

Town of Montgomery Planning Board Meeting
Held at the Town Government Center, Second Floor
110 Bracken Road, Montgomery, New York 12549
Tuesday, October 15, 2019

PRESENT: F. REICHLE, Chairman
J. BEAUMONT, Vice Chairman
R. PENNING, Board Member
R. MONTEMARANO, Board Member
J. BROWN III, Board Member
R. McGUIRE, Board Member

ABSENT: W. KELLY, Board Member

ALSO PRESENT: R. W. HOYT, Attorney for the Planning Board
L. DOTSON, Garling Assoc., Planning Consultant
A. FETHERSTON, Maser Consulting, Engineer
for the Planning Board
MEMBERS OF THE AUDIENCE

PLANNING BOARD CLERK: S. HADDEN

RECORDING SECRETARY: J. CASTON

AGENDA

7:30 PM Comment Session

7:30 PM Medline Montgomery – Medline Industries, Inc. – NYS Rte. 416
SEU Permit and Site Plan - Continuation of the Public Hearing

8:00 PM 915 Rte. 17K LLC (Skibitsky/Magurno) – 915 & 917 State Rte. 17K & Bracken Road
SEU Permit/Site Plan/3-lot Commercial Subdivision - Continuation of the Public Hearing

Meadows at Pond's Edge – Coleman Road – 18-lot Clustered Subdivision
Recommendation of Road Bond Reduction to Town Board for Sections II with proposed
road names (Haines Lane & Hattie Scott Lane) - Sec. II Haines Lane (9-Lots #1-9)

Post Road Estates – Morrow Court – Beamer & Albany Post Road (Co. Hwy. 14)
Twelve-lot Major Clustered Subdivision - Conditional Final Approval
Granted August 29, 2016 (180-days)
Eleven 90-day Extensions Granted; Expires October 08, 2019

Approval of the June 25, 2018 Planning Board Meeting Minutes

Approval of the February 11, 2019 Planning Board Meeting Minutes

Approval of the July 08, 2019 Planning Board Meeting Minutes

Approval of the August 26, 2019 Planning Board Meeting Minutes

Approval of the October 02, 2019 Work Session Meeting Minutes

Chairman Reichle called the meeting to order.

Comment Session

Barbara Lerner, audience said in September you submitted to us a Findings Statement for Sailfish and that was done in compliance to SEQRA. By submitting this you acknowledge that you have reviewed all of the information and have determined that there are no cumulative impacts that would result in this project moving forward. I can't understand your reason for ignoring the impact of all of the other projects in front of the board right now. You have 34 major projects, 4.17 million square feet of just warehouse space. Thousand trucks per day, not including small delivery vans. Over 3,500 cars per shift as most of these places operate 24/7. This doesn't include the project designed as office space or any of the other projects before the 3 Village boards and I'd like to know how you are entrusted with keeping up with what they have? The Hudson Valley Patterns for Progress published Part I of Out of Alignment. They identify the cost of living is higher than what area wages can support. They identify that the economy is seriously out of align with ident graphic. People under the age of 50 are leaving this area, meaningful employment is being fazed out by low paying jobs. By permitting the warehousing industry to take hold and become a primary economic driver in the Town of Montgomery, you are in effect promoting lower waged jobs that have great social and environmental impact and encourage this misalignment to grow. In order to live here, people will rely more and more on working elsewhere. They state we must work hard to diversify and strengthen our economy and change how we live, so that we can secure the future while maintaining the sense of place that makes the Hudson Valley such an attractive place to live. If we're looking to the future, as I hope you are, it's likely that the Hudson Valley will experience the effects of the next recession in the national economy. The best way to protect ourselves is to diversify. Encouraging the economic monoculture of the warehousing industry gives us no means of diversification and guarantees that any downgrade of the economy will have devastating effects. This is the future that you're creating for us, but it's not the future that we want.

Medline Montgomery – Medline Industries, Inc. – NYS Rte. 416 – SEU Permit and Site Plan Continuation of the Public Hearing

Chairman Reichle opened the continuation of the Medline Public Hearing.

Dmitry Dukhan, VP Real Estate Operations for Medline Industries Inc., Larry Wolinsky with Jacobowitz and Gubits Law Firm and attorney for the applicant and Kelly Esch, P.E. with Kimley-Horn were present.

Chairman Reichle – The DEIS hearing was held in August, we have yet to receive the Final Environmental Impact Statement or FEIS. The idea of the FEIS is to address all public and written comments that we have received at the hearing and during the public comment period. Because we haven't received the FEIS, this hearing will be continued. We're not going to close this hearing tonight, this will be continued to a later date that we will announce at the end of the meeting.

**A Stenographer was present for the Medline Public Hearing and a copy of the transcript will be available in the file. **

Medline Montgomery – Medline Industries, Inc. – NYS Rte. 416 – SEU Permit and Site Plan
Continuation of the Public Hearing

Chairman Reichle – There are a set of site plans here, the most recent ones we got. There were comments from our landscape architect and engineer, also the OPRHP letter to address, so there is some work to be done. We are hopeful that we will get the FEIS soon. The idea will be to get it so that it's complete at some point, it will take time for us to review it. Our goal is to get it in your hands as soon as it's complete and filed. The public will have an opportunity all the while working on the site plan to get it more in line to what we're looking to accomplish and what the applicant's looking to accomplish. There is no sense rushing to the next hearing and having it quickly as we have our meetings every two weeks. We thought we would continue this hearing at a special meeting here on December 4, 2019, that is a Wednesday, at 7:30 p.m. in this building. This will be everyone's notice that it will be here, there will be a special meeting notice posted and it will be online.

Member Brown III motioned for the planning board to set a special planning board meeting to continue the Medline Montgomery, Medline Industries, Inc. Public Hearing to Wednesday, December 4, 2019 at 7:30 p.m. or as soon thereafter as the matter shall be heard, seconded by Member Montemarano. All in favor, all ayes, Member Kelly was absent, motion carried.

915 Rte. 17K LLC (Skibitsky/Magurno) – 915 & 917 State Rte. 17K & Bracken Road – SEU
Permit/Site Plan/3-lot Commercial Subdivision – Continuation of the Public Hearing

Chairman Reichle opened the continuation of the 915 Rte. 17K LLC Public Hearing.

Lawrence Marshall, P.E. with Mercurio, Norton, Tarolli, and Marshall was present for the applicant and updated the board on the project.

Chairman Reichle – We received a new set of plans on the 10th, which was Thursday. They are circulated now and most of us are just getting them this evening, so we're in the process of a review. I will open the floor up for questions from the public as this is a continuation of a hearing. Is there anyone who would like to speak on 915 Route 17K this evening?

Karina Tipton, audience – I'm sorry, I don't mean to be a broken record, you just received some site plans again and we're having a public hearing. I feel like it would be more effective for us as the public if we would understand when you are truly going to close the public hearing because it's very difficult for us to stay abreast of all these changes. I appreciate that you keep these meetings open for a long time, so you have greater transparency and more opportunity for us to interact with you and with the applicant. I truly do appreciate that, but it makes it hard for us to know when to show up and I wanted to express that and we're doing our best here too. We want to stay informed. I love this community, I love my neighbors, I love the friends that I've made sitting here in this very room. Don't get me wrong, it's a lot for all of us.

Chairman Reichle – What happens when we extend a hearing, once it's open, we have to come up with a date to reconvene. We have to have a date and once we make that date, we are committed to it so that is what happened here. We can't just say that we're not going to talk about it tonight if we had committed to having the hearing, so we have to open it. We know we're going to continue this because we just got the plans, the same with Medline, we know we're going to have to continue that because we're working on the site plan, it's not ready. We have to commit when we leave that night and that is why that happens, and that is unavoidable.

Ms. Tipton – I totally appreciate all of that. If it's possible to make a procedural suggestion, the Town has just updated their website. They should have some kind of infrastructure for a file sharing service, it would be great to understand the timeline of these projects as new documents are coming in. I know that I'm asking you to do even more work, sorry Sue, but having the transparency when you show up at the meeting is great for those of us who are capable of showing up at the meetings, but not everybody who is impacted by this project can come to every meeting and hear you say that this will be extended for a period of time. So, having just a little bit of extra written documentation so people can look it up, being able to review the meeting minutes. I saw that there are a huge number of meeting minutes that are going to be approved tonight, that kind of additional diligence would greatly serve the community. Thank you.

Engineer Fetherston – To what you are saying, a lot of the time there is a file sharing service provided by the applicant, Medline, Sailfish, some of these larger projects that have just a tremendous amount of documentation. We're given access, the board is given access, perhaps some of these applicants would give the public the access as well; it's already there, it's just getting the access.

915 Rte. 17K LLC (Skibitsky/Magurno) – 915 & 917 State Rte. 17K & Bracken Road – SEU
Permit/Site Plan/3-lot Commercial Subdivision – Continuation of the Public Hearing

Ms. Tipton – I've looked at other towns, I've gone back, and I've looked at places where applicants have applied to different towns, right, this is part of my own due diligence trying to understand what they are proposing when they want to come into Montgomery, what they have proposed to other communities. Other towns do have their own file sharing services, it would be as simple as having like a download only permissible Google document site. If we can make something like that happen, and I do feel that this falls into the same category as the planning board needing to ask the town for the resources that they need, which I would say is the same situation as the Comprehensive Plan. There are not a lot of Town Board Members here, they don't always hear what you need. You have a new website. How can you make it work better for the community? These are our issues. What can we do? The applicant's websites are awesome, they've been super helpful with the larger projects. Some of the smaller projects have the same amount of comments, the same amount of change on the project applications, and those applicants may not have the fire power, the dollar behind the project applications to do that kind of a project.

Chairman Reichle – It's also very important to understand we don't need to have 4 or 5 renditions of one project online, and that is what we end up doing. We end up getting a submittal and then in 2-weeks another one and in 2-weeks another one. So, we try to make the documents available here, but we don't approve it until it's done.

Ms. Tipton – I appreciate that, I'm an Environmental Consultant too, I get the drill.

Chairman Reichle – Cutting a lot of trees.

Ms. Tipton – Yes, I know in those situations a timeline or something like a timeline or something that is available to people who can't make it until the meetings.

Chairman Reichle – Our agendas are online, so you know what is going on.

Ms. Tipton – Right, we know what is coming up, but you don't know if it's super urgent that you call for a baby-sitter. You ask somebody else to go visit Dad in the hospital that night, you know, it's that kind of situation, you don't know how to prioritize.

Chairman Reichle – I understand.

Ms. Tipton – Thank you.

Chairman Reichle – Ok. Anyone else?

Donald Berger, audience – Going back to what I said earlier, I'm not against warehousing either as long as they are put in locations that are appropriate. The thing about this particular project is again, like Cheri said, location, location, location, location, other than Neelytown Road sucks. You know, we have Lake Vue, all of the residential properties that are over there. We have that blaring Berea Elementary School. I know they moved their curbing into the inside of Bracken Road, but I have a hard time believing that those trucks are going to go all the way around the other end of Bracken Road and not meander off on Route 17K.

915 Rte. 17K LLC (Skibitsky/Magurno) – 915 & 917 State Rte. 17K & Bracken Road – SEU
Permit/Site Plan/3-lot Commercial Subdivision – Continuation of the Public Hearing

Mr. Berger - There is just a load of things that trouble me and the three things that or actually four things that I think that are very glaring here are that you are getting the biggest responses to are Medline, Amazon, Bracken Road, and those two dummy things that you guys put up at Shoprite, that is the most ridiculous thing that I've ever seen in my life, but neither here nor there you have to understand where the residents are coming from. It is location, it is where you are putting these things or where the applicants are attempting to put these things. I just don't understand why we have to put them in those locations. I don't understand why the Town Board and the Planning Board haven't sat down with these applicants and said, you know what, we do have property back here. Why don't we put it back here if you really truly want to come into the Montgomery area? I just don't understand why this thing has to be over there by Berea and Lake Vue and Medline, where it is, and then Amazon, with the affect it's going to have on Walden. I think if you look at the residents, I don't think we're a pain in the neck, we have glaring issues with the applicant's and where they are trying to put these warehouses. If they were on the Neelytown corridor, inside Bracken Road, down where the Galaxy projects are going on, I'd sit here and tell you that I don't have a problem with that stuff because it's appropriate in those areas. These don't seem to be appropriate as a whole. I think very little thought has been given to it from my way of looking at things and I really, really, really wish that this stuff could be discussed prior to us getting this deep into the process and I feel as if that we are way into the process of all the three big ones that you and I mentioned and we're really knocking on heaven's door. Do you know what I'm saying? It just doesn't make sense to me.

Chairman Reichle – Okay. Anyone else?

Cheri Zahakos, audience read her comment letter into the record. A copy of the letter is in the file.

Sue Reichardt, audience said I certainly support what Cheri had to say, totally. I keep looking up special use exceptions and every single thing I read comes up and says compatible with the surrounding area, in harmony. Zoning in place to promote the health, reduce traffic, monitor light and air flow for the residents. Usually they keep industrial, residential and agriculture on separate areas and I can't say that that's happening now, it's kind of merging as everybody is saying. Also, to control businesses by schools, that's really not that far away from Berea. We're almost directly across from Berea, so we see what goes on there every day. It's certainly gotten a bit better and they don't have the crossing guard there, who got hit twice and different things like that, but it's still a major issue in the morning with traffic and what's going on. So, that's really all I have to say. I'm depending on you to do your job and I keep going also back to sometimes in the law they keep saying, there's a reasonable man test. Would a reasonable man really look at this situation and say this is what a reasonable man would decide? Thank you so much.

Nina Snyder, audience – I just wanted to say something related to the Skibitsky property. I was wanting to cross over Route 17K, just a mile and ½ down the road from this, down by the bridge and I couldn't cross. I wanted to say about the traffic situation, the current traffic situation, and the fact that we're not looking at the cumulative traffic for all of these projects, and I know other people have mentioned this, but we're not even including what the Village of Montgomery has already approved of for development and warehouses, and as Cheri has spoken to.

915 Rte. 17K LLC (Skibitsky/Magurno) – 915 & 917 State Rte. 17K & Bracken Road – SEU
Permit/Site Plan/3-lot Commercial Subdivision – Continuation of the Public Hearing

Mrs. Snyder - If this Comprehensive Traffic Study, these are all related and traffic indeed is a huge issue in our town and I just wanted to say it's a ripple, it's just a ripple, ripple, ripple, and I think it's more important than the attention it's being given. Thank you.

Cory Zahakos, audience – I wasn't really going to speak because I understand that you are going to keep this hearing open, but I guess I'm kind of curious of why we have not really had any further discussion about the hours of operation, I know that is in your purview.

Chairman Reichle – We talked about it at the work shop, your wife was there.

Mr. Zahakos – Right, but that is where we cannot comment or participate. Why don't we do it here where we all have open access to say? I presented some hours that I thought were reasonable, I don't know what you've decided, there is no meeting minutes to look at.

Chairman Reichle – I think the board, 8:00 a.m. until 2:00 p.m. on Saturdays, I think there was no Sundays or holidays and then what was it during the week?

Clerk Hadden – 7:00 a.m. until 5:00 p.m., I think this was from the last meeting, 9/23/19.

Chairman Reichle – Right, but at the work shop we were discussing hours.

Mrs. Zahakos – You were talking no Sundays, no holidays. The weekday hours and Saturdays were yet to be discussed, and you said you were going to start with less and go forward according to the applicant's needs and you also said that you were going to go to (inaudible) 20, is that right, and another business, smaller business more on scale in other warehouses to try to get an idea of their timing, and that is what I recall from the work Shop.

Mr. Zahakos – Have you done that, I mean, we haven't done that yet?

Chairman Reichle – One of the big concerns at the work shop was that the fire company wanted access around the building. They may change the plans, but we wanted that to get resolved first. So now that got done, we've come in with new plans, which we are just getting tonight.

Mr. Zahakos – And I can understand that, I was just afraid, I didn't want to be shut down, but I hope that we would all have an equal voice. I know that you do these at the work sessions, I have to work so I can't make them.

Chairman Reichle – No, I understand.

Mr. Zahakos – There is really nothing to reference to so I would think it would be done here. The other question I was just thinking about is, the well and your document, what you guys have determined on that?

915 Rte. 17K LLC (Skibitsky/Magurno) – 915 & 917 State Rte. 17K & Bracken Road
SEU Permit/Site Plan/3-lot Commercial Subdivision – Continuation of the Public Hearing

Attorney Hoyt – We asked you for the citation to that and you said it was from 2004, you got it from the website. I encourage you to not rely on material that is on the website. I don't know who put it there, at the end of the day it's not the law in the town, it's not in our Sub. Reg.'s, as a matter of fact our Sub. Reg.'s, and I encourage you to get a copy of the current Montgomery Sub. Reg.'s, because it lays out the (Inaudible) process, and its not mandatory, it's not that we must be put in prior to a Public Hearing. All of the things that you mentioned turned out not to be the laws of Montgomery and I'm not being critical, but I need to correct the record because it makes it look like we are not following our own laws when in fact we are. And again, if that material is there on the website, I urge, someone ought to remove it, because I can't get it removed. The Town Sub. Reg.'s lay it out, they were modified extensively by Local Law of 2012. They are pretty comprehensive when they are followed. It was a Local Law from 2012 that wholly re-adopted the subdivision regulations of the town.

Clerk Hadden – We have them in our office in a book.

Attorney Hoyt – There is an entire section on the topic you brought up.

Mr. Zahakos – Right, but I know you've been talking about how Orange County Department of Health was going to handle this as well.

Attorney Hoyt – They have their own protocol, but when they review, it's always after our public hearing closes because they review between preliminary and final. Where they don't review, then we make a case by case assessment. In fact, there was a 3-lot residential subdivision with water issues and if you recall we made them put the test well in before the hearing for the neighbors to show whether they were pretty likely to be impacted or not.

Mr. Zahakos – I'll have to take your word for it, but I did speak to the Orange County Department of Health, and although he wouldn't really go into a lot of specifics, he did elude to the fact that, yeah, he thought it would be a good idea to do all of these testing's prior to it being built. So, it gives them time to review it. To review the results and to say yes or no and to give any other improvement that may be needed for a public system, which I guess this is going to be considered, a public system.

Attorney Hoyt – We have to be careful. There is a difference between a public system and a community water supply, which is I think is more than 25 users.

Mr. Zahakos – 25 hook-ups, 25-people per day or at least 5-hook-ups. However, because this is proposing 90-people, he said yeah, it's a private well but it's going to be considered a public well. The Orange County Department of Health was telling me that today and that they really should do quantity and quality of standards because how do you know? You're going to pass this, and you don't know if the water is sufficient there. It doesn't have contamination in it because of the landfill, this is what he was giving me, something that I hope you are going to look into.

Chairman Reichle – The County Health Department looks into it after its drilled, they will review the results.

915 Rte. 17K LLC (Skibitsky/Magurno) – 915 & 917 State Rte. 17K & Bracken Road
SEU Permit/Site Plan/3-lot Commercial Subdivision – Continuation of the Public Hearing

Mr. Zahakos – After it's drilled?

Chairman Reichle – Yes.

Mr. Zahakos – So how do you approve the whole project if you don't know if the well water will be sufficient, that it meets the code that they've stated? Maybe they will have to do something else to take care of a...?

Chairman Reichle – It would be between preliminary and final approval.

Mr. Zahakos – That would not be part of the public hearing comment then to make a change, it may not change.

Mr. Marshall – You could have a final public hearing.

Chairman Reichle – We could have a public hearing.

Mr. Marshall – We could have a final public hearing so if there are any significant issues with the well. One, Orange County Department of Health could review and deny the application or if the board sees any issues with findings of the well basically (Inaudible) and all of the information that is provided to the Department of Health is cc'd to the planning board and is a matter of public record.

Mr. Zahakos – Like I said, it was a quick conversation that I had, because I finally figured out who to talk to, and I was just trying to figure that out along with the unfortunate document that is online. I thought that the Town Planning Board was holding them, holding all to a higher standard, like people say not just a minimum standard, but just a little higher to make it a little tougher. Like I said before, you guys are the only people that I have that are protecting me, my investment. A lot of my residents, neighbors, they don't want to come anymore because they feel that this is a done deal, they think this is a total waste of time and I don't agree with that.

Chairman Reichle – We're working on it.

Mr. Zahakos – Okay, so you're going to continue the public hearing?

Chairman Reichle – Yes, definitely.

Mr. Zahakos – We'll take it from there. Thank you.

Member Montemarano – I have a couple of things, first of all we always send projects to the applicable fire chief, but this is the first time I've ever seen where we had a fire chief negotiating for the planning board on a site plan.

Chairman Reichle – He was negotiating on emergency access.

915 Rte. 17K LLC (Skibitsky/Magurno) – 915 & 917 State Rte. 17K & Bracken Road
SEU Permit/Site Plan/3-lot Commercial Subdivision – Continuation of the Public Hearing

Member Montemarano – I understand, but usually the fire chief sends us back saying I need this access and we prepare the site plan, but at this point the fire chief on the project here were negotiating, I mean it could be accomplished, but I find that unusual.

Mr. Marshall – First off, you made a statement and I want to correct you, Rich, and I apologize. I was not part of the discussion, I was not at the meetings at all, it was between the applicant and the fire chief, not the applicant's engineer, not myself.

Member Montemarano – I'm sorry, Larry, if I put you in the middle of it. The applicant and the fire chief usually are not appropriate. I don't think the fire chief acting on behalf of the planning board is appropriate.

Chairman Reichle – He wasn't, the fire chief had requirements that they needed for emergency access.

Member Montemarano – And they tell us.

Chairman Reichle – No, they sent us a letter and we told the applicant that they had to get together with the fire chief and come up with a solution, that we are reviewing now, so hopefully it will work, but we don't know if it will work, but it's still under review.

Member Montemarano – It seemed like they went a step further. Typically, Common Driveway Agreements, like we have on this project for three subdivision parcels, I mean we've seen it in residential subdivision cluster developments, not Common Driveway Agreements for commercial project subdivisions, I don't recall.

Chairman Reichle – We're going to have it on, maybe Bracken 20, on a lot of these where there are multiple buildings on one site. There are usually cross easements for ingress, egress and utilities that may not always be the same.

Member Montemarano – Right.

Attorney Hoyt – As a matter of fact, our Code requires that we encourage commercial applicants to share driveways, it's good planning, and that has worked.

Member Montemarano – Common storm water detention is usually?

Chairman Reichle – It would be the same because the drainage would all go into one spot.

Member Montemarano – I kind of recall, that we've kind of wanted subdivided projects to stand alone by themselves. I'm bringing it up because of the special landfill, Lot 3.

Chairman Reichle – Which we don't have a plan for.

915 Rte. 17K LLC (Skibitsky/Magurno) – 915 & 917 State Rte. 17K & Bracken Road
SEU Permit/Site Plan/3-lot Commercial Subdivision – Continuation of the Public Hearing

Member Montemarano – I know and basically if nothing is done there, they are supposedly supposed to contribute towards maintenance of the driveway, maintenance of the storm water detention, and we've got no way to hold them to do that if they don't come back to us.

Chairman Reichle – Whoever the owner of that lot is would be responsible, and right now it's the applicant. I believe, he's going to own all three and then we'll go from there, but it will be a binding agreement for all three lots, it will be, the title will be subjected to it.

Member Montemarano – Yes, I realize.

Member Pennings – Larry, I have a question for you, only because I haven't seen a map yet, and the answer could be on the map. The 3rd access off of Lot 2, it's only for emergency vehicles?

Mr. Marshall – Yes.

Member Pennings – Okay, is there going to be a cross gate on there to prevent people from going in and out?

Mr. Marshall – Whatever the board needs, whatever the board feels is appropriate. We showed the access, if the board or the fire company would like a gate or a cross gate, we're happy to provide one. There is no gate shown at this point because I wasn't sure if the board wanted that or the fire chief wanted that. So, what we wanted to do was take the first step in showing the access and if the access was acceptable to the board as well as the fire company, then we would make any appropriate changes to make sure that it was only accessible by the fire company.

Member Pennings – Okay, I'll follow up on that for you.

Engineer Fetherston – We did get a chance to look at it briefly today. One thing that I noticed, it doesn't have a gate, but we're suggesting that it should have a gate because that access road is going in between the storm water basin. I would suggest that thing is gated and only used for emergency. Larry, when you come in off Bracken Road onto that path and you have to make a left to get around the loading dock area, there is a well right there, right on the edge of that. I think that either the road should move, or the well should move. If somebody doesn't stay on that road and they clip that well, the fire truck, that could do a hell of a lot of damage.

Mr. Marshall – Understood. We'll look into that, but the well is quite large on the plans, so we measured it, it's about 3 to 4 feet off of the edge of the gravel drive, but if you feel that you want to move that.

Engineer Fetherston – Snow, dark, and fog, somebody could hit it, that is all. If a fire truck hit it, you don't want to lose a fire truck that way.

915 Rte. 17K LLC (Skibitsky/Magurno) – 915 & 917 State Rte. 17K & Bracken Road
SEU Permit/Site Plan/3-lot Commercial Subdivision – Continuation of the Public Hearing

Mr. Zahakos – I thought you just said you don't know what Lot 3 was going to be when he brought it up? I thought the applicant's lawyer said it was supposed to be, the applicant currently had a contract for the sale of Lot 3 to buy it for short term repossessed automobiles, is that it, that has changed?

Chairman Reichle – We were under the impression that it had.

Mr. Zahakos – Has it?

Mr. Marshall – We do not have...

Mr. Zahakos – Is there anything for Lot 3 planned right now?

Mr. Marshall – We have a thousand-foot office building zoned and a storage yard.

Mr. Zahakos – I thought it was going to be a gravel storage yard, but then I heard, here you guys are passing judgement and they already have contracts for supposedly a...

Chairman Reichle – Anything that would come in, Cory, would have to come before us.

Mr. Zahakos – That is what I thought because this is all speculative as far as I see it. You don't know, we don't know what you're going to allow in our neighborhood; chemicals, drugs.

Chairman Reichle – No, I think its dry goods, I believe.

Mr. Marshall – In the warehouses?

Chairman Reichle – In the warehouses.

Mr. Zahakos – How do you know, you are telling us you don't know who is even going to run it, so how do you know what they are going to do with it?

Chairman Reichle – It would be limited to what they are going to put in it.

Mr. Zahakos – Okay, so you are going to set that and say this is what can go in?

Chairman Reichle – Yes as part of the permit.

Attorney Hoyt – We'll probably say what can't go in there.

Mr. Zahakos – Yeah, I mean, chemicals, drugs, I have no idea.

Chairman Reichle – It would be just paint and stuff like that.

Mr. Zahakos – In that 4-foot berm, which it was nice of them to remove the 17K road cut out and now they are going to put a 4-foot berm still with 10-foot Blue Spruce trees?

915 Rte. 17K LLC (Skibitsky/Magurno) – 915 & 917 State Rte. 17K & Bracken Road
SEU Permit/Site Plan/3-lot Commercial Subdivision – Continuation of the Public Hearing

Mr. Marshall – The top width of the berm varies as well as the height.

Mr. Zahakos – But you are still planning to put the higher planting of Spruce to help to screen it?

Mr. Marshall – That is correct.

Mr. Zahakos – Can you do that before you start construction? It would alleviate a lot of people's fears if you proceed to do this and we don't see it, it will help mitigate noise. I don't know, but it could be less.

Mr. Marshall – To answer your question, it depends on which lot would be constructed on. If Lot 1 was being constructed on, understood, Lot 1 is way in the back. I'm not going to go onto Lot 2, but if Lot 2 is constructed, Lot 2 does require bringing down the grade, so that would be easily graded up into that berm. I'll be honest with you, I think the plantings, because of the amount of water that the plantings are going to need, the plantings would likely come later, but the berm could go in almost immediately.

Mr. Zahakos – I was hoping like maybe do the berm, sure, then maybe do the plantings in the springtime, that gives it a couple of years to take root before you get up there and start building possibly on Lot 2, depending on what they decide.

Mr. Marshall – Yes, understood, but it's because it's not a native, you're creating a berm, it causes some concerns of planting such a large (Inaudible).

Mr. Zahakos – I mean, very upfront and honest, the deciduous trees that are blocking my view, supposedly, they are all **TAPE ENDED**

Steven Rainaldi, audience – (Inaudible) discussing traffic flow with respect to access to Route 17K off of Bracken Road and you could limit that, you said, with respect to signage?

Chairman Reichle – Yes.

Mr. Rainaldi – Well this morning I was going down to the deli, sun in the eyes, 52-footer big-box crossing the road making a right, stopping oncoming traffic in the westbound lane. I mean this happens all day, every day. So, I can appreciate you, regardless of this situation or any other building, that the signage be put into place as soon as possible. Thank you.

Chairman Reichle – You've got it, okay. Board, any comments or questions?

Vice Chairman Beaumont motioned to extend the 915 Route 17K LLC Public Hearing to Monday, October 28, 2019 at 8:00 p.m. or as soon thereafter as the matter shall be heard, seconded by Member Pennings. All in favor, all ayes, Member Kelly was absent, motion carried.

Chairman Reichle – This is the public's notice that we will continue this hearing on Monday, October 28, 2019 at 8:00 p.m. Thank you.

Meadows at Pond's Edge – Coleman Road – 18-lot Clustered Subdivision
Recommendation of Road Bond Reduction to Town Board for Sections II
with proposed road names (Haines Lane & Hattie Scott Lane) – Sec. II Haines Lane (9-Lots #1-9)

Chairman Reichle summarized the matter and asked if anyone had any discussion on the road bond reduction for Meadows at Pond's Edge. The total bond amount after the reduction is now \$125,894.95.

Vice Chairman Beaumont motioned for the Planning Board to recommend the Meadows at Pond's Edge Road Bond reduction for \$125,894.95 to the Town Board, seconded by Member Montemarano. All in favor, all ayes, Member Kelly was absent, motion carried.

Post Road Estates – Morrow Court – Beamer & Albany Post Road (Co. Hwy. 14)
Change of Intersection – Twelve-lot Major Clustered Subdivision – Conditional Final Approval
Granted August 29, 2016 (180-days)-Eleven 90-day Extensions Granted; Expires October 08, 2019

Chairman Reichle is recused from this project as he is an adjoining land owner.

Vice Chairman Beaumont reviewed the extension request form.

Member Brown III motioned to grant a 90-day extension of conditional final approval for the Post Road Estates Subdivision, to extend from October 08, 2019 to January 7, 2020, seconded by Member Pennings. All in favor, all ayes, Chairman Reichle as recused and Member Kelly was absent, motion carried.

Approval of the June 25, 2018 Planning Board Meeting Minutes

Member Pennings motioned to approve the June 25, 2018 planning board meeting minutes as previously corrected, seconded by Vice Chairman Beaumont. All in favor, all ayes, Member McGuire abstained, and Member Kelly was absent, motion carried.

Approval of the February 11, 2019 Planning Board Meeting Minutes

Member Pennings motioned to approve the February 11, 2019 planning board meeting minutes as previously corrected, seconded by Member McGuire. All in favor, all ayes, Member Kelly was absent, motion carried.

Approval of the July 08, 2019 Planning Board Meeting Minutes

A Motion was made that the Town of Montgomery Planning approves the July 08, 2019 Planning Board Meeting Minutes as corrected by Vice Chairman Beaumont and seconded by Board Member Pennings. All in favor – All Ayes with Board Member McGuire abstaining and Board Member Kelly absent.

Approval of the August 26, 2019 Planning Board Meeting Minutes

Vice Chairman Beaumont motioned to approve the August 26, 2019 planning board meeting minutes as previously corrected, seconded by Member Pennings. All in favor, all ayes, Member McGuire abstained, and Member Kelly was absent, motion carried.

Approval of the October 02, 2019 Work Session Meeting Minutes

Vice Chairman Beaumont motioned to approve the October 2, 2019 work session meeting minutes as written, seconded by Member Pennings. All in favor, all ayes, Member Kelly was absent, motion carried.

Introductory Local Law No. 4 of 2019 – Construction, Bonding, Inspections and As-Built Plans

Attorney Hoyt – The town board introduced a law; it was on construction, bonding and certain requirements and we didn't have a lot of time to respond. I gave my comments directly to the town attorney because there was such a short window. Andrew also pointed out that the planning board engineer generally doesn't do the post planning board approval inspections, certifications, bond release, that is typically the town engineer on behalf of the town board and the highway department.

A discussion was held.

Attorney Hoyt – Maybe you want to send the town board a two-line memo stating that you had nothing to add to the consultants' comments regarding the proposed Construction Bond Law.

Member Brown III motioned for the planning board to send a memo to the town board stating that they have nothing to add regarding proposed Introductory Local Law No.4 of 2019 for Construction, Bonding, Inspections and As-Built Plans, seconded by Member Montemarano. All in favor, all ayes, Member Kelly was absent, motion carried.

Randi Greene, audience came before the board and stated that there needs to be more communication to ease the distress and hysteria regarding the proposed warehouses and possibly a liaison for the residents.

A lengthy discussion was held amongst Randi, the board, Attorney Hoyt, Andrew Fetherston, and Leslie Dotson.

Clerk Hadden – You can always call the planning board office or send an e-mail.

Member Pennings motioned to adjourn the meeting, seconded by Member McGuire. All in favor, all ayes, Member Kelly was absent, motion carried.

Respectfully Submitted,

Judy Caston
Recording Secretary