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PLANNING BOARD
JULY 18, 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 July 18, 2018 at the Wilton Town Hall, 22 Traver Road, Wilton, New York.

PLEDGE OF ALLEGIANCE
CALL TO ORDER:

I. PUBLIC HEARING:

PLEASE TAKE NOTICE that the Planning Board for the Town of Wilton will hold a **PUBLIC HEARING** to consider an application for North Manor Development LLC to subdivide SBL #114.15-3-8.1 into 6-lots. Property Address: 52/58 Burnham Road, 8.7 acres zoned R-1 in the Town of Wilton.

SAID PUBLIC HEARING will be held on Wednesday, July 18, 2018 at 6:30 PM at the Wilton Town Hall, 22 Traver Road, Wilton, New York. At that time, all persons will be given a chance to be heard.

At 6:32 PM, Chairman Dobis opens the public hearing. The Applicant’s Representative David Kemmer of ABD Engineering will take comments and questions after the presentation. If anyone in the audience would like to comment, please state your name and address for the record. Address questions to the Applicant, and if need be, to the Board.

BURNHAM HOLLOW EXTENSION 6-LOT SUBDIVISION: David Kemmer from ABD Engineers is here on behalf of Jeff Christiana of North Manor Development LLC, who is seeking preliminary approval to subdivide a large parcel into six lots to complete the existing Burnham Hollow subdivision. The homes will be connected to the existing public sewer and water which are extended to the end of the Burnham Road cul-de-sac. A condition existed under the Ernst Road PUDD that a connection go through this lot. That condition has been dissolved and replaced with a condition that there should be an extension of municipal utilities from this cul-de-sac to the edge of the PUDD property line should there be any development in the future.

Mike Methusa, 50 Burnham Road: Why was this not subdivided when the original subdivision was approved, and the neighborhood was made? Mr. Kemmer says his best guess would be that the demand wasn't there, the utilities were extended, and the land was cleared. *Mr. Methusa:* Why are there six lots in the cul-de-sac when the other cul-de-sacs in the neighborhood have four lots? Mr. Kemmer: To maximize the lot size within the limits of the zoning. *Mr. Methusa:* Aren't you oversaturating the neighborhood by making the lots so small? Mr. Kemmer: the lots conform to the zoning regulations; that is what the developer must follow and that is their choice.

The Chairman asks if there are any other comments from the public or the Board. If not, is there a motion to close the public hearing? On a motion introduced by William Rice and seconded by Harold VanEarden; duly put to vote, all in favor on this day 18th day of July 2018, the public hearing is closed at 6:45 pm.

REGULAR MEETING: Chairman Dobis calls the regular meeting to order at 6:46 PM. He requests a motion to address the June 20, 2018 Board minutes.

MINUTES APPROVAL: Erinn Kolligian moves, seconded by David Gabay, for the approval of the meeting minutes of June 20, 2018 as written. Ayes: Erinn Kolligian, William Rice, Brett Hebner, David Gabay, Harold VanEarden and Jeffrey Hurt, Alternate. Opposed: none.

CORRESPONDENCE: No other than that relating to current applications before the Board.

IN ATTENDANCE: Those present at the July 18, 2018 Board meeting are: Chairman Michael Dobis, David Gabay, Harold VanEarden, Erinn Kolligian, William Rice, Brett Hebner, and Jeffrey Hurt, Alternate; Ryan K. Riper, P.E., Director of Planning and Engineering, Mark Schachner, Planning Board Counsel and Amy DiLeone, Principal Clerk-Engineering. Absent: Ron Slone and David Catalfamo, Alternate.

II. APPLICATIONS:

A. BURNHAM HOLLOW EXTENSION 6-LOT SUBDIVISION: North Manor Development, LLC. Address 52/58 Burnham Road, on 8.7 acres zoned R-1.

Mr. Riper, Town Engineer: this is a SEQRA Type I Action. One aspect of the PUDD issue with the adjacent parcel is to allow the water and sewer connection by means of an to be easement granted to WWSA. There are details to be worked out with the water and sewer line. An agreement between the owner of the subdivision and Mr. Rick Woodcock is needed regarding the installation and the timing. There is a National Grid easement to the rear of some of these parcels that should be made easily identifiable to the future property owners making sure that they understand that there is a National Grid easement to the rear of their parcel. National Grid installed its gas line outside of the deed description of the easement. The gas line was located outside of the easement survey. Mr. Kemmer has been in contact with National Grid which has been slow to respond. Mr. Rice: this is a large gas main and National Grid knows exactly where it is.

Mr. Riper says the remaining items are administrative and will be dealt with through WWSA. The Board should go through the SEQRA process and then if it so chooses, give preliminary approval. He would not recommend final approval at this time.

Mr. Rice asks about item #1 of Mr. Riper's review letter dated July 13, 2018. Mr. Riper is looking for an agreement to be established between Rick Woodcock and North Manor Development LLC regarding the water and sewer line. There is a verbal agreement, but he wants it in writing. Mr. Hebner asks about the driveway on the side of the house where the water and sewer line easement is going to be. The easement crosses the driveway, what has to be done to install the utility lines. Mr. Riper: the intent of the agreement is that when Lot 3 or 4 gets a building permit, the line will be installed before any paving or final grading. Chairman Dobis establishes that the Board has no more comments. The next procedure for the Board is the SEQRA review.

Mark Schachner, Town Counsel, states this is a Type I Action, so a Full Environmental Assessment Form was prepared; Part I was completed on January 23, 2018, by Luigi Palleschi of ABD Engineers. If there are any comments or questions, the Board should ask the Applicant, but if not we can continue to Part II. There are 18 "threshold" questions, each is initially answered with a yes or no, if the Board is confident that the answer to the question is no, then there is no need to review the small lettered items under the threshold question. If the answer is yes, it will be necessary to answer the small lettered items for that question. In the Part II questions, there is a reference to the question number in Part I of the FEAF so if the Board isn't sure, the Board should look to the small lettered items as well. Mr. Schachner continues: The choice of answers is "no, or small impact may occur or, moderate to large impact may occur." The Board, answering the Part II questions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17 and 18, states that there is "no impact," or "no or small impact." For question 1. Impact of Land, the Board answers yes to the threshold question, but "no, or small impact," to the sub-questions. For question 14. Impact on Energy, the Board answers yes (normal residential use) the threshold question, but "no, or small impact," to the sub-questions. For question 15. Impact on Noise, Odor, and Light, the Board answers yes to the threshold question, but "no, or small impact," to the sub-questions. The Board has not identified any moderate to large potential impacts. Chairman Dobis ask for a motion for a negative declaration. On a motion introduced by David Gabay, 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 Preliminary Subdivision Application by North Manor Development LLC for the Burnham Hollow Extension 6-lot Subdivision, Tax Map No. 114.15-3-8.1; located at 52/58 Burnham Road, 8.7 acres zoned R-1. The motion is seconded by Harold VanEarden, and duly put to vote, all in favor on this day July 18, 2018.

Mr. Riper: if the Board so chooses it may move on to preliminary approval. Chairman Dobis asks for a motion. On a motion introduced by Erinn Kolligian, the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED: that the Planning Board for the Town of Wilton approves the Preliminary Subdivision Application by North Manor Development LLC for Burnham Hollow Extension 6-Lot Subdivision. Tax Map No. 114.15-3-8.1; located at 52/58 Burnham Road, 8.7 acres zoned R-1. The motion is seconded by Harold VanEarden, and duly put to vote, all in favor on this day July 18, 2018.

C. RAMSDILL OFFICE BUILDING AMENDED SITE PLAN: Chris and Dione Ramsdill

This is an application for a site plan amendment of the 1988 plan to use the existing building for a small business office. Property located at 4285 NYS Rt. 50 on .44 acres. Tax Map No. 141.-2-35; Zone RB-1. David Carr from the LA Group is representing the Applicants, Dione and Chris Ramsdill. Mr. Chris Ramsdill is present.

The building was built in 1850; used as a church until 1986. Site plan approval was granted in 1988 with a use variance for an office building. The Zoning Enforcement Officer has made a determination that a special use permit is not required and that the parking configuration is in conformance with the original plan. The site changes are that parking lot has been turned 90 degrees, with added striping. In 1988 the handicap access was not required. Different solutions have been investigated to make the site ADA compliant; a lift on the side of building will make less impact on the building's appearance. Mr. Ripper comments this is an amendment to the existing plan approved 1988, with modifications to the parking area and the handicapped lift.

Eric Rosenberg, a member of the audience, comments about the practice of following the zoning codes, how important that there is no appearance of favoritism. He characterizes the conclusion by Mr. Mykins as being incorrect. Between the time the use variance was granted and now, there was a complete overhaul of Wilton's Zoning Code. The use variance was given in 1988 because the proposed use was not a permitted use. The modification of the Code made it a permitted use pursuant to the special use permit. The existed use variance terminated by law. He concedes that under Code Section 105: a non-conforming lawful use, any lawful non-conforming use when the Code was enacted is allowed to continue. If the non-conforming use is abandoned for two or more years the new Code provisions will apply. The building was vacant for over two years, now the provision of the current Code applies and to move forward like this is a violation of the Zoning Code. He will file an appeal to stay everything and go to the ZBA next month to resolve this and follow the strict code. It is up to the Board. If the applicants proceed under the current Code, because the lot is no big enough for a SUP for a small business, they need to go directly to the ZBA and request a variance. Once the variance is granted and they are fully in compliance with local ordinances, they can proceed. The process in this instance was haphazard and without underlying written documentation to proceed.

The Chairman states he is proceeding under the determination of the Zoning Officer and will move forward under the site plan amendment process. He has listened to Mr. Rosenberg's opinion, which is not a legal opinion. Mr. Rosenberg is not a practicing attorney in NYS. There being no other comments, he asks for a motion. On a motion introduced by William Rice, the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Town of Wilton Planning Board approves the amended site plan application requested by Dione Ramsdill for an existing building to be used as a small business office. Property located at 4285 Route 50, Tax Map No. 141.-2-35 zoned RB-1; and be it

FURTHER RESOLVED, the amended site plan approval is based upon the minor nature of the changes to the site plan; and

the Determination of the Zoning Officer, dated, June 21, 2018 is attached hereto and made a part hereof. The motion is seconded by Erinn Kolligian, and duly put to vote, all in favor on this day July 18, 2018.

C. FOREST GROVE CONSERVATION SUBDIVISION: Forest Grove, LLC

Application for a Conservation Subdivision for 310± single-family residential units on 7 different tax parcels totaling 550± acres of land. Details of subdivision plan are contained in the EDP Project Narrative dated June 6, 2018. Mr. Dannible of EDP and Peter Belmonte of Forest Grove LLC are here to present the revised conceptual application for a conservation subdivision with 310± residential lots, located on Jones Road, near Putnam Lane and Scout Road in the Town of Wilton. The development will be consolidated on the southern end of the site with vast areas of open space and a trail network. Mr. Belmonte, the Applicant, is looking for conceptual approval tonight. If granted, they would have the ability to move into the detail design and engineering: the nuts and bolts of what they anticipate will be the premier community of not only Saratoga County, but in the capital District as well.

Mr. Dannible references a map of a comparable area of this project containing 550 acres with 310 units and compares it to lands on the west side of the Northway with about 150 acres of undeveloped land, about 700 to 800 residential units, the golf course and other open space area. Compared to what we are proposing on the east side of the Northway everything is consolidated down to a much smaller land area preserving significant areas of open space. The homes are clustered down to the south and the roads shortened to about 4 miles of road. There is significantly more public road on the other side of the highway. There are minor changes, but the overall concept is the same. The original application did not have town house components. Mr. Dannible uses the map to show some of details of the project:

- Town houses are in the light blue area
- Smaller single family lots in the red area
- Yellow, orange and purple areas are similar to the standard single-family lots that you see in cluster subdivisions now, with anywhere from 85 to 105 linear feet of frontage and depth anywhere from 150 up to 200 feet in depth.
- Some of the larger estate lots on the extreme northern end of the site are 1, 2, and 3 acre lots
- 3.5 miles of paved trails; potentially a fitness trail system incorporated in the plans and 2.5 miles of unimproved trail based upon existing logging roads or cleared roads to make a natural surface. That area along with all of the trails is going to be dedicated to the Town.
- Current proposal has eliminated the access road that did not service any lots, had no utilities on it and didn't serve a purpose within that area.
- Other modifications to access out onto Jones Road in the appropriate configuration of intersections, roundabouts and T- intersection will be an on-going process with the applicants, the Town and the traffic engineers associated with the project.
- Traffic details will be ironed out for the September meeting.

- Open space, the dedication of park land and certain areas to be dedicated as park land but restricted from clearing and restrict the uses that would occur within that area. Other land would be dedicated to the Town with no restrictions on any type of uses.
- In the land area associated with and behind these units, we want to preserve the vegetation and allow for walking trails.
- At the northern end of the site there is close to 180 acres of land that can be completely unrestricted. The Town if it so desires can make an active park with recreation fields, clearing and grading for soccer fields or baseball fields.

Mr. VanEarden asked if the trails are going to be multi-use. Mr. Dannible said no motorized vehicles to be used on the trails. There will be bicycling and room for strollers and pedestrians.

At the Town Board meeting on July 5, 2018, the Town Board made a motion for its intention to accept the open space in exchange for a 10% density bonus per the Town Code. Mr. Dannible explains to the Board the needed waivers and a breakdown of lot sizes per the 10% density bonus.

Mr. Riper reads through his review letter dated July 13th and states the Board should consider the following:

- What portions of land should the Town accept?
- Parking areas for trails on Putnam Lane and Scout Road with the appropriate number of parking spaces
- Developing access to Scout Road
- Layout of trails
- Southeastern part of trail runs adjacent to the Cahill's Forest Subdivision; discussion of a future trail connection to Cahill's Forest Subdivision
- Town discussion of trail maintenance
- Adjacent landowner's concerns addressed
- Concept for water and sewer connection
- Existing dwelling and barns on the property need demo permit
- Future road connection to the parcel to the east future with a stub placed at an intersection.
Always good idea to place a sign stating future road connection within the subdivision.
- Sending plans to emergency squad and fire department for review
- Letter to Town indicating there is a reserve capacity at SCSD#1.
- No stump dumps.
- Storm water design

Mr. Riper: I think the Applicant will be coming back next month to update the Board without seeking any approvals.. Mr. Dannible: we will come back in August and present any changes that we have, or any additional information related to changes associated with the detail designs and intersection improvements. Chairman Dobis agrees.

Mr. Rice asks how the construction is going to be phased. Mr. Dannible explains the phasing in reference to the project map. Mr. Rice voices concerns about the road with all the construction traffic and the fact that there is only one entrance for a such a big project. Mr. Rice: Did the Town Board make any comments? Mr. Belmonte: They loved it. Mr. Riper: The Town Board's only action was to make the intent to accept the land for the 10% density bonus.

Mr. Rice questioned the new bridge over the Northway. Mr. Dannible was under the impression that the Jones Road Bridge was being replaced. Mr. Riper says no. DOT is working on the bridge doing joint work, bearing work and approach work, that is all. I requested that they consider a sidewalk on the bridge and since they are spending money, why not do that? They are not touching the deck of the bridge, they are rehabbing the bridge, investing in the bridge's longevity. The Exit 16 Bridge needs replacement before the Jones Road Bridge and that is at least 10 years out. Mr. Belmonte asked if there was a conversation about re-striping the road to get a bike lane in. Mr. Riper: The Town is applying for a grant through CDTC of approximately two million dollars which would extend a multi-use trail from this area over the Jones Road Bridge with a multi-use path, a sidewalk on the bridge extended down Jones Road to cross somewhere in front of Dorothy Nolan School and extend on toward the entrance to Gavin Park with a multi-use trail. The applications for the grant are very competitive, it is not known whether we will get it. We are working on submitting the grant which has an August deadline. I'm trying to tie it in with this subdivision and with one thousand residents on the west side of the Northway, and a safe route to school. There are a lot of justifications for this grant, however it's two million dollars for a short section of pathway. Mr. Rice asked if the two million dollars would just be used for the work on the overpass. Mr. Riper said no and explained it was for the entire length, a little more than a mile with steep embankments, retaining walls and fill; the cost adds up very quickly.

Mr. Gabay: does the density include the 10% density bonus? Mr. Dannible said yes. Mr. Hebner asked if the asphalt trail would be used year-round. Mr. Belmonte: no maintenance will be done to the trail in the winter. Mr. Hebner: where are the water and sewer connections coming from on the other side of the road. Mr. Dannible explained the available options for a cross-access connection into the new community. The final decision will ultimately be made by WWSA. The community will be serviced by both water and sewer. Mr. Hebner questions the capacity of the water and sewer with the potential of another large neighborhood. Mr. Riper states that it was all part of the design and location of the pump station. Mike Mooney has done a lot evaluation on what the surrounding lands could produce, he is certainly taking that into consideration in terms of the overall capacity. There is a lot of capacity on top of the road, more than expected. There have been improvements to the equipment that have relieved the capacity issues. Mr. Hebner asked if contact had been made with the adjacent impacted homeowners. Mr. Dannible: the adjacent land owners, Linda Baker and Richard La Sal, who live on Putnam Lane are in the audience and in favor of the intersection being improved particularly due to safety issues coming off the bridge and then make a sharp right-hand turn into Putnam Lane. There was a discussion on what is the proper way to make the intersection with Jones Road and the realignment of Putnam Lane. Mr. Riper spoke to the Rodriguez's, the adjacent land owners across Jones Road, and they were very positive about the subdivision coming in.

Mr. Hebner questions the removal of the secondary road because of emergency access and the provision of a trail head to access the Town parcel. Mr. Dannible said trail head access at that point

was not the most appropriate location due to the topography. There are various routes of potential emergency access which are being discussed and reviewed with the Town.

Ms. Kolligian asked if was possible to do a site visit as they did with the Mill at Smith Bridge. She explains that it is difficult visualize the topography. Larry Gordon describes the many different elevations within those 38 acres of Town land. The 550± acres are thick with vegetation and have many different elevations. It's Mother Nature untouched for a long time. Mr. Riper describes his site visit to the Board. Ms. Kolligian: Maybe we won't do a site visit, you are just going to have to explain the elevations when things change.

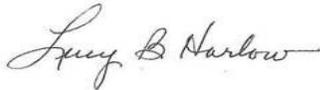
Mr. Dannible asks the Board to consider granting conceptual approval. On a motion introduced by Harold VanEarden, the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED: that the Planning Board approves the conceptual application by Forest Grove, LLC, for a Conservation Subdivision with 310± single-family units on 7 different tax parcels totaling 550± acres located on Jones Road near Putnam Lane in zoned R-2. The motion is duly put to vote, all in favor on this day July 18, 2018.

IV. ADJOURNMENT: Chairman Dobis asks for a motion to adjourn. On a motion introduced by Harold VanEarden, the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED that the meeting of the Planning Board be adjourned at 7:54 p.m. The motion is seconded by Erinn Kolligian, and duly put to vote, all in favor on this day July 18, 2018.

Date Approved: August 15, 2018



Lucy B. Harlow
Planning Board Secretary