

PUBLIC HEARING: Ernst Rd. PUDD LL # 2 of 2009

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 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. 2 of 2009, Ernst Road Planned Unit Development District, Town of Wilton.

SAID PROPOSED LOCAL LAW would amend the Code of the Town of Wilton by changing the area from the RB-1 Residential Business District and R-1 Residential District as such is now zoned and creating within the boundaries of said newly described area a Planned Unit Development District to be known and described as “Ernst Road Planned Unit Development District, Town of Wilton, Local Law No. 2 of 2009.” The Ernst Road PUD shall provide for the construction of a public through road from Ernst Road to Burnham Road, within the Burnham Hollow Subdivision, and the proposed construction of a maximum of 16 apartment units with associated vehicular parking, vehicular access to parking lots, storage sheds for tenants, common areas and pathways, which would cover 1.16 acres, and the remaining 20.51 acres will be used for open space, landscaped areas and on-site stormwater management areas. The area of the PUD consists of 21.67, plus or minus acres. The proposed site is located at the intersection of Ernst Road and Route 9 and is known as Tax Map No. 114.-2-30.

SAID PROPOSED LOCAL LAW, known as Local Law No. 2 of 2009, 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.

SAID PUBLIC HEARING will be held on Thursday, April 2, 2009, 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 the opportunity to be heard.

BY RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WILTON

At 7:00 p.m., **Deputy Supervisor O’Conor** called the first public hearing to order and asked the Town Clerk to read the public hearing notice aloud, she did so. Deputy Supervisor O’Conor then recognized Mr. Greg Beswick from Tommell and Associates to give a brief overview of the PUDD. **Mr. Beswick** stated that the public hearing notice pretty much covers the overview but then he went on to explain that there would be a conservation easement which was illustrated in green on the site plan. Deputy Supervisor O’Conor asked if anyone had any comments on the Ernst Road PUDD. **A resident** who lives on the corner of Route 9 and Ernst Road asked what a conservation easement meant. **Mr. Beswick** explained that a conservation easement would mean that within this area (illustrating on site plan) no other structures could be built. The only structures that could be placed in these areas would be stormwater detentions or pedestrian pathways, no buildings. Nelson LaTour of 74 Ernst Road asked why the public road for the PUD is right next to his house. **Mr. Beswick** stated that the center line of the proposed road is off-set approximately 80 ft. from his house and that was done purposely so that would be no head light issues. The residents asked **Mr. Beswick** if the road could go out on Route 9 instead of Ernst

Road. **Connie Towers**, 92 Ernst Road, explained she had some concerns. She read section five of the PUDD legislation which states “The developer shall construct the project generally in accordance with a sketch plan, to be approved by the Town of Wilton Planning Board and Town Board. However, the exact location and size of buildings, location of parking areas, green areas and other related matters may be changed, altered or amended during the Town of Wilton Planning Board site plan review process. It is the intention of this provision to provide the developer with the flexibility in the development of this project. The sketch plan is not intended to limit the developer with respect to a specific number of buildings, specific location of buildings or parking lots or other related items customarily considered by the site plan review process.” She explained that this is a contradiction of what the board is saying. We have wet lands issues and there is an attachment in here saying things can be amended and changed. **Deputy Supervisor O’Conor** explained that historically, what we have done, especially in Planned Unit Developments, before approval is to have things outlined very specifically in the legislation. In a recent PUDD, we had the developer show elevations, number of units and what the buildings would look like, that was part of the legislation. Before I would approve PUDD legislation I would insist on the specifics being in there instead of the vague generalities that you are pointing out. **Mrs. Towers** stated that this is very arbitrary. Who’s to say when the infrastructure goes in that Mr. Woodcock won’t put two more apartment buildings in there. This section in the legislation is allowing a lot of lee-way right now. Secondly, is the traffic density, we are being asked to absorb the impact of all the traffic on this road and the 45 MPH limit will have to be lowered because it is too high now. **Town Planner, Kate Maynard** asked to be recognized and explained that regarding the first comment, the number of units in Section Five, it is a little loose, that’s related to the Town Board versus the Planning Board rule. Section Six does provide stricter planners to go through. **Town Attorney Richard DeVall** explained that the public hearing is on their proposed legislation. **Mrs. Towers** stated that the last action that affected everyone on Ernst Rd. by the same applicant, the site plan papers does not follow the final outcome. It is still not resolved. There were supposed to be a buffer zone, but there is a concrete wall with double stacked trailers right now. When you start rezoning little areas it affects the character of life in the Town. **Dennis Towers**, 92 Ernst Road, stated his concerns and asked why the Town would consider putting the PUDD there on Ernst Road. **Deputy Supervisor O’Conor** explained that anyone in the Town who has a request to the Town Board has a legal right to do so. We have to entertain their request. We have an obligation to listen to everyone. **William Shirley**, 89 Ernst Road, explained his concerns regarding his quality of life, how it will affect the wet lands and traffic issues. Change has not been a good thing. We do not need more apartment buildings. What will happen to our wells? **Jim Carlson**, 81 Ernst Road, asked if the Town Board is going to make selective changes like this all the time. **Deputy Supervisor O’Conor** explained that it is under the responsibility of the Town Board sometimes we change things and sometimes we don’t. We recently went through a two year long Comprehensive Planning process where we looked at different areas we did make some zoning changes. It is a topic that comes up all the time that we need to address. **Jim Carlson**, asked if the board considers who will benefit from the changes. I believe the board always tries to look at the best interest of the Town when they make a decision. **Kate Maynard** explained that the Town looks at any positive or negative benefit. We get very in-depth whether its traffic, environmental or what’s around it. **Dennis Towers** asked the board “when could the residents get to hear about the traffic study, the environmental impact statement and the air quality statement.” Deputy Supervisor O’Conor, explained that at the Planning Board meeting they go through all the details

and their meetings are open to the public. **Deputy Supervisor O’Conor** asked if there were any other comments. There were none. He then closed the first public hearing at 7:35 p.m..

PUBLIC HEARING: **Hudson Springs PUDD LL# 3 of 2009**
(Variance no longer needed)

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 Wilton, New York, County of Saratoga, will hold a public hearing to adopt a Local Law No 3 of 2009, amending Local Law 5 of 2005, Known as Hudson Springs (a/k/a The Paddocks of Saratoga) Planned Unit Development District.

SAID PROPOSED LOCAL LAW would consider an amendment by issuing an area variance related to the recycling and maintenance center. Pursuant to section 129-115(P) and 129-249 (B)(3) of the Town Zoning Code that expressly state variances to an existing PUDD shall be made by application to the Town Board.

SAID PROPOSED AREA VARIANCE is sought because the proposed location and layout of the repositioning of the combined recycling and maintenance center result in an encroachment of the Perry Road setback. The recycling and maintenance center is located on the north side of the internal road known as Kempton Place. Capital District Properties seeks to move the center to the south side of Kempton Place across the road and separate the combined structures.

SAID PUBLIC HEARING will be held on April 2, 2009, at 7:15 p.m., At Wilton Town Hall located on 22 Traver Road, Wilton, New York at that time all persons will be given opportunity to be heard.

BY RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WILTON

Immediately following the first public hearing Deputy Supervisor O’Conor, mentioned that a second public hearing had been cancelled as per the applicant because the variance was no longer needed.

REGULAR TOWN BOARD MEETING

Immediately following the public hearings, Deputy Supervisor O’Conor called the Regular Town Board meeting to order at 7:36 p.m..

Pledge of Allegiance

Deputy Supervisor O’Conor led the board and the audience in reciting the Pledge of Allegiance to the Flag.

Roll Call

Roll Call by the Town Clerk showed all board members present except Supervisor Johnson who was on vacation.

Arthur Johnson-Supervisor- absent
Raymond O’Conor-Deputy Supervisor
Lawrence Gordon-Councilman
Shirley Needham-Councilwoman
Charles Gerber- Councilman

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

Approve Pending Minutes

Deputy Supervisor O’Conor asked for a motion and a second to approve the pending minutes from the last meeting.

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

RESOLUTION # 101

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the March 5, 2009 meeting as typed, without amendment.

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

Ernst Road PUDD (LL# 2 of 2009)

Tabled last month

Last discussed 3/5/09

Deputy Supervisor O’Conor, explained that the next item on the agenda is the Ernst Road PUDD. We will open up with any comments anyone has. **Councilman Gordon** asked if the Planning Board had made a recommendation. **Town Planner Kate Maynard** explained that they had made a favorable recommendation with the following conditions: That the Planning board would recommend that the road will be a public road; That the road be a through road to the Burnham Hollow Subdivision; That the apartment buildings would be set back to the maximum practical setback possible from the right-of-way without encroaching on the R-1 district. **Councilwoman Needham** asked if the Saratoga County had looked at the traffic study. Town Planner Maynard stated that they gave approval as well stating there would be no inter-

community impacts. They also recommended the inter-connection to Burnham Hollow residential subdivision be through a public right-of-way to be deeded to the Town. They also recommended that there be no further development on that R-1 property. After some discussion, **Deputy Supervisor O’Conor** stated that a lot of issues have been brought both by the residents and the Town Board and asked if there is a motion for any action to be taken this evening on this application. **Councilman Gordon** stated that there are amendments that need to be made so cannot be any action. **Councilman Gerber** stated that he would like to see a list drawn up of the items to be amended to give to the applicant and maybe a traffic study done before the next Town Board meeting. **Engineer Manz** explained that he and Kate had taken notes on all the comments so if the applicant would contact them they could address all the issues. No Action taken

Hudson Springs PUDD (proposed amendment)

Last discussed 3/5/09

No longer need variance (pulled application)

Deputy Supervisor O’Conor stated that this application has been withdrawn. No Action necessary.

Gailor Road (Speed Limit reduction)

William Morgan Sr.

Deputy Supervisor O’Conor explained a request came in from William Morgan Sr. to lower the speed limit on Gailor Rd. from 55 MPH to 45 MPH.

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

RESOLUTION # 102

NOW, THEREFORE, BE IT RESOLVED, to request a lower speed limit on Gailor Rd. from Route 9 to Traver Road from 55 MPH to 45 MPH.

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

Independent Board of Review (Appointment)

Peter Hart

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

RESOLUTION # 103

NOW, THEREFORE, BE IT RESOLVED, to appoint Peter Hart as member of the Independent Board

of Assessment and Review, to replace Marie Farone new term 10/1/08-09/30/13.

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

Committee Reports (If Any)

Deputy Supervisor O’Conor asked if anyone had any committee reports. **Councilman Gordon** stated the fish would be put in Deegan Pond on April 16, 2009. **Councilman Gerber** explained that there is an agreement between the Saratoga/Wilton Youth Soccer Club and the Town of Wilton. There are some things that need to be ironed out, but I would like to have the Supervisor sign the documents.

Saratoga/Wilton Youth Soccer Club

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

RESOLUTION # 104

NOW, THEREFORE, BE IT RESOLVED, to accept the agreement between the Saratoga/Wilton Youth Soccer Club and Town of Wilton and;

FURTHER BE IT RESOLVED, to have Supervisor Johnson execute the documents.

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

Councilwoman Needham explained that she is working on the Hazardous Waste Day. She is waiting for the bids to come in and there is no date yet. She is also working on the RUOK program making sure all the volunteers have their lists in case of an emergency.

Mutual Aid Agreement

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

RESOLUTION # 105

NOW, THEREFORE, BE IT RESOLVED, to accept the Mutual Aid Agreement for Stillwater and Halfmoon to get reimbursement from FEMA and:

FURTHER BE IT RESOLVED, to authorize Supervisor Johnson to execute all documents.

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

Town Planner Kate Maynard explained to the board that there is a public meeting on the Gavin Park proposed Pathway on two segments on Carr Road and Jones Road. The preliminary design is 99% done we are going out to talk to the impacted residents to see how many feet is needed. The meeting is April 21st at 6:30 p.m..

Comptroller Report
(Including Bills & Transfers)

2009 Budget Transfers and Amendments

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

RESOLUTION # 106

NOW, THEREFORE, BE IT RESOLVED, to approve the 2009 budget transfers and amendments requested for and listed in the Comptroller's 4/2/09 report to the Town Board.

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

Wilton Emergency Squad

a.) PENFLEX Service Award Program:

Comptroller Reale stated he had completed his review of the Wilton Emergency Squad PENFLEX Service Award Program for the 2009 year end. The approved listing and a certified copy of the resolution will then be posted at the Squad for 30 days. If there are no changes, it can then be sent to PENFLEX, who will compute and bill the Town for the contribution due for the year ended December 31, 2008.

On a motion introduced by Councilwoman Needham the board adopted the following resolution:

RESOLUTION # 107

NOW, THEREFORE, BE IT RESOLVED, to approve the PENFLEX Service Award Program list of

all volunteer ambulance workers of the Wilton Emergency Squad.

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

b.) Wilton Emergency Squad audit

Comptroller Reale stated that he was in receipt of the Wilton Emergency Squad December 31, 2008 Financial Statements prepared by independent auditors Cusack and Company. A copy of the audit report is in my office, no material matters were brought to my attention.

Personnel Policy

Amendments/updates

On a motion introduced by Councilwoman Needham, the board adopted the following resolution:

RESOLUTION # 108

NOW, THEREFORE, BE IT RESOLVED, to approve the amendments/changes to the personnel policy as follows:

- a.) Update Exhibit 5-A Employee Flowchart**
- b.) Health Care Benefits Part VI4-c-Increasing the out of pocket reimbursement for employees enrolled in the Towns health insurance from \$600 to \$1,000.**
- c.) Hiring Policy-Part 1(2) Residency Requirements**
 - i. All employees deemed to be Town Officers (Town Law) must be a resident of the municipality for at least four months prior to accepting the position. Preference may be given to Town residents for all other positions in evaluating applicants of similar qualifications.**

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

Personnel

- a.) Sole Assessor (Kathy Austin)**

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

RESOLUTION # 109

NOW, THEREFORE, BE IT RESOLVED, to appoint Kathy Austin to the position of Sole Assessor, to complete the 6 year term of Marge Little ending 9/30/2013. This position has been granted Grade 9 Step 9 status with full benefits; Effective date 04/06/09.

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

b.) Court Clerk (Darla McGrath)

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

RESOLUTION # 110

NOW, THEREFORE, BE IT RESOLVED, to hire Darla McGrath to the part-time position of Court Clerk Grade 2 Base rate, no benefits. Effective date 03/31/09; This position is subject to a background check.

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

c.) Assistant Recreation Director (Amend Resolution #99)

On a motion introduced by Councilwoman Needham, the board adopted the following resolution:

RESOLUTION # 111

NOW, THEREFORE, BE IT RESOLVED, to amend resolution # 99 to include the start date of the Assistant Recreation Director position and the budget impact. The start date is 03//05/09; Budget transfer A1990.4 Contingency to A7020.1 Parks Admin. in the amount of \$1500.

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

Correspondence

Received Wilton Wildlife Preserve & Park Quarterly Report.

Executive Session

Deputy Supervisor O’Conor stated that the board needed to go into executive session to discuss a legal issue.

On a motion introduced by Councilman Gordon, and seconded by Councilwoman Needham, the board adjourned to executive session at 8:43 p.m..

On a motion introduced by Councilwoman Needham, and seconded by Councilman Gerber, the board reconvened the Regular Town Board meeting at 9:25 p.m..

No action taken in executive session.

On a motion introduced by Councilwoman Needham, and seconded by Councilman Gerber, the meeting was adjourned at 9:26 p.m..

Respectfully Submitted,

Carol Maynard, Town Clerk

_____ Absent _____ Supervisor, Arthur Johnson

_____ Councilman, Raymond O’Conor

_____ Councilman, Charles Gerber

_____ Councilman, Larry Gordon

_____ Councilwoman, Shirley Needham