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**TOWN OF WILTON
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PLANNING BOARD
November 20, 2019

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 November 20, 2019 at the Wilton Town Hall, 22 Traver Road, Wilton, New York.

**PLEDGE OF ALLEGIANCE
CALL TO ORDER:**

At 6:33 p.m., Chairman Dobis opens the Public Hearing.

I. PUBLIC HEARING:

A. JAG Construction Warehouse: JAG 1, LLC: Application for Preliminary Site Plan by JAG 1, LLC, Tim Barber for a proposed two-phase development of JAG Construction Warehouse. Property located on Lot 8 on Blue Lupine Lane on 4.76 acres, Tax Map No. 128.-1-100; zoned C3.

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** for a proposed two-phase development of JAG Construction Warehouse. Property located on Lot 8 on Blue Lupine Lane on 4.76 acres, Tax Map No. 128.-1-100; zoned C3.

SAID HEARING will be held on Wednesday, November 20, 2019 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.

BY RESOLUTION of the Planning Board for the Town of Wilton, Saratoga County, State of New York.

Dave Kimmer of ABD Engineering and Tim Barber, owner of JAG, LLC are present.

General site statistics:

- The project is located on 8 Blue Lupine Lane.
- The project will be done in two phases.
- Mr. Barber has five locations and is going to consolidate three of them into this project.
- The future expansion may include the two other locations.
- The project is being phased because he is not sure of his future business plan.
- Phase one proposed 11,200± SF one-story warehouse and 6,000±SF storage shed.
- Phase two future 8,000± SF warehouse expansion of the office warehouse building.
- The project will be on well and septic.
- The parking lot will be gravel.
- The warehouse will be storage for heavy construction equipment and materials.
- Their main construction business consists of commercial construction of auto dealerships and warehouses.

Public Comment:

- Resident expressed concern over the zoning uses in the C-3 area, maintaining vehicles on the property, concrete site work, and these types of vehicles that are involved in heavy equipment construction having the potential for fluids entering the soils. What types of vehicles will be worked on and stored on the property? What precautions are being taken to make sure fluids are not contaminating the soils? What types of materials will be stored on the property?

Chairman Dobis asked if there were any other questions or comments. There were none.

Harold Van Earden made a motion to close the Public Hearing at 6:39 p.m. seconded by Ron Slone. All Board members were in favor.

B. Mandy Spring: Todd & Leoni Smith: Application for Preliminary Site Plan approval for Mandy Spring by Todd and Leoni Smith for a proposed business office for landscape design, a small retail area for landscape and garden items, and a garden café. Property located on 697 Route 9 on 2.378 acres, Tax Map No. 140.-3-6; zoned CR-2.

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** for a proposed business office for landscape design, a small retail area for landscape and garden items, and a garden café. Property located on 697 Route 9 on 2.378 acres, Tax Map No. 140.-3-6; zoned CR-2.

SAID HEARING will be held on Wednesday, November 20, 2019 at 6:31 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.

BY RESOLUTION of the Planning Board for the Town of Wilton, Saratoga County, State of New York.

Todd Smith and Tom Center of Hutchens Engineering are present to represent Mandy Springs.

General site statistics:

- Made a change along the front of the building, adding grass pavers to cut down look of pavement in the front of the building.
- Provided responses to Mr. Riper's letter.
- There are not many changes since we were before the Board in October.

Public Comment:

- Resident voices concern about there being three separate uses on the property, retail, food service, and office. He asks for clarification as to what exactly the food service is going to be.

Chairman Dobis asked if there were any other questions or comments. There were none.

Harold Van Earden made a motion to close the Public Hearing at 6:43 p.m. seconded by Ron Slone. All Board members were in favor.

C. Saratoga Hospital Application for Minor Amended Site Plan approval for Saratoga Hospital for a proposed 55,000 sq. ft. renovation of existing mall area with minor site changes to the parking lot; for a Primary Care medical office space and standard office space for a variety of programs. Property located at Wilton Mall (formerly Sears) 3065 Route 50 on 93.59 acres, Tax Map No. 153.-3-86.111; 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** for Saratoga Hospital for a proposed 55,000 sq. ft. Primary Care medical office space and standard office space for a variety of programs. Property located at Wilton Mall (formerly Sears) 3065 Route 50 on 93.59 acres, Tax Map No. 153.-3-86.111; zoned C-1.

SAID HEARING will be held on Wednesday, November 20, 2019 at 6:32 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.

BY RESOLUTION of the Planning Board for the Town of Wilton, Saratoga County, State of New York.

Craig Tripp of GPI and Jon Primeau from The Architectural Collaborative and Kevin Ronayne of Saratoga Hospital are present to represent Saratoga Hospital.

General site statistics:

- Saratoga Hospital will be leasing space from Wilton Mall (formerly Sears).
- There will be Primary Care medical office space for a variety of programs.
- There will be an extension of a canopy off the entrance of the west side of the building.
- They are proposing a new parking lot layout and new landscaping.
- They are reconfiguring parking for patient safety.
- Eliminate the 30 ft. opening that comes directly in front of Sears.
- The hospital would like to add a drop off canopy for patient safety and practicality.
- Reconfigure the parking for safety.
- New podiatry clinic and wound care clinic with 3 hyperbaric chambers.
- Staff offices will include the IS Department, Health Information Services Department (HIS), and medical records, informatics, and population health.
- There will be approximately 180 employees.
- Eight months of total construction time.
- Completion by July of 2020.

Public Comment: There was no public comment.

Chairman Dobis asked if there were any other questions or comments. There were none.

Erinn Kolligian made a motion to close the Public Hearing at 6:49 p.m. seconded by Ron Slone. All Board members were in favor.

II. REGULAR MEETING: (6:50 p.m.)

PRESENT: Chairman Michael Dobis, Harold VanEarden, William Rice, Erinn Kolligian, Ron Slone, and David Catalfamo, Alternate; Ryan K. Riper, P.E., Director of Planning and Engineering, Brian Reichenbach, Planning Board Counsel and Amy DiLeone, Executive Secretary

ABSENT: David Gabay, Brett Hebner

MINUTES APPROVAL: Harold Van Earden moves, seconded by Ron Slone, for the approval of the meeting minutes of October 16, 2019 as written. Ayes: Ron Slone, William Rice, Chairman Dobis, and Erinn Kolligian.

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

III. APPLICATIONS:

A. JAG Construction Warehouse: JAG 1, LLC: Application for Preliminary Site Plan by JAG 1, LLC, Tim Barber for a proposed two-phase development of JAG Construction Warehouse. Property located on Lot 8 on Blue Lupine Lane on 4.76 acres, Tax Map No. 128.-1-100; zoned C3.

Dave Kimmer of ABD Engineering and Tim Barber, owner of JAG 1, LLC Construction are present.

Project Overview:

- The project is located on 8 Blue Lupine Lane.
- The project will be done in two phases.
- The future expansion may include the two other locations.
- The project is being phased because he is not sure of his future business plan.
- Comments from Mr. Riper were minor and will be addressed.

Mr. Riper addresses the items in his review letter to the Board.

Mr. Riper reply's to public comment regarding spills. They are reportable spills per NY State DEC spill control. There are rules and regulations for reporting spills.

Public Comment Addressed:

- Mr. Barber says all their equipment is in good shape.
- They do not store any hazardous materials, and all other materials are stored inside.
- They have never had a spill and if they did it would be reportable to DEC.
- Materials would consist of culvert pipe, lumber, and concrete forms.
- They hire professional mechanics to service their equipment.
- All employees are trained on how to report hazardous spills.

Town Counsel Brian Reichenbach reads the SEQRA Part II questions to the Board.

Part II questions are:

1. *Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?* "No "
2. *Will the proposed action result in a change in the use or intensity of use of land?* "No "
3. *Will the proposed action impair the character or quality of the existing community?* "No "

4. *Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? “No “*
5. *Will the proposed action result in an advanced change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkway? “No “*
6. *Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? “No “*
7. *Will the proposed action impact existing:*
 - a. *Public/ private water supplies? “No “*
 - b. *Public/private wastewater treatment utilities? “No “*
8. *Will the proposed action impair the character or quality of important historic, archaeological, architectural, or aesthetic resources? “No “*
9. *Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora, and fauna? “No “*
10. *Will the proposed action result in an increase in the potential for erosion, flooding, or drainage problems? “No “*
11. *Will the proposed action create a hazard to environmental resources or human health? “No”*

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 adopts a negative declaration on SEQRA for subdivision by JAG 1, LLC, Tim Barber for a proposed two-phase development of JAG Construction Warehouse. Property located on Lot 8 on Blue Lupine Lane on 4.76 acres, Tax Map No. 128.-1-100; zoned C3.

Project Overview:

- The project is located on 8 Blue Lupine Lane.
- The project will be done in two phases.
- Mr. Barber has five locations and is going to consolidate three of them into this project.
- The future expansion may include the two other locations.
- The project is being phased because he is not sure of his future business plan.
- Phase one proposed 11,200± SF one-story warehouse and 6,000±SF storage shed.
- Phase two future 8,000± SF warehouse expansion of the office warehouse building.
- The project will be on well and septic.
- The parking lot will be gravel.
- The warehouse will be storage for heavy construction equipment and materials.
- Their main construction business consists of commercial construction of auto dealerships and warehouses.

The motion is seconded by Ron Slone and duly put to vote, all in favor, on November 20, 2019.

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 Application for Preliminary Site Plan approval by JAG 1, LLC, Tim Barber for a proposed two-phase development of JAG Construction Warehouse. Property located on Lot 8 on Blue Lupine Lane on 4.76 acres, Tax Map No. 128.-1-100; zoned C3.

The motion is seconded by Ron Slone and duly put to vote, all in favor, on November 20, 2019.

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 Application for Final Site Plan approval by JAG 1, LLC, Tim Barber for a proposed two-phase development of JAG Construction Warehouse. Property located on Lot 8 on Blue Lupine Lane on 4.76 acres, Tax Map No. 128.-1-100; zoned C3. Conditioned upon compliance with the Town Engineer, Ryan Riper's review letter dated November 8, 2019.

The motion is seconded by Harold Van Earden and duly put to vote, all in favor, on November 20, 2019.

Erinn Kolligian recuses herself at 7:01 p.m.

B. Mandy Spring: Todd & Leoni Smith: Application Conceptual site plan approval for Mandy Spring by Todd and Leoni Smith for a proposed business office for landscape design, a small retail area for landscape and garden items, and a garden café. There is an existing Special Use Permit for food service, the applicant is seeking an area variance for the number of parking spaces. Property located on 697 Route 9 on 2.378 acres, Tax Map No. 140.-3-6; zoned CR-2.

Project Overview:

- Made a change along the front of the building, adding grass pavers to cut down look of pavement in the front of the building.
- Provided responses to Mr. Riper's review letter.
- There are not many changes since we were last before the Board in October.

Mr. Riper addresses the items in his review letter to the Board.

Mr. Riper would like to note that there is new determination from the Zoning Officer on the use.

Public Comments Addressed:

- Todd Smith states the size of the cafe' itself, the kiosk coffee counter would be similar to the Starbucks at Albany Airport. It would be 24 ft. long 10-12 ft. deep, 250 sq. ft. for a place to make a coffee, prepare a pot of soup or heat up a pastry or make a cup of tea. It is not a kitchen as Mr. Mykins notes.
- Still figuring the exact number of tables, maybe 10 with seating for two or four.
- Intension of the tables during the season to spread them through the permeable patio area so if the weather is nice patrons can sit outside.
- The idea behind the garden cafe' is patrons can enjoy their coffee and lite fare in and around the garden.

Chairman Dobis asked if there were any other questions or comments. There were none.

Town Counsel Brian Reichenbach reads the SEQRA Part II questions to the Board.

Part II questions are:

1. *Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?* "No "
2. *Will the proposed action result in a change in the use or intensity of use of land?* "No "
3. *Will the proposed action impair the character or quality of the existing community?* "No "
4. *Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?* "No "
5. *Will the proposed action result in an advanced change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkway?* "No "

6. *Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? “No “*
7. *Will the proposed action impact existing:*
 - a. *Public/private water supplies? “No “*
 - b. *Public/private wastewater treatment utilities? “No “*
8. *Will the proposed action impair the character or quality of important historic, archaeological, architectural, or aesthetic resources? “No “*
9. *Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora, and fauna? “No “*
10. *Will the proposed action result in an increase in the potential for erosion, flooding, or drainage problems? “No “*
11. *Will the proposed action create a hazard to environmental resources or human health? “No”*

On a motion introduced by Ron Slone, 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 Preliminary Site Plan approval by Todd and Leoni Smith for Mandy Spring for a proposed business office with retail space. Property located on 697 Route 9 on 2.378 acres, Tax Map No. 140.-3-6; zoned CR-2.

The motion is seconded by Harold Van Earden and duly put to vote, all in favor, on November 20, 2019.

On a motion introduced by Harold VanEarden, the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board for the Town of Wilton approves the Application for Preliminary Site Plan approval by Todd and Leoni Smith for Mandy Spring for a proposed business office with retail space. Property located on 697 Route 9 on 2.378 acres, Tax Map No. 140.-3-6; zoned CR-2.

The motion is seconded by Dave Catalfamo and duly put to vote, all in favor, on November 20, 2019.

On a motion introduced by Harold VanEarden, the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board for the Town of Wilton approves the Application for Final Site Plan approval by Todd and Leoni Smith for Mandy Spring for a proposed business office with retail space. Conditioned upon compliance with the Town Engineer, Ryan Riper’s review letter dated November 12, 2019. Property located on 697 Route 9 on 2.378 acres, Tax Map No. 140.-3-6; zoned CR-2

The motion is seconded by Dave Catalfamo and duly put to vote, all in favor, on November 20, 2019.

Erinn Kolligian returns to the dais (7:25 p.m.)

C. Wilton Mall: Discussion and conditions of Wilton Mall Loop Road connection to the Wilton Plaza (Nigro), property located on NY Route 50.

Mike Shaffer, CSM/Senior Manager, Property Management is present to represent Macerich, Wilton Mall at Saratoga.

Project Discussion:

- Chairman Dobis reviews the history of the Wilton Mall Ring Road.

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- Discussion of Wilton Mall Loop Road connection to the Wilton Plaza, located on Route 50 in front of Wilton Mall.
- Saratoga Hospital is going to be a tenant at Wilton Mall (former Sears building).
- Mike Shaffer states the Mall is willing to build the road and they have a scope of work.
- Mr. Shaffer requests a meeting with Nigro (Wilton Plaza) and Mr. Riper to discuss the logistics of this project.
- The Mall is going to give the Town a commitment letter.
- Discussion of the timing of Saratoga Hospital opening and the construction of the road beginning. The tentative date discussed was July 1, 2020.
- Kevin Ronayne of Saratoga Hospital states their intent is to build the back end first for staff offices and the clinical offices in the front will be built and occupied after they receive their state approvals.
- Saratoga Hospital's intent is to move staff in by February/March 2020.
- The owner of Wilton Square (Nigro) must comply with the approved site plan of February 19, 2008.
- The Mall will have the commitment letter to the Town by December 17, 2019.
- The scope of Chairman Dobis's letter was discussed.
- The Planning Board discussed the lighting and the sidewalk indicated on the site plan.
- The Planning Board concluded that the sidewalk would be dangerous and is not necessary.
- The lighting will be addressed.
- The road will be the same width as the stub, 24 ft.

D. Saratoga Hospital Application for Minor Amended Site Plan approval for Saratoga Hospital for a proposed 55,000 sq. ft. renovation of existing mall area with minor site changes to the parking lot; for a Primary Care medical office space and standard office space for a variety of programs. Property located at Wilton Mall (formerly Sears) 3065 Route 50 on 93.59 acres, Tax Map No. 153.-3-86.111; zoned C-1.

Craig Tripp of GPI and Jon Primeau from The Architectural Collaborative and Kevin Ronayne of Saratoga Hospital are present to represent Saratoga Hospital.

Saratoga Hospital addresses Mr. Riper's review letter.

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 Application for Minor Amended Site Plan approval for Saratoga Hospital for a proposed 55,000 sq. ft. renovation of existing mall area with minor site changes to the parking lot; for a Primary Care medical office space and standard office space for a variety of programs. Conditioned upon compliance with the Town Engineer, Ryan Riper's review letter dated November 8, 2019. Further conditioned upon the owner of Wilton Mall providing an acceptable letter of commitment by December 17, 2019 to the Town for installation of connector road impertinences. Property located at Wilton Mall (formerly Sears) 3065 Route 50 on 93.59 acres, Tax Map No. 153.-3-86.111; zoned C-1. There are no new or different environmental impacts requiring further SEQRA review.

The motion is seconded by Harold Van Earden and duly put to vote, all in favor, on November 20, 2019.

E. North Manor Development: Burnham Hollow A request by North Manor Development for a 90-day extension for Burnham Hollow Subdivision. The project was originally approved in May of 2019 and the 180-day approval period will expire in November of 2019. The project has incurred a delay due to reaching an agreement with a third party which is needed to ensure the easement is completed. Property located on 52/58 Burnham Road on 8.7 acres. Tax Map No. 114.15-3-8.1; zoned R-1.

There are no questions or comments.

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

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Wilton Planning Board approves the request by North Manor Development for a 90-day extension for Burnham Hollow Subdivision. Property located on 52/58 Burnham Road on 8.7 acres. Tax Map No. 114.15-3-8.1; zoned R-1. There are no new or different environmental impacts requiring further SEQRA review.

The motion is seconded by Dave Catalfamo and duly put to vote, all in favor, on November 20, 2019.

F. Cecil Provost: Provost Group Inc. Offices Pre-Application by Cecil Provost for a proposed conversion of a single-family home into office/display area, 30 ft. x 72 ft. future garage, 50 ft. x 100 ft. outdoor storage area, and outdoor displays of factory manufactured homes (mobile homes) and modular homes. The applicant is seeking an area variance for the square footage of two combined uses on one piece of property; required is 160,000 sq. ft., applicant has 139,654 sq. ft., relief requested is 20,346 sq. ft. Property located on 250 Ballard Road on 3.03 acres, Tax Map Number 115.-1-1.1; zoned C-3.

Chairman Dobis: The applicant is here to get a recommendation to the ZBA.

Cecil Provost, owner of Provost Group Inc. is present.

Project Overview:

- This is a revised proposal for the project.
- Proposed new office building is going to be in front of the existing building.
- A 4-bedroom ranch will be turned into office /display area.
- Mr. Provost will need an Area Variance for the two uses on the property.
- A permanent modular model home will be attached to the office building.
- Discussion on what is going to be placed on the property such as; manufactured homes (mobile) or modular homes, the use of the office space and retail space.
- An area variance goes with the land not with the applicant.
- The Planning Board recommends the ZBA condition any granting of an Area Variance upon the Site Plan approval by the Planning Board.

Mr. Ripper discussed Site Plan concerns with the Board.

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

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Wilton Planning Board gives a positive referral to the Zoning Board of Appeals to consider the application for the area variance for the square footage of two combined uses on one piece of property; required is 160,00 sq. ft., applicant has 139,654 sq. ft., relief requested is 20,346 sq. ft. The Planning Board recommends the ZBA condition any granting of an Area Variance upon the Site Plan approval by the Planning Board. Property located on 250 Ballard Road on 3.03 acres, Tax Map Number 115.-1-1.1; zoned C-3.

WHEREAS, the Town of Wilton Planning Board deliberated and expressed concerns over the numerous structures, placement of structures, and structure sizes, given the location and size of the property.

The motion is seconded by Jeff Hurt and duly put to vote, all in favor, on November 20, 2019.

G. William Mevec: Mixed Use Commercial Building Pre-Application by William Mevec for an existing 3,000 sf Funeral Home and a 6,000 sf. Mixed Use Commercial Building. The existing one-story funeral home will remain unchanged. The one-story commercial building will include several existing tenants with additional space available for lease. Property located on 395 Ballard Road on 3.39 acres, Tax Map Number 114.8-1-16; zoned RB-1.

Gavin Vuillaume, RLA with EDP is here to represent William Mevec.

Project Overview:

- The property is located on 395 Ballard Road on the corner of Ballard Road and Northern Pines Road.
- There are several uses on the property. A funeral home (no changes) and a 6,000 sq. ft. commercial building that must be brought into compliance.
- The property was originally two parcels, now it is one.
- There is no existing site plan for the property as it exists now.
- Construction is happening now with no approvals or site plan. Mark Mykins has issued a “stop work” order.
- The Planning Board is displeased with outside condition of the commercial building.
- Full site plan review is going to be required by the Planning Board. There is no existing site plan to amend.

IV. ADJOURNMENT:

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

NOW, THEREFORE, BE IT RESOLVED that the meeting of the Planning Board be adjourned at 9:00 p.m. The motion is seconded by Harold VanEarden, and duly put to vote, all in favor on this day November 20, 2019.

Date Approved December 18, 2019

Amy DiLeone
Executive Secretary