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**PLANNING BOARD**  
**OCTOBER 19, 2016**

**PLANNING BOARD**

MICHAEL G. DOBIS,  
Chairman

HAROLD VAN EARDEN,  
Vice Chairman

SUE PETERSON

WILLIAM RICE

ERINN KOLLIGIAN

RON SLONE

DAVID GABAY

BRETT HEBNER,  
Alternate

RICHARD FISH, Alternate

A meeting of the Wilton Planning Board occurred on October 19, 2016 at the Wilton Town Hall, 22 Traver Road, Wilton, New York.

**PLEDGE OF ALLEGIANCE**

**MINUTES APPROVAL:** Harold VanEarden moved, seconded by Ron Slone, for the approval of the meeting minutes of September 21, 2016 as written. Ayes: Rice, Kolligian, Slone, VanEarden, Gabay, Hebner. Opposed: None.

**I. PUBLIC HEARING: McDONALD'S SITE PLAN**

At 6:32, Chairman Dobis opens the public hearing for the McDonald's Site Plan, an application for the rebuild of McDonald's Restaurant consisting of 5400 SF of new construction; property located 3003 NYS Route 50 on 3.03 acres, zoned C-1.

Owen Speulstra of Bohler Engineering, representing McDonald's, states McDonald's wants to rebuild their site near Exit 15 of the Northway, on NYS Route 50. Applicant has been before the Board to address comments about circulation and signage, some engineering comments such as adding a dry well and infiltration basin for winter conditions. The proposed layout is very similar to what currently exists. They are not changing the traffic patterns. The main entrance is off of Route 50 at the southern portion of the site. The rear entrance to Loudon with full access will remain; the cross-access to Sunoco remains; the access in from Route 50 will remain with a right-out. There will be a "no left turn" sign as directed by the Town. McDonald's is making a large reinvestment for the area. He asks for any questions from the Board and the audience.

Chairman Dobis asks for questions or comments from the audience: there are none. He asks: Is there a motion to close the public hearing?

William Rice moves to close the public hearing. The motion is seconded by Harold VanEarden and duly put to vote, all in favor, on this day, October 19, 2016.

The board adopts a resolution to close the public hearing at 6:35.

**II. REGULAR MEETING:** Chairman Dobis called the regular meeting to order at 6:36 PM.

**CORRESPONDENCE:** Transmittal letter dated 10/4/16 re: Harran Lane; Saratoga County Clerk Map Transmittal dated 10/3/16 re: Adirondack Live Steamers Lot Line Consolidation; transmittal letter dated 10/17/16 re: McDonald's Rebuild; letter from LA Group dated 10/12/16 to M. Dobis re: Harran Lane 14 lot subdivision; email from Lorinda Tennyson of NYSDOT dated 10/14/16 re: Route 9 Wilton Holding 3-lot commercial subdivision; letter dated 10/17/16 to M. Dobis re: Spencer Conservation Subdivision, Notification of Acceptance of Roads: dated 10/6/16 for Loudon Road Conservation Subdivision – Eastridge Drive.

Those present at the October 19, 2016 Planning Board ("the Board") meeting are: Chairman Michael Dobis, Harold VanEarden, Ron Slone, David Gabay, William Rice, Erinn Kolligian, Alternate: Brett Hebner, Ryan K. Riper, P.E., Director of Planning and Engineering and Mark Schachner, Planning Board Attorney. Absent: Sue Peterson, Richard Fish, Alternate. Also present are: Owen Speulstra, Joe Dannible, Stephanie Bitter, Esq., Ross Galloway, Jim Gillespie, Thomas Hugg, Jason Tommell, Wendy Holsberger, John Lant, Chief William Morgan, Donald MacElroy, Scott Buckley, Larry Gordon, Barry Feinman, and Joseph Bianchine, Thomas Roohan and Doug Heller.

**III. APPLICATIONS:**

**A. McDONALD'S SITE PLAN:** This application is for preliminary approval. Mr. Riper has no comments except for administrative items. The Board's approval should be given on the condition that items set forth in his letter dated 8/9/16 are completed.

Mr. Rice asks about the dual lane drive-through that merges into one. Mr. Speulstra explains that the double access to the order window is more efficient, there is actually a camera that takes pictures as cars come through and that lines the orders up in terms of who will get served first. Mr. VanEarden asks about the off-site signage. An email was sent to Kirklin Woodcock, the Highway Superintendent regarding a sign that might be placed in the Town ROW on the corner behind Target. Mr. Speulstra comments that the applicant is willing to provide the sign at that location that directs traffic safely back to the Northway. Mr. Buckley, the construction manager for McDonald's states the goal is to start the demolition of the building in February-March, 2017 with new construction starting in March for a Memorial Day opening.

The Board has copies of the Short Form EAF Part I that was submitted by the applicant May 3, 2016. The Board with the assistance of Mark Schachner, the Board attorney, reviews Part II, which is a list of eleven questions. The Board responds to each question in the negative. The SEQRA review having been completed, Chairman Dobis asks for a motion for a negative declaration on SEQRA. On a motion introduced by William Rice, the Board adopts the following resolution:

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board for the Town of Wilton moves for a negative declaration for SEQRA in connection with the site plan application for the rebuild of McDonald's which is located at 3003 NYS Route 50, on 3.03 acres. Tax Map No. 153.19-2-21 zoned C-1. The motion is seconded by David Gabay and duly put to vote, all in favor, on this day, October 19, 2016.

The Chairman asks for a motion for preliminary approval. On a motion introduced by David Gabay the adopted the following resolution:

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board for the Town of Wilton approves the preliminary site plan application for the rebuild of McDonald's restaurant, 5400 SF of new construction and other site improvements. The property is located at 3003 NYS Route 50, on 3.03 acres. Tax Map No. 153.19-2-21 zoned C-1. The motion is seconded by Ron Slone and duly put to vote, all in favor, on this day, October 19, 2016.

The Chairman asks for a motion for final approval. On a motion introduced by Ron Slone, the Board adopted the following resolution:

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board for the Town of Wilton approves the final site plan application for the rebuild of McDonald's restaurant, for 5400 SF of new construction and other site improvements contingent upon the completion of items in Ryan Riper's letter dated August 9, 2016. All requirements under SEQRA have been met. The property is located at 3003 NYS Route 50, on 3.03 acres. Tax Map No. 153.19-2-21 zoned C-1. The motion is seconded by Brett Hebner and duly put to vote, all in favor, on this day, October 19, 2016.

#### **B. PERRY CROSSING SITE PLAN:**

This is a conceptual application for 29,500 SF of retail space, at the intersection of NYS Route 50 and Perry Road. Property is on 5.12 acres SBL#153.-3-90.5 zoned C-1. Joseph Bianchine, of ABD Engineering is representing David Fusco and Barry Feinman who have an option to purchase the property. During the past several months, attempts have been made to work out an agreement with the Shoppes of Wilton, without success. Applicants will continue to try and reach an agreement with the owner of the Shoppes but at this time, these applicants wish to move forward.

The plan is similar to what the Board saw a year ago with a right-in, right-out on Route 50. The preferred access was to have a 2-way left turn lane on Route 50 with a full access entrance. Northbound vehicles on Route 50 will have to enter by going left on Perry Road and left into the site. Ms. Kolligian remarks that one alternative would be to enter at the traffic light for the Shoppes of Wilton, cut through that drive aisle to access the proposed site. In the new plan, the drive aisles between the two retail centers will not line up. Cars entering from the Shoppes will have to go

around the proposed building in a “Z” configuration. The connection points between the two properties changes the parking layout in the front. The bank has been relocated and a 4000 SF restaurant has been added [no drive thru is planned at this time]. The rear of the site is the same. The storm water management area is across the front. As yet there are no tenants so the layout of the building may change. Applications have been submitted to the WWSA and the SCSD. Plans and reports were sent to NYSDOT even though a curb cut on Route 50 is no longer planned. Mr. Bianchine responds to the items in Mr. Riper’s letter of October 12<sup>th</sup> and sees no major issues. Provisions have been made for fire truck access. Mr. Riper would like copies of what was submitted to DOT, WWSA, SCSD as well as the turning radii for the fire department trucks.

Mr. Riper asked for traffic generation information and sight distance information. He would like to discuss the potential for pedestrian access to the Shoppes. Mr. Slone asks about the public safety consideration. Mr. Schachner states the pedestrian access/sidewalk can be required of the applicant before the Board, but generally, the Board doesn’t have the legal right to force an amendment to an existing site plan that was previously approved. The Board concurs that it makes good planning sense to have a connection between the two shopping plazas. Mr. Riper mentions the pedestrian access that was discussed when the Wilton Senior Community project [One Perry Road] came in, that it would be a good idea to have access up Perry Road and a pedestrian crossing at the entrance. Mr. Bianchine states the plan under discussion has the sidewalk out to Perry Road but nothing is shown in terms of access up Perry Road.

Brett Hebner asks about snow removal from the strip of pavement between the two parallel roads and how that would be done. The response is that most of the snow will be plowed into the storm water retention area to the front of the site with the exception of the snow accumulation on the pavement behind the building; that snow will have to be taken out. Some other considerations are the dumpster pick up time frames in consideration of the neighbors to the rear. The lighting will be LED, mostly in the front with security lighting in the rear. The stages of the retention wall in the rear are discussed. There is an existing agreement with the owner of the mobile home park. A row of pine trees is going to be planted as per that agreement. The parking calculations are incomplete because there are no tenants yet. There are 183 spaces on site, more than adequate for this size shopping center even with a restaurant.

The Chairman asks for questions or comments, and then asks for a motion for conceptual. Mr. Schachner suggests that the motion include that the preliminary application should include and address all of the information set forth in Town Engineer’s review letter [dated October 12, 2016]. Mr. Riper asks applicants’ representative if he plans on moving forward with the design or is he waiting on getting conceptual and then waiting for tenants. Mr. Bianchine would like to get the basic plan approved conceptually and then finalize it after everything is addressed and the Engineer’s concerns are addressed. Mr. Schachner restates that the conceptual approval motion should include some condition to the effect that the preliminary submission will include all the information and address the issues raised in Mr. Riper’s letter dated October 12, 2016. On a motion introduced by David Gabay the adopted the following resolution:

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board for the Town of Wilton approves the conceptual site plan application for 25,500 SF of new construction of retail space and a 4,000 SF

restaurant. The approval is conditioned upon the inclusion in the preliminary submission of all the information that addresses the issues raised in Ryan Riper's letter dated October 12, 2016. The property is located at the intersection of NYS Route 50 and Perry Road on 5.12 acres, Tax Map No. 153.-3-90.5, zoned C-1. The motion is seconded by Harold VanEarden and duly put to vote, all in favor, on this day, October 19, 2016.

The Chairman asks for a motion to seek lead agency status. On a motion introduced by Erinn Kolligian, the following resolution is adopted:

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board for the Town of Wilton seeks lead agency status for the purpose of SEQRA review. The motion is seconded by Brett Hebner and duly put to vote, all in favor, on this day, October 19, 2016.

**C. CUMBERLAND FARMS SITE PLAN:** This is a conceptual site plan application for a 4786 SF convenience store with fueling stations near the intersection of Daniels Road and NYS Route 9 as well as a 2 lot commercial subdivision application to subdivide Tax Map No. 153.-1-4 zoned CR-1. On behalf of Cumberland Farms, Stefanie Bitter, Esq., is here with Jim Gillespie from Bohler Engineering and Wendy Holsberger from Creighton Manning Engineering. The parcel is 5± acres. Lot 1 of the proposed subdivision will be the location of the Cumberland Farms consisting of 2.65 acres and Lot 2 is 2.45 acres. The main discussion at the Pre-Application meeting last month was the access due to the intersection being highly trafficked on Daniels and NYS Route 9. The access points on Daniels have been modified. There had originally been one full access entrance on Daniels Road. That has been modified to have a right-in on Daniels as well as having full access closer to the western border. There was a concern expressed about cut-through traffic. This configuration should assist in preventing that. Shared access is proposed with the adjacent lot. No user for that lot has been defined at this time. This will be a new store similar to the one in South Glens Falls with a new logo and new corporate design. The style will be colonial with gabled roof and stonework and columns. There will be pedestrian accommodation, outdoor seating and a 24/7 operation.

Ryan Riper recalls the discussion was about ingress/egress on the site. Also discussed was relocating the full access turn movement on Daniels Road as far to the west as possible, with consideration of sight distance and vertical and horizontal curve analysis. Stacking on Daniels Road can extend to the west and back up so it would be beneficial for the applicant and vehicles to move the access to the west. Another item discussed was a shared curb cut between the two parcels thus eliminating the potential for yet another curb cut on Route 9. Means of egress between the two sites is being provided. A suggestion was to slide the Route 9 curb cut to the north, allowing more stacking at their exit as well as providing easier ingress from Route 9 into both parcels. A parking waiver will be required. Some additional parking to the rear of the building is being considered. It could be limited to employees to open up some additional parking. Riper's letter item #4 mentions additional plantings adjacent to the dumpsters for a buffer. He mentions a possible utility issue with National Grid.

Ms. Bitter states that the traffic assessment is forthcoming and Wendy Holsberger from Creighton Manning is available to answer questions. Ms. Holsberger says the sight distance evaluation has been conducted and compared to the ASHTO guidelines. She is comfortable with the sight lines at this location although some brush will have to be removed. Mr. Rice asks what she means. She states that someone has been out to measure speed in both directions which has impact on sight distance. Their report will show that the ASHTO guidelines are being met. The line of sight is almost 500 feet based on speed; the faster a car is going, the more sight line and faster reaction time is needed. In the case she is indicating, vehicles will be decelerating. Mr. Riper asks that stakes be placed at each curb cut.

Ms. Holsberger: vehicle queueing at the peak hour has been broken down on both Route 9 and Daniels Road knowing there is a half hour period in the morning when the school traffic is heavy and the queues are longer. After that peak AM period, the queueing dissipates substantially. The PM peak hour on Daniels also has queueing but less so on Route 9. Mr. Riper asks if a dedicated right-out lane could be considered. She agrees that could be considered. Applicant is proposing to provide a two-way left turn lane on Route 9 which will help facilitate movement in and out of that driveway and not impact northbound through traffic. This will require NYSDOT approval. There will be a two-stage left turn out as well – this will not cause any right-of-way problems.

Mr. Hebner asks why the 2 lot subdivision isn't being considered first. It seems to be a self-created hardship by having that entrance on Route 9 being so close to the stoplight. Mr. Hebner's concern is that the proposed entrance needs to be moved as far north as necessary in order to create a sufficient offset to the stacking in the AM hour which backs up to [Smith Bridge Road] at the peak. If the shared access on Route 9 could be moved to the north that might alleviate some of the stacking problem. Mr. Schachner: if you're sufficiently troubled by the access proposal you don't have to approve the subdivision. The applications for site plan and subdivision are being reviewed together. Mr. Gabay asks about the shaded-in area and whether that is the National Grid easement on the north. He notes that makes it even more difficult for the second applicant to come in once the Cumberland Farms has been built to get a cohesive site plan that's going to work with a second curb cut. The result would be a narrower strip to develop. Mr. Riper explains that is why a shared access is being considered. Ms. Bitter states the shared access is already proposed. The point was not to leave the curb cut discussion for the next applicant. There will be an interconnection to the rear; that's part of the subdivision application. Ms. Holsberger says that after that half hour the queues reduce substantially, with some exceptions; this driveway isn't within those queues. Applicant is proposing to widen Route 9 to provide that refuge area. If the access is moved farther to the north, there will be ROW impacts and it will probably preclude widening the roadway. There is 180 feet between the entrance and the light which is about 8 car lengths. Mr. Riper wants to reiterate that the DOT ROW does narrow quite a bit, so that 2-way left turn lane in the center cannot be extended further north up Route 9. Mr. Hebner insists that without a traffic study, it is difficult to react to a conceptual proposal. Chairman Dobis points out that there will be traffic generation from the second parcel, but at this time the use is unknown.

Mr. Gabay asks why the applicant didn't consider buying the entire parcel. Mr. Galloway, the agent for the applicant, states that possibility is currently under discussion. Mr. Galloway agrees with Mr. Gabay that it would make planning the site out much easier if the site remains one parcel. Mr. Galloway will know within 2-3 weeks. Ms. Bitter states there is no contract for the entire lot.

Cumberland Farms would like to proceed regardless. Mr. Gabay is reticent on giving conceptual to the current plan if there is a possibility that there will be the addition of the second lot. Mr. Rice is comfortable with the original proposal. Mr. VanEarden says that the applicant is before the Board for conceptual with the site plan that includes the 2 lot subdivision. There have been modifications that have improved the site plan from its initial concept. He doesn't want to put the applicants in the position of having to negotiate for the entire parcel as a condition of concept approval. Chairman Dobis asks for a motion. Mr. Schachner says the two applications can be considered together. On a motion introduced by William Rice, the Board adopts the following resolution:

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board for the Town of Wilton approves the conceptual application by Cumberland Farms, Inc., for the conceptual site plan to build 4786 SF convenience store and fueling station and to subdivide parcel SBL# 153.-1-4, zoned CR-1 into 2 lots. The motion is seconded by David Gabay and duly put to vote, all in favor, on this day, October 19, 2016.

**D. FOREST GROVE CONSERVATION SUBDIVISION:** This is a 49-lot conservation subdivision proposed by DCG Development Co., on Putnam Lane near Jones Road, 117 acres, zoned R-2. Joe Dannible is here with the applicant's representative Donald MacElroy and Josh Silver, Esq., the applicant's attorney. There was a lengthy discussion of the Board's concerns at the last meeting. Mr. Dannible states those concerns have been addressed. There have been meetings with the Town and WWSA and some additional information has been provided. He briefly reviews the subdivision proposal: it consists of a 117 acre parcel with an allowable density of 52 lots. Only 49 lots are being proposed with well and septic. The project is consistent with the R-2 zoning, 80,000 SF lots, in keeping with the conservation subdivision design. A new access road is being proposed off of Jones Road into the development and another road will branch off that; so 2 new public roads both offered for dedication to the Town. Thirty-three acres of land will be deed restricted, privately owned open space. The intersection of Jones Road and Putnam Lane is very tight for turning movements heading north and west. Putnam Lane would be realigned and the last 4-5 hundred feet of the lane would be removed. The rest of Putnam Lane would go up into the development and connect it to the proposed public street. There will only be one standard curb cut on Jones Road with a much safer intersection.

At the last meeting the Board brought up the fact that the applicant has contiguous parcels of land containing 424 acres. One of the concerns the Board expressed is the potential build out of contiguous parcels and what impacts that might have. The base density of the 424 acres is 176 lots. Mr. Dannible has identified each of the contiguous parcels and their density: parcel #1 = 49 lots, parcel #2 = 23 lots; parcel #3 = 23 lots; parcel #4 = 25 lots; parcel #5 = 50 lots. Parcel #5 is bisected from the remainder of the land by DEC wetlands and any development that occurs there must exit on Scout Road and would be in the SGF School District. In terms of SEQRA review, this is the full build-out potential of the contiguous parcels. The traffic implications of this would include potential impacts of the 49 lots and the remainder of the lands south of the DEC wetlands that would potentially come out onto Jones Road. Another item that was to be investigated is the Town Parcel of 28 acres, which may be developed into parkland. Another issue was that the Board felt that it would be advantageous to extend sewer and water across the Northway. Mr. Dannible explains

there have been five large developers in the region that have looked at this parcel and none of them have been able find financial sense in extending sewer and water and developing that large a property. The property was formerly marketed as having 424 acres with a potential development of 173 lots. Mr. Dannible, Ryan Riper, Supervisor Johnson and Chairman Dobis were at meetings where the development of these lands was discussed. A lot of effort has been made in studying the feasibility of this project and none of the developers have been able to make it work

William Rice asks what the cost is for bring sewer and water across the Northway. Mr. Dannible answers it would be hundreds of thousands of dollars. *Mr. VanEarden asks if it is realistic for the Board not to look at the potential build-out and just look at 49 lots.* The costs, Mr. Dannible states, were upwards of one million to get this to work. The applicant, Mr. Dannible, Ryan Riper and Chairman Dobis have met with Mike Mooney of WWSA to discuss the costs. Mr. Rice states sewer and water was brought over for the Paddocks. Mr. MacElroy explains the difference between bringing water and sewer for a project like the Paddocks apartment complex versus a development of over 190 homes. The rent-out to sustainable level on an apartment project is significantly shorter; it could be a year or year and a half. The cash flow for an apartment project is immediately available whereas in this kind of circumstance it is not. A housing development could take 10 years or more to build out. The cost just to run water and sewer from Cobble Hill under the Northway about 200 feet would be in the range of \$150,000 each; one for sewer and one for water.. Mr. VanEarden asks about the selling price of the homes, Mr. Dannible says for new construction in the range of \$400,000 to 500,000. Mr. MacElroy comments about the idea of amortizing the cost of bringing sewer and water to a subdivision between each home. The Paddocks all went up at the same time. You don't build 49 homes overnight. It takes years to build 190 homes and much of the expense is up front. You can't divide the cost between the buildings, there's a time factor and value in that. Mr. MacElroy says when they were looking at 176 units, the plan was for a mix of housing starting at under \$200,000 for townhouses and on up for single family as much as \$500,000.

Mr. Dannible states again this application is for 49 lots. All the density requirements have been met. A hydrogeological study for the wells will be done when applicant gets conceptual approval from the Board. Test pits show the soils are adequate and will support conventional septic systems. Applicant is looking for conceptual approval. Mr. Riper reviews his September 15, 2016 letter specifically item number 2. Ideally applicant could provide traffic assessment and sight distance data at the connection with Jones Road. It would be ideal to look at full build-out in terms of the traffic assessment and in connection to the adjacent parcels that could be developed; only because they will be exiting onto Jones. Even though the applications are not before the Board now, the development of the adjacent parcels should be considered. The estate lots with agricultural uses may be in conflict with a conservation subdivision. Other items such as tree removal, providing test pit data are mentioned. The project will be reviewed by the Saratoga County Planning Board due to the proximity to the Northway.

Mr. Dannible mentions two storm water management ponds that have been located at the lowest areas on the site and they have been conceptually sized to treat per the requirements set by NYS for storm water runoff. The test pits indicate that the 4 foot separation requirement for septic treatment can be met. Hydrogeological studies that have been done on a larger scale in the area have been looked at. In this area of the Town there is a great aquifer below so there shouldn't be any issues with the wells. Both the Town and DOH standards will be fully complied with. Mr. Riper asked if



there have been any discussions with DOH. Mr. Dannible states that usually preliminary plans are required to do that and there have been no specific discussions regarding this site.

The subject of access was discussed. There will only be one entrance with stub streets to adjacent properties so that other alternative route could be developed in the future. The two stubs dead-end in a T-turnaround, compliant with NYS Building Code/Fire Code for use by emergency vehicles. Mr. Riper comments that the way the T-turnarounds are shown; they are located right at someone's driveway – they would have to be realigned. Chairman Dobis asks about future access from the adjacent properties. Mr. Dannible responds that if the road were to be extended part of the "T" would be returned to the property owners and the road would continue through as a 60 foot ROW. Temporary or permanent cul-de-sacs could be done as well. Mr. Slone asks how many homes can be built on a town road. Mr. Dannible says there is no limit on how many units can be developed on a single access road. Analysis would be part of the traffic study of the full build-out, looking at the intersection leading up to Jones Road making sure that the adjacent parcels that might connect to this piece are taken into consideration [including parcels not owned by Don Greene]. In terms of the overall potential development map; 50 units of the potential 176 units would be exiting to the north off Scout Road. The northern T-turnaround would connect to parcel 2 (53 acres) and adjacent lands not owned by the applicant (280 acres). In terms of SEQRA review, the potential build-out scenario for the traffic flow pressure would not have to be limited to applicant's lands. The other access points for the adjacent lots north of the DEC wetlands are Scout Road, Bullard Lane. Mr. Dannible can't determine what future scenario is for those, he can only dictate what is owned by applicant at this time.

Ms. Kolligian has reviewed the 9/21/16 Board minutes which spell out requests by the Planning Board: those are to research the original intent behind the stubs in Cobble Hill; to write a letter to Town Board asking for its opinion specifically about sewer and water connections under the Northway; and to find out what was the purpose of Town land purchase. Mr. Riper responds that Supervisor Johnson thought connection to municipal services was always the intent. As requested by the Board, some research was done about the connection of the water and sewer from Cobble Hill back. In 2005 as part of the Fairways III subdivision, four parcels were resubdivided; one parcel was to allow for the access to the water and sewer connection. It was intended to have that area provide the water and sewer across the Northway and the developer at that time lost a buildable lot because of that. The Town Board has not been contacted yet. They would need a briefing on what is being proposed. There is a draft letter to Town Board that has not been submitted yet [this is distributed to the Planning Board members. There is consensus by the Board to send the letter to the Town Board.

Mr. Riper indicates that the Town parcel was purchased with the possibility of a parking lot with trailhead or possible pocket park. The access would be through subdivisions [not yet developed] to Jones Road and Gavin Park and county lands to the North. There would be no structures and little generation of traffic.

Chairman Dobis asks if anyone is willing to make a motion for conceptual: Mr. VanEarden says he is not comfortable till he has some answers regarding the extension of sewer & water, ingress/egress issues, and segmentation. He wants information on the entire build-out. Ms. Kolligian states that where the proposed roads are stubbed out, it is natural to expect future development, unless the t-turnaround becomes cul-de-sacs and the parcels become landlocked with one means of

ingress/egress. Mr. Dannible states that the applicant has an alternative design, with cul-de-sacs that land locks the rest of the lands under the control of the applicant for future development and no future ROW. That would address the possibility of additional 49 lot subdivisions and the segmentation issue.

Larry Gordon, resident of Wilton asks for opportunity to speak. He served 8 years on the Town Board at the time the decision was made that required access for water and sewer. [Cobble Hill stub was established allowing for connection to come across the Northway and those properties were dedicated for that purpose]. It is unique that this comes up because of the word "forty-nine". The County of Saratoga hired him in 1963 to deal with 49-lot subdivisions. He was Director of Planning for 33 years and dealt with many 49 lot subdivisions most of which have real problems. Also he was the field engineer that laid out bridge on Jones Road. After removing 200,000 yards of dirt, they discovered water problems. Regarding detention basins in front of residential properties, he would like to know what the distance is between the invert of those detention basins down to flooded wet lines he's seen in the basements of one of those houses. Mr. Gordon was appointed County Director of the Saratoga County Sewer Agency and the Saratoga County Water Agency. The county sewer system was implemented in 1969 at a cost of \$142 million. The policy was not to have these kinds of developments. Although these kinds of subdivisions have been developed, some good – some bad, He encourages the Board to think long and hard because with the additional properties, I don't know why Mr. Murphy and other people back in the 60's bought a piece of land that has swamps, wetlands and so forth. It does have potential for development of single family, but without water and sewer, especially water, you're asking for a real problem. You shouldn't buy their problem.

Josh Silver, Esq., the applicant's attorney, would encourage the Board to consider what's before them today, "We're here on conceptual review of the application for a 49 lot subdivision. SEQRA and all the environmental review that goes on and allows the Board, the lead agency, to consider future development, in this case, we haven't progressed to that point. There are a lot of questions that we'll have answers for in the future, with respect to the hydrology of the site and whether the soil can support the septic systems that are being proposed. That information hasn't been presented to the Board yet. He would encourage the Board to make its decision based upon strictly the application that is before it right now and when the environmental and cumulative impacts become known they can make a decision on that later.

Chairman Dobis asks again whether any of the Board Members want to make a motion for conceptual on this project. No motion is put forward. He asks if it is realistic to sit down with DOH regarding the concerns of the Town to ask for guidance. This Board is looking for a lot more information for everyone to feel comfortable about making a decision.

Mark Schachner: in fairness to the applicant, if the Board wants additional information from the applicant to be able to make a potential motion on conceptual next month or whenever, obviously to tell them that. Ryan's letter goes a long way to indicate some of the items, a lot of what's in his letter would not be typically what the Board would want merely for conceptual. There is some additional information the Board may want for conceptual, including the response from the Town Board which is not the applicant's burden; and maybe some additional information about hydrology and about traffic generation. The Board is not under any obligation to make the decision about conceptual this evening, but in fairness to the applicant the Board needs to make sure that the applicant knows

whatever additional information is being requested. Mr. Dannible wants clarification, that the only thing being asked of the applicant at this time are generic trip generation numbers for a potential build-out of the entire area that would ultimately funnel down to one intersection on Jones Road.

Mr. Slone would like to know from the Town Board what their plans are and what they want to see happen on that side of the Northway. Mr. Riper would like to see the level of service at the intersection and potential delays. There could be a queuing issue in the AM Peak hours with people funneling in and out of the subdivision on to Jones Road. What is the capacity of the entranceway off of Jones Road; that being the sole means of access especially in view of the plan to move Putnam Lane. Ms. Kolligian would ask for trip generation capacity for that one strip where Putnam Lane would be coming into the proposed subdivision. Also what is the impact on the Putnam Lane land owners? The whole east side of the highway south of those wetlands could potentially need to use that access point and what can that access point handle. Mr. Hebner concurs that the biggest impact will be on those landowners and if the Board doesn't consider from a SEQRA segmentation perspective, the entire build-out, then those land owners would have a cause of action against the Town.

William Rice would like to ask WWSA whether they have looked at the cost of bring water and sewer under the Northway and whether they would front the cost and then spread that cost to whoever hooked in. Mr. Riper says they would have to look into creating a district; anyone tying into water and sewer in that area would pay an additional fee to be tied into the district. Mr. Dannible says the applicant and he sat at a meeting with Mike Mooney and asked that question about funding and it was made clear that wouldn't happen. WWSA would have to look into it and see whether their board would entertain developing a sewer and water connection. Mr. Mooney was concerned with the numbers in terms of the cost. Mr. Rice asks if those numbers could be shared with this Board. Mr. Riper says that's a question that can be posed to WWSA. Mr. MacElroy made the suggestion at the meeting with Mr. Mooney: was there a way this could be worked so that the burden of extending the water and sewer did not fall on one individual developer. His understanding was that if we, the applicants, were willing to do this, as others hooked in, they would only be required to pay a hook-up fee. There would never be any money coming back to compensate the initial applicant for the cost of doing the extension.

The memo to the Town Board will be sent. Mr. Riper will compose a letter to Mr. Mooney, of WWSA to have him provide some hard numbers. Ms. Kolligian would like to know whether the Town would invest in the infrastructure. Is it possible that there would be revenue back on every connection or expansion as new developers came in? Mr. Riper: WWSA would have to investigate that, it is a separate entity from the Town. She wants to find out if there's a way to make it economically feasible. That extension was planned; the stub for utilities was part of good planning for the future.

Mr. Richard LaSalle who lives on Putnam Lane expresses his appreciation to the Board for thinking about the landowners on Putnam Lane and for the careful way the Board is looking at this. This project will have a big impact and those concerned don't believe it will end up as a 49 lot subdivision; it will be much bigger than that. Both he and his sister, Linda Baker, appreciate the careful thoughtful way this is being looked at. If Putnam Lane is realigned and a portion abandoned what happens to the other property owners? Their only option is to use new access to Jones Road.

**The Board takes a short recess at approximately 9 pm. The meeting reconvenes at 9:05 pm.**

**E. ROUTE 9 WILTON HOLDING CORP.:** This is a conceptual application for a 3 lot commercial subdivision by Route 9 Wilton Holding Corp., and Thomas Hugg. The property is near the intersection of Smith Bridge Road and NYS Route 9 on 27 acres zoned CR-1. Jason Tommell, applicant's representative, is before the Board to get more feedback. Mr. Riper did receive an email from DOT regarding the Board's inquiry about 3 separate curb cuts on NYS Route 9. Mr. Riper shared the DOT's response: their language is such that there is no "shall" or "must" but emphasizes good access management by having a single curb cut. Chairman Dobis states the issue comes back to good planning; the difference between what is required and what is suggested. There is a gray area. One plan is for one access to the three lots and the other is for three individual accesses. He is hoping there can be compromise on both sides to meet on middle ground. There aren't any uses planned for the three lots at this time. One possibility is to deal with the access as each parcel comes in for site plan review/approval. A solution might be to combine two of the lots, or require the egress to Route 9 to be on both sides of the property line. Each lot would have its own entrance but two could be combined. His hope is for the Board to be flexible for this applicant and the applicants who will follow in developing these 3 lots.

Mr. Schachner interjects that from his perspective as Planning Board attorney, if the Board approves the 3 lot subdivision it would not be appropriate to just do it in a manner that anybody could claim in the future, "I own a lot, I must be entitled to a curb cut, you can't land lock me." Be wary as a Board if you end up approving a 3 lot subdivision, it's very important that approval language have express conditions so that the current owner and a future purchaser knows that there may be a forced or voluntary consolidation of access. The situation not to create is where you have 3 separate lots that could be purchased by 3 separate entities and each entity says I want my curb cut. The Board has the right to deny or it can approve with conditions that are in very clear language to the effect that future purchasers cannot rely on any right to 3 separate curb cuts, that there may be a requirement of consolidation of access either to one or two curb cuts. If there were a condition of consolidation in the Board's approval, the applicant would have to comply with that. If the Board said, "there may be a requirement for consolidation and then DOT gives 3 curb cuts, the applicants could have 3 curb cuts. It depends on what is the nature of the Board's approval.

Mr. Rice asks what the most intense use is in this zone. Mr. Riper indicates there are a variety of uses probably the most intensive in terms of traffic generation would be a drive-in/drive-thru restaurant. The CR-1 zone does require interconnectivity between the parcels. That doesn't eliminate curb cuts. Ms. Kolligian asks if Lot 2 and 3 were to share an entrance down the common property line, and Lot 1 had an entrance to the north, how many feet would there be between the two curb cuts. The lots have 220 feet frontage so there would be 400 feet between the two curb cuts. Chairman Dobis considers the possibility of a curb cut along a common boundary, each owner has control over their access in other words their entrances would be adjacent but not shared. No designation tonight which lots would do that. It would be better to look at the future uses. The Board isn't going to know what the uses will be until the lot owners come in for site plan. Language could be used to dictate where the accesses are, or whether they are consolidated and what the interconnectivity entails. So there has to be approval of the three lots with very distinct language to guide what happens in site plan. Ms. Kolligian gives an example: if each of two lots had their own entrance along a common boundary, one car from one entry could try to take a left and the other

could take a right creating a conflict. If the access along the common boundary is shared, that would eliminate the conflict. Mr. Riper adds that the traffic generated depends on the use, for example office space, that could limit traffic going in and out to two or three times a day.

Mr. Hebner: could the condition of approval be that the owner provide to himself cross access easements among the 3 lots subject to the determination of the Board at site plan as to location of the curb cut and whether access would be shared. Mr. Rice: if the use by the 3 lot owners is low volume with little traffic impact, then each could have a curb cut. In effect, maximum flexibility up to three curb cuts with a condition that the Board can control the decision making as they become developed. Mr. Schachner: there is the possibility of general subdivision approval language that makes clear that there is no guarantee to subsequent lot owners that each will get a separate curb cut.

Mr. Hugg likes Chairman Dobis' idea to put one curb cut on one lot wherever you want; and the other two curb cuts can be put together. If potential developers come in and don't know what they are getting, he can't market them. Two curb cuts but one adjoining. He's comfortable with that. He states a potential use is a body shop, another is a doctor or dentist and another is a cleaning company with the ability to park his trucks. The uses are not high volume like a McDonald's or Cumberland Farms. Mr. Rice says the assumption should be the most intensive use. The Board consensus is to consolidate one entrance between two lots and third lot has its own access.

Mr. Hugg has a medical emergency. Chief Morgan calls an ambulance at 9:35 pm. Board meeting is recessed.

The meeting reconvenes 9:48 pm.

Ms. Kolligian recuses herself from consideration of the Cahill's Forest/Harran Lane project.

#### **IV. ZBA REFERRAL APPEAL NO 2016-26: Cahill's Forest 14-Lot Conservation Subdivision Frontage Variance.**

Doug Heller with LA Group is present with Thomas Roohan the applicant. This project was previously presented as a 12-lot subdivision. The land is in proximity to Harran Lane and Jones Road and adjacent to the Wilton Emergency Squad Headquarters and the Northway to the west. Mr. Roohan has since purchased another lot; the layout has been revised and the proposed subdivision is now 14 lots with wells and septic. Storm water management has been planned and 3 wells have been dug and tested. Mr. Roohan would like to dedicate about 3 acres of open space to the Town and would like to provide some additional land to the Wilton Emergency. There will be a deeded conservation easement. Applicant is looking for recommendations to the ZBA and the Town Board.

Applicant is requesting a variance on frontage for Lot 13, which is where the existing residence sits. There is frontage on Jones Road, but the Zoning Code Officer has determined that it is not a usable frontage due to a steep embankment. The only frontage would exist on the proposed realigned Harran Lane. The length is 30 feet and applicant is requesting 220± feet of relief. Chairman Dobis reiterates that the applicant is requesting a recommendation from the Planning Board to grant a variance for the road frontage on Harran Lane for access to the proposed subdivision. He requests a motion. On a motion introduced by Ron Slone, the Board adopted the following resolution:

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board for the Town of Wilton makes a positive recommendation to the ZBA regarding Appeal No. 2016-26. The motion is seconded by Brett Hebner and duly put to vote, all in favor, on this day, October 19, 2016.

Ayes: Brett Hebner, Michael Dobis, Ron Slone, William Rice and Harold VanEarden

Noes: None

Absent: David Gabay

Recused: Erinn Kolligian

**V. TOWN BOARD REFERRAL: Proposed abandonment and realignment of Harran Lane.**

Applicant Thomas Roohan is requesting a realignment of Harran Lane and that the road terminates into a cul-de-sac. It is now a dead-end. There was a discussion with the Highway Superintendent, Kirklin Woodcock, who was in favor of the cul-de-sac. Chairman Dobis states this referral is to consider a recommendation to the Town Board for the proposed abandonment and realignment of Harran Lane and offer of open space to the Town of Wilton. Mr. Riper states it is being sent to the Town Board for a formal abandonment of the existing Harran Lane. There is a portion that will be dedicated to the Town. On a motion introduced by Ron Slone, the Board adopted the following resolution:

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board for the Town of Wilton makes a positive recommendation to the Town Board regarding the proposed abandonment and realignment of Harran Lane and the consideration of open space to be offered to the Town. The motion is seconded by Harold VanEarden and duly put to vote, all in favor, on this day, October 19, 2016.

Ayes: Brett Hebner, Michael Dobis, Ron Slone, William Rice and Harold VanEarden

Noes: None

Absent: David Gabay

Recused: Erinn Kolligian

**VI. ADJOURNMENT:**

Vice-Chairman VanEarden 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 10 p.m. The motion is seconded by Ron Slone and duly put to vote, all in favor on this day October 19, 2016.

Date Approved: November 16, 2016  
Lucy B. Harlow, Executive Secretary