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PLANNING BOARD
MAY 18, 2016

PLANNING BOARD

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A meeting of the Wilton Planning Board (the "Board") occurred on May 18, 2016 at the Wilton Town Hall, 22 Traver Road, Wilton, New York.

PLEDGE OF ALLEGIANCE

I. PUBLIC HEARING: CONTINUED FROM APRIL 20, 2016

CANYON RUN EXTENSION CONSERVATION SUBDIVISION

Michael G. Dobis, Planning Board Chairman, announces that tonight's public hearing on the Canyon Run Extension Conservation Subdivision is a continuation from the last meeting that began on April 20, 2016 due to the number of questions and concerns raised at that time. He asks for those in the audience who have not previously expressed questions or concerns to be given the first opportunity to speak; then any additional questions or comments will be heard.

Joe Dannible of Environmental Design Partnership ("EDP"), who is representing the applicant, T & G Associates, has some additional slides to present that may respond to questions and concerns that were raised at the last meeting. He would like to identify the amendments that have been made to the plans that may address those comments and concerns. One of the first issues is related to the triangular area in back of the subdivision site behind the residents on Whirlaway Drive and whether some of that area could be included in the deed-restricted area currently on the plan. There is 11.5 acres of deed restricted land that meets what is required by the zoning code and 2.5 acres of land has been added to that deed restriction so that no clearing can occur within that area.

Another concern is about the headlight glare from vehicles turning right out of the driveway in the evening hours. He will be contacting the resident who raised the issue and looking at landscaping or fencing to mitigate any potential headlight glare. Concern was raised at the last meeting about traffic on Gailor Road. EDP contacted a traffic engineering firm, Greenman-Pedersen, who has done

studies for the Town in the past. They prepared a traffic assessment of Gailor Road and looked at the intersection of Gailor and Traver Roads. The traffic assessment that has been prepared stated that there are 44 trips generated in the PM Peak Hour (5-6 PM); 28 of those trips are people driving east on Gailor Road, making a right hand turn into the property. The other 14 – 16 trips are coming out of the development and based upon traffic patterns and what is known about the development of Canyon Run, about 95% of cars are going to be taking a left hand turn to go out Gailor and hit Traver and either go north or south on Traver. They ascertained that Gailor is a low-volume street with a speed limit of 30 mph. They concluded that the proposed access road/intersection with Gailor Road meets adequate sight distance and sight stopping distance both for vehicles turning into the site and any vehicles turning out of the site, going either right or left. They also concluded that the 44 trips generated by the vehicles leaving the proposed neighborhood would not result in a significant traffic impact that would require any level of mitigation.

A study was prepared in response to concerns about the potential noise increase that may impact people in their backyards on Damascus and Whirlaway. As previously stated, no trees will be taken down in the area near Whirlaway [2.5 acres] so there should be no change in that location. Currently there is roughly 900 feet of trees from the Northway to the existing residents on Damascus Drive. In the proposed development, there would remain a 250 foot buffer of trees partially on the property of the Damascus home owners and partially on the new subdivision lands. A one hundred foot no-cut buffer will be maintained along the Northway and there are also areas within the site in between the houses where certain trees will remain. The topography of the site will be changed as house elevations will be filled slightly, also depressions for the ditches and where the road comes up. This undulating surface plays a critical part in the evaluation of noise. If all the trees were taken out and a flat surface was kept, there would be a difference in the volume of noise. He describes this in more detail with slides from the noise study that was prepared. The first example shows the absorption/deflection of noise that occurs due to the depth of a house (40' – 60') which will result in a 20 dB reduction of noise if there was an arterial roadway in front of it. The next example shows what happens to noise as it passes through vegetation. Vegetation redirects and muffles noise about 5 – 6 dB for every 100 feet of vegetation. The next example shows a berm and a wall and vegetation. The sound coming from the highway hits the berm/wall and stops and is deflected back towards the highway. Vertical structures similar to a house block noise.

Ms. Olmstead, 25 Damascus Drive: Ms. Olmstead asks if there is going to be a wall on top of the berm. Mr. Dannible states he is not proposing either a berm or a wall. These examples are used to show the difference in the amount of sound as it passes through vegetation, through a house and a wall on top of a berm. Houses and walls are the best mitigation for sound.

Mr. Dannible continues: Based on the research and the cross sections being presented, the highway has a decibel reading of about 80 dB at the source. The first cross section shows the existing condition: sound going through 900 feet of mature forest. Mature forest provides noise buffer at about 5 decibels per 100 feet of trees, so the sound is reduced from 80 dB at the highway to roughly 35dB at the residence. In the second cross section of the developed condition, 80 dB at the highway, the sound first goes through the initial 100 feet of trees which serves as the initial buffer and that reduces the sound. Then the noise is going to hit that first house. That house is going to be an instant barrier to block the sound from traveling any further. It will either deflect that noise back down to

the ground or back up to the trees behind it or over the peak of the house where it will hit more vegetation or continue on. As that noise continues on and hits another house, hits some more trees, goes through the undulating topography, that sound is completely diffused as it comes from the Northway heading in a westerly direction. All the research that has been looked at is indicating that in the developed site where there are houses, trees, undulating topography and low level vegetation there is going to be comparable or less noise reaching the residents of Damascus Drive.

Mark DeCaro, 20 Gailor Road: He questions the data that was derived from the traffic assessment. The number of stop signs, two stops, instead of four, changes the whole dynamic.

Ms. Olmstead, 25 Damascus Drive: She has a question about the trees that Mr. Dannible mentioned; 250 feet of trees between the housing area and Damascus Drive. Mr. Dannible says in certain areas that would be the case. She asks what about the minimal areas. Mr. Dannible says the clearing of trees would be about 40 feet of the property line of 25 Damascus Drive – that would be the minimal. There would be about 100 feet of vegetation. On the rest of the lots that existing vegetation is significantly further.

Pete Savage, 44 Gailor Road: I came in when you were talking about the traffic study. You said it went from negligible to basically 44 cars. Mr. Dannible: There will be about 44 cars in the peak hour – the PM peak is the higher of the 2 peaks. Mr. Savage asks how many cars generally use the road now.

Mr. Dannible: What the traffic engineers told him is when they went out there to record the traffic data in this location where the entrance to the subdivision will be, the volumes were so low they had a hard time recording an average speed.

Kim Green, 46 Whirlaway: You had mentioned that you were changing a 2.5 acre area that you're not going to be clearing trees. You're not, but can the new residents clear them.

Mr. Dannible: No, the area in question, which he indicates, is deed-restricted. The Town will have specific language added to the plans. The only clearing work that can be done is if there is a hazardous tree or diseases that are spreading through the trees. Other than that there is no removal of any vegetation by any residents. That is enforced through the Town. If there is vegetation that is being cleared in this area, the adjacent residents will report that to Code Enforcement and Code Enforcement would then deal with it.

Rob Donnaruma, 31 Damascus Drive: What are the anticipated added expenses/costs to the Town for maintaining the roads?

The Planning Board doesn't have a figure for that. There is a traffic mitigation fee that is charged per unit for subdivisions. Those funds are not used for road maintenance.

Mr. Schachner states for clarification, the Planning Board does not have the ability to approve town roads, that's a Town Board decision. It sounds as if there is an underlying assumption that these roads become town roads. He believes the applicant intends to offer them for dedication to the

Town. The pattern and practice in the Town of Wilton is to accept them as town roads but this Board doesn't have the authority to do that, that's a Town Board acceptance process.

Mr. Donnaruma: On Damascus Drive there is a lot of work going on regarding the drainage system. Is the work for this development?

Mr. Riper states that the highway department is planning to pave Damascus Drive this summer. The work being done is in preparation for that. The road is approximately 20 years old and there is deterioration.

Bob Lindahl, 15 Gailor Road: He inquires about the fees for hooking up to the sewer system. Mr. Riper responds there is a fee for each connection to the WWSA system. He is not sure what the fee amount is, you need to contact WWSA directly.

Bobby Lovisa, 29 Damascus Drive: In doing some research, I have a little problem with the noise study. Like a car traveling down a road and the house blocking 20 dB – the car is a moving target and that sound is going to travel with it. If I am sitting down on my back porch I'm going to hear it coming. When that car is directly in front my house it may decrease, it will drop in volume but as soon as it passes the house, it is going to rise up again. I feel that the slide was a little misleading. Same way on the Northway. I was reading through the Town Code and I don't know if that is what you guys are here to enforce or if that's where some of your power lies. But with the noise and nuisances, Chapter 79 of the Wilton Town Code §79-3 it says that we are to be protected from something that can create a risk of a public inconvenience or annoyance. The noise coming from the Northway once these trees are cut down, whatever the decibel level he's showing I feel that it will be a nuisance and whether it's the same decibels as three people speaking at one time, I went a step further and went on the DOT website, they happen to have a traffic monitoring system just south of Exit 16, I went back to 1998 to 2014 which was the information available. There's been a 23% increase in that time frame. This is all about "per axle" so tractor trailers. It's all averaged out but there's been a 23% increase since 1998, since 2000 there has been an 18% increase. This is all easily accessible on their website. If that trend continues which I don't see any reason why it wouldn't, these noise levels are going to get to be more and more of a nuisance which we as taxpayers I feel should be protected against as is written in the Code. Also I was speaking to a civil engineer with DOT today and he was surprised. There are three categories; there are rural, rural urban and recreational roads. The Northway in Saratoga County going all the way up to Lake George is in the middle, which it rarely ever is and he emailed me some paperwork showing that the months that we would be using the backyards the most, April, May, June, July, August, is where they are at the absolute peak. He made copies which he can hand out. You're talking 68,000 axles a day is the average in August; 66,000 in July; 57,000 in June. That's going up from the average over the year in the high 40's. The only thing I liked about the presentation was when he showed the one slide with the berm and the wall. I don't want the development there. I don't know that we have a chance of stopping it, but the noise is a serious concern. That was the only one that showed the true deflection of the noise to where it would be of absolute minimal consequence to current residents its 250 feet versus 900 feet. That sound is a moving target. I feel like every slide was addressing that it was me standing still speaking to you or if I sit down in this chair and try to talk to Bob there's going to be blockage there. It's not the same, if I am walking around the room some people are standing up,

some people are sitting down. Sound is a moving target. It's not as cut and dry as its being made to sound in my opinion. All I could do was do some research and find out what we were protected by as current residents. It's written in the Town Code that it's the intent of the Town to protect us, to keep the welfare, prosperity, peace and quiet of the Town of Wilton and its inhabitants. Under §79 - 3 Unlawful Acts: the creation of any unreasonably loud disturbing and unnecessary noise is prohibited, said noise shall be prohibited when it is of such character and intensity and duration or of any type of volume that reasonable person would not tolerate under the circumstance and is detrimental to the life, health, welfare of any individual or would cause or create a risk of public inconvenience, annoyance or alarm. This creates for me a public inconvenience and an annoyance. It's going to be loud. There's no way to cut down all those trees and not have it be loud. I can hear it right now. He's saying there's 900 feet of trees, if you take down 650 feet of those, I don't care how many buildings you put up, there's going to be seams that weren't there before. I don't see any circumstance where it would not be loud. The only slide that showed every impact, every sound also showed a berm, and then a berm with a wall, which he [the applicant] doesn't plan on building. With the current trees there versus what is being proposed I believe the decibel level will increase? They did their diligence, the water, they got the Corps of Engineers in there, this year it's as dry as can be. Still should be investigated more. The increase in traffic is a constant trend. It's pretty linear. That will just create more noise. What was shown today was not sufficient. They don't even have a plan to build a berm which would knock down some of it. A berm and a wall would make it quieter, which would be great. It would mitigate the fact that if there is any potential for an increase by cutting the trees down. We should be protected against.

William Rice: Whether the traffic increases or decreases on the Northway is not relevant to this development going in. If traffic increases, it's going to increase whether this development goes in or not.

Chairman Dobis describes the process of how the Board and the Applicant consider all the comments and questions from the last meeting and this meeting. There will be no approvals tonight for this project. There will be more conversations about these issues and inquiries as to how to lessen the impacts to these neighborhoods.

Lea Manning, 27 Damascus: She would like to know where Mr. Dannible obtained his research about the noise levels.

Mr. Dannible: Research was done both online and in technical books provided for landscape architects and engineers alike, that talk about noise and the decibel levels from highways and certain buffers affect that. To research the buffering capacity of a mature forest versus low level shrubs and new plantings, structures and houses. I think you'll find that research is going to show is that what is proposed is a better buffer because of the structures in the way, the low level shrubs, the changes in the topography as they exist.

Ms. Manning: Is that something you can actually show us numbers that convey the truth and not just you saying that it is a better buffer. She would like more statistical information. What online sources so she can look for herself.

Mr. Dannible: This is in the research, it talks about highway noise – 75 to 85 decibels in that range so the noise buffering capacities of trees is x, y or z depending upon the density, the type of vegetation. Insulated structures and walls have a much higher noise buffering capacity. All the research is there.

Chairman Dobis suggests that Mr. Dannible provide the sources of his information.

His sources are from different highway administrations throughout the country. Federal government and state government research studies. For example: the studies done by the State of Washington Highway Department and studies done by the Virginia Department of Public Works.

Ms. Manning asks if there are any done by New York State. Every state is truly different especially with the kind of vegetation. Was some of your research done for New York?

Mr. Dannible: I don't believe there was a specific study that I can find that was specific to the Northway in the Town of Wilton.

Ms. Manning: There have been subdivisions developed close to the Northway, aren't there studies done then? Wouldn't building the subdivision be considered a nuisance noise?

Chairman Dobis: Noise studies have been done, but not any in Wilton that he is aware of. He explains how generic studies can be used. He doesn't know of any studies of noise from building a subdivision.

Doris Olmstead, 25 Damascus: She asks how many stories the home will have. Mr. Dannible responds they will be two-story colonial style.

Rob Manning, 27 Damascus: Is there a local development nearby where he could see a comparable subdivision? Mr. Dannible suggests the Olson Farm Subdivision on Gailor. Also Lenca Court and Dakota Drive.

Joseph Sabanos, 42 Whirlaway Drive: He identifies himself as being an alternate on the Zoning Board. He asks Mr. Dannible to go back to the slide with the wall/berm configuration. Is that an option?

Mr. Dannible: The wall and berm is not going to be built. It's just to show the difference in how sound travels through different materials, wooded areas, berms. It is for comparison.

Mr. Sabanos is concerned about the values of these homes being comparable to the other homes in the area. It would be beneficial to the applicant to consider a wall/berm to increase the value. "I was apprehensive myself due to my purchase on Whirlaway due to the noise. I assume it may be a little more difficult to sell these homes that are even closer to the Northway and by doing something like this, or proposing something like a berm or solid structure would increase the home's values and make it easier for them to be sold. I believe Olson Farms isn't completely sold and that has been under construction for 6 – 8 years now. In addition, I know I have had some safety issues with my

home with people coming in my backyard. My suggestion would be the applicant considers that. The values of those homes would be increased exponentially – the applicant would make more money. The noise would be reduced and everyone would be happy about that. The payoff in the long run would be significant.

Chairman Dobis asks for any other questions. He thanks everyone for coming and giving their comments and questions. No approvals will be given tonight. The comments will be taken under consideration to see if there is anything else that can be done.

Lea Manning: Will there be another meeting?

Chairman Dobis: there will be no more public hearings on this matter. As soon as this public hearing is closed, we will then go to a regular public meeting on this project.

Mr. Schachner: The next meeting of the Board will be on June 15th.

Ms. Manning: When would we know that the application has gone through or if there is something they are planning on changing due to this discussion.

Chairman Dobis says there is a potential for this applicant to be in at every planning board meeting. If they want to be on the agenda, there is a cut-off date. The public can go online to the Town website to see what's on the Board agenda. For clarification: we will be closing this public hearing shortly. Then on the regular agenda, we will have further discussions on this project tonight. But no approvals will be given. The public is welcome to come to any Board meeting.

The following email is to be made a part of the record of this public hearing. It is from a resident regarding the proposed Canyon Run Extension Subdivision.

Thank you for taking the time to speak with me this afternoon and emailing me a copy of the proposed subdivision. As we discussed, I just got the letter yesterday at 5 so I will not be able to make the meeting tonight. I do have some concerns regarding this proposal:

My first concern is drainage. The area is very wet and since I have a drainage swale thru the back of my property I am worried about the additional water flow and where it's going to go. Currently the pipe is blocked and we have ducks living there.

I am also worried about the entrance to the new subdivision. At night every cars headlights will be shining into my pool area as well as thru the windows in the back of my house.

Lastly, I am worried about the actual construction of the subdivision. The construction will bring traffic, heavy machinery, and people speeding down Gailor road. (Maybe a curbed sidewalk would help). Also during the construction, I am concerned about the cleanliness of the area with construction debris and dust control.

Thank you again and please feel free to share this note with the board.

Brigitte Giacchetta
15 Tawny Terrace
Wilton, NY 12831

Chairman Dobis asks for a motion to close the public hearing. On a motion introduced by William Rice, the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the public hearing is closed at 7:28 PM. The resolution was seconded by Erinn Kolligian and duly put to vote, all in favor, this 20th day of May, 2016.

II. REGULAR MEETING: Michael G. Dobis, Planning Board Chairman, called the regular meeting to order at 7:30 PM.

MINUTES APPROVAL: Erinn Kolligian moved, seconded by Brett Hebner, for the approval of the meeting minutes of April 20, 2016 as written. Ayes: Rice, Kolligian, Fish, Hebner, Dobis. Opposed: None.

Those present at the May 18, 2016 Planning Board (“the Board”) meeting are: Chairman Michael Dobis, William Rice, 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: David Gabay, Ron Slone, Harold VanEarden and Sue Peterson. Also present are: Joe Dannible, Owen Speulstra, William Neds, Lea Manning, Rob Manning, Mark and Joan DeCaro, Vanessa Voorhies, Peter Savage, Stephen Spencer, Rob and L. Donnaruma, Kim Greene, Bobby Lovisa, Craig Olmstead, Doris Olmstead, Jamie Sabanos, Scott Buckley, Scott Saunders, Jason Tommell and Tom Hug.

CORRESPONDENCE: Letter of transmittal dated 4/28/16 from William Neds re: Walmart Expansion; transmittal dated 5/3/16 from EDP re: Ernst Subdivision; transmittal dated 4/26/16 from CT Male re: Ace Hardware; *Capital District Data*; Vol. 39, #2, March/April; CDTC Public Comments Invitation; *In Motion* newsletter of the CDTC, March 2016; transmittal dated 5/17/16 from VHB re: Wilton Senior Community; transmittal dated 5/31/16 from Brett Steenburgh re: Everglades.

III. APPLICATIONS:

A. CANYON RUN EXTENSION CONSERVATION SUBDIVISION:

Chairman Dobis asks Mr. Riper for his comments. Mr. Riper states he has no additional comments.

Mr. Dannible: “I feel like we have been given a lot to work through on this project, we have adequately addressed everything we have been asked to address as we have moved forward with the project.” He looks forward to resubmitting these plans and continuing along this process.

William Rice asks about the cost of building a berm. Mr. Dannible responds that the construction of the berm would essentially eliminate the 100 foot buffer. Ms. Kolligian asks about the elevation of the property as compared to the Northway. Less than 10 feet says Mr. Dannible. It is slightly

elevated from the road. He indicates where the ditch line is, the profile of that section of the site, the Northway elevation, the ditch line that comes up slightly to a high point, there's a lot of topography in there. Depending on where you are standing on the site, you could be 6 feet below the Northway or 10 feet above it. Ms. Kolligian mentions that other developments along the Northway, where the elevation is 15 to 20 feet on the side of the Northway that serves as a natural barrier. Comparison is made to homes along Cobble Hill. She supposes that the homeowners could provide their own fences or vegetative buffer. Mr. Dannible adds there are probably 300 homes that back onto the Northway. You can see the lights from the roadway. There is further discussion about noise related impacts to other neighborhoods in the vicinity.

Mr. Dannible did a very similar study in the Village of Round Lake where a similar area of vegetation was taken out and the results of that study were identical to this one. Mature forest is a very poor buffer.

Mr. Hebner asks Mr. Riper about the Northway Overlay District, confirming that there is a 100 foot buffer on both sides. He asks about the calculation of land; does the Northway Overlay District remove that strip from the calculation of buildable area. Mr. Riper: that's included in the green space or open space. In terms the density calculation, it is included in the buildable acreage because it is part of the green space. Mr. Hebner: has Mr. Dannible considered the cost of building a wall, something that would provide some noise attenuation? Mr. Dannible: it would be cost prohibitive to the project. Mr. Dannible: the length would be about 2,000 feet. In order to block the cars visually and the noise they cause, the walls would have to be 15-20 feet high.

Mr. Hebner recalls at the last public hearing residents were concerned about the water. He understood from Mr. Dannible's presentation that the perimeter drains would be, in the analysis, potentially lowering the ground water by approximately 1.5 feet. Mr. Dannible reviews the slide that shows the "cone of influence" within the immediate area depending on where you are, the area with the dashed line represents the area where there could be a 3 to 5 foot drop to keep that ground water well below the foundation slab. Beyond that it tapers off rather quickly from 3 to 0 feet. Ms. Kolligian confirms that the drop includes the houses on Damascus and Whirlaway that were concerned with water; and states further, essentially this neighborhood going in with that drainage system will lower the level of ground water. Mr. Dannible affirms that it has the potential to help and certainly will not provide any negative influence on high ground water.

B. McDONALD'S SITE PLAN:

Chairman Dobis: Next under applications is the McDonald's redevelopment site plan, including 5400 SF of new construction, on 3 acres located in zone C-1.

Mr. Owen Speulstra of Bohler Engineering, representing McDonald's on the rebuild of the site at 3003 NYS Rt. 50 off Exit 15 of the Northway. Also present are Scott Buckley and Scott Saunders of McDonald's in the application to rebuild and replace existing site. McDonald's is willing to make a significant investment to provide a more modern and efficient site. The scope is to knock down the existing building and in a similar location, erect a new building with an integrated play place in front. The patio will be similar. The accesses to the site will remain the same and the site circulation

will be similar. A side-by-side drive-through is being proposed (two lanes to order that will merge into one lane.) This provides a more efficient experience for the customers and enables cars to move through faster. Approximately 70% of business comes from the drive-through customers. This is representative of their business throughout the country.

Mr. Hebner asks about the two-lane model, do other locations experience traffic conflicts in the merging of the two lanes. Mr. Speulstra is not aware of any accidents and hasn't had an issue with the two-lane merging. The speeds are very low and common courtesy typically prevails.

Mr. Speulstra talks about increasing the impervious surface slightly and losing about 1% of green space. The new free standing sign will be more visible. The new building will have signage on it that is more in fitting with the new design. The design is similar to the McDonald's in Clifton Park.

Mr. Riper states that this is a SEQRA Unlisted Action and the Board should seek lead agency once the conceptual approval is granted. This plan will also be sent to the Saratoga County Planning Board for their recommendation. He continues: the Board should determine whether additional renderings are required or changes to this rendering are required. The representation being shown is a generic rendering and is not depicting what is being proposed as far as the site layout. He goes over what should be on the site plan, the adjacent parcel owners and their uses, list out the existing variances that have been granted to this parcel. Also provide site lighting details being proposed. The exit lane to Route 50 should include 'no left turn' signage and some additional striping that delineates the right-turn only. The plans should be sent to the emergency squad and the fire department for their review. There has been a change to the Greenfield Fire District personnel and the planning secretary will give you that information. The drainage easement should be documented on the plans, setting out who has the easement for future reference. His other comments are mostly administrative and can be taken care of in future revisions. Applicant is planning on installing signage on the property itself to give some better indicators to direct customers back to Loudon Road to Weibel to access the Northway legally.

Mr. Speulstra states that McDonald's site has been there 30 years. The traffic mitigation fee of \$4500 was relayed to his office. The existing building is 6200 SF and the size of the new building is being reduced by almost 800 SF. He is asking if the fee is warranted due to the fact that no additional square feet are being added. Mr. Riper will look into it. The fee was based on the fact it is a brand new building.

Mr. Speulstra adds that the goal tonight is to get conceptual approval. Once there is a conceptual approval, the applicant will move forward with a more defined plan and the design phase.

Captain Bullard of the Maple Avenue Fire Department has a couple of questions. In the upper driveway, is the width of that going to stay the same? Mr. Speulstra answers that the existing curbing will stay. The rear of the site is kind of a free-for-all. People don't really know where to go to enter the drive-through. The new design will have a direct route to the drive-through and less conflicts. Captain Bullard says that the fire truck turning radius will be required. That will be looked at; also in terms of the delivery trucks entering the McDonald's site, they have designed the site with a view to having a 62' delivery truck being able to circulate.

Captain Bullard asks if water going to be moved in? Will there be a hydrant? Mr. Riper says the site will be connected to the water at the Weibel Avenue main and to the sewer as well. The building will be sprinkled. Currently the system is on a well and septic. There is a hydrant across the street at Denny's. Mr. Riper will work with the applicant and the fire department as far as ease of connection to fire hydrants.

Mr. Hebner inquires about the signage and the infiltration basin. The signage will be similar - it may occupy less area. There will be an infiltration basin in the rear. There is no depth calculation at present. Captain Bullard expresses his concern about pedestrians crossing back and forth over Route 50 and asks if a crosswalk been considered or even a partial sidewalk. Mr. Riper comments that NYSDOT would not put a crosswalk in "mid-stream". Crosswalks would only be put in at intersections. There could be some signage placed that there is no pedestrian crossing on Route 50.

Chairman Dobis asks if there are more comments or questions, there being none, he asks if there is a motion for conceptual. On a motion introduced by Erinn Kolligian, the Board adopted the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Board approves the conceptual site plan application by McDonald's for the redevelopment of the site including 5400 SF of new construction located at 3003 NYS Route 50 on 3.03 acres, Tax Map No. 153.19-2-21, zoned C-3. The resolution was seconded by Brett Hebner and duly put to vote, all in favor, this 20th day of May, 2016.

Chairman Dobis asks for a motion to seek lead agency under SEQRA. On a motion introduced by Erinn Kolligian, the Board adopted the following:

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board for the Town of Wilton seek lead agency status for the McDonald's site plan application. The resolution was seconded by Richard Fish and duly put to vote, all in favor, this 20th day of May, 2016.

C. WALMART SITE PLAN AMENDMENT: Application to amend site plan for the construction of a 3600 SF addition to the existing Wal-Mart located on Old Gick Road.

Mr. William Neds is representing Walmart for the expansion of its location at Old Gick Road and Lowes Drive. The applicant is proposing an expansion of 3600 SF in the east corner. In addition, an existing water line will have to be relocated and one of the access lanes will have to be restriped. There will still be two lanes but the expansion will result in 4-way offset intersection. The parking area will be limited to employees only. Mr. Neds indicates on the plan various locations that were thought to be best for the expansion and then explains why the expansion can only be in the designated location. The other options were not viable. Thirty parking spaces will be removed to allow for the expansion. This will effect a reduction in the parking ratio from the required 4.54 spaces per 1000 SF to 4.31 spaces per 1000 SF. The Board would need to waive that requirement and allow the reduction.

Mr. Riper states this is an amended site plan review. A recommendation from Saratoga County Planning Board has been requested due to the proximity of the parcel to I-87 and NYS Route 50. His concern is the 4-way offset intersection which is a very busy intersection. This will be mitigated by having only employees access that side and rear area for parking. In addition, there is a CDTA bus shelter which may be impacted due to its proximity. The plans have been sent to CDTA. Mr. Neds interjects that Walmart would have no problem with taking the responsibility/cost of moving the shelter back if it became necessary. He mentions the employee break area which is less than desirable. A new space could be incorporated into the design of the addition. The egress from the new addition is into the travel lanes and that is problematic and should be taken into consideration. The plans should be sent to the emergency squad and the fire department for review. The turning radius for the fire truck should be shown on the plans. Chairman Dobis asks if Mr. Riper requires more information. He responds that revised plans have been received that took care of the majority of his comments. It is the Board's decision whether the location of the addition and the 4-way offset intersection is acceptable. He is waiting for a response from CDTA and Saratoga County.

IV. PRE-APPLICATION: ROUTE 9 WILTON HOLDING CORP.

Jason Tommell is representing Thomas Hug, the owner of the property and the representative for Route 9 Wilton Holding Corp. They are looking for some guidance from the Board about the proposed subdivision and its marketability. The property is just south of the Maple Avenue Fire Station on Route 9 across from Smith Bridge Road. The parcel had been previously approved for a strip mall with 6500 SF in the early 90's. The property has been for sale since then. It is a 27 acre parcel with about 660 feet of frontage on Route 9 zoned CR-1. The proposal is for a 3-lot commercial subdivision, each lot having about 220 feet of frontage. Subsequent/simultaneous to the subdivision, it is proposed to donate 1.2 acres to the Maple Avenue Fire Department. There is currently no interest in the parcel and no plan for a kind of use at this point. The plan is to subdivide, identify some uses, go through SEQRA, get an approval and try to "set the table" for a sale, and be able to handle the site plans on an individual basis. One of the issues is access to Route 9. Ideally Mr. Hug would like to have 3 individual points of access to Route 9. The subdivision plan shows a single point of access with a shared driveway. Chairman Dobis comments that curb cuts on Route 9 are within NYSDOT's jurisdiction and any decision on its part could take time.

Mr. Riper says the idea of the proposed single access drive would be to allow the individual parcel owners to have access to the farthest north away from Smith Bridge Road intersection, which we all know is an issue. If there is another access provided directly across from Smith Bridge Road that could potentially cause traffic problems at that intersection. It may force the institution of roadway improvements which could then cause this developer to make significant improvements in that area. This would be an economical solution to provide access to all three parcels which NYSDOT would allow. There is a discussion about marketability with the single access road.

Mr. Hug suggests that the access be from the middle lot, instead of the access crossing through two parcels. Mr. Riper responds that the idea is to move that intersection as far away from Smith Bridge Road as possible. The closer to the intersection, the more the traffic issues would ensue. He is not sure what the advantage would be having access from the middle lot – there would be the same amount of service road to access all three parcels. Mr. Hug asks if that would be like a ROW

for the other parcels? That is something Mr. Hug would control at the sale of the property. It would not be a Town Road. It would just be a commercial access to these three parcels. The deed would have language granting access across the parcels. Mr. Schachner: some people would call it contractual access.

Ms. Kolligian remarks that the ideal solution would be to have a traffic light at Smith Bridge Road. Mr. Riper says that could be a significant cost to the developer who more than likely would be responsible for the cost. She asks about whether the kind of use would affect whether a traffic light would have to be installed. A strip mall would increase the amount of trips per day. Mr. Riper says that would be evaluated at the time the type of use is decided on. The other issue would be down at Daniels Road where there is a traffic signal. That has to be taken into consideration. Mr. Tommell asks about the approach to select the use, provide the impacts of that and try to get a negative declaration on SEQRA and Board approval, if someone came in with a site plan for a different use, they would have to provide updated information for the Board's review because it would be outside of the scope of the original approval. Mr. Schachner is in agreement with Mr. Tommell; that the applicant might pick a proposed use to facilitate the Board in its review of the proposed subdivision. It is the applicant's decision. The applicant cannot market the separate lots for sale until the Board approves the subdivision.

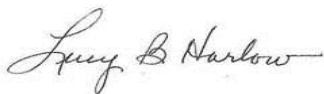
Since there is no direct access to Daniels Road, Mr. Hug suggests if there could be access to Daniels via one of his neighbors, what is the road frontage requirement there? There would still be road frontage on Route 9. The dimensions from that existing home to the property lines would have to be researched. Mr. Riper's suggestion is to indicate on the subdivision plans where the toe of slope is, where the rock outcropping starts, how much buildable area there is for marketing purposes; also what could be shown is a proposed building and parking for each lot without pinpointing details and a type of use. Mr. Tommell is concerned about putting too much detail and then being locked in. He thinks a little bit more flexibility is warranted since it is subdivision and not site plan. Mr. Hug estimates there is about 3 buildable acres on each lot. He favors current layout of the proposed 3-lot commercial subdivision.

V. 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 8:43 p.m. The motion is seconded by Richard Fish and duly put to vote, all in favor on this day May 18, 2016.

Approved: June 15, 2016



Executive Secretary