



TOWN OF WILTON
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Planning Board
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PLANNING BOARD
February 17, 2021

PLANNING BOARD

William Rice,
Chairman
Harold VanEarden,
Vice Chairman
Michael G. Dobis
Ron Slone
David Gabay
Brett Hebner
Jeffrey Hurt
David Catalfamo &
Michael Coleman
Alternate

A meeting of the Wilton Planning Board (“the Board”) occurred on February 17, 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

I. CALL TO ORDER:

Chairman Rice: I would like to acknowledge Kirk Woodcock, the Highway Superintendent for the Town of Wilton for over 30 years has announced he will not seek re-election. This Planning Board has worked closely with Kirk on numerous land use applications and has benefited greatly not only from his knowledge of town infrastructure and road construction, but his vast knowledge of the entire town. While this board is going to greatly miss Kirk the entire Town is likely going to miss him more. As anyone who has traveled the Town is aware Wilton has the best maintained road system in the state. Those traveling around Town roads this time of year are well aware of how well Kirk and his crew are able to remove snow and ice. This is no accident. It is a direct result of Kirk's ability to hire and train an outstanding crew of workers, his policy of hands-on leadership. His people know he will not ask them to do something he hasn't done or is doing himself. So, while we wish you much health and happiness with his beautiful family, and a well-deserved retirement. This Town wants to let him know he will be greatly missed by us and the entire Town. And before we start with the agenda, Mike Dobis, would like to say a couple words.

Mike Dobis: Thank you, Mr. Chairman. I have to apologize. I wanted to do this at the last meeting. But for most of you who know, our DSL service out here isn't the best. So, I lost my connection with Zoom. So, I'm going to try to say this in a hurry before I lose it again tonight. So, I would like to thank Bill and Hal for all your kind words at the last meeting.

It did mean a lot and, as well as, Frank Palumbo if you're out there. I appreciated your words of thanks, and being able just to think back on some of the long process, subdivisions and stuff that we've worked on. So, it was that and also working with you. I also want to thank both Amy and Ryan, for all their help putting up with me for all those years. I'm sure it wasn't easy, and I appreciate all your help both of you. But most of all, I really want to thank all the many Planning Board members that I've had the pleasure to sit next to, as a Planning Board chairman, for all their hard work, and all the time they have given to the town of Wilton residents. I know I've heard, over the years, many, many good comments, and well-deserved comments. A lot of people had really no idea how much time and energy, the volunteer boards go through with their training and stuff. As more of those people came in for other projects, as residents, they think they had an eye-opening experience on some of the projects and they come up and they did tell me they wanted to make sure that I got back to the board members to make sure they knew they were greatly appreciated. So, with that, I wish Bill much happiness in his newfound role in the Town is chairman. As always, I'm looking forward to working with him and all the other Board members. So, thank you again, Mr. Chairman.

At 6:34p.m., Chairman Rice opens the Public Hearing.

II. PUBLIC HEARING:

A. KMDA, LLC: Spectrum at Wilton Marketplace: Application for Spectrum at Wilton Marketplace by KMDA, LLC 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 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 an Application by KMDA, LLC for 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.

SAID HEARING will be held on Wednesday, February 17, 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 meeting.

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

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

General Site Statistics:

- The applicant is seeking to subdivide the Spectrum parcel from the original parcel, lot 2.
- The original parcel is owned by KMDA and the subdivided parcel will be owned by KMDA.
- The applicant is subdividing the parcel for beneficial purposes of construction financing and the ability to sell it as an independent lot in the future.
- The Spectrum building is under construction.
- Most of the comments of Mr. Riper's review letter have been addressed.

Public Comment: There are none.

Mr. Dobis moves, seconded by Mr. Slone to close the Public Hearing.

III. 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 January 20, 2021 as written. Ayes: Chairman Rice, Mr. Dobis, Mr. Hurt, Mr. Catalfamo, and Mr. Coleman Alternates

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

IV. APPLICATIONS:

A. KMDA, LLC: Spectrum at Wilton Marketplace: Application for Spectrum at Wilton Marketplace by KMDA, LLC 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.

- The easements will be filed with the subdivision for the cross access on the driveway.
- There will be notations and restrictions for the construction easement so that the sidewalk that was part of the site plan approval can be a future sidewalk without any problem during construction.

Chairman Rice asks if the Board has any questions, there are none.

Chairman Rice begins the SEQRA process.

Town Counsel Mark Schachner reads the SEQRA Short Environmental Assessment Form Part II questions to the Board.

Part II questions:

1. *Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? “No “*
2. *Will the proposed action result in a change in the use or intensity of use of land? “No “*
3. *Will the proposed action impair the character or quality of the existing community? “No “*
4. *Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? “No “*
5. *Will the proposed action result in an advanced change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkway? “No “*
6. *Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? “No “*
7. *Will the proposed action impact existing:*
 - a. *Public/ private water supplies? “No “*
 - b. *Public/private wastewater treatment utilities? “No “*
8. *Will the proposed action impair the character or quality of important historic, archaeological, architectural, or aesthetic resources? “No “*
9. *Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora, and fauna)? “No “*
10. *Will the proposed action result in an increase in the potential for erosion, flooding, or drainage problems? “No “*
11. *Will the proposed action create a hazard to environmental resources or human health? “No”*

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby move for a negative declaration on SEQRA for the Application by KMDA, LLC 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 motion is seconded by Mr. Slone and duly put to vote, all in favor, on February 17, 2021.

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby move to approve the Application by KMDA, LLC for Preliminary 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 motion is seconded by Mr. Dobis and duly put to vote, all in favor, on February 17, 2021.

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby move to approve Application by KMDA, LLC for Final Subdivision for Spectrum at Wilton Marketplace for a two (2) lot commercial subdivision. Conditioned upon compliance with the

Town Engineer, Ryan Riper's review letter dated February 8, 2021. Property located at/on 1 Marketplace Road on 20.36 acre(s), Tax Map No(s). 153.-3-124; zoned C-1.

The motion is seconded by Mr. VanEarden and duly put to vote, all in favor, on February 17, 2021.

B. Frank J. Parillo: Ballard Road: Application by Frank J. Parillo for Amended Site Plan for Frank J. Parillo - Ballard Road for temporary trailer storage for a period of one year. Property located at/on 241 Ballard Road on 5.3 acre(s), Tax Map No(s). 115.-1-15, 16 & 17; zoned C-3.

Attorney Jon Lapper is here to represent the applicant Frank Parillo, who is also present.

- This is a temporary use for the storage of trailers for one year.
- Proposing to store 83 tractor trailers as depicted on the site plan.
- The western curb cut has been eliminated from the site plan, per request of the Saratoga County Planning Board. There will only be two curb cuts on the site.
- There is a 55 ft. buffer for the storage of the trailers.
- Timeline of documents from the Zoning Officer and Saratoga County Planning Board is being questioned by Mr. VanEarden.
- Mr. Riper explains that sometimes documents must be changed after review, and therefore the dates will change.
- Mr. VanEarden: There are trailers there now.
- Attorney Lapper: Mr. Parillo didn't anticipate, because he wasn't building anything, that there would be a site plan requirement. But of course, realized, after we started talking to Ryan, that there was, and we quickly had Matt Steves put together the site plan and to submit it.
- Discussion of past owners, Mr. Woodcock and Mr. Morehouse and what they were required to do; Amended Site Plan, Minor Site Plan, or Full Site Plan review.
- Discussion of stormwater for the overall site.
- Chairman Rice questions whether this application should be Amended or Minor Amended (Public Hearing required).

- The Board is in favor of Minor Amended because they feel this site plan should have a Public Hearing.

No action was taken on this application and a Public Hearing is set for Wednesday March 17, 2021 at 6:30p.m.

C. 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.

General Site Statistics:

Follow Up to The Public Hearing

Mr. Boucher: This is Jesse with Kodiak Construction. Before I let Doug get into the engineering side of things, I just wanted to follow up part of things. I just wanted to follow up our Public Hearing just with a little background on considerations that we've made and, addressing some of those things. Before Justin, my business partner, and I purchased this parcel, we had to ask ourselves, on this land, what would best represent Kodiak Construction, the surrounding community, which in this case is Mulberry Estates, and what's the best fit with zoning? If we don't buy it, and someone else does purchase it, what would they request to put in there? In doing our homework, we looked at the files and going back to the early 90s, there were proposals for just blanket, commercial development. There were proposals for apartments. But the reality that we all know is with Mulberry Estates community there, single-family residences are the best continuation as a phase two for this property. Now, I'm just going to go through some of the major concerns that were brought up by our neighbors and I say our neighbors because our office is also an adjacent landowner to the phase two development, as well as myself, I am a resident of Wilton have been since 1982. So Wilton as a town as a community, is important to me too.

One of the concerns that our neighbors had was that they believe this to be recreation land, and unfortunately that was just a misunderstanding. This land has been in private ownership throughout its history, with those sketch plans that we were able to find going back to the 1990s, discussing development of the land, and the power line easements and water line easements. Those are privately owned as part of the parcel, and are not public lands. But we do know that everything is developing in Saratoga County, and right now Saratoga Plan is working on providing the trail that connects the north end of the county by Moreau Lake State Park with the south end of the county. As part of that, it may pass through our area where the gas line property is. That's a discussion between National Grid and Saratoga Plan and the other agencies. We do expect there will be a recreational

trail in the vicinity in the future, but it will be on a separate parcel of land when it is created.

Another concern that the neighbors brought up was just that that buffering between Mulberry Estates and Route 9. When we were originally putting together our sketch plans for the subdivision, we have the road on the Route 9 side of the parcel, but as we were started to lay things out that powerline and water line easement on the eastern boundary took up 100 feet of the land, leaving only 200 feet of woods. If we were to put the road on the opposite side, we would end up taking down all 200 feet of trees, because you need 60 feet for the road right of way, and then you need land to build each of the houses. So, by placing the road on the eastern side, where the easements are, we're actually able to keep a buffer of trees, improving the buffering between Mulberry Estates and Route 9. When buffering from neighbor to neighbor, existing homes to new homes, what we're going to do is all of our properties will have professional landscaping in the front yards. It's not a requirement to do street trees, but we are also going to be including street trees along our cul-de-sac.

As part of the feedback that we got from the neighbors we're going to rename, the cul-de-sac, it's going to be Indigo Way, keeping in character with the existing neighborhood and the Crayola Crayon color selections. So, the buffering with just professionally landscaped yards, having street trees is the most that we are able to do, we are a little bit limited because of the power line easement that is on our eastern boundary. The easement for National Grid goes back to the early 1900s, and specifically dictates that we can't put plantings or structures within that easement area. So, everything that we're going to do to maintain an appropriate and beautiful neighborhood is going to be in the front yards of the houses.

There was a concern about traffic; the cul-de-sac, it's going to be a dead-end street, and there's going to be 18 homes on it. So, as a dead-end street, we won't have any through traffic. The cul-de-sac is actually at the entrance of the subdivision, so we don't have to worry about increasing traffic to any of the existing neighbors. So, that helps as well. If we were to reference, Plum Court, one court over, the same length of road serves 20 families and Indigo away will be serving 18 families. So that does keep us in character with the existing neighborhood and in terms of a count over that same length of cul-de-sac.

When addressing property values, some neighbors were concerned that their property value may decrease with the construction of new houses, we did reach out to real estate professionals just to get sales figures when you have a phase two or phase three of a project. The values of the homes in the earlier phases actually do go up with the construction of later phases. So, we don't foresee that as being a problem. The houses that we're proposing are going to be designed for each family. We're not looking to repeat and build the same house over and over. We expect a mix of one- story and two-story houses that will be 1600 to 2400 square feet is the expected size that that we were planning for. They'll have a mix first floor master suites, second floor master suites, the styles will be Traditional Craftsman, Farmhouse, and Colonial a good mix throughout the neighborhood. We're expecting price points to start in the mid to upper \$400,000.

So again, with that price point we think that will support Mulberry Estates. As homeowners are making the houses unique to their needs.

Another concern that was presented was a concern about elderly housing, and that is not something that we're proposing, we don't discriminate. Anyone can be our client; our expectation is the majority of homebuyers are going to be from their early 30s to their mid-60s. There are narrower lots on the cul- de- sac, lower maintenance, that'll be well suited for families with children who are becoming young adults, and the parents who are looking to downsize from their previous residence. In that scenario would be similar to what we've seen at the Mill at Smith Bridge and at Craw Farm.

So, addressing those concerns, I would just say that our efforts in the design process have been to design a continuation of the existing neighborhood that Kodiak, the Town of Wilton, and the Mulberry residents can be proud of. We understand that there's going to be hesitation for new construction, but we take our responsibilities seriously, and we expect that by proposing a subdivision that fits the zoning rules and maintains the character of the neighborhood. We are providing a best use for the land today. So, we would look forward to the opportunity to welcome new neighbors and encourage positive growth in our community.

Chairman Rice thanks the applicant, and asks if anyone on the Board has any questions for the applicant?

Harold VanEarden: No, I don't have any questions. I would like to point out that that some of us on the Board, being the chairman, myself and Ron did take the time to do a site visit and a walkthrough with Jesse and Justin. So, at least we've got, firsthand knowledge of what we were looking at as far as perspectives and distances. It was worthwhile, and it was a good visit.

Chairman Rice asks if the Board or anyone have any questions.

Ryan Riper: I would just like to note that Kris Mulfinger provided a note in zoom, one of the chat items, she just wanted to state this is a response to one of Jesse's comments. I know this isn't a public hearing, but I feel it's prudent to state that 20 houses along Plum Court are on both sides of the street, whereas the 18 new homes are on the single side of the street, thus, the lots are not keeping with the current sizes of these existing homes. I think Doug mentioned before the acreage of the new lots was similar. Yes, a little smaller than the other lots that are on Plum Court. I just wanted to let you know that there was a comment there.

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

Chairman Rice begins the SEQRA process.

Town Counsel Mark Schachner reads the Full Environmental Assessment Form Part II questions 1-18 to the Board.

All questions were answered “No” with all subsequent questions answered “No” or “Small” with exceptions of the following questions:

- 1. Impact on Land (Yes); subsequent questions answered “No” or “Small”*
- 7. Impact on Plants and Animals (Yes); subsequent questions answered “No” or “Small”*
- 14. Impact on Energy (Yes); subsequent questions answered “No” or “Small”*
- 15. Impact on Noise, Odor, and Light (Yes); subsequent questions answered “No” or “Small”*

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby move for a negative declaration on SEQRA for the Application by Kodiak Construction 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.

The motion is seconded by Mr. Slone and duly put to vote, all in favor, on February 17, 2021.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby move to approve the 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.

The motion is seconded by Van Earden and duly put to vote, all in favor, on February 17, 2021.

Chairman Rice asks if there are any questions or comments from the Board.

Mr. VanEarden: I just wanted to make sure that all those who, sent us in comments knew that we were reviewing it, you know, I mean, as far as Town standards, Federal, and State standards. We get these comments all the time when these neighborhoods come in and I just wanted to go on record as saying that I think it was 20 years ago, when Mulberry came in that we had Lake Elizabeth residents who did not want the Mulberry Estates. It seems like everybody has been satisfied with this review.

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby move to approve the Application by Kodiak Construction for Final Subdivision for Mulberry

Estates, Phase II for a twenty-four (24) lot conservation subdivision. Conditioned upon compliance with the Town Engineer, Ryan Riper's review letter dated February 11, 2021. 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 motion is seconded by Van Earden and duly put to vote, all in favor, on February 17, 2021.

D. Kurt Borchardt: Artisanal Brew Works: Pre-Application by Kurt Borchardt for Artisanal Brew Works for proposed sit-down restaurant and brewery. Property located at/on 615 Maple Ave (Rte 9) on 17.35 acre(s), Tax Map No(s). 140.-3-26; zoned PUDD.

Kurt Borchardt, Applicant and owner, Doug Adams, Architect are present to represent Artisanal Brew Works.

General Site Statistics:

- We are currently located in the former hydroponics building.
- Manufacturing operations are going, and the tap room is operational.
- The permanent location of Artisanal Brew Works will be in the Cole's Collision building as soon as it is vacant.
- The goal is to ultimately have the brewery operations in the Cole's building.
- I color coded the site plan. The red areas would be parking dedicated for the Brew Pub.
- The front of the main entrance would remain the same.
- We need to restripe the parking lot.
- On the lower the bottom part of the existing building, there are five bay doors, or five garage doors. The three to the right, we would convert over to glass garage doors, and those would be open to the outside.
- The goal is that we have an indoor-outdoor feel to the restaurant area.
- We would like to have an awning to allow us to have people sit outside if it was warm, inclement weather. Obviously with COVID, having the ability to have some outdoor area is a wise thing.

Mr. Borchardt: Are there any questions on the site plan.

- Seating and parking discussed.
- Seating will be flexible according to the seasons.
- Deliveries would only be from box trucks and would be scheduled on off times.
- The projects will be done in thirds. The tap room will be done first.
- Proposed water and sewer connections were discussed.
- Time frame to be operational is late Spring to early Summer of this year.

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

Mr. Riper, Town Engineer addresses the timeline for the Brewery to go through the planning process.

E. Louis P. Faraone: Seasoned Gourmet Firewood - Exit 15N Application by Louis P. Faraone for Preliminary Subdivision and Site Plan for Seasoned Gourmet Firewood - Exit 15N for a pre-existing, non-conforming commercial retail use. Property located at/on 4226 Route 50 on 13.33 acre(s), Tax Map No(s). 141.-2-66, 141.-1-6, 141.-2-54, 141.-1-33 and a portion of 141.-1-31.1; zoned RB-1.

Justin Grassi, attorney is present on behalf of Lou Faraone for Seasoned Gourmet Firewood.

Justin Grassi: As this board may recall, two months ago in December, we had a Public Hearing on this, what would otherwise be a Preliminary and Final Subdivision and Site Plan approval. At that time, we were waiting on one item and that one item was essentially a sign off from DOT on the proposed Site Plan. We had some verbal conversations that seemed extremely promising that we would have that shortly. In order to have taken action the Board was also required to wait for Saratoga County Planning Board recommendation. At this time, we are unfortunately still waiting for DOT to sign-off, we thought what an easy existing permit, seemingly is lost. Because of that, in the interest of progressing, we have modified the Site Plan slightly as you'll see we have proposed to eliminate what we reference on the plan as driveway "B". The elimination would involve removal of the gravel and then putting in topsoil seed mulch, as well as blocking off what was otherwise our private drives within the DOT right of way. In addition, DOT and this again, was verbal discussion with DOT, but DOT asked us to put in two DOT approved "Do Not Enter" signs as well, to make sure that any patrons or employees know that you can no longer enter in that location, while we've removed everything that indicates you otherwise could. So that's what we are proposing at this point, what we propose to DOT, as far as eliminating that entrance, no permit seems to exist. That's the only change that's being proposed at this time on the Site Plans. Otherwise, it's exactly as you've reviewed in December. We're hopeful that this would, be cleaned up and approved, and we have something in writing for the March meeting.

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 February 17, 2021.

Date Approved March 17, 2021

Amy DiLeone
Executive Secretary