

PUBLIC HEARING: Code of the Town of Wilton (Amendment)

The following Notice of Public Hearing was legally advertised in the Daily Gazette, the Post Star and the Saratogian newspapers.

PLEASE TAKE NOTICE that the Town Board of the Town of Wilton, New York, County of Saratoga, will hold a public hearing to amend the Code of the Town of Wilton.

SAID PROPOSED AMENDMENT would result in some additions and changes relating to various sections of the code as follows:

Adding Change in Tenancy: Article III, Section 43-6 Building Permit Required: A potential code change could look to provide for a building permit to be issued with a change of tenancy. This would allow for a check-in for code compliance and ensure that all approved site plan conditions are still being met.

Fee for Stormwater basins assumed by Town: The amendment would coordinate Section 129-210, B (1) Construction Completion guarantee, (the lump sum fee) with the existing fee schedule stated in 63-15E of the Town of Wilton Code.

C-2 Zoning Schedule: The amendment would replace footnote referencing C-1 to C-2

Neighborhood Identification Signs-Section 129-187 B (17). The Amendment would set maximum size for signage, and threshold for building permit.

Additional Proposed Code Change also for Consideration: The amendment would provide flexibility for parking requirements in the C-1 zone similar to what we currently offer in other commercial/business districts: Adding to **Article IX C-1 Commercial District** Section 129-52. **Additional requirements**, to read: The Planning Board may deviate from the parking standards set forth in Section 129-61, **Off-street parking**, based upon the following considerations: type of business; shared parking arrangements; adjacent uses; aesthetics; and pedestrian accessibility.

SAID PUBLIC HEARING will be held on Thursday, July 3, 2008 at 7:00 p.m. at the Wilton Town Hall located on 22 Traver Road in the town at which time all persons will be given an opportunity to be heard.

A copy of the proposed code amendments are on file at the office of the Town Clerk where they may be reviewed by any interested person during regular business hours.

BY RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WILTON

At 7:04 p.m., **Supervisor Johnson** called the public hearing to order and asked the Town Clerk to read the public hearing notice aloud, she did do, **Supervisor Johnson** asked if anyone had any comments. There were none, Supervisor Johnson then closed the public hearing at 7:05 p.m..

REGULAR TOWN BOARD MEETING

Immediately following the public hearing, Supervisor Johnson called the Regular Town Board meeting to order at 7:06 p.m..

Pledge of Allegiance

Supervisor Johnson led the board and the audience in reciting the Pledge of Allegiance to the Flag.

Roll Call

Roll Call by the Town Clerk showed all board members present:

Arthur Johnson-Supervisor
Raymond O’Conor-Deputy Supervisor
Lawrence Gordon- Councilman
Ian McGaughey-Councilman
Charles Gerber-Councilman

Also present were Town Attorney Richard DeVal, Tow Engineer Keith Manz, Comptroller Jeffrey Reale and Town Planner Kate Maynard.

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 # 133

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the June 5, 2008 meeting as typed without amendment.

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

Resolution for Support
Saratoga Springs Rte 50 Improvement Plan

Supervisor Johnson explained that the County Supervisor Matt Veitch, representing the City asked if the Town would support the City of Saratoga Springs in its efforts to expedite the Route 50 Corridor improvements from the Northway into the City.

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

RESOLUTION # 134

WHEREAS, in 1998, the Saratoga Springs Open Space Project, now Saratoga P.L.A.N. conducted a study of the New York State Route 50 North corridor, also known as the C.V. Whitney Memorial Highway, more commonly known as the Arterial; and

WHEREAS, the City of Saratoga Springs identified New York State Project 1096,18 in the City’s Comprehensive Plan, Adopted May 4, 1999 and amended July 17, 2001, as part of the major transportation policies included in the plan; and

WHEREAS, THE City of Saratoga Springs has stated in its plan that improving the transportation gateways is a priority: and

WHEREAS, the City of Saratoga Springs has authorized Supervisor Matthew E. Veitch to act on behalf of the City in communicating with State representatives and the New York State Department of Transportation in expediting project 1096.18, Route 50 Arterial Improvements.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Wilton supports the City of Saratoga Springs commitment to improving the Route 50 gateway to the City in accordance with project 1096.18; and

FURTHER BE IT RESOLVED, to support the City’s request for the Department of Transportation to expedite the project.

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

South Adirondack Smoke Free Coalition (Presentation)
Jen Sheerer

Supervisor Johnson asked Jen Sheerer to address the board with her presentation. **Ms. Sheerer** went over what the benefits of a smoke free environment would be for kids at the park, especially on the ball fields and playgrounds. She stated she would offer technical assistance to

inform the community if the board decided to implement the smoke free policy. Ms. Sheerer went on to state that the Coalition can also provide some signage, showing the board samples of those signs that would be placed in different areas of the park. **Councilman Gerber** stated that there is not a problem in Gavin Park right now, but the commission has encouraged us to consider a ban on smoking or encouraging people not to smoke in the park. My recommendation is to get some signage up there and have a policy, to encourage people not to smoke, other than in designated areas. Let's start by designating some areas in the park for people to smoke. We do not have the enforcement capabilities right now to enforce a ban on smoking or a policy. Councilman Gerber also stated that it would send a good message to the kids. **Supervisor Johnson** liked the idea of having signs for designated areas in the park for smokers. After some discussion, **Councilman Gerber** volunteered to work with Ms. Sheerer to develop some signage that would be polite and respectful to smokers. The board thanked Ms. Sheerer for coming.

Present Trophy (Softball) (City of Saratoga Springs to Town of Wilton)
Johnson vs. Johnson

At this point **Supervisor Johnson** stated that there was a special guest here tonight. He then introduced the City of Saratoga Springs Mayor, Scott Johnson and the City Park and Recreation Director, Linda Terracola. They are here tonight to present the trophy to the Town of Wilton. Supervisor Johnson stated that Wilton Park Director and Ms. Terracola got together and initiated this softball challenge which took the billing as Johnson vs. Johnson, and we played the game a few weeks ago. Mayor Johnson was the captain of the City's team and I was the captain of the Town team, part of the deal was that the losing captain would present the trophy to the winning captain. Supervisor Johnson also stated that he would like to thank everyone and I hope that with this year's game, we can renew that annual tradition. It was a great success, we had a good turnout, and we raised a lot of money for the American Cancer Society. **Mayor Johnson** stated it was a great cause and the city was happy to host it. It was a great game. He then congratulated everyone and stated that maybe the next game would be at the new facility on Geysers Road. Mayor Johnson then presented the trophy to Supervisor Johnson and pictures were taken.

WWPP (Presentation)
Sarah Clarkin

Supervisor Johnson recognized Wilton Wildlife Preserve & Park Director Sarah Clarkin. **Ms. Clarkin**, discussed her quarterly report with the board, highlighting some of the outreach and education programs they provide and some of the recreational events that will take place this year. Ms. Clarkin also discussed the science program, Ecological Managements program, the new interns that will be working at the Preserve and Park, the transfer of acreage to New York State to be part of the state's Saratoga Sandplains Wildlife Management Area and some contributions and funding the Preserve has received. The board thanked her for coming.

Code of the Town of Wilton (Amendment)
Proposed changes to the code resulting in
Additions and some changes relating to:
Change in Tenancy, Fee for Stormwater basins

**Assumed by the Town, C-2 Zoning Schedule,
Replace footnote referencing C-1 to C-2, neighborhood
Identification signs, set Maximum size for signage, and
Threshold for building permit and amending parking
Requirements for C-1. Kate Maynard
Last discussed 6/5/08, received approval from Saratoga
County Planning Board, Public hearing held earlier**

Supervisor Johnson stated that prior to the meeting tonight, we held a public hearing regarding proposed amendments and changes to the Town Code, is there any comments. No comments.

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

RESOLUTION # 135

NOW, THEREFORE, BE IT RESOLVED, to approve a Negative Declaration under SEQR (type 1 action); and

FURTHER BE IT RESOLVED, to approve the amendments and changes to the Town Code.

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

Real Property Tax Exemption for Veterans

Local Law No. 4 of 2008

(Superceding Local Law No. 2 of 1996)

Increasing Maximum Alternative Tax Exemption for Veterans

Supervisor Johnson explained that this item is already on the books for veterans, but over the years the threshold, income and assessment valuations have increased. We never did anything with it because we do not have a tax, so there is no benefit. However, we should probably bring this up in conformance with the County threshold. The board set a public hearing for August 7th, 2008, at 7:00 p.m..

Real Property Tax Exemption for Cold War Veterans

Local Law No. 5 of 2008

A Partial Tax Exemption for Real Property taxes for real property owned by persons who rendered military service during the Cold War (9/2/45-12/26/91)

Supervisor Johnson explained that this is a new exemption for Cold War veterans and both exemptions only apply for Town and County taxes. The prior exemption was for veterans who

served in combat zone. The County just approved this and it would allow a 15% reduction of the assessed value for a maximum of \$12,000. Again, this does not affect our residents because we have no tax. The board set a public hearing for August 7th, 2008 at 7:05 p.m..

Hudson Springs PUD(Amendment)

Known as the Paddocks

Sign Variance

Local Law No. 6 of 2008

Supervisor Johnson asked William Hoblock, representing The Paddocks, to address the board. **Mr. Hoblock** explained that he was at the meeting tonight for an area variance for a temporary real estate sign in connection with the Hudson Springs Planned Unit Development District (a/k/a The Paddocks of Saratoga). The reason we are here and not at the Zoning Board of Appeals for the variance is the code was amended last year to state that “whenever you are seeking a variance in connection with a PUD, you have to come to the Town Board”. The code permits temporary real estate signs during leasing of apartments. But the size of the real estate sign is only 6 square feet, which is basically a 3x2, so it’s a usual for sale sign. The sign we are requesting simply says “The Paddocks of Saratoga Now Leasing and a phone number”. The reason we are here for a variance is our sign is much larger because it faces the Northway and it was up in violation of the code. We were informed by Mr. Mykins, the Building Inspector, so we took it down. The sign was 6 feet tall and 30 feet long and you only saw it from the Northway. Mr. Hoblock went on to explain, In order to grant an area variance the Town Board has to look at the same factors as the Zoning Board of Appeals. This comes from Town Law §267, the board must balance the benefit to the applicant against the detriment to the health, safety and welfare of the neighborhood in doing so you look at five criteria. Mr. Hoblock then went through the five criteria listed as follows: **The first criteria:** Will the sign create undesirable change in the character of the neighborhood and nearby properties? Mr. Hoblock: The answer is no. It only faces the Northway. **Number two:** Can the benefit sought be achieved by any other feasible methods? Mr. Hoblock: The answer is no. There is no other feasible way to advertise to the Northway traffic other than a sign of sufficient size. **Number three:** Is the area variance substantial. Mr. Hoblock: The answer is no, given the unique circumstances of being located next to a major highway. We need a sign bigger than the permitted sign to be readable. **The fourth criteria:** Will the sign have an adverse impact on the environmental or physical conditions of the site? Mr. Hoblock: The answer is no. It is simply a temporary sign. **The last criteria:** Is whether the alleged difficulty is self- created? Mr. Hoblock: While this final criteria is relevant, it does not preclude the granting of the area variance. Mr. Hoblock stated that what we are trying to do is maximize a very unique situation; we are next to the Northway. Some would view that location as a negative for a multi-family residential community. We are trying to turn the situation into a positive. It simply tells people what it is. **Councilman McGaughey** asked Mr. Hoblock how long is temporary? **Mr. Hoblock:** Under the code a temporary real estate sign stays up until the property is sold or lease out. **Councilman McGaughey** stated that you will always have some units available for leasing. So will the sign be up forever. **Mr. Hoblock:** No, you could put a time condition on it. I can tell you that we are rolling into phase two now. I know my construction schedule of when it will be delivered and leased out, that rolls into next year. We are not looking for it to be up forever. **Attorney DeVall** stated that rather than a petition for a time period for the granting of a variance,

I would rather see the Town Board have some sort of mechanism that defines it. Such as 90% units leased. **Councilman Gordon** stated that we have to realize that the area where the sign was also was within the 100 foot buffer area, which is a policy of the Town. Councilman Gordon explained that he was a little uncomfortable that when you start getting into who's project warrants a sign, that we will get into a situation on how to decide what size sign somebody needs. I think compliance with our sign ordinance is important. After some discussion the board decided to set the public hearing. **Mr. Hoblock** asked the board if he could have the sign up while they wait for the public hearing because this is a heavy traffic month. **Attorney DeVall** explained that he would look into it and asked Mr. Hoblock to e- mail him. The board set the public hearing for August 7th, 2008, at 7:10 p.m..

Olson Farm (Drainage System)

Keith Manz

Received final C.T. Male review letter

Supervisor Johnson explained that we had a workshop on this drainage issue, and we required an independent review of the drainage system for Olson Farm. The developer paid for the review and the Town hired C.T. Male to do that. We have received the review letter. Supervisor Johnson stated that this was a condition the Planning Board wanted before the amended site plan approval that the Town Board accept this system. **Engineer Manz** stated that yes, exactly. He then explained the contents of the memo and stated that C.T. Male was o.k. with it that two pipes should be changed from ten inch to twelve inch and the other issue is that they need to add another under drain pipe under the slab down the center of it. The board can approve the system since the issues have been resolved. **Supervisor Johnson** stated that the board decided to have Don Zee do the special district. They will come with the amount to pay toward it and based on that, figure out what the annual assessment would be. This system the maintenance, repair and if necessary replacement is born by the residents that actually live in there and they are assessed for the system. There is no cost to the general fund or the highway fund. We had the workshop decided we wanted to set up a special district and a separate review by an engineer other then the developer's engineer that the system would work. Supervisor Johnson explained at this point we can satisfy the Planning Board's conditions and approve the system and then go forward in setting the special district to pay for it.

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

RESOLUTION # 136

NOW, THEREFORE, BE IT RESOLVED, based upon the engineering provided and requested the Town Board would consider accepting a special district when offered in connection to the Olson Farm Subdivision.

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

Deputy Supervisor O'Connor, abstained from voting.

Reappointment (Park & Recreation Commission)

**Joseph Bartol
Brendan Geraghty
Thomas Coons**

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

RESOLUTION # 137

NOW, THEREFORE, BE IT RESOLVED, to reappoint the following members of the Park & Recreation Commission: Joseph Bartol, Brendan Geraghty and Thomas Coons, subject to their acceptance. Term to expire 7/31/08, new term 8/1/08-7/31/11.

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

Committee Reports (If Any)

Supervisor Johnson asked if there were any committee reports. **Councilman McGaughey** stated that he had a meeting with R.U.O.K volunteers the program is in place and he hoped the Town does not need to use it.

Comptroller's Report
(Including Bills & Transfers)

Budget (Transfers) (2008)

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

RESOLUTION # 138

NOW, THEREFORE, BE IT RESOLVED, to approve the budget transfers requested for and listed in the Comptroller's 7/3/08 report to the Town Board.

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

Personnel

Park & Recreation (Temp Service cost)

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

RESOLUTION 139

NOW, THEREFORE, BE IT RESOLVED, to approve the request from Steve Porto, Park & Recreation Director, for a budget transfer in the amount of \$7,000 from A1990.4 Contingency to A7020.4 Recreation Administration to cover the cost of a Temp Service JJ Young, who is under NYS Contract # PS6345. This should cover 60 days of service at 6 hours per day at \$18.50/hr.

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

Correspondence

The Town Board received a memo from Mark Mykins, the Town Building Inspector and Code Enforcement Officer stating his opinion regarding PUDD Zoning (using PUDD legislation for more than the intended purpose).

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 McGaughey, the meeting was adjourned at 8:40 p.m..

Respectfully Submitted,

Carol Maynard, Town Clerk

Supervisor, Arthur Johnson

Councilman, Raymond O’Conor

Councilman, Charles Gerber

Councilman, Larry Gordon

Councilman, Ian McGaughey