

MINUTES of the Village of Montgomery Planning Board held at the Montgomery Senior Center, 36 Bridge Street, Montgomery, on Wednesday, November 20, 2024, at 7:30 pm.

ATTENDANCE: Mbr. Frisbie, Mbr. Romano, Mbr. Steed, Mbr. Meyer, Mbr. Reynolds, Vlg. Atty. Joseph McKay, Vlg. Eng. Scott Sicina of Lanc & Tully, Trustee Picarello, Ross Winglovitz of Engineering Properties, John Cappello Esq, Margaret Grasso, John Reale, Carmella Ocana, Timothy Mahoney, Kathy Miller, Don Berger, Cynthia Nokland, Mark Palczewski, Ken Francis, Chris Ladanyi, Raul Gonzalez, Nick White, Jeff VanZandt, Nadia Bonnano & Chris Campbell

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

PUBLIC HEARING

Chrwm Frisbie: The only item on our agenda tonight is the adjourned public hearing regarding KSH.

A MOTION was made to OPEN THE PUBLIC HEARING FOR KSH 211-1-29.22 by Mbr. Romano seconded by Mbr Steed 5 Ayes 0 Nays

Ross Winglovitz: Good evening. Ross Winglovitz of Engineering Properties along with John Capella, counsel for the project. As you are all aware, this is the project that has been going on for quite some time. A lot of it was a discussion for the last 18 months regarding sound concerns. Different way of interpreting the regulations. We had a presentation from Steve last month, which I thought was very helpful in educating myself, the board and the public. TNC, the noise consultant, has been reviewing back and forth highly technical documents regarding noise. There have been several Zoom meetings between Scott, Myself and Amy made one, just to go through everyone's interpretation. To get everybody on the same page and hopefully work towards a solution. I think we are very close to a solution. Obviously, proof will be in the pudding when we get the final documents. Subsequent to the meeting, in addition to the noise work that we have been doing, that we provided a letter in response to comments from the last public meeting. Many of them had been repeated so included letters from June 16,2023 where we outlined a number of items that we were doing in response to that. As well as May 12,2023 and April 19 of 2023. We have summarized several times the responses to some of these comments. I included them all again, so that they are fresh for everybody. In our response letter from the 13th, noise was the first item and I have given you a summary of that. There was questions on traffic. There was a traffic study that was done and that was reviewed by the town's planning consultant. As well as the DOT and the town's traffic consultant. The DOT ultimately issued a letter indicating that it was satisfactory. That basis of that is the sidewalk and a left turn lane were the primary improvements that were part of that. Scott had some comments which I'm sure we can incorporate which is providing signage at the school and so forth. There is a left lane restriction that is part of the parcel to the DOT's sign off to the traffic. Truck parking was another big issue, so I summarized what we had provided back in May and June. Based on the village of Montgomery code, we are required to do 2 spaces per every 40,000 sq feet of gross floor area. That would be 12 spaces. Class A warehouse space industry standard is 1 space every 5,000. So that would be 56 total spaces, so that's the best warehouse space you can get. The applicant is showing 94 spaces that would either be loading or parking behind the buildings as well as 8 additional. We are showing 102 spaces where trucks could possibly be parked or be loading. That is almost double what Class A office space is, so we think we have plenty of room on site for

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trucks to come and park while waiting to load or be loaded. We've restricted any parking along the access aisle. We can make that enforceable through a grant of enforcement right to the village. We can do that under the New York State Traffic & Safety Law so that they can go in there and enforce it. We have also restricted truck traffic from going beyond the loading area, so trucks can't drive around the building through a height restriction. Which we will have to work out with the fire department to see what will work for them and what will work for us. So that nobody's equipment gets damaged in the process. Wetlands, we had submitted several times a copy of the Army Corps of Engineer's sign off on the wetland delineation. They had reviewed it, they had inspected it. They confirmed the location of the wetlands. We submitted it previously and again here as backup in this submission. The aquifer, we had prepared a report by Sterling Environmental Engineering. I think the board has referred that to the hydrologist or the hydrologist that works with the village, on the village wells that are about 800 feet to the north over here and northeast over here from the property line. John and I talked to our client about the proposal for your hydrogeologist to review that. I thank you for sending it, because it was not cheap and we had to get authorization. Our client absolutely authorized that. If that's an issue in any way, we obviously want to vet it and be sure that the village is comfortable. Who better to review it then the village's hydrogeologist, who is intimately familiar with this area. We will authorize that so you can start that work.

Chrwm. Frisbie: Thank you. Are you okay with me to sign it or do you want to sign it?

Ross Winglovitz: I don't know who needs to sign it.

Chrwm. Frisbie: It was initially addressed to Kevin, incorrectly as the former chair. He just wants to make sure that he is going to get paid.

John Capello: I think you would retain them and we would agree to reimburse.

Chrwm. Frisbie: Ok. I thought is how it would be, That's fine. Sorry to interject.

Ross Winglovitz: I can send you an email tomorrow to cover that. There was a question about air quality concerns. As you can imagine, this is a facility where there is a lot of people working. Air quality is evaluated as part of the 2 Environmental assessment form. We talk about the uses on site in the environmental assessment form. We go through an evaluation of are there any uses onsite that will create significant air impacts? There is a whole list of them. I put them in my letter. None of them do we trigger. We have people working obviously in close proximity to trucks the whole time. There not an issue. There is car and truck traffic along 211 again we did not trip any thresholds. Another kind of screening tool that is used is the DOT, when they're looking at traffic analysis. They will also look at the thresholds that they will require as part of their analysis. We did not trip any of those thresholds and they have required any kind of air analysis at this point. Lastly, just to summarize that the comp plan, that was just relooked at and reanalyzed this site, included this use as a warehouse. It did not include any air emissions standards or any air emissions special permit conditions. If that had been a concern of the village's, it would have been brought up then. The village did ultimately Neg Dec that document. Not the comp plan but the zoning. I think that's it.

Chrwm. Frisbie: Scott made some comments that I think you guys received back.

Scott Sicina: I think it would be helpful for me to go through all of these comments. Basically, I heard the comment letter as trying to recap everything that has been reviewed by other consultants.

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Kind of where we stand. What we believe has been addressed and what as it might still be outstanding. Let's start with noise. The original noise study was prepared by Tim Miller Associates, Inc. and submitted on March 10th, 2023. Lanc & Tully reviewed the prepared noise study and deemed it to be inadequate. The applicant then retained B. Laing Associates to complete a more comprehensive noise study, which was submitted on April 19th, 2023. Due to concerns raised by the public the Planning Board decided to have the noise study reviewed by a consultant. At the time the noise study was sent in May of 2023 to Colliers Engineering for review because they had been the Planning Boards traffic consultant for the project. Collier Engineer provided a comment letter to the Village on June 2nd, 2023, in which they agreed with the applicant's methodology in developing the noise study but suggested post construction noise monitoring to ensure that the project is in compliance with the Village noise code. During the June 2023 Planning Board meeting, the public questioned the qualification for a traffic consultant to review the noise study, so the Planning Board decided to retain an independent noise consultant. The Planning Board retained The Noise Consultancy to conduct a comprehensive review of the submitted noise study. Between September of 2023 and September of 2024 multiple submissions and discussions were had between the applicant and the Village to determine the adequacy of the noise study. In the summer of 2024, the applicant indicated that they would not pay for any more updates to the noise study, so the Planning Board requested that the Village Board approve funding for The Noise Consultancy to conduct additional ambient noise sampling in the areas where B. Laing Associates had originally preformed the test to compare data. The additional sampling was completed on October 3-4, 2024 and the finding were presented to the Planning Board at the October 2024 Planning Board meeting. Both the applicants and Villages consultants have since been in discussion as to what additional information or clarification the Villages noise consultant was looking for in the noise study provided from B. Laing Associates. At this time discussions between the consultants are still ongoing. **Traffic** – The original traffic study was prepared by Creighton Manning Engineering and submitted to the Village in September of 2019. Colliers Engineering (formally Maser Consultants) reviewed the prepared traffic study that was prepared for 300,000 SF of warehousing and 4,920 SF of office space. Colliers Engineering was in general agreement with the finding of the traffic study. The traffic study was updated again in May of 2022 to the current layout and for the proposed realignment of the site entrance with Chandler Lane which had been a previously suggested mitigation action. This was submitted for review to Colliers Engineering. In June of 2022 Colliers Engineering provided a review letter to the traffic study and noted that they suggested the following mitigation: Any additional work would need to be incorporated with NYSDOT as part of their Highway Work Permit. A Village-wide truck management plan should be incorporated as a condition of approval for the project. (L&T is not aware of a Village truck management plan) Subject to NYSDOT approval, sidewalks along the west side of NYS Route 211 should be included as part of the project. The recommended signing improvements in the vicinity of the school should be made a condition of any site plan approvals. The applicant has identified sight distance improvements that should be completed as part of the permit work. The applicant should provide the Village with documentation from NYSDOT regarding specific comments relative to the access improvements including provision of the left turn lanes and any other requirements of the Department. On March 13th, 2023 the NYSDOT submitted a letter to the Planning Board indicating that they were in conceptual agreement regarding the propose location of the driveway across from Chandler Lane on Route 211 and the left turn lane for the site, and that a Highway Work Permit would not be issued until all design details of the work in the Right of Way (ROW) meet their standards. At this time the applicant has agreed to the following conditions: Land was acquired and the proposed site entrance was realigned to be directly across from Chandler Lane. Proposed construction of a left turn lane into the site. Proposed installation of sidewalk along the western side of NYS Route 211. Applicant is to prohibit trucks from turning left towards the

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Village when exiting the site. Installation of appropriate signage to note the restriction on truck turning. Applicant will require leasing tenants provide directions for deliveries to the site to avoid going through the Village. Applicant offered to have a dedicated liaison officer at site for complaints to be addressed to. Outstanding traffic items: Agreement that the recommended signing improvements in the vicinity of the school be made a condition of any site plan approval. **Trailer Parking** – Questions regarding trailer parking were voiced during the public hearings held in 2023. Lanc & Tully had suggested that a note be added to the plan that restricts trailer parking to the loading area located in the center of the site so that they could not utilize the access road, loop road, or passenger parking areas for trailer storage. The Village requested comment from the Villages traffic consultant (Colliers Engineering) in regards to the trailer parking question. Colliers response noted that, “The end user of the warehouse space will really be the determining factor on the number of loading spaces and reserved spaces for extra trailer storage that will be needed. The plan as currently proposed is generally consistent with accepted industry standards. We agree with the Village Engineer that a note be added to the site plan that restricts trailer parking to the loading area located in the center of the site so that trucks cannot utilize the access road, loop road, or passenger car parking area for trailer storage. In addition, “No Parking – Fire Lane” signing should be shown along the access road or exterior circulation roads to further ensure this condition.” The applicant has added the requested note to the plan set. Applicant should discuss whether the suggested “no parking – fire lane” signage will be provided. **Wetlands** - The applicant had retained Peter Torgersen to conduct a field evaluation of the onsite wetlands, this was completed on October 15th, 2018. The USACOE had sent a jurisdictional determination letter on December 16, 2019, indicating that they were in agreement with the delineated wetland locations in the field, the letter noted that there was 4.279 acres of federal wetlands and approximately 2,000 linear feet of an unnamed tributary flowing through the center of the wetland. In addition to the proposed wetland disturbances for the project the applicants had to include 0.086 +/- acres of additional wetland disturbance to account for federal wetland areas that were previously disturbed. The proposed wetlands disturbance for the project is 0.120 +/- acres, the total wetland disturbance which includes temporary and previous wetland disturbances is 0.238 +/- acres. The project also proposes to construct a wetland mitigation area of roughly 0.250 +/- acres. The applicant has acknowledged that the USACOE still needs to review and approve the proposed wetland mitigation area, the applicant has indicated that details of the proposed on-site wetland mitigation area will be prepared for the USACOE application and provided to the Village between preliminary and final site plan approval. It should be noted that satisfying the requirements of the USACOE will be a condition of approval. Additionally, the question has been raised about upcoming changes to the NYSDEC wetland regulations. In recent discussion with the NYSDEC, Lanc & Tully was informed that the upcoming regulations are still in draft form and the NYSDEC would not explicitly state how a project would be affected, but rather tell the applicant that additional permitting may be required to pursue the current layout. At this point in time there are currently no NYSDEC wetlands located on the site, however there is a potential that this could change based upon the upcoming draft revisions to the NYSDEC wetland regulations. **Aquifer** - Questions regarding development in proximity to an aquifer were voiced during the public hearings held in 2023. The applicant had an aquifer report prepared by Sterling Environmental Engineering that was submitted to the Village in June of 2023. The report indicated that the site met NYSDOH, NYSDEC, and Village of Montgomery Codes regarding protection of the Villages water supply. The provided report has recently been sent to the Village’s Hydrogeologist for additional review and comment. We expect a review letter to be provided prior to the next Planning Board Meeting. **Air Quality** – At the most recent Planning Board meeting the question was raised as to whether an air pollution study had been prepared. The applicant has prepared a Full EAF for the project, in which they did not exceed any of the noted thresholds that would require additional analysis for air emissions. **Site**

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Lighting – Questions about the site lighting have been brought up multiple times during Planning Board meetings. The site is currently proposed to utilize both wall mounted and pole mounted lighting using the “SLM” style fixture produced by LSI Industries, these fixtures are IDA Dark Sky Approved and the product brochures indicates that the fixtures are available in color temperatures of Amber, 3,000 K, 4,000 K and 5,000 K. Additionally, the applicant has provided a Lighting Plan which shows the proposed locations of the light fixtures as well as anticipated lighting levels throughout the site when in use. It should be noted that the proposed lighting fixture color temperatures are not shown on the plan and that with the exception of a small portion of the Western side of the proposed access drive which is at a minimal level of 0.1 foot candles, there is no light spillage at the property lines.

Ross Winglovitz: I just wanted to bring 3 notes quickly. So the mitigation area I think is a typo with 0.5 acres so we're doing double the area that we are disturbing and that was disturbed in the past that will provide proposing this mitigation. The lighting you got to get into the specific 24 letter number of the light but it's 3000 Kelvin just so you know that's the proposal, which is a warmer much warmer than this, a yellow light as opposed to a bright and white. Lastly on the aquifer, I just wanted to mention that if anything does come out of that, we certainly will incorporate any you know necessary mitigation on the site as part of that analysis and recommendations from your consultant.

Mbr. Romano: You're going to mitigate wetlands 50, .50 instead of 0.2

Ross Winglovitz: .50, that's about ½ acre as to the ¼ acre that we are disturbing.

Chrwm. Frisbie: Does any of the rest of the board have questions for the applicant?

Mbr. Steed: Ross, I compared your November 19th letter which we just heard to the concerns that the residents had at last month's meeting, public hearing. There was one thing that you didn't address on it and they were concerned with hours

Ross Winglovitz: Hours of operation. They have not proposed to be changed, currently as part of the study could be the most conservative the noise study is being done based on hours of operation 24 hours a day. Which is the most conservative analysis, so we have not proposed any changes to the hours of operation at this time.

Mbr. Reynolds: That's seven days a week as well?

Ross Winglovitz: Yes

Chrwm. Frisbie: Does the board have any other questions before we open this to the public?

Mbr Reynolds: No

Mbr. Romano: No

Chrwm Frisbie: We're going to open the public portion. Again, the audio is tough in here. I'm going to ask that you stand and just come up to the front so that everyone can hear and we can make sure that the recording is good for our minutes. So, if we could just have a you raise your hand then we'll take you one at a time. time Don you want to go first? Just to make sure you please clearly state your name for the record.

Don Berger: Don Berger, village of Montgomery. Boy that was a lot. I appreciate it Ross for bringing that stuff, as well as just Scott. There were some questions about that that I was going to bring up whether you had actually met with the village noise consultant and evidently it did through some zoom meetings so that's good. You brought up traffic. I'm going to say it again. I've been around a long time with these meetings whether it's town or village. I have never heard, never that the New York State DOT said that there's a problem with traffic. They always come back and say it's satisfactory or there's no impact. Medline. Amazon, no impact. I've always said one tractor trailer through village is an impact and I stand by that. But I had meetings with the town just last week or two weeks ago whenever it was about traffic, that these gentlemen were at and there was a major problem that's coming up with traffic here in the village of Montgomery on the 17K corridor and 208. OK so and I said at that meeting New York State DOT I don't buy it. Hours of operation. I think it's from my standpoint, I think most of the residents particularly people on Weaver and 211, it is a straight no for weekend work. It's going to be 5-day operation. We are not in support of a seven-day operation there. The aquifer, you know that was a rough one. Back like 18 months ago, 19 months ago this study that they presented, I showed that they listed the aquifer in the wrong location. I said throw that study away it's no good and I brought the county map aquifer map. And showed it to a couple members here on the board. The board took it for a few days looked at it. Sure enough, what they showed wasn't where the aquifer was. The aquifer goes all the way down to the Holt Well, so that's bad information that they give in my opinion. The responses that Scott and Ross gave; they're going to be available online?

Ross Winglovitz: Yeah, all my responses done are in the several letters, so I don't know if you can make them available online?

Chrwm. Frisbie: We certainly can make sure they're online.

Don Berger: OK you had mentioned that the village police might be responsible for truck parking on the access Rd. over there. Scott I'm really glad that you brought it up. We talked about having a liaison uh that the warehouse KSH would supply. It would make sense to me, that person makes sure we don't have trucks parking on that main road coming in and to. Maybe make it work a little bit better, maybe that person can be a village employee paid by the site or the owners of that site. I don't think our police need to be traveling up and down that road see if tractor trailers are parking in there through the course of the 24 hour operation. I don't think that's needed and I don't think the police want to do something like that. I think they suggested a liaison 18 months ago, stick with the liaison and let the liaison do that work.

John Capello: I just clarified what the comment was. There was a commitment to a liaison, which the applicant will do as an applicant employee to work there. The belt and suspenders was in response to the question that the applicant would provide the authority on the village and traffic law to allow the village police that they do see something to enforce it and use the vehicle and traffic law to fine and to appropriately do it. It wasn't saying that's only their responsibility they had sold that would be the ability in addition to the liaison in addition to the conditions of the permit to provide the village police the opportunity to do it. It's something that is traditionally done in the lot of HOA's and a lot of you know developments. I've done it in other communities so that would just provide one more level of compliance for the village to utilize. It wasn't implemented to solve or to provide any additional or sole responsibility.

Don Berger: I'm glad for your clarification on that but that's not what was said earlier. But I'm glad you made that mention.

Mbr. Reynolds: I just want to clarify, so the Police Department would have authorization to enforce vehicle and traffic law on private property because the applicant is allowing that

John Capello: There's a letter I've done it in town of Newburgh and several private roads within a HOA you know condominium development (inaudible)

Don Berger: I think Bob, to that I think that perhaps the applicant should be paying for a police officer, a part-time officer a village policeman, doing that I don't think we should be burdened as taxpayers to pay to police their warehouse area just a thought.

Mbr Reynolds: I don't know how you're going to clarify how much time they're going to spend there doing that.

Don Berger: They could come up with a number for the year. Let's just use the arbitrary number \$50,000. They pay for police protection over there. Boom let it be done. Something I'm not sure if both Ross and Scott referred to the DEC that I had brought up at the last meeting. It's not my real area of smarts, but again I just want to reiterate on January 1st and I think there's going to be some other people perhaps talking about it of next year there's a whole new delineation on that. And I think we really need to consider that and really go over it and understand it completely what it's all about. I want to remind this board that the first meeting in December, the village will be entertaining a public hearing on extending the water moratorium. I don't know if they are or not, but they're having a public hearing on that so, of course if that were the moratorium is extended that changes things. Thanks

Chrwm. Frisbie: Thank you, Don for your comments. Come on up Jeff. Please make sure you clearly state your name for the record.

Jeff Vanzandt: Jeff Vanzandt, 91 Weaver St. Does any of the board members or do any of the board members know if there's any more property in the village that we can put warehouses on currently/ Because it's a great investment. Somebody made a 954% profit in a few short years by selling this piece of property and I'm kind of curious, probably not public information, but somebody's got a really good deal a couple years ago on a piece of property. Then somebody paid an arm and a leg for it. I'd like to know if there's any gold on this piece of property that we don't know about or oil or something? Because it's gotten quite valuable for some reason. I don't know if New York State needs to know or wants to know? How somebody could buy a piece of property for \$550,000 and then two years later or 2 1/2 years later paid almost \$6 million for it. So if there's any property left in the village, I think the residents or maybe the board should get together, buy the property and then sell it to the highest bidder because it seems that's what's going on in Montgomery. We're being sold out to the highest bidders. That right there like I said at this last public meeting is going to destroy this village. It's a no brainer as far as I'm concerned. I was late to the meeting but as far as the sound goes or the sound that engineers on board, do they have enough information?

Chrwm. Frisbie We'll have the full report next month. They're working through it.

Jeff Vanzandt: The 24 hours a day seven days a week. That's kind of an insult to the village residents that live right behind this project, so I would hope the board heeds to that. Let's care about the residents a little bit and put their foot down and tell the applicant that it's not going to happen. That 24 hours a day seven days a week just not going to happen. The other thing is that right now these are being built on spec correct? We don't know who it potential tenant is either? Just 4 giant buildings being erected with no knowledge of who is going to move in. Obviously, the village has

guidelines of what we don't want in these buildings correct or what we can have so at no point do we get to learn what's going there beforehand.

Chrwm. Frisbie: We have to trust that they're going to adhere to the guidelines that were set out, but that is unfortunately that is the part of it.

Jeff Vanzandt: So the sound is a big question to me, it's very concerning to all the residents I think that live on Union and Weaver if there is an annoying constant noise, what does the applicant going to do about it at that point? Are they going to build a higher wall or are they going to tell their trucks that we have to use electric vehicles so there's no noise? And use a soft closing gates all your trucks and loading docks? Because you put 196 truck bays in this location up against a residential area and it's really going to create a big headache for the residents.

Chrwm. Frisbie: We are doing our due diligence on the sound. I can tell you personally Jeff, I know nothing about sound prior to this discussion and I've learned a lot. I think the between the applicant's consultant and our consultant, they are working tremendously to ensure that they're taking the right approach to ensure that what is going to be there will fit to the best of its ability. And will meet the standards that our code allows it. I do feel confident that everything is being questioned Scott you've been involved it's I think we're taking the right approach.

Jeff Vanzandt: We're all well aware of the due diligence that you know people are putting in but, there's no equation that is set in stone prior to something being built that's going to adequately give you a reproduction of what is there. You can speculate all you want. You can punch numbers in your computer to say well this is this but, until the thing is built and functioning, you're never going to find out.

Chrwm. Frisbie: And that's one thing that I know was initially proposed, was a post operational noise monitoring correct Scott by one of the initial engineering reports. And that's certainly maybe something that comes in the report from our consultants deal we just don't know.

Jeff Vanzandt: Next thing and probably the last thing, is during the construction phase if this thing goes through, will there be any limitation of hours of construction?

Chrwm. Frisbie: I don't know. Do we know what the code allows for construction?

Atty McKay: There are noise limitations.

Jeff Vanzandt: Are there days of the week?

Atty. McKay: I can check that.

Chrwm. Frisbie: There is a specific code that they will adhere to.

Mbr. Reynolds: Can the noise mitigation, fencing or whatever he done first on a project?

John Capello: Definitely, well I mean that you would have to construct that so I don't know. I don't know physically; you know how that would go into this way. I think there are how hours of operation limitations on construction and the time.

Mbr Reynolds: I understand that.

Rodd Winglovitz: We start talking big picture wise, there was discussion about 18 months ago about sequencing. So Scott he's asking about sequencing so we should probably just bring that up to TNC.

Scott Sicina: I know that there were suggestions that had been made, that you know earliest in the construction as possible to be constructing the noise barrier, that is also to be facing Weaver. Obviously, there will need to be some work completed prior to that because they have to change grade. They have to move dirt. So, I don't think it could be the absolute first thing done but it could definitely be you got to get just one of the first things to be constructed.

Chrwm. Frisbie: Yes sorry, I can't see you. If you could come forward and state your name, please.

John Reale: Yes, my name is John Reale, I am a resident of the village of Montgomery. I have about 10 simple questions. The last gentleman raised in front of them and that is the transfer of the property and the timing of the zoning change and the increase in valuation. I'm wondering whether that prospective buyer was steered into the purchase of that knowing that the zoning change may occur. I would like have some of that zoning change notes read in the next meeting so we can analyze that the timing of that transaction and how that may have occurred. Also, there's another property here, that they originally used for access from 211, very small parcel. I guess it would have kept the property were being landlocked. What the purpose of it was. I don't think you were the zoning change went through to utilize that as a reason to change the zoning, to put warehouses in. But that gets you another one of my thoughts. We're here where the contentious situation. Was that the only thing that could be put there there's quiet land. Are they maintaining the flora and the fauna? The animals who live there? The plants who lived there? That they grow there. No, I don't think so. What's the matter with having something like a park there or maybe even a cemetery. Nice and quiet. There's not much noise because cemetery is there. I know people the best place to buy a piece of land is next to a school or cemetery because most of the time the school's quiet. And 99% of the time the cemetery quiet. But that's beside the point. Getting to what we're hear about, we don't want to have and be in opposition. The last place we met, I could barely make it up the stairs. They had a sign; in God we trust. OK in God we trust, I don't see a sign right here but remember, we just said the pledge to the flag, right so I'm thinking maybe do unto others as you would have them do unto you. And then the other concept is, that should work things out. Come up with a certain kind of solutions not just adherent as to whether the police are gonna do this or you know as to who's parking where or whether the state should worry about what the wetlands are. What about the easement? I don't see an easement. Property right that's from my backyard. I don't see an easement where the sewer line going through there. Do you see a line for the easement but there's an easement for electric lines. You know put the building on the middle of where the power lines go or do you? When they put the building here, there's a there's a sewer line goes through there. I don't see that on the map, do you? What about this over here? What are you going to do buy that piece it changes the zoning to go from residential to commercial or industrial or warehouse? How are you going to subdivide that? And wonder what criteria. I can ask ten more questions but I'd like answers. Also, what's going to happen when they look into one addition, they say what kind of collusion occurred? You know I hope that you're all listening really well because what are they going to do when the state court puts a stop order on all this garbage that's going on? I know a kangaroo court when I see one. This side show is going to stop. And I can give you 10 more reasons. I've not an attorney but I'm not stupid. I'm not a patsy either. You better straighten this out. 1234 now. No. Thank you very much. Don't make me have to come back again and have a court order to stop this garbage. That's what's necessary at this point because you're not doing the job and they don't give a damn. Thank you.

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Chrwm. Frisbie: Next, Sir. Please state your name for the record.

Mark Palczewski: My name is Mark Palczewski. I live in the village of Montgomery on Tompkins Rd. I apologize if I ask any ignorant questions this first planning board meeting, I've been to on this. But I heard a couple things that kind of worry me. First is the aquifer. The aquifer is 800 feet from this project OK. I don't know if you're do you guys do any studies on the aquifer.

Chrwm Frisbie: We will have a full report at the next meeting.

Mark Palczewski: An aquifer draws from a large basin ok. It's built on spec. We don't know what they're putting in there. They put in hazardous chemical or something that spills into the aquifer heard mitigation but mitigation after it's been damaged is almost impossible. You can't you damage an aquifer you pollute offer you can't reverse it OK. So that concerns me because mitigation is not going to do anything. Diesel truck spills, anything gets into that aquifer you've destroyed inaudible) in this village and I don't think you want to do that. We don't have many and they're expensive and you know I'm sorry is not going to cut it, mitigation is not going to cut it. So that's my main concern I also have a question on the traffic. Now you're not allowed to make a right out, but how are you going to prevent people from coming down 211 to get in? How are you going to like OK, so this is my question I'll show you on the map exit out of here, correct, right what's to prevent them from coming down this road to get in?

Chrwm. Frisbie: There's nothing to prevent them.

Mark Palczewski: I heard that they're going to have a police officer. I live on Goodwill. I take Goodwill all the time, I see tractor trailers on Goodwill. The police aren't going to be able to monitor all the time, so you're going to have tractor trailers coming here on goodwill to service this.

Chrwm. Frisbie: That's absolutely something that we can monitor. That's something that the applicant has indicated that they would minimize traffic through the village.

Mark Palczewski: I understand that, but I've also been told that Goodwill does not handle tractor trailers. I see them on Goodwill. I see them and I tell the town. They say just let us know. Well letting you know is not going to help anything. I'm not going. I'm not a police officer. I'm not going to stop these people. So how are you going to be at school there? How you going to stop from coming this way?

Chrwm. Frisbie: Unfortunately, right now, we can't. It's a state road. So, the one thing that we haven't talked about and Scott, I think you brought up in your comments is this village wide truck management plan. That's something I'd be curious Ross I don't know what that is. Yeah, because that's that could be something that could be that looked at more holistically. It's a challenge. I live right off of 211. I know oftentimes we get a lot of trucks that come through the village. It's in many cases, those are unpreventable circumstances. Right when there's a closure on 84, everybody reroutes around so sometimes it is challenging to discern. I think in this case, if we have a liaison that is employed by the applicant, my hope again, you know we can work to the best of our ability to put parameters in place to inform the tenants of the right protocols to access the site. But my hope would be that this liaison would be willing to work with the village to ensure that their drivers can access the site in the easiest way to get it. Which isn't coming through the village of Montgomery it's coming off of Neelytown road and 416 and in the other way.

Mark Palczewski: That's another concern because I live off Goodwill and I don't want them diverted to Goodwill. Because Goodwill here everyone knows it's a shortcut. They put the stop signs up there to prevent it. When they were going to build Vistamore, you know that's just they expanded the road. It used to be, you know pitch tar road or tar and chip, now it's a real road. People use it as a shortcut. So, they've now all of a sudden you prevent them from doing that. You're going to be coming down Goodwill and then these Goodwill is a shortcut to get over there.

Mbr Reynolds: There is weight limits on that road. But they're not supposed to be on that should be ticketed.

Mark Palczewski: Bob, you know how it goes. Unless you have a cop there, they are going to use it. That was my other concern but anyway the aquifer. Please look into that. If that gets destroyed or damaged or anything, mitigation is not going to do anything for it.

Chrwm. Frisbie: We have our village hydrogeologist, that the village has used in the past & has a plan. Scott has seen the plan. The applicant has seen the plan, which includes him visiting the site. Obviously, he knows the location of our wells. You know, he knows this area well. He's going to take a look at the applicant's report. He's going to prepare his own findings for us and we'll go from there but we don't. I can't make additional comments.

Mark Palczewski: One, last thing on spec, how do we prevent somebody from going there and using a warehouse to store fireworks or something like the hazardous?

Chrwm Frisbie: There's limitations to what they can put in there.

Mark Palczewski: What if they put something in there that is hazardous?

John Capello: This is permitting them to build it. Anyone who comes in there, will need to apply for a C/O or for a building permit. So the buildings will be built but anyone who occupies or change of occupancy will need to go through the building department. Explaining what they're doing and your code does not permit and the approval in the special permit would not permit hazardous or explosives or anything that's not permitted by the code. So that person wouldn't be entitled to a C/O. This approval while it would authorize the building of the buildings on spec pursuant to all the plans would not authorize just anybody to go in there and do anything. There will be parameters there.

Chrwm. Frisbie: It's a good point because there's checks and balances that exist within the village. To John's point and even we've brought it up today, when we were talking about noise. If for some reason someone wants to come in and put refrigeration in these buildings, they're not built right now to sustain that, they would have to then apply for potentially changing of the buildings or again they would have to work through the building department. That would be the role of the building inspector to ensure that they were meeting the codes.

Mark Palczewski: So the safe guard is in place. Thank you.

John Capello: I also just wanted to clarify that it's come up a couple times, but prior to this zone change, which limited the size of the buildings, warehouses of any size could have been built on this project. So the new zoning that people are talking about did not invite someone to come in. It reduced what someone could do on this property, so that is a fallacy. We could have built three 300,000 square foot warehouses which is one of the prior applications for housing units. the new zoning that was adopted in a public and transparent 6 to 8 month or more process maybe a year

process through a moratorium, through hearings, through public meetings was adopted to reduce the size of the building which resulted in this application. This reduced the possibility of what could go there. It wasn't an invitation to come in and do a warehouse.

Atty McKay: That's something that's within the purview of the village board not this board. This board doesn't have anything to do with setting the zoning or changing the zoning. All this board can do is work within the village code and within the state Environmental Quality review act to address these concerns and what the zoning permits.

Chrwm. Frisbie: Next Go ahead and state your anme.

Chris Ladanyi: Good evening, everyone. I'm Chris Ladanyi, 87 Weaver St. village Montgomery. I'd like to refute what the attorney just said. There the original zoning called for less but they just chopped it up and made it 4 buildings instead of 1. So, there's ways around the different zoning changes. It's not a permitted use it's a special exception use right special exception. It needs to be a special exception to the zoning. I don't know what's special about this project that it gets that type of treatment. And then also government is working here because for anything over 4000 square feet needs the approval of the village trustees, as well right? This isn't just a cavalier permitted use; this is a little bit more than that. All right so village Montgomery code, which is law 122-1, right. Now I'm on break two things down here property value and traffic here. OK this is the code. This is law to protect the established character and the social and economic well-being of both private and public property to conserve the value of buildings and to enhance the value of land throughout the municipality. OK. I got a simple question to put out there my house right now on Weaver St. is worth X amount, right? After that thing is built is that price and that value going to go up or is it going to go down? I want everybody to just let that sink in for a second OK, because if that property value goes down then this project is against the law and you team have the power to prevent this. Another piece of this belong to lessen and where possible to prevent traffic congestion on public streets and highways. OK the intersection of 211 and 416 is an absolute nightmare currently. One tractor trailer going through there jams up everything, one. Another hypothetical question out there and it's not even hypothetical traffic in this area is X right you deal with it all the time, what do you think it's going to be better or worse when that is getting put in? It's going to be worse right which is against the law. OK and talk about wetlands. So those are my two big points here. I'm going to go off on some of these things I jotted down listen to everybody speak here. To say that you are only disturbing .025 acres of wetlands. That's the disturbance. No, that just cannot be true .025 acre of wetland on that property is being disturbed. That's nothing. There's way more disturbance than that. There are digital delineations happened in 2018. It's 2024 right we need somebody that to redo delineate those wetlands the wetlands have been a moving target since day one. Someone brought up the animal, the habitats. You know, I walk through the village every single day. I walk my kids to school and I take the long road home. I can't even tell you how many bald eagles I've seen in this area by the river walking around. I'd never heard anybody bring up the bald eagle. Yeah I see them all the time in the area along the Wallkill river as I'm walking on river street. As I'm walking on Water's Edge. The sound studies. OK. Engineers do a lot of great work in this world. I'm never going to dismiss the work and the intelligence it takes for engineers to do their job, but let me sum up the noise study OK. One sentence. You are going to hear it. You're gonna hear it. I could hear 84 from my house so whatever the decibel levels, again not dismissing that, but that's very technical stuff. Amy you even said that sound is in your forte. It's nobody's forte except sound engineers, which is such a small fraction of society. Right again not dismissing the hard work and intelligence those people have you're going to hear it. OK last point, here we're talking about liaisons, signs, landscaping, sound walls we're trying to cover up a mistake that hasn't even happened. I'm an

architect. Licensed in New York State. When I build a building, I want people to see it. I don't want it to be, I mean we're already talking about how to hide this thing. Again, you have the power to stop this mistake from even happening. OK and we're already talking about how to cover up this mistake. Just got to take a step back and look at this. Is this a positive thing or a negative thing on the village of Montgomery that I absolutely love living here. Thank you

Chrwmn Frisbie. Thanks Chris.

Nick White: Nick White, 83 Weaver St. I moved here in 2019. I moved here for what it is, not for this and I think that's probably a lot of people. The point I'm going to talk about if anybody in here is more familiar with it than I am, please chime in. In my knowledge at one point, it was before I was here, Target proposed something very similar to this in the same spot and the county stepped in and shut that down. So I'm curious what changed from that to this if this can go on.

Scott Sicina: Do you know when that was proposed?

Nick White: inaudible

John Capello: I believe it was in the town and probably needed a zoning request, I think it was 20 or more years ago.

Nick White: OK and then kind of to this gentlemen's point before. We appreciate these mitigations you want to do with the traffic and the truck drivers and everything. But James, I think you know about this as well as I do. The truck drivers don't care about getting tickets. They're going to get the tickets, are going to give to the company and the company is going to pay. That's it so you could put a sign up don't turn here. They're going to turn there; the police can give him a ticket they'll get the ticket and they're going to give it to the company they're going to pay it. So that's null and void honestly, it's not going to change anything. Just to put that out into the atmosphere for everybody. As to the noise, I said this before. We can't cut our grass at 10:00 at night but then this can operate at midnight? Now how does that make sense?

Chrwm. Frisbie: It's a valid point. I can't say anything because I agree with you. That's a valid point We all live here. Tim, just please state your name for the record.

Tim Mahoney: Tim Mahoney 243 union St. Right here where you guys have this road, why we can't have an aerial view where people go actually see what it is we're trying to let them see here? Why can't we have a blow up of this proposed intersection so we could actually see what idea is they have for the traffic? I mean just this map in general is ridiculous. This whole thing is an albatross to be honest with you and everybody in this meeting knows it. 2 words that shouldn't exist in the same sense of warehouse in the village of Montgomery. You understand? In the village of Montgomery. Save it for the town. The County 99 corridor was made for all this stuff. The village of Montgomery is not. How are they getting the water? How are we going to sustain all the water that they're going to draw from all the residents? Do we have, you know, any studies based on that? I opened up a drainage right here, my drainage, runs back here into the leach field back behind this resident. Who last week addressed the fact that these trucks are going to be making her kid inhale carcinogens 24 hours. Did you say the operation was going to be so her kids going to be eating carcinogens 24 hours a day in the village of Montgomery? Just in case anybody didn't hear me where this is going, all right. Water drains right behind this woman's house I watched it. You guys could come over to my house. You could ask me anything. I'll sit, I'll walk in the woods with you up take you to where everything I know flows. How it flows. How it floods. How these people are

going to be affected by all this stuff that's going on? How does the drainage going to be addressed here at my house and everybody failed to address so I had to do it myself? How's that gonna be taken care of with the state? Do they have an overview of that and the drainage? I know you guys put in a new catch basin in here, why wasn't there a catch basin and put in further up from my house right where you alleviate some of that drainage coming into one drain coming out? Now if you overflow that, that's just going to encompass more water coming down 211 into that drain into the backyard. You guys have a place for all that stuff? I'm just curious because if you do somebody let somebody know Does anybody know where all that extra water's going yet? And then when you make the turn here that nobody's gonna make at night when nobody's around to enforce it, how about the road crown are we going to keep dipping it further into the front yard of my house so that the road crowning and holding water keeps going so that people can splash happily through the flood zone in front of my house? I mean come on guys think nobody in here wants this. This is ridiculous. It's the most ridiculous absurd thing I've ever seen in my life associated with this village. I've been living here 30 years and I know people have been living in this village for even longer You guys should all be embarrassed bottom line. Embarrassed, everybody in here.

Chrwm. Frisbie: Sure come on up just state your name clearly for the record.

Chris Campbell: Chris Campbell. So less of a question more of a comment. My wife had a business on 102 Ward St. by the light for the last eight years or so. When we first moved in the buildings were relatively clean and I do a lot of maintenance on it. Since all these warehouse projects have come and the traffic has gotten worse, the buildings have gotten filthy. I went from power washing it once a year, to once a month. I just think that's something to keep in mind too. They're the buildings are disgusting with all the trucks coming through.

Chrwm. Frisbie: Thank you anybody else?

Kathy Miller: Hi my name is Kathy Miller and I live on Waters Edge. I just have two questions or comments. One is supposedly if we don't know what's going into those buildings, how can the fire department and our safety people make any kind of any evaluation about how to protect the residents around there and the village and those buildings if we don't know what's going in there? #2 is couple months ago I had friends come to visit from Westchester and New Jersey. They couldn't really get over the amount of traffic. They said I had more traffic than they did. This place is not built to absorb that traffic people didn't come here for that traffic. And the noise situation, there's no way to protect us from that noise. There is no way to protect us from that noise or and to keep the kids in that school safe with that much traffic. That's not going to happen. Thank you.

Chrwm. Frisbie: I would assume and Ross, you could certainly if you have any additional insight, the question around Fire Protection. I would assume once the buildings are obviously going to have what standard and required from a general construction perspective. But should the proposed tenant, when they come before the building department, they would need to make sure they have the requirements from a Fire Protection suppression.

Ross Winglovitz: Certainly, they need to know what they're storing in there. They design the sprinkler system based on what they're storing in there. The cost ability of which fire hydrants. There are hydrants throughout the site, that's part of their proposal. A lot of times they will walk it with the Fire Chief, I don't know if they do that here. If they've done that like you haven't had any warehouses or just to do that with.

Mbr Reynolds: We've had them in our fire district. We get a set of plans and the chiefs reviewed the plans.

Ross Winglovitz: A lot of times they'll go walk through. They'll talk about where they're storing stuff and how they access. So there's a little program in place.

Chrwm. Frisbie: That's what I thought, so thank you. OK anybody else?

John Lovers: Just a quick question for you. John Lovers 71 Weaver St. Had a quick question about the hours of operation. We're going to kind of go back to that a little bit. I've run warehouses in Orange County. Also in Dutchess County. 24 hours a day seven days a week, which it seems as though they are very unwilling to budge, you know you have shift changes. You have how many associates are going to be working inside of these warehouses 50,60,70 people? They're going to be changing shift 11:00 at night, 7:00 in the morning, 3:00 in the afternoon. Overnight shift people go on breaks at 2:00 in the morning. They're eating lunch, their lunch break, is at 3/30 4:00 in the morning. I've managed these people and you can't expect someone who works a night shift to accommodate day shift individuals. So somebody who is taking their lunch at 3:00 in the morning 3:30 in the morning, that's when we typically go to lunch in the afternoon, so there's going to be tons of traffic going in and out. On top of that but more it's about the noise. So if we don't know what's going into these buildings right and they don't want to be transparent there. If they feel that they don't have to be transparent there, then we have the question of 24 hours a day seven days a week, how does that affect the sound study? Where this gentleman just said a very good point about operating a lawn mower at 10:00 at night, where is the gauge for 75 associates on their break at 2:15 in the morning 300 feet from property line on people on Weaver? How do you control that noise and where is the study that is going to gauge that? So that is just my that's my quick comment about the hours of operations which clearly I think everybody on Weaver objects to.

Chrwm. Frisbie: It's a good perspective I appreciate it thanks.

Carmella: My name is Carmella, 71 Weaver St. I just kind of was listening to what you were saying where you're saying like it's not your job to go over on the taxes and other things. However the planning board, also you know it's not your responsibility to figure out the hours of this building unless it impacts our community. And in this instance, it impacts us that's our neighbor.

Chrwm. Frisbie: I never said we were not going to consider hours of operation. Taxes is not the job of this board. Please don't misconstrue my words.

Carmella: I'm taking what you're saying and I'm saying yes I hear you. I understand that, however this is very important to me because our neighbors, these are people who are going to have light pollution and sound pollution in our backyards. And I just want to feel confident in the people that are on this planning board where that they're listening and understanding to everything that you're saying. That's what I wanted to say thank you.

Chrwm. Frisbie: We understand. We're listening and if the public doesn't hear that we're listening I don't know what else we're supposed to do. I'm being 100% honest.

John Lovers: I just I think the question would be, is this explain I think a lot of people would like to answer to this explain, how an industrial park fits behind the historic village of Montgomery.

Atty McKay: OK, concerns for the neighborhoods and the historic village, those concerns have to be addressed during the comprehensive plan committee meetings. Those concerns have to be addressed with the village board when they set the zoning.

Chrwm. Frisbie: Our job is to enforce the zoning.

Atty McKay: There have been probably 10 or more meetings concerning this project. We see many of the same faces. You're expressing your concerns. This board hears them. There are mountains of paper about the noise concerns and the traffic concerns and the drainage concerns and those things. I will speak for me and not for the board for a second, we can understand how frustrated you are. I think you might start to see that the board is frustrated, trying to be responsive. Then seems to people are saying that they're not really considering your concerns. I can tell you, if you've seen all the emails and the mountains of paper and all the studies and the continued still continuing reviews, I think you would understand how hard this board is working to try to get mitigation done here. So that's my response to you.

John Lovers: I think portion of this is just people venting their frustrations. Maybe that's not the right form to do it, but a concern would obviously be when the residents of the village here statements, like we're putting faith inside of that the ownership is going to do the right thing. And then on the flip side documentation is being submitted that is kind of sketchy. Whether it's being submitted negligent on purpose or not. You know location of where sounds tests were done versus that the village had to go back and do it at the property line. Where the aquifer was actually on the map to begin with it was initially submitted versus that. So it's a little hard to swallow the pill of I'm going to, we should put trust inside of a group that has not truly been for in my opinion transparent as far as other organizations that have come into this community. Right where there has been specific questions that were asked and said how are you going to operate this location? What are your hours of operation going to be? And there has never been in some of these other cases situations where an answer was given where it was just thrown in a dart in the dark, a shot in the dark. It was very clear hours of operations are going to be in between 6:00 and 5:00. You know things like that I don't understand why they don't want to commit to that knowing that they're butted back up against a community of the historic village of Montgomery on a residential road. That I think is the biggest concern.

Mbr Romano: Thank you for explaining about the middle of the night, because I'll just be getting home from work 2:00 AM and Medline trucks fly by. I live on union by the way, I am well aware of what you are all saying. It looks right on union my foundation is falling. um but the trucks fly through yeah so it's not just these applicants. It's just a problem we are having here because Medline flies through at 50 miles an hour through the village.

John Lovers: Let me ask you this, I don't know the answer maybe someone knows exactly what other business operates 24 hours a day seven days a week inside the village?

Mbr. Romano: Even if they do or do not, I'm not saying I don't agree, there are people that are going to come through. We need to do something on a larger scale with our Union Street and there was a person that had started that. And it has been on hold, so it's a little rough yeah. I've been trying to get him off the streets for 25 years now. But yeah it's all of them. Medline. It's all of them but thank you.

Mbr. Meyer: If I could say one thing as well. You know it's very frustrating, you know and many of us don't take it personally because we know we're doing our due diligence. The problem might

not lie with us, it lies with the law. And the law is what it is, and you know we have to work within that realm. It's that simple you know, we are dealing with the law as well and try to match up a proposal or a plan to the law not easy you know. Not easy at all and whether you like it or not, and many of you might not like what I'm about to say here, but it's frustrating because many of us might agree with what you're saying here. OK, but we can't operate with the assumption even though you think you know what's going to happen, we can't operate on the assumption that an applicant is going to break the rules and break the law. We can't operate with that assumption, so we have to somehow you know, mold it together and we've talked about this. Those are my comments.

Chrwm. Frisbie: Do we have any additional comments from the public?

James Achaia: James Achaia, 14 Sycamore Dr. I just wanted to comment on my firsthand experience. I am a GM for construction supply company in the city. We have 2, 35-foot warehouses one in Long Island, one in Brooklyn. Our hours of operation are from 6:00 AM to 5:00 PM and almost every morning when I get in there at 6:00 AM, there is a truck waiting outside the gate. Who's been sleeping there all night because he's driven in from Ohio with our delivery of chemicals or whatever. This invites that. I mean these sites, warehouses double than what we have, is going to be we store anywhere between 1000 and 1500 pallets of chemicals concrete stuff like that. When these guys deliver, you saying about following the law they have to follow the law they're not allowed to be on the road if they're coming from Ohio here 4:00 in the morning to make the delivery. They're going have to sit there for four hours and rest. Where is that going to happen? The trucks are going to be running in the middle of the winter. They're following the law, the driver is not allowed to pull back out, can't turn the truck back, As a matter of fact, our trucks won't even turn back on. They have a system there, once they put their code in, if they've met their time, that's it. It can only idle. They can't put the truck in right, so they have to sit there and wait. The other thing is, I don't know how many of you know what it's like inside of a warehouse? But the sound of a forklift hitting a dock plate is deafening. Just driving on to a truck or just dropping a dock plate down, it's not something that gets gently put down. These guys pick it up with the forks, they drop it down on the truck and they proceed. It's about if you're gonna be anything you going to be efficient. They want to unload that truck as quick as possible. You're gonna hear at 4:00 in the morning bang, bang, bang. Just trucks forklifts going in and out of trucks to unload. So I'm just giving you guys my firsthand experience as to what happens, especially with something like this. I mean it's like you said man, I mean you have the opportunity to stop a mistake. You know it sounds like we should take it you know with all the actions being taken to cover it up.

Chrwm. Frisbie: I appreciate the insight. Thank you. Additional comments.

Margaret Grasso: Margaret Grasso 99 Weaver St. It's the second house from union and Weaver St. I'm really concerned about the air quality. I know that's been mentioned before but I get headaches from perfume even you know. This diesel fuel and idling and stuff like that is it's going to be bad and carcinogenics and stuff like that. I'm really concerned about all that qualities plus you know the children. You know what you might do to them or anybody really. Just how you going to mitigate that with all the trucks?

Chrwm. Frisbie: There are limits to the amount of time they can idle. I don't know what they are.

Jeff VanZandt: One last thing. I just wanted to thank the board. Whether the residents know or not the board is trying to do the best job to protect the residents. Most of the board lives in the village so they're just as concerned as the residents.

Chrwm. Frisbie: We all live in the village, We have to.

Jeff VanZandt: They're just as concerned as the residents that live on Weaver. They're not up here trying to just appease the applicant. So I just want to say thank you for the board members for doing your due diligence. For asking the right questions, for answering the questions that we posed to you and for looking out for our best interests thank you.

Don Berger: First, I want to what Jeff said. Amy, I want you to understand and the rest of these board members, when you all came on, when you became the chair, Bobby you came on this board is a great board. I think you guys work your ***** off and I know you work your ***** off right and I appreciate everything that every one of you do. Right because I do understand that you have the village and mine and our backs. Two things I want to just suggest you, we talked about the traffic Amy. And you're talking about the trucks came down from 17 K into the property over here. I want to remind this board that many years ago when Medline came here. We, my group, with help of Randi, got into in agreement with Medline for no trucks coming through the village. Now what they do at night, 2:00 AM yeah, we can't control that but to be fair Medline during the day does not come through this village. All right and they honor that agreement and it's in DIS I could show it to you Amy, what we have in there. I'm sure Randy could help you out with that it's something that you yeah so you're very familiar with that we do. We do have an agreement with them and there is a fine within that agreement. So I just want to remind you of that that is the way you can go about this. The other thing you all need to know is I'm sure some of you know, you know Bob knows that the village Montgomery only has one dot officer certified officer, all right. That's a major problem. The state police are not going to come here and sit on 211 waiting for these trucks to do whatever they're going to do. So the village police are very limited in what they can do alright because we only have one dot officer, I think that's right Bob? Maybe perhaps this group here could pay for a couple more dot officers who get on board. The last thing I want to talk about is where are we at with the conservation easement?

John Capello: We've committed to do a conservation easement. It will be a condition in the that whole area that's needed. It will be a condition, I got to tell you I don't know if going back if I submitted a draft of one, but you know they're fairly consistent documents but it will be conditioned you will submit it not only the planning board attorney but the village board attorney will have to review it and accept it.

Don Berger: The original commitment but you may remember a gentleman from your group came into our planning board meeting and said the conservation easement is dead if they don't get the 45 feet, so I want to make sure.

Chrwm. Frisbie: I mean it does change if the variance isn't granted right? Application would have to be changed but the but the whole application I mean the whole application would change.

Don Berger: John, I'm well aware yeah but he came in and if you remember he's kind of pretty gruff about that. I certainly didn't appreciate that but I would hope that this board sticks that we get that conservation easement.

Chrwm Frisbie: It's in our notes. Thank you.

John Capello: The couple of things I want to clarify that you know. I've heard because you get back and forth there are mountains. There is a full of swift analysis you know reviewing the drainage in detail. There are traffic reports. The issue with the aquifer. There were conflicting maps

but the reviewer of the plan did further with Ross prepared was correct. Sterling is doing there Sterling reviewed it. It's a reputable firm. You're going to have your aquifer and our applicant agreed to do that the sound study. When they're talking about where at the property line, our sound engineer determined where he thought the appropriate positions were to take it. You have sound engineer from Collier who was ahead of doctorate and sound engineering review it and say doctorate in engineering and his sound engineer review it and say it was OK. You got another sound expert who said I think it should be taken from this area based on my review. So he took it on that area so you know there's back and forth. I know the people who live on Weaver St. do not want to see this. We were taking their comments and our applicant is trying to not hide it. To mitigate the impacts which were required to do in SEQR but this is part of the process engineers experts present on the clients. You have your own independent experts who have reviewed it. So there's clarifications in your district you know maybe disagreements on standards but we have worked through it we continue to work through it and need to address the issues and do the best we can do for engineer. This applicant purchased the land and is pursuing an application that is a special exception use. Which is a use that is permitted subject to meeting the conditions. Your comprehensive plan was adopted and amended to accommodate to encompass a plan like this. So everybody has different opinions but to say someone is being less than fortunate. I've been in this practicing in this area for 35 years. The fact that I'm still able to practice is because I would not present intentionally false information. You may disagree. You may have different interpretations. You may require additional review. You may just not like the project, which is your ability but we have to go through the process and follow the law. That's what we're attempting to do on behalf of our clients.

John Lovers: The standards as it is, would you feel comfortable with these 300 feet from your property? Where you looked because the only reason why I'm asking that question is because it sounded like you were responding to the comment that I made.

John Capello: I was responding to the comment that you made that we were less than transparent. In one manner it was a disagreement with that prior expert working for the town agreed to OK. So it wasn't misleading. It was a disagreement so that's what I'm saying. We've been transparent. You do not have to agree with it. You do not have to like it and I understand change is bad.

John Lovers: If you lived on Weaver, would you be in would you be OK with this as with the standards that you're putting in place?

John Capello: I would tell my wife who when the halfway house was going up the corner for where I live. She said she didn't prefer it. I said well they have the right to do it and I practice in this. So I have to practice what I preached. I don't like it. I don't like that my neighbor put a driveway in all the buffer between our village house and their village house. I called the village they said he's got the permit to do it. What am I going to do? He followed the law and did what was right for his family. I live in the village. I have to follow the law. I put up some hedges. We're required to put up the hedges for you and we'll listen to you and do the best that we can do to address the concerns.

Chrwm. Frisbie: Any other additional comments from the public? Randi?

Randi Picarello: If everybody else has done, I just wanted to say thank you. Sorry Randi Picarello, 126 Bluebird Drive. I am a village trustee. I'm not hear in that official capacity so any comments I'm making are simply as a resident, but I am here paying attention and taking it in as I have and since the beginning of this process with this particular project and most. I've sat in your seat as a resident before. Paying attention to things that were coming in the village and on the village- town

line, so I understand how you feel. I you know had to really conceptualize what Medline would be because I live on the corner of Chandler and Bluebird. So I get that. I hear the food bank doing their construction all the time. As Chris said, you can hear 84 on a clear night. I can hear the races in Middletown on a clear night, as you guys all can too, I'm sure. I respect and appreciate everyone's position, as I do the board but I wanted to thank you for having the meeting here and giving everybody the space and the the time and the ability to come down here. I did want to ask one question that doesn't have to do specifically with this project. When you guys came did anybody have to turn the heat on in the building or was it set on auto to run, I don't know we didn't have to touch the heat right? Just for the record. I just wanted to put that on the record OK So thank you for having the meeting here so everybody could come and I also wanted to address something that came up a couple times as well. These people are appointed by your village board. You elect your village board. You elect your mayor. So the zoning board, planning board, the ethics board, all of these boards, they're all appointed by the people that you elect and they can only operate within the confines of what's set out. What's set forth in there within their board. That's it. That's all they're here to do. And the comprehensive plan has been updated recently most recently in 17. Officially but it's a living breathing document so if there are things that we don't like, we can only learn better and then do better from what we know. If there are things as a community that we don't like and we don't want to see, however this shakes out because it's already in play, we can make the best of it and when we move on. We need to immediately go back to that comprehensive plan. Immediately go back to the board. Immediately go back to the zoning board say enough's enough. Help hold this accountable to the best it can be. If it goes in make sure everybody's doing their due diligence. which I'm confident in this board that they are doing that. And at the end of the day, however it works out, we can only do better as a community from there. We need to start paying attention to that stuff but it starts with your board and who you elect to appoint all of these people who sit here.

Chrwm. Frisbie: Thank you, Randi. Ross?

Ross Winglovitz: I would like to propose wrapping this up, is that there's been a lot of things that we've put in writing over the years and I've summarized in four different letters now. Scott has summarized some of that. I'd like to propose that we have a workshop with Scott and Joe and a few of the board members to make sure that whatever we've said that we're going to do, we have it in writing. It's either in the negative declaration, it's on the plan. It's not floating out there somewhere that at some meeting somebody said this and we don't have it written down and we don't have it in the document that you know that defines how this project happens.

Atty. McKay: Listen to this sentence, I agree with Ross. It's actually something I kind of suggested. I think it would be an excellent idea. We have to make sure that if we, as a board, have any unanswered questions that we know that now so that the applicant has an opportunity to respond to them. I think I was the one that you know referenced the reams of paper here. Right so I appreciated Scott's comments very much because he really did try to summarize the items that were outstanding. I appreciate that. I think that would be a good idea just to make sure that we all are on the same page. All the items are getting addressed, so I appreciate that Ross I agree with you.

Mbr. Romano: Yeah but is this going to be after the two sound guys get done talking and the aquifer or before?

Ross Winglovitz: Before, I mean I think it's pretty voluminous.

Chrwm. Frisbie: I think we can start. We can start to obviously, there's a lot to work through but I we obviously still have outstanding items.

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Mbr Reynolds: I'm sorry about this. I could go all night with the comments I've heard. Some of the things that's been said up here by the board, I agree with 1000%. I hope everybody understands it. One of the things is the traffic. I've lived here since 1957. The traffic in this place has grown over my lifetime like you wouldn't believe. I obviously used to deliver papers up in presidential heights, when they were building those houses. Viking heights didn't exist. Tompkins didn't exist. All the apartments that are down across from Kaufman's old place, which I don't know who knows that or whatever but the Sunoco station, Waters Edge didn't exist. So basically probably 90% of the people that are in this room didn't exist in this village. Not that I hate neighbors. I live on Weaver St. This obviously affects me a lot. There were eight houses being built behind me. Nobody came out to take those eight houses away. There were woods back there. I lived with it. You know what? We got some people that are coming in there that seemed like nice people. All right they put a nice pool in maybe I can use it? Might have better parties so we just kind of lived together. Sometimes it's hard. Listen I don't like this project. I really don't, but I my thoughts isn't what we can enforce, it goes by the law. As simple as that, I do have some questions about some different things here that I'll try to get into as quick as I can and not keep them all night. The noise. That's always a that's the thing that you've been talking about forever here. Who's going to enforce that? I can tell you right now if you had a noise problem here, right now. If you were yelling and screaming and the neighbors over here called the police they come here and say could you please keep the noise down. Ask me if they could measure with the decibels is of the noise that's happening. They can't do it. They probably don't have a meter, if they do they don't know how to use it correctly.

Ross Winglovitz: Village definitely does.

Mbr. Reynolds: I can tell you that the village of Walden doesn't. Same police chief that the village of Montgomery has. I would probably bet on it. I bet it's not calibrated, because it's got to be calibrated, we all know that. I don't want to get into all of that. It's all about code enforcement. It's talk about the building inspector, if something comes in and they're going to build it. They can say that they're going to do something and again it's not what you've addressed this. We can't control when people do what's not supposed to be there and they just do it. There's a big thing about building permits right now that was discussed at the at the village board meeting, about people just doing things. Putting up a fence. Putting in a pool without a permit and then they have to go back and get it later on. So that's one of the things and again I'm jumping all over. That was from some of the notes that I heard from everybody to talk about the DEC thing. I know that was coming out after January and this is for the attorney, can we or Scott, I don't know. Can we have them comply with the new law if the building isn't built at the time? You know what I'm saying? So I'm just saying February you're not going to have this building built. You're not gonna have construction started because there's a moratorium, so if a new law comes out in February, do they have to adhere to the new law? That's one of the things.

Ross Winglovitz: It's going to be up to the regulation that the DEC adopts.

John Capello: The DEC right now is determining how the law will be, what the rules will be for the law and how it would be enforced. We don't know yet. They did they we believe me I have clients not just my friends people throughout the state are wondering how this is going to be rolled out and implemented? There are going to be rules as to who needs to comply, what steps you need to be in the program, how it's going to be rolled out. That some of the regs are going to be rolled out after three years. Some of them are affected immediately but that's all I know.

Mbr. Reynolds: Are they going to be more strict or are they going to be less strict too? We don't know that so everybody might be saying, hey listen we got to wait for the new law that the new

law might make it worse for you. The parking. What is, first of all I'm not in favor of the 24-hour operation. I don't know what the legality is of this, if we can stop that but I wholeheartedly think that this board should do everything they can to not allow a 24-hour operation. I'll do that no matter what. If it's forget the 24 hour operation, is there going to be a gate on the front of the thing off of 211 to stop them from coming in if there is no hours or are they going to be allowed to come in there?

Ross Winglovitz: There has not been a gate proposed or entertained at this point.

Mbr Reynolds: Like the gentleman said over there, you know, the trucks where are they going to park? You can't park on 211. There's going to have to be a staging area. I understand about how they can't idle. I understand how a truck has to shut off when they run out of hours. It is what it is. That's state law, things of that nature. The height of the building. This was from Walter Pahucki. His questions that we didn't address at the last meeting. The height of the buildings. I understand that one of them is proposed to be at a higher height.

John Capello: The two that are facing 416, farther away from Weaver St., are proposed at 45 feet.

Mbr. Reynolds: The height limit in the village is 35.

John Capello: We need to go to the ZBA for allow that to happen.

Mbr Reynolds: It's not gonna happen.

John Capello: Right we'd have to get a variance. We're asking for the same relief that the food bank. I've got the same height, the same variance and they're not in the airport zone. They will apply the standards and make that determination it that we have provided. It's in the application package. The visuals that analyzing the difference between the heights of the ZBA will consider but it's also in the package that you have. We can discuss giving the differences.

Ross Winglovitz: we did a visual showing what it looked like 416 and 35 and what it's going to look like at 45.

Mbr. Reynolds: If it's 35 right now and they allowed the food bank or that building up by the airport that built it, and then begs for forgiveness afterwards. Does that set a precedent for you guys? That you can do that no matter what? Do you use that as a benchmark and say well they did it so why can't I do it? Or can the village enforce it and say no that was there.

Atty McKay: The code is the code. They're saying with the application, they need the variance. They already made their application to the ZBA that decision lies with the ZBA if the ZBA grants it, then this board would be able to approve this. If the ZBA denied their variance request they have to come back with a plan that complies. Which might mean you know reducing the height of the buildings and moving the buildings and affecting the potential buffer.

Mbr Meyer: The board doesn't always have to follow precedent. You know it's a case-by-case basis.

Mbr Reynolds: Listen I agree we should go by the code and enforce it.

John Capello: They can't just say we like you. Ohh no of course not. There has to obviously be support of the spirit of the law. Other places you know will give their opinions and the board will render a decision, and the decision is rational there's nothing we can do if we don't think it's rational.

Mbr. Reynolds: The effect on the property value that was brought up. I don't know if it's going to increase it, decrease it. I don't think any of us have a crystal ball to say whether that will or will not. I don't know. I don't know you would think that but you look at the values of everything around here going through the roof and I don't know why. I don't know why anybody wants to come to Montgomery with all the crap that's going on here personally. We talked about the truck traffic that was here. Again, I grew up here. I remember the milk trucks that used to come in. The Creamery that used to be on Boyd St. We talked about warehouses. There's a warehouse on Boyd St. right now across from the post office. I don't know what's going to happen to that in the future. That's why you come here. Who knows if that goes into an operation that somebody wants to build. There was a talk about the zoning on this property, right here. I do know that Kevin Conero reached out to village residents and wanted feedback on this here, when they did the zoning change and nobody came out and did anything about it. For many nobody to come out. Shame on us. All of us. We're here now after the fact complaining when we should have done that before the fact.

Inaudible (people talking over each other about zoning and comprehensive)

Mbr. Reynolds: I don't want to give up all the other zoning thing I just want to make some points here. That we are trying our due diligence to please everybody but we have to act it within our boundaries of what we can do.

Chrwm Frisbie: Thank you. Does anybody else on the board have anything? The comments from the public technical in nature related to the project.

Mark Palczewski: Quick question, are the studies that you're doing going to be made public?

Chrwm. Frisbie: They will be on the village website. Any additional technical comments or questions?

Tim Mahoney: If I could ask Scott question related to the intersection and the study for the traffic. The intersection right at the entrance, across from Chandler Lane. If you know if we could be provided with whatever their latest thing is on a blow up so we could actually visualize it.

Ross Winglovitz: This is the sketch that we provided showing the trees that we're providing on your property and the realignment of the driveway. Something you and I had done. That hasn't changed, that's still consistent.

Tim Mahoney: OK but like is it like we just discussed with the drainage and the catch basin and the (inaudible) than the one up from me so that made it clear.

Ross Winglovitz: The drainage at the state highway. That's the state DOT problem right. I mean you're talking to the village and asking them to fix it. It's the state Department of Transportation. The widening is going on the other side of the road from you.

Tim Mahoney: Listen, we are all in this together. You, the village, the state DOT, the people that are trying to get rid of the problems that exist.

Ross Winglovitz: The village can't expend their funds state property.

Tim Mahoney: I want to address the problems that exist that seem to disappear every time somebody talks about it and nobody has an answer for it. I think that's what frustrates people is everybody wants to keep talking over top of people's ideas and not listen to what it is they're saying.

You keep showing them the same thing and saying the same thing even though they keep addressing how it's going to affect their families, the values of their homes. You guys don't have to worry about it.

Chrwm. Frisbie: OK I'm just going to make a statement. I've been really polite and I've been a really good job of listening and trying to be respectful. This board is here. We are appointed by your elected officials that enact the laws. That appoint the boards to enact the zoning. Go to that board with these concerns. Go to that board, your elected village officials and talk to them about your concerns with traffic. About your concerns with uses of property. This board is charged to ensure that the applicant brings forth an application that meets the criteria that's set out in the village law and that's what we're working to do. We are working through checks and balances to ensure that we are ensuring that we are meeting the codes in our village law. That's all that this board can do. I am trying to instill and motivate you to please take your concerns. Your concerns are absolutely heard. We are village residents. The five members of this board that were appointed by your village trustees are residents of the village of Montgomery. We live here too. We understand your concerns but your concerns we can't change. We can only try to deliver a project that meets the criteria. We cannot exclude a project just because we don't like it. That's discrimination. Right what we the only thing that we can do is ensure that it meets the criteria set forth in the laws established by the other boards within this village. I just ask that you take those concerns, if you truly want to see change, take those to your elected officials and make sure you are heard. OK?

Chrwm. Frisbie: I'm going to entertain a motion to adjourn the public hearing.

A MOTION was made TO ADJOURN THE PUBLIC HEARING

By Mbr Meyer seconded by Mbr. Romano carried 5 Ayes 0 Nays

A MOTION was made TO CHANGE DECEMBER METTING DATE TO DECEMBER 18th.

By Mbr Steed seconded by Mbr. Meyer carried 5 Ayes 0 Nays

A MOTION was made TO APPROVE THE MINUTES OF THE OCTOBER MEETING FROM OCTOBER 30

By Mbr Reynolds seconded by Mbr. Romano carried 5 Ayes 0 Nays

A MOTION was made TO ADJOURN THE MEETING AT 9:27 PM,

by Mbr. Steed, seconded by Mbr. Meyer and carried 5 Ayes, 0 Nays

Brie Murphy, Deputy Village Clerk

November 20,2024

