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PLANNING BOARD
JANUARY 18, 2017

PLANNING BOARD

MICHAEL G. DOBIS,
Chairman

HAROLD VAN EARDEN,
Vice Chairman

WILLIAM RICE

ERINN KOLLIGIAN

RON SLONE

DAVID GABAY

BRETT HEBNER

RICHARD FISH, Alternate

A meeting of the Wilton Planning Board occurred on January 18, 2017 at the Wilton Town Hall, 22 Traver Road, Wilton, New York.

PLEDGE OF ALLEGIANCE

Chairman Dobis requests that those in the audience who wish to make a comment would identify themselves by name and address so that information can be recorded in the minutes.

I. PUBLIC HEARINGS:

A. 502 MAPLE AVENUE: CGLF, LLC.

At 6:32 PM, Chairman Dobis opens the public hearing for 502 Maple Ave, a preliminary site plan application to convert existing residence to a law office for Theresa Capozzola, Esq. Ms. Capozzola presents the site plan indicating the existing structure and garage which will remain. The proposal is to construct a handicap ramp to access the building from the rear and to construct a seven space parking area. The existing driveway will be used. Chairman Dobis asks for questions or comments from the audience, the Board: there are none. He asks for a motion to close the public hearing.

William Rice moves to close the public hearing. The motion is seconded by David Gabay and duly put to vote, all in favor, on this day, 18th day of January, 2017.

At 6:34 PM, the Board adopts the resolution to close the public hearing.

B. CUMBERLAND FARMS SERVICE STATION: CUMBERLAND FARMS, INC.

This is an application by Cumberland Farms, Inc., for preliminary site plan review for the construction of 4786 SF service station and to subdivide property into 2 commercial lots. Property

located on NYS Route 9 at the intersection with Daniels Road. Tax Map No. 153.-1-4; zoned CR-1, on 5.08 acres. Stephanie Bitter, Esq., Wendy Holsberger from Creighton Manning and the team of engineers from Bohler Engineering are here representing the applicant, Cumberland Farms, Inc. The first request is to split the 5.08 acre parcel into two lots: lot one would be 2.63 acres and it would be the Cumberland store development site. The second lot would be 2.45 acres which would be retained by the seller for a future commercial use. The rendering exhibited shows the 4786 SQ FT convenience store with an eight-pump fuel island. The access on Route 9 will be a full access point and on Daniels Road there will be a right-in access close to the intersection and further down will be a full access point. The site will be serviced by well and septic. There will 35 parking spaces – a waiver by the Board regarding the number may be necessary. The building as it is rendered in the exhibit has been well received in several municipalities. At the last meeting [December 21, 2016] Mr. Riper's review letter was discussed, specifically regarding the easement along the Route 9 frontage. Due to the adjacent parcel being owned by Niagara Mohawk, it was concluded that it would be best to convey an easement to the Town for future utility improvements. A traffic study was submitted to NYSDOT in November. The Saratoga County Planning Board reviewed and provided its recommendations. Chairman Dobis asks for questions or comments from the audience.

Darren Tracy residing at 235 Daniels Road, Saratoga Springs, New York comments as follows: "I have ownership of two properties just down gradient off this parcel on Daniels Road; 430 Daniels Road and 563 Maple Avenue, the house on the corner and the trailer and I am somewhat concerned about storm water runoff and pollution affecting the drinking water of our properties because both places are served by a well-point. There is potential for a leak, but more importantly it's just storm water. If you picture pulling up to a gas station and pulling out your hose from your filling-port and a few drops of gas fall on the ground; it's not uncommon that could happen with every car that visits the filling station. There could be 100 cars a day, 2 or 3 drops per car; that is 200-300 drops a day, every day. So over time that could build up and since these properties are down gradient and since the soils are very sandy, I am concerned about infiltration to the private water servicing these 2 properties. Therefore I would like to lobby for public water being brought down to this area so that we could mitigate this concern."

Robert Pulsifer "I have the law office and the property on the other corner. First of all I think it's a great project, it will help business up and down Route 9. My neighbor, George Bull, we have adjacent properties and we were wondering if we were going to be able to get free coffee. Got to get something out of it. I only have one concern, my office has been there for about 25 years and I get a front row seat to traffic coming south on Route 9 trying to shoot over Daniels Road towards Darren's house, going over Daniels Road and I have thought for a long time that it would be great, even before this property was looking to be developed to have a right turning lane onto Daniels Road and possibly widening of Daniels Road there to open that mouth up a little bit. A lot of the accidents that I see are people who want to shoot from Wilton over to Daniels Road, especially when the light is green and there's not much traffic, they'll be coming through at a pretty decent rate of speed and try to hit their brakes when they realize they are right up on Daniels Road, cause you don't see it very far away, when they hit their brakes they get rear-ended. I saw a motorcycle have that happen: a woman hit her brakes and the motorcycle went right over the top of her. I spoke to Ryan for just a minute, and I hope there will be some exploration about a right turning lane headed south onto Daniels Road. I think it would make that corner a lot safer. That's my only comment."

Ms. Kolligian remarks: “instead of driving illegally on the shoulder?”

Mr. Pulsifer: “Yeah the shoulder is ostensibly a right turning lane.”

Sally Covell, residing at 576 Maple Avenue. “I would be right across the street from it and what I’m concerned about is the traffic. When I’m trying to get out of my driveway to go left to Saratoga, sometimes I’m there a long time. I can’t get out of my driveway – I sit there 15 minutes before I can even get out, I have to make a right and go up and turn around in the firehouse parking lot and come down. That’s what mostly I’m concerned about, what they’re going to do about that.”

George Bull residing at 570 Maple Avenue. “My concern would be the same thing, the right hand turn. From time to time sheriffs will pull into [someone’s driveway] and people like to run down the shoulder and make right hand turns. I have seen lots of tickets being given out there. They are driving on the shoulder, going south on Route 9 and taking a right onto Daniels Road. They’re doing it now and from time to time the sheriffs will park in that driveway. Right now it’s wide enough although there is a big sign to not drive on shoulder. I thought as part of the project, there was going to be a right-hand turn lane. Doesn’t know where he got that impression.”

Darren Tracy: “I hadn’t thought of this before, but I think that right-hand turn lane is a really good idea and it may even help you get out of your driveway. It’s going to be help move traffic more quickly and open up that lane somewhat.”

Chairman Dobis: “Normally we would be looking to close the public hearing now, but we’re going to keep this public hearing open until our next meeting which is going to be the 15th of February.”

II. REGULAR MEETING: Chairman Dobis calls the regular meeting to order at 6:45 PM. Chairman Michael Dobis requests a motion to address the December 21, 2016 Planning Board minutes.

MINUTES APPROVAL: William Rice moves, seconded by David Gabay, for the approval of the meeting minutes of December 21, 2016 as written. Ayes: Dobis, Rice, Hebner, Kolligian, Fish, Gabay, Opposed: None.

CORRESPONDENCE: Letter from Bohler Engineering dated 12/30/2016 re: McDonald’s Rebuild: connection to water and sewer; letter from Saratoga County Sherriff’s Office dated 12/13/16 re: Proposed Cumberland Farms site plan; *In Motion*, newsletter of CDTC, Volume 9, Issue 2 for December, 2016; Transmittal letter from Lansing Engineering dated 1/18/17 re: Versatile Shed Sales – West Parcel; Letter from Lansing Engineering dated 1/18/17 re: Versatile Shed Sales – West Parcel conceptual review responses; Letter and brochure from National Grid re: natural gas pipeline safety programs

IN ATTENDANCE: Those present at the January 18, 2017 Planning Board (“the Board”) meeting are: Chairman Michael Dobis, Erinn Kolligian, Richard Fish, Alternate; David Gabay, William Rice, Brett Hebner, Ryan K. Riper, P.E., Director of Planning and Engineering and Mark Schachner, Planning Board Attorney. Also present are: Theresa Capozzola, Esq., Peter Capozzola, Amanda Sweetman, Diana Bull, George Bull, Sally Covell, Scott Shearing, Darren Tracy, Wendy Holsberger,

Stefanie Bitter, Esq., Ross Galloway, Jim Gillespie, Donald Pidgeon, and Richard Woodcock.
Absent: Harold VanEarden, Ron Slone.

III. APPLICATIONS:

A. 502 MAPLE AVENUE: CGLF, LLC.

Mr. Ryan Riper states the applicant took care of all the comments that were discussed in the last meeting as far as the parking setback and addressing other items. It is a Type II action under SEQRA. No declaration is necessary. The Chairman asks for any additional comments and for a motion on preliminary. On a motion introduced by David Gabay the adopted the following resolution:

NOW, THEREFORE, BE IT RESOLVED that the Planning Board for the Town of Wilton approves the preliminary application by CGLF, LLC to convert a residence into a law office. Property located at 502 Maple Avenue, approximately one-half acre, Tax Map Nos. 153.13-1-2; 153.13-1-1.2; zoned CR-1. The motion is seconded by Erinn Kolligian and duly put to vote, all in favor, on this day, January 18, 2017.

The Chairman asks for a motion for final. On a motion introduced by David Gabay, the Board adopted the following resolution:

NOW, THEREFORE, BE IT RESOLVED that the Planning Board for the Town of Wilton gives final site plan approval to the application by CGLF, LLC to convert a residence into a law office. Property located at 502 Maple Avenue, Tax Map Nos. 153.13-1-2; 153.13-1-1.2, zoned CR-1. All requirements under SEQRA have been met. The motion is seconded by Erinn Kolligian and duly put to vote, all in favor, on this day, January 18, 2017.

B. CUMBERLAND FARMS: Application for preliminary site plan review for 4786 square foot service station and to subdivide the property into 2 commercial lots. Property is located on NYS Route 9 at the intersection with Daniels Road and is zoned CR-1. Stefanie Bitter, Esq., local counsel for Cumberland Farms, Inc.

Chairman Dobis reiterates that since the public hearing is being continued, no Board actions will be taken tonight and states that the questions and comments that were raised tonight will be considered by the Board.

Mr. Riper follows up on the discussion with NYSDOT, the Creighton Manning traffic study has been sent. Ms. Holsberger states there has been no response from that agency. Ms. Kolligian asks whether Route 9 is wide enough to put a two-way lane down the middle and have a right-hand turn lane onto Daniels Road. Ms. Holsberger responds that would require additional widening. There was discussion with Ryan previously about potential future mitigation at this intersection and the right-

hand turn lane. Cumberland Farms' perspective is that anyone coming south on Route 9 to enter the site would not be making a right-hand turn onto Daniels. That volume of movement would be reduced. [The sign prohibiting using the shoulder to make a right-hand turn is an attempt to mitigate the traffic problems and safety issues.] It is an existing issue.

Mr. Rice comments that the problem of cars turning right on Daniels is that they block cars that are continuing south on Route 9.

Mr. Bull: "I thought that intersections like that, that they put the stop for the other two lanes back further with those big white markers across, so you stop back from the light. The lane going south would not come up to the light; it would stop back 20 feet with a white line across the road. Isn't that what you are talking about? This is at other intersections to avoid that problem you are talking about have white lines across the road, maybe 20 feet back, so that the car going to the right."

Mr. Pulsifer: "The reason I don't think that logic works is because I have been watching it ... there's seems to be a lot of traffic that uses that as a thoroughfare over to Greenfield and they'll be backed up cars trying to turn onto Daniels Road now 6, 8, 10 deep so they are already going back through where that turn into Cumberland Farms would be. If it was just traffic going straight it would be clearing out there pretty quickly. Right now it's combined traffic going straight and one stacking up. I would disagree that it's not a problem for Cumberland Farms because this property is part of the problem because it's very tight right up to that corner. By putting that right lane in there, don't forget that Cumberland Farms customers are coming into that property, there's going to be more of them coming back out of the other side which is going to put more traffic in that general area. There's no reason to turn in there right now; Moskovs really isn't operational right now. If you are going to have a left turn lane there's traffic that's going to start stacking up in the left lane now, you are going to put more traffic in that area. Anyway that you can siphon that traffic off would be a better thing and since you've got 6, 8, 10 cars sometimes backed up right now with no Cumberland Farms, you are going to start getting even more people. Some of them are going to turn off into Cumberland Farms, but some of them are going to pile back there. Hopefully their business is going to do well and drive even more people [interrupted]"

Mr. Rice: "Stacked up 8-9 deep on Route 9, taking a right?"

Mr. Pulsifer: "Those of us that sit there at 5 o'clock at night – the only reason you can get out is cause people are polite sometimes. I could see especially rush hour, you're going to have 6, 8, 10, 12 cars backed up there whether they have a turn lane or not. If you have a turn lane off, you're going to siphon them off and get them onto Daniels Road and out of there quicker."

Mr. Riper asks Ms. Holsberger what the distance from the intersection to your proposed entrance on Route 9? She responds it is 185 feet. Those queues were looked at in detail, we've discussed them. Those are all things that the DOT will look at and we talked about the morning peak. There is definitely a half hour that those queues are long and they are going to continue to be long, we understand that.

Mr. Rice: "But how does Cumberland make that work?"

Mr. Pulsifer: “If there was a right hand turning lane, essentially where people are going over that shoulder now, if it was a little bit longer coming back through there it would pull people off. I honestly think that the comment that you made would be better with a turning lane because now the people going straight through are funneling out instead of waiting for somebody who might be potentially turning right.”

Mr. Rice: “I understand that a right-turn lane is a good idea, how is Cumberland Farms making it worse?”

Mr. Pulsifer: “You’re talking about transferring an easement to the Town right now; you’d be using that easement for the right turning lane. There’s no way you’re going to use sidewalks in that area, it’s not a residential area where people are going to be walking.”

Mr. Rice: “I’m just wondering why making them foot the bill for a right-turn lane, why is putting Cumberland Farms there going to . . .”

Mr. Pulsifer: “There’s going to be increased traffic – there is some existing traffic that is part of the problem and I agree with that, but that’s a property on the corner so it is part of the problem because if the State or Town already own the property, it could of widened those roads.”

Mr. Rice: “If they’re on Rt. 9 going south they’re taking traffic off, from going into the Cumberland Farms.”

Mr. Pulsifer: “But they’re going to be generating more traffic and it’s already a problem and if they’re going to be granting an easement to the Town for some future use like sidewalks, we all know that sidewalks are not going to make sense. It’s a driving area not a walking area. Why not use that now for that right-hand turn lane to siphon off that extra traffic.”

Chairman Dobis: That’s going to be DOT’s call. There are valid points on both ends.

David Gabay: It would be nice to solve the problem in one fell swoop. DOT is the ringleader??? In the whole thing. I see that problem everyday on the way to work and it would be nice to solve it.

Chairman Dobis inquires how long it would take to hear comments back from DOT.

Ms. Holsberger says she hopes by the next meeting. The traffic report was finished in November and although it hasn’t been in their hands long, she keeps trying to get a response.

Chief Bullard, Maple Avenue Fire Dept., spoke to one of the engineers about putting in turning radius for fire trucks, it looked like it was going to be really tight.

Scott Shearing from Bohler Engineering says they have worked up the path for the fire vehicles. That will be provided to the fire department

Chairman Dobis suggests some discussion of the storm water issues that have come up. Mr. Ripper: the gas drops, although it is a concern, the pumps are under a covered canopy which is a storm water

practice. So every time it rains it's not going to be washed away. He asks Bohler to address the storm water practices. Jim Gillespie describes how the canopy is drained there will be no storm water that will run through this canopy. There is a ridgeline with a high point. Gas is volatile and dissipates very quickly. If it does attach itself to dust or sediment – we've gone above and beyond the DEC requirements here. DEC is very strict as far as the regulations for treating storm water at a gas station and those regulations are followed. Any portion of the site that can be exposed to gas or gas spills – it has to be treated in a certain way. There is a treatment chain, there are deep sumps and all the catch basins will have oil-water separator hoods on the outlets of the catch basins; a hydrodynamic separator that storm water will flow through and sucks out sediments. After that, it is distributed to a retention filtering system sized per DEC standards – there's a very large section of filter media that the storm water is filtered through before it's allowed to either infiltrate or go to natural drainage patterns. Components of the system will have to be inspected a couple of times a year and cleaned out accordingly. There will be maintenance logs on site. There is a whole process – the Storm Water Pollution Prevention Plan (“SWPPP”) and Storm Water Management Report that will have to be prepared and reviewed and filed with DEC. It's very closely watched.

Discussion of access to public water: Mr. Riper: The water line is up by the recently built 665 Route 9, the Gordon Building, and down at Loughberry. There is also a line on Smith Bridge Road. Chairman Dobis asks whether there is any talk of water or sewer connections from either direction. Mr. Riper: there needs to be the demand or a developer to come in and bring the connection in. The county water line that goes up Daniels cannot be accessed for tap-ins.

Chairman Dobis asks for any other questions and states that no action can be taken tonight on this. Ms. Bitter will request draft minutes from Ms. Harlow so that she can make sure and understand all the questions presented and submit written answers and articulate why that right turning lane wouldn't be feasible for the project as well as assessing it and hopefully having DOT's response as part of the discussion. Before the February 15th meeting they will be answering all the questions that were presented this evening so it's part of the record. Ms. Bitters thanks the Board for their attention.

C. SALMONSON SUBDIVISION: The application by Daniel and Gerald Salmonson has been revised to a 3-lot subdivision, no development is being proposed. Donald Pidgeon is the applicants' representative describes the revision and the lot sizes. He is requesting that the Chairman schedule a public hearing. Chairman Dobis asks Mr. Riper if the application is complete. The public hearing is scheduled for 6:31 PM on February 15, 2017. Mr. Schachner states this is an unlisted action under SEQRA. Mr. Riper: SEQRA review will occur at the next meeting.

D. VERSATILE SHED SALES – WESTERN PARCEL: RICHARD WOODCOCK, JR.

Application for preliminary site plan to change use of property from sales of self-storage units to a staging area for pick-up and delivery of sheds. Property located at 245 Ballard Road on 3.10 acres, Tax Map Nos. 115.-1-16 zoned C-3. Mr. Woodcock is present to answer any questions. Mr. Riper just received the latest drawings, it appears his comments of 12/13/16 have been addressed.

Chairman Dobis states that the next step is to set the public hearing. The public hearing is scheduled for February 15, 2017 at 6:32 PM.

IV. ZBA REFERRAL: SARATOGA SPORTS CLUB, INC.

Request for Recommendation to ZBA regarding application for variances for lot size, frontage and side yard setback by Saratoga Sports Club, Inc. in order to convert residential space to sports club and indoor batting practice facility. Property located at 4252/54 NYS Route 50 on 1.29 acres, zoned RB-1. Mr. Ernie Gailor of Harlan McGee is representing applicant, Saratoga Sports Club, Inc. and Brett McArthur. This is an existing lot, an existing building; it needs 200 feet of frontage, and only has 170 feet. The building that was already there met the setback requirement for residence, but it does not meet the requirements for the proposed use. He describes the needed relief: 30 feet of frontage, 2.92 feet side yard and 3807.60 SF for lot size. Mr. Riper points out the chart of the variances being requested that is attached to the Zoning Enforcement Officer's Determination Letter. Mr. Riper: the hours of operation are 7 days a week, 3-9 pm on weekdays, 9-5 on the weekends in the summer. There is no intention to use the field in the rear for games; it will be used only for instruction. Mr. Rice makes suggestion that applicant talk to the neighbors. He states the biggest issue is the outdoor lights and the proximity of the other residents to the site. Mr. Gailor states the variances being requested are rather minor and differ from the site plan issues like lighting, hours of operation and the proximity to the neighboring residences. Chairman Dobis asks about the adjacent lots that previously had mobile homes on them. The mobile homes are gone.

Ms. Kolligian reads the following [from §129-175 of the Town Code. Special Permit Review: The following are Special Use Permit questions the Board will be required to answer if the Applicant moves forward with the project if the ZBA approves the variances.]

For each special use permit, the Zoning Board of Appeals, Town or Planning Board shall determine, in its judgment, that:

(1)

It is reasonably necessary for the public health or general interest or welfare.

(2)

It is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities.

(3)

The off-street parking space required under § [129-161](#) of this chapter or where not specified is adequate to handle expected parking demands.

(4)

The neighborhood character and surrounding property values are reasonably safeguarded.

(5)

Undue traffic congestion or creation of a traffic hazard will not result.

(6)

Any other conditions or standards specified in this chapter and especially those listed for specific uses in § [129-176](#) of this article are fulfilled.

(7)

All governmental authorities having jurisdiction have given the necessary approval.

Chairman Dobis questions whether Item 1 is a state requirement. Mr. Schachner responds that it is not a state requirement. He thinks criterion in Item 1 is not a very appropriate; it is not a real standard or criterion. Each of the three Boards: Town Board, Planning Board and Zoning Board of Appeals. "shall determine the seven criteria" one could argue that all seven must be determined that way. Item 1 is not an appropriate criterion. There are dozens of special use permits in Wilton; none of the three Boards have ever focused on that Item 1 as being a black/white litmus test. For the committees that are looking at revising the Wilton zoning laws and ordinances, Item one is not an appropriate criterion and the Board shouldn't get too hung up on it.

Mr. Rice believes it's going to be up to the neighbors as suggested in Item 4. Right now you don't have to make any motion about these items. The question is does the Board wish to make a recommendation to the ZBA as to whether it should grant or not grant the variances. The Planning Board can't approve or deny, it can only make a recommendation. It is required that the matter be referred to the Planning Board for a recommendation, it is not required that this Board provide a recommendation.

Mr. Rice says he's inclined to give a positive recommendation. He would like to see the applicant talk to the neighbors. He states further that the ZBA will make its decision based on input from the neighborhood, this Board can send a recommendation based on input from the adjacent neighbors. Mr. Schachner: "you don't know what the input from the neighbors is. He wouldn't make a recommendation contingent on the input from the neighbors for these reasons: planning and zoning decisions are not by law supposed to be popularity contests, and the ZBA is going to apply the five criteria that are set forth in NYS law and the Wilton Town Code to make a determination on the area variances. Mr. Rice suggests giving a copy of the minutes to the ZBA. Mr. Hebner says that in terms of the area variances, the ZBA is going to hold its own public hearing. The neighbors are going to have to be informed and they can show up and voice their concerns. His recommendation would be to give a positive recommendation and make comments around our concerns relative to the impact on the neighbors. The applicant is going to have to return for site plan and at that time we can address the concerns mentioned by this Board. Mr. Gabay agrees the variances are minor.

At 7:30 PM, Bret McArthur enters the meeting room and introduces himself.

After the discussion of the seven items that form the criteria to determine whether a special permit use should be granted, William Rice makes a motion for a positive recommendation to the ZBA to grant the relief requested for lot size, frontage and side yard setback requested by Saratoga Sports Club, Inc. The property located at 4252/54 NYS Route 50 on 1.29 acres, zoned RB-1. Tax Map No. 141.-2-83. David Gabay seconds. The Board members expressed their concern about the impact on the neighboring residences.

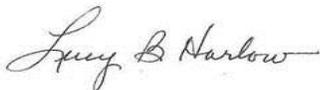
V. ADJOURNMENT:

David Gabay will not be at the February meeting.

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

NOW, THEREFORE, BE IT RESOLVED that the meeting of the Planning Board be adjourned at 7:57 p.m. The motion is seconded by Brett Hebner and duly put to vote, all in favor on this day January 18, 2017.

Date Approved: February 15, 2017



Lucy B. Harlow, Executive Secretary