

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, June 19, 2013

A meeting of the Wilton Planning Board (the "Board") occurred on Wednesday, June 19, 2013, 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

PRESENT: Chairman Michael Dobis, Donald Needham, Sue Peterson, Ron Slone, Vice Chairman Harold VanEarden and David Gabay, Alternate. Also present are Ryan Riper, P.E., Director of Planning and Engineering; Mark Schachner, Planning Board Attorney.

ABSENT: Erinn Kolligian, William Rice and Tony Mangini, Alternate.

Chairman Dobis, before opening the public hearing, wants to address the meeting minutes of May 15, 2013. Chairman Dobis asks for questions or comments regarding the un-approved minutes from the meeting held on May 15, 2013. There were none and he asks for a motion and a second to approve the minutes. On a motion introduced by Ron Slone, the board adopted the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the minutes from the Planning Board meeting of May 15, 2013 are accepted. The resolution was seconded David Gabay and duly put to vote, all in favor, on this day, June 19, 2013.

Mark Schachner, the Planning Board Attorney was not present when the May meeting minutes were approved and has some corrections. He advises the Planning Board Secretary and the Board members of his revisions, which are duly noted. The motion to approve the minutes of May 15, 2013 is amended as follows:

On a motion introduced by David Gabay, the Board adopted the following amended resolution:

NOW, THEREFORE, BE IT RESOLVED, that the minutes from the Planning Board meeting of May 15, 2013 are accepted as revised. The resolution was seconded by Harold VanEarden and duly put to vote, all in favor, on this day, June 19, 2013.

I. PUBLIC HEARING

Chairman Dobis opens the public hearing for Dairy Haus Ice Cream scheduled for 6:30 PM. Property location: 697 Maple Avenue on 2.37 acres, tax map number 140.-3-6, zoned CR-2. Applicant will give his presentation and if there are any questions or comments from the audience they will be addressed

upon completion of the presentation. The members of the audience are instructed to state their name and address for the record and to address the applicant with their questions directly.

Ethan Hall with Rucinski Hall Architecture is representing Michael Goodspeed, the applicant, in his site plan application for construction of a seasonal ice cream business located at 697 Maple Avenue, just south of Nove' Restaurant and across from the ACC SUNY Adirondack campus. It is a 28' x 56' building which will be for seasonal ice cream sales. The rendering of the building shows the Adirondack style. The entry is the existing driveway for a former residence.

Chairman Dobis asks for questions or comments from the audience. There are none and he asks for a motion to close the public hearing. On a motion introduced by Harold VanEarden, the board adopted the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the public hearing be closed. The resolution was seconded by Donald Needham and duly put to vote, all in favor, on this day, June 19, 2013 at 6:36 PM.

II. REGULAR MEETING

CORRESPONDENCE: Transmittal letter from Creighton Manning Engineering ("CME") re: Gordon Development dated 6/13/13; copy of letter from CME re: Gordon development to Saratoga County Sewer District dated 6/13/13; copy of letter from CME to Keith Manz re: Gordon Development dated 6/13/13; copy of letter from CME to Randy Galusha, DEC Region 5 re: Gordon Development dated 6/13/13; letter from Environmental Design Partnership re: Dairy Haus Ice Cream dated 6/12/13; letter from Michael Valentine of SCPB re: Glens Falls Hospital – Medical Center at Wilton dated 5/16/13; transmittal letter from EDP re: Pine Brook Landing dated 6/3/13; transmittal of SWPPP re: Mill at Smith's Bridge Road dated 6/18/13; email from Connie Towers re: 5/15/13 planning board meeting dated 5/17/13; *Towns & Topics*, Vol. 27 No. 3 May/June 2013.

III. APPLICATIONS

A. Dairy Haus Ice Cream: Ethan Hall is representing Michael Goodspeed for the preliminary site plan review for 1568 SF of new construction for a seasonal ice cream business located at 697 Maple Avenue (Rt. 9). Mr. Ryan Riper, Director of Planning and Engineering, states applicant is seeking preliminary/final approval. One of the outstanding issues is the placement of the sidewalk that is required in the CR-2 zone. There was a discussion of this at the previous Board meeting regarding DOT's input about placing the sidewalk in the right-of-way which DOT indicated didn't make sense. In lieu of that, one option suggested is that the applicant pay the town \$30.00 per linear foot to be put into a reserve fund for the future sidewalk installation and when the property around the site is developed, the town can pay for the installation of the sidewalk at that time. The other option is to put the sidewalk in the town right-of-way. Mr. Hall addresses the problem that exists. The property line and Route 9 begin to separate going northbound. The sidewalk, if kept on applicant's property, winds up about 50 feet off the pavement and ends up in the middle of nowhere literally. At a meeting on site with DOT, they said that the sidewalk could be kept closer to Route 9 but they don't want it dead-ending. They requested that it go all the way to Nove' and end at a logical point. It would be necessary for the sidewalk to go across two other properties to get to Nove's parking lot.

Chairman Dobis explains why DOT is not in favor of having the sidewalk just end at applicant's property line to the north. DOT has been involved in some lawsuits where the sidewalks have dead-

ended and people have walked in the road and been injured. The State is saying you've got to run the sidewalk "to a logical termination point" and in this case that is the parking lot at Nove' Restaurant. That is 300 feet beyond applicant's property line. So the cost of installing a sidewalk will be nine or ten thousand dollars. The Board has no authority to waive the ordinance of the CR-2 zone. The funds in reserve would not have to be increased if, in a few years, the cost of installation went up.

Mr. Riper's other question is about the sewer lateral connections. Mr. Hall, in talking to WWSA, understands it's preferable to tie in on the SUNY Adirondack Campus to the gravity line. That entails boring under Route 9 to a new manhole on the opposite side of the road eliminating the necessity for a pump. Mr. Hall states they are in the process of negotiating an easement with SUNY to do that. The information has been sent to the surveyor and the description is being put together. SUNY has verbally agreed to it but they want to see a survey and an agreement. Saratoga County Sewer District has agreed that it's good to go. It's a simpler, less expensive solution, says Dr. Gabay. The site plan drawing has been sent to Thompson & Fleming and they are working out the easement descriptions. Mr. Riper reiterates that it is just a matter of approvals for the easements and getting the language for them and the approvals from other agencies. Mr. Hall says Chad Corbett of DOT got back to Mike McNamara and says that he is verbally okay with it.

Chairman Dobis suggests that if anyone is going to move for approval, it should be for preliminary first so applicant can do site work, and then do final contingent on completion of the items on Mr. Riper's 6/14/13 letter and any other contingencies.

On a motion for preliminary approval introduced by David Gabay, the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the preliminary site plan for approximately 1600 SF of new construction for the Dairy Haus seasonal ice cream business is approved. Property location: 697 Maple Ave., Tax Map No. 140.-3-6, zoned CR-2. The resolution was seconded by Donald Needham and duly put to vote, all in favor, on this day, June 19, 2013.

On a motion for final approval introduced by Harold VanEarden the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the final site plan for the Dairy Haus Ice Cream for the construction of a seasonal ice cream business is approved contingent upon the satisfaction of items contained in Ryan Riper's comment letter of June 14, 2013. Property location: 697 Maple Ave., Tax Map No. 140.-3-6. The resolution was seconded by Ron Slone and duly put to vote, all in favor, on this day, June 19, 2013.

The change in the sewer and water has already been changed on the drawings. The language about escrowing the sidewalk installation funds is also in Mr. Riper's letter.

B. The Medical Center at Wilton: This is an amended site plan application for addition of ambulance bay, stairwell and stair tower to the existing building located at 135 North Road, zoned C-3. Mr. Ron Zimmerman of Glens Falls Hospital, the applicant, explains the changes from the previously approved site plan to the existing building. As the lay out progressed for the interior, the lay out ended up being much more effective and efficient for patient care by putting the stair tower, the ambulance

canopy on the exterior. That change resulted in an encroachment on the 100 foot setback for that side property boundary. The resulting variance application was referred to the ZBA and it was met favorably and the variance was granted. Mr., Riper has no comments or issues. It will require as-built drawings when it's constructed. Applicant is looking for amended site plan approval.

Chairman Dobis reviews the letter from the Saratoga County Planning Board ("SCPB") which indicated no inter-community or county-wide impact. Mr. Riper notes no SEQRA action is necessary since this is a Type II action.

On a motion for amended site plan approval introduced by Sue Peterson, the Board adopted the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the amended site plan for the expansion of the Medical Center at Wilton located at 135 North Road is approved. Tax Map No. 115.-1-50; zoned C-3. The resolution was seconded by Harold VanEarden and duly put to vote, all in favor, on this day, June 19, 2013.

Ron Slone recuses himself from the Board and steps down from the dais.

C. Hoffman Car Wash: This is an amended site plan application for widening the existing pavement for the exit of the car wash facility to improve traffic circulation. The property is located at 5 Lowe's Drive; zoned C-1. Mr. Slone is present on behalf of Hoffman Development Corporation. Mr. Slone states that the ZBA granted the required variance application and he is here for final approval of a plan to widen the exit/entrance to the car wash. He gives the details regarding the necessary site changes which will ultimately make it safer for cars to negotiate through the car wash. Mr. Riper states it is a SEQRA Type II which requires no action. He did request some additional notes be added to the amended site plan. Mr. Slone states that Mr. Riper's comments in his letter of 6/6/13 have been reviewed by Ethan Hall and have been addressed. The Wilton Fire Dept. and the Wilton Emergency Squad have been apprised of the changes. The SCPB reviewed the plan and stated there was no significant county-wide or inter-community impact. On a motion for amended site plan approval introduced by Harold VanEarden, the Board adopted the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the amended site plan for Hoffman Car Wash is approved contingent upon the satisfaction of the items contained in Ryan Riper's review letter dated 6/6/13. Property is located at 5 Lowe's Drive; Tax Map No. 115.-1-50; zoned C-3. The resolution was seconded by David Gabay and duly put to vote, all in favor, on this day, June 19, 2013.

Mr. Slone returns to his seat at the Planning Board dais.

D. Pine Brook Landing Subdivision: This is a request for subdivision re-approval for property located at 329 Loudon Road on 51 acres, zoned R-2. Joe Dannible from Environmental Design Partnership is representing Thomas Building and Development, the applicant. The application for a 21-lot subdivision located about a quarter mile east of the intersection of Loudon and Ingersol Road has received final approval. Due to the lengthy time working with DOH and other outside agencies, approvals have expired for the project as of today. Mr. Riper states they have corrected and fixed and added all the previous contingent items, except for a few. This goes back to the approval of October 19, 2011. The deed restriction language for the 3 lots on the end of the cul-de-sac needs to be approved by

Mr. Schachner. Also final approval shall be contingent upon WWSA approval. Mr. Dannible confirms that the deed restriction language has been forwarded on to Mr. Schachner for review. He talked with Mike Mooney of WWSA and Mr. Mooney is all set to go with the application. He is waiting on payment of fees. Mr. Riper states he will use the latest plans submitted as the checkset. The fees that are due at the time of final approval will be submitted when the final mylars are ready to be signed. On a motion for subdivision re-approval, introduced by Harold VanEarden, the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Pine Brook Landing subdivision is re-approved contingent upon the satisfaction of the items contained in Ryan Riper's review letter dated 6/17/13. The property location is 329 Loudon Road; Tax Map No. 154.-1-8.2. The resolution was seconded by Donald Needham and duly put to vote, all in favor, on this day, June 19, 2013.

E. Alpin Haus: This is an amended site plan application for replacing the existing building and constructing an addition to an adjacent building. The property is located on Gordon Lane on 22.80 acres zoned C-3. This is a Type II Action under SEQRA. Frank Parillo, the property owner is present along with Al Heck who represents Alpin Haus. The plan is to remove a 40' x 28' building that is a parts store and replace it with a 30' x 50' pole barn style building. They are also proposing to construct a 40' x 44' addition to the end of an existing building which will be for the servicing of RV's. There will be no water or sewer; just a concrete floor for the repair facility. There is an existing septic and it is a private water system. There won't be any increase in employees or water usage. The surveyor supplied Mr. Riper with the amended site plan pursuant to Mr. Riper's requirements. Mr. Riper states that there has been no response yet from the SCPB relating to the referral sent relating to this project due to its being within 500 feet of the Northway. Mr. Schachner indicates that the Board cannot legally approve the application contingent upon a positive response by SCPB as suggested by Mr. Riper. Mr. Riper has spoken to Mr. Valentine, Senior Planner for Saratoga County who has all the information to give to the SCPB for their meeting on June 20, 2013.

Chairman Dobis asks about the official site plan. Mr. Riper did some research and found a portion of the site plan when Bruce Conklin was on the Board. The Chairman indicates his willingness to use this opportunity to have an updated site plan and have the application stand as amended. Mr. Gabay asks if there is an elevation of the new building. Mr. Riper indicates the new building is a pre-fabricated one story building and the addition will likely be the same roofline as the existing building. Mr. VanEarden states that there is no action the Board can take tonight.

Mr. Parillo asks whether the approval can be conditioned upon the County's approval. Mr. Schachner states that it can't be done legally. If someone challenges that approval, the Board loses as does the applicant. Mr. Parillo asks if he will have to come back once the SCPB approves the project. Chairman Dobis states it will have to be on next month's agenda. Mr. Schachner states that the applicant doesn't physically have to come back. Next month when he comes back in, there may be different Board members but that shouldn't be an issue according to Chairman Dobis. The next meeting is the 17th of July. Mr. Heck asks how long after the approval it will be before a building permit can be issued. Chairman Dobis states that applicant can have the mylar prepared and once the County and the Board approves the plan, he can sign the mylars.

F. Morris Subdivision: This is a conceptual application for 19-lot conventional subdivision on Traver Road across from Kings Mill Road on 12.80 +/- acres, Tax Map Nos. 115.-1-26 and 115.-1-30

zoned R-1. Mr. Bill Morris presents his application and describes the location of the property. This was the location for a subdivision plan in 1972 that was never approved. He has met with the five neighbors that will be directly affected and they knew it would eventually be developed. All the proposed lots meet or exceed the R-1 requirements. The subdivision will be serviced with water and sewer. There have already been discussions with WWSA. He has spoken to Kirk Woodcock, the highway superintendent, about the T-turnaround. There is a note added at his request regarding the driveways of the last two lots on the street.

Chairman asks Mr. Riper whether the subdivision plan is acceptable as a conventional subdivision. The Board has the authority to waive the conservation subdivision requirement where there are minimal environmental constraints. He did run the numbers and it comes out to be the same because there is a very minor wetlands area in the one southern corner. The only issue is aligning the subdivision entrance with Kings Mill Road which would push lot number one into a non-conforming lot. An application would have to be made to the ZBA and since it is a corner lot it would need a square footage variance and a road frontage variance. The Board indicates it would have no problem giving the applicant a positive recommendation when the ZBA referral comes before it.

Mr. Morris's plans don't include square footage for the houses at this time. The houses will be fitted to the lots. Chairman Dobis iterates that it is critical to align the entrance with Kings Mill Road. Mr. Riper refers to his review letter of 6/12/13 and goes over the items such as adding some additional notes, site statistics, zoning table, tax map numbers, drainage concept (open swale drainage) and some standard details. Applicant will have to provide a traffic assessment comparing sight distances to AASHTO/DOT standards. No site specific items, just standard requirements.

G. The Mill at Smith's Bridge: Final approval is being sought for the entire 63-lot conservation subdivision to be developed in three phases. The property location is Smith's Bridge Road and Davidson Drive on 53.46 acres zoned R-1. The applicant is requesting approval for the entire subdivision but wants to file the project in three separate phases. Joe Dannible and applicant Peter Belmonte are present. Mr. Dannible relates the status of the project in connection with the outside agency approvals of the DOH, DEC and WWSA. Applicant is looking for final approval so that the mylars can be submitted to the various agencies for signature. The project encompasses the 52.08 acres on the north side of Smith Bridge Road and 1.73 acres on the south side - the density calculation doesn't include the 1.73 acre parcel. That lot may be developed in the future. The calculation allows for 63 lots; there are two existing houses and 61 building lots.

Mr. Dannible reiterates the issues covered in the preliminary review. Sight distances have been looked at by the highway superintendent, the town engineer and an independent traffic engineer for the two entrances and they meet and exceed the requirements for both stopping and turning distance. The proposed community will be targeted as age-restricted and maintenance free. All five storm water management basins will be owned and maintained by the homeowner's association. The storm system and infrastructure within the road will be owned and maintained by the Town of Wilton. The roads will be dedicated to the Town and maintained as public roads. Phase I of the project consists of 33 parcels, 27 of them are the new building lots, 2 of them are existing houses and the remaining lot is on the south side on Smith Bridge Road. Phase II consists of 7 acres, with 16 parcels. Phase III consists of 7 acres with 18 parcels. The typical square footage of the homes will range from 1800 to 3200 SF, with either 3 or 4 bedrooms. Landscaping details are reviewed and in particular the buffering around the pump station.

The potential headlight glare from the entrance on Davidson Drive is discussed. Mr. Belmonte has made several attempts to contact the landowner that would be primarily affected and has never gotten a response. The owner was notified of the public hearing and did sign the return receipt but did not attend the public hearing. Mr. Dannible states there is nothing applicant can do to help provide any type of landscape buffer because any buffer that would be proposed would have to occur on the property in question to not impede the sight distance of the existing road. The name of the landowner is Gaye Towers. Mr. Belmonte adds that they don't know if the house is rented. The owner's name has been established as the landowner based on tax records research. Mr. Schachner comments that the only obligation of the developer is to try and contact the owner and in this case, the owner or resident has not answered the door when Mr. Belmonte has attempted to contact them in person. Since that landowner has made no effort to get in touch with the Board this is not going to be an issue.

Mr. Dannible describes the water and sewer utility system for the project. Chairman Dobis asks what the plan is to get past the dam. Mr. Dannible states there will be directional drilling under the travel lane, and within the dam some open cutting will be done and insulating of pipes on the underside. Saratoga County has looked at the plan and is okay with it, as is WWSA with regard to the off-site sewer line. Mr. Riper provided drawings of the dam and it has been investigated by EDP's geo-technical engineer. Chairman Dobis asks if Kirk Woodcock is aware of the drilling and emphasizes the importance of talking to Mr. Woodcock to ascertain if he is going to have any issues. Mr. Belmonte assures the Chairman that Mr. Woodcock will be apprised.

Ryan Riper adds his comments: the project is now in three phases and the applicant would be submitting mylars in three phases. His concerns were the headlight issue, the contingency of WWSA's final approvals, the standard items of complying with subdivision requirements and regulations and the payment of fees.

The issue of the intersection mitigation at Jones Road and Smith Bridge Road is discussed. There is a pre-existing condition with shrubs that are potentially in the right-of-way depending on how the right-of-way is defined, by usage or dedication and that is still in question. The issue is not directly related to this project. The developer has come up with the scope of the work that would need to be done to improve the sight distances at this intersection. It will take approximately eight to ten thousand dollars to cover the costs of relocating the existing shrubs, adding new shrubs and replacing the trees that need to be removed. The estimate of work is broken down in writing. Mr. Belmonte is more than willing to do this work, however he is already paying \$34,000 in traffic mitigation fees and it is his desire to have the cost of this work deducted from the traffic mitigation fees. The agreement at the end of the May 2012 meeting was that Mr. Woodcock and Keith Manz, the former town engineer were going to approach the Town Board to see if they would be willing to reduce the traffic mitigation fees by the cost associated with fixing the sight distance at that intersection. Mr. Dannible has not heard any further detail on that proposal. Mr. Dannible recalls at the May 2012 meeting, the Board indicated that this really wasn't the developer's problem; that it would be great if he could help mitigate the situation but the work was not made a requirement of the subdivision approval. Mr. Riper is not aware of any decision or communication with the Town Board with respect to the intersection issue. Mr. Woodcock couldn't attend tonight's meeting but indicated he wasn't clear where things stood. Mr. Woodcock has talked to the property owner, Mr. Vincek who has agreed with the work to be done on his property.

Mr. VanEarden asks if there is a mechanism in place to approach the Town Board on this issue. It would be the engineer and the highway superintendent's responsibility to take the Board's request to the Town Board. Chairman Dobis suggests to Mr. Riper that the Town Board will likely ask him if he thinks the work is needed and whether Mr. Belmonte's estimate is reasonable. Does he concur with the Board that the work may not be 100 percent necessary but it would be beneficial? Mr. Riper replies that it would increase the sight distance. He was at the intersection today looking at it and took some photos. The sight distance currently causes one to come to a complete stop and move out to take the extra look. Moving the arbor vitae along that one row – they could be trimmed back. He measured the ROW as about 25 feet, give or take, from the center line of the road. Mr. VanEarden states that unless the shrubs are maintained the sight distance is not going to get better. He further states that the intersection is terrible. The opportunity is here to either force Vincek's hand [if] they are not in the ROW. That's the question. If they are in the ROW then the highway department could take care of them. Chairman Dobis suggests that since the location of the ROW is in question it would mean researching the old surveys.

Mr. Riper states that Mr. Vincek has agreed to having the work done, but not paying for it. So the issue is, who does the work. Mr. Belmonte interjects that the height of the trees that are being purchased needs to be defined. Mr. Woodcock could not perform any work on private property; a private contractor would have to be hired. In Mr. Riper's opinion the proposed work would make the sight distance better. Chairman Dobis will generate a letter to the Town Board but he will need a quote from a private contractor.

Mr. VanEarden says what is needed is a sensible decision from the Town Board to say that they are either going to lower Mr. Belmonte's mitigation fees or they are going to take the money out of the Town's mitigation fund and fix it or, as Chairman Dobis says, they could not do anything. What is a reasonable amount to move the arbor vitae that are impeding the sight distance? It has been observed that the house is very close to the road and there is not much room for relocation of the trees. Doing the work may help the sight distance but it does not solve the issue. Chairman Dobis states that what is needed is a professional determination. Mr. Dannible estimates that it could cost up to \$2,500 for an engineer to make an assessment of the intersection. There is no easy solution.

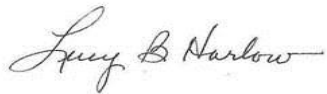
Chairman Dobis says he will write to the Town Board and make a proposal. Mr. Gabay asks if the expenditure of \$8,000 to \$10,000 is pivotal to the development. The conclusion is that the project can move forward without the safety issue of the Jones intersection being resolved.

On a motion for final approval introduced by Mr. VanEarden, the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Mill at Smith's Bridge 63 lot subdivision is approved and will be constructed in three phases. The approval is contingent upon the satisfaction of the items contained in Ryan Riper's review letter dated 6/14/13 and the approval by the Wilton Water & Sewer Authority. The property location is on Smith Bridge Road and Davidson Drive; Tax Map No. 140.-1-44; 140.-1-45. The resolution was seconded by David Gabay and duly put to vote, all in favor, on this day, June 19, 2013.

ADJOURNMENT: At 8:31PM, Harold VanEarden moves to adjourn the meeting. Ron Slone seconds the motion and all board members are in favor on this day, June 19, 2013.

Approved: July 17, 2013

A handwritten signature in cursive script, reading "Lucy B. Harlow". The signature is written in dark ink and is positioned below the "Approved:" text.

Executive Secretary