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**TOWN OF WILTON
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PLANNING BOARD
February 20, 2019
DRAFT

PLANNING BOARD

Michael G. Dobis,
Chairman

Harold Van Earden,
Vice Chairman

William Rice

Erinn Kolligian

Ron Slone

David Gabay

Brett Hebner

Jeffrey Hurt &
David Catalfamo,
Alternates

A meeting of the Wilton Planning Board (“the Board”) occurred on February 20, 2019 at the Wilton Town Hall, 22 Traver Road, Wilton, New York.

**PLEDGE OF ALLEGIANCE
CALL TO ORDER:**

At 6:33 PM, Chairman Dobis opens the Public Hearing.

I. PUBLIC HEARING:

- A. 628 Maple Avenue Mixed Use Development:** Application for Preliminary Site Plan approval by BMA Acquisitions, LLC, for a Mixed-Use Development of three 3-story buildings with commercial space in building #1, adjacent to Route 9. The development will have a total of 31 residential units. Property located at 628 Maple Avenue on 2.19 acres. Tax Map No. 140.17-1, zoned H-1.

Joe Dannible of Environmental Design Partnership is here on behalf of the Applicant BMA Acquisitions, LLC., application for a mixed-use project located at 628 Maple Avenue. He describes the property as having frontage on Maple Ave. and being adjacent to the bend on Davidson Drive. The mixed-use project is in the H-1 zone (the “Hamlet”) on 2.1 acres; there will be 31 living units 7 of these units are located on the second and third floors of the front building, adjacent to route 9 and 24 of the units are located in the rear two buildings, each of which will have 12 units. The 3-story building on Maple Ave. will have 5,000 ± sq. ft. of commercial on the first floor and partially on the second with 3 residential units on the second floor and the third floor will have 4 residential units. The two 3-story buildings in the back will have garages on the 1st floor, living space on the 2nd floor and bedrooms on the 3rd floor. The front building will have a detailed street scape with a concrete sidewalk

extending from the driveway to Minogue's and terminating at their northern property line. Street trees will be provided along Route 9 and street lights that are spaced out at approximately 75 ft. apart. There will be one primary entrance at the front of the building facing Route 9 and a primary entrance at the rear of the building facing the parking lot. They are providing benches and civic space in the front of the building on Route 9.

Buildings and materials to be used:

- Stone facades mix of colors and siding types.
- Benches, landscaping and shop fronts with large windows for the commercial area on the bottom floor.
- The southern view shows street lights, street trees and the arborvitaes hedge, buildings to the rear, some signage and they have wrapped the side of the building with the same commercial store front and the awnings extending out for an attractive façade.
- Essentially the same thing looking from the north.
- Added some windows and an 18" bump out on the end cap wall of the residential units, per request of the Planning Board.
- They did that same detail on both the north and the south buildings.
- The northern building will have three windows and the southern build will have six windows.
- The building located at 464 Maple was used to provide material samples for the Planning Board members to look at before the last Planning Board meeting.

General site statistics:

- The project will have an underground stormwater system consisting of pervious pavement and large gravel beds.
- The site will be connected to municipal water and sewer supplies. Details to be worked out with Wilton Water and Sewer.
- The residential units in the rear have 24 garages and an additional parking space behind the garage for another 24 parking spaces.
- There will be 10 spaces of land banked parking to the rear and the ability of the green areas between the driveways are additional land banked parking spaces.
- They are providing 2.9 parking spaces per unit.
- There will be 34 parking spaces for the commercial units.
- Proposed future sidewalk connections from Davidson Drive to Route 9 through the site.
- They are proposing that a future sidewalk will be constructed when deemed appropriate by the Town. If a pathway is constructed to the rear of the site per Town Code the Planning Board may ask for the construction of a sidewalk.
- The provisions for the sidewalks will be noted on the Site Plan.

Public Comment:

- The letter from the SCPB was referenced as to their comment on the number/amount of parking determined to be required for the proposed development.
- Concern of the green area reserved for land banked parking will become asphalt.
- Correspondence from resident read by another resident. (correspondence is in the project file)
- Concern of the type of use of the commercial space.
- Mr. Dannible made a clarification on green space and the SCPB letter.

1. The SCPB letter was made on a previous version of this plan in which there was no green space between any of the buildings.
 2. The green space computations that are listed on the drawings. The Town has a requirement of 35% and we have 42% not including the green space associated with the banked parking.
 3. Additionally, we are also showing areas of permeable pavement is also considered green space because it is a green infrastructure practice. When we include that into our computation, we are at 56% green space.
 4. The garages are 22 ft. wide and 30 ft. deep for one car, excessively large than any other of the communities in the Town. There is room for storage and a car.
- Resident asks for clarification of permeable pavement vs asphalt.
 - Mr. Dannible explains that standard asphalt water hits it and runs off to the side of the road and is collected in ditches and basins then piped into a larger holding area. Where there are really good soils the water hits the pavement goes down through the asphalt into a gravel bed and infiltrates into the ground. This is considered a green infrastructure practice by the New York State DEC.
 - Mr. Dannible addressed the use in the Hamlet:
 1. Residents want local businesses, restaurants, service-related uses.
 2. If those uses come in, we will take every one of them.
 3. However, as the Hamlet evolves, we are not going to sit with vacant first floor space because those service uses aren't going to come to a property until there is a significant amount of pedestrian activity within the Hamlet.
 4. When that occurs, these areas are being set up for commercial uses, they will start turning over to those service-related businesses as the foot traffic continues to evolve.
 - Resident suggested sidewalks in now to encourage pedestrian traffic.
 - Mr. Dannible: There may be a better time and location for that sidewalk to occur.
 - Question of public transportation being brought to Route 9.
 - Mr. Riper: There is no bus service from CDTA on Route 9 and they don't have the ride share demand at this time.
 - More discussion on timing of the installation of sidewalks.
 - Town of Wilton has no comprehensive plan to maintain the sidewalks, all of the maintenance responsibility is falling on the developers.
 - Mr. Riper: Town Code states the owner of the parcel maintains the sidewalk.
 - Suggestion that Town should share in the cost of maintaining the sidewalks.
 - Who is going to set the agenda in the Hamlet Zone, the developers or the Planning Board?
 - Mr. Dannible: There is a lengthy list of allowable uses in the Hamlet Zone, any one of those uses could be allowed on this site. Limiting the uses needs to be a Town Board action. Right now, what we are proposing is we will fill that space with those allowable uses, when the market demands those uses to come to this property.
 - Mr. Slone: There is no proviso in the Code that says the businesses must be local.
 - Resident suggests the Planning Board bargain/negotiate with the developers.

Chairman Dobis asked if there were any other questions or comments. There were none.

Ron Slone made a motion to close the Public Hearing at 7:14 p.m. seconded by William Rice. All Board members were in favor.

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

B. PLEASE TAKE NOTE that the Planning Board for the Town of Wilton will hold a **PUBLIC HEARING** to consider an application by BMA Acquisitions, LLC, for a Mixed-Use Development of three 3-story buildings with commercial space in building #1, adjacent to Route 9. The development will have a total of 31 residential units. Property located at 628 Maple Avenue on 2.19 acres. Tax Map No. 140.17-1, zoned H-1.

SAID HEARING will be held on Wednesday February 20, 2019 at 6:30 p.m. at the Wilton Town Hall, 22 Traver Road, Wilton, New York. At that time, all persons will be given a chance to be heard.

II. REGULAR MEETING: (7:14 p.m.)

PRESENT: Chairman Michael Dobis, William Rice, Brett Hebner, Ron Slone, Jeffrey Hurt Alternate and David Catalfamo Alternate; Ryan K. Riper, P.E., Director of Planning and Engineering, Mark Schachner, Planning Board Counsel and Amy DiLeone, Executive Secretary

ABSENT: Harold VanEarden, Erinn Kolligian and David Gabay

MINUTES APPROVAL: Ron Slone moves, seconded by William Rice, for the approval of the meeting minutes of January 16, 2019 as written. Ayes: Ron Slone, William Rice, Chairman Dobis, David Catalfamo, Alternate and Jeffrey Hurt, Alternate

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

III. APPLICATIONS:

C. 628 Maple Avenue Mixed Use Development: Application for Preliminary Site Plan approval by BMA Acquisitions, LLC, for a Mixed-Use Development of three 3-story buildings with commercial space in building #1, adjacent to Route 9. The development will have a total of 31 residential units. Property located at 628 Maple Avenue on 2.19 acres. Tax Map No. 140.17-1, zoned H-1.

Mr. Riper's review letter:

- Applicant is looking for preliminary approval.
- The Town Planning Board will make a SEQRA determination.
- The sidewalk connection through the parcel and future connection intent. A timeline should be established for the installation after Town request is made, I would suggest 90 days.
- Mr. Dannible is up-dating the comment on the site plan to facilitate that and so when the Town does request it, it could be made, if that is the intent of the Planning Board. That is part of the process we are doing here discussing, planning and thinking of the future.
- Mr. Dannible to discuss Traffic Impact Evaluation with the Planning Board.

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- Sidewalk construction standards to be noted on the plans. Make corrections of light standard type and details, typos and text changes emailed to EDP.
- Water and Sewer connection details need to be finalized.
- The executed Stormwater Control Facility Maintenance Agreement
- The utility and maintenance easement must be transferred to the Town
- The rest of the comments are administrative.

Mr. Dannible has read the letter and believes he can go through and address all the comments without any substantial changes to the site Plan as it is presented today.

Traffic Impact Evaluation:

- The Comprehensive Traffic Assessment was completed by VHB.
- The a.m. trip generation is 19 new trips generated from the site and 27 in the p.m. peak hour.
- This is well below the 100-trip threshold that NY Dot has established for the evaluation of off-site intersections.
- These traffic volumes will not require any level of mitigation for the project.
- The level of service will be C in the a.m. and E in the p.m. hour.
- They meet adequate site distance and have to make sure that they don't have vertical obstructions within 15 ft. of the travel lane.
- No offsite mitigation is recommended.
- No intersection mitigation required

Sidewalks:

- There are standards in the Town Code that state you have to maintain the sidewalks in the front of your property.
- This one is unique because it would run the length of the property.
- The Town Code states this sidewalk would be considered once a future trail is planned and developed on the east side of the properties on the east side of Route 9.
- At this moment there is no planned trail or trail to connect to.
- At what point would this be revisited?
- Mr. Riper: There will be a note on the approved Site Plan. When and if the Town ever requests a connection to be made the Town will state with a letter to the owner that they shall make the connection and do it within 90 days.
- Attorney Schachner said that could be a condition of approval, if they end up at approval.
- Mr. Hebner thinks it's excessive to say we want a connection and why don't we use our discursion to accomplish the goal through this one parcel of potential future connection to a trail at the back of the property that hasn't been developed yet. As a Board he would recommend some kind of a future connection note on the plan that indicates that at the point it is developed as a trail that the developer has to put in that connection. Not a 500 ft. along one side of the property that could affect the landscape plan that is currently the only screening the property to the north has.
- Chairman Dobis asks Mr. Hebner if it would be a concern to have pedestrians walking in that area where people are going to be backing out.
- Mr. Hebner refers to the drawings in the Hamlet section of the Town Code that reflect exactly that.
- Mr. Riper: Those drawings are very generic.

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- Mr. Rice: It's an option.
- Mr. Hebner: It's a parking lot not a roadway and people walk across parking lots all the time.
- Mr. Rice: I would like a paper option for a sidewalk.
- Mr. Catalfamo: The residents may want a trail there.
- Mr. Dannible explained other possible future connections to the North.
- Hamlets evolve over time and the uses will change.
- Mr. Dannible: There is a vision in the Town Code, and we are adhering to that as closely as we can at this time, I think as they continue to develop those trail connections and those roadway connections all evolve with that.
- Chairman Dobis asks for clarification of Mr. Rice's point of view and Mr. Hebner's point of view.
- It was agreed upon by the Planning Board to put the future connection of a sidewalk on the final plans.

Lighting:

- In the commercial area in the front of the property they are proposing 3 ornamental street lights consistent with the Hamlet specifications.
- There will be lighting on the front of the building, near the entranceway illuminating the entrance to the building and having some accent lighting on the building itself.
- In the rear there will be one mass light that will be 24 ft. mounting height with 4 heads guiding to light all areas of the parking lot.
- The residential area will have carriage lights in front of every unit controlled and operated by the owners.
- There will be a low-level light out by the trash enclosure areas that will remain lit at all times.

Mr. Hebner agreed with Mr. Dannible on his earlier statement of the *parking requirements in the Town of Wilton are excessive*. He asked Mr. Dannible to describe what the parking per unit requirements in other communities are. Mr. Dannible: In general, between one and a half and two parking spaces per unit is the appropriate number. That varies depending upon where you are, more urban areas one space per unit, suburban and rural areas you have two to two and a half spaces per unit. Mr. Hebner: Thank you, that is exactly what I recall, and I only raised that for the folks in the audience who were indicating their concern with green space. A Lot of other concerns placed in terms are based upon the *discretion* of the Planning Board and the Planning Board has a relatively limited discretion, we are more constrained by the requirements of the Hamlet district. We have 15 ft. side yard setbacks total on either side they don't even meet that they could go even closer to both sides. If Minogues wasn't there you could have a house there with a legal use that we couldn't do anything about it being 7.5 ft. off of the property line. We have no discretion on that and those are the kind of concerns you need to bring to the Town Board. We do not have those discretions in terms of the use, in terms of who they are going to rent to and in terms of the green space because this is all totally compliant with what is in the Hamlet District. If folks have concerns about what the Hamlet District is turning into you need to express it to the Town Board, and hopefully they will make some changes in the district.

Chairman Dobis asked if there were anymore questions or comments. There were none. Chairman Dobis moves onto SEQRA.

Attorney Schachner: You are looking at a Short Environmental Assessment Form prepared dated February 5, 2019 for the applicant and signed by Joe Dannible as his agent, that is your part one.

Part two questions are:

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"*

Chairman Dobis: With that being completed is there a motion for SEQRA.

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board for the Town of Wilton adopts a negative declaration on SEQRA for the Application by BMA Acquisitions, LLC, for a Mixed-Use Development of three 3-story buildings with commercial space in building #1, adjacent to Route 9. The development will have a total of 31 residential units. Property located at 628 Maple Avenue on 2.19 acres. Tax Map No. 140.17-1-4, zoned H-1. The motion is seconded by Ron Slone and duly put to vote, all in favor, on February 20, 2019.

Chairman Dobis Clarifies number one on Mr. Riper's review letter as to moving forward on preliminary, but not on final until he receives his response letter.

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board for the Town of Wilton approves the Preliminary Application by BMA Acquisitions, LLC, for a Mixed-Use Development of three 3-story buildings with commercial space in building #1, adjacent to Route 9. The development will have a total of 31 residential units. Property located at 628 Maple Avenue on 2.19 acres. Tax Map No. 140.17-1-4, zoned H-1. The motion is seconded by Ron Slone and duly put to vote, all in favor, on February 20, 2019.

D. Mark Lawson: Application for Amended Site Plan with lot line adjustment by Mark Lawson. Property located on 500 Maple Ave. on 2.078 acres and 492 Maple Ave. on 1.106 acres, Tax Map No's. 153.13-1-3 and 153.13-1-4.12; zoned CR-1.

There has been change in the application. The Building Inspector, Mark Mykins spoke to Mr. Lawson this afternoon regarding the change.

Mr. Riper: The applicant will need a variance from the ZBA in order to move forward. The Planning Boards actions tonight will not be on the Amended Site Plan, it will be a referral to the ZBA for an Area Variance for frontage.

Mr. Lawson explains his proposed Amended Site Plan with lot line adjustment to the Board. He is proposing to adjust the lot lines on two of the parcels in order to disconnect the Commercial Site located at 492 Maple Ave from the Residential Site located at 500 Maple Ave.

The applicant will need an Area Variance for frontage in order to move forward. The required minimum frontage in the CR-1 is 200 feet, the applicant has 83.28 feet, the proposed amount of relief is 116.72 feet. If the proposed Area Variance is granted by the ZBA, the applicant will then come before the Planning Board for an Amended Site Plan with lot line adjustment.

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board for the Town of Wilton made a positive recommendation to the Zoning Board of Appeals to grant the Area Variance for frontage. Property located at 500 Maple Ave. and 492 Maple Ave., Tax Map No's. 153.13-1-3 and 153.13-1-4.12; zoned CR-1. The motion is seconded by Dave Catalafamo and duly put to vote, all in favor, on February 20, 2019.

E. Wilton Marketplace: Application for Final Commercial Subdivision approval for Wilton Marketplace to divide 34.27 acres into 3 lots. Property located on Lowes Drive on 34.27 acres. Tax Map No. 153-3-37-32 and 153-3-37-1; zoned C-1.

Wilton Marketplace: Application for Final Site Plan approval by Aldi, Inc. to develop commercial retail, Aldi Grocery Store, on the north side of Lowes Drive. Property located on Lowes Drive on 2.10± acres. Tax Map No. 153-3-37-32 and 153-3-37-1; zoned C-1.

Mr. Frank Palumbo of CT Male Associates states they are seeking final approval to be conditioned upon the final satisfaction of the Town Engineer, Ryan Riper's letter, items 2-10. The remaining items are post approval actions. The subdivision will be reviewed first then the Site Plan.

- Sight analysis from Lowes Drive—we meets all AASHTO standards from the stop and sight distance which on the 30-mph road is 200 ft.
- There will be an access through Lowes.
- The future connections are explained.
- Pedestrian connections are discussed.

- The new road will connect with Old Gick and have a pedestrian connection in the future.
- The photometric plan is explained.
- The dumpster is in the rear and will have the three-sided block that will match the building.
- The catch basins will be offset by one foot in each direction.
- The sewer has been relocated to the side of the road and the water will be on the opposite side.
- Drainage flow details discussed.
- An up-dated SWPPP has been provided.
- Everything else will be handled administratively.

The clearing of the site could begin before the March 30,2019 deadline. The building of the project will probably be a one-year process.

Chairman Dobis asked if there were any other questions or comments. There were none.

On a motion introduced by Ron Slone, the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED that the that the Planning Board for the Town of Wilton approves the Application for Final Commercial Subdivision approval for Wilton Marketplace to divide 34.27 acres into 3 lots. Property located on Lowes Drive on 34.27 acres. Tax Map No. 153-3-37-32 and153-3-37-1; zoned C-1. The motion is seconded by William Rice and duly put to vote, all in favor, on February 20, 2019.

On a motion introduced by Ron Slone, the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED that the Planning Board for the Town of Wilton approves the Application for Final Site Plan approval by Aldi, Inc. to develop commercial retail, Aldi Grocery Store, on the north side of Lowes Drive. Property located on Lowes Drive on 2.10± acres. Tax Map No. 153-3-37-32 and153-3-37-1; zoned C-1. The motion is seconded by William Rice and duly put to vote, all in favor, on February 20, 2019.

IV. ADJOURNMENT:

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

NOW, THEREFORE, BE IT RESOLVED that the meeting of the Planning Board be adjourned at 8:20p.m. The motion is seconded by Jeffrey Hurt, and duly put to vote, all in favor on this day February 20, 2019

Date Approved February 20, 2019

Amy DiLeone
Executive Secretary