



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

Mark Schachner
Planning Board Attorney

Amy Dileone
Executive Secretary

**TOWN OF WILTON
22 TRAVER ROAD
WILTON, NY 12831-9127**

(515) 587-1939
FAX (515) 587-2837
Website:

PLANNING BOARD
December 19, 2018

PLANNING BOARD

Michael G. Dobis,
Chairman

Harold Van Earden,
Vice Chairman

William Rice

Erinn Kolligian

Ron Slone

David Gabay

Brett Hebner

Jeffrey Hurt &
David Catalfamo,
Alternates

A meeting of the Wilton Planning Board (“the Board”) occurred on December 19, 2018 at the Wilton Town Hall, 22 Traver Road, Wilton, New York.

**PLEDGE OF ALLEGIANCE
CALL TO ORDER:**

I. PUBLIC HEARING:

- A. Wilton Marketplace:** Application for Preliminary Commercial Subdivision approval for Wilton Marketplace to divide 34.27 acres into 3 lots. Property located on Lowes Drive on 34.27 acres. Tax Map No. 153-3-37-32 and 153-3-37-1; zoned C-1.

Aldi, Inc.: Application for Preliminary Site Plan approval by Aldi, Inc. to develop commercial retail, Aldi Grocery Store, on the north side of Lowes Drive. Property located on Lowes Drive on 2.10± acres. Tax Map No. 153-3-37-32 and 153-3-37-1; zoned C-1.

The following Notice of Public Hearing was advertised in the Saratogian Newspaper:

PLEASE TAKE NOTE that the Planning Board for the Town of Wilton will hold a **PUBLIC HEARING** to consider an application by Aldi Inc., for Wilton Marketplace for approval of a Commercial Subdivision, to divide 34.27 acres into 3 lots. Property located on Lowes Drive, Tax Map No. 153.-3-37-32 and 153.-3-37-1; zoned C-1. in The Town of Wilton.

SAID HEARING will be held on Wednesday December 19, 2018 at 6:30 p.m. at the Wilton Town Hall, 22 Traver Road, Wilton, New York. At that time,

all persons will be given a chance to be heard.

At 6:34 PM, Chairman Dobis opens the public hearing.

Mr. Frank Palumbo of CT Male and Mr. Bruno Lourenco of Aldi's Inc. are present for the Public Hearing of the Applications for Commercial Subdivision to divide 34.27 acres into 3 lots and Site Plan for Wilton Marketplace to develop commercial retail, approximately 182,000 sq. ft. and Aldi Grocery Store, on the north side of Lowes Drive. Property located on Lowes Drive. Tax Map No. 153-3-37-32 and 153-3-37-1; zoned C-1.

Mr. Palumbo clarifies that they are here for two things, one is the Commercial Subdivision and the other is the Site Plan. The Commercial Subdivision shall be done first and then the Site Plan. He explains the history of the project:

- Mr. Palumbo shows the Board the master plan that was presented a couple years ago when they received the zoning variances.
- He explains the Site Plan to the Board.
- The site was divided into development areas.
- Aldi was the one certainty, as a business moving forward.
- The lot that Aldi originally owned was not going to work for their needs.
- They became partners with Mally Development and came up with the plan to have a Town road and Aldi would shift their lot to the back.
- It was a land swap between Mally Development and Aldi.
- That was the history of how they developed the current Site Plan.

Details of the project:

- Access connection point with Lowes.
- It is a 3-lot Commercial Subdivision and Aldi is located on lot # 1 at 2.10 acres in size.
- Lot #2 which is 20.42 acres, all the remaining development which crosses Lowes Drive and is owned by KMDA.
- Lot #3 is 10.06 acres and is an undeveloped entity at this point in time.
- One of the key elements is to have the new Town road eventually connect to Old Gick Road to have another means of access, to help distribute some of the traffic.
- New Town road to be proposed by Aldi.
- The Aldi building is 19,900 sq. ft., all the parking is in the front and loading area in the back.
- Stormwater details need to be worked out.
- All of Aldi's storm drainage is in an underground system that meets all of the standard requirements.
- The future retail buildings would be like Bedbath and Beyond and Best Buy, all connected.
- The project will be connected to water and sewer.
- Traffic: Aldi's alone doesn't provide the traffic that would warrant a larger study and doesn't have any impact that the two intersections that are referenced, Lowes Drive and Old Gick Road and at Route 50.
- The project is well under anything that would be at DOT level being an impact at those two intersections.
- Will be discussing pedestrian linkages.

- Will be providing a photometric plan.
- Dumpster location discussed.
- There will be a T turnaround for temporary turning for the snow plowing vehicles.
- The access easements will be located on the final plan. In particular the drive isle that's around the building that is outside of the boundary lines.
- The sidewalk plan needs to be discussed.

Clarification from Mr. Riper: The Board will only be approving the Site Plan for Aldi's, on lot #1. Any other retail area or buildings that will come in later will have to go through Site Plan approval. Attorney Schachner: Subdivision in lots but Site Plan right now limited to Aldi's and anything we know about is not much and sort of generic. There will be future Site Plan review of the more specific Commercial Applications.

Public Comments:

- Question regarding the land transfer by Aldi and KMDA. Mr. Palumbo explains that it was a land transfer between Aldi and KMDA. Aldi owned the property in the front, they had a site plan with a single means of access, but this did not work for the Town. Aldi could not work out an agreement with Lowes to get a second means of access through their property. They made an agreement with KMDA to swap their land, for the parcel in the back, lot #3, with the agreement that they would be responsible for construction of the new Town road.
- Discussion about the fourth lot. Mr. Palumbo: When the first submission was made the road was considered the fourth lot, but in this case, it is a straight dedication of the land, so it is not considered a lot. They had mistakenly listed the road as lot #4 and modified the Subdivision Plan and made it a 3-lot subdivision.
- Discussion of variances and the meaning of a zero-lot line. Mr. Palumbo: A zero-lot line means the buildings are going up against one another.

There is confusion from the audience as to the Public Hearing being for Subdivision or Site Plan or both. Attorney Schachner: As a Board are you contemplating that right now, we are only having the Public Hearing on the Subdivision but not on the Site Plan or are you proposing it be a joint Public Hearing on both. Chairman Dobis: I thought it would be easier one and then the second one but it's up to the Board. Mr. Palumbo: Our mailings were as one and I think it was always discussed that this would be a single Public Hearing. Attorney Schachner: My recollection is that there was previous discussion and I think I asked this very same question. I thought the Boards pleasure was it's too hard to separate these things out, have a joint Public Hearing. My impression was that's what was noticed and that's what you had opened and if that is helpful to the commenter, I think you are conducting the Public Hearing for both.

- Scott Perkins, the attorney for Pyramid Pines Estates has very little concern on the subdivision, his concern was with parcel #2 and the 15 existing homes along Palm Drive of Pyramid Pines Estates. There is a 10 ft. setback and his client is very concerned about the noise, lighting, traffic and deliveries. Mr. Perkins knows this is not before the Board at this time, but that is his concern.
- All the deliveries would be in the back of the building.
- The closest area to Palm Drive would be the emergency access road.
- Resident asked for an explanation of the two projects being heard at the Public Hearing.
- Preliminary approval of the Commercial Subdivision into the 3 lots must take place first. Then Preliminary approval of the Site Plan can be given.

Chairman Dobis asked if there were and other questions on the Commercial Subdivision or the Site Plan. There were none.

Ron Slone moves to close the public hearing. The motion is seconded by David Gabay and duly put to vote, all in favor, on this day, 19th day of December 2018 at 7:02 p.m., the Board adopts the resolution to close the public hearing.

II. REGULAR MEETING: (7:03 p.m.)

PRESENT: Chairman Michael Dobis, William Rice, Brett Hebner, Erinn Kolligian, David Gabay, Ron Slone, Jeffrey Hurt Alternate and David Catalfamo Alternate; Ryan K. Riper, P.E., Director of Planning and Engineering, Mark Schachner, Planning Board Counsel and Amy DiLeone, Executive Secretary

ABSENT: Harold VanEarden

MINUTES APPROVAL: William Rice moves, seconded by Erinn Kolligian, for the approval of the meeting minutes of November 20, 2018 as written. Ayes: Ron Slone, William Rice, Chairman Dobis, Erinn Kolligian, David Gabay and Jeffrey Hurt Alternate

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

III. APPLICATIONS:

A. Wilton Marketplace: Application for Preliminary Commercial Subdivision approval for Wilton Marketplace to divide 34.27 acres into 3 lots. Property located on Lowes Drive on 34.27 acres. Tax Map No. 153-3-37-32 and 153-3-37-1; zoned C-1.

Aldi, Inc.: Application for Preliminary Site Plan approval by Aldi, Inc. to develop commercial retail, Aldi Grocery Store, on the north side of Lowes Drive. Property located on Lowes Drive on 2.10± acres. Tax Map No. 153-3-37-32 and 153-3-37-1; zoned C-1.

Mr. Frank Palumbo of CT Male and Mr. Bruno Lourenco and Aldi's Inc. are present for the regular meeting for the Applications for Commercial Subdivision to divide 34.27 acres into 3 lots and Site Plan for Wilton Marketplace to develop commercial retail, approximately 182,000 sq. ft. and Aldi Grocery Store, on the north side of Lowes Drive. Property located on Lowes Drive. Tax Map No. 153-3-37-32 and 153-3-37-1; zoned C-1

Mr. Palumbo would like feed back from the Board. Chairman Dobis asks Mr. Riper for his comments from his review letter, dated December 12, 2018. Mr. Palumbo had addressed most of Mr. Riper's comments. Mr. Riper: The Board should think about discussing the following items:

- Pedestrian access and future pedestrian connections.

- The future road connection to Old Gick Road.
- Desire paths from Pyramid Pines Estates to be mapped and considered for future connections.
- Provide the location on the plans for future interconnections to adjacent undeveloped commercial area.
- Provide an access agreement for the connections.
- Photometric map and lighting details.
- Show dumpster location and screening details.
- The agreement with Lowes and KMDA for access connections, drive aisles and stormwater connection. At the end of the Town road they shall provide a T-turnaround and an area for the Town to store plowed snow.
- Locate the catch basins outside of the wheel path.
- The drainage flow details for new Town road, toward Lowes Drive.
- The Emergency Squad and Fire Department should be sent plans for their review.

A lot of the other items are administrative and will be taken care of as the plans progress. Discussion of pedestrian walk ways, what might trigger them and when. The pedestrian walkway on Lowes Drive is key and that falls within the development of lot #2. The connection to Pyramid Pines would have to be worked out with the owners. They are using the connection now to get to the retail areas and the bus stop. It would be ideal to have an open lighted area that would be safe.

Mr. Rice voices his concern of people coming out of the new Town road and making a right-hand turn and the people coming out of Lowes making a left-hand turn. Mr. Palumbo said that on Saturday, April 21, 2018 for a two-hour period, a count was conducted on the northern Lowes entrance. It was found that no significant delays in turning movements occurred and adequate gaps existed for such movements. The traffic from Aldi will not generate significant levels to interfere with or cause a hazard at these intersections.

Discussion of volume of traffic continued:

- On Sunday October 28, 2018 840 people used Aldi Grocery Store
- There were 60-70 cars in and out of Aldi
- Two curb cuts on one road happens often.
- Concern of snow removal and site distance.
- Mr. Rice thinks two curb cuts that close, is not the best situation.

Chairman Dobis asked if there were any more questions. There were none. Chairman Dobis moves onto SEQRA.

SEQRA:

Attorney Schachner: Let's make sure we understand that we are looking at the full EAF form that Mr. Palumbo prepared was revised on December 11, 2018, that is the part 1 we are looking at, and appropriately the part 1 description of action talks about the 3-lot subdivision, the site Plan for Aldi as the known entity typically being applied for and also contemplates the remaining commercial square footage and that's listed in the description of action. All that is appropriate so that we are conducting SEQRA review on the entire action that is currently proposed, including what is not specifically proposed as the future development. Based on that we are going to go through FEAF part 2.

Planning Board Minutes
December 19, 2018

1. *Impact on Land*: The consensus of the Board is “Yes”: No, or small impact may occur for, a-h.
2. *Impact on Geological Features*: The consensus of the Board is “No”
3. *Impact on Surface Water*: The consensus of the Board is “No”
4. *Impact on groundwater*: The consensus of the Board is “No”
5. *Impact on Flooding*: The consensus of the Board is “No”
6. *Impact on Air*: The consensus of the Board is “No”
7. *Impact on Plants and Animals*: The consensus of the Board is “No”
8. *Impact on Agricultural Resources*: The consensus of the Board is “No”
9. *Impact on Aesthetic Resources*: The consensus of the Board is “No”
10. *Impact on Historic and Archeological Resources*: The consensus of the Board is “No”
11. *Impact on Open Space and Recreation*: The consensus of the Board is “No”
12. *Impact on Critical Environmental Area*: The consensus of the Board is “No”
13. *Impact on Transportation*: The consensus of the Board is “No”
14. *Impact on Energy*: The consensus of the Board is “Yes”: No, or small impact may occur for, a-e.
15. *Impact on Noise, Odor and Light*: The Board’s consensus is “Yes”: No, or small impact may occur for, a-e.
16. *Impact on Human Health*: The consensus of the Board is “No”
17. *Consistency with Community Plans*: The consensus of the Board is “No”
18. *Consistency with Community Character*: The consensus of the Board is “No”

Attorney Schachner: You have answered all 18 questions, you have identified three affirmative responses but, in each case, characterized the magnitude of potential impact as “no or small”. The Board answered “correct”.

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 for the Applications for Commercial Subdivision to divide 34.27 acres into 3 lots and Site Plan for Wilton Marketplace to develop commercial retail, approximately 182,000 Sq. ft. and Aldi Grocery Store, on the north side of Lowes Drive. Property located on Lowes Drive. Tax Map No’s. 153-3-37-32 and 153-3-37-1; zoned C-1. The motion is seconded by Dave Gabay and duly put to vote, all in favor, on December 19, 2018.

On a motion introduced by David Gabay, the Board adopted the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board for the Town of Wilton approves the Preliminary Application for Commercial Subdivision approval for Wilton Marketplace to divide 34.27 acres into 3 lots. Property located on Lowes Drive on 34.27 acres. Tax Map No's. 153-3-37-32 and 153-3-37-1; zoned C-1. The motion is seconded by William Rice and duly put to vote, all in favor, on December 19, 2018.

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board for the Town of Wilton approves the Preliminary Application for Site Plan approval by Aldi, Inc. to develop commercial retail, Aldi Grocery Store, on the north side of Lowes Drive. Property located on Lowes Drive on 2.10± acres. Tax Map No's. 153-3-37-32 and 153-3-37-1; zoned C-1. The motion is seconded by Erinn Kolligian duly put to vote, all in favor, on December 19, 2018.

B. Prime Holding Group Self Storage: Application for Amended Site Plan approval by Prime Edie Road, LLC for Prime Group Self Storage, to move parking and siding façade type. Property located on NYS Rt. 50 on 3.41 acres. Tax Map No. 141.-2-14.112; zoned C-2.

James Easton of MJ Engineering is representing the Applicant, Prime Edie Road LLC and Gerard Moser, one of the owners of Prime. Also, John Hartzell, Applicant's Counsel from Nolan and Heller, is present.

Mr. Easton begins by revisiting some of the issues to be addressed from the November 20, 2018 Planning Board meeting.

- One of the items that was discussed and considered was switching the parking to the opposite side.
- The larger point of last month's meeting was the rendering of the project.
- The general concern of the scattered effect of multi panel colors as they were depicted on the rendering as to how they would actually look on the building.
- They were asked to redo the rendering and provide product samples.
- Always s inherent errors with renderings plans due to paper, printer machines, what software is used and what products are available for rendering materials.
- Ask for product samples of the project will actually look like.
- Mr. Easton describes the colors of the siding and how they will be placed.
- Original rendering plan, some glass has been removed, a man door will be placed in the location discussed.

Mr. Easton asks the Board if there are concerns about the colors and products that are being proposed. Discussion of color and product by the Planning Board.

- The siding will be 8 ft. or 10 ft. horizontal panels.
- Textured panels as opposed to flat panels, will not get wavy from the heat over time.
- The Planning Board was in favor of the colors and materials as presented.

Mr. Riper commented on making sure in the motion that the specific color, building materials and supplier are mentioned, so that when it comes time for code compliance, the Building Inspector understand exactly what is being put on the building.

Mr. Easton explains the landscaping plan and the request by Mr. Riper to add a deciduous tree.

Mr. Easton discusses the garage doors and the Planning Boards dislike of them.

- They reduced the number of doors from seven to four.
- They want to put in frosted glass doors, so it didn't look like a solid white door, it would blend more into the back ground.
- Mr. Easton compares the two rendering for the Board.
- Original proposal had no garage doors.
- The doors provide function and value to the owner and gives an esthetic improvement instead of one long contiguous mountainous brick wall.

Mr. Easton: At this point there are four considerations in front of the Board and I'll answer any questions you have.

- Mr. Slone: What is on the other side of the glass doors?
- Mr. Easton: Behind these glass doors would be your standard 10 ft. wide by 20-25 ft. deep self-storage unit.
- Discussion on glass as to being see through or broken.
- There would be a metal panel behind it, so you wouldn't see a metal door and it would be secure. There would be a glass insert in the front half of the door, it would be esthetically pleasing.
- Mr. Riper: The intent of these bays would not be for public use.
- The use would be for the owner's personal cars or things that they need for the facility.
- The Board had no objections to the doors.
- The area in the front is approximately 10 ft. wide and 18 ft. long that will contain plantings and that's enough for one deciduous tree in that space.
- The Board may choose whatever tree they would like to see in that area.
- Mr. Riper suggests a crimson maple 4-6 DBH.
- The Board had no objections to the colors or materials.

On a motion introduced by Erinn Kolligian, the Board adopted the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Town of Wilton Planning Board has approved the Amended Site Plan Application by Prime Edie Road, LLC, Application to the Town of Wilton Planning Board to add four garage bay doors as shown on elevation rendering submitted 12/4/18, move parking as indicated on plans dated 11/16/18 and the siding façade of building is to be manufactured by METL SPAN, Tuff Wall (VA), Tuff Cote Finish System in the colors of; Light Gray (#KMD0085), Antique Bronze (#KMD0152) and Fluropon, Harbor Blue (#436R1141) and there shall be a deciduous tree for screening, at entrance to site (with a decent 4"-6" DBH) . Property located on NYS Rt. 50 on 3.41 acres. Tax Map No. 141.-2-14.112; zoned C-2. The motion is seconded by Dave Gabay and dully put to vote, all in favor, on December 19, 2018.

C. 628 Maple Avenue Mixed Use Development: Application for Preliminary Site Plan approval by BMA Acquisitions, LLC, for a Mixed-Use Development of three 3-story buildings with commercial space in building #1, adjacent to Route 9. The development will have a total of 31 residential units. Property located at 628 Maple Avenue on 2.19 acres. Tax Map No. 140.17-1, zoned H-1.

Joe Dannible of Environmental Design Partnership is here on behalf of the Applicant BMA Acquisitions, LLC., application for a mixed-use project located at 628 Maple Avenue. He describes

the property as having frontage on Maple Ave. and being adjacent to the bend on Davidson Drive. The mixed-use project is in the H-1 zone (the “Hamlet”) on 2.1 acres; there will be 31 living units 7 of these units are located on the second and third floors of the front building, adjacent to route 9 and 24 of the units are located in the rear two buildings, each of which will have 12 units. The 3-story building on Maple Ave. will have 5,300 sq. ft. of commercial on the first floor and partially on the second with 3 residential units on the second floor and the third floor will have 4 residential units. The two 3-story buildings in the back will have garages on the 1st floor, living space on the 2nd floor and bedrooms on the 3rd floor. There will be 90 parking spaces, allowing 3 spaces per unit, and depending on the commercial use, there is an alternative parking plan for a larger or more intense commercial user.

- Seven units will be handicap accessible
- We will be connecting to water and sewer from the Mill at Smith Bridge down Davidson Drive.
- Added some additional landscaping along the residential portion of the property.
- We have enhanced the landscaping in front of the building adjacent to Route 9.
- We are proposing two street trees along the frontage on route 9, with a street light in the middle.
- 170 ft. of frontage spacing the trees out at 75 ft. on center.
- Letter from SCPB with a comment about parking being excessive and consideration should be given to reducing the amount of parking.
- Amenable to removing one of the parking spaces for every one of the units that exists directly in front of the steps.
- Making the spaces land banked spaces for future.
- The entire community would be maintained by owner of the facility.
- Garage spaces are 24 ft wide by 30 ft. deep.
- Mr. Riper reads the letter from SCPB.
- Discussion on parking and different uses of retail.
- Discussion on rent.
- Incorporating a significant amount of porous pavement, which puts the greenspace at 50% of the property.
- Discussion of lighting and placement of lighting.
- The building will be the entrance to the Hamlet zone, traffic calming, street trees, and lighting all need to be considered.
- Planning Board agrees there should be more than on light on this project.
- The placement of lighting and trees should be consistent throughout the Hamlet zone.
- Discussion of making a connection or path in the rear of the property to Davidson Drive.
- Don’t want residents cutting through the property, potential safety issue.
- Board agrees there should be access from Davidson Drive to Route 9, but not through this property.
- Mr. Dannible asks for clarity from the Board, 20 different conversations going on, all he wants is direction from the Board.
- Mr. Slone says there needs to be standards on lighting.
- Mr. Riper says there are lighting standards for safety.
- Mr. Dannible: Consistent lighting is the most ethically pleasing way to view the community.
- Chairman Dobis does not think the Board can make an educated decision tonight.
- Mr. Riper agrees, some of these items need to be addressed.
- Mr. Dannible is proposing to meet the standards that Park Place at Wilton met.
- Board is in agreement that there should be grass in-between parking spaces.
- Discussion of sidewalks on Davidson Drive.

Mr. Riper goes through the items in his review letter:

- Applicant submitted the Wilton Water and Sewer Authority forms.
- Next submission date is January 2nd.
- Extend the sidewalk to the next curb cut.
- Details on the plans.
- Verify the density calculations.

Mr. Dannible explains the details of the renderings, saying they want to make it an attractive building.

- Mr. Dannible asks for comments on the buildings.
- Mr. Slone says they look repetitive.
- Questions about materials being used.
- The northern building will be seen from Davidson Drive.

Concern from the Board that they would like to see the changes before the Public Hearing.

Mr. Dannible wants to address the concerns of the Board now.

- The location of the dumpster. It will be moved to the back.
- Detail of dumpster screening.
- Details need to be on plans.
- The sidewalk being in the state right of way.
- Street trees and street lights along the front.
- Green spaces in the parking lot.
- Bring samples of all the materials.
- Proposed Geo Cell in the back for a turn around.

Attorney Schachner: Erinn raised a point that I thought was a very valid point: It sounds like the Board may be contemplating going to Public Hearing with a whole lot of elements not yet defined to the Board's satisfaction.

Mr. Dannible: Let's set the Public Hearing for February, I will come back and give the Board a brief to identify everything we have adjusted on the plans. I like the idea of having the Board comfortable and not scrutinizing the project in front of the public.

Mr. Riper: No action by the Board tonight.

Mr. Dannible: Can we set the Public Hearing for February tonight?

Mr. Riper: You will be back in January, so we can do that then.

IV. ADJOURNMENT:

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

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NOW, THEREFORE, BE IT RESOLVED that the meeting of the Planning Board be adjourned at 9:06p.m. The motion is seconded by Erinn Kolligian, and duly put to vote, all in favor on this day December 19, 2018.

Date Approved: December 19, 2018

Amy DiLeone
Executive Secretary