



**TOWN OF WILTON**  
**22 TRAVER ROAD**  
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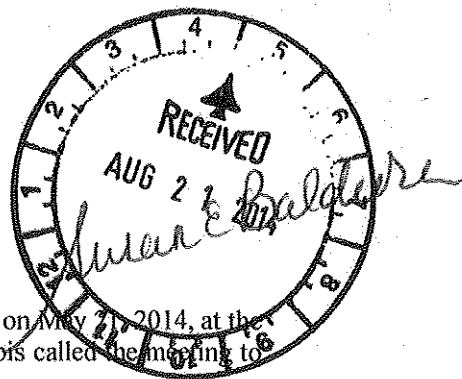
MICHAEL G. DOBIS  
Planning Board Chairman

LUCY B. HARLOW  
Executive Secretary

**PLANNING BOARD MEETING**  
**TOWN OF WILTON**

Wednesday, May 21, 2014

A meeting of the Wilton Planning Board (the "Board") occurred on May 21, 2014, at the Wilton Town Hall, 22 Traver Road, Wilton, New York. Chairman Michael Dobis called the meeting to order at 6:31 PM.



**PLEDGE OF ALLEGIANCE**

**I. REGULAR MEETING**

**PRESENT:** Chairman Michael Dobis, William Rice, Sue Peterson, David Gabay, Erinn Kolligian and Ron Slone. Also present are Ryan Riper, P.E., Director of Planning and Engineering and Mark Schachner, Planning Board Attorney.

**ABSENT:** Harold VanEarden, Vice Chairman and Brett Hebner, Alternate.

**APPROVE PENDING MINUTES:** Chairman Dobis wants to address the meeting minutes of April 23, 2014 and he asks for a motion and a second to approve the minutes. On a motion introduced by Sue Peterson, the board adopted the following resolution:

**NOW, THEREFORE, BE IT RESOLVED,** that the minutes from the Planning Board meeting of April 23, 2014 are accepted. The resolution was seconded by David Gabay and duly put to vote, all in favor, on this day, May 21, 2014.

**CORRESPONDENCE:** Letter from the Saratoga County Planning Board re: Johnson's Auto Crusher proposed subdivision dated 5/19/14; Letter from the Saratoga County Planning Board re: area variances and site plan review for Golub Corporation/Price Chopper Store #39 dated 4/23/14; e-mail from Mike Valentine, Saratoga County Planning Department re: Johnson's Auto Crusher proposed subdivision dated 5/6/14; Determination of Zoning Enforcement Officer re: Johnson's Auto Crusher Proposed subdivision dated 1/2/14, received 5/5/14; Transmittal letter from David Barrass re: Johnson Auto Crusher Subdivision dated 5/2/14; Transmittal letter from Signworks Neon Corp. re: Price Chopper #39 dated 5/15/14; Transmittal letter from Laberge Group re: Golub Wilton Price Chopper Store No. 39 dated 5/14/14; e-mail from Mike Kopchik re: Price Chopper Signage Renderings dated 5/9/14; Notice of Decision of ZBA re: Appeal No. 2014-13 re: Golub Corporation dated 4/28/14; e-mail from Steven Duffy re: Wilton Price Chopper Revised Concepts for Review dated 5/1/14; Transmittal memo from Saratoga County Clerk's Office re: map filings dated 5/1/14; *Capital District Data*, March/April 2014; Vol. 37, No. 2 received 5/20/14.

## II. APPLICATIONS

### A. AMENDED SITE PLAN APPLICATION OF GOLUB CORPORATION

Applicant Golub Corporation proposes to amend the site plan of Price Chopper Store # 39 to add a pharmacy drive-through and a reverse vending service. The property is located at 3045 Route 50 and is zoned C-1. Present for the applicant are Steven M. Duffy, Vice President in charge of store planning and design and Renee Charbonneau, senior lead for the project on the design side for Golub Corporation; Philip Koziol, P.E., Labarge Group; Michael Kopchik, Marchand Jones Architects.

Mr. Duffy gives a brief introduction and describes the site modifications that were made following the last Board meeting on April 23, 2014. The team has been working with the Town Engineer, Ryan Riper, through many of the site plan issues. Mr. Duffy refers to an aerial overview and two renderings of the revised site plan.

Philip Koziol, the site engineer, describes the modifications that were made to address the main issues concerning the Board such as traffic flow, parking and some turning movements. He describes the closing off of a portion of the parking lot; the addition of sidewalk and crosswalk and the relocation of the employee parking. By narrowing down the exit driveway and making some modifications, this allows an additional parking space and may effectively slow vehicles down. The plan shows that the turning radius for passenger cars is feasible at the entrance and exit. He indicates where porous pavement (the dark shaded part of drive-through shown on the plans) will be used as an offset for the loss of the green space. The existing sidewalk has been continued around and over with a crosswalk to the reverse vending. The patrons would park in the normal parking lot (indicating) and cross where they are crossing now. By pushing up the crosswalk, adding stop-bars and those patrons would walk this way, (indicating a southerly direction) onto the new sidewalk, cross-again to get to the reverse vending. A stop bar has been added and a stop sign will be indicated on the final construction documents. The continuation of the existing sidewalk, the insertion of stop-bars and crosswalks to improve and safeguard the pedestrians' ability to walk to the vending return area are revisions from the last meeting. The concern about the turning radius for the fire truck has also been addressed.

Mr. Duffy remarks on the new concept of the architecture which is part of the holistic re-evaluation of the Golub Corporation as a company and the new concept represents that. Re-branding the store concept has been part of a long term development, thus changing the exterior design which has been used for approximately two decades. The new design will result in cleaning up and unifying the front and side of the facade. He displays several renderings of what the building façade will look like. Mr. Rice asks about the indication on the drawing for a corporate logo and is told that it is part of the rebranding and that hasn't been fully evolved. Applicant is going before the ZBA for the sign approvals.

The parking for the vending return area has increased by one space. Chairman Dobis asks about the one additional parking space added to the vending return area (now consisting four spaces instead of three) and three spaces to the rear including a handicapped parking space. Other details include a stop bar that has been added to the plan which stops the cars which are exiting before merging with the traffic on the access road that runs along the front of Home Depot. Those details will be added to the construction documents that will be submitted to Mr. Riper.

David Gabay asks about the trade off with the green space. Basically he is told the use of porous pavement in the drive-thru means there will be no reduction in green space.

Ryan Riper states that the variance for the setback was granted to the applicant by the ZBA. With regard to Mr. Riper's review letter of May 15, 2014, the majority of the items have been addressed and his remaining comments are administrative. The applicant still needs to submit final construction documents

which should include the storm water drainage that was discussed previously. The Saratoga County Planning Board review letter, that the Board received, stated there was "No significant Countywide or Intermunicipal Impact," but there were comments addressing traffic matters [such as safe vehicular access and safe internal traffic circulation and movement throughout the site.]

Mr. Slone asks whether the reverse vending center will be open 24 hours and how it will be lighted. There will be shielded wall packs on the side of the building providing light 24 hours a day.

In response to Chairman Dobis' comment about what happens if the vending machines were to stop functioning. There is a buzzer system that connects to the inside of the store to the reverse vending area so that store personnel can remedy any malfunction. Chairman Dobis brings this up in case there could possibly be a back-up in the traffic trying to access the reverse vending. There being no further questions or comments, the Chairman asked for a motion.

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

**NOW, THEREFORE, BE IT RESOLVED**, that the amended site plan is approved for the addition of a pharmacy drive-thru and reverse vending service center for the Price Chopper store located at 3045 Route 50, zoned C-1. The resolution was seconded by Sue Peterson and duly put to vote, all in favor, on this day, May 21, 2014.

#### **B. SUBDIVISION OF LANDS OF JOHNSON'S AUTO CRUSHERS OF CORINTH, INC.**

Applicant proposes to subdivide a pre-existing non-conforming 24 +/- acre parcel into 3 lots. The property is located at 81 Ballard Road and is zoned C-2. David Barrass is representing Mr. Ed Johnson, the applicant and owner of the property, who has located his auto crusher business, his own residence and his son's residence on the subject parcel. The residences are pre-existing non-conforming uses in C-2 zone. By subdividing the parcel into 3 lots, he can create a 4 acre lot around his son's residence, a 10 acre lot around his own residence including the auto crusher business, and a 10 acre lot for possible future business usage for which there no plans at this time. The lot sizes and widths comply with the commercial zoning requirements. The existing residences and businesses have their own driveways and there are no new curb cuts being created. Mr. Rice inquires about what the issues are regarding the proposed subdivision. Mr. Riper reiterates that no residential use is allowed in the commercial zone, but since it's a pre-existing non-conforming use and as long as applicant doesn't abandon the house at least for more than 2 years, they can continue to use it as a residence and can expand it up to 100%, one time.

Mr. Gabay asks whether there are any environmental liabilities or concerns associated with Mr. Johnson's business and is told that Mr. Johnson works regularly with DEC. To applicant's knowledge there are no environmental issues at this time. Mr. Riper adds that there no active open spills on the site, per DEC. The applicant's intention is to consolidate commercial activities on one lot and all of that material should be brought onto the commercial site. Mr. Riper suggests the Board ask the applicant to obtain a document from DEC ensuring that the site is compliant and that the consolidation will not be of concern to DEC. Chairman Dobis states that this application will be examined under SEQRA.

The applicant should have a multi-sector SPDES permit for this site and Mr. Riper states he has not seen this. Mr. Schachner adds that the permit might be subject to modification. Mr. Riper

adds it would be based on the area for storm water control and applicant's methods of storm water management. Another condition that could be considered by the Board is that when applicant consolidates the site and cleans it up, that the vehicles along Ballard Road should be moved behind the fence.

Mr. Riper stated that the Saratoga County Planning Board review letter stated there was "No significant Countywide or Intercommunity Impact" with conditions, one being that "only three" curb cuts be permitted as new driveways to the county road. Mr. Barrass questions why since the existing driveways are already shown on the plans. It is because applicant needs to make a determination which three of the existing driveways are to be used since there are six altogether.

Chairman Dobis asks about the location of the existing cars; are they on all 3 lots? Mr. Barrass believes they are on two lots, but he's not sure. Mr. Riper passes an aerial view of the parcel to the Board. The Chairman asks if there will be three separate businesses and will the existing auto crushing business stay where it is, and the 10 acre lot next to it, will that business stay there. Mr. Barrass says he's been told there are two junkyard permits on one parcel. Mr. Rice inquires why two permits are needed and Mr. Schachner remarks that it is unusual and should be a matter for inquiry. Chairman Dobis asks if there are still going to be two separate permits regardless of where the two distinct businesses are located. James Johnson, applicant's son advises the Board that his father is ill and one of the reasons the subdivision is being requested is to protect the four acres around his residence. There is a dismantler's license for the business on the part of the lot near the residential and the salvage yard license is for the business on the part of the lot near the tracks. Johnson's Auto Crushers was always on the 10 acres near the tracks. Ed Johnson purchased the adjoining acreage and got the dismantler's license for the business which is physically located in the middle portion of the property. The son adds that the primary business is the auto salvage but the dismantling permit has been kept and his father may sell it. All the cars from the dismantling section will be moved to the "junkyard" [Johnson's Auto Crushers] which is going to remain in place on the portion of the lot adjacent to the railroad tracks. The plans for the other proposed ten acre lot are up in the air.

If the subdivision is approved there will be three new tax map numbers for 3 lots and the permits would have to be assigned to the appropriate lot which would also have a new address. Mr. Schachner suggests that the Board could be involved in future site plan review if there was a new business on what is being called the middle lot. But it wouldn't be part of this subdivision application. If there are new commercial uses that the applicant seems to create, even if they are subject to State permitting, that doesn't eliminate the requirement of site plan review from this Board. They may need both.

Mr. Riper states that the applicant is cognizant that he will not be getting approval on the subdivision tonight. Chairman Dobis suggests treating this as a pre-application. Mr. Rice thinks the Board should know how the permitting process works. That is one of the reasons the Board is not acting tonight, so it can gain additional information from DEC about the consolidation and potential future uses.

Mr. Barrass understands it is a difficult situation and asks whether after tonight if this application is approvable.

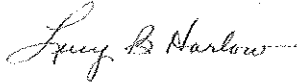
Chairman Dobis polls the Board with this question; barring the State requirements and the applicant possibly coming back for site plan review, do any of the Board members have a problem with a basic 3-lot commercial subdivision in this location? Mr. Rice would like to know what is going to be planned in terms of a proposed use for the three lots. Chairman Dobis asks again, barring those issues, does anyone have a problem with looking at this as a regular 3-lot commercial subdivision? All the Board members concur - they do not have a problem with that supposition. Chairman Dobis concludes that if the issues previously discussed are worked out, there should be no reason that the subdivision can't be approved in the future.

The Chairman asks if there is any correspondence that needs to be dealt with. The secretary answers, there is not. Ron Slone will not be at the next Board meeting on June 18th. Chairman Dobis reminds the Board members of the mandatory ethics training on June 26<sup>th</sup>. The meeting will not exceed one hour.

### III. ADJOURNMENT

On a motion introduced by Ron Slone that the meeting be adjourned; it is seconded by Sue Peterson. All board members are in favor. The meeting is adjourned at 7:10 PM.

Approved: August 20, 2014



Executive Secretary