PUBLIC HEARING: Zoning and Code Revisions

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 propose Zoning and Code revisions.

SAID PUBLIC HEARING would propose Zoning and Code revisions as follows: modifications to zoning district boundaries near Exit 16 and Ballard Rd./Route 9. Convert existing zoning district R-3 into R-2 and district RB-2 into RB-1. Modifications would be made to zoning schedules RB-1, H1, C-1, C-2, C-3, CR-1, & CR-2. Change the required sidewalk placement from the town easement area into road right-of-way. Allow use of digital media signs with constraints. Allow use of perimeter curtain drain to lower groundwater elevation. Zoning & Code enhancements that are proposed in Sections 43-7, 63-14, 63-15, 107, Article VIIIC. H-1 district, 109-26, 109 attch.4, 129-147, 129-157, 129-181, 129-4, 129-249, 129 attch.4 can be viewed on the town website under the 2013 Proposed Zoning Revisions link.

SAID PUBLIC HEARING will be held on Thursday December 06, 2012 at 7:00 p.m., at the 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

At 7:00 p.m., Supervisor Johnson called the public hearing to order and asked the Town Clerk to read the public hearing notice aloud, she did so. He then stated that there would be a three minute limitation for those who are speaking. This is an opportunity to express your opinion and views on the proposed changes. He then asked Councilman Pulsifer to discuss his recommendation to one of the changes that was originally proposed.

Councilman Pulsifer stated that at the last meeting the zoning changes were presented. The zoning and revision committee has worked on this for about two to three years including our town professionals. There was a zoning revision committee of about twenty people who had a lot of input into this. This process is working exactly the way it ought to. We came up with some ideas, than we have a public hearing to listen to what folks in the Town have to say. The proposed changes have been on the web site for people to review for the appropriate amount of time for the legislation. Some people have come in with some really good comments. One of the comments that came in was about some split zoning. When you draw a zoning line down a certain place it can't help but to split some properties down the middle. One of the things suggested by the former Engineer Keith Manz, was to say that the use of that particular property whatever the least restrictive zoning happen to do would apply to the whole

property. There were a few questions that came up because of some properties along Route 9 and Parkhurst Road side where there are some large parcels that go way back and theoretically that could extend commercial development all the way back. When those suggestions were brought up to our current Town Engineer, Ryan Riper he contacted me and Supervisor Johnson and after some discussion it made sense to delete that portion and leave the code the way it is. The section to be deleted is section 129-249 number 5.

Supervisor Johnson stated he would now open the public hearing for comment.

David Gabay, 92 Parkhurst Rd. He has been a resident for about thirty years. He stated that he was before the board as a resident who has concerns with changes that may affect his residence, property values and quality of life with the R-3 redistricting to R-2. First off he thanked the board for their quick action on the split zoning that was his largest concern. The Master Plan was not prefect as we all know; there is room for improvement, specifically in the transitional area where some uses were not allowed. He stated he lives on Parkhurst Road which is R-2 right now however, a lot of the land owners and residents of that Parkhurst Road corridor, the property that extends to the west, which is R-3. To eliminate the R-3 is an injustice. Why do we choose to set up shop and live in an R-3 area and abutting property to an R-3 area, we want low density. It's quite its dark there is wildlife, we enjoy hiking, camping and recreational activities without being on top of our neighbors; that is why we live in that area. If R-3 goes to R-2 the side setbacks go from 100 ft. to 40 ft. that's a significant change. The rear setbacks go from 200 ft. to 50 ft. does this benefit me, the land owner, I don't think so, I see it as a carrot for future development. The minimum lot size is reduced from 120 thousand Sq. ft. to 80 thousand. This is more density, this is not what we choose when I bought my property there twenty-seven years ago.

Bob Walsh, 36 Worth Rd. He has lived in Wilton for 35 years and has some concerns about the proposed revisions. He is a big fan of planning it helps improve the character of the town and the environment we live in. We owe it to ourselves and to our neighbors to make sure we keep the compact that we made with them speaking specifically of the work done in the early 2000's to develop the current Comprehensive Plan for the Town. That Master Plan was amazing in that it involved hundreds of people. He has worked on several developments of regulation projects for the State Health Department. It is a horrible process getting input from everyone, organize it, and then you have to explain it, so folks can understand it. What he was concerned about is he did not see this coming and neither did some of his neighbors. We heard about a committee but no one knows who is on the committee, if he had known about it he would have volunteered to be on it. He wanted to know what these revisions were supposed to solve. What problems was the Town facing that created the need for these regulations for zoning changes, they are not only zoning changes but you are

talking about a hundred and eighteen changes to the law, not the zoning law but a bunch of other ones. He did not think that we have gone through the steps that are necessary to be able to understand what those changes are and what do they mean to us. It seemed to him that a good part of the input was from professionals who are involved with Town administration not run of the mill citizens. He has a lot of comments and he would like to share them. He wanted the board to consider developing a more formal method for input and then following that and when the product is developed to come with a means of allowing comments so that people will understand how those comments were dealt with. He will be forwarding comments to the board for their consideration.

Janet Talley, 36 Worth Rd. She thought these changes were not in sync with the Comprehensive Plan that was adopted in 2004. Her question is; why aren't these changes coming through as an amendment to the adopted Comprehensive Plan. It appears to be in waste of time and money to throw out a Comprehensive Plan. There is a process to make changes and that process is not being followed. These changes are being proposed by an advisory committee appointed by a single board member and included individuals who appear to have a vested interest in these changes. She has worked and been on boards and knows it is unethical for members to vote on any issue that may be perceived as benefitting him or her financially. The appropriate way to assure that there is not an appearance of conflict is to have board members recluse themselves from voting.

Donald Weller, 70 Worth Rd. He stated that he has process issues also. In 2004 the Town had a Comprehensive Plan that a lot of work went into it, hundreds of folks got involved. The number of changes that are being asked for is a large number and there is a process to change that Comprehensive Plan. Mr. Pulsifer is not correct, this is not the way it is supposed to be run, it is supposed to be run with a change in the Comprehensive Plan following the processes that are set out by law to do that. The fact of the matter is there are several members of the committee that are business men and developers who have something to gain by changing the ordinances. The other thing is this board routinely finds ways to bypass the zoning ordinances. The board wants to have more development in this town and do it at the cost of the residents. This board should be representing the residents not developers.

Dennis Towers, The town did go to great lengths to create the Comprehensive Plan. There was involvement and sincerely wanted everyone's input. That Comprehensive Plan reflects the will and the vision of the community for the future of this town. The zoning changes that are proposed are in conflict with that Comprehensive Plan. If this does happen to go through there is a process that we can utilize within 45 days after the law goes through. It is called permissive referendum and we need to get 603 signatures which is 10% of the gubernatorial election. So if your councilmen do not listen to you the law is provided for that as well.

Jared Dinsmore, 22 Woodlake Dr. He stated that he would applaud the change to eliminate the split zoning; that was his biggest concern. That is something that

developers would take advantage of. That highlights a serious point that people here have with the process. We are at the public hearing and suddenly we are changing the law that you are drafting at the table now; that is a process flaw. You cannot run things like that. At the last meeting these changes were referred to as just housekeeping changes. These changes are in direct conflict with the Master Plan. You are dissolving zones, dissolving RB-2 which calls for low density residential, conservation residential and throughout that plan it talks about preserving the world character. Having digital signs throughout the Town of Wilton is not rural. You are getting rid of one of the Hamlet Zones that is specifically called for in the Comprehensive Plan. If you take away that hamlet zone you are taking away property rights. His recommendation would be that this should be a Comprehensive Plan amendment; the public should be more involved. The process that you have gone through, two and half, three years, there are no meeting minutes available and people did not know about it. He recommended that the board keep the public hearing open and considering a Comprehensive Plan amendment.

Mike Smith, 12 Hillside Ave. He has lived in town well over fifty years before planning and zoning even started. When they did start it they said they would keep it simple. Route 9, Route 50 and Ballard Road were going to be commercial. That is the way it should be. If you want to get some sales tax, have these developers building apartments move them back four or five hundred feet and let them build strip malls. Keep it simple.

Tom Klepetar, Parkhurst Rd. There is one thing he would like to see. If someone would get up and explain these changes and how they impact the different areas.

Joanne Klepetar, Parkhurst Rd. She has lived in the Town for forty years. Most of the things she wanted to say; has already been said. But she wanted to address the board and remind them that they work for the people in Wilton. We hired you by voting for you and we expect you to work for us. She asked the board to keep the public comments open not just till the next meeting, but if necessary, into the Spring whatever it takes so that every resident of this town knows what this board is capable of doing to the Master Plan.

Jim Zack, 4 Woodland Dr. He stated that for the past year he was responsible for obtaining field data for Sustainable Saratoga's Urban Forestry Project. This project is designed to protect and expand the existing City's public assets that make up its urban forest specifically, its street and park trees. The Wilton Town Code which was republicated in 2006 was written before the invasive species council was formed and well before the publication of its 2010 report. Several contradictions exist between the report and the Wilton Town Code Section 107.5 Paragraph C Titled sidewalk, landscaping, which now will be the guiding principal for individual reviews. The Town will do well to review the recommendations of the Urban Forestry Project and revise it to the tree species that it recommends. He wanted to enter into the record the Urban Forestry's recommended amendments to Saratoga Springs Subdivision He looking forward to working with the Town officials modernizing the list of suggested trees for sidewalk landscaping.

Supervisor Johnson thanked everyone for their comments and suggestions and stated that the public hearing would remain open to just before the next board meeting to accept any further written comments. The next board meeting is scheduled for January 3rd. The board will need a couple of days to review those comments, so he set the date at December 31st. for the last day to accept written comment.

REGULAR TOWN BOARD MEETING

Immediately following the public hearing, Supervisor Johnson called the Regular Town Board meeting to order at 7:35 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-Councilman Steve Streicher- Councilman

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

Public Comment Session

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

Dennis Towers, 92 Ernst Road stated that he has been unhappy with a lot of things with this board. One of the things is the treatment of people that have any opposition to them. They just get rid of them. They did not like the Planner so they got rid of the Planner, They do not like the Ethics Board so they plan on getting rid of them, they don't like the Comprehensive Plan, get rid of it. It's not right, it's not government for the people. It's doing what you want to do. He stated that he had spoken with Supervisor Johnson and the Town Attorney and gave the Town the opportunity to do the right thing. He said he has been told they will not do the right thing. He will file an Article 78 proceedings which he hopes will correct the wrong that the board did. He read a letter that he will add to the Article 78. In the letter he states that the actions taken on December 6th, 2012 by the Wilton Town Board in connection with the New Ethics Law and Zoning Revisions Committee as the proceedings relating to what is voted in are in violation to the New York State Open Meetings Law. The Open Meetings Law was violated by the committee's failure to provide public notice and failure to keep meeting minutes which is confirmed by the FOIL response letter received from the Town

Clerk which states; "These documents do not exist". Mr. Towers said he conferred with an official at the Department of State Committee on Open Government, who, following a brief recitation of the facts set forth above, concluded that there was a "clear violation of Open Meeting Law". He quoted several paragraphs of the New York State Open Meetings Law. He went on to say that the Ethics Committee was used by senior councilmen as a tool for revenge with the ultimate goal of eliminating the current Ethics Board as an act of retaliation and as a means to weaken the scope of a future Ethics Board. The letter further states he is presently preparing formal complaints that he will file with the Attorney General's Public Integrity Bureau and the New York State Joint Commission on Public Ethics. He said he is asking the courts to stop the illegal action and give him the time to file his formal complaint.

Bob Walsh, Stated that he wanted to support Mr. Towers in his concerns because he is also concerned about the Town's Ethic situation. He also urged the board to really think about developing a system for public input for the zoning process.

Gary Hasbrouck, He stated that there was some good feedback as far as the people coming forward and asking about the process. The board needs to describe the difference between a zoning change amendment and an amendment to the Master Plan. He stated that the board got elected to do the things they want to do and take votes on the things you want to do, that's part of the process. As far as the zoning things the process can improve, better feedback. But as far as the Ethics thing the board is making a decision and vote on it and that's exactly the way the process should work.

Scott Kingsley, 105 Traver Rd. stated that public officials talking with each other and looking for ideas and suggestions is not a violation of the Open Meetings Law. He then congratulated Councilman Streicher on what he thought was a great Ethics Law. Before the case against Councilman Pulsifer ever came to surface the Ethics Board never met. They never met in violation of Town Law. The Current Ethics Board has no respect for the Town Law. Second of all in respect to the decision against Councilman Pulsifer, he read it, it was a political document it said here are the charges we did not find anything but, we do not like the guy, so we will trash him on Town letterhead. That shows that the current members of the Ethics Board did not have judicial temperament to hold that office. Third, He stated that the board does work for the people, all seventeen thousand residents of this town, not the special interest that shout out at the meeting.

Tim Huff, a resident of Ingersoll Rd. he has lived in town for twenty-seven years. He wanted to correct what was just said. The Ethics Board that he is a member of did meet and go over disclosure forms every year that he was a member. Secondly, the Ethics Board can get input from both the Attorney General and the Comptroller's Office. He stated that the most ineffective form is an advisory committee. The original plan from Mr. Johnson was give teeth to the Ethics Board and put in a Code of Conduct. If someone felt they had a personal wrong because of the Ethics decisions it is too bad. He thought if there was any vote that Mr. Pulsifer has to recluse himself he has already appointed new orders by asking the Ethics Board members to resign. He believes that this is in retaliation for Ethics Board's meeting and what they did find.

Tim Reed, Parkhurst Rd. stated that Mrs. Klepetar had asked when they can ask questions. You (Supervisor Johnson) said "you can call me anytime." "You can call Ryan Riper anytime." Everyone here is a busy person we do not have time to make a dozen phone calls every time we have a question. Why is there no a public forum where the questions can come to you folks and you can respond, why not open it up to the public. Schedule a date have these people get together and talk about the idea for the Town.

Councilman Pulsifer and **Mr. Huff** got into a heated debate regarding the opinion of the Ethics Board and both members recusing themselves from certain issues.

Approve Pending Minutes

Supervisor Johnson asked for a motion and a second to approve the pending minutes from the November 6, 2012 meeting.

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

RESOLUTION # 181

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the November 6, 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.

NOT ON AGENDA

Plague for Keith Manz (Former Town Engineer)

Supervisor Johnson stated that Keith was our Town Engineer for almost twenty years. He served the Town with distinction for all that time he took us through two decades of the Town going through unprecedented growth. He did a great job for the Town. The supervisor then read and presented Keith with a plaque for his years of service.

Keith Manz thanked the board and went on to say he really enjoyed the job and the people it was very rewarding.

Supervisor Johnson then announced that this was the Town Clerk, Carol Maynard's last meeting. He stated that the board would properly recognize her when the time comes. She has done a great job for the Town.

Ethics and Disclosure Law LL No. 4 of 2012

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

RESOLUTION # 182

NOW, THEREFORE, BE IT RESOLVED, to adopt Local Law No. 4 of 2012 known as The Ethics and Disclosure Law as written.

The adoption of the resolution was seconded by Deputy Supervisor Rice, duly put to a vote, all in favor, except Councilman Lant, who voted nay. 4 to 1 vote.

Reappointments

Zoning Board (7 yr. Term) Rocco Angerami

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

RESOLUTION # 183

NOW, THEREFORE, BE IT RESOLVED, to approve the reappointment of Rocco Angerami, new term 1/1/13-12/31/2019.

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

Robert Barrett (1st alternate)

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

RESOLUTION # 184

NOW, THEREFORE, BE IT RESOLVED, to approve the reappointment of Robert Barrett to the 1st Alternate position on the Zoning Board. New term 1/1/13-12/31/13.

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

Planning Board (reappointments)

Anthony Mangini (1st Alternate)

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

RESOLUTION # 185

NOW, THEREFORE, BE IT RESOLVED, to approve the reappointment of Anthony Mangini to the 1st Alternate position on the Planning Board. New term 1/1/13-12/31/13.

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

Resignation

Wilton Water & Sewer Authority Nancy Fleming (Chairwoman)

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

RESOLUTION # 186

NOW, THEREFORE, BE IT RESOLVED, to accept with regret, the resignation submitted by Nancy Fleming as Chairwoman of the Wilton Water & Sewer Authority effective December 31, 2012.

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

Appointments

Jamie Green (Chairman) to replace Nancy Fleming

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

RESOLUTION # 187

NOW, THEREFORE, BE IT RESOLVED, to appoint Jamie Green as Chairman of the board for Wilton Water & Sewer Authority Effective January 1, 2013.

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

New Board Member Dave McDougal (New Board Member)

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

RESOLUTION # 188

NOW, THEREFORE, BE IT RESOLVED, to appoint Dave McDougal as member of the Wilton Water & Sewer Board effective 1/1/13-21/31/17.

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

<u>Proposed Housing Ordinance Change</u> Steven Wood Tabled at the November 8, 2012 meeting **Supervisor Johnson** stated that Mr. Wood called and wanted this item removed from the agenda.

Memorandum of Understanding Tabled at November 8, 2012 meeting

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

RESOLUTION # 189

NOW, THEREFORE, BE IT RESOLVED, to approve the Memorandum of Understanding between the friends of Gavin Park Recreation and the Town.

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

Committee Reports (If Any)

Supervisor Johnson wanted to mention that Friday December 7, 2012 is the Tree Lighting Ceremony at Gavin Park at 6:00 p.m..

Comptroller's Report (Including Bills & Transfers)

October 2012 Cash Disbursements

General Fund Highway Fund	\$212,667
	\$150,419
Total	\$363,086

2012 Budget Transfers

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

RESOLUTION # 190

NOW, THEREFORE, BE RESOLVED, to approve the budget transfers requested for and listed in the Comptroller's 12/6/12 report to the board.

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

Highway Department 2013 request 2014 Western Star

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

RESOLUTION # 191

NOW, THEREFORE, BE IT RESOLVED, to authorize the Comptroller to cut a purchase order in 2012 to purchase a truck that was requested for in the 2013 budget before the contract expires on December 31, 2012.

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

Personnel

<u>Park & Recreation (Education)</u> Steve Porto (Director)

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

RESOLUTION # 192

NOW, THEREFORE, BE IT RESOLVED, to approve the request submitted by Steve Porto to attend the 125th NYS AAF Convention on January 18-21,

2013 At the Riverside Convention Center, Rochester, NY.

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

Highway Dept. Justin Robbins

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

RESOLUTION # 193

NOW, THEREFORE, BE IT RESOLVED, to approve the request submitted by Kirk Woodcock to hire Justin Robbins effective 12/11/12 at the rate of \$13.78/hr. to fill the vacant full time no benefits laborer position.

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

Joshua Petrie

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

RESOLUTION # 194

NOW, THEREFORE BE IT RESOLVED, to ratify the board's decision to promote Joshua Petrie into the vacant Full-time w/benefits MEO position effective 11/27/12 at a rate of \$16.00/hr.

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

Capital Projects

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

RESOLUTION # 195

NOW, THEREFORE, BE IT RESOLVED, to approve the request submitted by the Comptroller to close out the following Capital Projects and transfer the remaining funds back to the original source:

- 1.) Capital Project 440 Camp Saratoga Balance remaining \$142. 26
- 2.) Capital Project 443 WFD Photovoltaic System balance remaining \$370.15

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

NOT ON AGENDA

<u>Building Department</u> Sue Baldwin (Comp Time)

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

RESOLUTION # 196

NOW, THEREFORE, BE IT RESOLVED, to approve the request submitted by Mark Mykins to pay Sue Baldwin for any Comp-Time she has accrued when she moves into the Town Clerk position.

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

Mark Mykins and Scott Harrington (Education)

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

RESOLUTION # 197

NOW, THEREFORE, BE IT RESOLVED, to approve the request submitted by Mark Mykins for him and Scott to attend a Building Codes Conference in Lake Placid it is March 3-7.

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

Executive Session (Personnel Issue)

Supervisor Johnson stated that the board needed to go into executive session due to a personnel matter involving the performance of a couple of specific individuals. He did not anticipate any particular action.

On a motion introduced by Councilman Pulsifer, and seconded by Councilman Streicher, the board adjourned to executive session at 8:17 p.m..

On a motion introduced by Councilman Pulsifer, and seconded by Deputy Supervisor Rice, the board reconvened the Regular Town Board meeting at 8:50 p.m..

Appointments David Gabay

Supervisor Johnson stated that we had forgot to put David Gabay on the agenda for 2nd Alternate to be reappointed. Deputy Supervisor Rice asked if Mr. Gabay had made any meetings. He wanted to look at that. Supervisor Johnson stated that the reappointment can be made at the January meeting. No action taken.

No action taken in executive session.

Adjournment

On a motion introduced by Councilman Pulsifer, and seconded by Deputy Supervisor Rice, the meeting was adjourned at 8:52 p.m..

Respectfully Submitted,	
Carol D. Maynard	-
Supervisor, Arthur Johnson	
Councilman, John Lant	

 Councilman, Robert Pulsifer
 Councilman, Steven Streicher
Deputy Supervisor, Robert Rice

REGULAR TOWN BOARD MEETING

December 6, 2012