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PLANNING BOARD
NOVEMBER 18, 2015

PLANNING BOARD

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I. PUBLIC HEARING: At 6:30 pm, Chairman Dobis opens the public hearing set for Floral Estates VI, Floral Estates, LLC. The Applicant wishes to present the subdivision plan. Chairman Dobis asks that if there are any questions or comments from the audience to please address the Applicant.

Joe Dannible of Environmental Design Partnership is here on behalf of Floral Estates LLC in the application for a 66-lot conservation subdivision for the public hearing process and to obtain preliminary subdivision approval. He describes the layout on the subdivision diagram: Louden Road runs east and west, Ingersol Road runs north and south and Edie Road is on the west side; the existing Floral Estates and the City of Saratoga Springs run along the south edge of the map. The site occupies parcels of land on the north and south sides of Louden Road. There are approximately 160 acres of land, 30 of which has been identified as federally jurisdictional DEC wetlands; leaving 130 acres of developable land. The main body of the subdivision is on the south side of Louden Road, it is forested with a series of wetlands, uplands and lowlands, and a couple of stream corridors, and general habitat of the northern forest. He shows the jurisdictional wetlands maps signed by the ACOE and DEC. The wetlands are scattered throughout the site. There is an established base density of 60 single family residences, together with a 10% density bonus of 6 lots granted to Applicant by the Town Board, in trade of a dedication of land that will allow for future trail connections. There are 23 acres of land that will be dedicated to the Town for the trail and some storm water management areas. There will be 9 storm water management areas in an effort to guide the surface flow of water without getting into a series of pipe networks. Approximately 50 acres of land and all the wetlands on site will be deed restricted.

The plan has received a favorable review at the conceptual and preliminary review and for a waiver to allow for a 10 foot side yard setback on all the lots. Most lots will be 20,000 square feet with a 25 front yard setback and a rear setback of 50 feet and 10 feet side yard setback. The road will be approximately 6500 LF; there are a series of open ditches along the side of the road with some wing curbs, the Board and the Highway Department were accommodated in their preference for as much open ditch as possible on the road. The construction will be phased into two sections, lots 1-30 will be considered Phase 1, and as part of that, the sewer connection will be extended through the Town's land and into the City of Saratoga Springs at

the end of Magnolia Drive. The off-site water connection will be installed down Louden Road that will be connecting to a future water main that is being constructed as part of the R.J. Taylor subdivision. The rough grading of the entire site and construction of the trail will be part of Phase 1. Phase 2 will consist of the construction of the remainder of the road and lots 31 – 66. He presents a slide indicating where the trail will be constructed. It connects from the end of Magnolia Drive into the site, includes a proposed boardwalk crossing with techno posts across the ACOE wetland, to continue up to the end of the cul-de-sac and across another boardwalk where there are wetlands. It will be constructed as a 5 foot wide asphalt path with a 3 foot gravel shoulder, for a total width of 8 feet. It will connect Floral Estates VI with the existing Floral Estates. This plan was favorably received by the Town Board. By virtue of this trail connection ultimately six or seven communities will be accessed within the area with the ability to make a loop through the all these communities along Ingersol Road, Louden Road and through Floral Estates constituting roughly a 3.5 mile loop through a series of road networks and the trails that Applicant is proposing in this area. Mr. Slone asks if the trail will be seamless and connected to other trails and Mr. Dannible clarifies that this trail will be integrated with the roadways through the communities, not connected with any other trail. A boulevard entrance is being proposed as one comes off Louden Road with street trees and landscaped bedding plants – there will be a community identification sign installed as indicated in the conceptual renderings provided. There will be a center island where the mail kiosk will be installed, the island will be landscaped and there will be a pull off that will accommodate 4 to 5 cars for both the entering direction and exiting direction. It will have handicapped accessible concrete ramps leading to the mail kiosk. He shows some representative pictures of the landscaping including street trees and curbing used in other Belmonte developments. A concrete mountable curb is being proposed for the islands, 7 inches wide with a 45% angle so that trucks, plows can get over them without coming to an abrupt stop. Mr. Dannible shows rendering of the overhead structure to cover mail kiosk. There is an existing buffer with woods between the development and the existing resident measuring about 200 feet that would block any view of the mail kiosk. The application has received recommendation from the Saratoga County Planning Board. It has been deemed complete for preliminary by this Board. The Applicant is seeking preliminary approval in order to continue the process of obtaining outside agency reviews and approvals from DOH, DEC, ACOE and Saratoga County Sewer District.

Chairman Dobis thanks Mr. Dannible and asks for questions or comments from the audience. Mr. Curt Bull is representing himself and his father who lives at 272 Louden Road. He owns two properties on Edie Road; he asks who will be responsible for maintaining the roadways and the landscaping once the road is turned over to the Town. Mr. Dannible responds that there will be a homeowner's association developed to be specifically responsible for the maintenance of the landscaping within the islands, the mail kiosk area and any of the ornamental street lighting being proposed. Mr. Bull asks if Mr. Hasbrouck has been made aware of the trail to the end that tenants of the Louden Oaks Mobile Home Park will be able to access it. Mr. Riper says Mr. Hasbrouck has been apprised of the proposed trail system and has viewed the subdivision plans. Mr. Bull comments about the second phase of the development and the fact that he knows the land very well. He says the plan seems generally good but there are a lot of wet areas that will need to be filled. Mr. Dannible states that he has submitted the pre-construction notification to the DEC and the ACOE. Both have been on site within the last two months to reaffirm their position and have done field observations and the wetlands have been marked.

Mr. Kirklin Woodcock, the Highway Superintendent comments that there are some problems with this project that he has discussed with Ryan Riper. This will be the first boulevard style entrance in Wilton. In the past, road dividers have been removed because of the difficulty they present to the operation of the snow

plows. When coming in to these areas, the wing plows would hit the dividers. He doesn't have a small plow truck to send to the south end of town. The large plows need at least 15 feet. This presents a problem when dealing with the areas between the islands, especially during a winter with high snow fall. There will be damage to the islands when the plows dig and there is no frost in the ground. He has had conversations with three highway superintendents today that have some of these boulevards and one has to plow first with a big truck and then go back with a small truck to clean the areas on both ends of the islands. That presents a problem for the Wilton Highway Department. There is going to have to be some kind of equipment to do this type of a roadway, this will be the first and the Town Board will need to be aware that some specialized equipment may need to be purchased to do this. He asks about the problems a plow driver faces when plowing the cul-de-sac. He asks about where the snow being removed is supposed to go. His concern is who is going to maintain the trees and shrubs in the center of the cul-de-sacs if there is damage by snow plows. In a heavy snow, it will be difficult to stage the snow in the center and it may have to be pushed to the outside edge. The result is huge snow banks because there is no place for storage. His concern is what will happen to the grass lawns of the homeowner's around the edge of the cul-de-sac. Who will haul snow out? He explains the way the plows move the snow to the center of the cul-de-sac so the residents' driveways aren't getting buried. If the plows go in the conventional direction, the driveways will be buried and the residents will complain. If the plow goes in the other direction, the snow goes to the center.

Mr. Woodcock compliments the developer on the way the project has been well-thought out. With the aesthetics of this project, there are areas that will be problematic. He doesn't want residents calling his department. There are already complaints about the plowing of the cul-de-sacs. He wants the enhancements but just to the extent that his crew and equipment cannot damage them. Who is going to be responsible for the green areas in center of the islands? If there is an HOA, he surmises that they will be calling wanting the shrubs replaced if they are damaged. Will the HOA continue to pay for the expense of maintaining those islands? He also has a question about the trail system, who will be maintaining that? His department has nothing to plow a trail with. He believes the residents will want those trails to be available throughout the winter and year-round. This is a new era for the Town with trails and boulevard designs. The expense should not fall on the Town or highway department unless it is going to be funded with equipment and staff. This issue needs more discussion. Mr. Belmonte states the trail will be the Town's responsibility but the expectation is that the trail will be seasonal. No snow removal from the trail. Mr. Gabay asks about the structure of the bridges that are going to be part of the trail. The bridges will be constructed with pressure treated materials. Maintenance of the bridges will be the Town's responsibility. Mr. Woodcock suggests that the issue of clearing of snow from the trail should be brought to the Town Board. Mr. Rice states that the decision lies with the Town Board.

Mr. Dannible says that fire-truck radii will be put on the plans as well as turning radii for the plow trucks. Those templates will be used to make sure that the islands and cul-de-sacs will not hinder the plow trucks to get into the site. Assuming the plows are 15 feet from side to side, the lanes have been designed going into the boulevard areas will be at least 15 feet wide with the asphalt pavement. To alleviate some of the potential damage to the island areas, with the HOA owning and maintaining the center green areas, it is feasible to think that a professional landscape company could be contracted to do that. As winter approaches, markers can be placed in those islands to help plow trucks recognize where they are. Mr. Woodcock says the markers are at the edge of pavement and do not solve the problem. The wing plows are 3 feet off the edge of pavement. Mr. Dannible explains that the lane width accommodates the snow plows to take one pass at the boulevards – not 3 feet onto a lawn. The plow is as wide as the pavement. The pavement lane width around the boulevards is 16 feet with the wing curve. Mr. Woodcock asks about any sections of

the road having two lanes. The only section where the lane is wider is where there is a pull-off for the cars accessing the mail kiosk. The cul-de-sacs have two lanes of traffic with a width of 24 feet. Mr. Woodcock states that in order for the plows to avoid damaging property, the width needs to be 30 feet. Mr. Belmonte suggests having the lane go one-way in the cul-de-sac and tighten it up with the appropriate width. There are only 5 residents on the circle. Mr. VanEarden comments regarding the cul-de-sacs, the buyers of the homes on the cul-de-sac should know the lane is going to be one-way. It is important that the highway department is comfortable with it.

Mr. Riper mentions the one small center island at the end, pulling back the island from Loudon Road. Mr. Dannible agrees that if that first island is pulled back 10-15 feet, that will help accommodate the plow trucks. The drive lanes are 15 feet wide. He indicates that one island is going to be removed from the plan.

Mr. VanEarden is more concerned with the entrances to the boulevard and the islands. Mr. Dannible says the applicant, Mr. Belmonte, is proposing a minor HOA just for maintenance of the island, the mail kiosk area, the center greens and the street lighting in the development. Mr. Belmonte adds that HOAs work better when the services they are providing concern the residents directly and the residents care about them, such as maintaining the boulevards, the cul-de-sacs, the kiosk being shoveled, some street lighting throughout the community for added safety. This is in response to the discussions with the Board in October. Mr. Woodcock remarks that the HOA is in the best interest of the developer, the residents and the Town.

A member of the audience asks: Will the snow plows be able to access the drive lanes if cars are in the pull up lane for the mailbox? Yes, the lanes are 15 feet wide and there is a 10 foot pull-off designated for cars. Mr. Woodcock comments on the cluster mailbox regulation and the associated snow removal problems. He adds that there are going to be more kiosks and that is a new consideration that should be discussed. Chairman Dobis relates the previous discussions on this issue.

Chief Morgan of the Wilton Fire Department asks about the entrance to the proposed development, to make sure that the entrance is sufficiently wide enough for a fire truck to turn in and whether the rolling curbs will be incorporated. The turning radii are misleading when coming off a highway. Mr. Dannible will make sure the final plans incorporate the turning radii of the fire trucks and the snow plows.

Mr. Gary Hasbrouck, who owns the Loudon Oaks Mobile Home Park, says that the proposed project is "refreshing". He adds, "Having watched Mr. Belmonte's projects in Saratoga, he does what he says he's going to do which is quite refreshing. He does quality work. It's going to be a terrific project." Mr. Hasbrouck states he was late to the public hearing. He is assuming that stretch of land that is going to be bordering his park is going to be deeded to the Town for a trail. He understands there is a trail system. He asks if there are any links from that trail system to his mobile home park. He does not want any connection between the mobile home park and the proposed trail. He comments on the Mill at Smith Bridge development of Belmonte's and what a great job was done. Mr. Hasbrouck would welcome a Belmonte project next to his property.

Chairman Dobis: Are there any other questions or comments? There are none. He asks for a motion to close the public hearing. On a motion introduced by William Rice, the Board adopted the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Board moves to close the public hearing at 7:20 pm. The motion is seconded by Ron Slone, and duly put to vote, all in favor, on this day, November 18, 2015.

REGULAR MEETING: Mr. Dobis, Chairman called the regular meeting to order at 7:21 p.m.

MINUTES APPROVAL: Mr. William Rice moved, seconded by Ron Slone, for the approval of the meeting minutes of October 21, 2015 as written. Ayes: Rice, Peterson, Slone, VanEarden, Gabay, Dobis, Hebner. Opposed: None.

Those present at the November 18, 2015 Planning Board (“the Board”) meeting are: Chairman Michael Dobis, Vice-Chairman Harold VanEarden, William Rice, Sue Peterson, Ron Slone, David Gabay, Brett Hebner, Alternate; Mark Schachner, Esq. Planning Board Attorney and Ryan K. Riper, P.E., Director of Planning and Engineering. Those absent are Erinn Kolligian and Richard Fish, Alternate. Also present are: Chief William Morgan (WFD); Peter Belmonte, Curt Bull, Joe Dannible, RLA; Kirklin Woodcock, Jeanne Wouterz, Frank Nesbitt, Paul Post, Joe Dannible, Brandon Ferguson, Peter Belmonte, Gary Hasbrouck, Jon Lapper and Frank Palumbo.

CORRESPONDENCE: Transmittal letter from EDP dated 11/3/15 regarding Floral Estates VI submission; letter dated 11/3/15 from EDP responding to Mr. Riper’s comments; letter from William F. Morgan, Chief, dated 11/12/15 re: Ace Hardware; transmittal letter from CT Male dated 11/3/15 re: Ace Hardware Retail Support Center Expansion; letter dated 11/17/15 from Wilton Loudon LLC & Raymond Kelleher re: Floral Estates VI property owner authorization for representation.

II. APPLICATIONS

A. Floral Estates Phase VI – Preliminary review of a 66-lot conservation subdivision. Chairman Dobis asks for Mr. Riper’s comments. Mr. Riper has reviewed many of the administrative items with Mr. Dannible as far as the ACOE permitting and discussions with that agency. The trail and the HOA have been discussed. He has some concern about the longevity of the deck over the bridge crossings, he suggests composite decking. Another item is about the sight distance from Loudon Road to the entrance of the subdivision where some stakes have been placed. The traffic engineer’s report suggested removing trees and vegetation to increase the sight distance. Once the vegetation is removed, that should be evaluated again; particularly in view of the vertical curve to the west. The evergreen landscaping buffering should be evaluated after the trees are cleared for the rough grading. One area along the southwest corner of the trail, near the Saratoga Springs line, there is a mobile home. The area is very open and some additional plantings would offer additional buffering between the trail and that mobile home.

A remark is made about there being some sheds [in the mobile home park] that infringe upon the adjacent property line. Mr. Hasbrouck has seen the sheds and if they need to be moved, he will see to that. Mr. Rice asks about that property line and Mr. Dannible explains that the adjacent land to the mobile home park will be dedicated to the Town. Mr. Dannible mentions there are some trails that have started to form from the mobile home park into the site, which will be identified, and trees placed so that the trails will not continue to be used. Mr. Riper adds there are some wetland mitigation measures to be discussed. Mr. Dannible states

as part of the wetland mitigation that was discussed with the ACOE, was the removal of the scattered debris and litter before the land is dedicated to the Town.

Chairman Dobis asks about the lighting along the road. Mr. Belmonte answers there will be some lighting at the mail kiosk, and along the long stretches of road, perhaps one or two lights scattered and at the intersection of the cul-de-sac, there will be lights. Mr. Riper suggests lights being installed at the trailheads. All the lights will be metered and will be maintained under the HOA even though they will be in the Town ROW. Sternburg poles on photo cell with the Sternburg globes are traditionally used (all LED's). If the Town has a preference, Mr. Belmonte would consider it. Mr. Gabay mentions the ambient light pollution and is assured that the lights will have caps forcing the illumination downward. Mr. Belmonte states that in the HOA documents, which he is happy to share with Mr. Riper, it will identify that the maintenance, replacement and operation of the lamp posts as the HOA's responsibility. Mr. Woodcock asks about whether any liability would be part of that disclosure. Chairman Dobis assumes that the HOA will have liability insurance. Mr. Schachner would recommend that if there are going to be any improvements in the Town ROW, whoever is putting the improvements in, is an entity that has insurance and that holds the Town harmless and indemnifies the Town from any damages resulting from what they put in the Town ROW. Chairman Dobis verifies that it is the Towns understanding that the proposed trails are seasonal only. In addition, he confirms that the mail kiosk and its maintenance will be the responsibility of the HOA.

The Chairman asks Mr. Schachner to read out the questions from Part II of the Full Environmental Assessment Form. Part I was completed in June 2015. There are 18 "threshold" questions, each is initially answered with a yes or no, if the Board is confident that the answer to the question is no, then there is no need to review the small lettered items under the threshold question. If the answer is yes, it will be necessary to answer the small lettered items for that question. If the Board isn't sure, the Board should look to the small lettered items as well. The first topic is impact on land and the threshold question is as follows:

1. Impact on Land

Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. *? The Board answers, "Yes".* The options are "No, or small impact may occur" or "Moderate to large impact may occur" to the following statements.

Statements	Remarks	Answer
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.		The Board consensus is no or small impact will occur.
b. The proposed action may involve construction on slopes of 15% or greater.		The Board consensus is no or small impact will occur.
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.		The Board consensus is no or small impact will occur.
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.		The Board consensus is no or small impact will occur.
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	Two phased construction	The Board consensus is small impact will occur.
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).		The Board consensus is no or small impact will occur.

g. The proposed action is, or may be, located within a Coastal Erosion hazard area.		No or small impact will occur.
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2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g. cliffs, dunes, minerals, fossils, caves.)

The Board’s consensus is, “No”.

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g. streams, rivers, ponds or lakes.) *The Board answers, “Yes”.* The options are “No, or small impact may occur” or “Moderate to large impact may occur” to the following statements.

Statements
a. The proposed action may create a new water body.
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.
e. The proposed action may create turbidity in a waterbody either from upland erosion, runoff or by disturbing bottom sediments.
f. The proposed action may include construction of one or more intakes(s) for withdrawal of water from surface water.
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).
h. The proposed action may cause soil erosion or otherwise create a source of storm water discharge that may lead to siltation or other degradation of receiving water bodies.
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.
j. The proposed action may involve the application of pesticides in or around any water body.
k. The proposed action may require the construction of new, or expansion of existing wastewater treatment facilities.

The Board’s consensus is “No or small impact will occur.”

4. Impact on Groundwater

The proposed action may result in new or additional use of ground water, or have the potential to introduce contaminants to ground water or an aquifer. Remarks: Water supply will be from municipal source. DEC storm water requirements will prevent any contamination.

The Board’s consensus is, “No”.

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding.

The Board’s consensus is, “No”.

6. Impacts on Air

The proposed action may include a state regulated air emission source.

The Board’s consensus is, “No”.

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. *The Board answers, “Yes”.* The options are “No, or small impact may occur” or “Moderate to large impact may occur” to the following statements. *The Board’s consensus is “No or small impact will occur” to the following statements:*

a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by NYS or the Federal government, that use the site, or are found on, over, or near the site
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by NYS or the federal government.
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by NYS or the Federal government, that use the site, or are found on, over, or near the site.
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by NYS or the Federal government.
e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community.
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat.

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources.

The Board's consensus is, "No".

9. Impact on Aesthetic Resources

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource.

The Board's consensus is "No".

10. Impact on Historic and Archeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource.

The Board's consensus is, "No".

11. Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.

The Board's consensus is, "No".

12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA).

There are none.

13. Impact on Transportation

The proposed action may result in a changed to existing transportation systems.

The Board's consensus is, "No".

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.

The Board answers, "yes". The Board's consensus is "No or small impact will occur" to the following:

a.The proposed action will require a new, or an upgrade to an existing, substation.
b.The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.
c. The proposed action may utilize more than 2,500 MW hrs. per year of electricity.
d. Will the proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.

15. Impact of Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting

The Board’s consensus is, “yes”. The consensus is “No or small impact will occur” to the following:

a.The proposed action may produce sound above noise levels established by local regulation.
b.The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.
c.The proposed action may result in routine odors for more than one hour per day.
d. The proposed action may result in light shining onto adjoining properties.
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants.

The Board’s consensus is, “No”.

17. Consistency with Community Plan

The proposed action is not consistent with adopted land use plans.

The Board’s consensus is, “No”.

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character.

The Board’s consensus is, “No”.

Mr. Schachner states the Board has identified four or five areas of potential impact – in all instances the Board indicated the magnitude is “no” or “small.” Therefore no EAF Part III will need to be prepared. The Chairman asks for a motion on SEQRA. On a motion introduced by William Rice, the Board adopted the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Board determined a negative declaration for SEQRA for the proposed 66-lot conservation subdivision known as Floral Estates VI; and that the project will not result in any significant adverse environmental impacts. The property is located on the north and south side of Loudon Road, west of Edie Road on 160 acres; tax map nos. 154.-1-22.1 and 154,-1-25.1, zoned R-2. The motion is seconded by David Gabay, and duly put to vote, all in favor, on this day, November 18, 2015.

Chairman Dobis notes that some of the issues brought up during the public hearing were answered. He asks if anyone has questions still unanswered. No one responds. Mr. Woodcock’s concerns around maintenance and plowing, the median and the trail have been answered. If preliminary is granted that’s fine but there are

questions that need to be answered from the Town Board as they would make the decision as to whether the Highway Department needs additional equipment. That's a conversation between Mr. Woodcock and the Town Board.

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

NOW, THEREFORE, BE IT RESOLVED, that the Board grants preliminary approval for the Floral Estates VI 66-lot conservation subdivision. The property is located on the north and south side of Loudon Road, west of Edie Road on 160 acres; tax map nos. 154.-1-22.1 and 154.-1-25.1, zoned R-2. The motion is seconded by Harold VanEarden, and duly put to vote, all in favor, on this day, November 18, 2015.

Chairman Dobis compliments Mr. Dannible and Mr. Belmonte on a great presentation.

B. Park Place at Wilton – Amended site plan application to add a pool house to the mixed use building on Route 9. Jon Lapper, Esq., attorney for the applicant Gordon Group, says the 200 SF pool house is not visible from anywhere off site. It is for the purpose of adding a bathroom in the courtyard near the pool, with a mechanical room and supply room. Mr. Riper verifies the Mr. Lapper's depiction of the plan and has no additional comments. Chairman Dobis confirms there is no impact on traffic or safety or any adjacent landowners. There is a short discussion about leasing the commercial space – whether there has been any interest and what kind of tenant might be appropriate. Of the 114 apartments, approximately 50 are ready and half are rented. On a motion introduced by Harold VanEarden, the Board adopted the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Board grants approval to the amended site plan application made by Gordon Residential to add a pool house to the mixed use project located at 665 Route 9, tax map number 140.-3-34, zoned H-1. There are no new or different environmental impacts requiring further SEQRA review. The motion is seconded by Ron Slone, and duly put to vote, all in favor, on this day, November 18, 2015.

C. Ace Warehouse Expansion – Final site plan review of the 400,000 SQ FT expansion of the Ace Hardware Wilton Retail Distribution Center. The applicant is represented by Frank Palumbo of C.T. Male who brings the Board up-to-date on the progress being made. The earthmoving that has been done has created a large mound of dirt which will ultimately be formed into embankments, smoothed out and landscaped to blend in and to screen the new building and the lighting in the new parking area. Approximately 130,000 cubic yards of earth was excavated and good material has been brought in to create a good basis for the foundation. SWPPP inspections are taking place and the soil placement is being monitored. Utility work won't begin until spring.

Final site plans have been submitted and Mr. Riper has reviewed them. One of his comments relates to the area where the YETI will be and how it will be landscaped. Mr. Palumbo states the trees will be situated strategically to screen the area. The structure itself is like an inverted goal post, total height of the cross bar is 19 feet and doesn't see it as having a major impact.

Chief Morgan of the WFD is present and has provided a letter dated 11/12/15 regarding the hydrogen gas yard which concludes that although he has not seen the drawings of the facility and cannot give approval for the entire site, he is comfortable with the hydrogen refueling stations as planned as long as the scheduled Plug Power training is scheduled. The complete gas yard plans will be part of the building construction plans. Mr. Palumbo describes the water system that will come off the county system which will tie into a line that is a straight feed going into the existing pump building, eliminating the need for an on-site water storage tank.

Mr. Riper agrees that the comments in his 11/9/15 letter have been addressed. The utilities and storm water will be inspected as they are installed. On a motion introduced by David Gabay, the board adopted the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Board grants final approval to the site plan application made by Ace Hardware Corp. to add 400,000 SQ FT to the existing Ace Hardware Distribution Center located at 55 Northern Pines Road on 129 acres; tax map number 114.-2-60.1, zoned I-1, contingent upon fulfillment of the items contained in Mr. Riper's 11/9/15 letter. The motion is seconded by Harold VanEarden, and duly put to vote, all in favor, on this day, November 18, 2015.

Mr. VanEarden asks about the follow-up with the Wilton Fire Department. Mr. Riper will stay in communication with Chief Morgan and make sure that a site visit by the Chief is arranged and some training. The Chief visited Plug Power and spoke with the engineer. He also talked to a fire chief in Johnstown who was familiar with a similar system. It's a new technology to WFD that will take some training and Plug Power has offered a training course and the power-point presentations. He is satisfied that the hydrogen gas system can be safely operated.

D. Canyon Run Extension: The 45-lot conservation subdivision located off the southern side of Gailor Road has received conceptual approval. Brandon Ferguson of Environmental Design Partnership represents Tra-Tom Development and Dan Galusha. He is looking for a determination that the preliminary subdivision plans are deemed complete so that a public hearing can be scheduled. He indicates the location of the project parcel which currently consists of 14 lots, 12 of which were approved in 2001 as part of the Canyon Run subdivision. There are some ACOE wetlands on the northern part of the site and isolated wetlands throughout. The total parcel is 36 acres. A 100 foot vegetative buffer is being proposed between the development and the Northway and a 50 foot buffer between the existing homes to the east. There will be approximately 11.5 acres of deed restricted lands. The development will be connected to the existing water and sewer along Gailor Road maintained by WWSA. There will be a low pressure sewer running throughout the development with individual grinder pumps for each lot. Also being proposed is closed drainage system throughout the development that will collect the water from the foundation drains for the lots and convey the water to an existing wetland down Gailor Road. The road design consists of open ditches; there will be 3 storm water management areas, as well as a drainage swale to keep any water from flowing on to the existing lots. The closed drainage system will pick up the water from the foundation drains underneath the homes. The foundation drains are put below the foundation floor and around the foundation with a closed pipe to keep the basements from being wet by gravity. There will be a back-up sump pump in each basement. The entrance road to the project site is across from an existing home. There is a potential issue of headlights; if there is an impact the developer intends to work with the homeowner to mitigate it.

Mr. Rice asks what is to be expected at the public hearing, especially considering the neighbors to the west on Damascus Drive. Mr. Ferguson responds that the impact to them will be limited by providing the swale behind the project site. There will be deed restrictions on the new lots that will prohibit any alterations to the swale; also a 50 foot buffer is being provided. Mr. Ferguson knows of some problems in the existing subdivision that have had flooding in the basements. Mr. Woodcock confirms there is flooding. Mr. Rice asks about the existing homeowners on the side of Damascus that may be impacted who may be nervous about the prospect of additional water in their basements caused by the disturbance of building the new subdivision. Mr. Ferguson states that due to the measures being planned to mitigate storm water runoff he doesn't believe there will be much impact on the groundwater level. He explains in detail the direction of the flow of runoff to storm water basin and then discharge into existing wetland.

Kirklin Woodcock, the Highway Superintendent initiates a discussion of the potential problems of storm water drainage on Dakota Drive. He recalls there being an issue with the DEC that Mr. Ferguson states has been rectified by the developer of Canyon Run. The issue was how much wetland was being impacted. Any discharge from the proposed site under the NYS storm water guidelines, will not allow any more water after construction than existed before construction. Mr. Woodcock asks if new tests pits have been dug to find out what the water table is like now. Mr. Woodcock has experienced flooding in spite of promises that the water table had been significantly lowered. There is no place for the water to go. He is concerned about the roads that the Town may potentially be taking over due to some existing problems with the ability to obtain 95-100% compaction needed to build the roads. There are specifications regarding compaction that must be met. He understands that the sewer line may be put down the center of Gailor Road. Mr. Ferguson is proposing moving the sewer line for a short distance within Gailor Road. Mr. Woodcock wants the assurance for some kind of protection that when Gailor Road is opened up to put the sewer down through the center of that road, that it does not impact the road or the contractor is going to have to rebuild Gailor Road. He believes that should be done in light of the proposed project.

Chairman Dobis says the Town has the option of requiring a full-time inspector. Mr. Riper says a letter of credit could be required as financial security so if any problems with the roadway develop the Town would be covered. The Code allows for a two year letter of credit which can be renewed until the road is finished with the top coat. The Town accepts the road prior to any certificate of occupancy being issued in a subdivision; typically when 80 – 90% of the homes are built. The road construction is monitored and the developer must make any repairs that are necessary. There is an inspection process after the top coat is put on. The Town would require renewal of a letter of credit if the roadway work hasn't been completed. Mr. Riper explains the process of renewal if the top coat hasn't been completed. Both Kirklin Woodcock and Ryan Riper go and inspect the roadway before a letter of credit can be released.

Mr. Riper's letter of November 9, 2015 addresses Gailor Road construction. One suggestion is putting in some "weep" drains [subgrade drainage] in Gailor Road and extending them down to daylight. Mr. Woodcock contends that the only way to get rid of the water is if the water table goes down. He asks if Mr. Ferguson has a topographical map of the project site; of the adjacent Northway and Dakota Drive. He believes the Northway topography is higher. Mr. Ferguson says there are some existing wetlands down [Gailor] the road that are seven plus feet lower than the road that could be used as a destination for runoff.

Mr. Slone asks what the Board's role is a situation where there is a disagreement about whether adequate drainage can be put in place that will prevent flooding. Can the Board stop a project if it appears that the site

isn't going to drain properly? Mr. Schachner says yes, drainage is one of the considerations that a planning board looks at when reviewing a subdivision or a site plan application. If there is a reasonable basis for believing that a drainage problem could be created that's not being properly dealt with, that is grounds for a denial. The Board may ask for another evaluation by an independent engineer. Mr. Schachner adds that when the Board conducts SEQRA review, it will be difficult to issue a negative declaration if a drainage problem is going to be created.

Chairman Dobis states that the normal procedure is to take the information provided by the applicant and Mr. Riper's review letter and look at the option of having an independent engineering review. So he asks Mr. Riper if based upon what he has heard tonight, that the Board has some concerns, what he would recommend. Mr. Riper said he would like to know the elevation of the foundation drainage system throughout the subdivision and the elevation where the water would be draining to. He quotes from his letter "groundwater drainage details, installation methodology and inspection requirements should be shown on a separate drawing and is to be reviewed. Provide evaluation of stream/wetlands that will receive flow" which is the discussion Kirk mentioned. What is downstream of the project site needs to be evaluated to understand what the impact is. "Include the Town in correspondence with ACOE" any comments or permit applications. Provide detailed installation notes and full time installation inspection, certification of groundwater drainage system. Discuss future maintenance responsibility- i.e. tax district or HOA." From his experience, a similar subdivision that has this kind of ground water drainage system problem is Olson Farms off Northern Pines Road. He describes what happened; when the foundation was dug for the first home, the concrete was poured and the framing of the house started. A few weeks later they had 5 feet of water in the basement. That is when they created this groundwater drainage district. The drainage system continuously flows and has lowered the groundwater in that area. In Olson Farm, fill was brought in to raise the foundation of the houses. Mr. Riper comments that for every single house in Olson Farm, the finish floor elevation, the basement slab elevation and the foundation drain was designed to an elevation - so the elevation is known for every house. This could be done for the Canyon Run Extension subdivision and that could be looked at and reviewed; also the adjacent elevations of roads, culvert crossings and the outflow.

Chairman Dobis asks whether, in this case there is the potential for the water to recirculate. Mr. Riper responds that there will be a gravity system. The water in the drainage system from the houses will flow in to the road system which is installed 10-11 feet deep and then by the time the gravity pitches it to the area indicated, that is about 6-7 feet lower than Gailor Road in that area and quite a bit lower than the site itself. What the elevation is where the water ends up - that question can be answered with more analysis. Chairman Dobis asks Mr. Riper if based on what applicant has submitted, and the questions that have come up tonight, is he comfortable with giving preliminary status. Mr. Riper doesn't think the Board's comfortable. Now they have the information about what the Board wants to see. Chairman Dobis concludes the Board is not ready to set a public hearing until it receives exact details about the groundwater. Mr. Rice agrees the public will expect definitive answers. Mr. Ferguson agrees to do further analysis of the drainage system. Mr. Riper has talked to the developer about the choice between a tax via a drainage district or an HOA owning and maintaining this system. The way it works with Olson Farm is on each individual lot, the homeowner is responsible for the drainage system on his property. Once it is in the Town ROW, the Town is responsible for the drainage system. Assuming it is just groundwater, no external inputs to this system, it shouldn't be any problem. Mr. Ferguson adds that the underdrains could erode, if an underdrain system is done along the road. Chairman Dobis would prefer to have a tax district that can't fold in a manner which HOA's sometimes do. The decision about instituting a tax district is in the Town Board's hands.

Mr. Riper's has additional comments in his review letter including items that should be put on the plans:

- (1) If the subdivision is phased, where would the line be drawn; Mr. Ferguson says it will be one phase only;
- (2) extending the line of Lot 33 straight North behind the storm water management area and reconfigure outflow line;
- (3) Provide Planning Board with drainage flow path behind homes and adjacent to Damascus Drive – this need to be deed restricted regarding homeowner modifying topography or blocking flow path shall be placed on the plans; that needs to be clearly depicted on the plans so homeowners will know they can't fill in drainage swales. Also clearly indicate dimensions and label open space and deed restricted areas. Add note this is to be shown on permit final as-built survey. Provide actual open space percentages.
- (5) Mr. Woodcock brought up the sewer line to be installed in the center of Gailor Road. Mr. Riper has concerns about that and wants applicant to "provide traffic control methods and extent of roadway restoration."
- (6) The existing dwellings along Gailor Road should be shown with their proximity to the proposed subdivision. The house on the corner of Tawny Terrace and Gailor may have headlight issues and those should be mitigated.
- (7) Provide utility plans with phantom topo lines.
- (8) Provide Roadway cross-section for poor soil subgrade sections.

Mr. Riper confirms that all the storm water management areas are going to be turned over to the Town.

Chairman Dobis inquires about the enforceability of deed restrictions on subdivision plans in the case where a private homeowner filled in a drainage swale. Mr. Schachner says there are enforcement capabilities. The Town wouldn't do the work. The Town does have recourse; it could make the homeowner return the swale to its original condition.

Mr. Dannible from EDP thinks it would be appropriate for the applicant to set up a meeting with Mr. Riper once the additional information is available. At that time it could be determined whether an independent evaluation of the drainage plans needs to be done or if Ryan is satisfied from an engineering standpoint, the applicant could come back before the Board for an update. Chairman Dobis agrees. Mr. VanEarden indicates that this subdivision could be controversial, it may be that a third set of eyes on the plans protects the Town a little bit. Mr. Riper remarks that there are engineering firms that specialize in water drainage and ground water flow paths and one could provide an opinion. The applicant would be responsible for the cost of an independent evaluation.

III. REFERRAL: The ZBA has requested a recommendation from the Board on the variance application by Dolgencorp, LLC, for five feet of relief from a height restriction for occupied space. Mr. Palumbo of CT Male is representing Dollar General. The goal is to introduce the project to the Board to see if there are any immediate questions; to get a recommendation for the ZBA and to initiate the SEQRA process by having the Board seek lead agency status. Chairman Dobis asks whether the Board needs a conceptual submission before it seeks lead agency status. Mr. Schachner responds that it isn't necessary. The applicant has submitted a long form EAF based on the information it has now. Any additional information will be submitted to the Board as it becomes available.

This project is very early in the planning process. Surveys and geotech studies are being done on site. The first step is to get this variance so that the applicant will know it can operate inside with its standard model warehouse. The issue is the allowed building height of 55 feet. The regulation is that you can't have

occupied space in the top 20 feet. Mr. Mykins' determination is that the maximum height is 35 feet for occupied space. The applicant is looking for 40 foot allowance for occupied space, relief requested is 5 feet. Occupied space includes items that are stored.

Mr. VanEarden is interested in the ramifications from a fire safety perspective. Chief Morgan says the Town ordinance is to allow for safe access for rescue. His concern is the interior height restriction. Ace has racking system in place that lift trucks pull items off the racks. No personnel go up in the racks. Target has conveyors and there are maintenance people in those racks. The issue is making a rescue at 40 feet with a ladder that goes to 35 feet. Mr. Palumbo will provide more information on the racking system that Dollar General uses. Mr. Riper believes the system is similar to the Ace set up where lift equipment goes up to the top racks, the employees stay below. The human occupancy elevation is 25 feet. The exterior height is 52 feet. Mr. Riper comments that the proposed building will be fully sprinkled.

For the record, Chief Morgan states that the WFD is not against the Board giving a recommendation to allow the variance. This project is not going to drive the upgrade for new equipment – it's the buildings that are 3 stories and above that will push the upgrade. In the WFD truck replacement plan, 2017 is the year the department has indicated it wants to upgrade to a 105 foot ladder.

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

NOW, THEREFORE, BE IT RESOLVED that the Wilton Planning Board seeks to declare lead agency status for the coordinated review of SEQRA of the site plan application by Dolgencorp, LLC. The motion is seconded by Ron Slone, and duly put to vote, all in favor, on this day, November 18, 2015.

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

NOW, THEREFORE, BE IT RESOLVED that the Wilton Planning Board give a positive recommendation to the ZBA on the relief sought by the applicant Dolgencorp, LLC, as stated in the Zoning Officer's Notice of Determination dated November 2, 2015 regarding a variance application for the proposed warehouse facility to be located at 197 Ballard Road, Tax Map Nos. 115.-2-95/115.-2-38 zoned C-3.

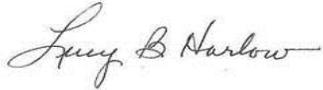
Under comments, Chairman Dobis adds the following: that Chief William Morgan of the Wilton Fire Department is not adverse to the positive recommendation made by the Planning Board. The motion is seconded by Ron Slone, and duly put to vote, all in favor, on this day, November 18, 2015.

IV. ADJOURNMENT:

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

NOW, THEREFORE, BE IT RESOLVED that the meeting of the Planning Board be adjourned at 9:17 p.m. The motion is seconded by David Gabay and duly put to vote, all in favor on this day November 18, 2015.

Approved: December 16, 2015

A handwritten signature in cursive script, appearing to read "Lucy B. Harlow".

Executive Secretary