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PLANNING BOARD
FEBRUARY 21, 2018

PLANNING BOARD

MICHAEL G. DOBIS,
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HAROLD VAN EARDEN,
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ERINN KOLLIGIAN

RON SLONE

DAVID GABAY

BRETT HEBNER

JEFFREY HURT, Alternate

A meeting of the Wilton Planning Board ("the Board") occurred on February 21, 2018 at the Wilton Town Hall, 22 Traver Road, Wilton, New York.

PLEDGE OF ALLEGIANCE

I. REGULAR MEETING: Chairman Dobis calls the regular meeting to order at 6:31 PM. He requests a motion to address the January 17, 2018 Board minutes.

MINUTES APPROVAL: Ron Slone moves, seconded by Erinn Kolligian, for the approval of the meeting minutes of January 17, 2018 as written. Ayes: Dobis, Kolligian, Hebner, Slone, Rice, VanEarden and Jeffrey Hurt, Alternate. Absent: Gabay. Opposed, none.

CORRESPONDENCE: No other than that relating to current applications before the Board.

IN ATTENDANCE: Those present at the February 21, 2018 Board meeting are: Chairman Michael Dobis, Ron Slone, William Rice, Harold VanEarden, Erinn Kolligian, Brett Hebner and Jeffrey Hurt, Alternate; Ryan K. Riper, P.E., Director of Planning and Engineering, Justin Grassi, Planning Board Counsel and Amy DiLeone, Principal Clerk-Engineering. Absent: David Gabay. Also present are: Joe Dannible, Tina Weber, Sue Baldwin, Larry Goodwin, Gerry McGoolahan, Luigi Palleschi, Eric Rosenberg, Jeanne Wouterz, Gary Bullard, Chris Boyea, Dean Kolligian, Brennan Drake, Jere Tatich and Chris Koenig.

II. APPLICATIONS:

A. CANYON RUN EXTENSION 44-LOT CONSERVATION SUBDIVISION: Dan Galusha of T & G Associates

Mr. Joe Dannible from EDP, here on behalf of T&G Associates explains that this project is not new to the Board. Preliminary approval was granted 6/15/16. A Negative Declaration was declared pursuant to SEQRA in June of 2016 with the condition that the Applicant go before the Town Board for the creation of drainage district as well as obtain the appropriate ACOE permits for the wetland

crossing and the DEC water quality certification before the discharge of flow into the embanked stream. Permits from these agencies have been received and the Town Board has given approval to the ground water drainage improvement tax district. That approval occurred in January 2018. In short, the conditions of the preliminary approval have been met.

Mr. Dannible gives a brief overview of the project showing an aerial view of the parcel. This project is referred to as infill development, as this parcel is surrounded by developed single-family properties. The parcel is made up of 14 individual lots, part of a subdivision that was approved in 2001. The new 2600± road will be dedicated to the Town of Wilton upon completion. There will be 11 acres of deed-restricted open space. A 100-foot no-cut buffer will be left along the Northway and a 50-foot no-cut buffer along most of the properties on the western side of the site adjacent to Damascus Drive. The project will be serviced by low-pressure sewer connecting to an existing force main on Gailor Road owned by WWSA. All homes will be connected to municipal water available in the ROW of Gailor Road. The drainage district associated with this subdivision will have underdrains installed for every house to assure that no water ever gets into the basements. The installation will be certified by a professional engineer. The entire cost and maintenance of the drainage line will be borne by the homeowners with no cost to the Town for the maintenance and upkeep. The storm water management will ultimately discharge to streams and wetlands. There is negligible impact of water on the downstream culverts. There will be a mail kiosk at the right side of the entrance with a pull in and out space for vehicles. The studies for traffic [up to 44 trips at the peak hour, with negligible impact to the intersection of Gailor Road and Traver Road] and the hydrology and noise impact studies. Mitigation measures such as plantings will be negotiated [up to \$1000 installed on the site] for headlight glare which will be discussed with home owners.

Mr. Riper, Town Engineer, has received a comment letter from Mr. Dannible dated 2/21/18 in response to Mr. Riper's letter of 2/9/18. The drawings will have to be updated addressing all the comments. Mr. Dannible states that none of the comments/responses substantially change the layout and configuration of the lots. Most of it is adding clarification notes to protect the Town during the construction and post-construction activities on the site. Mr. Riper adds there is a requirement for full-time inspection of the installation of the drainage system and notes will be added to the drawings to that effect.

Chairman Dobis asks for comments or questions from the Board. Mr. Rice asks when the Town takes control of the storm water facilities. It occurs as part of the road dedication prior to the first CO issued on the first home. At that time the Town will take responsibility for the storm water structures that are in the roadway. The taxing district starts when the subdivision is filed. The applicant/developer will be contributing an initial \$8,800 deposit to a special tax district fund for the Town for the long-term maintenance of the system. The lots will be taxed at an approximate cost of \$41± annually which will be contributed to that fund. Every one of those lots either by the landowner who bought the house or the developer who owns the lot will pay drainage district taxes.

Mr. Hebner asks for clarification of the "drainage flow path". Mr. Riper: The homeowners whose houses back-up to Damascus requested that there be no interruption of the drainage flow path of the storm water along the backside of the 50-foot no-cut buffer, so each new lot will have a deed restriction that will reflect that the topography cannot be changed or any disruption of that flow path of the storm water channel to the storm water management area. That will be shown on the

drawings. Mr. Hebner: Any impact to the homes that back up to Whirlaway? He recalls there were homeowners at the public hearing who expressed concern about flooding in their backyards; Riper's note indicates homes adjacent to Damascus Drive. Whirlaway wasn't mentioned in that letter. Mr. Riper: There is no storm water flow in that section; Lots 18, 19 & 20 will not contribute any flow that would leave the site and will not exacerbate any issue that occurs on Whirlaway. Mr. Riper adds the Board requested more deed-restricted land which was included. Mr. Hebner asks about the "area of influence" shown on the map. For the benefit of those in the audience who may not have been at the public hearing, he asks whether the "flow path" is the influence of the drainage toward the site. Mr. Riper: there is the storm water drainage which would involve storm water flow path along the backyards; and there is a separate ground water drainage district, which is directed underground and downstream. An analysis of the impact looking downstream was done. Mr. Hebner asks if it is possible that the engineering installations and controls around each house will positively impact or improve the drainage of the backyards on Damascus? Mr. Dannible says there is the potential to have an indirect positive impact to the ground water elevations for the Whirlaway residents as well as those on Damascus. He indicates on the map where there will be a 3 to 5-foot drop in the elevation and on the edge of that it is anticipated there will be a 1 to 2-foot drop in the elevation which has the potential to significantly help alleviate some of the drainage concerns that exist in that area. Mr. Hurt: with this type of drainage system, will there be water flowing from people's backyards into that drainage? He is concerned about herbicide runoff downstream. Both Mr. Riper and Mr. Dannible indicate there will be no access by the public for this drainage, it's just pure clean ground water and that's what is allowed by DEC. Mr. Dannible adds that the drain pipes are 3-feet below the foundation; the slab for the basement is typically 6 to 7-feet below the finish grade elevation outside the house. The drains will be 9 to 10-feet below the existing grade. There being no other questions or comments, Chairman Dobis asks for a motion for final approval. 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 grants final approval of the Canyon Run Extension 44-lot Conservation Subdivision located on Gailor Road on 38.06 acres, Tax Map Nos.128.-1-86, 128.-1-90, 128.5-3-27 through 38; and 128.5-3-98, zoned R-1, contingent upon compliance with the Town Engineer, Ryan Riper's review letter dated February 9, 2018. The motion is seconded by Erinn Kolligian and duly put to vote, all in favor, on this 21st day of February 2018.

B. BURNHAM HOLLOW EXTENSION 6-LOT SUBDIVISION: North Manor Development LLC

Chairman Dobis: This is a conceptual application for the Burnham Hollow Extension Subdivision: Lot 26 in the Burnham Hollow would be divided into 6-Lots. The address is 52/58 Burnham Road, Tax Map No. 114.15-3-8.1; zoned R-1/RB-1. Mr. Luigi Palleschi from ABD Engineers shows the original Burnham Hollow subdivision that was approved in 2005. There is an existing cul-de-sac containing 8.7 acres, known as Lot #26. Applicant is proposing to subdivide the 8.7 acres into 6 single family residential lots. The lots are in conformance with the R-1 zoning. On a cul-de-sac a reduction of frontage to 60 feet is allowed. The lot sizes range from 38,000 sq. ft. to 82,000 sq. ft.

The utilities will be extended from the existing water and sewer at Burnham Road back to the end of the cul-de-sac. A preliminary grading plan and layout of the driveways and houses has been provided. A basic SWPPP will be prepared together with Notice of Intention. There is an existing gas easement that runs along the rear of the property but the actual gas main was installed outside of the easement, closer to the proposed development. Applicant is proposing to eliminate the one easement and put it over the existing gas line, creating a new easement. Mr. Riper asks if National Grid has been consulted. Mr. Palleschi responds the applicant is not proposing to move the gas line, just making sure that the line is in the center of the easement so that no construction will be done within that easement. They will work with National Grid so that it's done correctly. The area has been surveyed, the exact location of the gas line has been determined so a 50' easement should be centered, 25' in each direction. Mr. Palleschi asks for questions from the Board. Ms. Kolligian asks if the easement is well marked, since it is approximately 2 feet underground and the pressure is 200 psi, she is concerned. She is shown an aerial which shows a clear pathway for the line. Mr. Hebner asks how many lots are in the existing subdivision. There are 54 lots. These 6 lots were not developed since the Town Code regulation was a maximum of 24 lots on a cul-de-sac, 1000-feet in length. The regulation was removed in 2013.

Mr. Riper states the project is a SEQRA Type I action and the Board should seek Lead Agency once conceptual approval is granted. A recommendation from the Saratoga County Planning Board is required due to the proximity to Rt. 9. He refers to his letter of 2/14/18; the parcel to be subdivided was implicated with the approval of a separate project known as Ernst Road PUDD approved in 2009. That PUDD requires a roadway connection to the approved existing Burnham roadway. Since the approval of the PUDD is a legislative action of the Town Board for the rezoning of the land and part of that requirement was for a connection of a roadway from Ernst Road to Burnham Road within the Burnham Hollow Subdivision. The applicant and the PUDD owner are not in agreement on providing a road connection.

Mr. Palleschi says that in the deed to the 8.7 acres, there was no agreement made between the current subdivision owner and the Ernst Road PUDD. This is an existing single family residential cul-de-sac, a connection thru-road to Rt. 9 would devalue these proposed homes having a premium location on a cul-de-sac. Justin Grassi, Town Counsel: the PUDD is part of the Town zoning law, a local law that was passed. Typically, with a PUDD there is a limited scope the property owner brings for their property and the legislation would impact only that parcel. The Town Board created the Ernst Road PUDD which abuts Burnham Hollow Subdivision. The PUDD property has not been developed; there was a plan for two buildings with a total of 16 apartments. Because of the choice of language adopted by the Town Board, the zoning legislation says that a road needs to connect there. Potential approvals, which wouldn't permit such a road, would technically be inconsistent with the Town zoning law. To resolve that inconsistency, there are options (1) modification of the PUDD at the Town Board level if it is determined that the road is no longer required or necessary; or (2) a variance from the zoning law requirement for a road connection would seem to suffice as well. That would go to the ZBA. Mr. Riper says in either case those Boards would be looking for a recommendation from the Planning Board. Mr. VanEarden: regarding the first option, asks who would seek the PUDD modification. Mr. Grassi: anybody can request from the Town Board a zoning amendment. This Applicant can seek a PUDD amendment to a PUDD, which the property isn't in the bounds of technically. Similarly, a variance can be sought from the ZBA because it impacts the property which is before the Board tonight, even

though it's a variance from PUDD language of an adjacent property. It is Rick Woodcock's property. Chairman Dobis iterates there was no legal contract between both parties or a surveyed deed. Mr. Grassi: the text of the PUDD legislation indicates a connection from Ernst Road to Burnham Road. His suggestion would be if a project were approved, which does not contemplate a connector road and the zoning legislation right now requires a road, that this project right now, before this project could be approved would require either a variance or a modification of the PUDD.

Mr. VanEarden: if the PUDD language was written when Mr. Woodcock was here anticipating he was going to have 16 living units and have access to a through road, I could see the Town Board's logic. What was the time frame? Mr. Riper states the PUDD came in after the Burnham Hollow Subdivision was approved. There could have been a benefit to Burnham Hollow Subdivision if the maximum limit of 24 homes on a cul-de-sac regulation was still in place, if there is a through road, more lots could be developed.

Mr. Palleschi: I don't understand. Burnham Hollow was an approved subdivision first without showing any connection or any agreement. Then the PUDD got approved with a requirement for a connecting road. If the PUDD wanted to develop their property, at this point, it would need to get the variance, not my applicant. Mr. Slone: why can't the applicant go before the ZBA for a variance. Why would you want a road at the end of a cul-de-sac? Just get it taken out of the PUDD language. Mr. Grassi: If the applicant were to seek the variance the Planning Board could proactively give the recommendation for a variance, that as it [the language] exists makes no sense. Mr. VanEarden: could there have been a reason such as ingress/egress from 16 buildings, even though access to Rt. 9 existed? Mr. Riper: part of the PUDD requirement is connection to water and sewer so the 16 apartments would require access to water and sewer in the right-of-way of the connector road.

Mr. Grassi: there are two options, either seek a variance from the ZBA from the requirement of that road, or alternatively, one could seek from the Town Board a modification to the PUDD language, both would seem to have the same result of eliminating the requirement of that road. Mr. Rice: the applicant could apply to either the ZBA or the Town Board even though it is not their PUDD? How strange it is for a property owner whose entire property encompasses his PUDD, to impose an obligation on an adjacent property owner. It's not out of the question to impose obligations surrounding a PUDD to make it blend in more easily. Mr. Dobis asks what kind of variance would the applicant be applying for? Area? Use? Mr. Riper: the other implication is if there's no road construction and there's no water and sewer connected, the PUDD becomes useless, they can't build the 16 units. Mr. Hebner asks if there has been a discussion between the two owners. Mr. Palleschi doesn't know. He doesn't see how the applicant can go before the Town Board, "we don't own this land and we can't make an application under someone else's PUDD". Mr. Hebner thinks that is more appropriate than a variance. Mr. Palleschi agrees with the Chairman, what kind of variance would you apply for? Mr. Slone believes the applicant has standing before the Town Board since he is impacted by the PUDD requirement. Mr. Rice suggests a paper road. Mr. Palleschi says normally a "paper road" would have been included during the subdivision process. It's a cul-de-sac, if it were to be continued they would have done a stub street. He feels that the Boards have missed something here in legal documentation. Mr. Riper asks if the applicant be willing to provide an easement for water and sewer. Mr. Palleschi believes so. Mr. Hebner: The

Town Board could make the language of the legislation contingent upon an agreement between the owners for an easement.

Further discussion of a Board recommendation to the Town Board. Mr. Grassi: A Board can always give a recommendation. Sometimes it is required for a Town Board or ZBA to request it from the Planning Board. An informal recommendation could be made. Whatever Board was lead agent for the PUDD legislation would be required to open SEQRA up again for the amendment to that legislation. The Planning Board cannot take any action on conceptual approval until a decision is made about the PUDD and the connector road is omitted.

Mr. Riper alludes to his comment items 1 and 2, regarding the frontage Lots 1 and 6 so the frontage setback could provide a gradual transition to the homes coming into the cul-de-sac, otherwise the new homes would sit back much further than the adjacent homes. His recommendation is that the Board may want to consider a recommendation to the ZBA for a variance for a 30-foot setback instead of a 50-foot setback. If the houses are moved forward, you may lose the 100-foot building line. Mr. Palleschi doesn't think it's necessary to seek a variance at this point. At the time the lot is developed, and a plot plan is done, would be more appropriate. The Chairman asks the Board whether they have any problem with the basic layout of the proposed subdivision. The Board has no issue with the layout. Chairman Dobis considers this a pre-application discussion and will be sending a memo to the Town Board.

C. EXIT 16 NORTHWAY SELF-STORAGE: Northeast Tech Green LLC

This conceptual site plan application proposes a multi-building self-storage facility consisting of one 3-story climate-controlled building and seven 1-story buildings. Property located on Ballard Road, 9.65± acres in the C-3 zone. John Lyon from EDP representing Northeast Tech Green LLC, for a project named "Exit 16 Northway Self-Storage" located approximately ¼ mile east of the Northway on Ballard Road. The one 3-story building would have an office of 100 sf and the rest of the space (approx. 67,000 sf) would be climate-controlled storage units; the other 7 buildings would be comprised of 20' wide single-sided access around the perimeter and 30' wide double-sided access buildings for outdoor conditioned space storage. The self-storage facility would be contained by a 6-foot privacy fence with a controlled access gate and key-fob restricted only to users of the facility. Parking is provided for the users both inside and outside the property. There will be a curb-cut opposite Commerce Park Drive and a curb-cut permit will have to be granted by the County. A visual impact study will be done. Plenty of space will be provided for moving trucks, tractor trailers, any large vehicles can queue up before the gated access without any impact to potential pockets of traffic on Ballard Road. There are significant turning radii around the facility to allow fire trucks and other vehicles to navigate. Storm water management would be controlled on the site, both north and the south side of the property, the topography lends itself to shed the waters toward the north and south. The visual setback buffer will be met on the front, on Ballard Road with a 25' vegetative buffer that already exists and will be infilled as needed. The property is densely wooded.

The property already has Special Use Permit approved January 17, 2018 by the Planning Board. This application has increased square footage to 121,000± sf. He asks for any questions from the Board.

Chairman Dobis asks the about the square feet of the climate-controlled building. The total will be 67,000 sf in a 3-story building less than 35' in height. Will it be done in phases? It will be one or possibly two phases. Mr. Rice asks if More-Is-Stored is 3-stories, and it is. Mr. Riper reviews his comments of 2/15/18 requesting the applicant to send the plans to the emergency squad and Wilton Fire Department for their review. Turning radiuses should be shown on the plans. Provide color renderings of the buildings as the seen from the road, provide height & width of signage; provide sight distance assessment looking to the east and coordinate that with the County, and coordinate with SCDPW about the curb-cut. This use is not a large traffic generator. Since this is in the C-3 zone the Board will have to decide about requiring a 28' municipal easement along Ballard Road; also lighting, street trees, and sidewalks. The 50-foot buffer will be provided. Provide site lighting details and dumpster locations on site. Indicate the streams and wetlands, there are some to the east. The 100-foot buffer will not be impacting the wetlands or streams. Parking requirements: 1 parking space for every 50 storage units – that's something that can be discussed. Mr. Lyon states the internal design of the building is being worked out, so an exact number of units will be forthcoming. One space for every 50 units seems a little excessive and they would be looking for a waiver on the parking requirement. Mr. Riper mentions a SWPPP and test pit data should be submitted (in a 3-ring binder). Provision of one 5-inch Storz fire connection should be noted on the plans. SCDPW curb-cut permit will be needed.

The Special Use Permit was granted for 95,400 sf on 1/17/18. This application is coming in at 121,500 sf. Town Counsel, Justin Grassi recommends that the SUP be modified. The SUP was limited by the bounds of 95,000± sf, similarly the public hearing was advertised as allowing 95,000±. The appropriate course of action would be to modify the SUP, have another public hearing that advertises the correct amount of square feet, although the difference is insignificant, it could potentially matter to the public. The process has been to separate the special use permit and site plan approvals. Since the original SUP has already been approved, it might make sense for the Board to hold joint public hearings for the special use and site plan and SEQRA review. The Chairman comments that SEQRA is usually done after the public hearing and before preliminary, the applicant is looking for conceptual on a site plan that doesn't have an accurate SUP. Mr. Riper adds if the applicant doesn't get the SUP, then the site plan review is null and void. It's the Board's preference.

Mr. Dannible asks what the general feeling of the Board as to the layout being shown as acceptable before detailed engineering is done. Mr. Hebner: without knowing the number of units, the parking calculation can't be made. We don't have enough information to give the applicant any sense of confidence regarding the parking. Mr. VanEarden: it's 1 parking space per 50 units which doesn't seem excessive. The customer would be parking in front of their unit. Mr. Slone states the difference is the parking for the 3-story building where cars park in front. Since we don't know how many units are in there, that calculation may not work. Chairman Dobis states he doesn't want to get into that calculation process tonight. Mr. Magoolaghan, the applicant, would like to refer to Bill Morris' facility. They have about 10 parking spots and more square footage. Whether through a variance or through this Board, some variance for the parking requirement 1 space to 50 units is needed. These units do not generate the need for that much parking. Chairman Dobis: in his opinion, if the numbers work, this is a good location for this project. But he emphasizes that there may be some risk for applicant should the amended special use permit not be approved. Mr.

Dannible asks for clarification regarding the parking space requirement: does it only apply to the climate-controlled building or is it all the units on the site. Mr. Riper states there is not a definite rule, a determination would need to be made on that. The Board ultimately has the right to deviate from those requirements, so it doesn't restrict the percentage. Mr. Dannible says that when they come back for a preliminary review, the number of units can be shown on the plans and the parking requirements could be met, however, it will also be shown what the appropriate numbers would be based on other similar storage facilities in the area.

Mr. Dannible: Other than the number of units, is there any concern with the site plan as it stands i.e. emergency service notification and turning radii. Ms. Kolligian mentions the parking being a consideration for the turning radius. Parking can be expanded into the green space and on other side of the facility. She asks about the purpose of the 5 spaces outside the gate. That would be for new customers. One item in Mr. Riper's comment letter was about having an enclosure for the dumpster. Typically, a self-storage facility does not provide a trash enclosure, it could become a dumpsite for stuff customers don't want. The applicant would like to come back in March to amend the SUP followed by a public hearing April 18th and schedule public hearing for the site plan for May, after preliminary.

D. KEY BANK SITE PLAN AMENDMENT: Key Bank

Chris Boyea with Bohler Engineering is here tonight seeking a referral to the ZBA before the site plan for the existing Key Bank can be amended. A variance will be needed for paving and front yard parking set back. The original plan provided for 37 spaces, some parking was lost due to the interconnection with Dunkin' Donuts. More parking is needed for additional employees. The proposal is to edge closer to NYS Rt. 50 and Old Gick Road. A 30 foot to edge of pavement is required on NYS Rt. 50; it is now 9 feet and applicant wants to reduce it to 2.7 feet. The green space requirement of 35% is going to be kept.

Mr. Riper comments on the pinch-point where the paving will be 2.7 feet off the property line, this is down-sloping and would mean digging into the embankment. Did applicant determine whether a retaining wall would be required. Mr. Boyea responds no retaining wall is required. Mr. Riper's concern is with the 2 spaces right off the ramp as you're coming into the Dunkin' Donuts. People backing out of those 2 spaces would be entering a very congested area and could interfere with someone turning in to the Key Bank lot. A NYSDOT work permit will be needed to regrade the ROW. Mr. Boyea believes it's possible to stay out of ROW, but if not, a non-utility work permit would be requested. Ms. Kolligian notes those 2 spaces are the tightest. They could be signed for "Employees Only" to prevent multiple in and out movements. Mr. Slone and Mr. VanEarden believe that is reasonable. Gary Bullard, Asst. Chief of the Greenfield Fire District, is concerned about traffic flow especially with fire trucks: it is very tight now. He wants to see the plan with the turning radius for fire trucks. Dwayne Bogardus, Fire Chief Maple Ave., says the only way for fire trucks to enter is from New Country Way, the first entrance for Dunkin' Donuts and it is a tight turn. He comments on the front corner which makes the turn more difficult. Mr. Boyea agrees to look at it in view of these comments. Mr. VanEarden suggests that he converse with the fire department directly. Chief Bogardus asks Mr. Riper about draining systems in the area that might be expanded. There are sink holes adjacent to the property from underground erosion: is that going to be built up

and firmed up better? Mr. Ripper: there are existing dry wells on the site that should be checked for their capacity and condition and if they need maintenance.

The recommendation to the ZBA should include designating the two parking spaces closest to NYS Rt. 50 entrance as Employee Parking Only. It could also be part of the amended site plan approval as a condition. On a motion introduced by William Rice, the Board adopts the following:

NOW, THEREFORE, BE IT RESOLVED that the Planning Board makes a positive recommendation to the Zoning Board of Appeals regarding the application by Key Bank for the relief requested of 27.30 feet front yard paving setback on NYS Rt. 50 and the relief requested of 7.60 feet for a front yard setback on Old Gick Road on the condition that the two parking spaces closest to NYS Rt. 50 entrance are designated as Employee Parking Only. The motion is seconded by Harold VanEarden, and duly put to vote, all in favor on this day February 21, 2018.

The Board takes a short break and reconvenes at 8:32 PM.

Erinn Kolligian recuses herself from the following discussion.

E. ADIRONDACK TRUST BANK MINOR SITE PLAN AMENDMENT: Adirondack Trust Company

This is regarding the reconstruction of the Adirondack Trust Bank building located at 650 Rt. 9 on 1.37 acres zoned H-1. The Zoning Code Officer's determination of February 12, 2018 stated that the Applicant, Adirondack Trust Company, is requesting an extension of the one-year time limit required under §129-110 of the Town Code to begin construction of a damaged or destroyed building [fire occurred in March 2017]. The Applicant proposes to begin construction to replace the bank building that was destroyed by fire, but first a minor site plan application must be reviewed by the Planning Board and a public hearing held. This would place the project start time for construction past the one-year requirement under §129-110, therefore an extension of the time limit is being requested.

Jere Tatich, Principal Landscape Architect and Chris Koenig for Elan Planning Design; and Brennan Drake, architect from Phinney Design Group are representing Adirondack Trust Company, which is represented by Dean Kolligian. The intent tonight is to introduce the project to the Board for the minor site plan amendment application and SEQRA determination on the Unlisted Action. He gives a short description of the project history. The bank was built in 1991. After the fire of March 2017, there was a discussion with the adjacent business, Stewart's, about combining both sides to redevelop this site as a unified commercial setting. The discussions were not fruitful, and the Adirondack Trust Company is wanting to redevelop the existing site pretty much as is with the new building, keeping as much of the site that existed as possible. The old building was 3500 sf and the proposed building is smaller at 2400 sf of like kind and similar quality. The parcel is 1.37 acres and with the addition of a portion of the adjacent parcel is now 1.6 acres. The frontages are on Rt. 9 (Maple Avenue) and Davidson Drive. The building site will be 50% developed and 50% green

space. He indicates on the site plan being exhibited that as much of the existing asphalt and curbing, as feasible, will be used in the new development. The remaining area would be redeveloped as shown on the interior of the loop, the parking will be reworked and the pedestrian walkways leading to the building. There are 35 parking spaces on site, which will be increased to 36 with two of those for handicapped parking. The existing access and egress will remain unchanged as will the storm water management system and gas/water connection. The landscaping will be refurbished, upgraded to keep the existing screening that borders the adjacent properties. The existing lighting outside will be replaced by LED lighting maintaining as much of the existing facility as possible. There is a “No Left Turn” sign on Davidson and it may be moved.

Brennan Drake of Phinney Design Group describes the architectural elements of the new building. This branch office will provide a high level of customer service. Much like the Adirondack Trust new branding, the building is designed around the user-experience, so the exterior is modern in style using durable natural materials and draws on those for inspiration as well as sustainability. The current security design practices for banks emphasizes transparency inside and out. It provides natural light-filled lobby space. It uses large timber elements, metals and stones. The front façade still faces the corner of the intersection of Rt. 9.

William Rice confirms that the majority of front of the new building is glass. He asks about the 700 sf that will be lost. Dean Kolligian representing the ATC says the banking industry is more electronic so less storage is needed. He adds that some of it is reduction of platform space. The manager and assistant manager would occupy space on the floor itself and there will be a conference room. One transactional space will be eliminated. The interior design is conducive to quick transactional processes: two options are the traditional teller line and the pod-style system, which is more of an interactive approach. All the same services will be provided but in a more streamlined approach requiring less square footage. For this location there was an unfortunate circumstance that made it necessary for this action before the Board. We are reinventing the original space.

Eric Rosenberg, in the audience, asks if he can ask questions. Chairman Dobis says to proceed. Mr. Rosenberg: It is my understanding that this property is in a specific zoning area called the Hamlet and that it has to do with certain features that were determined to be beneficial for this area of town. There is an issue of whether they must comply with those requirements and they don't if they build in the same footprint, however that must be done within a year, and the time is about to expire. I don't know what the procedure is for going through a variance, but I would like to know (1) what are they are not doing that the Hamlet would require and (2) why are they not being good Wilton neighbors and not complying with our zoning and making it a nice hamlet friendly property.

Mr. Kolligian: he would like to respond to two parts of that except for the specific requirements of the hamlet zone. He states there were two situations beyond the bank's control that had not allowed us to build or commence substantial construction within that one-year time frame, ending March 14, 2018. As Jere mentioned, originally the bank had been approached by Stewarts regarding a proposal that was before the Board in August 2017. The proposal was to take two lots that were existing, merge them into one and create a new commercial development with two businesses within the same structure. That process took about five or six month's time and at the end the parties were not able to come to an agreement. At that time, we had to revisit development as a single-use on the existing property. That took several months bringing us to today. The other unfortunate circumstance is as

you look outside, the weather currently prevents beginning to commence the substantial construction, for instance putting footings in the ground with a three-foot frost that we have now. Regarding the hamlet piece, Ryan and the Board can explain that component.

Mr. Rosenberg: With all due respect, stuff happens, and development has delays but really my question is why not just comply with the rules of the hamlet, if that is what Wilton wants. Mr. Kolligian: We'll let the Board, or the Town Engineer speak to that. Chairman Dobis asks Mr. Riper to explain the ordinance and what happens if the applicant doesn't meet the one-year time limit. Mr. Riper: I'll try to summarize . . .

Mr. Rosenberg interrupts: No, I'm sorry but not really, forgetting about the one-year if we want to have a hamlet there why are they not being good neighbors and just building according to the rules of the hamlet if that's what Wilton decided at some point. That's the question. The rest is a technicality. Mr. Riper: this sounds like a question to the Applicant. Mr. Slone: that is a question to the Applicant. Mr. Rosenberg interrupts: I'm asking the question whoever is supposed to answer it. The Chairman: When Mr. Kolligian said he could answer two parts of the question and put the third part over to the Board or to Ryan. I thought you wanted the official definition of why they aren't doing the hamlet. Sounds like you're not interested. You don't care whether they must or not. Your question is I believe, why aren't they doing it. Mr. Rosenberg: I understand all the technicality, but my main question is why not just a good Wilton person and neighbor be and comply with what we wanted to have there. Mr. Kolligian: There are two reasons: one of which I can speak on behalf, I can share with you what I hope would be their explanation as well. We're building not only like, kind and quality but we are building on a pre-existing non-conforming use parcel of land. That allows us to continue to conform with the existing pre-existing non-conforming use to be able to build like, kind and quality of the existing parcel. The second reason is going to be for two reasons: one of which is it has a financial impact and the other has a timing impact. As you just pointed out sir, one of the issues that we're dealing with is not being able to build this property in as quick a manner as our customers would like, as the residents of the Town of Wilton would like, and most certainly how the bank would like. The biggest issue and concern the bank has as Jere spoke about, are storm water management systems that exist on this property now would be tremendously affected by the hamlet zoning requirements of the sidewalks and the street trees and lighting on this property. It would require substantial finances and substantial amounts of time to go back in and re-evaluate that storm water management system. Mr. Rosenberg: You've had a year. Mr. Riper: the footprint of the building would have to be moved closer to the frontage, their parking would be moved to the side and to the rear, it changes their entire site which they are trying to utilize. I'm explaining part of the process. Mr. Rosenberg: You still not answering my question: I understand there's money involved but you know, oh well, Wilton at some point passed an ordinance that said we want this hamlet district and the way it works over time buildings change, things happen, and opportunities come to change over. Okay and it's unfortunate that there may some delay but um you know things happen, Why not be a good Wilton neighbor and comply with the hamlet requirements? Mr. Kolligian: The Town also has the ability in situations like this that have pre-existing non-conforming uses, to be able to do that again. Mr. Rosenberg: You're still not answering my question. Chairman Dobis: I understand your question. It sounds like they gave their explanation of why... Mr. Rosenberg: Their answer is they don't want to. Mr. Kolligian: I don't think that was said at all. Chairman Dobis: they give what they said and how it was perceived, understood, that's between you and the applicant. Mr. Rosenberg: it's really a very simple question and I understand. The question is

what you said is we decided at some point not to do that because either you didn't want to spend the money, or you want to do whatever it is. But again, things happen. Why not just be a good Wilton resident as a business and say hey, you guys want a hamlet, you want sidewalks, we are going to be a good Wilton resident. Mr. Kolligian: sir I completely understand your question and I believe I have answered it and answered it adequately. We have the ability to build like, kind and quality with the pre-existing non-conforming use of this property. I'm not sure that there is one person within this municipality that you would ask, that would tell you something contrary to the belief that the Adirondack Trust Company is not a good Wilton neighbor. Therefore, I have answered. Mr. Rosenberg: People have asked me that question. Mr. Kolligian: sir, I believe I have given you substantial time to ask questions from the audience. I am answering your question. Mr. Rosenberg: but you're not answering my question. Mr. Kolligian: I answered your question. Your question to me was why are we not being a good Wilton neighbor? Rosenberg: because you don't want to be. Mr. Kolligian: That's not my answer. My answer to you is that we have the ability to build on this property utilizing a pre-existing non-conforming use. Chairman Dobis: We have a public hearing coming up and I understand, I feel your frustration. There are always two sides to every story. You'll be able to ask that question again at the public hearing as well as others in the audience. Nobody on this Board, or engineering or the Town can force somebody to do what they feel they don't want to do, don't have to do or feel that they are doing what is right from their point of view. Mr. Rosenberg: I understand except for they still need a variance, correct? Chairman Dobis: What I was going to do initially was to let Ryan explain to the audience what the procedure is. I think that's what Mr. Kolligian had said originally, so that everybody out there understands.

Justin Grassi, Town Counsel: In addition, what I would recommend is that comments from a public hearing or otherwise, the public should be directed to the Board and if the Board deems them to have bearing, they can ask for a response from the applicant. To avoid going around in circles. Mr. Rosenberg: I just posed the question that way, I wouldn't really care who answered it.

Mr. Riper: As the Determination stated, the applicant has a right to reconstruct the destroyed building for the same use if it does not exceed its original dimensions. This project construction start time is the only variance. The start of the construction has to commence within one year. However, due to delays which Mr. Kolligian explained, they are not going to be able to start construction within one year. They are seeking the variance on the one-year requirement. Also, in the Code, is that the project be finished within two years. They are here seeking a referral to the Zoning Board for a recommendation on the application for a variance on the one-year start of construction requirement. Chairman Dobis: if they begin construction within the year, they are grandfathered into the pre-existing non-conforming use.

Mr. Riper: they can apply to the ZBA for extension on that one-year requirement. I'm not sure what they are seeking in terms of time. Mr. Kolligian: I can tell you that it will be our anticipation when the application is received by the ZBA, and the Town of Wilton that it will either have a sixty or ninety-day extension request. We will have completion of construction within that two-year time frame, we are just seeking an extension of the commencement of construction, we will adhere to the requirement in the Code that requires up to have that building complete and open within two years from the date-of-loss.

Mr. Grassi: one of the requirements for the ZBA is to deem the minimum variance necessary so they will take in the information and then decide how long can they feasibly extend time for completion.

Mr. Rosenberg: Can I ask a procedural question, so I understand what's about to happen? So, the Planning Board will either refer this to the ZBA or not? Chairman Dobis: We give a non-binding recommendation to the ZBA. At that point the ZBA makes their determination. Mr. Rosenberg: What happens after their determination. Mr. Riper: if the ZBA so chooses to grant them the variance, an extension on that one year, the applicant will come back before the Planning Board for a minor site plan review which requires a public hearing. Mr. Rosenberg: so, you still have the right to deny them or ask them to comply with... Once the Zoning Board says it okay to have the variance, they are in. Chairman Dobis: once they get the variance, they have the time frame they asked for and it is approved by the ZBA, they can move forward. We can give a positive or negative or we don't have to give one at all.

Mr. Riper: as stated in my comment letter, applicant is requesting a variance from the ZBA. The site changes and layout also need to be discussed. It hasn't been determined if you are connecting to water. Mr. Kolligian: we have two options that we are looking at right now; one is connecting to municipal water, technically there are three opportunities to do so, two of which we are evaluating, one would be coming off the Belmonte development down Smith Bridge Road down Davidson Drive about 1700 feet. The other connection opportunity will be across Route 9 down at Park Place which would be 1700 feet, a different challenge with the state highway being there. The other option is to put in a "dry system" with a buried tank, that would be supported by the current well system on-site; the tank will be filled with water and then run off the generator, so the fire suppression equipment would charge the lines when activated. It's mostly for fire protection and just finding how else we might be able to help the neighbors within the community.

Mr. Riper: if you are connecting to municipal utilities, you must make an application to the WWSA. You are making site configuration changes with the flow of traffic, I would recommend sending the site plans to the emergency services and fire department for review. Also, the clearance under the canopy on the side needs to be considered. Mr. Kolligian: there are two lanes of traffic on the exterior of the canopy. There are three lanes under the canopy. We are reducing the lanes by one. The dimension between that exterior lane and the current curb cut will remain the same. We are going to provide site plan layout for truck access. At the time of the fire, it was apparent that the firetrucks could access the site. Mr. Riper mentions putting the standard notes on the plans and look at the existing storm water system and do an inspection on it making sure that it's meeting the requirements and demands of the site. The other items are administrative.

Chairman Dobis asks for questions or comments from the Board. Mr. Slone asks about the 36 parking spaces, whether they are needed or required. The 36 are required; it's one per 100 sf. The destroyed building was about 3500 sf; it probably could be reduced but the additional space is used for snow removal.

The changes in the banking world remote locations will be utilized for more large-scale transactions such as closings, another reason to keep the extra space. Mr. Hebner asks about the piece of land in back, it says "to be conveyed". The calculations in terms of green space, does that include the adjustment to the lot size and building size. It says 1.37 acres, that's correct.

Chairman Dobis confirms that the Board will make a recommendation to the ZBA. The site plan application is for “minor review”; a public hearing will be scheduled. The applicant will have to have the plans set for preliminary; there is no conceptual. Applicant intends to submit the application for a variance to be before the ZBA on March 22nd. The Board can’t act until the variance is ruled on. Mr. Riper suggests setting a hearing for April [18th] subject to approval by the ZBA. He asks for any questions from the Board. ZBA is looking for a recommendation. Mr. Hebner says he’s glad the question was asked; that there are legitimate reasons why in terms of the timing, your desire to serve the customer and the community for your business and the expense is a legitimate concern as well. It’s an important question for the Board to consider. Applicant’s answer was exactly what he needed to hear. Complying with the zoning that’s a reasonable position, by it’s up to the ZBA whether they grant it. It was enough to convince me for a positive recommendation. On a motion introduced by Mr. Hebner, the Board adopts the following:

NOW, THEREFORE, BE IT RESOLVED that the Planning Board makes a positive recommendation to the Zoning Board of Appeals to approve the application for a variance by the Adirondack Trust Company, for an extension of the one-year time limit required under §129-110 of the Town Code. There are no comments. The motion is seconded by Harold VanEarden and duly put to vote, all in favor on this day February 21, 2018.

Mr. Grassi remarks on the Board suggesting a time frame the Board could give more information. The recommendation is non-binding. The applicant is looking for the minimum in any case. The intent is to get started as soon as the necessary approvals are in place.

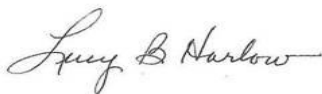
Mr. Tatich from Elan asks if SEQRA review on this unlisted action can be acted on so it can be determined whether we need to pursue it or will SEQRA be closed on this. Can this be addressed now?

The SEQRA review is addressed after the public hearing. Public comments can have impact.

III. ADJOURNMENT: Chairman Dobis asks for a motion to adjourn. On a motion introduced by Harold VanEarden, the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED that the meeting of the Planning Board be adjourned at 9:10 p.m. The motion is seconded by Ron Slone, and duly put to vote, all in favor on this day February 21, 2018.

Date Approved: March 21, 2018



Lucy B. Harlow
Planning Board Secretary