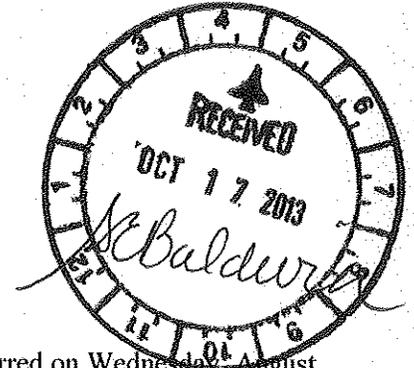




TOWN OF WILTON
22 TRAVER ROAD
GANSEVOORT, NY 12831-9127
518) 587-1939, Ext. 211

MICHAEL G. DOBIS
Planning Board Chairman

LUCY B. HARLOW
Executive Secretary



PLANNING BOARD MEETING
TOWN OF WILTON

Wednesday, August 21, 2013

A meeting of the Wilton Planning Board (the "Board") occurred on Wednesday, August 21, 2013, at the Wilton Town Hall, 22 Traver Road, Wilton, New York. Vice-Chairman Harold VanEarden called the meeting to order at 6:31 PM.

PLEDGE OF ALLEGIANCE

I. REGULAR MEETING

PRESENT: Vice Chairman Harold VanEarden, Donald Needham, William Rice, Sue Peterson, Ron Slone, and Erinn Kolligian. Also present are Ryan Riper, P.E., Director of Planning and Engineering; Michael Lapolla, Nicholas Galuardi, Captain Gary Bullard, Roger Blauvelt, Bill Rosen, Joe Dannible, John Allen, Esq. and David Canfield.

ABSENT: Chairman Michael Dobis, Mark Schachner, Planning Board Attorney; Tony Mangini, Alternate, and David Gabay, alternate.

APPROVE PENDING MINUTES: Vice-Chairman Harold VanEarden wants to address the meeting minutes of July 17, 2013 and asks for questions or comments from the Board. There were none 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 July 17, 2013 are accepted. The resolution was seconded Donald Needham and duly put to vote, all in favor, on this day, August 21, 2013.

CORRESPONDENCE: Email memorandum from Gary Bullard re: Saratoga Health & Wellness dated 8/13/13; transmittal from the Saratoga County Clerk's office re: map filings dated 8/6/13; Capital District Data; May/June 2013, Vol. 36 No.3 received 7/19/13; Towns & Topics; Vol. 27 No. 4, July/August 2013; email correspondence from John Allen, Esq. re: Green Acres Subdivision dated 8/21/13 and 8/23/13.

II. APPLICATIONS

Green Acres Subdivision Amendment: The applicant, David Canfield of Altamont Park Apartments, Inc. is represented by John Allen, Esq. of Whiteman, Osterman and Hanna in Albany. He summarizes the process the applicant has followed before the Wilton Zoning Board of Appeals and the Wilton Planning Board in order to obtain two variances, which were approved by the ZBA in July, 2013. The variances were required for the proposed Lot 2 which is technically a corner lot because there is

frontage on two streets; in this case the proposed house would front only on Margaret Drive. These lots are consistent with the other lots in the subdivision in terms of size. The applicant has built on four other lots in this subdivision.

Applicant received the review letter dated August 19, 2013 by Ryan Riper, P.E., the Director of Planning and Engineering and the comments have all been addressed with the exception of getting the 911 house number assignment from the Wilton Building Department, which will be included on the final plan with the variance notations. Mr. Riper remarks that applicant has taken care of the items on his letter and he doesn't foresee any issues. He has been made aware that two neighbors did come in to make sure there wouldn't be any drainage on their parcels. Applicant has indicated that drainage will be away from the adjacent parcels. Mr. Allen adds that in the application to the ZBA that the lots will be graded to drain toward the center lot line and then come out to the road. Notes will be on the plan that the drainage will be directed away from the abutting properties.

The proposed parcel used to be a leach field for the septic system for the apartments many years ago – now the apartments are tied into the sewer system and the septic has been removed as well as the pump station. Mr. Allen mentions some electrical wires that will also be removed. Ms. Sue Peterson confirms that the entrances to the two lots will be on Margaret Drive.

Mr. Riper states this is an Unlisted Action under SEQRA and he advocates a negative declaration be adopted. On a motion introduced by William Rice, the Board adopted the following resolution:

NOW, THEREFORE, BE IT RESOLVED, the motion for a negative declaration on SEQRA for the application to amend Green Acres Subdivision and subdivide tax parcel 128.5-1-12 into two single-family lots is approved.

The motion is seconded by Erinn Kolligian and duly put to vote, all in favor, on this day, August 21, 2013. Vice-Chairman VanEarden asks if there is a motion to approve the amended subdivision.

On a motion introduced by William Rice, the Board adopted the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the application to amend the Green Acres Subdivision and to subdivide Tax Map Parcel 128.5-1-12 into two single-family building lots is approved. The property is located at the intersection of Margaret Drive and Gailor Road on .94 acres, zoned R-1.

The resolution was seconded by Erinn Kolligian and duly put to vote, all in favor, on this day, August 21, 2013.

III. ZBA APPEAL NO. 2013-32: This is a request for a recommendation to the ZBA regarding an application for three variances: 1) frontage 2) landscape buffer and 3) side yard setback for a proposed building to be used as a health/fitness center. Joe Dannible is presenting on behalf of the owners of Saratoga Health and Wellness ("SHW") in their application for a 15,000 SF mixed use commercial building. The co-owners, Michael Lapolla and Nicholas Galuardi, the exercise physiologists, are also present. Mr. Dannible describes SHW as being more "medically minded" than a gym like Planet Fitness or Gold's Gym. The property is located at 538 Route 9, near the intersection of Loughberry Lake Road, on 2.12 acres and zoned CR-1. The applicant is looking for a positive recommendation for these variances and also any comments or questions that may come up so that the applicant can get a better understanding about how the Board feels about this project.

Mr. Dannible shows an aerial view of the site plan location which is on Route 9 across from the Maple Avenue Middle School, one parcel removed from the intersection of Loughberry Lake Road. The narrowness of the site is one of the main issues, it being just over 160 feet wide. Mr. Dannible points out that many of the lots in this district are narrow. To put in a commercial use consistent with the zoning requirements, variances are going to be required for this parcel and many others along this corridor

The CR-1 zone calls for 50 feet landscape buffer. The site plan indicates a substantial landscape buffer of 34 feet that runs parallel to the southern property line and narrows at the back of the property where more parking has been added. Some heavy evergreen trees to provide an additional buffer are planned. The narrowest point is 15 feet. With regard to the frontage variance, two hundred feet of frontage is required for commercial properties; this site has 160+/- feet of frontage. There is also a side yard setback requirement of 30 feet from the northern property line. In order to increase the buffer in the south, the building was shifted up toward the northern property line. The building setback with the eaves and overhangs will be about 13 feet and 17 feet of relief will be needed. Roger Blauvelt in the audience states that the property to the north is owned by a dentist, Dr. Turco and it required many more variances than is being requested by this applicant. The variances that were granted for Dr. Turco allowed a commercial use within 15 feet of a residential property.

The proposed site will include parking for 75 cars. SHW will occupy approximately 9000 SF of the building, the remainder of the building (6000 SF) will be leased out. Mr. Slone asks about the parking space calculation. The 75 spaces allotted is based upon the square footage in this facility 5 spaces per 1000 SF are required. Mr. Mykins deemed this a recreational facility in terms of the parking space calculation. This is more of a medical fitness center and on their busiest day at their peak hour which occurs between 9 AM and noon it would be unusual for 34 parking spaces to be used. Due to the average age range being older, 45 – 95 years old, many patrons are referred there by their doctors. This facility isn't in competition with the YMCA or Planet Fitness.

Erinn Kolligian's concern is about when people are heading south on Route 9 during the middle school "nightmare" and they need to take a left into the SHW facility. Mr. Dannible presents a graph that illustrates the check-in times during certain hours of the day. During the period between 7:20 and 7:50 AM, there are seven to nine check-ins during the weekdays and maybe four or five check-outs. That means those 12 trips that will be generated over that 30 minute time span would not provide any type of substantial impact to this corridor. Vice-Chairman VanEarden comments that applicant doesn't know who the other occupant might be for the remaining 6000 SF or how much traffic they may generate. Ryan Riper adds that other 6000 SF could be professional office space. Mr. Dannible states the most intense use will be at the front of the building for purposes of determining the most trip generation. The smaller office or offices at the back would be smaller tenants with not as much trip generation.

Mr. Lapolla uses the example of La Marco Physical Therapy who has a location in the current SHW space on Gick Road. LaMarco has 6000 SF and 3 or 4 therapists working and he generates about 6 clients per hour; that is a type of use that is comparable to SHW. Essentially he says that's about 18 people per hour coming to that site, one car every 3 minutes. It is doubtful that people would come during that peak ½ hour of school traffic. Mr. Rice contends there should be a traffic light. Mr. Dannible adds that the school district had a traffic assessment done a few years back but the results showing the traffic at the peak times did not have enough impact for NYSDOT to warrant installing a traffic light. Ms. Kolligian asks if anyone has inquired of Dr. Turco whether that school traffic from 7 to 8 AM has impacted his appointment time. Mr. Lapolla states that the traffic in the morning is a concern for him as well. But he has four years of check-in check-out data that indicate when his clients would be coming and going. The graph shows their busiest time is between approximately 9 and 11 AM.

Erinn Kolligian refers to the project two miles up the road where 30 people came to the public hearing screaming about the traffic at the middle school and worried about what traffic the new project was going to generate. She adds that the applicants should prepare themselves for the public hearing. Mr. Riper concurs that the traffic issue is going to be their biggest concern.

Captain Bullard of the Maple Avenue Fire Department comments about the limited access for fire apparatus because there is no place to turn around. Once the fire engine goes in the proposed site, it would have to back out onto Route 9 and that could be dangerous for the firemen. Mr. Riper responds that the fire department would stop the traffic at any time a fire vehicle has to back out. Mr. Dannible states a garbage truck can maneuver as can an ambulance at the back of the proposed site, but a large fire truck on a site this narrow would have trouble. There will be a 26 foot wide drive aisle that would afford enough width so that the riggers could go out on a fire truck. Capt. Bullard had suggested a temporary/gravel road access out the back which is now a private road with just a sign, "Emergency Access Only" so the fire truck, especially a ladder truck, would have a way out.

Ronald Slone asks if the building could be moved forward to alleviate some of the parking up front and make more room for turning in the rear. Mr. Dannible indicates that it's not so much the configuration that is the problem, it is the width. If there was a big fire, he thinks that Route 9 would have to be blocked off. Vice Chairman VanEarden asks that if in the event of a fire, does the fire company basically have carte blanche as far as whose property they go on. Captain Bullard says they do. He adds that with that kind of commercial structure, a ladder truck is one of the first trucks to come in. It could be backed up onto Route 9 but that would mean putting people on Route 9 and that could be dangerous. He asks if the property owner to the north of the proposed site has been contacted about additional access over his property. Getting access out to Loughberry Lake Road would alleviate the emergency access issue and the traffic issue. Michael Lapolla has spoken to Dr. Turco and says the doctor is fine with having the lot to the south of him developed. Mr. Lapolla has also spoken to the adjacent property owner on the south side of the proposed site and none of his concerns relate to the setback issue. He is more concerned about the noise from the trash truck and the potential for a negative effect on his well.

Mr. Rice asks if Dr. Gabay's property is the same width as the proposed site. Mr. Riper isn't sure about the width but it is a similar layout. Mr. Blauvelt mentions that Dave Gabay's building is just 18 inches off the northern property line. Mr. Blauvelt states Gabay's is narrower but it doesn't have any parking in the front. It has a 6000 SF footprint, with two stories. Mr. Rice would prefer all the parking to the rear and have the building closer to the road. Up to 33 percent of parking is allowed in the front according to Mr. Riper. Mr. Slone agrees with Mr. Rice about pushing the building up front. Ms. Sue Peterson brings out the point that with the type of business SHW will have, there will be handicapped people that need to have access in the front. Mr. Lapolla says he is aware of the option to push the building to the front, but a big concern for them is the handicapped access for their clients who are elderly and need closer access. Single story access is the goal. The disadvantages of having the building configured into two stories are discussed. From a functionality standpoint that option doesn't work for this type of business. This is still at the concept stage; no building plans have been prepared yet. The concept is for a single story building with a high ceiling and probably a gable roof running north to south.

Mr. Rice's expresses concern about the building being squeezed in and whether it will set a precedent for future development along this corridor that have narrow building lots. This plan could be the first one to be developed and he suggests that it be done how the Board wants it to look. He doesn't want more of a hodge podge of buildings to be developed along Route 9. He'd like to see all the parking at the back. Mr. Slone concurs; he would like to see less parking on Route 9.

Mr. Riper states that there is required rear cross-access, so as additional properties to the south start building; people can access the other parcels from the rear of the parcel. He talks about the intent of the rear parcel cross-access. As future development occurs and there are adjacent uses of similar use, people will have easier access. Dr. Turco, owner of the property to the north, owned the property before the cross access requirement came into being. The cross access has to be to the property line and the onus of the expense of paving would be the lot owner who is developing the property.

Mr. Slone asks if the remaining 6000 SF could be subdivided and Mr. Lapolla says yes. Nothing has been decided – it's adaptable space for hopefully some symbiotic use. There is a question about where the main entrance would be. At this time, the applicant states he isn't sure where the entrances will be

but the main concern would be the parking and how people would access SHW. If there were entrances both front and back there would have to be handicapped parking for both.

The discussion has covered many "hot" topics: traffic, emergency access, parking and how this project fits in terms of the future look of the Route 9 corridor. Vice-Chairman VanEarden considers what came along with the rezoning of this area with having so many residences in the mix. It was the intent of the Town Board that this Route 9 corridor was to be zoned commercial/residential. But looking at it lot by lot, it is evident that these issues are going to come up again. Tonight the Board is just making a recommendation so that the applicant can go before the ZBA. The applicants will be coming back to this Board and at that point there can be more discussion about what they plan on putting on the site. Vice Chairman VanEarden asks if the Board is ready to make a recommendation.

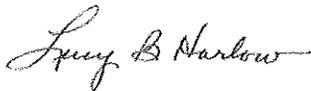
On a motion introduced by Ron Slone, the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, the Planning Board makes a positive recommendation to the Zoning Board of Appeals regarding Appeal No. 2013-32 for an area variance, landscape buffer and a frontage variance for a building being proposed by Saratoga Health and Wellness, property located at 538 Route 9, near the intersection of Loughberry Lake Road on 2.21 acres.

The resolution was seconded by Donald Needham and duly put to vote, all in favor, this 21st day of August, 2013.

ADJOURNMENT: At 7:40 PM, Harold VanEarden moves to adjourn the meeting. Donald Needham seconds the motion and all board members are in favor on this day, August 21, 2013.

Approved: October 16, 2013



Executive Secretary