



TOWN OF WILTON
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PLANNING BOARD

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Director of Planning
& Engineering

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Planning Board
Counsel

PLANNING BOARD

January 20, 2021

A meeting of the Wilton Planning Board (“the Board”) occurred on January 20, 2021 via Zoom due to public health and safety concerns related to COVID-19, in accordance with the Governor’s Executive Order 202.

PLEDGE OF ALLEGIANCE
CALL TO ORDER:

Chairman Bill Rice acknowledged the history of Chairman Mike Dobis and thanked him for all his years of service as the chairman of the Wilton Planning Board.

At 6:36p.m., Chairman Rice opens the Public Hearing.

I. PUBLIC HEARING:

A. Kodiak Construction: Mulberry Estates, Phase II: Application for Mulberry Estates, Phase II by Kodiak Construction for a twenty-four (24) lot conservation subdivision. Property located at/on Cerulean Boulevard and Dandelion Drive, near entrance to Mulberry Estates on 17.65 acre(s), Tax Map No(s). 127.-3-28.12; zoned R-1.

The following Notice of Public Hearing was advertised in the Saratogian Newspaper:

PLEASE TAKE NOTE that the Planning Board for the Town of Wilton will hold a **PUBLIC HEARING** for a proposed Subdivision by Kodiak Construction for Mulberry Estates, Phase II. Property located at/on Cerulean Boulevard and Dandelion Drive, near entrance to Mulberry Estates on 17.65 acre(s), Tax Map No(s). 127.-3-28.12; zoned R-1

SAID HEARING will be held on Wednesday, January 20, 2021 at 6:30PM via Zoom due to the public health and safety concerns related to COVID-19, in accordance with the Governor's Executive Order 202. At that time, all persons will be given a chance to be heard. Please visit <https://townofwilton.com/> for more information and instructions on attending the Zoom meeting.

BY RESOLUTION of the Planning Board for the Town of Wilton, Saratoga County, State of New York.

Doug Heller of the LA Group and Jessie Boucher of Kodiak Construction are here to represent Kodiak Construction for Mulberry Estates Phase II.

General Site Statistics:

- Mr. Heller is presenting his PowerPoint presentation with the Board.
- Mulberry Estates Phase II is located off of route 9, Cerulean Boulevard and Dandelion Drive.
- It is one tax lot that is 17.65 acres.
- The Wishing Well is to the West and Mulberry Estates subdivision is to the East.
- The Mulberry Estates subdivision was originally approved by the Town in 1993.
- The subject property was included in the subdivision and was deemed for future development.
- In 1997 the subject property was cleared, during the development of phase I.
- To the west of the property is a National Grid gas line property that runs north and south.
- There is also a Saratoga County water line 30 ft. easement on the property that runs north and south.
- To the east there is a 70 ft. wide easement for National Grid Powerlines.
- The Mulberry Estates Subdivision is a Conservation Subdivision.
- Mr. Heller explains the photos in the presentation.
- There is an allowed maximum of 27 lots, and they are proposing to develop 24 lots.
- The subdivision includes construction of a new road, creation of new parcels, and providing 5.25 acres of open space land.
- They are proposing 24 lots; four single-family residential lots will be along Dandelion Drive, two single-family residential lots north of Cerulean Boulevard, and eighteen single-family lots south of Cerulean Boulevard.
- The proposed setbacks are 25 ft. front 25 ft. rear that are allowed, and for the side we are requesting a 12 ft. setback which would match the original Mulberry Estates setbacks.
- Subdivision is going to be geared toward empty nesters. Homes will be around 1,800 – 2,100 sq. ft. It is very similar to the Mill at Smith Bridge.
- Mr. Heller explains the easements, deed restrictions and proposed open space.
- The proposed subdivision will be on municipal water and sewer.

Public Comment:

There were many concerned residents who reside in Mulberry Estates, who have the opportunity to voice their concerns and present their petition.

Petition to oppose the Kodiak Construction plan to develop a 24-lot residential subdivision in Mulberry Estates Tax Map Note: 127.-3-28.12.

Petition Summary and Background:

This petition will be presented on the January 20th Wilton Town Planning Board hearing to vote on Kodiak Construction Company's application to build 24 new homes in Mulberry Estates along the 17.5 acres that separates Mulberry Estates from RT-9.

1. The undeveloped property currently exists as a natural boundary for noise and light pollution and maintains an atmosphere of privacy from the continuously increasing volume of traffic along RT-9. Removal of this boundary has the potential to irreversibly decrease the established property value for the residents of Mulberry Estates.

2. The current plan proposed by Kodiak Construction requires building a road along the backyards of Plum court. The plan also contains construction of 18 new houses on .30 acre lots south of Cerulean Blvd. The current plan has the front of these new houses facing the backyards of the established Plum court residents. The .30 acre lots along with the “front-to-back” layout is awkward, lacks privacy and is not the norm for the established layout of Mulberry Estates.

3. Additionally, the disruption and traffic congestion during the construction will adversely affect all the residents of Mulberry Estates for the proposed three-year duration of the project.

ACTION PETITIONED FOR:

We, the undersigned, are concerned citizens who urge the Wilton Town Planning Board to disapprove the current application on the grounds that the placement of the new road, the awkward layout of 18 lots south of Cerulean Blvd and the loss of the current natural barrier to the noise and traffic on RT-9 has the potential to irreversibly reduce the established property values across Mulberry Estates and permanently disrupt the lives of the residents.

Primary concerns of the residence of Mulberry Estates

- Number of lots and the size of the lots being only .3 acres.
- Poor design, crowding of homes.
- Loss of open space.
- Placement of the new road.
- The back yards of the existing residents will be facing the new road and the front yards of the new homes.
- Additional volume of traffic in the existing neighborhood.
- Additional volume of traffic turning onto Route 9.
- Light pollution from vehicle headlights.
- Disruption and traffic congestion during construction.
- The current residents’ homes will be devalued.
- Request the current plan be voted down by the Planning Board.

Chairman Rice: Thank you to all the residence who took the time and effort compiling the information they did, it was very well done. There were a number of comments that were emailed, they have been compiled and sent to the Planning Board.

Mr. VanEarden made a motion to close the Public Hearing at 7:28 p.m. seconded by Mr. Slone.

Mr. VanEarden says he missed the beginning of the meeting and would like to acknowledge Mike Dobis for all his years as the Wilton Planning Board Chairman and he admires him for staying on the Board.

I. REGULAR MEETING:

PRESENT: Chairman William Rice, Harold VanEarden, Michael Dobis, Ron Slone, Jeff Hurt, and Michael Coleman, Dave Catalfamo Alternates; Ryan K. Riper, P.E., Director of Planning and Engineering, Mark Schachner, Planning Board Counsel, Josh Carlsson, Land Use Administrator, and Amy DiLeone, Executive Secretary

ABSENT: Brett Hebner and David Gabay

MINUTES APPROVAL: Mr. VanEarden moves, seconded by Mr. Slone for the approval of the meeting minutes of December 16, 2020 as written. Ayes: Chairman Rice, Mr. Slone, Mr. Hurt, and Mr. Catalfamo, and Mr. Coleman Alternates

CORRESPONDENCE: None other than that relating to current applications before the Board.

II. APPLICATIONS:

A. Kodiak Construction: Mulberry Estates, Phase II- Application by Kodiak Construction for Preliminary Subdivision for Mulberry Estates, Phase II for a twenty-four (24) lot conservation subdivision. Property located at/on Cerulean Boulevard and Dandelion Drive, near entrance to Mulberry Estates on 17.65 acre(s), Tax Map No(s). 127.-3-28.12; zoned R-1

Doug Heller of the LA Group and Jessie Boucher of Kodiak Construction are here to represent Kodiak Construction for Mulberry Estates Phase II.

Comments from the county have not been received therefore we will not address Preliminary, Final, or SEQRA tonight. This will give the Board another month to review the comments and concerns of the residents of Mulberry Estates.

Public Hearing Comments Addressed:

- Mr. Riper said one of the main comments that was repeated several times was the placement of the road.
- Mr. Heller said they have located the road on the eastside and that will provide the most amount of buffer and give the ability to retain the greatest number of trees along the west side of the parcel.
- The residents have recommended to provide a 50 ft. buffer along the western property line and flipping the road over in that location. This will not work because along the eastern portion of the property there is a 70 ft. wide National Grid easement and a 30 ft. wide Saratoga County Water Authority easement.
- Easements do not allow the construction of a house over them.
- The new road it proposed to be 65 ft. from the rear of the parcels and the edge of the pavement would be 160 ft. from the back of the existing houses on Plum Court. To put that in perspective the front of the houses on Plum Court to the houses directly across the street is only 100-50 ft.
- The rear of the houses on Plum Court would be 200 ft. away from any new homes in the subdivision.
- The traffic/trip generation, someone coming or leaving a single-family residence would be an average rate of .75 trips per dwelling. With the 20 lots that is 15 trips at the peak hours.
- There will be no streetlights.

- The density of the new lots would be .3 acres and the existing lots on Plum Court are .37 acres. They are a little smaller but not significantly.
- The houses being closer together will provide more of a sound buffer to route 9.
- The gas line trail is not on the developing parcel, so that would not be impacted by the development.
- National Grid powerlines and the trails are located on the developing parcel which is private land and is part of this project.
- They do not anticipate prospective owners will be backing into their driveways and headlights shining into the back of the current residents' houses.

Mr. Riper, Town Engineer addresses the items in his review letter to the Board.

The cross connection to existing trails through Cerulean is discussed.

Chairman Rice asked if there were any questions, there were none.

B. Katherine E. King: Ernie's Grocery, Inc Recommendation to the ZBA by Katherine E. King for Ernie's Grocery, Inc for area variances for the proposed commercial development of two (2) lots on the former Ernie's Grocery site. Construction of a commercial structure is proposed on each lot. Property located at/on Traver Road on 1.93 acre(s), Tax Map No(s). 115.14-1-5, 16, 17 & 21; zoned C-3.

Dave Carr of the LA Group is here to represent Katherine King, Ernie's Grocery Inc.

General Site Statistics:

- Mr. Carr is presenting and explains the site is on both sides of Traver Road, close to Ballard Road.
- The project will need area variances and subdivision and we are here tonight for a referral to the ZBA.
- The proposed lot # 1 is on the east side of Traver Road and is part of an application that was approved in 2000 as a commercial site.
- The west side is where the area variances are needed. The area variances would be for lot size, frontage, rear yard setback, and side yard paving setback.
- The west side would have a 3,375 sq. ft. office building with parking in the rear.
- The proposed lot #2 is on the west side of Traver Road and this parcel is owned by Ernie's grocery but was not included in the proposal of 2000.
- The subject parcel is four parcels and one of them crosses over Traver Road.
- The parcel that is on both sides of Traver Road would be subdivided out.
- They are proposing two commercial buildings on both sides of Traver Road.
- Lot one is the east side of Traver Road with an 8,500 sq ft mixed use commercial building with 51 parking spaces.
- The only changes made to the site plan were aligning the driveways and the addition of the right turn in. There would be no left turn onto Ballard Road. Similar to what Stewarts has on Ballard Road now.

Mr. Riper, Town Engineer addresses the items in his review letter to the Board. This is a referral to the Zoning Board at this time that is all they are asking for.

Chairman Rice asks if there are any questions or comments from the Board, there were none.

On a motion introduced by Mr. VanEarden the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby grant a favorable recommendation to the Zoning Board of Appeals for the Application by Katherine E. King for Ernie's Grocery, Inc for area variances for the subdivision and proposed commercial development of two (2) lots on the former Ernie's Grocery site. Construction of a commercial structure is proposed on each lot. Contingent upon site plan approval. Property located at/on Traver Road on 1.93 acre(s), Tax Map No(s). 115.14-1-5, 16, 17 & 21; zoned C-3.

The motion is seconded by Mr. Slone and duly put to vote, all in favor, on January 20, 2021.

C. KMDA, LLC: Spectrum at Wilton Marketplace Application by KMDA, LLC for Conceptual Subdivision for Spectrum at Wilton Marketplace for a two (2) lot commercial subdivision. Property located at/on 1 Marketplace Road on 20.36 acre(s), Tax Map No(s). 153.-3-124; zoned C-1.

Frank Palumbo of CT Male is present to represent KMDA for Spectrum subdivision.

General Site Statistics:

- Mr. Palumbo asks for the plan that he sent today be displayed on the screen.
- Seeking to subdivide the Spectrum parcel from the original parcel.
- The original parcel is owned by KMDA and the subdivided parcel will be owned by KMDA.
- Financing and future liability are the reasons for the subdivision.
- Proposed Lot 2A will be separated from Lot 2.
- Lot 2 is located on both sides of Lowes Drive.
- The parcel meets all the criteria.
- The easements are filed with the county.
- There needs to be an easement that will extend to Lowes Drive.
- The future sidewalk will still be installed when applicable.
- The Spectrum building will be complete around mid-March.
- They would like to have the subdivision done by then.

Chairman Rice asks if there are any questions, there are none.

Mr. Riper, Town Engineer says it would be appropriate to give Conceptual approval and set the Public Hearing for February, if the Board so chooses.

On a motion introduced by Mr. Slone the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby approve the Application by KMDA, LLC for Conceptual Subdivision for Spectrum at Wilton Marketplace for a two (2) lot commercial subdivision. Property located at/on 1 Marketplace Road on 20.36 acre(s), Tax Map No(s). 153.-3-124; zoned C-1.

The Public Hearing is set for February 17, 2021.

The motion is seconded by Van Earden and duly put to vote, all in favor, on January 20, 2021.

D. Darrah Land Surveying: The Fairways - Subdivision III Application by Darrah Land Surveying for Amended Subdivision for The Fairways - Subdivision III for a lot line adjustment between neighbors. Property located at/on 8 & 14 Cobble Hill Drive on 1.04 acre(s), Tax Map No(s). 127.20-3-13 & 127.20-3-12; zoned R-1.

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Michael Montina of Darrah Land Surveying is here to represent Rodney and Janice Klassovity of 8 Cobble Hill Drive.

- They are proposing a lot line adjustment with the adjacent neighbor Christian Ruckert of 14 Cobble Hill Drive.
- The lot line adjustment is 12 ft. for landscaping purposes.

Chairman Rice asked if there are any questions, there are none.

Mr. Ripper, Town Engineer asks if the Town received the sign off of both from the neighbors. The answer is Yes, the letter was signed and notarized on the 12th day of January 2021.

On a motion introduced by Mr. Hurt the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby approve the Application by Darrah Land Surveying for Amended Subdivision for The Fairways - Subdivision III for a lot line adjustment between neighbors. Property located at/on 8 & 14 Cobble Hill Drive on 1.04 acre(s), Tax Map No(s). 127.20-3-13 & 127.20-3-12; zoned R-1. There are no new or different environmental impacts requiring further SEQRA review.

The motion is seconded by Mr. Slone and duly put to vote, all in favor, on January 20, 2021.

E. New York Development Group: 148 Edie Road Conservation Subdivision Pre-Application by New York Development Group for 148 Edie Road Conservation Subdivision for a thirty-eight (38) lot conservation subdivision. Property located at/on 148 Edie Road on 87.04 acre(s), Tax Map No(s). 141.-2-80; zoned R-2.

Scott Lansing of Lansing Engineering is here to represent New York Development Group/Saratoga.

- We are here tonight for a sketch plan review with the Planning Board.
- The existing parcel is approximately 87.04 acres.
- The parcel is near Route 50, off of Edie and Amy Lane.
- The parcel is zoned R-2.
- The Bog Meadow is located on the north western part of the parcel.
- We have completed a wetlands survey.
- The proposed Conservation Subdivision meets all zoning.
- There will be a subdivision of the homestead lot where the current landowners live on 2 acres.
- The Conservation Subdivision calculations do not include the 2-acre parcel to be subdivided out.
- Mr. Lansing explains the density calculations for the 34.34 Lots.
- We will be requesting a 10% increase in the number of lots for open space to be dedicated to the Town.
- With the density increase there would be a total of 38 Lots.
- Most of the open space will be back by the Bog Meadow Brook and it will be an excellent opportunity for a natural trail through that area.
- Proposed 3667 ft. of Town Road proposed for dedication to the Town.
- The parcel is located over an aquifer so there should be a good water supply for the development.
- The subdivision will be on well and septic.

Mr. Ripper, Town Engineer addresses the items in his review to the Board.

- Sight distance is a concern at the entrance to Edie Road.
- Density calculations, wells, habitat, and wetlands.
- Town Board acceptance of the lands offered.

Planning Board Minutes
January 20, 2021

Chairman Rice asked if there are any questions, there are none.

NOW, THEREFORE, BE IT RESOLVED that the meeting of the Planning Board be adjourned at 8:24p.m. The motion is seconded by Mr. VanEarden and duly put to vote, all in favor on this day January 20, 2021.

Date Approved February 17, 2021
Amy DiLeone
Executive Secretary