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PLANNING BOARD
AUGUST 19, 2015

PLANNING BOARD

MICHAEL G. DOBIS,
Chairman

HAROLD VAN EARDEN,
Vice Chairman

SUE PETERSON

WILLIAM RICE

ERINN KOLLIGIAN

RON SLONE

DAVID GABAY

BRETT HEBNER Alternate

RICHARD FISH, Alternate

Those present at the August 19, 2015 Planning Board (“the Board”) meeting were: Chairman Michael Dobis, Vice-Chairman Harold VanEarden, Ron Slone, David Gabay, Richard Fish, Alternate; Mark Schachner, Esq. Planning Board Attorney and Ryan K. Riper, P.E., Director of Planning and Engineering.

Those absent were: William Rice, Sue Peterson, Erinn Kolligian and Brett Hebner, Alternate.

Those also present were: Jean Wouterz, Town Historian; Frank Palumbo, RLA of CT Male; Tim Cassidy of Ace Hardware, Richard C. Woodcock, Jr., Scott Lansing, P.E. of Lansing Engineering, Mr. Robert J. Taylor, James and Marsha Reed, Richard Duff, Barry Feinman, Captain Bullard, and David Bogardus, PLS of Northeast Land Survey.

Mr. Dobis, Chairman called the meeting to order at 6:33 p.m. All in attendance stood for the recitation of the Pledge of Allegiance.

MINUTES APPROVAL

Mr. VanEarden moved, seconded by Ron Slone, approval of the minutes of July 15, 2015 as written. Ayes: VanEarden, Slone, Fish, Gabay, Dobis. Opposed: None.

CORRESPONDENCE Transmittal letter dated 8/4/15 from Lansing Engineering re: Versatile Shed Sales; transmittal letter dated 7/16/15 from ABD Engineers and Surveyors re: Perry Crossing; transmittal letter from Lansing Engineering dated 8/4/15 re: Loudon Road Conservation Subdivision; letter dated 8/4/15 from Northeast Land Survey re: Subdivision of the Lands of Spencer and draft deed restrictions for dedicated open space; letter dated 7/29/15 from CT Male Associates re: Ace Hardware Retail Support Center; transmittal letter from CT Male Associates dated 8/4/15 re: concept plan submission for Ace Hardware; transmittal letter from CT Male Associates dated 8/18/15 re: preliminary submission for Ace Hardware Retail Support Center; Response letters to Riper comments dated 8/4/15 from Lansing Engineering re: review of Loudon Road Conservation Subdivision; letter from Lansing Engineering dated 8/4/15 re: conceptual review: Woodcock Shed Sales Facility – Ballard Road.

I. APPLICATIONS

A. Ace Hardware Corporation - Proposed 400,000±SF expansion of Ace Hardware Distribution Center at 55 Northern Pines Road on 129 acres; SBL: 114.-2-60.1 zoned I-1.

Mr. Frank Palumbo, consultant for the Applicant, Ace Hardware, introduces Tim Cassidy, the Facilities Manager for Ace. Applicant is here for conceptual review, seeking approval for the addition of 400,000 SF± to the existing 700,071 SF warehouse building. The goal is to start earthwork in the fall so Applicant is requesting that the Board's review of the site plan be put on a "fast track." Applicant is hoping to get concept approval this evening, to initiate the SEQRA process and to send out the notices for a public hearing on September 16, 2015. If preliminary approval is given on September 16th that would put the applicant in the position of having a two month construction season in order to move the earth which must be done before construction can begin in the spring. The first set of preliminary plans has been submitted to Ryan Riper. To keep the process moving forward, the Applicant has requested a special meeting of the Board on September 2nd. If the preliminary plans meet with Mr. Riper's approval, Applicant is hopeful that the public hearing can be scheduled at the special meeting.

Mr. Palumbo describes the challenge of moving the "spoils" from the earthwork done for the original warehouse construction. That material is not conducive to being under the new construction and must be moved. There will be no blasting involved. In its new location, the mound will provide some of the screening of the building and the outdoor lights. A graphic presentation of this will be provided at the next Board meeting. Light poles that are 40 feet high will use LED lights and the rest of the outdoor lighting fixtures have been retrofitted with LED lighting. The proposed sight line from Northern Pines Road is described including the mounding, the building height and the lighting. Mr. Palumbo responds to the points itemized in Mr. Riper's letter dated August 13, 2015. The storm water plans have been articulated and are consistent with DEC standards. A SWPPP has been submitted to Mr. Riper.

The landscape screening along Ballard Road is described and how it will block the view of the "YETI", a machine used to brush the snow from the top of the trucks. Visual buffering will be placed strategically to shield the visibility of the building and lights, but will not negatively impact the safe maneuverability of the trucks or the vehicles on the road.

Mr. Palumbo goes over the subject of increased traffic due to the expansion and states there is not a commensurate increase. The truck operations are usually off-peak in terms of traffic patterns. Mr. Slone asks how many additional trucks will be accessing the site. The current data indicates a range of 18 trucks going out during the PM peak or an increase of 30 per cent. He is waiting for additional information from the traffic engineer. The trucks are going out much earlier than the established AM peak which is 7:15 – 8:15. Mr. Cassidy from Ace states the trucks depart between 1 and 4 AM.

Mr. Riper concludes that the conceptual level items in his letter have been discussed. He asks about the noise level of the yeti snow removal process and Mr. Palumbo will get some detailed information about that. Chairman Dobis mentions the safety aspect of removing the snow from the top of the trucks and he will be interested in hearing more.

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

NOW, THEREFORE, BE IT RESOLVED, that the Board grants conceptual approval to the site plan application by Ace Hardware Corporation for a 400,000SF ± expansion of the Wilton Distribution Center. Property located at 55 Northern Pines Road on 129 acres, tax map no. 114.-2-60.1. The motion is seconded by Harold VanEarden, and duly put to vote, all in favor, on this day, August 19, 2015.

With regard to the SEQRA review by the Board; on a motion introduced by Ron Slone, 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 Ace Hardware Corporation. The motion is seconded by Harold VanEarden, and duly put to vote, all in favor, on this day, August 19, 2015.

B. Spencer Conservation Subdivision - Mr. David Bogardus who is representing the Applicant, Stephen K. Spencer, et al., describes the progress and changes that have been made on the 8-lot conservation subdivision plan. The Town did not accept the Applicant's offer of public open space; the land will be used as deed restricted open space for the individual landowners. The lot lines have now been extended so that each of the lots that adjoin the dedicated area now includes dedicated open space. The area deemed a DEC wetland now has 100 foot adjacent area which lies within the open space. He has submitted draft deed restrictions for the Town Attorney to review. He would like to get some input and Mr. Schachner agrees that it will be reviewed.

Mr. Bogardus will be submitting storm water management documentation shortly and hopes to be back in September with complete plans. Both deep tests pits and percolation tests have been performed and the results are satisfactory. He is not looking for any approvals tonight. Ryan comments that the storm water management area should have a seeded access gravel road for maintenance since that will be turned over to the Town. The land within that parcel that would be turned over to the Town is deed restricted as well. Mr. Riper states that the deed restriction should be removed for the Town parcel. The area within the 100 foot buffer to the DEC wetlands is restricted from any activities.

Mr. Slone asks about whether the placement of the mailboxes has been discussed. Mr. Bogardus doesn't think it's appropriate to do a centralized mailbox. Mr. Riper suggests that it should be discussed with the local postmaster by stating that it is a small cul-de-sac and individual mailboxes would be preferable. There is no magic number as to how many houses warrant a cluster mailbox. The local postmaster has jurisdiction and it is the Applicant who must make contact. Mr. Schachner states that if there is a subdivision application that the Board feels strongly should or should not have centralized mailbox locations, the Board can ask the Applicant to get the input from the postmaster prior to final approval.

C. Versatile Shed Sales – Richard Woodcock is the Applicant for a preliminary site plan to add the use of retail sales of sheds on the property located at 241 Ballard Road on 2.2 acres, zoned C-3.

Richard Fish, Board member, wishes to recuse himself from this discussion, because he has some issues with the Applicant and the Town.

Scott Lansing, representing the Applicant, wishes to continue the project review which received conceptual approval in June. Tonight, the primary goal is to set a public hearing. This is a proposal to bring the overall site, this parcel and the adjacent parcel, into compliance with the current zoning for the Town. There are currently sheds stored on the adjacent parcel and they will be moved over to this parcel bringing both of the parcels into compliance. The site plan includes improvements on the parcel that will handle those sheds and the traffic for the shed sales.

The comment letter from Mr. Riper, dated 8/10/15 has been addressed. The emergency services have been sent the site plan and to date, they have not responded. Mr. Serbalik at SCDPW will be contacted when he is available about the two curb cuts on Ballard Road. The storm water control facility maintenance agreement will be provided to the Town. Mr. Riper wants to point out there is some landscaping planned - white spruce trees 5-6 feet high, next to the adjacent neighbor to the east [James and Marsha Reed are in the audience]. Mr. Reed comments that they want the trees next to the existing fence maintained to separate the commercial from the residential. There can be a note on the drawing that the fence and existing trees should be maintained with the infilling of the proposed trees. Mr. Lansing states Applicant has no plan to take the fence down or the existing plantings.

There is an issue with the prior owner; that the east driveway encroaches on the Reed's property (3 feet of the apron). The Reeds understand that the County maintained that the prior owner could not get a certificate of operation for his business until this was addressed. They would like to have the adjustments made so they have an established boundary. With regard to their concerns raised about stacking the sheds, there are designated areas for the sheds. Mr. Schachner states that the Board could discuss stacking issues in its decision-making process.

Mr. Fish comments about Mr. Woodcock's plans and states that he doesn't believe Mr. Woodcock will comply with any designated setbacks, based on his own experience as a neighbor of Mr. Woodcock. Mr. Schachner wants the record to show that Mr. Fish is speaking as an individual not as a planning board member.

Chairman Dobis explains that any site plan violations are followed up by the building enforcement officer. The Board has no jurisdiction except to approve or disapprove the site plan. Mr. Schachner says the point that the Chairman is trying to make is that the Board does not have enforcement authority. Mr. Fish's comments are targeted to what he perceives to be lack of appropriate enforcement. That isn't a Board issue. The Board is reviewing a project application, not an individual.

Mr. Riper suggests that Mr. Lansing put on the drawing of the proposed area for shed sales, 8 – 10 concrete monuments that would delineate that area. Mr. Gabay is in favor of showing a demarcated area for the sheds that is verifiable and enforceable. Mr. Woodcock remarks that the area is already defined by the stone gravel areas and the boundary lines. Mr. Gabay comments that markers/monuments would better define the areas visually and would discourage the "creep aspect" because gravel can be moved. This would protect Mr. Woodcock as well. Mr. Woodcock is concerned that because there is an issue with one person, now there will be "property cops" and markers on his property that wouldn't be required on other properties. He will do what's on the plans. Chairman Dobis is looking for some way to delineate the areas designated for the

sheds and asks for suggestions. Mr. Woodcock says the crushed stone isn't going to move, the site itself is a seasonal site, so snow plowing will not affect those areas. Mr. Gabay suggests using Google Maps as a way to show an aerial view of the property that can be verified by time stamps. If any changes are made on the footprint, the Town's Building Enforcement Officer could verify it that way. Mr. Riper says generically the site image could be accessed, and if 10 or 20 feet of area was added, it might be visible, but whether it will be enforceable is another question. Mr. Gabay asks Mr. Lansing if the image is scalable and remarks that Google Maps are scalable to 1.5 feet. On the site plan measurements are indicated from the 50 foot delineation of the property line. Couldn't the shed areas be verified by measurement asks Chairman Dobis. The Town has means to verify by measurement. This application is not going to be treated any differently.

Chairman Dobis wants to remind everyone present that this is not a public hearing but the Board does entertain comments from the attorneys, the engineer and staff as well as the audience. This is part of getting the information out to the public. Mr. Riper states that the site plan is deemed ready for preliminary review and the public hearing can be scheduled. Applicant can submit a new set of drawings by September 1, 2015 for the public hearing on September 16, 2015. Subject to the Applicant submitting a revised plan by September 1st, Chairman Dobis sets the public hearing for the Versatile Shed Sales site plan for September 16, 2015 at 6:30 pm.

Mr. Fish returns to the dais at 7:45 pm.

D. Loudon Road Conservation Subdivision – Final review of a 17-lot conservation subdivision located at 309 Loudon Road on 39.54 acres, zoned R-2. Mr. Scott Lansing is representing R.J. Taylor Builders, Applicant. The Applicant has worked with the Board for many months on this project and has received preliminary approval. The plan has not changed significantly since the last time the Board reviewed the project. Mr. Lansing outlines changes to the storm water management area; there will be roadway access all around the basin as Mr. Riper requested. In the most recent letter from Mr. Riper, a request was made to consider landscaping at the entrance to the subdivision. Mr. Lansing states a subdivision sign is not planned. The enhancement of the entrance is in the best interest of the Town and the Applicant. There are some shrubs at either side of the entrance way that can be removed and trees put in that area. In talking with the Applicant, two or three deciduous trees and two or three pine trees can be provided on each side of the roadway. Details of the landscaping and design of the entrance will be forthcoming prior to the stamping of the plans. Mr. Riper states that Applicant's comments have touched upon all the items mentioned in his letter dated August 11, 2015. He asks that deed restriction language be submitted for review and that property corner monuments for all open space being deeded to the Town be shown. Chairman Dobis asks for questions or comments from the Board. If not, then a motion for final can be made. On a motion introduced by David Gabay, the Board adopted the following resolution:

NOW, THEREFORE, BE IT RESOLVED that the Wilton Planning Board grants final approval to the application by R. J. Taylor Builders for the 17 lot Loudon Road Subdivision located at 309 Loudon Road on 39± acres; tax map no. 154.-1-9, zoned R-2, contingent upon the fulfillment of the items in Ryan Riper's letter of August 11, 2015. The motion is seconded by Ron Slone, and duly put to vote, all in favor, on this day, August 19, 2015.

III. PRE-APPLICATIONS

A. Perry Crossing, Fusco Properties - Pre-submission discussion of 27,550 SF of retail space with a separate 2,200 SF business with drive-up configuration. Property located at the intersection of Route 50 and Perry Road on 3.7 acres, area zoned C-1, SBL 153.-3-90.5.

Tom Address of ABD Engineers and Surveyors introduces Barry Feinman one of the principals of the project development. Mr. Address describes the project location at intersection of Route 50 and Perry Road which is the open land at the end of the retail strip known as The Shoppes at Wilton. The retail center would be 27,500±SF with some type of out parcel of 2,200SF whether a bank or other business needing a drive-thru configuration. The construction would be in two phases. Advanced Auto has committed to the first portion of 7,000 SF; the rest of the shopping area is being discussed with other potential tenants.

The site is adjacent to the Pyramid Pines mobile home park with a 48 foot minimum setback deed restriction along the property line. There is a requirement to put up a wall with fencing on it along that property line 200 feet of it with trees to provide additional buffering. Mr. VanEarden comments on the willingness of the developers whose projects have backed up to the mobile home park to mitigate any negative impacts of light or noise and to provide buffering for the residences. Mr. Gabay asks about locations of the dumpsters. Mr. Riper remarks that dumpsters are a concern due to a number of complaints by the mobile home park tenants because of the noise of the early morning pick-ups. So locating them away from the mobile home park is preferred. The question of snow removal is discussed. There is an adjoining tax parcel which is part of the land transfer which may work for snow removal. There is also removal by truck.

The access from Route 50 is an important consideration; currently there is only a right turn in and right turn out; another access would be from Perry Road. Captain Bullard of the Maple Avenue Fire Department is present and he comments that fire trucks would have great difficulty accessing the site either from Perry Road or the Route 50 corridor. He describes it as a nightmare now to get in the TJMaxx side. Mr. Address suggests some alternatives but has not run the turning radii for fire truck access. Chairman Dobis asks about DOT's plan for a left turn lane onto Perry Road and the status of that taking place. The Applicant has sent the site plan to DOT. Mr. Riper has reached out to DOT on several occasions to schedule a meeting with the design engineers to discuss the proposed left lane but so far has been unsuccessful. His suggestion be to continue the two-way left turn lane down the center of Route 50 and allow a left turn into the plaza by modifying the entrance.

Ryan Riper wants confirmation that the Applicant has spoken to the adjacent landowner regarding access. Cross easements were set up when the previous development to the west was approved. There should be a cross access to the back edge of the proposed buildings. Another suggestion is to have a one-way drive at the rear of the buildings to give the fire trucks better access and to open up space for parking and dumpster access. He also comments on the access directly adjacent to the proposed Advanced Auto and suggests stepping the building back to accommodate traffic flow. Mr. Address states that the adjoining owner has been cooperative about working with the Applicant to define the access points.

The site is served by public water and the Saratoga County Sewer District. The storm water management areas are described and an overflow system in case of flooding is proposed.

There are 170-177 parking spaces possible and 187 spaces are required. Fifty per cent of Advanced Auto's business is delivery of parts so the expectation of more than 10 parking spaces being used at any given time is high. Mr. Riper states a waiver would be needed from the Board to approve less than required number of parking spaces. Also to have 24 foot drive aisle width in the parking lot would require a waiver. The required aisle width is 27 feet. There is a note on the site plan of the Wilton Senior Housing on Perry Road about a walkway connector to the shopping plaza for the seniors, that should be considered when developing the site layout. He asks about the gas easement across the parcel. Mr. Andress states the line has been removed and the easement abandoned. The plans show a turning radius on the curves of 33 feet, the Town minimum is 35 feet. The landscaping along the frontage of Route 50 should conform to the established pattern. He also mentions the design of the bank drive thru and some possible modifications to the traffic flow pattern. Mr. Slone asks if the design of the façade of the shopping plaza will be similar to the Shoppes of Wilton. Mr. Feinman responds that the design may be slightly different and the colors may vary to help define the plaza as a separate parcel.

B. Route 50 Woodlot, Lou Faraone – The Applicant, Mr. Faraone has not appeared tonight for the pre-submission discussion regarding his plan to modify the existing barn with “eyebrows” and other site modifications. The goal was to have Mr. Faraone show what's actually on the site and discuss it with the Board. The background to the site is that Mr. Faraone purchased a piece of the Tooker parcel right behind his parcel on Route 50. Mr. Tooker also rents some land to Mr. Faraone. The use is commercial and the property is zoned RB-1. Over a period of years, the wood storage has expanded.

Mr. Riper explains the layout of the site from the print that Mr. Faraone submitted. He describes the locations of various structures on the parcel, including trailers, a barn and a manger. The woodlot on Route 50 encroaches into the DOT right-of-way and DOT is aware of the encroachment.

The Board made the following general remarks: the site is an eyesore. Why are the supplies of wood stored in front of the site? Everything possible should be done to enforce any possible violations and have the wood storage area delineated on a site plan. A big concern is safety, because of the shallow access points to the site relative to its location on Route 50. There are also chickens which have caused incidents with vehicles travelling on Route 50.

On a different subject Mr. Slone inquires about whether an applicant is in violation on one of his properties and is submitting a plan to the Board on another property, can his application be held up? Mr. Schachner: In the State of New York, land use planning and zoning decisions are based on the property, not on the applicant.

Mr. Fish asks if someone can submit an application on property he doesn't own. Mr. Schachner responds that someone can file an application with proper authorization from the owner of the property.

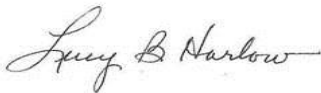
IV. ADJOURNMENT

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 8:40 p.m. The motion is seconded by Harold VanEarden and duly put to vote, all in favor on this day, August 19, 2015.

SPECIAL MEETING ON SEPTEMBER 2, 2015 AT 6:30 PM RE: ACE HARDWARE EXPANSION.

Approved:

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

Executive Secretary