



TOWN OF WILTON
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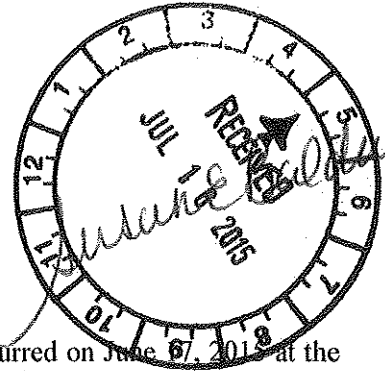
MICHAEL G. DOBIS
Planning Board Chairman

LUCY B. HARLOW
Executive Secretary

PLANNING BOARD MEETING
TOWN OF WILTON

Wednesday, June 17, 2015

A meeting of the Wilton Planning Board (the "Board") occurred on June 17, 2015 at the Wilton Town Hall, 22 Traver Road, Wilton, New York.



PLEDGE OF ALLEGIANCE

I. PUBLIC HEARING: LANT'S AUTO SITE PLAN APPLICATION

At 6:33 pm, Chairman Dobis opens the public hearing scheduled for 6:30 pm.

This is a site plan application for new construction of a 3200 SF pre-fab building at Lant's Auto. Property located at 590 Maple Avenue on .75 acres. Tax Map No. 153.5-1-26. Zoned CR-1. There will be a presentation and then questions and comments from the audience will be heard. Please identify yourself by name and address for the minutes.

David Smith, P.E. is presenting the preliminary site plan for the construction of a 3200 SF pre-fabricated building on behalf of John J. Lant. It will be built adjacent to the Upstate Auto Body facility. Upon completion of the new building the old structure will be removed. Pavement will be completed in the front half of the lot. A use variance has been approved for residential and commercial multi-use. Curbing has been installed on NYS Rt. 9 that delineates Rt. 9 from Mr. Lant's parking area. There is clear area designated for emergency vehicles. Potential water and sewer access has been identified close to Smith Bridge Road.

Mr. Gabay asks for elevations of what the building is going to look like. Mr. Smith states the concept calls for a steel building with a 4' high concrete wall with the building to be on top. There will be an expanded office area, a separate parts room and utility room. The bay doors will open on Smith Bridge Road. Mr. Gabay asks about the exterior finish. The steel building's color is to be determined. Sign will be mounted on the building.

Chairman Dobis asks for questions or comments from the audience and the Board. No comment from the audience. On a motion introduced by Harold VanEarden and seconded by David Gabay, the public hearing is closed at 6:38 pm. The motion is duly put to vote, all in favor.

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

PRESENT: Chairman Michael Dobis, David Gabay, William Rice, Harold VanEarden, Ron Slone, Brett Hebner, Alternate; and Richard Fish, Alternate. Also present are Ryan Riper, P.E., Director of Planning and Engineering, Mark Schachner and Justin Grassi, Planning Board Attorneys. Members of public: Ray Kelleher, Richard Woodcock and Jeanne Wouterz.

ABSENT: Sue Peterson and Erinn Kolligian.

APPROVE PENDING MINUTES: Chairman Dobis wants to address the meeting minutes of May 20, 2015 and he asks for a motion and a second to approve the minutes. On a motion introduced by William Rice, the board adopted the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the minutes from the Planning Board meeting of May 20, 2015 are accepted. The resolution was seconded by Brett Hebner and duly put to vote, all in favor, on this day, June 17, 2015.

CORRESPONDENCE: Transmittal letter from CT Male dated 5/20/15 re: Wilton Marketplace; Map Transmittal from Saratoga County Clerk's Office dated 6/1/15 re: Mill at Smith Bridge Phases I and III; Transmittal letter from Lansing Engineering dated 6/4/15 re: Woodcock Shed Sales; Transmittal letter from Northeast Land Survey dated 6/2/15 re: Lands of Spencer; Letter from Northeast Land Survey dated 5/12/15 re: Emergency Service Notification – Subdivision of Lands of Spencer; Cover letter from Lansing Engineering dated 6/2/15 re: Woodcock Commercial Site Plan Application; ZBA Notice of Decision dated 5/29/15 re: Appeal No. 2015-15; ZBA Notice of Decision dated 5/29/15 re: Appeal No. 09-05.

II. APPLICATIONS

Brett Hebner, Alternate, recuses himself from discussion and vote on Lant's Auto site plan.

A. LANT'S AUTO: Chairman Dobis asks for comments from Town Engineer Ryan Riper. Mr. Riper states the applicant has addressed his comments and those will be reflected in the revision of the drawings. This is a Type II Action. The 14' wide easement was discussed at the last meeting and there was consensus amongst the Board to approve that. There are no outstanding issues. Chairman Dobis asks for comments, questions from the Board. There are none. Mr. Schachner sent the Board a revised utility easement and maintenance agreement. He is suggesting a second condition if there is final approval; that it includes the execution of the easement agreement in the form that the Planning Board Attorney approves. Substantial revisions have been made to the document submitted by the Applicant. Mr. Smith states it will be up to Mr. Lant to approve the document but he has no objections to the condition.

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

NOW, THEREFORE, BE IT RESOLVED, that the Board grants preliminary approval of the site plan application for the construction of a 3200 SF pre-fabricated building and other site improvements. The property is located at 590 Maple Avenue on .75 acres, Tax Map No. 153.5-1-26, zoned CR-1. The motion was seconded by David Gabay and duly put to vote, all in favor, on this day, June 17, 2015.

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

NOW, THEREFORE, BE IT RESOLVED, that the Board grants final approval of the site plan application for the construction of a 3200 SF pre-fabricated building and other site improvements. The property is lo-

cated at 590 Maple Avenue on .75 acres, Tax Map No. 153.5-1-26, zoned CR-1 with the condition that all the items in Ryan Riper's review letter dated May 5, 2015 are fulfilled and that a Utility Easement and Maintenance Agreement approved by legal counsel be executed by the Applicant. The resolution was seconded by Harold VanEarden and duly put to vote, all in favor, on this day, June 17, 2015.

Richard Fish, Alternate, recuses himself from discussion/vote on the Woodcock project.

B. WOODCOCK SHED SALES: This is an application by Richard Woodcock, for conceptual site plan for the retail sale of sheds for the property located at 241 Ballard on 2.2 acres, zoned C-3. Retail shed sales are an allowed use in the C-3 zone but require Board approval. There is an existing house on the property which has two access points along Ballard Road. Applicant wants to convert house into office with handicapped access and 4 parking spaces. One-half acre would be used for shed sales display. Both the utilities water and sewer will use the existing well and septic system and remain private. Storm water management will be maintained on site. Applicant wishes to move sheds from adjacent parcel which is also owned by Applicant so he can come back to the Board to convert both parcels into one big property for the entire operation of retail shed sales. The adjacent parcel is a non-conforming non-compliant parcel being used for commercial purposes without approval and any plan for that parcel can't be seen by the Board until it is in compliance. The goal is to move the sheds to the 241 Ballard Road property so that the adjacent parcel will be in compliance. Mr. Gabay asks about the time frame for moving the sheds and the Applicant replied it will be as soon as possible.

Mr. Riper reviews his June 10, 2015 letter to Applicant. Applicant shall provide boundary markers on site for sheds to indicate limits of sales area. In the C-3 zone the Board must decide if the easement, lighting and sidewalks are required. Street trees are required unless waived by Board. The Applicant is willing to provide the 28' municipal easement and this must be transferred to the Town before final plans are stamped and signed. The parcel to the east has a residential use so a 50' landscape buffer is required. Mr. Schachner adds that the actual use of the property is residential as determined by the zoning officer, it doesn't matter what the zoning is for the purpose of that provision. Brien Ragone, Applicant's representative, requests a waiver from the Board or some relief from the 50' buffer requirement since there will not be enough room for the additional sheds. Since the use of the parcel is residential, the 50' buffer along the boundary line is a zoning requirement that the Board cannot waive; [§129-74 A (2)]. The Applicant would have to appear before the Zoning Board of Appeals to seek a variance. The Applicant will push the boundary back to satisfy the 50' buffer temporarily, he does not want to go before the ZBA. Mr. Ragone states he will conform the site plan to include the 50' landscaped buffer for now. He would ask the Board to approve the plan conceptually knowing that the boundary line will be pushed back.

Mr. Schachner: There is a question about SEQRA review, because the Applicant in good faith is telling the Board about the entire plan. The entire plan as proposed would not be a SEQRA Type II Action; it would be an Unlisted Action. So the Board should consider requiring a FEAF that describes the full development on both parcels as opposed to segmenting one parcel. Mr. Riper adds that the Board should seek lead agency status as well. He would also emphasize that the plan currently says "storage sales" which he understands was an error, but the only thing to be sold on the site would be sheds; Mr. Ragone and the Applicant agree. Also there is the town standard note for a future interconnection between rear yards, a note should be put on the drawing. Chairman Dobis confirms that the requirement for SEQRA is not going to hold the Board up from considering conceptual tonight. In conclusion, this is an Unlisted Action based on the full development of both parcels. Applicant needs to provide a Full Environmental Assessment Form with the acreage of both parcels. Planning Board will seek Lead Agency status.

Chairman Dobis refers to item #3 of Mr. Riper's letter regarding the easement, lighting and sidewalk. Street trees are required unless waived by the Planning Board. The 28' foot easement at the front of the property would be for future utilities, water and sewer. It is shown on the plans. The items of lighting and sidewalks and street trees are up for discussion by the Board. Mr. Riper points out the Snook Kill is to the west of this parcel, so it drops off significantly after this parcel, so a connection by sidewalk would be unlikely. Mr. Gabay states that would be an encumbrance to ask the Applicant to install a sidewalk in this area. Mr. Hebner agrees that even considering future development in 15-20 years, it doesn't seem to be practical. Mr. Rice agrees. The consensus is that the Board is not going to require sidewalks and lighting. There is a discussion of whether street trees should be planted along the frontage. The Board agrees that the trees can be incorporated into the landscaping plan within the 28' easement.

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

NOW, THEREFORE, BE IT RESOLVED, that the Board grants conceptual approval to the site plan application by Richard Woodcock for retail shed sales on the property located at 241 Ballard Road on 2.2 acres, tax map no. 115.-1-15 zoned C-3; conditioned upon the revision of the EAF to encompass the full development of both parcels 115.-1-15; 16, prior to preliminary review. In addition, the Board is waiving the requirements of street lights and sidewalk. Evenly spaced trees should be included in the landscape design within the 28' easement. The resolution was seconded by Harold VanEarden and duly put to vote, all in favor, on this day, June 17, 2015.

With regard to the SEQRA review by the Board; on a motion introduced by Harold VanEarden, the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED that the Wilton Planning Board seeks to declare lead agency status for the coordinated review of SEQRA of the site plan application by Richard Woodcock, on the full development of the entire project. The motion is seconded by Ron Slone, and duly put to vote, all in favor, on this day, June 17, 2015.

Brett Hebner excuses himself and leaves the meeting at 8:14 pm.

C. FLORAL ESTATES PHASE VI: Joe Dannible of Environmental Design Partnership is representing Peter Belmonte, of Floral Estates, LLC in his application for a 66-lot conservation subdivision. Also present is Brandon Ferguson, an engineer with EDP. The plan being presented tonight includes two parcels, one of which occupies both the north and the south side of Loudon Road. The north side contains approximately 20 acres of unconstrained land. That area is being used in the overall density computations for the subdivision. Overall there are 150 acres of land in two parcels, 130 acres is developable and under the conservation subdivision regulations the base density calculation is 60 lots. Applicant is asking this Board and will ultimately ask the Town Board to consider a density bonus of 10%. This would involve the dedication of roughly 15 acres of land in the SW corner of the site with the possibility of constructing a trail system that would interconnect several existing neighborhoods. With this Board's consent and conceptual approval Applicant will be taking this proposal to the Town Board in July and asking them to accept dedication of that land thus receiving a 10% density bonus which would increase the number of residential lots to 66. Mr. Dannible describes the general layout of the lots with greatly varying widths and sizes - a minimum lot will be in the range of 20,000 SF. Setbacks under the conservation subdivision regulations can be reduced up to 50%, leaving 25' front yard, 25' rear yard and 20' side yard setbacks. Applicant is requesting the Board to waive an additional 10' from the side yard setback, or a side yard setback of 10' along the common property lines [about 20 feet between buildings]. This is fairly consistent with what has been done in some of the adjacent properties and also in various areas of

Wilton such as the Smith Bridge Road subdivision which had 7.5' side yard setback. In this layout the road length has been reduced to 6500 LF minimizing the infrastructure required to develop a parcel. In this application two areas qualify as open space, one is the 15 acres to be dedicated to the Town with the trail system, and the second would be deed restricted privately owned open space totaling about 70 acres of dedicated open space. Utilities would include extending the water line from down Loudon Road and throughout the subdivision; sewer connection can either be connected to Saratoga County District in Magnolia Drive or come up to the force mains that have been constructed on Loudon Road. The feasibility of those approaches is to be determined. Mr. Dannible asks for questions or comments. Chairman Dobis asks about long range sewer and water capacity. Mr. Riper replies that EDP will design the sewer system and discuss it with the Saratoga County Sewer District as far as capacity. He understands that Saratoga County has a reserve capacity.

Mr. Riper, in his review letter, brought up the high ground water conditions in this area and the necessity for the 3 foot separation from the basement slab. He mentions roadway drainage and whether open swale system will be used throughout the development. Mr. Dannible responds that a closed drainage system may be used in the denser areas. Those details will be worked out. The other comment was about the mailboxes. Mr. Belmonte asks whether the Board/Town has a position on how they want to handle cluster mailboxes. He is proposing two locations. Mr. Riper prefers building further into the ROW, so there is a pull-off in the ROW, possibly two cars lengths. The goal is to get the residents out of the roadway. Mr. Belmonte is suggesting an 8 foot expansion of the travel lane as a pull-off and 2-3 cars in length. Mr. Riper suggests putting a shed cover over the mailboxes. That becomes a question of who maintains it since there is no HOA who would clear the snow around the structure. The USPO supplies a catalogue of approved mailboxes. The developer must install them, but whether the USPO takes any responsibility for maintaining them is unknown. The highway superintendent has been made aware of the cluster mailbox situation.

Several of the board members have questions about where the trail system would go and who would be responsible for building it. The Town would ultimately own the part of the trail system that is part of the dedicated open space. Mr. Belmonte is going to build the trail; his preference would be to pave it but that is to be part of the discussion with the Town. If the Town Board has no desire for the trail, the land would end up being added to the lots that are subdivided deed restricted open space. There is no HOA for this development so there would be no way to maintain the trail; it would have to be public ownership. The Town has no specifications for trail design. A discussion of various path compositions and designs follows. Mr. Belmonte explains that since all the trails he has been involved with are engineered, the specifications are brought to the planning boards that way. Traditionally the width is five feet.

Mr. Gabay expresses his concern about the diminished side yards if the Board authorizes the requested reduction. The 7.5 or 10 foot side yard setback seems very inadequate. It detracts from the rural character of the Town. He concedes that if the developer believes those lots are saleable, then he has no problem. Chairman Dobis concurs with Mr. Gabay and asks the Board to consider this from a planning perspective. Is there a number that the Board is comfortable with? How little is too little. Mr. VanEarden states that a 10' setback rather than 7.5' is a step in the right direction. He adds that subdivision planning has been done well; it's not obvious from the main road what the subdivision layout is. The Board's responsibility is to make sure from the peripheral view that the developments work aesthetically. No one is forcing buyers to purchase houses with narrow setbacks, says Mr. Rice. Mr. Rice and Mr. VanEarden agree that the conservation subdivision layout has the least impact on the land and is much preferable to a grid style layout. Mr. Belmonte states there is nothing fronting on Loudon Road in terms of the subdivision layout for Floral Estates VI, other than the road going into the development. A significant portion of that road scape is open woods so the look is very rural. Mr. Dannible has done a good job utilizing the natural character of the land both with the open space concept and with the number of units to make the final aspect of the neighborhood work. The vast majority of the communities Mr. Belmonte builds homes in have 10'

setbacks. Mr. Dannible describes how the houses will be back-dropped with huge areas of trees. By increasing the side setback to 20' that would increase the length of the road by 1300 feet. The intent of the conservation subdivision is to limit sprawl; by reducing the side yards, that sprawl is decreased. Mr. Gabay suggests that the houses could be staggered in terms of the distance they are from the road. Mr. Belmonte states that is actually what happens when the homes are built. For tonight's presentation, actual placement of the homes isn't defined.

Chairman Dobis remarks that the Applicant is looking for conceptual and a recommendation with regard to the dedicated open space. Mr. Schachner states it would be very appropriate for the Board to make a recommendation, that way the Town Board has some notion of what's going on and has some guidance. It is not required, he says, the Board doesn't have to do it. Mr. Dannible asks whether the Town Board would be interested in details with regard to the trail design. Mr. Riper would want details of the trail, the type of surface and the possible widths. Mr. VanEarden expresses his discomfort on making a recommendation to the Town Board about specifics of a proposed path when the Board has no prior experience or expertise on the subject. Mr. Riper explains that the Town Board will want to know what the open space is used for; simply the interconnection between two subdivisions. The Board can leave it up to the engineers to make the proposal. On a motion introduced by William Rice, the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Board grants conceptual approval for up to 66-lot base density conservation subdivision. Property location on North and South side of Loudon Road, West of Edie Road on 160 +/- acres. Tax Map No. 154.-1-22.1 and 154.-1-25.1. Zoned R-2. The motion is seconded by Ron Slone, duly put to vote, all in favor.

NOW, THEREFORE, BE IT RESOLVED, that the Board recommends to the Town Board to accept the dedication of approximately 15 acres open space for the purpose of a trail connection, the specifications of which is to be determined, in exchange for 10% density increase for a total of up to 66 lots. The resolution was seconded by Ron Slone and duly put to vote, all in favor, on this day, June 17, 2015.

Mr. Dannible asks the Board if it is comfortable with the waiver for the side yard setback and an additional waiver for frontage on some of the lots, the underlying zoning is 200 feet, but the Applicant is asking for a reduction to 90 feet on some of the lots. Mark Schachner states that the Board has issued conceptual approval on the proposed subdivision as depicted on this plan; so the Board has looked at the potential density bonus calculation of the additional lots. There are no lot numbers or specific amounts of waiver requested on this plan. This is only the conceptual approval stage; at preliminary presumably the Board will have a more detailed subdivision map that will include lot numbers and the actual amounts of the waivers requested; at that time the Board will have the opportunity to issue the formal waivers.

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

NOW, THEREFORE, BE IT RESOLVED that the Wilton Planning Board seeks to declare lead agency status for the coordinated review of SEQRA of the Floral Estates Phase VI Conservation Subdivision. The motion is seconded by Ron Slone, and duly put to vote, all in favor.

D. SPENCER CONSERVATION SUBDIVISION: Action to be taken is the termination of use of 10+/- acres of open space in an 8 lot conservation subdivision. Property located on Edie Road on 21.25 acres. Tax Map No. 141.-2-16.111. Zoned R-2. Mr. Schachner clarifies that the Town Board is not looking for a recommendation, rather a basis for the recommendation previously made. The Town Board wanted to know what the use of the open space would be. There was also concern that this space was an isolated island that was not part of a bigger plan.

Chairman Dobis recalls that the use would be a three seasonal area to view nature. Mr. Riper distributes copies of photos he has taken of the area. There was concern about the location of an access point in the cul-de-sac of the proposed subdivision and parking for access to the trail potentially being adjacent to a residence. Chairman Dobis thought there was access from Edie Road. Mr. Riper shows the access route on the subdivision map and the location of the adjoining undeveloped parcels. Chairman Dobis agrees that if the only access is by the cul-de-sac, he would not recommend putting that burden on the future residents and that perhaps the recommendation should be revised. Mr. Gabay comments that the Board should be careful in its recommendations with regard to open space and be sure that there is a benefit to the Town. Mr. Slone agrees the recommendation should be changed.

Mr. Riper suggests that the secretary, Ms. Harlow, prepare a letter to the Town Board stating there is a lack of reasonable access to the proposed open space. On a motion introduced by David Gabay, the Board adopts the following resolution:

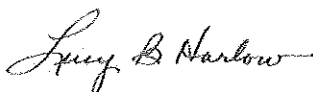
NOW, THEREFORE, BE IT RESOLVED that the Wilton Planning Board wishes to revise the positive recommendation to the Town Board dated May 26, 2015. The recommendation had been for the Town Board to consider approximately 10 acres of open space located on the west side of Edie Road (portion of Tax Map No. 141.-2-16.111) to be dedicated to the Town. The consensus of the Planning Board on June 17, 2015, after revisiting the matter, is that since the open space lacked reasonable access, it is not a practical consideration for the Town Board. The motion is seconded by William Rice, and duly put to vote, all in favor.

III. 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 meeting of the Planning Board be adjourned at 9:07 p.m. The motion is seconded by Ron Slone and duly put to vote, all in favor on this day, June 17, 2015.

Approved: July 15, 2015



Executive Secretary