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**PLANNING BOARD**  
**APRIL 20, 2016**

**PLANNING BOARD**

MICHAEL G. DOBIS,  
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RICHARD FISH, Alternate

A meeting of the Wilton Planning Board (the "Board") occurred on April 20, 2016 at the Wilton Town Hall, 22 Traver Road, Wilton, New York.

**PLEDGE OF ALLEGIANCE**

**I. PUBLIC HEARINGS:**

**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 of the Town of Wilton, New York, County of Saratoga, will hold a public hearing to consider an application by T & G Associates for a 44-lot conservation subdivision; property located on Gailor Road, zoned R-1.

**SAID PUBLIC HEARING** will be held on Wednesday, April 20, 2015 at 6:30 p.m. at the Wilton Town Hall, 22 Traver Road, Wilton, New York 12831, at which time all persons will be given a chance to be heard.

**BY RESOLUTION OF THE PLANNING BOARD FOR THE TOWN OF WILTON**

**A. CANYON RUN EXTENSION CONSERVATION SUBDIVISION**

Michael G. Dobis, Planning Board Chairman, opens the public hearing at 6:31 PM. The applicant will make his presentation and then comments and questions will be taken from the audience. He instructs members of the audience to raise their hands and announce their name and address if they have a question or comment.

Joe Dannible and Brandon Ferguson of Environmental Design Partnership are representing the applicant T & G Associates in its application for a 44-lot conservation subdivision on approximately 36 acres. Mr. Dannible indicates the location of the subdivision on the map. The existing conditions show 14 individual parcels. Twelve parcels were previously approved as a conventional subdivision. Upon a comprehensive review it was decided to do a conservation subdivision for all 14 lots which would create better buffers to the adjacent land. Next he presents the jurisdictional wetlands map. The Army Corps of Engineers ("ACOE") has visited the site and reported there are approximately .65 acres of wetlands on the site. There are other low-lying areas holding water that are not meeting the current ACOE criteria established for wetlands and they have been deemed non-jurisdictional. There are no DEC wetlands on this property.

Mr. Dannible describes the general overview: applicant is proposing 44 lots, 7 lots below the allowable density. There will be 2600 linear feet of road that will be dedicated to the Town of Wilton and 42 of the new units will be located on the new road. He reviews the density calculation used to arrive at the individual lot area of 25,000 SF. There will be 11.5 acres of deed-restricted land, a 100 foot no-cut buffer along I-87 and a 50 foot buffer along the majority of the property line. He describes the drainage swale that will protect the adjacent lands on Damascus Drive from any water that may come off the back of the roofs of the new units. Each lot will be serviced by public water and sewer from WWSA mains on Gailor Road. A closed drainage system is being proposed within the roadway that will be discharged off-site to a stream located in between Tawny Terrace and Margaret Drive. That system will have individual connections to each lot to control (sub-surface) groundwater and to prevent any basements from being subject to the seasonal high groundwater that occurs in this area. The storm water management would control surface water from rain by means of a conveyance system that will cause sheet flow off the roads into roadside ditches which will discharge into three storm water management areas. A mail kiosk area will be located near the entrance to this site.

Mr. Dannible displays a map depicting the detailed drainage system that will be constructed around each house. There is also a back-up system of sump pumps. In response to the Town's concerns and resident's complaints in this area about high groundwater conditions, a hydro-geologic study was performed to understand how much water will be coming off the site and how much influence the construction of this system will have to the adjacent areas surrounding the site. The impact anticipated on ground water from this area is to lower it approximately 3-5 feet in the immediate vicinity of the proposed houses. Within the next 500 foot offset it was determined there could be 1-2 feet impact in dropping the ground water as the result of this drainage system. Research was done and it was determined there would with no negative impact to wells in the neighborhood.

*Ms. Kolligian enters and takes her seat on the dais at 6:40PM.*

A study was done of the entire watershed as well. The report estimated that there will be between 48 to 84 gallons per minute discharge from the groundwater system to the stream. That volume of water is likened to a 6 inch diameter pipe where there are 2 inches of water coming out of that pipe. Mr. Dannible describes in detail the "area of influence" which depicts the study of the watershed and how the water generated by the drainage system would be discharged, including the volume of water, the flow rate, impact to the downstream culverts and to the stream that feeds into the Snook

Kill. They studied the downstream culverts that cross Traver Road and Highgate; the capacity of the point of discharge, the capacity of the stream and the capacity of the Snook Kill. The Snook Kill, at the point at which the system discharges, is moving approximately one million gallons per minute of water consequently the amount of discharge from the site is “a drop in the bucket” considering the flows that are coming into the Snook Kill. A detailed analysis was done of the stream and the capacity of the culverts. The increase to the level of the stream is as much as a quarter of an inch resulting from the drainage system. He points out that the groundwater being described is already going to the stream. No additional water is being added. There are no signs of scouring or erosion anywhere within the proposed point of connection. In response to a Board Member question, an Article 15 Wetlands Permit will be needed to discharge into the stream. There is a meeting with DEC scheduled to evaluate the permitting process. The Article 15 permit is needed because of the discharge of a flow of water across the banks adjacent to the stream may constitute a potential wetland impact.

Mr. Dannible addresses the potential for headlight glare from cars leaving the proposed subdivision entrance. The majority of people exiting the site will be taking a left-hand. He indicates on a slide the vegetation in winter that occurs behind the house on Tawny Terrace. The landowners that may be impacted will be approached to see if there is mitigation such as additional plantings to reduce the potential headlight impact.

Chairman Dobis asks for questions and comments from the audience.

Michael Coon, 44 Whirlaway. He has two questions for Mr. Dannible: He indicates where his house is, falling within the two dotted lines on the slide being shown. He asks, “If you take a foot to two feet of water out from underneath my house and my land, what happens? Do I start to get sink holes. Does my house start to list, what type of ramifications am I looking at since you’re disturbing what I bought twenty years ago. His second question is more for the builder, “These lots look really small, what size house is going to be built, are they commensurate in size to those already in Furlong Hills? Based on what’s up there, it looks like you should have twenty-one houses not forty-four to be more commensurate with the footprint of the existing [neighborhoods] in terms of size of lot, size of house and garage.” He didn’t see anything about square footage of the houses, do they have garages, driveways, what type of thing are we looking at? Very little information on that has been shared.

Mr. Dannible: “Mr. Coon is talking about the potential for groundwater or subsidence from land as it relates to groundwater. Why we have that 1-2 foot range, it really depends. In talking about two feet of water, that would be the high spots in the property; when you get down to a low spot on the property there will be no impact to groundwater in that location. Subsidence of the ground as a result of this system is going to be non-existent. This is not a system we are pioneering; this system is already installed in the Town of Wilton, down on Gailor Road at the Olson Farm subdivision. This exact system has been installed there and the system according to everything he’s seen, EDP was the design engineer on that system, it is doing exactly what it is supposed to be doing. The Olson Farm has a minor trickle of water or less than a hose flowing out of that system. The groundwater is the high groundwater mark in spring, he is talking about the lowering the groundwater in the spring. Everybody knows in spring the snow melts, the water comes down in the spring, groundwater comes

up. The drainage system will alleviate the stress on this area by not letting that groundwater get higher. Subsidence will not be an issue with this development.”

Mr. Coon: “So you’re saying that there is not going to be a permanent change. Right now, I put in a point well; I go down six feet and hit groundwater. So you’re saying that in “x” number of years I’ll still go down six feet and hit groundwater on my property and I don’t have to worry about some type of sink hole situation where all the water has been sucked out from underneath the property and there is nothing supporting my house, my back yard.”

Mr. Dannible: “There’s definitely going to be no issue with subsidence or a groundwater caving in of the land. That is a non-issue. In talking about going down a point well, if you go down from your house six feet, you are not even below your foundation level at that time and I hope you’re not hitting groundwater. Mr. Coon says his foundation is almost at ground level, so if he goes down six feet he is actually six feet below his basement floor. Mr. Dannible characterizes that as a “walk-out situation.” He would say in that regard, Mr. Coon would still be hitting groundwater at six feet.

Mr. Dannible responds to the question regarding the lot sizes: if we went to a larger lot sizes [in a conventional subdivision], we don’t get the buffers that we talked about providing, we don’t preserve 12 acres of vegetation and basically this development has a much larger footprint. In a conventional layout designed with conventional standards the lots are one hundred foot wide and there is 20,000 square foot area in each lot. We go from 2600 linear feet of new town road to 3600 linear feet. By going from the conventional, to a conservation subdivision, we were able to pull the lots closed to the road, maintain buffers around the entire property, shorten the amount of road that needs to be maintained by Wilton Highway Dept., shorten the utility infrastructure that will have to be owned and maintained by the WWSA. So by going from a conventional to a conservation subdivision, there is a much smaller impact to the site. Lot sizes in the conservation subdivision proposed have been shrunk to reduce impacts to the adjacent neighborhoods. What the applicant is proposing meets Town Code 100 per cent. The density allowed is 51 lots on this subdivision.

Mr. Coon: He doesn’t see how that reduces the impact. It looks like there are about 11 lots on Damascus that buffer that 50 foot cut-back zone. There is almost no cutback zone for the houses on Whirlaway and it looks if you took a couple of those lots and married them together, you’d have room for a bigger house with a bigger plot of land and be able to maintain that 50 foot cutback all the way down past Whirlaway. It looks like he has about 10 feet of buffer. Also what is the size of the houses?

Mr. Dannible: These are going to be 2,000 SF single family homes; colonial style, some side-loaded garages. They will have full basements. Homeowners prefer the smaller lots and going to a smaller house is more desirable nowadays. That lowers the maintenance responsibilities on the homeowners; less lawn and landscaping to maintain and ultimately makes a cheaper property for them to own and maintain. That is the trend in housing right now. He works with a lot of builders in Saratoga County and that is what everyone is seeing essentially. The other thing is first floor master bedrooms which a lot of these units will have. That is also a major trend in housing now.

Comment from unidentified person: I don't why we're interested in what the houses are going to look like. Chairman Dobis asks that everyone identify themselves before asking a question or making a comment. He will call on those wanting to speak row by row.

Mike Lailor, 17 Gailor Road: His first question: in regards to the wetlands, the establishment of ten years ago, they were wetlands and now they're not considered wetlands. Is that survey done periodically over time to determine whether or not land can be considered wetland or not?

Mr. Dannible: "We have a validation letter from the ACOE that is dated December 2015, validating that this map [indicated] depicting the wetlands in this location and the wetlands that are considered not jurisdictional are accurate. This was four months ago. Each time they map it, it's good for a period of five years before it has to be redone."

Mr. Lailor understands about the 44 lots – that they are going to have full basements and foundations; he understands that the drainage will be provided once the houses are built, that the storm water will be pushed to the stream. "But the water that is existing now, when you put 44 holes in the ground, how is the water going to be dispersed and where. Presently we live at 17 Gailor Road, his neighbor, Bob Lindall at 15 Gailor Road – every time it rains there is water from the back of our property to the front of our properties and there is a culvert that splits our property that's a foot higher. Ten years ago when they started building across the street from us, we had half the amount of water than we do now because when they put the houses in the ground over there, that groundwater got pushed across the street." He's walked that property many times and doesn't agree with assessment of how much water is standing there. Maybe at a low lying time, but after a rain, there is a lot more water that sits out on that property than is indicated on the wetlands map shown. "Our biggest concern is that our driveway is eroded, it's gone. After living there for 20 years we have found a way to deal with the water, including asking the Town to help with cleaning out the culvert and being able to disperse that water from our property. The water is unsightly to look at and he is concerned about the breeding of mosquitoes. It is a mosquito haven from the back of our property and the back of Bob's property to where the Town is coming through with handing out mosquito dunks to try to control them. The Gailor Road being one issue, but Traver where that water is going is not as big a concern, but over a period of time it's going to make it to all those culverts. What's going to happen to it after a rain? Anybody on that road knows once you pass Margaret Drive, it turns wet from there to the Northway. Not so much the people across the street. When the builder came in across the street, the builder elevated so all that water would shed. If that's the same intention here, you've explained it's going to go into some type of drainage system that's going to move it further up. That defies gravity because the direction which you are going to move it to doesn't impact the water that already sits on our property."

Mr. Dannible: "We are designing this project to meet all state, federal and local regulations. When it rains we're providing a storm water system for the road drainage. The water that goes onto this site cannot be discharged from this site at any higher rate than it currently is in pre-development conditions. In its existing state the water comes in and stays on the site, disperses throughout the site and slowly is released. In order for us to comply with NYDEC standards for storm water management, we have to prove that through the preparation of the storm water pollution prevention plan that is reviewed by the Town, that we're complying with that regulation. The simple answer is,

our project as proposed, being compliant with all the regulations in place by state, federal and local governments will have absolutely no impact on the downstream properties.”

Mr. Lailor says he appreciates and understands the education to that, but what if it doesn't. “If that water doesn't move in exactly like your maps are showing it and it moves to the adjacent properties, it creates difficulty for us. Do we have any option to come in and say, we've bought into the program, it didn't work, who's going to help me with my drainage?”

Mr. Dannible: “We're engineers, we're licensed professionals, we're doing our job and we're meeting the standards. The project is being reviewed by the Town to make sure that we meet all the standards. If there is a problem downstream, it's coming from somewhere else other than this development.”

Mr. Lailor: He doesn't know how if it stands the way it stands now, the developer goes in, and it changes the conditions to the landscape. “I don't know how it couldn't.” He appreciates what Mr. Dannible is saying. “I do understand how water moves and what the impact is but seeing everything that has to do with the new development and not the adjacent properties. I understand exactly what is happening with the new development, and it looks like you got that all figured out with a great map and a great presentation. I still don't see how we as owners of properties – it's tough to say without being able to come back and say it didn't work. The bottom line is I doubled the amount of water on my property when they built the subdivision across the street.” (He describes the result of the development across the street. He talked to the Town, there's nothing that can be done. ) “They suggested cleaning out the culvert. The culvert sits 6 – 8 inches higher than where the ground water sits. He and his neighbor have discussed trenching it and trying to find a way to move the water, but these are costs that he believes he shouldn't incur; he accepted it back then. Now with this, being one of the main properties that this is going to impact, based on the amount of land he has, that he has a well, what's going to happen to that water? I don't want to be standing here after all of those houses are sold and everybody is in, being the guy jumping up and down, hollering to the Town of Wilton that you guys done us wrong. If there is a plan that says, ‘in the event that this happens, this is what we'll do we will protect the property owners in that area, then my voice will be silent. Until then the water that sits between our properties is a major concern. It does not even show on the map it doesn't say there is water that sits there.” He is between the two large parcels of land [indicating]. Mr. Lindahl who is here today will attest to the fact that 3 out of 5 times a month they can't mow there because there is 6 inches of standing water between their two properties. “What's happening to that water when you put 44 holes in the ground? Where does it go?”

Mr. Dannible: “We only mapped wetlands on our property. I'm not going to go on anyone else's property to map wetlands.”

Chairman Dobis goes over the hearing procedure, saying that if Mr. Dannible can answer the questions within a reasonable amount of time, and if not, he may need some time to research. Also Mr. Riper, the Town Engineer, may be hearing some of this for the first time and may need more time. “When we're done with the public hearings tonight, we can bring this back onto the agenda for some additional questions. Tonight is not the last night for this hearing.”

Linda Bedell, 19 Damascus Drive. She is curious, why are they doing this to begin with. There are so many other houses out there that aren't even being sold. "Why are you building 40 or 51 houses, for what purpose? Do you want people from out-of-state to move here? A lot of people can barely afford to meet the mortgage on their own homes, why are you knocking down thousands of trees, disrupting nature, possibly flooding all of us. My yard gets flooded in the summer, my woods get very wet. The wetlands are so important, environmentally. What is the purpose of building more and more buildings that most likely won't get sold?"

Mr. Dannible: "There is a demand for housing in the area. People are moving in and buying houses. The wetland impact that we're getting a permit from the ACOE is less than 1,000 SF which is significantly below any of their thresholds. All the onsite wetlands are being preserved, other than one crossing that already has a culvert pipe."

Chairman Dobis clarifies that Wilton has a zoning ordinance and there are zoning standards. Landowners have certain rights. This particular landowner has certain rights and under those rights, the developer comes in before this Board, he has to prove certain standards will be met if he builds a certain number of homes. The Town doesn't have the authority to say to the landowner, 'you can't build'; if they do build, there are certain criteria that they have to meet. Whether there is or isn't a demand is not up to the Town to decide. Our job is to make sure that the developer meets Town specifications.

Bea Miller, 21 Damascus Drive: When she bought her home it was always a worry because it is on wetlands – there are wetlands in her woods. She was given an understanding of a drainage easement comes through – in the spring it has gotten drier which is wonderful. "It is still a big concern and we were told we could not disturb this wetland and we respected that. Then we have somebody coming in for a project that will disturb our wetlands. We're getting all this sophisticated information about a drainage system for those properties and you haven't a responsibility to us who are already existing residents and our concerns about wetlands and the possibility of this amount of development affecting our land and I think that you need to know that you are going to be accountable if a developer comes in and that disturbs our wetlands. Right now they've been trying for at least a couple of years. There is flooding that disturbs our property value, then I think you are going to be accountable as well as the developer, because we will do a class action lawsuit. The other thing is aesthetically when all those trees go down the noise is going to be terrible on the Northway. That's another detriment aesthetically besides the building of it. We were given to understand that was going to stay all wooded in back of us so we had enough issues with wetlands and the little drainage easement we had without 45 homes or 51 in back of there, because it supposed to be more conservational. I don't buy it. Saratoga Springs is a beautiful popular area, everywhere you go in town and in Wilton, the land is being chopped apart and we don't have anything to do about it. All of our beautiful lands are being disturbed. They have a point as far as pest control, mosquitoes and all of the issues there with standing water and concerns. We have a very big concern about working our butts off on our own home and having the possibility. I can tell you personally it happened to my parents. They had a beautiful property in the country and next door, they didn't buy that piece of property and a developer came in and promised them the world and it wasn't going to be a problem. They had nothing but flooded woods for several years until my son-in-law, who is an attorney, took care of the issue for them. You need to know you have a responsibility to us first."

Craig Olmstead, 25 Damascus Drive. He said something about the testing that type of thing that was done before the potential runoff from these wells going to be put in there. Also looking into the impact it would have on existing houses that are already there. "How was that done, when was it done? Did anybody come around to see if there was water standing in the backyard during a rainstorm?"

Mr. Dannible: "What we did to evaluate the groundwater situation, we went on-site and drilled down with a drill rig into the property and put in casings for wells and then pumped one well down and measured how much impact that had on the adjacent well here (he indicates) and did a repetitive process around that site in order to determine lateral movement of ground water across this property. That is how the volume, the amount of movement and influence was determined on this property."

Mr. Olmstead: "That's good for the property you're developing, but what about the existing areas, or did you take a look to see what's going on? Or just assume that because of the 3 points of contact where water was being measured – just assuming that the lateral movement is going to be consistent all the way down through."

Mr. Dannible: "It is a ground condition. That's why four wells were drilled throughout the property to get an average makeup of that soil. In some spots the water was faster, some spots it was slower. You take an average of all the wells and the lateral movement of the water to develop the volumes and the influence they had. When we looked at the surface water system, the Town had asked us to look at the downstream drainage from this property. We provided mapping, prepared a very detailed analysis of the entire watershed to determine where the water is coming from and where it's going. That's all been done to develop our storm water management plan."

Mr. Olmstead: "That's all well and good for the property you're developing but there's no roofs with water running off, there's nothing creating a lot of water down quickly from one area to throw it our way. How can you make the statement that we guarantee 100% that nothing is going to happen, I've got to side with the front row where they are saying what's going to happen two years after everything is built in there and I have a foot of water in my basement where I have never had a drop of water."

Doris Olmstead, 25 Damascus Drive: She asks, did you do the water study this last year? Mr. Dannible responds it was done of January of 2016. She has two points of concern: one is, she doesn't think this last year or even in January of 2016 was a normal year for this area. "We had very little precipitation, we weren't dealing with feet of snow so while I appreciate your study and I appreciate what you have done here; I don't know if it was an accurate study for this area long-term."

Mr. Dannible: "Groundwater is groundwater; once you get into that groundwater, at those depths, it's there and it's going to move the same in the soil. We're not changing characteristics of the soils six to eight feet down from year to year depending on whether it's dry or wet. For the remainder of the property, there were test pits dug ten years ago." Mr. Ferguson adds: "There were numerous test pits done approximately 10 years ago when there was a higher groundwater condition in the Town at the time. That test pit information was used to help determine where the ground levels have been in



the past and that was included in that analysis.” Mr. Dannible points the test pits out. They were excavated to determine groundwater levels throughout the property. Nineteen test pits were previously conducted and there were more conducted on site more recently.

Unidentified Speaker: Not any of them were close to the property lines

Ms. Olmstead: “I won’t argue with you, I just want to voice that concern. My other concern is that as Bea said, when we bought our property, we were told there was no guarantee, that it was wetlands and would probably never be developed. Now we’re looking at two houses bordering our .9 acre property on Damascus Drive. I appreciate that you are worried about the headlight glare pulling out of that development, but I am thinking of the homeowner that’s going look at the back of all these properties, are you concerned for me?”

Chairman Dobis: The Board normally hears about, when we bought our property we were told this by who sold us the house. Now whether it was the realtor or a private landowner – this is a common problem. What this Board has to look at is what we’re allowed to look at; a big part of that is the zoning ordinance. We can take it one step further, by making sure that if there are legitimate questions and concerns and we do on this project, by requiring the applicant to do much more detailed study; by making sure that the design is based on another professional coming in and looking at it. The Board anticipated that there would be a lot of residents here tonight for the public hearing. The Board wanted to be as educated as they could so that they could respond to the questions that have come up. He asks, are there any 100% guarantees? No there aren’t. All the Board can do is its due diligence; to try and go with best practices and have more than one set of professional eyes look at the project and to make sure that all the information submitted is as recent as possible. He has heard many of the resident’s concerns stated here tonight many times over the years. For himself and many members of this Board who have been here for years, it has been a learning experience and the Board tries to look “down the road” to the future; that is what planning is for. This project is going to come back several more times. The concerns of the public are legitimate. The Board and the Town are concerned about the existing residents, at the same time the developer also has his rights.

Ms. Olmstead: “Thank you for hearing our concerns. I understand where you are coming from and appreciate the fact that we have the opportunity to speak and have our concerns listened to.” They agree, it’s frustrating. She is bothered by Mr. Dannible’s presentation when he said that if there were 20 properties, we couldn’t have a buffer, but if there are 40, we can. “It doesn’t sit well. “

Chairman Dobis comments that in a conventional layout “the cookie cutter” the lots are the same size, fewer houses with large lots. In view of the public’s concern about the wildlife in the area, the Town hired professionals whose idea of a best solution was to make the lots smaller and give more green space and open space with deed restrictions so people just can’t go in and cut trees down, thus allowing an environment for the wildlife to continue. It was found that most people preferred smaller lots, with the option of having more green space, more open area. The majority of subdivisions that come in for planning review now are conservation subdivisions.

Ms. Olmstead: She is curious, “About how much the Town get from the builders to build this, is it a percentage?” Chairman Dobis replies there are certain fees such as review fees and park and recreation fees. The Town does not get percentage.

Unidentified speaker: You said there was no 100% guarantee to any of this, whether or not it will work. Mr. Dannible is saying it will work. You’re saying to me as a property owner that if it doesn’t work – it’s the nature of the beast.

Chairman Dobis clarifies that no one on the Board will guarantee 100% that this can work. There are a lot of variables. There is no control over Mother Nature.

Mr. Coon: “Our main concern is that there is a comprehensive plan that says, ‘we have taken into account there’s going to be a lot less trees in that area, a lot less vegetation to suck up the water; and we’re doing things so that water won’t end up in the back yards of the homeowners on Damascus Drive and Whirlaway. I haven’t heard that said. I’ve heard that these 41 people are going to have dry basements and really nice yards. I’m worried that they are going to aim that water towards my house. As it is they’re are going to chop down all the trees between me and the Northway. They are going to keep those 41 properties dry but not mine. I bought mine 20 years ago, I hope somewhere on the papers I have are the words “forever wild” cause there was a chunk of land I wanted to buy to go all the way back and they said no, that’s forever wild, you can’t buy that, you can’t do anything with that land. Stay away from it – its protected land. Maybe the real estate person selling it so that I believed I’d have trees and deer in my back yard forever.”

Chairman Dobis: You can come into the Town and look at the mylars that he signs and on those mylars there may be notes that would signify certain areas as open space or forever wild or set out as deed restrictions. Look at your deeds to see if there is deed restriction language prohibiting certain actions like cutting down trees – that would only affect your property. The adjacent property may not have those restrictions.

Mr. Coons: “I have heard very little discussion about what is being done or planned to make sure that I’m not going to have a pool in my backyard.”

Candy Abraham, 11 Damascus Drive: She sent several questions to Ryan. “I want to know exactly the footage of where they’re going to start building. The exact number of feet from my property line to where the building is going to begin.”

Mr. Dannible points out on the map where she lives and the existing property line. “That property line has been flagged out by surveyors if you go back there you will see flags and ribbons in the trees. That is the existing property line. There will be no clearing or grading in the 50 feet from that property line. Beyond 50 feet, there will be a swale that discharges water to this storm water management area to assure that any of the surface water that’s coming off the rear of these homes or future patios they build, pools etc., will never make it to any of the residents or any properties on Damascus Drive.”

Unidentified Speaker: Is there any accountability if we end up with flooded basements or flooded back yards?

Candy Abraham: "Who has accountability if my property gets damaged from any flooding or any water damage?"

Mr. Dannible: "We're designing the project in compliance with all state, federal, local regulations. We're engineers and we have been given the tools and education to look at all these regulations to understand them, and apply them to development projects such as this. We then in turn submit the plans to the Town, the Town reviews them for the applicability with all of the federal, state and local laws and make sure that what we say we're doing on this property in fact meets those regulations. NYSDEC law states that in its current state when water hits this ground and is distributed throughout this site to its ultimate design point, ultimately discharges from the site in that location. There is a volume of water associated with that. When we go in there and design our development, we take into account the removal of trees, the impervious areas on site, the road, the driveways, the houses and we call that the post-development conditions. We design our site and the storm water management areas to collect that water and temporarily hold it on site and discharge it at the same volume as pre-development. By us stamping and signing the plans and the Town reviewing and saying we did our plans in accordance with the State, we are not allowed to discharge any more water off anywhere on our site than currently goes in that direction today."

Ms. Abraham: "Gailor Road is heavily trafficked area today so how are you going to handle the increased traffic?"

Mr. Dannible: "The additional trips from this development during its peak hour would be somewhere about the 40 cars per hour range during that peak hour. Traffic coming down this road is already significantly higher than that. We are nowhere in the realm of having any negative impact on traffic on that road."

Unidentified speaker: When you come to the intersection coming out onto Traver, you're saying that's not going to be significant?

Mr. Dannible: "It is not a significant impact or change in the level of service from current conditions."

Unidentified speaker: Have you done a traffic study?

Mr. Dannible: "We have looked at the traffic down the road. There was not a requirement for a traffic study. We come nowhere near tripping the requirements for a comprehensive study."

Ms. Abraham: "So there was no traffic study done?" Mr. Dannible replies there was no study done.

Mark DeCaro, 20 Gailor Road: "You talk about coming out of the development and making a left and the headlight glare; when you make that right, that's my house. The nightmare I have been worried about since I heard about the development. When I bought the house I was told by Scott

Varley, realtor, who said 12 houses not 44. In any event, my bedroom is at the front of the house, here comes the guy making a right hand turn right into my bedroom with his headlights. The people to the left are much farther away than I am and got guarantees. I don't have a guarantee. What are you doing about making a right?"

Mr. Dannible: "I'd love to get your name and number. We'll come and talk to you and if we can provide you some level of landscaping on your property to provide screens from any potential headlight glare, we will gladly do that."

Mr. DeCaro: He has another issue about the collection point there at the corner. "My house is right next to wetland "A". You're telling me that no extra water is going to go into wetland "A" and thus is not going to end up underneath my house. I have a sump pump that was built into my basement, it's never gone off, I have never had water problem there. I don't know how if everything is coming to that corner, which is directly across the street from the wetlands on my property. It's hard to believe that in a perfect storm that I am not going to end up with water in my basement."

Vanessa Voorhies, 13 Damascus Drive: What school district is this? (Response: South Glens Falls.) What is the price point for these homes? Mr. Dannible doesn't know; he assumes it's going to be in the \$300,000 range.

Jim Green, 46 Whirlaway Blvd.: The two parcels that come together as a point, my property is to the right of that. From the back of the house that's directly in front of me on the other side of that, what's the distance to that cutback [indicating] on the map. Mr. Dannible: The distance is about 75 to 100 feet. What is the distance [indicating]? Mr. Dannible: About 30 feet.

Mr. Green: "I have lived here 16 years and out of these 16 years, more than half the time, I have a lake that shows up in the spring and summer and it crosses into this property, it's standing water that stays for months at a time. You're telling me you're going to do something up here, what about back here where this is a lake? In 16 years I have never had flooding in my basement. So now what happens when you fill this in and now I have to deal with the fact that this water is going to end up in my basement?"

Mr. Dannible: "I will certainly look at that."

Rob Donnaruma, 31 Damascus Drive: "Has anyone done studies about the increase in noise that will result from taking down thousands of trees and putting in these houses? As it is, there are times I can't sit in my backyard because it is so loud from traffic. The tree removal will increase that noise. Is anything going to be done about that?"

Mr. Dannible: "I can provide documentation to the Town about the buffering capacity of trees. I have to get the material and I will provide it to the Town."

Pete Savage, 44 Gailor Road: "I request that a traffic study be required for Gailor Road. If it's a 44 house development, every family probably has two cars. I'm not sure that the sewer system can handle another 44 homes. I live kitty-corner to the pump station that is on Gailor Road. At times,

before they put in a charcoal filter, the smell was horrible. The filter has stopped that to a great degree. But between 4 and 5 o'clock nearly every day, the back-up generator is going on, Not sure why."

Chairman Dobis asks Joe Dannible whether he has gotten approval from WWSA. Mr. Dannible states the application has been submitted and is under review and there has been no capacity issues represented to us. "We have not received the approval and sign-off on that."

Mr. Savage: His concern would be that its capacity would cause a nuisance to all the surrounding landowners. He is referring to odor.

Mr. Riper says he is not aware of any but will talk to WWSA regarding the generator kicking on.

Mr. Savage: His wife says it happens just about every day.

Mr. Riper: Generators will go on just to test them. He will check on it and discuss the odor issue with WWSA as well.

Unidentified speaker: I respectfully request that a traffic study be done.

Lea Manning, 27 Damascus: "I have lived there 2-3 years but my family lives on Fairmont Drive so I have lived there most of my life. On that corner it smells every single day I drive to work. That is a concern. Also to clarify, there is no mitigation for noise right now?"

Mr. Dannible: "There is no mitigation for noise."

Ms. Manning: "What are the steps that are taken to not have this subdivision go in. Is it just environmental impact that causes a development not to be built."

Chairman Dobis remarks that's why we have all these meetings and the public hearings. There could be a lot of different issues: traffic, water and sewer. Depending on the information the Board required, above and beyond what is required of most developers, because of these concerns. All this information and all the research and all the comments made here tonight; the developer is going to research, Mr. Riper will also. All of that is taken into consideration. He believes there 12 lots already approved several years ago.

Ms. Manning: "I don't want to waste my time in coming here and make my comments heard and then it's just going to go through anyway. There will now be 3 houses behind my home. There will be light and noise. I am considering moving. I don't want 3 houses behind me. Is this going to affect my property value if I want to sell my home having this development behind me." She would want a professional. "I don't want my property value to drop – I'd consider moving. I don't want people behind me."

Contacting an appraiser is suggested.

Kenneth Mossman, 33 Damascus Drive: "If you're going to build a swale around the entire thing, that's going to involve clear cutting, is that accurate?"

Mr. Dannible: “There’s actually a high point in the land right here [indicates] and when we do some of the earthwork in this area, it’s going to create a natural swale. Again, we’re not touching any of the trees within 50 feet of that property line. On the other side a good portion of the trees, where the houses and roads are, will come down.”

Mr. Mossman: “The ACOE review is every 5 years. What multi-year data is used if there was any used?”

Mr. Dannible: “ACOE validation of the wetlands is only good for 5 years. An evaluation was done 10-12 years before EDP became involved. In summer 2015, EDP wetland scientists on staff went out and flagged all the wetlands, walked the entire site to identify these wetlands and provide reports to the ACOE. The ACOE then came out and did an identical site walk covering the entire property with EDP’s wetlands scientists, they bring it back to their office, discuss it and ask them for additional reports. The ACOE signs the validation stating that the wetlands we are depicting on our map are accurate. They rarely change much over time.”

Mr. Mossman: Accurate for this particular sampling when they were there. His concern is he has watched the water in his yard rise and fall over the years and he does have areas that he was told are wetlands and cannot touch. (It is suggested he look at the language in his deed)

Unidentified Speaker: Comment about mosquito dunks in wetland – water has to be moving slightly. Someone from the Town indicated that he would have to look at her property to see if they should be applied and where.

Mr. Mossman: “Ten years ago, Bob Lindahl who owns property at 15 Gailor Road, before he sold it to Thomas Farone, he offered it to me for a \$1000 an acre. My wife and I jumped at the opportunity to think we could do this. I came to the Town Hall, we sat in a room, laid that parcel of property out it was undevelopable, federally protected wetlands. Which is why I didn’t buy it, I would have scooped it up in a minute. Then Farone came in at a later time and said ‘we’re going to buy this property and build houses here.’ From that point, I’m another tax-paying citizen of the Town of Wilton that Town Hall told me that that was federally protected wetlands, maybe not the word, ‘federally’ but protected wetlands. When did that change? If the ACOE was asked to come in and assess it; is that what changed it? If it was January 2015, the fact that it doesn’t change much maybe an answer, but it does – that water level jumps all over the place.”

Robin Lailor, 17 Gailor Road: “Do we have a graph or a chart of seasonal ground level waters back there? Is there a chart each year that shows changes?”

Mr. Riper says not unless somebody monitors it personally.

Ms. Lailor: “When you build a house you have to build it so many feet above seasonal groundwater levels. Where do you get that level?”

Mr. Riper: As each home is dug, before there is a building permit issued, the seasonal ground high water level is verified by digging a test pit at each location. An engineer goes out and looks for high groundwater either by mottling or visually seeing high groundwater. That is that documented before the building permit is issued.

Mr. Dannible: "There are characteristics in the soil that we evaluate to determine where that high groundwater exists."

Robin Lailor remarks about high groundwater; she went through 4 sump pumps.

Kenneth Mossman: His main concern is the water like everyone else, biggest concern is the quality of life in the backyard, not so much about the homes that are going in or where they are going in. There is going to be a definite impact in terms of noise levels-and that is a quality of life issue-it's a big deal. Already loud when the leaves fall, will be even louder when the trees fall. Having lived near the Jersey Shore for many years, he has seen results of some of the brilliant work that the ACOE has done.

Linda Bedell, 19 Damascus: "Did I understand that 12 homes have been approved to be built already?"

Mr. Dannible answers that 12 homes were approved probably 10-15 years ago on this property. He indicates on the map the approved 12-lot subdivision. This occurred when Canyon Run was developed.

Steve Streicher, 38 Damascus Drive: *(a Town Board member who is speaking as a private citizen)*

"I think everybody here is concerned about quality of life and I live on Damascus Drive on the other side of the road. Behind my house we have a lot of water, standing water. It's been dry the last two-three years, very dry so we really haven't had the amount of flooding that possibly happens. I'm concerned that over a period of time, you start getting larger winters and excess water in the yards, and drainage. This water draining from here but the water out behind Fairmont and on Damascus flows also this way. Is that going to back up and cause this area to cause more flooding? Everybody that has lived in Wilton the last 6-7 years know that when it's wet the mosquitoes here are unbearable. You cannot sit in your backyard. Will this cause increased amount of mosquitoes in our area?"

Attorney Schachner: To make sure the record is clear; Mr. Streicher is a member of the Town Board. He is speaking as a private citizen. Let the public record indicate that Mr. Streicher has disclosed that he is a member of the Town Board, but is speaking not in his official capacity as a Town Board member, but as a Town resident on Damascus Drive.

Chairman Dobis comments the Board has discussed this twice when this project first came in. To Mr. Streicher's remarks: that there is existing water there now depending on precipitation and there is a concern about more standing water. Based on all the information provided by Mr. Dannible that was required by the Town, it was stated definitively that the drainage system would not cause any back-up of the stream into the Damascus Drive area.

Unidentified speaker: Regarding the culvert at end of Traver, what is the end result of this water, where it's going. There must be a detention basin where it's all going to end up.

Mr. Dannible: Ultimately it goes into the [unnamed] tributary that flows into the Snook Kill and out into the Hudson River.

Unidentified speaker: so the study has been conducted all the way there to make sure we don't have a backup or a berm?

Chairman Dobis interjects that was the reason the study was required by the Board.

Bobby Lovisa, 29 Damascus Drive: "When the 12-lots were originally approved, were there wetlands that stopped more from being developed then? Was the Army Corps involved and that's why only 12 parcels were approved. It was stated that not much change has occurred in these wetlands. But if that was approved years, are these wetlands now gone and irrelevant?"

Mr. Dannible: this land here (indicating) was not owned by the applicant when [the 12-lots] approved, it was not part of the property that was under investigation.

Vanessa Voorhies, 13 Damascus Drive: "I remember you said this drainage system that is being used is currently at Olson Farm, that's the only time this particular drainage system has been used or has it been used before?"

Mr. Dannible: Olson Farm is the one in this area. EDP was involved in it. He doesn't know of any others.

Bea Miller, 21 Damascus Drive: She has a question about in back of Damascus Drive. The drainage system that is in their backyards at the end of our property. That's where the drainage system starts. "You mapped out your wetlands but really are you saying that? Is anyone accountable to the fact that we never had water in our basement. We never had a problem with the wetlands. Is anybody going to be accountable when someday if we happen to have flooding or water in our basement we never had. Oh well it's got to be something else. When you designed all this, did you take into consideration . . . it's the perfect storm."

Mr. Dannible: He comments on the swale. Maintaining a buffer the swale is an item that is not required under our storm water pollution prevention plan. It is an additional protection measure we are putting in at the Town's request to further insure that there is no impact to the adjacent properties. He indicates the main area of concern. Down on Gailor Road there are no houses that sheet their drainage in that back direction. We can certainly take a more comprehensive look and provide additional information to the Town to further protect your properties.

Chairman Dobis interjects that a lot of concerns have been voiced and there have been questions raised that may require additional research. Normally at the end of a public hearing the Board makes a motion to close the public hearing. Based on some notification problems he is not going to close



this public hearing tonight. It will be continued at the next Planning Board meeting; that will give the applicant and the town engineer some time to research and prepare for any additional questions. The applicant is not requesting any action to be taken tonight.

Chairman Dobis asks the Board if they agree to continue the public hearing next month. The Board agrees to keep the public hearing open. The Chairman thanks those in attendance for their questions and their time and effort. This Board has been up here for many years. These questions have been heard before. The Board tries to get the best answers and to make sure the developers do everything possible that this Town can require. The public hearing will continue next month on May 18<sup>th</sup> at 6:30 PM.

There is a short break at 8:30 PM before the next public hearing.

**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 of the Town of Wilton, New York, County of Saratoga, will hold a public hearing to consider an application by Stephen K. Spencer for an 8-lot conservation subdivision; property located on the west side of Edie Road on 21.25 acres, zoned R-2.

**SAID PUBLIC HEARING** will be held on Wednesday, April 20, 2015 at 6:31 p.m. at the Wilton Town Hall, 22 Traver Road, Wilton, New York 12831, at which time all persons will be given a chance to be heard.

**BY RESOLUTION OF THE PLANNING BOARD FOR THE TOWN OF WILTON**

The Chairman opens the second public hearing at 8:36 PM. It was scheduled for 6:31 PM.

**B. SPENCER CONSERVATION SUBDIVISION:**

David Bogardus with Northeast Land Survey introduces Mr. Stephen Spencer, one of the co-owners of the property. This property is an 8-lot single family residential subdivision on a 21 acre parcel on the western side of Edie Road, approximately 1000 feet southerly of NY Rt. 50. It is located in the R-2 zone district. It was formerly a tree farm; it is still a tree farm to this day. Bog Meadow Brook runs along the southerly boundary of the property (hilited in blue on the plan shown) It is a DEC classified stream, classified AT. In 2005, there was a proposed subdivision on this property using a conventional subdivision design. Due to a family death, it was never approved and the project was dropped. Mr. Bogardus was retained to modernize the design and carry forward with the subdivision plan. He has elected to use the conservation subdivision design for the fact that it reduces the linear feet of road by 350 feet. It allows us to preserve almost 8.7 acres of dedicated open space. The area hilited in yellow is all dedicated deeded open space which affects the lots he indicates. The open space in the rear that abuts the cemetery and the two properties to the rear that is a 150 foot wide strip of land is deed-restricted. The deed restrictions are proposed as being as such:

Prohibited from clearing any vegetation other than dead or diseased trees, changing the grade of the land, erecting structures, hunting and trapping, disposing or dumping of rubbish, trash, garbage, yard debris, etc. Or disturbing in any way the portion of the lot hereby conveyed and identified as "Area Subject to Deed Restriction for Dedicated Open Space."

Those are the restrictions on the property we have proposed. The average lot size for these 8 lots is 2.4 acres. The road is about 800 feet in length - it has a cul-de-sac at the end. It has a storm water management area located on the south side of the cul-de-sac. The road is designed for Wilton's road cross-section; it incorporates drainage swales, not the closed storm sewer. There are wetlands on the property, they border Bog Meadow Brook, [he indicates on the plan] and the southerly portion of the property that borders the Jordan property. There is no disturbance of wetland proposed whatsoever. The wetlands were delineated and we have a jurisdictional determination. We have also had an endangered species study done on the property last year. That has been provided to the Town of Wilton. The conclusion is there is no endangered fauna or species on the property. The subdivision proposes individual wells and individual waste water treatment systems. There is a tabulation of soil tests in the subdivision notes, 8 feet with an excavator in 5 locations, no groundwater, and no bedrock. Percolation tests ran 3 to 4 minutes which is absolutely ideal not too fast and not too slow for septic systems. The highway sight distance from the proposed road out on Edie Road exceeds 1000 feet in both directions. Regarding the public notice, we were not able to reach a representative of the Methodist Episcopal Cemetery which borders our property. But I worked with Mrs. Harlow to get a communication to Linda Baker, and she responded back. There is a letter from her that will be read into the minutes. As far as land clearing, the subdivision map shows the existing clearing and the proposed clearing and it works out so that the footprint of the buildings that are proposed pretty much fits the footprint of the clearing that was done for the tree farm. So very little old growth needs to be cut and very little mature wood is being taken down.

Mr. Riper's comments will be addressed after the public hearing. Chairman Dobis asks if there are any questions or comments from the audience.

Unidentified speaker: what sort of houses will be built?

Mr. Bogardus can speculate on that, given the size of the lots, the location that is a Saratoga Springs address and zip code, and the value of the lots he would say the high \$300,000 to \$400,000 bracket. They will be pretty high-end homes. Mr. Spencer would like to get this approval and sell the entire subdivision, the 8-lots to one developer who will build all 8 houses.

Julie Jordan, 148 Edie Road: Eight lots at 2.4 acres per lot? Mr. Bogardus responds that is right.

Chairman Dobis asks if there are any other questions. There being none, he asks for a motion to close the public hearing. On a motion introduced by Erinn Kolligian,

**NOW, THEREFORE, BE IT RESOLVED**, that the public hearing is closed at 8:42 PM. The resolution was seconded by Ron Slone and duly put to vote, all in favor, this 20th day of April, 2016.

**II. REGULAR MEETING:** Michael G. Dobis, Planning Board Chairman, called the regular meeting to order at 8:43 PM.

**MINUTES APPROVAL:** David Gabay moved, seconded by Ron Slone, for the approval of the meeting minutes of March 16, 2016 as written. Ayes: Slone, VanEarden, Gabay, Kolligian, Fish, Hebner, Dobis. Opposed: None.

Those present at the April 20, 2016 Planning Board (“the Board”) meeting are: Chairman Michael Dobis, Ron Slone, David Gabay, Harold VanEarden, Erinn Kolligian, Brett Hebner, Alternate, Richard Fish, Alternate; Mark Schachner, Planning Board Attorney and Ryan K. Riper, P.E., Director of Planning and Engineering. Absent: William Rice, Sue Peterson. Also present are: Joe Dannible, Brandon, Ferguson, Lea Manning, Rob Manning, James Kehoe, Kenneth Mossman, Danielle Grassi, Flora Covey, Mark and Joan DeCaro, Vanessa Voorhies, Peter Savage, Stephen Spencer, Rob Donnaruma, James W. Greene Jr., Michael Lailer, Bea Miller, Bobby Lovisa, Tom and Candy Abraham, Craig Olmstead, Doris Olmstead, Linda Bedell, Linda Kwiatkowski, Jamie Sabanos, Steven Streicher (as private citizen) and David Bogardus, PLS.

**CORRESPONDENCE:** Telephone memo dated 3/28/16 from Northeast Land Survey re: discussion with Postmaster of Saratoga Springs on Spencer Subdivision; transmittal letter dated 4/6/16 from Northeast Land Survey re: Spencer Subdivision; map filing transmittal dated 3/31/16 from Saratoga County Clerk’s Office including Park Place at Wilton subdivision; CDTC notice received 4/4/16 re: public comment period; transmittal letter dated 4/11/16 from the LA Group re: 11 Blue Lupine Lane; newsletter from CDTC *In Motion*; Vol. 8, Issue 3, March 2016.

### **III. APPLICATIONS:**

#### **A. CANYON RUN EXTENSION CONSERVATION SUBDIVISION:**

No discussion. There will be no action on this application since public hearing on the project hasn’t been closed.

#### **B. SPENCER CONSERVATION SUBDIVISION:**

Chairman Dobis: Next under applications is the Spencer 8-lot Conservation Subdivision application.

Ms. Harlow reads the following into the record:

Statement for the Public Hearing of the Wilton Planning Board regarding the proposed Spencer subdivision as it adjoins the South Wilton Cemetery:

To the members of the Planning Board:

As a representative of the South Wilton Cemetery Association, I learned of the proposed Spencer conservation subdivision plan only yesterday (April 19, 2016) at the end of the day. Since the public hearing is scheduled for tonight (April 20, 2016), there has been no opportunity for a meeting with the Cemetery Association or with the trustees of Wilton's Trinity United Methodist Church, who oversee the South Wilton Cemetery.

Approximately two hundred years old (with the oldest verifiable burial site dating back to 1819), the South Wilton Cemetery is listed in town records as the Methodist Episcopal Cemetery, since the deed to the land was transferred to the First Methodist Episcopal Church of South Wilton when the church was established in August of 1854 across the road (now Route 50) from the cemetery. Since at least 1854, the groups overseeing the property have been charged with maintaining its status as a "community cemetery" unrelated to church membership.

With four burials in the last year and countless visits from family members of the bereaved, the cemetery retains an "active" status along with its historic importance to the town's residents.

Although I am unable to attend tonight's public hearing, I feel that it is important for someone to make a public statement regarding concerns about the possible impact of the proposed subdivision on this tranquil community spot honoring the deceased. It is unfortunate that cemetery representatives did not receive earlier notice.

I ask the Planning Board to ensure that there is no disturbance of the wooded area immediately behind the cemetery. To preserve the character of the cemetery, it is crucial to maintain a buffer limiting visual incursion and noise from the subdivision as well as discouraging access to the burial grounds from the subdivision. I appreciate hearing from David Bogardus, PLS, that "The rear of Lot No. 6 [closest to the cemetery] contains dedicated open space which is 150' in width. Building is restricted in this area."

Thank you for the opportunity to present a statement in the interests of protecting the character of the South Wilton Cemetery. Please note that I speak only as a concerned individual and that this is not an official statement of the South Wilton Cemetery Association since there has been no opportunity for communication.

Respectfully submitted,

Linda L. Baker (secretary of the South Wilton Cemetery Association)  
1 Putnam Lane  
Saratoga Springs, NY 12866

Mr. Bogardus: At least 5 attempts were made by return receipt requested which were kicked back 2 or 3 times. We used Amazon, Google, we made a phone call to the church and also the Methodist Episcopal food pantry and did not get a contact name or address. The problem

is they don't pay taxes, and since that's where the addresses come from there was no verification of a correct address. The proposed house on the plans is 350 feet from the cemetery and the way that the setback line, you couldn't get a house closer than 250 feet, and the minimum is 100 feet.

Mr. Riper indicates he will be meeting with Linda Baker tomorrow regarding some other business and will talk to her and let her know the applicant presented distances from the church cemetery property line.

Mr. Fish inquires about the vacant lot adjoining the property line. Chairman Dobis recalls Brian Hayes owned it and planned to put a storage unit business on the property. He didn't follow through on that and he sold the property. The identity of the new owner is unknown.

Ms. Harlow reads into the record, an email that was sent from Jeanine Stancanelli:

Thank you for speaking with me today about the Spencer subdivision plan off of Edie Road. I am the home owner of 169 Edie Road which is across from the proposed subdivision. As the subdivision is currently proposed, my husband and I have no new concerns over the development and are looking forward to welcoming new neighbors.

As we are unable to attend the meeting on Wednesday, April 20th, 2016, I wanted to present my concern. Currently, the road is placed in a location far from our house, and this will minimize the impact of glare into our home from headlights as people enter and exit the proposed road. I realize that during this review, changes to the current proposal may be presented, which may include moving the location of the proposed road. Since we are unable to attend the meeting, I would like it noted that we are against moving the location of the proposed road from its current location, as this would result in lights shining/glare into our home and reduce our quality of life and enjoyment of our property substantially.

Mr. Bogardus states that in the original subdivision the road was about 40 or 50 feet down a hill and it made for bad sight distance. By moving the road 30-40 feet up the hill it optimizes the sight distance. I don't want to move it.

A short form EAF has been completed by Mr. Bogardus dated April 16<sup>th</sup>, 2016 for the purpose of SEQRA review. Mr. Schachner, the Planning Board Attorney, reads the eleven questions in Part 2 of the EAF – Impact Assessment. During the SEQRA review, the Board replies to all the questions that “no, or small impact may occur.”

Chairman Dobis asks for motion on SEQRA. On a motion introduced by David Gabay, the Board adopted the following resolution:

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board for the Town of Wilton moves for a negative declaration for SEQRA in connection with the application submitted by Stephen K. Spencer for an 8-lot conservation subdivision to be known as the Conservation Subdivision of Catherine H. Spencer, Stephen K. Spencer and David R. Spencer. The property is located on the west side of Edie Road, near Route 50 on 21.25 acres, Tax Map No. 141.-2-16.111 zoned R-2. The motion is seconded by Harold VanEarden, and duly put to vote, all in favor, on this day, April 20, 2016.

Chairman Dobis asks for comments from Mr. Riper, the Town Engineer.

Mr. Riper states that the applicant is not looking for final approval tonight. He has a few items that need to be addressed of a minor nature, the storm water plan and the gravel access road has been taken care of. The deed restriction language needs to be placed on the drawings. He advises Mr. Bogardus that he can keep moving forward with his preliminary approval through the Department of Health and address the items noted in his letter of April 13, 2016 rather than making final approval contingent upon these items. By letting him move forward with DOH submissions and addressing these items on the drawings he can come back for final approval later. Mr. Bogardus: Does the road name and address plan need to be approved now? Mr. Riper responds that every lot has a number including the storm water management area. Final approval is not being given tonight.

Chairman asks for any other comments from the Board and whether the Board is ready for a motion. On a motion introduced by Erinn Kolligian, the Board adopts the following resolution:

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board for the Town of Wilton moves to grant preliminary approval of the application by Stephen K. Spencer for an 8-lot conservation subdivision to be known as the Conservation Subdivision of the Lands of Catherine H. Spencer, Stephen K. Spencer and David R. Spencer. The property is located on the west side of Edie Road, near Route 50 on 21.25 acres, Tax Map No. 141.-2-16.111 zoned R-2. The motion is seconded by Ron Slone, and duly put to vote, all in favor, on this day, April 20, 2016.

In response to the Chairman's inquiry, Ron Slone will not be present at the May 20, 2016 Planning Board meeting.

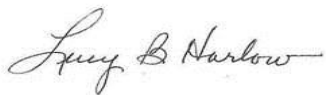
#### **IV. ADJOURNMENT:**

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 9:03 p.m. The motion is

seconded by Ron Slone and duly put to vote, all in favor on this day April 20, 2016.

Approved: May 18, 2016

A handwritten signature in cursive script, reading "Lucy B. Harlow". The signature is written in dark ink and is positioned above the title "Executive Secretary".

Executive Secretary