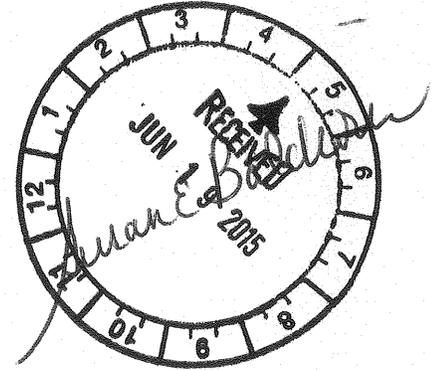




TOWN OF WILTON
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MICHAEL G. DOBIS
Planning Board Chairman

LUCY B. HARLOW
Executive Secretary



PLANNING BOARD MEETING

TOWN OF WILTON

Wednesday, May 20, 2015

A meeting of the Wilton Planning Board (the "Board") occurred on May 20, 2015 at the Wilton Town Hall, 22 Traver Road, Wilton, New York.

PLEDGE OF ALLEGIANCE

I. PUBLIC HEARING: LOUDEN ROAD CONSERVATION SUBDIVISION

At 6:32 pm, Chairman Dobis asks who is present for the public hearing and who would like to speak about this project other than the applicant. No comment from the audience.

Mr. Scott Lansing is representing Ron Taylor of R.J. Taylor Builders who has applied for a 17-lot conservation subdivision, located at 309 Loudon Road. Mr. Lansing is with Lansing Engineering. He states that the Board is familiar with this project and summarizes as follows: the overall parcel is approximately 39.54 acres and it is zoned R-2. A wetlands survey, a boundary survey and a topographic survey has been performed. The existing vegetation is shown on the aerial photo. There is an existing residence. Applicant is proposing to retain the existing home with the 17 lots; the parcel will have conservation buffers all around the project. The applicant is proposing a 2,100 LF roadway. The utilities will be served by public water and public sewer. There is a storm water management area on the northern section of the parcel. At the last meeting the applicant was in the process of having an archeological and habitat study performed. Both of those have been completed. DEC has signed off on the habitat study and there were no findings that warranted additional archaeological work on the parcel. Applicant is in receipt of comments from the Town Engineer, Ryan Riper, in a letter dated 1/16/15. Applicant is in the process of addressing those. Applicant is here tonight for a public hearing and also to ask the Board's consideration to administrate SEQRA on the project and for preliminary approval as well.

Chairman Dobis asks for questions or comments from the audience and the Board. On a motion introduced by William Rice and seconded by David Gabay, the public hearing is closed at 6:37 pm. The motion is duly put to vote, all in favor.

II. REGULAR MEETING: Chairman Dobis calls the regular meeting to order at 6:38 PM.

PRESENT: Chairman Michael Dobis, David Gabay, William Rice, Brett Hebner, Alternate; and Richard Fish, Alternate. Also present are Ryan Riper, P.E., Director of Planning and Engineering, Mark Schachner, Planning Board Attorney. Members of public: David Buchyn

ABSENT: Vice-Chairman Harold VanEarden, Sue Peterson, Ron Slone and Erinn Kolligian.

APPROVE PENDING MINUTES: Chairman Dobis wants to address the meeting minutes of April 15, 2015 and he asks for a motion and a second to approve the minutes. On a motion introduced by David Gabay, the board adopted the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the minutes from the Planning Board meeting of April 15, 2015 are accepted. The resolution was seconded by Brett Hebner and duly put to vote, all in favor, on this day, May 20, 2015.

CORRESPONDENCE: Letter from NYSDOT – Region 1 dated 5/1/15 re: Wilton Marketplace; letter from CT Male dated 5/20/15 re: letters of notification to emergency service providers; letter from William F. Morgan, Chief, Wilton Fire Department dated 5/6/15 re: Superior Plus Energy; ; letter from William F. Morgan, Chief, Wilton Fire Department dated 4/26/15 re: Superior Plus Energy; Letter from NYSDEC dated 4/29/15 re: Woodcock Self Service Storage Facility; *Towns & Topics* Vol. 29 Issue No.2, Mar/Apr; Letter of No Jurisdiction from NYSDEC dated 5/1/15 re: Wilton Senior Community; letter from Stockli Slevin & Peters (Mary Beth Slevin) received 4/21/15 re: Nigro Senior Community Project; Wilton ZBA Meeting Minutes for 4/23/15; transmittal letter from ABD Engineers dated 5/15/15 re: Route 50 and Perry Road Retail; letter from Northeast Land Survey (David Bogardus, PLS) dated 5/8/15 re: Lands of Spencer Subdivision; Habitat Suitability Assessment Report from Michael Nowicki dated 4/16/15 re: Louden Road Conservation Subdivision; Archeological Field Reconnaissance Report from Hartgen Archeological Associates received 5/7/15 re: Louden Road Conservation Subdivision; letter from Saratoga County Planning Board dated 4/21/15 re: Sunoco (storage shed) Convenience Store; letter from Saratoga County Planning Board dated 5/11/15 re: Superior Plus Energy Services; letter from Saratoga County Planning Board dated 4/23/15 re: area variances for Wilton Marketplace; Notices of Decision from Wilton ZBA dated 4/28/15 re: Wilton Marketplace; letter/report from Superior Plus Energy Services dated 4/24/15 re: amended water flow calculations.

II. APPLICATIONS

A. R.J. Taylor Builders, for preliminary review of the Louden Road 17-lot conservation subdivision located at 309 Louden Road, zoned R-2.

Chairman Dobis asks for comments from Town Engineer Ryan Riper, P.E. He states the applicant has addressed his comments and will be reflected in the revision of the drawings. There are no outstanding issues. Chairman Dobis asks for comments, questions from the Board. There are none. He asks for a motion on SEQRA. On a motion introduced by David Gabay, the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Board has determined that a negative declaration to SEQRA is approved and that the 17-lot conservation subdivision application made by R.J. Taylor, on property located at 309 Louden Road, Tax Map No. 154.-1-9 zoned R-2 will not result in any significant adverse environmental impacts. The resolution was seconded by William Rice and duly put to vote, all in favor, on this day, May 20, 2015.

Chairman Dobis requests a motion for preliminary approval. On a motion introduced by Brett Hebner, the Board adopted the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Board grants preliminary approval of the 17 lot conservation subdivision application by R.J. Taylor. The property is located at 309 Loudon Road on 39.54 acres, Tax Map No. 154.-1-9, zoned R-2 with the condition that all the conditions in Ryan Riper's review letter dated January 16, 2015 are fulfilled. The resolution was seconded by William Rice and duly put to vote, all in favor, on this day, May 20, 2015.

Chairman Dobis asks Mr. Lansing if he expects that the application will be on next's month agenda. Mr. Lansing says it's likely.

B. SUNOCO CONVENIENCE STORE: This is an application to amend a site plan for the addition of a 14' x 12' storage area to the rear of an existing building, property located at 3009 Route 50 on 1.20 acres, zoned C-1. Mr. Tom Brennan from Northeast Petroleum Technologies is representing Sunoco, the applicant. This application has been before the Zoning Board for a variance which has been granted. He adds that a screened area or buffer has been marked on the plans. He would like to ask the Board what kind of plantings they would like. Chairman Dobis suggests that Mr. Riper would be willing to give Mr. Brennan that information. Mr. Riper comments that there is only 5 ½ to 6 feet from the edge of the building to the property line so there is not much room except for tall slender shrubs or trees. It was recommended by the ZBA and also the County Planning Board as well that there should be a buffer between the building and the adjacent property line. Mr. Riper states that the buffer is to protect any future development of another commercial lot. The Board is comfortable with a notation on the final plans stating that in the future there will be plantings as designated by the Town Engineer. Chairman Dobis confirms the Board's agreement. On a motion introduced by David Gabay, the Board adopted the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Board approves the amended site plan application by made by Northeast Petroleum Technologies on behalf of Sunoco, for the 168 SF addition to the Sunoco Convenience Store located at 3009 Route 50, Tax Map No. 153.19-2-17, zoned C-1 with the condition that on the final plan there be note stating that at a future date there will be a determination by the town engineer of the type of buffer to be installed. There are no new or different environmental impacts requiring further SEQRA review. The resolution was seconded by Brett Hebner and duly put to vote, all in favor, on this day, May 20, 2015.

C. LANT'S AUTO SALES: This is a request for site plan a review for new construction of a 3200 SF pre-fab building at Lant's Auto, property located at 590 Maple Avenue on .75 acres, zoned CR-1. This is for a preliminary review and to set a public hearing. David C. Smith, P.E. is representing John Lant. This is his second time before the Board. The applicant has received positive reviews and recommendations from the Zoning Board and from the Saratoga County Planning Board. Mr. Smith and Mr. Riper have worked through some issues that were raised. There is one key issue that the Board may decide on and that is the applicant requests a 14' easement rather than a requested 28' easement due to the small nature of applicant's lot and the small footprint of the occupied site in question. The applicant's lot pre-dates the typical right-of-way requirements and his property goes right to the pavement on Smith Bridge Road. Mr. Rice asks who has the authority to grant a reduction in the width of the easement. It is not a requirement of the Town's zoning law, but it is an option which can be granted by the Planning Board if it so chooses. Chairman Dobis states it is to be used for a utility easement and it can be approved with the Board's discretion and it will be deeded to the Town. Mr. Riper states the easement is not a requirement of CR-1 but it would be a benefit to the applicant having it adjacent to the parcel. Water and sewer requires 10 feet of horizontal separation with possibly a little extra room for construction. It is the

Board's consensus that the 14' easement is approved. Chairman Dobis sets the public hearing for June 17, 2015 at 6:30 p.m.

D. SUPERIOR PLUS ENERGY SERVICES: This is a request for approval of an amended site plan application for the removal of an existing temporary 14,000 gallon LP tank to install a permanent 30,000 gallon LP tank in the same location at 21 Traver Road, zoned C-3. Mr. Tim Davis is representing the applicant Superior Plus Energy Service together with an environmental engineer and the northeast regional manager, John Hart. Mr. Davis has submitted the requested water requirement information to the Wilton Fire Department and has received a letter back from Chief Morgan saying he is satisfied that WFD's requirements have been met. Mr. Fish inquires about the reason for the water calculation. It has to do with the surface of the tank and the proper amount of gallons per minute to keep it cool and keep it from rupturing. All propane tanks have relief valves. Chairman Dobis reads from Chief Morgan's letter of 5/6/15, "we are satisfied with the updated water calculations that include the propane tank on the neighboring property. While it is not certain that the neighboring tank is in or out of service . . ." Mr. Riper states there was a question whether the 30,000 gallon tank just to the north of this location is being used. Suburban Propane says it is being used. They are the owners.

Chairman Dobis would have assumed that a tank of that size was taken out of service; the owner would have notified the fire department. Mr. Riper says the tanks are considered active unless officially notified and decommissioned. The site was analyzed as if the adjacent tank was full. Mr. Davis states that Pyrofax Corporation owned that tank; a few years back Suburban purchased it. Superior tried to take ownership but Suburban decided to let it sit there empty and has a few more years on their lease. So the water calculations include that tank as well, assuming it was full, together with the tank that will be installed. Mr. Schachner adds that a company that leaves a tank and abandons it there are certain DEC issues with abandoned tanks. Chairman Dobis asks if the WFP had any particular comments or questions. Mr. Davis says the WFD will be scheduling a visit next month to inspect the two hydrant locations. They wanted to flush those lines, do a test and at the same time, applicant will give them a tour of the facility. Mr. Riper adds that the project has been reviewed by the County and the finding of that review is "no significant county-wide or intercommunity impact.

After some discussion, Mr. Davis describes that there will be some clean-up done on the site. The fence will be repaired. The work will be done in conjunction of the replacement of the tank around October 1, 2015. On a motion introduced by David Gabay, the Board adopted the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board approve the amended site plan application for the removal of an existing temporary 14,000 gallon LP tank to install a permanent 30,000 gallon LP tank in the same location, with the condition that the Town standard notes be added to the final plans regarding a site inspection and site plantings. There are no new or different environmental impacts requiring SEQRA review. The property is located at 21 Traver Road, on 16.41 acres, Tax Map No. 115.-1-22, zoned C-3. William Rice seconds the motion and it's duly put to vote, all in favor, on this day May 20, 2015.

E. SPENCER CONSERVATION SUBDIVISION: This is a conservation subdivision application for conceptual review for 8 lots on west of Edie Road, on 21 acres zoned R-2. David Bogardus with Northeast Land Survey is representing the applicant, Stephen K. Spencer et al.. This project came before the Board in 2006 under the name of the Rowley Corporation but did not receive any approvals. As a conservation subdivision, the lots will be on average 1.2 acres with less soil disturbance and land clearing and more open space. There are 800 +/- feet of protected area along Bog Meadow Creek and 4.5 acres of land lying between the wetland area. The property will not be serviced by public utilities, it

will have to have individual wells and septic systems and that will require DOH approval. Mr. Bogardus reviews town engineer's comments made about the original subdivision in 2007 and the changes that have resulted from using a conservation subdivision design. Sight distance from the road intersection is good. The property was originally a Christmas tree plantation, but very few mature trees remain and only minor clearing will be necessary. Another concern was a buffer between the Methodist/Episcopal cemetery, now there will be a 100' setback. Soil borings and test pits done previously indicate suitability for septic systems. Test pits for groundwater will need to be done. Again Mr. Riper mentions the requirement of a 3 foot ground water separation to the basement slab. Mr. Bogardus has had an ecological investigation of the entire site for endangered species, the report given to Mr. Riper indicates there is no habitat for any endangered species or fauna. There is an opportunity to protect approximately 800 LF of Bog Meadow Creek and have public access to 4.5 acres of open space or the other option is extending the lot lines and deed restricting the open space. Chairman Dobis explains that the Board can only make a recommendation to the Town Board to take the open space. It's the Town Board's decision. Mr. Riper reads the Town Code revision to the conservation subdivision regulation:

The applicant shall consult with the Planning Board to determine the interest and need regarding the ownership, use and maintenance of regulated lands and dedicated open space areas prior to conceptual approval of a conservation subdivision. Lands may be conveyed to the Town for passive or active recreational use, public facilities, infrastructure, or other such uses as determined by the Town Board.

Mr. Riper continues: it is the Planning Board's determination for the interest and need in making a recommendation to the Town Board. There is no foreseen connection to any trails. Mr. Riper did reach out to the Town Supervisor and did email the subdivision plan to the Town Board members about 2 weeks ago but hasn't received any feedback. Mr. Bogardus expresses his desire to preserve water quality. This creek feeds into Lake Lonely that feeds into Saratoga Lake. It is hard to enforce deed restrictions on property. If the public owns this then they have control over it. Chairman Dobis observes that the Town Board may be concerned about the liability although the Town has liability insurance. This is a unique area with Dawson's Pond across the street. He would like to talk to the Supervisor before the applicant is compelled to make a decision about an HOA or extension of the lot line. Mr. Riper asks about the topography. Mr. Bogardus talks about the good accessibility to the brook by foot and indicates where the access would be and parking area; there are 4.5 acres of regulated wetland and 5 acres of unregulated open space – or 45-50% open space on the property. Mr. Hebner asks about soil testing as it relates to the potential for well production. Testing was done by the previous engineering firm, and the results are described as sandy loam well drained – no current tests as of this date. Mr. Hebner asks about the nearness of any of the WWPP (Nature Conservancy) lands and whether they would have any interest. There isn't any adjacent preserve land as of now. There is access to the brook but any parking area would have to be plowed and maintained. Discussion of whether there could be seasonal access.

The consensus of the Board is that a determination doesn't have to be made tonight. Mr. Schachner indicates that the Town Board would appreciate it if this Board has a recommendation. "The Planning Board shall provide a recommendation to the Town Board for lands identified in the conservation subdivision proposal for dedication." The Board would like the Town Board to consider accepting the open space but for what, that is the question. There is no requirement as to a particular level of detail in the wording of the recommendation just that a recommendation must be made if the Board wants the Town Board to consider the offer of open space.

Mr. Riper describes another aspect of a conservation subdivision, the allowance of a 50% reduction in road frontage and in setbacks. The applicant is not requesting any yard setback reduction; however the road frontage reduction along the cul-de-sac is less than 50% and would require the Board's authorization. There are three lots on the cul-de-sac that would require the reduction allowance for road frontage.

Drive. The Board expressed concern that the access would end up being a straight shot acting like a road. The applicant will address that as the tenants are developed and as the project reaches preliminary and final submission, that issue will be reconciled.

Mr. Rice inquires about what the ZBA had to say. Mr. Riper states that there were conditions in their determinations. The reduction of the green space was conditioned upon the incorporation of quality green space considered by the Planning Board in lieu of lower green space requirements for the project. Another part of their discussion was about the location of the signage, the general locations are pointed out by Mr. Palumbo. The location of the centrally located sign(s) [on Lowe's Drive] will be in the best place for visibility from Rt. 50 and the selection of that location will be when the detailed plans are ready for preliminary and final. Mr. Schachner adds that the general tenor of the ZBA discussion about the signage was that without concrete plans for actual tenants that this Board's judgment would be the best input ultimately when site plan approval required a more advanced plan. Mr. Palumbo adds that he believes the ZBA concurred with the Planning Board's recommendation and discussion that since the signs were going to be off Route 50, that the 6 sign variances being requested deserved a different consideration than signs along Route 50 itself. Those are decisions that will be made as each phase of the development comes in.

The County Planning Board had comments about the landscaping between the retail site and the mobile home park and recommended buffering; also enhanced landscaping and green common areas particularly in the street corridor and multi-modal interconnections between various uses. The improvements to the CDTA stop will be given further consideration as the plans develop. Mr. Riper's comments in his letter dated May 20, 2015 were for a conceptual overview of the site with the understanding that the building layouts could change. The Planning Board has sought Lead Agency status in this Type I. When the plans are developed a bit further it would be nice to have the overall site drawing showing the site statistics and showing all the variances that were obtained with the various motions and conditions. One sheet with the bulk data that also includes the parking space requirements on the drawing for future reference and the parking aisle dimensions and parking and building setback lines. Some of these future phases could be in 3 or 5 years, so it's not known and one sheet should contain all those references. The plans should be sent to the sewer district and request a reserve capacity letter. Also plans should be sent to the emergency squad and fire department for their review. Mr. Palumbo says he met with Mr. Alexander and talked to Captain Gary Bullard and is waiting for their formal responses. Their common concern was about the truck maneuverability. Mr. Riper continues: there should be a turn-around at the end of the new town road with the required approval of the highway superintendent. Regarding the layout cross-section of the new town road, it was discussed that there could be a retaining wall depending on how it works out with Lowes. If there is a retaining wall on one side there may have to be a sidewalk on the other side of the road. Mr. Palumbo explains why a retaining wall may be necessary. Mr. Rice asks about communications with Lowes. Mr. Lourenco explains what the history has been of the negotiations between Aldi's and Lowes. There was discussion about Lowes providing an easement so that there could be a shared access but the negotiations fell through. Mr. Palumbo is hopeful that with the concept approval, that the Town sees that what Aldi's, Maly, and KMDA are doing has merit and that a dialogue will open with Lowes about the development of that side of Lowes Drive. Mr. Rice expresses his dislike of having two entrances back to back. Mr. Riper brings up the traffic study methodology that the applicant will need to use in providing traffic data, sight distance table and trip generation information. Also he suggests that with the next submission, in view of the comments by the ZBA and the County about the landscaping along the roadway and Lowes Drive, that there is an enhanced landscaping plan of what the roadway may look like. The mobile home park screening has been discussed and also the bus stop coordination with CDTA. Mr. Riper goes over the storm water requirements for the site, green practices are encouraged.

Mr. Riper would like a discussion of possible options of the connector to the Wilton Medical Arts site. DOT has received the plans and has expressed some concerns. "We're concerned with the potential traffic operations and safety impacts resulting from the conceptually proposed road along the east side of the

Lowes property which would essentially create a fourth leg on an unsignalized intersection on Rt. 50.” There is a lengthy discussion about the access location at the Wilton Medical Arts site that could make it possible for vehicles to access Lowes Drive from Rt. 50; there will have to be some mitigation of the potential traffic when the future tenants of Development Areas 3 and 4 come in and mesh the design of the road location.

Chairman Dobis asks for additional comments or questions. None are offered. He asks for a motion for conceptual approval. On a motion introduced by William Rice,

NOW, THEREFORE, BE IT RESOLVED, that the Board moves to grant conceptual approval for the site plan application submitted by KMDA, LLC, Wilton II, LLC and Aldi’s, Inc. for the 190,139 SF Wilton Marketplace development to be located off of Lowes Drive. Tax Map Nos. 153.-3-37.1 and 153.-3-32 on 32 acres, zoned C-1. David Gabay seconds the motion. Duly put to vote:

Those in favor: Richard Fish, William Rice, Michael Dobis, and David Gabay.

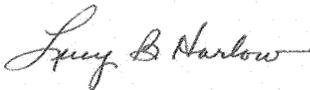
Opposed: Brett Hebner, who comments: I don’t think this design is adequately protective of the mobile home park; it should be part of the record that I don’t think this design, that there was enough hardship to warrant such few choices in terms of the impact this project is going to have on the lives of the people who live there. I can’t in good conscience vote in favor.

III. ADJOURNMENT

Chairman Dobis asks for a motion to adjourn. On a motion introduced by David Gabay, the board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED that the meeting of the Planning Board be adjourned at 8:47 p.m. The motion is seconded by Richard Fish and duly put to vote, all in favor on this day, May 20, 2015.

Approved: June 17, 2015



Executive Secretary