

Public Hearing: local Law No. 2 of 2012 amending LL# 2 of 2005 (Create alternate members Planning & Zoning Boards) (Amendment to add another alternate member)

The following Notice of Public Hearing was legally advertised in the Daily Gazette, The Post Star and The saratogain newspapers:

PLEASE TAKE NOTICE that the Town Board of the Town of Wilton, New York, County of Saratoga, will hold a public hearing to adopt an amendment of Local law No. 2 of 2005.

SAID PROPOSED LOCAL LAW would now be known as Local law No. 2 Of 2012.

SAID PROPOSED LOCAL LAW would be known as creating positions for alternate members of the Planning Board and the Zoning Board of Appeals.

SAID PROPOSED LOCAL LAW would expand conditions under which alternate members of the Planning Board and the Zoning Board of Appeals may serve due to illness or other absences.

SAID PUBLIC HEARING will be held on Thursday, June 7, 2012 at 7:00 p.m. at the Wilton Town Hall located at 22 Traver Road in the Town at which time all persons will be given an opportunity to be heard.

BY RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WILTON

At 7:03 p.m., Supervisor Johnson called the public hearing to order and asked the Deputy Town Clerk to read the public hearing notice aloud, she did so. Supervisor Johnson then asked if anyone had any comments regarding this public hearing. No comment, he then closed the public hearing at 7:04 p.m..

REGULAR TOWN BOARD MEETING

Immediately following the public hearing, Supervisor Johnson called the Regular Town Board meeting to order at 7:05 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 Deputy Town Clerk showed all board members present.

Arthur Johnson-Supervisor
John Lant-Councilman
Robert Pulsifer-Councilman
Robert Rice-Deputy Supervisor
Steve Streicher-Councilman

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

Public Comment

Supervisor Johnson asked if anyone had signed up for the public comment session.

Town Residents Bill Jergens and Fred Jergens from 32 Vincek Lane had signed up to speak at the public comment session.

Bill Jergens stated that his grievance is the horrible condition of Vincek Lane. For many years the residents of Vincek Lane have been overlooked and put aside as if they not entitled to basic services afforded other tax payers of Wilton. Vincek Lane is a dirt road that is nearly impossible to navigate when it rains and freezes in the winter time. It is not accessible to fire, police and EMT personnel in the event of an emergency. Snow removal is paramount, if not for resident Ed Jewell and his effort many people would be hard pressed to see Jones Road in the dark of winter. He went on to say "It is the responsibility of the Wilton Town Council to enforce the local code, determine who owns Vincek Lane and compel that owner to maintain Vincek Lane".

Fred Jergens stated that during the years he lived in the house he built on 32 Vincek Lane he had spent over \$7,000 in his effort to provide a reasonable viable road. He wanted to know why the owner of the road Mr. Edward Vincek of Chesapeake, Virginia, never claimed responsibility for maintaining this road. The problem is he has sold all the building lots on Vincek Lane without provisions for the upkeep of the road. We believe the Town Board neglected to properly process this property to prevent future disputes. At this time we politely and humbly request that the Town Board of Wilton proceed with steps to address the long neglected and ignored oversight. He had been told many times he does not pay taxes in the Town of Wilton, but, they do. They keep telling me the road is not up to code, 60 foot right-of-way that has been established long after this road was done. It is basically grandfathered in with a 50 foot right-of-way, like Jones Road and Route 50 and Route 9.

Scott Kingsley a resident from 105 Traver Road stated that he was there to speak about a County issue. The City of Saratoga Springs recently requested that the Board of Supervisors to move last call from 4:00 a.m. to 3:00 a.m.. He was at the meeting to speak of his personal opposition of that move. Saratoga Springs and Saratoga County is a tourist county and we depend on our downtown business and the tourist that come to those businesses for sales tax revenue. While the City of Saratoga Springs collects its own sales tax, 50% of that sales tax still goes to Saratoga County.

Approve Pending Minutes

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

RESOLUTION # 114

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the May 3, 2012 meeting as typed without amendment.

The adoption of the resolution was seconded by Deputy Supervisor Rice, duly put to a vote, all in favor.

Vincek Lane

Deputy Supervisor Rice asked if the board would give an update on the Vincek Lane issue, because he was not up to speed on that.

Highway Superintendent Woodcock stated that Vincek Lane had a long history for many years. Vincek Lane is probably four years old the lots were sold off but it was never adopted as a town highway and it was never surveyed as 50 foot right-of-way. Years ago when the Town had certain specifications for highways they changed them from 50 feet to 60 feet. The current specifications, for a town road is now a 60 foot right-of-way, 30 foot from the center of the road. Superintendent Woodcock stated he sympathized with the residents but it is private property he cannot go in and maintain Vincek Lane. His understanding is; the owners of each individual lot owns a portion of that road it's an accumulation of the lot owners taking care of that particular highway and maybe it comes back to the Vincek's selling the property.

Councilman Pulsifer stated he was familiar with some of the properties over there. There are easements over other properties to get out. In the modern day certainly we would ask for dedicated roads to be turned over to the Town and the Town would take care of it or the other thing that's happened in the case of a small subdivision the underlining property owner was responsible for the maintenance and plowing of the driveway and split the bill in three and year after year they paid it, and it worked out fine. Vincek Lane goes back about forty years, there are multiple property owners underlining that the Town can't do anything unless the Town owns the road. In order to take ownership of that property the Town would have to buy those pieces of land from the owners. The better thing would be if the property owners all got together and created themselves a shared driveway agreement of some type so that the cost of maintenance would be shared. It is illegal for the Town to go in there and do work on private property.

NO ACTION TAKEN

Proclamation**National Flag Week**

Supervisor Johnson stated that the board had a proclamation for planning National Flag Week June 10th thru June 16th.

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

RESOLUTION # 115

NOW, THEREFORE, BE IT RESOLVED, to proclaim June 10th-June 16th as National Flag Week.

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

Proclamation

Wilton Rotary 10th Anniversary

Supervisor Johnson stated that Wilton Rotary is celebrating their 10th Anniversary tomorrow night.

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

RESOLUTION # 116

NOW, THEREFORE, BE IT RESOLVED,
congratulating the Rotary Club for 10 years
of services to the Town.

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

Amendment to Local Law #2 of 2005

**LL # 2 of 2012 would add another alternate member
To the Planning and Zoning Boards**

Supervisor Johnson asked for a motion and a second to approve this Local law.

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

RESOLUTION # 117

NOW, THEREFORE, BE IT RESOLVED, to
approve Local Law # 2 of 2012 that would
add another alternate member to the
Planning and Zoning Boards.

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

Ridgeview Commons PUD (Amendment)

Supervisor Johnson stated that the board received a request for an amendment to the Ridgeview Commons PUD and asked if anyone was there to update the board.

Dave Masteroni went over the amendments to be made to the PUDD as follows:

Zone 1A:

1: Eliminate the previously approved +/- 4,000 sf mixed use building, to be replaced by one +/- 3,600 sf four-unit apartment building. (This amendment requires that the PUDD Ridgeview

Common Computation of Density. Schedule 1 be amended to allow 58 units at 11 units per acre. This amendment requires that the legislation language under Section IV be revised.

2: Relocate +/- of concrete side walk located at the northwest corner of Townhouse Drive, south to +/- 16.5 ft from the north side of Apartment Building #1. The objective of this amendment is to connect the PUDD zone 1A sidewalk to the Crossings at Northern Pines and a property easement is proposed to facilitate this action.

3: Add 8 additional parking spaces to the north side of Apartment Building #1 adjacent to the relocated sidewalk.

Zone 1 & 1A

1: Amend Zone 1 and Zone 1A Bulk Requirement Minimum Frontage from 175-feet to 100-feet.

2: Amend Zone 1 and 1A Bulk Requirement Minimum Front Yard Dimension from 45 feet to 15-25 feet.

3: Amend Zone 1 and 1A bulk requirement Minimum Rear Yard Dimension from 100 feet to 30 feet.

Zone 2

1: Eliminate the concrete curb bordering both sides of Cottage Lane and replace with a 2' wide bituminous asphalt swale.

2: Move the location of the light fixtures on Cottage Lane from area between the sidewalk and the concrete curb to an area adjacent to each single family residences driveway. Each light fixture is proposed to be fitted with a photocell switch that will be powered by each individual residence.

Supervisor Johnson asked Attorney DeVall if he had reviewed the PUDD language.

Attorney DeVall stated that he wanted the amended legislation to just state the changes not repeat the whole law.

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

RESOLUTION # 118

NOW, THEREFORE, BE IT RESOLVED, to refer Ridgeview Commons PUDD amendment to the Town and County Planning Boards for their Recommendation and review.

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

Zoning Board (Appointment)

Dean Kolligian

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

RESOLUTION # 119

NOW, THEREFORE, BE IT RESOLVED, to appoint Dean Kolligian to the position of member to the Zoning Board of Appeals to Fill Al Mottau's position.

The adoption of the resolution was seconded by Deputy Supervisor Rice, duly put to a vote, all in favor.

Zoning Board (Appointment)

Tony McCracken 1st alternate position

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

RESOLUTION # 120

NOW, THEREFORE, BE IT REOSLVED, to appoint Tony McCracken to the position of 1st alternate member of the Zoning Board of Appeals to replace Dean Kolligian.

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

Zoning Board (Appointment)

Robert Barrett 2nd alternate position

On a motion introduced by Deputy Supervisor Rice, the board adopted the following resolution:

RESOLUTION # 121

NOW, THEREFORE, BE IT RESOLVED, to appoint Robert Barrett to the position of 2nd alternate member of the Zoning Board of Appeals.

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

Planning Board (Appointment)
Anthony Mangini Alternate position

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

RESOLUTION # 122

NOW, THEREFORE, BE IT RESOLVED, to appoint Anthony Mangini, to the alternate position on the Planning Board

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

H&V Site Access Agreement with Town of Wilton
Windy Hill Road, Town of Easton

Supervisor Johnson asked Attorney DeVal to address the board on this issue.

Attorney DeVal stated that the Hollingsworth & Vose Co. had presented an easement last year and they want to make some changes to construct a temporary access through it. He had reviewed the agreement and has no problem with what they had proposed.

On a motion introduced by Deputy Supervisor Rice, the board adopted the following resolution:

RESOLUTION # 123

NOW, THEREFORE, BE IT RESOLVED, to authorize the Supervisor to execute the Site Access Agreement between Hollingsworth & Vose Co. with the Town of Wilton for the sand pit on Windy Hill Road, Town of Easton.

The adoption of the resolution was seconded by Councilman Pulsifer, duly put to a vote, all in favor, except Councilman Streicher who opposed. 4 to 1 vote.

Crest Inn (Rte 9)
Haris Hussain
Proposed rezoning change to RB-1

Supervisor Johnson asked Attorney John Hogan to address the board regarding this issue.

Attorney Hogan went over the proposal before the board stating it was a unique situation where one piece of property is in two different zones, RB-1 and R-1. He gave the board copies of letters from New York State Department of Environmental Conservation and National Grid shows they have a right to go in there and cross it. After some discussion, the board wanted to review all the material presented to the board.

Mr. Hussain stated all he really wants to do is rezone the lot to RB-1.

At this point in the meeting, Supervisor Johnson excused Councilman Pulsifer, who had an engagement to go to. He exited the meeting at 8:03 p.m..

Supervisor Johnson suggested the board review all the material and put this item on the agenda for next month.

Committee Reports(If Any)

Supervisor Johnson asked if there were any committee reports.

Councilman Lant stated that a couple of months ago the board reinstated the sign in sheet. He heard a couple of people were against it they are appointed employees. He would like to see this made a policy in the Town handbook.

At this point in the meeting Supervisor Johnson excused Councilman Lant, who had a previous engagement. He exited the meeting at 8:08 p.m..

Independent Auditors Report 2011

Jeff Reale

Comptroller Reale stated that the audit had been completed and filed with the Town Clerk and the board needs to make a motion excepting the report. It is a clean audit with no findings. He then went through a presentation for the audience and the board.

On a motion introduced by Deputy Supervisor Rice, the board adopted the following resolution:

RESOLUTION # 124

NOW, THEREFORE, BE IT RESOLVED, to
adopt the Independent Auditors Report for
2011.

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

Back to Committee Reports

Councilman Streicher wanted to thank the Christopher Daily Foundation on behalf of the Town Board and the Park & Recreation Commission for recently purchasing bleachers for the gymnasium. The Ethics Law we are working on is progressing and hopefully something will be done soon.

Deputy Supervisor Rice stated he had spoken with some of the seniors and they have some needs that are not being addressed. He talked to Bobbie Lant, she will meet with some of the members and form a task force to resolve the issues.

Supervisor Johnson wants to form a long range planning committee, have different department heads on that committee and a town board member to look at Capital Projects down the road. Things that need to be done at some point in time. Such as the Senior Building, Highway Building, Town Hall, Camp Saratoga and Gavin Park. He stated that he would bring this up again next month.

Strakos Road

Engineer Manz stated that Building Inspector Mark Mykins wanted him to bring up the Strackos Road building determination. Eighty percent of it is R-2 and a very small section that is R-3, Engineer Manz and Attorney DeVall had discussed this and we think it's the building inspectors call. Mark Mykins normally rules on lots that are split with the zoning line if the entire lot is most restrictive. Mark Mykins wanted the board to be in support of him and we are thinking of combining R-3 and R-2 zones and twenty some odd miscellaneous zoning changes because the frontage is excessive in the R-3 zone. This lot is all residential, if the board wants to say it's your call Mark. The board would have to vote on it and then Engineer Manz would get back to Mark.

Attorney DeVall stated that if Mr. O'Grady had submitted a subdivision proposal, then the building inspector has the ability to make that determination.

Edie Road

Attorney DeVall stated that there is a commercial development on the corner of Edie Road and Route 50 and as part of the approvals that they received they were going to deal with straightening out that intersection. They were eventually going to offer to the Town a strip of land in connection to the process of straightening that intersection out. Attorney DeVall and Engineer Manz have reviewed the proposal and the documents are acceptable as far as the deeds are concerned. There are two mortgages on the property and the applicant has provided the Town Attorney with release of mortgage for one of them.

On a motion introduced by Deputy Supervisor Rice, the board adopted the following resolution:

RESOLUTION # 125

NOW, THEREFORE, BE IT RESOLVED, to accept the property conditioned upon the Town Attorney receiving proof that there are no liens on the property and upon such proof the Town Attorney would be authorized to release the deed.

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

Comptroller's Report
(Including bills & transfers)

April 2012 Cash Disbursements

General Fund	\$395,854
Highway Fund	\$ 76,059
Total	\$471,913

2012 Budget Transfers and Amendments

On a motion introduced by Deputy Supervisor Rice, the board adopted the following resolution:

RESOLUTION # 126

NOW, THEREFORE, BE IT RESOLVED, to approve the budget transfers and amendments requested for and listed in the Comptroller's 6/7/12 report to the Town Board.

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

Personnel

Summer Hours-discussion

Supervisor Johnson stated that there were some comments, but number one is everyone has to agree that the service to the public is going to go on and we have to make sure the offices are covered. It would up to the department heads to make sure their office is covered. All the remaining board members were in favor.

Education

Kathy Austin & Tina Westover

On a motion introduced by Deputy Supervisor Rice, the board adopted the following resolution:

RESOLUTION # 127

NOW, THEREFORE, BE IT RESOLVED, to approve Kathy Austin's request to attend

NYS Assessors Association in Cornell at the cost of \$1,300 and;

FURTHER, BE IT RESOLVED, to approve the request from Tina Westover, to attend the NYS Assessors Association in Cornell at the cost of \$1,500.

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

Parks Fee Schedule

On a motion introduced by Deputy Supervisor Rice, the board adopted the following resolution:

RESOLUTION # 128

NOW, THEREFORE, BE IT RESOLVED, to approve the Park Fee Schedule for September 1, 2012-August 31, 2013.

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

Request for funds for New Time Management Clocks and Software

On a motion introduced by Deputy Supervisor Rice, the board adopted the following resolution:

RESOLUTION # 129

NOW, THEREFORE, BE IT RESOLVED, to approve the request submitted by Comptroller Reale for funds for New Time Management Clocks and Software.

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

Adjournment

On a motion introduced by Deputy Supervisor Rice, and seconded by Councilman Streicher, the meeting was adjourned at 8:35 p.m..

Respectfully Submitted,

Carol D. Maynard, Town Clerk

Supervisor, Arthur Johnson

Councilman, John Lant

Councilman, Robert Pulsifer

Councilman, Steve Streicher

Deputy Supervisor, Robert Rice