

**TOWN OF WILTON**  
**22 TRAVER ROAD**  
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MICHAEL G. DOBIS  
Planning Board Chairman

LUCY B. HARLOW  
Executive Secretary

## **PLANNING BOARD MEETING**

### **TOWN OF WILTON**

Wednesday, November 19, 2014

A meeting of the Wilton Planning Board (the "Board") occurred on November 19, 2014, at the Wilton Town Hall, 22 Traver Road, Wilton, New York.

#### **PLEDGE OF ALLEGIANCE**

**I. PUBLIC HEARING: JOHNSON'S AUTO CRUSHER OF CORINTH, INC. 2-LOT COMMERCIAL SUBDIVISION:** Subdivision application to subdivide a pre-existing non-conforming parcel into 2 commercial lots. Property located at 81 Ballard Road. Tax Map No. 128.-1-8 on 24.432 acres; zoned C-2.

Chairman Dobis opens the hearing at 6:30 p.m. No one has appeared on behalf of applicant for the public hearing. The hearing is put on hold until the applicant or his representative comes forward.

**Chairman Dobis calls the regular meeting to order at 6:33 PM.**

#### **II. REGULAR MEETING:**

**PRESENT:** Chairman Michael Dobis, Erinn Kolligian, William Rice, Ron Slone. David Gabay and Brett Heberner, Alternate. Also present are Ryan Riper, P.E., Director of Planning and Engineering and Mark Schachner, Esq. Planning Board Attorney; Jeanne Wouterz, Town Historian; Joanne Klepetar, Ron Taylor, Travis Rosenbrance, Michael Tucker, Joe Dannible, Peter Belmonte, Captain Bullard, James V. Johnson, and Bruno Lourenco.

**ABSENT:** Sue Peterson, Harold VanEarden

**APPROVE PENDING MINUTES:** Chairman Dobis wants to address the meeting minutes of October 15, 2014 and he asks for a motion and a second to approve the minutes. On a motion introduced by David Gabay, the board adopted the following resolution:

**NOW, THEREFORE, BE IT RESOLVED,** that the minutes from the Planning Board meeting of October 15, 2014 are accepted. The resolution was seconded by Ron Slone and duly put to vote, all in favor, on this day, November 19, 2014.

**CORRESPONDENCE:** ZBA Notice of Decision re: Appeal No. 2014-27 by Thomas J. Farone Homebuilders dated 10/28/14; ZBA Notice of Decision re: Appeal No. 2014-26 by Jesse Boucher dated 10/28/14; transmittal letter from VHB re: concept plan for Wilton Senior Community dated 11/3/14; letter from CDTC re: Community and Transportation Linkage Planning Program for 2015-16 dated 11/6/14; map transmittal from Saratoga County Clerk's Office dated 11/3/14; transmittal letter from Lansing Engineering, PC re: Loudon Road Subdivision dated 11/5/14; transmittal memo from EDP re: Pine Brook Landing dated 11/30/14; referral review letter

from SCPB re: site plan modification for Park Place at Wilton/Gordon Development dated 10/15/14; letter from Adirondack Trust re: Rose-Laskey Joint Venture dated 10/29/14.

### III. APPLICATIONS

**LOUDEN ROAD CONSERVATION SUBDIVISION:** Travis Rosencranse of Lansing Engineering is representing applicant R.J. Taylor Builders regarding a conceptual application for a conservation subdivision, on property located at 309 Louden Road, and zoned R-2. The plan has been revised. The number of lots has been reduced from 18 to 17. Mr. Rosencranse distributes the revised plan and updated density calculation. He describes the changes that have resulted from the survey; the size of the parcel, 39.54 acres, and the size of the wetlands have been confirmed. Other changes: the alignment from the front part of the subdivision with Louden Oaks; the 50' width for any access to town owned land storm water; the removal of the land hooked parcel up front; removal of the HOA and the garden space in the rear. The open space will be designated and deed restricted on the individual lots. Due to the slope analysis, the constrained lands increased from .84 acres to 2.6 acres which reduced the buildable area and the number of lots.

Chairman Dobis asks for clarification of the 10% density bonus that applicant has requested in conjunction with the open space lands to be offered to the Town. Mr. Riper says that it doesn't state in the Town Code that the Town is obliged to accept the proffered land; simply if the open space in a conservation subdivision is offered to the Town, the applicant "shall" receive the 10% density bonus. Mr. Schachner concurs. The procedure by which open space is offered to the Town is currently being formalized. Mr. Schachner comments that he wasn't aware that this open space had been formally offered. Because the plans have just been revised, an offer has not yet been made. Mr. Schachner instructs that the applicant should put in writing the offer of open space to the Town. In this case the applicant is extending the lot lines – the configuration would not change. Since at this time the offer hasn't been made, the Board's decision could be made at preliminary after the public hearing.

Mr. Slone questions how the calculation of 17 lots was reached. Mr. Rosencranse explains that the number of 17 lots is arrived at by rounding the number up from 16.05 lots; that includes the existing home. By mathematical rounding rules, there is nothing in the Code that prohibits "rounding up" in the density calculation.

Mr. Riper asks about whether the wetlands have been delineated by the DEC. The delineation was done by a wetland specialist, Van Guilder & Associates, and that is what is going to be submitted to the DEC. The 15% slope calculation was done by Lansing Engineering, by using the topographical information and the elevations and slopes from the survey.

Mr. Riper refers to item number 5 of his letter dated 11/13/14, regarding a 60' ROW for the Town between lot 6 and 7. It was discussed with the applicant and there were concerns about it becoming a thoroughfare for this neighborhood and also reducing the value of lots 6 and 7. Mr. Riper explains that the request was discussed by the Board because the Bliss parcel, which is adjacent to the proposed subdivision, does extend all the way to Rt. 50 just north of AIM Services. Mr. Hebner inquires how the applicant can request the benefit of "rounding up" thus increasing the number of lots, but deny the potential planning benefit of having access [to Rt. 50.] Ms. Kolligian agrees with the applicant's view that public access from Rt. 50 via a cut-through to the subdivision would diminish its value. Chairman Dobis polls the Board on the potential of the 60' ROW: Mr. Slone, Mr. Gabay, Brett Hebner, William Rice and Erinn Kolligian vote "no".

Mr. Hebner asks about the center area of the cul-de-sac. It is 12,229 SF, part of which falls within the Town's 60' ROW. Mr. Rosencranse adds that the space will be an open, grassy area. Some trees could be added in the space outside the ROW.

Mr. Riper refers to item number 7 of his letter, regarding the location/layout for the USPS Cluster mailbox. Mr. Rosencranse states many of the details set forth in the letter will be added to the preliminary design.

On a motion introduced by William Rice, the Board adopted the following resolution:

**NOW, THEREFORE, BE IT RESOLVED**, that the 17-lot conservation subdivision is given conceptual approval. The property is located at 309 Loudon Road on 39.54 acres and zoned R-2. The resolution was seconded by Erinn Kolligian and duly put to vote, all in favor, on this day, November 19, 2014.

Chairman Dobis asks whether the Board will need to declare it a SEQRA lead agency. Mr. Schachner states that it would be appropriate for the Board to declare the intent to serve as SEQRA lead agency. On a motion introduced by Erinn Kolligian, the Board adopted the following resolution:

**NOW, THEREFORE, BE IT RESOLVED** that the Wilton Planning Board has declared itself SEQRA lead agency for the purpose of a coordinated review of the Loudon Road 17-lot conservation subdivision. The motion is seconded by Ron Slone and duly put to vote, all in favor, on this day November 19, 2014.

### **Chairman Dobis reopens the public hearing:**

#### **JOHNSON'S AUTO CRUSHER OF CORINTH, INC. 2-LOT COMMERCIAL SUBDIVISION**

At approximately 6:58 pm., James V. Johnson, applicant's son, appears on behalf of applicant, Edward Johnson, and informs the Board that his father had passed away. He requests that the public hearing be postponed for a few months so that his father's estate could be settled, and then he could return for the hearing. Chairman Dobis indicates that the public hearing would remain open until the applicant's representative returns before the Board.

### **IV. PRE-APPLICATIONS**

**A. WILTON SENIOR COMMUNITY:** This is a pre-application discussion of proposal for a 110-unit independent senior- living apartment building (Phase I) and 92-unit assisted living facility (Phase II). Property located on the eastern side of Perry Road, north of the intersection with NYS Rt. 50. It is zoned C-1. Mike Tucker of VHB, Inc. is representing the applicant Nigro Group on this project. The application will be presented to the Town Board in December since senior communities are a special permitted use in the C-1 zone and require Town Board approval and referral back to the Planning Board for recommendation. The matter will have to be referred to the Saratoga County Planning Board. There are variances needed so the applicant will have to go before the ZBA. One requirement of the special permitted use is that the senior community has access off a state, county or federal highway. In this case there is no frontage on Rt. 50 and the applicant will be working with the Town to determine the application process. Part of the application is for a two-lot subdivision. There will be shared access and cross access easements.

The property consists of 21 acres and there will be two access points off of Perry Road. There will be approximately 68 double loaded garages and surface parking for the assisted living facility. The garages will face Perry Road. Mr. Tucker comments that the garages will be screened and that the location was directly related to their accessibility to the senior apartment building. Slone asks how far back from Rt. 50 will be project be. It would be approximately 300-400 feet back.

There is a lengthy discussion of the accessibility of the proposed project via a left turn onto Perry Road from Rt. 50, [and vice versa] where there is no signal or left hand turning lane. Mr. Tucker comments that with other projects similar to this that the applicant has developed, the traffic generation is low based on the ITE rates, due to nature of a "senior" development versus a typical apartment complex. There will be an on-site shuttle to take residents off-site shopping. Chairman Dobis expresses particular concern about the traffic at the PM peak hour going northbound on Rt. 50. There is an alternative route going from Perry, right on Old Gick to the traffic light on Rt. 50. A traffic study will be required. Mr. Tucker hands out a photo of a senior facility developed by the applicant in Glenville. Mr. Rice requests information on the range of rents for the apartments. Captain Bullard wants to know if the project will have town water – it will be connected to water and sewer mains.

**B. ALDI'S:** Pre-application discussion of a proposed 18,539 SF Aldi's store located adjacent to Lowe's store on Lowe's Drive. Zoned C-1. Chairman Dobis remarks that there was a previous application by Aldi's that was approved in 2007. Mr. Bruno Lourenco represents Aldi's as Director of Real Estate. He distributes a proposal for the Aldi's location in Wilton. The property indicated was purchased in 2007 next to the Lowe's property. Due to the narrow configuration of that parcel, the store that was envisioned couldn't be built. Several construction easements would have been needed from the adjacent property owners particularly Lowe's, and Lowe's corporate wasn't willing to give the required easement. A new deal has been struck with Maly, a land developer, who is proposing a shopping center, to swap properties and Aldi's then could be a part of the future shopping center to be developed by Maly. There are no tenants lined up at this time.

This application stands on its own. Aldi's would be the first store and would construct a future town road (60' ROW) The proposed road when fully developed in future by others would come out by the church next to the Paddocks. Until the rest of the center is built out: setbacks, landscaping, parking variances are needed to make the property work. Once Maly obtains tenants then it would become one cohesive shopping center. Aldi would own its own parcel and it would be a self-contained site. As part of the swap agreement with Maly, Aldi's and Maly would share all the cross-easements that would assist with parking, drainage, and signage. The elevation presented by Aldi's would look similar to the elevations of the other tenants. Maly would come in at the time of final approval for development of the entire site. But the Aldi's site has been designed to stand on its own. There follows a discussion of the road access to Lowe's and to Aldi's. There will be two entrances close together that will have to be looked at again. Lack of store visibility from Rt. 50 is an issue for developers. A signage variance will probably be needed. Mr. Lourenco states that his company is early in terms of the phasing of the project and he will probably have to come back again for pre-application once Maly has its plan designed.

Mr. Schachner adds that the Board's questions are very appropriate especially from the standpoint of looking at the entire site from the standpoint of the traffic issue, so for the purpose of an environmental assessment form it's going to be helpful to have some idea of traffic projections for full development of the entire site. It would be important to look at maximum build-out for traffic, for storm water and other considerations for SEQRA review purposes.

**C. MILL AT SMITH BRIDGE CONSERVATION SUBDIVISION:** This is a pre-application for an amended subdivision. The original approved subdivision was for 63 lots, one existing house and 62 single family residential lots. The applicant, Peter Belmonte, would like to offer valuable open space within the HOA lands of the subdivision in exchange for a 10% density bonus on the approved 62 lots. The resulting density calculation would end up being 6.2 lots rounded up to 7. The open space being offered is a portion of the HOA lands that is water, part of the Loughberry Lake watershed – a valuable natural resource. Mr. Riper asks if that includes any of the HOA lands around the water. There is a question as to who owns the water rights. Mr. Riper believes it to be deed-restricted on the water itself. Chairman Dobis thinks there is also a one hundred foot buffer from the edge of the water. He states that Saratoga Springs controls the water rights. Mr. Dannible states there is a 100 feet of adjacent area that is not deed-restricted and can be part of the lots adjacent to the water. Ms. Kolligian asks if there is a difference in the offering of land versus water in the offer of open space. The additional 7 lots, if the density calculation is correct and the open space is acceptable to the Town, would be distributed throughout the areas of the site that haven't been developed. There is an entire phase which hasn't been developed that could be worked with. The applicant is looking for the Board's opinion. This is a new and different scenario from what was originally discussed at the pre-application conference. Mr. Belmonte would like to table the conversation and discuss it at a future meeting.

The initial pre-application conference discussion was about the south side of Smith Bridge Road the applicant has lands that are not involved in the overall subdivision. There is approximately 80,000 SF of buildable land. Three single family lots could be developed in this area. The request was to take the two lots that could be put on Lot 67 and moving them up fronting on Cider Mill Way and eliminating the lot lines on the south side and having just one lot. This would prevent having three curb cuts and just have one which makes sense in terms of

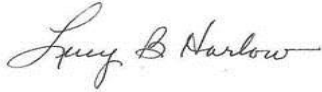
safety. The barn would be taken down. The Alsop house would remain and be repaired and may eventually be sold.

Mr. Riper states that the process would require the applicant to combine the parcel to the south of Smith Bridge Road with the entire Mill at Smith Bridge subdivision (include the acreage for the calculation that allows the extra two lots), file it at the County and then come back before the Board again and then subdivide. The Board agrees with the scenario with the proviso that the legal mechanism works. In Mr. Riper's discussion with Mr. Schachner – he expressed that the lots have to be combined with the overall subdivision and that map has to be filed. There are two options to be explored both legally and procedurally.

**V. ADJOURNMENT**

On a motion introduced by Ron Slone that the meeting be adjourned; it is seconded by William Rice. All board members are in favor. The meeting is adjourned at 8:09 PM.

Approved: December 17, 2014



Executive Secretary