

# TOWN OF WILTON

22 TRAVER ROAD

WILTON, NEW YORK

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## REGULAR TOWN BOARD MEETING

SEPTEMBER 1, 2022

**Supervisor Lant** called the Regular Town Board meeting to order at 7: 00 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**

Rich Pollock-He believes there is a fundamental flaw in a portion of the zoning ordinance. I moved here, built my house in a rural residential area. That meant there was room around you. Since then, there has been changes in the zoning. The key change ignores the rural residential portion is the conservation section. I’d like to talk to the right people about that.

Alex Rusate-He just wanted to come again and talk about the Air BNB at 14 Sweet Briar. We are looking for continued support from the board. They openly disregard the cease and desist. Many different

guests, parties. It's too much of a safety concern for the neighborhood and they are openly violating the zoning board laws.

Katy Rusate-It's extremely loud, I was approached by a bachelor who said there would be fifteen guys, which exceeds the limit. The cars as well. Four days later a bachelorette party. There are a lot of children in the area with a lot of visibility, they had dolls in the pool. It's like everybody's biggest party of the year is every weekend. We have to be there and see it. These people are making a big profit at our expense, and it needs to stop. We noticed a lot more Air BNB's pop up as a result of this. Building Inspector Mark Mykins said there is an accusatory statement that has been done. We are sending them to court on the 24<sup>th</sup> of October.

Tim O'Connor-at 59 Hearthstone and I'm directly behind the AIR BNB house. To echo what's been said, every weekend, there are times the music has been completely inappropriate. I have a 14-year-old daughter, language is terrible, bad atmosphere. I have to rethink how I'm going to use my own backyard. I've hesitated to have my parents over because it's uncomfortable with the cursing and f bombs being dropped. It's a great neighborhood. We've been here ten years and have gotten along well. It has a great community feel to it, and suddenly it's all been turned upside down. It has changed the way we enjoy our homes. We bought a home; they bought a house. Thank you for listening.

Cynthia Park-She lives on 30 Harvest. I have an eleven-year-old daughter. When we are swimming in our pool, I can look directly into their pool house, which means they can look directly into our pool area. I have a big front yard and a big side yard completely visible from that house. I now tell them to go on the other side. One of the times, I couldn't get my car down Sweet Briar because they had thirteen cars parked on both sides of the road. I had to email the owners to tell their guests that they can't block the road. We have story after story. We had an office party for my husband's business like we do every year. One of our guests came in and said do we need to call 911 there are guys just lying in the grass across the street. The owners kept trying to contact me. He said you should innately trust your neighbors. She said yes, but you are not my neighbor. He said I check everyone's government ID. She said that means nothing to me you're not doing a background check, you have a guest limit that is frequently ignored, same as the car limit. I'm not comfortable with my daughter walking around in her swimsuit with her friends because I don't know who's there. I don't feel safe about it. It's a concern. We want to be able to enjoy our yard. It's the music the language, the cars, it's a quality-of-life concern.

Michael Ferra-2 Autumn Court. I'm approximately two blocks away from this house in question. My family is dealing with some issues related to that house. They are popping up all around us. We are frustrated because we bought into this neighborhood, we searched many areas to find a good safe secure area to raise a family. A big concern is people speeding through the neighborhood, they flip me off, f-bombs thrown at me, they were parked at that address. Anything you can do to shut this down.

Paul Kelly- 27 Cobble Hill I dropped off pictures with dates and affidavit's videos. There are all kinds of evidence that will be needed at court that will be available upon request if you would like. I have another two files of case law and I could fill four more about fines. He talked about the fines and violations.

Supervisor Lant explained that this board and previous boards, have prided themselves in the quality of life in the Town of Wilton and he intends to keep it that way. We have taken action. Councilman O'Connor said something else this discussion has provoked, and I'll be talking about it later in the meeting

is the use of boarding houses and tourist homes is not allowed in the R-1 zone. I don't think it should be allowed in the R-2 or R-3 zone. Some of those neighborhoods are as densely populated in terms of houses as in R-1.

### **Change Meeting Date**

Supervisor Lant wishes to change the October meeting from October 6, 2022, to October 5, 2022, at 7:00 p.m.

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

#### **RESOLUTION # 185**

**NOW, THEREFORE, BE IT RESOLVED,** to change the meeting date from October 6, 2022, to October 5, 2022, at 7:00 p.m.

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

### **Approve Pending Minutes**

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

#### **RESOLUTION # 186**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the minutes from the August 4, 2022, meeting, as typed.

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

### **Changing the Code for Digital Signs**

Supervisor Lant asked Zoning Officer Mark Mykins to discuss this. He doesn't see the benefit of a digital sign to turn off at dusk if it's a lit sign. That's what they're looking for. This is about Dorothy Nolan Elementary. There are long term residents across the street, some thirty or forty years. How's it going to affect them. One of the things we have to look at is should we do it by special permit, do we have the zoning board look at criteria to fit it in to this other zone. We did the two fire departments based on a public safety issue. It helps get the word out in times of emergency, burn bans, remind people to get

their chimneys cleaned. In this case I just don't know what the benefit would be. Councilman O'Connor stated similar to the sign we have here at the Town Hall, The Home School Association, at Dorothy Nolan, they have a backlit sign in front of the school. There's also public messaging other than the school information. Events that may impact other people in town. So, I was asked if I would look into it, it happens to be in a residential zone. The change that I'm suggesting is that outside of the C-1 zone, there would be an exception that would allow for such a sign at emergency services and public schools. In addition, there's only one building this applies to, and that's the Dorothy Nolan school. The code says the sign would have to be forty feet from the road. Mark Mykins said thirty feet from the property line. That would set it back quite a way, there is a lawn area between the parking and driving areas where something like that might work. It would be subject to a special use permit. There can be conditions put on it, like sunset, 7 or 8 pm it would go off as to not bother the neighbors. We also talked about the level of illumination. The adjacent homeowners would have to be notified. Councilman Bogardus stated he doesn't believe these signs should be in a residential area. Councilman O'Connor stated in the list allowed by special permit in the R-2 and R-3 zone, are the same type of uses. From existing neighborhoods and proposed neighborhoods, which would be a dense development. You could have the same issues there. He would like the board to consider omitting boarding houses tourist homes and bed and breakfast facilities as they are in the R-1 Zone, for the R-2 and R-3 zone as well. He said this isn't for the once in a while person that rents out their house. It's for the investor, like we have on Sweet Briar. Mr. Riper said to get a permit for it. Mr. Mykins the Town Building Inspector said in those two zones you mentioned it's by special permit and there's specific criteria to do that. It requires them to come in front of the Zoning Board to ask. If they don't meet those criteria, it wouldn't be granted. Councilman O'Connor said he wouldn't want to presume that they wouldn't give that permission. He doesn't want it in the R-2 or R-3 zones either where it's a business operation. Mr. Mykins would like them to look at addressing short term rentals as a broad spectrum. He see's happening, with these criteria that is hard to get, they'll do it against the law. Then we are punishing good residents and bad residents for renting their property. Councilman O'Connor – In the R-1 zone, you cannot have a boarding house, tourist home or a bed and breakfast. I don't want to allow them in the R-2 or the R-3 zone either. Mr. Mykins responded by saying; you're thinking the R-2 and R-3 zones are exactly the same as the R-1 and I'm saying they are not. They are much larger parcels, your particular one is not. Councilman O'Connor mine is not and so are a lot of other neighborhoods. When Richard made his comment before, in any conservation subdivision, you'll have lots that are as small as 100 ft wide. Mr. Mykins said yes, but they wouldn't meet the criteria for that either. Councilman O'Connor replied, then what's the harm of outlawing them? If they don't meet the criteria anyway? Mr. Mykins said then you're outlawing it for everybody. You are talking about neighborhoods, like a conservation subdivision and I'm saying there's a lot of properties in the town that are much bigger and there are two or three that are doing this properly. That have special use permits. that have never had a problem and they're in the R-2 & R-3 zone. Councilman O'Connor said this is someone renting out their house and not living there, period.

#### **Use Amendment/Addition in the C-3 District -Personal Services**

Supervisor Lant spoke with Mr. Mykins, and it should be allowed there where the old Stewarts was on Gordon Lane.

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

**RESOLUTION # 187**

**NOW, THEREFORE, BE IT RESOLVED,** to set a Public Hearing to add Personal uses to the C-3 Schedule J section of the code

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

**Re-Appointment to the BAR**

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

**RESOLUTION # 188**

**NOW, THEREFORE, BE IT RESOLVED,** to reappoint Jane Capello to the Independent Board of Review, for a term of 10/1/2022-09/30/2027.

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

**TDR-Forest Grove**

Joe Danible with Environmental design Partnership here on behalf of Forest Grove LLC. We are proposing is a transfer of development rights from one parcel in the R-2 zone to another parcel to the Forest Grove subdivision, which is also in the R-2 zone in Wilton. The town recently passed legislation for the transfer of development right, which is what we are proposing. This will be the first application the town will see on this, and I’ll show some of the benefits. He showed the map of the Forest Grove property and the property that was just purchased. He also showed a piece on Ruggles Road of ninety-eight acres. That would support around thirty units on that piece. The Pickett parcel is the property they are looking to transfer. The land surrounding this Pickett parcel, are existing open spaced properties, preserved by either the town or NYS DEC or Wilton Wildlife. We are not looking to develop this parcel but to deed this over to the town. Take those thirty lots and put them over into the Forest Grove

subdivision. That would help the town preserve larger tracts of protected open space within the rural communities. We have to go through the Planning Board for extensive review. We are hoping they would be lead agency for the project. Ryan will have a lot of input on this and there will be a third-party engineer to review all of the materials brought in. We will have to go back to the Planning board to amend the subdivision to include the thirty lots from the Picket parcel and another hundred acre that we have bought. Tonight, we are asking the board to defer lead agency to the Planning Board and also refer this application to them for the same. It would be in the four hundred range for homes. We are also donating several acres of land to the town with walking trails. That section by Scout Road will be dedicated to the town as part of phase one in the next 6 months to a year. Peter Belmonte said we would like to get all the paths made before dedication is made. They will be open as soon as they are done, although they would still be under our ownership.

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

**RESOLUTION # 189**

**NOW, THEREFORE, BE IT RESOLVED,** to request that the Planning Board of the Town of Wilton, takes Lead Agency on the Transfer of Development Rights of Forest Grove.

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

**Appointment to the Planning Board**

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

**RESOLUTION #190**

**NOW, THEREFORE, BE IT RESOLVED,** to Appoint Chad Jerome to the Planning Board as an Alternate, term 9/1/22-1/31/22

The adoption of the resolution was seconded by Councilwoman Kolligian,

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

**Wilton Square and Market 32**

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

**RESOLUTION #191**

**WHEREAS**, Wilton Square Associates, LLC and the Town of Wilton are desirous of having certain assessment issues resolved as to properties owned by Wilton Square Associates, LLC in the Town of Wilton, and

**WHEREAS**, a settlement proposal resolving pending tax certiorari litigation was recommended by the Vincelette Law Firm, special counsel to the Town of Wilton, and reviewed by the Wilton Town Board at its regular monthly meeting, and

**WHEREAS**, such a proposed settlement would present the parties with an expeditious and economic alternative to further litigation so as to resolve issues between the parties, and

**WHEREAS**, the Town Board has determined that the proposed settlement is in the best interests of the Town; now

**THEREFORE BE IT RESOLVED**, that the Town Board does hereby accept a proposed settlement for the 2020 and 2021 tax certiorari proceedings filed by Wilton Square Associates, LLC in which the 2020 and 2021 assessed values of the subject properties shall be reduced as follows:

<u>Year</u>	<u>Parcel No.</u>	<u>Prior Assessed Value</u>	<u>Revised Assessed Value</u>	<u>Reduction</u>
2020	153.-3-48.2	\$7,980,000	\$7,680,000	\$300,000
2021	153.-3-48.2	\$7,980,000	\$7,680,000	\$300,000
2020	153.-3-48.11	\$46,807,344	\$44,500,000	\$2,307,344
2021	153.-3-48.11	\$46,807,344	\$44,500,000	\$2,307,344

and it is further

**RESOLVED** that Wilton Square Associates, LLC shall be entitled to a refund of excess taxes paid based upon the above revisions.

**RESOLVED**, that the Town Board does hereby adopt this resolution to end the litigation between Wilton Square Associates, LLC, and the Town of Wilton as to the above referenced assessment.

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

### **Committee Reports**

Supervisor Lant reminded everyone about the bulk waste day is Saturday, September 10<sup>th</sup>. The new exemptions for combat veterans.

Councilman Bogardus said the new town fuel pumps are in and functioning. Looking to update the fuel tanks for next year.

### **Comptrollers Report**

#### **1.) 2022 Budget Transfers**

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

#### **RESOLUTION #192**

**NOW, THEREFORE, BE IT RESOLVED**, to approve the 2022 budget transfers requested for and listed in the Comptroller’s 9/1/2022 Report (attached) to the Town Board.

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

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

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

#### **RESOLUTION #193**

**NOW, THEREFORE, BE IT RESOLVED**, to approve the 2022 budget amendments requested for and listed in the Comptroller’s 9/1/2022 Report (attached) to the Town Board.

The adoption of the resolution was seconded by Councilwoman Kolligian,

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

**3.) Personnel** On a motion introduced by Councilman O’Conor, the Board adopted the following resolution:

**RESOLUTION #194**

**NOW, THEREFORE, BE IT RESOLVED**, to accept the resignation of Josh Vincek effective 9/30/2022.

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

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

**RESOLUTION #195**

**NOW, THEREFORE, BE IT RESOLVED**, to approve the hiring of W. Brian Crowe as a part-time DCO at a rate of \$27.50 per hour, effective immediately, contingent upon successful completion and passing of all pre-employment screening.

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

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

**RESOLUTION #196**

**NOW, THEREFORE, BE IT RESOLVED,** to approve overnight travel for Susan Baldwin to attend the NYS Town Clerk's Association quarterly meeting to be held in Rochester, NY, September 10-12, 2022.

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

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

**RESOLUTION #197**

**NOW, THEREFORE, BE IT RESOLVED,** to approve John King to be established as a Department Head for Park Maintenance.

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

**4.) Other**

Fund balance assignment of \$100,000.00 for post-employment benefits.

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

**RESOLUTION #198**

**NOW, THEREFORE, BE IT RESOLVED,** to for fund balance assignment of \$100,000. For post-employment benefit expenses.

The adoption of the resolution was seconded by Councilman O’Conor, 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 8:15 p.m.

Respectfully Submitted,

\_\_\_\_\_

Susan Baldwin, Town Clerk

\_\_\_\_\_ Supervisor Lant

\_\_\_\_\_ Councilman, Raymond O’Conor

\_\_\_\_\_ Deputy Supervisor, John McEachron

\_\_\_\_\_ Councilwoman Erinn Kolligian

\_\_\_\_\_ Councilman Duane Bogardus