

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

ATTENDANCE: Chrm. Conero, Mbr. Romano, Mbr. Steed, Mbr. Meyer, Mbr. Frisbie, Vlg. Atty. Joseph McKay, Vlg. Eng. John O'Rourke of Lanc & Tully, Jay Samuelson and James Martinez of Engineering & Surveying Properties, Erol Cichowski

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

ADJOURNED PUBLIC HEARING

RE: BUTLER CONSTRUCTION – DUNN ROAD – 213-3-5 (28-1-13.22)

A MOTION was made to OPEN THE ADJOURNED PUBLIC HEARING FOR BUTLER CONSTRUCTION – 213-3-5 AT 7:31 PM by Mbr. Romano, seconded by Mbr. Steed and carried 5 Ayes 0 Nays.

Jay Samuelson and James Martinez are representing the applicant.

Mr. Martinez said they have gone over Scott's review. They did receive a letter from Ed Magryta of Orange County Airport, and he is fine with the FAA determination and his recommendation is putting light on top of the building.

Chrm. Conero said he thought that was a binding comment.

Jay Samuelson said he thought it was his recommendation, not a binding comment.

Eng. John O'Rourke said he thought Scott said it was binding but he got the letter, and they thought it was okay, so he doesn't think it's an issue.

Mr. Samuelson said he doesn't think it's an issue with them doing them.

Chrm. Conero said the reason he's bringing it up is, they were pretty adamant about having the lights on and he's pretty sure it was a binding comment. Does he think it's necessary, no, he doesn't think so, again, if the FAA doesn't think it's necessary, then he doesn't know why Orange County Airport does. For some reason, the Director of the Orange County Airport thinks it is.

Atty. McKay said he has the County comments.

The binding comments were:

- *The applicant should conduct an aeronautical study for the proposed project because it is located near the airport.*

- *The village and the applicant should coordinate with Orange County Airport to ensure that the proposed project will not negatively impact the airport as this site is adjacent to the airport. Particular attention should be paid to the height of the proposed plantings, the height of the proposed lights, the type of lighting used and any potential glare...be aware that the proposed trees may not be appropriate for this site due to the height of these trees at maturity...*

Atty. McKay said, those are the binding comments, to coordinate with the County Airport; get their comments so they are resolved favorably.

Chrm. Conero apologized and said he misread that. They (the Airport) are agreeing with the FAA and with the FAA's "no hazard to air navigation." The FAA does not require obstruction lighting. The OCA's position on lighting is that as a matter of enhanced safety standards, they recommend obstruction lighting on all buildings over 28' within the airport traffic patterns for Runways 4/22 and 8/26. They do not require obstruction lighting; they do recommend that the applicant install lighting on the highest elevation structure on the property.

Chrm. Conero said he didn't know they were in the flight path.

Eng. O'Rourke doesn't think they are and that's why the FAA didn't require it. The FAA said no, but he thinks the airport is saying, just to be safe, maybe just put a light on top of the highest structure. It may just be an extra safety thing that they're recommending. He's assuming they don't have an issue with it.

Mr. Samuelson said he's 99% sure it's not an issue but he'll confirm with their client to put a light at the top of the building.

Chrm. Conero said one light, non-glare.

Mr. Samuelson said the same one like on the Food Bank building and the one next door. Same red light.

Chrm. Conero said it helps them maintain that relationship with Orange County Airport and the director, who has always had concerns with building around the site.

Mr. Martinez said they added additional landscaping next to the residential property. (He indicated on the site plan.) Additional landscaping in this area is to help screen between the existing vegetation on the property line. They filled the gap with (inaudible) plantings.

Eng. O'Rourke said they were looking for between the building and the property on the west side. You show a little planting there but they're scruff and that house is going to look directly into that building. That's what Scott was looking for, some kind of plantings or evergreens just in front of the building to kind of screen it from the existing house.

Mr. Martinez said that is something they can incorporate.

Mr. Samuelson added, something that doesn't grow too tall.

Mr. Martinez said they received a copy of the neg dec and there were two minor changes, the building size and stormwater...

Atty. McKay said, at the last meeting, the Board asked him to draft the neg dec. He sent it around and received a few minor comments from Kristen O'Donnell; he fixed those and recirculated it. Jay had pointed out one or two factual corrections and he incorporated Jay's comments into the final draft of the neg dec (he gives to the Board).

Chrm. Conero said they can vote on it tonight.

Mbr. Frisbie asked, without additional landscaping.

Eng. O'Rourke said environmentally, yes. They said they'd put it on the plan so prior to final approval of the site plan.

The transcription tape stopped working.

Eng. O'Rourke pointed out that the applicant is in violation of the SPEDES permit.

Mr. Samuelson said over an acre is being disturbed.

Eng. O'Rourke advised that they need to get the SPEDES permit, or they will be violated at \$36,000 per day.

Mr. Samuelson said their SWPPP is okay...they will file tomorrow.

Eng. O'Rourke will speak with Bruce.

A MOTION was made to CLOSE THE PUBLIC HEARING FOR BUTLER CONSTRUCTION – 213-3-5 AT 7:42 PM by Mbr. Steed, seconded by Mbr. Romano and carried 5 Ayes 0 Nays.

A MOTION was made to APPROVE THE NEGATIVE DECLARATION FOR BUTLER CONSTRUCTION – 213-3-5 AT 7:44 PM by Chrm. Conero, seconded by Mbr.

Mbr. Frisbie asked what the proposed color of the building would be.

Chrm. Conero said he is hoping they use an earthtone color. He will also ask Elise for color suggestions, in the future.

A MOTION was made to AUTHORIZE ATTORNEY MCKAY TO DRAFT A RESOLUTION AND PRELIMINARY FINAL APPROVAL FOR BUTLER CONSTRUCTION – 213-3-5 AT 7:53 PM, by Mbr. Romano, seconded by Mbr. Meyer and carried 5 Ayes 0 Nays.

NEW BUSINESS

RE: 81 UNION STREET – 206-1-9

Mr. Samuelson is representing the applicant. They are proposing a 2-lot subdivision with 2 existing structures, a house and an accessory building. The applicant wants each on a separate lot. He intends to live in the converted barn/garage and rent the house. Both lots will utilize the existing driveway off of Meade Alley, which will be for 4 cars. There is room for two cars in the barn/garage. They are also looking for 2 variances: one for the existing house for a back yard setback and one for the barn/garage for a front yard setback.

Eng. O'Rourke said they are creating a lot that can never meet the zoning requirements. The lot isn't livable.

Chrm. Conero said that the Comprehensive Plan mentioned not being able to subdivide non-conforming lots in the Historic District. He will look into it. Also, based on Scott's comment #11, this will require referral to the AHRB.

Eng. O'Rourke said it must have easements for water/sewer. This needs to be referred to the ZBA; let them take Lead Agency. It is an uncoordinated review.

Atty. McKay asked how wide the driveway is and that this may need separate easements as this may be considered a private road.

A MOTION was made to REFER 81 UNION STREET – 206-1-9 TO THE ZBA FOR BACK YARD SETBACK FOR THE HOUSE AND A FRONT YARD SETBACK FOR THE BARN/GARAGE AT 8:09 PM by Mbr. Romano, seconded Mbr. Steed and carried 5 Ayes 0 Nays.

RE: MEETING CHANGE

A MOTION was made to CHANGE THE NOVEMBER 2023 MEETING FROM NOVEMBER 22ND TO NOVEMBER 15TH AT 7:55 PM by Mbr Steed, seconded by Mbr. Meyer and carried 5 Ayes 0 Nays.

RE: MINUTES

A MOTION was made TO APPROVE THE MEETING MINUTES OF AUGUST 23, 2023, AT 8:06 PM by Mbr. Frisbie, seconded by Mbr. Romano and carried 4 Ayes 0 Nays.

RE: ADJOURNMENT

A MOTION was made TO ADJOURN THE MEETING AT 8:11 PM by Mbr. Steed, seconded by Mbr. Romano and carried 5 Ayes 0 Nays.

Tina Murphy, Deputy Village Clerk