



TOWN OF WILTON
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PLANNING BOARD

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Engineering

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Mark Schachner
Planning Board Counsel

PLANNING BOARD **September 20, 2023**

A meeting of the Wilton Planning Board (“the Board”) occurred on September 20, 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, Hal VanEarden, Chad Jerome, Dave Gabay, Tom Murphy, Jim DeLoria, Dean Kolligian, Alternate, and Shawn Lescault, 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: Chris Price

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

Ayes: Chairman William Rice, Hal VanEarden, Chad Jerome, Dave Gabay, Tom Murphy, Jim DeLoria, Dean Kolligian, Alternate, and Shawn Lescault, Alternate.

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

III. APPLICATIONS:

A. Route 50 Senior Housing: The Markstone Group: Application for the Route 50 Senior Housing 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 is here representing The Markstone Group.

Mr. Lansing:

- We were last before the Board on June 21st for conceptual approval. Since then, there have been some changes in the building layout.
- The primary purpose of tonight's meeting is to present the new configuration.
- The applicant has decided to separate the buildings. The building in the back, on the previous concept, included the residences and the clubhouse they wanted to separate the clubhouse from the residences, with a separate and distinct building for the clubhouse. So, that is the building that is in the back.
- Those units from that back building were distributed to the two L-shaped buildings on the sides. Same number of units. There is not a difference in the number of units just a different configuration.
- As far as the clubhouse, this is a senior housing project so they wanted to make sure there was a walkway and going from the residential units to the clubhouse so residents could go from the residential unit to the clubhouse enjoy the clubhouse without having to go outside.
- Last but not least, I believe it was a recommendation by this Board at the conceptual meeting to consider incorporating some kind of covered parking. So, the applicants did look at potentially incorporating some detached structures with garages.
- They would like to have those garages attached to the building. So, if somebody parks the car, they do not have to go outside to go into the unit.
- So given the grades on the site, the grades on the site are such that the front of the site is higher, it does slope back towards the back portion. In the back portion of the buildings, right in these areas, we have provided an area where cars can go in and they would go basically underneath the structure.
- So as far as the residents having those garages, they could park in the basement, take an elevator up to their unit.
- I would like to pursue that is the change on the plans. That is really the only change on the plans. Everything else is consistent. Again, as far as the number of units and the impervious area, everything is consistent.

- One thing I do want to mention is our grading limit line, or the clearing limit that we are showing around the parcel is unchanged from the original concept.
- I do want to read one sentence from the ZBA Notice of Decision where it says it was granted conditioned upon no exterior lighting exceeding an overall height and 25 feet above the finished floor. So that's exterior lighting.
- So as far as the exterior lighting, we will absolutely keep that below 25 feet above the finish floor and all that lighting would be downward facing.
- Again, we are just looking for, hopefully, consideration for reaffirmation of the Conceptual approval, so we can then go to Preliminary engineering.

Discussion of lighting and its potential effects on the proposed residential development off Ingersol Road, as discussed at the ZBA. The Notice of Decision stated exterior lighting was the concern not interior lighting.

Things to be considered:

- Project phasing of construction
- Mass and scale of the buildings
- Multi-use path making connections
- DOT comments
- The view of the project from Route 50
- Left hand turn out of the project
- Premier senior living place in the county
- Building materials/colors need to be shown along with landscape plan
- Rendering of entire project
- Request for applicants to be present at a meeting
- EMS high demand need to know time frame of construction
- Size of the clubhouse-is it big enough
- Turn template for the fire trucks

There is a motion for Conceptual by Mr. Jerome and seconded by Mr. Murphy all were in favor.

B. BJ's Gas: BJ's Gas c/o Bohler Engineering: Application for BJ's Gas by BJ's Gas c/o Bohler Engineering for construction of new fuel dispensers, canopy with signage and kiosk. Property located at/on 3067 Route 50 on 93.59 acre(s), Tax Map No(s). 153.-3-86.111; zoned C-1.

Karen Margenowski of Bohler Engineering is here representing BJ's Gas.

Ms. Margenowski:

- The proposed gas canopy is going to be off of the eastern edge of the site, will consist of six fueling islands with 12 fueling positions when we were here a couple of months ago to introduce the project at sketch plan level. We had presented this

scope of the project but at the time, we did not have a survey done so since we have had survey done and created a survey that based concept site plan showing this layout.

- So, for reference, the Wholesale Club is here and the road around the mall. So, any entrance into the gas area will occur via this curb cut so that cars can come in and enter that area that is there.
- I know that queuing was the biggest concern, probably for that. So, we have come back with an exhibit and additional information regarding that cueing.
- So, this here is a little bit conservative. The 6 fueling islands with 12 cars parked at the 12 fueling positions with another row of 12 cars stacked and queued behind that.
- As you can see by the site plan, easily a third row of cars could go behind that for a total of 36 vehicles before reaching that entrance.
- So, we feel we are creating a more efficient layout here by having one single row of 12 fueling positions, allowing everyone to be able to access those without having to wait for someone to pull forward.

Discussion:

- Queuing and the most efficient way to place the gas pumps
- Peak hours
- Comparison to the BJ's in Colonie
- Question if this is the best location on the property
- Quick turnaround get gas and leave
- Shift an island so cars get around
- Move the curb over possibly lose 3 parking spaces and create a passing lane keeping the configuration exactly the same
- Discussion of snow removal
- There will be diesel fuel also, concern of commercial vehicles
- Applicant is willing to move the curb per Planning Board request
- Loudon Road entrance is brought up and mall stated not happening at this time
- Future development of the mall property will be looking at a gas station

The Board is not going to give Conceptual approval tonight. They would like to see a corrected set of plans that shows a non-business egress to enter and exit. Also, to be cognizant of the sight distance around the curve on the ring road.

C. Forest Grove Community Master Plan: Forest Grove, LLC: Application for the Forest Grove Community Master Plan by Forest Grove, LLC for enlarging the community master plan from 321 lots to 421 lots due to the recent acquisition of lands. 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 of EDP and Peter Belmonte of Forest Grove LLC are here representing Forest Grove LLC.

Mr. Dannible:

- We are here tonight looking at the amended subdivision plan for Forest Grove. I think we have presented this idea a few times to the Board as in the transfer development process. We have now secured transfer development rights from the Town Board to which this Board was part of and made the recommendation that that was the appropriate thing to do. And we've also acquired additional lands adjacent to the property.
- So, we are now coming back presenting all the additional lands, the TDR and we are going to be taking the subdivision from a 321 lots on which it is approved. We are adding approximately 250 acres of land to the subdivision, resulting in the addition of about 100 additional lots within the subdivision.
- Construction of phase 1B is underway. So again, the project is advancing very rapidly at this point in time.
- We have acquired an additional 100 acres that is the St. Denis parcel. The Pickett parcel that was the subject of the TDR which we have identified and transferred 29 Lots to Forest Grove in lieu of that. We have dedicated that roughly 100-acre parcel of land to the Town as open space. And the last piece of land is the Edie Road parcel up on the north end of the site. Between these three parcels we have added about 250 acres of land to the overall parcel area of Forest Grove. It was at 550 acres; we are now up to about 800 acres of land associated with this subdivision.
- This is the amended community master plan, where we have gone from the 321 Lots to the 421 Lots. We are generally keeping the intent of the original approvals in place; we have a mix of units. Every color indicates a different size unit which has a different type of house associated with it. We have the community park, the community center, dog parks, open space trail systems, the majority of the changes have occurred north of Bullard Lane, where we've reconfigured this section of roadway, added more units up here and then changed some of the unit mix we had in the original 321 units from some of the larger lots to some of the medium and smaller lots. The red lots are the smaller lots within the community, we are actually finding those to be the most prominent type of unit, residents are buying and purchasing within the community. So certainly, adding a few more of those into the mix makes great sense.
- The St Denis piece, the 100 acres immediately adjacent to the project that was added, we did push into that area as well. The original plans had about 350 acres of open space being dedicated to the Town. We are adding about 250 acres of land of that 250 acres of land, we are probably only utilizing about 25 more acres of land to gain the additional 100 Lots. So, we are actually going to be, at the conclusion of this project, there will be close to 550 to 600 acres of land being dedicated to the town as permanently protected, open space in the town. And again, associated with that there's walking paths going in, trails, and other amenities within those areas.

Chairman Rice: This may be a fair statement, if it is not a fair statement let me know. When you guys came here, four years, five years ago, this was going to be the premier development in the Capital District. Slowly things are being cut back, you had some

amenities, clubhouse, some other stuff. Little by little things are being cut back from the project. You get an additional 100 houses, sales are going well, better than expected. Are we ever going to see something. Things are going really terrific we are going to add in, something else. We are going to put more sidewalks since you are requesting more of the smaller houses with smaller lots coming in. Maybe we are going to put in the sidewalks to make it look nicer. You know, distinguish it from all the other developments in the area.

Mr. Dannible: There really has not been any significant amount of detail cut out of this project. I think the main detail that was cut out of this project was a product of the Town review and the Highway Superintendent was the curbing that was proposed in that area that came out. As we went through the review process, we are still providing a clubhouse. It is going to be a significant clubhouse that will be constructed towards the end of phase two construction. We have the community dog park. I think if you look at the landscaping associated with the entrance boulevards, the large vast green areas within the community here, the beautiful Boulevard. I think the sign, for itself, speaks for some of it. It is probably one of the better community signs within Saratoga County and certainly in Wilton. So, I do not feel like a lot has been cut out, we have changed things slightly. Again, it is just a function of us responding to the demand of the people that want to live in the communities of the Town. The statement that we are adding some more of a smaller lots and that is a function of that is what selling that is what the people that are moving to this town want.

Chairman Rice: I get it. And I am glad you are defending it, making it, you are going to stay on top, you are going to make sure this is you know, as you originally promised this can be.

Mr. Belmonte: I think what you are pointing out is that we have not done a sufficient job of making the presentation tonight. Because what has not been said and what you have obviously not realized is that as we are adding pink lots for the light blue lots, we are adding a concept. And that concept comes complete with streetlights and sidewalks. So that has not been said. So, you bring that point up that we are doing a deficiency making the presentation, as far as your statement that we are pulling things out of the development. I have heard that comment many times and I will give you the same answer I gave all the rest of the people; that's bullshit. We are not pulling anything out of this development that has not, for a technical reason been removed. If anything, we are continuing to try and find ways to add to the development. Our clubhouse was originally targeted to be 4000 square feet right now we are pushing a 5000 square foot clubhouse trying to respond to the added members of the community. We are looking significantly at other outdoor benefits to the people at the clubhouse. The dog park, we are looking very closely at amenities that are needed for dog park. Possible water, possible garbage, possible canopy for people sitting there. Joe and I have had multiple conversations about as we finish the road layout for phase one, we're going to be out there looking how to properly landscape it beyond with landscaping plan that has been presented and approved to the Town. We've talked about the potential of additional pocket parks throughout the community as these phases continue to evolve. So, we are very abreast that to build a community of this magnitude and maintain the velocity of sales that we

are seeing, we have got to keep it baited. With things that people find interesting, it is really easy to sell it on paper. But when this thing comes up to be life, people have got to look there and say, yes, it is just as exciting in real life. That is, that is on paper. So, there is nothing being taken away. If anything, we are going to continue to add.

Chairman Rice: This is what I wanted to hear. And any comments we bring up during this process, too. It is only to make it like, as you said, you want to make the premier development. What are you looking for tonight?

Discussion:

- Mr. Dannible: We are looking for overall conceptual approval of the layout that is presented here for the 421 lots. Ultimately, we have to go through the process and provide a certain level of engineering detail and SEQRA support, so that the previous SEQRA determination and the environmental impacts that were reviewed as part of SEQRA determination for the 321 units can be reevaluated, amended, and ultimately there will be a new SEQRA determination for 421 lots issued.
- There are many wheels in motion for this project, one of them being a traffic study. There will be an updated traffic study with the additional homes. One of the items that will be looked at very closely is the traffic that will be utilizing Bullard Lane. It is anticipated that Bullard Lane will receive 30% of the traffic flow in and out of the subdivision.
- In the subdivision plan for 321 the lots were larger, for the 421 subdivision the lots are smaller. The side yard for the blue and the red lots were approved at 7.5 ft.
- Mr. Belmonte explains the home types and lot sizes: If you look at what's available right now, the red, purple and blue, we'll call that those are three distinct product types, the blue being twin homes, so they're easy to identify as distinct, but the red and the purple are two different types of homes the purple being more of a larger lot than the red. Being cautious using the terms smaller and larger, because that's not how people perceive it. But just to make the conversation makes sense. I will use that. When you go to the yellow, what it allows you to do is take something like the red home and put a three-car garage on it. Where you cannot do the three-car garage on the red lot. Purple will traditionally stay the purple home. As time goes on. The designs will evolve based on what the market is asking for. But yellow and red have a close similarity to them. The yellow will allow the larger ranches because the ranches are square footage gobblers and will allow you to put three car garages on houses that we cannot offer on the red lots. So those are some clear distinctions that you will see between them. elevations, each of the homes come with a variety of elevations to give you a unique look.
- Concern of the neighborhood looking like row houses.
- The Board is looking for variation throughout the subdivision.
- Mr. Dannible: one more element to this project we have not discussed, we want to introduce it. And it goes to the idea of creating the variation that we are looking for. Right now. For instance, we will take the yellow lots are identified as 80-foot-wide lot. We would like the ability, and I have no idea how this exactly works. But

the idea is, we have an 80-foot-wide lot of all the yellow lots within the community, we want to make them an average of 80 feet with a 10% variation in the width, up or down. So those lots could be 72 feet wide. Those lots could be 88 feet wide. But at the end of the day, when you add up all the yellow lots, they have 80 feet of frontage. That gives us the ability to add in another element of variation in the design to vary the housing styles to give a three-car garage next to a two-car garage or a ranch next to a two story and adjust those setbacks accordingly based on that house, I know this is a completely new concept. And it is something we have to talk about a little more, but it seems like some of the members of the board are interested in creating more variation in the ability of those lots. So just something we have been talking about we really want to make that happen. It is just that we understand the logistical nightmare that that poses to Ryan in the building department, or the building department and me.

- Attorney Schachner: I don't remember, this board having the unilateral discretion to approve a lot with reductions without a limitation. I am concerned about the zoning officer determination. And at what point the Zoning Officer is going to make a determination that even though it is a Conservation Subdivision the lot widths are too small to go forward without a ZBA Variance.
- The Board is in agreement with the varying lot widths unless otherwise determined by the Zoning Officer in a written determination.
- Mr. Dannible: What I am hearing is generally the Board likes the idea of a variation in their support of the lot dimensional changes we have made. If Mark comes back and says yes, we can make this work. We get conceptual approval at the next meeting, if he does not, we are making or rescinding our request to create the variation.

D. Route 50 Warehouse: Liuos Thinking, Inc.: Application for the Route 50 Warehouse by Liuos Thinking, Inc. for the construction of a 5,180 sq. ft. warehouse. Property located at/on 4310 Route 50 on 2.6 acre(s), Tax Map No(s). 141.-3-2.3; zoned C-2.

Renee Lipatas of CHA Engineering is here representing Liuos Thinking, Inc.

Ms. Lipatas: We were before the board several times for the concept last year. The concept plan was approved in September of last year. And since that time, we have incorporated changes that Ryan, as well as, the Board have requested. In addition, we have done some additional work with identifying the groundwater levels within the site. That was one of the concerns that was necessary to set the elevations and not only the building foundation, but the storm water management. Since the concept was approved, essentially, nothing has really changed on the plan, other than making those revisions that the Board requested. One of the bigger changes for us, I think, is the utility of the Town water coming down the street. So, our initial application did have a well system. So, we have adjusted our SEQRA documents, as well as the plans and coordinated with and submitted to local water and sewer authority.

Discussion:

- The Planning Board would like to see a detailed rendering of the building including the colors.
- This is a small company that does base camp support, as well as logistical work. They are working with CBP on the border right now. They are tied in with FEMA response efforts with large business, a joint effort and the major equipment comes from them. They bring a lot of specialty first responders to the table. More recently they worked for NYC during the COVID operation and helped them build all of their mortuary sites.
- This is a storage area for their equipment.

Set the Public Hearing for October 18, 2023, at 6:30pm.

E. Lot Line Adjustment: Tom Burke: Application for the Lot Line Adjustment by Tom Burke for adjusting lot line between Lands of Burke (647 Route 9) and Lands of Prime Saratoga LLC (655 Route 9). Property located at/on 647 & 655 Route 9 on 6.67 acre(s), Tax Map No(s). 140.13-1-17 & -18; zoned H-1.

Patrick Jarosz of Gilbert VanGuilder Land Surveyor, PLLC is here to represent Tom Burke.

Mr. Jarosz: Lot line adjustment between the lands of Burke at 647 Rout 9 and Prime Saratoga LLC at 655 Route 9. The sole purpose of this request is to convey the land, 2.29 acres, to the rear of 647, to the annex to 655. Both lots are in H-1 zone. And they will meet the requirements of the zone after the lot line adjustment. When completed, Mr. Burke, at 647 will have 2.47 acres and Prime Saratoga will have 4.2 acres. The only thing that we are taking away with the transfer from 647 Route 9 is the green space. But the site will have about 43% of green space remaining well in excess of the 35% that is required in the H-1 zone.

Memo from Mark E. Mykins, Zoning Officer:

The application for lot line adjustment should be looked at as subdivision as moving the intended line will create a separate and distinct commercial parcel, that will hold the existing Dunkin Donuts and the Trustco Bank. Because of this the Dunkin Donuts site plan will need to be amended prior to subdivision to reflect the removal of the third commercial site. This parcel will need to meet all the zoning requirements for the H-1 Zone and shall be shown on the plans submitted for the amended site plan. It is my understanding that the larger parcel being created for the present self-storage a non-conforming use can be expanded with approvals from the Planning Board. Since this is no longer an allowed use within the zone the applicant will have to meet the standards that apply to self-storage in all other zoning areas within the Town of Wilton. 40,000 square feet 30.00 feet front setback, 50.00 feet side setback and 50.00 feet rear setback. It will also be required to meet present special use requirements under §129-176 (attached). The addition of land to the self-storage use does not carry with it the variances that were granted for the prior existing self-storage use. These variances go to the property and use as reflected at the time of approval.

Mr. Riper: You have Dunkin Donuts and Trustco Bank. They have their site plan approval. So what Mark is essentially saying is it is a site plan change. So, the site plan should be amended to show the reduction of green space and should be amended to show that information and a change in the lot line. It is a site plan change and a lot line adjustment. Once that is approved and the new lot line is placed between 655 and 647 there is a commercial subdivision created. Then 655 could come in as an application to remove that lot line and create one parcel. A bigger item to determine is also looking at the use. This is a pre-existing non-conforming use of self-storage.

Chairman Rice: Does the Board want to see the expansion of the self-storage in the Hamlet zone.

The question was thought to be irrelevant at this time because there are a number of steps to be completed prior to that question.

There is no action by the Board tonight due to lack of an application by Prime Storage for the use and a new site plan from Tom Burke.

F. Tesla Charging Stations: Tesla Inc.: Application for the Tesla Charging Stations by Tesla Inc. for installation of two Tesla preassembled super chargers, each with four charging post, eight total at the Ballard Rd Stewart's Shop. Property located at/on 227 Ballard Rd on 3.7 acre(s), Tax Map No(s). 115.14-1-23; zoned C-3.

Removed from the agenda pending County Referral.

G. Karner Blue Preserve Subdivision: Karner Blue Preserve, LLC: Pre-Application for the Karner Blue Preserve Subdivision by Karner Blue Preserve, LLC for special use permit for a conservation subdivision re-design to include 18 duplex homes (36 units total) and a single-family residence. Property located at/on 80 Ballard Rd on 58.8 acre(s), Tax Map No(s). 116.17-1-1 to -30 & - 99; zoned R-2.

Removed from the agenda due to insufficient subdivision plan.

H. New Church Campus: Unitarian Universalist Congregation of Saratoga Springs: Pre-Application for the New Church Campus by Unitarian Universalist Congregation of Saratoga Springs for construction of a 2-story ±8,844 sq.ft. church. Property located at/on 400 Loudon Rd on 0.85 acre(s), Tax Map No(s). 154.-1-47.12; zoned R-2.

Jeff Anthony, Landscape Architect/Engineer of Studio A, is here to represent the Unitarian Church.

Mr. Anthony: The church is currently located on North Broadway, they have outgrown their space, and are looking to relocate. Hopefully purchasing the site on Loudon Road just down the road from the mall. The parcel is both in Wilton and Saratoga Springs. The parcel is 5.1 acres and a little over 3 acres, is in Conservancy. So, there are about 1.9 acres that are buildable. The majority of the project is in Saratoga Springs. The northern

portion of the site is in the Town of Wilton. The idea is to come in with an access driveway, we will do a road drop off with a church parking lot for the church, and basically, a green space out in front of the church a setting so that they could have some lawn events and things like that. The parking would be for 64 cars, I believe, we are well in excess of what is required by both Saratoga and Wilson for zoning requirements for this size church. The church will probably be about 8,000 sq ft with two levels.

The Wilton Planning Board's review:

1. New curb cut
2. Signage permit
3. Parking lot - ingress and egress
4. Landscaping

Discussion of process and procedure when a project involves both Saratoga Springs Planning Board and Wilton Planning Board. This is only an accessory use of the principal use because the principal use is not in the Town of Wilton. The Planning Board would like a determination from the Zoning Officer confirming that statement.

Attorney Schachner: Somebody has to conduct SEQRA review of the entire project before either Board or any other entity can make a decision. That's why I suggested if you want to get something done this evening, formally, you could ask, you don't, you can wait for a request and accede to a request from the city of Saratoga Springs Planning Board, or you can simply ask them to add their SEQRA lead agencies doesn't mean they have to I assume they will.

Mr. Gabay made a motion to ask the Saratoga Springs Planning Board to seek SEQRA Lead Agency and it was seconded by Mr. Murphy.

The Wilton Town Board requested the Wilton Planning Board to take SEQRA Lead Agency for the Wilton Mall Project.

Mr. Kolligian made a motion to take SEQRA Lead Agency for the Wilton Mall Project.

The motion was seconded by Mr. Murphy and duly put to vote, all were in favor, on this day September 20, 2023.

NOW, THEREFORE, BE IT RESOLVED On a motion made by Mr. Kolligian that the meeting of the Planning Board be adjourned at 9:54PM.

The motion is seconded by Mr. Murphy and duly put to vote, all in favor, on this day September 20, 2023.

Date Approved October 18, 2023.

Amy DiLeone, Executive Secretary