



TOWN OF WILTON
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MICHAEL G. DOBIS
Planning Board Chairman

LUCY B. HARLOW
Executive Secretary

PLANNING BOARD MEETING

TOWN OF WILTON

Wednesday, March 20, 2013



A meeting of the Wilton Planning Board occurred on Wednesday, March 20, 2013, at the Wilton Town Hall, 22 Traver Road, Wilton, New York. Chairman Michael Dobis called the meeting to order at 6:40 p.m.

PLEDGE OF ALLEGIANCE

Chairman Dobis addresses the members of the public regarding the public hearing that was scheduled for tonight at 6:30 pm. The hearing on the Gordon Development Project has been tabled until April 17, 2013. He has a letter requesting that the item be removed from the agenda for tonight. He reads the letter dated March 20, 2012 as set forth below. This letter came from Jon Lapper's office, the attorney for this project.

DEAR CHAIRMAN DOBIS:

ON BEHALF OF THE APPLICANT I HEREBY REQUEST THE PUBLIC HEARING SCHEDULED FOR TONIGHT BE TABLED UNTIL YOUR APRIL 17TH MEETING. THE PENDING APPLICATION WAS REDESIGNED TO ELIMINATE THE NEED FOR AREA VARIANCES IN PART BASED UPON THE HAMLET 1 ZONING DISTRICT AMENDMENT WHICH WAS APPROVED BY THE TOWN BOARD LAST SEPTEMBER. IT HAS BEEN DETERMINED THAT THE TOWN BOARD WILL HAVE TO REAPPROVE THE ZONING CODE AMENDMENT ONCE IT HAS BEEN REVIEWED BY THE SARATOGA COUNTY PLANNING BOARD. THEREFORE, THE PENDING APPLICATION CANNOT PROPERLY BE HEARD BY THE PLANNING BOARD UNTIL THE TOWN BOARD ACTS ON IT. WE LOOK FORWARD TO PRESENTING THIS PROJECT TO THE PLANNING BOARD IN APRIL.

Chairman Dobis states that zoning amendment needs to be referred to Saratoga County Planning Board for their review and comments. There was a public hearing held on the zoning amendment in September 2012 in front of the Town Board. The matter was supposed to be referred to the Saratoga County Planning Board but it was not. That is why the matter is being tabled now so that the Town Board does what it needs to do. The public hearing is tentatively re-scheduled for April 17, 2013. He apologizes for any inconvenience but this letter was just received this afternoon. There will be no discussion of that project tonight and it is off the agenda.

I. REGULAR MEETING:

PRESENT: Chairman Michael Dobis, Vice-Chairman Harold VanEarden, Erinn Kolligian, Donald Needham and David Gabay, Alternate. Also present was Ryan Riper, P.E., Director of Planning and Engineering, Mark Schachner, Planning Board Attorney, Shawn Healy of the Wilton Fire Department, Andy Brick, Esq., Nancy Gatland, Connie Towers, Assistant Chief William Morgan, Todd Murray and Robert Gatland.

ABSENT: Ron Slone, Sue Peterson, William Rice and Tony Mangini, Alternate.

APPROVE PENDING MINUTES: Chairman Dobis asks for questions or comments regarding the unapproved minutes from the meeting held on February 20, 2013. There were none; and he asks for a motion and a second to approve the minutes. On a motion introduced by Donald Needham, the board adopted the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the minutes from the Planning Board meeting of February 20, 2013 are accepted. The resolution was seconded Harold VanEarden and duly put to vote, all in favor, on this day, March 20, 2013.

CORRESPONDENCE: Transmittal letter from Saratoga County Clerk's Office re: Tooker subdivision dated 3/1/13; transmittal from Creighton Manning re: Gordon Development-Wilton Mixed Use dated 3/5/13; letter from Creighton Manning re: Response to Preliminary Review Comments dated 3/5/13; letter from M. Valentine – SCPB re: Gordon Development dated 3/4/13; letter from Creighton Manning to Captain Bullard re: Gordon Mixed Use dated 3/8/13; transmittal from Creighton Manning re: Gordon Development dated 3/18/13; letter from Wilton Fire Dept re: Superior Plus Energy Services dated 3/18/13; letter from Chief Brackett, WFD, re: "The Lot" dated 3/18/13; New York Planning Federation Registration and Notice of Conference; Capital District Transportation Committee Notice for Public Comment dated 3/14/13.

II. APPLICATIONS

A. Superior Plus Energy Services, Inc., Amended Site Plan: Dan Stowell from Superior Plus Energy is here to obtain approval for the installation of a temporary 14,000 gallon propane tank on the property located at 21 Traver Road, on .347 acres; Tax Map No. 115.-1-21, zoned H-1. The site plans were sent to Wilton Emergency, Inc. and to Chief William Morgan of the Wilton Fire Department. Ryan Riper, Director of Planning and Engineering, states he did receive a review letter from the Wilton Fire Department. The fire department does not have an issue with the proposed project. The water flow requirements have been met in terms of keeping the adjacent tanks cool. Applicant is also placing bollards around the tank to protect it. The temporary tank is on axles. The site plan is limited to less than five years. Mr. Stowell states the tank can be trailered in – ideally they would like to have a permanent solution as soon as possible. Mr. Dobis asks for dates the permanent placement will be effective. If the board approves the site plan, the board can approve it for 5 years. David Gabay suggests there be verbiage on the plan saying it would be approved for a maximum of 5 years. Mr. Riper requests that the drawing be updated with the handwritten notes in print form and to include a note that the location of the tank be for no more than 5 years. On a motion introduced by David Gabay, the board adopted the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the application for placement of a 14,000 gallon propane tank be approved for a maximum of 5 years with the condition that after 5 years, a permanent location must be found; also that the

site plan drawing be updated and that the existing handwritten notes be put in print form. The resolution is seconded by Harold VanEarden and duly put to vote, all in favor, on this, the 20th day of March, 2013.

B. Granite and Marble Works, Inc. Amended Site Plan: Michael Roohan, applicant and owner of the Granite and Marble Works, is requesting approval of a 17,700 SF addition to his business located at 8 Commerce Park Drive, Tax Map No. 115.-2-74, zoned C-3. Mr. Roohan would like to add the addition to the side of the building. The original site plan approved 9 years ago was for in excess of 20,000 SF. A 9,000 SF building was constructed and approximately 5 years later, a 7,000 SF addition. The proposed addition (150' x 110') being requested now is to display the stone: no expansion of workforce or change in work product is planned. The current location for display is noisy and not conducive to selling the product.

The applicant's engineer has responded to Mr. Riper's review letter dated March 14, 2013. Item #3, the existing "open" building permit for the previous expansion must be closed prior to obtaining a new building permit. The storm water for the site was built for full build-out of the original site plan and that it is adequate for the addition has been verified. Items of concern are some additional landscaping such as trees and cleaning up the site. Mr. Roohan agrees to add five more trees of native species measuring 2-3" caliper. The dumpster is to be moved out of site, put on a pad and screened.

There is no need for a public hearing as it is an amended site plan. SEQR review of this proposed addition could be in the context of the previous SEQR review and whether this amendment creates any new or different potential environmental impacts from what was originally reviewed. Chairman Dobis doesn't see this application affecting the previous determination of SEQR. Mr. Riper recommends a negative declaration.

On a motion introduced by Erinn Kolligian, the board adopted the following resolution:

NOW, THEREFORE, BE IT RESOLVED that a determination of a negative declaration on SEQR is approved. Harold VanEarden seconds the motion and the negative declaration on SEQR is adopted.

On a motion introduced by Harold VanEarden, the board adopted the following resolution:

NOW, THEREFORE, BE IT RESOLVED that the amended site plan for 17,700 SF addition to the Granite and Marble Works is hereby approved with the conditions that applicant comply with the letter of March 14, 2013 from Ryan Riper and that five trees from the list of allowable species with a caliper of between 2-3" be planted on the property located at 8 Commerce Park Drive, Tax Map No. 115.-2-74 zoned C-3. Donald Needham seconds the motion which is duly put to vote, all in favor, this 20th day of March, 2013.

C. Altamont Park Apts., Inc. David Canfield, President of Altamont Park Apts., Inc., is requesting a recommendation to the ZBA regarding an area variance for relief of frontage for a two lot subdivision application in Green Acres Subdivision. John Allen, Esq., is representing David Canfield, the applicant who is proposing to subdivide a .94 acre parcel on the east side of Margaret Drive into two lots. The subdivision was approved in the early 70's before the current subdivision regulations were adopted.

Currently the applicant has 50' of frontage on Gailor Road and is seeking a relief of 100' from the ZBA in order to subdivide this lot. Mr. Riper states this is a ZBA Referral and except for the area issue, the proposed lots meet all of the requirements of the R-1 zone. On a motion introduced by David Gabay, the board adopted the following resolution:

NOW, THEREFORE, BE IT RESOLVED, the Planning Board makes a positive recommendation to the ZBA regarding Appeal No. 13-06 for the area variance for relief of 100' of frontage on the proposed two-lot subdivision in Green Acres Subdivision, Margaret Drive and Gailor Road, Tax Map No. 128.5-1-12, zoned R-1. Harold VanEarden seconds the motion which is duly put to vote, all in favor, this 20th day of March, 2013.

John Allen states that assuming the ZBA grants the variance, he will request to be put on the Planning Board agenda for April 17, 2013 to amend the subdivision known as Green Acres. The request needs to be in writing and submitted by the first Tuesday in April.

D. Dairy Haus Ice Cream: Michael Goodspeed is before the board for ZBA referral [No. 13-08] and for a pre-application review of his site plan. His request to the ZBA is for a special permit for a restaurant in the CR-2 zone to be located at 697 Maple Ave., on 2.39 acres, Tax Map No. 140.-3-6. The applicant owns Dairy Haus Ice Cream on Route 9. He doesn't own the building, only the business and needs to relocate because his lease is not going to be renewed. Chairman Dobis clarifies that since Mr. Goodspeed must go before the zoning board for a special permit, the planning board can't give any approval for his site plan tonight. He would like to use the opportunity as a pre-application meeting.

Dr. Gabay, in the interest of full transparency, acknowledges that Mr. and Mrs. Goodspeed have been patients of his in the past. This in no way affects his judgment or interest in the project before the board.

Mr. Goodspeed hopes to resolve some of the issues that exist in his present location by purchasing a parcel across from SUNY Adirondack upon which he can build his ice cream business. There will be no drive-thru facility. The existing location doesn't have enough parking and doesn't offer any cover from the elements for his patrons. In his new location the parking has been expanded and there would be additional parking if needed. He displays the architectural drawings for the site plan of the new 2,160 SF building, the Adirondack styling and the elevations. There will be more serving windows facing south to the veterinary clinic. There will be a 25' x 30' patio with lighting and a canopy, picnic tables and bistro tables.

Mr. Goodspeed intends to meet any signage requirements designated in the Town Code. Mr. Mykins states that the sign will be part of the applicant's sign permit: if all his square footage is correct, and he doesn't exceed what is allowed - a sign on the building and a detached sign is allowed. Chairman Dobis suggests that if a variance is needed for the sign, that the applicant apply for that and consolidate his appeal to the ZBA. Mr. Goodspeed would like to hang the lighted ice cream cone sign on the exterior of the new building. Chairman Dobis asks Mark Mykins, the building code enforcement officer, whether the ice cream cone light counts as signage. Mark Schachner reads the definition of a sign from the code and it appears that the ice cream cone light does count as a sign. It will be up to the ZBA to determine whether it meets the signage requirements.

Mr. Riper goes over his comment letter dated March 14, 2013. He suggests if the fifteen items are attended to before the next Planning Board meeting, then it will be that much simpler to go through the site plan approval process. Many of the items are just a matter of doing the paperwork such as coordination with the DOT regarding a work permit and curb cut; the application to WWSA and the Saratoga County Sewer District. Applicant will need a stabilized construction entrance. Mr. Riper requests that the parking space calculation be put on the plan. Sidewalks are required in the CR-2 zone per Item #8 of his letter. The proposed site plan has been referred to the Saratoga County Planning Board for its review. Adequate lighting is shown on the site plan – parking lot lights should be shielded from the adjacent properties. The easement needs to be shown and should be transferred to the Town prior to final stamping of plans. Mr. Mykins remarks that this property was the site of a proposed dental office and asks if an easement for the sidewalk is already in place. Ms. Baldwin said the applicant did request a variance; he did not want to install the sidewalk but he didn't get the variance. Chairman Dobis asks if there are any other questions regarding the pre-application.

Mr. VanEarden confirms that applicant is here to receive a recommendation to the ZBA. On a motion introduced by Harold VanEarden, the board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, the Planning Board makes a positive recommendation to the ZBA regarding Appeal No. 13-08 for approval of the special permit for a restaurant in the CR-2 zone, property located at 697 Maple Avenue, on 2.39 acres, for the Dairy Haus Ice Cream. The motion is seconded by Erinn Kolligian, and duly put to vote, all in favor.

E. Pine Brook Landing Subdivision: request for extension of 90 days for subdivision approval. Chairman Dobis asks for any questions or comments from the Board. There are none. On a motion introduced by Donald Needham, the board adopts the following resolution:

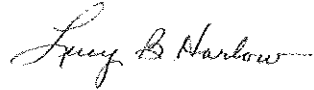
NOW, THEREFORE, BE IT RESOLVED, that the approval with conditions of the 21-lot Pine Brook Landing Subdivision, located at 329 Loudon Road, zoned R-2; tax map number 154.-1-8.2, be extended 90 days until June 18, 2013. The resolution was seconded by Erinn Kolligian and duly put to vote, all in favor, on this day March 20, 2013.

E. Sass Subdivision: request for extension of 90 days for 9-lot subdivision approval retroactive back to January 15, 2013 which is when the 180 day extension expired. Chairman Dobis remarks that this subdivision approval has been extended for a number of years. He has no issue with that. The applicant will have to come back on April 15th, 2013 for another 90 day extension. On a motion introduced by Harold VanEarden, the board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the approval of the 9-lot Sass Subdivision be extended for a 90 days which will expire April 15th, 2013. Property location: Edie Road, zoned R-2; tax map number 154.-1-8.2. The resolution was seconded by Erinn Kolligian, and duly put to vote, all in favor, on this day March 20, 2013.

ADJOURNMENT: At 7:35 p.m., Harold VanEarden moves to adjourn the meeting. Erinn Kolligian seconds the motion and all board members are in favor on this day, March 20, 2013.

Approved:

A handwritten signature in cursive script, appearing to read "Lucy B. Harlow".

Executive Secretary



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Ryan K. Riper, P.E.
Director of Planning & Engineering

March 14, 2013

Mr. Mike Roohan
Granite & Marble Works
8 Commerce Park Drive
Gansevoort, NY 12831

RE: Amended site plan Review of Proposed Building Expansion

Dear Mr. Roohan

We have reviewed your submission consisting of sheets SP1 – SP5 dated 3/5/13 and EAF all prepared by Miller Assoc. & Nace Engineering. We offer the following comments:

1. This project is a SEQR unlisted action. This amended submission application is deemed complete. If the Town Planning Board approves submission as an amended submission, no public hearing is required. The Planning Board will make a SEQR determination. The payment of Traffic Mitigation Fees has a direct bearing on this SEQR determination.
2. The plans should be sent to the Emergency Squad and Fire Department for their review.
3. The existing "open" building permit for the previous expansion needs be "closed" prior to issuance of another permit.
4. The executed Stormwater Control Facility Maintenance Agreement (see website) for all facilities not being owned/maintained by the Town of Wilton needs to be submitted.
5. The original over-sized Stormwater (SWPPP) design needs be verified/updated or provide a stamped letter certifying the existing design is adequate based on Town of Wilton Stormwater Law.
6. Provide site lighting details.
7. Provide a concrete pad for the dumpster. Dumpster fence enclosure with screening is preferred.
8. Additional site landscaping / trees are preferred along frontage.
9. A certification by a P.E. or R.L.A. that the site plan and all stormwater management facilities were constructed in substantial conformance with the approved plan prior to issuance of the C.O. is required.
10. Professional stamps and original signatures are required on the final one set of plans and one set of mylars the Town will retain. A CD Containing .tiff files of the full set of approved drawings with all final stamps/signatures is also required.
11. Prior to sending plans to the Town or outside agencies, a CHECK SET of plans shall be sent to the Planning Department to check vs. the latest review letter.
12. Notify the Town and pay inspection fees prior to starting work.

Please contact me with any questions you may have on this review letter.

Sincerely,

Ryan K. Riper, P.E.
Director of Planning & Engineering

Cc: L. Harlow, Town Board, Planning Board, M. Mykins, K. Woodcock, M. Schachner, Esq.