community Benefit Agreement*** that we established with Medline. We can't require and can't enforced those technically on a DOT Road, but we can ask and agree to. In my experience with Medline, it has been complied with in good faith the entire time. So, everything that we've discussed with Medline and everything that was in the agreement in good faith they have complied. They've tried their best to comply with it. If they don't and it's reported, they are open. They can respond. They're very responsive every time

you have an issue and even I think Don can attest to that; because he is on those trucks. So, I could only speak to my previous experience with it, I would hope that these folks would do the same.

Chrmn. Conero said thank you.

Mbr. Romano said thank you.

Public speaking over each other regarding Medline Trucks and the need to report it.

Chrmn. Conero said excuse me I would like to take a client/attorney privilege/ conference for just for 5 minutes; to regroup with some of these questions and issues you guys brought up.

Don Berger asked if you would like me to speak first before you do that.

Chrmn. Conero shared I didn't see you there.

Don Berger said you didn't see me here Kevin, oh come on now.

Chrmn. Conero said yes go ahead.

Don Berger shared alright; I just want to make a couple comments. I'm not going to go through everything that everybody just said. But what I would like to support to really appreciate, is the knowledge that this group of people bring to you every single meeting. These people are no joke. We've done a lot of studying and then bringing it to this board and I really think you need to pay attention to what they're talking about, some of the rules, some of the laws that are out there, and not only that, but their personal being. Mr. Cappello, I like to just say to you, you are correct. We should be able to go downstairs and get all that information. Unfortunately, we can't.

Chrmn. Conero asked to have the conversation with us.

Don Berger shared you know what I'm saying. So anyway, I just experienced a FOIL request with this Village last week. These folks out here, you're looking at that have spoken. These people work. They're not around during business hours to this Village or to the Clerk's office. Unfortunately, this Village still lives in 1970. You can't FOIL online. You can't receive documents online. I asked to have them emailed to me. They refused to do that. So, how do you expect these people to get these documents you are referring to?

Chrmn. Conero said good point.

Don Berger shared well, I've been talking about it for years and nobody does anything about it. You know, it's a problem. Not only is it a Planning Board problem, but it's a Village wide problem. It needs to be addressed. The other thing that's Mr. Meyer is you

brought up the noise. I'm really glad you brought it up and you challenge it. The other thing I want to bring up that I tried in the last meeting when I was cut off, and Mr. Reynolds, you're absolutely correct. I get up early in the morning and, you know what I hear first thing in the morning, I hear Butler. I hear Butler starting their trucks, banging their trucks. You know where Butler is? It's at the Airport Inn, across the street. I'm all the way down at Waters Edge passed the people on Weaver Street and I'm hearing that. So, you know, I'm really confused and I said it at the last meeting. I really appreciate bringing the noise expert over here, but the numbers that he's talking about blow my mind, because as Mr. Reynolds said, backup beepers are high decibel, and the normal talking seems to me to be higher decibels than what this gentleman is stating. You know the numbers that he's coming up. I don't, don't really jive with me. Only have a couple of other points. It is imperative that this board does not bend over backwards for the hours of operation. This should be Monday through Friday. That's. Saturday and Sundays on Lord's Day, Sabbath and everything else. Leave us alone. That's our peace. We are not here. Your job is not to make them profitable. Your job is to protect them (the residents), and that's a valid point for hours of operation. This year I went. This is what I tried to FOIL for and other things. This is the aquifer map. Have any of these board members, have you viewed the aquifer map at all?

Chrmn. Conero said I would say our engineer has reviewed it.

Don Berger shared OK. Do you know the aquifer this project could sit on, would you like to look at it at some point?

Chrmn. Conero asked if you have a question about the aquifer, I would like to know?

Don Berger shared no, I'm just curious that this board has not seen in aquifer map. In fact, as I was told I think today by the Village Clerk, we don't even have an aquifer map. So, I'm buying an aquifer map for the Village, the Town and for myself. How can you not have an aquifer map?

Mbr. Romano shared our engineers do.

Don Berger shared I'm speaking.

Chrmn. Conero asked Don to go ahead.

Don Berger shared you don't mind, right. My point with the aquifer map with this particular property that we're talking about, we have a huge aquifer for that goes all the way to our wells, the Holt Wells. Alright, we have a rather large section of wetlands in that area. We have a stream that comes down from near Chandler Lane and goes all the way down by Brandon's house; comes all the way down it goes into the Wallkill and then we have the mighty Wallkill River that this is going to be on. Have we considered what kind of road surfaces we're going to have there? Do we know if this is a recharge aquifer? Do we know what a recharge aquifer is? A recharge aquifer is for surface water that goes down the aquifer and guess what it fills? If fills our wells. Have we considered

that? Have we even looked at this map? Scott, have you looked at the map? I know I can't ask you questions, but I think this is something that you really have to consider and wonder. This is a recharge aquifer. And we got to know this is our groundwater, this is our water that services the main Wells to this Village are the Holt wells. That was where I was, and right now, as you guys probably were drilling a new one right now or I think it's done, alright. They're drilling a new one. I think there's four or five down there. So, that is the main area in which we get our Village drinking water from. Sorry please consider that and we study that. Thank you.

Chrmn. Conero shared we are going to take 5 minutes to consult with the Village Attorney.

MOTION MADE at 9:35pm to *enter executive session regarding attorney/client privilege session to regroup on the comments and questions shared on 211-1-29.22*, by **Chrmn. Conero and seconded by Mbr. Meyer**

Motion Carried: 4 Ayes, 0 Nays

MOTION MADE at 9:56pm to *return from executive session regarding attorney/client privilege to regroup on the comments and questions shared on 211-1-29.22*, by **Chrmn. Conero and seconded by Mbr. Meyer**

Motion Carried: 4 Ayes, 0 Nays

Chrmn. Conero shared at this time we have decided, to make a vote to keep the public hearing open. We do have some of your issues written down. We have them all written down and we have them in the minutes. So, we'll go through that, but in particular with the

1. **Noise Study.** What we are going to do is require an *independent study of the noise study*. So, our engineer has looked at the noise study, but we would like to have another outside independent company look at the noise study.
2. **Hours of Operation.** The hours of operation, it's been a very common thing here. I think the planning board needs to take time to look at the *legalities of imposing hours of operation on the site*, so we're going to do that as well.
3. **Truck Parking:** When it comes to truck parking, we talked about truck parking here a lot. We know that the truck parking is going to be with each bay, correct. I would like to consult with the traffic consultant just to get an idea of what the anticipated parking will be like and to look at your findings and just making a comparison to that.
4. **Aquifer.** Don, you brought up the aquifer. I think that the aquifer really needs to look at as well. There are many different types of aquifers the engineer was explaining. So, some of them are... I can't even get into it, more restrictions needed. So again, we're going to probably we'll bring that up with a consultant on that as well.

Don Berger shared good thanks.

Chrmn. Conero shared at this time, I'd like to make a motion to adjourn the public hearing.

Attorney McKay said I have a few questions. Should we put the public hearing over to June? Or should we push it out further?

Don Berger suggested you should push it out further, you've got a lot of work to do.

Attorney McKay shared one thing Schedule for June. Depending on how much time it takes to get our reports, provide them to you. We could always agree, perhaps to a response to come back in July.

Chrmn. Conero shared if we should make a decision to make it for June. So, what we do is with the understanding that we might have to push it out.

Mbr. Steed asked for the record can we add the expenses of these will be paid by the applicant, for the record?

Attorney McKay confirmed yes.

Chrmn Conero said thank you.

MOTION MADE at 10:01pm *to keep the public hearing open by adjourning to June 28th, 2023 with the understanding that it may be pushed out further to obtain responses and the cost of these additional reviews/consultants will be paid by the of 211-1-29.22*, by **Chrmn. Conero and seconded by Mbr. Meyer**
Motion Carried: 4 Ayes, 0 Nays

MINUTES:

MOTION MADE at 10:01pm approve the minutes from March 22nd, by **Mbr. Romano and seconded by Chrmn. Conero**
Motion Carried: 4 Ayes, 0 Nays

MOTION MADE at 10:02pm approve the minutes from April 26th, by **Mbr. Meyer and seconded by Chrmn. Conero**
Motion Carried: 4 Ayes, 0 Nays

MOTION MADE at 10:03pm to adjourn tonight's meeting, by **Mbr. Romano and seconded by Chrmn. Conero**
Motion Carried: 4 Ayes, 0 Nays

Deborah Delgado, Deputy Treasurer
and Part Time Village Clerk