



TOWN OF WILTON
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**PLANNING
BOARD**

William Rice,
Chairman
Harold VanEarden,
Vice Chairman
David Gabay
Christopher Price
Thomas Murphy
James Deloria
Dean Kolligian
Shawn Lescault,
Alternate
Amanda Pelfrey,
Alternate

PLANNING BOARD

July 17, 2024

A meeting of the Wilton Planning Board (“the Board”) occurred on July 17, 2024, at 6:30 P.M., at Wilton Town Hall, 22 Traver Road, Wilton, NY 12831.

CALL TO ORDER:

At 6:30P.M., Chairman Rice opens the Public Hearing.

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS:

4289 Route 50 - Change of Use: Asset Packaging Co., Application for the 4289 Route 50 - Change of Use by Asset Packaging Co., LLC for a site plan amendment to change the use from office/warehouse to marijuana processing, packaging, warehousing, and distribution. Property located at/on 4289 NYS Route 50 on 5.59 acre(s), Tax Map No(s). 141.-2-14.12; zoned C-2.

PUBLIC HEARING NOTICE

PLEASE TAKE NOTE that the Planning Board for the Town of Wilton will hold a **PUBLIC HEARING** for a site plan amendment to change the use from office/warehouse to marijuana processing, packaging, warehousing, and distribution.

SAID HEARING will be held on Wednesday, July 17, 2024, at 6:30PM at Wilton Town Hall, 22 Traver Road, Wilton, New York. At that time, all persons will be given a chance to be heard.

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

Scott Lansing of Lansing Engineering and Coltin Barody of Asset Packaging are here to represent the change of use for Asset Packaging.

- The property is located on 4289 Route 50 and is 5.59 acres. This is the Tech II building.
- So, the existing building is a single-story building, approximately 10,612 square feet and around that building there are about 40 parking spaces.
- This is strictly fabrication, packaging, warehousing, and distribution in accordance with the C-2 business, light industrial permitted uses outlined in the code.
- What this will include is the extraction of cannabinoids, packaging and shipping off on the site.
- As far as the site itself is concerned, we are not proposing any modifications to the parcel.
- Modifications would be strictly on the inside of the structure.
- Employees on site are approximately 20 to 30 full-time.
- The hours of operation would be Monday through Friday 8am to 6pm.
- Commercial truck deliveries, estimated about two to three commercial truck deliveries each day and as far as commercial trucks, we are not talking about tractor trailers, we are talking about smaller box trucks, UPS type trucks.
- One thing I do want to stress is that there is no retail proposed for this facility. Again, there is no onsite consumption. They fully understand that it is not permitted on the parcel. It is strictly industrial type of use where they process something and ship it out to different parties to sell.
- Office of Cannabis Management is the involved agency, and a certificate of licensure has been issued.
- There was one question received at the last meeting about the distance from the building to the closest property line and an adjoining residence. And I think last month, we gave an estimate on that. But we have determined that that is right around 430 feet.

Coltin Barody:

- Hello, board. Thank you for having me. My name is Coltin Barody, I am a proud Navy veteran who joined out of Saratoga Springs, New York in 2007. After serving our country, I found a new mission in the cannabis industry.
- I have owned and operated a successful cannabis operation in California called Left Coast Extracts, which I started after my naval career with my partner Alexandria here today.
- I am here to talk about the plans to bring the cannabis industry, with my professionalism, in the great state of New York.
- Like Scott said, we recently received our license from the state last week, our business will focus on the processing, cultivation, and distribution of cannabis throughout the state.
- I want to make it very clear we will not be doing any on-site consumption or any on-site retail sales of cannabis at our facility.
- Our main business will be the passion industry in cannabis, a model that has proven successful in our California operations.
- The key advantages of our operation is that we'll be using an indoor facility this gives us complete control of the environment from the climate.
- This control allows us to ensure the consistent quality of our products and minimize our impact on the surrounding communities.
- We are committed to producing high quality cannabis products our cultivation methods are designed to ensure the best quality, and our process and methods will ensure that our product is safer for consumers.
- Now I understand that odor can be a concern when it comes to the cannabis businesses. That is why we are investing in a state-of-the-art carbon scrubber; this technology will effectively eliminate any cannabis smells. Insurance, that we are good neighbors to the surrounding community.
- Speaking of community, I believe in giving back. As a veteran, I am committed to supporting our veteran community.
- We will be looking for ways to involve and support veterans for our businesses.
- In collusion, I want to express our commitment to the professionalism, compliance, and safety of our community relations.

Public Comment and Concerns:

- Concerns about cannabis cultivation facility in residential area.
- The question was raised of marijuana processing and distribution not being specific in the Town Code, and whether marijuana processing and distribution is an allowed use in this area.
- The legality of a cannabis processing facility in a warehouse and distribution zone, citing zoning regulations that prohibit manufacturing and assembly on the site.
- The facility's production and storage components are not compliant with the zone's regulations, and the assembly and manufacturing use is only allowed in a different zone.
- Safety concerns about the project, citing potential contamination risks.

- In favor of the project, highlighting its potential benefits for the local community.
- Security measures for cannabis cultivation facility.

Verizon Wireless "Barnes Corners" Telecommunications Facility: Cellco Partnership d/b/a Verizonwireless: Application for the Verizon Wireless "Barnes Corners" Telecommunications Facility by Cellco Partnership d/b/a Verizonwireless for a minor amended site plan for a proposed telecommunications facility to include a 150' tall (154' w/ lightning rod) tower and related equipment within a fenced compound. Property located at/on 4330 NYS Route 50 on 18.06 acre(s), Tax Map No(s). 128.-1-83.21; zoned R-2.

PUBLIC HEARING NOTICE

PLEASE TAKE NOTE that the Planning Board for the Town of Wilton will hold a **PUBLIC HEARING** for a minor amended site plan for a proposed telecommunications facility to include a 150' tall (154' w/ lightning rod) tower and related equipment within a fenced compound.

SAID HEARING will be held on Wednesday, July 17, 2024, at 6:30PM at Wilton Town Hall, 22 Traver Road, Wilton, New York. At that time, all persons will be given a chance to be heard.

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

Attorney Hyde Clark of Young and Sommer Law Firm is here to present the Verizon Wireless facility for Barnes Corners.

Attorney Hyde Clark:

- This application has also been before the Town Zoning Board of Appeals. As part of that approval process, it was requested that our access be from Route 50 as opposed to West Lane.
- I have amended site plan drawings to present to the Board showing the changes to the access point as requested by the Zoning Board.
- This facility is known as the Barnes Corners facility. It will provide coverage to the eastern half of the Town.
- The project is explained and reviewed.

Public Comments and Concerns:

- Cell tower placement and potential impacts on nearby properties.
- Expresses concern about gravel road and church entrance. This no longer exists.
- Potential fall zone issues from storms and noise from the generator.

The Brill Manor:683 Saratoga Road, LLC: Application for The Brill Manor by 683 Saratoga Road, LLC for allowing the use of a single-family dwelling as a tourist home (AirBnB). Property located at/on 683 Saratoga Rd on 31 acre(s), Tax Map No(s). 140.-3-9; zoned RB-1.

PUBLIC HEARING NOTICE

PLEASE TAKE NOTE that the Planning Board for the Town of Wilton will hold a **PUBLIC HEARING** for allowing the use of a single-family dwelling as a tourist home (AirBnB).

SAID HEARING will be held on Wednesday, July 17, 2024, at 6:30PM at Wilton Town Hall, 22 Traver Road, Wilton, New York. At that time, all persons will be given a chance to be heard.

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

Evan Woodward, Michael Blauber’s mother, is here tonight to represent Michael Blauber tonight.

- He would need to apply for a Special Permit in order to operate the Brill Manor. Which is a four bedroom, three and a half bath building. It is the old Pepper Turkey farm that he renovated, and he would like to run it as an Airbnb.

There was no Public Comment.

REGULAR MEETING:

PRESENT: Chairman William Rice, Dave Gabay, Chris Price, Tom Murphy, Jim Deloria, Dean Kolligian, Shawn Lescault Alternate, and Amanda Pelfrey Alternate; 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: Hal VanEarden

MINUTES APPROVAL: Mr. Gabay made a motion, seconded by Mr. Price, for the approval of the meeting minutes of June 19, 2024, as written.

Ayes: Chairman William Rice, Dave Gabay, Chris Price, Tom Murphy, Jim Deloria, Dean Kolligian, and Shawn Lescault, Alternate.

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

4289 Route 50 - Change of Use: Asset Packaging Co., Application for the 4289 Route 50 - Change of Use by Asset Packaging Co., LLC for a site plan amendment to

change the use from office/warehouse to marijuana processing, packaging, warehousing, and distribution. Property located at/on 4289 NYS Route 50 on 5.59 acre(s), Tax Map No(s). 141.-2-14.12; zoned C-2.

Scott Lansing of Lansing Engineering is here to represent 4289 Route 50 Change of Use.

- Mr. Lansing read an email from the Zoning Officer, Mark Mykins dated May 3, 2024, implying that this use was allowed in this zone. He then read the Determination of the Zoning Officer dated June 3, 2024, that also implied that this was an allowed use in this zone.
- The topic of “growing” marijuana was discussed as an allowed use. Cultivation was determined to be an allowed use.
- Mr. Deloria expressed concern about the use definition being challenged (legal implications).
- Mr. Gabay clarifies that "not limited to" in the definition allows for flexibility in assembly and fabrication (product types).
- Chairman Rice asked for clarification from the Board of Mr. Mykins Determination.
- Attorney Schachner explains that the Board is bound by Mark Mykins decision and cannot interpret it any way they want.
- Mr. Kolligian emphasizes the importance of security and safety in the proposed facility, recommending a well-lit and well-monitored design with secure entry points and limited visibility from the outside.
- Concerns about the potential targeting of the facility due to its contents and location are raised, with suggestions for discreet signage and minimal advertising to avoid drawing attention.
- Odor complaints shall be addressed immediately as a good neighbor.
- The difference between heat pressing and cold pressing in cannabis production, was explained.
- Mr. Kolligian said Mr. Lansing addressed the Planning Board’s request to the distance being 430 ft. to the neighborhood to the rear located on Pine Bark Place.

Attorney Schachner reads SEQRA Part II to the Board. All questions are answered “No or Small”. There is a Negative Declaration for SEQRA.

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

THEREFORE, BE IT RESOLVED, that the Planning Board does hereby move for a negative declaration on SEQRA for the Application for the 4289 Route 50 - Change of Use by Asset Packaging Co., LLC for a site plan amendment to change the use from office/warehouse to marijuana cultivation, processing, packaging, warehousing, and distribution. Property located at/on 4289 NYS Route 50 on 5.59 acre(s), Tax Map No(s). 141.-2-14.12; zoned C-2.

The motion is seconded by Mr. Kolligian, and duly put to vote, all in favor, on July 17, 2024.

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 Application for Minor Amended Site Plan for the 4289 Route 50 - Change of Use by Asset Packaging Co., LLC for a site plan amendment to change the use from office/warehouse to marijuana cultivation, processing, packaging, warehousing, and distribution. Property located at/on 4289 NYS Route 50 on 5.59 acre(s), Tax Map No(s). 141.-2-14.12; zoned C-2.

The motion is seconded by Mr. Gabay, and duly put to vote, all in favor, except for Mr. Lescault, he voted no, on July 17, 2024.

Verizon Wireless "Barnes Corners" Telecommunications Facility: Cellco: Partnership d/b/a Verizonwireless: Application for the Verizon Wireless "Barnes Corners" Telecommunications Facility by Cellco Partnership d/b/a Verizonwireless for a minor amended site plan for a proposed telecommunications facility to include a 150' tall (154' w/ lightning rod) tower and related equipment within a fenced compound. Property located at/on 4330 NYS Route 50 on 18.06 acre(s), Tax Map No(s). 128.-1-83.21; zoned R-2.

- The noise from the generator would be minimal much like a refrigerator running every 2 weeks for 4 hours.
- The location of the tower is pertinent to provide maximum cell coverage.

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 Minor Amended Site Plan for the Verizon Wireless "Barnes Corners" Telecommunications Facility by Cellco Partnership d/b/a Verizonwireless for a minor amended site plan for a proposed telecommunications facility to include a 150' tall (154' w/ lightning rod) tower and related equipment within a fenced compound. Property located at/on 4330 NYS Route 50 on 18.06 acre(s), Tax Map No(s). 128.-1-83.21; zoned R-2.

The motion is seconded by Mr. Deloria, and duly put to vote, all in favor, on July 17, 2024.

The Brill Manor:683 Saratoga Road, LLC: Application for The Brill Manor by 683 Saratoga Road, LLC for allowing the use of a single-family dwelling as a tourist home (AirBnB). Property located at/on 683 Saratoga Rd on 31 acre(s), Tax Map No(s). 140.-3-9; zoned RB-1.

Attorney Schachner reads SEQRA Part II to the Board. There is a negative Declaration for SEQRA.

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

THEREFORE, BE IT RESOLVED, that the Planning Board does hereby move for a negative declaration on SEQRA for the Application for The Brill Manor by 683 Saratoga Road, LLC for allowing the use of a single-family dwelling as a tourist home (AirBnB). Property located at/on 683 Saratoga Rd on 31 acre(s), Tax Map No(s). 140.-3-9; zoned RB-1.

The motion is seconded by Mr. Murphy, and duly put to vote, all in favor, on July 17, 2024.

The Planning Board was in favor of granting the Special Use Permit for the Tourist Home.

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 Special Use Permit for The Brill Manor by 683 Saratoga Road, LLC for allowing the use of a single-family dwelling as a tourist home (AirBnB). Property located at/on 683 Saratoga Rd on 31 acre(s), Tax Map No(s). 140.-3-9; zoned RB-1.

The motion is seconded by Mr. Lescault, and duly put to vote, all in favor, on July 17, 2024.

Kloss Property Line Adjustments: Donna & Stephen Kloss Recommendation to ZBA for the Kloss Property Line Adjustments by Donna & Stephen Kloss for area variance(s) to adjust the lot lines of the Kloss Subdivision plan originally approved on 10/19/2022. Property located at/on Corinth Mountain Rd on 1.358 acre(s), Tax Map No(s). 101.-1-64, -65.11 & -65.2; zoned R-3.

Donna Kloss is here to represent the application for a lot line adjustment.

- We live on Corinth Mountain Road, and we are looking for a lot of line adjustments and area variances.
- Somewhere many moons ago, a pole barn was built and somehow with all the surveying and the dividing of the land, which we just recently did for the grandchildren. The pole barn ended on two lots.

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby move for a favorable recommendation to the Zoning Board of Appeals for the Application for the Kloss Property Line Adjustments by Donna & Stephen Kloss for area variance(s) to adjust the lot lines of the Kloss Subdivision plan originally approved on 10/19/2022. Property located at/on Corinth Mountain Rd on 1.358 acre(s), Tax Map No(s). 101.-1-64, -65.11 & -65.2; zoned R-3.

The motion is seconded by Mr. Murphy, and duly put to vote, all in favor, on July 17, 2024.

Mr. Kolligian recuses himself and Ms. Pelfrey takes his place.

612 Maple Ave Medical Center: Lenny Goldstock: Application for the 612 Maple Ave Medical Center by Lenny Goldstock for a two-story medical center with a total floorspace of 125,000 sq.ft. (62,500 sq.ft. per floor) that will feature multiple medical/surgical practices. Property located at/on 612 Maple Ave on 13.66 acre(s), Tax Map No(s). 140.17-1-9 & 140.18-1-13; zoned CR-1 & R-1.

Scott Lansing of Lansing Engineering and Lenny Goldstock are here to represent 612 and 631 Maple Ave.

- Mr. Lansing presents project updates to the board, including minor adjustments to pathways and traffic improvements.
- The applicant has agreed to make all the off-site improvements for the medical building.
- Ms. Moran with VHB provides updates on the DOT project's progress and timeline.
- Route 9 mitigation strategies are being taken care of conditioned on C.O. of buildings.
- Building materials have been submitted.
- The dumpster enclosure has been discussed and a fence and lattice that matches the buildings is acceptable.
- Meeting with Saratoga IDA to discuss funding for the mixed-use building.

Chairman Rice: It has been tremendous working with you, and I am more than happy to see this building be built, both projects, the medical building and across the street is going to be something. I think we all look forward to having built and completed.

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby move to approve Application for Final Site Plan for the 612 Maple Ave Medical Center by Lenny Goldstock for a two-story medical center with a total floorspace of 125,000 sq.ft. (62,500 sq.ft. per floor) that will feature multiple medical/surgical practices. Conditioned upon compliance with the Town Engineer, Ryan Riper's review letter dated July 11, 2024. Further conditioned on the completion of off-site traffic improvements prior to the issuance of a C.O. Property located at/on 612 Maple Ave on 13.66 acre(s), Tax Map No(s). 140.17-1-9 & 140.18-1-13; zoned CR-1 & R-1.

The motion is seconded by Mr. Murphy, and duly put to vote, all in favor, on July 17, 2024.

631 Maple Ave Mixed Use Development: Lenny Goldstock: Application for the 631 Maple Ave Mixed Use Development by Lenny Goldstock for a mixed-use development that will include 27,800 sq.ft. of commercial/retail space and 136 apartment units. Property located at/on 631 Maple Ave on 15.78 acre(s), Tax Map No(s). 140.-3-20, -21, -24.1 & -32.11; zoned H-1.

See Above.

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 Final Site Plan for the 631 Maple Ave Mixed Use Development by Lenny Goldstock for a mixed-use development that will include 27,800 sq.ft. of commercial/retail space and 136 apartment units. Conditioned upon compliance with the Town Engineer, Ryan Riper's review letter dated July 11, 2024. Property located at/on 631 Maple Ave on 15.78 acre(s), Tax Map No(s). 140.-3-20, -21, -24,1 & -32.11; zoned H-1.

The motion is seconded by Mr. Murphy, and duly put to vote, all in favor, on July 17, 2024.

Mr. Kolligian returns and Ms. Pelfrey steps down.

Route 50 Senior Housing Project: The Markstone Group: Application for Final Site Plan for the Route 50 Senior Housing Project by The Markstone Group for a senior housing (55+) community consisting of 390 units. Property located at/on 4029 NYS Route 50 on 29.97 acre(s), Tax Map No(s). 154.-1-1; zoned C-1.

Scott Lansing of Lansing Engineering is here to represent 4289 Route 50 Senior Housing Project.

- We are here for final approval of this project.
- The layout of the project has not changed.
- Minor changes to the building footprint with the same amount of units.
- A multi-modal path has been added to the plan at Route 50 at Ingersol Road and down towards the Northern entrance of the mall.
- A pump station has been added to the southern corridor of the parcel. It is more or less an oversized shed.

Mr. Riper:

- Provide general building dimensions, building square footage and setback dimensions.
- The pathway construction shall be completed prior to the issuance of a Certificate of Occupancy on the final building or within 4 years of first building permit issuance, whichever occurs first.
- Easement language and maintenance agreements shall be provided by developer, reviewed by Town, and signed by interested parties then filed with Saratoga County.
- Public access will need to be provided at the trail connection to Ingersoll Road cul-de-sac. Any public pathway provided needs to have an irrevocable easement to the Town for public access with all maintenance by developer.
- The easement must be transferred to the Town before the final plans are stamped & signed by the Town. Easement to be filed at Saratoga County; "Record & Return" filed documents to Town Clerk.

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby move to approve the Application for Final Site Plan for the Route 50 Senior Housing Project by The Markstone Group for a senior housing (55+) community consisting of 390 units. Conditioned upon compliance with the Town Engineer, Ryan Riper's review letter dated July 15, 2024. Further conditioned on the completion of multi-modal path prior to the issuance of a C.O. or within 4 years of issuance of the first building permit, whichever occurs first. Property located at/on 4029 NYS Route 50 on 29.97 acre(s), Tax Map No(s). 154.-1-1; 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 July 17, 2024.

Ingersoll Road Subdivision, Amendment to Subdivision for re-configuration of the roadway; eliminates the cul-de-sac and connects to the Northridge Subdivision.

Public Hearing is scheduled for Wednesday, September 18th, 2024.

Forest Grove Subdivision, Phase 3: Forest Grove, LLC: Application for the Forest Grove Subdivision, Phase 3 by Forest Grove, LLC for Phase 3 a 190-lot subdivision, enlarging the conservation subdivision from 321 lots to 421 lots. Property located at/on Jones Rd, Putnam Ln, Bullard Ln, and Scout Rd on ±713 acre(s), Tax Map No(s). 128.-1-2, -68, -71.221, -71.222, -106, 140.12-3-11, -13, 140.16-3-9, -98, 141.-1-4.1, -35, 141.13-1-1 thru -26, 141.53-1-1 thru -22; zoned R-2.

Joe Dannible from EDP and Peter Belmonte from Belmonte Builders are here to represent Forest Grove Subdivision Phase 3.

- This is an application to amend the Forest Grove Community, adding 100 units to the overall unit count bringing it from the 321 approved units to 421 units.
- We are here tonight to request the public hearing be set for the September Planning Board meeting to go over any additional public comments and continue to review the plans.
- Added a new unit type
- Phase 1A is close to completion
- The phases and overall subdivision plans are explained. Detailed plans for the development, including pocket parks and traffic calming features.

Mr. Ripper: I would like to sit down with the Applicant and Mike Monroe, Highway Superintendent, and look at the roads, the connections, Bullard Lane, and traffic.

Set the Public Hearing for Wednesday, September 18, 2024.

Dance Lab: Mary Beth Besler: Application for the Dance Lab by Mary Beth Besler for expanding the parking facilities. Property located at/on 604 Maple Ave on 4.76 acre(s), Tax Map No(s). 140.17-1-7.1; zoned CR-1.

Luigi Palleschi of ADB Engineering is here to represent the Dance Lab.

- The applicant is looking to expand the parking by 84 spaces. There is a note on the site plans that states with any future development or permits the applicant has to connect to County Sewer.

Discussion of septic verses sewer and the septic not being large enough to accommodate the occupancy.

The Determination of the Zoning Officer is discussed, and future development would not have adequate parking.

There is no action on this application tonight. This application needs County Referral.

AJOURNMENT

Next Meeting Wednesday, September 18, 2024

NOW, THEREFORE, BE IT RESOLVED On a motion made by Mr. Kolligian that the meeting of the Planning Board be adjourned at 9:45PM.

The motion is seconded by Mr. Murphy put to vote, all in favor, on this day July 17, 2024.

Date Approved September 18, 2024.

Amy DiLeone, Executive Secretary