

MINUTES of the Village of Montgomery Planning Board meeting held in the Meeting Room of the Village Hall, 133 Clinton Street, on Wednesday, May 25, 2022, at 7:30 pm.

ATTENDANCE: Chrm. Conero, Mbr. Romano, Mbr. Crowley (Absent), Mbr. Steed, Mbr. Meyer, Vlg. Atty. Stephanie Midler, Kristen O'Donnell of Lanc & Tully, Ross Winglovitz of Engineering Properties, Steve Snyder, Walt & Mary Ann Lindner, Marcia Jacobowitz, Esq., Jane Hoeffner.

OPEN: Chrm. Conero opened the meeting with the Pledge of Allegiance.

PUBLIC HEARING

RE: 88 Charles Street – 202-3-10.2

Mr. Winglovitz is representing the applicant. He stated that the mailings were dropped off earlier today to Tina. This is a lot line change between a property owned by 77 Clinton Street, LLC, which is a Devitt property in the rear, and the 88 Charles Street property. There is a slight lot line change adjustment of a few hundred square feet that is needed to square up the lot line. The second part of the application is for an outdoor patio which will be on the west side of the building. The patio to the left for outdoor seating has modified the parking lot to accommodate the patio and also their proposed modification to what is the existing access easement that services the three lots in the rear, BK Properties, Philco Realty and 71-73 Clinton Street. All three have agreed to the relocation of the easement that was submitted in the initial application. They still need to draw up the formal documents that they agreed to the relocation. There was a variance required because there is a small cooler on the back of the building that would not meet setbacks that was granted by the ZBA. They are here for the public hearing and for public comments.

Chrm. Conero asked Ms. Murphy if all the documents were filed and mailings returned for the public hearing. Ms. Murphy replied, yes.

A MOTION was made to OPEN THE PUBLIC HEARING FOR 88 CHARLES STREET-202-3-10.2 AT 7:33pm by Mbr. Steed, seconded by Chrm. Conero and carried 4 Ayes 0 Nays.

Chrm. Conero said, if anyone wants to comment on the Charles Street lot line change and outdoor patio, state your name for the record. To clarify, we've worked extensively with the engineer on this and we are comfortable bringing this to public hearing. There are a couple of items here, on the engineer's report; one of them is a planter, located on the property. It was brought up at the last meeting.

Mr. Winglovitz said, it's a planter that Mario built that is not quite on the property line. It encroaches on their (Hanover Development) property. For now, they are going to allow them to maintain it there and they've put them on notice that if they need them to relocate it, they would have them do it.

Chrm. Conero asked, that is going to remain? Will it have any bearing on...?

Atty. Midler asked if Mr. Winglovitz could get something in writing? Just stating that it is allowed?

Mr. Winglovitz said he is the owner; he will put it on record and will give something in writing, too.

Atty. Midler said, even email would be fine.

Mr. Winglovitz said, yes, that's fine.

Chrm. Conero said, if they vote in a positive way tonight, they will get that in the resolution. And, you're looking for a waiver for the five spots because you are within the municipal parking lot. The County did offer comments that try to reconfigure the parking lot, which Scott from Lanc & Tully brought up and you tried that.

Mr. Winglovitz said, yes, this is pretty much the configuration that we have to live with in order to maximize the parking. Charles Street is not heavily used and there are about 15 feet between the back of those spots until you get to the travel lanes.

Chrm. Conero said it's a unique plan, that's for sure. No one has anything to say about it. Can I get a motion to close the public portion?

A MOTION was made to CLOSE THE PUBLIC PORTION OF THE PUBLIC HEARING FOR 88 CHARLES STREET 202-3-10.2 by Mbr. Romano, seconded by Mbr. STEED and carried 4 Ayes 0 Nays.

Atty. Midler said this would be Unlisted and SEQRA would be voted on with the approval resolution. She asked the Board if they could make a determination regarding the waiver; if they are okay with accepting the waiver for the parking. The second motion would be to offer her to move ahead to preliminary draft neg dec and approval resolution for review for the Board for the next meeting.

A MOTION was made to ACCEPT THE WAIVER OF THE 5 PARKING SPOTS BECAUSE THE MUNICIPAL LOT IS WITHIN 500 FEET OF 88 CHARLES STREET 202-3-10.2 at 7:36pm by Chrm. Conero, seconded by Mbr. Romano and carried 4 Ayes 0 Nays.

A MOTION was made to AUTHORIZE ATTORNEY MIDLER TO DRAFT THE PRELIMINARY RESOLUTION DOCUMENTS FOR 88 CHARLES STREET 202-3-10.2 AT 7:37PM by Chrm. Conero, seconded by Mbr. Steed and carried 4 Ayes 0 Nays.

Atty. Midler asked Mr. Winglovitz if there was a CRIS letter for this? That it's being flagged as being in the Historic District. Mr. Winglovitz said there was. Atty. Midler said she would check her files.

OLD BUSINESS

Dunn Road – Butler – 28-1-13.22

Mr. Winglovitz is representing the applicant. This has been before you for several months and the issue has been clarification regarding the zoning and whether the use is allowable in the zone. He was back and forth with Bruce and Stephanie with additional information regarding the proposal. Bruce provided a letter to him confirming that the proposal is consistent with non-nuisance industry in the I1 zone. The only other thing new is, Scott had asked about wetlands delineation. There are no wetlands onsite except for two little slivers along the back tree line here (indicates on site plan). He commented about providing reference to the delineation; they will certainly do that. Chrm. Conero asked if that was part of the engineer's report? (And to the Atty. Midler), was the letter from the Building Inspector approved by you? Atty. Midler replied, yes, it was coordinated with the Village attorney.

Mr. Winglovitz said they had SHPO sign off, as well. They are looking for any further feedback. They need to provide more detailed engineering to the Board for further review. Chrm. Conero asked if they were ready for public hearing? Atty. Midler replied, they should wait for more detailed engineering; you haven't even started SEQRA on this. Her recommendation would probably be the next submission, that way any interested agencies will have a more complete outlook of the project. Mr. Winglovitz said they need County referral, the airport/FAA, SEQRA...Ms. O'Donnell said probably a Type 1. Atty. Midler said she has the preliminary list for Type 1 but it hasn't been discussed. Ms. O'Donnell added, Orange County Health Department. Chrm. Conero asked, is that because they Village isn't providing water/sewer? Mr. Winglovitz replied, yes.

Mr. Winglovitz asked if they could refer to the County and declare lead agency. Atty. Midler suggested notice of intent or hold off until next meeting for a more detailed submission and preliminary classify...Chrm. Conero wants to move this along. This was held up due to the Building Inspector. Atty. Midler said, you're ready for County Planning; next meeting you can do notice of intent circulation with your more detailed project set.

A MOTION was made to DECLARE INTENT TO BECOME LEAD AGENCY UNDER SEQRA FOR BUTLER CONSTRUCTION ON DUNN ROAD 28-1-13.22 at 7:45pm by Chrm. Conero, seconded by Mbr. Romano and carried 4 Ayes 0 Nays.

KSH Route 211 Development – 211-1-29.22

Mr. Winglovitz is representing the applicant. The applicant was able to come to an agreement with Mr. Hoeffner regarding his purchase of a small sliver of land so that he could line up the proposed driveway opposite Chandler, which is a big improvement from the offset intersection that was proposed. They've only laid this out conceptually, as far as the site plan, and lot line change. They did want to show this to you sooner, rather than later. They made the drive to the rear as the main road and T'ed up the exits to the parking lot. Chrm. Conero clarified the parking areas and truck loading; truck loading is in the middle. It's a two-lot subdivision? Mr. Winglovitz said the one question and concern that they've had is that part of their ability to get this is a very short window. They want to be able to segment the lot line change plan, get that approved sooner so that they can take ownership of that property. Mr. Hoeffner is only giving their client a short window to do that. They are committing to full review of everything, you're not neg decing the whole project, just this. Can they set a public hearing for next month, just for the lot line change? Chrm. Conero said to Atty. Midler that they already spoke about this. Atty. Midler agreed.

Ms. Jacobowitz said, Mr. Hoeffner wants to make sure that the lot line change is accomplished. He's afraid to wait because the planning process may go on for a long time. Chrm. Conero said he doesn't feel this will impact their decision on the warehouses at all. You're lining up an intersection and it's definitely going to help things out. Mbr. Steed agreed, it's an improvement.

Atty. Midler said this is a unique situation, definitely because it's beneficial and something that the Village would like to see in the plan, anyway. If there's any way to achieve that, you can move forward with the understanding that it has nothing to do with the approval of the final plan, which she feels is understood. You can set a public hearing for the subdivision portion; it will be unlisted.

A MOTION was made to SCHEDULE A PUBLIC HEARING FOR A LOT LINE CHANGE BETWEEN KSH 211-1-29.22 AND THE HOFFNER PROPERTY 211-1-29.21, ON WEDNESDAY, JUNE 22, 2022, AT 7:30 PM by Mbr. Steed, seconded by Mbr. Romano and carried 4 Ayes 0 Nays.

Atty. Midler said this portion will have to be given to the County because of the new subdivision added and to the Town.

Ms. O'Donnell asked, for the road installation, is there any grading or drainage system locations that are outside of the area to be subdivided? Are there any easements that would be relevant to the subdivision? Mr. Winglovitz replied, they will add that to the next meeting but the grading would be contained within the lot line area. They will resubmit the site plan application, as well, with the updated draining. They will present it at the public hearing.

Atty. Midler said, this will be an Unlisted, Uncoordinated Action because the only agency is the County.

Food Bank of the Hudson Valley – 36-1-2.12 & 214-1-1

Mr. Winglovitz is representing the applicant. He introduces Marsha Jacobowitz who is there to discuss the funding for the project.

Ms. Jacobowitz said the Food Bank had been given a grant. It has been awarded to the Town of Montgomery with the sub-recipient being the Regional Food Bank of the Hudson Valley. The project is a 40,000 sq ft distribution center so that food doesn't have to be brought down from Latham to this area. She is tasked with assisting with the implementation of the grant, with the distribution of the grant funds and compliance issues. They have a very stringent timeline that they need to adhere to. They need to put into effect some of the things that have to happen in short order. This is at the top of the list because they can't...she's also assisting with the purchase of the property and they can't do that until they have Planning Board approval. Certain things need to happen so she's there to assist and see if they can do anything to help move this as quickly as possible, not meaning that anything should be overlooked but if things can happen on a quicker pace, she will be happy to assist.

Chrm. Conero said he agrees. He feels the Food Bank will be a good addition to the community. Our Planning Board is not one to drag its feet. He's been doing this as long as the mayor's been Mayor. He said to Ross, if any engineering details need to be ironed out with Lanc & Tully, you should try to do that before you come to the meeting, this way we're not waiting a whole other month for something to happen. If you need anything from us, moving forward, let us know. He asked Ms. O'Donnell about all of Lanc & Tully's comments, if they could highlight some of them?

Mr. Winglovitz said the subdivision plan; they will submit a certified survey plan showing the two-lot subdivision between Nick's property and the Food Bank. Aden Brook has retained a wetland consultant and they're completing a wetland delineation. They will have that for the next meeting and it will be on the map. They don't expect that there will be any impacts whatsoever for the proposed warehouse. There were some hits on the EAF regarding habitat, aquifer and agricultural; they will provide a Part III addressing each one of those items.

Mr. Winglovitz continued, there is a coordination they could do with the FAA, they are waiting for the final conceptual architecture on the building; the very specific application regarding...indicating each location on the building and what the height of it is at that location. Not just the general generic heights. They need to get that information so they can finalize the FAA application. There is an easement area here (indicates on site plan) that was part of the airport with its height, the building does comply with that but it's still within their jurisdiction to review.

Mr. Winglovitz said most of the rest of the comments are technical. One of the things they're looking to work out, that came up recently, is the County is out to bid with a water/sewer project right down 211 in front of this project. That plan conflicts with what

they are proposing. They are trying to save everybody money and work out the County delaying that bid and revising their bid so that it matches what they are proposing so that they don't have two separate systems coming all the way down 211 to Chandler from the airport. That's one of the details they are trying to work out with the County.

They don't have any questions regarding these other ones. He spoke with Jay and a lot of these have been discussed at previous meetings regarding utilities with the Village. Scott had a question involving an 8" main through the site A, they have hydrants on the site, so even though they don't have a large water demand, the hydrants for fire protection will have water demand on the site they need to provide for that. There is a potential for another lot in the Village to be developed so that will allow them to connect for their fire protection. Ms. O'Donnell suggested that they include that in their Part III; the potential for water/sewer growth.

Mr. Winglovitz said many of the comments are technical including stormwater design.

Chrm. Conero asked if they had a design for the building yet. Mr. Winglovitz replied, no. Chrm. Conero asked who would be designing it and if he had any preliminary views of what it will look like? Mr. Winglovitz said Jason would be. Chrm. Conero said they are requiring anything industrial/business to be forwarded to Johnson Smith Associates and they specialize in preservation and revitalization and building design. We are referring those type of industrial/businesses to them for comment.

Chrm. Conero asked, is the current driveway coming out on 416, is that an appropriate spot if they realign 211 & 416? Mr. Winglovitz said there is discussion about Dunn Road being realigned so that 416 would be opposite Dunn Road. That's per discussion he's heard from the Village. He says DOT, as part of KSH, has asked them to look at a roundabout at that intersection. Not that they (Eng Prop) or KSH would be responsible for it, there's already a need for left-turn improvement there. He thinks they are asking them for free design information. What would a roundabout look like there, how would it operate? There is a design concept underway for a roundabout at that location. Chrm. Conero asked, DOT asked you to provide them with information about a roundabout? Why didn't they just ask you for a road improvement and not just a roundabout? Mr. Winglovitz said, the County asked them for the left-turn improvement, this one, from the traffic consultant, there was already a need for it. Step one is getting a concept design, the next guy that comes in with something, maybe that will be his improvement. He's not sure. Ms. O'Donnell said this is a standard ask from the DOT even when it may not make sense to the local municipality, DOT will ask for a roundabout anytime you are working on an intersection on a state road. Mbr. Meyer doesn't understand how that can be more beneficial than 416 meeting Dunn Road. Mr. Winglovitz said he doesn't think the DOT understands that the County owns this property and they can actually line that up. It could be accomplished. Chrm. Conero reiterated his question about the driveway, can it be relocated in any way? Mr. Winglovitz said, no, it would have to go through the cemetery to be lined up with Dunn. They are too far away from that. Chrm. Conero said, you wouldn't have a potential queuing problem with traffic backed up? Mr. Winglovitz said they are far enough away from that.

Mr. Winglovitz is asking for 239 Referral. They need a referral to the ZBA for height; 43 ½ feet. Mr. Hurst asked if they classified this under SEQRA. Chrm. Conero said, no. Mr. Hurst said this would be a Type 1; did you do a coordinated review? You can refer to the ZBA but they cannot act on the application until you are lead agency. Ms. Murphy said they did send for 239 Referral, but will resend. Mr. Hurst said to resend as they have more detailed plans, as well as the ZBA. This is a Type 1 Action and if you haven't declared your intent, do it. There is discussion as to who the interested parties are. Mr. Hurst will send Ms. Murphy the list.

Mr. Winglovitz asked if they could schedule a public hearing for next month. Chrm. Conero asked if they had enough information? Mr. Hurst asked, is there enough on the site plan that the public can make comment on? Chrm. Conero thinks there is. If they have to leave it open, they will. He asked Mr. Hurst to prepare the notice.

A MOTION was made to SCHEDULE A PUBLIC HEARING FOR THE FOOD BANK OF THE HUDSON VALLEY 36-1-2.12 & 214-1-1 FOR JUNE 22, 2022 at 7:45pm, at 8:17pm by Chrm. Conero, seconded by Mbr. Romano and carried 4 Ayes 0 Nays.

Rowley Development – Railroad Avenue – 202-13-1.123 & 202-13-5.21 & 5.22

Mr. Winglovitz is representing the applicant. He handed an old railroad map to Mbr. Steed to look at. This project has been before the Board several times, they've been trying to work through some drainage details, layout details. One of the big questions is drainage and where it goes. They've hired locating services, excavators, they found some of the drains but not all of it. The railroad map shows a basic drainage pattern going from the south end of the site to the north end of the site through 24" culverts, something that they show through the site. They did locate a bunch of drainage that comes Railroad Avenue into the property to a large vault in the middle of the site, goes south and then it's no longer located. They also found drainage on the south end of the site that ends north but couldn't find anything in between. They are committed to, as part of the construction, uncovering that; it will be excavated and removed, they cannot do that until they get the new system in. The new system being proposed will pick up the drainage from the Village (indicates on site plan); they will pick that up in a new public drainage system along Railroad Avenue that will go north, through the site, and connect back to the drainage at the corner of Railroad Avenue and Clinton Street, across from Spring Street. This is a new survey that they just completed because what they had before was already 12 years old. They are missing a little down here (indicates on site plan), but there's a large 24" box culvert that heads down Spring Street and then turns into a 36" culvert and heads across 17K. They are going to maintain that with a new public system. Right now, it goes from the public to the private and back to the public. They will maintain it with a new system down Railroad Avenue connecting back to the 24" box culvert. Scott's first comment was about the drainage for the site. He did pick up on a typo that talked about

80% reduction in impervious and 44% reduction in impervious area on the site, as you know. It's all gravel, right now and they convert a lot of it to grass area.

Mr. Winglovitz said #2, there's a request regarding an analysis downstream of the site, again, they are reducing the amount of impervious onsite by 44%. Their drainage studies show that there is no increase below them and the applicant objects strongly to doing anything downstream because they are showing that they are reducing the amount of stormwater with the grassy areas that are being provided. #3 is a technical comment about an invert that's labeled, they will be clearer about it. #4 is about the 24" box culvert and they added that to the survey. #5 and #6 are technical comments on the SWPPP. #7 is about the subdivision plat. They don't want to show proposed buildings on a survey plat but will discuss that with Scott. Ms. O'Donnell was speaking but was inaudible. Mr. Winglovitz said they technically will show just the line work for the proposed lot and then they have the subdivision sheet, which is the engineers sheet showing proposed buildings, proposed drainage. Those get filed together so it's all together as one set. The lots are created and then they show proposed houses. He'll discuss it with Scott and work something out. #8 label the tax lot lines to be removed; this was part of the previous application that was a three-lot subdivision. #9 they labeled the easement; there is an easement to the Village for this new proposed drainage system. Lastly, the railroad maps.

Chrm. Conero asked what was concluded from the railroad maps? Mbr. Steed said, pretty much nothing. Ms. O'Donnell said she needs time to review it. There is no legible scale. Mr. Winglovitz said some of these maps are really good and some of them are like this one. Mbr. Steed said they are 100 years old! In the deed book that they took 14x8 sheets and a book binder bound them. They were unique in number and will describe the footage precisely from around 1910 or so. That will require digging. Chrm. Conero said this has to do with the parking lot. Mbr. Steed replied, yes. Chrm. Conero asked, there is an easement on either side of the railroad from the center of the tracks out? And we don't know the footage? Mbr. Steed said, 35 ft per Buddy. Chrm. Conero said, in that case, because they are dedicating this lot, we would need something from the railroad to say we could put that there in the easement? Mr. Winglovitz said, to be clear, there is a title search involved that doesn't provide any easements that aren't shown; there is the original survey, done by Gary Packer & Associates, that doesn't show on the survey, and there is a brand-new survey done by them. Based on the available information from the railroad, it doesn't show any easements that would impact this property. Mbr. Steed said that title company would be liable for not including that. Ms. O'Donnell said it does show 50 feet on both sides of the rail line, it just doesn't show it on this particular property. It shows 50 feet here on the opposite side but if this map doesn't show it, two surveyors, and it doesn't show on the tax map, she doesn't know how to enforce that on an applicant if you can't find any comments or proof of it. It's just smaller. Mr. Winglovitz said he made sure Brian checked when he did the survey. This is one of the ones that don't line up; it'll line up here but not by Boyd Street-it's off by 50-60 ft down there (at Rose Products). If you line it up down there, it's off by 50-60 ft here. He doesn't know why. Mbr. Romano suggested, maybe the railroad made it smaller? Mr. Winglovitz suggested that maybe they narrowed it because it crosses Clinton Street. Ms. O'Donnell has been looking at the railroad map and said, it's 33ft and 33ft. Mbr. Steed said they said

it was 35ft and it's only off by 2ft. Ms. O'Donnell said she's not sure how this will work with the plan. Mr. Winglovitz said they will give it to Harry to look at. Mbr. Steed said, the old Brescia building, the original map that he first saw actually, the northeast corner, the railroad right-of-way cuts right through the building, down on the south side of the property, where the Brescia building is standing now. Mr. Winglovitz said the railroad used to go right through here and across the street to service the building over here (indicates on site plan).

Chrm. Conero said, as with KSH and the Food Bank, they are referring this building to the same company for Design Review. Do we have the latest design to send? Mr. Winglovitz said he would forward them a digital copy. Mr. Hurst suggested the email come from the Village.

Mr. Winglovitz asked where they were with SEQRA.

Mr. Hurst said this is an Unlisted Action because it is a 6,000 sq ft building, under 10 acres of disturbance, not in the Historic District. Is it a long or short EAF? Ms. Murphy said, short form. Mr. Hurst said you don't have to circulate as it is an unlisted action. You can declare intent to be lead agency. Ms. O'Donnell said, Village Board, ZBA.

A MOTION was made to DECLARE INTENT TO BE LEAD AGENCY FOR ROWLEY DEVELOPMENT – RAILROAD AVENUE – 202-13-1.123 & 202-13-5.21 & 5.22 AT 8:39 by Mbr. Romano, seconded by Chrm. Conero and carried 4 Ayes 0 Nays.

Chrm. Conero confirmed, it's an unlisted action with an uncoordinated review. Mr. Hurst said the next procedural item would be the 239 Review to the County (latest plan and EAF with application form) if the Board is okay with it. Also, refer the architectural rendering to the County. The last procedural item would be to schedule a public hearing. Chrm. Conero said they aren't ready for that yet.

RE: MINUTES

A MOTION was made to APPROVE THE MINUTES OF APRIL 27, 2022 By Mbr. Meyer, seconded by Mbr. Romano and carried 4 Ayes 0 Nays.

RE: ADJOURNMENT

A MOTION was made to ADJOURN THE MEETING AT 8:42pm by Mbr. Romano, seconded by Mbr. Steed and carried 4 Ayes 0 Nays.

Tina Murphy, Deputy Village Clerk