

TOWN OF WILTON

22 TRAVER ROAD

WILTON, NEW YORK

PHONE: 518-587-1939

FAX: 518-587-2837

Susan Baldwin, Town Clerk

sbaldwin@townofwilton.com

PUBLIC HEARING-Solar Array Moratorium-Local Law #1 of 2023

7 :00 P.M.

Supervisor Lant opened the public hearing at 7:00 P.M.

Ed Kokoski of 7 Knollwood Drive asked if the Solar Moratorium applies to the Quaker Springs Project. He asked if it goes into effect today, February 1 for a six month moratorium, does that mean everything stop? Mark Schachner, Town Counsel said there is not yet a moratorium and it does not apply to anything yet. The board will not be able to adopt a moratorium tonight, even if they want to, because there is a step that has yet to be accomplished. Nobody knows the answers to the questions because the moratorium does not yet exist and does not go into effect today. Mr. Kokoski said the moratorium refers to certain arrays. What does that mean? When the moratorium is approved is it going to apply to Quaker Springs? Mr. Schachner said he does not know what or if anything the board will approve. As drafted, if the moratorium is adopted and that cannot happen tonight, it states the provisions in the local law shall be applicable, and to back up, as far as certain facilities, it is not proposed to encompass all solar facilities, the reason it states certain facilities, it is proposed to encompass only those facilities as defined, essentially large scale commercial facilities. It is no all solar facilities and that is why the title is certain solar facilities. To answer the question about a particular project, the way the law was requested to be drafted, if adopted as written, the provisions of this local law shall be applicable to any such facility, meaning the large scale commercial projects, as defined in the draft, for which applications are currently pending, unless all necessary approvals have already been obtained from the Town of Wilton Planning Board. If there is an application that does not yet have all approvals from the planning board and the moratorium is adopted and it is adopted as written, if all of those things happen it, unless the project has all of the approvals from the planning board, it would be subject to the moratorium. If it has all of the approvals from the planning board it would not be subject to the moratorium. Mr. Kokowski said Quaker Springs does not have all of the approvals. Ryan Riper, Director of Planning and Engineering said that is correct. Mr. Kokowski said Quaker Springs will also fall into that category. Mr. Schachner said that could change between now and the time of adoption. Mr. Kokowski said solar farms are built to convert electrical power to high line voltage. This particular project increases the voltage up to 13,000 volts. This equipment that does the conversion to the high line voltage is a big piece of equipment. It is basically sitting on the ground, not far from Bob Marchillo's house. He said he as seen, as a plan engineer, they don't catch on fire, they explode into a big fireball. That is how these things can fail. Somewhere along the line this should be looked at from the standpoint of fire safety. When these things fail, what is the life of this project, in twenty years? When my neighbors move to Florida and a new family moves in, this is what is back there. He said he is opposed to it and feels it doesn't belong in the neighborhood. There is only one access to the property and that is over the tracks. This is a big piece of electrical equipment and if a fire starts in the middle of it and other things start burning. He said he's seen it online. It goes into a fireball. What is the plan on that? He said he doesn't see a lot of room because the whole property is filled with solar panels. He said he doesn't see room for the firetrucks and do they access from the tracks

to get there to fight a major fire that could happen nearby our neighborhood. That is a concern. Supervisor Lant said usually, if it caught on fire, the fire department wouldn't attack it. Mr. Kokowski said that is another concern, there are toxic gases coming off that fire, coming into our neighborhood. If you have a fire of that magnitude, there will be toxic gases. He said these are harmful dangerous things he is concerned about. He said he heard property values will decrease by \$30,000 per house. On 36 homes, that is \$1,000,000.00, That doesn't happen over time, which happens the day they put a shovel in the ground. We, as a group, lose \$1,000,000.00 and gain zero on this project and we have an eyesore next to our properties. He said he knows he's only talking about Quaker Springs but it is applicable to the moratorium. Mr. Kokowski said he has only been involved for two weeks. That is another point, it is about notification. There are probably rules related to notification. Some of our neighbors received a certified letter. He said knows a lot of the board members. He used to see Councilman O'Connor eating breakfast at Scottie's and he bought a car from Supervisor Lant. He said he heard about project from Mrs. Breene. He said he's looked at the details of this project and it's been in the works for a long time. He said he wished someone had stopped by and given him a better notice than to have learned about it this way.

Mr. Kokowski said he's worried about groundwater contamination, there could be toxic fluids. The panels need to be cleaned often; they build up. Where does the water go when they clean them. Do they just hose them off or do they collect it. We just need a little bit of notification. He said he was disappointed in the way he was notified. He said he supports the moratorium but does not support the Quaker Springs project. It is too close to the neighborhood. Solar farms should be built on existing landfills, large roof commercial or industrial rooftops. They could be placed on the roof of one of the distribution centers, everyone would be happy. They could be built next to a junk yard or in a parking lot but not next to a housing development like Quaker Springs has proposed. He said he feels this should be considered, very seriously, in the moratorium.

Deb Kokoski of 45 Knollwood Drive said she wanted to talk about winners and losers. As it stands now, the winners are the Town of Wilton, Lou Farone and Joseph O'Brien. The town gets more tax revenue, Mr. Farone gets a monthly income as property owner and will probably cut down all thirteen acres of wood and sell that, as well, decimating our forest land. Most troubling is Mr. Joseph O'Brien, who is the other landowner and is also the Chairman of the Zoning Board for the Town of Wilton. Isn't this unethical and just plain wrong? We elected him to represent us. Now his is making personal gain. His lack of concern for our neighborhood is, at best, disturbing. She said another thing about Mr. O'Brien, she is worried about, is the influence he has on the other members by being the Chairman. She said she didn't care if he recused himself or not, he probably has sway with them. The only losers in the project is us, our neighborhood, Knollwood Drive, the Paddocks and Wilton's natural environment. She said she has seen Karner Blue butterflies in her backyard and takes walks on that property which they are going to decimate. We've seen moose. It is bad enough much of our neighborhood is being destroyed by deforestation. Look at the Forest Grove Development, my god, now they want to destroy more land for a solar farm that is known to harm. We live in a neighborhood that has babies, children and older people. We are concerned about our health. She said she grew up in Pittsburg where they built a nuclear power plant nearby. They said the same thing at the time. There wasn't any concerns, nothing to worry about. Twenty years later, everyone was getting cancer from what was released in the air and the water. We have well water. She said she is all for solar farms but it should not be in any neighborhood. We all want to be winners.

Susan Wyckoff of 10 Knollwood Drive said she also owns 45 Knollwood Drive. She said she is totally for the moratorium until the board can figure this out. She said she feels it is unsafe, it doesn't need to be near a neighborhood with children and her grandchildren. She said she is very worried about that and

agrees with everything Ed and Debbie said previously and hopes the board takes it into consideration, maybe move on my block and see how you would feel.

Angus Wyckoff of 10 Knollwood said he knows the board has a lot to consider. If the board were to approve the Quaker Springs project, you then have the danger of setting a precedence. This is one hundred feet from residential homes. If the board approves this, it opens the door for more solar farms or other business coming in somewhere in the Town of Wilton that can be one hundred feet from residential homes. It is a little bit of a slippery slope setting that precedence. Last Thursday there was a meeting. Prior to that meeting, the applicant for the Quaker Springs project had one of his people going around the neighborhood on Knollwood Drive, knocking on doors and asking them or telling them not to go to the meeting. Supervisor Lant asked if he knew the name of the person. Mr. Wyckoff said it was David Byrne. Mr. Byrne said he is the owner of Renua Energy and if Mr. Wyckoff is going to make claims like that, that are unsubstantiated, without anyone standing up and saying we said that to him or her, that is unfair. We did not say that to anyone. To make anonymous claims like that, that is bad business. The town should not allow that to happen. That is a smear campaign. We told people, we went to seventeen houses in the town, of our own volition, we didn't have to do that. We did that to be a good neighbor. We went there, proactively, to hand our information on the project because we didn't want people to hear about it in the mail or some indirect source. We are trying to do the right thing and treat other people like we want to be treated. Deputy Supervisor said Mr. Wyckoff has the floor. Mr. Wyckoff said if it isn't true, he said he is sorry. If it is true, it is very unethical. There was interruption.

Councilman O'Connor said for the public comment period, people have signed up. We take those people in order from which they signed up. This is not intended to be a debate, whether it is a debate between the board and the audience or between audience members. It is an opportunity for people to stand up at the microphone and tell us what your concerns are about the moratorium. Mr. Schachner said the board may want to consider making people understand that this is not a public hearing about a particular project. The Town Board does not have regulatory authority over the application which people are upset about. The Town Board does not have the authority to approve or deny the application people seem upset about. Most importantly, what is proposed, the Town Board is contemplating adopting a moratorium. The purpose of the public hearing is to hear comments on the proposed moratorium, not about a particular project that is not pending before the Town Board but is pending before the Wilton Planning Board and the Zoning Board of Appeals. There are very appropriate places to make the comments but that is not the purpose of this public hearing.

Erik Anderson said he is a solar developer and is not associated with the Quaker Springs project. He said he has a master's degree in environmental policy and has worked with a lot of towns in the Hudson Valley and capital region. There are immense benefits from solar. Like any other commercial or residential or any use, not everything should be treated the same. Applications should be treated individually. He said his project has been being worked on for over one year and sought approval from the Town of Wilton, extensively. We have worked with Department of Conservation, National Grid and a lot of people to make sure our project is viable, in compliance with local law and is a right fit for the community. He said he is asking the board to consider incorporating a hardship waiver into the law. A hardship waiver would allow a potential applicant to make their case to the Town Board for exemption from the moratorium. It is more of an objective thing. It doesn't guarantee the right to be exempted from the moratorium. It just gives us the opportunity to make our individual case. He said he can't speak for other players in the community but as a solar developer he said he stands by their project. He said he thinks it deserves its place as a business and would love to talk to anybody who would like to learn more about solar. He said he truly believes in it and there is a lot of misinformation out there and would be available outside. Mr. Anderson

said he really thinks it the best thing for our state, federal government, our local communities, it benefits a lot of people. There are a lot more benefits than he can say in three minutes.

Bob Marchillo of 39 Knollwood Drive said he has a lot of information. He said he's been pouring through a lot of the town board agendas, documents and meetings. There are people on the board who have talked very frankly with each other about the solar law. Mr. Riper is in there a lot, Mr. O'Connor is not in there a lot, John is in there a lot. He said it seems to him that no one is really sure. They mention the solar moratorium and it can be shorter or it can be longer. He said he spoke to Mr. Riper and he was very helpful and said the board was considering a moratorium and it was over the height of the panels, 13' and now they are asking for up to 20'. He asked if he could enter a letter from Councilman O'Connor. Mr. Marchillo read the last paragraph. *"Every effort should be made to site solar arrays on developed properties, including commercial and industrial sites, parking lots, commercial and industrial rooftops, tapped landfills and developed municipal properties."* Mr. Marchillo said he sent the links. He said in all fairness, when Dave and Yutta came to his door, he was babysitting his grandchildren. It was very cold out and he said he didn't feel good and didn't give them the time of day. He said they handed him a brochure and said if there were any questions, give them a call. He said he didn't receive anything formal until January 10th. Only the people on the far western side, that actually touched the property, got those letters. This is a small neighborhood with forty-three houses. Some people are for it and some are against it. We have deer come through there all of the time. He said he walks out there too and sees all of the tracks coming out to eat everyone's shrubs every winter. Now they have to go along the outside of that fence. They will be walking right on top of my property, on top of everybody's property. He said he loves deer; he loves when he's driving up past Exit 15 and you see them out in the field in front of the billboards. This is not a good fit for our neighborhood.

Virginia Leone of 43 Knollwood Drive said on January 26th a rep from the company knocked on my door. She had some papers and we started talking. Ms. Leone said she mentioned there was a meeting that night. She was told it wasn't important and it was going to be about a variance and there won't be much going on and didn't know why anyone would go. Ms. Leone said that seemed to her it was discouraging somebody not to go to the meeting they were able to go to. She did not say don't go but she said there won't be much going on and we will be talking about a variance. Ms. Leone said it seemed like it was not a big deal. She sent an email to the neighborhood about it. Ms. Leone said she also asked her about the new neighborhood across the street and she didn't know anything about it. She said she thought that was very strange. Ms. Leone said the woman did not know the neighborhood was going in when this project was so close.

Caroline Marchillo of 39 Knollwood said she's lived in the community and built their house in 1989. We picked out the lot because we love Wilton. She said she's worked at the school and at the local hospital. She said this is very disturbing to her. There are a lot of people with concerns. She said she's not sure if the moratorium is different than a debate. She said she has so many concerns. She asked if she could ask questions after this and how would we find out about this. She said she hasn't been sleeping. Her husband said he loves the deer. The next door neighbor said there are coyote sightings all over, not a big deal, that's okay. That will be next to our house. She said does she want a coyote next to her house, not really. We have kids. She said she has health and safety concerns and has read about how the panels are made with cadmium, lead, the shield. There could be a minimal leak into their well water. What if it breaks, who will be out there to check it? Is there specs out there all of the time? This is the water we drink. We have kids and they take the lead out of paint. She asked what about her grandkids and she gives them the water they drink and they get sick? What is going to happen? Who is going to be responsible? She said she has trees on her property that are a couple hundred years old, they are huge.

She said she doesn't want to get rid of them. Will they have to be removed, is that part of the project? She said it is her property, which is why she picked out the land. She said she has a lot of questions and she loves Wilton and appreciates the town having this forum.

Cindy McCabe of 27 Knollwood Drive said she has nothing against solar. Her concern is where it is going and how it is going to affect her neighborhood. There has been an incident in California where solar panels were devastated and put out cancerous emissions. We have had a couple of small tornadoes behind our properties which will affect the solar panels. We have a high level of water, we have wells and it's all going to be affected. She said that is what her concerns are.

Dave Byrne of Renua Energy said his company is located near Exit 17. He said he is a combat veteran owned business. He asked Yutta, his employee to address the audience. Ms. Middel said, for the record, she did not discourage anyone from coming to a planning and zoning board meetings. She said she encouraged some people to come. She noted Ms. Leone may have misunderstood her completely. She said she tried to explain the different kinds of meetings that were in the queue and that the zoning board meeting was only for the variance we were requesting. If that was taken as to mean it was not worth coming, she said she apologized Ms. Leone felt that way but it was not at all the intention and not what she said.

Mr. Byrne said he wanted to address the valid concerns. He said he thinks the over arching concern of people in the town is that they don't want solar popping up everywhere. He said he lives one exit north and has the same position and is in the solar industry. He said he doesn't want solar popping up everywhere. That impacts the quality of life for residents and has a significant impact on the community. He said he always tries to find good projects. There was a basic study of the capacity of what is available for solar development in the Town of Wilton. Within the pink area (indicating) is the Town of Wilton. The red area allows for little or no capacity, green allows for little capacity, the dark blue allows for a lot of capacity. Much of the town's zoning does not allow for solar. In the R-1 zone solar is not a permissible use in the commercial or light utility scale. The green area could be used for solar, 1-1.49 megawatts. If you look at the projects that have gone through the interconnection process with the utility, it is a long, costly process with the utility company. Projects being proposed only allow, based on zoning limitations as well as the grid capacity limitation, for one project the green line and a very small project, which would not be viable, along the yellow line. There are limitations based on the grid capacity. He said they want to work on good projects and found this one location which we think is viable and we are happy to address any concerns moving forward.

George Riley of 4326 Route 50 said he has been in the town for almost twenty years. It seems everyone is talking about a Quaker Springs project and he said he doesn't know about it. He said he does border one of the projects and they are pretty much going to be in his backyard and supports that. He said he does not support the moratorium and does support the project behind his home. He said he has spoken with the solar company extensively and gone through things with them. They have answered his questions, if you give them the time, they will talk to you. If you ask them questions, they will answer you. He said he would prefer that rather than 300 homes behind his house. That would drive his house to garbage. He said he supports solar rather than continuing to throw up more and more houses that don't get filled and more apartments that don't get filled. They are sitting there doing nothing.

Jack Funk of 4934 Route 50 said he is the owner of the land where they are developing a solar farm. He said he has been working with Erik Anderson and have tried to address any comments by our neighbors. As a part of the process, we have applied for permits from the planning board. After the submission we learned about the moratorium and it obviously affects our development and our time frame. He said it

also affects him as a landowner. We are just learning of the water issues which brought everyone to the meeting. It sounds like it is a different project than the one he has been working on. He said he is in opposition to the moratorium and to second Mr. Anderson's suggestion the board consider a hardship waiver as an option for certain projects to plead their case to the board on an individual basis.

John Latella of 104 Milton Avenue, #7 said he is a resident of Saratoga and simply wanted to state that he is opposed to the moratorium, simply put, solar development is positive for our community and stand in support of its continued permitted use without and further additional regulations.

Toni Sturm of 41A Parkhurst Road said she wanted to clarify she is in favor of a brief moratorium, three to six month interval, where the town can craft, carefully and thoughtfully and based on science, their plans for moving forward on this whole topic. Clearly it is a very contentious issue. She said she is in favor of large scale solar developments as long as the issues brought up tonight and other meetings, are considered in crafting the codes and zoning. Some of these issues may include greater penalties or fees for clearcutting woods. That seems to be something everyone can gather behind. Protection for sensitive areas, outright bans perhaps, on large scale farms in certain areas whether it's near a housing development or an environmentally sensitive area. Also, consider more appropriate setbacks for visual protection as well as other benefits. If you have a one hundred foot setback, the deer may not necessarily tromping in your yard. Consider variable fees to steer developments to areas which are more appropriate like commercial rooftops, already paved parking lots and landfills

Laura Lourenco of 71 Edie Road said she would like to speak in favor of solar. She said she is not necessarily in favor of a moratorium but she said she is in favor of good planning so if that helps us get there, it is a good thing. We have a very nice solar code and a lot of thought was put into it a few years ago. She encouraged everyone to look at it because there is some good information. It is important to realize this land is not conservation land so it is zoned for all types of development. Solar is one of the cleaner, quieter neighbors. It is also a temporary use so it is completely removed at the end of life so it is better than some other types of development. If we do go forward with the moratorium she said it a good opportunity to look into the code, a lot has changed in five years. There are a lot of benefits the town can get for community solar, that translates to lower utility costs for local residents. It is also taxes and benefits that come to the town as well and the school districts. A lot of our neighboring municipalities have done this and have experience. That gives us a chance to shop around, look at what our neighbors have done and see how we can translate to money and benefits for our town. This is the way it is going in New York State so if we don't generate our own energy independently in our own town, we will be buying it from our neighbors. This gives us a chance to lower our costs. Building off what Ms. Sturm said, there was some discussion on trees and green space preservation. That is really smart and also part of the climate change solution Mr. O'Connor was talking about. Solar is a long term solution. Solar lets us have clean energy. With the climate warming, the trees like maples are actually dying and moving north. It is part of the long term solution even if we have to cut some trees to get there but including conservation preservation overlays would be smart, including some wildlife borders, making sure we are preserving meaningful parts of land so we have useful ecosystem services, not just for scraps of land that are not really supporting deer and not really supporting as carbon safe. If we re doing a moratorium it really gives us a chance to look at this, see what we want to preserve land, see where we want to develop land, see where we can put solar on currently developed land as opposed to cutting trees, but finding that balance. She said she would like to ask that the moratorium really have some clear goals for what we would like to get out of our code update. She would like to suggest three of them be economic benefits for the town, energy independence, local energy generation for lowering utility costs and ecosystem services, ecosystem preservation and conservation.

Mary Gell of 23 Knollwood Drive said when she moved into the neighborhood they had the trifecta, the railroad, the Northway and then the billboards. She said she feels like Wilton, we are building that new development that has caused the roundabout, has a lot going on in a very little space. That does concern her. Wilton is about building apartments and developments. She said she doesn't know how we can fit it on this little piece of property. She said her biggest concern, along with all of the neighbors, when a two hundred car freight train drives by, our houses shake, every one of them. She said the solar panels, moving and all of the shaking they are going to get every day, every year, over time things are going to go wrong because that train will shake them like it shakes our house. It doesn't seem to make sense.

Supervisor Lant said he tries to educate himself on the solar array. There are a lot of them in our state. How are they bankrolled? Are they financed or receive grants? Mr. Byrne said there are a lot of different stakeholders. You have a developer who finds the land and typically the developer will either build the project themselves, self-finance, bring on investors or sell the project to an investor. There are state grants but they were depleted, then they were replenished and now are decreasing again. There is a federal tax credit and aside from that, try to build efficiently so you can produce energy at a lower rate. There is sponsor equity and tax equity investors, they are pretty complex financial structures that are built around some of them.

Mr. Anderson said there is also debt involved where you take out loans.

Oxsana Naumkin of 4 Knollwood Drive said she has nothing against solar and trying to save the environment. She said her concern over solar is how do we recycle the panels? Where are they going to be recycled? That could pollute the environment even more. She said they talked about lowering the cost of energy, we are still on the grid and we are going to be on the grid for a while. We live in the north country, how much sun are we going to get? We are saving a few dollars a month but who is to say National Grid is not going to raise our rates to make up their losses. Ms. Naumkin said the new neighborhood being built, we live on a well and have noticed a difference in the taste of our water when they started digging and building over there. Not everyone has a filter. That development is already affecting our lifestyle.

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

Councilman O'Connor made a motion to close the public hearing at 7:46 P.M., Councilwoman Kolligian seconded the motion with all board members in favor. The motion passed.

PUBLIC HEARING-Opting Out of Exemption-NYS RPTL Section 487-Local Law #2 of 2023 7:01 P.M.

Supervisor Lant opened the public hearing at 7:47 P.M. and asked if there were any comments. There was none.

Councilman O'Connor made a motion to close the public hearing at 7:48 P.M., Councilman Bogardus seconded the motion with all board members in favor. The motion passed.

REGULAR TOWN BOARD MEETING-February 1, 2023

Supervisor Lant called the Regular Town Board meeting to order at 7:48 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., Maria Moran, Comptroller. Town Counsel, Mark Schachner.

Public Comment

There was none.

Approve Pending Minutes

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

RESOLUTION #81

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the January 5, 2023 meeting, as typed.

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

By-Laws Amendment-Park and Recreation Commission

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

RESOLUTION #82

NOW, THEREFORE, BE IT RESOLVED, to approve the amended by-laws for the Wilton Park and Recreation Commission.

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

Resignations

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

RESOLUTION #83

NOW, THEREFORE, BE IT RESOLVED, to accept the resignation of Brett Hebner from the Wilton Planning Board, with regret.

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 O’Conor, the board adopted the following resolution:

RESOLUTION #84

NOW, THEREFORE, BE IT RESOLVED, to accept the resignation of Jim DeLoria from the Zoning Board of Appeals.

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

Local Law #2 of 2023, Opting Out of Exemption-NYS RPTL Section 487-Local Law #2 of 2023

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

RESOLUTION #85

NOW, THEREFORE, BE IT RESOLVED, to approve Local Law #2 of 2023, Opting Out of Exemption-NYS RPTL, Section 487.

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

Special Permit for Senior Housing

Scott Lansing for Lansing Engineering appeared before the board requesting the board set a public hearing and refer the project to the county for review. The project will require a height variance so the project may have to be referred to the zoning board.

Mr. Lansing said the project is located at 4029 Route 50, south of Ingersoll Road. It is approximately 29.8 acres and zoned C-1. There is an existing gift shop and some DEC wetlands located on the western and southern sides of the parcel. A senior living community is being proposed. There are three buildings being proposed with each building having 130 units four stories for a total of 390 units. Access to the project would be a private access road. Nothing is being proposed for dedication to the town therefore nothing would have to be owned, operated or maintained by the town. Primary access is on Route 50. There is an emergency access road on the northern portion of the site. Parking spaces require one space per unit and one space per employee and that calculates to 435 spaces and we have 492 spaces. We can work with the planning board to bank some of those spaces. There is a height variance that would be required. The town outlines a 55' maximum height with 20' being unoccupied, and 35' occupies. He said they are proposing a four story structure which would be in the 44" range for occupied structure so they would need a variance for that. The setbacks and area requirements exceed the requirements. There was a request to move the project back from Route 50 and that has been done to maintain existing vegetation along Route 50. The greenspace requirement is 25% and the project is 73%. Stormwater will be managed on site and is shown throughout on the project. It will be public water and public sewer. There are sidewalks connecting all of the buildings. There's also a trail system around the outside of the project and there are opportunities to link the trail system to other trail systems around the parcel. Driveway lights and trees go around the parcel. There will be bocce ball, putting greens, dog park, community gardens, pickle ball, tennis as well as outdoor amenity areas, gazebos, passive recreation and open space areas scattered throughout the parcel. There will be indoor amenities such as meeting rooms, gym, game room, kitchenette and general gathering areas for the residents of the project. Transportation services will include a shuttle from the facility to different destination points around the community. We have had an informal meeting with some of the board members as well as a planning board meeting. He said he thought the project was received well by town personnel. If there are questions or comments we can pull them into the plan. Councilman O'Connor asked if the housing is purely independent living. Mr. Lansing said it is. Deputy Supervisor McEachron asked what the purpose of the height is. Mr. Lansing said the building will still be within the fifty-five' maximum height, they are requesting a variance for the occupied space within the 55'. They are requesting 44' of living space, 9' above what is allowed. Councilman O'Connor asked if they stayed within the code, how many units would they lose? Mr. Lansing said they would have to take a look at that. They could probably end up with the same number of units but spread out a little more. The four stories concept works well for the applicants and it is something they have done in the past. Deputy Supervisor McEachron said he is more concerned about what it's going to create outside of this project when we go four stories. That opens up another avenue for other people coming in, they will want to know why you were able to do and they can't, in an area where it doesn't sound nice, like this project. Mr. Lansing said he did have a meeting with emergency services and they seem to be in support of the project and didn't seem to have issues. Deputy Supervisor McEachron said the maximum height was just lowered in the Hamlet Zone. Mr. Lansing said they feel it is special because it is a senior community in one of the main corridors of the town and hoping the board will consider a variance. Councilman Bogardus said he shares Deputy Supervisor McEachron's feelings. Deputy McEachron said the town has two fire departments. He asked if the building is sprinkled. Mr. Lansing said it will be. Mr. Riper said he isn't sure which board will hear the variance request. Mr. Schachner said he agreed because different special permits can be subject to town board's authority and some are subject to the planning board's authority and some, the zoning board's authority. Deputy Supervisor McEachron said he is concerned with the height variance going to the zoning board. Mr. Riper said the first action would be to get the special use approved. The planning board could refer it to the zoning board. Mr. Schachner said

we will have to find out which board will hear it. Deputy Supervisor McEachron said he loved the project. He said he's not concerned with this project but he doesn't want to open up that box and deal with it. He said one of the things he changed with the zoning changes was to lower that height to try and slow things down in Wilton. Wilton is just exploding. Here, we are going to grant it and is curious as to who has the authority if it is planning, zoning or town board. If it can be done without extending the height, he said he would much rather see that. Councilman O'Connor asked if there is guideline on the number of units, per acre, for senior housing. Mr. Riper said not on senior housing. Councilman O'Connor asked how many units are at the Summit. Mr. Riper said it is somewhere around 120 units. Councilwoman Kolligian said the site has 73% green space. There is plenty of room to expand, bring it down to three floors. Councilman Bogardus said it could be shorter and more spread out. Deputy Supervisor McEachron said that could be done without opening Pandora's box. That height brings in a lot of outsiders. Councilman Bogardus asked if the developer would be willing to accommodate that? Mr. Lansing said he could talk to them but they are really set on the plan. Deputy Supervisor McEachron said when you start bringing in the outsiders and the next thing you know you have a city in the middle of Wilton. Councilman Bogardus said he sat in on the meeting with emergency services, in theory, it is within the capabilities of the local fire department. In reality, we are trying not to build four, five or six story buildings. He said he prefers three stories because we don't want to go four, five and six stories high. We've put limitations on other projects. Councilman Bogardus asked Mr. Lansing to have a conversation with the applicants to find out if they are willing to spread out the plan. Mr. Lansing said the code does outline the fifty-five' height and we can stay within that; it's just extending the occupied space and consolidating the units and not taking up more green space. He said he understands about the number of stories but the building will be within the height limitations. That is the thought or justification for it. The applicants thought they may be able to have five stories but it was reduced to four. We are looking for an adjustment in the occupied space, not the overall height and we are looking at it as a net neutral. Councilman Bogardus said the unoccupied space will be about eleven feet. Mr. Lansing said that is correct. Councilwoman Kolligian said Park Place on Route 9 is three stories but still fifty-five' in height. These buildings would be the same height but with four stories. Deputy Supervisor McEachron said at the time, the height restriction was because of fire apparatus. He said that is something he could reconsider because we do have the capability now. Councilman O'Connor asked if the first step would be to have a public hearing to consider the special permit before deciding on whether it goes to the zoning board or not? Mr. Schachner said right now it is not permitted, it's an allowed use by special use permit. The first step would be to proceed on the special use permit.

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

RESOLUTION #86

NOW, THEREFORE, BE IT RESOLVED, to set a Public Hearing for March 2, 2023 at 7:00 P.M. for proposed Special Permit for Senior Housing.

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 O’Conor, the board adopted the following resolution:

RESOLUTION #87

NOW, THEREFORE, BE IT RESOLVED, to refer proposed Special Permit for Senior Housing to the Saratoga County Planning Board.

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

Intent to Accept Open Space

Mr. Lansing of Lansing Engineering representing Loudon Road Properties said he is present regarding 293 Loudon Road. It is approximately 31.87 acres. It does include a fourteen lot single family residential subdivision. He asked if the board would be willing to declare their intent to accept open space associated with this project. The applicant would receive a 10% density bonus. The project is very similar to several other open space intent requests we have made to this board. Mr. Lansing said he had two maps depicting the Edie Road Phase 1 and Phase 2. It shows the open space along the Bog Meadow Brook and the trails in that area. It also show a large open space area in Phase 2 in which the town did accept the open space. The current project adds open space are to the other open space area and provides an opportunity for trails connecting Loudon Road to Bog Meadow up towards the Edie Road area. We’ve always said you have to start a chain with a link and pick up links along the way. This is something we have picked up a lot of links in a short period of time. It is actually coming together. We are asking the board for their consideration to declare their intent to accept this open space to add on the other open space trails in that area. Deputy Supervisor McEachron asked how many houses does the density bonus equal. Mr. Riper said with this project it is one unit. Mr. Riper said this is a nice connection.

On a motion introduced by Councilwoman Kolligian, the board adopted the following resolution.

RESOLUTION #88

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

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

Amendment to Chapter 43 of the Wilton Town Code

Town Clerk Susan Baldwin stated the proposed local law for the amendment to Chapter 43 provides for the administration of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code in the Town of Wilton.

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

RESOLUTION #89

NOW, THEREFORE, BE IT RESOLVED, to set a Public Hearing for March 2, 2023 at 7:01 P.M. for proposed Local Law #3 of 2023, Amendment to Chapter 43 of the Wilton Town Code.

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

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

RESOLUTION #90

NOW, THEREFORE, BE IT RESOLVED, to refer proposed Local Law #3 of 2023, Amendment to Chapter 43 of the Wilton Town Code to the Saratoga County Planning Board, if applicable

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

Bid for Fuel Tank

Ms. Baldwin stated Scott Harrington, Facilities Maintenance Supervisor, is requesting to bid for a new 5,000 fuel tank to replace a 1,000 gallon tank.

On a motion introduced by Councilman O’Conor, the board adopted the following resolution.

RESOLUTION #91

NOW, THEREFORE, BE IT RESOLVED, to approve the request to bid for a new 5,000 fuel tank.

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

Gavin Park AED Emergency Medical Response Action Plan

Supervisor Lant said all members of the board received a copy of the plan. He asked Councilman Bogardus if he wanted to make any changes. Councilman Bogardus said he does but does not have it ready. He asked if there is an overall emergency response plan at the park? Usually if there is a plan the AED is usually written into that. Having two separate plans doesn't make any sense. Councilman Bogardus said he would like to meet with the Director and Safety Officer before any action is taken.

Appointments to the Wilton Planning Board

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

RESOLUTION #92

NOW, THEREFORE, BE IT RESOLVED, to approve the appointment of James DeLoria to the Wilton Planning Board as 1st Alternate, 2/1/2023-12/31/2023 term.

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 #93

NOW, THEREFORE, BE IT RESOLVED, to approve the appointment of Chad Jerome to the Wilton Planning Board from 1st Alternate to member to fulfill the vacant term of Brett Hebner, 2/1/2023-12/31/2024 term.

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

Committee Reports

Councilman Lant said there is a very serious problem in the county with drug use. He said he went to a health meeting and there was a Narcan meeting in Clifton Park. A lot of people attended so we are going to host one here. Clifton Park had ten overdoses in a short period of time, and it's just not in Clifton Park, Wilton has it too. On February 18, 2023, there will be a drive through at Gavin Park from 9 a.m. to 12:00 p.m. The county health department will take care of everything, instruct the people how to use the Narcan and it only takes a couple of minutes. If anyone is on the Neighborhood site or Facebook, please let people know. We will put it on our website, electronic sign and Facebook.

Deputy Supervisor McEachron said he would like to present Lynette Robinson with a plaque. Supervisor Lant said April would be best.

Comptroller's Report**1.) 2022 Budget Transfers**

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

RESOLUTION #94

NOW, THEREFORE, BE IT RESOLVED, to approve the 2022 budget transfers 1-4 requested for and listed in the Comptroller's 2/1/2023 Report 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 Amendment

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

RESOLUTION #95

NOW, THEREFORE, BE IT RESOLVED, to approve the 2022 budget amendment requested for and listed in the Comptroller's 2/1/2023 Report 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.) 2023 Budget Transfers

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

RESOLUTION #96

NOW, THEREFORE, BE IT RESOLVED, to approve the 2023 budget transfers 1-3 requested for and listed in the Comptroller’s 2/1/2023 Report to the Town Board.

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

4.) 2023 Budget Amendments

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

RESOLUTION #97

NOW, THEREFORE, BE IT RESOLVED, to approve the 2023 budget amendments 1-7 requested for and listed in the Comptroller’s 2/1/2023 Report to the Town Board.

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

5.) Personnel

a.

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

RESOLUTION #98

NOW, THEREFORE, BE IT RESOLVED, to approve the permanent appointment of Joshua Carlsson to the position of Land Use Administrator with a one year probation period.

The adoption of the resolution was seconded by Councilwoman Kolligian, duly

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

b.

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

RESOLUTION #99

NOW, THEREFORE, BE IT RESOLVED, to approve the request for overnight travel for Susan Baldwin to attend the NYSTCA regional meeting in Clayton, NY, March 12-13, 2023.

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, seconded by Councilwoman Kolligian, all board members in favor, the meeting was adjourned at 8:30 p.m.

Respectfully Submitted,

Susan Baldwin, Town Clerk

Supervisor, John Lant

Councilman, Duane Bogardus

Councilwoman, Erinn Kolligian

Councilman, Ray O’Conor