



**TOWN OF WILTON
22 TRAVER ROAD
WILTON, NY 12831-9127
(518) 587-1939**

PLANNING BOARD

William Rice,
Chairman
Harold VanEarden,
Vice Chairman
Michael G. Dobis
Ron Slone
David Gabay
Brett Hebner
Jeffrey Hurt
David Catalfamo &
Michael Coleman
Alternates

Amy Dileone
Executive Secretary

Ryan K. Riper, P.E.
Director of Planning &
Engineering

Mark Schachner
Planning Board Counsel

PLANNING BOARD September 15, 2021

A meeting of the Wilton Planning Board ("the Board") occurred on September 15, 2021, at 6:30 P.M., at the Wilton Town Hall, 22 Traver Road, Wilton New York 12831.

PLEDGE OF ALLEGIANCE

I. CALL TO ORDER:

At 6:31P.M., Chairman Rice opens the Public Hearing.

II. PUBLIC HEARING:

A. Target - Solar Roof: EnterSolar, LLC: Application for Target - Solar Roof by EnterSolar, LLC for Special Use Permit and Minor Amended Site Plan for the installation of a solar photovoltaic system on the rooftop of Target's distribution center. Property located on 129 North Rd on 131.26 acres, Tax Map No(s). 115.-1-44; zoned I-1.

The following Notice of Public Hearing was advertised in the Saratogian Newspaper:

PLEASE TAKE NOTE that the Planning Board for the Town of Wilton will hold a **PUBLIC HEARING** for Target - Solar Roof by EnterSolar, LLC for a Special Use Permit and a Minor Amended Site Plan for the installation of a solar photovoltaic system on the rooftop of Target's distribution center. Property located on 129 North Rd on 131.26 acres Tax Map No. 115.-1-44; zoned I-1.

SAID HEARING will be held on Wednesday, September 15, 2021, at 6:30P.M. at 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.

James Holloway, the project manager, is here representing EnterSolar for Target

There are no comments or questions from the public.

Mr. VanEarden moves, seconded by Mr. Gabay to close the Public Hearing.

III. REGULAR MEETING:

PRESENT: Chairman William Rice, Harold VanEarden, Michael Dobis, Ron Slone, David Gabay, Jeff Hurt, Dave Catalfamo Alternate; Ryan K. Riper, P.E., Director of Planning and Engineering, Mark Schachner, Planning Board Counsel, Josh Carlsson, Land Use Administrator, and Amy DiLeone, Executive Secretary

ABSENT: Brett Hebner, Michael Coleman

MINUTES APPROVAL: Mr. Slone, seconded by Mr. Gabay for the approval of the meeting minutes of July 21, 2021, as written. Ayes: Chairman Rice, Mr. VanEarden, Mr. Dobis, Mr. Slone, Mr. Gabay, Mr. Hurt, and Mr. Catalfamo, Alternate

CORRESPONDENCE: None other than that relating to current applications before the Board.

IV. APPLICATIONS:

A. Target - Solar Roof: EnterSolar, LLC: Application for Target - Solar Roof by EnterSolar, LLC for Special Use Permit and Minor Amended Site Plan for the installation of a solar photovoltaic system on the rooftop of Target's distribution center. Property located on 129 North Rd on 131.26 acres, Tax Map No. 115.-1-44; zoned I-1

Application by EnterSolar, LLC for Minor Amended Site Plan for Target - Solar Roof for the installation of a solar photovoltaic system on the rooftop of Target's distribution center. Property located on 129 North Rd on 131.26 acres, Tax Map No. 115.-1-44; zoned I-1.

James Holloway, the project manager, is here representing EnterSolar for Target.

There are no questions or comments from the Board.

Mr. Riper, Town Engineer addresses the items in his review letter dated September 10, 2021, to the Board.

There are no comments from the Board.

On a motion introduced by Mr. Gabay, the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby grant the Application by EnterSolar, LLC for Special Use Permit for Target - Solar Roof for the installation of a solar photovoltaic system on the rooftop of Target's distribution center. Property located on 129 North Rd on 131.26 acres, Tax Map No. 115.-1-44; zoned I-1.

The motion is seconded by Mr. VanEarden and duly put to vote, all in favor, on September 15, 2021.

On a motion introduced by Mr. Slone, the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Town of Wilton Planning Board has approved the Application by EnterSolar, LLC for Minor Amended Site Plan for Target - Solar Roof for the installation of a solar photovoltaic system on the rooftop of Target's distribution center. Conditioned upon compliance with the Town Engineer, Ryan Riper's review letter dated September 10, 2021. Property located on 129 North Rd on 131.26 acres, Tax Map No. 115.-1-44; zoned I-1.

The motion is seconded by Mr. Gabay and duly put to vote, all in favor, on September 15, 2021.

B. Seasoned Gourmet Firewood - Exit 15N: Louis P. Faraone: Application by Louis P. Faraone for 90-Day Extension for Seasoned Gourmet Firewood - Exit 15N for a subdivision of a pre-existing, non-conforming commercial retail use. Property located on 4226 Route 50 on 13.33 acres, Tax Map No's. 141.-2-66, 141.- 1-6, 141.-2-54, 141.-1-33 and a portion of 141.-1-31.1; zoned RB-1.

Justin Grassi, attorney is here to represent Louis P. Faraone for 90-Day Extension for Seasoned Gourmet Firewood.

Attorney Grassi:

- Back on March 17, of 2021 we secured subdivision approval.
- We were subdividing 6.53 acres of that minor subdivision resulting in one extra lot that would be incorporated into our site plan.
- The only item of the approval that is left is a permit from DOT to revise the main entrance of the site
- We are requesting a 90-day extension to complete the permitting process for DOT.

There are no questions or concerns from the Board.

On a motion introduced by Mr. VanEarden, the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Town of Wilton Planning Board has approved the Application by Louis P. Faraone for 90-Day Extension for Seasoned Gourmet Firewood - Exit 15N for a subdivision of a pre-existing, nonconforming commercial retail use. Property located on 4226 Route 50 on 13.33 acres, Tax Map Nos. 141.-2-66, 141.-1-6, 141.-2-54, 141.-1-33 and a portion of 141.- 1-31.1; zoned RB-1. There are no new or different environmental impacts requiring further SEQRA review.

The motion is seconded by Mr. Gabay and duly put to vote, all in favor, on September 15, 2021.

C. 148 Edie Road Conservation Subdivision, New York Development Group: Application by New York Development Group to set a Public Hearing for Preliminary Subdivision for 148 Edie Road Conservation Subdivision for a thirty-eight (38) lot conservation subdivision. Property located at/on 148 Edie Rd on 87.04 acres, Tax Map No. 141.-2-80; zoned R-2.

Site Statistics:

Scott Lansing, Lansing Engineering, is here representing New York Development Group Saratoga for the Edie Road Subdivision.

- We are here tonight for Preliminary Subdivision review. We are hoping to obtain input from the Board and set a Public Hearing.
- The project is 86.89 acres, it is zoned R-2.
- We are proposing to maintain the homestead lot and that is on approximately 2.03 acres.
- There are 38 lots on the project. That does include a 10% density increase and we are achieving that by dedication of open space lands to the Town.
- The lots are proposed to be 40,000 sq. ft. minimum, 125 ft. minimum for frontage, 25 ft. front yard setback, 20 ft. side yard setback, and 50 ft. foot rear yard setback.
- The roads will be approximately 3,682 linear feet and will be dedicated to the Town.
- There was a question about sight distance and elevation. We worked with the Town Engineer, Ryan Riper and the Highway Superintendent, Kirkland Woodcock to locate a point where they were happy with the access on the project.
- We are proposing public water and we think we have the resolution on how that can be done. We worked with Mr. Riper and Mr. Mooney, there is a section that is going to go over Loudon Road to the intersection of Loudon Road and Edie Road.
- The open space being dedicated to the Town is along the Bog Meadow and there is a proposed trail system along that area.

Mr. Riper, Town Engineer addresses the items in his review letter dated September 9, 2021, to the Board.

The Public Hearing for Preliminary Subdivision approval is set for October 20, 2021, at 6:30P.M.

D. Perry Crossing, FFBWOOD#2, LLC: Application by FFBWOOD#2 LLC for Conceptual Subdivision for Perry Crossing for a four (4) lot commercial subdivision for the construction of two (2) separate retail buildings and a separate bank with drive up window. Property located at/on Route 50 and Perry Rd on 5.12 acres, Tax Map No. 153.-3-90.5; zoned C-1.

Application by FFBWOOD#2 LLC for Conceptual Site Plan for Perry Crossing for the construction of two (2) separate retail buildings and a separate bank with drive up window. Property located at/on Route 50 and Perry Rd on 5.12 acres, Tax Map No. 153.-3-90.5; zoned C-1.

Luigi Palleschi, ABD Engineering, Wendy Holsberger, VHB Engineering, Traffic Engineer, and Marybeth Slevin, who is counsel for the applicant are here tonight representing Perry Crossing, FFBWOOD#2, LLC.

Chairman Rice is asking the Board to address the Subdivision first.

On a motion introduced by Mr. Slone, the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Town of Wilton Planning Board has approved the Application by FFBWOOD#2 LLC for Conceptual Subdivision for Perry Crossing for a four (4) lot commercial subdivision for the construction of two (2) separate retail buildings and a separate bank with drive up window. Property located at/on Route 50 and Perry Rd on 5.12 acres Tax Map No. 153.-3-90.5; zoned C-1.

The motion is seconded by Mr. VanEarden and duly put to vote, all in favor, on September 15, 2021.

Site Statistics:

- Perry Crossing is located at the northwest corner of Route 50 and Perry Road. To the south is the existing Shoppes of Wilton and to the north is Pyramid Pines Mobile Home Park.
- The 5.12 acres parcel is located on both sides of Perry Road and is zoned C-1.
- The applicant is looking to subdivide the parcel into four lots.
- Three of the parcels would be on one side of Perry Road and the fourth would be on the opposite side.
- Potential tenants include Advanced Auto, a tire store, and Sunmark Credit Union with a drive thru access form the site via full curb cut access off Route 50 as well as off Perry Road.
- There will be interconnections with the existing Shoppes of Wilton.
- There is an agreement with Pyramid Pines back in 2002, the agreement was to extend this concrete wall a certain distance, as well as install eight-foot-high pine trees on the Pyramid Pines side. So that is what we are proposing on this plan.
- We are also adding additional pine trees, beyond the requirement of the agreement, to Perry Road, as shown on the plan.
- Wendy Holsberger: We did complete a detailed traffic evaluation of this site, primarily focusing on the Perry Road and Route 50 intersection and the two site access points. This site with the three land uses proposed is based on the Institute of Transportation Engineers, trip generation, we looked at the P.M. and Saturday due to the commercial retail peaks of these facilities is about 40 trips in and out during the P.M. peak hour, and about 60 trips in and out during the Saturday peak hours. The focus we knew was going to be, on the Route 50 access. We looked at our level service analysis, after we projected the volumes and did the comparisons, on all three intersections, the two side driveways as well as the Perry Road and Route 50 intersection. One of the things we looked at years ago, was the left turn lane installed on Route 50 and Perry Road, it is a very long lane that extends across most of the project frontage. One of the things we observed during the same peak hours, the P.M., and the Saturday, that we studied. We went to the site and observed the queuing to see if the queues of vehicles waiting on Route 50 to turn onto Perry, that would impact or interact with this driveway. We found that the queues were very short in the P.M., there was only one queue of four vehicles, that does not really come close to extending the remainder of the time. There were a few times that there were two vehicles and the same on Saturday, there was one instance where we observed two. The rest of the time it was one vehicle. Then we also looked at crashes pre-COVID. There were seven crashes that were documented in three years, so about two per year. New trips in the P.M. were 78 in the peak hours and, 125 on the Saturday.
- The number of parking spaces is discussed. The Board would like to see less parking spaces and black top then is depicted on the Site Plan.
- The four-lot subdivision meets zoning. The fourth lot across the street on Perry Road is discussed.
- The Board makes a motion to approve the Conceptual four-lot subdivision.
- Full access to the site was discussed.
- Mr. Bogardus, Greenfield Fire Chief disagrees with the number of crashes reported in the traffic report by VHB. Mr. Bogardus says there were many more crashes at the Route 50 and Perry Road intersection.
- The Board is requesting more information from DOT on the full access and their ability to limit the full access.
- More information is requested on the crashes reported.

- There are a significant number of comments in the Town Engineer, Mr. Riper's review letter of the project.
- The Board is very displeased with the placement of the Credit union building and would like to see it changed.
- The storage of used tires was discussed.
- The Board is asking to see the perspective of the project from traveling north and south on Route 50.

Mr. Riper, Town Engineer addresses the items in his review letter dated September 10, 2021, to the Board.

- There are a significant number of items to be addressed.
- The buffering between Pyramid Pines and what it is going to look like.
- Attorney Slevin is saying there have been multiple meetings with Pyramid Pines. Attorney Slevin: We're happy to augment the buffer based on our discussions with Pyramid Pines and we have indicated to them that we are prepared to do that. But what we are not prepared to do, because we have tenant obligations, is to agree to operational limitations and other limitations on the site, which would impair our ability to get tenants and to maintain those tenants.
- Mr. Riper: There's been a lot of discussion on some large items tonight. It is my opinion, but you do not have to grant Conceptual approval tonight. They can come back with, some changes, and get the Board some answers, before moving forward, with setting a Public Hearing.
- Pedestrian accommodations are being discussed. Crosswalks and sidewalks discussed.
- The Board is choosing not to give Conceptual approval or set the Public Hearing tonight.
- The Board is going to delay the Public Hearing for the Subdivision until the Site Plan receives Conceptual approval. The Public Hearings will be held simultaneously after Conceptual approval is granted.

There will be no further action taken on this project tonight.

E. Verizon Wireless "McGregor Golf" Telecommunications Facility: Cellco Partnership

d/b/a Verizon Wireless: Application by Cellco Partnership d/b/a Verizon Wireless for SEQRA Declaration for Verizon Wireless "McGregor Golf" Telecommunications Facility for a proposed telecommunications facility to include a 120' tall (124' w/ lighting rod) monopole and related telecommunication equipment within a fenced compound. Property located at/on 240 Northern Pines Rd on 22.8 acres, Tax Map No. 127.-2-38.112; zoned R-1.

Dave Brennan of Young and Sommer, Sarah Coleman, Aerosmith Development, Dave Andres, Verizon Radio Frequency Engineer, are here to represent Cellco Partnership d/b/a Verizon Wireless for SEQRA Declaration for Verizon Wireless "McGregor Golf" Telecommunications Facility for a proposed telecommunications facility.

Site Statistics:

Attorney Brennan:

- The balloon fly visual evaluation that was done,
- We took several pictures, including those that were requested by this Board and the Zoning Board.

- It came back better than I had expected, very little to almost no visibility from any location even standing right across the street from it.
- We will design the tower basically is a monopole, over reinforced the first section and you leave the second section normal so that if there is a significant wind or storm event it would collapse in its middle rather than pivot on its base. Even if it pivots on its base, we are at 124 feet, we need 186. It is not going to pick up and move, but we will design it to address that concern from the Zoning Board. And,
- We also submitted, a study from a professional engineer with respect to the radio frequency transmissions out of the site, as compared to the FCC limits. What we have indicates that it is at or below 1%, of what the FCC allows, even if we are transmitting analog channels at full power.

Town Counsel Mark Schachner reads the Full Environmental Assessment Form Part II questions 1-18 to the Board.

All questions were answered “No” with all subsequent questions answered “No” or “Small” with exceptions of the following questions:

1. Impact on Land (Yes); subsequent questions answered “No” or “Small”
Minor alteration, no impact
14. Impact on Energy (Yes); subsequent questions answered “No” or “Small”
Minor increase in electricity
15. Impact on Noise, Odor, and Light (Yes); subsequent questions answered “No” or “Small”
Minimal noise from the generator and light from equipment

On a motion introduced by Mr. VanEarden the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby move for a negative declaration on SEQRA for the Application by Cellco Partnership d/b/a Verizon Wireless for Verizon Wireless "McGregor Golf" Telecommunications Facility for a proposed telecommunications facility to include a 120' tall (124' w/ lighting rod) monopole and related telecommunication equipment within a fenced compound. Property located at/on 240 Northern Pines Rd on 22.8 acres, Tax Map No. 127.-2-38.112; zoned R-1.

The motion is seconded by Mr. Gabay and duly put to vote, all in favor, on September 15, 2021.

There are no comments from the Town Engineer, Ryan Riper.

There are no comments from the Board.

The Public Hearing is set for October 20, 2021, at 6:31 P.M.

F. 570 Maple Avenue - Business Office Conversion, Cecil Provost: Pre-Application and recommendation to the ZBA by Cecil Provost for 570 Maple Avenue - Business Office Conversion for converting an existing residential home to business offices and the area variances required for the conversion. Property located at/on 570 Maple Ave (Rte. 9) on 1.873 acres, Tax Map No. 153.5-1-16; zoned CR-1.

Cecil Provost, the applicant is here to present the Pre-Application.

Site Statistics:

- Property location is 570 Maple Avenue.
- Residential home to be converted into business offices.
- Area variances are needed for this project.
- Looking for a positive recommendation to the ZBA.
- Removal of a garage and a shed.
- Eighteen parking spaces required, and we are proposing nine.
- Buffer required along the driveway; the adjacent landowner would like a fence. We are proposing an 8 ft. fence.
- The Board would like a professional Site Plan to be submitted.
- Stormwater will have to be addressed.
- No changes are proposed to the entrance on Route 9.

On a motion introduced by Mr. Gabay the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Town of Wilton Planning Board has moved for a favorable recommendation to the Zoning Board of Appeals for the Application by Cecil Provost for 570 Maple Avenue - Business Office Conversion for converting an existing residential home to business offices and the area variances required for the conversion. Property located on 570 Maple Ave (Rte. 9) on 1.873 acres, Tax Map No. 153.5-1-16; zoned CR-1

The motion is seconded by Mr. VanEarden and duly put to vote, all in favor, on Sept 15, 2021.

G. Wilton Plaza: R/H Route 50, LLC: Application by R/H Route 50, LLC for Recommendation to ZBA for Wilton Plaza for an area variance to install additional dumpsters and a parking variance to reduce parking. Property located at/on 3057 Route 50 on 4.07 acres, Tax Map No. 153.-3-117; zoned C-1.

Attorney Jon Lapper and Gregg Ursprung, Bergmann Engineering are here to represent R/H Route 50, LLC.

Site Statistics:

Attorney Lapper:

- In order to facilitate the connection to the Wilton Mall, we must find a place for five dumpsters, three dumpsters plus two for recycling.
- There are more service businesses in the plaza than when it first started that is why they need five dumpsters.
- The location that is proposed is the reason we need the setback variance. We have to push the dumpsters away from the drive aisle, so they will not interfere with the cars driving between the Wilton Mall and this site. We think that it is designed to facilitate that connection when we lose three parking spaces which is a minor difference given the number that is there now.
- The dumpsters will be covered by split block masonry.
- The connection will be made when the dumpsters are moved.

Mr. Dobis asked about the Article 78 that was filed.

Attorney Schachner: Where we are now is, there was in fact, an Article 78 challenge and this board's denial, but previous dumpster related relocation application, we prevailed in Supreme Court, we had a favorable decision from Saratoga County Supreme Court, the applicant has appealed that decision to the next level of court, which is called the Appellate Division. But all

that does is reserve the right to proceed with the appeal, they have not finalized the appeal, they have not proceeded with the appeal. So, it is just sitting there right now, with that appeal possibility out there, but they have not done anything in furtherance of the appeal. There is absolutely nothing for us to do whatsoever.

Attorney Lapper: So, to follow that up, the goal here is to withdraw the appeal, so we can get this approved, that will allow the connection and just have dumpsters that are sufficient to service the uses on the site.

Chairman Rice is asking to address the Area Variances and recommendation to the ZBA.

Mr. Riper: It was recorded as a 15-foot rear dumpster location setback, what is proposed is 9.2 feet. They are looking for a 5.8-foot relief, for the dumpster location set back. Additionally, the parking spaces that were required are 195 parking spaces based on the uses. What is proposed is 151 in total. So, it is relief of 44 parking spaces. There is an existing variance for 59 spaces.

Mr. Riper, Town Engineer addresses the items in his review letter dated September 10, 2021, to the Board.

The location of the dumpsters is discussed at length. The Board would like to see the location of the dumpsters in the back of the building. The Board is asking for a new Site Plan to be submitted with the dumpsters in the rear of the building.

There is no action taken on this application tonight.

On a motion introduced by Mr. Slone, the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED that the meeting of the Planning Board be adjourned at 8:45P.M.

The motion is seconded by Mr. VanEarden and duly put to vote, all in favor on this day September 15, 2021.

Date Approved October 20, 2021

Amy DiLeone
Executive Secretary