



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

(518) 587-1939  
FAX (518) 587-2837  
Website: [www.townofwilton.com](http://www.townofwilton.com)

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

MARK SCHACHNER  
Planning Board Attorney

LUCY B. HARLOW  
Secretary

**PLANNING BOARD**  
**JULY 19, 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  
JEFFREY HURT, Alternate

A meeting of the Wilton Planning Board (“the Board”) occurred on July 19, 2017 at the Wilton Town Hall, 22 Traver Road, Wilton, New York.

**PLEDGE OF ALLEGIANCE**

**I. 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 for the Town of Wilton will hold a PUBLIC HEARING to consider an application by John and Lisa Biss to subdivide a 4.17 acre parcel into 2 lots. Property located at 4250 NYS Rt. 50; SBL 141.-2-47; zoned RB-1.

**SAID PUBLIC HEARING** will be held on Wednesday, July 19, 2017 at 6:30 PM at the Wilton Town Hall, 22 Traver Road, Wilton, New York. At that time, all persons will be given a chance to be heard.

**By Resolution of the Planning Board for the Town Of Wilton, Saratoga County, State of New York.**

The Applicants, John and Lisa Biss, are present regarding their application for a 2-lot subdivision in order to separate the existing commercial use (storage units) from the existing residential use (single family home).

Chairman Dobis asks for any questions/comments from the audience: there are none. Chairman Dobis asks for comments /questions from the Board, there being none, he asks for a motion to close the public hearing. On a motion introduced by Harold VanEarden and seconded by Ron Slone the board adopts the following resolution:

**NOW, THEREFORE, BE IT RESOLVED**, the Public Hearing is closed at 6:32 PM. Ayes: Dobis, Gabay, Slone, VanEarden, Rice and Hurt.

**II. REGULAR MEETING:** Chairman Dobis calls the regular meeting to order at 6:32 PM. He requests a motion to address the June 21, 2017 Planning Board minutes.

**MINUTES APPROVAL:** Ron Slone moves, seconded by David Gabay, for the approval of the meeting minutes of June 21, 2017 as written. Ayes: Dobis, Gabay, VanEarden, Slone and Rice. Opposed: None.

**CORRESPONDENCE:**

**IN ATTENDANCE:** Those present at the July 19, 2017 Planning Board (“the Board”) meeting are: Chairman Michael Dobis, David Gabay, Harold VanEarden, William Rice, Ron Slone and Jeffrey Hurt, Alternate; Ryan K. Riper, P.E., Director of Planning and Engineering and Mark Schachner, Planning Board Attorney and Amy DiLeone. Absent: Brett Hebner, Erinn Kolligian and Richard Fish, Alternate. Also present are: David Bogardus, Doug Heller, Captain Bullard, Tom Andress, Daniel Beckstrom and Jack Fleming.

**INTRODUCTION OF NEW PLANNING BOARD MEMBER:** Chairman Dobis would like to introduce the new alternate member of the Planning Board, Jeffrey Hurt and to welcome him.

**III. APPLICATIONS:**

**A. BISS 2-LOT SUBDIVISION:**

John and Lisa Biss are here to present their subdivision application to separate the property with business use from the property with residential use. The parcel is located at 4250 NYS Route 50 on 4.17 acres, Tax Map No. 141.-2-47 zoned RB-1. The Chairman requests Mr. Riper’s comments. Mr. Riper requests that the Subdivision Standard Notes be added; he will send those to the surveyor. The signature block for the Planning Board Resolution can be left blank.

Mr. Riper states that the Biss parcel is in the RB-1 zone. He refers the Board to the Saratoga Sports Club site, to the north, which recently went through site plan review and the Board requested the applicant provide a utility easement. A utility easement is not required for subdivision, but may be a consideration in light of potential future utilities, like water or sewer. Mr. Riper states that an easement would be required on the commercial parcel if a site plan application was considered since it is in the RB-1 zone. Ms. Biss asks if there are any utilities currently on NYS Rt. 50. He responds that the closest water line is on Old Gick Road and on Ingersol. Mr. Biss: so the easement is just a line where the utilities would be placed underground. Mr. Riper states there is a 30 foot setback for a building or structure in the RB-1 so nothing could be built in that area. Since the Applicants’ garage is within 20 feet of the right-of way, the easement would be reduced to allow for that. Mr. Gabay confirms that the Applicants would not be forced to alter their existing structures if in fact utilities were installed. It will be stated so in the minutes states Mr. VanEarden. Applicants agree to have the easement on the final plans. Mr. Riper will contact Jim Vianna, the surveyor about the changes.

The Chairman requests that the SEQRA review proceed: Mr. Schachner confirms that the Applicants provided a Short Form EAF – Part I completed and signed on May 11, 2017. The Board has copies of the Short Form EAF Part II so that the impacts may be assessed. The Board, with the assistance of Mr. Schachner, reviews the 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 having been completed, Chairman Dobis asks for a motion for negative declaration on SEQRA. On a motion introduced by David Gabay, the Board adopts the following resolution:

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board for the Town of Wilton adopts a negative declaration on SEQRA in connection with the Biss 2-lot Subdivision Application. The motion is seconded by Ron Slone and duly put to vote, all in favor, on this day, 19th day of July, 2017.

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 preliminary 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 William Rice and duly put to vote, all in favor on this day, July 19, 2017.

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Board approves the final application by John and Lisa Biss for a 2-lot subdivision located at 4250 NYS Route 50 on 4.17 acres, Tax Map No. 141.-2-47 zoned RB-1, with the following condition: that an easement for utilities is shown on the final subdivision plans. The motion is seconded by Ron Slone and duly put to vote, all in favor on this day, July 19, 2017.

**B. 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. The Applicant’s representative Tom Andress of ABD Engineering is requesting that a public hearing be scheduled.

High Peaks Sound is a company that installs the sound towers and lighting for stage events and for permanent installations. The company would like to build a 9600 square foot building which will have an office and storage for equipment. 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 behind it will remain.

The entrance will be paved and an area will be created for the parking for the home. The access from NYS Rt. 50 will continue around the new building, there will be some docks in the rear and space for the employees to park. He indicates where wood line would remain and provide some buffer. There will be new plantings in the front. There will be a sign with plantings around it. There is an existing well and septic. Storm water management is provided in the rear of the site. The easement to the Town is shown. Provision has been made for the cross-access in the rear of the property as required in the RB-1 zone to allow access if the properties on each side develop in a commercial manner. There will be residential style lighting on the building and the light posts coming in will be 6 foot high residential type. Other details on the site plan are described. Mr. Riper refers to his letter of July 11, 2017 and comments that most of the items have been addressed. There being no other questions, Chairman Dobis schedules the public hearing for August 16, 2017 at 6:30 PM.

**C. AIM SERVICES OFFICE EXPANSION:** This is an application for an amended site plan to construct an addition of 10,810 square feet to the existing AIM Services office building. The property is located at 4227 NYS Rt. 50 on 37.02 acres, Tax Map No. 141.-2-26, zoned RB-1. Doug Heller from the LA Group is present with Jack Fleming from AIM Services and also Jason Brown, the architect. Mr. Heller describes the project location where the existing AIM building is, a half mile northeast of Jones Road. Mr. Heller states the first phase of the project was approved in 2010 which included the 20,000 SF building and parking lot. Also part of the approval was a future addition that was included in the plans and was part of the SEQRA review process. With the new addition there will be 56 additional parking spaces and some modifications will be made to the existing parking. The July 6, 2017 review letter from Saratoga County questioned the number of parking spaces. Mr. Heller states that the parking is inadequate now and the addition all 56 spaces will be needed. The existing well will be used. There will be a new waste water treatment system that will be completely separate. The architect, Mr. Brown, describes how the new structure will complement the original. The addition will tie into reception area of the existing building. It will be a two-story addition that fits within the zoning requirements. The percentage of green space on the 37 acre property is 93%.

In the July 12, 2017 letter by Mr. Riper, comment number 7 is regarding the utility easement requirement in the RB-1 zone. There was no easement included in the original site plan. It is the Board's decision whether or not to waive the requirement for a utility easement, sidewalks, street trees and lighting. The Chairman asks for the Board's input. Mr. Heller interjects that due to the location of the wastewater system, which is 20 feet away from the property line, he would request that if an easement is required, that it be reduced to 20 feet. Mr. Riper indicates there is flexibility. Mr. Gabay comments that the requirement for sidewalks, street trees and lighting is burdensome.

The Chairman asks for questions or comments before a motion for amended is introduced. There are no further comments by the Board. 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 AIM Services for the addition of a 10,810 square foot building with the following conditions: that a 20 foot easement for utilities is shown on the final plans; that the Planning Board waive the requirements for

sidewalks, street trees and lighting; and further, that Applicant comply with of the Town Engineer's letter dated July 12, 2017. There are no new or different environmental impacts requiring SEQRA review. The property location is 4227 NYS Route 50, Tax Map No. 141.-2-26 zoned RB-1. The motion is seconded by Harold VanEarden and duly put to vote, all in favor on this day, July 19, 2017.

**D. WALMART: SITE PLAN AMENDMENT FOR ON-LINE GROCERY SERVICE:** SGA Design Group has submitted an application for minor site plan review to install a four bay canopy, a wall sign and directional and parking stall signage for an on-line grocery pick-up area at the Walmart store. The property is located on 16 Old Gick Road, Tax Map No. 153.-3-110, zoned C-1. Dan Beckstrom is here on behalf of Walmart. The on-line grocery program is a new program for Walmart and it involves the customer going on-line, making a grocery order and selecting the time of day when they want to pick up the order. They would drive to the store; follow the signage to the designated parking spaces on the right side of the building towards the rear. Each parking space would be numbered and have a phone number to call for an employee who would gather the groceries for the associated parking space number and deliver them to the customer's car. Four of the spaces will have a canopy with signage for on-line pick-up. Adjacent to that will be an additional parking space, some access points for vendor deliveries and a delivery door to bring out the groceries.

Mr. Beckstrom reviews the concerns that were brought up by the Board at a prior meeting with Sunday Bougher with SGA Design. A major concern was the potential for incidents between vendor delivery traffic and the customer pick-up traffic. The solution is that the majority of vendor deliveries will be made before 5 AM and Walmart is in the process of getting the vendor delivery schedules worked out. The on-line service will be from 8 AM to 8 PM. Spaces will be added across the driveway for vendors to park while the grocery service is in operation. Another concern was about parking of commercial trucks along the side parking area adjacent to Lowes. Signs will be placed there indicating no truck parking is allowed. The entrances to the site, the one off of Old Gick and the other off of Lowe's Drive, will have pavement markings for the on-line grocery with an arrow pointing to where the groceries can be picked up, together with signage at both entrances and throughout the drive aisle to direct customers. Mr. Beckstrom asks for clarification about additional pavement markings that were asked for regarding those two entrances. Mr. Riper refers to the roadway striping, stop and turn arrows on Lowes Drive entrance which have worn away and need to be maintained. When exiting the Walmart site onto Lowes Drive, there is a right turn lane, a left turn lane as well as the entrance lane. He would like to see new pavement markings incorporated into this project. Also down the main drive aisle, there used to be a double yellow line which is very faded. This would be a good time to update the striping in the parking lot especially along the main drive aisle. This was requested at the last site amendment and it was not done. Mr. Riper mentions that the canopy dimensions from the architectural renderings and the architectural structural drawings are different. That will need to be updated. Also it would be up to the Board whether to have the delivery truck time restrictions on the plans so there will be a record which will help with enforcement. The Board Members concur. Mr. Beckstrom will verify with Walmart the delivery restrictions and ascertain if there are any deliveries that cannot meet the new time frame. Mr. Riper asks if the emergency services and fire department have been sent the site plan. Also the Town

Standard Notes need to go on the drawings. These items are in his July 12, 2017 review letter. Applicant's responses to Mr. Riper's comment letter will be forthcoming as well as any plan revisions.

There is a brief discussion of the differences in two other Walmart sites with the grocery service. Chairman Dobis noticed at the Clifton Park Walmart that there are no canopies, there was a large parking area and there didn't seem to be a safety issue. Mr. VanEarden visited the site in Glenville where the grocery pick-up was part of the parking lot; an area with signage had 6 spaces off the main drive aisle in front of the Walmart which had been sectioned off and when you pulled in you could call the number or walk inside and present your order. This is in contrast to having the service at the rear of the Walmart building, the plan which is being offered tonight. The concern here is the trucks coming in where there are cars backing out. Mr. Hurt asks about the potential traffic flow where the tractor trailers park and the access through the driveway adjacent to the YMCA. That access is still available says Mr. Beckstrom and is probably for fire trucks. There's been no report of any incidents. Commercial vehicles from Walmart do not exit through the YMCA driveway. There follows a discussion about a possible rear-lot connection between Lowes and Walmart in the future which Chairman Dobis suggests be put on the plans. The public hearing is scheduled for August 16<sup>th</sup> at 6:31 PM. The deadline for submittal is August 1<sup>st</sup>.

**E. SPENCER 8-LOT CONSERVATION SUBDIVISION:** This is the final application for an 8-lot subdivision to be known as The Conservation Subdivision for Lands of Catherine H. Spencer, Stephen K. Spencer and David R. Spencer, property located on the west side of Edie Road near NYS Route 50 on 21.25 acres, Tax Map No. 141.-2-16.111, zoned R-2. Mr. Riper states that the Applicant submitted revised drawings today that took care of some items on his review letter of July 14, 2017, the rest are mostly administrative, like the deed restriction language. Mr. David Bogardus says that in terms of engineering, everything on Ryan's list has been completed. One exception is the restrictive covenant language that is at the lawyer's office. Mr. Slone asks about the postal boxes and is told that the Saratoga Springs Postmaster has allowed mailboxes on each individual lot. The Applicant is looking for final approval conditioned upon compliance with the requirements of the July 14, 2017 letter from Mr. Riper. On a motion introduced by Ron Slone, the Board adopts the following resolution:

**NOW, THEREFORE, BE IT RESOLVED,** that the Board approves the final application by Steven K. Spencer for an 8-Lot Conservation Subdivision to be known as the Conservation Subdivision for Lands of Catherine H. Spencer, Stephen K. Spencer and David R. Spencer contingent upon Applicant's compliance with the requirements of Ryan Riper, the Town Engineer's letter dated July 14, 2017. All requirements under SEQRA have been met. The property is located on the west side of Edie Road near NYS 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, July 19, 2017.

Mr. Bogardus inquires about the payment of the park and recreation fees. Mr. Spencer is told that the fees are due upon final approval and that the mylars won't be signed until all fees are paid.

**F. 360-370 RUGGLES ROAD 4-LOT SUBDIVISION:** This is a preliminary application for 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. Mr. Riper indicates that the Applicant is not present. Joe Dannible, the Applicant's Representative has requested that the public hearing for the project be scheduled tonight. There are no significant changes but Mr. Riper has requested that the subdivision name, "Ruggles Preserve" be changed. Also the fire access road that was previously discussed is not a requirement of the Fire Department Code and should be removed from the plans. The public hearing is scheduled for August 16, 2017 at 6:32 PM.

**IV. PRE-APPLICATION AND REFERRAL: Stewart's Shops and the Adirondack Trust Bank** plan to merge 3-lots to construct a building to house a Stewart's Convenience Store and a branch office of the Adirondack Bank with a drive-through. The site is located at Northern Pines Road and US Rt. 9 on 1.77 acres, zoned H-1. Chris Potter from Stewart's Shops and Dean Kolligian from Adirondack Trust Bank are here to present the joint redevelopment of the two businesses that back up to Davidson Drive. Mr. Potter says once the interior layouts are determined, the square footage is going to be increased: Stewart's will have 4000 and the Adirondack Trust will have 2500 for a total of 6500 square feet. There will be 50 parking spaces combined between the two uses. There will be two gas canopies, one (20' x 90') with 6 fueling points on the US Rt. 9 side and one (20' x 46') on the Northern Pines side with four fueling points. Diesel gas will be offered. The bank will have a drive-thru with three lanes; two transactional lanes and an ATM lane. Driveway points will remain; the access on Northern Pines will be a right-in entrance only and be reduced to 16 feet. The width of the access on Davidson will also be reduced. A permit will be needed from NYS Department of Transportation for added sidewalks (that will include required lighting) and repaving of driveway access on US Rt. 9 (width will be increased to 30 feet). The fuel truck circulation is explained and is on the plans. The timing of the site demolition and new construction is explained. The plan is to have the bank open this year. The new building footprint is beyond the existing Stewart's building which will stay open during construction. There are two fronts: main front on US Rt. 9, another on Northern Pines. Chairman Dobis asks about any changes to the lighting. Dean Kolligian states the new lights will be LED pole lights which must comply with NYS Bank Requirements for ATM's, lumens and distance. Lights will be far less blinding, poles will be shorter and disbursement of light distribution will be improved, less spillover. He describes the plan for the new Adirondack bank; the drive through will be more convenient; the focus is on the interior layout. There will either be a shared entrance or a vestibule that would be accessible from both sides. The overall building size of the bank will be 1500 square feet less than the previous bank building. The plan is similar to the site at Luther Forest. There will be a different porch and roof treatment. The bank will have a bigger identity and be clearly defined. Architectural materials and renderings will be submitted.

Captain Bullard comments that access to water needs to be addressed by the Board as the whole US Rt. 9 corridor starts to develop. Around the new Cumberland Farms site there is a section with no hydrants. The Maple Avenue Fire Department had to tap the County hydrant when there was a fire, which is not allowed. There is a hydrant at CVS that's dry. The water and sewer at Park Place would be the most straightforward connection but that means working with DOT. The closest is the connection to water and sewer on Davidson and Waterwheel Drive. He suggests a dry sprinkler system like the one at CVS. Mr. Potter says it's not a requirement of the building code. With over an acre of disturbance, a SWPPP must be provided. Storm water management has to be analyzed and addressed; there can be no offsite drainage. The plan includes underground pipe-array systems by

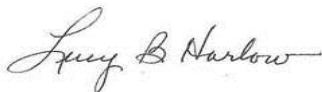
infiltration. The big concern is the runoff; double pre-treatment will be utilized due to potential gas spills. Existing wells that are onsite will be used for water. The application to ZBA was based on first set of building plans. Those plans will be updated and the application re-submitted by the deadline on August 8<sup>th</sup>. The required greenspace is 35% and the Applicants are requesting a reduction to 19%. The building setback in the Hamlet is 15 to 25 feet; the proposed Stewarts/Adirondack building is 140 feet back from Rt. 9. The setback to Northern Pines is 117 feet. The side yard is 67 feet. It is considered to have 3 fronts and one side. Since canopies are considered structures not buildings, the setback requirements may not apply to them. That is a question for the Zoning Officer. A signage variance will be handled by the ZBA. Mr. Rice asks if a recommendation is needed from the Planning Board for this to go to the ZBA. Mr. Schachner responds: for the ZBA to decide on the requested variances, they could use a recommendation. There will be another Planning Board meeting on August 16<sup>th</sup>, prior to that ZBA meeting. This being the case, Chairman Dobis comments, this is a pre-application, not a referral since the application for variances hasn't been submitted.

This is a very challenging business corner location. Ron Slone says site plan is inconsistent with the Hamlet vision. It is an improvement but not close to meeting the requirements of the H-1 zone. William Rice comments that the plan is consistent with the existing use of that corner. Harold VanEarden says the corner has always been problematic. His view is that the new plan has many improvements and is safer from a fire perspective. David Gabay acknowledges that there is little likelihood that the corner could ever be compliant with hamlet zoning. The new plan is an improvement in terms of traffic flow and the addition of sidewalks and street lights. There should be more focus on US Rt. 9 frontage and on Northern Pines: increase the greenspace and landscaping there. By moving the new building and canopy back 8 feet and paving to the property line adjacent to Davidson, there would still be six feet of grass between the property line and the sidewalk. Six to eight feet will be gained at the front and the greenspace along Rt. 9 can be expanded and quality of landscaping intensified. Discussion of the 5 parking spaces at the corner of US Rt. 9 and Northern Pines being eliminated which would yield more greenspace: sixty spaces are required based on square footage, the current plan has fifty and a 10 space waiver will be needed. Chairman Dobis encourages the Board to visit the site. Also take a look at the Luther Forest site, Route 67 heading east off Exit 11.

**V. 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 8:40 p.m. The motion is seconded by David Gabay and duly put to vote, all in favor on this day July 19, 2017.

Date Approved: August 16, 2017



Lucy B. Harlow, Executive Secretary