

PUBLIC HEARING:

The Paddocks PUDD Amendment (aka Hudson Springs PUDD)

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 the Town of Wilton, New York, County of Saratoga, will hold a public hearing on the proposed amendment to Local Law No. 5 of 2007, known as The Paddocks Planned Unit Development District (aka The Hudson Springs Planned Unit Development District).

SAID PROPOSED AMENDMENT would replace the existing gazebo with a two-story 2,500 square foot fitness center with administrative office space on the second floor. The project is located at 65 Old Gick Road and is known as tax map number 153.00-3-34.111.

SAID PUBLIC HEARING will be held on Thursday, September 2, 2010 at 7:00 p.m. at the Wilton Town Hall, located at 22 Traver Road in said town at which all persons will be given an opportunity to be heard.

SAID PROPOSED AMENDMENT will be on file in the office of the Town Clerk of the Town of Wilton at 22 Traver Road where it may be examined by any interested person during regular business hours.

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. Supervisor Johnson asked William Hoblock from Capital District Properties to give the Board a brief overview of the amendment. **Mr. Hoblock** explained that the PUD sits on 13 acres. It has seven residential buildings, a center green and it is a continuation of the Paddocks of Saratoga. The amendment is very straight forward. The center green as approved; has tennis courts and a gazebo so in place of the gazebo we would like to build a state of the art fitness center with office space above. It is two stories with a nice terrace overlooking the tennis court to connect the fitness center to the tennis courts. We are trying to improve our quality of the development and offer more amenities. Supervisor Johnson asked if anyone was there to speak on the public hearing regarding the Paddocks. There was no response. 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 7:04 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 Councilman O'Connor, who was absent.

Arthur Johnson-Supervisor

Raymond O'Connor-Deputy Supervisor (Absent)
Robert Rice-Councilman
Robert Pulsifer-Councilman
Charles Gerber-Councilman

Also present were Town Attorney Richard DeVall, Town Engineer Keith Manz and Town Comptroller Jeffrey Reale.

Public Comment

Supervisor Johnson asked Dan Tagliento to come up front and address the board. Dan Tagliento, a resident at 29 Jones Rd., stated he had two items he wanted to talk about: One was the recent fire at the McGregor apartments it is the second such fire there. It started from a minor cigarette unattended he wanted to know if the board would ask the building inspector to look into this it is strange, you never want to see something purposely done. He does not want to see this repeated. The second thing is to refocus on the intersection of Old Gick and Jones Road. He explained that NYS DOT has pushed the project back to 2012 but have improved all of the other intersections. He is concerned with the traffic issues there, taking the curb out and having Motor Vehicle Department come up with a new law on right hand turns would help.

Supervisor Johnson asked Jared Dinsmore to come up and address the board. **Jared Dinsmore** a resident of 22 Woodlake Drive stated he wanted to thank the Town and especially the Parks and Recreation Department. This past month our family hosted a little girl eight years old Deanna Jones from Brooklyn as part of the fresh air program. Mr. Dinsmore had approached the Town to see if Deanna could participate in the park camp program. They welcomed her and she was there for four days and she had a wonderful time. He stated she had never been to a camp like that so he just wanted to thank the Parks Department for letting Deanna participate.

Approve the Pending Minutes

Supervisor Johnson asked for a motion and a second to approve the pending minutes from the last meeting.

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

RESOLUTION # 141

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the August 5, 2010 meeting as typed without amendment.

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

Saratoga Heritage Phase II (Amendment)**Public Hearing held 8/5/10 (30 days for public comment)****Received positive recommendation from Saratoga Co. & Town Planning Board**

Supervisor Johnson explained that the public hearing was held August 5th, and he left this item open for thirty days for public comment and two letters were received:

1st letter is from Mrs. Joanne Klepetar who objected to the fact that Mr. Farone has a pattern of manipulating the system to satisfy his needs. The zoning and or master plan has been put into place after many hours of thoughtful consideration by many dedicated people. Time and time again his plans are altered to fit his needs and maximize his profits and don't fit into the plan that the town carefully created. It is not the charge or responsibility of the elected members of the Wilton Town Board to maximize profits for developers in the town but to keep them and others in check with to regard to over development and lack of consideration of what the community at large wants to see. Variances should be carefully scrutinized as to their validity and worth and should only be issued in extraordinary circumstances. When a large developer who has worked with the town for over four decades buys property in Wilton he knows exactly how many homes that property is zoned for and should stay focused on working within the framework set forth by the guidelines already in place for that purpose. The Planning Board, as I understand it, has made a recommendation to reduce the number of units but this has been ignored for some reason. Please consider forcing the developer to work within the framework already in place in our wonderful town not only for this development but in future ones undoubtedly planned for the Route 9 corridor.

2nd letter was from Nancy and Frank Tetz who are concerned about the overall number of multi-family dwellings in the area. In addition, we see lack of planning regarding a town center, preservation of local character and historic hamlets and emphasis on development without proper long term planning. Development to date indicates a lack of foresight by the town governance which will eventually impact adversely on quality of life and property values. We are appalled that Wilton, facing unusual growth pressures, has decided that a town planner position is not needed. Let's take a break on multi-family development in the Route 9 area, and concentrate on better long term planning.

Supervisor Johnson stated that the project had been referred to both Saratoga County and the Town Planning Boards. The Town Planning recommended approval with a couple of recommendations on being that a second pool being put in before a CO is issued and the two buildings are approved and the other was an access to Wilton Commons and or an alternative out through the side of Wilton Commons to Waller Road. They would also like to advise the board that the density of this project those two acres that these two buildings are proposed for was used in the original calculation for the density and that if these two buildings are approved obviously the maximum density per acre under our PUD Law would be exceeded. Supervisor Johnson also stated that the County Planning Board recommendation; they recommended approval but recommended the extension of the driveway servicing Wilton Commons be constructed as a direct connection to phase II rather than putting a separate emergency access. That is what is before the board and the first thing the board needs to do is SEQR.

SEQR

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

RESOLUTION # 142

NOW, THEREFORE, BE IT RESOLVED, to approve a Negative Declaration under SEQR for the amendment of Saratoga Heritage Phase II PUDD.

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

Councilman Gerber stated he would make a motion to approve the amendment because it is adding two buildings to a sea of apartment buildings, which is going to be insignificant. The units are one-bedroom so there won't be children and no impact on local schools. However, the new construction will boost assessment rolls, generating about \$20,000 of school tax.

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

RESOLUTION # 143

NOW, THEREFORE, BE IT RESOLVED, to approve the amendment to the Saratoga Heritage Phase II Planned Unit Development District. Contingent upon the recommendations from the Planning Board regarding the swimming pool and the second access to Waller Road be incorporated.

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

Councilman Rice stated that he did not feel that this project fits in with what the town is trying to do here. Mr. Farone maxed out the density the first time around and if the density had changed talking about 10 units or 9 units since the PUD has come through I might consider it. But it has not changed so in Councilman Rice's opinion the amount of building that is there now is what should be there.

Supervisor Johnson stated that this would benefit everyone, there would be \$185,000 in revenue for the town and revenues are short this year particularly mortgage taxes, which are down 50%, and the court fines are substantially down as well this budget year. The land is really of no use or value to us. There are no additional roads or infrastructure needed and the residents there will get a second swimming pool. Supervisor Johnson stated he is not a proponent of increasing density, but in this case for the benefit of the town and the people that live there it is a good thing.

Councilman Pulsifer stated he is voting to approve the amendment because this is a property rights vote he did not think the town should be strong arming applicants to get land and he thought that was

happening a lot over the last five or six years. He also stated that it was not the project itself that he was in favor of but the town should give back property that the town strong armed from somebody.

Motion carried 3-1

Saratoga Heritage Phase IV

Public Hearing held 8/5/10 (30 days for public comment)

Received positive recommendation from Saratoga Co. and Town Planning Boards

Supervisor Johnson stated that the public comment letters received and on record were meant for both Planned Unit Development Projects. Supervisor Johnson stated that the board also needed to do a Negative Declaration under SEQR for this project as well.

SEQR

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

RESOLUTION # 144

NOW, THEREFORE, BE IT RESOLVED, to approve a Negative Declaration under SEQR for the Saratoga Heritage Phase IV PUDD.

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

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

RESOLUTION # 145

NOW, THEREFORE, BE IT RESOLVED, to approve Saratoga Heritage Phase IV PUDD as submitted.

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

The Paddocks PUDD (amendment)

Public Hearing held earlier

Received positive recommendation from Saratoga Co. and Town Planning Boards

Correspondence from William and Judy Morris (approval ltr)

Supervisor Johnson stated that the public hearing was held earlier on the Paddocks PUD which was modifying the PUD by eliminating the gazebo and putting in the fitness center. Supervisor Johnson asked Engineer Manz if we needed to do SEQR. Engineer Manz explained that the amendment is so minor that SEQR would not be required however, the applicant has requested to play conservatively that the town

board reaffirm in a separate motion up front that the SEQR from the original application still applies and because of the minor nature of the changes it does not need to be reopened.

SEQR

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

RESOLUTION # 146

NOW, THEREFORE, BE IT RESOLVED, to reaffirm that the original Negative Declaration under SEQR still applies because the amendment is minor in nature and is not changing density and it benefits the setting and amenities to the project.

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

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

RESOLUTION # 147

NOW, THEREFORE, BE IT RESOLVED, to approve the amendment for the Paddocks PUDD as submitted.

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

Reappointment (IBR Board)

Martha LaDue

Term to expire 9/30/10

New Term 10/1/10-9/30/2015

Supervisor Johnson explained that the board has a reappointment scheduled for Martha LaDue, from the Independent Board of Review. Kathy Austin, Town Assessor, has made a request that the board consider a couple of other candidates that she would like to see the town interview although Marty has been a long time board member and has expressed interest to serve again.

Councilman Pulsifer asked if Kathy Austin (Town Assessor) was talking about additional members.

Supervisor Johnson stated no, Kathy has a couple of other people she would like the board to consider and asked him to bring it up tonight to see if this can be delayed; if you wanted to consider someone other than Martha LaDue.

Councilman Pulsifer asked how long Martha LaDue has served on the IBR Board.

Supervisor Johnson stated it had been fifteen years.

Councilman Pulsifer explained that the town has somebody that's been doing a good job for a long time and he did not think the town should throw that experience away.

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

RESOLUTION # 148

NOW, THEREFORE, BE IT RESOLVED, to reappoint Martha LaDue as member of the Independent Board of Assessment Review Term to expire 9/30/10, new term 10/1/10-9/30/2015.

Councilman Rice asked how many members are on the IBR Board.

Supervisor Johnson stated five members, and explained that Kathy Austin (Town Assessor) was thinking with the complexities of Real Estate Laws and with assessments, Kathy thinks someone with more Real Estate experience may be a better fit for the board, but that was her opinion, not his opinion.

Councilman Pulsifer stated that this is a Board of Review and he was not going to buy into that argument that people have to have specialized experience. Anybody with decent intelligence should be able to figure that out. Councilman Pulsifer stated he knew Marty and he thought she would do a great job, so he was sticking to his motion to reappoint Martha LaDue.

Councilman Rice stated that if Kathy Austin (Town Assessor) had expressed those sentiments several months ago perhaps the board would have had a window of opportunity to consider that, but in the interest of time and keeping the board together, he agreed to second the motion.

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

Jessica Trace (petition to reduce speed limit)

Carol VanHorn & Stacey Frasier

Supervisor Johnson explained that the board had received a petition from many residents that live in the Estates at Northern Pines and a few people signed the letter that live on Jessica Trace. They are concerned about the speed limit in there and as you know the Town does not have jurisdiction over speed limits on Town Roads. 30 miles per hour is the speed limit in Town and he had asked Engineer Manz to call Joe Ritchie (Commissioner of Public Works) at Saratoga County.

Engineer Manz explained that he called Commissioner Ritchie to see if a request could be made the subdivisions are usually 30 miles per hour he asked if DOT would assess the area because the Town is too small to set its own speed limits. Commissioner Ritchie stated that no, 30 miles per hour is the

minimum, it would be impossible for them to even consider it. So the town cannot forward the request to the County and have them send it to the State to reduce it below 30 miles per hour. Commissioner Ritchie suggested having the sheriff go in there and ticket speeders. Engineer Manz explained the State doesn't allow speed limits below 30 miles per hour unless there's a school, park, church zone nearby. After some discussion; **Supervisor Johnson** stated he would respond on behalf of the Town Board and offer the other alternatives. The board agreed.

Committee Reports (If Any)

Supervisor Johnson explained that the October Board meeting has been changed to Monday October 4th, at 7:00 p.m..

Councilman Rice stated that the Wilton Wildlife Preserve and Park will be having an open house on Saturday September 11, from 11:00-3:00 p.m.. There is no charge and there are a lot of activities.

Comptroller's Report
(Including Bills & Transfers)**July 2010 Cash Disbursements**

General Fund-	\$267,296
Highway Fund-	\$279,526
Total	\$546,822

Comptroller Reale stated the disbursements listed in the Comptroller's report are for informational purposes only.

2010 Budget Transfers and Amendments

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

RESOLUTION # 149

NOW, THEREFORE, BE IT RESOLVED, to approve the budget transfers and amendments requested for and listed in the Comptroller's 09/02/10 report to the Town Board.

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

Coat Drive

Supervisor Johnson mentioned the coat drive; residents can drop coats off at Town Hall September 1st to October 15th and then the pickup for those who want coat, is October 23rd and 24th from 10:00-2:00 and then October 25th – 29th from 9:00 a.m.-5:00 p.m..

Supervisor Johnson: If there is no other business, I will entertain a motion to adjourn.

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

Respectfully Submitted,

Carol Maynard, Town Clerk

Supervisor, Arthur Johnson

Absent Councilman, Raymond O'Connor

Councilman, Charles Gerber

Councilman, Robert Rice

Councilman, Robert Pulsifer