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**PLANNING BOARD**  
**SEPTEMBER 21, 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 September 21, 2016 at the Wilton Town Hall, 22 Traver Road, Wilton, New York.

**PLEDGE OF ALLEGIANCE**

**CORRESPONDENCE:** Letter from Steven Wilson of Bohler Engineering dated 9/21/16 requesting that the McDonald's Rebuild agenda item be taken off tonight's agenda and the public hearing rescheduled for October 19, 2016; transmittal letter from Nace Engineering dated 9/6/16 re: KLN Warehouse Addition; transmittal letter from ABD Engineers,LLP dated 9/21/16 regarding Perry Crossing conceptual site plan review.

**I. PUBLIC HEARING:** At 6:31, Vice-Chairman VanEarden opens the public hearing for the Everglades Mixed Use project which consists of 4 mixed use buildings containing 50 residential units and 8620 square feet of commercial/professional office space. Property located at 666 Route 9 on 3.34 acres, Tax Map No. 140.13-1-1 zoned H-1.

Mr. VanEarden asks if anyone in the audience would like to speak. Joanne Klepetar, here as a resident and not a Town Board member, is wondering about the setback from the road, and whether it meets the same requirement as the Gordon building across the street. She is concerned that in five years if they decide to put a center turning lane and the buildings are too close to the road.

The building setbacks are based upon the input from the Board and zoning requirements. The front setback is 25 feet which is the maximum. Ms. Klepetar is still unsure about whether the setback for the Everglades is the same for the Gordon building. She recalls that the Gordon building setback was increased by 10 feet in the final approval process. Mr. Riper interjects that the hamlet zoning requires the building be set 15-25 feet back from the property line. The larger portion of the façade of this building is set back 25 feet. He did investigate whether there was room to put a center turn lane on Route 9 and there is within the existing DOT right-of-way.

Brett Steenburgh, the engineer for the applicant, Farone Homebuilders, reviews the status of the site plan for 666 Saratoga Road, formerly the Everglades restaurant. The site plan has been designed in accordance with the H-1 zoning. The buildings have been designed with the materials, style and façade required in the Hamlet as well as being similar to the Gordon building with a large façade and consistent landscape and frontscape. Mr. Steenburgh goes through a detailed description of the building design and amenities. The calculation of the commercial space and the residential space per the zoning code requires 159 parking spaces. Applicant is proposing a total of 152 parking spaces with some shared parking between the commercial and the residential uses. Some residential parking spaces will be located in parking garages underneath the proposed buildings with access along the rear. Commercial parking will be located along the outside frontage of the buildings. Mr. Hebner comments that he has no issue with the 7 space reduction in the parking. A traffic study was done in 2013. The main concern was to make sure that the entrance to the Everglades and the Gordon building is aligned.

The gravity type sewer and the water line will be connected to the existing mains located at Saratoga Heritage. The sanitary sewer line is located as far to the south as possible. Site plans have been sent to WW&SA for review. No comments have been received as of yet. The stormwater will be designed in compliance with the current NYS standards for runoff reduction volume and water quality volume. The storm water management is through infiltration by means of porous asphalt and an infiltration basin in the back. Plans were sent to the fire department and emergency services and no comments have been received. Mr. Steenburgh asks for questions and comments from the Board and public.

David Gabay asks about snow removal and stacking provisions. Mr. Steenburgh answers that snow removal would be along the edge of the pavement and to the rear in pre-treatment pools. There is also some green space where snow could be deposited. Any snow that couldn't be removed or stacked would be taken off site. Ms. Kolligian asks about the parked cars to the rear and the challenge of snow removal. The contractors often have to make multiple trips says Mr. Steenburgh. Mr. Zee states the majority of the parking for the residents will be indoors so that the parking shown is for the commercial uses and those tenants would probably not be parking early in the morning.

Vice-Chairman VanEarden asks for comments from the audience: There being no further questions or comments, Vice-Chairman VanEarden requests a motion to close the public hearing. On a motion introduced by William Rice and seconded by Ron Slone, the board adopted a resolution to close the public hearing at 6:45.

**II. REGULAR MEETING:** Harold VanEarden, Planning Board Vice-Chairman, called the regular meeting to order at 6:46 PM.

**MINUTES APPROVAL:** William Rice moved, seconded by Ron Slone, for the approval of the meeting minutes of August 19, 2016 as written. Ayes: Rice, Kolligian, Slone, VanEarden, Gabay, Hebner. Opposed: None.

Those present at the August 17, 2016 Planning Board ("the Board") meeting are: Vice-Chairman 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: Chairman Michael Dobis and Sue Peterson. Also present are: Steve Wilson, Dan Tompkins, Captain Bullard, Brett Steenburgh, Joe Dannible, Stephanie Bitter, Esq., Ross Galloway, Jim Gillespie, Linda Baker, Joanne Klepetar, Thomas Hugg, Jason Tommell, Jeanne Wouterz, Nicholas Grammatica, Richard Fish, Donald Zee, Esq., Pat Mitchell and Tom Center.

### **III. APPLICATIONS:**

**A. EVERGLADES SITE PLAN APPLICATION:** Mr. Steenburgh has additional comments: asphalt has been added to the both the northern and southern property boundaries so that if there is a development in either direction cross-easements will be in place and that has been noted on the site plan. Also there is a required easement along the frontage.

Mr. Rice asks whether there have been any discussions with Saratoga Heritage about the road connection. Mr. Zee recalls his statements from earlier meetings where this came up. The connection posed a problem with the financing arrangements. He states there may be a refinance of Saratoga Heritage II, the property immediately to the north in the near future that may present an opportunity to revisit the issue of connection. Mr. Rice comments favorably on the possibility of a connection between Saratoga Heritage II and the Everglades. Mr. Gabay asks about whether the project is going to be built or is going up for sale. Mr. Zee responds that the Everglades project will be built in a single phase.

The Vice-Chairman asks for any other questions and there are none. He states that a SEQRA review is required. Mark Schachner, the Planning Board Attorney states that a SEQRA review must be done before any decision is made. Mr. Schachner is looking at the Full Environmental Assessment Form ("FEAF") Part I. One FEAF was submitted in January of 2016. There were areas identified that were not answered and those have now been addressed and a subsequent FEAF was submitted in early February of 2016. The Board has the revised Part I the applicant completed and submitted in early February 2016 which answers all the questions in Part I. He asks if the Board is ready to review Part II of the FEAF. The Board is ready. Mr. Schachner reminds the Board that he will first ask the threshold questions and if the threshold question is answered in the negative, the Board doesn't need to look at the sub-questions. If the threshold question is likely to be answered in the positive, then the underlying sub-questions must be addressed. If an impact is identified, the choices are to characterize an impact as "none or small impact or a moderate to large impact."

The following is the summary of the Board's review of Part II. Its response to the question 1, *Impact on Land*, the answer by the Board is "Yes" the proposed action may involve construction on, or physical alteration of the land surface at the proposed site. It is the Board's consensus that "No impact may occur" to sub-questions (a) through (e). In response to sub-question (f), the answer of the Board is characterized as "No or small impact." The Board's consensus on questions 2 through 6 is "no" impact. In answer to question 7, *Impact on Plants and Animals* the Board's consensus is "Yes" the proposed action may result in a loss of flora or fauna. In reviewing the sub-question (i) Proposed action involves use of herbicides or pesticides, the Board's consensus is, "No or small impact." In answering Questions 8-13, the Board's consensus is "no impact."

Question 14 concerns *Impact on Energy*. The Board's consensus is yes, but it answers "no" to sub-questions (a) through (d). Mr. Schachner states that presumably the Board wants to identify some

other sort of impact in which the proposed action may cause an increase in any form of energy under the letter (e). The Board decides to change its answer to question 14; the answer is now “no.” In response to question # 15, *Impact of Noise, Odor and Light* the Board agrees that a small impact may occur in that (d) “the proposed action may result in light shining onto adjoining properties” but that impact is minimal.

There is a discussion about Mr. Slone’s question about how the Board’s answer to Question 14 differs from its answer to Question 15. In response to Question 14, Mr. Schachner did not hear the Board identify any impacts to any of the choices or another impact. Mr. Hebner asks how does the Board distinguish in the form itself the difference between “no” and “no and small impact”. There is no easy way to distinguish on the form. Mr. Schachner says he indicates by putting a star where the Board did identify impact even though it’s characterized as small. Mr. Slone wants to know if Mr. Schachner’s form gets written into the record. Mr. Schachner’s form doesn’t get put into the minutes, but Lucy as Planning Board Secretary does the same thing and some version of it becomes part of the public record. Another way the Board can look at each item is the opportunity under “other impacts” to say something, for instance, “minimal increase in energy” and that gets written in the form. In response to Question 14, the Board’s response could be written under “other impacts” and then it could characterize the magnitude as no or small or moderate to large. The Board’s response to Questions 16 through 18 is “no”. Mr. Schachner: the Board has identified a couple of impacts as small, but none as moderate to large. The Board agrees. The Vice-Chairman asks for any questions or comments. There are none.

The SEQRA review having been completed, Vice Chairman VanEarden asks for a motion for a 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 moves for a negative declaration for SEQRA in connection with the site plan application submitted by Thomas J. Farone & Sons Homebuilders for a mixed use development to be known as the Everglades, located at 666 NYS Route 9, Tax Map No. 140.13-1-1 zoned H-1. The motion is seconded by Ron Slone and duly put to vote, all in favor, on this day, September 21, 2016.

Brett Hebner states that the Board should consider the reduction in parking. He personally has no issue with the 7 space reduction. The Vice-Chairman asks if other Board members have an issue. The consensus is that there is no issue. He asks for a motion; on a motion introduced by David Gabay;

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board for the Town of Wilton approves the site plan for a mixed use development to be known as the Everglades, located at 666 NYS Route 9, Tax Map No. 140.13-1-1 zoned H-1 contingent upon completion of items in Ryan Riper’s letter dated August 1, 2016. All requirements under SEQRA have been met. The motion is seconded by Ron Slone and duly put to vote, all in favor, on this day, September 21, 2016.

Mr. Riper states this was a preliminary application. Mr. Schachner: if that is the case someone should amend the resolution.

Mr. Gabay amends the motion to include the word preliminary as follows:

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board for the Town of Wilton approves the preliminary site plan application for a mixed use development to be known as the Everglades, located at 666 NYS Route 9, Tax Map No. 140.13-1-1 zoned H-1 contingent upon completion of items in Ryan Riper's letter dated August 1, 2016. All requirements under SEQRA have been met. The motion is seconded by Ron Slone and duly put to vote, all in favor, on this day, September 21, 2016.

**B. ROUTE 9 WILTON HOLDING CORP.:** Jason Tommell of Van Duesen & Steves is here with Thomas Hugg, the applicant for a 3-lot commercial subdivision that has been previously before the Board for discussion. Mr. Hugg has had discussions with prospective purchasers and the central issue is the shared access. The plan has been revised to show three individual access points on NYS Route 9, one for each lot with individual waste water and wells. There are no cross-lot easements in front. The applicant was asked and he offered to take a look at representative impacts and uses. Mr. Rice comments that less curb cuts on NYS Route 9 are better. He asks if NYSDOT has been contacted. Mr. Tommell believes DOT won't look at it until there is something from the Town. Mr. Riper can't speak for DOT, but typically their policy is to minimize the curb cuts. Due to the proximity to Smith Bridge Road, the consensus was to have one access to the proposed subdivision as far north as possible. Mr. Slone agrees with Mr. Riper about limiting curb cuts. Ms. Kolligian expresses her concern about the traffic taking a left hand turns to head north from each of those access points. Mr. Riper suggests submitting the current plan to DOT and getting their input. It depends on the uses; the intensity of the uses and the traffic generation from the uses. Those factors would be a part of any site plan review. Mr. Hebner asks about the type of use. Mr. Hugg has had inquiries from an attorney for an office, another was a cleaning service with 3-4 vans, and the other was for a body shop. He could emphasize to potential buyer that low frequency uses are preferred. Mr. Rice says without a defined use for the subdivision, the Board has to assume the highest volume. Mr. Tommell asks about putting a condition for select set of uses that are identified as low frequency that might be acceptable: then as each lot owner comes in for site plan that use would have to be assessed for low volume/less intense uses.

Mr. Hebner is sympathetic to the applicant who is trying to get this parcel developed and make it more marketable. Mr. Schachner agrees that it would be important to see what DOT has to say about the curb-cut issue on a state highway. Mr. Riper says he can submit these plans to DOT and have a discussion with them. Mr. Rice inquires what DOT would think about one entrance to the 3 lots that line up with Smith Bridge Road and some mitigation improvements i.e. a stop light. Ms. Kolligian asks whether the Board has to give conceptual approval for DOT to consider the curb cut issue – is it the Board's decision or DOT's. Vice-Chairman VanEarden says that before the Board moves for conceptual, the consensus is that the applicant should go to DOT. Mr. Riper agrees to have a

discussion with DOT. Ultimately DOT has authority over a state highway. Mr. Schachner comments that it is very appropriate to obtain information from DOT. Mr. Hugg: if the Board gives him conceptual and it goes before DOT, then he can have access. Mr. Schachner states it is not literally true, in the overall majority of situations that's true, but there are situations in which a state agency felt strongly enough to deny the access, in which case it's a landlocked property, a whole slew of problematic things can occur.

Ms. Kolligian remarks on the ridge on the parcel that limits the amount of development. Mr. Tommell says that delineation can be marked on the map. The frontage requirement on Route 9 is 200 feet. No non-conforming lots are being created. Mr. Tommell asks if it is possible to get conceptual approval conditioned upon DOT input, and then applicant can make whatever changes are asked for. Vice-Chairman VanEarden doesn't recall the Board ever giving conceptual approval with a condition. Mr. Schachner comments that conditions on conceptual tend to get lost in the shuffle. Mr. Hebner feels the Board should lend guidance to the applicant and asks if the Board is against a 3 lot subdivision assuming DOT would be compliant. Ms. Kolligian isn't against the application but believes that the Board needs to figure out the NYS Route 9 issue, which can only be done with DOT input. The timeline would be the same; a public hearing wouldn't be set until next month in any case.

**C. KLN, LLC SITE PLAN APPLICATION:** Application for amended site plan approval to add an 8432 SF "spec" warehouse to the existing site. Property is located at 12 Commerce Park Drive, TMP 115.-2-89.2 zoned C-3. Tom Center of Nace Engineering is present on behalf of applicant Nick Grammatica, of KLN LLC. This would be the final build-out of the parcel. Mr. Center describes the current low-traffic uses of the warehouses within the Commerce Park commercial center.

Mr. Center remarks on Mr. Riper's comment, "Move septic treatment area further West to maximize separation from drywell" in his letter of 9-15-16. The septic system is to be located in the far-corner outside of the wetland buffer. Mr. Center will remove one lateral and extend them another 10 feet – giving 240 feet distance away from drywell. Access for the loading dock turn-around and a portion of the building would be within the 100' buffer of the DEC wetlands. DEC has flagged the wetlands and there is an application to DEC for disturbance within the buffer. Approval of that disturbance by DEC would be a condition of the site plan approval.

All storm water from impervious surfaces will be infiltrated and drained away from the wetland and into the storm water basin and drywells located around the site. Lighting on the building will be downcast security which is similar to what's on the other buildings. All snow is plowed into the storm water basins. Applicant will be placing several trees along the wetland buffer to insure that no one parks there and there will be no snow storage there. DEC will be informed of the addition of the trees. The other comments by Mr. Riper will be addressed. Mr. Hebner asks where the existing draining facilities are. Mr. Center indicates where the drywells are located on Sheet SP 2. There is more than enough infiltration capacity. Mr. Hebner notes there is 6000 feet of asphalt. Mr. Center says that is for the tractor trailer access and turn around. He describes the loading dock capability. Each side of the building has its own dock.

Mr. Riper adds that most of his written comments have been dealt with but any approval would be contingent upon his September 15, 2016 review letter. He notes this is the third and final building for this site. SEQRA review has been previously done with regard to this site plan.

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 amended site plan of KLN LLC for the construction of an 8432 SF warehouse located at 12 Commerce Park Drive on 5.34 acres, Tax Map No. 115.-2-89.2, zoned C-3, contingent upon completion of items in Ryan Riper's letter dated September 15, 2016. There are no new or different environmental impacts requiring further SEQRA review. The motion is seconded by David Gabay and duly put to vote, all in favor, on this day, September 21, 2016.

**D. FOREST GROVE CONSERVATION SUBDIVISION:** This is an application for a 49 lot single-family conservation subdivision located off of Putnam Lane and Jones Road on 117 acres zoned R-2 adjacent to the Northway. Joe Dannible from EDP is here on behalf of DCG Development. He is looking for comments from the Board and conceptual approval. He indicates the location of the subdivision in a slide presentation. The subdivision has frontage on Jones Road and Putnam Lane. There is roughly 4.5 acres of wetlands, leaving 112 acres of developable land. The density calculation yielded an allowable density of 52 lots. Another view shows the lands purchased by the Town for parkland. The property is mainly forest; the subdivision will be placed on the central portion of the site. By increasing the 100' buffer to the Northway another additional 150-200 feet will provide a back yard for the residents.

The 49 lot subdivision will have a single access point from Jones Road. For circulation purposes, access is being provided to adjacent properties in the event of future development. The access road shown is to lands owned by Belmonte properties and a future connection to property to the northern end of the site. Lots will be 100 – 120 feet in width and close to 350 feet deep. Each lot will have approximately one acre of land. There will be 7-9 estate lots of over 5 acres which may support agricultural uses on the property. Two new public streets are proposed: one extending from Jones Road into an intersection (indicated) the other will provide access for all the lots. Both will be offered for dedication to the Town. The road will be 24 foot wide asphalt pavement with 2-3 foot wide gravel shoulders on either side. Road side ditches will be installed for storm water management which will take water to storm water retention areas. The lots will be serviced by individual wells and private septic systems. There will be 33.5 acres of deed-restricted open space that meets the requirements of the conservation subdivision regulations. The land will be privately owned and subject to the deed restrictions imposed by the Town subdivision regulations. Mr. Dannible explains that some adjustment to the intersection will be needed in terms of realignment. The turning radii to come out on to Putnam and then on to Jones doesn't meet emergency service radii or for Town trucks to plow. There is a conceptual plan to realign that intersection by eliminating a section of Putnam Lane and taking it up into the site and tying it in to the new subdivision street and coming out to a new intersection with Jones Road. Safety has been discussed with regard to the sight distance on Jones Road and applicant is working with traffic engineers to create optimal sight

distance looking in both directions when exiting the new road. The mail kiosk will be located on the right hand side of the road entrance with some parallel parking space for residents to access the kiosk. Mr. Dannible asks for questions from the Board. Mr. Rice asks why 49 lots? The answer is DOH has a restriction on the number of houses that can be developed on a parcel that utilize septic systems.

Vice-Chairman VanEarden explains the exhibit prepared for the Board which shows the parcels within proximity to the proposed subdivision and who owns them. The purpose is to show what could potentially be developed on these contiguous lots. The Vice-Chairman had asked the planning department to develop an exhibit showing the overall site and the ownership of the contiguous parcels. It may raise a lot of questions from the perspective of the potential of 250-275 homes being developed, not all by Donald Greene, but others owning adjacent parcels. He drove down Putnam Lane and explains that it took 5 to 6 minutes to get out of the Emergency Service parking lot to take a left turn going back to Route 50. That was around 6:30 pm without the potential traffic from 49 or more homes. He wants to let Board know what the effect of more development might be. Mr. Greene owns several parcels contiguous to the proposed site. There could be another 49 homes developed out of each of several parcels.

Mr. Dannible has been in front of this Board with an overall plan for adjacent lots in this area of about 193 units; there is the potential if sewer and water were in that area for a significantly higher number of units. Due to the cost of extending sewer and water to these properties, the application to pursue a potential 200 lot subdivision has been set aside. DCG, the parcel owner, wants to proceed with the 49 lot subdivision which is more cost-effective. The question is whether this land could support a higher density of 200 lots which also has frontage on Scout Road on the north end of the parcel. The parcel is bisected by a large section of DEC wetlands. Between DCG and Belmonte Properties next door, he could see 110 lots coming out of this location (indicating) and the remainder of the lots coming out of the northern end on Scout Road, which is a completely different parcel and even a different school district. He feels that it is not likely that  $200 \pm$  units would be developed.

There is a discussion of what the original intent was back when Mr. Dennis provided two stubs of land across the Northway to provide future utility connections with the anticipation of the development of the lands now being discussed. Mr. Dannible says this has been explored in detail at various times. He has met with Mr. Riper, Chairman Dobis as well as Supervisor Johnson with many different developers looking to extend sewer and water across the Northway to these properties for future development. To do the sewer and water extension and to pay the associated fees for those extensions it renders the cross-Northway extension unfeasible for the 200 lot scenario. That is why the proposal is for 49 lots, which is much less dense and keeps the rural aspect of the R-2 district. Mr. Rice interjects that others could come in with 49 lot subdivisions. Mr. Riper asks for a ball park number for the cost of the extension from the Cobble Hill connection. Just crossing the section of the Northway with water and sewer is about \$250,000. There would likely be a connection to gas which is double the cost of sewer and water. Then there are the additional costs to run the sewer and water line which is about a hundred dollars per linear foot combined with the connection fees for the Wilton Water & Sewer Authority would be close to a million dollars for development on the scale of  $200 \pm$  units. Sewer connection alone is \$2500 per lot.



Mr. Gabay asks if there is a projection for the cost of the proposed lots. Mr. Dannible states to support this large a development, the infrastructure and the reconfiguration of the intersections, the lots would have to be fairly substantial with substantial homes of a half million dollars or more each. To recoup the cost of the infrastructure it might take 15-20 years to build out 200 half million dollar homes because of the market for homes of that value. Ultimately that is why the houses are in that price range due to the connection fees being incurred by the first person purchasing the house – it's a trickle-down effect. A developer would have up-front fees of a million dollars to the Town and then recoup as individual lots are sold. In speaking to several developers in connection with developing these properties, a full-scale development is preferable but not financially feasible at this time.

Vice-Chairman VanEarden expresses concern about traffic mitigation: this project of 49-lots is below the allowable density and can operate with wells and septic. The next lot over is 53.09 acres owned by Mr. Greene, the next 61± acres owned by Wilton Properties Associates, then another 67± acres owned by Mr. Greene and another parcel owned by Belmont. It's conceivable that each of those parcels could be developed with 49 lots. Jones Road is very busy and the impact of another 150 ± homes would be considerable. The applicant DCG would certainly work with the Town to determine what a full build-out scenario would be and determine what some of the impacts would be associated with that. Thresholds could be set so the Town has a tool so when certain thresholds are met, certain actions could be taken. It's hard to determine an exact number for a "full build-out". For the 49 lots, the applicant is proposing to do a substantial upgrade to the intersection that is characterized as somewhat dangerous at Putnam and Jones Road. A traffic assessment would be done for the 49 lots, however, if desired by the Town Engineer, a realistic build-out scenario could be scoped out and an addendum could be done on that study.

Mr. Riper clarifies that the NYS Dept. of Health has the 49 lot rule limiting how many lots in a subdivision can be on well and septic. It still can require connecting to public services as part of their review given the site conditions and restraints and the availability of the water and sewer connections. Mr. Rice asks if the Board can require connections to sewer and water. If the site is not feasible for individual septic or individual wells, municipal connections could be required. In effect, applicant's representative said they could do a traffic assessment based on the projections of developing at least the applicant's contiguous parcels. A full build out of the area that would be exiting the new road onto Jones Road could be looked at and a determination made as to what the impacts would be.

Mr. Schachner: one of the ways to use the NYS SEQRA as a planning tool is in a situation like this where the applicant's representative indicated that they could do a traffic assessment showing full-build out of the applicant's contiguous properties. Using the NYS SEQRA as a planning Tool you want to avoid segmentation. Having that kind of projection of build-out would be useful from the standpoint of overall SEQRA review, not just for traffic assessment. The SEQRA review might indicate there are potential environmental impacts from that build-out including whatever impacts from multiple 49 lot subdivisions might be. It would be appropriate to look at that build-out scenario, not just for the purpose of traffic assessment but a sort of SEQRA review that avoids the segmentation problem by looking at the full build-out.

Mr. Slone refers to the parcel in the middle owned by the Town of Wilton which may become a park and what are the impacts of that in terms of planning. Mr. Rice expresses interest in what the Town

Board intends to do with the middle parcel and suggests a letter inquiry to the Town Board as to what is planned for the parcel. Mr. Riper states the Town purchased the parcel recently through a foreclosure sale with a view to possibly having trails connecting from the scout camp on Scout Road connecting to the County lands which he indicates have many trails and ultimately continuing down to Jones Road and Gavin Park. If the area is developed in the future there would be a connecting road to the Town Parcel with a potential parking lot, a trailhead and perhaps some amenities. That's the concept plan. Ms. Kolligian asks if the Town Board wants sewer and water. She would like their opinion. Mr. Riper doesn't know if they have all weighed in but one member has mentioned that it was the intent to connect to municipal utilities. Mr. Dannible mentions there is access to a town road.

The Vice Chairman would like to look at the whole potential from a planning perspective. Ms. Kolligian notes the two stub connections which appear on plans which may be for the purpose of linking to another subdivision, or another phase. Mr. Dannible can eliminate those connections and just put cul-de-sacs. The stubs were put there as a link to the adjacent parcels to comply with what most planning boards want, a future connection point. A limit could be just a build-out scenario of just Mr. Greene's properties. Mr. Dannible: the zoning is R-2 residential and this application is compliant with that. As applicant's representative, he would like to work with the Town.

The Vice-Chairman is suggesting that he would like to see answers to some of the Planning Board's questions before he would consider asking for a motion for conceptual approval. He asks Mr. Schachner, given the consensus that the Board wants more information, what the Board can request. Mr. Schachner says if the Board agrees, it can say as a Board that the conceptual application is not completed until it is supplemented with additional information like potential build-out information for at least the 425 contiguous acreage owned by the same applicant. It is the Board's right to request that. Looking at the overall view is encouraged by SEQRA to avoid segmented review. In addition the Planning Board can ask the Town Board what was the intent behind the purchase of the parcel in question and whether it has considered the question of connecting water and sewer to this area from the other side of the Northway.

Mr. Dannible says the stubs were obviously put there (across the Northway on Cobble Hill?) to extend water and sewer across the Northway, however with the studies that have been done, it isn't feasible for this development to carry the burden of that connection point. If it could be done, there would have been an application to the Board for 200 units several years ago. There is not a feasible way to bring water and sewer across the Northway without some participation from the Town to allow that to happen. That's why the applicant is submitting for only 49 lots. He can provide the Board with numbers based on what the current zoning will allow for the 425 contiguous acres owned by the applicant.

There is a discussion about on whose authority it was to make the Paddocks connect to sewer and water. Mr. Dannible states DOH would not allow 500 apartments to be on septic; it had to be hooked up to municipal utilities. The developer was responsible for the cost.

Vice-Chairman VanEarden's concern is that at some point someone had foresight to request these stubs and he doesn't want to have the Board make a decision without knowing what the original intent was. There are probably Town Board minutes and Planning Board minutes that might shed

light what the intent was. That research can be done by town staff. He wants figures on the full build-out before he would be comfortable with conceptual approval.

The Vice-Chairman sets forth what he believes the Board's consensus is about what action should be taken before conceptual approval is considered: have the planning department research what was the original intent of the Dennis Land Development to have the stubs for potential sewer and water connections; the Planning Board's position and what the County's position was; a letter to the Town Board asking for its opinion about the future development of the town parcel; finally the applicant is to provide densities of the contiguous lots owned by Donald Greene "the potential build-out" [without getting conceptual approval].

Mr. Dannible clarifies that the Board should not expect a traffic study at various intersections on the whole potential build-out without some assurances from the Town like conceptual approval of the proposed layout. He can provide densities and where he would anticipate a septic and well scenario where those parcels would exit onto town streets. Mr. Hebner doesn't believe the Board is asking for a full-blown traffic study. Mr. Dannible says he could provide trip generation numbers for the build out of potential homes. Mr. Hebner adds that there already should be information about what's currently on the road [Jones Road] which according to Mr. Riper is the most heavily traveled town road. Mr. Hebner is also questioning why an existing house seems to be in a stormwater retention area, also how is the retention basin at the northern end of the property to be accessed.

Mr. Riper states that the landowner, Linda Baker, is present and she lives right on the corner of Putnam Lane and Jones Road. He asks Mr. Dannible what the intent was for that intersection, the existing curb cut on Jones. Mr. Dannible indicates that part of Putnam Lane would be relocated and continued into the new subdivision. Off the original lane there would be access for the existing home only and that part of the lane would be dead-ended. Mr. Riper explains that there is also land that is being mined off that road which is used heavily by trucks which should be taken into consideration. Also regarding the T-turn arounds that were provided, he received feedback from the Highway Superintendent that those are not adequate. The estate lots of 5+ acres were mentioned with possible agricultural uses; horses are a special permitted use which may be conflicting with a conservation subdivision. In the R-2 zoning agricultural uses are allowed, but this is coming in as a conservation subdivision. He refers to his review letter dated 9/15/16 and mentions the need for the hydrogeological study. His other comments are standard. Mr. Dannible has been on the site and a series of pits have been dug to confirm the groundwater elevations and confirm that there was adequate separation for septic systems. The Town of Wilton has a 4 foot separation rule for septic systems, which is 2 feet more that required by DOH. Mr. Dannible reports that the topography undulates across the area, there are low lying areas and there are mounds. Even at the lowest points on the site, groundwater can be found in that four foot range. Where the elevation comes up, there could be up to 30 feet depth for groundwater. With some earthwork it would not be a problem to reach the four foot separation requirement.

**E. WILTON SENIOR COMMUNITY:** This is an application by the Nigro Group to subdivide two non-residential tax parcels at One Perry Road, which the Wilton Senior Community project occupies. This is to create a third parcel for a Saratoga County Sewer District pump station. Mr. Pat Mitchell of VHB Engineering is here requesting the subdivision of the two parcels. Niagara Mohawk came into provide power to the pump station, they required an easement as was approved by

Saratoga County Sewer District but they wanted it on its own parcel. There are provisions in the Code to subdivide for public utilities. The SCSD owns the property the property that the pump station sits on and it is accessed by the easement that was previously approved. Ryan Riper states this is National Grid forcing this to be a separate parcel. They will not put gas or electric to the pump station without this being a separate parcel of land. Vice-Chairman VanEarden asks for a motion. On a motion introduced by David Gabay, the Board adopted the following resolution:

**NOW, THEREFORE, BE IT RESOLVED** that the Board approves the subdivision of two non-residential lots to create a third to accommodate Saratoga County Sewer District #1 pump station. Tax Map Nos. 153.-3-32.121; 122, on 20.69 acres zoned C-1. The proposed subdivision does not create new or different environmental impacts than those previously considered. No further SEQRA review is necessary. The motion is seconded by Ron Slone and duly put to vote, all in favor on this day September 21, 2016.

**IV. PRE-APPLICATION:** Cumberland Farms, Inc., the applicant is proposing a site plan for the construction of a 4786 SF convenience store and fueling station and to subdivide the parcel located at the intersection of Daniels and NYS Route 9 on 5.08 acres zoned CR-1. Stefanie Bitter, Esq. is present with Jim Gillespie of Bohler Engineering and representatives for the applicant and from Creighton Manning. There will be 8 fuel pumps to support the convenience store use. The property is currently owned by the Moskovs. Part of the application is to subdivide it into two pieces, 2.63 acres to be occupied by Cumberland Farms, and 2.45 acres which is to be retained by seller but marketable for compatible commercial use. There would be a future cross access connection so the both uses would utilize one access point on NYS Route 9 with recognition of the traffic that exists there today. Daniels Road would have two access points. Creighton Manning is preparing a traffic assessment and recommendations for mitigation as the project proceeds. Private water and sewer will be utilized. There will be 8 fuel pumps and 32 parking spaces; an area variance will be needed for the number of parking spaces. The convenience store will be a new modern colonial look with architectural features such as columns and stonework. There will be 24-hour operation, 7 days a week. There will be outdoor seating, bike racks, internal sidewalks and a pedestrian friendly atmosphere. Jim Gillespie states that specific soil tests will be performed for the septic system and storm water management areas. More details will be forthcoming regarding landscaping, lighting, and some details on the utilities. Applicant's representatives are here tonight to get feedback from the Board. Vice-Chairman VanEarden asks about the distance from the proposed exit on Daniels Road to NYS Route 9 for vehicle stacking ramifications. Mr. Gillespie responds that the distance is about 100 feet. If the Daniels Road exit is moved too far back, he says, it doesn't serve its purpose; one of those is the fuel truck circulation and deliveries. Two access points are necessary. There is a lengthy discussion of the problem of stacking at the intersection of Daniels and NYS Route 9. The biggest issue is traffic. The representative from Creighton Manning Engineering states that a traffic evaluation is being worked on. Several considerations have been made about locating the access points to the site. Sight distances also have to be considered. No final recommendation has been made.

Mr. Riper states that one proposal is to have a two-way left turn lane on NYS Route 9 which the applicant has offered to pay for. Traffic counts have been completed: at the site itself 200 vehicles are expected during the morning peak and 250 in the pm peak. Of those trips only about 80 will be new trips because most vehicles that are entering are already on that roadway network. The peak hours are roughly 7 to 9 am. The peak in the evening is about 4 to 6 pm. Another engineer from CME studied the peak from 7:20 am and 7:50 am, with the school traffic and the morning commuters. Mr. Gabay adds another consideration that should be made, the number of vehicles that stack on the shoulder of NYS Route 9 to make a right onto Daniels Road heading south. Ms. Kolligian asks about what distance there is to turn left into Cumberland Farms from NYS Route 9 going north after the traffic light at Daniels Road. There is approximately 180 feet, each vehicle lengthwise is about 25 feet so 7 to 8 vehicles could go into that space. The timing of the stop light at Daniels adjusts with the amount of traffic and the demand. Another question is about the potential vehicle traffic generated by the newly proposed lot adjacent to Cumberland Farms. There is no involvement with that side of the property says a representative for Cumberland Farms, Ross Galloway. That parcel is being retained by the seller. The subdivision application will be concurrent with the site plan application. This is just a pre-application discussion. Mr. Slone suggests that the farther down Daniels Road, away from the intersection, access to the site is, the better it will be in terms of safety. Mr. Riper reviews some of the considerations discussed in a prior meeting with the applicant's representatives: the curb cut on Daniels Road could be a right-in right-out; enhancing the entrance so that it can be utilized by trucks; to be going north on NYS Route 9 and go left on Daniels and then take a quick right into the site could be problematic. Having a second curb cut with full access further west on Daniels is being considered. Another consideration is those vehicles cutting through the site to gain access to Daniels going west without waiting at the traffic light in a queue. Mr. Riper adds that the site plan should show how the adjacent lot touches Daniels Road. The owner wants to retain that piece.

**(McDonald's signage discussion – not on agenda)**

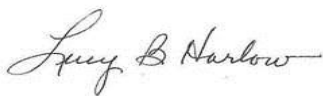
**McDonald's Public Hearing is rescheduled for October 19, 2016 at 6:30 pm.**

**V. 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 9:20 p.m. The motion is seconded by Ron Slone and duly put to vote, all in favor on this day September 21, 2016.

Approved:



Executive Secretary