



TOWN OF WILTON
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PLANNING BOARD

Michael G. Dobis,
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William Rice

Ron Slone

David Gabay

Brett Hebner

Jeffrey Hurt

David Catalfamo &
Michael Coleman
Alternate

Amy DiLeone
Executive Secretary

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

Mark Schachner
Planning Board
Counsel

PLANNING BOARD
November 18, 2020

A meeting of the Wilton Planning Board (“the Board”) occurred on November 18, 2020 via Zoom due to public health and safety concerns related to COVID-19, in accordance with the Governor’s Executive Order 202.1.

PLEDGE OF ALLEGIANCE
CALL TO ORDER:

I. REGULAR MEETING:

PRESENT: Chairman Michael Dobis, Harold VanEarden, Dave Gabay, Bill Rice, Ron Slone, Brett Hebner, Jeff Hurt, Dave Catalfamo, Alternate and 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: Michael Coleman, Alternate

MINUTES APPROVAL: Bill Rice moves, seconded by Dave Gabay for the approval of the meeting minutes of October 21, 2020 as written. Ayes: Chairman Dobis, Hal VanEarden, Ron Slone, Dave Gabay, Brett Hebner, Jeff Hurt, and Dave Catalfamo Alternate

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

II. APPLICATIONS:

A. Forest Grove, LLC: Forest Grove Conservation Subdivision: Application by Forest Grove, LLC for Amended Subdivision for Forest Grove Conservation Subdivision for dividing Phase I into Phase IA and Phase IB and changing the unit types on Pichot Court from type 2 to type 4. 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, EDP is here on behalf of Forest Grove, LLC. Peter Belmonte and Lindsey Belmonte are also present.

Joe Dannible is making a PowerPoint presentation:

- There is a slight modification to the approved subdivision plan for the community.
- Mr. Dannible is showing the previously approved master plan 321 units broken out into five phases.
- The initial phase of the approved was to include the construction of the roundabout, the red area single family homes, and the blue area townhomes.
- The slight modifications are phase I will become phase IA and phase IB. This is being done mainly for financial purposes.
- Showing the amended community master plan. We are changing the 11 single family lots to 9 slightly larger lots. These are the only changes to the lots.
- Phase IA will include the construction of the roundabout, the entrance road, and connection to Putnam Lane. Phase IB will be consistent with the previously submitted approved subdivision plan.
- The center of the boulevards will remain curbed the other streets are being changed from a vertical curb to a wing curb for financial reasons and future plowing issues.
- Two thirds of the community are currently on grinder pumps and one third on a municipal pump station. Going eliminate the pump station and have the entire community on low pressure force main with grinder pumps.
- The community center and dog park will remain in phase II.
- The trails will be cleared and cut in phases.
- The connection to Bullard Lane will be made when the 100th CO is issued.
- Purchased the last piece of property not owned by Forest Grove, LLC on Putnam Lane for future maintenance building.
- The maintenance building will be part of phase I.
- Future development will not be affected due to the decision not to incorporate a pump station.

Town Engineer Ripper addresses the items in his review letter to the Board.

- Discussion of traffic economic mitigation on Jones and Route 50.
- Construction will begin in the Spring of 2021.
- The roundabout was designed and pushed off of the main thoroughfare of Jones Road so that the time it took to tie in and have traffic controlled on Jones Road was minimized as much as possible.
- It would be most appropriate to do the work on Jones Road when school is not in session.
- Mr. Belmonte says they are exactly one year off schedule and everything they were committed to before is still in the game plan.

Chairman Dobis asks if there are any questions, there are none.

On a Motion introduced by Chairman Dobis the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby grant amended approval of the Forest Grove Subdivision Application to the Applicant. Property located north of Jones Road and near Putnam Lane, Tax Map No's 141.-1-25, 28, 29 and 128.-1-69, 71.22, 87 and 141.-2-2, 3 and 141.-2-4.2, and 140.16-3-1 thru 6 and 140.12-3-1 thru 11 and 99; zoned R-2. Conditioned upon the Town Engineer, Ryan Ripper's review letter dated November 9, 2020. Further conditioned upon,

resolution # 2020-01; project amenities being consistent with the intent of the original approved subdivision plan that is to be associated with Phase II of the project. There are no new or different environmental impacts requiring further SEQRA review.

The Motion is seconded by Hal VanEarden and duly put to vote, all in favor, on November 18, 2020.

C. R/H Route 50, LLC: Wilton Plaza: Application by R/H Route 50, LLC for Amended Site Plan for Wilton Plaza for installing two (2) 10-yard capacity trash bins and two (2) 8-yard capacity recycling bins and eliminating the connection road between R/H Route 50, LLC and the Wilton Mall. Property located at/on 3057 Route 50 on 4.07 acre(s), Tax Map No(s). 153.-3-117; zoned C-1.

John Nigro, Applicant, Gregg Ursprung, project engineer from Bergmann Engineering, Mark Nadolny, project traffic engineer from Creighton Manning are present to represent R/H Route 50, LLC., Jon Lapper the applicant's attorney is at a Zoning Board meeting in Queensbury and will be joining the meeting as soon as he is finished.

- Chairman Dobis asks John Nigro how long he thinks it will be until Attorney Lapper is available to join the meeting.
- John Nigro says it does not matter; I think we can proceed along. I think Gregg and I can answer whatever questions you have that your Board will be considering on this application.
- There is a new site plan before the Board dated 10/29/20. Relocated trash enclosures to the rear of the building.
- Gregg Ursprung explains the new site plan to the Board.
- The new site plan is showing what can not be done, not what can be done.
- Discussion of placement and number of dumpsters.
- Town submitted site plan recommendations to the applicant for their review today.
- Town Engineer Riper explains the designs the Town submitted to the applicant.
- Mr. Nigro says I had cursory look at the drawing even though it was only submitted earlier today. I know Gregg has not looked at it in detail, but I would say that none of those are going to work and from an economical standpoint it puts the property in a position that it's going to cost an awful lot more money from a trash pick-up position. The most important thing is I don't understand what the whole purpose of this is. The most appropriate place is where they were approved up against the adjoining shopping center and that's what we're proposing to do.
- Chairman Dobis explains details of the placement of the dumpsters and the process of the trash removal that will block the connector road.
- Mr. Nigro says there will be no connector road ever because it is a dangerous thing, and they supported that statement with licensed engineers who are testifying that is a dangerous thing. For you and your Board as advisors to the Town to try and create a safety issue is a matter that we will defend forever. There is not going to be a connector road we are here to put the dumpsters where they belong, it has nothing to do with a connector road. There will never be a connector road and if you want to take that to some level of court system, we are prepared to defend that because you are going to lose. There are engineers reports that show that this is a dangerous safety thing to people's lives.
- Mr. Nigro continues saying the next item on the agenda is the mall who is declining to want to do the connector road also. I do not know what support you have to try and force us to do something that is not safe and not the right thing to do, it's WRONG.
- Chairman Dobis agrees this has gone on too long and based on documentation and all the discussion that have been had he is making a two-part motion to deny the application for R/H Route 50, LLC.

On a Motion introduced by Chairman Dobis the Board adopts the following Resolution:

WHEREAS, R/H Route 50, LLC has made application to the Town of Wilton Planning Board for an Amended Site Plan for Wilton Plaza for installing two (2) 10-yard capacity trash bins and two (2) 8-yard capacity recycling bins and eliminating the connection road between R/H Route 50, LLC and the Wilton Mall. Property located at/on 3057 Route 50 on 4.07 acre(s), Tax Map No(s). 153.-3-117; zoned C-1.

WHEREAS, the Amended Site Plan application has been reviewed by the Planning Board, and its engineer Ryan K. Ripper, P.E., Director of Planning and Engineering; and

WHEREAS, the Planning Board has carefully considered the application and applicable criteria set forth in the Town Zoning Law and State Law and all requirements under SEQRA have been met.

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Wilton Planning Board denies the application for R/H Route 50, LLC request for the elimination of the connector road for the following reasons:

1. Letter from Maple Avenue Fire Company, dated 3/24/2008, states "The requirement of an additional entrance/exit to the mall ring road is the best and safest way to eliminate some of the traffic problems and it seems that the developers have put very little effort into securing this route."
2. Letter from Saratoga County Planning Board, dated 5/21/2008, states "We encourage the town planning board to continue [to] press for the internal connection from the Nigro property to the mall's ring road which we see as integral to the safe and efficient movements of vehicles between adjoining properties."
3. In reviewing the Planning Board's prior State Environmental Quality Review Act determination, the Planning Board issued a Negative Declaration. One of the specific supporting reasons why this Board issued the Negative Declaration as stated in this review was, "There will be a future connection to the mall ring road."
4. Per good planning practices, Wilton requires connecting roads to adjacent commercial properties.

AND, BE IT

FURTHER RESOLVED, that the Town of Wilton Planning Board denies the application for R/H Route 50, LLC proposed Site Plan for installing two (2) 10-yard capacity trash bins and two (2) 8-yard capacity recycling bins for the following reason: Where the applicant is proposing to place dumpsters, along with the angle of placement, will not work based on the new submitted site plan dated 10/29/20. Our Town Engineer, along with a Planning Board Member (who worked for several years for a large, local, commercial trash company to review proper placement of proposed dumpster locations so that they're both safe and functional) both believe that there are adequate locations onsite with possible different approach designs. As submitted, the applicant has shown that their design will not work and therefore the Board is denying this application. There are no new or different environmental impacts requiring further SEQRA review.

Chairman Dobis asked if there were any questions from the Planning Board, Mr. Hebner had a question.

- Mr. Hebner suggested a modification and looked to Board Attorney Schachner for advice. Mr. Hebner thinks the Motion should be amended to say “without prejudice” because it seems we haven’t considered what safety measures could potentially be placed if that is the applicant’s argument against the potential connector road to mitigate that concern. To say without prejudice so that we could continue the conversation or reach an agreement in the future.
- Chairman Dobis says this has been going on for a year, we have had many meetings, some exchange of ideas, and we are no closer today than we were a year ago. At any point, the applicant could come back with a different proposal or site plan. As it stands right now, I would like to keep the Motion as is. Chairman Dobis asks Board Attorney Schachner for his comments.
- Board Attorney Schachner says his comments are similar to Chairman Dobis and he wasn’t one hundred percent sure what Mr. Hebner meant by “without prejudice”. The applicant can certainly do either of two things; it could modify the proposal and return to the Planning Board with a modified proposal or the applicant could ask the Board to reconsider its decision with new information.
- Mr. Hebner says that answered the question and it would be treated as a separate application regardless of the decision on this application?
- Board Attorney Schachner says separate isn’t necessarily the right word; it might be considered a modification and not a separate application.
- Town Engineer Riper says it would be a totally new application.
- Applicant Attorney Jon Lapper has joined the meeting now.

Chairman Dobis asks if there are any other questions from the Planning Board Members, there were none.

- Mr. Nigro would like the four or five items that were set forth in the denial Motion repeated for Attorney Lapper.
- Chairman Dobis says we are in the middle of a Motion and you stated you and Gregg were certain you could move forward without Attorney Lapper.
- Board Attorney Schachner addresses Mr. Nigro and reminds him he said on the record to the Planning Board to go ahead and proceed without counsel.

The Motion is seconded by Hal VanEarden and duly put to vote, all in favor, on November 18, 2020.

D. Wilton Mall, LLC: Wilton Mall: Discussion regarding the removal of the construction and maintenance of the Proposed Road Connection between R/H Route 50, LLC and the Wilton Mall, that was originally a condition of final approvals of the Hospital project, including without limitation issuance of a certificate of occupancy.

Mike Shaffer of Wilton Mall and Don Pringle of Macerich are present to represent the Wilton Mall.

- Don Pringle makes a comment on the previous applicant saying that Macerich is not in favor of the connector road. I am not sure why they are speaking for Macerich - we will complete this connector road if that is the Town’s wish. The only thing we would request is that we recommend another traffic study confirming that there will not be any safety issues. Besides that, we were ready to move forward with the completion of the connector road last April assuming that we have cooperation from Wilton Plaza.
- Chairman Dobis says you didn’t move forward because you didn’t get the cooperation from Wilton Plaza. Don Pringle says that is correct.
- Mike Shaffer says the purpose is to discuss removing the conditions on the Hospital’s CO.

- Mike Shaffer references the letter dated September 14, 2020.
- They will build the road if the conditions of the letter are met.
- Discussion of a new traffic study being done versus the traffic study that has been done.
- Chairman Dobis is questioning the need for a new traffic study, saying that it was not part of the original agreement.
- Mike Shaffer is saying they will complete the road.
- They were ready to put the road in back in April but there was no cooperation from the Wilton Plaza.
- Chairman Dobis says to fulfill the condition of paving the road up to the property line and the Hospital will get an unconditioned CO.
- Is the mall proposing to do their own traffic study?
- The mall is willing to fulfill the original requirement of the connector road.
- Don Pringle says they will meet with their legal team this week and get some answers.

The Board took no action on this Application.

E. The RG Lakeside project on Route 50 and the adjacent landowner Chuck Gerber:

- This project was conditioned upon the removal of the exit lane from Chuck Gerber's property.
- Mr. Gerber is willing to do that, part of the proposal by RG Lakeside was to plant three shrubs in that location.
- Mr. Gerber would like to install a split rail fence instead of the shrubs.
- Town Engineer Riper is looking for a consensus from the Board.
- The Board would like to see the original condition of the three shrubs installed and if Chuck Gerber wants to install a fence on his property he may.

On a Motion introduced by Dave Gabay the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED that the meeting of the Planning Board be adjourned at 8:05p.m. The Motion is seconded by Hal VanEarden and duly put to vote, all in favor on this day November 18, 2020.

Date Approved December 16, 2020
Amy DiLeone
Executive Secretary