



TOWN OF WILTON
22 TRAVER ROAD
WILTON, NY 12831-9127
(518) 587-1939

PLANNING BOARD

William Rice,
Chairman
Harold VanEarden,
Vice Chairman
Michael G. Dobis
Ron Slone
David Gabay
Brett Hebner
Jeffrey Hurt
David Catalfamo &
Christopher Price
Alternates

Amy DiLeone
Executive Secretary

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

PLANNING BOARD

January 19, 2022

Mark Schachner
Planning Board Counsel

A meeting of the Wilton Planning Board (“the Board”) occurred on January 19, 2022, at 6:30 P.M., via Zoom due to public health and safety concerns related to COVID-19.

PLEDGE OF ALLEGIANCE

I. CALL TO ORDER:

At 6:30P.M., Chairman Rice opens the regular meeting.

II. REGULAR MEETING:

PRESENT: Chairman William Rice, Jeff Hurt, Michael Dobis, Dave Gabay, Brett Hebner, and Dave Catalfamo and Chris Price, Alternates; 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: Ron Slone and Harold VanEarden

MINUTES APPROVAL: Mr. Gabay, seconded by Mr. Price for the approval of the meeting minutes of December 15, 2021, as written. Ayes: Chairman Rice, Mr. Dobis, Brett Hebner, Dave Catalfamo and Chris Price, Alternates

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

III. APPLICATIONS:

A. Palmertown Ridge Subdivision: Witt Construction, Inc.: Application for Palmertown Ridge Subdivision (Woodard Rd) by Witt Construction, Inc. for a three (3) lot residential subdivision. Property located at/on Woodard Rd on 537.5 acre(s), Tax Map No(s). 101.-1-102.1; zoned R-3.

John Witt, owner of Witt Construction, Inc. is present.

John Witt: I am here representing myself with the 3- lot subdivision. We have been in front of you a couple times. We have submitted a letter stating at the current time there is no development proposed. We added to the plat:

- The variances obtained.
- A crosshatch area notes on the easement area representing a minimum 100-foot-wide trail easement.
- As requested, the trail parking lot easement language for the benefit of Saratoga PLAN.
- The boundaries will be marked with monuments.

Mr. Riper, Town Engineer addresses his review letter dated January 11, 2022, to the Board.

Mr. Riper: We have received an up-dated plan and will review the plan to make sure it meets all the conditions of my letter.

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby move to approve the Application for Final Subdivision for Palmertown Ridge Subdivision (Woodard Rd) by Witt Construction, Inc. for a three (3) lot residential subdivision. Conditioned upon the submission of an executed easement agreement with Saratoga PLAN. Further conditioned upon compliance with the Town Engineer, Ryan Riper's review letter dated January 11, 2022. Property located on Woodard Rd on 537.5 acres, Tax Map No. 101.-1-102.1; zoned R-3. There are no new or different environmental impacts requiring further SEQRA review.

The motion is seconded by Mr. Price and duly put to vote, all in favor, on January 19, 2022.

B. Perry Crossing: FFBWOOD#2 LLC: Application for Perry Crossing by FFBWOOD#2 LLC for a four (4) lot commercial subdivision and the construction of two (2) retail buildings and a bank with drive-up window. Property located at/on Route 50 and Perry Rd on 5.12 acre(s), Tax Map No(s). 153.-3-90.5; zoned C-1.

Luigi Palleschi from ABD Engineering representing FFBWOOD #2, LLC

Site Statistics:

Luigi Palleschi:

- We were before this board back in November of 2021.
- We showed the new layout that you see here.
- We have advanced our design with a grading and drainage design.
- Last time, we had a deep discussion about the landscape buffer along the rear with the Pyramid Pines group.
- After we left the meeting in November, we actually spent about an hour, a little more, with the attorney that represents the Pyramid Pines and before we got in our vehicles, it sounded like we were going to move in the right direction.
- Since then, we have worked out the details with the Pyramid Pines group, their attorney, their landscape architect, and the plan that you see here, before you, are the updated landscaping buffer.
- We will keep the existing berm, the existing trees, and the grading and drainage that is going to be done along the rear side between these two properties.

- We did receive the okay from Pyramid Pines group, that the plan that you see here on the screen is what they agreed to moving forward.
- A couple other changes that that happened. The Tire Service Station shifted easterly slightly to gain nine more parking spaces on the westerly side. That was due to a request from the tire service station Applicant.
- Everything else stayed the same, the bank orientation, and the Advanced Auto Parts store and the alignment along Route 50.
- The curb cuts all stayed the same.
- The sidewalk stayed the same.
- We are here tonight to give you this update to let you know that the landscaping buffer has been agreed upon. We would like this Board to consider scheduling the Public Hearing in February.

Mr. Riper, Town Engineer addresses his review letter dated January 13, 2022, to the Board.

Mr. Riper:

- There are some big items in my review letter that will need to be addressed, moving forward.
- It is my opinion; we have certain requirements by the applicants before we will schedule a Public Hearing or considering Preliminary approvals. At this time, there's not enough information on the plans or details to move the project forward to schedule a public hearing.
- One of the items that we would like to see and be discussed is, the details of this berm, and the plantings. There are some sparse plantings. It could be filled in a little bit more to provide, additional buffering between the mobile home park and this development.

Mr. Palleschi explains the buffering plan in more detail with the addition of the 165 ft. x 6ft. vinyl fencing behind the guide rail.

Attorney Perkins (attorney for Pyramid Pines): I should note that although the site plan does meet with our approval, there is a settlement agreement that requires the owner of this property, in this case, it would be the applicant to construct a composite privacy wall. We are willing to waive that requirement provided that the site plan buffering is constructed as shown. There are some other requirements as well. The attorney for the developer does have a proposed amendment agreement that would amend the settlement agreement that is yet to be signed. That is necessary to be signed, not only for the project to go forward without the composite wall, but also to meet some conditions that we had. We are in agreement, in principle, but we've yet to have a signed amendment to the settlement agreement. I do not think there are any major bumps in the road.

Chairman Rice: This is substantially what you agreed to with the applicant. You can work out the details about that later. He is representing your position correctly and you think what is represented on this site plan is what you agreed to when you talk to the applicant.

Attorney Perkins: Yes, yes, indeed.

Attorney Schachner: This settlement agreement is between the private parties. I think the Board's well aware; I just want to make sure the Board remembers that his is all relevant for your consideration if you want it to be relevant for your consideration. As Ryan points out, if the private parties are satisfied, that is a step forward, but it is not the be all and end all you have to be comfortable as a Planning Board. This settlement agreement that Mr. Perkins refers to that requires signature or amendment or both, for the project to go forward, that is between the private parties. You do not need to, nor would it really be appropriate for the Planning Board to require that settlement agreement amendment, although it is helpful information.

Mr. Riper continues review of his letter to the Board.

Discussion on setting the Public Hearing.

Decision is not to set the Public Hearing until items in Mr. Riper's review letter are addressed by the applicant.

No action was taken on this application tonight.

C. Route 50 Warehouse: Liuos Thinking, Inc. Pre-Application for Route 50 Warehouse by Liuos Thinking, Inc. for the construction of a 6,000 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 from CHA Consulting and my client Kaarlo Hietala is here also.

Ms. Lipatas:

- We are proposing a 6,000 square foot warehouse building.
- The building has been rotated per discussion with the Board and recommendations from the Code Enforcement Officer from the last month's meeting in November.
- We have associated storage yard, out in the rear all behind the front lines of the building.
- Associated stormwater and our facilities for sanitary disposal.
- I have depicted within this closed yard just an idea so you know, the container arrangement that would have to be implemented within the area. This would allow access to come through the site.
- We provided the Board with the auto turned drawings as well ran the fire truck through with the information from Chief Murray.
- Proposed plan does include the two access points, the two access points are really, really needed for the maneuverability within the parcel. And based on its odd configuration, it just is a more viable option for my applicant to get trucks in and out.
- This proposed development does not have a great deal of truck traffic or trip generation anticipated, so we feel that this is this will not heavily impact the road and DOT we have reached out to the DOT. Unfortunately, I do not have correspondence yet from them and as soon as I get that, I will forward it along to the Town.

Mr. Riper: This has significantly changed from what was presented before. We are looking at this as a pre application again. There are a lot of things that, I think, need to be addressed and considered by the Board:

- This is a very wet site. We have wetlands, we have shallow groundwater. One of my concerns as far as this site goes is the design of the site as far as elevation.

- The building, our septic system requirements are four-foot above groundwater. The whole septic area is going to have to be raised.
- The stormwater areas will have to be raised depending on the type of design.
- The stormwater has a three-foot separation to groundwater infiltration.
- I am envisioning this whole site, almost sitting on a pedestal of fill material raised up on this corner. Then you are going to have to design all your amenities for that.
- There are storage containers proposed to be double stacked, so this is going to sit fairly high in elevation above the roadway.
- This complicates the site design for stormwater runoff.
- This is a very difficult site for designing, given the volume of impermeable surface that you have, the pavement and the building.
- You have a tremendous amount of pavement, which lends to large stormwater areas which you are showing large stormwater areas with this site.
- These are things the Board needs to evaluate and think about as you are driving down Edie Road or Route 50, you are going to see this elevated site there will be a lot of fill being brought in, the building, and the double stacked containers.
- There are several code concerns with the buffering and the setbacks.

Kaarlo Hietala: I am the owner, and I did purchase it without the understanding of how difficult it would be to build on this site because this is not something I do, generally. Now hearing this, as Rene stated, I am a small business, I do disaster response and I store equipment. I will have minimal impact on that site because I am really just storing equipment. I do not have a lot of full-time employees; most are part time. I hear your concerns, we could leave the land vacant, or you could put another business in there, I guess that is up to you. I just want to have a small warehouse and a place to store my equipment.

Mr. Ripper: I think one of the big items that will need to be addressed is the curb cut on Route 50. It is very close to the intersection of Edie Road. If you are familiar with this location, there are a lot of accidents at this intersection, it is an offset intersection. DOT is probably going to have a lot of concerns with providing another curb cut so close to an intersection that has a high accident rate. These are some of the things I think that need to be looked at in advance before moving this project forward. You do not want to spin your wheels with a lot of design then get DOT involved and they say No. There are also two variances that would be needed.

Discussion by the Board:

- On the buffering.
- Reaching out to the neighbor to the north.
- Contacting DOT.
- Area variances needed.
- Design being very difficult on this site.

No action was taken on this application tonight.

D. Forest Grove Conservation Subdivision: Forest Grove, LLC: Application for Forest Grove Conservation Subdivision by Forest Grove, LLC for amending townhouse portion of the subdivision to allow optional single family detached homes with 7.5-ft. side yard setbacks.

Property located at/on Jones Road (to the north) and near Putnam Lane on 565 acre(s), Tax Map No(s). 141.-1-25, 28, 29; 128.-1-69, 71.22, 87; 141.-2-2, 3, 4.2; 140.16-3-1 thru 6; and 140.12-3-1 thru 11 & 99; zoned R-2.

Joe Dannible of EDP and Peter Belmonte of Belmonte Builders are here to represent Forest Grove, LLC.

Mr. Dannible:

- We are looking to amend the approved community master plan.
- We are specifically looking in the townhouse area, proposing to convert them to single family detached dwellings from the single family attached dwellings.
- We are looking at a blow up of the area of the approved community master plan with the 72 single family attached units that are approved.
- These units have a seven-and-a-half-foot side yard and a zero-foot side yard setback common wall.
- Here is the same screenshot of what we are currently proposing, which is 72 single family detached dwelling units. Each with a seven-and-a-half-foot side yard setback from any property line.
- This is what we discussed at the previous Board meeting, and this is what we offered the Board as we removed our request to have a five-foot setback along the common property lines which previously had a zero-foot setback.
- Here is a blow up, of the lots themselves. What we have done, is we have depicted a box identifying the rough dimensions of each of the buildings that could be built on these lots.
- We essentially have three different building sizes, varying anywhere from the smallest size of a 30ft. by 60ft. building. The second structure would have a footprint of about 32ft. by 65ft. The largest structure would be about 37ft. by 66ft. and would correspond to a certain lot width that goes along with that.
- Similar to the townhouses what we are proposing is a great lot if you look at the screen, the heavier lines I just identified in red are essentially a great lot. In what we previously could put a townhouse unit on. Those boxes are going to have defined bearings and distances and real property numbers associated with them. It will not change once the lots are filed.
- Similar to the townhouse concept, these yellow lines I am identifying are the common property line within the great lot. That line similar to the townhouse community is established based upon the as-built location of the units within that great lot.
- Essentially the yellow line is not a fixed line. That is a line that is going to be established once the foundations are in. A surveyor goes back out, locates the foundation and that property line is struck, depending on where that foundation is installed.
- This is exactly what the board approved with the townhouses. The townhouse lot line would never have been established until the townhouse was built and that line would have been established upon the as-built centerline of that unit. Completely identical to what is being proposed.
- We have the fixed property lines which are the heavy lines surrounding the parcels and then we have the line that is adjusted identified as a property line defined by the as-built within the center of each lot. Every one of these lots regardless of where that center as-built line will have a seven-and-a-half-foot side yard setbacks.

Chairman Rice: There were going to be some duplexes and some single-family homes. Now the duplexes are gone, and we are left with 47-foot-wide lots. What are our options with this plan?

Mr. Riper: I think Mark Schachner can weigh in on the legal options. You can deny the application if the Board is not happy with it. I think the Board needs to take a step back and say, what was the original intent of the subdivision.

Attorney Schachner: There's an existing approval. The applicant is exercising his right to seek modification of that approval. That does not obligate the Board to grant the modification of the approval. The Board can look at, what the intent of this subdivision was, as you understood it, and you can exercise your discretion in reviewing the extent to which the subdivision intent is still met or is not met. I am not hearing a lot of Board happiness with the modification and, you know, this is an applicant that has a pretty successful record of discussing things with the Board and seeing if difficulties can be resolved, rather than being confronted. You have an obligation to review the modification request. You have an opportunity to approve it, approve with conditions or deny it. You have no obligation to approval; your obligation is only to review it fairly.

- Mr. Dobis explains the concerns of the project and the expectation of the premier subdivision that was promised is not being portrayed anymore.
- The smaller frontage of the newly proposed single-family homes verses the originally planned duplexes is not favorable for most of the Board members.
- The Board is not in favor of Phase 1-A looking like row houses or double-wides.
- Chairman Rice polls the Board. The majority were against the proposed amendment of the subdivision.

There is no action on this application tonight.
Applicant tables and will get back to the Town.

Mountain Ledge PUDD: Mountain Ledge Limited Partnership: Application for Mountain Ledge PUDD by Mountain Ledge Limited Partnership for establishing a Planned Unit Development District for a development with mixed-use, office, commercial and twenty-four (24) second-floor residential units. Property located at/on 696 Route 9 on 15 acre(s), Tax Map No(s). 140.-1-68.131; zoned CR-2.

Doug Heller and Ben Howard of the LA Group are here representing the applicant. Also in attendance are Adam Britton, Joe Mack, and Steve Valente.

Mr. Heller explains the surrounding corridor of Route 9 and it being zoned CR-2.

Mr. Heller:

- We took the original 2006 approved plans and made some modifications to it.
- One of the major modifications was consolidating the four different structures into three.
- Moving the 50,000 square foot building in the rear, up to the front on Route 9. This allowed us to push the parking towards the rear to make it more in line with the current Town Code of parking in the rear of the building.
- The back building is a 50,000 square foot building.
- The front building on Route 9, is a 45,500 square foot and it will be mixed use building.

- We are looking to maintain the drive thru which was previously approved. We are looking to shift it to the side of the building, which is more in line with current Town Code.
- This building in the front is envisioned to potentially be three stories. The second and third story would be apartments and requesting up to twenty-four apartments for this development.
- Access would still be maintained with the main access off of Mountain Ledge Drive
- We are here for a PUDD, the current zone is CR-2 and the CR-2 zone definition indicates that the purpose is to provide a mix of commercial and residential uses and allow for multifamily and apartments through the PUDD process.
- The main driver for this northern building is an indoor recreation facility which is currently not an approved use.
- The name of the franchise for the indoor recreation facility is DBAT it stands for developing beliefs, attitudes, and traditions.
- It would be a mixed-use facility. It is a baseball and softball training facility, but we are going to incorporate indoor soccer, indoor lacrosse, field hockey, and even pickleball.

Parking was discussed and all agreed banked parking should be suggested.

Mr. Hebner would like to see the drive thru moved and places of worship added to the uses.

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

NOW, THEREFORE, BE IT RESOLVED, that the Town of Wilton Planning Board gives a recommendation with modification for the Application for Mountain Ledge PUDD by Mountain Ledge Limited Partnership for establishing a Planned Unit Development District for a development with mixed-use, office, commercial and twenty-four second-floor residential units. Property located on 696 Route 9 on 15 acres, Tax Map No. 140.-1-68.131; zoned CR-2.

The motion is seconded by Mr. Price duly adopted this 19th day of January 2022, by the following vote:

AYES: Chairman William Rice, Michael G. Dobis, Dave Gabay, Jeff Hurt, Dave Catalfamo, and Chris Price, alternates

NAYS: Brett Hebner

NOW, THEREFORE, BE IT RESOLVED that the meeting of the Planning Board be adjourned at 9:05P.M.

The motion is seconded by Mr. Price and duly put to vote, all in favor on this day January 19, 2022.

Date Approved February 16, 2022

Amy DiLeone
Executive Secretary