

**MINUTES** of the Village of Montgomery Planning Board meeting held in the Court Room of the Village Hall, 133 Clinton Street, on Wednesday, April 27, 2023, at 7:30 pm.

**ATTENDANCE:** Chrm. Conero, Mbr. Romano, Mbr. Steed, Mbr. Meyer, Mbr. Frisbie, 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, Stoch Zamonsky of Anderson Design Group Architects, Officer Lynch Sr. Mr. & Mrs. Mills for 109 Union

**Public Attendees:**

Adams, Sonny; Berger, Don; Fox, Margaret; Grasso, Margaret A.; Holbert, David; Imbriani, Pat; Imbriani, Steve; Kitchenman, Ladanyi, Chris; John; Mahoney, Tim; Monroe, Scott & Carol; Pahucki, Walter; Raab, Brandin; Reale, John; Signarella, Donna; Suydam, Donna; Rosenwasser, Jason; Tipton, Karina; Van Zandt, Jeff; White, Nick

**OPEN:**

**Chrm. Conero** opened the meeting at 7:30pm with the Pledge of Allegiance.

**OLD BUSINESS**

Butler – Dunn Road – 28-1-13.22

**Chrm. Conero** shared first on the agenda is Butler Dunn Road and Ross Winglovitz (from Engineering & Surveying Properties) is representing that item.

**Ross Winglovitz** said good evening and introduced himself. We have been in front of the board three times for this. Originally regarding the new steps (Inaudible) last year and our architect has worked up the building layout, since developed the grading & draining plan, the septic design, submitted to the board for comment. We did get comments from Lanc & Tully in response to our submission. (Inaudible). I can go through those briefly and then decide what to do next.

**Chrm. Conero** asked Village engineer to go through them together.

**Scott Sicina** shared we can go through them. There is a lot of comments based around the swift. A lot of them will be a little more technical.

**Chrm. Conero** shared to pick out the ones that are non-technical.

**Scott Sicina** shared there were questions about the layout of the swift. Questions about locations of certain soils on the site and where they were taking credit for the soils for treatment purposes within the swift. Clarification that I am asking for in the swift - Asking for details to be provided on:

- Landscaping Plans
- Storm Water Ponds

- Storage Areas of the equipment I would like delineated on the site, because it is a NYS DOT Consideration of Hot Spots.
  - Typically, those are going to be where vehicles are stored, usually where there are tractor trailers. They are a construction company and have a lot of tractor trailer equipment, heavy equipment, a lot of boiler leaks that are a concern to be a “hot spot”

**Ross Winglovitz** responded; our theory was that we didn’t want to limit them at this point. I was talking to my client when I got that comment. We were treating the *soil or storage* area as the hot spots, with two forms of treatment. We have a forebay, a basin and then into the storm water pond. That was our theory on the design of that. As we talk the specifics of the study, maybe you and I can have a meeting on to go through this.

**Scott Sicina** confirmed yes. Some of the questions on the swift model and how it was laid out. Where it is starting on elevation on the model. Need a little more information on the location of the well - that it is not in an area within 100 feet of the septic system. If it is up hill or downhill 200 feet of the septic system. Soil testing can be witnessed by the Village Engineer for the septic system.

**Ross Winglovitz** asked if he should call Scott to have that set up?

**Scott Sicina** confirmed yes. Identify the fuel storage or pumps for what is being proposed.

**Ross Winglovitz** shared he talked to Eric and he would like to have 2 tanks on site below the threshold of 100 gallons I believe. I have to confirm with him the size. He uses road fuel for construction truck driving and onsite fuel for his bulldozers and (Inaudible – due to coughing). We will identify that, show the location and size and any necessary containment.

**Scott Sicina** asked since the site is supposed to be gated; so, I asked how the fire department will be provided access to the gated areas, in the event of an emergency during working hours and nonoperational hours? Typically, this is held with a Knox box at the gate that the fire department has a key to and allowed access.

**Ross Winglovitz** shared he probably has to send this off to the fire department.

**Scott Sicina** confirmed yes.

**Chrmn. Conero** shared he would like to see this go for a landscaping design and also building design with our architect to ensure it is going to look appropriate.

**Ross Winglovitz** asked to confirm who landscaping is to be reviewed by ?

**Chrmn. Conero** confirmed Elise Johnson Schmidt.

**Ross Winglovitz** confirmed ok, the same person for the landscaping and building design. Ok.

**Chrmn. Conero** shared the lighting. The proposed lighting should be reviewed.

**Ross Winglovitz** shared the lighting is only proposed on the building. They didn't want to light the whole yard, unless they needed to.

**Chrmn. Conero** asked, so no lighting proposed in the big yard?

**Ross Winglovitz** confirmed that is correct.

**Chrmn. Conero** asked when you say you're going to have fuel storage and pumps, how is that going to be constructed?

**Ross Winglovitz** shared it will be required with a double wall containment of some sort. It is required in the DOT/OSHA regulations with sensors. We will get the specifics on that and Eric wants to show the proposed storage locations.

**Attorney McKay** asked how many tanks they might be expecting?

**Ross Winglovitz** shared two (2) tanks.

**Chrmn. Conero** asked do you know the size of the two tanks?

**Ross Winglovitz** shared there is a threshold of 1,100 gallons for registration. Our guys are trying to keep it below that, so they don't have to deal with the DEC guess that's what we need.

**Chrmn. Conero** asked the board if they had any questions?

**Attorney McKay** asked what is the status of the Annexation?

**Ross Winglovitz** responded, good question. That's what I'm here for. Scott asked that question so we followed up with the county to get that information for the new tax lot. The county does not have a record of the annexation being filed. Kelly who handles the annexation said we should contact Monse Rivera-Fernandez or William Frank to find out exactly where that map is that will be filed. You may know more than me.

**Attorney McKay** said he sees the issue. I have not looked at it yet. I know this Board has previously designated themselves as the lead agency. I want to make sure the property is actually in the Village. If there is a separate lot number that has not yet been assigned that could be a different issue. It is something we have to get to the bottom of before we get to a point where we might be scheduling a public hearing.

**Ross Winglovitz** confirmed, absolutely agree.

**Mbr. Romano** asked what are their hours of operations?

**Ross Winglovitz** shared existing facility is relocating, so it will be typical. I am sure they will be there from 5am – 7pm.

**Mbr. Romano** said, ok.

**Chrm. Conero** asked, do you have any architectural designs for the two buildings?

**Ross Winglovitz** shared he's tasked with preliminary architectural floor plans that we based this footprint on. We are meeting tomorrow with the architect to try and finalize the plans to be presented.

**Chrm. Conero** asked the board if anybody else had questions?

**Attorney McKay** shared he has two more questions. Ross, on the EAF, it assumes this is going to be more than 4K square feet of gross floor space.

**Ross Winglovitz** confirmed, correct.

**Attorney McKay** shared this then falls under the Special Use category that goes through the Village Board. EAF indicated that you did not need Village Board approval, so at some point the EAF should be updated to reflect that.

**Ross Winglovitz** shared, we will work to reply back to Scott's (engineer's) comments, work with the architect and get back to the board. Thank you very much.

## **RE: ONE 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. We will entertain a motion to open the public hearing.

**MOTION MADE** at 7:40pm to *open the Public Hearing for 109 Union Street*, by **Mbr. Romano** and **seconded by Mbr. Steed**.

**Motion Passed:** 5 Ayes, 0 Nays

**Chrmn. Conero** asked the representative of the applicant to bring us up to date on any updates that you have.

**Lara Pruschki** shared, sure. I am Lara Pruschki with Engineering & Surveying Properties to represent the applicant Harry Mills. Since the last meeting, we have taken into consideration some of the public comments and provided plans accordingly. There was a comment made on the existing drainage issue along Sears Street. We have proposed mitigation measures to lessen our impact on that with the proposed dwelling. First off, we show some swale grading of the side of the proposed dwelling, which will redirect the drainage from the roof of the structure down the path of the existing driveway. We are also proposing some removed asphalt in between the two, to separate the two lots. Then we also relocated the proposed driveway for lot one, so that would redirect the drainage from a large portion of lot 1 to the highest spot here on Sears Street, and ultimately down to Union Street to lessen the impact in this area of Sears Street. Another thing is that we revised the footprint of the building to more accurately represent the renderings that were shown. It did end up being a little bit smaller. Then in addition to that...(inaudible)

**Jason Rosenwasser** in the public called out what is the size, can you tell us, since she said a little bit smaller?

**Chrmn. Conero** shared to hold on a minute, she's talking. We will give you a chance to talk. Is that Jason?

**Jason Rosenwasser** (129 Sears Street) confirmed yes.

**Chrmn. Conero** shared definitely you will be on. Did you sign the list to talk?

**Jason Rosenwasser** (129 Sears Street) confirmed I did (that he signed the form)

**Chrmn. Conero** said, ok. Let her finish the presentation.

**Jason Rosenwasser** (129 Sears Street) shared he was going to ask her to talk more about the size.

**Lara Pruschki** shared we also submitted new architectural renderings with SHPO (State Historic Preservation Office) and to the Village. We received a letter with no further comments from SHPO, so that the historical aspect of that, has been resolved.

**Chrmn. Conero** asked if anyone else has questions before we open it up to the public?

(No further questions mentioned.)

**Chrmn. Conero** indicated that is the latest rendering. We have a letter from SHPO, that basically says that they have no further comments on it. They have no concerns with it based on their first letter. Again, I think it would be wise to send to Elise Johnson Schmidt to be reviewed. I don't know how the Board feels about that. I am not a historic architect, so I don't really know. We rely on SHPO on many things. Does anybody have any concerns about design?

**Mbr. Romano** shared the garage being in front of the historic. I think Elise has looked at everything. I think she should take a look at this too.

**Chrmn. Conero** asked so you think that our design architect should look at this in regards to the historic area that it is in?

**Mbr. Romano** confirmed, yes – that it is in. It is a beautiful house. I am glad they showed us a smaller/can't be seen from Union. I would say for the most part, it is very nice. Elise should get it - she's been getting everything.

**Chrmn. Conero** asked, do you have any stamped renderings? Are there stamped plans for this yet? You guys are ready to start building – are you?

**Jennifer Mills** shared we are not ready yet. We are not approved yet, so no. We didn't want to do that until we know.

**Harry Mills** shared we didn't want to spend more on an architect until...

**Ross Winglovitz** shared the architectural cost would be significant, so they didn't want to spend more on floor plans and detailed construction documents until the subdivision was approved.

**Jennifer Mills** shared we could only do the front garage, because of the width of the lot. We don't have that option. I would love a side one, but that's not an option because of the size of the lot.

**Chrmn. Conero** reiterated because of the size of the lot.

**Jennifer Mills** confirmed, yes, because the size of the lot. It just won't work.

**Mbr. Romano** asked, if you get the pictures that you said you would take from the road, so we could see the road pictures, mentioned last month? You were going to take a snap shot on what the area looks like from that side?

**Jennifer Mills** (Inaudible)

**Lara Pruschki** shared, we did not end up submitting to SHPO, as they didn't require them.

**Mbr. Romano** shared the Planning Board does.

**Chrmn. Conero** shared that if the board feels like it should be referred to Elise we can do that, but I think she is going to need to have these viewpoints. The board is going to have to decide what viewpoints that you want to see so she can review these plans.

The other concern I have too, if you have this in front of us now – Joe you can help us with this too – what controls you to build that, if you don't have a stamped set of plans. I

understand what you are saying about you don't want to spend the money on the architectural and the blueprints for a home you don't have approval for yet, but I'm not sure what mechanism is to make sure it conforms to what you are showing us. In other words, you're in the building process and it looks different.

**Ross Winglovitz** shared it would be no different mechanism than if it were stamped plans right? Who is going to check that is the plan they submit? I guess the board has to have some type of mechanism with the building inspector what they want.

**Chrmn. Conero** asked so the building inspector would be the one that would have that decision making?

**Attorney McKay** shared what you could do is, remember this is a subdivision not a site plan. What I think that you could do is, the applicant is going to provide the photos – I'm not clear if these are photos or renderings – this here is a rendering. The board said this is a rendering, so I would like to talk about that for a second. Essentially, if they represent that this will be what they will ultimately construct and is substantially conforming size, shape and historical elements then that is what this board is for. Yes, the building inspector will have to be the one that reviews the plan (is the mechanism).

**Mr. Mills** shared we have determined that we spoke to Steve Brescia who was in contact with the Village Attorney and he said because of our location, we are not subject the AHRB. I am not sure if any of you guys would have any say at this point in the type of house that we build, as long as we meet the requirements for size.

**Mbr. Romano** shared because many people came out and concerned because of the size of the house to be built and the land it sits on, it is a Victorian house. If you subdivide it, you have altered that look completely. The neighbors who have large lots next to them too, so you have altered that too. We are the board that decides that. Yes, it is a subdivision, but the site plan is required because of the proximity to the historic district and the houses around it and the people's concern. Steve Brescia is not on this board.

**Mrs. Mills** (Inaudible)

**Chrmn. Conero** shared the attorney has explained – Attorney McKay maybe you can explain more about the SEQR (State Environment Quality Review) process and where the historic architecture of the building comes in with the Planning Board decisions.

**Attorney McKay** shared I don't want to misspeak, but I understand what you are saying that you were told you don't have to go to the AHRB because it is not in the historic district.

**Chrmn. Conero** reiterated the AHRB.

**Attorney McKay** shared that is a correct statement. What the Planning Board has expressed to me is their concern because of the public comments they received in the last

Planning Board meeting, and most of the comments being on how this was going to fit into the character of the neighborhood – even though it is not actually in the historic district. The Planning Board is trying to respond to the public. Under SEQR you have to look at visual impacts, character of the neighborhood. Although it is not actually in the historic district and you don't need the referral to the AHRB, that's correct, this Planning Board can still ask that they will require that they get information from whoever a Planning expert they need in order to approve the subdivision.

**Ross Winglovitz** shared the historic district is something that is defined by SHPO right? They are the agency that brought up the concern and they are the ones that actually issued a letter saying that concern has been addressed with the current architecture. There is a letter there from them basically stating that, so we feel we have addressed that issue that has been raised from the SEQR process.

**Chrmn. Conero** indicated right; but I think again with the fact that it can fit into the character of the neighborhood and the viewpoints that we talked about – the different viewpoints we were supposed to get pictures of to it send to. I think that the big problem we have here, is to try and figure out whether we want to send it off to another design architect for their review to make comments on the house – based on the comments of the public.

**Mr. Mills** shared we didn't send pictures because the woman who we were speaking with at SHPO said she didn't need them, because she could view and see every house on the street. We didn't drop the ball there. She said she didn't need them.

**Mbr. Romano** reiterated she is SHPO and we are the Planning Board, so we would want them.

**Ross Winglovitz** indicated the Planning Board drives up and down Union Street every day. They have the opportunity to look down that street to see it is not like it is a sub-optimal location that you can't divide.

**Mbr. Romano** shared yes, we do.

**Chrmn. Conero** said Mbr. Romano definitely wants to send them up to Elise for review (Historic Design Architect). Do you guys align?

**Mbr. Meyer** said I don't see why not.

**Mbr. Romano** said we did the others. I am trying to be consistent.

**Mbr. Frisbie** asked what else would Elise say? I am reading the comments right, from Sarah in this letter. I don't know what else can she (Elise) say and since this is a subdivision and we are not approving the site plan. This is only a subdivision.

**Ross Winglovitz** confirmed correct.

**Mbr. Romano** confirmed yes, but the residents are concerned. We are trying to address them.

**Chrmn. Conero** shared hold off on that, let the public start and after that we will come to agreement on that.

**Mrs. Mills** shared we just want to subdivide and that's it.

**Mr. Mills** asked what if we want to subdivide the property. We have every right to subdivide that and for our neighbors to tell us what our house is supposed to look like. Where do we live – this is ridiculous.

**Mrs. Mills** shared we just want to subdivide. Forget it. We fit the requirements to subdivide this property. We are not in the historic district. The supposed adjacent lot law has not even passed yet per the Village Attorney (W. Frank). Not even passed yet. That should be off the board – legally. These are not even legal concerns. We just want to subdivide this property at this point. We are not ready to build yet. We are not ready to go to an architect. We just want to subdivide.

**Chrmn. Conero** said to Jason Rose that we will open to the public as these are the applicants. I want to get their comments and then open to the public. Is there anything else you want to add or do you want to hear from the public?

**Ross Winglovitz** said let's go to the public.

**Chrmn. Conero** shared, ok at this time we will go to the public. Don Berger.

**Don Berger** shared, Kevin I didn't sign that thinking that was a list to speak, as we never had a list to speak here. I just thought that was an attendance list.

**Chrmn. Conero** asked clerk if this was the list?

**Deborah Delgado** shared there are sign in lists for each property on the agenda and there is a sign-up attendance sheet if someone wants to speak.

**Chrmn. Conero** confirmed, ok.

**Don Berger** shared we have never done that before.

**Chrmn. Conero** confirmed, no we have not.

**Don Berger** shared to start this meeting off, I would suggest this board would have said, there are sign in sheets to speak and to give everybody here the opportunity to sign that sheet. You didn't do that. I didn't realize that I signed that and I don't have anything to speak on their matter. I thought it was an attendance sign in sheet.

**Chrmn. Conero** shared so we will table that for the next meeting. We will have a three (3) minute timer on comments and then we will go through them. The first person, who wants to speak come to the front for the recorder as it will not get you from behind there.

**Jason Rosenwasser** shared, on behalf of the most affected applicant on 129 Sears Street. My mother, family and I grew up there for most of my life. One question I have which I asked earlier is the size of the structure. What is the size of the structure that sits on this very small proposed subdivision?

**Chrmn. Conero** asked what is the size of the proposed lot/building?

**Mrs. Mills** responded 40' wide x 50' long.

**Jason Rosenwasser** asked if it is on a slab or will it have a basement?

**Chrmn. Conero** said those are building site plans.

**Jason Rosenwasser** shared those are, but the very first thing that was raised by this Planning Board is the site line to Sears Street. That is an elevated piece of property 129 Sears Street is the most affected piece of property by this subdivision. This small subdivision recorded in the history of the Village of Montgomery. In order to look at this site line you have to see what the elevation is to see from the 2<sup>nd</sup> story, which is obviously a two-story structure. You will have to be able to determine is it going to have a basement? Are they going to impact the grading? Are they going to break still and then raise it? It is already sitting on a substantially higher piece of ground.

**Ross Winglovitz** tried to address the question on grading.

**Jason Rosenwasser** shared everyone else waited their turn and continued to share there is a pool that sits on the rear of the property. Every property on Sears Street backs up to another side or rear property. For my mother's property to be sitting adjoining a two-story structure, 8 feet off the side yard is inconsistent with the character of the Village and it is inconsistent with every side yard that backs up from Union to Sears Street. They all go to a corner and it is all yard. There is no other structure on Sears Street or any other street that has such a character where the side yard which is fenced in has a two-story structure about 10 feet from it. It is a very small set back. Now it may be within total range set back of 18 feet, but an 8-foot set back, on a two-story structure on an 8-foot fence at a very high elevation – that is a very substantial change. What steps are being taken to ameliorate that affect on my mother's fence-in an inground pool yard? You can't put up 50-foot pine trees Kevin. How are you are going to ameliorate the 2<sup>nd</sup> floor structure looking down into my mother's swimming pool? Has any engineer looked at this on behalf of the village of Montgomery. I see the applicant's engineer. Has an engineer looked at this on behalf of the Village?

**Chrmn. Conero** confirmed, yes.

**Jason Rosenwasser** shared; I know that one of the Proposed things when we talked about site lines was that it was referred to the Orange County Planning Board. The Orange County Planning Board rendered no opinion based upon their records on the site line on that side of the house.

**Chrmn. Conero** reiterated Orange County Planning Board.

**Jason Rosenwasser**, confirmed correct Orange County Planning Board. In the minutes when someone correctly raised the site line, you Chairman Conero, who also lives on Sears Street, said it needs to be referred to Orange County Planning Board. It was referred to Orange County Planning Board and they rendered no opinion about that question. What is the answer to the site line which was tabled last time when we were here, you said we haven't addressed it. There is no way they should get out of public hearing, without knowing exactly what is being built and without knowing what is the intent of the main house. An 18<sup>th</sup> century Victorian that was slamming the brand, new colonial with the front-loading garage on. What is their intent as they have a rental posted right now with more posted. They can't create a hardship and come back and ask for ten more variances. The adjacent home owner is entitled to know what is the intent of the other structure, which we already know has a non-conforming use, because of the porch. How many variances are going to be sought for rentals. There is one on line – when my mother asked Harry (Mr. Mills) about it – they took it offline about 5 minutes later. It is ridiculous and the adjacent home owner, certainly my mother, is entitled to know what the answer is to how many variances are going to be sought. Most certainly, this should never get out of public hearing, is our position, without having a stamped plan and knowing exactly what is being constructed there and exactly what impact it has on my mother's property and other properties including yours Kevin on the street. Exactly what steps will then be taken to ameliorate what that issue is. It is out of line with anything that has ever been done in the Village and it is out of character with the adjoining yards and it can never leave the public hearing on this rendering is our opinion. What is the site plan issue Kevin, as it was never been addressed? It was one of the first things that came ever out of the Planning Board. What is the answer?

**Chrmn. Conero** asked Jason to confirm, you are talking about the elevation of the building?

**Jason Rosenwasser** confirmed, yes. It is a two-story structure and it is slammed between the existing structure and my mother's back yard, with an inground pool and an eight-foot fence. It needs to be determined before it leaves public hearing.

**Chrmn. Conero** said, ok. Our engineer ... (inaudible)

**Jason Rosenwasser** retracted and shared, I'm sorry - it is a six (6) foot fence. Harry could probably see over it standing there. They are going to put a two-floor structure on there. It is only a sub-division ...(inaudible)

**Mrs. Mills** shared; it is not two stories .... (inaudible)

**Jason Rosenwasser** said, we wouldn't know what it is, clearly because you haven't shown us...(inaudible)

**Mrs. Mills** shared; it is not two stories .... (inaudible)

**Chairman Conero** shared hold on, hold on. We took your comments (inaudible by applicant & public)

**Attorney McKay** shared Mr. Rosenwasser, please speak to us not to the applicant.

**Chrmn. Conero** paused the discussion and reiterated, we took your comments and we get what you are saying. We also have zoning laws involved here. There are existing laws here.

**Jason Rosenwasser** shared it is zone R5, and they have rental posted, so how exactly is that the case?

**Mbr. Romano** asked if they are going to rent this building? (inaudible) That's not for our board.

**Jason Rosenwasser** shared you missed they are going to rent in the main house without question. I think the question is, once this gets granted and they create a hardship, how many variances are they going to seek on this property and the other property?

**Chrmn. Conero** shared, we have not referred anyone to the Zoning Board of Appeals. There is a pre-existing condition with the porch on the existing house. We know about that. The building as laid out on the property does meet all the set-backs. Those set backs are in the code, there is law on that.

**Jason Rosenwasser** reiterated, the site line has to be determined in that space, in less than a quarter acre lot at that elevation, before it gets approved.

**Chrmn. Conero** said, I understand your comments and we will ... (inaudible)

**Jason Rosenwasser** shared, they are your comments actually, which have never been answered from the very first session. The public deserves an answer, my mother deserves an answer. When does this get out of public hearing, Kevin? You raised this issue.

**Chrmn. Conero** shared, I raised this issue for what it is going to look like for historic homes.

**Jason Rosenwasser** shared, no. You wanted to know, “What is the site line for 129 Sears Street, the neighbor. It needs to be referred to Orange County Planning.” This is the one and only Planning Board session you had. The first and last time, it should not leave public hearing without an answer.

**Chrmn. Conero** shared, just so I’m clear too, there is a substantial hill there. The grading is like 6 feet, I believe. I saw in the plan a 6-foot drop in the back of the property line. Is that correct?

**Scott Sicina** confirmed, yes.

**Chrmn. Conero** asked, is there anything in the code that specifies how far down in the ground this building has to be?

**Scott Sicina** confirmed, no.

**Chrmn. Conero** reiterated, no.

**Jason Rosenwasser** shared, how about we see a rendering with all the structures on it. It is going to look ridiculous and that’s the reason why we haven’t seen it. Let’s see a rendering with that structure next to the existing structure on the lot, so that we can see that. That is a tiny ...(Inaudible). It is unbelievable to me that you would be able to slab a structure there.

**Chrmn. Conero** shared, I don’t think the board has made a decision yet, that we will send to the Village Architecture Consultant, you make a good compelling argument.

**Jason Rosenwasser** confirmed, we are asking that you do.

**Chrmn. Conero** confirmed ok. Thank you.

**Chrmn. Conero** shared, is there another person that wants to speak on this one – 109 Union? Ok, no one (directed at the public). (Directed at the Planning Board) Basically, what you guys have to decide is if you want to send this to the Village Architect (Elise Johnson Schmidt). I would say we send it to her.

**Mbr. Romano** confirmed, I agree.

**Chrmn. Conero** asked if the rest of the board wants to send it to her?

**Mbr. Romano** shared, I realize it is a subdivision, but it is a very sensitive area.

**Chrmn. Conero** asked the Village Attorney; do we need to take a vote on it?

**Attorney McKay**, confirmed, it is been a while since you polled the Board, so yes.

**A MOTION MADE** at 8:04 pm to refer **109 WARD STREET – 206-6-1.2 to the Village Historic Architect Consultant** (Elise Johnson Schmidt) by **Chrmn. Conero**, seconded by **Mbr. Steed**.

**MOTION CARRIED:**

**4 Ayes (Chrmn. Conero, Mbr. Romano, Mbr. Steed, Mbr. Meyer**

**1 Abstention (Mbr. Frisbie)**

**Ross Winglovitz** shared; I want to respond to a few comments from the public:

1. Clearly, it is not a two-story structure – it is a story and a half (1.5 story) structure
  - a. Your code does not regulate height or allows a two-story structure if you wanted to do a two-story structure. I don't know what the maximum height is, but it is way less than 35 feet, which is permitted in the code book
  - b. Similarly, to the existing house on the adjacent lot

**Chrmn. Conero** asked to confirm 35 feet is the maximum in the code?

**Ross Winglovitz** confirmed, yes.

**Ross Winglovitz** shared; we presented obviously, what the building looks like. You can see that. Even if it were a two-story structure, it is irrelevant because it is permitted in the law.

2. Regarding set-backs, the claim that there is less than 8 (eight) foot set-back. The set-back is significantly greater than to that along the abutting property line that the public talked about. In fact, it is very similar to the existing house on the adjacent lot. Minimum is 8 feet, it is about 16 we have, which is similar to lot on the abutting property that the person is talking about.
3. Elevations of the site to clearly has a grading plan with topography, so the elevations can be clearly read by anybody.
4. With the claim regarding 10 variances being required, there are no variances being required. The application is in total conformance to the Zoning Code.

**Chrmn. Conero** asked, what is the proposed grading on that lot?

**Ross Winglovitz** shared, basically it will be brought down a few feet in order to make the driveway work. Effectively, it is actually will be lower slant.

**Chrmn. Conero** asked, so the whole lot will be lower?

**Ross Winglovitz** confirmed, yes, it is about 2 feet.

**Chrmn. Conero** asked, from the back of the property line to the front – do you have it on your plans there? From the back of the property line to the front, do you have the proposed grade?

**Ross Winglovitz** shared, it is about 6 feet, Kevin.

Chrmn. Conero asked, you're looking at what kind of a drop? Is it 6-7 feet, I think I read?

**Scott Sicina** shared; you're going more about 8 feet.

**Chrmn. Conero** reiterated, they are bringing it down by 2 feet more.

**Scott Sicina** shared, they have 404 feet on the absolute back corner and then 396 (feet) in the absolute front.

**Ross Winglovitz** shared; it is about 150 feet - like a 4% grade. Pretty mild grade across the whole lot.

**Chrmn. Conero** said, thanks for clarifying that.

**Ross Winglovitz** shared, in regards to the plan showing all the structures, this is the plan showing all the structures. It shows all the existing structures. The existing structures will be relocated in the proposed plan. I want to be clear. All that information discussed has already been provided to the Planning Board and for the public. We understand that the Village is deferring to the Village Architect and we will be glad to coordinate getting her a work plan she may need and any additional photos and so forth. Thank you. Are you going to motion to adjourn or closure?

**Chrmn. Conero** said, we will motion to adjourn.

**A MOTION MADE** at 8:04 pm to **adjourn to the next month's regular scheduled meeting on May 24<sup>th</sup>, 2023 for 109 WARD STREET – 206-6-1.2, by Chrmn. Conero, seconded by Mbr. Meyer.**

**MOTION CARRIED:**

**5 Ayes**

**0 Nays**

**Mbr. Meyer** asked to make a few comments. You know, one of the things that we are trying to do, is satisfy as many people as possible. It is not a realistic goal. It would be wonderful if we could meet that. To want and satisfy as many people as possible, sometimes we have to refer it to other entities to get other voices on it. Hopefully it leads to greater satisfaction. I know it takes time and I know it is frustrating. It is something that sometimes we have to do to satisfy as many residents as possible.

**Public** said thank you.

**RE: SECOND ADJOURNED PUBLIC HEARINGS**

**RE: PATHWAY PLACE – 203-1-1**

*Owners: Vincent Satriano*

*Per applicant this public hearing requested adjournment to next month on April 26, 2023, via email, filed in applicant folder at Village Hall.*

**A MOTION MADE** at 8:42 pm to recognize and accept the letter from the applicant requesting to **adjourn to the next month's regular scheduled meeting on May 24<sup>th</sup>, 2023 for PATHWAY PLACE – 203-1-1, by Chrnm. Conero, seconded by Mbr. Steed.**

**MOTION CARRIED:**

**5 Ayes**

**0 Nays**

### **RE: THIRD ADJOURNED PUBLIC HEARINGS**

**RE: KSH – 211-1-29.22**

*Owners: KSH Route 211 Development, LLC.*

**A MOTION MADE** at 8:47 pm to **Open the Public Hearing** for, **KSH – 211-1-29.22, by Mbr. Romano, seconded by Mbr. Steed.**

**MOTION CARRIED:**

**5 Ayes**

**0 Nays**

**Chrnm. Conero** asked, Ross to bring us up to date on what's changed, if anything?

**Ross Winglovitz** shared; I am going to ask **John Cappello** to start it out. We have two people here, who will provide additional information.

**John Cappello** said, good evening, everyone. I am from J&G Law. I am here on behalf of the applicant. Really, what we want to do is summarize what is submitted since the last meeting, in response to the comments to the board and the public that were raised at that meeting.

#### **1. Full Sound Study:**

- You have received in the package that was submitted – a **full sound study** – prepared by *Michael P. Bontje*. Mike is here with us tonight. He is the sound senior engineer with B. Laing & Associates. He's prepared a full study and has made certain recommendations that he will go through, that includes a **sound attenuation wall** in some certain places along the property, that will help keep the levels of sound at all times, in compliance with the Village's noise ordinance. Some of the walls that will be constructed pursuant to his recommendation, will also serve to further shade any potential light and traffic that might bleed onto Weaver Street, so that would block the light there.

## 2. Striation of Docks & Windows:

- We have *Stoch Zamonsky*, from Anderson Design Group Architects, who designed the buildings. He will discuss some of the modifications he made to the buildings, to further attenuate noise; which I think Jason Anderson explained verbally over the last meeting about the ***Striation of the docks and also the windows*** facing Weaver Street will be removed. If there are any evening operations occurring in the building, there will be no lights shining out from the windows, that can be potentially visible from Weaver Street.

## 3. Traffic

- As far as some of the concerns regarding the ***traffic (on 211)***, we have committed in our last submission, any left turns out of the site by any trucks will be prohibited.
  - All truck traffic leaving the site will have to exit 211(*westward bound*) and **not** go through the Village.
  - We also commit that we will advise all tenants, that their trucks coming to the Village to the building, would be advised to come through in a manner that will **not** go through the Village. They will either come through Neelytown Road or by 211 (*coming from west*). There may be some deliveries vendors at sporadic times, and regular vendors or tenants of the building will be instructed to have the trucks approach and **not** use the Village Traffic.

Attorney McKay asked, John do you think this is going to be in some type of developer agreement or how do you intend to reinforce that mechanism?

John Cappello shared;

## 4. Traffic (continued)

- We can put this as a condition, that we have advised the tenants.
- As far as ***no left turn***, we will put signage there, so it is clear. We will and can control leaving the site. It is a little more difficult when coming to the site. I acknowledge, we did an agreement with Medline, that I can pull-in and provide something and give the Village the right to enforce. For a UPS truck or something coming to the site, it will be difficult to get them adhere to the terms. We will do our best to make it (adherence) a routine. We did say, we will do no left turns, we did take a look.
- Ross will explain a little more on how the ***realignment of the road***, that we are not using the existing driveway; but we are aligning it up with Chandler and putting some buffers and no left turns should help address the one neighbor's concern about the *light shining into his home*.
- Ross also took a look, when we have to do a new turn lane into the sight and we do that work, the DOT will likely require that we look at the drain pipe that goes under there ***to unclog or improve that drain pipe***. It might not totally alleviate what is an existing condition, but it should make the ***drainage issue*** there a little bit better.

## 5. Roof Reflection

- I know there were questions, we did submit the visuals officially that Jason presented at the last meeting. We believe it demonstrates that the **roofs** of the building *will be non-reflective dark materials*, so it won't be reflecting to any of the neighbors on the other side of Union Avenue who will look down upon the site.

## 6. Buffer Area

- As far as how the buffer areas will be protected and I did speak to Attorney McKay and we commit before final approval, we will submit a draft of the **conservation easement** that will be a separate document; not just a note on the plan, it will be a separate document that will set forth what can or can not be done in the buffer area to ensure there will be no removal of trees unless they are dead or diseased and *further restrict what can be done in this buffer area*. That will be filed with the county clerk, so anyone who is financing or looking to purchase this building, that will come up in the title report as a 'restriction against this property' so it will be very clear on what can/cannot be done. It will be enforceable, and we will provide enforcement mechanisms of how the Village can enforce and even come in to remediate if any trees were cut down – to replant them and charge them against the property owner. Those are legal documents that are common and we are confident we can work with your council to come up with a good plan.

**John Cappello** shared, since the major new information provided was the sound study, so I will introduce you to Mike and he can give you a brief overview. As far as any questions, he will allow them to come to you and he will wait to be directed to respond.

**Chrmn. Conero** said, Thank you John.

**Michael Bontje** shared, good evening board members and Chairman, I am having back spasms the last couple of days, if I have to sit down at some particular point...

**Chrmn. Conero** said, yes, just let us know. That's fine.

**Michael Bontje** shared, right now I'm fine, but I'm saying it so you never know. Anyway, my name is Mike Bontje. We gave a card to the to the recorder, so you can spell my name properly. I've been senior planner and environmental scientist with B. Lang Associates for 43 years. We do natural resources assessments, which is by the several different areas, but noise is one of them. Noise analysis and sound analysis is one of them. We've done numerous projects up and down the corridor. Medline was just mentioned, that was one of our projects. Both for governments and for private institutions or private owners like this. Basically, as you guys well know, this is a site in an industrial area, industrially zoned and you have 211 that runs back and forth across the frontage. Orange County airport is fairly nearby. Although the runways do sort of go to either side, so there is not too much interference with that. It is a Municipal Airport anyway, so it is intensity. Planes taking off and can be like 80 decibels, but they tend to be off to one side or another. The only kind of major effect to get might get is a

helicopter, because those guys can fly anywhere. Also, out of Stewart Air Force Base, you get those C5A galaxies that will come out and try to make the turn sometimes or do circles and practice. We did have one of them go over the site, and we kind of noted it in our report, that you actually could see a spike and I think it was a C5A Galaxy - it almost has to be, to be that level of power. It is going to be a couple 1000 feet up at a particular point. Then we will be in the pattern.

**Michael Bontje** continued, anyway, getting to this site itself. The dominant sound source is Route 211 itself. We went out we took measurements. Basically, what we came up with was the night time level, which is after 9:00 o'clock at night, which is your night time - was about 69 decibels. Note: 65 decibels, is a normal person's conversation, 60 to 65 decibels, 3 feet apart.

**Michael Bontje** shared, what happens is, if you get above 65 decibels, there is the tendency and that's the reason people use it, there's a tendency to be interfering with comment normal conversation. If you're standing by the side of the road even at night over there, you're going have some level of interference even with a normal conversation 69 decibels. I'm just kind of giving you a reference.

**Chrmn. Conero** asked to confirm, so, you took references on 211?

**Michael Bontje** shared, yes and 211 right here. In the what is an industrial property right now, the car wash and somewhat automotive uses right there. During the day it was running about 75 decibels about six decibels higher in the PMP.

**Michael Bontje** elaborated, the way the traffic goes on 211, if you look at the counts, the PMP gives the highest the AMP is actually kind of low, by comparison. There's not much of a peak in the AM but there is a peak in the PM according to their counts. That's why we did that and I said did the night time.

**Chrmn. Conero** asked for confirmation, so you're using those calculations/figures to compare what you do theoretically rely on.

**Michael Bontje** confirmed, yes. Then we also took an interior thing at the back of this particular property, that was interior to the site. That ran about 50 decibels to about 53 decibels. So, it is considerably lower, but it was still more in the range of your night time standard for the property, 50 to 51 decibels. Well actually, industry to industry is 70; but when you go to a residential night time standard it is 51 and the day time standard is 61. There was like four (4) properties here right along 211 that are still zoned residential. They are also in that zone of impact, from the existing condition right now.

**Michael Bontje** shared, there is some impact as you go up Weaver Street. We tested about halfway back. You are still getting route 211 sounds, again in lower 50 decibels range even at night; being at 50.3 was our lowest at about 10:00 o'clock at 'nightish'. It is fairly elevated sound environment to begin with. I guess is what I want to point out.

Again, this is kind of at your standard now, even at night; because of it being low and slightly above that during the day - but the day standard is higher anyway.

**Michael Bontje** shared, anyway I first wanted to start by saying; listen you know this even before I came in here, this is a pretty well-designed site for noise attenuation. To start with the fact that the entrance is now down here and kind of embedded, as an industrial-to-industrial property. This is the property itself. This is an industrial property down here, so that's a good thing the boundary line is a 7, which makes sense.

**Chrmn. Conero** asked, the boundary line is a what?

**Michael Bontje** clarified, the boundary line between two industrial properties is a standard of 70 decibels and that's day time/morning time.

**Chrmn. Conero** said, alright.

**Michael Bontje** shared, and it makes sense at a normal truck traveling about 10 miles an hour, on a fairly level stretch it is going to run around 73 to 75 decibels, so it is only slightly somewhat higher than that. You can only hear a difference in a sound, when it gets up to about *5 decibels more than the ambient* and so; somebody's really good hearing they can hear 3 decibels. If you're me it is five decibels or more.

**Michael Bontje** went on sharing, anyway the other thing that's nice about this particular entryway, is that it is almost a flat. It is relatively flat coming in. If there was a standard entryway here, not just the safety entryway, you have residential properties and residential zone that's right there, and on top of that you, also have a grading.

**Chrmn. Conero** shared, and that's just for emergencies.

**Michael Bontje** responded, and that's just your emergency out.

**Michael Bontje** shared, let me keep going through the other two items:

- The ***truck bays are all on the inside*** of the development. That's a big deal, because you have these 30-foot and possibly 40-foot buildings, that act as their own noise barrier basically; and they're good ones, because they are 30 feet tall and 40 feet tall, it is all in a hundred feet wide.
- What was something of an interest was, these two buildings - the two buildings one and two - facing over towards Weaver Street, have a corridor between them. Therefore, we designed to put in a ***15-foot wall there has to be code that it is overlapping***; so still get access around the buildings. Alright, but you have them (walls) and the edges have to overlap one another. That way there's no chance of a flanking sound going through here, from the louder trucks and vehicles and anything else. You can do solid ones (walls) too. Usually code requires separation, in case you have to get around due to a fire or safety purposes, to get in from either side.

Someone asked where would the walls be?

**Chrmn. Conero** reiterated to come closer if you need to. It is in between the two buildings closer to Weaver Street.

**Michael Bontje** shared; the two buildings closest to Weaver Street are 30 foot-buildings. The truck trailers are on the back here (center of buildings pointing to the diagram) one of the backside on Weaver Street. So, what we did was there was a space in between the two buildings, and so as not to allow the sound to escape, we're going put two short walls coming perpendicular to each of those buildings and then overlap.

**Chrmn. Conero** reiterated, so that will help mitigate some of the sounds.

**Michael Bontje** shared, that will take care of it, because basically heavy trucks have a release point of about 12 feet.

**Chrmn. Conero** asked, what have you done on the property?

**Michael Bontje** emphasized, OK just a couple of things number one is (paused) let me continue with this.

1. Already built into the mitigation, you have this wetland cord all the way around. Here you have a minimum of 250 feet to the 211 and what I did in my calculations I'll get into a little later is this is about 250 feet, as well. It goes across towards Weaver Street. So, you have a *lot of ground and it is acoustically soft ground* in other words there's no parking, there's no highway there, and so that's *soft ground attenuates sound as it goes over*. We took a little bit of credit for that, but not much.
2. The second thing, is when I did my calculations on what I call analysis .1 over towards Weaver Street, there's a lot that sticks out in there. What I did was the calculations at the back of that lot. I understand that lot is in the industrial zone that back half of the lot. The front half is residential and the back half is not. Technically I could have gone 250 feet out. What I did instead, was I calculated to this 150 feet and I came up with 46 decibels. Daytime standards 61; your night time standard is 51. You're below in both cases, but there's also a level of conservatism, because I've got an extra 100 feet here. You could easily build in by going to this I would probably be about 5 or 6 decibels below that, I would be low 40s. *You have plenty of buffer in terms of both the daytime and the nighttime standards*.
3. What we did from mitigation in this particular point, was we added in a ***six-foot fence along the parking area for these two particular buildings***. The idea is, basically, when you're dealing with *passenger vehicles*. No trucks going to be allowed here from my understand - this will be all signage and directed in here and a lot of times too. The truck people don't like the tighter turns. The tighter the turn is, the less they like. This is a nice even truck turns, this is more built for vehicles. Vehicles have a lower sound source, so the trucks drop at 12 feet the vehicles are either at zero for their noise or maybe a couple of feet off the ground

for the exhaust. They have a much lower source point. Therefore, if you put a six-foot fence there; they're actually four feet below fence, in terms of where the sound comes from.

**Mbr. Romano** asked, I know you're the sound guy, but what kind of fence is it going to be?

**Michael Bontje** confirmed that it *should be a solid fence, that's my requirement*. I don't like plastic.

**Mbr. Romano** asked, will the lights be shining on Weaver Street?

**Michael Bontje** shared, that's another that's a whole other thing too. Yes, that's not me but yes that would be another effect (referring to the six-foot wall). What I would do, it has to be a solid fence to the ground, six feet tall no gapping. It has to be roughly surfaced. Same thing with the buildings. Roughly surfaced the buildings, because then you don't get the reflections. You get more absorption scattering, than to you get reflections. *Those are my only requirements. It has to be six feet, no gapping, no plastic but then it has to be a rough face on the fence.*

**Chrmn. Conero** said, ok.

**Michael Bontje** shared, then the next analysis points that I checked were down here, at the properties along route 211. Like I said, they are kind of at the night time standard right now. I'm getting like 50 decibels - 51 decibels in here at night - at 10:00 o'clock. Again, what we decided to do here - this is 350 feet from the entrance road to this property and then there's 250 feet at the shortest point. What we did again, was put a fence along this stretch, so there'll be a fence that goes all the way along past the buildings and then has the gap for this particular you know for the emergency; and then it goes all the way along the Weaver Street side and ends over there.

**Mbr. Romano** asked if that's the same type of thing as the same type of fencing?

**Michael Bontje** confirmed it is all the same type of fencing. When we did the calculations for the entry here, there was no need to do it; because now you have 350 feet to this residence. This is our analysis point 2A was over here and point 2B was over there.

The only reason I did it, they are on 211 already; is because they're residential properties and residential zone.

**Chrmn. Conero** shared, yes.

**Michael Bontje** shared, again you can say ... (inaudible)

**Resident (Unknown as inaudible)**, asked if can you repeat, what was that again sorry?

**Michael Bontje** elaborated, I estimated/calculated leaving Weaver Street behind, I calculate 2 locations I have a 2A and 2B; which is this first residential property, as you come along to 211 up from the proposed entryway. This separation is about 250 feet and this separation is about 350 feet. Again, you still have that acoustically soft barrier in there, because of the wetlands. Even in the winter time, it will serve as a buffer. When we did the numbers, we decided we would put a fence in, along this entire stretch here up. It also helps to the lights. You know I wasn't doing that part of it, but it helps the lights.

**Unknown resident (Inaudible)**, asked question (inaudible) about where does the fence at the end of the warehouse?

**Michael Bontje** responded, which warehouse?

**Unknown resident (Inaudible)**, shared the Weaver Street side of the warehouse.

**Michael Bontje** shared, all way over about three or four lots from the end it comes down into the parking area.

**Unknown resident (Inaudible)**, so it doesn't...

**Chrmn. Conero** requested let's let him finish his analysis first. I think this will be helpful.

**Michael Bontje** shared, I also I analyzed two sites in the industrial area, the first was the parking I am calling the South side. I know that's kind of skewed to the north. On this side, it is industrial property. The industrial property it is 70 decibels standard; there's no need for flanking walls on those particular sites. Also, there's no need for fencing because you're going to be running passenger vehicles in that area. Dominantly, they tend to run in the low 60s. Especially, if here you know you're going to be running at low speeds. Out on 211, they're doing the 45-55 mph, some people may even go higher than the speed limit.

**Michael Bontje** shared, they are really kind of moving along out here, as opposed to on this particular property in this lower area. What we did determine was, if you're only about 10 or 12 feet from the pavement to that industrial boundary, that southern industrial boundary, so you're going to be over the standard if you don't do anything. So, we put a six-foot fence in there, just to grab a couple of decibels and get it down to 69. Whereas over here, with just the passenger vehicles were about 63 or 64.

**Chrmn. Conero** shared, we will come back the fence at the entrance.

**Michael Bontje** shared; so basically, the analysis basically breaks down to the fact that *with mitigation the site will be able to meet Chapter 77 Standards*. Let me see if there's anything else I missed. I think it is about it.

**Chrmn. Conero** shared, I do have a couple of questions for you:  
One of them is I know you say the buildings need to be like a rough material?

**Michael Bontje** confirmed, yes.

**Chrmn. Conero** asked what about the loading bays - the loading areas. I think Jason had mentioned this. There is a newer type of technology or structure that you can use that would help mitigate some of the noise?

**Stoch Zamonsky** of Anderson Design Group Architect, confirmed yes.

**John Coppello** introduced Stoch Zamonsky is the Anderson Architect.

**Stoch Zamonsky** shared, thanks John. All four building have been modified to include almost like a *corduroy pattern on the facades*, both the lower and the upper portions of it. That provides that rough texture that Mike was talking about. We have also **removed the windows** (on Weaver Street side); you can see that they're showing as black. We are just going to have the frames there to keep kind of that pattern, but all of the windows that were on this side above the entrance; so those high ones, have been removed so no light can be seen from those.

**Stoch Zamonsky** shared, we have also **modified the roofing to be black** based on some comments. Roofing was originally white. Those are really the substantial changes to the building.

**Chrmn. Conero** commented, yes. He has taken a lot of steps to mitigate the sound. I think our engineer also commented on the the sound analysis too. (Referring to Lanc & Tully) Are you generally OK and what they did, more realistic?

**Scott Sicina** confirmed yes. It just seems like very more in-depth noise study. They provided detailed information on where they got the design standards, and where they did their testing. They actually went out and did some onsite testing as well. One question I do have for you Mike; is regarding the wall close to the entrance, would there be any ability to potentially use something maybe not like a solid wall. I'm thinking for a visual when you come into the village, if there was even maybe like pine trees. I know sometimes the *pine trees are used like in a pretty tight pattern - would that give enough of a buffer?* I know it is so close to the property line.

**Michael Bontje** shared, we might be able to do that, let me test it. It is just not a scenario I tested. This particular wall, like I said, is this really the one on the entry road and that's what I'm calling the south side of the entry road, is really more... all I only need a couple of decibels.

**Scott Sicina** confirmed, correct.

**Michael Bontje** shared I don't need a lot. I might be able to use the dense pine. Let me go take a look at densely planted evergreens or I might be able to get away with a slotted fence in that area; because I'm not looking for a full 10 bit of decibels. All I need is like three.

**Scott Sicina** said yes. I show big visual impact on this.

**Michael Bontje** shared he can look into this.

**Chrmn. Conero** asked, do you have any signage on there?

**Ross Winglovitz** commented, good thing you asked. Part of the mitigation right, we have realized obviously, that was it is critical to where we direct the trucks. There will be signage along the entry drive. Basically, they have to turn right here, that they can't go beyond here, so they can't get trucks down in this area. Signage here as well, limiting trucks only to the loading area and the entry drive in and out. That's been proposed as well, as the signage at the entry, limiting left turns out for trucks.

**Chrmn. Conero** asked if there is *any signage* proposed to identify the front?

**Ross Winglovitz** shared not at this point, no. We have not come up with the signage package for the building or for the business part.

**Scott Sicina** asked, is that anticipated to be forthcoming or no?

**Ross Winglovitz** shared, we can discuss it with the client, it has not come up at all.

**Chrmn. Conero** reiterated the reason I'm bringing it up, as you know if you eliminate the fence on the southern portion of the drive; you might have assignments that have to go there. We haven't seen any design yet. You know as far whether they are going to be lighted; how are they going to be lighted. We should mark that down for a *signage plan needed*.

**Ross Winglovitz** shared I think that everybody realizes that fence along that industrial/industrial property doesn't make sense. One of the ideas would be to show it; indicate that it could be provided as determined necessary by Village Building Department/Village Engineer someday in the future; because we don't think it makes sense. Visually, we don't think it is the best thing for the entry into the Village.

The fence itself is what we've proposed, it is called *ply wall or equal*. It is a specific sound barrier fence, that is used in many applications. We put a reference to it on the plan. As Mike said, there will be a specific design that would be required; because these have significant wind loads. They are solid fences, so engineers design what will be submitted to the building permit for that phase.

**Chrmn. Conero** asked if you have any design in your plan, do you have anything with the actual fence is going to look like?

**Ross Winglovitz** shared it is looks like a wood fence.

**Michael Bontje** shared the real difference a lot of times is the surface. In other words, you don't get something like that typically. The manufacturer they only show you the polished surfaces that's previous and we always ask for rough. Secondly, the foundations like you said, are often much more substantial than they would be for a normal 6-foot fence, because they're solid. So, when the wind blows against them, you have a little bit more of a lag.

**Scott Sicina** reiterated it's for handling wind loading onto the fence.

**Ross Winglovitz** confirmed right. For the most part the fence will not be visible other than this piece.

**Mbr. Romano** asked is that the piece you had mentioned, you were going to test with the densely trees?

**Michael Bontje** confirmed yes. I will take a look at it and that's again I'm only looking for a couple of decibels in that location.

**Mbr. Romano** said yeah I think...

**Chrmn. Conero** shared, I think this will really help address a lot of the noise issues. Mbr. Meyer, do you have a question you want to share?

**Mbr. Meyer** confirmed yes. Thank you for your sound analysis. There has been a lot of discussion about, how it is going to sound from the sound coming out from the interior from 211 from Chandler Lane, but there's been no mention of how this thing is going to sound from the from Weaver St. We need to have some more point of reference on Weaver Street.

**Mbr. Meyers** asked, what are the residents on Weaver Street here? That is what I want to know specifically?

**Michael Bontje** shared, what I did was, I took samples over here and I came up on Weaver Street and about here about eight or ten houses in and took samples. When I did the analysis I came up with - I'm sorry my tech went into sleep mode - it was in the low fifties right here. That was including

**John Reale** asked, if this 24 hour a day 8- hour work day?

**Chrmn. Conero** mentioned that people have too many side conversations, we are not able to get the minutes now.

**Michael Bontje** shared, when *on Weaver Street* we came up with 51.3 decibels PPM and again, most of that sound was from 211. At night we came up with a slightly less level 50.9, so roughly 51 decibels again at night at this location. Then during the day, we actually had slightly higher analysis at 53.5 and the reason for that tends to be in residential neighborhoods now, you get a lot more frequent trucks going back and forth not only for service, but also for delivery. The Amazon guy comes once or twice a day the mail comes, sometimes they'll come twice. They have a separate parcel delivery service. You know then have UPS, so we actually got slightly higher levels than we did in the PPM when we tested the AM. Your standard right now says 51 decibels by daytime industrial going to residential. This area right here, is running pretty close on 51 decibels right now; in the existing condition from the traffic in the area, from this particular location. When analyzing it from this location - from the parking north of the warehouses or east the warehouses - up to the nearest lot line residential lot line; but it's Industrially zoned - I'm getting 46 decibels. It is five or six decibels below the night time standard. The daytime standard is 61. The night time standard is 51. If I throw in that extra 100 feet, because this lot sticks out, then it's going to be a little bit lower than that. Let us say it's going to be the low 40's - 44/43 decibels.

**Michael Bontje** shared, basically what happens is, the only time you can usually hear a difference in sound, is around five or six decibels. This sound will not be the dominant sound on this particular area. However what audibility does go down to like 20 decibels. What happens is you might hear the sound from it, but it'll be the same quality as the sound that you're getting here because there is traffic. At night time one of the things we noticed too; was the interior of the site, which was my sampling location #2 - it came at 9:16 at night starting at 9:16 at night - I came out actually the 53 decibels over here. It was as actually from the insects, which is again not uncommon. The insects are going they can be pretty loud. The frogs I have registered the little guys - the spring peepers in the 70s, you know 40 or 50 feet away. Well, you will be able to discern it; at least at first, probably because it's a slightly different quality of sound. It is coming from a different location; but it will still be in the same range as occurs now. That is basically how I would characterize it. That is what the study determined.

**Chrmn. Conero** said Thank you. Does anyone have anything to ask?

**Attorney McKay** asked, Ross can you explain again about the entrance way - the fence - you're saying that's optional?

**Ross Winglovitz** shared, well so to Michael's point, it's needed to make the standard for the sound at this property. We are showing it. We were asked that we would show it, but that it be optionally installed, at the request of the Village; because this is the most visible portion of the fence. We think that when you're coming to the Village, we don't think you want to see and we don't think it's really needed because it's an industrial property. There are no receptors here whatsoever.

**Chrmn. Conero** shared, I have concerns too; because when the Village architectural consultant looked at this after you submitted, as you know she looked at the entrance

pretty extensively; so now we're adding a fence that skews the rest of the design at the entrance, so I agree with you.

**Mbr. Romano** shared, yes.

**Michael Bontje** shared, I think what I'm going to do is - I'm going to go back and frankly I didn't even look at that scenario.

**Mbr. Romano** asked, if you could look at it with dense trees.

**Michael Bontje** shared I can do that. There is enough room to be able to plant, and see what comes out of it. It would be with dense evergreens. It cannot be assiduous trees. (Inaudible). I will go back and look at that.

**Mbr. Romano** said, Thank you.

**John Coppello** shared there are a couple of things I wanted to mention.

- Mike study touches on the roof top, *HVAC will be screened* to make sure it will be attenuated.
- I know there was a question regarding shushers, so all the yard jockey we will commit that they would not have backup beepers. *Trucks would have shushers*, as well as the tenant trucks using the site – no back up beepers.
- There will be *block heaters available*, so there will not be truck idling, so they can keep the engines warm.
- The other thing we did put in our response, because they come up after the meeting and someone raised it; we would have the owner of the property *designate an agent to be the liaison with the Village*. If there are any issues with any of the tenants or any of the issues with compliance of the fencing or if worse trucks were coming in through the Village – that person would be the first contact that someone from the Village could make, to ensure that those issues would be addressed then as soon as possible.

**Michael Bontje** reiterated, the other thing too about the trucks, is that the *warming posts are necessity by law*; because New York State has a 5-minute limit on idling trucks. You have to have those posts out there. Anyone can plug in the diesels and just keep them warm.

**Chrmn. Conero** asked anybody else any questions, before we open it to the public?

**Mbr. Steed** asked what are the additional new remediation comments?

**Chrmn. Conero** shared, what Tom is saying, we took a lot of your comments last month and I think we addressed most of those comments. If you have any new comments that you have not brought up, please bring them up. Please state your name and address. We will need you to come up to hear.

**Tim Mohoney** shared I live at 243 Union, the most affected house near the entrance and exit. I have 2 *short videos* within the three-minute limit parameter, so I'd like to show everybody what it is I'm talking about. I'm sure if anyone lived in my house you would know exactly what about - when you're trying to watch TV and have trucks coming in and out. It's like Christmas in my living room. Here is the first one. It's only on a cell phone and you could see it. Any of the public who wants to see what I'm talking about; you're more than welcome to come up and see and it. If you lived here and you had children in this home and you were trying to watch TV; you might understand what it is I'm talking about. It is loading up (his cell phone). This is the silent one, hang on. This is coming down the driveway toward 211 right now. They said it's flat - it's not flat.

**Mbr. Romano** asked, if that's across the way?

**Tim Mohoney** confirmed yes. At the end the drive you're going to see the lights pop right into my living room. You guys are talking about lights on Weaver Street. How about lights directly into my living room? How about lights directly into my kids' bedrooms? How are we going to alleviate that? How are we going to rectify that?

**Tim Mohoney** shared that was the first video. Now, let me show you the second video. This is me in a pickup truck - not even a high tractor trailer mind you, right. Let's see what we got here. (Video shown during public hearing - Tim Mohoney...This is me exiting the proposed driveway headed toward the intersection of 211 at Chandler. You'll notice the view that I'm talking about at the board meeting, when I told everybody that it's like Christmas in my home.) Now if any of you can deny the lights on my house, I'd love to hear it. (Tape continued... that I was talking about - look at how bright these lights are on that window. Both my children's rooms are in the front of the house respectively. It's like glow in the dark. OK so this is me exiting...turned off video.)

**Tim Mohoney** shared, so you got the idea right? Do we have the general idea of what it is on discussing with you guys? I listened with interest about the light going into Weaver Street. There's absolutely no concern for lights coming into my bedroom, for my kids, or lights coming into my home when I'm watching TV alright. I've been made aware and I would like to remind all parties the board, the attorneys, the engineers representing whoever you got to represent - that any proposed project cannot hinder my quality of life. I would say that's a direct hindrance of my quality of life, alright.

**Tim Mohoney** reiterated, John (Coppello), I appreciate you getting back to me with certain items; but I had to display that. I'm sorry, this is my right OK. Alright do I appreciate you getting back to me with certain items that that I proposed for you. I reviewed the plan to deter the left-hand turns advocated at KSH and I agree with the directives with the signage related to that. I did read it and I do agree with that. However, I feel a better solution would be to rip out the current driveway that you have right now, and replace it with a bermed tree (Inaudible - road?). That would alleviate anybody's willingness to try to make that right hand turn. It's not rocket science, right. They're supposed to be a new driveway put in any way to the right, which is why they bought the property off the Hoeffner's.

**Chrmn. Conero** shared it's to line it up with Chandler Lane.

**Tim Mohoney** said correct. Have that driveway instead of going straight, go to the right; so, you have exit here. You understand what I'm saying?

**Chrmn. Conero** shared I get you. We are also saying that we don't want to prohibit people from making the left turn out of the project. We have people who work there. You have people who have tractor trailers that ...

**Tim Mohoney** shared I am more concerned about tractor trailers. You saw the video directly. You have to be blind in one eye and can't see out of the other and cannot see the brightness that comes into my home. This is only me and my pickup trucks. Can you imagine 100 trucks coming in and out of there at night when I'm trying to watch TV? Do you feel that you guys would be affected by that? I don't know?

**Chrmn. Conero** said alright we're making them and asking them to put in provisions, so no one can make the left with the tractor trailer.

**Tim Mohoney** reiterated I understand OK making provisions. I want to alleviate the lights coming into my home. How do we do that well? That affects make my living which is exactly what I just referred to in the law, correct?

**Chrmn. Conero** shared we'll look into that.

**Tim Mohoney** said I would say look into it very well - look into it hard; because I'm going to be looking into it very well /very hard. Thank you.

**Chrmn. Conero** asked for the next person who would like to speak please?

**Chris Ladanyi** share this is Chris at 87 Weaver Street. I wanted to address something that I feel very passionate about. Last meeting, I feel like anybody that lives on Weaver Street and anybody on Union Street that have an adjacent property to this industrial property are being shamed. "You're the one who brought that property next to an industrial parcel." You know, the applicant's attorney was picking people out of the crowd; saying you bought property, you bought a property, you bought a property, right; blaming us for what's going on here. When I bought my property, I did do my due diligence. I looked at that huge parcel of land and I was like what is going on there. What is happening? Why is that - what will be developed there; so, I did my research. I looked at the county tax maps and tax parcel 211-1-29.22 comprising of:

- 8.8 wetland acres
- 1 usable acre
- 24 residual acres

While seeking Village approval – I am speaking about the applicant at this point - to build over most of that parcel, the owner simultaneously reaped the benefits of that same

villages one user rural acre assessment. The detriment of the residents paying their fair share and then some to make up the difference. In fiscal year 2019, the owner of that parcel 211-1-29.22 paid \$2,055.96 in taxes on an invest value of \$130,600 and a market value of \$200,000 dollars. I pay more Village property taxes in 2009. It was assessed at higher values for a modest two-bedroom Cape Cod home on Weaver Street. This project was approved, with this case as precedent, the Village can expect tax grievances from everyone in that area and other villagers based on diminished property values. On a 34-acre parcel, with one Village department finding 8.8 wetland acres and one buildable acre for tax purposes; how can another agency with the same municipality, find essentially less wetlands and substantially more buildable acres for approval of the proposed development.

**Chris Ladanyi** shared the assessor's office and the involved Village board should attempt to reconcile these conflicting determinations or at least investigate their respective legal and factual foundations. All applications report, surveys and maps, analysis, expert opinions, certifications, affidavits, and other material filed with the Village Tax Assessor - in support of this classification or reclassification - should be scrutinized and compared with those now on file with the planning board and pending applications on this matter should be stayed pending the results. If inconsistencies are found, in questionable filings are our practices are uncovered, this matter should be referred to the New York State Attorney General. I wrote this letter to the Village Board March 3<sup>rd</sup> 2020 and have not received any response to it. If I'm going to be shamed about buying a property on Weaver Street, because it's adjacent to an industrial property - well the applicant - they knew that they were buying a property right next to a residential property. They knew that they were buying a property with one usable acre. They knew that they were buying land within the municipality that has a comprehensive plan to protect the historic and human scale character of this Village. This project also needs to be approved by the Village Trustees. Has that happened yet?

**Chrmn. Conero** shared no, it does ... (inaudible).

**Chris Ladanyi** OK because the reason why it has to be approved by the Village Trustees, is that the proposal of four buildings, if one of those buildings is over 4,000 square feet - 4000 in the code - in the clips into the checks and balances of multiple governments and its entities approving right?

**Chrmn. Conero** shared it only goes to the to the Village Board for their final approval of the site plan, the entire site plan.

**Chris Ladanyi** said OK. That's fine, so I mean this gives you an idea of what the spirit of law considers a large building, which is 4000 square feet. One of the buildings is 80,000 square feet, that's 20 times/20 times. There's four of them. Insanity OK. Fencing, sound barriers, landscaping, etcetera; this all boils down right they're trying to cover up their colossal mistake. I'm a licensed registered architect in the state of New York and in the state of Connecticut. This would never happen in Connecticut. This would be laughed off. This would not even make it this far. So, what we're doing here -

when I design buildings, I want people to see it. They're trying to make the shoe fit guys - the shoe does not fit. You have the power to squash this. You have the power to maintain our quality of life. Thank you.

**Public Applause...**

**Chrmn. Conero** said thank you Chris.

**Jeff Van Zandt** shared I would like to come up and speak. I will piggy back up on Chris. I'm his neighbor. My name is Jeff Van Zandt. I live at 91 Weaver Street, right next to Chris and his young family. I know this is not ...transparency is really important to me, OK. I'd like to know of the Village the board members here; if they want this project, yes or no, in the Village. This is going to change the character of our Village forever. Once these buildings are built, it's done with. Once Medline is built, it's done with. When these buildings are put in my backyard and Jason's backyard and Chris's backyard and all these people's backyard, it's done with. OK.

**Jeff Van Zandt** shared there's no way (paused) and I'd like to know ask your question; when you get your sound study, what did you use for noise that these buildings and the vehicles and potential forklifts or other types of equipment (paused) What did you use to stimulate/ to replicate that noise. When you say well it's only 51 decibels during the day and it's 46 at night - whatever it was, what did you use as a study to mimic the sounds/the potential sounds of this project on our homes?

**Michael Bontje** responded several things. One is this truck sweep. I have been doing this for 40 years; so, lots of measurements are trucks. The one that I've can use, which is basically one that allows us when we are done, is an open New Jersey. it was a products center for building products.

*Back and forth occurred*

**Chrmn. Conero** because of the back and forth, he said, let him finish. Go ahead Mike.

**Michael Bontje** shared I also picked out for each building, a full-size CAT generator in a box. They put them in basically shipping containers. A lot of times those are on lease spaces; because there are pretty big expenses.

**Jeff Van Zandt** asked like a 44,000-kilowatt generator – how big are those generators?

**Michael Bontje** shared it's a 214 CAT and it'll run probably about 20,000 watts for an interior and the idea is to run an entire two buildings off of 1. So, what they will do, is put a pad somewhere in over here and the exteriors of sound ...(inaudible/inaudible)

**Jeff Van Zandt** asked if they are back backup generator?

**Michael Bontje** confirmed backup generators. One, they're not used for process (inaudible – talking over each other) What happens is they come in a box, and the box is sound insulated. You wind up actually, with about the same level as the trucks.

**Jeff Van Zandt** shared my concern is, when you hit the straight, what you're saying that the sound of these buildings, aren't going to affect anyone. We're not going to hear any difference from here now.

**Michael Bontje** shared I didn't say that. It'll be the same power volume, somewhat less, at this level of location. In other words, lower decibels than what you're getting on Weaver Street. However, you are going to have a different directional sound, so you can probably will hear it; but it's not any different/but it's not much different in terms of quality or sound level. It's actually lower in sound level, than what occurs on Weaver Street now.

**Chrmn. Conero** reiterated right. You're going to hear it, but the decimal level that he's saying is within limits.

**Michael Bontje** shared you are going to hear stuff, ok. (inaudible).

**Chrmn. Conero** asked them to go ahead.

**Jeff Van Zandt** asked the issue becomes - is this in writing?

**Chrmn. Conero** shared it's part of the record.

**Jeff Van Zandt** said, correct.

**Chrmn. Conero** shared our engineers looked at it.

**Jeff Van Zandt** said, correct – so sound ok. The second issue to me, like I said in the beginning; but these buildings shouldn't be here if this is true what Chris is saying, according to the county maps. If there's only one usable acre on here, how they're building this project?

**Chrmn. Conero** shared well let's let me just say this. This is a very simple question and a very simple answer. That property is zoned industrial.

**Brandon Raab** called out seriously, how does it change, so we understand? Residents...(inaudible).

**Chrmn. Conero** shared, I am not here to debate what Chris says. Ok. I'm telling you that land is zoned industrial and there are uses in that zone. I am also saying to you that a committee of people, your Village residents met and discussed what should happen with that piece of land during the moratorium. They've developed warehouse guidelines.

There are 12-16 different guidelines that the applicants have already conformed to. This went in front of the Village board and it's been written into law.

**Brandon Raab** asked what about the height?

**Don Berger** shared at that meeting, we also discussed height. Don't forget that, Kevin.

**Chrmn Conero** said the land and the height is set at 35 feet. That's the limit for anything in the village. That was not changed.

**Brandon Raab** shared I don't think you need to be rude.

**Chrmn Conero** said no, I'm just saying, I'm just giving you the facts.

**Brandon Raab** shared you're getting upset.

**Chrmn. Conero** shared, no. You are asking me why somebody could build 4 warehouses here and that's why. OK, so let's get over that part of it. We've already heard this last meeting. We want to hear something new about this.

**Brandon Raab** shared this is you getting upset, you're running the board. You're getting upset. (inaudible)

**Chrmn. Conero** shared I'm not getting upset I'm trying to get (inaudible)

**Brandon Raab** shared you're angry with everybody. We have valid points you're supposed to be here for us.

**Chrmn. Conero** shared and you're listening to the same thing I heard last month. We have an updated noise report from an engineer, who our engineers have looked at. This has already been discussed. Are you telling me something new about the site plan? Directing question to Jeff Van Zandt, do you have concerns about the sound; so, I can write it down, so I can get back to you on this?

**Mbr. Romano** shared he (referring to Michael) gave us the sound.

**Brandon Raab** shared he (referring to Michael) gave us the sound. He gave us the sound. You didn't give us the sound.

**Chrmn. Conero** shared Jeff has said, that he doesn't understand the sound.

**Mbr. Romano** shared that's not our job. He gave you the sound.

**Brandon Raab** shared he (Michael Bontje) works for them. Why wouldn't that be your job? You're supposed to look out for the residents of the Village.

**Attorney McKay** shared everyone, *everyone*, one person speaks at a time. We need to make a record. One person at a time. If you ask a question of the expert, let them answer.

**Jeff Van Zandt** has asked, so I understand - are you saying the 6-foot cell fence back here someplace?

**John Coppello** shared we are not answering until we are directed by the Planning Board director.

**Jeff Van Zandt** has asked, so my question then becomes, is when a truck comes down into here, is a six-foot fence going to protect the lights light pollution?

**Chrmn. Conero** shared it's going to help

**Jeff Van Zandt** mentioned this is going to help, but it's not going to stop it.

**Chrmn. Conero** shared it's not going to stop it.

**Jeff Van Zandt** shared all right, so that's going to affect the backyards of our homes having lights shining randomly and it's not like...

**Chrmn. Conero** shared from cars in the parking lot right.

**Jeff Van Zandt** said wherever.

**Chrmn. Conero** shared, I get it.

**Jeff Van Zandt** shared my point is, and I think I speak for the rest of the residents on Weaver Street, whether the rest of the residents in the Village want these buildings here or not; I think it's an abortion. That's all I have to say.

**Chrmn. Conero** said, Thank you.

**Jeff Van Zandt** shared last thing, once these four buildings are built, are they going to develop the rest of the land; because that's really hard issue.

**Brandon Raab** shared, hi guys good evening. My name is Brandon Raab. I spoke last time. I'm going to speak again. First, one of things I want to mention is over here in these meetings, we're here because we care about this place - this location. I don't think you're rude, but I'm sorry the arrogance that we get from our board is very upsetting. OK. We have legitimate questions and concerns; and when you get upset at us and you act a certain way; it's just - I'm just...

**Chrmn. Conero** shared if you have specific questions, I actually answer those questions.

**Brandon Raab** shared I actually do. There was one specific question last time, you said they were answered. You started meeting - you were like - your questions were answered last time. That's completely incorrect, so I have a right to be a little bit upset.

**Chrmn. Conero** shared OK. What is your statement? What do you want to make on this site plan? What is the issue? Share your concerns.

**Brandon Raab** shared alright, so during last meeting, the following questions were asked. I am requesting responses to the answers to these; not from them, but from you guys. Every warehouse has ample parking for trailers. You haven't answered this yet. Every parking has ample parking for trailers. Looking at the site plan, that every single (paused to reinforce a point) just also, this doesn't mean this is wrong or not on them; but every time we see a site plan, in the newer renditions - everything seems to slightly grow a little bit more. The buildings look a little bit smaller. This is the house here. My house fits inside here. This is supposed to be how many square feet? It just looks a little bit off. That's all I'm saying. OK. Moving on from that, OK. Do you see parking here for trailers?

**Chrmn. Conero** shared the parking for trucks trailers are in the middle. Did you know that, right?

**Brandon Raab** asked have you worked in a warehouse? I'm not being rude. I'm literally asking questions. If you visited a warehouse?

**Chrmn. Conero** said no.

**Brandon Raab** asked have you worked in a warehouse? I'm not being rude. I'm literally asking questions. If you visited a warehouse?

**Chrmn. Conero** said no.

**Chrmn. Conero** shared why do you want know if I work in a warehouse?

**Brandon Raab** shared the reason why I want to know is there is no parking for work people, there's no ...

**Chrmn. Conero** shared I am on the Planning Board...I understand that. You're upset.

**Brandon Raab** shared well, exactly. You are on the Planning Board to plan these things out, OK.

**Chrmn. Conero** said you want to know...What's your question again?

**Brandon Raab** shared the reason why I'm asking you this is; I see nowhere for truck parking, an empty trailer there is not one. You mentioned that you knew what cross truck docking was last time.

**Chrmn. Conero** confirmed right.

**Brandon Raab** shared as if you understood and how everything works. You have not worked in a warehouse. You have not visited one, seeing your proposal for this warehouse. I have worked in a warehouse prior to doing what I do for a living. When you work in a warehouse, there is no warehouse I am aware of, that does not have parking for trailers. There is not one parking spot here for a trailer. The reason why I'm getting upset and disappointed the way things are going, is because you almost sound like you're advocating for them, versus advocating for the Village residents. If it made a difference to you would take that and you would read it; and be like oh wow, there is nowhere to park. What are they going to do? Well, what would be the obvious, if there's nowhere to park, they're going to end up putting it on the grass. They're going to take up the parking spots.

**Chrmn. Conero** said you're assuming they are going to park in the grass. Ross, let me ask you a question. Where is the truck parking in the middle of the parking lot?

**Ross Winglovitz** shared so these are relatively small warehouses.

**Public** outburst with laughter/remarks (inaudible).

**Chmn. Conero** said let him answer the question.

**Ross Winglovitz** share they are backed up along the rear of the building. Wherever there's the loading docks, they would be parking (inaudible)

**Brandon Raab** shared my so rebuttal to you should be, you're an intelligent man, you should be more intelligent being in this position; that's not realistic. There is no way you are going to leave an empty trailer sitting in a warehouse, maybe once maybe two - but you are not going to leave an empty trailer; and if you have an empty trailer and no one's here to pick it up, it's not going to sit there. It has to move. The reason why I made an assumption, because I worked in a warehouse for a period of time, for an extremely large warehouse. You're going to end up parking them. You have to find parking somewhere. Which means now they're going to become an eyesore.

**Chrmn. Conero** asked if there are any provisions that will not allow parking, except in the center of the project? If they start parking on the grass, just to get the building inspector to enforce that.

**Brandon Raab** asked to finish. They may park them in the parking spot where the employees are supposed to park. If they parked them on the side of Weaver Street, what are we going to see?

**Chrmn. Conero** shared again, that is going to be a building code enforcement. The building inspector will remedy that.

**Brandon Raab** said I understand. You have the choice to make the decision. You keep pushing that on the building (reference to the building department). I understand it's building. Right now, it's your decision; because you get to didn't make a choice on whether or not this is acceptable, because there is no parking. You're supposed to be doing this, to make sure that there is ample parking for the Village residents. You're not doing that. I'm asking legitimate questions.

**Chrmn. Conero** said I am basically saying. There is (Inaudible).

**Mbr. Romano** asked what do you propose we do?

**Brandon Raab** shared with that you want to run how large of a wall on this side, because this is going to roll into the next question.

**Chrmn. Conero** asked Ross, what was the size of the wall again?

**Ross Winglovitz** shared it is six feet along the front property line.

**Brandon Raab** asked how tall is the trailer?

**Ross Winglovitz** shared there's no truck traffic on that side that again...(inaudible)

**Brandon Raab** asked who said? As of right now it's not a problem.

**Chrmn. Conero** shared the fence there to mitigate the sound.

**Brandon Raab** reiterated the fence is there to mitigate the sound – it is 6 feet tall. A trailer is 13 feet tall. You're going to see a trailer sitting there, if there is nowhere to park. Which there is nowhere to park empty trailers. Go to Medline. Go to any facility that actually is a running warehouse. Medline, Home Depot have probably 70 trailers that are empty, ready to be picked up by their owners, because they don't own them. They're just put there and then they have their own personal trailers, that have to be shipped out. You have to have trailers to ship things.

**Chrmn. Conero** said so your concerns are trailer parking in the employee parking lot. We need to put something that won't allow that to happen.

**Brandon Raab** shared my concern, is that there is no parking for empty trailers. There is not one spot, except for cross docking area. Which means, I'm concerned yes, the parking will become the grass. It will become the other area or they say you know what, we can probably squeeze one here and you know what happens.

**Mbr. Romano** shared so we make sure there is enforcement.

**Brandon Raab** shared the next thing was the view and the sound. I requested a possible wall or shrubbery stuff to be built. To see a 6-foot wall, in my opinion - in yours it may

be different and I can't argue that, because you have a choice in that; but in my opinion is 6-foot four will not be acceptable. If you go down anywhere like down in the NJ Turnpike or any other places for (paused) I was just down in Florida visiting my parents and every facility; if they have walls, they're not six feet tall. They are much taller. They are **10-15 feet tall and then the walls are shrouded in shrubbery**, to make sure that over time it's going to grow and you'll hear less noise, alright.

**Brandon Raab** shared the *hours of operation* are obviously a big deal. My concern with the hours of operation are the noise and the lighting. Have you ever in the middle of summer heard the races?

**Chrmn. Conero** said again, you have concerns with the hours of operation. I think the board needs stability consider that; because you could potentially if you eliminate nighttime deliveries and night time operations on the site, you're going to potentially increase the amount of truck traffic during the day, when most of your traffic is on the roads. You will just be aware of that, when you're ... go ahead.

**Brandon Raab** shared that is my point and a larger barrier with shrubbery would create less noise. With the hours operation. I'm concerned with the extra traffic. I know, there's only so many things we can handle, we can't dictate how much traffic is going to occur. We can't stop time changing. Maybe, this project shouldn't be this large and should be half the size. Maybe, Chris is right about the one acre, which it sounds like he is. Maybe he's not. The board passed it, but it doesn't need to be this decided story. That's also been an ongoing concern. However, trucks making left hand turns, right hand turns - Medline did that. This is the product of what Medline did. (Shared something from cell phone).

**Chrmn. Conero** shared I know it's internal. I know.

**Brandon Raab** shared it is internally. This is a truck making a left-hand turn into Medline. (Shared something from cell phone)

**Chrmn. Conero** asked do you mean illegally making a left-hand turn?

**Brandon Raab** confirmed illegally. Making a left-hand turn.

**Chrmn. Conero** shared I can see that happening.

**Brandon Raab** shared this is all within a week. I work four-week shifts. I've only been on a day shift for a few weeks. This is another truck making a turn into Medline. I wasn't able to get on to record it. The other point that I'm making is that; even though they can't, they can't dictate to people coming or going. That's a concern. Does anybody know what happened on - what is today - today's Wednesday. My days are melting together, I'm sorry. Does even know what happened on Monday at around 3:00 o'clock in this Village.

**Chrmn. Conero** asked what happened?

**Brandon Raab** asked the officer, are you aware what happened in the Village?

**Chrmn. Conero** shared my son was riding his bike. What happened?

**Brandon Raab** shared ok, so there was a pursuit that came through the Village.

**Chrmn. Conero** asked what does the pursuit have to do with the what site plan?

**Brandon Raab** shared the issue is, this all boils down to the *largeness of the facility* and you also have the ability to kind of curb some of these things. During that time of 3 o'clock there are children who are in school. There may be some people on this board who have children in the school at that time. The traffic is already insane at that time. There is more truck traffic at this time and I know we can't control that; because we don't own that roadway. What we can control is the size and the scope and maybe reduce it, to reduce the amount of trucks, that may come through or other employees that are going to work there. We can't stop time from changing, so common sense would dictate this, if you have not been down to the Village, you're going to add more - if you haven't been down to the village - I'm not saying you have or haven't; if you haven't been down during the school time that they let out, please take the time to go through about 3:30pm. You are in dead stop traffic. It is truly insane. The point I'm getting to, a half an hour before; if you had more trucks on the road, then you had a vehicle pursuit where they had to chase someone and they end up wrecking out at 416 and 211 and that snagged up traffic – that could have been a child. Now that's not their fault, but anyone's fault by any means, but some crazy person. I'm just saying, that if you *reduce the size of the scope* of this you may reduce something to me that will happen first that's all the points that I have to make.

**Chrmn. Conero** said, ok. Thank you.

**Brandon Raab** said sorry, one more thing.

**Chrmn. Conero** said go ahead.

**Brandon Raab** shared thank you. You mentioned about the sound issue. You were doing sounds study Sir. You said that you're able to hear insects at night.

**Michael Bontje** confirmed yes it was audible.

**Brandon Raab** shared he mentioned that he heard insects at night, that's how quiet it is here. You mentioned that sound and an operational warehouse. There is no way, if any warehouse is operating that you won't be able to hear that.

**Chrmn. Conero** shared I don't doubt that a bit.

**Brandon Raab** said alright. Thank you for your time.

**Mbr. Steed** asked the Chairman may I address the parking.

**Chrmn. Conero** shared please go ahead.

**Mbr. Steed** shared Building 1 and Building 2, those are the ones you're going to see right from Weaver Street from your back yard. They are 20,000 square feet. Truck spaces required 3 - truck spaces provided 6, for each building. Building 3 and Building 4 are 80,000 square feet - trucks space is required 3; truck spaces provided eight. So, we have 28 provided, but only 12 required.

**Brandon Raab** asked when you say spaces, where are these spaces, because we have a hard time since there's no spaces on here. I am just trying to understand is that for trailer? That's not base? That's not base correct? (While viewing the site plan in front of Mbr. Steed.)

(Inaudible)

**Chrmn. Conero** shared again, if you have questions, we can give you the site plan.

**Brandon Raab** said, if you want to move on you can move on.

**Chrmn. Conero** said I am moving on.

**Brandon Raab** shared these are a couple things here to verify here.

**Chrmn. Conero** said no, wait minute you guys just stop. You cannot have a side conversation with everybody else going on. If you want to see things. You want answers some of these questions, we'll answer them. I think the applicant didn't answer the question.

**Don Berger or Chris Ladanyi** said again, he was just trying to get an answer from him. There's no need for that.

**Chrmn. Conero** shared, do you see the clerk, she has to write the minutes and do you know how long the minutes were last month - they were 84 pages.

**Brandon Raab** shared we're getting to the point, where you're getting upset with me for him (referring to Mbr. Steed) trying to answer a question for me. That's not fair.

**Chrmn. Conero** shared I understand but we cannot have a side conversation, while we're trying to have a public hearing.

**Brandon Raab** shared you asked us to stop OK.

**Mbr. Romano** (inaudible)

**Chrmn. Conero** shared thank you.

**Mbr. Steed** said I apologize Kevin.

**Chrmn. Conero** shared I am glad you brought it up Tom, as you stated was on the plans. That should be fine.

**Brandon Raab** said I don't mean to be rude. I didn't miss something. Your kind of arrogance is coming out towards everybody.

**Mbr. Romano** said we are not being arrogant. We are not being arrogant.

**Brandon Raab** said you are definitely absolutely are, so were you. Yes, you are 100%. Yes, you are, your tone is arrogant.

*(Too many speaking all at once - Back and forth)*

**Chrmn. Conero** asked John can we just move on.

**John Reale** said sure yes.

**Chrmn. Conero** said, Sir you can speak to it. What's your name?

**John Reale** said my name is John Reale. I have a house on Union Street and my significant other has a house on Weaver Street. We have been here for years and years in this Village. I am an educator. I have a degree in counseling psychology and a chief arbitrator for many years. You may remember the American Arbitration Association. I have been a realtor since 1983. See how quiet it got. That's how quiet it is on Weaver St. and Union Street at night. We don't need a comparison of 50 decibels or any other nonsense. You can hear a pin drop. That's how quiet we want it to be. We don't need walls, buffer zones, 10 feet and six feet whatever nonsense. You drive along and Thruway and you see they have walls 15-20 feet high, to keep their houses quiet from the trucks going on the Thruway. What are you going to put there? What are you going to do with the snow? I can ask you 101 questions and you won't be able to answer two of them.

**Chrmn. Conero** said, well thank you.

**John Reale** said you're welcome. My degree in psychology indicates the same thing other people in this audience are saying. It seems like you have a perspective because some law - zoning that allows them to do something - makes you think sitting on this board, that the people in your Village want it. We don't want it, but did you get that yet.

**Chrmn. Conero** said I sure do. We're the Planning board right, and we uphold the laws that this Village board has passed.

**John Reale** shared because you can doesn't say we want it.

Public calling out to 'just say no'.

**Chrmn. Conero** shared OK. So, you have *snow removal* and you have the *sound problem*. I understand that.

**John Reale** reacted and shared, I don't have a sound problem you have a sound problem.

**Chrmn. Conero** said OK. I understand.

**John Reale** asked are you going to give free taxes to everyone bordering on that property? When you violate with what you decide on what you want to do? Which you probably decided already, because you think you can do it.

**Mbr. Romano** said he's over 3 minutes.

**John Reale** asked what advantages are you going to give into us? When the things that you planned are not real. What amends are you going to give to us for tax on Weaver Street and Union Street. You don't want me to keep going. Believe me.

**Chrmn. Conero** shared you have 3 minutes to keep going.

**John Reale** shared to keep going and (inaudible due to public call outs)

**Public** (unknown speaker) asked why are we now starting to use the three minutes?

**Chrmn. Conero** said, I did ask for new comments and I did hear your comments and your last comments.

**Public** (unknown speaker) and I have been waiting patiently to give you my comments.

**Chrmn. Conero** said, I did listen to your comments.

**John Reale** shared anyone want to ask me questions or make comments. I will be happy to listen.

**Chrmn. Conero** shared no, but thank you. If you have any other comments or concerns?

**John Reale** shared believe me and this is a Village. What if those warehouses were from here, were over to where the church is? Our Village, because we're toward the end of the Village, we should have the same perspectives, because that parcel somebody changed the zoning on to allow something. We should have the same perspectives, as any other

people. You want to put in a warehouse, so why don't you sell the land where you have the ball field in the Senior Center? Understand? I sure hope so.

**Chrmn. Conero** asked if anyone else has anything?

**John Reale** said I would like to have an assessment, several professional assessments done, that the board will have done to supersede all of this - to look at it from the legality side. What about in real estate, you have 100 transactions occur; do you know what steering is? It's how did that new owner get steered into that property. Who are the people involved in the transactions? I can go on and on.

**Chrmn. Conero** shared these are Planning board issues Sir.

**John Reale** shared it is the Planning board issues. You're basing the zoning on a purchase and ownership and everything else.

**Chrmn. Conero** said, I'm basically looking at site plan and I'm asking for comments on the site.

**John Reale** said site plan, OK I'll give you some more issues on the site plan. See this right here. OK. What are you going to do with the potential the sale of these places? How will it affect the sale with this site plan? We're going to convince everybody that wants to buy a house - that's fine; because you guys decided it's legal and everybody wants to buy a house that it is fine?

**Mbr. Romano** shared we didn't decide the law did.

**John Reale** shared everybody's happy. Everybody's happy, right? Raise your hands if you're happy. I'm an educator. Raise your hand if you're happy. You got that.

**Chrmn. Conero** asked can we stop? I'd like to speak I'd like to hear some other people tonight and it's already 9:30pm.

**John Reale** said sure. I would like to see the assessments. Have outside people look into this. Ok. People that are professionals, not just BS'ing and about everything.

**Chrmn. Conero** said I guess you guys are not professionals. Can we go onto another person? Pam Imbriani, do you have any questions?

**Mbr. Romano** shared it's Steve Imbriani. Her son.

**Chrmn. Conero** said her son Steve, sorry.

**John Reale** said sure. To make it work, you want to hear from the people who put the warehouses there and not from the people who live there. That's bias what you call - isn't it bias?

**Chrmn. Conero** said Thank you. What's your name?

**Steve Imbriani** shared he has two questions. I grew up here. I was born here. At that time, there were 22 acres of wetlands in my backyard. How is it now 8? I can tell you the ducks are still there, all the nests are still there, everything's still there. I've tried and searched for it. I have not found an *environmental impact study*. How has that not been done, when we're on wetlands?

**Chrmn. Conero** shared it's been done. It's part - you can come to the Village Office. All that information is there. John could you explain what you've done so far, as the environmental part?

**Ross Winglovitz** shared as far as wetlands, there was a wetlands delineation performed and it was reviewed by the Army Corp of Engineers, who confirmed that the area of the wetlands on the site. So, there has been delineation done by a professional biologists, confirmed by the Army Corp of Engineers.

**Steve Imbriani** asked you have the wall ending at the last warehouse, correct?

**Ross Winglovitz** shared it ends and just wraps around the parking lot.

**Steve Imbriani** asked all the cars and trucks that go that way and that's where they're pointing the lights of the wetlands 24 hours a day, do you really think they're going to still keep on laying there?

**Chrmn. Conero** said sir, I mean so I understand Steve, you're saying that the access road on the back of the building?

**Steve Imbriani** said, even if the trucks are coming where you have delineated trucks when they pull into that, they're shining their lights right we're always birds are nesting. That part of the South - beyond us - that's where the wetlands are.

**Chrmn. Conero** clarified, just so you know, I think Ross has pointed this out, wetlands have been delineated. They've been delineated. They've been (inaudible)

**Steve Imbriani** said right, but they're not protected from these guys. They're not protected from those lights. You're going to lose all the birds you've got in that area. I'm talking about all of them, because they're not going to stay there, when you've got trucks coming in and out *24 hours a day with the light shining there*.

**John Coppello** asked are you talking about this curb area?

**Steve Imbriani** said no, I'm talking about the middle where the trucks are coming in. No, your giant truck parking lot.

**John Coppello** asked here? (While pointing to the site plan)

**Steve Imbriani** said yes, thank you.

**Steve Imbriani** shared when the trucks are going down that way and we're sitting here yeah we're shining right over there.

**John Coppello** shared that's why we are here. We want to hear that comment. We'll bring it to client. So, you're saying...

**Steve Imbriani** shared you can come over for dinner and you can see the 22 deer in the backyard. and all the ducks, and I will never see again the second you put that parking lot in there. Those animals are not staying with that traffic 24 hours a day. You know it.

**Steve Imbriani** shared OK My second point is, there's a lot being *asked of us in good faith*. He says he's going to do this - he says he's going to do this. My sister had to stand in front of them the last weekend or a couple weekends ago, when they were cutting down trees way past their boundary. They told her to get out of the way and she said this is my property, I'm staying here and she made them go. She stayed there under a tree. They're clearing property already. OK. Tell the guys with the chainsaw - you're looking at these guys saying that no one's doing it.

**Chrmn. Conero** said there's no land clearing going on.

**Steve Imbriani** reiterated, yes there is. You may not know about it. They are out there.

**Chrmn. Conero** shared if there is land clearing going on then, you need to contact your building inspector and he'll come out look at it. It's not up to the Planning board to find out if somebody cutting trees, but I understand what you're saying. It shouldn't happen and I get that.

**Steve Imbriani** shared what I'm saying, is they're telling you a lot of things that are going to happen and ask people to do this. He's showing you pictures of them. They turn left at Medline. They couldn't care less, if there's a sign there' or not. They're telling you this, because they want the property. I understand that you have and they meet the legal requirement, but that doesn't mean they're going to stay within that. They haven't shown that they're going to do that.

**Chrmn. Conero** shared alright well we have the left turn lane - we've addressed that John, in his findings to us. There will be a sign there and it will be an agreement - right John - with the people that are going to own this, that that won't happen. It will be enforced by our code enforcer.

**John Coppello** shared what I was going to add earlier, it is within the law, we can give an authority to the Village to enforce, if there are any trucks parked in this area, any

trucks parked on the grass, any trucks parked in this area that they can be ticketed by the Village and the Village can enforce that law.

**Chrmn. Conero** said sir, let Steven get done.

**Steve Imbriani** shared if you truly trying to make these your recommendations, make it a perimeter fence; because if those lights are shining on that area over there, everything that happens below Dunns Pond, for those of you that are old enough to know what it was, and all of the wetlands where they the cattails and we all swam with and where all the ducks are - that's going to be gone.

**Mbr. Romano** asked Steve, you're down here, right?

**Steve Imbriani** confirmed yes.

**Mbr. Romano** asked where is the pond?

**Steve Imbriani** shared this entire area from here, all the rivers and streams they all come right in here. They're all fed from here. Well, they're putting this in there. They're cutting off their water source. This is where the patching right. They're all laying right here and so I don't know how an environmental impact study could say that that's not going to catastrophically changed the population.

**Chrmn. Conero** shared I think if you need the review the expanded EAF, that we have them do so. It's pretty comprehensive and it's in there and it's been looked at by Army Corp of Engineers.

**Mbr. Frisbi** shared I can see the point of the light.

**Steve Imbriani** shared you can look and he's either talking about the truck lights are not going to go 10 feet, they're going 40 feet into that forest and you can't tell me this process is using the sound of a truck - not the sound of five trucks.

**Public** (unknown) shared this is the point that we're from earlier.

**Chrmn. Conero** shared I get it. Someone else needs to make a comment before we go back a second round? Karina?

**Karina Tipton** shared I'm not going to give you too hard of a time, just that I need to climb up those stairs in my boot.

**Don Berger** shared I like that boot.

**Karina Tipton** shared I live at 225 Union Street, which will be directly overlooking these warehouses when constructed. A couple of things that I wanted to reinforce that I'm concerned was lost with some of the conversation:

1. It would be appropriate for the Planning board to ***require a property value impact assessment to confirm the impact property values*** next to these warehouses that across the street from these warehouses. That would be that is an appropriate request from Mr. Reale.
2. The Army Corps study, I have looked at the site plan, I did see the delineated wetlands on there, I did want to just ask the question if the Army Corps has approved these wetlands - the Army Corps generally is in the habit of approving jurisdictional wetlands – they ***(Army Corps) don't generally know go in and say this entire wetlands***. The Army Corps definition of jurisdiction wetland is pretty strict. It has to do with the waters of the land and laws.
3. Not really sure were to start. I did just want to say that - I appreciate that this detailed noise study was done. This is one of the things that I have specifically asked for in a couple of meetings, so thank you very much. I do want to emphasize though that the ***analysis points do not capture the impact for those who live on the hill on Union Street*** across from the highway State Route 211. It does not. I imagine, I'm not an acoustical engineer, I'm only a civil and environmental engineer by training, so I cannot speak for sure about the needs and methods of an acoustical study; but I imagine it's focused on line of sight or line of noise and it does not focus on what noises are going to come from the top of this building towards the hill. For your reference my house is 225 Weaver Street on top of the hill, which is at the same level as the top of the warehouses once constructed. I'll be overlooking the warehouses. So, what I'm specifically concerned about, is any noise that will be coming out of that canyon between the buildings and traveling to the top of that hill where my house is. Which is a 3-story building, which will be overlooking these warehouses. I am going to say it again - it's the *last house that Chauncey Brooks built*.
4. I also am not sure, if the ***modeled warehouses that were used as reference noise sources, if they included the same geometry pattern***. If they had that truck Canyon, with the opportunity for the building to bounce back and forth - the noise off of it and back. I understand that you are specifying a rough surface, a rough exterior surface for the building as a mitigating measure; but I just want to make sure that *you captured the entire impact of the noise one side bouncing off the other warehouse* and if it's the warehouse that's closest to the bottom of the sheet that's taller 10 feet taller, so that it might have the opportunity to bounce over the warehouse towards the Weaver Street because there is a 10 foot height difference; so you're looking at a possibility for some kind of an angled noise flow.
5. I did want to say also, that I did not buy properties that is next to industrial parcel. I ***bought a property that is next to a residential parcel***. I am surrounded by residential parcels and the fact that I am dealing with the fact that, I'm being held my livelihood, my life, my house is being measured on the impact of whether or not it's appropriate for noise emitting from an industrial property to a residential property, it's frustrating to me. I don't understand why you can't *evaluate the noise limits for a residential property to a residential properties*; because I am a residential property next to residential property. My neighbors on either side are. The fellow who lives across the street on Chandler Road right; he's surrounded practically by residential properties. I think it would be appropriate to also

include; as a measure of the noise impact on Union Street, an evaluation against residential-to-residential measures, which I believe lowers the daytime and night time help you 5-10 decibels. If I recall it, as appropriately.

**Attorney McKay** asked to explain that please, because I want to understand the impact to the residents on Weaver.

**Karina Tipton** shared I live in this house. I'm a residential property, surrounded by residential properties. Any noise evaluation that's being done is measuring the impact of industrial properties emitted into residential properties. I understand that technically this is an industrial property emitting to a residential property where I live. It just feels kind of not great. When I'm a residential property, surrounded by residential properties.

**Chrmn. Conero** asked if I can say something?

**Karina Tipton** confirmed yes, of course.

**Chrmn. Conero** shared when Mike gave his presentation - he also said he took sound decibel levels from to 211.

**Karina Tipton** confirmed yes and that's my next point. Thank you for reminding me.

**Chrmn. Conero** asked to confirm your house is bordering 211 in residential area sounds are all on 211, so wouldn't that be a base point of the sound?

**Karina Tipton** confirmed my house is bordering 211.

6. Yes, except I do think it's an *inappropriate ambient noise baseline*. If you're measuring ambient noise on a street where people are routinely exceeding the speed limit by over 10 mph, routinely. Is that really the accurate baseline that you want this village to have? Do you want to have in writing, in your site approvals that the ambient baseline on 211 is the noise of tractor trailers going up the hill at 45 mph? I think that's bad. I think that's bad precedent.

**Chrmn. Conero** asked Mike how is the baseline noise reported on 211?

**Karina Tipton** asked if there is a way to do with no people speeding?

**Mbr. Romano** shared I am sorry (to interrupt). I get jolted in the middle of the night with the bouncy trucks down where I live. I live on Union Street.

**Karina Tipton** shared in the rest room in the backside of my house and my ears popped when trucks went by the other day.

Mbr. Romano (inaudible)

**Chrmn. Conero** asked Mike to explain that part of the study.

**Michael Bontje** shared basically the sample was taken at this property line (Pointing to site plan across street from warehouses). In fact, it was marked on the fence across from the emergency entrance way. It was taken right on that corner, right at that particular location. Probably about 5-7 meters off the white line of the truck and basically, OK, so we're running 75 decibels PMP here at night. You're going to be getting the same thing; like basically on the other side of the street. If I'm doing emissions over here at 70 decibels inside these particular buildings; I have to go 350 feet - 400 feet into this boundary - the back boundary property. Then I have to go another couple 100 feet to get here, then by the time it gets to this area it's well below. It may be there, as a component, because it's coming from a different direction; but this this level is probably about 20 decibels higher. What that means it's like a logarithmic math, so when you go from 50 to 60 that's not a 20% increase - that's a tenfold increase in power and a doubling in what you hear. So, when you go from 50 to a 60 with double what you've heard and you tenfold increase in power; now you go to 70 and these are running above a 70. Now 100 times that power. Now I've doubled and doubled again, so it's literally four times louder than what you hear, because of the way you're hearing is. The ear doesn't hear in a linear fashion. There's a lot that's going a lot 10 fashion and so basically what happens by the time you get the 211 on this particular side with the project scope, that is the download on sound. That's it. I mean you may - I really even doubt that you're going to hear it from here this, if you're all the way over here on the other side of 211.

**Karina Tipton** shared I am on the other side of column, but I am up in the air, right; I already do have a mitigating factor of that soft ground, right. As a sound travels up from 211 up the 30 or so feet up to where my house is - the ground floor of my house. My question is - is there going to be noise emitting from the warehouse area, at the same level as my house; that will travel directly across without any noise without any mitigating ground?

**Michael Bontje** shared this is what you're going to do hear. You're going to hear the sound of 211.

**Karina Tipton** shared I'm not disagreeing. I know the sound of 211 will always be there.

**Michael Bontje** (inaudible)

**Karina Tipton** said but what I'm asking though, have you evaluated the noise at the top of those on top of these roofs?

**Michael Bontje** pointed to the roofs, then confirmed yes. HVAC it's going to be up there. If HVAC is up there, what we're proposing is a - at this point we're saying it's a four-foot fan or (inaudible - paused)

**Karina Tipton** asked have you *evaluated the truck noise on top of those roofs?*

**Michael Bontje** confirmed yes. The top of the roofs is 30 feet in truck noise is down at 13 feet. Basically, this serves as a really effective barrier to that. Not only that, but also the distance in here - one of the ways - the way you add sound is again not linear. If I have two sources that are separated by 10 decibels, so I got out here to say I've got a level of 50 running back here and I've got a running a level 60 in the middle of the properties, and I've got 70 out here. This is now 20 decibels difference. The difference in additive this is negligible. In other words, if it's more than 10 decibels different, which again is a tenfold increase, by the time you get up here, it's less than a 10% difference.

**Chrmn. Conero** asked how does it relate to the elevation difference that everyone else is at?

**Michael Bontje** shared it's just not going to make a difference. It's just too small of an area and I mean you still got the sound coming up to the hill. You have no mitigation on 211.

**John Reale** said we want 0 decibels coming out of that area.

**Chrmn. Conero** asked Karina to go ahead.

**Karina Tipton** OK so I did want to also speak to the questions about:

7. the **truck parking on the site** and I suggest that the Village Planning needs to be with the town planning board about the UNFI truck traffic and parking issues. Essentially, the warehouse UNFI was overbooking their arrivals and trucks were parking on the County Road. The Town maintained they had no jurisdiction over the County Road. 211 of the State Road. There's an analogous situation here. The warehouse maintained they had no jurisdiction over the drivers; because they were substantially owner operators. They weren't employed directly by UNFI, so essentially it was their own business practices. Their own overbooking practices that cause a situation on County Road on Nellytown Road. Which then everybody held their hands up at the air and said that was not my problem. I don't know if you've seen strange group (meme), but there's this part where the brakes go out and one of the brothers throws his hands up and says there's no point steering now - breaks are out. That's what it was like and I don't want this to be like that also. We already occasionally have tractor trailers parking on the other side of the Village Street.

**Mbr. Romano** asked if they are doing anything about it in the Town though? Is there anything else being done?

**Karina Tipton** shared I haven't been to a (Town) Planning board meeting in quite a while, so I wouldn't be able to give you an update. They essentially held up the UNFI's expansion and until UNFI could figure out what they were doing on this overbook. But, UNFI wanted an expansion; so, they had to come back to the (Town) Planning board there was no room for expansion here. There's not going to be any recourse for us here.

Who's going to have jurisdiction? The situation was unenforceable in the Town and this has the opportunity to become unenforceable as well.

**Karina Tipton** shared again I'm going to circle back to the ambient noise. I just want to say because this is one of my favorite things to say in a planning board meeting. Yes the Amazon guy may come a couple of times a day down the street. The Amazon guy uses shushers. I appreciate the statement that yard jockeys are going to use shushers. I don't understand how that's going to work. These are going to be, these are speculative warehouses. They're going to be rented out. Who's going to own the yard jockey? Is each one of these small warehouses going to be - are they each going to have their own yard jockey? I don't see that happening. Will there be, also I recall perhaps the engineer mentioning at the last meeting, a question about the number of potential truck bays and there was a statement that these buildings are going to be built with knockout panels. Therefore, additional bays could be installed, when they want to. If that's happening who's going to be in charge of those yard jockeys for that too? There is a lot of gray area here.

**Mbr. Romano** shared that brings up a question for me. You had mentioned about the liaison?

**John Coppello** confirmed yes.

**Mbr. Romano** asked if there an office somewhere here? Let's say if the building gets rented out – is the owner of this going to be occupying the space?

**Karina Tipton** shared nobody has mentioned it.

**Don Berger** shared we don't even know who it is.

(inaudible)

**Mbr. Romano** shared I don't care who they are, but you mentioned a liaison...will they be there?

**John Coppello** shared whoever owns or operates this (paused) I don't know if they will personally be there; there will be a number there. We will provide you with a local person. When it comes to the knock outs, I believe and Ross correct me if I am wrong; we have analyzed this as 94 docks. They may not all be built, and they will be knocked out. It was analyzed and addressed, as if all 94 were there. The likelihood is, all 94 won't be there and that's where your trucks and trailers would be parked because the walls won't be knocked out- which is why we are beneath the need. UNFI is a huge operation. Karina is exactly right, they underestimated what they were going to do and they paid for it up the wazoo in delay issues.

**Mbr. Romano** asked is the owner is going to be occupying?

**John Coppello** shared I can't tell you for sure. I can ask and get back to you. I can tell you that we will commit that the owner or the tenants designee – there will be people designated as a liaison to the Village, in case issues come up here.

**Mbr. Romano** asked in case there are questions on parking on 211 or the Village, and the shushers and everything?

**John Coppello** confirmed yes. Yes. I believe the shushers are now part of plan (inaudible).

**Mbr. Romano** asked so we will have someone to talk to and our building inspector can go to?

**John Coppello** confirmed yes. Yes.

**Mbr. Romano** said, ok. They can reinforce (inaudible)

**John Coppello** said if trucks park on the side of the road – if trucks park on the side here the state would be coming in much quicker. No, I am sorry here. In the Village it's very different than Neelytown Road, where trucks park there and if you drive by at 11pm for the truck stops and they park on the side and sleep there. That doesn't happen.

**Karina Tipton** shared it has happened. I have seen people. I have gone out on morning jogs and I have seen people sleeping in their tractors. To be clear, the problem I have with UNFI situation is, that building owner was pushing off all responsibilities for their own scheduling practices onto the truck drivers and the owner/operators. When we do not have capacity in the Town of Montgomery for overflow truck parking. It's class Warfare. I know it's a strong term, but it's really unfair as truck drivers have a hardest job in the world. They have the tightest margins. It's unfair to push parking tickets onto truck drivers and that's not the kind of community response that I'm interested in having. I want us to prepare a situation for the people that are working and earning money in our community, are doing so in a good environment, where their jobs are under duress. If we are going to welcome a warehouse, that has a situation where truck drivers are overbooked, and there is no where to park, and they have to circle the town and waste diesel fuel - which is super expensive; we are creating a situation where we are not providing a good working environment for those truck drivers. That's my personal feeling on labor issues with relations to truck drivers.

**Mbr. Romano** shared makes sense.

**Karina Tipton** indicated I have one more thing that I think (paused).

**Don Berger** asked lighting?

**Karina Tipton** reiterated they did say last time that lighting was going to be dark sky compliant.

**Chrmn. Conero** asked have we addressed the lighting?

**Karina Tipton** confirmed yes.

**Karina Tipton** shared I did want to ask - I know this is perhaps a statement and not a question. I understand the taller building height is on the table. There was a statement that the applicant made one time, that they would remove the buffer and build larger buildings in order to meet the mysterious land square footage requirements for the future, as of yet undetermined tenants; so, they can have adequate room for paving, develop spaces and storm water treatment. I wanted to ask the **Planning Board** to require the applicant, if you are going to continue to entertain the 45-foot buildings, that you **require the applicant to do an evaluation of land use: using green infrastructure, green roofs, permeable pavements and other innovative storm water management techniques to reduce the area of storm water basins** that are required. If they did hold a nuclear option and want to expand their building foot print to make up for the fact they were required to meet the zoning code without a variance approval; they would be able to do so and still maintain their boundaries. I think that we're in a standoff here and I think the Planning Board still has recourse to evaluate alternative technologies and find out if it's true, that they would actually have to go into the buffer, instead of taking our word for it.

**Karina Tipton** shared I haven't had an opportunity to go and review any traffic studies that have come to the Board. Believe me, I will be coming down here to do that. The statement for all the analysis that was done for 96 truck bays, I want to confirm that they the general operational details that the Planning Board is currently working on; you are expecting up to 96 truck bays when assumed associated levels of trucks entering and leaving the site 24/7. Because, that's kind of what I'm hearing and I haven't gone and looked at it on paper. I just want to say those words out loud. What I'm hearing is that you have done your analysis for 96, sorry I am not addressing the applicant, the applicant has done their analysis for 96 truck bays and I've heard the Planning Board say that they are they have not yet reduced the hours of operation or limited any hours of operation. I'm assuming you are evaluating this for the maximum potential impact. That would impact traffic. That would impact the Town and all of those things. I just wanted to say that out loud. That's more of a statement also. I honestly, I feel (paused)...

**John Coppello** said I want to address one thing and clarify something.

**Karina Tipton** said OK.

**John Coppello** said the traffic study, when I said everything we did took in account (inaudible) – the traffic study and the number of trips generated doesn't not necessarily relate to the numbers of bays. ITE's is actually based upon the size of the building. It's based upon the square footage of the warehouses, based upon ITE standards. The warehouses can accommodate up to 94 units, but it's based upon the trucks coming in and out the number of units. The number of bays doesn't necessarily relate to the number of trucks coming in and out.

**Karina Tipton** was the traffic study that was approved by the State of New York and require the purchase of the land across from Chandler Lane – does the State understand the bay may go up to 96 or are they strictly relying on the ITE levels for the warehouse sizes?

**Chrmn. Conero** shared we have to look at the traffic study.

**Karina Tipton** said, ok. I'm just curious what the State of New York would say about the 96 potential bays.

**John Coppello** said the plans were brought to the State of New York (Referred to Ross).

**Ross Winglovitz** shared they actually were specific in their approval for this specific use. They said if anything changes, they would have to go back to the State.

**Chrmn. Conero** shared just like we had to go back to them about realigning the intersection.

**Karina Tipton** said, ok. I will do more reading. I will just conclude and I'm sorry I'm sure that was more than the 3 minutes. Thank you for the additional time. I will just conclude and I do think it would be irresponsible for the Planning Board who is in direct charge and under responsibility for this Village, and for the quality of life we have this Village, based on the full infrastructure to proceed without setting operational hours on this development. I think it would be irresponsible to not specify the total number of loading bays that are allowable. There have been some statements about us being asked to take a lot of things in good faith, and what we're asking from you is to use your teeth. You're here to protect the residents of the Village. You're here to protect the existing businesses in the Village and we're asking you to use your teeth and to protect us. Thank you.

**Chrmn. Conero** said thank you Karina.

**Public Applause**

**Chrmn. Conero** asked Don to go ahead.

**Don Berger** shared of Montgomery. First of all, I'm going to start it off a little positive. John, I really appreciate everything you said earlier today concerning KSH and the stuff that you perhaps would go through finding statement when things, when all is said and done. I appreciate having Mike to do that, because really to be honest with you, I've come to a lot of these things you are the first person I've seen whether it be in the Town or the Village and with the expertise you have. They never had it. I appreciate that happening. With that being said, I can tell you I live on the bottom of Weaver, it's called Waters Edge. Spring, Summer and Fall, I have my windows open, let me tell you something and I can hear the trucks coming down 211. I'm not an expert on decibels

I'm not an expert on decibels,

**Chrmn. Conero** said right.

**Don Berger** asked can I finish?

**Chrmn. Conero** said yes, I want you to address our Board, but go ahead.

**Don Berger** said alright.

**Chrmn. Conero** said go ahead Don, I'm agreeing with you.

**Mbr. Romano** (inaudible).

**Don Berger** said alright.

**Public** called out it's a joke. Big joke.

**Don Berger** said it is. It's unbelievable. You're unbelievable

**Chrmn. Conero** said Thank you.

**Don Berger** shared you don't deserve to be the Chairman. Thank you for interrupting me. My whole thought process is gone and that's what you did on purpose.

**Chrmn. Conero** asked Don, please continue for the rest of the board.

**Don Berger** said no, I'm done with you.

**Chrmn. Conero** said alright, thank you.

**Mbr. Meyer** said Don, please continue for the rest of the board.

**Don Berger** said no.

**Chrmn. Conero** asked for somebody else who spoken. Can you give the name?

**David Holbert** asked you said, you're putting a wall in here that is 6-foot? Asked if you're taking the lights out and the windows out, on this side of the buildings, correct?

**John Coppello** confirmed yes.

**David Holbert** asked what about on this side towards Weaver? How high is that?

**John Coppello** said it would be nice (inaudible) but Ross can you take that?

**Ross Winglovitz** shared I'm not sure of the exact height but it's roughly 25 feet shielded fixtures.

**David Holbert** asked shielded away from Weaver Street?

**Ross Winglovitz** shared shielded so it doesn't go up light. Correct. There's a lighter plan done that shows there is no projection of light beyond this property.

**David Holbert** asked which property, this property line?

**Ross Winglovitz** confirmed yes.

**David Holbert** asked if this wall is higher, we wouldn't have a lighting problem whatsoever.

**Chrmn. Conero** shared we want to consider that and ask for consideration to make the wall go higher, to negate the lights.

**David Holbert** said I don't think 6-foot is going to cut it.

**Chrmn. Conero** shared maybe 8 feet.

**David Holbert** asked why not 12 feet?

**Ross Winglovitz** shared you are shielded.

**David Holbert** shared the lights don't stop here as it's only 6 feet (Pointing to the wall on the site plan.) These people here including myself are going to see the truck lights come in. Including probably most of these people. They are coming in here and believe me, I've walked this property plenty of times, and coming in here and going out here. Those lights don't stop here. Basically, 4 wheelers, pickups and I can see them from my house.

**Mbr. Romano** said it will help greatly if we did have the hours of operations. If we could set those (inaudible).

**David Holbert** shared you're asking all these people to accept this and it's unacceptable. It's unacceptable as far as I'm concerned. Even when they come in here, this is going to get lit up and I agree – he's left now – this is all swamp land. There are falcons in there, there are all kinds of animals in there. They are not going to stay. They are just not going to stay. Not only are you affecting the quality of life for these people, you are affecting the quality of life of the wildlife. It's important. You really want to look at this again. I do not fathom the noise from here not getting up here. I just don't fathom this and it makes no sense. It's just a distraction. (inaudible).

**Michael Bontje** shared I noticed there was a conflation going on in here. In other words, the night lighting for the parking is completely different for the purpose of the fence.

You can't build a 24-foot fence and (inaudible) parking lights. It's done for a different purpose and the purposes should be kept separate. I'm not a lighting expert but I know.

**Chrmn. Conero** asked if they put a higher fence or higher wall – whatever you want to call it – and they put it higher, would you have to do another sound analysis in there?

**Michael Bontje** shared it would help. Height would always help. They can go to an 8-foot or higher that would be good.

**Chrmn. Conero** shared we do have concerns with the height.

**Chrmn. Conero** asked speaker to come up to the board. What is your name again?

**Nick White** shared 83 Weaver Street. Why Chris Ladanyi has not got a response in 3 years from you?

**Chrmn. Conero** asked what are you talking about? You made an inquiry to our Village board?

**Nick White** shared he sent formal letters to you 3 years ago to the Board and has gotten no response and I'm wondering why.

**Chrmn. Conero** shared I have to ask the Village Board.

**Mbr. Romano** said the Trustees meet next month and you can go there. We are the Planning Board.

**Chris Ladanyi** clarified it was to the Planning Board, not the Village Board.

**Nick White** asked so it takes 3 years to respond?

**Chris Ladanyi** said it was to you Kevin. Would you like to see it?

**Chrmn. Conero** confirmed yes, you can bring it up.

**Nick White** stated 3 years for the record. Don so you have that. I am also considering legal action with this based on what (inaudible).

**Chris Ladanyi** brought a copy to Chairman.

**Nick White** shared you are the most unprofessional people I've seen in my life.

**Mbr. Romano** said I've been on the board for over 25 years.

**Nick White** shared maybe it's time for a change.

**Mbr. Romano** asked are you going to share something pertaining to the site plan?

*Back and forth (inaudible – speaking over each other)*

**Chrmn. Conero** shared we are asking you to make a comment on the site plan.

**Nick White** shared I'm going to get there.

*Back and forth (inaudible – speaking over each other)*

**Chrmn. Conero** said you asked me a question about a letter. Go on.

**Nick White** said I'm allowed to. Why can't you answer?

**Mbr. Romano** shared because it has nothing to do with the site plan.

**Nick White** shared yes it does. It is all in direct correlation with the site plan. You don't even know what the letter is because you didn't look at it.

**Mbr. Romano** shared I got the letter a few years ago.

**Chrmn. Conero** asked Nick to go on.

**Nick White** asked Kevin, any reason why we are not beyond the berm like we talked about? I asked this in the last time and I didn't get an answer from you. The natural berm that's here you stated that we were going to go beyond that. This is in front of the berm. I took pictures of the flag and it's in front of the berm. You were there, it was in Dave's garage. I brought this up at the last meeting too. You said you would get back to me and I haven't heard anything. We met in Dave's garage, how long ago was that?

(Inaudible).

**Chrmn. Conero** said oh wait a minute, I (paused).

**Nick White** shared there is a natural berm if you don't know it's there

**Chrmn. Conero** said yes, that's going to still be maintained.

**Nick White** shared you told us it would be beyond the berm, so it would act as a natural barrier. You put the flags up, in front of the berm closer to my house. Why is that?

**Chrmn. Conero** mentioned the visual aspect of the project was done by Jason Anderson's firm, and it shows the lines you would potentially might see through the buffer zone.

**Nick White** shared that's my point. Brescia was there and he said yes. He said that's a meet to go beyond.

**Chrmn. Conero** said I see what you're saying.

**Nick White** asked Steve Brescia not here again, why is that?

Chrmn. Conero said he's not on Planning.

Nick White asked what's the answer on that – are you going to get back to me on the berm?

**Chrmn. Conero** said I'm not going to get back to you on the berm. I am going to explain or ask Ross to explain to you about the berm. The natural berm he's talking about, the easement that you are going to give to the Village declines in elevation down. The natural berm is at the top. That's where I believe your parking lot is. His concern is that it is encroaching on the berm.

**Nick White** shared it's in front of the berm. The berm is here and the flags are down here. Why would you not use as something as a barrier? Doesn't even make sense it's there, to go beyond that.

**Ross Winglovitz** shared the project at the top. It's basically a plateau and there is really no berm. There is a gully that drops down to the wetland elevation and slopes up to a plateau. The project is located on that plateau – that flat area, that's existed for ages, maybe. The slope that you're talking about runs gently along this area here and then in front of the parking lot (Weaver Street side). Here cuts into the slope, is what I think you're talking about. Here the slope is in front of the parking lot. This location is a retaining wall and this location is where the parking lot extends into that slope near the wetlands.

**Chrmn. Conero** asked hopefully that answers your questions.

**Nick White** said it doesn't. Again, I have pictures on my phone where the flags were and where we are going to see this and that's not where it is.

**Nick White** asked if we have a noise ordinance in the Village?

**Chrmn. Conero** said yes.

**Nick White** asked do you know what it is?

**Chrmn. Conero** said Mike has explained that it is a 51 decibel, is that correct?

**Michael Bontje** shared yes, for industrial to residential, which is what we are talking about; at night it's 51 and during the day it's 61 decibels.

**Nick White** asked correct me if I'm wrong on this, I may have a block; you said it would be at 55? What is it going to be?

**Michael Bontje** responded No.

**Nick White** asked what is it going to be?

**Michael Bontje** shared at this location, right here – residential the back-end of Weaver Street and this location that sticks out. I may also point out this is an industrial zone, not a residential zone – I calculated 46 decibels to this location.

**Nick White** asked to confirm when this is operating?

**Michael Bontje** confirmed when this is operating. However, there is another 100 feet in there that I didn't calculate, which give further attenuation. The normal 46 meets the 51 for the night time ordinance.

**Nick White** asked the normal conversation is at 65 decibels?

**Michael Bontje** reiterated, approximately 65 decibels.

**Nick White** asked I'm supposed to believe that tractor trailers are going to be a 46 decibels and normal conversations are at 65 decibels?

**Michael Bontje** shared No.

**Nick White** asked if this for one truck, two trucks three trucks? What's the decibels count on this?

**Michael Bontje** shared usually what I will do is about 3-4 trucks, because again once you get to 3 or multiple, you know they are no longer additive to one another, because of the way decibels and the addition works. Secondly, this particular area is meant to be a passenger vehicle and occasional delivery truck. The tractor trailers are not to go into this area. This was done for the passenger vehicle and for the occasional delivery truck. Again, assuming the delivery trucks are the regular ones like Amazon, that don't show up at night. I'm guessing they will show up during the day. Your day time and night time separation is 9pm at night. Basically, this is going to be passenger vehicles as it was set up for passenger vehicles and occasional van vehicles. It was not set up for the trucks.

**Nick White** asked can I mow my lawn at night?

**Chrmn. Conero** asked if any more questions on the site plan?

**Nick White** shared I can't mow my lawn at night.

**Chrmn. Conero** asked can I get a motion to close the public hearing?

**MOTION MADE** at 10:05pm to *adjourn the Public Hearing for KSH – 211-1-29.22 to next month*, by **Chrmn. Conero and seconded by Mbr. Romano**

**Motion Carried: 5 Ayes, 0 Nays**

**RE: MINUTES**

**A MOTION was made to ADJOURN APPROVAL OF THE MINUTES OF MARCH 27, 2023 By Mbr. Frisbie, seconded by Mbr. Romano**

**Motion Carried: 5 Ayes, 0 Nays**

**RE: ADJOURNMENT:**

**A MOTION was made to ADJOURN THE MEETING AT 10:08pm by Mbr. Steed, seconded by Chrmn. Conero**

**Motion Carried: 5 Ayes, 0 Nays.**

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Deborah Delgado, Deputy Treasurer  
and Part Time Village Clerk