

**TOWN OF WILTON**  
22 TRAVER ROAD  
WILTON, NY 12831-9127

(515) 587-1939  
FAX (515) 587-2837  
Website: [www.townofwilton.com](http://www.townofwilton.com)

RYAN K. RIPER, P.E.  
Director of Planning &  
Engineering

MARK SCHACHNER  
Planning Board Attorney

LUCY B. HARLOW  
Secretary

**PLANNING BOARD**  
**JANUARY 17, 2018**

**PLANNING BOARD**

MICHAEL G. DOBIS,  
Chairman

HAROLD VAN EARDEN,  
Vice Chairman

WILLIAM RICE

ERINN KOLLIGIAN

RON SLONE

DAVID GABAY

BRETT HEBNER

JEFFREY HURT, Alternate

A meeting of the Wilton Planning Board (“the Board”) occurred on January 17, 2018 at the Wilton Town Hall, 22 Traver Road, Wilton, New York.

**PLEDGE OF ALLEGIANCE**

**I. PUBLIC HEARINGS:**

**A. CRAW FARM SOUTH 19-LOT CONVENTIONAL SUBDIVISION (a/k/a Ernst Subdivision): William and Judy Morris**

**The following Notice of Public Hearing was advertised in the Daily Gazette, The Post Star and the Saratogian Newspapers:**

**PLEASE TAKE NOTICE** that the Planning Board for the Town of Wilton will hold a PUBLIC HEARING to consider an application by William and Judy Morris to subdivide 12.80 acres into 19 lots on two parcels located on Traver Road. SBL 115.-1-26; 115.-1-30; zoned R-1 in the Town of Wilton.

**SAID PUBLIC HEARING** will be held on Wednesday, January 17, 2018 at 6:30 PM at the Wilton Town Hall, 22 Traver Road, Wilton, New York. At that time, all persons will be given a chance to be heard.

At 6:30 PM, Chairman Dobis opens the public hearing. The Applicant William J. Morris, will take comments and questions after his presentation. If anyone in the audience would like to comment, please state your name and address for the record.

Bill Morris introduces himself and states he is proposing a 19-lot Subdivision. The location of the subdivision is about ½ mile south of here on Traver Road, directly across from the northern entrance to King’s Mills Road. It is a conventional subdivision that conforms to R-1 zoning and will be served by the WW&SA; drainage will be handled on site. He is happy to answer any questions.

Jean Brew: 65 Traver Road: She has a couple of concerns: not necessarily to Mr. Morris' development. I am concerned with the amount of development on Traver Road and in the area and the amount of traffic that we're experiencing on Traver Road because of it. When I came tonight, I had difficulty getting out of my driveway, like I do all the time, and at night it should be a little easier. I still had to wait for a number of cars to come by. Over the years we have gone from basically living on a country road to what is becoming a really busy road. When we get to the end of Traver Road, now we have a stop light because of the two warehouses and the traffic from there. I'm just wondering basically if the Planning Board is taking into consideration the impact of traffic that this development will have and the other developments that have already come in and future developments are going to have on the traffic flow in Wilton. That is my first question: I have other things, [she indicates where her house is] we only have .65 acres and we're going to have basically two houses and some of another one behind our piece of land. We've been concerned from the beginning. Mr. Morris met with us about the layout of lots because they tend to be long and skinny, so we have also of houses behind each of those three properties. She introduces Gill and Arlene Petteys, her neighbors who live here (she indicates). I am concerned about that. Another question for future reference, is it the present system in the Town that when something like this happens, this isn't approved yet then? *Chairman Dobis interjects that the project has received conceptual approval. Next is the public hearing and the Board will take into consideration all the comments and engineering studies.* Ms. Brew asks: so conceptual approval comes before the neighbors are notified? *Chairman Dobis states that is correct, it is only conceptual.* Ms. Brew: when we're notified, I noticed that, we have property in Bolton Landing and we just went through getting approval for something up there. Our neighbors got the letter from the Town, where as this letter came from Mr. Morris. Is that the usual way, that the developer sends the letter? *Chairman Dobis says each Town is different, in this case we put the burden on the developer, they are informed by the Planning Department which lot owners they need to notify. They bring in the certified return receipts so that we know that the neighbors have been notified.* Her other concern is just the impact on the Town sewer system, is it handling everything that is being added to it. I remember Mr. Woodcock telling me the pipe was rather narrow and that it overflowed sometimes, in front of his house. I just wonder about the impact on the sewers.

Gilbert Petteys and his wife, Arlene, live at 67 Traver Road. By the way, did I hear you say that this is a part of the Craw Farm? Which it isn't. *Mr. Morris responds that it is just the name of the subdivision, it doesn't mean it was ever part of the farm.* Mr. Petteys indicates where they live and notes there is a turn-around, almost in front of his house. Our concern, I'd like to have a fence put up here. Because when people come down their car lights shining in my house. Not very long – just a fence to block that off from the turn-around. Also, at my age, I can't do what I used to, but probably by the time this is done, there's going to be a lot of sand that has blown around due to the construction activity. If my house is all dirty from the construction, I'd like to have it washed. His wife's concern is about a tree that they planted beyond that lot line, it used to belong to a brother. We're hoping that it's going to be out of the way because we like that tree, it was planted in a certain way for a certain purpose so if that tree can be saved, we'd like that. The tree is not on their property. It was on her brother's property. Mr. Petteys indicates approximately where it is.

Joanne (Dougherty?) 4 Sunshine Drive: I have some questions about the lighting. We just moved to the area last February. One of the things that has been so appealing is the lack of light pollution. Are there going to be street lights, super bright lighting which would impact the existing neighborhood.

We live near Christopher and Lena DeFalco. There's a berm of trees behind there. There's no development. Can we maintain that? Or will the trees around the development be cut down? *Mr. Morris indicates on the plan where the area she's concerned about is. The intent would be to not clear cut this to the property line. A buffer will be maintained. We would normally do that anyway. It's not necessarily a berm, but there is some vegetation there that we certainly maintain. It's advantageous for both of us to maintain. Chairman Dobis asks about the lights. Mr. Morris agrees that there will be only residential lighting.*

Eric Rosenberg, 16 Craw Lane: Comments are really for Mr. Morris, to some extent some bigger infrastructure questions. When you look at some of the bigger developments, that one big development that was proposed months ago on the other side of the Northway, things are looked at, traffic but not so much probably for these smaller developments. While each development whether its 6 lots or 14 or 19 lots may be don't incrementally by themselves impact the roads and the school systems, as they keep building them the total impact is great. Things like Traver Road, a two-lane road, it's dark at night, more and more traffic. A lot of the roads in Wilton are getting to be that way, whether it's the drainage systems or even the schools. I know technically the Town doesn't have anything to do with the schools, but we talked to a lot of people during the election. While the Town can't do anything about the schools, people are concerned about the overcrowding. To the extent that we continue to get bigger and bigger, people are concerned that there is not a proper dialogue going back and forth about the schools. There was some disagreement about whether there was overcrowding but the parents you speak to and the teachers you speak to seem to be universal that there's a classroom problem over there. My question and the big picture is I'd like to understand how the city is planning for the future infrastructure needs and dealing with the bigger traffic issue and bigger drainage issue, separate and apart from maybe what's done for an independent smaller development like this.

Ms. Kolligian asks what school is Mr. Rosenberg talking about that's overcrowded. This area is South Glens Falls School District. The kids will be going to Ballard Road school.

Mr. Rosenberg: Whatever the schools are, ultimately over time, schools are going to be impacted, again the hope is that these things aren't ignored even though the development size itself incrementally isn't an issue, the total development that will happen over the next 5-10 years certainly is an issue on the infrastructure of the Town.

Chairman Dobis asks if there are any other questions or comments. There being none, he asks for a motion to close the public hearing. On a motion introduced by William Rice and seconded by David Gabay, the Board votes unanimously to close the public hearing at 6:45 PM.

## **B. BALLARD ROAD SELF-STORAGE: Matthew J. Chauvin**

**The following Notice of Public Hearing was advertised in the Daily Gazette, The Post Star and the Saratogian Newspapers:**

**PLEASE TAKE NOTICE** that the Planning Board for the Town of Wilton will hold a PUBLIC HEARING to consider a special-use permit application by Matthew J. Chauvin to construct a 95,400 sq. ft. self-storage facility on Ballard Road, SBL 115.-1-38 on 9.68 acres zoned C-3.

**SAID PUBLIC HEARING** will be held on Wednesday, January 17, 2018 at 6:31 PM at the Wilton Town Hall, 22 Traver Road, Wilton, New York. At that time, all persons will be given a chance to be heard.

At 6:45 PM, Chairman Dobis opens the second public hearing.

Joe Dannible from Environmental Design Partnership, is representing the Applicant Matthew J. Chauvin in an application for a special use permit to allow a self-storage facility to be constructed on Ballard Road approximately ¼ mile to the east of I-87 and the Exit 16 interchange, opposite Commerce Park Industrial Park. Mr. Dannible reviews the history of the previous site plan review in the late 90's that was approved allowing self-storage as a use on the property. The plan was not developed, and the property sat vacant for many years. The applicant came back to the Town to develop the site and was told that the zoning within that district had changed and that a special use permit would have to be obtained to allow for the construction of a self-storage facility. Subsequently the Applicant retained EDP and we have applied for a special use permit and provided a couple of concept plans. One is for a conventional self-storage, no climate control; linear buildings with garage doors. We are providing for a 20-foot vegetative buffer along Ballard Road. The other concept would allow for a mix of a non-climate controlled conventional self-storage facility as well as a climate-controlled building on the property.

Mr. Dannible states that a special use permit for self-storage in this C-3 zone requires that several criteria be met for the Board to entertain any type of determination. Mr. Dannible goes over the criteria which must be met to grant a special use permit. *(1) The use shall be limited to individual permanent storage compartments; there shall not be any commercial, garage work, wholesale or retail uses on the property.* This site is strictly for a self-storage facility. *(2) Self-storage units shall be screened by 25-foot wide landscaping strip consisting of densely planted buffer.* We are providing for a 25-foot wide strip of vegetative buffer along Ballard Road; we will also maintain whatever trees exist within the ROW at that location. We want to maintain as much of the vegetation along the frontage as well. *(3) The exterior walls of the proposed structure shall have textured or masonry construction.* Whatever the final building facades are that are subject to a site plan review, the end caps that are facing the road would all be constructed of materials of natural earth tones, potentially some stone mixed in. As site plan review progresses, elevations will be subject to Planning Board review and approval as a condition of the special use permit for this property. *(4) The placement of storage containers is prohibited.* No placement of storage containers is proposed, it will all be enclosed self-storage units. Finally, *(5) that there will be no outside storage of RV's, boats, trailers, large vehicles on the property.* We are not proposing any outdoor storage on this property. Mr. Dannible states that those are the criteria that need to be met and he has identified that they have been met.

Chairman Dobis asks for public comment:

Eric Rosenberg, 16 Craw Lane: I would like to understand what the zoning is here that requires a special use permit and why isn't something as somewhat innocuous as a self-storage facility not allowed. It's a commercial area, there is a large residential area beyond that, and I would imagine, I don't live that way, but I do drive that way sometimes, and do you still want to maintain to a certain extent the Wilton character because self-storage units can look a little institutional. My last question would be, a lot of time when people clear out their units they tend to dump unwanted stuff, so what precautions are being taken to make sure that people don't drive off the property and empty their stuff on some of the vacant lots nearby, which will probably happen.

*Mr. Dannible states that anyone who empties their unit out will not be able to place their garbage on the site. The site itself will be controlled and be completely fenced in with key card access to the property to get to and from the site. Once somebody takes their materials and drives down the road and dumps things on another property, the applicant has no control over that, but that is subject to Town and State regulations for illegal dumping.*

Mr. Gabay: Will there be security cameras on the premises as well? Mr. Dannible: I don't know for certain but that is typical of self-storage facilities.

*Chairman Dobis: If I understood your question (to Mr. Rosenberg) why the Town allows something like that in that location, is that what I heard?*

Mr. Rosenberg: I am just more curious if it's kind of a commercial area, why a special use permit is necessary. Does the zoning not allow these kind of facilities?

*Chairman Dobis: We like to have more control of the zoning to bring projects like this in front of the Board. Later in the process, there are questions that the Board has to answer vs. just saying it's commercial, do whatever you want.*

Mr. Rosenberg: What is the zoning there?

*Ryan Riper: It's C-3: commercial – light industrial.*

Mr. Rosenberg: Would this not normally fit into this classification? Is that why a special use permit is needed?

*Mr. Riper: It's one of the specially permitted uses contained in the C-3 zoning schedule. This zone encompasses a majority of the Exit 16 area where there are warehouses and other commercial – industrial uses.*

Mr. Hebner: Typically in a zoning ordinance you will have allowed uses in certain districts. As long as you follow the bulk area requirements specified in the zone, then that is an allowed use. A special permitted use is also an allowed use. But there are specific items that are characteristic of the type of use, that are requirements for the applicant or developer to adhere to in order for the special permit to be granted.

Mr. Rosenberg: What is it about self-storage facilities that have it in the special use category and not in the regularly allowed category?

Mr. Hebner: Mr. Dannible did answer some of the specific requirements in the Town Code. The Board will be reviewing those during the discussion.

*Mr. Dannible: in response to Mr. Rosenberg's comments, is the appearance of the buildings, institutional or industrial and having some screening along a country road. Those are two items that must be adhered to as part of the special use permit.*

Jean Brew: I heard this gentleman mention having some screening, I assume you are talking about trees and vegetation, is that what you mean?

*Mr. Dannible: There will be some level of vegetation, probably lower-level, to screen.*

Ms. Brew: Many many years ago, when I was 29, I am now 71. I came to one of these meetings and at that meeting, it was because they were developing the truck stop. The Board requested the developer to put in trees along the exit to shield the truck stop from people coming in to town, that when people came into the Town of Wilton using Exit 16, they wouldn't see trucks, they would see beautiful trees. I'm 71 now and I am still waiting. Do these things get followed through on?

*Chairman Dobis: As time goes on you can have certain zoning requirements, then over time as the town continually updates its zoning requirements, and its comprehensive and master plans, things change. I have been on the Board a long time, but not that long.*

Ms. Brew: Promises are made, and I just wonder what is in place to make sure that the promises are followed through on.

*Chairman Dobis: I can tell you there are certain requirements and the Town Engineer reviews the plans to make sure those requirements are addressed on the plans. Before he has given his final approvals as far as the Chairman signing the mylars, the Engineer and the Chairman, usually go out and we double check. Sometimes it looks good on the plans but we go out and there may be an issue where we don't want something because it's impacting traffic safety or there may be times when we want other things added. That's what happens now and in the recent past. I can't take credit for way back when.*

Ms. Brew: When I get on Exit 16, I look over and I think gosh, I am still looking for those trees. I just would like to make the point that probably following through is a good idea. You want the Town to look good, we want people when they come to have a nice entrance to Wilton.

*Chairman Dobis: In the past, in several comprehensive or master plans, that kind of thing has been taken into consideration. For different parts of the Town, you may want different kinds of planning, different kinds of facades on the buildings. That is looked at and it has changed as time goes on.*

Chairman Dobis asks if there are any other comments for this public hearing. There are none and he asks for a motion to close the public hearing. On a motion introduced by David Gabay and seconded by Erinn Kolligian, the Board votes unanimously to close the public hearing at 7:03 PM.

**I. REGULAR MEETING:** Chairman Dobis calls the regular meeting to order at 7:03 PM. He requests a motion to address December 20, 2017 Board minutes.

**MINUTES APPROVAL:** Ron Slone moves, seconded by David Gabay, for the approval of the meeting minutes of December 20, 2017 as written. Ayes: Dobis, Gabay, Kolligian, Hebner, Slone, Rice. Absent: Harold VanEarden and Jeffrey Hurt, Alternate. Opposed, none.

**CORRESPONDENCE:** No other than that relating to current applications before the Board.

**IN ATTENDANCE:** Those present at the January 17, 2018 Board meeting are: Chairman Michael Dobis, David Gabay, Ron Slone, William Rice and; Ryan K. Riper, P.E., Director of Planning and Engineering, Mark Schachner, Planning Board Counsel and Amy DiLeone, Principal Clerk-Engineering. Absent: Jeffrey Hurt, Alternate Harold VanEarden. Also present are William J. Morris, Joe Dannible, Matthew J. Chauvin, Lisa Muller, Tina Weber, Larry Gordon, Larry Goodwin, Gerry McGoolahan.

## **II. APPLICATIONS:**

### **A. CRAW FARM SOUTH 19-LOT CONVENTIONAL SUBDIVISION: William and Judy Morris**

Chairman Dobis would like the Town Engineer Ryan Riper to address the public's questions regarding traffic impact. Mr. Riper describes the Town-Wide Traffic Study that looks at the volume of traffic on the roads and any areas of concern with level of service, delays at intersections or safety concerns. The areas that need improvement are identified and the Town has a traffic mitigation fee account so all the new developments coming in are paying a traffic mitigation fee. That is part of the SEQRA process. The fees are being paid into the Town for making improvements to the areas that are being impacted by the increase in development. There was also a concern expressed about sewer capacity. Mr. Riper states that the flows are going to the pump station at Gailor Road and Damascus which is currently being rehabilitated. The capacity far exceeds the number of homes that are being installed; that has been checked and reviewed.

Mr. Riper is not aware of Mr. Woodcock's concern about an open pipe in front of his house on Traver. Ms. Brew: Mr. Woodcock told us the story about the leaking in front of his house. Mr. Riper says there is a force main extending down Traver Road. Ms. Brew: Of course, we are in a situation where if we need to repair our septic tanks or be forced into hooking up to the sewer being at a cost of \$12,000. It's a Saratoga County – we did the whole discussion, but I think it's something that could be done for people who don't have \$12,000. Mr. Riper states that connection to sewer is a requirement of the State Building Code. The fee includes a grinder pump and construction and the tap-in fees. The cost would be in the range of \$10,000 to 12,000. There are some DOH regulations on that as well.

Chairman Dobis would like the concerns about the T-turn around, the traffic impact, the headlights and the request for a fence addressed. *Mr. Morris doesn't think a fence is going to be appropriate because of snow removal and road maintenance. He could plant a row of white pines down through there.* Mr. Petteys responds he doesn't want white pine. *Mr. Morris would try to come up with a solution, but the highway superintendent would not want a fence there.* Mr. Rice asks about the location of Mr. Petteys house and whether where car headlights would have an impact. *Mr. Morris says they won't shine in the house, they would shine to the south of his house.* Mr. Petteys: it depends on how they would turn. Ms. Kolligian: Where are some areas that we've put in a natural little berm, arbor vitae so that they could go see what has been done before. Mr. Riper: the only vehicles that will be using the turn-around are the snow plow trucks, unless there is someone driving down the road lost. *Mr. Morris: it is going to be a dead-end road. He is willing to talk about some kind of evergreen planting.* *Mr. Dannible points out the location on the map; there is quite a bit of lawn and open space, probably a few hundred feet.* *Mr. Morris: when we start to clear and cut the road in we can meet and talk about it.*

Eric Rosenberg: Mr. Riper had mentioned that every couple of years a study is done. Do they look and try to anticipate based on a certain rate of growth what the future needs are so that road improvements and stop signs and traffic lights are put in in advance of there being a problem?

Mr. Riper: They look at typical growth rates in the area and use that for projected volumes of traffic on the roads and service level. Eric Rosenberg: Do they make recommendations for stop signs and traffic lights or widening? Mr. Riper says yes, an independent professional consultant will make recommendations.

The impact on schools: the schools have to accept the students and they have to plan for that says Chairman Dobis; the Town sends reports in so that the school district has an idea of the potential numbers. Mr. Rice states that he understands that enrollment at Dorothy Nolan was declining. Mr. Gabay agrees and Ms. Kolligian says the children are “aging out”. Mr. Rice: the trend is that enrollment is declining. It’s tough having increased traffic, but the alternative is having people move away and declining property values. The Board has no control over the school population.

Mr. Morris recalls the mention of the tree and possibly transplanting it. He will look at that, the possibility of leaving it, or transplanting it - there will be large equipment and if we can do it with no guarantees, we will be glad to. He mentions the request by Mr. Petteys about getting his house washed. *We’ve got a storm water pollution prevention plan that Mr. Riper will be overseeing to stop dust from being created. He’d rather not get into washing a house, there is liability involved. We control dust as part of the SWPPP plan that we have to abide by. If there are issues, Mr. Riper will have my phone number and will be overseeing the site development.* Chairman Dobis suggests the tree be flagged. *Mr. Morris says if it can be saved, he will save it.*

Most of Mr. Riper’s comments can be addressed when the drawings are updated. He did want to mention the change in the name of the subdivision and the road name. Mr. Morris: The road is going to be called Colleen Court. The subdivision name “Craw Farm South” was thought to build on the success of his development of Craw Farm. Mr. McPadden will be the builder. Mr. Riper mentions issues with subdivision signage, that it shouldn’t hinder sight distance. He wants the storm water management areas indicated and any easements dedicated to the Town to be on the plans with survey markers. There are administrative items listed in his January 8<sup>th</sup> letter that can be addressed as the plans are finalized. Mr. Woodcock, the highway superintendent did prefer the “hammer head” turnaround.

There being no further questions or comments from the Board, the Chairman asks the Town Attorney, Mark Schachner, to assist in the SEQRA review. Mr. Schachner: what the Board is going to do now is conduct its review under the NYS Environmental Quality Review Act, and he specifically refers to the Long Form EAF Part I dated January 10, 2018 completed by Mr. Dannible on behalf of the Applicant. The Board should be looking at the questions in Part II, the overall question on each topic. Mr. Schachner instructs the Board that the threshold questions are “yes” “no” questions. If the answer is no, we move on to the next question, if the answer is yes, we look at the sub-questions underneath the threshold question. The Board, as Lead Agency, with the assistance of Mr. Schachner, reviews the EAF Part II, which is a list of 18 questions. The choice of answers is “no, or small impact may occur or, moderate to large impact may occur.” The Board consensus is a determination of significance of “no or small impact shall occur” for the Part II questions. The SEQRA review having been completed, Chairman Dobis asks for a motion for negative declaration on SEQRA. On a motion introduced by David Gabay, the Board adopts the following resolution:



**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board for the Town of Wilton adopts a negative declaration on SEQRA for the Craw Farm South 19-lot Subdivision Application located on Traver Road. The motion is seconded by Ron Slone and duly put to vote, all in favor, on this 17th day of January 2018.

Chairman Dobis asks for a motion for preliminary approval. On a motion introduced by William Rice, the Board adopts the following resolution:

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board for the Town of Wilton grants preliminary approval of the Craw Farm South 19-lot Subdivision located on Traver Road on 12.80 acres, Tax Map Nos. 115.-1-26 and 115.-1-30 zoned R-1. The motion is seconded by Ron Slone and duly put to vote, all in favor, on this 17th day of January 2018.

Chairman Dobis asks for a motion for final approval. On a motion introduced by Ron Slone the Board adopts the following resolution:

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board for the Town of Wilton grants final approval of the Craw Farm South 19-lot Subdivision located on Traver Road on 12.80 acres, Tax Map Nos. 115.-1-26 and 115.-1-30 zoned R-1 contingent upon the compliance with the Town Engineer, Ryan Riper's review letter dated January 8, 2018 and the submission of revised drawings. The motion is seconded by William Rice and duly put to vote, all in favor, on this 17<sup>th</sup> day of January 2018.

**B. BALLARD ROAD SELF-STORAGE: Matthew J. Chauvin**

This application is for special use permit review for the use of a self-storage facility in the C-3 zone. The Chairman requests that the SEQRA review proceed: Mr. Schachner confirms that the applicant provided a Short Form EAF – Part I completed and signed by Mr. Dannible on December 4, 2017. The Board has copies of the Short Form EAF Part II so that the impacts may be assessed. The Board, with the assistance of Mr. Schachner, reviews the questions in EAF Part II, which is a list of eleven questions. The choice of answers is “no, or small impact may occur or, moderate to large impact may occur.” The Board responds to all questions by the answer no or small impact may occur. The SEQRA review having been completed, Chairman Dobis asks for a motion for negative declaration on SEQRA. On a motion introduced by William Rice, the Board adopts the following resolution:

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board for the Town of Wilton adopts a negative declaration on SEQRA for the Special Use Permit Application

for the use of a self-storage facility on the property located on Ballard Road. Tax Map No. 115.-2-38 on 9.68 acres zoned C-3. The motion is seconded by David Gabay and duly put to vote, all in favor, on this 17th day of January 2018.

Chairman Dobis states that next is the special use permit review and determination. He confirms with Mr. Riper that there is no site plan review. Mr. Riper states that the Saratoga County Planning Board did review the project and approved it with “no significant county-wide or intercommunity impact” but there were comments following along our standard requirements for this use. In particular, existing vegetative buffer along the road frontage of the site be maintained or slightly thinned in a way that provides positive visual impact of the property’s development. In addition, the Town Engineer and Gary Meier of SCDPW should meet on-site to observe the adequacy of sight distances to the east and west and the line of sight from the entrance drive prior to issuance of a curb-cut permit by SCDPW. The Town Planning Board should be provided with an acceptable visual renderings and materials of the building facades as seen from the road. Chairman Dobis agrees that would be done at the time of site plan review.

The Chairman asks Mr. Schachner to go through the seven questions regarding the specific criteria for self-storage facilities in the Town that must be met to allow the special use under §129.175 (D) of the Town Code. Mr. Schachner states there are seven that are generic for any special use permit. Then there are certain types of special uses that are subject to their own additional criteria, self-storage being one of them and there are five separate ones for self-service storage facilities.

- (1) It is reasonably necessary for the public health or general interest or welfare. The Board answers “yes”.
- (2) It is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities. The Board answers “yes”.
- (3) The off-street parking space required under § 129-161 of this chapter or where not specified is adequate to handle expected parking demands. The Board answers “yes”.
- (4) The neighborhood character and surrounding property values are reasonably safeguarded. The Board answers “yes”.
- (5) Undue traffic congestion or creation of a traffic hazard will not result. The Board answers “yes”.
- (6) Any other conditions or standards specified in this chapter and especially those listed for specific uses in § **129-176** of this article are fulfilled. (See five specific criteria below)
- (7) All governmental authorities having jurisdiction have given the necessary approval. *Planning Board is the only authority having jurisdiction.*

§ **129-176** O. Questions for specific use of self-service storage facilities:

- (1) The use shall be limited to individual permanent storage compartments, and shall specifically exclude any commercial, garage, wholesale or retail sales. The Board answers “yes”.
- (2) All self-storage units shall be screened by a twenty-five-foot wide landscaped strip consisting of a densely planted barrier, as determined by the Planning Board, which limit the view of the structure. Front setbacks shall comply with current setback for underlying zone. The Board answers “yes”.
- (3) The exposed exterior walls of the proposed structure shall be of textured or masonry construction and of neutral tones. The Board answers “yes”.
- (4) The placement of storage containers is prohibited; self-storage units must have a permanent foundation. The Board answers “yes”.
- (5) Storage materials, including boats, vacant trailers, and vehicles shall be stored inside the self-storage facility “. The Board answers yes”.

Chairman Dobis asks for any comments from the Board. If not, is there a motion for special use permit. On a motion introduced by David Gabay, the Board adopts the following resolution:

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board for the Town of Wilton grants the Special Use Permit requested by the Applicant Matthew J. Chauvin for the use of a self-storage facility with a total of 95,400 sq. ft. on a parcel located on Ballard Road. Tax Map No. 115.-2-38 on 9.68 acres zoned C-3. The motion is seconded by Ron Slone, and duly put to vote, all in favor, on this 17<sup>th</sup> day January 2018.

Mr. Gabay asks whether the Board should consider specifying a time limit. Chairman Dobis asks if there is an option to put a time limit on a special use permit. Mr. Riper says that under §129-175 Special Permit Review, “when issued, special permits may be granted for a specified time limit but may be extended at the ZBA, the Town or Planning Board’s discretion.” This is one of the guidelines in the Code.

Mr. Schachner: Remember special use permits are subject to different boards’ review, so for example, if the ZBA has special use permits over agricultural type uses and often, if not always, imposes a time limit. It would be unusual for a Board to impose a short-term time limit on something that involves substantial construction. Mr. Riper: It is just for the Board to consider, for instance the Board could say, if no construction within five years then the Board would re-evaluate it at that time and the applicant could seek to extend it. Mr. Schachner affirms what the Chairman states, “that you do not have to put a time limit”. The Chairman doesn’t see any advantage in putting a time limit and Dr. Gabay agrees. The specific criteria for approving the special use permit has been met by going through the process of answering the questions, which the Board has completed. Mr. Rice asks for clarification: if the special permit can be approved without a site plan, he suggests the applicant

should submit a site plan within five years. Mr. Riper: a special permitted use goes with the land: if there are no time restrictions, it could sit with a special use permit for an undetermined length of time and the use would still be allowed. If construction had begun and halted for some reason, there are some tools where a performance bond could be requested for completing the work. Mr. Slone: in a case of a special use permit, wouldn't it be in the best interest of the Town to issue the permits for five years as opposed to issuing a permit in perpetuity. That way if something changed in terms of the criteria, there is a chance to revisit, or if nothing is built and the land sits vacant. He would be more comfortable if some limit was imposed rather than none. For instance, in 20 or 25 years, the special use permit would have to be honored regardless.

Mr. Chauvin expresses his concern, particularly in view of a 5-year limit. He states: This project is being looked at from a perspective of conveying it to a 3<sup>rd</sup> party. It's going to take time for that process to go through; it will take time for the site plan application process to be completed by that 3<sup>rd</sup> party. He doesn't have control over the iteration of the site plan that is going to come before the Board. When you start talking about the site plan approval process itself and the length of time that that can take. If you sunset the special use permit in a five-year window, I could spend two or three years going through the site plan process in theory. It's unusual but it could happen. When you start talking about a buyer getting financing, I think that five years is too tight a window to limit what we're talking about, particularly in light of how the courts have looked at sunset clauses on these types of things, I don't think this is an avenue that would make sense for a five-year window. If you want to put a time frame on it, I would ask that you consider something longer to give the flexibility so that the necessary process can be completed.

Mr. Rice contends that they can't do anything without a site plan, this Board has never approved a site plan with a limit of five-years. Dr. Gabay says if the Board thinks it is a good project, why encumber it? I don't think this project requires a time limit. If there is a questionable project that isn't a good fit, then some specificity could be applied. Mr. Hebner: it's analogous to subdivision approval, at what point does a subdivision approval expire if there is no action. That approval is in perpetuity. Why would we treat this use any differently? Personally, he agrees with Mr. Slone, we should put some type of a limit on it for no other reason that the zoning law could change. The Town could decide down the road that the C-3 is far too permissive. We don't treat anybody else like this, if there is no analogous situation where there's a sunset clause, I don't think we should start now. We want to be consistent in the way we treat applicants. Mr. Schachner: many towns have generic provisions in their zoning laws that approvals lapse if not exercised in "x" amount of time. That is zoning law, not subdivision law. Subdivisions are more governed by State law than ordinary zoning decisions are, so subdivision approvals generally do survive.

The subject of potential changes in the zoning code is discussed. Chairman Dobis: if the zoning changed, the use would be grandfathered. Mr. Schachner: When a zoning change is adopted by a legislative body, such as the Town Board, it can at the time of the adoption of the legislative change, decide what is grandfathered and what is not grandfathered, among things that have not been built. If something's been built, then it has to be grandfathered by law.

Mr. Riper reiterates that this is about special permitted uses. This is only one of the guidelines. Mr. Schachner concurs, this is one of the few places in the Wilton Town Code where it says you may consider a time limit. The ZBA routinely authorizes limits for agricultural type activities, which

don't require construction. It's not the case that the Town of Wilton that no land use board ever subjects approval to time constraints. It's only the ZBA and special use permits that don't involve substantial construction.

### **C. NEW COUNTRY TOYOTA: Country Realty Company**

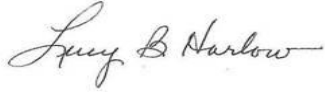
Application for amended site plan of New Country Auto Park PUD for interior/exterior renovation and improvements to Toyota Sales Building. Dan Tomkins of EDP, representing the Applicant, describes the layout of the auto park. The building that used to be Dodge sales is now Toyota services. From a marketing standpoint, you like to have customers around new cars and salesmen. The desired change is to the sales building. In the back of the building is where the car detailing is located. They want to convert that to a service write-up space, similar to the modifications to the Subaru building. The rear area of the building would be redone, the detailing bays would be removed, and two service drive-in lanes constructed. There would be an area for the service representative to assist the customers and a lounge area that opens up to the showroom. He explains the routing of customers and their vehicles to be serviced. The customers are escorted to their cars as a safety measure. No change to the footprint of the building. There will be two overhead doors installed for circulation from the east and west. A new oil/water separator will be installed outside necessitating the pavement area to be rebuilt, not expanded. Some existing curbing will be swapped out with beveled asphalt curb. He indicates the one-way lane for vehicles to be driven by employees from south to north and the directional signage which will be replaced if necessary and arrows will be put on the pavement to reinforce the one-way traffic. Mr. Riper is asked for his comments. It's a well-laid out site and no major site plan changes being made. He did email questions to Mr. Tompkins about the turning radius for exiting the building which was discussed, and modifications were made. The vehicle pedestrian flow on the property was examined for safety. Chairman Dobis comments that he didn't see any issues regarding pedestrian safety or traffic flow. No changes to fire department truck access. Mr. Hebner clarifies that the employees will be driving out of the building towards the Northway and asks if there will be any signage to alert people that cars will be exiting from that point. Mr. Tompkins agrees that a caution sign would be appropriate. There being no other questions, Chairman Dobis asks for a motion. On a motion introduced by Ron Slone, the Board adopts the following resolution:

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board for the Town of Wilton grants the Site Plan Amendment to the New Country Auto Park PUD requested by Country Realty Company for interior and exterior renovations to the Toyota Sales Building on New Country Way. Property located at 3002 NYS Route 50, Tax Map No. 153.-3-84.11. 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 17<sup>th</sup> day January 2018.

**III. ADJOURNMENT:** Chairman Dobis asks for a motion to adjourn. On a motion introduced by Erinn Kolligian, the Board adopts the following resolution:

**NOW, THEREFORE, BE IT RESOLVED** that the meeting of the Planning Board be adjourned at 8:32 p.m. The motion is seconded by Ron Slone, and duly put to vote, all in favor on this day January 17, 2018.

Date Approved: February 21, 2018

A handwritten signature in cursive script that reads "Lucy B. Harlow".

Lucy B. Harlow  
Planning Board Secretary