

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

(518) 587-1939
FAX (518) 587-2837
Website: www.townofwilton.com

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

MARK SCHACHNER
Planning Board Attorney

LUCY B. HARLOW
Secretary

PLANNING BOARD
DECEMBER 21, 2016

PLANNING BOARD

MICHAEL G. DOBIS,
Chairman

HAROLD VAN EARDEN,
Vice Chairman

WILLIAM RICE

ERINN KOLLIGIAN

RON SLONE

DAVID GABAY

BRETT HEBNER,
Alternate

RICHARD FISH, Alternate

A meeting of the Wilton Planning Board occurred on December 21, 2016 at the Wilton Town Hall, 22 Traver Road, Wilton, New York.

PLEDGE OF ALLEGIANCE

Chairman Michael Dobis calls the meeting to order at 6:30 PM and requests a motion for the November 16, 2016 Planning Board minutes.

MINUTES APPROVAL: Ron Slone moves, seconded by David Gabay, for the approval of the meeting minutes of November 16, 2016 as written. Ayes: Dobis, Rice, Hebner, Slone, VanEarden, Gabay, Opposed: None.

I. PUBLIC HEARING: ROUTE 9 WILTON HOLDING CORP.

At 6:31 PM, Chairman Dobis opens the public hearing for the Route 9 Wilton Holding Corp. 3-lot commercial subdivision near the intersection of Smith Bridge Road and NYS Route 9 on 27 acres, zoned CR-1.

Jason Tommell with Van Duesen & Steves is present with Applicant Thomas Hug representing Route 9 Wilton Holding Corp. Applicant is back before the Board for preliminary approval. Chairman Dobis asks for questions or comments from the audience, the Board: there are none. He asks: Is there a motion to close the public hearing?

Harold VanEarden moves to close the public hearing. The motion is seconded by Ron Slone and duly put to vote, all in favor, on this day, 21st December, 2016.

At 6:33 PM, the Board adopts the resolution to close the public hearing.

II. REGULAR MEETING: Chairman Dobis calls the regular meeting to order at 6:33 PM.

CORRESPONDENCE: Transmittal letter from Bohler Engineering re: Cumberland Farms dated 12/8/16; letter from Stefanie Bitter, Esq., re: Cumberland Farms dated 12/6/16, letter from Wendy Holsberger re: traffic evaluation of Cumberland Farms site dated 11/10/16; transmittal letter from Christopher Connelly P.E. re: Versatile Shed Sales dated 12/6/16.

Those present at the December 21, 2016 Planning Board (“the Board”) meeting are: Chairman Michael Dobis, Harold VanEarden, Ron Slone, David Gabay, William Rice, Brett Hebner, Alternate; Ryan K. Riper, P.E., Director of Planning and Engineering and Amy DiLeone, Zoning Clerk. Also present are: Jason Tommell, Thomas Hug, Wendy Holsberger, Stefanie Bitter, Esq., Ross Galloway, Gerry Macgoolaghan, Theresa Capozzola, Esq., Jim Gillespie, Mike Bianchino, Donald Pidgeon, Kathy Lewis and Richard Woodcock. Absent: Mark Schachner, Planning Board Attorney, Erinn Kolligian, and Richard Fish, Alternate.

III. APPLICATIONS:

A. ROUTE 9 WILTON HOLDING CORP.: Applicant Thomas Hug representing Route 9 Wilton Holding Corp. has requested preliminary approval of a 3-lot commercial subdivision near the intersection of NYS Route 9 and Smith Bridge Road. Applicant’s representative, Jason Tommell, has submitted a revised subdivision plan that includes the location of curb cuts per the Board’s instruction and the inclusion of the Town Standard Notes for Subdivisions. The curb cuts have been discussed. The Saratoga County Planning Board review dated October 21, 2016 stated “No significant countywide or intercommunity impact” with some additional comments regarding control of access on NYS Route 9 being in the purview of NYSDOT of which the Board is aware.

The Board has copies of the Short Form EAF Part I that was submitted by the applicant July 18, 2016. The Board, with the assistance of Ryan Riper, 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 each question in the negative. The SEQRA review having been completed, Chairman Dobis asks for a motion on SEQRA. On a motion introduced by Ron Slone, 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 Route 9 Wilton Holding Corp. 3-lot commercial subdivision, property located on NYS Route 9 on 27± acres; Tax Map No. 153.-1-15.11, zoned CR-1. The motion is seconded by Harold VanEarden and duly put to vote, all in favor, on this day, December 21, 2016.

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board for the Town of Wilton approves the preliminary application by Route 9 Wilton Holding Corp. for a 3-lot commercial subdivision,

property located on NYS Route 9 on 27± acres; Tax Map No. 153.-1-15.11, zoned CR-1. The motion is seconded by Brett Hebner and duly put to vote, all in favor, on this day, December 21, 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 gives final approval to Route 9 Wilton Holding Corp. for a 3-lot commercial subdivision near the intersection of Smith Bridge Road and NYS Route 9 on 27± acres. Tax Map No 153.-1-15.11, zoned CR-1 contingent upon the following: that the southern two parcels, Lot 2 and Lot 3, have a contiguous curb cut along the newly created joint property line. All requirements under SEQRA have been met. The motion is seconded by Brett Hebner and duly put to vote, all in favor, on this day December 21, 2016.

B. 502 MAPLE AVENUE: An application for conceptual site plan to change use from residential to commercial, the property contains .534 acres and is zoned CR-1. Theresa Capozzola, Esq., exhibits the site plan. The residential structure is in existence and she wants to convert it to a law office. Parking has been added for one attorney and two employees. There will be no structural changes. The existing curb cut is not changing. Mr. Riper inquires whether there will be signage. The structure sits back far enough from the property line sight distance shouldn't be an issue. The sign would be a separate permit process. The line that exists between Parcel 1 and Parcel 2 should be removed during the process to make it one parcel. The setback on the parking from the property line should be shown. Mr. Rice confirms that office space is an allowed use. The site is next to Mark Lawson's office. Mr. Hebner asks about lighting since there is a residence in proximity. She is proposing a floodlight at the back entrance. The well has been tested, has good flow and there are no issues with the water quality. She has not spoken to the neighbors about her intentions yet. It is recommended she do so before the public hearing.

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 approves the conceptual application by CGLF, LLC for the conversion of an existing house into a law office. Property located at 502 Maple Avenue zoned CR-1. The motion is seconded by Ron Slone and duly put to vote, all in favor, on this day, December 21, 2016.

On the basis that there are minimal changes needed to the site plan and a revised plan will be submitted before the 3rd of January, the Chairman schedules the public hearing for January 18th 2017 at 6:30 p.m.

C. CUMBERLAND FARMS: Site plan application for 4786 square foot service station and to subdivide the property into 2 commercial lots. Property is located on NYS Route 9 at the intersection with Daniels Road and is zoned CR-1. Stefanie Bitter, Esq., local counsel for Cumberland Farms, Inc., is here to start the preliminary process and if this application is deemed ready for preliminary, to request a public hearing be scheduled. This application has two layers; the first portion is the subdivision for the 5 acre parcel which will create 2 separate lots. The first lot is 2.65 acres and the second is 2.45 acres. Cumberland Farms is seeking site plan review on Lot 1 of the newly created lots. Both lots comply with zoning standards in the CR-1 zone. There is a note on the map for the cross-access easement between the two parcels. Applicant is looking to the Board for suggestions regarding screening along the northern property line adjacent to the dumpster.

The store is 4786 square feet with an 8 pump canopy to support it; 16 fueling positions with a diesel fuel dispenser which will be located on the end of the canopy. The colonial style building will incorporate stone and columns into the design of the canopy. Similar stores have been constructed in Colonie, Cohoes and South Glens Falls and have had favorable response from the municipalities. Discussion has centered on the access to the site and the traffic data. Stakes were put up to depict where those accesses are being proposed and to demonstrate the distances they represent from the intersection of Daniels Road. A traffic study was submitted in November by Ms. Holsberger of Creighton Manning. She has had discussions with the County Planner, Mike Valentine, who is also reviewing the project. From the County's recommendation [dated November 28, 2016] it was determined that the County had also talked to NYSDOT relative to Creighton Manning's analysis. The County approved the overall project with comments regarding the points of ingress and egress and the interconnection between the two parcels.

Cumberland Farms through its attorney and engineering firm has responded to Ryan Riper's review letter dated 12/13/16. He had specifically asked about additional parking in the rear which has now been incorporated. A waiver from the Board is required regarding the number parking spaces. The parking requirement of 51 spaces hasn't been met but the Board can waive that. There are 35 spaces and there are 16 spaces at the pumps which would make the total 51. Mr. Slone asks what the rationale is for that. He would not consider parking at a fueling station just to access the store. Some municipalities count those as parking spaces. That would be the Board's decision. There are tables outdoors and no sitting indoors. Mr. Hebner inquires about the number of spaces for Stewart's at Jones and NYS Route 50 which likely is less than 35 spaces. He feels that the requirement for parking is excessive across the County and Wilton is no exception. In this case the Board would need to waive 16 spaces.

The 28 foot easement, street scape elements of sidewalks and street trees are a standard in this zone but the Board may decide to waive the standard. There is a discussion about the parcels going north which include a National Grid easement and whether these streetscape elements could be developed in the future. Mr. Riper interjects if a sidewalk was constructed, it would end at National Grid. The 28' easement is useful for future utilities running along the north/south corridor of NYS Route 9. As Daniels Road goes west, there is the boundary with Greenfield. The possibility of a streetscape element is very restricted. Sight distance is another consideration. The site itself will be well-lit, 24 hours a day, so street lighting in the easement may not be necessary. Chairman Dobis asks the Board for input about what potential is for future connections by sidewalk going north. Mr. Hebner and Mr.

Gabay see no benefit in having sidewalks to nowhere. The Board agrees to waive the sidewalk, the street trees and lights in the easement.

Mr. Hebner's big concern is the traffic in front of the site because of the right-hand turn onto Daniels Road. The 28' easement does not address that traffic making illegal right turns on the shoulder. That would be a NYSDOT decision to place a dedicated right turn lane there in the future. They could utilize the existing shoulder. The parking and front yard setback is 30 feet; nothing could be built in that area. Mr. Hebner asks where the sign will be in relation to the 28' easement. The sign is 15 feet back from the property line. Other locations where the 28' easement has been required are John Lant's Auto, the Gordon building and the Everglades project. It is primarily intended to carry underground utilities. Cumberland has no problem with the easement for the purpose of utilities.

Mr. Gabay inquires whether there has been any progress on applicant purchasing the entire parcel. Mr. Galloway states that due to the burnt house and debris left by the fire it would be very costly to clear the site. No further movements have been made on the offer to purchase. The ingress/egress to that parcel is through the Cumberland Farms site leaving one curb cut on NYS Route 9.

Mr. Riper wants to make the Board aware of Mike Valentine's comments from the Saratoga County Planning Board and make sure those comments were understood. Applicant has provided color renderings so the Board can see the elevations. The site plan has been sent to the emergency services. The traffic study has been made available to the Board also. He deems the plans ready for preliminary so the public hearing can be set. Chairman Dobis sets the public hearing for January 18, 2017 at 6:31 PM.

D. SALMONSON SUBDIVISION: The application by Daniel and Gerald Salmonson is for a 4-lot subdivision, no development is being proposed. Donald Pidgeon is the applicants' representative. He points out the location of the lot lines on the subdivision plan. Lot 1 is 16.5 acres; Lot 2 is 37.39 acres and is land hooked with Lot 4 which is on the east side of Dimmick Road with 108 acres. They will have one tax ID #. Lot 3 is where the existing residence is located on 1.4 acres. Since applicant is only dividing the west side of Dimmick Road, it would make sense just to make it a 3-lot subdivision. That is the applicants' decision. Mr. Pidgeon believes that Gerald Salmonson will keep Lots 2 and 4 one parcel for agricultural purposes and for tax reasons. Mr. Pidgeon will submit a revised 3-lot subdivision plan in January with a view to having the public hearing set in February. On a motion introduced by Ron Slone, 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 Daniel and Gerald Salmonson for a 3-lot subdivision. Property located on Dimmick Road, consisting of 163.99 acres, Tax Map No. 115.-3-21 zoned R-2. The motion is seconded by Harold VanEarden and duly put to vote, all in favor, on this day, December 21, 2016.

E. VERSATILE SHED SALES – WESTERN PARCEL: Application for conceptual site plan to change use of property from sales of self-storage units to a staging area for pick-up and delivery of sheds. Property is located at 245 Ballard Road on 3.1 acres, zoned C-3. Mike Bianchino of Lansing Engineering is Applicant Richard Woodcock's representative. The eastern parcel is for the sale of

sheds. This site plan is in part to keep the two areas separate so there will be access in and out with a single curb cut for the western parcel. A concept plan has been submitted to the Department of Public Works of Saratoga County; they are comfortable with the curb cut on the western parcel subject to the submission of a permit application which is under review at this time.

Chairman Dobis asks for comments. Mr. Ripper states the plans should be sent to the emergency service agencies for their review. He asks that applicant provide boundary markers on the site to indicate the setbacks, similar to what was done on the eastern parcel and also note the coordinates on the plan. The Board must decide if the 28' easement for lighting/trees and sidewalk is required. An easement was deeded to the Town on the eastern parcel. This would be a continuation and it is already shown on the plans. Street trees and lighting were not required on the eastern parcel. It is noted on the drawing that there is an interconnection between the two parcels. In addition, he would like Town Code section 129-174 C (4) noted on the plan. Item #7 on his 12/13/16 review letter relates to any potential disturbance along the top slope of the property since it is adjacent to the stream corridor of the Snook Kill; the plan should have construction and maintenance details pertaining to erosion and sediment control practices along the top of the slope.

Mr. Slone is in favor of having the easement continued on the western parcel and waiving the street trees/lighting/sidewalk requirement and the Board agrees. On a motion introduced by David Gabay, the Board adopts the following resolution:

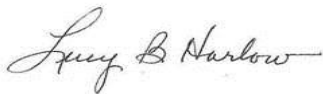
NOW, THEREFORE, BE IT RESOLVED that the Planning Board for the Town of Wilton approves the conceptual application by Richard Woodcock for a change in use of the western parcel from sales of self-storage units to a staging area for pick-up and delivery of sheds. Property is located at 245 Ballard Road on 3.1 acres, Tax Map No.115.-1-17, zoned C-3. The motion is seconded by Brett Hebner and duly put to vote, all in favor, on this day, December 21, 2016.

IV. ADJOURNMENT:

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

NOW, THEREFORE, BE IT RESOLVED that the meeting of the Planning Board be adjourned at 7:35 p.m. The motion is seconded by Harold VanEarden and duly put to vote, all in favor on this day December 21, 2016.

Date Approved: January 18, 2017



Lucy B. Harlow, Executive Secretary