



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

November 20, 2024

A meeting of the Wilton Planning Board (“the Board”) occurred on November 20, 2024, at 6:30 P.M., at Wilton Town Hall, 22 Traver Road, Wilton, NY 12831.

I. CALL TO ORDER:

PLEDGE OF ALLEGIANCE

II. PUBLIC HEARINGS:

A. Marro-Ruggles Subdivision: Anthony Marro: Application for the Marro-Ruggles Subdivision by Anthony Marro for a twelve (12) lot residential subdivision. Property located at/on Ruggles Rd on 97.72 acre(s), Tax Map No(s). 154.-2-14 & -16; zoned R-2.

PUBLIC HEARING NOTICE

PLEASE TAKE NOTE that the Planning Board for the Town of Wilton will hold a **PUBLIC HEARING** for an Application for the Marro-Ruggles Subdivision by Anthony Marro for a twelve (12) lot residential subdivision. Property located at/on Ruggles Rd on 97.72 acre(s), Tax Map No(s). 154.-2-14 & -16; zoned R-2.

SAID HEARING will be held on Wednesday, November 20, 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.

Doug Heller from the LA Group is here to represent the Marro Subdivision.

Mr. Heller explains the subdivision details, including on-site wells and septic systems, and conservation easements.

There was no comment from the public.

III. REGULAR MEETING

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

MINUTES APPROVAL: Mr. Price made a motion, seconded by Mr. Kolligian, for the approval of the meeting minutes of October 16, 2024, as written.

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

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

IV. APPLICATIONS:

A. Marro-Ruggles Subdivision: Anthony Marro: Application for the Marro-Ruggles Subdivision by Anthony Marro for a twelve (12) lot residential subdivision. Property located at/on Ruggles Rd on 97.72 acre(s), Tax Map No(s). 154.-2-14 & -16; zoned R-2.

Doug Heller of the LA Group is here to represent the Marro Subdivision.

Mr. Heller discusses the hydrogeological study and testing, noting that no drilling has been done and water potential is good.

Mr. Riper and Mr. Heller discuss the impact of DEC regulations on the project, with concerns about potential delays.

Attorney Schachner and Mr. Riper clarify that DEC regulations do not prevent project completion if full SEQRA is performed.

The Board discusses the waiver request for the hydrogeological study, which is approved by the Board.

Attorney Schachner reads SEQRA Unlisted Part II to the Board.

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 SEQRA Declaration for the Marro-Ruggles Subdivision by Anthony Marro for a twelve (12) lot residential subdivision. Property located at/on Ruggles Rd on 97.72 acre(s), Tax Map No(s). 154.-2-14 & -16; zoned R-2.

The motion is seconded by Mr. Lescault and put to vote, all in favor, on this day November 20, 2024.

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

THEREFORE, BE IT RESOLVED, that the Planning Board does hereby move to approve the request by Anthony Marro for waiving the requirement for a hydrogeological study based upon the LA Group well analysis study, family ownership of the development, and the understanding that obtaining adequate well water is the lot owner's sole responsibility.

The motion is seconded by Mr. Price and put to vote, all in favor, on this day November 20, 2024.

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

THEREFORE, BE IT RESOLVED, that the Planning Board does hereby move to approve the Application for Preliminary and Final Subdivision for the Marro-Ruggles Subdivision by Anthony Marro for a twelve (12) lot residential subdivision. Conditioned upon compliance with the Town Engineer, Ryan Riper's review letter dated November 14, 2024. Property located at/on Ruggles Rd on 97.72 acre(s), Tax Map No(s). 154.-2-14 & -16; zoned R-2.

The motion is seconded by Mr. Price and put to vote, all in favor, on this day November 20, 2024.

B. Mulberry Estates, Phase II: Kodiak Construction Inc.: Application for the Mulberry Estates, Phase II by Kodiak Construction Inc. for a lot line removal to merge two (2) lots. Property located at/on 28 & 30 Indigo Way on 0.5 acre(s), Tax Map No(s). 127.18-3-3 & -4; zoned R-1.

Justin Grassi from Jones, Steves and Grassi, LLP is here to represent Kodiak Construction.

Mr. Grassi presents the application for lot line removal to merge two lots on 28 and 30 Indigo Way in Mulberry Estates.

The Board discusses the impact on the neighborhood, but there is none.

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

THEREFORE, BE IT RESOLVED, that the Planning Board does hereby move to approve the Application for Amendment to the Subdivision for the Mulberry Estates, Phase II by Kodiak Construction Inc. for a lot line removal to merge two (2) lots. Property located at/on 28 & 30 Indigo Way on 0.5 acre(s), Tax Map No(s). 127.18-3-3 & -4; zoned R-1. There are no new or different environmental impacts requiring further SEQRA review.

The motion is seconded by Mr. Lescault and put to vote, all in favor, on this day November 20, 2024.

C. Mandy's Spring Nursery: Todd & Leoni Smith: Application for the Mandy's Spring Nursery by Todd & Leoni Smith for a lot line adjustment for expanded parking and an outdoor display area. Property located at/on 697 Route 9 on 6.17 acre(s), Tax Map No(s). 140.-3-5, -6 & -7.1; zoned RB-1.

Justin Grassi from Jones, Steves and Grassi, LLP and Tom Center of Hutchens Engineering are here to represent Mandy Springs.

Tom Center from Hutchins Engineering presents the application for Mandy's Spring Nursery to expand parking and outdoor display areas.

Mr. Center:

- We have consolidation of the parcel with the Mandy Spring's parcel with the neighboring parcel that has a pet cemetery on it.
- We will have a total of 6.7 acres.
- Some of the new items on this; we are expanding the parking area from 43 parking spaces to 57 plus. We also have a better flow coming in off Route 9 for vehicles and getting back to the dumpster area.
- We are also expanding the greenhouse, 240, square feet in the northwest corner and 720, feet down in the southwest corner.

- We proposed a small area for outside mulch, bagged mulch, and fertilizer storage, which will have a covered roof over the top of it but will be able to be stored outside.
- A small 20 by 30 multi-purpose building that will be used as a potting shed or wreath making area, and then a 24 by 40 metal building for vehicle storage.
- We have also got a small multi-purpose outside retail storage area that will be a grass permeable area pavement will be allowed to have some outside storage for multi-purpose retail area.
- We revised the storm water area in this area right here, to manage the runoff from the parking areas and also around the existing Pet Cemetery to provide some screening, proposed a spirea hedgerow around the entire area that has been delineated as the pet cemetery.
- We did receive the comments from the County Planning Board that requested to add some additional landscaping along Route 9. We added to this drawing that's not on yours is that a small lilac hedgerow around this corner, and then to provide three additional street trees on the front of the storm water property, there also is a small two foot retaining wall just along the front, between the storm water soil that's in the front area and the small permeable access drive in this corner.
- Everything else is going to remain the same; questions that you have from the drawings.

Attorney Grassi:

- So, we do have a pet cemetery that is being depicted on the site.
- We did have extensive conversations with the Town, town staff, regarding the pet cemetery, the question being, who has purview over it, over the regulations, and there are certain state statutes governing pet cemeteries.
- We reached out to the Department of State to confirm the status of this particular pet cemetery, and by email correspondence, which I believe is now in your record, which I provided to the Town, the suggestion is this, is that previously, Dr Sofarelli, who had operated its pet cemetery since the approval here, with this planning for predecessors in 1983 predated the statute itself.
- The statute, which then came into effect in 1987 suggested there were certain grandfather and provisions that alleviated the need under certain circumstances to dedicate, to do deed restrictions, to dedicate the property in perpetuity for and certain size requirements, amongst other things.
- It appears as though Dr. Sofarelli qualified at that time for those exceptions, at least according to the Department of State's applications, and he then maintained that application until 2024.
- So, Department of State confirmed that there are no outstanding violations of that one. Upon expiration of the current permit, we are not intending to operate, meaning we are not going to be offering any additional services to bury pets on the location. And therefore, the Department of State has no further purview.
- There are no deed restrictions. The Department of State has no further purview on the matter, and no enforcement mechanism for any alleged prior violations of that statute. So, so at this point, we have complied with, as we understand, all

Department of State, all state statutes. We have also complied with what was alleged from the original special use permit from 1983 as far as what we would be offering for services, and the only thing we have left would be any contractual obligations with the patients of Dr. Sofarelli.

- It is our intent to obviously continue to maintain that area consistent with the obligations of the contracts and those clients. We will call those who have animals buried there. And there are certain obligations, especially for those individuals who continue to pay a maintenance fee. So, associated with their pets, people do pay maintenance fee. There are certain individuals who still do. They, I believe, are all individuals we're obligated to under the contract with Dr. Sofarelli, my understanding is that the vast majority of individuals who buried animals there do not continue to pay that maintenance fee.
- I think, in perpetuity is what we are trying to avoid.
- What the suggestion was, there was no obligation under this state statute that we maintain in perpetuity. There was no obligation under the special use permit granted by this Planning Board in 1983 to be in perpetuity.
- There is no guarantee in the contracts that Dr. Sofarelli offer to his clients that we maintain in perpetuity.
- So, the suggestion being we certainly have contractual obligations which we will be complying with. But beyond that, we certainly do not want to assert that we would maintain it in perpetuity, especially given, for instance.
- I will give an example, the contract suggests that if that maintenance fee is not paid, then we have no obligation to continue to maintain so to the extent we have a very minor pool now of those individuals who have had animals buried there, who have violated that who have defaulted in that contract.

Discussion by the Board:

- The inclusion of a pet cemetery on the property, rules, state regulations, the need for proper maintenance, and contractual obligations.
- Concerns about the long-term maintenance of the pet cemetery.
- The impact on the neighborhood, there is none.
- The Board agrees to include a condition that any changes to the pet cemetery area in the future must come back for Planning Board approval.

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

THEREFORE, BE IT RESOLVED, that the Planning Board does hereby move to approve the Application for Amended Site Plan for the Mandy's Spring Nursery by Todd & Leoni Smith for a lot line adjustment for expanded parking and an outdoor display area. Property located at/on 697 Route 9 on 6.17 acre(s), Tax Map No(s). 140.-3-5, -6 & -7.1; zoned RB-1. There are no new or different environmental impacts requiring further SEQRA review.

The motion is seconded by Mr. Lescault and put to vote, all in favor, on this day November 20, 2024.

D. Coldbrook RV Park Expansion: Coldbrook at Saratoga, LLC: Application for the Coldbrook RV Park Expansion by Coldbrook at Saratoga, LLC for expanding the current facility to include an additional 273 RV sites increasing the total number of sites to 550. Property located at/on 385 Gurn Springs Rd on 97.52 acre(s), Tax Map No(s). 115.-2-97; zoned C-3.

Tyler Gerard from Creighton Manning Engineering is here to represent the application for expanding Colebrook RV Park to include 273 additional RV sites.

Mr. Gerard:

- The site has 277 RV sites at 385 Gurn Springs Road.
- So, the proposal is to expand the site with additional campsites.
- We are at 277 now, we would increase another 273.
- We were here back in September at the meeting, and we got conceptual approval.
- The latest submission has the same layout.
- We progressed the sanitary design further in this latest submission.
- So as part of that package we have, I think, it is around eight separate septic systems.
- It is kind of a similar concept that is on site now more isolated systems for grouping of campsites. You have your laterals, your main homes, everything goes to one pump tank, and then you all go over one system.
- So, there is a variety of systems, kind of around the perimeter of the site. So those have been progressed, designed, and we are coordinating with DOH for their review.

The Board discusses the need for feedback from DEC, DOH, traffic assessment, and the county, with a plan to schedule a public hearing in December if the necessary information is available.

E. Zappone Self Storage Warehousing: Zappone Property Management: Application for the Zappone Self Storage Warehousing by Zappone Property Management for a zone change request to include the entirety of the subject parcels in the RB-1 (Residential Business One District) zone. Property located at/on 851 Route 9 on 5.37 acre(s), Tax Map No(s). 114.-2-74 & 114.-2-51.122; zoned RB-1 & R-2.

Frank Palumbo and John Zappone are here to present the application for a Zone Change to include the entirety of the subject parcels in the RB-1 zone.

Mr. Palumbo:

- Mr. Zappone's property is located on 851 Route 9.
- The first application that we are seeking is a Zone Change.
- The two rear properties are split by two separate zones: RB-1 in the front and R-2 at the rear of the parcel.

- The proposed use of Self-Storage Warehouse Facility with 134 units is allowed in the RB-1 but not the R-2 zone.
- The allowable uses within the RB-1 Zone are in-line with the more commercial business uses along Route 9.
- The applicant is seeking a Zone Change to allow the entirety of the two rear properties to be changed to the RB-1 Zone.
- We have a public hearing scheduled for that project with the Town Board on December 5, 2024.
- We're asking the Town Board to look at this to include the entirety of the subject parcels in the RB-1.
- We are seeking a recommendation from the Planning Board to the Town Board for the Zone Change.

The Board discusses the need for proper screening and blending with the surrounding community.

Attorney Schachner raises concerns about segmentation and the need for a full SEQR review.

Attorney Schachner suggests including a recommendation for the Town Board to take the lead agency role, which would streamline the process.

The Board agrees to recommend the Zone Change to the Town Board and recommend they take Lead Agency to conduct a full SEQR review.

Attorney Schachner clarifies that there are no other involved agencies which support his recommendation.

Mr. Rice and Mr. Palumbo discuss the logistics of the Town Board, declaring themselves the lead agency at the next meeting.

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 favorable recommendation without modification to the Wilton Town Board for the Application for the Zappone Self Storage Warehousing by Zappone Property Management for a zone change request to include the entirety of the subject parcels in the RB-1 (Residential Business One District) zone. Property located at 851 Route 9 on 5.37 acres, Tax Map Nos. 114.-2-74 & 114.-2-51.122; zoned RB-1 & R-2.

The motion is seconded by Mr. Lescault and put to vote, all in favor, on this day November 20, 2024.

F. Grasshopper Gardens - Greenhouse & Plant Material Storage Facility:
Grasshopper Gardens, Inc.: Pre-Application for the Grasshopper Gardens - Greenhouse & Plant Material Storage Facility by Grasshopper Gardens, Inc. for

constructing and operating a plant material propagation and storage facility. Property located at/on King Rd on 90.85 acre(s), Tax Map No(s). 141.-3-10.11; zoned R-2.

Attorney Matthew McAuliffe and John DeLisle, the owner of Grasshopper Landscaping are here to represent Grasshopper Gardens.

Attorney McAuliffe: We are before you with a potential site to propagate and grow trees and plants for the landscaping business. Somebody had mentioned that they thought, I believe it was Mark Mykins, this might be a retail use. So, we wanted to present and say that this is not retail and no retail will be happening on site. People will never be allowed to drive to the facility and purchase something and drive away with it. It is merely non-animal agriculture, which is a permitted use.

- Mr. DeLisle clarifies that the facility will not be a retail operation, but a non-agricultural use permitted in the R2 zone.
- Mr. DeLisle describes the proposed greenhouses and cold frames for storing plants.
- Concerns are raised about noise and traffic, but Attorney McAuliffe assures that the facility will not be open to the public.
- Mr. Lescault questions how the facility can avoid being considered a retail operation.
- Attorney McAuliffe explains that customers will not browse or purchase plants on-site, only pick out pre-selected plants.
- Mr. Kolligian and Mr. DeLisle debate the implications of having deliveries and employees on-site.
- Chairman Rice emphasizes the need to protect neighbors and ensure the facility does not become a commercial operation.
- Mr. Ripper discusses the need for a site plan review to ensure the facility does not become a commercial operation.
- Attorney McAuliffe agrees to include a resolution stating no direct retail sales at the site.
- Chairman Rice and Mr. Kolligian express concerns about the potential for retail operations and the need for clear signage.
- Mr. Ripper mentions the need to address stormwater management and site distance on King Road.

The Board discusses being proactive in setting clear expectations, imposing appropriate conditions, and establishing ongoing oversight to ensure the facility remains consistent with its intended agricultural use and does not evolve into a commercial operation over time.

The is no action on this application tonight.

G. 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, and 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 of EDP and Peter Belmonte are here to represent Forest Grove Subdivision.

- Mr. Dannible presents the amended subdivision plan for the Forest Grove community, increasing the lot count from 321 to 421.
- The plan includes a small parking area for access to Town-owned park land and a trail system connecting to the Town's land.
- Mr. Dannible explains the traffic mitigation measures and financial contributions to the Town for road improvements. (Refer to letter from Peter Belmonte dated November 20, 2024)
- The Board discusses the need for a comprehensive set of plans to finalize the subdivision and ensure all details are addressed.

Attorney Schachner reads the Part II SEQRA questions to the Board.

- The Board reviews the environmental assessment questions, identifying potential impacts as moderate to large.
- Discussion focuses on the significance and importance of these impacts, particularly regarding energy use and transportation.
- The Board considers whether the proposed mitigation measures, such as financial contributions for road improvements, reduce the impact to a non-significant level.
- The Board agrees to characterize certain impacts as moderate to large but not significant or important due to the proposed mitigation measures.
- The Board discusses the need to finalize the environmental assessment and ensure all potential impacts are addressed.
- Mr. Dannible and Mr. Riper emphasize the importance of clear communication and collaboration with the Town to ensure all details are covered.
- The Board agrees to proceed with the Environmental Assessment and finalize the subdivision plans.
- Attorney Schachner confirms that the Board has revisited and appropriately identified impacts as moderate to large but characterized them as not significant or important.
- Chairman Rice and Attorney Schachner discuss the correct terminology, and the changes made to the answers, clarifying that some impacts were changed to No or Small, while others remained moderate to large.
- Chairman Rice and Attorney Schachner discuss the mitigating circumstances and the reasons for the Negative Declaration.
- Chairman Rice reiterates the importance of the preliminary subdivision review and the month-long timeframe for review.
- The discussion concludes with a focus on ensuring the proposed development meets all environmental and community standards.

On a motion introduced by Mr. Lescault, 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 Forest Grove Subdivision, Phase 3 by Forest Grove, LLC for Phase 3, a 190-lot subdivision, and 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.

The motion is seconded by Mr. Kolligian and put to vote, all in favor, on this day November 20, 2024.

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

THEREFORE, BE IT RESOLVED, that the Planning Board does hereby move to approve the Application for Preliminary Subdivision for the Forest Grove Subdivision, Phase 3 by Forest Grove, LLC for Phase 3, a 190-lot subdivision, and 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.

The motion is seconded by Mr. Murphy and put to vote, all in favor, on this day, November 20, 2024.

H. 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 4.78 acre(s), Tax Map No(s). 140.17-1-7.1; zoned CR-1.

Luigi Pallechi is here to present the Dance Lab application.

- Luigi Pallechi presents the revised site plan for the Dance Lab, including detailed signage, a new lighting plan, additional landscaping, and safety improvements.
- The revised plan includes a detailed signage plan, a new lighting plan with photometrics, and landscaping to block air conditioning units.
- The plan also includes extended sidewalks, better traffic flow, and a traffic study by VHB.
- The Board discusses the composition of the island and the drainage structure, with suggestions for using a combination of grass, plants, and number three stone to prevent maintenance issues. Design to be reviewed.
- A condition to be noted on the Site Plan to remove the word "building" and replace it with "application" for future development.

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

THEREFORE, BE IT RESOLVED, that the Planning Board does hereby move to approve Application for Amended Site Plan for the Dance Lab by Mary Beth Besler for expanding the parking facilities. Conditioned upon the completion of all work prior to the use of the expanded parking area. Property located at/on 604 Maple Ave on 4.78 acre(s), Tax Map No(s). 140.17-1-7.1; zoned CR-1. There are no new or different environmental impacts requiring further SEQRA review.

The motion is seconded by Mr. Murphy and put to vote, all in favor, on this day, November 20, 2024.

V. ADJOURNMENT:

Next Meeting Wednesday, December 18, 2024

NOW, THEREFORE, BE IT RESOLVED On a motion made by Mr. Kolligian that the meeting of the Planning Board be adjourned at 9:37PM.

The motion is seconded by Mr. Murphy put to vote, all in favor, on this day November 20, 2024.

Date Approved December 18, 2024.

Amy DiLeone, Executive Secretary