

PUBLIC HEARING:

**Local Law No. 5 of 2007
The Paddocks 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 of Wilton, New York, County of Saratoga, will hold a public hearing to adopt a Local Law amending the Code of the Town of Wilton, providing the creation of a Planned Unit Development District (PUDD) to be known as Local Law No. 5 of 2007, The Paddocks PUD, Town of Wilton.

SAID PROPOSED LOCAL LAW would amend the Code of the Town of Wilton and the Zoning Map of the Town of Wilton by changing the area from C-2, Business/Light Industrial District as it is now zoned, to the newly described area, a Planned Unit Development District to be known and described as “The Paddocks Planned Unit Development District, Town of Wilton, Local Law No. 5 of 2007.” The Paddocks PUD proposal includes: A luxury multi-family community consisting of seven residential buildings containing a total of 84 apartments. The residential buildings will be built to the same exacting standards and high quality as the adjacent Paddocks of Saratoga/Hudson Springs PUD. The proposed site is 13.15 acres of vacant land located at 65 Old Gick Road and is known as Tax Map Parcel No. 153.-3-34.111.

SAID PROPOSED LOCAL LAW, Known as Local Law No. 5 of 2007, may be examined by any interested person in the office of the Town Clerk of the Town of Wilton at Town Hall on 22 Traver Road during regular business hours.

At 7:05 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 stated that the Town Board had seen this project before, but maybe Mr. Hoblock from Capital District Properties would like to give a brief overview of the project. **Mr. Hoblock** explained that the Paddocks Planned Unit Development District which is a separate and distinct application from the Paddocks/Hudson Springs multi-family Planned Unit Development District but it is really a continuation of that; a luxury multi-family community. Since we were here in August we have received a positive recommendation from both the Town Planning Board and the Saratoga County Planning Board on the project. Mr. Hoblock explained the aerial view of the site plan. The 13 acre project is vacant land located on Old Gick Road, surrounded by the Paddocks/Hudson Springs PUD, the New Life Fellowship Church to the west, the Northway to the north and the Pyramid Pines Mobile Home Park to the South across Old Gick Road. Mr. Hoblock explained the history of that property; in 2006 a self storage and warehouse facility project was approved which consisted of 64,000 sq. ft. of self storage, 36,000 sq. ft. warehouse space with loading docks and 4,000 sq. ft. of accessory industrial office space this obviously was not built. The parcel vacant land and is zoned C-2 in the Town’s Zoning Code which allows multi-family PUD’s, which is our alternative to what is there today. What we propose as far as the building, is the same residential building that is

being built on the adjacent site today. The site plan is designed to act as a seamless transition from Hudson Springs (illustrating on site plan). Mr. Hoblock also explained that the site consists of seven buildings for a total of eighty-four residences, twelve residences in each building and one of the amenities of the site is the tennis court in the middle. What that does is complement the club house and fitness center on the adjacent parcel. On this property, even from full build out, has over sixty-six percent of green space which is almost doubled what is required by Town Code. Mr. Hoblock explained to the board that we took all the comments from the Building Department and the Planning Departments and incorporated it in the revised site plan. The Planning Board asked that we locate any potential areas for land banking of parking, so we did, at the end of every parking lot. It is easy to add a space or two. The most significant change is an emergency excess, because this has only one excess, we did not want another excess on Old Gick Road. We will have an emergency excess connecting this parcel to Hudson Springs and that was discussed with the Fire Department. The Planning Board Chairman had asked us to locate on the site plan an adjacent home between our property and Old Gick Road that was done. Robert Roeckle asked that we show setbacks, building heights, a chart on the bottom and locate the Northway Corridor buffer and the last thing was a parking analysis. What we are doing here is asking that the garages be included in the parking count, every building has twelve residences and twelve garages in the building. If you count the garages we have more then two and a quarter spots per code. We talked about the improvements to Perry Road and Route 50 if you look at the traffic study there is not a lot of traffic there. However, what we talked about with the Town was taking our traffic mitigation fees which are a little less than thirty thousand dollars and instead of putting that in the general fund we would do the work on the intersection. Mr. Hoblock stated if that is something the Town is still interested in we sill do it, or if the Town would prefers we can pay the mitigation fees directly. **Supervisor Johnson** asked if anyone had any questions or comments on the project. No comments. Supervisor Johnson then closed the public hearing at 7:16 p.m..

REGULAR TOWN BOARD MEETING

Immediately following the public hearing, Supervisor Johnson called the Regular Town Board meeting to order at 7:16 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 present:

Arthur Johnson-Supervisor
Raymond O'Conor-Deputy Supervisor
Lawrence Gordon-Councilman

Ian McGaughey-Councilman
Charles Gerber-Councilman

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

Not on Agenda

Supervisor Johnson stated that he wanted to recognize the Glover Family, Douglas and his two sons Jonah and Jacob. This is a remarkable story of a Wilton family. Supervisor Johnson explained that he was contacted by the Ontario Provincial Police Department in Canada, who asked if the Town would recognize this family for their heroic events that happened on a family camping trip. He then read an e-mail sent to the Town from the commissioner stating that every year the Ontario Provincial Police have an Award Ceremony, hosted by the Commissioner Julian Fantino, and our Chief Superintendent, Ken Miller, and uniform members and members of the community are rewarded for their acts of lifesaving, Bravery, Selfless Action and the like. Some of people involved in this incident attended the OPP Awards Ceremony in Sandbury, Ontario, Canada, back on May 17, 2007. Others, including the Glover Family will receive their just reward from their Town Officials. This is a prefect way to highlight the fantastic type of people the Town of Wilton has. I'm suspecting by the humble responses I've received from all concerned that some of the people there have absolutely no idea what the Glover's did while on their camping trip. They are heroes, and our chief would like them to accept the commissioner's citation presented to them by Wilton Town Officials on his behalf. Supervisor Johnson then read the citations explaining the incident in which the family helped save the life of a counselor seriously injured while on a canoe trip with five teenagers in an isolated area. He then stated how proud the Town was of them.

Approve 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 Deputy Supervisor O'Conor, the board adopted the following resolution:

RESOLUTION # 181

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the September 6, 2007 meeting as typed, without amendment.

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

Local Law No. 5 of 2007
The Paddocks PUD

Supervisor Johnson explained that the public hearing was held earlier regarding the Paddocks PUD. As Mr. Hoblock stated earlier we did have approval from the County Planning as well as our own Town Planning Board with comments and I believe they did address those comments. Supervisor Johnson then asked Engineer Manz what motions were required. **Engineer Manz** stated that the board has to declare a negative declaration under SEQR to complete the SEQR process. The project did get a county recommendation the two key points in that they have addressed, the emergency excess which they are providing and the other thing they mentioned and the board should be aware of is by giving them their approval at the Town Board level for the PUD they are getting conceptual approval at the County Planning Board level as well. The four things our Planning Board came up with was a parking waiver, which is not really a waiver. They are creating their own zoning with a PUD so as long as in the zoning language they meet their own parking requirements there is no waiver. The Planning Board also asked them to show the banks additional parking in case it is needed. The Town Board can make that a condition with your approval or show on site plan. The Planning Board also wanted a fire excess road and the Fire Department would like to have a 5” Stortz connector as requested by the Greenfield Fire Department. Engineer Manz stated that the Town Board can declare a negative declaration under SEQR and approve if you so choose conditioned on the above items. Deputy Supervisor O’Conor, asked about the issue of the mitigation fees and Route 50. Engineer Manz explained that he did not know if that could be determined at this time because he and Councilman Gordon have been talking about doing the bigger project next year with the mitigation fees. That calls for sweeping the curve through the woods north of where the existing road is so you come at 90 degrees to Route 50. Engineer Manz stated that if we do the big project next year and he suggested that the Town take the fees from the Paddocks project and put it in the mitigation fee project account. **Councilman Gordon** stated that as early as next week he and Superintendent Woodcock and others interested would go down there and determine how much would have to be cleared and grubbed to improve the site distance on Perry Rd. and Route 50. Also I met with Mr. Berkowitz and his attorney, which is item 9 and 10 on the agenda, Perry Road Right-of-Way Acquisition and Surplus Property, they are willing to and they are willing to cooperate because there is a direct benefit to them because of their corner holdings on Route 50. **Supervisor Johnson** asked if there was anyone other comments. No Comments.

On a motion introduced by Deputy Supervisor O’Conor, the board adopted the following resolution:

RESOLUTION # 182

NOW, THEREFORE, BE IT RESOLVED, to approve a Negative Declaration under SEQR (unlisted Action); and

FURTHER BE IT RESOLVED, to approve the Paddocks Planned Unit Development District with the conditions noted in the September 6, 2007 memo from the Town Planning Board and the September 11, 2007 memo from the Saratoga County Planning Board.

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

Wilton Historic Preservation

Left open from September meeting

For public comment

Supervisor Johnson explained that at the last meeting we had a public hearing on the Wilton Historic Preservation Code we left the Public Hearing open for 30 days. Supervisor Johnson asked the Town Clerk if she had received any comments. **The Town Clerk** stated she had not. **Deputy Supervisor O’Conor** explained that he and the Town Attorney need to get together to iron out a few technicalities, I would like to table this for another month. The board agreed. No action taken.

Route 9 (Omnipoint Communications)(T-Mobile)

Located in the High Rock PUD

Last discussed 7/5/07

Supervisor Johnson explained that the Board had an application to amend the High Rock PUD which was received in July and has been revised. He then asked Mr. Davis, the lawyer from Hiscock and Barclay who represents T-Mobile to address the board. Mr. Davis stated that Omnipoint Communications is known as T-Mobile in this area and is currently upgrading their network throughout all of Saratoga County where they have serious problem areas and one of the driving reasons behind this is E-911. Mr. Davis pointed out on reception maps the coverage areas where T-Mobile has collocated on existing cell towers. However, along the southern end of Route 9 there is no coverage at all. Mr. Davis stated that the company has looked at using the existing infrastructure in the Town to provide coverage in the objective area on Route 9. The Town does have certain zones in the Town where towers are permitted. When the company looked at that there was nothing on the west side on 87 or in the southern part of the Town. The proposal is back behind the Chrysler dealership with a 150 foot tower, up against the escarpment. A tower at this location would fill up this entire coverage gap. At this location there is nothing back behind the dealership, no homes that would be affected by this. Mr. Davis explained that there is a need for coverage in that section of Route 9 and that property would be good from a zoning perspective, being back behind the car

dealership with the escarpment right behind it would shield the tower. We will meet all the set back requirements there and provide the coverage we need to our customers and providing for E-911 coverage, without impacting a lot of homes. **Deputy Supervisor O'Connor** asked Town Attorney DeVall; what obligation does a municipality have to make sure that everybody that wants to be in the cell phone, telecommunications business can have excess and service to every square inch of the town and how many towers would there be in the Town. **Mr. Davis** stated he could answer that and explained the Federal Government actually controls who is in the industry by auctioning off frequencies. In this area there are five licensed wireless providers. Their licenses say they must provide coverage to a licensed area. If they don't the federal government can take that license back. Mr. Davis went on to state that in New York State wireless facilities are considered public utilities for zoning purposes. Mr. Davis cited the Telecommunications Act of 1996 that maintains that towns can not discriminate against cell phone providers. We will be looking for something along Route 9. If we can not go on the Chrysler property we will make an application for a use variance and use the public utilities standard. **Councilman Gordon** stated that five to six years ago the town spent two and half years drawing up a master plan that specifically addressed this area and following that there was two years of zoning revisions and we are a month away from our open space plan. One thing was clear all the way through there was that the escarpment is an important resource visually. It is addressed in both the master plan and open space plan to protect the visual aspect of the escarpment. **Deputy Supervisor O'Connor** explained that every cell tower in Wilton is located in a zone that is appropriate for it. If for the first time we go outside those structures beyond what our code actually says to us. All of a sudden we are peppering the entire town with cell towers. **Mr. Davis** explained that when all the collocation opportunities are gone you still have a hole you have figure a way to do it. There is no spot on this side of town where in your zoning code cell towers are permitted. When you talked about the master plan, maybe you did not want cell towers over there. But the law says that if there is a need over there and we need to be there we have to figure out a way to get there. After further discussion, the board members agreed that it would not consider the T-Mobile application because it does not conform to Town zoning regulations. Mr. Davis explained he understood the board's position. T-Mobile will look for other property along Route 9 and will seek a variance from the Town's Zoning Board of Appeals. If the Zoning Board of Appeals denies such an application, T-Mobile will consider going to court. No Action Taken.

Dangerous & Unsafe Structures

551 Route 9, House Fire

Corner of Route 50 & Edie Rd.

Ltr. From Robert Roeckle (Building Inspector)

Supervisor Johnson explained that the Dangerous and unsafe structures involves two properties; one on Route 9, where there was a house fire, and on Route 50 & Edie. Supervisor Johnson stated that Robert Roeckle, our Building inspector, had recommended condemnation. He then asked Engineer Manz to address the board. Engineer Manz explained he had looked at the properties and agrees with the Building

inspector but there is a process to follow. **Attorney DeVall** stated that there is a procedure in the Town Code for doing this. In order to comply with due process and the legal requirements the board has to first; issue a finding or a resolution that these buildings are unsafe and order their repair or removal; Then authorize the Town Attorney to issue a notice which contains a lot of legal requirements to the various land owners which has to be properly served on them then they would have 30 days to respond to that; Then the Town Board would schedule a hearing. Attorney DeVall went on to say tonight the Town Board should pass such a resolution authorizing the issuance and service of such a notice and schedule a hearing for next month at which time, if in fact both buildings have not been demolished or removed, then the board would take action. **Councilman Gerber** stated he wanted to make sure the process we are going to follow will allow for some flexibility with someone who just suffered a tragedy. **Attorney DeVall** explained that there are two things to that one. The Building Department has already been in contact with the owner on Route 9, there has been correspondence over the past several months and various promises that have never been met. The process that is recommended tonight is just another notification and another 30 days. **Deputy Supervisor O’Conor**, asked what has the home owners response been. **Attorney DeVall**, stated that there was correspondence back and forth between the Building Department and the owner’s promise of schedule of things that would happen. There is a neighbor here tonight who is very upset about the situation. I am asking the board to start the process. The bottom line is this is a public health issue and a safety issue. When this is addressed, the cost will be tacked on to their respective tax bill, we will get paid eventually. **Supervisor Johnson** asked Attorney DeVall if each structure is a separate process with its’ own hearing. Attorney DeVall stated that yes, that’s correct.

On a motion introduced by Deputy Supervisor O’Conor, the board adopted the following resolution:

RESOLUTION # 183

NOW, THEREFORE, BE IT RESOLVED,
that the following structure is deemed unsafe
and dangerous and needs to be repaired,
demolished or otherwise removed. 551 Route 9
(House Fire).

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

On a motion introduced by Deputy Supervisor O’Conor, the board adopted the following resolution:

RESOLUTION # 184

NOW, THEREFORE BE IT RESOLVED, that the following structure is deemed unsafe and dangerous and needs to be repaired, demolished or otherwise removed. Corner of Route 50 and Edie Road. (Structure collapse).

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

Attorney DeVall stated that the second thing that need to be done tonight is to direct him to issue a notice pursuant to the terms of the Town Code which notifies both land owners of the findings of the board, the requirements of the code and set a date and time for the hearing for next month. The board set the hearing for November 8th, at 7:00 p.m..

On a motion introduced by Deputy Supervisor O’Conor, the board adopted the following resolution:

RESOLUTION # 185

NOW, THEREFORE, BE IT RESOLVED, to authorize Town Attorney Richard DeVall, to issue a notice pursuant to the terms of the Town Code, which notifies both land owners of the findings of the board, the requirements of the Town Code, and the date and time of the hearing set for next month.

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

Change Meeting Date

Supervisor Johnson explained that the next Town Board meeting is scheduled for November 1st, but we can not adopt a budget prior to Election Day. We have to move the Town Board Meeting to November 8th, at 7:00 p.m.. The board agreed on that date.

2008 Tentative Budget

**Tentative Budget received by T/Clerk
& copies distributed to Bd. Members**

Supervisor Johnson explained that he would like to introduce the 2008 tentative budget which totals \$6,969,900 dollars. It's basically a no growth, status-quo budget it maintains all the services we had in 2007. It does represent a 4% increase over our 2007 adopted budget. Although after our amendments during the year for various reasons it is actually a 5% decrease over our actual expenditures for 2007. The increases are primarily due to a 14% increase in health care cost, there is one proposed new full-time position at the park, which is maintenance supervisor, also the fund for the remainder of the Town wide revaluation and new field improvements. The budget is broken down between 4.1 million in general fund and 2.7 million in highway fund. Supervisor Johnson stated that it is the twenty-fifth year where there is no Town tax or Highway tax involved in the budget. On the revenue side we very conservatively decreased our revenue estimates for the sales tax and mortgage tax although court fines are up and also our franchise tax through Time Warner has also increased. As for the Highway Department it is pretty much the same dollar amount. We are paving the same amount of roads about 5 miles it will cost approximately one hundred thousand dollars more to pave the same miles of road as this year. Supervisor Johnson went on to say that there is a 3% cost of living increase for all employees. There is also some equipment purchases, garage improvements, park improvements and will continue the contract with the Saratoga County Sheriff's Department. There are workshops set up, and we will set a public hearing for November 8th, to adopt the preliminary budget. Supervisor Johnson thanked Comptroller Reale for helping him with the budget.

Perry Road

Right-of-Way Acquisition

Larry Gordon

Supervisor Johnson asked Councilman Gordon to address the board. Councilman Gordon explained that this follows up on the earlier discussion on the PUD for the Paddocks and stated that he had met with Mr. Berkowitz and we are going to need some of his property but in turn we will have a surplus so we have to put a value on that without going to the labors of trying to evaluate a commercial high priced parcel. But we need to put a legal ad in the paper for a permissive referendum if it is needed that would relate to the disposal of town property from the right-of-way. Attorney DeVall stated that when we get to that point the board should pass a resolution saying we plan to sell the property for so much money then we wait a month, publish it and at the next Town Board meeting there is no objection or no petition filed we issue the deed that night.

Surplus Property

Larry Gordon

Councilman Gordon stated that we will have some property we don't need as part of the right-of-way which was discussion in the previous item.

Committee Reports (If Any)

Supervisor Johnson asked if there were any committee reports. **Councilman Gerber** explained that the board passed a resolution at the last meeting Resolution # 163 regarding a long standing policy going on at the park that was never really formally adopted by the Town. Our discussion was about waiving the fees for the coaches' children when they volunteered at the park for town programs. The resolution states one coach per team so we need to modify that to reflect what we actually intended to do which is to waive the fees for one coach and one assistant coach, one child each.

On a motion introduced by Deputy Supervisor O'Connor, the board adopted the following resolution:

RESOLUTION # 186

NOW, THEREFORE, BE IT RESOLVED, to amend Resolution # 163 to reflect the following:
Waive the fees for the head coach, one assistant coach and one child each per team, who volunteer at Gavin Park for Town programs.

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

Supervisor Johnson asked Councilman McGaughey to update the board on the Hazardous Waste Day. **Councilman McGaughey** explained that there has been a lot of interest the Village of South Glens Falls has joined the team for Saturday, October 27, 2007. The deadline is Monday October 15, 2007. We are still looking for volunteers to help each town will volunteer 4 people. Councilman McGaughey stated he would like to thank Nancy Riely for all the help.

Comptroller's Report
(Including Bills & Transfers)

Budget (2007) Transfers

On a motion introduced by Deputy Supervisor O'Connor, the board adopted the following resolution:

RESOLUTION # 187

NOW, THEREFORE, BE IT RESOLVED, to approve the budget transfers for 2007 requested for and listed in the Comptroller's 10/4/07 report to the Town Board.

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

Park Department

On a motion introduced by Deputy Supervisor O'Connor, the board adopted the following resolution:

RESOLUTION # 188

NOW, THEREFORE, BE IT RESOLVED, to approve the request submitted by Park Director, Steve Porto, that the balance of \$24,700 left in account #A7110.2 Parks Equipment and Capital Outlay be used for the following projects:

1. Dailey Gym floor re-finish
 2. Provide infield water to fields A, B and C.
 3. Aerate and seed our fields in bare spots created by construction projects and field use.
 4. Landscape front areas of Administration, Dailey and Gavin buildings.
 5. Construct separation curtain in Gavin Gym to allow for multiple uses at the same time.
- Approximate cost of all projects combined is \$23,300.

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

Highway Department-Ernst Road Improvements

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

RESOLUTION # 189

NOW, THEREFORE, BE IT RESOLVED, to approve the request submitted from Highway Superintendent Woodcock, to amend the 2007 Highway Budget account DA#5112.2 Highway Improvements in the amount of \$20,000 for repair work needed on Ernst Road, the offset is to increase the Appropriation Fund Balance in the Highway Fund for the same.

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

Personnel

On a motion introduced by Deputy Supervisor O’Conor, the board adopted the following Resolution:

RESOLUTION # 190

NOW, THEREFORE, BE IT RESOLVED, to approve the request submitted by Superintendent Woodcock, that Mike Eichler be moved into Acting Working Supervisor position while Frank Holden is out on medical leave. Effective September 25, 2007, through November 5, 2007, Mike will be placed in Step 4 Working Supervisor at \$20.41/hr.

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

Section G Personnel Policy(Page 12)

Lori Olson issue

Comptroller Reale explained that Lori Olson is out on medical leave the personnel policy states that “any employee who has 250 hours can donate sick leave to any full-time employee”. Lori Olson is in a full-time position with no medical benefits. She does accrue some part-time benefits which amount to approximately 44 hours a year. Some employees are asking to donate sick time per the policy. The board agreed there was no problem with that.

Comptroller Reale stated that Rich McCane has already donated 40 hours of vacation time to other employees. He wants to donate 20 hours of sick time to Lori Olson. The board agreed there was no problem with that.

Supervisor Johnson stated that the board needed to adjourn to executive session on a personnel issue. He asked for a motion and second to adjourn.

On a motion introduced by Deputy Supervisor O’Conor, and seconded by Councilman McGaughey, the board adjourned to executive session at 9:15 p.m..

On a motion introduced by Councilman McGaughey, and seconded by Deputy Supervisor O’Conor, reconvened the Regular Town Board meeting at 9:35 p.m..

Results of Executive Session

Supervisor Johnson stated no action taken in executive session.

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

On a motion introduced by Deputy Supervisor O’Conor, and seconded by Councilman Gerber, the meeting was adjourned at 9:35 p.m., all in favor.

Respectfully Submitted,

Carol Maynard, Town Clerk

Supervisor, Arthur Johnson

Councilman, Raymond O’Conor

Councilman, Charles Gerber

Councilman, Larry Gordon

Councilman, Ian McGaughey