



**TOWN OF WILTON**  
**22 TRAVER ROAD**  
**WILTON, NY 12831-9127**  
(518) 587-1939 Ext. 201

**PLANNING BOARD**

William Rice,  
Chairman  
Harold VanEarden,  
Vice Chairman  
David Catalfamo  
David Gabay  
Christopher Price  
Thomas Murphy  
Chad A. Jerome  
James Deloria,  
Alternate  
Dean Kolligian,  
Alternate

Amy DiLeone  
Executive Secretary  
Planning & Engineering

Ryan K. Riper, P.E.  
Director of Planning &  
Engineering

Joshua Carlsson  
Land Use Administrator

Mark Schachner  
Planning Board Counsel

**PLANNING BOARD**

**May 17, 2023**

A meeting of the Wilton Planning Board (“the Board”) occurred on May 17, 2023, at 6:30 P.M., at Wilton Town Hall, 22 Traver Road, Wilton, NY 12831.

**PLEDGE OF ALLEGIANCE**

**I. CALL TO ORDER:**

At 6:30P.M., Chairman Rice opens the regular meeting.

**II. REGULAR MEETING:**

**PRESENT:** Chairman William Rice, Chris Price, Tom Murphy, and Dave Gabay; 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:** Dave Catalfamo, Hal VanEarden, Chad Jerome, Jim DeLoria, Alternate, and Dean Kolligian, Alternate

**MINUTES APPROVAL:** Mr. Gabay made a motion, seconded by Mr. Price for the approval of the meeting minutes of April 19, 2023, as written.

Ayes: Chairman Rice, Chris Price, Tom Murphy, and Dave Gabay

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

### **III. APPLICATIONS:**

**A. D-BATS Facility: Upstate Sports Development Group, LLC:** Application for the D-BATS Facility by Upstate Sports Development Group, LLC for two (2) lot commercial subdivision and the construction of a 48,000 sq.ft. indoor recreation facility. Property located at/on 696 Route 9 on 15.47 acre(s), Tax Map No(s). 140.-1-68.131; zoned PUDD.

Doug Heller of the LA Group and John Munter of Munter Enterprise are here to represent D-BATS Sports Facility.

Mr. Heller:

- I know the Board has seen this many times and there have not been any changes since the Board saw this last.
- The only update that we have for you is that we were in front of the Town Board for an amendment to the Mountain Ledge PUDD to subdivide the property, which was approved.
- The SUNY Adirondack building has their dumpster placed at this southeast corner. We have to work with them and choose a final location to relocate their dumpster.
- There was a traffic study done when we previously had D-BATS up in the front with the apartments and additional commercial space. So, we do need to update that. But that traffic study had more trips than what this project would.

Mr. Munter explains the façade of the 48,000 sq. ft. building as being metal corrugated siding with some variation in color with cultured stone on the main façade to dress it up.

The Planning Board would like to see more cultured stone incorporated on the building and the colors should blend with the Current SUNY Adirondack building.

The renderings will be modified for the next meeting.

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

**NOW, THEREFORE, BE IT RESOLVED,** that the Planning Board does hereby move to approve the Application for Conceptual Subdivision and Site Plan for the D-BATS Facility by Upstate Sports Development Group, LLC for two (2) lot commercial subdivision and the construction of a 48,000 sq.ft. indoor recreation facility. Property located at/on 696 Route 9 on 15.47 acre(s), Tax Map No(s). 140.-1-68.131; zoned PUDD.

The motion is seconded by Mr. Gabay and duly put to vote, all in favor, on May 17, 2023.

**B. Transfer of Development Rights: Pickett to Forest Grove Community:**

**Forest Grove, LLC:** Application for the Transfer of Development Rights: Pickett to Forest Grove Community by Forest Grove, LLC for the transfer of development rights (TDR) from Ruggles Rd parcels (tax map no's. 141.-3-12, 141.-3-52, 142.-1-39) to the Forest Grove Community. Property located at/on Jones Road (to the north) and near Putnam Lane on 565 acre(s), Tax Map No(s). 141.-1-25, 28, 29; 128.-1-69, 71.22, 87; 141.-2-2, 3, 4.2; 140.16-3-1 thru 6; and 140.12-3-1 thru 11 & 99; zoned R-2.

Joe Dannible of EDP and Peter Belmonte of Forest Grove, LLC are here tonight to represent the TDR application.

Mr. Dannible:

- Application for a transfer development rights for one parcel land in the R-2 zone to Forest Grove.
- We have been in front of the Board several times discussing the transfer of development rights. I think the last time we were here was probably somewhere around the end of 2022.
- We have had some pauses, some various conversations with the Town and a lot of moving parts on the Forest Grove Community itself. But ultimately, we are back on board and had a meeting a few weeks ago going over the details of this project and other portions of the project.
- We are here now to hopefully obtain a positive recommendation from the Planning Board to the Town Board that will initiate the Town Board to have the ability to take action on whether or not they want to see the transfer development rights and the acceptance and the dedication of 88 acres as an open space.
- Everyone is aware of the red area on this site is the current Forest Grove Community approved with 321 Lots. Yellow is an additional piece of land that has been purchased by Forest Grove LLC as is the blue parcel of land to the north are all under contract or ownership of Forest Grove LLC.
- This orange piece is the Pickett parcel which is located on Ruggles Road. It is an 88-acre parcel of land.
- We have been working with the Town and we have had a third-party engineer review the plans we addressed and work through those comments with the Town.
- We went through the review process with the third-party engineer and the Town Engineer and came to the conclusion that the most appropriate layout and acceptable layout for the Pickett parcel would have been a 29-lot subdivision.
- So, what we are looking to do is take the 29 lots that could potentially be improved on the Pickett parcel, preserve that land as forever wild open space, and transfer that density into the Forest Grove subdivision bringing it from a 321-lot subdivision to a 350-lot subdivision.
- Why this is unique, and it should be considered for the transfer development rights, is this is not just a random parcel out in the country that we are trying to transfer parcels from, this parcel is nearly surrounded by state owned land.

- Three sides of the property are bound by state and/or Town land. We are looking to donate another parcel of land to the Town, 88 acres, which creates larger contiguous areas of open space and forever preserved land on lands that may be somewhat less desirable for development for the purpose of location and proximity to a highway location and proximity to utilities.
- Those areas out there would be septic and well we are bringing them over to an area town that has already been approved for public sewer public water within those districts.
- So again, I think it creates a unique opportunity to preserve the contiguous open space and bring parcels of land to a more developed portion of the town.
- We are starting to amend that community master plan and will be back in multiple subsequent meetings with the Planning Board to go over the revisions to that community master plan.

Explanation of the third-party review done by Doug Heller of the LA Group and how they arrived at 29 building lots.

Mr. Gabay: I think the land being transferred has value for the town, if it was swampland in New Jersey, I would be against it. It has a positive attribute to be transferred. So, I am in favor.

Chairman Rice: I just want to emphasize what Dave just said, I agree with him that this benefits the town, the county, and the state, it is a nice addition to the Town of land on that side of Route 50 along with the state and the county's land over there. It fits in with this development, it will be a relatively minor addition to the newer houses that are going to be built there.

The Board was in agreement with Chairman Rice and in favor of the TDR.

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board does hereby move for a favorable recommendation to the Wilton Town Board for the Application for the Transfer of Development Rights: Pickett to Forest Grove Community by Forest Grove, LLC for the transfer of development rights (TDR) from Ruggles Rd parcels (tax map no's. 141.-3-12, 141.-3-52, 142.-1-39) to the Forest Grove Community. Property located at/on Jones Road (to the north) and near Putnam Lane on 565 acre(s), Tax Map No(s). 141.-1-25, 28, 29; 128.-1-69, 71.22, 87; 141.-2-2, 3, 4.2; 140.16-3-1 thru 6; and 140.12-3-1 thru 11 & 99; zoned R-2.

The motion is seconded by Mr. Murphy and duly put to vote, all in favor, on May 17, 2023.

**C. Maple Ave Pizza Shop: Brian Brumley**: Application for the Maple Ave Pizza Shop by Brian Brumley for a building use change from wine store to sit-down pizzeria. The amendment includes vehicular and pedestrian access to a rear overflow parking

area. Property located at/on 556 Maple Ave on 2.4 acre(s), Tax Map No(s). 153.5-2-5; zoned CR-1.

George Turner and Brian Brumley are here to represent Maple Ave Pizza Shop.

Mr. Turner explained the site and changes to the site.

Planning Board discussed:

- The lack of emergency access.
- The verbal agreement with National Grid for access to the rear of the parcel.
- Duane Bogardus, Greenfield Fire Chief, explains the difficulty emergency vehicles have when they have to access the National Grid easement area.
- The number of parking spaces that are accessible.
- No up-date on the easement application to National Grid from March 24<sup>th</sup>.
- Banked parking should be removed from the plans.

Mr. Riper:

- The plans are missing a lot of information on the sanitary sewer connections.
- Concern of the placement of the grease trap and the way it is shown on the plans by the surveyor.
- They are going to need maintenance protection traffic plans for DOT permit.
- The force main is under the neighbor's walkway.
- Application to Wilton Water and Sewer Authority.

The Planning Board agrees there are too many unknowns to set the Public Hearing.

**D. Ingersoll Road Conservation Subdivision: Bordeau Builders, Inc.**  
Request for a 90-Day Extension for the Ingersoll Road Conservation Subdivision by Bordeau Builders, Inc. for creating forty-one (41) single family lots. Property located at/on Ingersoll Rd at Route 50 on 76.47 acre(s), Tax Map No(s). 154.-1-3.1; zoned R-2, RB-1.

Scott Lansing of Lansing Engineering is here to represent Ingersoll Road Conservation Subdivision.

The applicant is working with DEC to try and resolve some issues and is getting through the process.

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board does hereby move to approve the Request for a 90-Day Extension for the Ingersoll Road Conservation Subdivision by Bordeau Builders, Inc. for creating forty-one (41) single

family lots. Property located at/on Ingersoll Rd at Route 50 on 76.47 acre(s), Tax Map No(s). 154.-1-3.1; zoned R-2, RB-1.

The motion is seconded by Mr. Murphy and duly put to vote, all in favor, on May 17, 2023.

**E. Kloss Subdivision: Stephen and Donna Kloss:** Request for a 90-Day Extension for the Kloss Subdivision by Stephen and Donna Kloss for a three (3) lot residential subdivision and lot line adjustments. Property located at/on Woodard Rd and Corinth Mountain Rd on 39.45 acre(s), Tax Map No(s). 101.-1-64, 101.-1-65.11 and 114.7-1-2; zoned R-2, R-3.

An email was sent by Mr. & Mrs. Kloss requesting a 90-day extension to finalize plans.

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board does hereby move to approve the Request for a 90-Day Extension for the Kloss Subdivision by Stephen and Donna Kloss for a three (3) lot residential subdivision and lot line adjustments. Property located at/on Woodard Rd and Corinth Mountain Rd on 39.45 acre(s), Tax Map No(s). 101.-1-64, 101.-1-65.11 and 114.7-1-2; zoned R-2, R-3.

The motion is seconded by Mr. Gabay and duly put to vote, all in favor, on May 17, 2023.

**F. Commerce Park Storage Building: Joseph R. Ernst:** Pre-Application for the Commerce Park Storage Building by Joseph R. Ernst for construction of a 5,800 sq.ft. cold storage building. Property located at/on Commerce Park Dr on 7.99 acre(s), Tax Map No(s). 115.-2-89.1; zoned C-3.

Joe Ernst is here to represent his application for a storage building.

- Purchased the property 2 years ago with the intent of parking trailers on the property.
- The Zoning Officer, Mark Mykins, said he could not park trailers on the property unless there was a primary structure on the property.
- Mr. Ernst is proposing to build a cold storage building on the property and park trailers.
- The property is one parcel with a driveway through the center of the property.
- Mr. Ernst is proposing to put the building in the back corner of the property so he can utilize the rest of the property for trailer storage. But the plans say, “open lot area to remain vacant”.

The Planning Board is having a hard time deciphering the site plan submitted by Mr. Ernst.

Mr. Riper, the Town Engineer, Mr. Mykins, Zoning Officer, and Josh Carlsson, Land Use Administrator all had great difficulty trying to decipher and make sense of the plans submitted by Mr. Ernst. Mr. Esposito, the Landscape Architect has been asked several times over the course of 3 months to revise the plans.

Mr. Riper explains that the Board has the option to utilize a third party for review of the plans to keep us moving forward. This would be at the applicant's expense.

Chairman Rice explains that the Board is in the business of reviewing the plans that are completed by professionals. We are not in the business of deciphering and rewriting them or chasing the applicant down for more information.

Mr. Ernst is going to try one more time to submit a legible set of plans before a third-party engineer is hired by the Board.

**G. Mandy's Spring:** Application for the Mandy's Spring by Todd Smith for relocating the secondary access and installing an emergency access drive. Property located at/on 697 & 701 Route 9 on 2.378 acre(s), Tax Map No(s). 140.-3-5 & -6; zoned CR-2.

Tom Center of Hutchins Engineering, and Todd Smith the owner are here to represent Mandy's Spring.

Mr. Center:

- This is a nursery with a small business office on the other side.
- Early on in the process, the fire department was asking for a second means of entrance to the to the north, we had that on the drawings we originally produced.
- We went through DOT; they would not allow two entrances because of the proximity of the two entrances.
- So, in the meantime, Mr. Smith bought the parcel to the north that has an old vacant house that is partially burned down, that is being proposed to be torn down completely.
- We are going to use that same entrance to come in off of Route 9 and have an access road just for emergency access only. It will have a plastic chain. So that will keep people from normally using that access to the fire department can get through if they have to.
- Nothing is proposed on this lot. If we do look to develop that it, we will be back before you but right now, the only thing we are using that parcel for is just for access for emergency vehicles.
- We will provide the easement language for the cross-access easement, and everything else that is requested by the Town.

The renderings are shown, and the business is explained. The nursery is a family owned and run business.

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board does hereby move to approve the Application for Amended Site Plan for the Mandy's Spring by Todd Smith for relocating the secondary access and installing an emergency access drive. Conditioned upon compliance with the Town Engineer, Ryan Riper's review letter dated May 11, 2023. Property located at/on 697 & 701 Route 9 on 2.378 acre(s), Tax Map No(s). 140.-3-5 & -6; zoned CR-2. There are no new or different environmental impacts requiring further SEQRA review.

The motion is seconded by Mr. Murphy and duly put to vote, all in favor, on May 17, 2023.

**H. Haru Japanese Steakhouse:** Application for the Haru Japanese Steakhouse by Tehen Yu for construction of an outdoor covered patio. Property located at/on 15 Old Gick Rd on 2.1 acre(s), Tax Map No(s). 153.-3-55.2; zoned C-1.

Dave Carr of the LA Group is here to represent Haru Japanese Steakhouse.

Mr. Carr:

- Haru Japanese Steakhouse has a building permit to renovate the Golden Corral, which is well underway. They contacted us about six weeks ago, because they have an interest in putting a patio at the end of their building, which would be the opposite side.
- If you look at your packet, away from the smaller plan, this is actually the parcel which is 2.1 acres.
- It was subdivided off of the larger parcel, which is the hotel, I believe it was in front of you in 2022.
- This whole thing received site plan approval around 2001. So, this is actually, I guess, officially a site plan modification amendment.
- What my client is looking to do is to develop a patio, a covered patio, off the rear of the building.
- The patio would be approximately 18 feet by 56 feet, within the parking lot.
- The parking lot is very interesting because it is huge. There is a lot of extra pavement there.
- What I did was basically at the end of the parking lot, which was a long expanse. I think it is almost 4,045 feet to the building.
- The plan would be to remove the asphalt pavement and build the patio.
- The patio would have an ingress and egress from the restaurant.
- The owner would like people to enter and leave the patio through the restaurant.
- Mr. Ripper's comment was to include an egress way which we have done to the front to the existing front sidewalk.
- The proposal now includes a concrete sidewalk to the existing front sidewalk. It would probably be more for emergency, I mean, the thought would, they really want people to come and go through the restaurant.
- The intent was emergency egress, if you have to leave quickly, you will not have to cross the parking lot.
- The thought would be, there would be patio, then a landscape area, and then a six-foot fence stockade style fence more architectural, to kind of screen the parking lot. And then there would be a curb.
- The traffic is currently two way.
- My thought was to make it safer, make this one way.
- We located bollards, with three bollards along the front and two along the back.
- The thinking of the bollards where most traffic is going to come this way. The bollards would provide extra protection from folks coming this way. And then if you look at the overall plan, they will cycle through and go back out.
- We could add more if Mr. Ripper thinks we need more, but that was a thought, I did not want to fill up the whole thing with bollards.



Mr. Riper: I was thinking the same thing with the curb, have bollards that would kind of blend in with the landscaping. Maybe a couple of large stones, you could do that on the linear section where it is unlikely to have an errant vehicle.

The traffic flow was discussed, two-way verses one-way. The decision was made to have one-way traffic.

Mr. Carr:

- The other part of the plan is we have a concrete pad, which is kind of interesting, back here also and the thought would be to locate the dumpster back there. I know the Town Code requires masonry; we are proposing wood to match the siding. The only reason we are really doing that is because the concrete exists. To do masonry, we will probably have to remove it all and put a big foundation in and build it backup. I let my client know that if the Town requires the masonry, then we will do the masonry.
- The firetruck turning radii we have added that to the plan and will submit that with the final check set, but like I said, there is a lot of room there. So, we did not see an issue with that.
- We did send everything, as required, to the emergency corps, the fire department, and the highway department.

Discussion on the layout of the restaurant, proposed dumpster location and its façade. The Board is waiving the masonry dumpster enclosure and allowing the wooden enclosure to match the façade of the restaurant.

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board does hereby move to approve the Application for Amended Site Plan for the Haru Japanese Steakhouse by Tehen Yu for construction of an outdoor covered patio. Conditioned upon compliance with the Town Engineer, Ryan Riper's review letter dated May 12, 2023. Property located at/on 15 Old Gick Rd on 2.1 acre(s), Tax Map No(s). 153.-3- 55.2; zoned C-1. There are no new or different environmental impacts requiring further SEQRA review

The motion is seconded by Mr. Murphy and duly put to vote, all in favor, on May 17, 2023.

**NOW, THEREFORE, BE IT RESOLVED** On a motion made by Mr. Gabay that the meeting of the Planning Board be adjourned at 8:20PM.

The motion is seconded by Mr. Murphy and duly put to vote, all in favor, on this day May 17, 2023.

Date Approved June 21, 2023.

Amy DiLeone,  
Executive Secretary