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**PLANNING BOARD**  
**OCTOBER 21, 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

**I. PUBLIC HEARING** scheduled for 6:30 pm. Chairman Dobis asks if anyone is present for the hearing and informs the audience that the public hearing for Floral Estates VI has been rescheduled for November 18, 2015 at 6:30 pm.

Those present at the October 21, 2015 Planning Board ("the Board") meeting are: Chairman Michael Dobis, William Rice, Sue Peterson, Ron Slone, David Gabay, Erin Kolligian and Richard Fish, Alternate; Mark Schachner, Esq. Planning Board Attorney and Ryan K. Riper, P.E., Director of Planning and Engineering. Those absent were: Vice-Chairman Harold VanEarden, and Brett Hebner, Alternate. Those also present are: Steve Pappa, Josh Nemer, Gary Bullard, Joe Bianchine, P.E., David Carr, Joe Dannible, RLA; and Peter Belmonte.

Mr. Dobis, Chairman called the meeting to order at 6:32 p.m. All in attendance stood for the recitation of the Pledge of Allegiance.

**MINUTES APPROVAL**

Mr. William Rice moved, seconded by Ron Slone, for the approval of the meeting minutes of August 19, 2015 as written, September 2, 2015 as written and September 16, 2015 as written. Ayes: Kolligian, Peterson, Slone, Fish, Gabay, Dobis. Opposed: None.

**CORRESPONDENCE** Transmittal from Lansing Engineering dated 10/7/15 re: Versatile Shed Sales Checkset; transmittal from VHB dated 9/23/15 re: final plans for signature.

**II. APPLICATIONS**

**A. Nemer Chrysler Jeep Dodge Ram of Saratoga:** application for amended site plan for 617 Maple 9, zoned PUDD. Joe Dannible with EDP, representing the applicant Nemer Auto Group, for a parking reconfiguration and expansion of 150 additional delineated parking spaces, sixty spaces at the front of the

property and in the rear and west side, a new parking lot for 90 vehicles (general inventory). Also some restriping and reconfiguration of signage with clear directions to the service departments of the auto dealership and various tenants. The lot will be graded from west to east. Two swales in front of the parking lot directing storm water runoff from the pavement area to the detention basins and a curtain-drain for surface and subsurface water. Land disturbance will be about .9 acres. Vehicles will no longer be parked on the grassy areas. Drive aisles will be clear. Mr. Riper mentions the green space calculation should be added to the plans.

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Board grants approval to the amended site plan application made by Nemer Chrysler, Jeep Dodge Ram of Saratoga, for the addition of 150± parking spaces and minor reconfigurations throughout the site known as High Rock PUD. The property is located at 617 Maple Avenue on 17.35 acres, Tax Map No. 140.-3-26. There are no new or different environmental impacts requiring further SEQRA review. The motion is seconded by Sue Peterson, and duly put to vote, all in favor, on this day, October 21, 2015.

**B. Red Robin International** – Amended site plan application to improve façade and to convert Pizzeria Uno to Red Robin Gourmet Burgers and Brews. Property located at 3008 Rt. 50, on 1.3 acres, zoned C-1. Mr. Steve Pappa with Red Robin restaurants states the company's goal is to do a conversion; the site plan and the footprint of the building will stay the same. The outside will be converted to the Red Robin design. He presents the elevations and describes how the site will be improved: the dumpster and enclosure will be moved, the patio will be dressed up with lighting. The existing curbing will be improved. Mr. Riper comments there will be an insignificant increase in traffic from the present use, to a more intensive use. There will be no drive-through. Mr. Pappa hopes to have restaurant open in late July, 2016 with approximately 80 part time/ full time employees with 35-40 maximum on a given shift. Volume of service and the hours will be different. It will take 5-6 weeks to put construction drawing together and submitted to the building department he hopes before the Christmas holidays. It will continue to operate as Pizzeria Uno until the building permit is issued. 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 made by Steve Pappa to change the façade of the existing building; to relocate a dumpster enclosure, to refurbish the landscape and modify the detached sign at the property located at 3008 Route 50, tax map number 153.3-51.12, zoned C-1. There are no new or different environmental impacts requiring further SEQRA review. The motion is seconded by Erinn Kolligian, and duly put to vote, all in favor, on this day, October 21, 2015.

### **III. PRE-APPLICATIONS**

**A. Perry Crossing, Fusco Properties** – Project update regarding 27,550 SF of retail space with a separate freestanding 2,200 SF bank with drive-through configuration. The property is located at the intersection of Route 50 and Perry Road on 5.12 acres, zoned C-1, tax map no. 153.-3-90.5. The applicant has conceptual

drawings but is still working on negotiations with the adjacent landowner. No approval is being sought tonight.

Joe Bianchine of ABD Engineers and Surveyors describes what changes have been made specifically the parking and where the entrance is going to be located. Several matters need to be coordinated with The Shoppes of Wilton such as parking and easements. He mentions the 9/3/15 letter from DOT stating approval of the right turn-in right turn-out entrance. A two way left turn lane is planned by DOT near the intersection of Route 50 and Perry Road. The construction is to begin next spring and be completed in 2016. A full access entrance will require letter from the Town of Wilton and the Shoppes of Wilton and cannot be done until left turn lane is completed by DOT. Mr. Riper describes the new configuration of Route 50 near the intersection with Perry Road: when traveling south on Route 50 there is a left turn lane into the mall entrance – that median will be extended further to the north and it will turn into a two way left turn and then to a single left turn onto Perry Road.

Items mentioned in Mr. Riper's review letter are that the Board will have to review and provide a waiver on 1) the number of parking spaces and 2) the aisle width 27' down to 24'; color architectural renderings of building elevations need to be submitted; the Board should discuss the desire for providing pedestrian access to Perry Road at the north end of the parcel with a possible connection to the senior community and the mobile home park. The Perry road entrance to retail will not line up with the entrance to the Wilton Senior Community which is 200-300 feet further up Perry Road. A sidewalk and street crossing was discussed so that the seniors and residents of the mobile home park would have access to the retail area. It would be best to have it as far north on Perry Road away from Route 50 intersection as possible. Mr. Riper also suggests that the dumpster pick-up times be placed on the plans. Mr. Bianchine describes the retaining wall behind the building which is in 3 sections. Mr. Riper wants the Board to be aware of the different cross sections of the retaining wall. Sight distances at the entrances need to be investigated and a traffic study might be coordinated with DOT who will be preparing a study in conjunction with adding the left turn lane. A snow removal plan is needed; currently the Shoppes at Wilton plows snow over to the proposed site. That will need to change. There is an issue with flooding onto Perry Road when the ground is frozen. Mr. Bianchine proposes to put underground pipes below the frost line. Drainage will sheet drain to front infiltration basin. Anything over a 100 year storm would drain into culvert on Perry Road. A water line will be run from the new site and connect to the senior community.

**B. Harran Lane Conservation Subdivision** – Twelve lot conservation subdivision off Harran Lane on 26.8 acres, zoned R-2. Dave Carr is present to represent Tom Roohan, the applicant. The location of the subdivision is described; the land is totally wooded and is adjacent to a large parcel owned by Don Green. The proposal is for an 800 ±foot cul-de-sac with 12 lots; average lot size will be 1.4 acres. There will be 10.6 acres of open space. The applicant believes it is important to have buffer along the Northway and for the existing single family home. The goal is to get as far away from Northway as possible. There will be on-site water and septic. Preliminary test pits appear good. There is an area where there was sand excavated which could serve as a storm water basin. Chairman Dobis asks about the plan for the open space. The lot lines could be extended, or ownership tied to one lot. Nothing has been decided and it would be dependent upon the Board's preference. Mr. Riper mentions the unlikely possibility of a trail connection from the county land to connect with Jones Road. There has been no discussion with the Town Board regarding the open space. Mr. Roohan is resistant to having a right-of-way connector road in this parcel. The Green parcel could be subdivided into over 190 lots and that would have a substantial impact on the access to the Harran Lane subdivision. Chairman Dobis comments on the impact of traffic cutting through small neighborhoods.

#### IV. DISCUSSION ITEM:

**Subdivisions - Requirement for Cluster Mailboxes.** Under Federal Law the US Postal Service mandates that cluster mailboxes are to be installed in new subdivision developments and that law is now being enforced. Chairman Dobis reports on his discussion with the Gansevoort Postmaster. The biggest issue the Chairman sees is the snow removal from around the cluster mailbox installation. The residents will be calling the Town asking who is going to remove the plowed snow and will likely call the Town Highway Department to complain. The Town will not maintain the mailboxes or be responsible for removing the snow that may be plowed up around them.

The Postmaster showed Chairman Dobis the catalog that contained the modular mailbox units approved by the US Post Office. He works with the developers in planning where the mailboxes should be placed and the number of units. He agrees there is a problem of snow build-up around the cluster units (which have parcel boxes that are 18"-24" off the ground.)

Peter Belmonte, who is present regarding his project, Floral Estates VI, says he has the catalog which shows USPO approved cluster boxes and configurations. He offers to scan the catalog for the Board. His proposal is to construct a sturdy roof and base but use the USPO approved mailboxes, consolidating all the mailboxes under that one roof. He has experienced the issue of the snow removal in neighborhoods he's developed that don't have home-owners associations (HOA's). Someone has to make the effort to shovel. The resolution is much easier in a development with an HOA because there is a mechanism in place that will address the problem. Another idea is a taxing district where the municipality actually has a mechanism to tax the residents and provide a service for dealing with the snow removal. It would be an added burden on the Town's highway personnel. The option of enacting a taxing district is discussed. Do you tax the entire town for the benefit of a few properties? There can be a sole purpose special district where cost of service is divided by number of beneficiaries; or a sole purpose HOA.

The Floral Estates VI overall subdivision plan has not changed but in order to slow down traffic coming in and out of the development the applicant is proposing to install boulevard islands. Another benefit of having the islands is for the installation of the mail kiosk (cluster mailbox). Upon entering the development there would be a bump out that provides a pull off that will have enough room for 3 cars. The mail kiosk would be on the driver's side. The island would be curbed. The idea for the configuration is in response to the conversations over the past several meetings about the problem of where to put the mail kiosks and the safety concerns about people accessing them. With the canopy, there would be 2-3 feet of covered area that wouldn't be impacted by the snow. The roof canopy would be within the Town's right-of-way ("ROW"). The Town will have to figure out whether it's better to have the mailboxes covered by a roof so the only snow that has to be dealt with is at the edge of the road and up to the outer edge of the roof; or have the mailbox out in the elements where it would be necessary to shovel right up to the mailbox. There is a potential for losing developable land by having to widen the entrance to a subdivision. In this case there is plenty of open space but widening road can mean losing lots.

The applicant, Mr. Belmonte, needs clarification on the boulevard design and the issue of building in the Town ROW. Can the center of the boulevard be excluded from the Town ROW? It is the Board's consensus that they have no objection to the boulevard design with the islands. Mr. Belmonte asks if the Town Board ultimately must give the approval for the expanded ROW with the boulevard design. This is a design feature that the Planning Board should be looking at. The Town Board's role would be to accept the road dedication. Chairman Dobis refers to the Town specification for road construction, [the standard cross-section] and asks the question can the Planning Board approve a road design that exceeds that standard. Mr.

Schachner refers to design elements that are not at variance with the Town road specification. The Planning Board has site plan review and subdivision authority over design elements of roads in subdivisions other than meeting the minimum town standards. Mr. Slone iterates Mr. Belmonte's concern is that he would be building a road that the Town won't accept. The Town Board can be approached at any time in the process, but there is a risk involved. The Town Board has the sole authority to accept the road.

Mr. Slone asks who will be responsible in the future for the maintenance of the roof canopy. There is a discussion of several options; having a sole-purpose home-owner's association or a taxing district to provide the fees for maintenance and snow-removal. Chairman Dobis asks about the developments that don't have HOA, who just have the stackable mailboxes at the side of road. Who is going to shovel the snow that has been plowed against that type of mailbox? Realistically people won't get out and shovel. Mr. Belmonte says every neighborhood has to have a minor HOA specifically for that purpose. Ms. Kolligian asks if by having HOAs that hurts the developer. Mr. Belmonte has been successful with HOAs and has a model that works. It's certainly worth a try.

Mr. Slone wants there to be a town standard; for small developments of 10 to 12 lots up to larger ones with over 60 lots. The proposal for Floral Estates VI is a great start for developing such a standard that ultimately would become part of the Planning Department's developer's package. A town standard for subdivision mail kiosks needs to be developed for large developments, possibly to have a boulevard entrance with islands which would serve to slow traffic as well as a place to install the kiosk and, for smaller developments, a pull-off that would provide safe access for the residents to retrieve mail. Another concern is the "routine maintenance" now and 20 years from now. The same goes for the upkeep of the boulevard islands, a similar situation exists with cul-de-sacs. Landscaping is another problem: who is going to provide that service.

Mr. Belmonte's question is how many boxes should be clustered together. In the Mill at Smith Bridge there are 3 pods of mailboxes scattered out through the neighborhood. If those were put in one cluster, then the roof canopy comes into play. In trying to respond to Mr. Riper's suggestion of having a pull-off, it also means that the installation would necessitate widening the Town ROW. This design won't fit in a standard 60 foot ROW. The highway superintendent will ask the question; is it going to be harder to plow, will it take more time. There is also the pavement between the islands that would have to be plowed. The boulevard lane as shown is 14 to 16 feet wide. The objective is to not make the lane greater than the width of a snow plow. There is no perfect answer in trying to come up with a feasible mailbox location. There has to be some compromise somewhere.

William Rice questions whether the Town Board has the authority governing any requirements regarding cluster mailboxes; it could either not accept the responsibility for the snow removal or set up some type of taxing district to offset the cost. The Town Board has to be educated about the cluster mailbox problem. There should be a proposal to the Town Board for establishing town standard for installing mail kiosks. Mr. Belmonte's design could be used as an example. The Town Board will be looking to the Planning Board for its preference.

The authority to accept a proposed road, if it's not to the Town standards, belongs to the Town Board. Mr. Gabay asks if there should be an amendment to the standard that the Town accepts; to change the minimum/maximum drive lane measurements in the Town Statutes would give the Planning Board the authority to approve different road designs in subdivision plans, like an 85 foot road width requested in Floral Estates VI. Joe Dannible comments as long as the applicant meets the pavement section in the minimal lane width (12 feet) and the as long as there is a 60' ROW. Mr. Riper comments that Kirklin

Woodcock approves of the road construction based on the standards of the subdivision plans. There is just a minimum – no maximum. Mr. Belmonte suggests that if there is an 80 foot ROW, an excess of 60 feet, it would be in the Board's authority to make that decision. For a rational reason, Mr. Schachner adds. Mr. Belmonte asks if in this case will it be necessary to go the Town Board to make the decision or is it within the Planning Board's authority to make the decision assuming the minimum ROW is met.

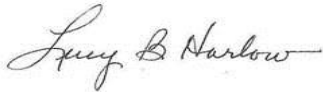
The roof canopy being in the Town ROW is another issue. The Town Board comes into play when a structure is being built in the Town ROW and for a dedication of a road. To Joe, it would be an advantage to go to the Town Board ahead of time before the structure is built, and not wait until such time as the Town decides to accept the road. The other alternative is to reevaluate the HOA idea. It is a unique design and it wouldn't work in a 12-lot subdivision. The house numbering issue is brought up by Ms. Kolligian, recalling the concern of Chief Morgan of the fire department. There is a code requirement about the size of house numbers.

#### **V. 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 8:17 p.m. The motion is seconded by Harold VanEarden and duly put to vote, all in favor on this day October 21, 2015.

Approved:

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

Executive Secretary