

**PUBLIC HEARING:**      **Ridgeview Commons PUDD Amendment (LL# 3 of 2012)**

**The following Notice of Public Hearing was legally advertised in the Daily Gazette, The Post Star and The Saratogian newspapers.**

**PLEASE TAKE NOTICE** that the Town Board of Wilton, New York, County of Saratoga, will hold a public hearing to adopt Local Law No. 3 of 2012 amending Local Law No. 1 of 2010 known as Ridgeview Commons PUDD.

**SAID PUBLIC HEARING** would consider an amendment to the Ridgeview Commons PUDD legislation 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.
- 2.) Relocate +/- 14 lf of concrete side walk located at the northwest corner of Townhouse Drive, south to +/- 16.5 ft from north side of Apartment Building #1.
- 3.) Add 8 additional parking spaces to the north side of Apartment Building #1 adjacent to the relocated sidewalk
- 4.) Add to Principal Permitted Uses: Bakeries

**Zone 1 & A:**

- 1.) Amend zone 1 and 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 replace with a 2' wide bituminous concrete swale.
- 2.) Move the location of the light fixtures on Cottage Lane from area between the sidewalk and concrete curb to an area adjacent to each single family residence's driveway. Each light fixture is proposed to be fitted with a photo-cell switch that will be powered by each individual residence.

**SAID PUBLIC HEARING** will be held on August 2, 2012, at 7:00 p.m., at Wilton Town Hall located on 22 Traver Road, Wilton, New York, at that time all persons will be given an opportunity to be heard.

**BT RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WILTON**

At 7:00 p.m., Supervisor Johnson called the first public hearing to order and asked the Town Clerk to read the public hearing aloud, she did so. Supervisor Johnson then asked if anyone in the audience had any comments on this public hearing.

**Deb Zellen**, a town resident gave the board a typed handout of her concerns regarding the Ridgeview Commons PUDD amendments as follows: She did not object to a bakery in the neighborhood, however, if the product is to be prepared, packaged and shipped elsewhere, that use is no longer consistent with the spirit of H-1 zoning and the Comprehensive Plan: "To promote service oriented neighborhood uses" If zoning is changed to allow manufacture and shipping of bakery product, what kind of manufacturing will follow? Will the hamlets in Wilton become mini industrial parks? The zoning law provides for "Pedestrian oriented ...mixed use retail, office and residential uses" NOT industry.

Another concern was additional truck traffic. Certainly, this hamlet already endures more than its share as the main route to and from the transfer station. More trucks moving bakery products will compound the noise, exhaust and simple quality of life challenges the residents already face, and will be far from "Pedestrian Friendly."

She went on to state that the PUDD legislation was designed to be "utilized by the developer without departing from the spirit and intent" of zoning law. It seems to be a vehicle for escaping potentially expensive or time consuming details and requirements-to protect developers' pocketbooks. Additional requests to amend the already changed laws-and escape still more requirements-only perpetuate that image. Zoning laws were created "for the purpose of promoting the health, safety, morals, prosperity and general welfare of the residents of the Town of Wilton." These requests hardly seem to serve the "spirit and intent" of those laws.

She then asked the board to oppose the amendment, but if they chose to approve it, she hoped they would explain to the residents how it would "promote service oriented neighborhood uses."

**Supervisor Johnson** asked if anyone else wanted to address the board on this public hearing. No comment. He then closed the first public hearing at 7:10 p.m..

**PUBLIC HEARING:      Zoning Changes (Re: H-1 Zone)**

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

**PLEASE TAKE NOTICE** that the Town of Wilton, New York, County of Saratoga, will hold a public hearing to amend sections of the zoning ordinance.

**SAID PUBLIC HEARING** would revise the H-1 Zoning Schedule G to show pavement setbacks and allow mixed use buildings with a maximum density of 14 units per gross buildable acre (Gross Site Acreage less Constrained Lands-e.g. wetlands, steep slopes). Remove H-1 from PUD Regulations as multi-family is now proposed as permitted use in H-1 if part of mixed-use building. Eliminate some Additional Requirements in 129-176 M such as maximum density of 8 units per acre, distance between buildings, and 8 units per floor maximum.

**SAID PUBLIC HEARING** will be held on Thursday, August 2, 2012, at 7:15 p.m., at Wilton Town Hall located on 22 Traver Road in said town at which time all persons will be given the opportunity to be heard.

**BY RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WILTON**

**Supervisor Johnson** called the second public hearing to order at 7:10 p.m., He asked if anyone had any comments on this public hearing.

**Andrew Brick**, from the Law Firm of Donald Zee P.C., which represents Saratoga Heritage and Tom Farone Home Builders, they are generally supportive of the proposed changes to the Hamlet one zoning. They think the majority of the revisions will improve that zoning classification and the restrictions and requirements of both standards in that particular zoning district. He then went over a number of concerns and asked the board to take them into consideration when reviewing the proposed changes.

1<sup>st</sup> is that the proposed change calls for fourteen units per acre as a density allowance and they currently have a project in the pipeline on the Everglade property that has been designed and presented to the Planning Board and does not meet the fourteen acres. They would lose two units because of the fourteen unit restriction. We are asking the board to consider amending it to fifteen units per acre as the allowable density.

2<sup>nd</sup> is the elimination of the maximum number of units per floor, the current zoning code has a restriction on eight units per floor, that elimination will drastically alter the available size, scope and placement and massing of buildings. He then put up some illustrations for the board and stated that there is a proposal to develop the Harrison property for apartment uses, his clients have no objection to that particular property being used for apartments, it's the size of the proposal that would be allowed under the proposed zoning revisions that the board is reviewing that is the concern. They believe it will drastically change the community character and the intent of the Hamlet zoning, to provide small scale close knit development. He then went over the footprint of the building being proposed, which he stated was a gigantic building. They do not think it is the intent of Hamlet zoning to have something that is longer than the Carrier Dome be located in the middle of the Hamlet District.

**Supervisor Johnson** recognized Stephanie Bitter, who asked to address the board.

**Stephanie Bitter** on behalf of Gordon Development stated that that Mr. Brick had the lay-out correctly, but this has also been before the Planning and Zoning Boards for about nine months and has gone through the process of looking into the boards concerns and to her understanding the project has been fairly well received. They understand Mr. Farone's concern about compatibility with being considered in the efficiency of the space and utilizing the area at hand for a mixed use project. To incorporate apartment units as well as commercial space, she then put up an architectural rendering to demonstrate the high end apartment units that would be proposed in this facility as well as the commercial space that would be incorporated. They are in favor of the density changes and are looking forward and look forward to the Town Boards comments.

**Supervisor Johnson** asked if anyone else had any comments, no comments, he then closed the second public hearing at 7:20 p.m..

**REGULAR TOWN BOARD MEETING**

Immediately following the two public hearings, Supervisor Johnson called the Regular Town Board meeting to order at 7:21 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.

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. No one had.

**Approve Pending Minutes**

**Supervisor Johnson** asked for a motion and a second to approve the pending minutes from the July 5, 2012 meeting.

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

**RESOLUTION # 138**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the minutes from the July 5, 2012 meeting as typed without amendment.

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

**Ridgeview Commons PUDD (Amendment)****Public Hearing held earlier**

After some discussion by the Town Board and the Town Attorney who stated that the legislation did not have everything in it that was proposed in the amendment. Deputy Supervisor Rice asked Town Engineer Keith Manz, for the definition of Bakery to go into the legislation. Engineer Manz suggested that the board limit the maximum size to 5,000 square feet and also require that it go on to one of the commercial lots that were created and they cannot combine lots to expand this bakery, also that it sells on the premises, not just be a commercial bakery that delivers. He stated that if the board went with those three conditions then that would limit it to the scope that the hamlet was intended. The board then decided to table this item until the September Town Board meeting and another public hearing was set for September 6<sup>th</sup>, at 7:00 p.m.. (Tabled)

**Proposed Zoning Changes (Re: H-1 Zone)****Public Hearing held earlier**

After some discussion by the Town Board, Councilman Pulsifer stated that he wanted to get together with Town Engineer Keith Manz on Tuesday, August 7, 2012 and discuss these changes to the H-1 zone before voting on them. The board agreed to table this until the September Town Board meeting. (Tabled)

**Zoning Board of Appeals (Appointment)****Walter Jennings (letter received)****(Term to expire 12/31/17)**

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

**RESOLUTION # 139**

**NOW, THEREFORE, BE IT RESOLVED,** to accept with regret, Walter Jennings letter of resignation as member of the Zoning Board of Appeals effective August 1<sup>st</sup>, 2012.

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

**Zoning Board of Appeals (Appointment)****Tony McCracken & Robert Barrett (Alternates)**

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

**RESOLUTION # 140**

**NOW, THEREFORE, BE IT RESOLVED,** to appoint Tony McCracken to Walter Jennings position as member of the Zoning Board of Appeals term to expire 12/31/17

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

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

**RESOLUTION # 141**

**NOW, THEREFORE, BE IT RESOLVED,** to appoint Robert Barrett to 1<sup>st</sup> Alternate member of the Zoning Board of Appeals term to expire 12/31/12.

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

**Not on agenda**

**Supervisor Johnson** stated that this was Keith Manz last Town Board meeting. Keith has been with the Town for twenty years and has accepted a position as Commissioner of Public Works for Saratoga County. The Board congratulated him on his new position.

**Committee Reports (If Any)**

**Councilman Pulsifer** stated that he and Keith are meeting on Tuesday, to work on things, looking at legislation and Keith will continue to work with him.

**Deputy Supervisor Rice** stated that there was a committee meeting for the Long Term Capital Planning and Jeff will work on consolidating the items discussed.

**Councilman Streicher** stated that Community Day was a success. It was a hot day, but very successful.

**Supervisor Johnson** thanked the Town Historian and participants from the Food Pantry for being at Community Day.

**Comptroller's Report**  
**(Including Bills & Transfers)****June 2012 Cash Disbursements**

General Fund	\$236,899
<u>Highway Fund</u>	<u>\$294,613</u>
Total	\$531,512

**2012 Budget transfers**

**Comptroller Reale** asked if anyone had any questions regarding the Budget transfers.

**Councilman Pulsifer** asked Comptroller Reale what the original budget was for Community Day.

**Comptroller Reale** stated the expense side was \$33,000.

**Councilman Pulsifer** stated that with the \$4,000 overage it comes out to be \$37,000.

**Councilman Streicher** and **Supervisor Johnson** stated that they brought in \$19,000 from Community Day.

**Councilman Pulsifer** stated that when the board budgeted for Wilton Day last year one of the requirements we told Steve Porto is that this needs to start becoming a self funding event. The tax payers should not be spending money on a one day party when we have other difficulties we are dealing with.

**Councilman Pulsifer** asked Comptroller Reale exactly how much Wilton Day actually cost after deducting \$19,000.

**Comptroller Reale** stated that the cost was around \$19,000.

**Councilman Pulsifer** stated that he wanted to have Park Director, Steve Porto come in and make a report to the Town Board next month.

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

**RESOLUTION # 142**

**NOW, THEREFORE, BE IT REOSLVED,** to approve the budget transfers requested for and listed in the Comptroller's August 2, 2012 report to the Town Board.

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

**2012 Budget Amendments**

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

**RESOLUTION #143**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the budget amendments requested for and listed in the Comptroller's report to the Town Board.

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

**WWPP Health Lodge Lease Agreement**

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

**RESOLUTION # 144**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the Lease Agreement for the Health Lodge for WWPP and:

**FURTHER BE IT RESOLVED,** to authorize Supervisor Johnson to execute the agreement.

The adoption of the resolution was seconded by Councilman Lant, duly put to a vote, all in favor, except Deputy Supervisor Rice, who abstained from voting.

This will be added to the annual contracts on file with the Town Clerk.

**Fire District Independent Audit**

As required by Town Law 181-b we have received from Greenfield Fire District their 2011 Annual Audit, This is on file with the Town Clerk.

**Adjournment**

On a motion introduced by Deputy Supervisor Rice and seconded by Councilman Pulsifer, the meeting was adjourned at 7:55 p.m..

Respectfully Submitted,

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Carol Maynard

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Supervisor, Arthur Johnson

\_\_\_\_\_ Councilman, John Lant

\_\_\_\_\_ Councilman, Robert Pulsifer

\_\_\_\_\_ Deputy Supervisor, Robert Rice

\_\_\_\_\_ Councilman, Steve Streicher