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PLANNING BOARD
JUNE 21, 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 June 21, 2017 at the Wilton Town Hall, 22 Traver Road, Wilton, New York.

PLEDGE OF ALLEGIANCE

REGULAR MEETING: Chairman Dobis calls the regular meeting to order at 6:32 PM. He requests a motion to address the May 17, 2017 Planning Board minutes.

MINUTES APPROVAL: Harold VanEarden moves, seconded by Ron Slone, for the approval of the meeting minutes of May 17, 2017 as written. Ayes: Dobis, Gabay, Kolligian, Fish, Van Earden, Slone and Rice. Opposed: None.

CORRESPONDENCE: Sight Distance Evaluation – Additional Driveway Locations, Ruggles Road from T.R. Johnson Engineering; dated 5/26/17. Transmittal from SGA Architecture re: Site Plan Amendment for Walmart dated 6/6/17; *In Motion*, Newsletter from CDTC, Vol. 9, Issue 4 June 2017; SCPB Referral Review re: Gordon Residential Development/Park Place at Wilton dated 6/5/17; Letter with attachments from Stefanie Bitter, Esq., re: Cumberland Farms Site Plan Amendment dated 6/8/17; Determination of Zoning Enforcement Office dated 5/31/17 re: Beattie referral; e-mail transmittal of High Peaks Sound Site Plan from ABD Engineering dated 6/6/17.

IN ATTENDANCE: Those present at the June 21, 2017 Planning Board (“the Board”) meeting are: Chairman Michael Dobis, David Gabay, Erinn Kolligian, Harold VanEarden, William Rice, Ron Slone and Richard Fish, Alternate; Ryan K. Riper, P.E., Director of Planning and Engineering and Mark Schachner, Planning Board Attorney. Absent: Brett Hebner. Also present are: Sunday Bougher, Ross Galloway, Amy DiLeone, Captain Bullard, Tom Andress, Joe Dannible, John Wright, Scott Shearing, Jon Lapper, Jeanne Wouterz and Wendy Holsberger.

I. REFERRAL: Request for a recommendation to the ZBA regarding an application to replace a single wide manufactured home with a double-wide thus expanding a preexisting non-conforming use which will require a front, side and rear yard area variance. Property located at 87 Old Gick

Road on .336 acres, Tax Map No. 153.-3-21, zoned C-2. Christine Beattie and David Johnson, the applicants are present. The parcel is between Morris' storage units and the Oak Haven Apartments. Mr. Johnson describes the state of his current residence, a 1973 manufactured home, as being too crowded and too old. The new manufactured home will be larger and be hooked up to water and sewer. Mr. VanEarden asks if the applicants have talked to their neighbors. Mr. Johnson states he didn't know they had to. Ms. Beattie adds that written notices were sent out regarding the hearing before the ZBA scheduled for June 22; there were responses from 3 out of 4 adjacent landowners: the owner of the apartments, Mr. Morris and the owner of the Perry Road trailer park. Mr. Rice suggests that applicants speak to their neighbors in case there is a problem. Chairman Dobis adds that it is not a requirement but in the case where variances for a home are being requested, it is a good idea. Chairman Dobis states that since it is a preexisting non-conforming use, applicants are entitled to 100 percent expansion of the footprint of the building as it existed prior to zoning in 1974. According to the determination by the Zoning Officer they will be increasing the footprint by 77 percent. Mr. Riper comments that the relief being requested to the east of the property line will go from 12.8 feet to 8 feet, close to the apartments. When questioned about the gate and 4' fence surrounding his property, Mr. Johnson indicated that it had existed since 1974. The shed would be taken down. Chairman Dobis asks for comments from the Board. Mr. Gabay says it seems reasonable that the applicants want to improve their living space. Since it is preexisting non-conforming use, it won't be a detriment to the neighborhood. Mr. VanEarden states that the Board has the following options: it can make a positive recommendation or negative recommendation or no recommendation. He would be comfortable with no recommendation since there has not been any input from the neighbors. There will be a public hearing before the ZBA and if it grants the variances, the applicants will come back to the Planning Board. Ms. Kolligian agrees with Mr. VanEarden that it's the ZBA's decision. Mr. Rice has no problem giving a positive recommendation. There will be a public hearing where the neighbors will have an opportunity to speak. Mr. Gabay has no problem with a positive recommendation, with the public hearing as a "fail safe," nor does Mr. Slone. Planning Board Attorney Schachner points out that the public hearing will be the next night, so the ZBA will not have the Board minutes from this meeting. Mr. Rice comments that a letter can accompany the recommendation and that this matter is not that complicated.

Mr. Gabay moves for a positive recommendation to the ZBA to allow the expansion of a preexisting non-conforming use in the C-2 zone and to grant the requested area variances at the property located at 87 Old Gick Road, and to let the minutes show that there will be a public hearing to mitigate any objections and that none of the adjacent landowners are present tonight. Mr. Riper points out that the notices were for the ZBA meeting on June 22rd, not this meeting. Mr. Schachner adds that the notices that were sent out didn't indicate that the adjacent landowners should come to this meeting if they had problems. They wouldn't know about tonight's meeting. If part of the reasoning behind the recommendation is that people would have been at the Planning Board meeting if they had problems, there is not a way they would know about the Planning Board meeting. Mr. Gabay states he is still comfortable giving a positive recommendation. William Rice seconds the motion and the other Board members are in favor. None are opposed.

II. APPLICATIONS:

A. GORDON RESIDENTIAL: PARK PLACE AT WILTON, LLC. Jon Lapper, Esq., applicant's representative, comments now that Park Place at Wilton is complete and leased, the

Gordons wanted to make some minor improvements that would benefit the residents. He describes the minor site modifications: the gazebo, the foot bridges, the dog park, the walking trails in the back and a play area for the kids. Chairman Dobis says that his understanding is that the neighbor, Larry Liska, has signed off on the amended site plan. Mr. Riper confirms that. Mr. Liska is the neighbor to the south and has expressed his concerns in the past. On a motion introduced by Ron Slone, the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Board approves the amended site plan application by Park Place at Wilton LLC., for the following site modifications: the installation of two foot bridges, a walking trail, a fenced dog park, a gazebo and a play area. There are no new or different environmental impacts requiring further SEQRA review. Property is located at 665 NYS Route 9, on 9.68 acres, Tax Map No. 140.-3-34 zoned H-1. The motion is seconded by David Gabay and duly put to vote, all in favor on this day June 21, 2017.

B. BISS 2-LOT SUBDIVISION: John and Lisa Biss are here to present their subdivision application in order to separate the business use (storage units) from the residential use (existing house). The property is located at 4250 NYS Route 50 on 4.17 acres, Tax Map No. 141.-2-47 zoned RB-1. Chairman Dobis requests Mr. Riper's comments. Mr. Riper believes the applicants are here because they are trying to sell the property. No one has expressed interest in buying the house and the storage units combined. Mrs. Biss would like to eventually sell the house and keep the storage units and subdividing the property and separating the residential from the commercial use would allow them that option. There being no further questions or comments from the Board; Mr. VanEarden introduces the following motion:

NOW, THEREFORE, BE IT RESOLVED, that the Board approves the conceptual application by John and Lisa Biss for a 2 lot subdivision. Property is located at 4250 NYS Route 50 on 4.17 acres, Tax Map No. 141.-2-47 zoned RB-1. The motion is seconded by Ron Slone and duly put to vote, all in favor on this day, June 21, 2017.

Mr. Schachner suggests that the public hearing could be scheduled at this time. Chairman Dobis sets the public hearing for Wednesday, July 19th at 6:30 pm.

C. CUMBERLAND FARMS CONVENIENCE STORE: The applicant, Cumberland Farms, Inc., is requesting a site plan amendment to expand the previously approved 4786 square foot Cumberland Farms convenience store by 489 square feet. The site is located at 571 Maple Avenue, Tax Map No. 153.-1-4 zoned CR-1. John Wright with Bartlett, Pontiff in Glens Falls, is here for Cumberland Farms, along with Ross Galloway who is the representative for Cumberland Farms, Scott Shearing from Bohler Engineering and Wendy Holsberger, a traffic engineer from VHB who is going to discuss traffic impacts and her dealings with DOT. In conjunction with the application, Mr. Wright would like to address the discussion by the Board at the February meeting with the applicant

and the applicant's attorney concerning the event that a shared right turn lane is added by DOT or the Town. The language needs to be worked out between the applicant, the Board and the Town's attorney concerning that possibility.

Scott Shearing, from Bohler Engineering describes the previously approved site plan of February 2017. The applicant in taking a second look at the site plan is now proposing an expansion, which means that one side of the building will be about 8 feet longer. This is to support the new interior layout which includes a different beverage presentation and food product lines. The other component being added to the site is the relocation of one parking space. Ms. Holsberger from VHB states that an updated traffic evaluation has been completed to show the difference of how many trips would be added with the small expansion which is about eight new trips in the morning and nine new trips in the afternoon. The update also includes a reevaluation of the intersection [US Rt. 9 and Daniels Rd.] and indicates that the levels of service are essentially the same. The report was submitted to DOT and the Town. An email was received today from DOT stating their agreement that the study results are consistent and that the recommendations previously made which were limited to clearing of vegetation for sight lines and the installation of the two-way left turn lane on US Rt. 9 and that they agree that is the appropriate mitigation and that no further mitigation would be needed.

Mr. Riper asks about the timeline for construction. Mr. Galloway estimates September 1st would be the desired date. Construction takes about 120-150 days. The site has not yet been cleaned up because Cumberland Farms is not the owner yet. He understands from the broker for the seller that there have been a lot of high quotes. The clean-up will happen before closing on the sale of the property. Mr. Riper would like a copy of the storm water maintenance agreement. He would also like to discuss the traffic improvement language that was discussed previously in February. The Planning Board stated in their resolution that: "the Town Engineer and the Town Counsel sign off on the proposed condition that is mutually agreed upon by the applicant related to potential future traffic improvements". Two different versions of the language have been suggested, the only difference between them is the addition of US Route 9 and Daniels Road and the adjective "just" in front of compensation in the 3rd line of version 2. The language is to be mutually agreed upon should DOT want to make a right-hand turn at Daniels Road. Mr. Galloway adds there is an easement for 28' for future utilities which is a separate issue and is being worked out.

Mr. Schachner asks if applicant's attorney, Ms. Bitter, proposed both versions. Mr. Riper confirms that she did. Both of the versions include the phrase, "agree to convey such lands as may be necessary." Mr. Galloway interjects that the words, "just compensation" are what the applicant wants. If this were to happen, it would be DOT who would be responsible and by law they would have to give just compensation to the property owner, who in this case would be Cumberland Farms. But in the unlikely event that the Town should undertake the improvements, that just compensation be provided for whatever improvements may be undertaken. Mr. Riper says if in the future, 20 years from now, DOT wants to come in and put a right turn lane onto Daniels Road, on the site plan it would indicate that the applicant would be willing to do so for "just compensation." Mr. Galloway doesn't want to convey anything and just compensation would come from the DOT process. Mr. Schachner states there would be a conveyance of some kind "fee title", not an easement, in exchange for just compensation. "Just compensation" is a common phrase of law that accompanies eminent domain or condemnation of real property by governmental entities. To be clear, the Board proposed the language as a condition at the February meeting of the Board. Either of two things happen; the

applicant has an opportunity to say we want “X” and the State says okay, fine, or the applicant can’t reach an agreement with the State and NYS can condemn such land as it needs for the turn, and then go through a process where the outcome is the applicant will be paid the fair market value or what is known as “just compensation.” The law will determine that. Chairman Dobis suggests removing the language since it may only “muddy the waters”. Simply take that stipulation out of the final approval. The Chairman asks the Board if they agree, that it would mean amending that final motion that was adopted by the Board on February 15th, 2017 and doing away with Item 2 of the conditions of final approval. The Board indicates its approval. On a motion introduced by Erinn Kolligian, the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Board agrees to amend the motion dated February 15, 2017, to remove Item #2 that states, “The Town Engineer and Town Counsel sign off a proposed condition that is mutually agreed upon by the applicant related to potential future traffic improvements.” The motion is seconded by Mr. Van Earden and duly put to vote, all in favor, on this day June 21, 2017.

Now the Board can move on with the application to amend the original site plan. Mr. Riper indicates there are some minor administrative items that need to be taken care of. On a motion introduced by William Rice, the Board adopted the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Board approves the site plan amendment to expand the previously approved 4786 square foot Cumberland Farms convenience store by 489 square feet with the condition that the Applicant complies with the requirements of Ryan Riper, the Town Engineer’s letter dated June 15, 2017. There are no new or different environmental impacts requiring further SEQRA review. The property is located at 571 Maple Avenue, Tax Map No. 153.-1-4 zoned CR-1. The motion is seconded by Mr. Van Earden and duly put to vote, all in favor, on this day June 21, 2017.

D. 360-370 RUGGLES ROAD 4-LOT SUBDIVISION: This is an application for revised conceptual review of a 4-lot subdivision. The property location is 360 -370 Ruggles Road on 10.62 acres Tax Map No. 129.-1-63 zoned R-2. Joe Dannible of EDP is here representing Eric Rice, the applicant. The conceptual application was presented to the Board in May of this year and the Board expressed some concerns over the curb cuts being proposed, one of the curb cuts had critically limited sight distance associated with it. The sight distance issue has been revisited, an updated sight evaluation has been provided by T.R. Johnson, Engineering, to the Town and the subdivision plans show that all four driveways are combined into one curb cut located on the northern portion of the property. At this location, the required sight distance for cars traveling along Ruggles Road would be 610 feet with some minimal clearing. Applicant is providing 620 feet doing some minor modifications and that is reflected in the letter from Mr. Johnson. The applicant is proposing a

conservation subdivision under the Town Code, which permits a reduction in the minimum lot requirements under R-2 zoning. Lot frontages on all four lots would be 117 feet, equally dividing the overall frontage in four lengths.

Mr. Riper has a question about the driveway and the option given of 35 feet south or north. Mr. Dannible would like to keep the driveway where it is. He describes the maintenance agreement that would have to be in place for the shared driveway. The northern driveway would be separated off divided along the property line and be 24 feet wide so that 12 feet would be dedicated to the remainder driveway that would be shared by the other three lot owners. Chairman Dobis brings up that there may be a potential safety issue when that driveway is snow plowed. Mr. Dannible states that will be worked out; there will be language on the plans about the maintenance agreement and there will be a formal document filed with the County. Since there is only one curb cut, the mail kiosk would have to occur within the easement area of that driveway. Mr. VanEarden asks about fire vehicles being accommodated. The turning radii for a fire vehicle getting into and out of that location has been calculated into the plans, the driveways are less than 500 feet to any one point, therefore there is no need to go to the full 26 foot wide section. If the fire department so desires and the Board agrees, a gravel access road could be added so that in the event of a fire the trucks have access without causing a hazardous condition. The gravel access would be restricted with a gate and a key for the fire department. Septic systems will be in the rear of the property with enough separation to accommodate a pool and a back yard; the wells will be in the front. Chairman Dobis asks about the removal of the heavy vegetation. Mr. Dannible indicates on the plan that in the lighter green area, an effort will be made to maintain as much vegetation as possible. Keeping those trees would be a benefit to the view shed of the road but also for the homeowners. Another benefit of the shared driveway is that it would provide a loop for kids to ride their bikes safely off the road.

Mr. Fish expresses his concern about the safety of the road coming up to the stop sign [at Taylor Road]. Chairman Dobis comments that if there is 600 feet of sight distance that shouldn't be an issue. Mr. Riper asks that the adjacent neighbors' wells be shown because of the septic systems in the rear yard, also the test pit locations should be provided. Mr. Dannible requests that if the plan received conceptual approval tonight, could a public hearing be scheduled. Mr. Riper indicates that the public hearing could be scheduled at the July meeting to be held in August. Chairman Dobis asks if there is a motion for conceptual. On a motion introduced by David Gabay,

NOW, THEREFORE, BE IT RESOLVED that the conceptual application by ER Design LLC for the 360-370 4-lot subdivision be approved. The motion is seconded by Ron Slone. Harold VanEarden, William Rice, Ron Slone, Michael Dobis, David Gabay and Erinn Kolligian vote aye. Richard Fish, Alternate votes nay. The resolution is passed by a majority vote on this day, June 21, 2017.

E. HIGH PEAKS SOUND: This is a site plan application and special permit review for construction of a 9600 square foot building with office space and ancillary storage. The property is located at 4272 NYS Route 50 on 3.1 acres, Tax Map No141.-2-76 zoned RB-1. Tom Andress of ABD Engineering representing Durrin, Inc., the applicant, describes the proposed site plan which will provide office space and storage for the equipment needed by Applicant to operate its business

of providing sound and lighting for live events in the Capital Region and Northeast. The new building will be set back at the rear of the property. The front building will be taken down but the single family home will remain. The existing well will be shared with the new building. The lighting on the building will be a residential type and 8 foot high light posts at the access point. Mr. Ripper reviews some of the items contained in his June 19, 2017 letter: for instance the Board must decide about the front 28 foot easement for lighting and sidewalk which are required in this zone and also street trees which are required unless waived by the Board. He mentions the 50 foot buffering and the rear yard connection with adjacent land owners that must be noted on the plans. Also the monument sign should not present any interference with sight distance. A drywell in a storm water management area for winter conditions must be shown. Because this plan is a proposed site for small business use, which is a specially permitted use in this RB-1 zone, the Board must review the requirements for a special permit. Once the site plan is deemed ready for preliminary review, the public hearing could be scheduled at the July 19th meeting and held on the August 16th meeting. On a motion introduced by Erinn Kolligian, the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED that the conceptual application by High Peaks Sound for the construction of a 9600 square foot building with office space and ancillary storage be approved. The motion is seconded by Ron Slone and duly put to vote, all in favor on this day June 21, 2017.

III. DISCUSSION: This is a proposal by Walmart, for an On-line Grocery Pick-up: installation of a six bay canopy, a wall sign and directional and parking stall signage for an on-line grocery pick-up area. The property is located on Lowes Drive, Tax Map No. 153.-3-110 zoned C-1. Sunday Bougher, from SGA Design Group is here to present the plan, along with several members of management of the local Walmart store. Several issues are brought up by the Board. The proposed site for the grocery pick-up area is located near the loading docks for the tractor trailers. Chairman Dobis expresses his concern about having passenger vehicles in proximity to large delivery trucks. Ms. Bougher states that with the exception of one delivery, the truck deliveries would take place outside the hours of 8 AM to 8 PM when the grocery pick-up service would be available. One of the questions is about the number of pick-ups per day expected; in other locations where this service is being offered, the average number is 5 to 15 orders per day. The number of pick-ups per hour can be controlled since the service is on-line and the times can be set by Walmart personnel. The projected number of pick-ups is 200 per week. Another concern is the location of the employee parking which was part of an approved amended site plan that resulted in the off-center intersection. Ms. Bougher indicates that the employee parking has been moved to another location. Captain Bullard of the Greenfield Fire Department states that no incidents have been reported regarding that intersection. Since there are no new structures, just a 5 bay canopy, the Board will have to decide whether the proposed site plan will be reviewed as amended or minor.

IV. ADJOURNMENT: Chairman Dobis asks for a motion to adjourn. On a motion introduced by Harold VanEarden, the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED that the meeting of the Planning Board be adjourned at 8:34 p.m. The

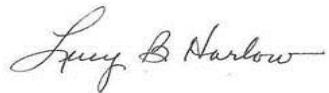
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motion is seconded by David Gabay and duly put to vote, all in favor on this day June 21, 2017.

Date Approved: July 19, 2017

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

Lucy B. Harlow, Executive Secretary