



TOWN OF WILTON
22 TRAVER ROAD
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PLANNING BOARD

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PLANNING BOARD **November 16, 2022**

A meeting of the Wilton Planning Board ("the Board") occurred on November 16, 2022, at 6:30 P.M., at Wilton Town Hall, 22 Traver Road, Wilton NY 12831.

PLEDGE OF ALLEGIANCE

I. CALL TO ORDER:

At 6:30P.M., Chairman Rice opens the Public Hearing.

II. PUBLIC HEARINGS:

- A. Wilton Road Solar: Wilton Road Solar, LLC:** Application for Wilton Road Solar by Wilton Road Solar, LLC for development of an approximately 4.1 MW solar project. Property located at/on 448 Wilton-Gansevoort Rd on 65.58 acre(s), Tax Map No(s). 102.-1-18.3; zoned R-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 the Application for Wilton Road Solar by Wilton Road Solar, LLC for development of an approximately 4.1 MW solar project. Property located at/on 448 Wilton-Gansevoort Rd on 65.58 acre(s), Tax Map No(s). 102.-1-18.3; zoned R-2.

SAID HEARING will be held on Wednesday, November 16, 2022, at 6:30PM at 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.

Mike Chandler of Seaboard Solar and Steve Wilson of Bohler Engineering are here to represent Wilton/Gansevoort Solar.

- The site is 66 acres.
- We are going to construct a 4.1-megawatt solar project on the property,
- The panel's themselves total about 14 acres, while the footprint of the array is about 30 acres, so there is quite a bit of green space kind of mixed with the arrays.
- The project would include an eight-foot-high chain link fence around the property for security.
- A single entrance off the road with a gravel access drive, that would snake through the arrays and provide access for maintenance and repairs as needed.
- One important feature that Seaboard likes to do as part of restoration of the project is a pollinator seed mix. This provides a nice habitat on the property.
- Once operational the traffic is almost nonexistent. Maybe once a month someone comes out to the site to do repairs or check the equipment, but all the equipment is monitored remotely.

Public Comment:

- Resident asked where the project was located.
- Mr. Wilson: 448 Wilton-Gansevoort Road.
- Resident had a question on the decommissioning plan.
- Mr. Wilson: The decommissioning plan has been submitted as part of our application and it includes an estimate to take apart and restore the project as it is. It also includes an escalation factor for inflation to cover things over time. I think in the past, we have revisited these things to adjust them as needed over the 25 years to make sure every three years, we will revisit it as part of our approval to make sure that the escalation has been met.
- Resident asked who provides the money and how much money.
- Mr. Chandler: It is provided in the form of an insurance bond. Like Steve mentioned, there is an increase over the years to match inflation and that sort of thing. It is a number that we have based on other projects, we have done other projects we have observed and that sort of thing. The cost usually starts around \$180,000 and has gone as high as \$300,000 after the escalation period.
- A resident asked for an explanation of the colors on the map and where the fence was going.
- A resident stated that there was a lot of hunting in that area and what would happen if a stray bullet hit a panel would there be health or environmental concerns?

- Mr. Wilson: The panels are made of silicone, which would be kind of a naturally occurring material, so it is not hazardous and would not catch fire. The site will be monitored remotely so it would be fixed rather quickly.

Mr. VanEarden moves, seconded by Mr. Gabay to close the Public Hearing.

III. REGULAR MEETING:

Chairman Rice opens the regular meeting.

PRESENT: Chairman William Rice, Hal VanEarden, Dave Gabay, Chris Price, Tom Murphy, and Chad Jerome, 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: Brett Hebner

MINUTES APPROVAL: Mr. VanEarden made a motion, seconded by Mr. Murphy for the approval of the meeting minutes of October 19, 2022, as written.

Ayes: Chairman Rice, Hal VanEarden, Dave Gabay, Dave Catalfamo, Chris Price, Tom Murphy, and Chad Jerome, Alternates

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

IV. APPLICATIONS:

A. Wilton Road Solar: Wilton Road Solar, LLC: Application for Wilton Road Solar by Wilton Road Solar, LLC for development of an approximately 4.1 MW solar project. Property located at/on 448 Wilton-Gansevoort Rd on 65.58 acre(s), Tax Map No(s). 102.-1-18.3; zoned R-2.

Mike Chandler of Seaboard Solar and Steve Wilson of Bohler Engineering are here to represent Wilton/Gansevoort Solar.

There were no questions from the Board.

Mr. Riper, Town Engineer addressed his comments to the Board.

- After our site walk, my concern was the one resident, adjacent to the entrance of this property. The panels were relatively close to the home, we talked about maybe relocating some of the panels to the rear of the project. It just opens up the area and a buffer along the entrance of this project to this adjacent residence.
- Buffering and additional landscaping should be added to the next submission.
- Nothing is to be buried on site.

Town Counsel Brian Reichenbach reads the SEQRA Part II questions to the Board. All questions were answered “No” with all subsequent questions answered “No” or “Small” with exceptions of the following questions:

1. Impact on Land (Yes); subsequent questions answered “No” or “Small”
7. Impact on Plants and animals (Yes); subsequent questions answered “No” or “Small”
9. Impact on Aesthetic (Yes)Resources; 7. subsequent questions answered “No” or “Small”

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

NOW, THEREFORE, BE IT RESOLVED, that the Town of Wilton Planning Board does hereby move for a negative declaration on SEQRA for the Application for Wilton Road Solar by Wilton Road Solar, LLC for development of an approximately 4.1 MW solar project. Property located at/on 448 Wilton-Gansevoort Rd on 65.58 acre(s), Tax Map No(s). 102.-1-18.3; zoned R-2.

The motion is seconded by Mr. VanEarden and duly put to vote, all in favor, on November 16, 2022.

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 Special Use Permit for Wilton Road Solar by Wilton Road Solar, LLC for development of an approximately 4.1 MW solar project. Property located at/on 448 Wilton-Gansevoort Rd on 65.58 acre(s), Tax Map No(s). 102.- 1-18.3; zoned R-2.

The motion is seconded by Mr. VanEarden and duly put to vote, all in favor, on November 16, 2022.

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 Preliminary Site Plan for Wilton Road Solar by Wilton Road Solar, LLC for development of an approximately 4.1 MW solar project. Property located at/on 448 Wilton-Gansevoort Rd on 65.58 acre(s), Tax Map No(s). 102.-1-18.3; zoned R-2.

The motion is seconded by Mr. Murphy and duly put to vote, all in favor, on November 16, 2022.

B. Ingersoll Road Conservation Subdivision: Bordeau Builders, Inc.
Application for Ingersoll Road Conservation Subdivision by Bordeau Builders, Inc. for creating forty-one (41) single family lots. Property located at/on Ingersoll Rd at Route 50 on 76.47 acre(s), Tax Map No(s). 154.-1-3.1; zoned R-2, RB-1.

Scott Lansing of Lansing Engineering is here representing Ingersoll Road Conservation Subdivision.

Mr. Lansing:

- We are asking for final approval for the project.
- At the last meeting with this Board, we did obtain preliminary approval and the SEQRA neg dec was issued for the project.
- We had some comments to address from Mr. Riper and I feel we have addressed those comments.
- The only item that the Board had, that was not addressed in the comments, was relative to the question about speed on Ingersoll Rd. and potential mitigation for that with a solar powered speed sign that would tell the motorist what the speed of the vehicle was.
- The Board asked for the applicants to consider donating the signs.
- My recollection from the meeting was that the Highway Superintendent was here, he had some angst about the signs being privately funded and being placed on public property.
- As far as the speeds on Ingersoll, I do also believe that law enforcement may have been out there to take a look at what was going out there and I think the majority of the people that have been pulled over were local residents from that immediate area.
- There are 41 units, and this is not a significant trip generator, not a significant contribution to the traffic on the roadway and we do not think it is going to exacerbate this situation anymore.
- The applicant was not really thrilled about attributing the sign in light of the feedback that we got from the Highway Superintendent.

Mr. Riper confirmed the Highway Superintendent was not in favor of the digital sign.

Mr. Murphy voiced his concern regarding lots 23 through 29 and their driveways being located on Ingersoll Road.

Discussion on the 15% slopes and the DEC buffers being enforced.

On a motion introduced by Mr. Price 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 Ingersoll Road Conservation Subdivision by Bordeaux Builders, Inc. for creating forty-one (41) single family lots. Conditioned upon compliance with the Town Engineer, Ryan Riper's review letter dated November 9, 2022. Property located at/on Ingersoll Rd at Route 50 on 76.47 acre(s), Tax Map No(s). 154.-1-3.1; zoned R-2, RB-1.

The motion is seconded by Mr. Mr. VanEarden and duly put to vote, on November 16, 2022.

Opposed: Mr. Murphy

C. Chase Bank at Perry Crossing: FFBWOOD#2 LLC Application for Amended Site Plan for Chase Bank at Perry Crossing by FFBWOOD#2 LLC for change in tenant from tire service station to bank. Property located at/on Route 50 and Perry Rd on 1.46 acre(s), Tax Map No(s). 153.-3-90.5 (Lot 1); zoned C-1.

Luigi Palleschi, ABD Engineering is here to represent Perry Crossing, FFBWOOD for Chase Bank.

Mr. Palleschi:

- We are here tonight to amend the site plan for lot number 1 to allow Chase Bank.
- If you will recall the previous plan, the building for the tire service station was much larger, there was a lot more impervious blacktop and parking.
- By allowing this Chase, not only is the use better, but this provides additional green space, especially on this lot number 1 in particular, because we went through a lot of discussion with Pyramid Pines mobile home park at the rear.
- I do not know if any of you have been by the site, but this project is actually under construction. A lot of the groundwork is done.
- Stormwater is done, landscaping is done, and the white vinyl fence has been installed.
- Advanced Auto Parts store has walls up, so they are the first ones that are going to be in.
- Our goal tonight is to obtain site plan approval for Chase Bank with these changes.
- If we get approvals tonight, they can move forward with their architects and pull a building permit in March.
- Landscaping has been the same as previously approved, we have actually added a few more trees within the site in the green areas.
- The sidewalk has been maintained, as we talked about before, all the way from Perry Road through the site, and up to the Shoppes of Wilton. The lighting is being installed around the perimeter as previously approved. But lighting is a little different internally because it is a bank, and it has to meet certain requirements for ATM.
- Chase Bank does have an ATM drive up area in the back. It is not a drive-up window it is ATM only.
- The parking that you see here will be utilized
- We did reach out to Pyramid Pines and Scott Perkins their attorney and they are satisfied with the new use.

Mr. Riper spoke with Scott Perkins, the attorney for Pyramid Pines and they have no objection to the use.

Mr. Riper, Town Engineer addressed his review letter dated November 10, 2022, to the Board.

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 Amended Site Plan for Chase Bank at Perry Crossing by FFBWOOD#2 LLC for change in tenant from tire service station to bank. Conditioned upon compliance with the Town Engineer, Ryan Riper's review letter dated November 10, 2022. Property located at/on Route 50 and Perry Rd on 1.46 acre(s), Tax Map No(s). 153.-3-90.5 (Lot 1); zoned C-1. 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 November 16, 2022.

D. Wilton Mall Mixed Use PUDD: Wilton Mall, LLC Application for Wilton Mall Mixed Use PUDD by Wilton Mall, LLC for establishing a Planned Unit Development District for a development with mixed-use; 680,000 sq. ft. of commercial use and 382 residential units (296 apartments and 86 townhomes). Property located at/on 3065 Route 50 on 101 acre(s), Tax Map No(s). 153.-3-86.2, 86.12, 86.111 & 86.112; zoned C-1.

Mike Shaffer, the General Manager of the Wilton Mall, Toni Farmer, and Jamie Wilbert from our Development Team out of Rochester, Jeff Sasser the Planner with Stantec, and Tom Settle principal of the Paramount Group who is our partner in this project for proposed residential development at the Wilton Mall.

Mr. Shaffer:

- So basically, the mixed-use evolution of the mall started back in when two department stores went out of business Bonton in 2018 and Sears in 2020. Prior to that, we actually started some mixed-use development at the property when the old JC Penney store moved from the front of the mall to the back of the mall and we converted the former JC Penney store to Healthy Living Market Cafe, a grocery store, and Planet Fitness gym.
- The second part of going to mixed use at the property came most recently where our former Sears building was filled by Saratoga Hospital for office, clerical and clinical uses.
- The goal now is to continue to convert the property to a mixed-use center where people can live, shop, and be entertained.
- The current, existing zoning does not consider the scale and unique nature of the mall. Nor did it ever envision a mixed use that is now central for the viability and prosperity of the property which would include uses like residential.
- The redevelopment area we are talking about is where the former Bonton building is located.
- All retail prospects to date that we have shown that end of the mall have passed on it due to the lack of visibility. It is a real negative end of the mall for retail, but it is a positive for residential.

- In the last 10 years alone, the mall value has declined dramatically from 2012 down to present.
- The actual value of the main tax parcels gone down \$59 million or 76%.
- The new and updated zoning will allow for limited residential places and puts the mall in a much better position to attract national retailers, restaurants, and new uses such as entertainment.
- We currently are engaging with the theater operator for the theater. We would not be having that discussion without the preliminary discussions we are having on the residential use.
- Tenant interest equals investment in the mall, and it needs residents to attract additional interest.

Mr. Sasser:

- I wanted to walk you through the sketch plan for the PUDD application and talk a little bit about the zoning modifications behind that district. This is the mechanism that allows the mall to do all the things Mike is talking about.
- Paramount, the residential developers are purchasing two lots that totals 13.6 acres on the northeast side of the mall.
- That will be home to 296 apartment units in phase one right here 86 townhomes in phase two.
- We are going through the PUDD process to amend the zoning primarily to permit the residential development where it is not currently an allowed use in the C -1.
- We have divided the PUDD into two zones.
- The height and bulk restrictions of the PUDD zone are pretty similar to the C -1 as well.
- For parking requirements, currently, the requirement is five spaces per 1000 square feet of GLA. We are proposing four spaces with slight reduction with the exception of keeping the hotel parking ratio at one space per room, which is consistent with the current code.
- On the multifamily we would like to bring that to 1.5 spaces per unit, currently in the code it is 2.5 for multifamily per unit, and green space will remain at 25% of the gross land area that is consistent with the C-1.
- The way we have defined residential density in residential is restricted to only the two multifamily parcels and we are capping that at 400 units' total.
- Then we have some additional requirements for townhomes. In most cases referencing in the way that they seem to be described in the code already of townhouses it is about a minimum size of 600 square feet per unit and a minimum width of 14 feet. minimum spacing between buildings of 20 feet at a minimum, a maximum of 15 units attached side by side within a single building.

Mr. Gabay questioned the number of parking spaces as being 1.8 per unit not being enough.

Mr. Settle said in our experience with a similar mix units that 1.8 space is sufficient. The town homes will have 2 spaces per unit one will be under ground.

Discussion:

- Project will cost \$124 Million.
- All 382 units will be rented. Average rent will be north of \$2,000.
- Average size of the apartments will be 950 sq. ft.
- Mr. Gabay: Are there any provisions for moderate incomes? One of the problems we are having in the municipality, Saratoga County is people cannot afford to live in the county anymore. It sounds like you have absolutely zero permissions for moderate income families, and I call a moderate-income family \$70,000 or less. Well, some people on the board do okay, but I do not think too many people on the board are going to be able to afford to live in your luxury units. And I would like to see some provisions for an average individual in the town be able to stay in the town of Wilton who is making a moderate salary.
- Projected generation of \$380,000 in additional sales tax to the town of Wilton.
- Mr. Jerome: You cannot say that's entirely just because new money from the residents, because they may already be spending that money here. I am not saying there would not be an increase, I am just saying we cannot, well, I can extrapolate that is an increase. That is still the money's here. So, you cannot say it is a complete dollar for dollar increase.
- Mr. Shaffer explains what really caused the valuation of the mall to decline.
- Mr. Jerome asks how this project will benefit the mall verses the benefit to the developer.
- Mr. Shaffer: Going mixed use is an industry wide trend that is happening all over the country. It is a catalyst part for leasing people to be able to discuss opportunities at the mall that would, that we cannot currently regulate. And we have already seen that happening just with the discussion on it. The theater operator, we have another physical fitness concept, talking to us right now. So, it is a catalyst for us to attract new retail, dining, and entertainment options. And it is needed right now. Otherwise, the trajectory will continue to decline. We need a catalyst for development and continued Next use, that end of the property is a dead end of the property. It lacks visibility for any retail that wants to go there. So, if nobody's talking to us on land and the property, the residential makes sense on that end the property. You heard Tom say he does not need visibility, it is not going to be highly visible from Route 50 or Loudon Rd, so it is not going to offend the neighbors and, it is a catalyst for redevelopment.
- Ms. Farmer: There is a whole pool of retailers and uses that will not come to a property unless it is a mixture of the residential component, microbreweries, for example, adding those in our properties throughout the country, no interest unless there is a residential component.
- Reasons for the malls struggling, pandemic and online ordering, were discussed.
- Mr. Settle: It is not that these units are going to drive all of the new retail it is a catalyst. You got some momentum with the hospital, and this is about the mall.
- Mr. Jerome raised a point of the mall turning into an apartment complex and not a mall.
- The current proposed PUDD would not allow for this to happen.

- Mr. Riper: If there is any future modification to the PUDD, it will come before this Board and the Town Board for approval.
- The Board raised the point of setting a precedence if approved.
- Mr. Riper: I have been dealing with this for two years now and that was the concern of setting a precedent. I know other vacant parcel owners in the Exit 15 area, that would love to have residential, but they are not the mall. They do not have the same situation as the mall. The Town Board has the ultimate say.
- Chairman Rice: This whole side of the mall, will be brand new, it is going to look gorgeous, beautiful. The other side of the mall is Saratoga Hospital. What is going to be done in the middle? You have a dated mall with dated entrances. It is dated all the way around and you are going to charge \$3,000 a month. So, you drive in any of those entrances what do they get when they get into the mall? What is the plan for revitalizing, facelift, or something to make the rest of the mall match?
- Mr. Shaffer: The first part of investment is investing in the opportunities. So, we get a restaurateur, or a brewery, a good national retailer that wants to come, we invest in them, and we get them up and running. We do that in a couple of different ways. That is where the first investment would go. The rest of it follows like the cosmetics.
- Chairman Rice: This is a 125-million-dollar project not 10 million it is 125 million and we are talking a small percentage of that. What is your plan? What is the rest of the mall going to look like?
- Mr. Shaffer: Well, like we said the investments and getting the tenancy first and foremost because that is what is going to drive the income stream. That is going to enable us to invest in additional cosmetic improvements, but you got to get the tenant in first, you got to get the income stream going back up, you got to get into first.
- Chairman Rice: What is your plan? What is the rest of the mall going to look like? It is going to look pretty odd; this should look super nice to get that kind of rent.
- Mr. VanEarden: If this gentleman is going to put 125 million into building apartments, then why isn't the mall going to up-grade their façade?
- Mr. Murphy: if you are going to spend \$125 million. I do not understand. Why wouldn't you want to upgrade the entrance into the facility? Okay, whoever is spending it? Okay. It does not matter. I am saying. Would you not want to upgrade the entrances coming off of Route 50 to make it look presentable. If you are going to be doing \$3,000 months rents, and you are marketing yourself to a certain clients. Wouldn't you want to upgrade that?
- Chairman Rice: We're just giving a recommendation to the you. You can do it or not do it. My recommendation to the Town Board is going to be, I want to see what the site plan is going to look like when this is done. How it is going to look. I just do not know how you have not thought about what the whole site is going to look like. You do not have a plan yet with the whole site, like the entrances. With a 125-million-dollar project it is not out of the question to ask how you are going to redo the mall. What the new entrances are going to look like, what the parking lot is going to look like, maybe you can adjust the parking lot to make more islands or something. It is dated, it is 25- 30 years old. Saratoga County is not a poor County,

you cannot just plop down \$3,000 a month units in the middle of what looks like a 30-year-old mall.

- Mr. Jerome: I would like to see quite honestly; have done you these projects before? So, you certainly have numbers of data information to say what the adjoining malls area you have done as to what that has done for them. Not just initially, I would like to see over a period of time, has that been a sustainable thing for the mall? I would like to see those. And what I would imagine those are things that you would have.
- Chairman Rice and the Board would like to see a conceptual rendering outlining the master plan for the overall site, including the appearances of the three mall entrances and the mall façade.

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

NOW, THEREFORE, BE IT RESOLVED, that the Town of Wilton Planning Board gives a Favorable Recommendation with the modification that a conceptual rendering outlining the master plan for the overall site, including the appearances of the three mall entrances and the mall façade be submitted to the Wilton Town Board with the Application for Wilton Mall Mixed Use PUDD by Wilton Mall, LLC for establishing a Planned Unit Development District for a development with mixed-use; 680,000 sq. ft. of commercial use and 382 residential units (296 apartments and 86 townhomes). Property located at/on 3065 Route 50 on 101 acre(s), Tax Map No(s). 153.-3-86.2, 86.12, 86.111 & 86.112; zoned C-1.

The motion is seconded by Mr. VanEarden and duly put to vote, all in favor, on November 16, 2022.

NOW, THEREFORE, BE IT RESOLVED On a motion made by Mr. VanEarden that the meeting of the Planning Board be adjourned at 9:15P.M.

The motion is seconded by Mr. Gabay and duly put to vote, all in favor on this day November 16, 2022.

Date Approved December 21, 2022.

Amy DiLeone,
Executive Secretary