

Town of Montgomery Planning Board Meeting
Held at the Town Government Center, Second Floor
110 Bracken Road, Montgomery, New York 12549
Monday, December 09, 2019

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

ABSENT: R. PENNING, 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 Bracken Road Properties, LLC – Bracken 20 Warehouses
Bracken Road/Leonards Drive – SEU Permit and Site Plan & Two-lot Subdivision
Continuation of the Public Hearing

7:40 PM Autumn Sky Development Co. INC. – North Drury Lane
SEU Permit/Site Plan & Two-lot Subdivision – Continuation of the Public Hearing

Autumn Sky Development Co. INC. – NYS Route 208 – SEUP & Site Plan
Discuss Lot Layout

Hop Blossom, INC. – Coldenham Road – SEU Permit/Site Plan
Six-month Extension Request – CFA Granted 6/25/18 (18-months); Expires 12/25/19

Adopt the 2020 Annual Planning Board Meeting Dates

Approval of the November 12, 2019 Planning Board Meeting Minutes

Comment Session

Barbara Lerner, audience - Now that the approval for Bluewater has been moved forward and effectively eliminates any potential for meaningful (Inaudible) for those developments along the Route 747 corridor which means (Inaudible) for Montgomery, I have a couple of questions that I would hope that you would consider and look at answering. Do you know how many projects that you have in front of you, roughly?

Chairman Reichle – A dozen.

Ms. Lerner – 35. Do you know how many of those are warehouses?

Member Kelly – 20.

Ms. Lerner – Exactly, 20. And how many of those are over 50,000 square feet?

Member Kelly – 12.

Ms. Lerner – 15. Do you know how many square feet, total?

Member Montemarano – A million and ½.

Ms. Lerner – Over 4 ½ million square feet.

Member Montemarano – That is with the two big warehouses.

Ms. Lerner – That is right. Truck bays, any guess?

Member Montemarano – 700 or so.

Ms. Lerner – 920. And parking spaces? Over 3,500, I mean the impact is enormous. Now what I did notice is, there is a dis-proportionate number of spaces to the number of employees that these people suggest. Is that due to delivery vehicles? For example, Sailfish, they have approximately 800-employees, but they have over 1,000 spaces. Now that 800 is over 3-shifts, so based on when we had 3-shifts running, you figure 400 in the morning shift, 300 in the afternoon early evening shift, and then 100 for overnight. So why are there 1,000, over 1,000 parking spaces and does that account for the delivery vehicles, which they will have? In the Impact Statement, it wasn't identified in a separate line item. Just using a really rough number of about 2/3, the number of spaces for trucks and cars, that gives us 1,200 tractor trailers per day and about 4,600 cars per day and even if you only had 1-vehicle per day and 1-vehicle per space for the entire day, that is still over 900 tractor trailers and 3,400 cars per day for these projects. Do you keep a spreadsheet that lists the cumulative impact for these projects so that you really can honestly say that you considered cumulative impacts that every one of these projects will have? I think it might be a good idea if you started creating one and just add it each time a project went through, add that number, so you can see at a glance what the overall cumulative impact these projects have. Thank you.

Chairman Reichle – Anyone else? No one had any further comments.

Bracken Road Properties, LLC – Bracken 20 Warehouses – Bracken Road/Leonards Drive
SEU Permit and Site Plan & Two-lot Subdivision – Continuation of the Public Hearing

Chairman Reichle opened the public hearing.

David Young, PE with the Chazen Companies, representing the applicant said there hasn't been a lot that has changed since I've been here last. We're still waiting on the landscaping and the fire department and we've brought additional sets of plans to Bill tonight for the lighting and those are the three things that are outstanding. We do have a comment letter, but I was hoping to put the landscaping and lighting together in one response, so we aren't doing multiple responses. I've put together an aerial so that it was easier to see where the project is compared to the other facilities in the area. The 3-additional mailings that we were asked to do, we delivered those receipts tonight, so we should be all set there too.

Chairman Reichle – Opened the floor to comments. Hearing from no one he asked the board if they had any comments?

Member Brown III – Did they resolve to exit left only?

Mr. Young – Yes, that will be on the response that we were talking about. We've combined the two right entrances to the other. We've combined the two drives as you can see and we took off the extension from the pedestrian parking lot and put it over into the truck area because there are not many truck bays in the back, so there isn't going to be that much of a conflict especially when you consider cars out front will probably come in and stay most of the day and maybe go out for lunch, but there won't be a lot of conflict there. We've adjusted the lighting to the plans that we gave Bill tonight to accommodate that change in the plans, but everything else is as it was.

Member Brown III – So west only with truck traffic?

Mr. Young – Yes, that will be at that drive as well as over at the intersection of...

Member Brown III – The westerly side?

Mr. Young – Yes.

Member Montemarano – I see that you've got permission for your request for sewer services. Has it been approved by the town?

Mr. Young – Yes.

Member Montemarano – Have you heard back about a fire suppression system yet?

Mr. Young – He told us that he did have capacity for that, and that was in the same letter that our approval was in.

Chairman Reichle – We had discussed capacity and it is fed by a well. Andrew, were there any outstanding engineering comments?

Bracken Road Properties, LLC – Bracken 20 Warehouses – Bracken Road/Leonards Drive
SEU Permit and Site Plan & Two-lot Subdivision – Continuation of the Public Hearing

Engineer Fetherston – I just got a letter on outstanding questions and I was waiting for other comments.

Chairman Reichle – Okay then you'll address them all at once?

Engineer Fetherston – Correct, yes.

Mr. Young – We have the county planning, the Town CAC and the planning and engineering all combined into one letter, but I'm waiting for the lighting and the landscaping.

Chairman Reichle – Karen has the plan, right?

Clerk Hadden – Yes.

Member Kelly – I have to get the lighting and check that.

Attorney Hoyt – And the fire department?

Mr. Young – No, I haven't heard from them. I did physically go down and try, but no luck.

Attorney Hoyt – Can we nudge them a little? It is routine for us to get the local fire district to comment.

Member Brown III – Absolutely. Can we send them a letter?

Attorney Hoyt – We don't normally but maybe we need to.

Mr. Young – I have sent them twice, and I physically delivered it one time.

Chairman Reichle – I'll have to reach out to the chief.

Attorney Hoyt – What Chief?

Clerk Hadden – It would be Montgomery, Bob Reynold's son.

Chairman Reichle – Can you send me his contact information?

Clerk Hadden – Yes I can.

Attorney Hoyt – You went to Montgomery?

Mr. Young – Yes, I went to both, one for each job.

Ms. Lerner – Do you have an end user?

Bracken Road Properties, LLC – Bracken 20 Warehouses – Bracken Road/Leonards Drive
SEU Permit and Site Plan & Two-lot Subdivision – Continuation of the Public Hearing

Mr. Young – Not for this project, not at this time.

Ms. Lerner – I am more curious as to what warehouse in general. What types of uses do you anticipate the occupant to have?

Mr. Young – The only thing that we've eliminated is any kind of hazardous waste storage or cold storage, we're not associating any cold storage.

Ms. Lerner – Cold storage meaning refrigerators?

Mr. Young – Refrigerators, right.

Ms. Lerner – Okay, so it could really be anything.

Mr. Young – Correct, if there are any changes to the plan, similar to what we are doing right now for Neelytown Road, if we get a tenant and they need to change the plan in some shape or form, we'll need to come back and get a site plan amendment.

Attorney Hoyt – Dave, just to follow up, no manufacturing is proposed in either one of them?

Mr. Young – That's right, no manufacturing.

Chairman Reichle – We'll need to hear from the fire chief because they may want something extra?

Mr. Young – I was hoping to close the public hearing tonight, but you're saying it needs to stay open for them even though we've been in contact with them for a month?

Chairman Reichle – What does everybody think? They've been quite particular in their reaction to plans to make sure that they have adequate access around. I would hate to miss the opportunity if the plan had to be amended somewhat.

Mr. Young – We are waiting on the lighting and the landscaping, we'll also adjust it if there are any comments from the fire department. What we've shown, you'll see the circles on here, it's standard for a turn-around for an emergency vehicle, and we've shown those circles on both facilities, both places. We added a little extra pavement because we weren't getting it with what we had with the parking areas here, it's tight but it's fitting in there.

Member Montemarano – We've mostly had comments from the Coldenham Fire Chief, I'm not familiar with the Montgomery Fire Chief's work, but they typically want access from all sides with the larger buildings so they can drive along the building and spray down into it.

Chairman Reichle – Even on the little warehouse up on Ridge Road he wanted a way to get into the back. We only opened this a month ago, the 12th of November, and I'd like to safely say that we can have the answers on these questions by our next meeting, which is January 13, 2020.

Member Brown III – I'd feel more comfortable with that

Bracken Road Properties, LLC – Bracken 20 Warehouses – Bracken Road/Leonards Drive
SEU Permit and Site Plan & Two-lot Subdivision – Continuation of the Public Hearing

Chairman Reichle – I would too because then we'll be a lot closer to where we want to be, and we'll have these important questions answered.

Member Brown III – Fred, I had one, Dave, you mentioned no hazardous material, right?

Mr. Young – Right, and that is one of the statements that the applicant put on the plans.

Member Brown III – Great and no refrigeration?

Mr. Young – I'll have them put a note that says that; that is what the developers have been telling us all along.

Chairman Reichle – How about we do this, you'll be here on your other project anyway at 7:30 p.m. on the 13th, we can pick this up, hopefully we'll have these questions resolved, and we can do it at 7:40 p.m. on the 13th? Is everyone in agreement?

The board unanimously agreed.

Member Kelly motioned to adjourn the Bracken 20 Warehouses Public Hearing to Monday, January 13, 2020 at 7:40 p.m. or as soon as the matter can be heard, seconded by Vice Chairman Beaumont. All in favor, all ayes, Member Pennings was absent, motion carried.

Mr. Young – If we do get answers from the fire department, lighting, and landscaping, we won't be able to act at that meeting, right?

Chairman Reichle – Lets see what they have to say.

Mr. Young – I just mean if there are no major comments.

Chairman Reichle – Correct.

Mr. Young – We'll still have to have the plans reviewed even though we get comments at that meeting. We'll have to address those comments and get them back to you.

Chairman Reichle – We can look at moving forward a little bit, as long as the comments are not that substantial.

Mr. Young – Thank you.

Autumn Sky Development Co. INC. – North Drury Lane
SEU Permit/Site Plan & Two-lot Subdivision – Continuation of the Public Hearing

Chairman Reichle opened the continuation of the Autumn Sky Development Public Hearing.

Michael Morgante, P.E. with Arden Consulting Engineers and Steven Michalski, owner, were present.

Mr. Morgante – Reviewed the proposed project and said some of the things that should be discussed is the drainage because we are proposing to relocate it. Whether or not that needs to be addressed prior to the subdivision being filed or whether in the bond and what I mean by that is there is an existing drainage easement right near the crossing by Drury Lane that discharges into this wetland. In order to avoid it being relocated too close to any of the buildings and affect it during construction, what I've done is relocated it moving to the north down Drury and then across the parking lot area, so if there is any maintenance that goes with it, it would be easier to take care of. We would extinguish this easement here and relocate it in favor of that easement there. There are a couple of items that have been added, piping has been added, its essentially discharging into the same wetland (Inaudible).

Attorney Hoyt – Is that in favor of the town?

Mr. Morgante - In favor of the town, yes.

Chairman Reichle – Opened the hearing for public input. Hearing from no one, he asked the board if they had any remarks on the project?

Member Brown III – Mike, is that cable that you're using still part of this project? The AT&T cable, is that not part of this project?

Mr. Morgante – No, it's going to remain where it is. We've done everything that we can, any permanent structure is not located within that easement. We have contacted AT&T, if I'm not mistaken, (Inaudible) potentially work to extinguish that easement if you want to, but everything we've got designed here will not impact that AT&T cable.

Member Brown III – Rich, would we need a letter from AT&T or something?

Mr. Morgante – I did send an e-mail, following up not too long ago. I did not hear back from anybody.

Engineer Fetherston – It's the same easement that goes across Sailfish. I had previously contacted AT&T on one of the projects that we are working on, over the dam, they are supposed to be able to cross the dam. We have to get somebody out there to identify it and locate it. They are paving over it and if AT&T has to get to it, they will remove the paving and it's their risk, it would be all at their cost.

Member Kelly – This is not under a building, I don't think.

Member Brown III – No, it's not under a building.

Autumn Sky Development Co. INC. – North Drury Lane
SEU Permit/Site Plan & Two-lot Subdivision – Continuation of the Public Hearing

Chairman Reichle – Is there anything in the title to describe that easement, the restriction on what you can do?

Mr. Morgante – I don't believe you can have a permanent structure on it, I don't recall seeing anything else.

Attorney Hoyt – I've seen that easement; I think for the project...

Mr. Morgante – (Inaudible)

Member Montemarano – Did we discuss about sealing the old well by the barn?

Mr. Morgante – Yes, I have some notes on that issue, I have to go back and look. I think I noted that its supposed to be abandoned.

Planner Dotson – That was one of the questions I had asked after discussing this.

Mr. Morgante – We can place a note on the plans to suggest prior to a C of O that the well needs to be abandoned, something along those lines.

Planner Dotson – It's a concern to me because the building is right up front.

Member Montemarano – Yes, it's 10-feet off the road.

Mr. Morgante – We'll have to have it decommissioned prior to construction.

Planner Dotson – It's up to the board, but it's a question that needs to be answered.

Member Montemarano – I think it's within the dedication to the town, isn't it?

Mr. Morgante – No.

Chairman Reichle – Is it a drilled or a dug well?

Mr. Morgante – I couldn't tell you; I haven't been to the site.

Member Montemarano – I don't think it's drilled, it's not that deep.

Chairman Reichle – It's old, 50-years ago I would have known. I spent a lot of time there. What they used to do on the older farms is they used to have a place for the milk, and they would put it in the water in the well house and they were all over. That could have been a concrete foundation where the wood goes over and those big metal milk cans were put in there to keep it cool.

Member Kelly – It's spring fed.

Autumn Sky Development Co. INC. – North Drury Lane
SEU Permit/Site Plan & Two-lot Subdivision – Continuation of the Public Hearing

Chairman Reichle – It's spring fed, there could be 8, 5-6-7, just dip them in there.

Member Montemarano – This is kind of like a 4x4 foot building, as far as I can recall.

Chairman Reichle – It's hard to tell without a scale.

Mr. Morgante – I do recall that, yes. It very well may be a shallow well though.

Chairman Reichle – It could be a shallow well, yes. Anyway, to decommission that would be safe.

Mr. Morgante – Yes.

Member McGuire – In crossing the wetlands in the back of the warehouse, there are three 12" pipes, 12" pipes are a little bit small. Is there any way you can use a larger arched pipe?

Mr. Morgante – I've done this before, and I've never had an issue with it that I know of.

Member McGuire – One single pipe is much better than (3) smaller pipes.

Mr. Morgante – It might require a little more grading but, I mean, the three 12" (Inaudible).

Member McGuire – I've seen it where you get a couple of sticks and leaves and stuff come down and fall and it might obstruct it even more, just take a look at it.

A discussion was held amongst Mr. Morgante, Engineer Fetherston, Member McGuire, and Planner Dotson.

Attorney Hoyt – On the mailings, there were about 90 notices between the two towns. Montgomery didn't have many, but for Newburgh there were many. I've got them all now and they should be in good shape.

Chairman Reichle – Anyone else? Hearing from no one he said, we got the most recent submission today and we'll be looking at that and we'll have you in on the 13th also.

Member Brown III motioned to adjourn the Autumn Sky Development Co. INC. Public Hearing to Monday, January 13, 2020 at 7:50 p.m. or as soon as the matter can be heard, seconded by Member McGuire. All in favor, all ayes, Member Pennings was absent, motion carried.

Autumn Sky Development Co. INC. – NYS Route 208 – SEUP & Site Plan – Discuss Lot Layout

Michael Morgante, P.E. with Arden Consulting and Engineers and Steven Michalski, owner, were present.

Mr. Morgante reviewed the lot layout.

Planner Dotson – You said you were going to request that trucks not be parked in the back and I was wondering how feasible that was because it seems that it might be better either to seek an interpretation or a variance on this because this is a classic case where between the wetland and the railroad there isn't the same level of (Inaudible), but because it's a residential district doesn't mean that the features that are there would be confirmed, so it troubles me a bit of the idea of seeing a place for a warehouse, that area in the back where you could park a truck, would be so restricted. The board hasn't discussed it, but that is an approach.

A discussion was held amongst the board, consultants, Mr. Morgante, and Mr. Michalski.

Mr. Morgante – Steve will get renderings for the board to review.

Hop Blossom, INC. – Coldenham Road – SEU Permit/Site Plan – Six-month Extension Request
CFA Granted 6/25/18 (18-months); Expires 12/25/19

Chairman Reichle reviewed the extension request form.

Eric Robens, applicant – We finally received feedback from the Village of Walden, so we are now working with our engineer to modify the French drains. We're getting closer, it just took a long time to get the feedback so that I could make my decision.

A discussion was held amongst the board, attorney, and applicant.

Member Kelly motioned to grant a 6-month extension for Hop Blossom, INC., approvals will extend from December 25, 2019 to June 25, 2020, seconded by Member Montemarano. All in favor, all ayes, Member Pennings was absent, motion carried.

Adopt the 2020 Annual Planning Board Meeting Dates

Attorney Hoyt – I want to flag for the public that the work shop for January would normally be the 1st Wednesday, but that is New Years Day, so that will be January 8, 2020, and the notice says that, otherwise all of the work shops will be the first Wednesday of every month.

Member Montemarano motioned to adopt the 2020 annual planning board meeting dates, seconded by Member Brown III. All in favor, all ayes, Member Pennings was absent, motion carried.

Approval of the November 12, 2019 Planning Board Meeting Minutes

Vice Chairman Beaumont motioned to approve the November 12, 2019 planning board meeting minutes as previously corrected, seconded by Member Brown. All in favor, all ayes, Member Pennings was absent, motion carried.

Chairman Reichle – Before we adjourn tonight, we have a couple of people that this will be their last meeting, Leslie Dotson and Bill Kelly. I wanted to say a few words on their behalf. I can't say enough about Leslie, her attention to detail, knowledge of the planning process, and the Town Zoning have been exemplary for many years. I know that I will, and I think the board, are really going to miss her. Leslie, thank you very much. Now Bill Kelly, he was appointed to the ZBA in January of 1971, appointed to the Planning Board in June of 1972, and he became Chairman in January of 1973, but he has continuously served this town for 49-years. We're all going to miss Bill; he's been a great help to me since I've been Chairman and I will miss his advice and guidance. We don't always agree, but I think that is a good thing, it gives this Board balance. Thank you, Bill; we'll keep in touch, I know, and I'm going to miss you. Good luck with everything.

Member Kelly – Aside of the fact that you are doing a good job, the rest of the board works hard, and we're leaving office when everybody is involved in something. It's been a pleasure and I'm going to miss working with you people. I am going to keep my hands in the lighting, if I can, for a while, maybe even a little longer. I enjoy it and I know it helps the board. So, I'll be seeing you people now and then and it's been my pleasure.

Chairman Reichle – Thank you, Bill.

Mr. Kelly – Thank you for your kind words.

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

Respectfully Submitted,

Judy Caston
Recording Secretary