

# TOWN OF WILTON

22 TRAVER ROAD

WILTON, NEW YORK

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## **PUBLIC HEARING – CODE AMENDMENTS – ROAD SPECIFICATIONS**

**7:00 P.M.**

Supervisor Lant opened the public hearing at 7:00 pm.

Ryan Riper explained that the Highway Superintendent suggests that the Town Board make some revisions to the specifications for the road cross sections. Basically, increasing the amount of stone placed under the road. Increasing the amount of binder being placed. The process of placing the topcoat, which will be placed immediately after the binder so when a subdivision is close to completion or completed an additional topcoat will be placed. This is to increase the longevity of the roads built by developers. Currently, we have two inches of binder and Highway Superintendent Monroe has seen over the years the roads are failing relatively quickly. So, he would like to have the specifications increased to get more years out of the roads. Trucks are traveling on these roads during construction and they're breaking down. We would like to get the binder topped sooner than we have in the past. We have red lined some of these changes. When would the Town Board like to implement these new revisions, at what stage? Councilman McEachron said as soon as possible. Mr. Riper said one thing was suggested if a subdivision has not been filed at Saratoga County, maybe add some time to that. Highway Superintendent Mike Monroe said this is long overdue for our residents and it brings us up to par with our neighboring towns. This way we have a new road at the end of completion.

Peter Belmonte of Belmonte Builders said he understands where the Superintendent is coming from. Some of the neighborhoods go on for an extended period of time and the binder is exposed to the elements. We build in a whole variety of communities across the capital district and there is only one other that has this code in place, other places have increased the binder and may have asked for the top at a different time. I don't know if the added cost that this is going to impose on a neighborhood which will be significant, is necessary and there could be other solutions such as building the binder course to a thicker depth than doing a three-layer application. Before we put the topcoat on, we go through the project with the Town Engineer, and we repair any area that has been damaged. I don't think this is the best solution.

Geoff Booth from New York Development Group. I echo Pete's sentiments. We have been doing this for about 23 years. We typically do 3 inches of binder. I do agree with increasing the subbase a little bit, but I think 3 inches of binder instead of 2 would be much better. The cost of road construction has gone through the roof. I think the Board should maybe compromise, somewhere in between. I would ask the Board to maybe grandfather in projects that have been approved thus far.

John Hannon a Wilton resident said I support the Superintendent on this. They have resurfaced our road and it also affects the drainage. So, by doing what the Superintendent asks ahead of time it will

last a lot longer. When you look at the growth in the Town, you can't just keep up with the road miles that have now expanded. I think the request is more than reasonable.

Highway Superintendent Monroe said the Town of Malta has the identical code that I'm proposing. I understand the cost of the road is expensive. The only negative I hear about this is from the builders. I was elected by the people, and they want better roads in our town. I can't afford, in the highway budget, to pave what we're doing now. Developers want to come into our town, and this should have been done 10 years ago. If that crusher run and subbase is not put on the road, that cost goes back to us to go back and fix these roads. The change has to come now. It's tough for us to go back and put in a subbase in a driveway that's already in place. The subbase should be put in now at the time of development. Our residents deserve a good road when the development is done and complete. I'm putting in letters of credit to fix things that should have been fixed the first time. Councilman McEachron asked if it costs more with a letter of credit. Superintendent Monroe said yes it does. Most of the time repairs are more than the letter of credit and those costs are absorbed by the Town.

Peter Belmonte said, I don't disagree with Superintendent Monroe. Roads should be built right the first time. If the engineers say it needs more of a subbase more crushed stone below the pavement, then we should be doing that, it should be part of the Town's specs. What I'm speaking about is the 3 coats of blacktop. If increasing the base of black top from 2 1/2 inches to 3 inches and putting it on a more suitable base, and I'm not sure 12 inches is the answer. It could be more or less. We should not be producing subpar roads and creating a headache for the Town. But 3 coats of black top in my opinion, is uncalled for. There are better ways to do it. Superintendent Monroe said our binder right now is 3 inches rolled to 2 1/2. We're asking for 3 1/2. We're asking for 1/2 inch more in the binder. We should not be taking roads over on a binder course.

Ryan Riper said, what we're seeing with the binder, these subdivisions are taking about ten years to build out. For instance, Ray O'Connor's neighborhood, it's been at least ten years. A lot of the subdivisions are not completed, they are still on a binder course. The binder is a structural component of the road. What we're saying is we're going to get a complete road right from the start. At the very end a 1 1/2 top for sacrificial wearing. The other thing Mike is seeing is we're not getting full thickness everywhere.

Town Counsel Schachner stated in his experience there's a lot to be said for beefing up the specifications. What can be a legal issue is proper oversight and enforcement. We have capable people here. There is always pressure for the town to take over the road. It's a discretionary act by the Town Board.

Peter Belmonte addressed the Board and said another topic just came on the table. When should the Town take over the roads? Superintendent Monroe stated he spoke with the Superintendent in Malta and their happy with the new process. With the final phase put on it's a brand-new road. Now they have a 20-year road. Now we can put that road on our 20-year plan. Peter Belmonte said it's only been a few years, so they don't know if it's accomplished anything.

Rich Pollock spoke about the binder saying a fewer number of thick courses is better than a greater number of thin courses. Thin courses don't buy you strength.

Supervisor Lant asked if there were any questions. There were none.

Councilwoman Kolligian made a motion to close the public hearing at 7:25 P.M. Councilman Bogardus seconded the motion. All Board members in favor.

**REGULAR TOWN BOARD MEETING-April 7, 2022**

**Supervisor Lant** called the Regular Town Board meeting to order at 7:26 p.m.

**Pledge of Allegiance**

Supervisor Lant 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.

John Lant-Supervisor  
John McEachron-Deputy Supervisor  
Duane Bogardus-Councilman  
Erinn Kolligian-Councilwoman  
Ray O’Conor-Councilman

Also present was Director of Planning and Engineering, Ryan Riper, P. E., Comptroller, Maria Moran, CPA and Mark Schachner, Town Counsel.

**Public Comment**

**Richard Pollock** requested if the Planning board had some sort of privilege of the Board at their meetings. I have some concerns about a current zoning ordinance that I think needs attention, and I would like to be able to discuss that with the Planning Board.

**Paul Kelly** I’m here about the mixed overlay district. I just have a few questions. During the discussion I’d like to know what these apartments are going to be. I’d like to know what the demographics will be for income, what the tax offsets will be. I am hoping it will be something positive for the Board.

**Approve Pending Minutes**

On a motion introduced by Councilman Bogardus, the Board adopted the following resolution:

**RESOLUTION #107**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the minutes from the March 3, 2022, meeting, as typed.

The adoption of the resolution was seconded by Councilwoman Erinn Kolligian, duly put to a vote, all in favor. The motion passed 5-0.

### **Wilton Emergency Squad-Penflex Service Award Program**

Comptroller Moran completed the review of the emergency squad service award program. As of December 31, 2021, I did have a revision, as a result of my review, which was sent back to the emergency squad. The revision was relatively minor, and corrected, and moved on. It will be posted for the next 30 days at the emergency squad for a review of the participants. At the end of the 30 days, we will get the package back, for approval by the Board. The squad is phenomenal they keep track of activities, it's a lot of work.

On a motion introduced by Councilman McEachron, the Board adopted the following resolution:

### **RESOLUTION #108**

**NOW, THEREFORE, BE IT RESOLVED**, to approve the audit and review of the 2021 PENFLEX Service Award Program points listing of all volunteer ambulance workers at the Wilton Emergency Squad.

The adoption of the resolution was seconded by Councilman O'Connor, duly put to a vote, all in favor. The motion passed 5-0.

### **WWPP Quarterly Report**

Margo Olsen, Executive Director of Wilton Wildlife Preserve and Park. This is the first quarter of our winter report. It was not great for people that love snow. We had to cancel 32 programs because of poor snow or ice conditions. This winter, it was really great having the ice-skating rink, thanks to Scott Harrington and the Town of Wilton. We tried something different this year, thanks to Tori, winter bonfires, so that people snowshoeing, and cross-country skiing can sit around the fire. We're starting to look ahead to spring programs, we just sent the newsletter out with all the activities planned. A new program, that we'll be doing monthly, is campfire chats, which was funded by a foundation grant from Common Roots up in Glens Falls. Bringing people to Camp Saratoga. We have school vacation coming up and earth day. We were disappointed having to cancel our Wildlife festival the last 2 years. It's a way of highlighting all the wonderful facilities, getting people out on the trails when the lupine is in bloom and the butterflies are first seen. That wildlife festival will take place June 5th. We have a really

busy calendar coming up. That's the end of the first quarter. Supervisor Lant thanked Margo and her staff for the great job they do.

### **Code Amendments – Road Specifications**

Supervisor Lant asked if Mr. Riper or Superintendent Monroe had anything more to add. Superintendent Monroe said I think this is going to lead us in the right direction. It will give our residents a better road. Councilman McEachron stated that someone said there is no proof that this will work, but what we do know, what we're doing doesn't work. Councilman O'Connor said he puts the reliance on our professional staff in regard to situations like this.

On a motion introduced by Councilman Bogardus, the Board adopted the following resolution:

#### **RESOLUTION #109**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the amended code-revisions and road specifications, to go in to affect April 29th, with the mylars submitted to Saratoga County

The adoption of the resolution was seconded by Councilman O'Connor, duly put to a vote, all in favor. The motion passed 5-0.

### **Intent to Accept Land**

#### **Pine Bluff Conservation Subdivision**

Benjamin Willson with Ingalls and Associates representing B&D properties. The purposed Pine Bluff Subdivision is a 19-lot single family conservation subdivision that is currently in the review process with the Planning Board. We are purposing 7.3 acres of open space to be dedicated to the Town. They could be used for recreation or whatever you decide to do. It's mainly a forested area with intermittent wetlands. The trail can provide interconnectivity. It could be possible to connect to the Forest Grove subdivision. Councilman O'Connor said he walked the property and saw that it would be a good connection. It would be a worthwhile endeavor for the Town. Councilwoman Kolligian stated that the trail goes along the 100-foot buffer along the Northway corridor set back and is concerned. Mr. Willson said that the final location of the trail hasn't been selected yet. Councilman Bogardus asked about the wetlands. Councilman O'Connor said when he walked the property there were some strips of water but by no means impassible.

On a motion introduced by Councilman O'Connor, the Board adopted the following resolution:

**RESOLUTION #110**

**NOW, THEREFORE, BE IT RESOLVED,** to declare the Wilton Town Board's intent to accept the open space dedication from Pine Bluff Conservation Subdivision and offer a 10% density bonus to the applicant contingent upon Town Counsel and Town review of all land dedication documents and final subdivision approval.

The adoption of the resolution was seconded by Councilwoman Kolligian, duly put to a vote, all in favor. The motion passed 5-0.

**Draft MS-4**

Ryan Riper, Director of Planning and Engineering said the Draft Annual MS-4 Report is available for review. It is a stormwater report that is produced every year. There is a lot of data. For instance, the number of miles that the Highway Department has to sweep streets, parking lots and number of catch basins that need to be cleaned. It is information for anybody who would like to review the draft annual report.

**Peddling and Soliciting License**

We received an application for Adult and Teen Challenge Albany. It is a 12-month drug and alcohol program. They are requesting our participation in their campaign, a walk-a-thon to inform the public, which means they are requesting a peddling and soliciting license. Supervisor Lant asked if they have a building they work out of? Town Clerk Baldwin said yes, they have several offices. No action taken.

**Standard Workday and Reporting Resolution**

On a motion introduced by Councilwoman Kolligian, the Board adopted the following resolution:

**RESOLUTION #111**

**NOW, THEREFORE, BE IT RESOLVED,** to accept the Standard Workday and Reporting Resolution for Town Justice Matt Coseo, Supervisor John Lant and

Highway Superintendent Michael  
Monroe

The adoption of the resolution was seconded by Councilman Bogardus, duly put to a vote, all in favor. The motion passed 5-0.

### **ARPA Grant Application Form and Limits**

Councilman O’Conor addressed the Board. The American Recovery Plan Act. The total amount we have received this year is \$870,000 and the same for last year. Comptroller Moran said in total, approximately 1.7 million dollars. The Highway Superintendent and the Town Engineer have discussed capital projects for which these funds can be used. Also, discussion about local Not-for-Profit Organizations. Would it be the appropriate time to at least make an allocation of funds to these groups. To set aside a certain amount initially, set parameters, for those grants and allow these Not-for-Profits to apply. With maybe an initially allocation of \$50,000. Grants from anywhere between \$500 to \$5,000 and see what kind of activity we get. We could basically use the same format that the county does. Comptroller Moran stated if you don’t use it, it has to be returned by December of 2026. We have to have an obligation for the money before December 31, 2024. Then the cash has to go by December 31, 2026. The longer we wait to do a capital plan the harder it is. We could use this money for road improvement, for a vast number of things than originally set out for. The Not-for-Profit has to be either physically located in the Town of Wilton, a branch in the Town of Wilton, or serve Wilton residents. Comptroller Moran has set up a dedicated email to send these applications to. The intention would be to receive it, then send it to the Board for review. How they were negatively impacted by COVID, because that is a requirement of us using the money like the federal govt. wants us to. We can’t just give away the money for any purpose, it has to be related to COVID. There was some discussion. We could do a \$10,000 limit. The Board would have to approve each application and funding. Councilman Bogardus said so we have identified 22 Not-for-Profits in our town. Yes, or who service our town. We could hold off until we see what the first round looks like. If everybody receives aid in the first round, then we’re done. If there’s money left over in that initial \$220,000 and we decide there’s not a road or capital project that needs to be done, then we can certainly do another round. Councilman Bogardus suggested breaking it up into a two-year plan. Comptroller Moran stated that we are specifying in our outreach plan that you have to have suffered COVID impact. How is this money going to help with that specific need? It’s intended for program use. Councilman O’Conor made a motion to allocate \$100,000 with a maximum grant amount of \$5,000.

On a motion introduced by Councilman O’Conor, the Board adopted the following resolution:

### **RESOLUTION #112**

**NOW, THEREFORE, BE IT RESOLVED,** to allocate \$100,000.00, with a maximum amount of \$5,000.00 from the ARPA

Grants, with acceptable applications, for Not-for-Profits who service, reside, or have a branch in the Town of Wilton.

The adoption of the resolution was seconded by Councilwoman Kolligian, duly put to a vote, all in favor. The motion passed 5-0.

### **Road Dedication-Indigo Way**

Supervisor Lant asked Mr. Riper if he would like to talk about the road. Indigo Way is in Mulberry Estates, Phase II off Route 9. It's a small cul-de-sac road. It meets the standards.

On a motion introduced by Councilwoman Kolligian, the Board adopted the following resolution:

#### **RESOLUTION #113**

**NOW, THEREFORE, BE IT RESOLVED**, to accept the road, Indigo Way, in Mulberry Estates, Phase II, contingent upon Town Council's review,

The adoption of the resolution was seconded by Councilman Bogardus, duly put to a vote, all in favor. The motion passed 5-0.

### **Wilton Wildlife Preserve and Park Grant Revision**

Councilman O'Connor addressed the Board. In the original budget for 2022, \$50,000 was allocated for the WWPP in their annual grant. Subsequently, the Town agreed to increase that to its traditional level of \$90,000 to cover certain expenses related to programs and personnel. WWPP got another grant from an organization, to help offset similar expenses. They looked at other expenses related to educational programming and resident's use. This allowed for a reduction in the Town's grant from \$90,000 down to \$82,550 dollars. My recommendation is that we amend the agreement again and reduce it from \$90,000 to \$82,550.

On a motion introduced by Councilman O'Connor, the Board adopted the following resolution:

#### **RESOLUTION #114**



**NOW, THEREFORE, BE IT RESOLVED,** to amend the agreement between the Town of Wilton and Wilton Wildlife Preserve and Park from \$90,000.00 to \$82,550.00

The adoption of the resolution was seconded by Councilwoman Kolligian, duly put to a vote, all in favor. The motion passed 5-0.

### **Wilton Mall-Petition for Use in Zone**

Mr. Jones addressed the Board as an attorney from Saratoga Springs on behalf of Paramount Development. I represent Tom Snell. We have a presentation from an application that I filed on behalf of Paramount and Macerich, a joint petition to amend the zoning code. Which was filed just two weeks ago. In that application, we described in a document called an FEAF, which this Board routinely deals with, the environmental impacts that we saw in connection with the zoning change. A foot note to the letter, I indicated that because this was also a project that the law requires in order to avoid a segmentation issue, I filed an additional environmental impact form a full FEAF or amended, depending on preferences of the Board. The project we envision to be just under four hundred residential units. 290 plus or minus apartment units and another eighty-eight or so of town house units. If successful and the Board agrees, to adopt the zoning amendment, the project would require that Paramount submit a subdivision and site plan application to the Planning Board for review. Tom Snell is a principle at Paramount Development and his area is high end or luxury apartments which he has been quite successful. More than 8,000 developed over two decades. He has a very broad experience. In an agreement with Macerich about thirteen acres on the northeast side all facing Dicks Sporting Goods.

Tom Snell, a partner with Paramount Development, states that Paramount Development is based in Sarasota Florida. With my partner, Don Paxton, we have developed almost two hundred apartment communities. What he does is go into a marketplace and do something better than the last thing that was done. I set the bar high. We want to be successful, and it's much more fun developing something with all the bells and whistles. He said he has no troubles saying, this is going to be in excess of \$100 million dollar investment. Every unit will have a view of the forest. Once people find us and sees our amenity package and the level of service, we think they'll stay. He looked at a national multi housing council, they did a study back in 2012 it's indexed in 2022. It says that tenant's minimum income to live in our lowest rent unit would be about \$60,000. That's what it would take to qualify to live there. Those tenants spend in excess of \$32,000 per year and 70% of that is local. We will be connected at the hip to the mall. This is considered B & C malls; the A malls are fine but the B & C need help. There are plenty that are beyond help. What we see in the Wilton Mall is something that's got some momentum. We do really well around retail.

Mike Schafer the General Manager of the Wilton Mall. If you've been to the mall the retail industry has gone through a dramatic change. Not in a good way. In 2018 our BonTon closed, 2020 our Sears closed.

During the pandemic there were some closures of national retailers. As a landlord and an owner, we need to reposition the mall for future growth to maintain the tax revenue here in Wilton. We see adding residential as a catalyst to help attract and get future tenants including dining and entertainment, which right now we frankly don't have any. Right now, we are still in decent shape but the residential addition to the property at the end of the mall that, right now, is getting no interest. So, we're looking for a zoning overlay to allow for the residential and other uses.

Dave Carr with the LA Group. I believe all the Board members have seen a rendition of what we are purposing. We have been working on this for about a year. The plan is to remove the BonTon building and develop two phases of apartments and townhouses. The mall property is made up of 101 acres. It's made up of four parcels. There's one large parcel and three inner parcels. There's a pad parcel around BJ's, and JC Penney, and around Dick's Sporting Goods. The thought is to remove BonTon develop the first phase, which would be about 250 units in four buildings. Four story buildings, with underground parking and amenities within the perimeter road. The only trees that would be removed are the trees that were planted as part of the original development of the mall. For Phase I there would be an increase of pervious area. When Phase I is done, there will be more lawn and landscape than there is now. Phase II would be the large area behind Benson's. Good infrastructure and a good road system. You're taking land that is unutilized and repurposing it. The application is all about the fact that residential uses are not allowed in the C-1 zone. However, mixed use development is discussed in your comprehensive plan. Councilman McEachron asked how many units in Phase II Dave Carr responded 88. That would be a total of 384 units in two phases. Approximately 14 acres of land. First Phase is 296 and 88. Councilwoman Kolligian said this hasn't gone through the planning process, so you're hoping for this many apartments. Tom Snell said we're planning on a pool, basketball court and a wine club. Councilman McEachron asked when are you going to buy the rest of the mall? Tom Snell responded saying we like a mixed use; we would like to be part of this business complex. Councilman McEachron said We will give special attention to the four stories and to me this doesn't sit close to our comprehensive plan. Councilwoman Kolligian spoke and said these numbers max out that property for residential use. There will not be another set of these on the other side of the property because the use would be at its max. Councilman McEachron stated what's to stop them from coming back to change the district again. You can say we can cap it at 354 all you want but when they come back? Councilman O'Connor said the Town Board can legislate what it wants. Councilman Bogardus stated he read through the proposal and most of it is blank. You identified the wrong fire department to cover it, a lot of the pertinent questions that should be covered are all blank. Matt Jones Attorney, that's the FEAF from the zoning change and routinely does not have a lot of project specifics, there's no building, no construction, or environmental impacts. It's simply different than what you will see. The first page, a foot note on the bottom, is what you have is a FEAF for the zoning change. In a week or so we'll have all the metrics for the building that we're purposing, and you'll see a second FEAF that deals with Paramount's project. Councilman asked how many units per acre. Mark Mykins said six. Councilman O'Connor asked if Paramount had done any projects in the state of NY or in the northeast? Tom Snell responded the only project we had here is in Long Island. We did a project with the VA. Town Counsel Schachner responded to Matt Jones. He's talking a language you've all heard before and are somewhat familiar with but not your daily language. It's the NYS Environmental Quality Review Act, SEQRA, language. It's not legally appropriate to have two separate environmental assessment forms the way Mr. Jones just described. In foot note #1 of the application letters. That's not legally appropriate, what should be required if they want to move forward is one Environmental Assessment form that lists all parameters of

both the zone change and the purposed residential development. Mr. Jones said if town staff is looking for an amendment to it, we will supply that in the form of an amendment. I agree with counsel you need to look at a single FEAF. Councilman Bogardus asked why didn't you apply for a PUDD? There was discussion and there wasn't a conclusive response. Mr. Jones said at the conclusion, you have at least four or five options. Councilwoman Kolligian said an advisory opinion from the Planning Board wouldn't be a bad idea. If they're not for it that's it. Councilman McEachron stated this was one of the reasons he was elected was over the Gordon building. This is the reason I was put here. I have been here since the seventies, and I don't recognize the Town anymore. Mr. Schafer, a PUDD eliminates flexibility for us, and we need to be able to be flexible as much as possible with the property and the uses as presented to us. An example was if we had done a PUDD years ago and did not include the hospital as a use, we'd be back in here asking and taking time to get that approved. Opportunities come and go quickly in our industry, if we can't accommodate someone's request in a timely manner, we lose it. Mr. Riper explained if an additional use is needed, you come before the Town Board with an amendment to the PUDD, it would require a public hearing so it would be a two-month process. The Board could add to the PUDD if they so choose. Councilwoman Kolligian stated what if the mall fails someday, then what. What is that going to turn into. Is it going to be vacant and not have a value, is it going to turn into apts.? Instead of controlling the fire now and redeveloping and hopefully saving the mall and building it back up. Councilman O'Connor said the sales tax has been paying all the bills around here for years. Then add the demise to any industry, you've got trouble. Mark Mykins Building Inspector stated just to put it in perspective, just to tear down the BonTon, is like \$2,100,000. Councilwoman Kolligian said we have to make that legislation, point specific, to that area. So that it's not popping up all over. Town Counsel Schachner stated if it's a PUD it would go to the Town Board to seek modification to the legislation. If it's a zoning district that means it goes to the Zoning Board of Appeals. Dave Carr showed the audience the slides of the area. Ryan Riper asked if there were any public benefits to the project. Is there any more you'd like to share or have thought about? Dave Carr said there would be pedestrian connection and improvements. Mike Schafer said we haven't really gotten that far yet. Paramount is still finalizing their plans for their project. The property would be a little more walkable with residential in that section. Those details would be in the planning process. Councilwoman Kolligian asked Mike Schafer about the tax revenue over the years because it does affect all of us. He said sales tax revenue from 2016-2021, the mall generated in 2016 at the peak, of about \$95,000,000 in sales. 2/20/21, its down to \$55,000,000. About a \$44,000,000 sales tax loss with the retailers that we've lost. So that's a real sales tax revenue loss for the Town. The sales in the mall dropped in half. Toni Sturm asked Councilman McEachron to describe to those of us who don't understand when you say you feel like a project like this is exactly what people don't want, can you explain why. Councilman McEachron said sure, I own a car dealership and repair shop in the Town of Wilton, and I get about fifteen people a day and I ask the question. What do you think about 350 units going in at the mall, four stories high? I haven't had one person say they are for it. This has been going on for about a year. These are the people that elected me to be their voice. Susan Holm addressed the Board as a resident for 30 years. I remember when I took my kids to the mall and to the merry-go-round that no longer exists. Examples across this country, of multi-use, and mixed-use developments working. B & C malls failing because beautiful towns like ours fail to save them. Fail to bring them the foot traffic. This plan is a plan to save this mall. To bring foot traffic back to the mall, to increase something the residents want. This is an improvement that this Town has needed and craved for at least ten years. Councilman McEachron said when they met, I thought it was a beautiful project and if anything, it fits the best in this part of the Town. He doesn't want it to go

from a 354-unit project to nine hundred units in ten years. Councilman O’Conor stated that he believes the majority of the Board, if it were to consider this project further, would like to see it perhaps crafted as a Planned Unit Development, so we can see with greater precision the number of units, layouts and uses that are enumerated in the document that we do that. Dave Carr said, perhaps we can come to discuss it again. If the project moves forward, there will be a public hearing. Councilman Bogardus said he would like to have local builders and contractors involved in this build. Tom Snell said yes, we use local people. They thanked the Board for their time.

### **Saratoga Prime Properties – Petition for Use in Zone**

Dave Carr addressed the Board and said he’s actually stepping in for John Lapper who made the application. The purposed project is the for Edie Road-Ballard Road rezoning. I had given you all some maps, I am representing Frank Parillo the principle, and the two entities that own the properties. We are talking about two tax parcels 115.-2-31 & 115.-2-95. They are zoned R-2 and C-3 respectively, and that’s shown on the zoning map. The two parcels are 137 acres. Parcel A which is the R-2 parcel by Edie Road and the other parcel is currently zoned C-3 by Edie Road to the North and Northeast. The proposal was to rezone these two parcels, however, in looking at this, in my opinion, which is an error. I think parcel B should be left as C-3 and parcel A should be rezoned. It’s important to know at this point, Mr. Parillo is not purposing to develop anything. He has someone under contract to purchase the property. They have not disclosed to him what they want to do with the parcels, so this is simply a rezoning application. There is a deed restriction on each property, they cannot have a travel plaza like Scotties on those properties. We ask for comments and to schedule a public hearing and send it to Saratoga County for an advisory opinion. In the C-3 and C-2 would carry buffers to put against residential zones. There are some deed restrictions along Edie Road. Frank Parillo stated the deed restrictions are not in place presently, they are part of the contract. It will never be used as a travel plaza or retail sales of petroleum products. Its warehousing of some sort. Scannell is the name of the company. We would be willing to put up a 50ft. or 100 ft buffer along Edie Road. Dave Carr said obviously the interest is the proximity to the interchange. What we’re asking for tonight is to pass it on to the county for an advisory opinion and schedule a public hearing. Listen to any comments you have, and I will pass them on to John Lapper. Councilwoman Kolligian said her biggest concern is about rezoning something before we know what’s going in. If we had done that by Target, there would be a transfer station there. We need to know what the project is coming in and whether it’s appropriate. Whether this Board wants to see that in this location before we change a residential parcel. Mr. Parillo said a million square feet. They could be there without the other piece, but it is important at this point. He also said he wouldn’t want something there that isn’t a benefit to the Town and to the residents. I’ve been here for 45 years and I’m not going anywhere. Councilman O’Conor brought up that once the properties are sold, the new owner may not have the same affinity for our community that you certainly do. I posed a question, what are you going to build, how big is it going to be, and their response was we don’t know. So, everything is open ended. Councilman McEachron asked why wasn’t this C-3 all along? It all falls in line with a commercial property. Councilman O’Conor said if the property is zoned C-3 on that stretch, a rural residential area, where I happen to live in that area, there’s a brand-new subdivision under consideration right now across the street. There’re some conservation areas too. He said this is a dramatic change from R-2 to C-3. We were given a short EAF, in my experience this should require a long form. As he was looking through the form item 4 says uses on adjoining or on nearby properties and a number of boxes that are

checked and the ones that were not include, forest, residential and parkland. In this vicinity, there are these uses. It also says the change is consistent with the comprehensive plan. I was the chairman of that committee; I don't believe it's consistent with the plan. Item 6 on that form state's that the new zoning is consistent with the character of the area. Many of these uses are not. Item 8 states these changes will not have an impact on traffic. I think there would be a substantial impact. Items 10 &11, The changes will not necessitate water and sewer services. It would. Item 13 states there are no wetlands on either parcel. I haven't walked those parcels but all the parcels around it which have water. I'd be stunned if there weren't some wetlands on that property. I think the submission that Mr. Lapper made, and request for a public hearing is very premature. Town Counsel Schachner stated that the application states that the applicant seeks a zone change to C-2, not C-3. Councilman O'Conor stated that the application that Mr. Lapper has submitted, needs a lot more work. It would help everyone to help bring in something positive to the Town. Supervisor Lant stated it may be a conflict of interest with you living right down the road. Councilman O'Conor stated a conflict of interest is defined as somebody having pecuniary or material interest in a matter before the Board. I don't have this in this project. Councilwoman Kolligian said she wants to know what's going to be there before they rezone it. If we don't, we have zero power. It would by-pass us and it would go to the Planning Board, we don't get it back once we give it. Dave Carr asked if this could move forward as there are time restraints, and if we were to clean everything up is that sufficient. Counsel Schachner said you're supposed to have a complete application for forwarding and I don't hear any sentiment that this is a complete application. Mr. Parillo said we will be back with a complete application. Councilman Bogardus asked Mr. Parillo to take these questions back to Scannell. He would like to know if it's a one company build or are they going to build other entities on that same property. Mr. Parillo said this is the same group that was down at Luther Forest. He said if it's a good project, it would be a shame to lose them. With jobs & sales tax. Councilwoman Kolligian said I don't think any of us disagree. Mr. Riper said they have to submit a new application with corrected information. There was discussion about the forms to be filled out. Supervisor Lant asked Mr. Parillo if he will come back next month. He said definitely.

### **Request to Bid – Fuel Pumps and Management System**

Town Clerk, Susan Baldwin said Scott Harrington is requesting new Wayne Fuel pumps and Fuel master fuel management system for the Town and Town Board approval is necessary to go out to bid. The items were budgeted for 2022. Scott Harrington said our pumps are antiquated, outdated and our computer system is so old our IT person Dom can't get parts for it. Mr. Harrington said the same location and it's in our budget.

On a motion introduced by Councilman McEachron, the Board adopted the following resolution:

### **RESOLUTION #115**

**NOW, THEREFORE, BE IT RESOLVED,** to go out to bid for Fuel Pumps and Management System.

The adoption of the resolution was seconded by Councilman Bogardus, duly put to a vote, all in favor. The motion passed 5-0.

### **TDR – Transfer of Development Rights**

Supervisor Lant asked Mr. Riper to speak about what this is. They're just bringing this up for discussion to see if the Board would like to move forward with it. We have an applicant that would like to see this move forward. Basically, the transfer of development rights is where the developer could buy a piece of property, calculate how many homes could be built on it, but instead of building them on that property, that you would want to keep open space, transfer those rights into an existing development area. Such as, Forest Grove on Jones Road. It's very complicated, there are a lot of rules and regulations. We would have to create a law, to allow this to happen. Other towns have done it. It's a planning tool to keep open space in large areas. This parcel is adjacent to existing state lands and town property. This would add another large parcel to that. Councilwoman Kolligian said this is a conversation we had with the mall as well.

Peter Belmonte responded saying we have two situations here. The first being we have a particular situation that we want to use it for. There is a parcel in the Town that's surrounded by state land and town land that we would like to acquire, donate it to the Town, and add to the existing open space. What we'd like to do, is take any rights we would have had to build on that parcel and move it over to Forest Grove. Forest Grove is bountiful with land, about 700 acres. There's a lot of land there that we could increase the density without impacting its appearance or it's feel. If the Town was in favor to officially adopt legislation that would give the Town, the ability to do this. It does not have to be town wide. It can be in particular areas. Other municipalities have this. He used this in Clifton Park, and it worked very well. Its intent was to preserve farmlands. Councilman Bogardus asked would that change any of the studies that you have done on the schools, fire departments and traffic. Mr. Belmonte said those studies were done with an open perspective. It's 10% maybe around thirty more homes. It's possible the road configuration might need to change. Mr. Riper said it opens the door in our community for other opportunities in the Town. Discussion occurred. Supervisor Lant asked if someone could draft something up and come to the next meeting.

### **Appointment to ZBA**

**Jay Rifenburg 04/07/2022-12/31/2026**

On a motion introduced by Councilman McEachron, the Board adopted the following resolution:

### **RESOLUTION #116**

**NOW, THEREFORE, BE IT RESOLVED,** to appoint Jay Rifenburg to the Zoning Board with a term 4/7/2022-12/31/2026

The adoption of the resolution was seconded by Councilman Bogardus, duly put to a vote, all in favor. The motion passed 5-0.

### **Set EAB Training Date**

The mandatory training will be May 18, 2022, at 5:30 pm.

### **Comptroller's Report**

#### **1.) 2022 Budget Transfer**

On a motion introduced by Councilwoman Kolligian, the Board adopted the following resolution:

#### **RESOLUTION #117**

**NOW, THEREFORE, BE IT RESOLVED**, to approve the 2022 budget transfers requested for and listed in the Comptroller's 4/7/2022 Report (attached) to the Town Board.

The adoption of the resolution was seconded by Councilman Bogardus, duly put to a vote, all in favor. The motion passed 5-0.

#### **2.) 2022 Budget Amendments**

On a motion introduced by Councilman O'Connor, the Board adopted the following resolution:

#### **RESOLUTION #118**

**NOW, THEREFORE, BE IT RESOLVED**, to approve items 1 & 2 on the 2022 budget amendments requested for and listed in the Comptroller's 4/7/2022 Report (attached) to the Town Board.

The adoption of the resolution was seconded by Councilman Bogardus, duly

put to a vote, all in favor. The motion passed 5-0.

On a motion introduced by Councilman McEachron, the Board adopted the following resolution:

**RESOLUTION #119**

**NOW, THEREFORE, BE IT RESOLVED**, to approve the items 3 & 4 on the 2022 budget transfers requested for and listed in the Comptroller's 4/7/2022 Report (attached) to the Town Board.

The adoption of the resolution was seconded by Councilman Bogardus duly put to a vote, all in favor. The motion passed 5-0.

**Personnel**

Karen James, the Town Historian, has submitted her letter of resignation effective May 31, 2022.

On a motion introduced by Councilman McEachron, the Board adopted the following resolution:

**RESOLUTION #120**

**NOW, THEREFORE, BE IT RESOLVED**, to accept Historian, Karen James, resignation as of May 31, 2022.

The adoption of the resolution was seconded by Councilman Bogardus, duly put to a vote, all in favor. The motion passed 5-0.

Highway Superintendent Monroe is asking to attend the annual school for Highway Superintendents in Ithaca, NY. Its June 5, 2022, to June 8th, 2022. This requires overnight travel.

On a motion introduced by Councilman O'Connor, the Board adopted the following resolution:

**RESOLUTION #121**



**NOW, THEREFORE, BE IT RESOLVED,** to approve overnight travel for Superintendent Monroe to attend the Annual Highway School June 5 - June 8, 2022.

The adoption of the resolution was seconded by Councilman Bogardus duly put to a vote, all in favor. The motion passed 5-0.

**Adjournment**

On a motion introduced by Councilwoman Kolligian and seconded by Councilman Bogardus, all Board members in favor, the meeting was adjourned at 10:00 p.m.

Respectfully Submitted,

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Susan Baldwin, Town Clerk

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Supervisor, John Lant

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Councilman, Raymond O'Conor

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Deputy Supervisor, John McEachron

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Councilwoman Erinn Kolligian

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Councilman Duane Bogardus