



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, September 17, 2014

A meeting of the Wilton Planning Board (the "Board") occurred on September 17, 2014, at the Wilton Town Hall, 22 Traver Road, Wilton, New York. Chairman Dobis called the meeting to order at 6:32 PM.

PLEDGE OF ALLEGIANCE

I. REGULAR MEETING

PRESENT: Chairman Michael Dobis, Vice Chairman Harold VanEarden, Erinn Kolligian, David Gabay, and Brett Hebner, Alternate. Also present are Ryan Riper, P.E., Director of Planning and Engineering and Mark Schachner, Esq. Planning Board Attorney, Jeanne Wouterz, Connie Towers, Joanne Klepetar, Jon Lapper, Esq., Lisa Hodgson, Dennis Towers, Peter Coseo, Esq., David Barrass, Mary Fornabia, Brett Steenburgh, P.E., Donald Zee, Esq., Gavin Vuillaume, Wang Yi and Eugene Mei.

ABSENT: William Rice, Ron Slone, Sue Peterson

APPROVE PENDING MINUTES: Chairman Dobis wants to address the meeting minutes of August 20, 2014 and he asks for a motion and a second to approve the minutes. On a motion introduced by Brett Hebner, the board adopted the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the minutes from the Planning Board meeting of August 20, 2014 are accepted. The resolution was seconded by Harold Van Earden and duly put to vote, all in favor, on this day, September 17, 2014.

CORRESPONDENCE: Transmittal letter dated 8/29/14 from David Barrass re: Johnson Auto Crusher Subdivision; transmittal letter dated 9/3/14 from EDP re: 845 Route 9 Mixed Use; email dated 9/4/14 from Mike Valentine re: Johnson's Auto Crusher 3-lot subdivision – revised; transmittal dated 9/3/14 from Laberge Group re: Price Chopper Wilton Store #39; letter dated 9/4/14 from James Zack re: SSCSD erection of electronic animated sign; *Capital District Data*, Volume 37, Number 4; *Talk of the Towns & Topics*, Volume 28, Issue 4; letter dated 9/2/14 from Jonathan Lapper, Esq., re: Gordon Residential Development; EDP narrative dated 9/3/14 re: Wang Yi Architecture, residential use with private art gallery and business center.

II. PRE-APPLICATION

EVERGLADES MIXED USE

Donald Zee, Esq. is presenting a revised concept plan on behalf of the applicant, Thomas J. Farone Homebuilders, Inc. and with him is Brett Steenburgh, P.E., the engineer. This is a mixed use development with a total of

50 residential units and 8620 SF of commercial space in the hamlet zone. Mr. Zee recalls that the prior concept plan caused some concern by the Board because the elevation gave the appearance of "massing" along Rt. 9 and specifically that the plan may not meet the spirit of the hamlet zoning ordinance and may not be compatible with the [Gordon] structure across the street. The critical matter is the current revision to the elevation which is described in detail. Several of the design elements are comparable to the building across the street. The site layout in general has not changed from previous versions. The applicant is looking for the Board's reaction to the latest plan.

Chairman Dobis recalls the initial plan had each building separate with the same design repeated four times. He comments on the new design of the 3 story building elevation with the addition of the 2 story 20' x 20' space which occurs on either side of an open green space (courtyard) with amenities for the tenants and provides public access and states this plan is so much better because it blends in with the how the façade of the structure will look across the street.

Mr. Riper states that this is a pre-application submission so there is no action being taken tonight. Under the current configuration there is an area variance required for the garage to the rear because it will abut a residential parcel. The zoning officer recently made that determination and the applicant has been apprised of it so an area variance application has to be submitted to the ZBA. The Board will have an opportunity to issue an advisory recommendation to the ZBA once the application is submitted and the matter has been scheduled to come before the Board.

The Chairman asks for comments from the Board and the audience. There is some discussion about the parking, the number of spaces and the accessibility to the commercial space and open areas. Mr. VanEarden likes what the applicant has done in revising the design. The Board tries to encourage, especially in the H-1 area, open space with seating which is for the tenants but is also open to the public. Mr. Gabay's interest is how the comingling of commercial space and public space would work. He asks for clarification about whether the addition of the outcroppings between the buildings, the pavers on the ground level, the ornamental fencing and other design changes will affect the 15 foot minimum set back requirement. It is explained that the ornamental fence and landscaping will not impinge on the sidewalks. Mr. Riper will check on that detail. Mr. Hebner asks about access from the interior parking to the commercial space. There is access through the courtyard and around the perimeter of the building.

III. APPLICATIONS

A. GORDON RESIDENTIAL DEVELOPMENT – PARK PLACE AT WILTON ROUTE 9 MIXED USE

This is a site plan amendment to the Gordon mixed use development, in the hamlet, to add ten additional enclosed parking spaces, to move the dumpster pad and mailbox area. Jon Lapper, Esq., is representing the applicant. This is a minor change to add five parking spaces on the south side and five on the north side which requires the relocation of the trash receptacles and the mailboxes. Mr. Riper states there are no changes to the overall layout, or the traffic patterns. No safety concerns. The additional garages offer more buffering to the south which will benefit the neighboring residence, Mr. Liska, and to the north as well. This is not an increase in parking spaces; it is taking surface parking space to build enclosed parking.

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

NOW, THEREFORE, BE IT RESOLVED, that the site plan amendment for the Gordon Residential Development property located at 665 NYS Rt. 9 to add ten additional detached garages and to move the dumpster pad and mailbox area is approved. With regard to the prior SEQRA review, there are no new or different environmental impacts not previously analyzed. The resolution was seconded by Harold VanEarden and duly put to vote, all in favor, on this day, September 17, 2014.

B. JOHNSON'S AUTO CRUSHER OF CORINTH INC. 3-LOT COMMERCIAL SUBDIVISION

This is a request for a 3-lot commercial subdivision of lands located at 81 Ballard Road. This is a pre-existing non-conforming parcel, zoned C-2. Peter Coseo, Esq., is representing the applicant along with Mr. Barrass, who will explain the changes to the map exhibited. One lot will be for residential use for Mr. Johnson's son present dwelling and in addition, 2 commercial lots will be formed. He explains the concern about the multiple driveways and states that the matter has been resolved per discussions with Ted Serbalik of the Saratoga County Department of Public Works ("DPW"). Mr. Johnson's present residence is on the business lot where the business entrance will be maintained and 1 driveway for his residence will be kept. There will be one driveway for each of the other lots. Mr. Riper mentions his request for information about the DEC permitting and also the DPW comments regarding the concrete barriers that are in the County ROW which need to be moved. He comments on the need to better identify the commercial entrance. He adds that the Board could request cleaning up the site and consolidating the business onto one lot and defining more clearly the separation [of use] for each of the lots.

In response to Mr. Riper's 9/10/14 letter, the barriers will be moved out of Town ROW; the need for applicable standard notes are addressed; and regarding the postal addresses for 911 emergency services, the building department assigns those numbers. Where the pre-existing non-conforming residential lot exists, the size of the existing home should be noted because there is a one-time 100% expansion of the existing home allowed. If that lot is abandoned for more than two years, it can never be used as a residential lot again.

Mr. Coseo's understanding is that lot 2 is strictly used for the storage of vehicles that have been there. The intent is to terminate that use. The vehicles will either be auctioned or crushed or moved to lot 1 which is where the office is and where the business of dismantling and scrap metal is run. Then the proposed lot 2 would become a conforming lot with no business on it and meet the C-2 zoning requirements. Regarding the clean-up of the site and removal of vehicles from lot 2, he would like to have 8/1/15 as the deadline as a condition of approval. Regarding lot 3, the applicant intends to maintain the grandfathered non-conforming residential use so his son can continue residing there.

There is a discussion about approving the subdivision with the condition regarding lot 2 that applicant has until 8/1/15 to clean it up. Mr. Hebner inquires about the intended use for lot 2. He is told that for planning purposes, applicant is getting it ready and cleaning it up to be sold if necessary as a C-2 lot. Lot 2 could no longer be used for dismantling as that pre-existing use would be terminated. The issue is how the Board can give approval to a condition that creates a non-conforming lot. The concern is that such an approval with a time-lag could create a situation of non-compliance. Mr. Schachner shares that concern. The Board would be condoning an illegal use of a parcel. In addition, enforcement of the clean-up is discretionary and that if the enforcement officer chooses to enforce on the potential illegality prior to the 8/1/15 date, it would likely be unsuccessful even in the face of planning board approval.

The other approach would be to ask the applicant to do the clean-up first, and then request subdivision approval. It is acknowledged by the Board that there is estate planning considerations that are time-sensitive. Mr. Coseo suggests that in the face of a potential hold-up of the approval as a 3 lot subdivision, the applicant is requesting that the Board approve a 2 lot subdivision instead.

Mr. Coseo's request must be denied since there is not an application for a 2 lot subdivision in front of the Board. By applying for a 2 lot subdivision, the applicant would have time to clean up the site and in a year, he could come back in to subdivide one of the lots into two. If the applicant submits an application for a 2 lot subdivision in October and the plans have DPW's blessing and Mr. Riper's approval, it is conceivable that applicant could get conceptual approval at next month's meeting. Depending upon how complete the subdivision plan is in terms of obtaining preliminary approval, the public hearing could be set for November and the Board

could review SEQRA and give preliminary and final approval. Notification of the new subdivision plan would have to be sent to emergency services.

C. MIXED USE ROUTE 9 – WANG YI ARCHITECTURE

Gavin Vuillaume with EDP is representing Wang Yi Architecture for conceptual site plan application for a mixed use project on Route 9 in the RB-1 zone. Applicant Wang Yi and Eugene Mei are also present. The structure is designed as a two story building with residential units, a primary residence and 2-3 apartments. There would be an office and business section and art gallery. The site has 280' of frontage along Rt. 9 and a lot of frontage along the stream which creates the western boundary of the property. Because of the stream, the plan will include a 100' buffer for all development on the project. There would be a 500' private driveway with a loop turn-around where the building would be located. Septic location hasn't been determined. Storm water management is accomplished by incorporating some rain gardens and grass swales and potentially using porous pavement to limit the runoff. Of particular note is the necessity of going before the ZBA for a special use permit. Chairman Dobis asks for clarification about the special use permit from the ZBA. Mr. Riper states it is the planning board's decision to issue non-residential special permits.

Other considerations are emergency access to the rear of the parcel; the potential requirement for a 28' easement along the ROW; and the 100' stream setback. Mr. Riper states it is the Board's decision whether to require a 28' easement – it is an option but the Board can require it for use by future utilities. Mr. Riper's other comments include that a permit from DOT will be required for the entrance on Rt. 9. The storm water will be mitigated by use of permeable pavement and parking will be grass pavers. The intended use is not intense so the parking space allowance of 28 is more than adequate. He requests that applicant provide detail of construction entrance on site plan.

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

NOW, THEREFORE, BE IT RESOLVED, that the site plan application by Wang Yi Architecture for the development of four residential units and a 2000 +/- SF for art gallery and business center is given conceptual approval. The property is located at 845 Route 9 on 4.72 acres, zoned RB-1. The resolution was seconded by Brett Hebner and duly put to vote, all in favor, on this day, September 17, 2014.

Chairman Dobis asks what type of SEQRA action needs to be taken. This is an unlisted action. The Board will need to declare itself a SEQRA lead agency. The involved agency is the NYS Dept. of Transportation. Also the matter must be referred to Saratoga County due to the location of the site on Route 9.

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

NOW, THEREFORE, BE IT RESOLVED that the Wilton Planning Board has declared itself SEQRA lead agency for the purpose of a coordinated review of this site plan application. The motion is seconded by Erinn Kolligian and duly put to vote, all in favor, on this day September 17, 2014.

IV. ADJOURNMENT

On a motion introduced by Harold VanEarden that the meeting be adjourned; it is seconded by Erinn Kolligian. All board members are in favor. The meeting is adjourned at 7:42 PM.

Approved: October 15, 2014

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

Executive Secretary