



**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, April 15, 2015

A meeting of the Wilton Planning Board (the "Board") occurred on April 15, 2015 at the Wilton Town Hall, 22 Traver Road, Wilton, New York.

**PLEDGE OF ALLEGIANCE**

**I. PUBLIC HEARING: WILTON SENIOR COMMUNITY**

At 6:30 pm, Chairman Dobis asks who is present for the public hearing. He informs the audience that the applicant's representative, Mike Tucker of VHB, is not present due an accident on Northway which has caused traffic to be stalled. Some neighbors who live adjacent to the proposed project site are present and they agree to wait. The public hearing will be delayed.

**II. REGULAR MEETING: Chairman Dobis calls the regular meeting to order at 6:34 PM.**

**PRESENT:** Chairman Michael Dobis, Erinn Kolligian, David Gabay, William Rice, Sue Peterson, Vice-Chairman Harold VanEarden; and Richard Fish, Alternate. Also present are Ryan Riper, P.E., Director of Planning and Engineering, Justin Grassi, Planning Board Attorney and Captain Bullard. Members of public: Thomas MacDonald, Bernard Pratt, Suzzanne Pratt and Betsy Miklas.

**ABSENT:** Ron Slone, Brett Hebner, Alternate; Mark Schachner, Planning Board Attorney.

**APPROVE PENDING MINUTES:** Chairman Dobis wants to address the meeting minutes of March 18, 2015 and he asks for a motion and a second to approve the minutes. On a motion introduced by Harold VanEarden, the board adopted the following resolution:

**NOW, THEREFORE, BE IT RESOLVED,** that the minutes from the Planning Board meeting of March 18, 2015 are accepted. The resolution was seconded by Erinn Kolligian and duly put to vote, all in favor, on this day, April 15, 2015.

**CORRESPONDENCE:** Transmittal letter from VHB dated 4/3/15 re: Wilton Senior Community; transmittal from Point Design Architects, PC dated 3/18/15 re: Home Goods Site Plan Approval; letter from Stockli Slevin & Peters, LLP dated 4/14/15 re: Nigro Senior Community Project; letter from David Smith dated 4/8/15 re: Lant's Auto Sales; Notice of Decision from ZBA dated 3/27/15 re: Claudio Barrera; Notice of Decision dated 3/31/15 re: Joseph Marsico; meeting minutes of Wilton ZBA received 3/27/15 for ZBA meeting on 2/26/15; Notices of Determination of Zoning Enforcement Officer dated 3/10/15, received 4/7/15 re: KMDA, LLC et al. proposed Wilton Marketplace request for variances; transmittal from

C.T. Male dated 4/9/15 re: Zoning Variance Request Map; notice letter from Nigro Group LLC dated 3/27/15 re: public hearing scheduled 4/15/15.

### III. APPLICATIONS

**A. ZINTER HANDLING:** This amended site plan application is for a 7540 SF addition to the existing Zinter Handling building located at 4313 Route 50, Tax Map No. 141.-3-2.111, zoned C-2. Scott Zinter, the applicant is present and explains that the addition will be located between the existing building and the parking lot. The purpose of have the additional space is for the fabrication and assembly of products. The exterior will match the rest of the building. There is adequate parking and green space and there will be no impact on the circulation of fire department and emergency vehicles. Mr. Riper adds that the applicant will need to provide professionally stamped plans certifying the requirements of storm water have been met and that any approval should be contingent upon that. Chairman Dobis asks about SEQRA review and is advised that there are no new or different environmental impacts. On a motion introduced by David Gabay, the Board adopted the following resolution:

**NOW, THEREFORE, BE IT RESOLVED**, that the Board grants approval to the amended site plan application for a 7540 SF addition to the Zinter Handling building contingent upon the applicant providing professionally stamped plans. There are no new or different environmental impacts requiring further SEQRA review. The property is located at 4313 Route 50; Tax Map No. 141.-3-2.111, zoned CR-2. The resolution was seconded by Harold VanEarden, by and duly put to vote, all in favor.

*David Gabay recuses himself due to his knowledge of Richard Woodcock who is the applicant on the next agenda item.*

**B. WOODCOCK SELF-SERVICE STORAGE FACILITY:** Brien Ragone from Lansing Engineering and Richard Woodcock, the applicant, are here for the presentation of a site plan application for 212 self-service storage units and 900 SF of office space to be located at 786 Route 9. Mr. Ragone describes the project: the existing buildings will be demolished and that will facilitate the construction of the 212 storage units divided amongst 8 buildings. The trailer sales displays will be limited. The 900 SF office will be attached to one of the storage units near the site entrance. There will be one oversized unit for the storage of trailers in place of the existing garage. There are two fenced areas. Mr. Woodcock describes the existing fencing in front and states that the storage units will be surrounded by a security fence with an automatic door opener with a key pad. Additional evergreen plantings will help screen the security fence and the back of the site. There will be 9 parking spaces to meet Town requirements and just over 50% greenspace.

Applicant is seeking a waiver from the Board to use the decorative storage building that will be in front of the site in place of the required twenty-five foot landscape buffer. It will contain 11 storage units along Route 9 with false-faced garages for the façade and enhanced landscaping. Entry to those units will be from the rear. Also applicant is seeking a waiver in order to continue the limited trailer sales to coexist with the self-storage units. There is also a 28 foot municipal easement to be considered. The zoning is RB-1 and self-storage is an allowed use with a special use permit.

In Mr. Riper's letter dated April 6, 2015, it states that the Board has the authority to make the determination for the special permitted use, based upon the Board's judgment of the 7 items listed in his letter. The Board's decision comes after the public hearing and SEQRA review and prior to preliminary approval. Also there is a waiver for the buffering and a waiver for the limited retail sales of the trailers existing on site both of which must be issued *before* the special permitted use. Both waivers fall under the Town Codes' five standards for self-service storage facilities; the first waiver seeks relief from the screening of

the self-storage units by a 25 foot wide landscaped strip consisting of a densely planted barrier as determined by the Board, which limits the view of the structure. The second waiver is the limit to individual permanent storage facilities to exclude any commercial, garage, wholesale and retail sales. The Board should let the applicant know at this time if it has any concerns with the special permitted use or the two waivers.

Chairman Dobis asks the Board if they have concerns about potentially approving the special permitted use. The Board has the discretion to limit how much commercial/retail can be done. Mr. VanEarden and Mr. Rice agree that the delineated areas for the trailers should be paved. Mr. Rice wants an estimation of maximum number of trailers. That would depend on the size of the trailers but they would be contained in a delineated paved area. The preference of the Board is for the decorative building to be used instead of a landscaped buffer. Chairman Dobis translates the Board's response as being positive regarding the special permitted use and the waivers.

Mr. VanEarden wants to clarify the number of trailers that will be on the site. The two areas for the trailers have been designated and the total area is limited to 2900 SF. The Board can put dimensions on the areas that the trailers will occupy so it is defined and enforceable. Mr. Grassi, the Board attorney, states there can be conditions of approval once the special permit is issued. The Board can give recommendations based on their conceptual review without being detailed about the conditions of the special use permit. Chairman Dobis emphasizes that the dimensions can be put on the final plan. Ms. Kolligian notes that in view of the public hearing, people might want to know that the trailers aren't scattered on the property. Mr. Rice inquires whether applicant has talked to the neighbors. Mr. Woodcock has two neighbors and both are okay with the project.

Other considerations in Mr. Riper's letter are for site lighting layout and light shielding and whether the Board wants street trees, lighting and a sidewalk in the 28' easement which are required unless waived by the Board. Mr. Ragone interjects that applicant would like the existing landscaping/wall planter in the easement to remain. Other items in Riper's letter are administrative. Chairman Dobis asks for comments or questions regarding the conceptual application. There are none. The applicant is looking for conceptual approval. On a motion introduced by Harold VanEarden, the Board adopts the following resolution:

**NOW, THEREFORE, BE IT RESOLVED**, that the Board grants conceptual site plan approval for the Woodcock Self-Storage facility consisting of 212 storage units and 900 SF proposed office space. The property is located at 786 NYS Route 9 on 4.37 acres; Tax Map No. 127.-3-21.1; zoned RB-1. The resolution was seconded by Sue Peterson and duly put to vote, all in favor, on this day, April 15, 2015.

Mr. Riper would like to note that the Saratoga County Planning Board did review this plan and determined there was no county-wide or intercommunity impact.

Chairman Dobis asks for a motion for the Board to seek Lead Agency standing with regard to SEQRA review. On a motion introduced by Harold VanEarden, the Board adopts the following resolution:

**NOW, THEREFORE, BE IT RESOLVED**, that the Board wishes to seek Lead Agency status for the coordinated review of the Woodcock Self-Storage facility. The motion is seconded by Erinn Kolligian and duly put to vote, all in favor, on this day, April 15, 2015.

Mr. Gabay returns to the dais.

**I. PUBLIC HEARING CONVENES at 7:24 p.m.**

**WILTON SENIOR COMMUNITY:** Earlier Chairman Dobis noted that the representatives for the Wilton Senior Community had arrived. The Chairman polled the audience at 6:30 since there were people present for the hearing and it was agreed that they would wait until the applicants arrived. The public hearing can now be opened. The applicant will give the presentation and if any members of the public have questions, please raise your hand, state your name and address.

VHB engineer, Mike Tucker, representing the applicant the Nigro Group, thanks the Board for delaying the public hearing. At the last meeting before the Board, the applicant received conceptual approval for the project described as a proposed senior community with a 110 unit independent living apartment building and a 92-unit assisted living facility towards the rear of the site and a 2-lot subdivision which is necessitated to provide a separate lot for each of the two uses. A traffic memorandum has been completed and presented at the last meeting citing relatively low traffic volumes, 48 trips during the peak hour. DOT is kicking off a study for the intersection of Route 50 and Perry Road under the Short Term Accident Reduction Program and is looking to implement some improvements there in 2016. DOT is currently surveying the intersection to make improvements Mr. Riper's comments have been addressed and suggestions incorporated into the new plans submitted since the conceptual approval. Mr. Tucker exhibits the rendering of the view looking over the storm water management basin towards the garages, with the apartment building in the rear.

Chairman Dobis asks for questions or comments from the audience. Suzanne Pratt and her husband Bernard live at 130 Perry Road. Her concern is the number of children in the area not only off of her driveway but also in the mobile home park, together with all of the buses that travel back and forth on Perry Road. She'd like that issue addressed. Mr. Tucker responds that the 48 trips is the PM peak which is generally about 4:30 – 5:30 pm or 5 to 6 pm. That is a relatively high estimate. This is a senior community and very little traffic from the apartments is anticipated or will be noticeable. Ms. Pratt responds that her concern is not only the afternoon traffic; there the several buses from throughout the school district to pick up and drop off in the morning and in the afternoon. The buses come from both directions on Perry, coming from Route 50 and depending on the school they could come from Old Gick. Ms. Kolligian asks Mrs. Pratt if her concern is about the children with the increased amount of traffic coming out. Mrs. Pratt also expresses her concern for not only the people residing there [at the senior home]; also there are people coming to work and people coming to visit their loved ones.

It appears to Mr. Pratt that the exit to the project might be within 100 feet of his property line. People drive up and down Perry Road rather fast, and he said that at the Zoning Board meeting. His concern is about where the exit is located. If the access could be on Route 50, that would be preferable, but he understands that is not possible. Mr. Pratt's major concern is the intersection at Route 50 – it's very dangerous and there are multiple accidents weekly. A study showed it was one of the ten most dangerous intersections in the whole county. He has some concerns about the size of the project and the construction such as how early in the morning it begins. Just looking at the site plan it appears as if some of the construction will be 300-400 feet from his home. Mr. VanEarden states there is a noise ordinance that restricts noise levels and construction can't begin until 7 am and must stop at 9 pm. Mr. Pratt has family in the construction business and they start at 6. What is his recourse if they start at 6 am? Mr. Riper says to speak to the building department of the Town of Wilton regarding enforcing the ordinance.

Mr. Pratt's other concerns relate to the buffer between the site and his house; that the 3 story apartments will be above his house looking down. He is not sure how much they will see into his bedroom windows and bathroom window. Mr. VanEarden adds that regarding the perspective elevations of the senior center, the Board has always tried to make sure that any neighbors that are going to be impacted, find that the landscaping and buffers are acceptable. Obviously Mr. and Mrs. Pratt are directly affected by their prox-

imity to the site. Mr. Tucker speaks about the elevations, and although they didn't survey the property, it looks like the finished floor is at elevation 220. The existing berm and high point goes up to elevation 228. The finished floor of the senior apartments is a 219. So the elevation of the finished floors are roughly the same and the building is about 45 feet high to the peak of the roof; so those windows are probably 10 feet below that top story. Additional landscaping will buffer it. One of Ryan Riper's comments was to have the Board discuss the potential increase in that buffer. Mr. Tucker states they would prefer natural buffering by landscaping rather than putting in a fence.

Mr. Gabay asks about the speed limit on Perry Road and what can be done to mitigate that such as signage. The speed limit is 30 mph and it is not respected. Mr. Pratt hears cars squealing by at all hours of the night and says that Perry Road is used as a bypass. Ms. Kolligian asks what the acceleration speed is with the distance from Route 50 to the driveways. It may be 500 feet to the first driveway from Route 50 and it is unlikely that cars entering the driveway would be speeding. Maybe some additional signage could be installed. Mr. Pratt indicates that there isn't much enforcement on Perry Road. He would be concerned about the elderly living in this building pulling in or pulling out when there are impatient drivers. He feels there would likely be accidents in front of the senior living property. Chairman Dobis feels the vast majority will be using public transportation. Mr. Tucker adds that a shuttle is going to be provided for taking groups of seniors to the mall or the movies. Everyone agrees that now it is a difficult intersection. Chairman Dobis asks for any further questions or comments. There are none. On a motion introduced by Harold VanEarden, the Board adopts the following resolution:

**NOW, THEREFORE, BE IT RESOLVED**, that the public hearing is closed at 7:38 pm. The resolution was seconded by Sue Peterson and duly put to vote, all in favor, on this day April 15, 2015.

## II. APPLICATIONS

**C. WILTON SENIOR COMMUNITY:** Chairman Dobis states the Board is looking for preliminary and final review of this project. Mitigation of variety of impacts such as traffic, noise levels and the need for buffering are discussed. Mr. VanEarden comments that if there are any concerns, members of the Board and Town Officials can go on site visits. Mr. Riper remarks that is set forth in the Town standard note #3: a planning board member, the building inspector and the Director of Planning and Engineering may view the site and additional plantings may be installed as deemed necessary prior to the issuance of a Certificate of Occupancy. In Mr. Riper's April 4, 2015 letter to the applicant, he mentions additional buffering. The Board may request more dense evergreen plantings along the neighboring residence's parcel. Also he states in item #1, that the Board should review the architectural renderings provided. In the site plan it refers to landscaping with Red Oak trees, but the architectural renderings show evergreens. Due to the nature of the soil, he is told, it will be better suited to grow evergreens. Evergreens are shown in the buffering between the project and the Pratt's property line.

Mr. Riper states that a pond is on the plans and is to be placed towards the front of the site. It will require a liner to keep water there and in addition, any time there is a feature like that adjacent to a roadway, it is a good idea to put up some hardscape features to prevent errant vehicles from going into the pond. Mr. Tucker says the pond will be 2.5 to 3 feet deep and is designed to be an infiltration basin because of the sand. The bottom will be lined at 2.5 and the water will infiltrate as it rises. The sands are highly erodible and the northwestern slope being created is fairly steep, Mr. Riper suggests providing some erosion protection to stabilize and promote vegetation.

Mr. VanEarden refers to the discussion about Route 50 and Perry Road. Where does Board fall as far as what NYS DOT does or doesn't do regarding that intersection. Chairman Dobis believes they are looking at putting in a left hand turn lane for Perry Road going north on Route 50. The State funds are there so it

is looking favorable that DOT anticipates to improve that intersection sometime in 2016. Mr. VanEarden thinks applicant has presented a great project. He is happy to know that the State is going forward with improving that intersection. Chairman Dobis asks for additional comments and asks for a motion for preliminary approval. On a motion introduced by Erinn Kolligian, the Board adopts the following resolution:

**NOW, THEREFORE, BE IT RESOLVED**, that the Board grants preliminary approval for the site plan application for the project known as Wilton Senior Community consisting of a 110 unit independent living apartment building and a 92-unit assisted living facility. The Board also grants preliminary approval for the subdivision of Tax Map No. 153.-3-32.12 into 2 lots. The parcel is located on eastern side of Perry Road, north of intersection with NYS 50; on 20+/- acres, zoned C-1. The resolution was seconded by David Gabay and duly put to vote, all in favor, on this day, April 15, 2015.

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Board grants final approval for the site plan application for the project known as Wilton Senior Community consisting of a 110 unit independent living apartment building and a 92-unit assisted living facility; also for final approval of the subdivision of Tax Map No. 153.-3-32.12 into 2 lots. The parcel is located on eastern side of Perry Road, north of intersection with NYS 50; on 20+/- acres, zoned C-1. Both approvals are contingent upon the fulfillment of the items contained in Ryan Riper's letter dated April 4, 2015. The resolution was seconded by Harold VanEarden and duly put to vote, all in favor, on this day, April 15, 2015.

Mr. Tucker thanks the Board for its patience.

**D. WILTON MARKETPLACE: LOWE'S DRIVE DEVELOPMENT:** This is a request for a recommendation to the ZBA regarding relief sought for numerous variances for the Lowe's Drive Development including the Aldi's property, on 32 acres, zoned C-1. Frank Palumbo of C.T. Male Associates is present with Mike Decker who represents KMDA, LLC, WILTON II LLC and ALDI, INC., on this project. The goal is to get a positive recommendation to the ZBA for the meeting next week. The list of variances is divided into the different development areas. Each area requires several variances which are listed on the "Zoning Variance Request" Overall Site Plan for Wilton Marketplace dated 4/2/15. This development is being treated in phases so that the project can proceed to conceptual review and Aldi's, a joint applicant, after receiving concept approval for the joint project, will advance immediately for their preliminary approval. The importance of the concept approval is so that Mr. Decker can market the project to potential tenants, who will know what can fit on the property and have smoother sailing through the preliminary and final review. Mr. Riper asks if CT Male will continue as representative throughout the project. That is their hope and there have been discussions with Bruno Lourenco at Aldi's about doing the surveys for the site and the road.

Mr. Palumbo reviews the reason for each variance being requested in the individual development areas: 1A (Aldi's), 1B (KMDA Retail North), 2, 3, and 4. Development Area 5 is going to be developed in the future but no plans have been made at this time and no variances are required. Each of the four areas will require a front yard building setback, a front yard pavement setback, a rear yard building setback, a rear yard pavement setback, a side yard pavement setback, a reduction in greenspace, parking requirements, and signage variance. The front yard setback relief for Development Area 1A is mainly due to the pro-



posed town road; that creates a new front setback. If the road is put in, which is a benefit in the long run to the project and to the Town; that front setback relief would be needed.

Development Area 1B was designed with a shopping plaza in mind. The rear yard building setback requires the most relief; 150 feet is required and applicant needs 100 feet of relief. That leaves a 50 foot rear yard setback to the residential district, the Pyramid Pines Mobile Home Park. The trailer park comes right up to applicant's property line. Mr. Palumbo explains that anything that abuts that residential property must have 150 feet of "use buffering." To mitigate that, applicant has agreed to provide the buffering and a photo of what it would look like is distributed. There would be a screened wall with landscape buffering along the property line. Mr. Decker doesn't believe there have been any complaints from the mobile home park. Mr. VanEarden recollects that any complaints he has heard have been about the garbage truck collection in the morning. This would fall under the noise ordinance so that pick-up couldn't be before 7 am and a note could be put on the site plan and lease agreements to that effect.

Mr. Rice asks about the road stub to the Medical Arts parking lot from Lowe's Drive. It will not be a road but instead a paved connection. Mr. Palumbo explains that it would be a road to that property line. Chairman Dobis asks who will be responsible for plowing it. There would be a ground lease with the tenant to maintain their property or the shopping center would be responsible. One way or the other, it will be plowed.

The applicant has also applied for signage variances. The location of the signs and the square footage is on the site plan. The 7 proposed signs will be similar to what has been done in the two adjacent plazas; the request is for one large detached monument sign that will require a height variance, two medium detached monument signs and three small detached monument signs. The Aldi's sign will be off-site. For this development, the challenge is the visibility from Route 50. That is the biggest obstacle to getting tenants. The goal is to put signs where they will be best seen from Route 50.

In Chairman Dobis' opinion, the sign ordinances are meant to protect to scenic views down Route 50. He believes in reasonable sign variances for lots that are served by the service road, Lowe's Drive, as there will be little impact on any scenic views. It is a commercial area and for the retail stores that are further back from Route 50, it going to be hard to get quality tenants because they need vision off the main road. Mr. VanEarden states there were concern years ago when the mall was coming in to prevent a "neon highway". Mr. Gabay remarks that it makes sense that those stores off the service road, the more signage you need to have. For those people who are unfamiliar with the area, signage is important. The applicant is making a commitment to attractive signs that fit in with the character of the landscape and that are well-situated.

Chairman asks for comments and concerns regarding the area variances. The consensus of the Board is that the requests are reasonable. Mr. VanEarden remarks that this will all come back to the Planning Board in conceptual review. The Board makes the recommendation to the Zoning Board, who makes the final decision on the variances and then it comes back to planning for design and implementation. Chairman Dobis would like to have a motion on the recommendation for the variances. On a motion introduced by David Gabay, the Board adopted the following resolution:

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board give a positive recommendation to the Zoning Board of Appeals on the relief sought by applicants, KMDA, LLC, WILTON II LLC and ALDI, INC., as stated in the Zoning Officer's Notices of Determination dated March 10, 2015, regarding the site plan application for the Wilton Marketplace development to be located off

Lowe's Drive, Tax Map Nos. 153.-3-37.1 and 153.-3-32, zoned C-1. The resolution is seconded by Sue Peterson, and duly put to vote, all in favor, on this day, April 15, 2015.

Under comments, Chairman Dobis would like to point out that there are a lot of variances being requested. He reiterates the Board's feelings that it is due to the nature of project being on a service road in a commercial zone, which lay a significant distance back from the Route 50 commercial corridor that is the basis for the Board to make a positive recommendation. With regard to the applicants' proposal of seven detached signs in a commercial zone, the Board feels that it isn't an excessive number of signs, they are not excessively high, and they will not negatively impact the view from Route 50.

Chairman Dobis asks for a motion for the Board to seek Lead Agency standing with regard to SEQRA review. On a motion introduced by Harold VanEarden, the Board adopts the following resolution:

**NOW, THEREFORE, BE IT RESOLVED**, that the Board wishes to seek Lead Agency status for the coordinated review of the Wilton Marketplace development. The motion is seconded by David Gabay and duly put to vote, all in favor, on this day, April 15, 2015.

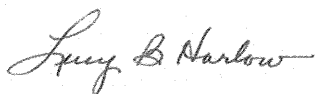
#### **E. ADJOURNMENT**

Chairman Dobis asks for a motion to adjourn: on a motion introduced by Harold VanEarden, the board adopts the following resolution:

**NOW, THEREFORE, BE IT RESOLVED**, that the Board moves to adjourn the Planning Board meeting at 8:52 p.m. The motion is seconded by David Gabay and duly put to vote, all in favor on this day, April 15, 2015.

Chairman Dobis asks if anyone will be absent from the May 20, 2015 meeting. Erinn Kolligian will be out of town.

Approved: May 20, 2015



Executive Secretary