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PLANNING BOARD
AUGUST 16, 2017

PLANNING BOARD

MICHAEL G. DOBIS,
Chairman

HAROLD VAN EARDEN,
Vice Chairman

WILLIAM RICE

ERINN KOLLIGIAN

RON SLONE

DAVID GABAY

BRETT HEBNER

RICHARD FISH, Alternate
JEFFREY HURT, Alternate

A meeting of the Wilton Planning Board (“the Board”) occurred on August 16, 2017 at the Wilton Town Hall, 22 Traver Road, Wilton, New York.

PLEDGE OF ALLEGIANCE

I. PUBLIC HEARINGS:

A. The following Notice of Public Hearing was advertised in the Daily Gazette, The Post Star and the Saratogian Newspapers:

PLEASE TAKE NOTICE that the Planning Board for the Town of Wilton will hold a PUBLIC HEARING to consider an application by High Peaks Sound for construction of a 9600 SF commercial building. Property located at 4272 NYS Rt. 50, SBL 141.-2-76; zoned RB-1.

SAID PUBLIC HEARING will be held on Wednesday, August 16, 2017 at 6:30 PM at the 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.

The Applicant, High Peaks Sound is represented by Brian Sleasman from ABD Engineering. He briefly describes the proposal: office storage building for High Peaks, which provides audio equipment and technical support services for concerts and other types of venues. The project involves construction of a new building at rear, demolition of existing office at front of site, and an existing rental house. Utilities will be a septic system, use of existing well, storm water management to meet requirements of proposed structure.

Chairman Dobis asks for any questions/comments from the audience.

Paula Smith of 5 Canfield Court asks where the site is on NYS Route 50. It is near the cemetery and across from the [Mohawk Hudson ASPCA] formerly the HOPE building. Chairman Dobis asks for other comments/questions, there being none, he asks for a motion to close the public hearing. On a motion introduced by Harold VanEarden and seconded by Ron Slone the board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, the Public Hearing is closed at 6:35 PM. Ayes: Dobis, Hebner, Slone, VanEarden, Rice and Hurt. Nays: none.

B. The following Notice of Public Hearing was advertised in the Daily Gazette, The Post Star and the Saratogian Newspapers:

PLEASE TAKE NOTICE that the Planning Board for the Town of Wilton will hold a PUBLIC HEARING to consider a minor site plan application by SGA Design Group to install a 4-bay canopy and signage for an on-line grocery pick-up facility at the Walmart Store. Property located at 16 Old Gick Road; SBL 153.-3-110 zoned C-1.

SAID PUBLIC HEARING will be held on Wednesday, August 16, 2017 at 6:31 PM at the 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.

The Applicant's representative, Sunday Bougher, from SGA Design Group, and two representatives from Walmart are present. She briefly describes the proposal: this is a new service to be provided to Walmart customers. Orders are placed on-line; time of pick-up is selected between 8 am and 8 pm. The order is prepared by Walmart employees and the customer parks in a designated space where the order is brought out to the customer's vehicle. This service has been successful in other locations.

Chairman Dobis asks for any questions/comments from the audience. Chris Defibaugh of the YMCA, 20 Old Gick Road, asks about the canopy. "Will it be facing the Lowe's side?" Tyler Curtis of Walmart states that it will be. "You wouldn't see it from the YMCA". Chris Defiscogh: the traffic pattern for the back area. There is a shared easement. The YMCA staff park on the back side. On your plan it says there is going to be a sign for parking. How will those folks be directed and do you see an impact or increased traffic on the back half of the Walmart parking. Mr. Curtis: There are parking spots that are there now. This was primarily for associate parking. Those spots will be designated. It's going to be for the customers who place on-line grocery orders; you will pull in and get a designated parking spot. As a customer, you are not going to drive around in the back, you will pull in from the regular parking lot and back out and exit the same way you came in. There's going to be signage facing on the exit. There will be signing for all of that, so as you pull in the parking lot there will be signs directing you where to go and then follow the same pattern on the way out. Mr. VanEarden: is it a concern of the YMCA, people going out that way? Mr. Defiscogh says no. "The way the building is set up we have a shared parking lot at the back half of the building [YMCA]. We use that as our employee entrance and we opened up that back half of the building for our Fall, Winter and Spring sessions. Currently it is used for Walmart traffic. We get a lot of folks who come

in the back way trying to get in quick to the Walmart and it causes some traffic to come through our back parking lot. Our concern is how much of an increase in traffic if there is an on-line pick-up on that side. Ms. Bougher responds: "Most of the customers that are going to be using this service are already coming to the store and there are people 'creatures of habit' and if there's a back door, I'm taking it. But there will not be a significant increase."

Chairman Dobis asks for other comments/questions, there being none, he asks for a motion to close the public hearing. On a motion introduced by William Rice and seconded by Brett Hebner, the board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, the Public Hearing is closed at 6:40 PM. Ayes: Dobis, Hebner, Slone, VanEarden, Rice and Hurt.

C. The following Notice of Public Hearing was advertised in the Daily Gazette, The Post Star and the Saratogian Newspapers:

PLEASE TAKE NOTICE that the Planning Board for the Town of Wilton will hold a PUBLIC HEARING to consider an application by ER Design Group LLC to subdivide 10.72 acres into 4 lots. Property located at 360-370 Ruggles Road, SBL 129.-1-63; zoned R-2.

SAID PUBLIC HEARING will be held on Wednesday, August 16, 2017 at 6:32 PM at the 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.

Chairman Dobis states this is the last of the public hearings; it is scheduled for 6:32 PM. It involves a preliminary application for The Forest at Ruggles Road subdivision, a four-lot conservation subdivision; property located at 360-370 Ruggles Road, on 10.72 acres; zoned R-2.

Joe Dannible with Environmental Design is representing Eric Rice of ER Design Build, who is proposing a 4-lot conservation subdivision on Ruggles Road. The land is a quarter mile south of NYS Route 50 on Ruggles Road, which he describes as undulating topography, very sandy soils, wooded with undergrowth. The density computation for this project yields an allowable density of 4.9 units, rounded down to 4 lots on this property. The four lots will have frontage on Ruggles Road. He shows a blow-up of the area in front; there will be a shared access driveway with one point of access, ingress and egress. There will be a maintenance agreement included within the deeds for each property. Traffic engineers have looked at sight distance in that area, and it meets or exceeds the requirements for both entering and exiting the site. The site will generate approximately 4 vehicle trips during the peak hour. We are maintaining a good portion of the vegetation along Ruggles Road which will provide a buffer for the views from Ruggles Road to the houses. There will be 3.7 acres of deed-restricted open space in the rear third of all the parcels. Setbacks: 50 feet front and rear, and 20 feet sideyard which is allowable. There will be individual wells and septic systems with on-site storm water management. Since the subdivision is less than 5 acres, a full SWPPP is not required, but a basic SWPPP of erosion and sediment control demonstrates no increase in off-site discharge by providing a level of infiltration on the site. There are no

archaeological or endangered species concerns. No suitable habitat for Karner Blue butterflies. No evidence of wetlands. The soil and the groundwater support conventional septic systems.

Chairman Dobis asks for other comments/questions from the audience.

Paula Smith of 5 Canfield Court: “Can we see how that one house will come up against my property? Where does that fall, is that where these houses are? What the house that’s next to that one. Mr. Dannible responds “that is the property of Murphy.” Ms. Smith: That is my next door neighbor. What is the sideyard setback? Mr. Dannible: Twenty feet is the minimum required distance from the property line in a conservation subdivision. It could be more. Ms. Smith: How many trees are you taking down? I have a large forest in my backyard. Mr. Dannible: the plans have a limited grading due to the topography on the site. Clearing and grading will occur within ten feet of that property line (he is indicating) He shows where the side of the house is and states all these houses face Ruggles Road. Mr. VanEarden: You are the next house over. Ms. Smith: I am Smith and Ludu so that’s where I am. Twenty feet, that’s kind of close. The Murphy’s are going to see that house in their backyard. It’s closer than we have on Canfield Court. We have at least fifty feet if not more on the side of our house, to the next house. Mr. Rice asks how deep the lot is. Ms. Smith: it’s a little shy of an acre, about 180 feet deep and 210 feet wide. It’s fifty feet from Canfield Court. It is probably closer to the street than it is the yard. Mr. Rice: you might not be able to see the house; you probably have one hundred feet. Ms. Smith: Just so long as that house stays there, I’m okay. Is there any chance it moves back or forward, closer to the street? Why are you going that . . . Mr. Dannible: there is a hill that runs along the property here, this house in particular we’re bringing up and putting on the high ground, on top of the hill. Ms. Smith: I noticed that my yard goes up a little bit. Did you guys put orange tapes on? Mr. Dannible: It’s very possible that we flagged the property line. Ms. Smith: There was a Karner Blue butterfly in my back yard about two years ago so they are there. Thank you. Mr. VanEarden: Most of the Blue Lupine areas are mapped, and DEC designates sustainable habitats. Mr. Dannible: there’s no suitable habitat for that species on this property. There are further to the west. Mr. Riper: They just created an 18 acre piece just south for habitat purposes.

Wendy Mahanney, 74 Damascus: It says on here there is a quarter acre wetland, where is that. Mr. Dannible: There is a wetland that comes onto the site that is mapped. You are looking at the Full Environmental Assessment Form. There is actually no wetland on site. Those maps are fairly erroneous. Where that wetland showed was in the back corner (indicating) of the property.

Susan Cobb, the listing agent for that property. When I heard that there was a concern about this I did look into the maps and paperwork indicating what the Town of Wilton had as a wildlife preserve and park and it doesn’t show this parcel at all within that area. It doesn’t show that as being a designated area. Chairman Dobis confirms that that is what Mr. Dannible’s study indicated. Mr. Dannible concurs.

Chairman Dobis asks if there are any other questions, there being none, he asks for a motion to close the public hearing. On a motion introduced by Ron Slone and seconded by William Rice, the board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, the Public Hearing is closed at 6:53 PM. Ayes: Dobis, Hebner, Slone, VanEarden, Rice and Hurt.

II. REGULAR MEETING: Chairman Dobis calls the regular meeting to order at 6:54 PM. He requests a motion to address the July 19, 2017 Planning Board minutes.

MINUTES APPROVAL: Harold VanEarden moves, seconded by Ron Slone, for the approval of the meeting minutes of July 19, 2017 as written. Ayes: Dobis, Hebner VanEarden, Slone, Hurt, and Rice. Opposed: None. Absent: Gabay, Kolligian, Richard Fish, Alternate.

CORRESPONDENCE:

IN ATTENDANCE: Those present at the August 16, 2017 Planning Board (“the Board”) meeting are: Chairman Michael Dobis, Brett Hebner, Harold VanEarden, William Rice, Ron Slone and Jeffrey Hurt, Alternate; Ryan K. Riper, P.E., Director of Planning and Engineering and Justin Grassi, Planning Board Attorney and Amy DiLeone, Principal Clerk-Engineering. Absent: David Gabay, Erinn Kolligian and Richard Fish, Alternate. Also present are: Paula Jo Smith, Robert Stanton, Chris Defibaugh, Tyler Curtis, Sunday Bougher, Jennifer Constable, Joe Dannible, Brian Sleasman, Wendy Mahanney and Susan Cobb.

III. APPLICATIONS:

A. HIGH PEAKS SOUND: This is a site plan application and application for special use permit for construction of a 9600 square foot building with office space and ancillary storage. The property is located at 4272 NYS Route 50 on 3.1 acres Tax Map No141.-2-76 zoned RB-1. Chairman Dobis asks for Mr. Riper’s comments, who states they are mostly administrative and can be handled as the project moves forward. This is a special permitted use. The Board will need to go through the seven items per the Town Code requirement. Mr. Hebner has several questions: why is there a single family house that’s going to remain on the site? Isn’t that two principal uses on the same lot? Is it going to be occupied by the owner of the business? Has the Applicant been in contact with the neighbors? Mr. Sleasman states that the existing house is currently being rented out. He talked to Tom [Applicant], who did speak to this neighbor over here and she was fine with the whole thing. She was concerned about some of the trees that overhang her property and asked if they could trim some of those. The house on the other side is abandoned. To Mr. Hebner’s question about the uses on the property, Mr. Riper responds that the Zoning Officer said it meets the requirements as far as the area requirements. It’s a previously existing use and the residential use is allowed. Mr. Rice asks about the County’s comment about the rear yard setback line. Mr. Riper responds that it was a typo on the plan. To Mr. Hebner’s inquiry about whether the project was coming back for site plan, Mr. Grassi, the Board attorney, states the project is in front of the Board for preliminary and potentially final site plan approval together with the special use permit. Mr. Hebner asks about signage and lighting. There is a proposed monument sign that will be lit out by the road. Mr. Riper adds that will require a separate permit and sight distance will be addressed to make sure the sign will not impede sight distance. Regarding the lighting, there will be 3-4 driveway light poles, 6 foot high lamp posts that extend to the residential dwelling and walkway. Wall mounted lights on the building will be on a timer.

The Chairman requests that the SEQRA review proceed: Mr. Grassi confirms that the Applicant’s Representative provided a Short Form EAF – Part I completed and signed on June 6, 2017. The Board has reviewed the EAF Part 1 and has copies of the Short Form EAF Part II so that the impacts

may be assessed. The Board, with the assistance of Mr. Grassi, reviews the EAF Part II, which is a list of eleven questions. The choice of answers is “no, or small impact may occur or, moderate to large impact may occur.” The Board responds to all questions by the answer in column one: “no or small impact.” The SEQRA review Part II having been completed, the Board can proceed to Part III and make a determination as to whether or not there are significant adverse environmental impacts. Chairman Dobis asks for a motion on SEQRA. On a motion introduced by William Rice, the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED that the Planning Board for the Town of Wilton adopts a negative declaration on SEQRA in connection with the High Peaks Sound Site Plan and Special Use Permit Application. The motion is seconded by Harold VanEarden and duly put to vote, all in favor, on this day, August 16, 2017.

Mr. Ripper reviews the comments from his August 4, 2017 letter: the Board will need to take action on the application for a special permitted use in the RB-1 zone. The Board will need to determine in its judgement the seven items under Town Code §129-175 D. The Chairman moves on to the Board’s review of the Special Use Permit criteria under §129-175 D. Mr. Grassi reads the following:

For each special use permit, the Zoning Board of Appeals, Town or Planning Board shall determine, in its judgment, that:

(1) It is reasonably necessary for the public health or general interest or welfare. *The Board answers yes.*

(2) It is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities. *The Board answers yes.*

(3) The off-street parking space required under § 129-161 of this chapter or where not specified is adequate to handle expected parking demands. *The Board answers yes.*

(4) The neighborhood character and surrounding property values are reasonably safeguarded. *The Board answers yes.*

(5) Undue traffic congestion or creation of a traffic hazard will not result. *The Board answers yes.*

(6) Any other conditions or standards specified in this chapter and especially those listed for specific uses in § 129-176 of this article are fulfilled.

(7) All governmental authorities having jurisdiction have given the necessary approval. *The Board answers yes.*

There being no other questions or concerns the Chairman asks for a motion on the special use permit application. On a motion introduced by Ron Slone, the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Board moves to grant the special use permit application by High Peaks Sound. Property located at 4272 NYS Rt. 50 on 3.1 acres; Tax Map No. 141.-2-76; zoned RB-1. The motion is seconded by Harold VanEarden, and duly adopted this day August 16, 2017.

Chairman proceeds to the preliminary site plan application and there being no further questions or comments from the Board; asks for a motion. Mr. Slone introduces the following motion:

NOW, THEREFORE, BE IT RESOLVED, that the Board approves the preliminary application by High Peaks Sound for the construction of a 9600 square foot building with office space and ancillary storage. The property is located at 4272 NYS Route 50 on 3.1 acres, Tax Map No. 141.-2-76; zoned RB-1. The motion is seconded by William Rice and duly put to vote, all in favor on this day, August 16, 2017.

Mr. Hebner inquires about the waiver of the requirements for street trees, lighting and sidewalks in the RB-1 zone. Mr. Riper states that will be addressed in the final motion and that the Applicant is willing to provide the utility easement. Chairman Dobis asks for a motion on final. Mr. Rice confirms that the utility easement is on the final plan. That is confirmed by Mr. Riper. On a motion introduced by William Rice, the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Board approves the final Site Plan Application by High Peaks Sound in order to build a 9600 square foot building with office space and ancillary storage, and the Board approves the Special Use Permit, and that the requirements under Town Code §129-176 have been fulfilled; and be it **FURTHER RESOLVED**, that the requirement under Town Code §129-174 in the RB-1 Zone for sidewalks, street trees and lighting has been waived and all requirements under SEQRA have been met, and be it **FURTHER RESOLVED**, that the Board's final approval is conditioned upon the compliance with the requirements of the Town Engineer, Ryan Riper's letter dated August 4, 2017. The property is located at 4272 NYS Route 50 on 3.1 acres, Tax Map No. 141.-2-76; zoned RB-1. The motion is seconded by Harold VanEarden and duly put to vote, all in favor on this day, August 16, 2017.

B. WALMART: SITE PLAN AMENDMENT FOR ON-LINE GROCERY SERVICE:

This is a Minor Site Plan Application submitted by SGA Design Group LLC., for the Walmart On-line Grocery Pick-up facility which includes installation of a 4-bay canopy, The property is located at 16 Old Gick Road; Tax Map No.153.-3-110 zoned C-1.

Chairman Dobis requests Mr. Riper to comment on the application. The Applicant's been responsive to making some changes to the site with striping and needed maintenance in conjunction with this site plan. All the other items are administrative except for Item No. 2 which was discussed last time, regarding the language for future connection between Lowes and Walmart. There is language on the proposed plan, Sheet SP1. Ms. Bougher reads the following: "Future Connection to Lowe's. If deemed necessary, Walmart agrees to explore the feasibility of a future connection to Lowe's Home

Improvement as an access for truck traffic. Chairman Dobis states that this language is meaningless. In the past, the Board has designated a specific or general area that is on the plans that the applicant agrees to for an interconnection between two commercial parcels. Somewhere there has to be a description. This doesn't come close and he asks for input and comments from the Board.

There is already connectivity between Walmart and Lowes at the front. Mr. Riper comments that usually it's a connection to the rear of the parcels for trucks, tractor trailers. It is difficult to get Lowes and Walmart or their corporate counsel to commit to legal language for enforcing that connection for the Board to review. Justin Grassi, the Board's attorney, comments that as the Chairman has stated, essentially the Applicant could come forward if an interconnection were sought in the future and say it is not feasible. There is no enforceability to that condition – that language as submitted.

Ms. Bougher states that based on conversations she has had with Mr. Riper, if the volume of the on-line grocery pick-up was so great that it required the additional interconnectivity to the rear of the store; that would be a requirement years down the road. At the last meeting it was stated that the majority of deliveries are made on the opposite side to the drive-in service. Mr. Riper responds that at that meeting, the Board was requesting the language regarding the rear interconnection. This would be more for the commercial vehicles. He wants to make sure the Board understands/accepts the language being offered. Having the language on the plans would promote internal traffic flow management. There follows a discussion of what the current access and egress is for the commercial traffic making deliveries to Walmart. Mr. Riper points to site plan where the Lowe's paved area is and where the paved area is for Walmart. Between the two paved areas there are about 20-25 feet. He would keep the language general and not pinpoint.

Mr. VanEarden asks Mr. Grassi what he recommends. The Board can request the Applicant to try and work with the corporate entities on approving language which is satisfactory to the Board, the Town Engineer and Town Attorney for review. The proposed language is not satisfactory: "when it becomes necessary and it's feasible". The language needs to be specific. There are two options: the Board may provide the Applicant the opportunity to revise and come back with new language; or the Applicant could refuse and seek either approval or denial as is. Generally the Applicant would choose not to when there is such dissent. Ms. Bougher states that Walmart has no problem with the interconnectivity. She would request conditional approval requiring that the proper language be reviewed by the Town Engineer and Town Attorney.

The language should include a general location for the future interconnection and to add that the Applicant would have 90 days to make the access connection, by request of the Town, as long as this Applicant is in agreement. Mr. Grassi adds, right now there is no other side to an easement so the trigger point would be when Lowe's comes in at some time in the future. If for some reason the location would need to be moved from wherever it is designated because of the placement, he suggests there be an administrative action by the Chair to approve as well. If there is going to be a change that the applicants, either Lowe's or Walmart or both, can come back and seek an amendment to the condition. Once the condition is on paper there is some enforceability. The condition should be separate from the requirements of Ryan's letter. The exact location would have to be determined. Mr. Grassi submits the language that could be made part of the resolution, "a

future connection shall be made as shown on the approved plan within 90 days of a request by the Town of Wilton.”

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

NOW, THEREFORE, BE IT RESOLVED, that the Board approves the Minor Site Plan Application for the Walmart On-line Grocery Pick-up facility which includes installation of a 4-bay canopy, a wall sign and directional and parking stall signage for the grocery pick-up area, submitted by SGA Design Group LLC. The property is located at 16 Old Gick Road; Tax Map No.153.-3-110 zoned C-1. The SEQRA process was performed on the original application and there are no new or different environmental impacts requiring further SEQRA review. The Board’s approval is conditioned upon the compliance with the requirements of the Town Engineer Ryan Riper’s letter dated August 3, 2017, and *a future interconnection to the Lowe’s parcel shall be made as shown on the approved plan within 90 days of a request by the Town of Wilton.* The motion is seconded by William Rice and duly put to vote, all in favor on this day, August 16, 2017.

C. THE FOREST AT RUGGLES ROAD 4-LOT SUBDIVISION: This is a preliminary application for a 4-lot conservation subdivision located at 360-370 Ruggles Road on 10.62 acres Tax Map No. 129.-1-63 zoned R-2. Ryan Riper’s letter dated August 4, 2017 is discussed. There was an access road which has been removed and the tree buffer will be maintained. The name of the subdivision, “The Forest at Ruggles Road” has to be changed; there may be an issue with emergency responders. Other administrative items: Applicant will need to obtain a work permit from the highway department; the curb cut, the Storm Water Management Areas (“SMA’s”) are shown. Mr. Riper has concerns about individually owned SMA’s [that are shallow and may result in the conveyance of water between the parcels]. There is a discussion about the maintenance of privately owned SMA’s. Mr. Hebner states the notes on the plans say that the maintenance agreement will address that concern and will have instructions to maintain the grass swales and to clean out the culvert. Mr. Dannible is providing a Maintenance Agreement for the shared driveway. There is a procedure in place regarding plowing and maintenance. Mr. Riper would like to add a paragraph to the deed restrictions stating that the lot owners will be responsible for maintaining the SMA’s on their property. Mr. Dannible will provide the language as requested in Item #5 of Mr. Riper’s letter. Mr. Rice asks about the location of the wells and septic systems. Mr. Dannible responds that aerial photography was used to locate where the tree lines are. The tree line and vegetation for the septic systems on these lots fall outside of the 100 foot offset from the well field so there is adequate separation. Mr. Hebner points out that a large percentage of the radius from the wells cross into other lots and he is concerned about that. Mr. Dannible explains that the lots are about 200 feet wide and 180 feet deep. The smallest lot in this subdivision is 2.5 acres. It is fairly common to see overlapping radii with wells, which in this case are in the front.

The Chairman requests that the SEQRA review proceed: Mr. Grassi confirms that the Applicant's Representative provided a Full Environmental Assessment Form – Part I completed and signed on May 2, 2017. The Board has copies of the Short Form EAF Part II and since it is an Unlisted Action Mr. Grassi indicates that the use of the Short Form EAF Part II is appropriate in this instance. The Chairman agrees and the Board, with the assistance of Mr. Grassi, reviews the EAF Part II, which is a list of eleven questions. The choice of answers is “no, or small impact may occur or, moderate to large impact may occur.” The Board responds to all questions by the answer in column one: “no or small impact.” Mr. Grassi instructs the Board to move on to Part III and make a determination as to whether there is any significant adverse environmental impacts. The SEQRA review having been completed, Chairman Dobis asks for a motion for negative declaration on SEQRA. 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 adopts a negative declaration on SEQRA in connection a proposed 4-Lot Subdivision on Ruggles Road, on 10.72 acres, Tax Map No. 129.-1-63, zoned R-2. The motion is seconded by Mr. William Rice and duly put to vote, all in favor, on this day, August 16, 2017.

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

NOW, THEREFORE, BE IT RESOLVED, that the Board grants the preliminary application by ER Design Build, LLC for a proposed 4-Lot Subdivision, on Ruggles Road, on 10.72 acres, Tax Map No. 129.-1-63, zoned R-2. The motion is seconded by Harold VanEarden and duly put to vote, all in favor on this day, August 16, 2017.

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

NOW, THEREFORE, BE IT RESOLVED, that the Board grants the final application by ER Design Build, LLC., for a proposed 4-Lot Subdivision, on Ruggles Road, on 10.72 acres, Tax Map No. 129.-1-63, zoned R-2, with the condition that the Applicant complies with the requirements of the Town Engineer, Ryan Riper's letter dated August 4, 2017. The motion is seconded by Harold VanEarden and duly put to vote, all in favor on this day, August 16, 2017.

D. WILLIAM AND JUDY MORRIS 5-LOT SUBDIVISION: Bill Morris, Applicant, describes the development of the Craw Farm Subdivision which is around the corner from the proposed 5-lot subdivision. The parcel is 3.5 acres with 666 feet of frontage. He intends to keep the existing house and remove the barn and the garage. The subdivision will be serviced by Wilton Water & Sewer Authority. All the lots conform to the requirements of the R-1 zone. Mr. Rice asks about the line of

sight. Mr. Morris responds that a traffic study was performed when the Craw Farm Subdivision was being proposed which he has provided to Mr. Riper. The access to the new subdivision will line up with Craw Lane. Further, he states that he met or exceeded what was needed for sight distance. The curb cut permit will be issued by the town Highway Superintendent, who is aware of the proposal. Mr. Riper states that the Applicant has addressed most of the comments in his letter dated August 4, 2017. Mr. Morris remarks that these homes will be offered at a slightly less price than the Craw Farm 48-lot Subdivision homes.

On a motion introduced by Harold VanEarden, the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Board grants the conceptual application by William and Judy Morris for a proposed 5-Lot Subdivision to be located at 39 Traver Road on 3.49 acres, Tax Map No. 115.-1-24.1, zoned R-1. The motion is seconded by Ron Slone and duly put to vote, all in favor on this day, August 16, 2017.

Chairman Dobis interjects that a public hearing can be set at the next meeting, assuming the plans are ready. Mr. Grassi states that the Board may want to seek lead agency for SEQRA. On a motion introduced by Harold VanEarden, the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Board seek Lead Agency Status for the purpose of a coordinated SEQRA review of the application for 5-Lot Subdivision by William and Judy Morris. The motion is seconded by Ron Slone and duly put to vote, all in favor on this day, August 16, 2017.

E. BISS 2-LOT SUBDIVISION AMENDMENT: The Applicants have requested that the previously approved subdivision be amended to remove the condition regarding the utility easement. Mr. Slone asks about the circumstances around the original approval process with respect to the utility easement. Mr. Riper comments that it was short notice for the Applicants to have to make a decision. It came up at the last minute. Normally that would have been addressed in a review letter, but in this case, the 2-lot subdivision didn't warrant engineering review, it was not a site plan. The easement was not required. Mr. Riper explains that the reason the utility easement came up was because the parcel to the north of the Biss property, had been the subject of site plan review and that applicant granted the Town a 28 foot utility easement. He adds that it is beneficial to have these utility easements in case water or sewer comes through. The utility can go through the easement rather than in the DOT right-of-way. It doesn't impact the Biss property now but when the Biss Farm across the street is sold, it is likely that water and sewer will come in.

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

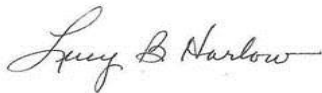
NOW, THEREFORE, BE IT RESOLVED, that the Board approves the amendment of Planning Board Resolution 2017-28 in order to remove Condition Number No. 1 which states: that

the Town of Wilton Planning Board approves the [Biss] subdivision application with the condition that a Utility Easement is granted to the Town of Wilton. The motion is seconded by Harold VanEarden and duly put to vote, all in favor on this day, August 16, 2017.

IV. 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 8:02 p.m. The motion is seconded by William Rice and duly put to vote, all in favor on this day August 16, 2017.

Date Approved: September 20, 2017



Lucy B. Harlow, Executive Secretary