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**PLANNING BOARD**  
**APRIL 26, 2017**

**PLANNING BOARD**

MICHAEL G. DOBIS,  
Chairman

HAROLD VAN EARDEN,  
Vice Chairman

WILLIAM RICE

ERINN KOLLIGIAN

RON SLONE

DAVID GABAY

BRETT HEBNER

RICHARD FISH, Alternate

A meeting of the Wilton Planning Board (“the Board”) occurred on April 26, 2017 at the Wilton Town Hall, 22 Traver Road, Wilton, New York.

**PLEDGE OF ALLEGIANCE**

**I. REGULAR MEETING:** Chairman Dobis calls the regular meeting to order at 6:30 PM. He requests a motion to address the March 15, 2017 Planning Board minutes.

**MINUTES APPROVAL:** Ron Slone moves, seconded by David Gabay, for the approval of the meeting minutes of March 15, 2017 as written. Ayes: Dobis, Gabay, Hebner, Kolligian, Fish, and Slone. Opposed: None.

**CORRESPONDENCE:** transmittal letter from Nace Engineering re: KLN, LLC’s addition dated 4/11/17; transmittal letter from Nace Engineering re: Granite and Marble Works request for lot line adjustment dated 4/11/17; transmittal letter from Nace Engineering re: Granite and Marble Works request for Site Plan Amendment dated 4/11/17; transmittal letter from Saratoga County Clerk’s office re: map filing dated 3/31/17; email response from Donald Zee, Esq., to Planning Board inquiry dated 4/21/17; referral review letter from Mike Valentine, of SCPB dated 4/22/17; *Talk of the Towns & Topics*, Vol. 31, March/April; *Capital District Data*; Volume 40, Number 1, Spring 2017.

**IN ATTENDANCE:** Those present at the April 26, 2017 Planning Board (“the Board”) meeting are: Chairman Michael Dobis, David Gabay, Richard Fish, Alternate; Brett Hebner, Ron Slone, Erinn Kolligian, Ryan K. Riper, P.E., Director of Planning and Engineering and Justin Grassi, Planning Board Attorney. Absent: William Rice, Harold VanEarden and Mark Schachner, Planning Board Attorney. Also present are: Brett Steenburgh, P.E., Ernest Gailor, Thomas R. Center, Jr., Amy DiLeone, Mike Roohan, Bret McArthur.

**II. TOWN BOARD REFERRAL:** This Town Board referral is continued from the last meeting on March 15, 2017. It concerns an application to amend the Saratoga Heritage II PUDD legislation.

This is not an approval or denial; it's just a recommendation from the Planning Board to the Town Board. The property is located at 680 Route 9 near Waller Road, Tax Map No. 140.-1-73.

**SARATOGA HERITAGE II PUDD AMENDMENT:** Brett Steenburgh is presenting on behalf of the applicant, Farone Homebuilders ("Farone"), who is seeking a positive recommendation from the Planning Board to the Town Board to amend the PUDD for Saratoga Heritage Phase II. The original PUDD approval included a 1500 SF fitness facility/clubhouse. The proposed amendment is to eliminate the 1500 SF fitness facility/clubhouse and replace it with a 400 SF pool house to contain pool equipment and bathrooms and a 20' x 40' pool with handicap access and parking. The Everglades mixed use site is to the south of Saratoga Heritage Phase II. The Everglades developer Farone proposes to have a fitness facility which would serve both Saratoga Heritage Phase II and the Everglades. Mr. Steenburgh recalls the Board's concern regarding access to the Everglades from Saratoga Heritage Phase II. The issue previously was that the current lender would not agree to a cross access agreement. Mr. Farone is in the process of refinancing Saratoga Heritage Phase II and will have a cross-access agreement to correspond to what is shown on the current plan. The fitness facility and rental office will be approximately 1980 square feet in area. Access to would be limited to those tenants at Saratoga Heritage Phase II and the Everglades.

Chairman Dobis reads from an emailed document regarding the Everglades project dated April 21, 2017 that was in response to the Planning Board questions documented in a memo to the applicant on March 30, 2017. Item 4 from the email reads:

"We are waiting for the detailed building plans and do not expect to have that complete until July 2017. At that time we will be getting pricing for the buildings and site improvements and then seek financing. Construction is expected to start in the spring of 2018 and be completed by 2019."

His concern is the length of time before the fitness facility is ready to serve the tenants which, best case scenario, could be two years. Mr. Steenburgh points out that the first building to be finished would be the one with the fitness center. Mr. Slone comments there are no guarantees that the Everglades project would be completed within the suggested timeframe.

Mr. Gabay asks if the Saratoga Heritage Phase II tenants have been polled about the fact that the amenities that were to be in place when they took occupancy have not materialized. Mr. Steenburgh is not aware of any communication. Ms. Kolligian asks about pedestrian and vehicle access. Although there are no sidewalks, the distance between the projects is walkable. With the cross access agreement in place, vehicles could have access without having to go out to Route 9 and back. Mr. Riper asks about the answer to Item 2: *the fitness facility/clubhouse, the rental office will be 1980 square feet*. Mr. Steenburgh doesn't know the square foot component of each use. Mr. Riper adds that the certificate of occupancy on one of the Saratoga Heritage Phase II buildings is being held up until the fitness center and pool are completed. Mr. Hebner suggests recommending approval with condition that they allow tenants of Saratoga Heritage Phase II to have access to the facility across the street which is part of Saratoga Heritage Phase I.

Chairman Dobis states that the applicant received approval based on there being a fitness facility. When the Board approves a project – the whole project is being approved, not just components. If

some items are taken away or not constructed, then it is not the same project that was approved. This project has been prolonged and the benefit of the fitness facility which is a requirement for Saratoga Heritage Phase II is being pushed onto another separate project, the Everglades, for which there are no building plans yet. Mr. Slone sees no compelling reason for not building the fitness center. What if the Everglades is sold asks Ms. Kolligian. She doesn't think the Board can "pass the buck" to the next project and then wait to see if it gets done. It goes to the Board's credibility.

The Chairman clarifies that the applicant is looking for a recommendation, either to approve, approve with modifications, or disapprove. The decision isn't binding, it is a recommendation. It is ultimately the decision of the Town Board.

The Chairman asks for a motion. Ron Slone moves to disapprove the applicant's request to amend the Saratoga Heritage II PUDD. Erinn Kolligian seconds the motion. David Gabay, Richard Fish, Alternate, Ron Sone and Erinn Kolligian are in favor and Brett Hebner opposes. The motion carries. Mr. Steenburgh says he will be on the Town Board's agenda.

### **III. APPLICATIONS:**

**A. SARATOGA SPORTS CLUB, INC.:** Erin Kolligian recuses herself from review of this project.

Bret McArthur, the applicant, and Ernie Gailor, his representative are present regarding the site plan and special permit application to convert a residence at 4252/54 NYS Route 50, on 1.29 acres, zoned RB-1, into a sports club and indoor batting practice facility. Mr. Gailor states the ZBA granted the variances applicant needed to use the site as a sports facility. In accordance with the decision of the Zoning Board there will be no outside instruction and the proposed site plan indicates no outside instruction at the facility. Mr. Riper's letter of 4/20/17 Item #8 regarding the curb cut to site states that modifications may require a permit from NYSDOT. Mr. Gailor contacted DOT and a DOT permit will be required. The curb cut shown on the plans was acceptable with the exception that another half inch had to be added to the base of the [driveway] coming out to the street. This note has been added together with the Town Notes.

Mr. Gailor wants to address the questions Mr. Riper brought up about sidewalks and easements. Those requirements would typically be in a commercial zone. There are no other sidewalks on this stretch of Route 50. There is also the question of a rear yard interconnection. Since there are residences on both sides, he questions the practicality of the requirement. Mr. Riper indicates the requirement is for the future uses, which may be different in 50 years. This would be a note on the drawing so that if a change does occur, the easement would be in place. It is not a current encumbrance. It is a site plan requirement rather than an easement so it's not placed on the deed. The purpose is that if another applicant comes in adjacent to the site, with a similar use, there would be interconnection, if feasible.

Chairman Dobis asks for comments/questions from the Board. Item #4 refers to the 7 questions that the Board will have answer in order to make a determination since this is a special permitted use in the RB-1 zone. That procedure would take place after the public hearing. Mr. Riper comments on Item #5, which refers to an easement that the Board can waive if the applicant requests; Item #13

relates to a 28' municipal easement at the front for future utilities. Street trees and lighting and sidewalks can be waived or separated: the Board has the authority to do so if they so choose. Chairman Dobis asks for input from the Board. Mr. Slone agrees that a sidewalk isn't necessary. The trees can be addressed at the time landscaping is discussed. There is some flexibility. The Board concurs. The easement at the front for future utilities makes sense. Mr. Hebner is concerned about the impact of outdoor lighting. Mr. Gailor states the only lighting will be for residential use. Chairman Dobis asks for a motion if there are no other questions. On a motion introduced by Ron Slone, the Board adopts the following resolution:

**NOW, THEREFORE, BE IT RESOLVED**, that the conceptual site plan application by Saratoga Sports Club, Inc. to convert a residential space into a sports club and indoor batting practice facility is approved conditioned upon the requirements of §128-175 Special Permit Review and being granted a special use permit and meeting the requirements of Ryan Riper's letter dated April 20, 2017. Property located at 4252/54 NYS Route 50 on 1.29 acres, zoned RB-1, Tax Map No. 141.-2-83. The motion is seconded by Brett Hebner and duly put to vote, all in favor on this day April 26, 2017.

Mr. Gailor requests that a public hearing be scheduled. Chairman Dobis explains the criteria necessary to schedule a public hearing. Mr. Riper has to be satisfied that the plans are deemed complete for preliminary. Mr. Riper asks whether the applicant understands the landscape buffering that needs to be addressed; that is a substantial requirement for the plans to be ready. Mr. Gailor agrees that buffering is needed on either side of the site. Mr. Riper asks whether applicant has reached out to the neighbors particularly to the north. Mr. McArthur has communicated and discussed the proposal with that neighbor and those across the street. Mr. Riper states with those modifications on the drawings showing the landscape buffering, the revised notes, he would be satisfied that the hearing could be set if the Board so chooses. The public hearing is set for May 17, 2017 at 6:30 PM.

**B. GRANITE AND MARBLE WORKS, INC., LOT LINE ADJUSTMENT**: This is an application for a lot line adjustment to the rear property line of Tax Map No. 115.-2-74, property located at 8 Commerce Drive. Tom Center of Nace Engineering is present along with the applicant Michael Roohan. This request is to adjust the northern property line to facilitate an addition to the existing building for increased production area. The required setbacks are in place and applicant has worked with Mr. Grammatica, the owner of the adjacent lot, who is also present. Mr. Center is presenting all three applications: the lot-line adjustment, the amendment to Mr. Roohan's site plan for the addition and finally, that of Mr. Grammatica who also wants an addition to his warehouse site. The two loading docks will be tied together and expand to another warehouse area that will be a separate building. The addition of the building will be outside the wetland buffer. Mr. Riper comments that the storm water has been addressed. There is no increase in employees. No net increase in parking. His review letter mentions additional site landscaping – trees along the front. Mr. Roohan states 7 trees have been planted, more than requested initially.

Chairman asks about the SEQRA review. The action would be to incorporate all the applications, the lot line adjustment and the two site plan amendments. Mr. Grassi, Board Counsel, states SEQRA should be done on the whole project and then give individual decisions on the applications.

The Chairman requests that the SEQRA review proceed: Mr. Grassi confirms that the applicant provided a Short Form EAF – Part I completed and signed by Thomas Nace on April 10, 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. Grassi, reviews the 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 in column one: “no or small impact.” The SEQRA review Part II having been completed, the Board makes the determination that a negative declaration is in order. Chairman Dobis asks for a motion for negative declaration on SEQRA. 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 moves for a negative declaration for SEQRA in connection with the lot line adjustment and amended site plan for 8 Commerce Park Drive on 2.99 acres zoned C-3. The motion is seconded by David Gabay and duly put to vote, all in favor on this day April 26, 2017.

Chairman Dobis asks for a motion on the lot line adjustment requested by Mr. Roohan of Granite and Marble Works, Inc. On a motion introduced by David Gabay, the Board adopted the following resolution:

**NOW, THEREFORE, BE IT RESOLVED**, that the application by Granite and Marble Works, Inc. for a lot line adjustment to the rear property line is approved. The property is located at 8 Commerce Park Drive on 2.99 acres, zoned C-3. The motion is seconded by Brett Hebner and duly put to vote, all in favor on this day April 26, 2017.

**C. GRANITE AND MARBLE WORKS, INC. SITE PLAN AMENDMENT**: This amended site plan application is for the construction of an 8499 square foot building. The property is located at 8 Commerce Park Drive. Chairman Dobis asks for Mr. Riper’s comments. There are none. Chairman Dobis requests a motion. On a motion introduced by David Gabay, the Board adopts the following resolution:

**NOW, THEREFORE, BE IT RESOLVED**, that the application by Granite and Marble Works, Inc. for a site plan amendment to construct an 8499 square foot building. The property is located at 8 Commerce Park Drive on 2.99 acres, zoned C-3. The motion is seconded by Erinn Kolligian and duly put to vote, all in favor on this day April 26, 2017.

**D. KLN, LLC. SITE PLAN AMENDMENT**: This site plan amendment application is for the construction of a 9600 square foot building. The property is located at 12 Commerce Park Drive.

The applicant is Nick Grammatica of KLN, LLC. Mr. Riper said that a site plan for a third building was approved recently and this is essentially an amendment to that site plan. This change reduces the encroachment on the wetland area and reconfigures the building. There are no significant changes to the use. The paving was decreased and the impact to the wetlands decreased. A wetland disturbance permit was acquired.

A separate SEQRA review is required for this application by KLN, LLC. The Chairman requests that the SEQRA review proceed: Mr. Grassi confirms that the applicant provided a Short Form EAF – Part I completed and signed by Thomas Nace on April 10, 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. Grassi, reviews the 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 in column one: “no or small impact.” The SEQRA review Part II having been completed, the Board makes the determination that a negative declaration is in order. Chairman Dobis asks for a motion for negative declaration on SEQRA. 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 for a negative declaration for SEQRA in connection with the project located at 12 Commerce Park Drive on 5.34 acres zoned C-3. The motion is seconded by David Gabay and duly put to vote, all in favor on this day April 26, 2017.

Chairman Dobis inquires if Mr. Riper or the Board has any questions or comments on the site plan amendment application. There being none, he asks for a motion. On a motion introduced by David Gabay, the Board adopts the following resolution:

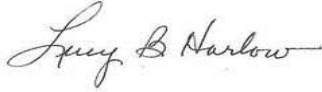
**NOW, THEREFORE, BE IT RESOLVED**, that the application by KLN, LLC for a site plan amendment to construct a 9600 square foot building is approved. The property is located at 12 Commerce Park Drive on 5.34 acres, zoned C-3. The motion is seconded by Erinn Kolligian and duly put to vote, all in favor on this day April 26, 2017

**V. ADJOURNMENT:**

Chairman Dobis asks for a motion to adjourn. On a motion introduced by Ron Slone, the Board adopts the following resolution:

**NOW, THEREFORE, BE IT RESOLVED** that the meeting of the Planning Board be adjourned at 7:25 p.m. The motion is seconded by David Gabay and duly put to vote, all in favor on this day April 26, 2017.

Date Approved: May 17, 2017

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

Lucy B. Harlow, Executive Secretary