

MINUTES of the Village of Montgomery Planning Board meeting held in the Meeting Room of the Village Hall, 133 Clinton Street, on Wednesday, April 24, 2024, at 7:30pm.

ATTENDANCE : Chair Frisbie, Mbr. Romano, Mbr. Steed, Mbr. Meyer, Mbr. Reynolds, Village Atty. Joseph McKay, Village Eng. Scott Sicina of Lanc & Tully, Ross Winglovitz of Engineering Properties, Lawrence Marshall, Mercurio-Norton-Tarolli-Marshall, PC Engineering-Land Surveying (City Winery), Noah Bobrowsky (City Winery) Vincent Satriano, Charles & Lorraine Baker (20 Factory), Randi Picarello (Trustee), Kevin Conero (Trustee), Don Berger, Cynthia Reynolds

OPEN: Chairwomen Frisbie opened the meeting with the Pledge of Allegiance.

RE: ADJOURNED PUBLIC HEARINGS

KSH – 211-1-29.22 Postponed

OLD BUSINESS

RE: City Winery – 204-1-1

Chair Frisbie said the first order of business is our adjourned public hearings KSH has been postponed, so that brings us to old business where we have a City Winery .

Noah Bobrowsky said good evening. To kick us off, we made a submission to you guys about two months ago addressing the initial Lanc & Tully comments that were floating around for quite some time, but the submission you got that we didn't have at the last meeting was an overall site plan to accompany that letter that we provided to you, which described what was per the approved plans and what wasn't per the approved plans and then this updated version, which reflects the latest site plan for the property. At least would reflect the latest based on what we're looking to do now. Where do you want to start?

Chair Frisbie shared the first thing I would like to just start with, is the additional comment letter from Lanc & Tully that you guys should have received late last week.

Noah Bobrowsky confirmed we did.

Chair Frisbie shared, again I think as we mentioned the last time, we just want to make sure that we get buttoned up with the prior application; before we move forward with reviewing an additional application, especially if there are areas like Scott mentioned: some of the wetlands, the swift, and design that I don't think will be changing with the new plans. We just want to make sure that we're satisfied with the initial project before we start to review additional.

Larry Marshall (Client Engineer) one of the things that we do obviously there are some items that we have to complete to satisfy specifically the stormwater pollution prevention plan. There's a basin that was that was designed to be installed down at the end of the overflow parking area. There's another small one along the access drive and then the one that was constructed up near the building has to be reconstructed; because it's *not adequately sized*. We are asking if there's any means that we can do that construction of those three items, when we complete the construction of the proposed studio - if that's possible to complete it then. That way we are not bringing in a construction company to complete the

three similar basins and then bringing them back in to complete the excavation associated with the proposed studio - if that's possible.

Mbr. Romano asked if they were excavating the studio, I thought it was in the existing building? Is it a misunderstanding?

Larry Marshall confirmed it is in the existing building, but we do have to furnish it with a sewer line.

Mbr. Romano asked, "Are you putting in a kitchen?"

Larry Marshall said no – just a bathroom. It wouldn't connect to the existing sewer lines associated with the remainder of the facility. We would connect it to the existing dump station, but if we do have to have a separate dedicated line. I'm not looking for an answer this evening, it's just something that we would request the board to consider allowing us to complete it at a later date. Not that we're doing it later, but we're not doing that immediately while this application is going forward.

Mbr. Reynolds asked, you were saying it because you wouldn't want to disturb it - to start with and then you have to redo it again - so you want to do it once instead of twice?

Larry Marshall said yes. Especially up here near the studio there's construction for installing the sewer line and then the small patio area would be relatively close to where the stormwater basin is. They would be basically in the same vicinity.

Mbr. Steed shared you want to tie this into what's on the #1 checklist and tie it into your next application. What happens if the 2nd application isn't approved?

Larry Marshall said it would be done regardless. We're just saying we wouldn't tie one into the other. We are asking that you allow this application to proceed - not with that one with the stormwater.

Chair Frisbie asked Scott, do you have any thoughts? I don't know logistically.

Scott Sicina shared I would say, I understand bringing a construction company onto the stormwater ponds and then potentially have to do other construction around the studio when that's when that is built. I don't know if you will necessarily be using the same contractor to do that work. It is very possible if it is only a sewer line that needs to get put in. What I mean, if it's not an exceptional amount of digging that would need to be done. The problem is, I don't want to speak to the board; but I believe that the board is looking to make sure that these items that were supposed to have been built get constructed. I mean obviously they need to be constructed. They were supposed to be constructed already and I think that's the concern of the board right now. I understand why you guys would want to try and push it off to get this application reviewed as well and get it all done at one time. I don't know what the board is looking to do.

Chair Frisbie shared I would like to see some urgency to get some additional items done. While I agree it doesn't make sense, there are certain aspects that you can start to work towards. I think that would show us effort. These are not negligent items from yesterday. These are long standing items and I imagine some of them come with violations, because they were part of the original project. I'm just trying to protect you in your initial application and what you have; because it's out of compliance with a lot of these items that are core requirements, I would just like to see some movement towards getting some more of these items done.

Noah Bobrowsky said we're coming to you investing in new site plans and if we wanted to go and be the wild west and we would have built the studios and go in that direction – I'm not saying that's what we wanted to do that.

Mbr. Romano shared there were those guys previous to you.

Noah Bobrowsky said that's why we're coming to you to address everything that's outstanding. We spent a lot of money putting together these plans. We submitted the application. I was under the impression leaving the last meeting that this was being reviewed. I wasn't aware that it wasn't being reviewed at that time. So, you know we're here trying to make a good faith effort and honor what we're saying, but we would just like to do it all at once.

Mbr. Romano shared it is being with you. It's before the board. We want to see it done because you can get in a lot of trouble not doing it.

Noah Bobrowsky said I'm just saying that it wasn't made abundantly clear to me at the last meeting, that we were not going to be actively being reviewed for this new proposed application, until these items were checked off. That distinction wasn't made clear to me, so that's all I'm saying. If we can kill two birds with one stone. You know we're very invested in doing this project. We want to get working as soon as possible. If you guys are OK with it, we would just like to do the construction all in one sweep and it makes a lot more sense for us timing and cost for us to do that.

Mbr. Meyer shared well I concur with what Amy and Sophia said. I mean some of these projects should be moving forward as a sign of good faith, so it does sound like we're giving you an indication that we expect some of these things to be done. We do understand that you are moving forward with these plans that cost money, but it's path of least resistance at this moment; because doing this is a lot probably less costly than what we're asking you to do right. Now we're asking you to do it.

Noah Bobrowsky asked, "Is that the board's position, that you guys would like us to fully address all of these items before we can renovate the existing building?"

Mbr. Meyer shared not necessarily all of these items. I don't necessarily think we said that, but some of these projects should be moving forward as a sign of good faith and a sign of compliance as well.

Noah Bobrowsky asked would you mind just highlighting those for us?

Chair Frisbie shared I don't know Scott, I would like some of your thoughts on some of this, like even the simpler ones like #2 - no permit was obtained for wetland disturbance.

Larry Marshall said we've been working on that for the last few months.

Noah Bobrowsky shared we have a structural drawing that we can submit to the building department now for the retaining wall, so that's done. I was confused. I thought you meant just specifically site infrastructure items and those are a bigger can of worms. One thing just to clarify if we're going down that list, I believe it was the first or second comment about the shed. That shed was an existing shed. We didn't build a new shed. We just simply moved it to a different location, so you know you can check that off the list. What are the other items that you guys feel should be done before you can review this new application?

Chair Frisbie asked if anyone else had additional thoughts?

Mbr. Meyer shared one bone of contention with a lot of people on board is the paving of the parking lot, so that's probably the most expensive one on the list. It is something that was a bone of contention and now our engineer is suggesting that you do it.

Noah Bobrowsky shared I think you know for us obviously ,as a as a startup business in this location, we decided to gamble and not do that second top layer of pavement. It has held up very well. We take really good care of our property, and we just simply don't feel like it's necessary. We'd rather spend the money improving this vacant building that's on the property currently, so you know we just think that's a better use of funds. Unfortunately, we're not made of money.

Mbr. Romano said so even more important than the parking lot is number six and seven. The applicants Stormwater Pollution Prevention Plan (SWPPP) - the calculator required by our retention area and then #7 engineering noted that storm water basins at the perimeter of the gravel parking lot have yet to be constructed. You're happy with your gravel parking lot, but you know the storm water basins haven't been completed. So, forget paving the second parking lot, that's least of problems at this point.

Larry Marshall said so number six, the statement that the bioretention area was not previously constructed is not accurate That fire retention area is there. It is undersized.

Mbr. Romano asked to confirm, so are the calculations wrong?

Larry Marshall said yes. We have to demonstrate that our design complies with the original design – that our layout complies with the original design.

Mbr. Romano said that's an easy one.

Larry Marshall said the two basins that were designed at the end of the gravel parking area and along the access drive - those were not constructed. Those are the two that are noted in #7.

Mbr. Romano said that's a little start. We just want you to finish the original site plan.

Noah Bobrowsky shared I think aside from really the one or two items that you just pointed out six and seven, you know we're pretty close you know it's 80%. As I said you know it just makes a lot more sense for us to complete those items, we're fully committed to doing that once you know we're moving forward with this new project.

Chair Frisbie asked, did we get correspondence back from when you guys went before the Village Board?

Noah Bobrowsky shared we went in front of the Village Board after we met with you guys, as was your recommendation there's a couple things that need to be adjusted in the PDD; but they felt like they wanted us to stick with you guys, go through your process before going back to them to amend the PDD around capacity.

Chair Frisbie said OK. Is that accurate looking to the City Winery?

Trustee Picarello said yes. That's my recollection.

Atty. McKay asked what kind of modifications to the PDD are you expecting and I'm curious because you don't want to get caught up between the two boards right as one is a legislative district, so the Village Board has to be pretty confident that they would go ahead and approve an amendment to the PDD.

Otherwise, anything that you do here could be a waste of time and money. You don't want to do that. Did the Village Board have any specific comments on modifications to the PDD?

Noah Bobrowsky shared yes, it was an active conversation that we have plenty of parking capacity on site, more than we're allowed to host for an outdoor event - the PDD says 250. We know we do events that seat 500-600 people. We would simply ask that we are allowed to have as many occupants outside as we're able to fit on the site and it was a discussion.

Larry Marshall said that's the main point regarding the restriction on the number of people on the site.

Noah Bobrowsky shared that's for the outside just simply for outdoor events there's the limitation on the number of people and again we're trying to come here to fully address any points of contention that maybe come up.

Mbr. Romano asked Scott to explain #8.

Scott Sicina shared basically what I'm saying here is the original PDD site plan is not consistent with what has been constructed, and it looks and appears to me that there's more pavement area that was installed/constructed than what was originally on the plan. Therefore, with more impervious area that's on the site bumps up the amount of stormwater that they need to treat. As Larry was saying, the bioretention area closest to the winery is undersized. Are you saying that it is under size because of the additional impervious?

Larry Marshall confirmed it is under size based upon the original design.

Scott Sicina shared so it'll beyond the fact that it has to increase to meet the original design, it has to probably increased slightly more to increase to handle the additional impervious area they may have put down. I might be incorrect, and Larry might say yeah you know it ends up being ok because we didn't pave certain sections here, but they did pave sections over there and end up coming out in as a wash. Similar but also in stormwater where you're impervious is makes a difference to the size of practices. We got to discharge to the to the actual box.

Larry Marshall said we will provide a full breakdown of the amount of impervious that's currently on the site and what was originally proposed, so we will give a breakdown of all services so then it's a direct comparison.

Chair Frisbie said OK that would be helpful. I'm reading a note from Kevin to Tina regarding the original resolution that states 200 people at most; but it is not directly listed in the actual PDD at capacity?

Trustee Conero shared exactly. It doesn't say in the resolution and PDD is how many people are going to be there. It is reflected in the minutes quoted by their attorney that it would have a very small impact, no more than 200 people. I recommended the Village Board you know that's part of what we need to look at for the original PDD to what they're expanding to. I also question if they did bump up to 500 people, it would that trigger a SEQR and traffic. I'm not sure if it's the Planning Board's responsibility, or if it is a Village board responsibility. You guys are probably the lead agency on that so I would defer to you Joe.

Atty. McKay said thank you. This goes back to exactly what I just said before. I wasn't there, I don't know if William Frank, the Village Board attorney, was at the Village Meeting.

Trustee Conero shared I believe yes.

Atty. McKay said again that it's a legislative act, so the Village Board would look at this code, but presume they at least could be lead agency right, because it's a legislative act. I think in the PDD it's referred to the Planning Board for its comments and then goes back to the Village Board. Therefore, the Village Board may ultimately be the lead agency here. The real question again, is, and I don't know if this is in terms of parking or occupancy whether it's 200 and you need to go to 500; is it parking - is it occupancy - is it both?

Noah Bobrowsky shared so there's a lot of vagueness. We came before the Planning Board because we had outstanding Planning Board items to address based on a prior application, which is for the hotel & spa, which we've moved away from. We are simply looking to convert this building into more private event space, because that's been very successful. You know with the existing spaces that are renovated. At that meeting, the Planning Board said we should go and talk to the Village Board, so we did. The Village Board then said go back talk to the Planning Board. We're just here saying - tell us what we need to do as clearly as possible, and we will go through your protocol the right way, as it's intended to be. If we don't have that clarity, it's going to be very difficult for us to all move forward.

Atty. McKay shared so; we don't want to do that to you that was the purpose of my question.

Noah Bobrowsky shared; I appreciate you asking the question because we'd love to clarify.

Mbr. Reynolds asked for confirmation - basically you want to triple your operation from what you have right now, which is 200 people from what I heard? I was not here for the original discussions, so I don't know.

Larry Marshall said there were 250 people that were submitted on the original site plan on the outside.

Noah Bobrowsky shared it's not a question of space or capacity issue. The police chief was there and was asked if there has ever been an issue with overflow parking – never. All we are saying is we would like to have all our parking spaces used, which is about 300 spaces, which will accommodate up to 800 or more people in the event we are doing something outside. That's all we are asking.

Atty. McKay asked if that was 250 as I don't have the original plan in front of me.

Larry Marshall shared in the PDD it does not specify and on the onsite plan it says 250.

Noah Bobrowsky shared, I guess you can use this as a time to establish, if we can say you have x number of parking spaces on the site. You can fully utilize that number of spaces and if we need overflow parking, we can work with the neighboring churches or schools, to handle overflow parking in the event we need it and to this date we have not had to this date.

Mbr. Reynolds asked, what about water and sewer? Since you are expanding, that would expand.

Noah Bobrowsky shared that we would do the due diligence that we would have to, and Mr. Marshall would handle that.

Chair Frisbie shared I'm looking through the old PDD that we had.

Atty. McKay shared we asked you to go to the Village Board, because we wanted to have their comments up front. If we needed to modify the PDD we could get their comment. We could discuss it

with you. We can analyze the SEQR to determine whether or not the things that were reviewed under the negative deck are already sufficient; or whether we have to reopen the SEQR review, because now they're going to have more impact or more parking. Whatever it is. My point in asking you to go to the Village Board was to get their so-called imprimatur. Find out from them what their concerns about the project were, so that we can come that you can come back here, and we can incorporate that into our discussion. I know we're back to the fact that the Planning Board wants some of the prior requirements before we go too far, we went down the view path on the new application and listen, the Planning Board is not the code enforcement officer. You can understand that the code enforcement officer gets the minutes. He reads the minutes to know what's going on. He hasn't taken any action, but he could right? Scott and I discussed the drainage issues. You need to focus on that because the potential citations for that are a lot. DEC violations are daily violation fines and are very high. I wish I knew more about what the Village Board thinks.

Trustee Picarello mentioned that a lot of the questions were asked about the likelihood of them having a maximum capacity event inside and outside, and that we were told no. Then I think it was the consensus of the Village Board that we were going to let the Planning Board take that into consideration.

Trustee Conero agreed and elaborated sharing that I think that the Village Board had concerns about some of the items that weren't done on part of the original PDD. I think that the mayor and the other board members thought that those items should be addressed before we move forward with something new, and I explained to Noah too. Are you saying 500 people would be on the outside or 500 total at your facility?

Noah Bobrowsky shared; we would just like to use the full capacity of our parking.

Trustee Conero shared; OK so then when we asked that question to our attorney, he had mentioned that it's possible the additional people on site would trigger a SEQR action, whether it's significant enough to do that. We hope not, but we don't know. We don't want to bounce you back and forth between the two boards and that's what I think we chose to ask them about - to go back to the Planning Board to find out all the technical details about the number.

Mbr. Romano shared I remember asking you something about if you had an event inside and outside what is the maximum.

Mbr. Meyer said they shared that would never happen, or now they will be operating it one hundred percent, so they still can have inside and outside.

Larry Marshall said it's unlikely that you would be operating at maximum outdoor capacity and then a large event inside, because of staffing issues as well. It also impacts each event would have on the other.

Mbr. Romano shared one kitchen.

Larry Marshall said exactly right.

Trustee Picarello shared, I think the answer was and I only remember because I was trying to book something; the answer that we got specifically at the Village Board meeting was, a lot of these bigger

events are complete buyouts - where it's closed. For an event like a sold-out concert or a 500-person wedding, in general would buy out the entire facility.

Chair Frisbie indicated that if I'm reading the minutes from the public hearing in 2019, where your architect Sweigard lists that the parking lot itself was for 160 cars and the overflow parking lot was 120 cars. Between the two lots you have about 280 parking spaces, or it says 270 cars. He went on to add that the calculation is between two to three people you can anticipate per car. Therefore, based on that alone, we would have already been anticipating well over 500 people. Right. Did you hear what I just said?

(Inaudible)

Chair Frisbie shared that's OK, I'll repeat myself. The architect in the minutes from whenever this is January 15, 2019, the architect for City Winery spoke about the parking lot being for 160 cars and the overflow parking lot being for 120 cars: so, about 270 cars between both lots. The architect at the time estimated two people per car, which would take us well over 500 people based on the original site plan. There was some commentary about it could be three people. I don't know what the actual estimates are, but they used two from the minutes. I guess if the PDD doesn't specify capacity limits or anything like that, I think we're OK with regards to some of those items. Unless the Village Board felt they probably needed to have restrictions, they would have given us that feedback. I think some of the aspects around stormwater retention, we need to get working on those. As our attorney mentioned, with some of the potential from the DEC's perspective - I think you need to start working towards closing those, as well as some of the other items, Larry, that you can provide evidence for us. As we can get some of those items, we can come together to start to take this into consideration. I can't, I think I'm speaking for the entire board, I just think that we have to see good faith. I appreciate all the work that you're doing, and I want to see this space utilized, because you have it there. I just don't want to leave items on the site plan that were part of an initial approval unfinished. It sounds like that was a similar feeling from the Village board.

Mbr. Romano shared it is not personal. This has to do with the site. You guys could sell it tomorrow. These issues have to be addressed. It's the site - not City Winery.

Noah Bobrowski shared I think you know the only thing I will say is if we have that space fully operational, you can only imagine the increase to your tax revenue, that will come from that. We're a pretty big player right now. I think we pay about a quarter of \$1,000,000 in property tax/year. The sooner we can get that operational the sooner we can deliver you more money.

Mbr. Romano shared I get your point, but honestly, we're not, you know, those people. We are here to have a site comply with the state, with the DEC, with whoever it is. We are here to make sure a site complies, not how much money we're getting from a site or who's having a free birthday.

Noah Bobrowski shared We are not here Ms. Romano...

Mbr. Romano shared I'm just pulling things out of my head, but we are here to have a site comply with the site plan.

Noah Bobrowski shared what I'm telling you is that we don't intend on not complying.

Mbr. Romano shared I think you are because you're saying we are going to have money.

Noah Bobrowski shared I'm just making a point.

Mbr. Romano shared the quicker you get it done. We can move forward.

Noah Bobrowski shared right, we were approved to do a hotel there, but I'm saying we still have to come back. It could take us three months or six months; however, you know we have a lot of projects going on.

Mbr. Romano asked, so if we were to approve this today, which project would you do first? The space?

Noah Bobrowski shared all of it. We would do this right away, because we know everything included that we've described to you, we would love to do tomorrow, because we know that we can generate revenue. It's proven business for us.

Chair Frisbie shared that's fine. I just want to see movement, that's all. If you have movement in a week - continue to share those documents with us in real time. Again, if there are things that we need to work through to help - if there's conversations you want to have offline - if we have ample notice and we can work through it, so that at the next board meeting if there's enough movement to suffice this board - then we can start to review this additional project. Which again, I think we all said - there's not huge changes. I just want to see some of these items that are risk areas taken care of.

Mbr. Romano shared we don't have to wait. We can have a meeting with you in between.

Larry Marshall asked when you say these items, is it specifically the stormwater? Are there any other items that are the board's main concerns?

Chair Frisbie shared I don't have an issue with any of this capacity especially if the PDD does not list it out. At least from my perspective and Joe, correct me if I'm wrong .

Larry Marshall asked and I'm talking about the outstanding items that we're talking about from the last approval. You know you keep on the stormwater is really the crux of it.

Chair Frisbie confirmed yes.

Larry Marshall asked just so I'm clear, so when we leave and I talk to Noah, and that I'm clear – that's really the main point here. In terms of topcoat of pavement and things like that - that's not going to change anything on the site realistically. You're talking about storm water; we're talking about those things.

Mbr. Romano shared right now those things. We can table the paving of the second car park. You know that's something we could put push off to deal with the things where you can get in trouble for.

Noah Bobrowski asked just because I know these things take time and that's all in our best interest to shorten time; can we not bifurcate the two - where we've got old items/old application, we have to address what we're going to? We'll get started hopefully tomorrow. We also start reviewing the new items, so we can move in parallel and not have to slow this thing down.

Larry Marshall reiterated that's what the chairwoman just stated.

Chair Frisbie confirmed again if you obtain permits to start doing the work on stormwater or whatever is required, and you start to move in that direction - then yes, we will start to review and look at this new

project. Yet, when it's this board's concern with previous items, like stormwater that were not handled from an original plan and then I hear the Village Board had similar concerns, I just want to do the right thing by this Village and get things buttoned up and finished. Again, you get a permit tomorrow communicate those to us.

Larry Marshall shared we'll provide the documentation with how we're moving forward with each of the items.

Mbr. Romano shared thank you Larry. We can have meetings in between our meetings if you want.

Larry Marshall shared sure we will keep the board updated. We will cc: on correspondence.

Noah Bobrowski asked to please just communicate clearly to us, so that we know where you guys are expecting us to move forward.

Mbr. Reynolds asked if he just wants to clarify you said you have 330 parking spaces right now?

Noah Bobrowski shared we took an analysis - Todd is the architect and Larry's an engineer. He can show the maximum capacity.

Larry Marshall shared what currently can fit on the site is 330 spaces. I think that's consistent with the original site plan. I would have to go back and check to be consistent. At that time, I didn't know what he was talking about.

Chair Frisbie shared it was part of the original conversation from the meeting minutes because it's not listed.

Larry Marshall shared I don't have the original site plan that was approved to refer back to and compare to what we currently have.

Chair Frisbie shared that we could pull this site plan too and take a look at it.

Mbr. Steed shared Noah, in the last meeting, you were agreeable, and I recall you used the term to "clear the table" then we can basically once the tables are clear, we can look at the second.

Noah Bobrowski shared I just thought we were doing them at the same time. That was my misunderstanding.

Mbr. Steed shared we could. We did communicate with you - let's get the first one done and then we'll talk about the second.

Noah Bobrowski reiterated, yes, it just wasn't made clear to get these items done, then come back to us. We submit and we respond to the comments. We put together these plans and submitted them.

Mbr. Romano shared that this was two months ago. We had no meeting last month.

Larry Marshall shared to be fair at the last meeting, we had discussed we needed to provide you with a breakdown of all the items that were not done. There was no clear statement that said you need to take care of items A,B and C. It was not clearly stated that you had to do these items before we moved forward with these.

Mbr. Romano confirmed no, we did not state it.

Larry Marshall shared, so with that stated this evening, you said, *hey it's been two months*. Yes, it has been two months, but it wasn't stated at the last meeting.

Mbr. Romano shared no it has not.

Larry Marshall shared now it has been and we will address that.

Mbr. Romano shared that you said that we sprung this on you we were just concerned and it's like there's no moving forward. There hasn't been any movement forward.

Larry Marshall shared; no, I just want it clear that everybody's on the same page. That we didn't come in here two months ago and you say we need to do items AB and C and we sat back for two months and did nothing. That was not stated. It is stated this evening, and I will work addressing the board's concerns, while we progress with these plans keeping you apprised of how we are moving along with those outstanding items.

Atty. McKay shared I have a suggestion. If you can, provide us with a letter. You look at the PDD approval and just list any items that you think the new plan will not comply with the existing PDD, so if we need any amendments or my understanding is some confusion about maybe the parking and the outside occupancy on some things that needs to be clarified. If you can give me those several points, what I'll do is communicate directly with the Village and I'll try to get their comments. Then to go even further I can attend the meeting with the Village Board to make sure I'm getting the proper feedback from the village board. Then we can decide who's going to be lead agency – maybe the Village Board, whether SEQR has to be reopened or not. In the legislative change or clarification that we have to make a change to the PDD, so that we know what you need. The Village Board may approve it and then you can comply. That's my suggestion.

Noah Bobrowski shared absolutely – that's not a problem. Hopefully we don't have to amend the PDD as I think is the goal of that hopefully. Would someone mind circulating maybe the high-level summary of what we discussed here, so we're all really abundantly clear. Then we can share with the Village Board too and make sure we're all having the same conversation, including our Planning Board.

Mbr. Romano shared well two of them are here.

Noah Bobrowski asked will a copy be emailed to us?

Atty. McKay shared you're going to move forward as you already started with your applications and paperwork to get your storm water permits.

Larry Marshall shared not the storm water, but we are already with the Army Corp of Engineers.

Chair Frisbie shared they were already working on the Army Corps of Engineers. I'm going to trust you on that you're working towards it, but whenever you can show us something there - that's fine. I know that takes time.

Atty. McKay shared you can show progress so that you are accomplishing it. The Board is going to continue to review the application. If you can provide me with bullet points on the things in the new application that you think you need clarification on the PDD or maybe inconsistent with the PDD. I'll take that to the Village Board to get their comments, so that we can discuss them jointly. At some point

you have to go back to the village board anyway but at least will be informed as to what we need to do before you get approval.

Chair Frisbie shared, I appreciate you coming back before us and having a conversation and understanding our perspective right. I'll restate it to make sure it's very clear so that when Tina has to go and transfer the minutes. The Army Corps of engineers you've already begun that process so anything you can show us in that regard. Joe mentioned any bullet points around recommendations or gray areas that may need to be adjusted in the PDD and then obviously anything with the storm water that can be shown.

Larry Marshall asked for clarification, as far as progress, right?

Chair Frisbie shared that's correct. Then we can absolutely continue to work towards this new site plan OK.

Noah Bobrowski said, great. Hopefully, we'll see you next month. Thank you.

Chair Frisbie said, thank you guys. I appreciate it.

NEW BUSINESS (started at 8:15pm)

RE: Pathway Place – 203-1-1.1 & 203-1-1.2

Chair Frisbie said we have new business with Pathway Place.

Ross Winglovitz shared good evening. I am Ross with Engineering Surveying Properties with Vinny Satriani. Unfortunately, Jay couldn't be here, but for good reasons as his daughter is at the honor society.

Chair Frisbie shared; we haven't seen you in a while.

Ross Winglovitz shared, we're back here this evening regarding an amendment to the approved site plan application for Pathway Place. The proposal that Scott outlined in his letter is that we want to add two units to the building without changing the aesthetics, the footprint or location of the building. As you know, these are townhouse style units. There were a lot of visuals that were done. It was very important what it looked like from the street and neighboring houses, so that remains the same. What became abundantly clear is that when we went through the detailed design, is that in the backside of these units is that they are three story buildings. They actually step-down slope, so there's a whole lower level that was significant amount of additional square footage that was going to be developed for the six years that he's proposing to use for two more units. Under each of these 3 units, there'll be one additional unit and under these 3 units, there will be one additional unit. They would access the units through walkway in the rear. There's a flat area that was created, which is retaining wall enabling these people will have safer sufficient access to get to the 2 units that would be downstairs. We have to *reconfigure the parking area slightly* and we've narrowed what was very wide like over 50 feet wide entrance, to what is a typical code entrance of 26 and 30 feet now and *have revised the parking arrangement that was previously approved by the board*. I think that's it. You know it is obviously a

moderate increase in water and sewer. Traffic will be for just two additional units. Vinny, as you know, started the process with 22 units.

Vinny Satriano shared it was 28 units 5 years ago.

Ross Winglovitz shared so we're significantly under you know a lot of the thresholds that were established in the studies that were done for the property. We do have Scotts comments and we'll be glad to go through them.

Chair Frisbie shared the first comment that Scott had made Ross, I'm not sure if you have any additional comments on this and it's something that we may have missed - with regards to accessory off street parking shall not be placed within a required front or side yard. We don't see any variances that were listed.

Scott Sicina shared, basically this is something that I had seen that those are something I caught when I was looking over the parking stuff there's a provision in the code basically states in residential air residential districts that there's no parking allowed on the front or side yards or at least you need to get a variance; so at the very least, we're looking to have you guys to get a variance for the proposed stalls. I understand you previously had stalls that straddled the property line that would have required the same thing, but I just want to clear up or fix our error while we have you back here.

Ross Winglovitz shared that would mean existing parking and driveway or obviously or in the front yard and actually beyond the front yard with parking, so or no closer than it was; that would probably be pitched to the ZBA against as part of the application.

Scott Sicina shared, what Amy was also saying is there was never a variance granted for the original lot for the parking in the front.

Ross Winglovitz shared, for the development of this .

Scott Sicina shared, I was also thinking maybe you could work it where was you go no closer than what was already there, so you wouldn't have to go get the variance; but if the variance is needed to you guys were closer to the property line than was originally constructed.

Chair Frisbie shared, there was never a variance granted for the original construction that was dated back to about 2001.

Vinny Satriano corrected that it was 1998.

Scot Sicina shared, so then my next comment kind of goes into the layout of the parking it's a little odd. Maybe there's a reason for it. Maybe you can explain it, but it seemed like it was a lot of potential for some conflicts at the entrance, especially with the two stalls located against the existing (inaudible).

Ross Winglovitz shared I mean this is sufficient width, so it meets code as far as backing. We don't think it's any more of a conflict than what was already there. If that was a conflict, which really haven't been any issues with that at all. They'll have plenty of room to back around to get out and we can demonstrate turning movements for those two spots: as well spot #1. We do see your suggestion so if there's a better layout, we'll look at that as well.

Chair Frisbie asked how is the parking for the new units, because it's on a different lot correct?

Ross Winglovitz said correct. There's an easement area proposed just like there was on the approved site plan that would encompass those proposed parking spots.

Mbr. Romano shared the original site plan had an easement for overflow for guests. Those spots that were added were for guests.

Ross Winglovitz said correct. This would not just be for guests and those two units.

Mbr. Romano shared you do know that there's no off-premises parking right. We had a major problem here in the village years ago with a certain school and certain residents next door even went to Supreme Court.

Ross Winglovitz said, I have to look to seek a provision for an agreement for parking and other properties, as long as it provides for so many years. I can look at that and go up with Joe the attorney that's certainly intent that the intent here.

Chair Frisbie shared we would just want to make sure that we're clear on that and that it's protected for those residents. I think Scott even mentions it's clearly signed.

Mbr. Romano shared, there's going to be one day if once again we do not look at the applicant, we look at the site there are two separate sites.

Vinny Satriano confirmed we own them both sites. Once we write them into the deeds it doesn't matter if they're sold separately. They're part of the deeds that will address that.

Chair Frisbie shared I think the last few items, besides some fencing, I think Scott talked about some the section of fencing to the wall near the basement unit, the 5 (five) foot elevation between the top and the bottom of the wall, and then you just ask the question around the type of fencing that's going to be used, and then the last real question was around garbage, because the garbage is also off property.

Ross Winglovitz said the wooden split rail fencing with wireless is the intent to cross the whole site on the right fences we've shown. I think there's a conflict in one of the notes or something, so that clarify that. Then as far as garbage disposal - the units in front are going to be having their own cans. They can bring them out to the street. These two units would use the dumpster area directly adjacent to that.

Chair Frisbie asked if that would also be built into the easement?

Ross Winglovitz said in future as well.

Chair Frisbie said, OK.

Mbr. Reynolds said to confirm if there's five parking spots that you have that that are correct

Ross Winglovitz said there is a total in the easement area, there are 6. There are three here and then there are six proposed.

Mbr. Reynolds asked to clarify if those two (2) that are proposed in the back there. Are those the parking spots for those places there.

Ross Winglovitz shared yes those, and it includes guests.

Mbr. Reynolds asked - if it includes guests, and everybody there? So, it's first come first serve?

Ross Winglovitz shared Scott Sicina asked that we actually mark those spots that are dedicated to those units. I think that's a good idea.

Vincent Satriano shared every unit has two dedicated parking spaces.

Chair Frisbie asked to clarify if they are numbered now, aren't they?

Vincent Satriano confirmed, correct.

Mbr. Reynolds asked if they were in front of the places.

Vincent Satriano confirmed, yes.

Mbr. Reynolds indicated I am talking about these other ones over here. I'm talking about the new ones. If they have guests, where do we park?

Vincent Satriano shared no one has ten cars. No one has that many guests. They have a driveway they could fit a car for guests.

Mbr. Reynolds mentioned that he was talking about the six. The six that are already proposed. Forget the other two. The six that are there's an extra 6 spots that they can utilize so if they have kids or something like that they can park there

Vincent Satriano confirmed, yes.

Mbr. Reynolds shared they could fill up those spots constantly.

Vincent Satriano confirmed, yes.

Mbr. Reynolds shared yes, so that's a yes again.

Scott Sicina shared in the original approval that they had - they had four. They had all their parking that was required for the units handled with the garage in the driveway and they asked for a visitor guest spots they had straddled the property line between the two buildings - the existing and the proposed. Those were slated to be used by either the existing building or the new proposed building. Anybody could have a guest. What they've done now is they've still provided the four guest spots, except now two of them are kind of just dedicated to the existing building where there's two desk spots that are allocated for the 8 units.

Chair Frisbie shared they meet the parking requirements. My question as it relates to us, I don't know or haven't driven along the backside of the existing building. I don't know if there's any way to add to or extend this retaining wall Ross? Do you know instead of having the spots face in, where you could like line up a car on the back. I don't know if parallel parking point inward would work. It says 20 feet from the back of the building right to the edge of the pavement on the back.

Mbr. Reynolds shared where is the emergency access road?

Ross Winglovitz shared there is not required for this. The one for the main building is here. It's dedicated, it's on this side so we can get around.

Ross Winglovitz shared there that if you go to the next page then you see it.

Ross Winglovitz shared this is the striped area and goes through here.

Mbr. Reynolds said, OK.

Ross Winglovitz shared that is proposed to be paved and striped for no parking fire access.

Chair Frisbie shared I just am curious if there are any alternative parking arrangements. Can we get creative? We're still well within the 100 feet set back from the river and I know it's not the most optimal elevated space back there; but if there are any alternatives to the parking that we could see, I think would be beneficial.

Vincent Satriano shared in a perfect world we're trying not to put any parking behind it. They are garden style apartments that we want to minimize the headlights and the traffic and people driving around the back of the building loitering by cars etcetera; so, we're keeping all the parking together. You could see it, it's visible. Anybody going near the cars is visible.

Chair Frisbie asked, how much space is in that now? I know we moved the dumpster with the last site plan, so would they be able to put a spot there - if their dumpster was relocated somewhere else, Ross? I'm just thinking of those apartments - especially this one on the far right could have 2 spots - maybe at the right at the bottom of the hill where that dumpster would be really nice for that far apartment. That those would be a lot closer than maybe the ones up at the top of the property line.

Ross Winglovitz shared it may help rent the unit if he two spaces that are a little bit closer. We have 15 feet, and we need an additional 5 feet.

Chair Frisbie asked if it may help as that may be a little bit closer. We live in a safe community but I'm just always thinking the closer we can get to a spot.

Vincent Satriano shared part of the concept with these two units was that there living space with a town house style that's existing and already approved with stairs, these are ranch style and more handicap friendly, and you can walk into the unit easily.

Chair Frisbie shared it's a great business case.

Mbr. Romano shared that since we are suggesting alternate things, what about on the other side of your property. What about on the other side of your own property, where it's not off site; because you never know we're not all going to be here forever - you build out parking on the other side. I know it was supposed to be access to the river, but you can put a parking lot - a small one - for the people in the in the bottom apartments and you make the walkway on that side leaving this property alone. You can do it on that side, and we just retract what we said about the path and make the path to the river smaller or whatever and we keep the parking on premises. We have that whole side to work with.

Chair Frisbie shared with Sophia; I see what you're saying, but I appreciate that you didn't touch that side of this property because that was the bone of contention.

Vincent Satriano shared that side of the property; we spent three years shrinking and greening and screening and we don't want to touch that.

Chair Frisbie shared but then there's going to be off premise parking.

Vincent Satriano shared I'm OK with it and I'm willing to do an easement and change the deeds to allow it, so it's a non-issue. This would be a totally different story if I didn't own both. It's a non-issue and I'm willing to sign off on it.

Mbr. Romano shared, OK.

Mbr. Reynolds asked if the fire department signed off on it and reviewed this to make sure that they have enough access?

Ross Winglovitz shared the fire department has reviewed this, as part of their initial review this plan. This is consistent with what was initially there

Mbr. Reynolds asked with the change of the 20 feet width?

Vincent Satriano shared I'm just at 50. That's still within code though. We had a 50-foot opening that was in code. That was our choice to design it that way. I mean it was a 20-foot-wide opening. I think a 50-foot opening creates more opportunity for collision - they don't know where the entrance is and everybody just pulls in and out.

Ross Winglovitz shared it was more at an angle, so we've actually lined it up better so that they have an easier turning movement to get behind there and it's the same width as it was originally.

Mbr. Reynolds said, obviously one can't turn around on the back there. They can just pull back out and they're not going to be able to go by each other either.

Chair Frisbie iterated that's existing. That's the way it is now. You can only fit 11 vehicles in the back. We're not changing that. Joe, we need to determine if they need to go to the ZBA.

Scott Sicina said, sorry to interrupt, are they going to entertain a potential alternate layout, because if they're going to entertain the potential alternate layout - I would probably wait to send them to the ZBA as they may be no reason for them to go to the ZBA.

(inaudible)

Chair Frisbie shared do we need to refer them to the ZBA?

Village Attorney shared I or what do we have to do procedurally.

Ross Winglovitz shared that even if we come back with one more design, right now I'm saying we'd like to go to the ZBA, because I think even tweaking this slightly - we're not going to avoid that issue entirely. We can improve it but can't avoid it.

Village Attorney shared that I misunderstood. If you want to send them over now the question is, would you know what you need? The board can refer them to the ZBA for front yard and side yard parking variance. What happened with the dumpster? Didn't we just say OK for garbage since there's already an easement for the garbage?

Chair Frisbie shared there will be one needed, because right now the garbage is handled by, or it's not built. The six townhouses would have their own garbage pickup at the curb, so the creation of the easement should be approved for the two new units. They would require it, so they would add an easement. There's not one needed now.

Vincent Satriano shared I'm going to tell you honestly; I think you just have the totes in the back just like they do in the front and the front people will be going to walk them to the street. They have two totes outside their back door.

Chair Frisbie shared; they would still need permission to put them in front of where? Do they have to put it in front of the other driveway? I would just want to make sure that it's clear.

Vincent Satriano shared; we have setbacks on the sides, that's still part of the property. That's a property management decision.

Village Attorney asked do you need a dumpster or is the easement required for the dumpster?

Ross Winglovitz shared while the dumpster is existing and being relocated to the other building.

Chair Frisbie shared the dumpster's already there because they need them for the lot 1 building because they don't have individual trashcans. OK so anything else, just ZBA?

Village Attorney shared yes, because if we are lead agency or anything, then they're going to have to wait to make their decision. You can refer to them.

Vincent Satriano said thank you.

Ross Winglovitz very good thank you

Chair Frisbie shared they are going to be referred to the ZBA.

MINUTES:

A MOTION was made to APPROVE THE MINUTES OF FEBRUARY 26, 2024, By Mbr. Reynolds, seconded by Mbr. Meyer and carried 5 Ayes 0 Nays.

ADJOURNMENT:

A MOTION was made to ADJOURN THE MEETING AT 8:38pm by Mbr. Romano seconded by Mbr. Steed and carried 5 Ayes 0 Nays.

Chairwoman

Deborah Delgado