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MICHAEL G. DOBIS
Planning Board Chairman

LUCY B. HARLOW
Executive Secretary

PLANNING BOARD MEETING

TOWN OF WILTON

Wednesday, February 19, 2014

A meeting of the Wilton Planning Board (the "Board") occurred on February 15, 2014, at the Wilton Town Hall, 22 Traver Road, Wilton, New York. Chairman Michael Dobis called the meeting to order at 6:34 PM.

PLEDGE OF ALLEGIANCE

PUBLIC HEARING: SARATOGA HEALTH AND WELLNESS, LLC

Chairman Dobis opens the hearing at 6:34 PM. He asks that if there are any questions or comments from the audience "Please raise your hand, we will need your name, address for the minutes, and you will present your questions to the applicants unless there is a question you want the Board to answer."

Joe Dannible of Environmental Design Partnership presents on behalf of Saratoga Health & Wellness LLC and describes the project as a mixed commercial building with a footprint of 14,000 SF with a 1000 SF mezzanine with offices. The owners, Michael Lapolla and Nicholas Galuardi, are exercise physiologists that operate Saratoga Health and Wellness, a medically minded fitness facility which provides opportunities for individuals to improve or maintain their health in a non-competitive non-intimidating atmosphere. It is to be located at 538 Maple Avenue on 2.13 acres, zoned CR-1. They are seeking final site plan approval after the presentation and public hearing. A portion of the building will be leased out to a tenant or tenants.

This application has been before the Board since July 2013. Applicants are looking for approval of the site plan; a building with 78 parking spaces, a landscaping plan, a grading drainage and utility plan, an erosion and sediment control plan and storm water management system required by DEC. Mr. Dannible describes the changes that have been made as a result of suggestions by the Board and public comments. The landscaping plan for the project is in accordance with public comment at the meetings for the variances. A landscape buffer is being provided with pine trees along the rear of the property; along the side of the property where there are several large spruce trees, infilling between the existing trees will provide a buffer to the residents to the south of the property. Along the front there will be a couple of street trees and foundation plantings and the main freestanding monument sign. In response to the Greenfield Fire District concern about the turning radii needed to negotiate the parking lot, templates have been provided showing that a fire truck will be able to negotiate since the curbing of the parking islands has been removed and it will be just striped pavement. Mr. Dannible exhibits the elevations of the proposed building. Ron Slone asks if there will be any brick on the north elevation. Mr. Dannible states there will not.

The site is across from the Maple Avenue Middle School, when for 15 minutes in the morning and 15 minutes in the afternoon there is a lot of traffic. Creighton Manning Engineering was hired to do a traffic

study and a sight distance evaluation. The study concluded there were no sight distance issues from the site; that no evaluation of the adjacent roadway or intersections is needed because there is such a low trip generation volume from the site. DOT stated they were aware of the traffic issues at the school entrance; however this project will have minimal impacts with very low trip generation numbers. The conclusion of no significant impact is based on a traffic analysis of the area; both in the peak hour of Route 9 and the peak hour of the school traffic.

Chairman Dobis asks for comments or questions from the public.

Mike Worth, 62 Worth Road: He asks about the construction materials of the building which he says almost looks like a “Morton” building. Mr. Lapolla points out that it is similar, it uses architectural metal siding. Mr. Worth asks if it could be more aesthetically appealing along Route 9. Mr. Dannible points out that the windows will have awnings in the front. Both vertical and horizontal siding will be used to help break up the façade.

Cecilia Krajewski, 101 Loughberry Road: Although the site does not abut her property, she is concerned that she will be affected by the potential headlights coming into the site parking lot. She asks the hours of operation for Saratoga Health & Wellness. She describes the woods across from her, which are at the back of the dentist’s office, and the fact that in wintertime, she will be affected by lights. At least she would like a buffer on the north side. Mr. Lapolla states there is a pretty large buffer through that entire width of John Turco’s property. She can see through the woods and asks if there will be parking lot lights and if they will be on all night. The illumination plan shows no foot candles or candles that spill off the property, the lights are cut-off style luminaires. There will be a half-foot candle over all the paved surfaces and by using the cut-off style fixtures no light will spill beyond the property lines. They are low level and there is only two located in the striped islands. Mr. Lapolla estimates that after 5 pm there may be as few as 13-14 cars.

Tracy Rapant, 536 Maple Avenue: She lives on the property to the south of the proposed project and is concerned about the parking; particularly where there are open spaces she feels there is potential danger from a car coming through the parking lot onto her property and wants a guard rail put in. She states that her family plays in the back yard and she has a 10 year old child. She realizes there is a 15 foot buffer with trees but anything could happen. Mr. Dannible describes the buffer with a 2 foot gravel strip for treating storm water, beyond that is a swale, a foot deep and about 6 feet wide. It is about as wide as a parking space, approximately 15-18 feet total. Additional plantings will be put in: Colorado spruces with a caliper of 3 inches. There are only 5 parking spaces where there is the potential for a car to cross the buffer, by putting in 3 or 4 large boulders that are 2 foot high and 4 foot wide it would form a barrier that is aesthetically more pleasing than a guard rail. The boulders would be incorporated into the landscape. Ms. Rapant asks about the lighting on that side of the building. There will be wall-mounted fixtures that are designed to provide direct light on the paved surfaces. There will be no spillage on to her property. Mr. Hebner would like an explanation of what a foot candle is for the benefit of the board and the audience. A foot candle is the brightness illuminated by one candle from one foot away at the ground level.

The Chairman asks for any additional comments. There are none. He asks for a motion to close the public hearing. On a motion introduced by Ron Slone to close the public hearing, seconded by Harold VanEarden, the motion passes by unanimous vote.

The Chairman opens the regular meeting at 7 pm.

I. REGULAR MEETING

PRESENT: Chairman Michael Dobis, Donald Needham, Ron Slone, Harold Van Earden, Vice-Chairman and Brett Hebner, alternate. Also present are Ryan Riper, P.E., Director of Planning and Engineering. Also present: Captain Gary Bullard, Joseph Dannible, Michael Lapolla, and Nicholas Galuardi. Members of the audience include Ernest Gailor, Matthew Scott, Richard Lemanski, Mike and Diane Piccirillo, Mike Worth, Tracy and Jerry Rapant, Cecilia Krajewski and Mark Mykins, Building Enforcement Officer for the Town of Wilton.

ABSENT: Erinn Kolligian, Sue Peterson, William Rice, David Gabay, Alternate.

APPROVE PENDING MINUTES: Chairman Dobis wants to address the meeting minutes of January 15, 2014 and he asks for a motion and a second to approve the minutes. On a motion introduced by Harold VanEarden, the board adopted the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the minutes from the Planning Board meeting of January 15, 2014 are accepted. The resolution was seconded by Ron Slone and duly put to vote, all in favor, on this day, February 19, 2014.

Chairman Dobis wants to acknowledge that this will be Donald Needham's last meeting and to thank him for his time, his energy, good questions and comments over the years.

Brett Hebner is returning to the Planning Board as an alternate and he is made welcome.

II. APPLICATIONS

A. Saratoga Health and Wellness: Chairman Dobis asks for any comments from Ryan Riper, Director of Planning and Engineering, on the preliminary submission by the applicant. Mr. Riper acknowledges that he has been working with the applicants all along and addressing the drawings. The majority of comments from his review letters have been addressed. Most of the remaining items are administrative. At his request, a dry well has been added. His question is about the dumpster to the rear. It has been moved so as not to interfere with any future cross-access connection.

Chairman Dobis asks the Board for their comments. Mr. Slone suggests a window or something to break up the large expanse of the metal building facing Rt. 9 [West] Mr. Lapolla points out that the area Mr. Slone is pointing out is going to be where the tenant space will be. Mr. Lapolla explains what the elevations represent and adds that something could be added architecturally to that top section by changing texture or material. He welcomes the comments. Mr. Slone suggests the brick be on all four sides.

Chairman Dobis addresses the comments about light pollution. Mr. Dannible states that the fixtures are still being evaluated and the decision about using LED lighting is still pending. Both parking lot lights are cut-off style fixtures.

The next issue is about the headlights from cars turning left into the parking lot. Mr. Dannible estimates there is 80-90 feet of forested vegetation that acts as a buffer. Ms. Krajewski says that when the leaves are off the trees she can see through the woods. Chairman Dobis emphasizes that the Board tries to protect existing residents from the headlights. Most of the headlights will be perhaps 3 feet high. The angle of the headlights could be looked at. Mr. Riper adds that the lights will be diffused through the trees. Chairman Dobis asks if there is a possibility that more plantings could be added for the back third along the property line. Mr. Dannible agrees some more shrubs could be added to the north but doesn't want to impede the ability to plow. Mr.

Lapolla comments that the forest will continue to get thicker. Even in winter, just quick diffuse sweeping headlights might be seen. He believes it is an unnecessary expense and would like to see how the headlights impact visually before starting to plant a larger buffer that may not be needed. Ms. Krajewski states she has lived there for 34 years and can still see through the trees in winter. Chairman Dobis suggests that a site walk be done to assess this after the site is constructed. This site walk is required per note #3 of the standard notes for site plans. A note will be put on the plans to do a site walk after the construction to assess whether headlights will show through her windows. Because of the distance, it may not be an issue. Mr. Worth suggests a 6 foot stockade fence that would block the lights from the northeast end of the building to the northeast end of the property. Mr. VanEarden would rather see trees and states that the neighbor seems satisfied with the note on the plan for a site visit.

Ms. Krajewski is curious about the potential for another entrance from Loughberry Road. Mr. Dannible explains that the town requirement is to provide future cross-access but that is not part of this project. Chairman Dobis explains that if that were to come about, the Board would address any concerns at that time.

The Chairman addresses Ms. Rapant's concerns and believes the addition of boulders will accomplish safeguarding her back yard. Mr. Lapolla agrees that boulders with landscaping would be preferred to a guard rail.

Chairman Dobis states for the record that applicant is looking for preliminary and final approval. Mr. Riper states the plans are ready for preliminary and final.

The SEQRA short form EAF submitted on January 10, 2014 is reviewed by the Board. Mr. Riper reads the questions 1 – 11 from Part II – Impact Assessment and the Board responds that there is “no or small impact” in each case. With regard to impact on traffic, #5; it is agreed that based upon the Creighton Manning Studies, the response by DOT and Saratoga County Planning Board, the Town Engineer, it is agreed that there is “no or small impact.” As a result, Part III doesn't need to be completed. On a motion introduced by Mr. VanEarden, the Board adopted the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the motion for a negative declaration on SEQRA for the site application for a 14,000 SF building to be used as a health/fitness center and mixed use commercial property located at 538 Route 9 is approved. The resolution was seconded by Donald Needham and duly put to vote, all in favor, on this day, February 19, 2014.

On a motion introduced by Mr. VanEarden, the Board adopted the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the motion for preliminary approval for the site application for a 14,000 SF building to be used as a health/fitness center and mixed use commercial property located at 538 Route 9 is approved. The resolution was seconded by Ron Slone, and duly put to vote, all in favor with the exception of Brett Hebner, who abstains, on this day, February 19, 2014.

On a motion introduced by Mr. VanEarden, the Board adopted the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the motion for the final approval of the site plan for the Saratoga Health and Wellness facility is approved with the following conditions:

1. that the items in the letter from Ryan Riper dated February 13, 2014 are satisfied;
2. the Note #3 on the Standard Notes for Site Plan for a future site visit specifically regarding headlight impact be put on the plans and executed;
3. that the landscaping incorporate 3 foot +/- boulders on the south side of the property be included on the final site plan.

The resolution was seconded by Don Needham, and duly put to vote, all in favor on this day, February 19, 2014.

B. KLN, LLC: This is an amended site plan application for a 14,000 SF warehouse located at 12 Commerce Park Drive, on 5.3 acres zoned C-3. Mr. Tom Nace of Nace Engineering is present with applicant, Nicholas Grammatica. There is an existing building of 10,000 SF and the applicant would like to add a second 14,000 SF commercial/ industrial building for his own business and several tenant spaces. Mr. Riper describes this as an amendment to an existing approved site plan from June 2007. He has been working with Nace Engineer Tom Center on the plans to date. His review comments are from his letter dated February 6, 2014. This is a SEQRA Unlisted Action. The majority of his comments have been addressed. The emergency and fire department access has been verified. Storm water standards have been met. There is a slope to the east of the building that will be stabilized.

Mr. Slone wants to verify that the plan is for a warehouse; part of which is for the Boarshead distribution. Mr. Hebner remarks on the steepness of the slope which is located down toward the building. It is used for infiltration and will be stabilized with fabric. The adjacent use is commercial and there is no residential use in proximity that would be impacted. Mr. Riper deems the application complete for preliminary and final.

The SEQRA short form EAF submitted on February 4, 2014 is reviewed by the Board. Mr. Riper reads the questions 1 – 11 from Part II – Impact Assessment and the Board responds that there is “no or small impact” in each case. As a result, Part III doesn’t need to be completed. On a motion introduced by Mr. Ron Slone, the Board adopted the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the motion for a negative declaration on SEQRA for the amended site application by KLN, LLC for a 14,000 SF building to be used as a warehouse located at 12 Commerce Park Drive on 5.3 acres. The resolution was seconded by Harold VanEarden and duly put to vote, all in favor, on this day, February 19, 2014.

Chairman Dobis asks for a motion for final approval. On a motion introduced by Ron Slone, the Board adopted the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the motion for the final approval of the amended site plan application for the KLN, LLC warehouse facility located at 12 Commerce Park Drive on 5.3 acres is approved with the following condition: that the items in the letter from Ryan Riper dated February 6, 2014 are satisfied. The resolution was seconded by Harold Van Earden, all in favor, on this day, February 19, 2014.

C. Upstate Rock: This is a pre-application presentation by Mark Taber of the LA Group, P.C. Also present is Matthew Scott. The site plan is for a rock distribution facility located at 7 Blue Lupine Lane on 3.64 acres; zoned C-3. Applicant Upstate Rock is looking for feedback from the Board a contractor's yard to be used by a masonry contracting business to stockpile materials and store tools. The site disturbance would be less than a half an acre. Over the long term, applicant may expand and ultimately construct a 2,000 SF building for not only stockpiling stone materials and supplies but also a place for displays. At this time applicant does not intend to make any significant improvements on the property. The use for the property is very similar to that of adjacent businesses for example Bonded Concrete. In the short term, the plan is to construct an access drive off of Blue Lupine Lane to a gravel stone storage yard. There would be parking spaces for employees and possibly a storage unit (no hazardous materials) for tools and scaffolding on site. Applicant is leasing the 10,000 SF lot and wants to make sure the business is a viable operation before incurring additional expenses in developing the lot. The initial phase could be 2-3 years. Ron Slone remarks that his preference would be to have the access drive paved. There would have to be a driveway cut and a permit from Kirk Woodcock. There is no requirement that the access has to be paved. Mr. Taber agrees that paving the first 50-100 feet of the access off Blue Lupine Lane is reasonable. Chairman Dobis recommends getting input from Kirk Woodcock regarding a gravel access for the first phase with paving a short way in.

D. Everglades Mixed Use Development: Applicant Thomas J. Farone is represented by Donald Zee, Esq., and Brett Steenburgh, P.E. This is a site plan application for 4 mixed use buildings containing 50 residential units and 7920 SF of commercial space, located at 666 Route on 3.4 acres; zoned H-1. The following discussion is about but not limited to: 1) the site plan; 2) the amendment to Saratoga Heritage Phase II for additional parking and the issue of shared parking; 3) the cross access easement; 4) the memorandum of Mr. Mykins, dated 2/3/14; 5) building connectivity and Option B [not submitted to Town]; and 6) the proposed roofline.

Mr. Zee states various versions of this plan have been before this Board for close to 2 years. Part of this application in November, 2013 was to seek a recommendation by PDD amendment to the property leading to the north, Saratoga Heritage II, seeking to put in parking spaces as well as a cross easement access. The four buildings would have first floor commercial as well as storage units. The second and third floor would have apartments. Two of the buildings also have an apartment on the first floor. The footprint is 6264 SF for each building and applicant is proposing that each building to have just in excess of 10% of commercial space, or 1980 SF which meets the Town Code.

In the past the major issue was the parking requirements; by reducing the number of commercial uses in the building in terms of square footage, the commercial space has been reduced by over

17,000 SF over the course of the project. Based on the site criteria, there are 50 residential units, requiring 2 and one quarter parking spaces per unit or 112.5 spaces. With regard to the commercial space, 3900 SF has been set aside requiring 6 per thousand which would be 23.7 SF. Applicant has a tenant for 2 of the buildings which are office uses which requires 1 space for every 225 SF. The total parking requirement is 154 parking spaces. That number is met by having in-ground parking spaces in addition to the exterior parking, garage parking within the building and eighteen garage bays which aren't counted toward the parking requirements. Mr. VanEarden asks about the garage spaces shown in the back. Mr. Zee explains the parking spaces in front are counted, the garage bays will be used just for storage. Applicant will not be seeking any variances and there is 35% green space. There would be 6 units each on the second and third floors. On the first floor of at least 2 buildings there would be one apartment.

Mr. Riper says the garage bays can be counted, just not the parking in front because garages should not be used for storage. There is a note regarding storage in garages is in item no. 12 of Mr. Riper's letter. "The Planning Board may alleviate the parking standards set forth in the Code, based upon the following considerations; type of business, shared parking arrangements, adjacent uses, aesthetics, pedestrian accessibility." Mr. Hebner confirms that the residential tenants get the interior parking spaces.

Mr. Steenburgh reviews briefly his responses to Mr. Riper's comment letter of 2/11/14. The architectural renderings were dropped off [on 2/12/14] to the town for review by the Board and town staff. The applicant would like a discussion of the site layout and connectivity. More detailed information relating to landscaping and site details will be provided as the project progresses. Sidewalks will be in the DOT right-of-way. Green space verified at 35%. The construction will take place in a single phase and erosion and sediment control plans will be provided. The site plan with the turning radius is proffered for the review by the fire department and emergency squad. The cross easements to be formalized between the adjoining property owners will be addressed by Mr. Zee. There was one parking calculation error which will be corrected and the plans updated. With regard to the detached garage structure, it will be noted on the plans that there will be no storage of household goods with vehicle parking only. Since the plan proposes all office space and no retail space the designation of a commercial loading and unloading zone will not be needed. The access drive is aligned with the Gordon project. It will be a 90 degree four-way alignment. He comments that some of the remaining items in Mr. Riper's letter are mostly administrative and will be addressed as applicant moves through the process.

The elevation that is exhibited is the facade of the building on Route 9. On the first floor, there will be awnings on all windows made of canvas or water proof fabric. There will be wood windows, stucco in the middle, and wood or vinyl siding. Brick would be on all four sides with brick chimneys. The rear of the building is described and has a garage door. Mr. Slone asks about signage that delineates the office tenants and is told there will be a monument sign on Route 9 and maybe something on the awnings.

Chairman Dobis brings up the design criteria of the Hamlet zone which contains a list of materials that are allowed to be used. Mr. Zee mentioned the use of vinyl siding, which Mr. Riper points out is strongly discouraged per Code. Mr. Zee describes the preferred facade materials, red brick, veneer or cast stone, and that stucco qualifies as that. Windows should have wood frames, wood siding or a vinyl which is an economic decision being worked out. The majority of requirements are being complied with the materials being used in New York's code.

With regard to cross easements to adjoining properties referred to in Riper's letter; the proposal is to have the pavement brought right up to the property line of the property to the south. The property to the north [Saratoga Heritage II] is not in the hamlet zone. Mr. Zee refers to the Board minutes of November 20, 2013 when Linda Leary, an attorney for the applicant was seeking parking and pedestrian and other access to the north, the recommendation of the Board was a unanimous rejection. Part of the applicant's reasoning was "it also would provide that connectivity that is desired to provide another access to and from without putting additional trips onto Route 9". That recommendation to the Board went to the Town Board. The Town Board told the applicant seeking an amendment to the PDD not to go forward because the precedent of the Planning Board issuing a negative recommendation – there was no way that applicant was going to get that connectivity approved by amending the PDD. The PDD specifically talks about what can and can't occur; the property to the north is not part of the Hamlet zone; it's owned by a separated party; the mortgage is not from a conventional lender. The applicant would have to go back to the Town Board and ask for an amendment to the PDD to allow for connectivity. It is specifically not permitted under the PDD right now.

Since the property in question [Saratoga Heritage II or "PDD"] is not in the hamlet zone and it is owned by a separate party, there is a mortgage lender consideration. Once the PDD is amended, before any easement can be granted, the lending institution will initiate an appraisal and do an evaluation of the impact to the adjoining property (party giving the easement) to see whether there is an adverse situation in the value of the property. In this case money was going to be given for the rental of parking spaces; not having that, applicant doesn't have the ability to convince the adjoining property owner. Mr. VanEarden states his understanding is that the bank was willing to let applicant have parking there but not have access. Mr. Slone asks if the bank was willing to do it for a fee before; why not now. Now less commercial space would be available so there would be less rent to be collected. Mr. Riper indicates the intent of the Hamlet zone is to have connectivity – where there is commercial space, retail – the intent would be to attract the residents to the north to walk in and utilize those services. Now the commercial space is just going to be office space and not used as retail. Chairman Dobis states that can change down the road.

The amendment to the PDD that was sought was for parking to be used by a potential restaurant in the Everglades project. It was presented to the Board as a package with the road that connects this project in the Hamlet District to the parking in the PDD. There follows a discussion of what happens in terms of the bank appraising the market value of an easement and its ramifications. Chairman Dobis asks why there would be an easement involved by just paving up to the property line. Mr. Zee says his client would not have problem paving up to the property. But he anticipates at some point when the applicant comes back for any modifications, that the Board would require them to connect.

In Mr. Riper's letter there is a comment about a cross access easement to be formalized for connectivity. Mr. Riper explains that as the parcels are developed – ideally they are paved up to the property line so that rear connection is made. He needs further clarification from Attorney Schachner about the cross access language and process. You cannot force the adjacent parcel owner to sign into an agreement for cross access, but when the applicant is in front of the board, you can ask. He quotes from his letter, "Consider providing means of vehicle/pedestrian cross access to Saratoga Heritage parcel to the north. Consider sidewalk connection across entrance/exit at back side of buildings." The intent of the Hamlet District is to bring in pedestrian traffic from the residents to the north. Currently there is 50' of grass between the two sites. If

both the PDD and the Everglades put pavement up to their property line, then the means to drive across from one property to the other is given and an easement would be necessary. Mr. Zee comments on the potential liability for cross access.

Chairman Dobis wants to address the memorandum dated 2/3/14 from Mr. Mykins, the Zoning Officer, to the Board stating that:

“not enough information has been provided with this application to ensure its compliance with the Town of Wilton Zoning Ordinance for site plan approval under the H-1 Hamlet Zoning §129.49.6. In order to ensure compliance, architectural renderings would have to be submitted along with the layout of the structure (floor plan) to ensure structures are oriented properly to the streetscape.”

Chairman Dobis recalls in the last meeting regarding this project talking about some creative architectural designs where the buildings are connected. A discussion ensues about the Gordon project which is contained one building as opposed to four, with a large front facade. Mr. Zee remarks that would mean getting more commercial space to the front of the building and the same problem would exist when the applicant was seeking the amendment to the PDD – which is the need for more parking spaces. The four buildings being presented are comparable to the other buildings along this corridor; they are in a different zone but they fit in with the character of the other buildings in the area. The floor plans work from a financial standpoint. His applicant knows what the marketplace will bear in this corridor.

Mr. Mykins states that the Gordon Group has set the precedent for the Hamlet zone there. The way the Code reads is that you should closely match what’s in the zone, not what the surrounding zones have in them – it doesn’t say match the corridor. Route 9 has a huge corridor. Mr. Zee remarks that if the buildings are connected more commercial space is added. Chairman Dobis suggests reconfiguring the buildings so they match the Route 9 area but still have the same amount of floor space on the 3 floors. Mr. Riper quotes, “The Planning Board may alleviate the parking standards set forth in the Code, based upon the following considerations; type of business, shared parking arrangements, adjacent uses, aesthetics, pedestrian accessibility.”

Mr. Zee states the applicant would prefer not to connect the buildings and explains why. Another option is discussed and he adds that the floor plans weren’t provided because he wanted to get a sense from the Board of their reaction to the second option (Option “B”) which has an extension across the front of the 3 story building. Mr. Steenburgh states it’s an additional 550 SF – one story only. There was a discussion with Mr. Riper about moving the buildings back from 15 feet to 25 feet. In this case, the buildings would be moved back to 25’ but the one story “bump out” that would give the single story a more prominent presence. It also would help screen the side yard parking and give the front of the buildings a larger mass and scale but maintain the 25’ separation between 2 buildings. The safety of this configuration is discussed. If the Board will consider then elevations would have to be provided. To the end of creating a greater mass, some added landscaping and wrought iron fencing and posts in between that will screen the parking area. The main entrance to the commercial space would still be in front with an entrance off to the side to access parking.

Without the renderings, this option looks worse to the Board Chairman and it is his opinion that he can’t make a decision without seeing renderings. He wants to see a streetscape view. Mr.

Riper asks what the rooflines would be. Some suggestions are made about reconfiguring and bringing the apartments to the front. The response is that the closer the apartments are to Route 9, the less marketable they are and the value decreases.

Regarding the suggestion of having commercial on each floor, there is nothing in the Code that prevents commercial from being on all 3 floors, but the fire requirements would be different. Mixed use is strict and requires a commercial sprinkler system throughout the structure. Mr. Zee describes some other ramifications of breaking up the commercial space that way. Second and third floor commercial space is not going to be marketable. The idea of connecting two of the buildings in the middle is not viable either.

Mr. Zee states what the applicant had presented to the Board 2 1/2 years ago, when Keith Manz was the Town Engineer and that applicant had conformed to the requirements that were set forth at that time regarding density which was 51 units. The sole question was looking at the parking. Applicant reduced the commercial square footage eliminating the parking issue and conformed to all the requirements of the Town Code. Except now the Gordon project has been approved across the street. Now those plans have to be scrapped and applicant has to have the expense of new plans being drawn. Mr. Riper makes a clarification: back on 3/21/2012, it was given the Everglades mixed use development project with 48 residential units and 25,056 SF of commercial space located at 666 Route 9 be given conceptual approval for the proposed use at the maximum densities allowed but not for the proposed layout which is subject to modification and revisions after issues of traffic study, shared parking and garage locations have been analyzed. Applicant had 48 units; there was an adjustment to the number of units to 51. Mr. Riper did the math and it came out to 50.4 which was rounded down to 50.

Mr. Zee states that from looking at other meeting minutes, it was suggested that applicant go and acquire parking off-site which he did. Then it was the decision of the Board not to do it. The discussion continues about the various parking calculations that were done, the idea of shared parking that was put forward. The feeling is on the part of applicant that the ordinance is unclear in this zone as to how many parking spaces are required. Mr. Steenburgh remarks that based on all the meetings he has been to before this Board on this application which has always been a variation of these four buildings and various garage locations, most of the comments from this Board were about parking and garage locations. The amount of frontage and mass and scale of the buildings were never an issue on the Route 9 corridor until the Gordon project was approved. The plan as set forth by the applicant is no longer amenable to the district or to this Board.

Chairman Dobis recalls the discussion being about the alignment of the two projects on Route 9 and that whoever gets in first has their project entrances set and it's up to the second project application to make its' entrance align with the first. Gordon was approved first and that is the given. It is likely that this applicant is going to have to change the plans and the Board is trying to work this out by offering some ideas. He understands that Mr. Zee and Mr. Steenburgh are trying to represent their client. Mr. Zee refers to the alternative proposal, "Option B" which is not what the applicant wants, but is offered in order to meet the concerns of the Board about the precedent set to a certain degree by the Gordon project and its façade. He is talking about supplementing the façade offered by the applicant with additional materials so that it looks like it is more of a continuous building. Chairman Dobis wants there to be no misconception – the Board is not requiring the applicant to submit additional renderings. Mr. Zee's concern is the floor

plans he believes are required by Mr. Mykins. Mr. Mykins asks for rough floor plans – he doesn't need finished floor plans. He doesn't need a construction design. He is not reviewing the plans for construction standards; he is reviewing them for zoning standards. Mr. Riper asks specifically if the Board wants to see individual building renderings or a streetscape view. The Chairman would want to see a streetscape view not just for plan "B", but for any plan.

Mr. Zee wants to get some feedback from the Board. He understood there wasn't going to be any action taken or determination made per se. Mr. Zee requests the Board consider, even though that rendering hasn't been created, setting a public hearing two meetings out subject to having the rendering before the Board within 30 days. Mr. Riper comments that there is a lot to be done before the plans can reach preliminary status. Chairman Dobis states that per the Code, they have to be preliminary status before setting a public hearing. That's why Wilton's ordinance is set up this way; the Board needs preliminary level review to be complete before a public hearing is set. Mr. Zee also reads the Code and when it says some design is encouraged his client has complied.

Chairman Dobis asks that the Board be polled in order to get some guidance for the applicant. Mr. Slone suggests a brick wall with an archway to hide the parking and give the sense of continuity. Mr. VanEarden would like to see a rendering to see how the "bump outs" are going to look and expresses his interest in seeing some kind of connectivity that was the intent of the Hamlet area, perhaps a wall with the wrought iron that Mr. Slone suggested. Mr. Hebner suggests that the two buildings be oriented in an "L" shape, but he anticipates that the response will be that it is too close to the road and nobody is going to want to live there. The Hamlet requires that the building be no less than 15' from the road and not more than 25'. Mr. Slone would like to see renderings that show some kind of connectivity short of combining the buildings. Mr. Needham likes the idea of some type of brick wall with some decoration above. He doesn't think that Option B is going to look as nice. Mr. Hebner states that the idea is the appearance of continuity and the flow; if that can be done without connecting the building and hurting the marketability and have it attractive which enhances the marketability, then everybody wins. The single story bump outs don't seem to accomplish what the Board is looking for particularly with an empty space in between, but without seeing a streetscape it is difficult to say. Mr. Zee suggests that maybe the bump outs could be two stories with a larger apartment. Another suggestion is making a balcony at the top. By utilizing that first story space and building upon that, where the foundation is being put in since the majority of the costs of construction is first floor foundation. By making a larger apartment even though it faced Route 9 it could be made more marketable. Mr. Riper suggests between the first story could be a walk through; it could be bumped out with a breezeway and have a walkway underneath some arch or covering over the top.

The Board Chairman asks the board members if they have a comment about the roof design. He has a concern that the building across the street has a roofline that is quite different. Although the gable roof is allowed in the Hamlet zone, it doesn't mean that this is what the Board is looking for. Mr. Zee requests the Board be polled. Mr. Slone isn't suggesting that applicant design a carbon copy of the Gordon building, but applicant should be sensitive to it and have a design that fits in. That is not unreasonable and other towns try to develop a sense of style or look in a particular area. Mr. VanEarden comments that this is the first time the Board has seen elevations of the project. Mr. Hebner reads from Code re: Roof Design: "pitched hip and gabled roofs are generally encouraged. He wasn't involved in the project across the street [Gordon]. There are

several different roof designs mentioned. Mr. Zee states that is what applicant went by – his issue is there is what is in the Code and then what is favored by the Board. If the Board is of the opinion the design should be more of the style of the Gordon project, then the Code should be changed to reflect that. Chairman Dobis: if this applicant's project had come in first and had been approved; when the project across the street came in, the Board would be having the same discussion.

Chairman Dobis remarks that after tonight, Mr. Needham won't be here; there are other board members who haven't heard all that has been said tonight. He is one of seven and he has expressed his opinion – he encourages Mr. Zee to please poll the Board. Mr. Zee has asked the question. The Board has made no comment and the Chairman interprets that they may not be comfortable giving an answer at this time because they are not sure.

Mr. Zee asks what is the Board's interpretation of "encouraging certain specific designs for roof styles in light of what the Gordon's design is across the street?" Mr. Hebner doesn't think the Hamlet District as written or the intent of it is to require uniformity. Otherwise it wouldn't indicate different roofs that are encouraged in the same paragraph. There would be an architectural review board set up that would say these are the architectural standards for this district. The word 'encouraged' is a soft term for what the Board would like. The Gordon building is 3 stories and has a flat roof. "Flat roofs incorporating a parapet are encouraged for buildings two stories and higher." That is not mandated it says encouraged. It is suggested that the architect read through the Code pertaining to the hamlet design. Mr. Slone says, after listening to Mr. Riper read from the Code, that this applicant has 3 stories and it seems the Code is leaning toward a parapet design which is what the Gordon project has, based on the number of stories. If there are 2 stories and lower, gable roofs are encouraged, two stories or more, a flat roof is encouraged. Mr. VanEarden inquires about Mr. Farone's development; if once the Gordon development was approved, or even prior to that, did his architect read the Hamlet District Code?

The biggest modification made to the Farone design was the parking in the buildings – to meet the parking requirement. It was decided not to change the floor plans until there was input from this Board in regard to the parking. After that there were issues with the facades so rather than keep expending money, applicant is here to get input with regard to elements of this building; the façade itself. When the Chairman brings up the roofs that is a major change. If the Board is looking for flat roofs Mr. Zee needs to know if that is ultimately what the Board is looking for because there seems to be a conflict in what is being interpreted as 'encouraged'. That is why it was brought up tonight, says the Board Chairman. Mr. Riper reads the paragraph from the Code relating to roof design.

Roof design. Pitched hip and gable roofs are generally encouraged. Pitched roofs shall contain safety measures such as overhangs to ensure safety from falling ice, snow, or rain. Roofline offsets shall be provided, in order to provide architectural interest and variety to the massing of the building, and to relieve the visual effect of a single long roof. Architectural embellishments such as dormers, cupolas, masonry chimneys and clock towers are encouraged for visual interest. Flat roofs incorporating a parapet are encouraged for buildings two stories and higher. Mansard roofs are generally discouraged. All air-conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing, and satellite dishes and other telecommunications-receiving devices shall be reasonably screened from view from the public right-of-way and from adjacent properties utilizing walls, fencing, roof elements or landscaping.

Mr. Steenburgh's interpretation of that is they don't want flat roofs on single story buildings. Mr. Zee believes it is conflicting. In light of the discussion and interpretation of what the Code states, are the Board Members in favor of a flat roof? Mr. Hebner is not of the opinion that the Code would restrict the applicant to a flat roof as a two story building – it may imply that for two story buildings and above flat roofs are encouraged and that the implication is that for one story buildings it would be for gable roofs. He doesn't believe that it requires a flat roof nor does it seem that conformity with the surrounding buildings is a major concern. It can be said that some variation is also a point of architectural interest rather than have uniformity of buildings. Mr. Slone agrees. The Code does not absolutely say it has to be a flat roof. There are pictures in the Code that depict what might be desired in the Hamlet. There are principal uses for one story structures; this is a mixed use building, so it is already two stories or higher. There are other uses such as banks where these design standards would indicate a pitched roof. There are single family dwelling allowed in the Hamlet with pitched roofs – that would be two stories. Mr. Mykins reads from the Code:

Buildings should be designed to enhance and contribute to the surrounding area, rather than detract from it. Utilizing similar building massing, scale, colors and architectural features will ensure compatibility with surroundings. An architectural treatment should continue from the front facade to all visible sides of a building.

His interpretation is that if we already have that first building in the Hamlet Zone – the next should have similar features. It doesn't say it has to be the same façade but it should have some similar features. Mr. Riper: this excerpt from the Code also relates:

Buildings shall generally relate in design features and scale to the adjacent buildings. As a general rule, a continuity of treatment should be made by subtly maintaining the building scale or by graduating changes, front yard setbacks at the build-to line, by continuous use of front porches on residential buildings, by extending horizontal lines of fenestration, and by echoing architectural styles and details, design themes, building materials, and colors used in surrounding buildings.

Chairman Dobis asks for more questions.

Mr. Worth expresses his interest in the Hamlet area and that the intent of it is to be a pedestrian friendly area. It is encouraged to have courtyards, and places for people to sit outside; that is part of the Code requirement. His question is: is any of that designed in any of these or this building. Gordon had benches and public areas; applicant came back several times and redid the plans to synthesize the hamlet design.

There follows a discussion of what was intended in terms of having public places, coffee shops and the like, not just offices. Mr. Worth indicates that whether it is restaurants or offices – the pedestrian friendly areas are supposed to be built in these projects and incorporated just like vinyl siding vs. wood siding. Mr. Riper: "Public spaces are strongly encouraged and can include plazas, courtyards, walkways and other amenities such as seating, ornamental fountains, lighting and gardens." That should be shown on the site plans and in the records. Chairman Dobis says it isn't this Board's job to design a project, its purpose is give as much detail as possible in terms of guidance.

Mr. Zee understands the what is being said, but his position is also that you have to look at the economics, brand new buildings have costs that are pretty much fixed whether it's a Mom and Pop store or if it's a Applebee's or some other national user. The problem is the banks are looking at the financial statement of the Mom and Pop store when you are buying it new, and if they are going to sign a 5 year lease, the bank wants to see that they have the financial wherewithal to sustain the payment of the rent. The bank has a greater financial interest in this space than the landlord does.

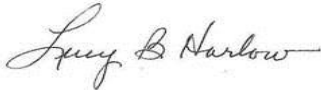
His client has to get to a point with a building plan that he knows is going to work not only for the town but for him, from a construction standpoint and a financing standpoint. Everything is driven by the banks. The banks have indicated what works – his client has been successful with the projects he's had in the community. That is the reason for the hesitancy to move forward with the amount of commercial space and it had to be reduced. Mr. Zee thanks the Board.

Chairman asks if anyone is going to be absent for either the March or April meetings. Every February on winter break the Association of Towns meeting is scheduled. Maybe the date of the meeting needs to be changed in February. It is not an issue for March but Ryan Riper will not be here in April, both Ron Slone and Harold VanEarden indicate they will be at the upcoming meetings.

III. ADJOURNMENT

On a motion introduced by Ron Slone that the meeting be adjourned; it is seconded by Harold VanEarden. All board members are in favor. The meeting is adjourned at 10:03 PM.

Approved: April 23, 2014



Executive Secretary