

TOWN OF WILTON

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REGULAR TOWN BOARD MEETING-APRIL 4, 2013

Supervisor Johnson called the Regular Town Board meeting to order at 7:00 p.m.

Pledge of Allegiance

Supervisor Johnson led the board and the audience in reciting the Pledge of Allegiance to the Flag.

Roll Call

Roll Call by the Town Clerk showed all board members present except Deputy Supervisor Rice who was excused.

Arthur Johnson-Supervisor

John Lant-Councilman

Robert Pulsifer-Councilman

Steve Streicher-Councilman

Also present were Town Comptroller Jeffrey Reale, Town Attorney Richard DeVall and Director of Planning and Engineering, Ryan Riper.

Public Comment Session

Supervisor Johnson asked if anyone signed up for public comment.

Michael Coleman introduced himself as the newest member of the Ethics Advisory Board for Wilton and thanked the Town Board for appointing him.

Nancy Gatland said she wanted to talk about the spray park that was discussed at the last meeting. She said she didn't know the whole ramifications of a spray park. She said she didn't know how much it would cost. It may be too expensive to build and administer. She said she was bothered by Councilman Pulsifer's rejection of the plan because it would compete with the Great Escape. Connie Towers reported that the Wilton Food Pantry feed 200 hundred families, of which were 500 people and 35% of that number were children. She said she broke down the Town into four groups. The first group has to go to the food pantry. They can't afford to go to Great Escape. The cost to get in if you are over 48" is \$52.99 per day. If you are under 48" but over 2 years old, it is \$42.99 per day. If you are under 2 years

old, it is free. If you cannot afford food, you cannot go to Great Escape. The second group doesn't need to go to the food pantry but they don't have any extra money. They won't be going to Great Escape. The third group may be able to take their kids once or twice during the summer. The fourth group is wealthy and they can go any time they want. How is a spray park at Gavin Park going to compete with Great Escape?

Daniel Tagliento said people work on the zoning for months and now there is a special program, in his own opinion, to try to put five pounds of stuff in a four pound box. The project that is being deliberated is already asking for variances. The zoning laws are good. If there are sections that are outdated or shouldn't be in the code, those should be changed, not just constantly making exceptions. The larger the project, the more exceptions are made.

JoAnn Cassidy said she was shocked when reading the Saratogian and a few other papers that the spray park was rejected by one board member. There are five board members, not one. The board is a democracy. She said she is a mother of two and they go to Gavin Park a few times a week. A spray park would add to the community and the park is the community center. The Great Escape is expensive and they don't go very often. A spray park would not compete at all. She asked the board to give the idea a fair vote when the time comes.

Connie Towers said the Town Board voted on the H-1 amendments in September but failed to follow the correct procedure. They ignored the Saratoga County Referral requirements, Section 129-256. All of the zoning amendment processes were not just flawed but they were wrong. They were called a clerical error, mistakes were made. This was a legal issue. It was enough for Rich DeVall, Town Attorney and Jon Lapper, Attorney for Gordon Residential Development cancel the public hearing on March 20, 2013 because the pending application for Gordon Residential Development was redesigned to eliminate the need for area variance, in part based upon H-1 zoning amendments, which was approved by the Town Board last September. It will be voted on again tonight. It is two parts and it affects two major projects. Both are sites on Route 9. They are the Everglades project and Gordon Development. The first part is changes to the H-1 zone voted on footnotes for the Zoning Attachment 13, Schedule G. This changes the zoning requirements for multifamily dwellings. Instead of allowing 8 units per acre it is now 15 units per acres. Basically, the PUD requirements, regulations came out of multifamily. It's okay if you have multifamily use with a 10% mix of commercial use. It is a cumulative effect because Gordon Residential needs 355 parking spaces and the Everglades needs 217 parking spaces. That is 571 cars in such a tight, congested area. A senior housing unit will be added with 226 units. There is another development coming in on Smith Bridge Road. If the board scaled the requirements back to 10 units per acre, the cars would total 380 vs. 571. The Town is going to vote again on amended sections of the zoning code; actually they are repealed sections from 9/6/12, to clear the path for Gordon Development. They mirror all of the appeal numbers, 12-13, for the four area variances, all of the apartment house variances, parking lot setback requirements, number of trees planted, repeal of maximum density; you can look it all up. It even includes repealing of one tree for six parking spots. By October, Gordon didn't need any variances because the Town passed the variances. On March 22, 2012 at the Zoning Board meeting, Gordon Development was seeking variances. There was a red flag from the Saratoga County Planning Board; *"While none of the four categories of variances requested have an impact that can be designated to have a county wide impact, there are components of the appeal for which the board cited concerns if they were reviewing from a local perspective."* Noted most particularly being a detrimental visual impact to the street frontage or loss of the Greenbelt view and for the Hamlet zone and the 15' variance for pavement setback is simply driven by too much product packed into the site design. It will affect the visual appeal along the Route 9 project frontage.

At this time, the only thing the Town Board and Planning Board have to do is to tell the developer to scale the project back but that is not what they do. They fit the code to the project instead. There is a term for that. The playing field is no longer level in this town. Are these variances justified? This is more disturbing, a quote from the developer's attorney, Jon Lapper; *the variances are important for the project but very minor in terms of the neighborhood.* Everything looks good on paper until you put up a huge massive building. The residents should decide if the huge building, 55' tall, 491' long, 114 units, parking which takes up three acres of parking, 355 parking spaces and it sits 15' back from the road which is a two way highway. Is that minor in terms of the hamlet? All of the trees are getting clear cut instead of preserving existing vegetation. Finally, the county referral comes on March 27, 2013. It wasn't there on the day of the public hearing. It was after Gordon and Everglades were already at site plan stages. Now there are further hamlet changes that were discussed and put into law in February 2. There were changes to the Greenbelt space, changes that were considered "tweaking", four to five pages of text that were sidewalks and dumpsters and other stuff. There is no mention in that county referral letter for those hamlet changes. You have to wonder if they were sent because they are not addressed. Was zoning accomplished for the benefit of individual owners rather than pursuant to the comprehensive plan which is what we are supposed to be going by? The public hearing for the Gordon Group is April 17 at 6:30.

Dennis Towers said the board has an opportunity. There are times in life when you make a decision and as the events unfold you realize it's not the best decision. Even with the red flags from the county, the neighbors, the zoning board and the fire department, they could not see into the future when the law was originally voted on in September. The doubling the density and repealing all of the other H-1 elements would produce the mega building now proposed by Gordon Development as allowable with no variances and a slew of other developments that are on the slate. This is a rare opportunity to go back in time and correct a bad decision. We now know the precedence that will be set by this mega building and the projects that are allowed by this law. We now know this is in direct opposition to the will and the vision of the people and the comprehensive plan. Voting in these changes last year was the wrong decision. These mega building projects cannot exist cannot exist variance free if your stewards do the right thing tonight and put the health of this community first. That can only be done with a "no" vote. Mr. Towers said he wanted to remind a couple of the board members what they ran on and what they said. Councilman Lant said "It's about the people". Councilman Streicher said "I'm an independent person. I think for myself". Supervision Johnson's number two item was "managing growth". "The Town has adopted a comprehensive plan to deal with growth. The plan sets forth the vision for the Town based on the resident's ideas and inputs.

Supervision Johnson said the spray park was a very conceptual plan. There is a lot of work to be done. There are water issues, the size and the cost need to be addressed before the plan moves forward. The board is going to look into it and hopefully proceed with having some sort of spray park.

Councilman Pulsifer said there was a misquote in the newspaper about what was actually said. He said he didn't say he was trying to protect the Great Escape; he was trying to point out that the private sector has already provided entertainment in the way of a large water park. When Councilman Streicher spoke about the park, he didn't clarify what was on the table. There was a proposal from Steve Porto, Director of Park and Rec, for a \$200,000.00 to \$400,000.00 spray park. In the discussions, some smaller type of water park similar to what Saratoga Springs would probably be supported by all board members, including himself.

John Wright said he was at the meeting on behalf of Jon Lapper, who is out of town. There is an updated rendering of the Gordon Project for everyone to look at. It has been termed a mega building

but nothing has changed since September of 2012 except for the fact that it has gone to the Saratoga County Planning Board and there has been a declaration that there are no county impacts. As for seeing into the future, there is nothing different before the board tonight than what was before the board in September. The project received conceptual approval from the planning board. There have been design recommendations that have resulted in design changes. The Gordons are working with the planning board. The zoning changes were made to make the hamlet zone more consistent with the fire code and bring the code into line with the vision for the hamlet. He said they are asking that the board reapprove the zoning amendments.

Approve Pending Minutes

On a motion introduced by Councilman Pulsifer, the board adopted the following resolution:

RESOLUTION # 92

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the March 7, 2013 meeting.

The adoption of the resolution was seconded by Councilman Streicher, duly put to a vote, all in favor.

H-1 Zoning Amendment

Supervisor Johnson stated that before the next vote he wanted to go over some history of the zoning amendments. The zoning changes were first proposed in July of 2012, the public hearing was held August of 2012 and changes were adopted in September of 2012. Some of the speakers suggested that the board was trying to avoid a referral to the County Planning Board, which couldn't be further from the truth. All projects are referred to the County Planning Board. In this particular case, it was inadvertently not referred. For whatever reason, it was an administrative error. It was brought to light, when the public hearing was scheduled by the Wilton Planning Board last month, that there was no county referral. Therefore, the public hearing was tabled and rescheduled for April. It was referred to the County Planning Board and reviewed by them on March 21, 2013 and was returned with a recommendation to approve. The board is seeking to re-adopt the same amendments that were proposed in July of 2012.

On a motion introduced by Councilman Pulsifer, the board adopted the following resolution:

RESOLUTION # 93

NOW, THEREFORE, BE IT RESOLVED, to approve the amendments as submitted, to the H-1 Zone, in the Town of Wilton Code.

The adoption of the resolution was seconded by Councilman Streicher, duly put to a vote, Supervisor Johnson, Councilman Pulsifer and Councilman Streicher were all in favor. Councilman Lant recused himself. The motion carried 3-0 with one recusal.

Building Use Request

On a motion introduced by Councilman Pulsifer, the board adopted the following resolution:

RESOLUTION # 94

NOW, THEREFORE, BE IT RESOLVED, to approve the building use request by Saratoga Springs, Saratoga County and Glens Falls Continuum Care.

The adoption of the resolution was seconded by Councilman Streicher, duly put to a vote all in favor.

WWPP(Quarterly Report)

Margo Olson

Margo Olson said the winter was the biggest disappointment due to the lack of snow. It is the second year in a row they were unable to hold the moonlight ski and snowshoe event. During the times when there was snow, Peter Litchfield groomed the trails. The trails were well used when snow was available. There are two interns this year due to a grant from the New York State Conservation Partnership Program to fund a second intern. More public programs have been offered and they have been working with Dorothy Nolan, Lake Avenue and other schools in the area. There will be Earth Day events during April with some volunteer opportunities with planting lupine seeds and trail work projects. The parking area will be changed on Ballard Road. The trailhead for the Opdahl Farm was behind the barn and was not visible from the road. A new driveway will be put in along with a new kiosk and a section of trails that will connect to the loop.

June 1st is the Wilton Wildlife Festival with Karner Blue butterfly walks, pond activities and nature crafts. The ranger cabin at the fire tower will hopefully be having opening ceremonies that morning too.

Supervisor Johnson noted that the stocking of the pond at Camp Saratoga will take place on the weekend of April 6, 2013.

Comptroller's Report

1.) January 2013 Cash Disbursements

General Fund	\$610,541
<u>Highway Fund</u>	<u>\$449,157</u>
Total	\$1,059,698

2.) 2013 Budget Transfers and Amendments

(See attached) Budget Transfers

On a motion introduced by Councilman Pulsifer, the board adopted the following resolution:

RESOLUTION #95

NOW, THEREFORE, BE IT RESOLVED, to approve the budget transfers and amendments requested for and listed in the Comptroller's 4/4/13 report (attached) to the Town Board.

The adoption of the resolution was seconded by Councilman Streicher, duly put to a vote, all in favor.

3.) Personnel

a.) On a motion introduced by Councilman Pulsifer, the board adopted the following resolution:

RESOLUTION #96

NOW, THEREFORE, BE IT RESOLVED, to ratify the appointment of Dave Counter to the full time laborer's position in the Highway Department at \$14.50 per hour with benefits, effective March 26, 2013.

The adoption of the resolution was seconded by Councilman Streicher, duly put to vote, all in favor.

b.) On a motion introduced by Councilman Pulsifer, the board adopted the following resolution:

RESOLUTION #97

NOW, THEREFORE, BE IT RESOLVED, to ratify the appointment of Josh Harrington to the temporary laborer's position in the

Highway Department at \$14.00 per hour with no benefits, effective March 26, 2013.

The adoption of the resolution was seconded by Councilman Streicher, duly put to vote, all in favor.

- c.) On a motion introduced by Councilman Streicher, the board adopted the following resolution:

RESOLUTION #98

NOW, THEREFORE, BE IT RESOLVED, to ratify the appointment of Patrick Gavin to the full time temporary Parks Maintenance worker at \$13.00 per hour with no benefits, effective immediately.

The adoption of the resolution was seconded by Councilman Pulsifer duly put to vote, Supervisor Johnson, Councilman Streicher and Councilman Pulsifer were all in favor. Councilman Lant recused himself. The motion carried.

- d.) On a motion introduced by Councilman Streicher, the board adopted the following resolution:

RESOLUTION #99

NOW, THEREFORE, BE IT RESOLVED, to ratify the appointment of Tammy Deblois to the part time office position in the Park and Rec. Department at \$13.50 per hour with no benefits, effective April 8, 2013.

The adoption of the resolution was seconded by Councilman Pulsifer, duly put to vote, all in favor.

Waive of Sign Permit Fee

On a motion introduced by Councilman Pulsifer, the board adopted the following resolution:

RESOLUTION #100

NOW, THEREFORE, BE IT RESOLVED, to waive the sign permit fee for Maple Ave. Fire Department.

The adoption of the resolution was seconded by Councilman Streicher, duly put to vote, Supervisor Johnson, Councilman Pulsifer and Councilman Streicher were all in favor. Councilman Lant recused himself. The motion carried.

On a motion introduced by Councilman Pulsifer, the board adopted the following resolution:

RESOLUTION #101

NOW, THEREFORE, BE IT RESOLVED, to approve the sale of Asset #1238, 2003 Ford Explorer.

The adoption of the resolution was seconded by Councilman Lant, duly put to vote, all in favor.

On a motion introduced by Councilman Pulsifer, the board adopted the following resolution:

RESOLUTION #102

NOW, THEREFORE, BE IT RESOLVED, to approve the closure of Capital Project 441-Gavin Park Improvements and return balance to original source.

The adoption of the resolution was seconded by Councilman Streicher, duly put to vote, all in favor.

Wilton Emergency Squad-Penfle Service Award Program:

On a motion introduced by Councilman Pulsifer, the board adopted the following resolution:

RESOLUTION #103

NOW, THEREFORE, BE IT RESOLVED, to approve the Service Award Program list of all the 2012 volunteer ambulance workers of the Wilton Emergency Squad, Inc.

The adoption of the resolution was seconded by Councilman Lant, duly put to a vote, all in favor.

Adjournment

On a motion introduced by Councilman Pulsifer, and seconded by Councilman Streicher, the meeting was adjourned at 7:48 p.m.

Respectfully Submitted,

Susan Baldwin, Town Clerk

Supervisor, Arthur Johnson

Councilman, John Lant

Councilman, Robert Pulsifer

Councilman, Steve Streicher