

TOWN OF WILTON

22 TRAVER ROAD

WILTON, NEW YORK

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Susan Baldwin, Town Clerk

PUBLIC HEARING-Solar Code Amendment-Chapter 108

7:00 P.M.

Supervisor Lant opened the public hearing at 7:00 p.m.

Ed Kokoski, 7 Knollwood Drive spoke about the solar array large generating facilities and is opposed to these facilities. He said he is a retired engineer and has been in heavy industry and feels they are dangerous high voltage power generating plants that are no different than the gas, nuclear, oil or other industrial electrical generating plants they are just using solar panels. These heavy industrial plants should not be in any residential areas. They are very large in size and when they fail, they fail big. It's new technology and he feels they have no real long-term history of success. He feels that it needs to be out there and being used, not just being tested before it should be used near any residential area. He said the solar project that was proposed very near our homes on Knollwood Drive was not only almost in our neighborhood backyards but was only ½ of a mile from Dorothy Nolan Elementary School. This is why these specifications need to be developed.

Alicia Legland from Albany said she is a renewable energy attorney. She represents Galehead Development as well as many other solar and wind developers across the state. She states that the proposed regulations are fairly prohibited. The town is proposing to prohibit tier 3 and tier 4 solar projects for residential districts and imposing a 500' setback for residential districts and non-participating occupied residencies for projects even in permissive zoning districts. It is difficult to find a reason for the significant setback other than concern about view-shed impacts. Once operational, solar projects are silent and do not produce emissions or odors. You would not know it was there if you could not see it. It seems the reason behind the significant increase in the requisite setback is to prevent solar projects from being seen. The problem is no other land use is based on whether or not you can see it. It is an unfair standard. Residential, commercial, and industrial land uses are not regulated with setbacks to be prevented from them being seen. Solar projects should not be held to a different standard. In any event, developers are often required to screen solar projects to a reasonable degree and are happy to do so. Making a 500' setback is unnecessary and likely unobtainable. Additionally, solar projects are considered public utilities under New York Law. A municipality cannot zone out a public utility from its boundaries. If tier 3 or tier 4 solar projects are prohibited in all zoning districts and cannot meet an unreasonably restrictive setback requirement in the districts where they are permitted, then these such projects are being zoned out.

Julia Friedman of Boston MA, a representative of Galehead development, spoke. Galehead is requesting that the code revisions committee provide revisions to the solar energy systems code. She said she believes that certain aspects of the proposed language are prohibitive towards solar development such as the proposed setbacks of 200'-500' which seem restrictive and not consistent with the New York Model Solar Energy Law. The model law suggests a 100 ft setback for tier 3 energy systems within residential districts. Our initial permit application for the Quaker Springs project outlines setbacks of 40 feet and adhere to the conventional parcel zoning and setback criteria. We would like to propose a standard setback

of 100 ft to mirror the NYSERDA Energy law. Transitioning from 40' to 100' setback marks a substantial enhancement in viewshed mitigation. We have included additional screening and mitigation measures to provide viewshed for neighbors and members of the public. Solar is a non-invasive, non-polluting, clean sustainable neighbor and has the potential to increase the public health and welfare of the community. Solar supports local businesses, schools, residents, and local jobs especially during construction. Once operational there is no light, sound, fumes, or pollution produced and is considered a silent neighbor. The construction of a solar project is like sticking toothpicks into a cake and lasts only about 3-4 months. Posts are drilled into the ground, and you do not change the fabric of the local environment and landscape. This project puts no strain on town resources such as fire or water. At the end of its useful life, this project will be decommissioned, and the property will be returned to its natural state unlike residential development which would be permanent. Galehead is committed to working collaboratively with the town. We will provide comprehensive simulation and renderings showcasing that the solar facility is non-intrusive from 100 ft away. Our proposed screening along with natural vegetation, existing structures such as billboards already shield residents and provide a negative impact on viewshed. It is our intention to build a project that services the entire community and provides you all with a number of great benefits. Over the course of 25 years the project will bring about \$700,000 in tax revenue. If the project is extended for another 10 years that number would surpass \$1,000,000 straight to the town. Thank you for your time and we look forward to working together with you.

Shawn Brazo, 237 Loudon Road spoke. He said he is the president of Seaboard Solar and is the company that has a pending proposal for a solar farm off Loudon Road. We participated to the extent allowable in providing information to your solar code revision committee. Among that information was a detailed analysis of areas within the town of Wilton that were even possible for tier 3 solar. There are two locations in Wilton suitable for tier 3 solar that haven't already received a permit. There aren't any more after that. There is no risk of the town being overrun by solar. The removal and the most recent version of the solar code that removes residential, in particular R2 was not in the original document passed over by the solar code committee and was changed at some time at some later date. He said it was his understanding that it had changed because there was a protest from a group of people on Loudon Road against that system. Their reasons for that protest, there are really 5 reasons, none of which are supportable. The system itself is going to be set so far back on that site that nobody is going to see it. There is no danger from the system, etc. However, the removal of R2 zoning eligibility for Tier 3 solar means that benefits that would flow to the rest of the town are not going to flow to the rest of the town. We have petitions from 80 or so people in town who are in favor of keeping R-2 in your zoning code. Those have been going over the last several weeks to your town supervisor. Additionally, there are letters that have gone from supporters, some of whom are here tonight. The opposition will tell you that everyone in town is against solar and that everybody in that area of Loudon Road is against solar. That is not accurate. Best case it is about 50/50. We canvassed the entire area. You have about ½ the people that are abutters that are opposed and ½ of the people that support it. The board must decide who to support in this case. On top of that, you have petitions, and I can tell you there has been a dialogue on social media for the last several weeks on NextDoor.com and on Facebook and I counted comments this morning. About 65% of those people who are weighing into that argument are in favor. The facts in front of the board are that you have a plurality of support for solar in this town and in that area. You have New York State priorities that encourage you to drive this in your own town comprehensive plan.

Dave Gabay, 93 Parkhurst Road spoke and was pleased by the turnout. He feels the town needs public input to effect change. To effect policy everyone must have a voice whether you agree with or opposed to the subject, that's what makes this country what it is. We need to listen without malice or predetermination. We need to apply logical, factual, intellectual

decisions by both residents and the town board. Originally, I was against all solar in any residential area. That changed when I was asked to sit on Councilman O'Connor's committee to rewrite the verbiage of policy. It is my opinion that each project must make sense and stand on its own merit. Not to have a blank painting and painting it with a wide paintbrush. The town board is a fail-safe mechanism and that is the power of the town board. In committee we incorporated a 500' stature. You have already heard the solar people don't like this but that is what we did to give extra protection for those residents. You are not going to see it. It will be invisible. This is triple what other municipalities have in place. This protects the neighborhood's sacred right to peaceful enjoyment of your homestead. This project has no noise, no cars, no town roads to maintain or plow. It is an invisible quiet neighbor and I like that. The alternative is another development. That is a choice that the residents must make. I would rather have an invisible, quiet neighbor than another development with school buses, noise, traffic, and all that it entails. As always, the elephant in the room at all our planning board meetings is the same. Wilton is growing too fast. At this junction the board has a decision to make. Take each project at its merit and use facts, logic, and best practices. Adding a silent neighbor and removing the acreage so a developer can't develop it. If this project is scrapped make no mistake there will be another development next to the neighbors that object to the solar farm. If this is the case, those same people will have no merit or recourse to complain about another development. I am asking the board to consider each case on its merits. Thank you for your time.

Steven Mattison, 109 Edie Road spoke regarding the solar project. He states that at first, he was against it but when he started researching the information that was put out on Next Door. Com much of it was of opinion. Not much of it was based on facts. He started looking at it and questioning the information and he finally changed his mind and feels it is not a bad idea at all. This land is going to be developed. A cul-de-sac could go in there. The trees are going to be cut down regardless. He feels a solar farm will allow vegetation to grow and animals to live around it. It is not going to take any resources from the water in Wilton and it will not take away any of the services the residents require. His home will be about 1400 ft from the closest solar panel. He will not see it or hear it. He has no problem with it. It will provide a big benefit. We must face the fact that the country is going electric. We are going to be behind the times if we don't support this. This is progress. Gas powered vehicles will not be here in 50 years. People must adapt to change. People are fearful of change. He feels that is the problem here. In terms of fire there are powerlines up and down the highway. A strong wind could knock them down at any time. There could be a power outage. People put solar panels on their roofs. If there was a danger of fire, they would not be putting them on top of their homes. He feels some of the hysteria out there is way over the top.

Tish Benincasa, 69 Edie Road spoke regarding her opposition to the solar farm. She feels there is not enough history about it. She says she researched the safe distant for a solar farm from a residence and it is 1 ¼ miles. Her home is 1320' from the existing solar project. She feels there is not enough research on it, and it is all being funded by New York State. As far as developments go, if you drive down Loudon Road there are many developments, and you can't stop developments from coming. She does not know where this electricity will be going. Is it going to benefit her? She feels 10% of her power bill is nothing. She feels it will not benefit Saratoga, but it will benefit Schuylerville School District because it's only 1300 ft from her home.

Dorothy Aspinall, 232 Loudon Road spoke regarding her opposition to the solar installation that would be directly across the road from her house. They are familiar with the property, its wetlands and the topography of it and she and her husband do not feel it is an appropriate place because there is nowhere to put a road in there to access it. It will affect the topography of the land and road conditions. They moved to Wilton 13 years ago because it was a nice place to live. They did not want to live in a place where there were industrial installations as their neighbors. They moved to an R-2

zoning expecting that the area would remain a residential area. We are totally opposed to this project. They believe in solar, but it belongs in the right zoning area not residential areas.

Michael Brice, 233 Loudon Road spoke and says that the solar companies are only in this to make a profit. They come to small towns and buy the properties with wetlands, less expensive lands. They do not want to spend the money to buy an industrial, commercial site because they must pay a premium price for it. That would affect their profit margins. Solar companies have no care about the 2nd, 3rd, 4th generation people and families that live in these areas. They come from out of state and clear our forests and put up a solar array and then they sell it off to another company. Wilton is a very highly sought after town. People want to move here because they are close to everything but still feel like they are living in the country. People who are looking into investing in Wilton are going to have to think twice about a solar array being next to their house. He feels no one would want to buy a house with a solar array next to their house. He feels that Wilton has so many things to offer families and that these companies are coming in looking to ruin all that. Solar is industrial and belongs in industrial areas not residential areas. The large amount of profit gained by these companies should be invested in an industrial area, not a residential area. He also states that the solar companies state that these arrays can't start fires but on their own website they say one of their arrays caught fire because of a weather issue. A windstorm caused the panels to blow over and arc. We all know that we have plenty of windstorms and this could happen here. He says that the solar companies say solar arrays don't have battery backed systems they can't catch on fire but if there were a forest fire and the solar panels caught fire they could not be extinguished with water and that would put homes in danger. He says that the panels being used are made in China and there are no emissions standards. He brings up information regarding a fire in northern New York eight weeks ago. It was a fire caused by a back-up system that set the panels on fire and set off toxic fumes and residents needed to stay in their homes. It took over five days to put it out. In conclusion, not having solar arrays in residential areas prevents these issues.

Laura Lourenco, 71 Edie Road spoke regarding solar installation. She does not want any kind of development in a residential area that is toxic, hazardous, or disruptive to the ecosystem or the nature of our neighborhoods. She supports community solar installations, tier 2 and tier 3, in the R-2 district. This area is going to be developed and like most other developments allowed in our district, solar is a good neighbor. It provides locally produced, clean made in America energy that will be accessible at a discounted rate to residents without the cost of installing expensive private arrays which is tier 1. She said she is really concerned about all the misinformation that is going around about solar. These modern panels are not toxic, they don't leak, they are not fire hazards. Some of the handouts she has been receiving and conversations that she has been hearing are incorrect. She encouraged the town to hold community conversations on topics such as this in a format where discussions build understanding. There are complicated codes, zones and policies that take hours to understand even for professionals. Thank you for your time.

Tara Yasenchak, 85 Edie Road spoke regarding solar arrays. She states that she is not thrilled with the idea of a solar farm behind the house, compared to the alternative of another development, and believes the solar farm given the restrictions you have currently placed upon it is the best of the options. Those restrictions in terms of setbacks and upkeep and keeping the area wild after everything is done and then cleaning things up, if the companies are held to those high standards, it will have the least impact as far as development. She discussed the impact on the wetland areas as well as wildlife and vegetation. She feels a development would destroy this, but the solar project would have less of an impact if the restrictions were in place. She feels that DEC should stay on top of this and will be monitoring the wetlands. She again states she is in favor of the project.

Elizabeth Simonetti, 89 Edie Road spoke and agrees with her neighbors about the solar project. She too is in favor of the solar array project.

Shawn VanVeghten, 145 Ruggles Road spoke and believes his house is the closest to the solar project. He feels that the solar panels will be seen from his home. He states that he has invested hundreds of thousands of dollars into his property. He feels that if a developer purchased this property, he could put about 5 houses there. He would much rather see neighbors in that area and not see rows of solar panels. He says that a residential neighborhood would not be put in this area, or it would have been done years ago since this property has been available for a long time. He also feels that if houses did go in there it would be less of an impact on the neighbors than a solar farm would be. He feels that the tax benefit of putting in homes would be much more substantial than the solar arrays. He is against this project in a residential area. In a commercial area it's fine. He also feels that in the future these projects will come back with issues, and we wish we had stopped them when we could have.

Tom Case, 240 Loudon Road spoke and thanked Councilman O'Connor, Councilman Bogardus, Deputy Supervisor McEachron, Councilwoman Kolligian and Supervisor Lant for researching the solar issue and disallowing all solar farms in residential zones. Extra thanks to Councilman O'Connor and Councilwoman Kolligian for all the hard work they have done behind the scenes. The residential zones were created to disallow any commercial projects in them such as these solar farms. The residents of Wilton, especially those on Loudon, Edie and Ruggles Roads have been put through hell. They have been harassed at their homes several times by the solar companies to the point where the Sheriff's office was notified. We have been called uneducated, nay-sayers and the residents were given an ultimatum if the solar farm doesn't go through. They were told by Stuart Longman that a developer would clear cut the land and build 32 homes on this property. He says that Shawn Brazo stated that another developer would clear the forest and build 10-15 new houses. Mr. Case said he built and has lived in his home for 36 years and built homes for 45 years. He feels he knows the forest better than anyone and it is predominantly wetlands. He is against solar farms in all residential neighborhoods in Wilton. He feels that these solar panels are not regulated when manufactured. He feels that these manufacturers have not been in business long enough to know the long-term side effects of the proposed site. Not all properties are conducive to building. He feels that wetlands and the ecosystem will be destroyed and is irreplaceable. He believes true green energy solutions do not involve destroying forest, wildlife habitats and family property values. He feels that most solar companies should be scrutinized and researched thoroughly.

Dave Byrne, from South Glens Falls spoke. His company is Renew Energy. They have been working on the Quaker Springs project in the vicinity of the Knollwood Development. He addressed the residents of Knollwood Development to let them know he understands their concerns. The neighborhood has been beset by other developments which you may have not supported. A railroad which shakes the area. A cellphone tower and 3 major billboards. He is here to propose a compromise which he feels is rational. Considering concerns there are also clear benefits. There is significant revenue to the town, there are also substantial environmental benefits. There are significant local jobs created and also substantial savings for local property owners. He is proposing that the planning board be given the authority to look at the specifics of each project and look at the merits, the specific environment the project is proposed in which includes existing vegetation screening, proposed vegetation screening, existing topography, and existing landscape screening. He proposes that tier 3 solar be included as permitted for use in the R-2 zone. He also proposes a modification of table 1.2 to read the setback range as discretion of the planning board during the site plan application review process. He says that looking at the R-2 row on that table he would start at 100' on all sides of the setback that is recommended by the State and include

what we currently have proposed up to 200' ft and for residential district up to 500' as a setback but at the discretion of the planning board.

Steve Borden, 238 Loudon Road spoke stating that he knows nothing about zoning. He is a registered therapist, that works with people and families. He has not heard anyone speak about family and the long-term effects of solar farms coming into the neighborhood. He feels that if you are comparing having a solar farm vs. a new development, he would rather have more kids in the area for his own kids to play with. He feels we should be building community and not solar farms. We have an opportunity to grow our community that will bring us much closer together. He has made so many friends during this process and he thanked everyone for making him part of this. He feels there are some cautions out there that may affect his children and well as others here. He remembers the solar company saying they were a family company but, in my opinion, you would stick around and not sell out to another company once the structure is complete. That doesn't mean family to him. He still lives in his family home and hopes that his children will get to do the same. He thanked the board for supporting the residents in this.

On a motion introduced by Deputy Supervisor McEachron and seconded by Councilman O'Connor with all board members in favor, the public hearing was closed at 7:40 p.m.

REGULAR TOWN BOARD MEETING-September 7, 2023

Supervisor Lant called the Regular Town Board meeting to order at 7:40 p.m.

Pledge of Allegiance

Roll Call

Roll Call by the Town Clerk showed all board members present except Councilman Bogardus who was excused.

John Lant-Supervisor
John McEachron-Deputy Supervisor
Duane Bogardus-Councilman
Erinn Kolligian- Councilwoman
Ray O'Connor-Councilman

Also present was Director of Planning and Engineering, Ryan Riper, P. E., Comptroller, Maria Moran, CPA and Mark Schachner, Town Counsel.

Public Comment Session

Al Weber, 89 Smith Bridge Road spoke regarding the Wilton Mall Project. He feels the tax revenues that the town will gain from this project are an asset to the community. He sees no downside to the project including harm to the residents or the land around the project. He is looking forward to what the board has to say about this project.

Deputy Supervisor John McEachron stated the board plans to set up a public hearing to discuss the Wilton Mall project next month. This will give the opportunity for everyone to express their views about the proposal on public record.

Steve Bederian, 8 Woodland Drive spoke about the town of Wilton having limited cell phone service. He would like to see the Town actively research how to finally remedy this ongoing problem. He also discussed many of the road projects in town and that they are proving to be more amenable to the experienced adult cyclists however, for the people who are less likely to be alert in the traffic conditions separate lanes and pathways need to be in place in our neighborhoods. He hopes that there will be improvement in the future for these residents.

Shawn Brazo, 237 Loudon Rd. spoke and thanked the board and the individuals who spoke with him and his constituents in civil conversations regarding their solar company and their proposed project.

Desiree Natale, Wilton resident spoke in favor of the Wilton Mall proposal. She currently works at the mall and lives in the area. She feels that the mall is no longer thriving as it was in the past. She feels that this project will revitalize the area and it will help the community despite concerns about increased traffic. The new mall community would be self-contained and have everything available for the people living there so they won't need to be travelling elsewhere. It also will increase jobs and revenue for our area.

Brad Roth, Ruggles Road spoke about the area between Ruggles Road and King Road having no speed limit signs, only curve caution signs. He feels people are driving way too fast and it is a dangerous situation for walkers and cyclists. He would like the town to please address this situation. He also feels that the solar companies tried to intimidate the residents with discussions of other developments that could happen in their neighborhoods if they did not support the solar projects.

Mike Brice, 233 Loudon Rd. states he welcomes solar in an industrial area but never in a residential area.

Tom Haviland, one of the property owners of the prospective solar farm said he feels that the solar project is a much better option of developing this property than any other developer bringing in more traffic and congestion. He feels it would be a win for the town by increasing tax revenue and having very little effect on the infrastructure. He feels there are far more fires being caused by electric cars and battery packs in the home than solar panels. He says building more homes will drive away wildlife and destroy the forest areas whereas the solar project will not influence this.

Joanne Klepetar, Parkhurst Road, asked when the outdoor pickleball courts at Gavin Park will reopen. Supervisor Lant said the repairs should be completed within the next week or so. The indoor pickleball court is not affected by the repairs.

Dorothy Aspinall spoke about the fact that Schuylerville would be the town benefiting from the solar project. She feels that the solar companies are bullying the residents into making a quick decision regarding putting in their solar farm and says they need to just say no to the project completely.

Jeff Dennis, Ruggles Road is opposed to the solar farm. He is very close to the area in question for the solar project. He feels that there is no knowledge of what the long-term effects of solar will be and he is concerned about the future for his children. He also does not feel that the wetlands should be cleared, and this project will decrease the value of his property. No one should have the right to do that.

Jay O'Leary, 319 Ruggles Rd. agrees that on average solar farms built in residential areas have a 1.7% reduction in home values. He feels that the nature preserve area would also be harmed.

Vera Casa from Cedarcrest Rd. believes she is about one mile from the solar project. When she moved here 20 years ago it was because of the community and the neighborhood where she could safely raise her child. She feels we need to preserve that. She's not afraid of change but she is afraid of making changes in residential areas that may be unwise because we don't have all the information. She feels that the solar project will not save the planet, but the decisions made here may save our neighborhoods.

Toni Sturm, 41 Parkhurst Rd. commented on the presentation that Steve Bederian made at the town board meeting last month regarding multi-use bike paths in the town. She feels his statement about utilizing the Canadian Pacific hydroelectric project which will bury the cable along the railroad tracks to connect across the Northway along the tracks to link the mall area, Pyramid Pines, and the Gavin Park area. Now is the time to act on that because this is when the CPHP people are meeting with town board members to forward the project. Negotiations should be held to see if this is plausible. She feels we need to broaden our paths as well as put multi-use paths across the roads over the Northway. This is an opportunity we should take advantage of. She feels there should be an organizational committee set up to investigate the town's options.

Approve Pending Minutes

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

RESOLUTION #193

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes of the August 3, 2023 meeting, as typed.

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

Solar Array Code Amendment-Proposed Local Law #8 of 2023

Councilman O'Conor said if there is one word he heard a few times regarding solar, is the word complicated. He said when he first started looking into the issues with solar arrays, zoning issues surrounding them, a concern he expressed early on was the clearing or forest land. The fact that forests are sponges for carbon dioxide and help the environment, he weighed that against the benefits of renewable energy, and it seemed to him like a roller coaster as to what the right thing to do is or the wrong thing to do. He said he personally concluded that the board could do a couple of things. We can leave a

moratorium in place indefinitely, and there is virtually no predictability of what is allowed, where it's allowed and how a solar company could proceed. That could go on forever and effectively put an end to all of the discussion and potential of solar power in the town. Another possibility is to adopt the amendments as they were drafted and proposed this evening. That gives predictability to those who want to pursue solar power. There are three projects that were not subject to the moratorium that can proceed as the language was written. Mark Schachner, Town Counsel stated keeping a moratorium in perpetuity is not an option. Councilman O'Connor asked what the maximum length of a moratorium could be. Mr. Schachner said there is not a certain number but if it goes on for multiple years it is subject to challenge. If the board is not doing anything during the moratorium, the challenge would be successful. Councilman O'Connor said Counsel made a great point. Even if the moratorium cannot go on forever, if it goes on for years while we study, talk, look and discuss, it is a lack of predictability for the investors who are trying to develop solar arrays. He said his personal explanation is to do two things, one is to adopt the amendments as they have been drafted and the second is he would like to see the projects which have been approved, move forward to see what our experience is like with those projects. There may be opportunities to make amendments, not that solar arrays would just go anywhere in town but there may be, in addition to certain industrial and commercial zones, areas in the community that would not have impact on any of the existing residential area, neighborhoods and homes. It might provide potential for that in the future. Councilwoman Kolligian thanked everyone who spoke, for or against, that is what our democracy is about. Everyone gets their opinion; we respect it and we don't have to agree with it but we can certainly be amicable and have an open dialogue. When a project comes forward, as long as it fits within its zoning, it bypasses the town board and goes directly to the planning board. If that project seeks a variance, the zoning board sees it. We don't always see some of the projects that come up. In the new language, we included Tier 3 and Tier 4 projects will have to come before the town board for a special use permit, on a case by case basis. It is not going to bypass the town board and go directly to planning because it fits within a certain zone. These large projects will have to come before the legislative body, the people you vote for. It is always open to public comment and it will be subject to public hearing so you will always have your say when it comes to the Tier 3 and Tier 4 solar arrays.

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

RESOLUTION #194

NOW, THEREFORE, BE IT RESOLVED, to approve Local Law #8 of 2023, Solar Array Code Amendment, Chapter 108.

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

Wilton Mall

Tom Shepard, Attorney for Macerich said he is present to make a brief presentation and asked that the town board would also refer our application to the county planning board as well. Also, with Mr. Shepard was Tawney Farmer, Jamie Walpert and Mike Schafer as well as Tom Settle, the co-applicant from Paramount.

The project is approximately 382 units. It's shown on the screen in blue, two phases, the apartment phase and the townhome phase. The project is located in the rear of the mall, it's a very desolate area. As part of the project, we're going

to be proposing to tear down the Bonton store and liven up that area of the mall which really needs it. Regarding zoning. We already see one zone of the PUDD, as we're proposing will be compliant with all areas both regulations, including density requirements in the town code. The town planning board has issued a recommendation favorable to the project back to this town board. A few months back we sent our analysis of the comprehensive plan. We felt that this project is consistent with the comprehensive plan. It encourages mixed use development, specifically in our area of the town. The comprehensive plan looks for economic growth balanced against preservation goals of the town state that this project hits a homerun. We've heard from the town board and heard from members of the public about our project. We have five takeaways that we're going to touch on tonight, economic impact, attainability, traffic, the future of the mall and public benefits and new information on public benefits that we'd like to share. The economic impact we had Camoin Associates take a look at the project. They're a local firm with a national reputation of excellence. There's going to be a huge amount of construction jobs created over 300 jobs and 125 permanent jobs will be created. \$360,000 new sales tax revenue to the town and over \$800,000 to the school districts with a very minimal impact on..

Jeff Salanger, planner with Stantec said the company is the public outreach portion of this. He said he wanted to summarize the web platform they introduced months ago called CoUrbanize which is a tool we often use to gather feedback and ideas and comments from people beyond just the confines of a room like this to just make sure we get a wide range of opinions and ideas and share information as possible. This project is consistent with the comprehensive plan to encourages mixed use. To summarize some of the responses we've gotten 5800 website visitors, 270 people are following us through this platform and 846 total comments. We've used tools like this in bigger places like downtown Memphis and had fewer comments there than we've had here. It's a very strong engagement. We're getting a lot of opinions, a lot of participation here. And generally, the sentiment of the comments are 60% positive, 34% neutral and a small amount negative. So generally, it's it's a positive response from the diverse people that are weighing in here. We ask questions: What would encourage you to spend more time at the mall? What else do you want us to know about your ideas for the mall? Why do you come to the mall? We try to get a feel for who these people are that are commenting and where they're coming from, what they like about the mall, what they want to see more of. We have a number of examples of some of the statistics that we raised. People generally were in favor of things that supported the mall. They felt that the housing development was good for the mall and it would increase vitality, that it would strengthen the stores, it would bring a breath of fresh air, fresh life to the to the mall environment in the mall experience. We also got dozens of letters of support. They continue to come in. A few quotes of some of the things people have told us from the community. We've heard from people who live in the community and also people who've worked at the mall. People have worked in the mall for 20 years. They need something to happen here. They want to see something revitalize this property and the housing is something that could do that. According to these folks, it would boost the local economy, benefit the mall, which in turn benefits the town. It's a great use of space that has been dormant over the years. People support the project. It increases the taxable value. It's a great opportunity with less negative impact for Wilton residents than other locations. The common themes in this dialogue we've had with the community and that you've had amongst yourselves on this platform, we see clear consensus around a number of points that folks believe that the housing proposal supports the mall vitality, it's good for the mall, good for the businesses at the mall, it could attract new tenants. Housing could help draw a new investment, new retail new entertainment, we hear about that from other perspectives a little bit later. It's a good location for a project like this, this there's no trees here to cut down. This is a good place for apartments to be built. People have told us it fosters walkability. This is one of the most walkable locations. You could put multifamily in Wilton so folks can walk to the amenities and the resources and the services in the mall directly from their home. We've also had questions for discussion that come up through our dialogue with the town board and other town folks and also amongst the discourse online We had a

presentation on traffic impacts a meeting or two ago from VHB, our transportation consultant. This site was built to handle lots of traffic, it was designed for easy access to the highway. These roads are big, they're below capacity in many ways. The conclusion of the traffic analysis relative to the apartments was that it would have no measurable impact on the level of service which is a way we understand whether or not things are going to get worse at certain intersections. with great opportunity with less negative impacts for Wilton residents than other locations.

Tom Settle from Paramount Development of Sarasota, Florida, said Paramount builds top end stuff with finish, features and amenities. This will be top in the market in Saratoga County. In terms of attainability some questions have been asked our average starting rent will be approximately \$2,000. We were asking people here if Wilton can afford that and the demographics tell us that translates into \$72,000 per household, per year, and 65% of the households currently exceed that threshold in the Town of Wilton. Mr. Settle said he would like to also use his time to talk about the mall owners' commitment, the number of people and man hours devoted to Wilton's success must be disproportionate to their other small regional assets. He said he's never seen someone from whom we are purchasing a site work so hard and devote so much of their human resources to affect the sale. It's not about the modest proceeds from the sale of the apartment site. It has everything to do with turning the mall around.

Councilman O'Connor asked when you've done other projects of the parts of the country, what goes into the decision making process to rent apartments or townhouses as opposed to, because he said he's seen the success that's happened to downtown Saratoga Springs with the sale of condominiums and townhouses? What goes into the process of deciding whether you're going to do rental units or four units?

Mr. Settle said from a design standpoint, they're similar. Condos tend to be bigger. He said he has developed condominiums, but they are apartment developers. It's a different animal when you're doing condos, you must presell. These days the whole project factors are that tight.

Mr. Settle said from the town's standpoint, he's also done economic impact studies on the difference. He said they did a project in Delray Beach years ago, downtown Main Street project, and looked at the economic impact of high-end condominiums. Then they were half a million plus about 20 years ago. We found that apartment tenants spend disproportionately, these are people who make good incomes. Maybe they're not wealthy like the people who would have bought the \$800,000 condominiums, but they're super active. The buyer of that \$800,000 condominium, they're active for a while and then they get sedentary. And they may even be, in our case of Florida, snowbirds and they're just seasonal so their economic impact dwindles over time. Whereas apartments, the reality is we turn over 50% of our leases every year. There's always a fresh crop of people and this is a lifestyle choice, it's not inexpensive housing, it's not affordable housing. It's affordable to 65%. These folks spend. We calculated that our tenants would be spending locally, approximately \$17 million in today's money. Tom touched on the economic impact, The Camoin Study, we did that at Paramount in house. He said he put his assistant on the project and couldn't believe the numbers. He said if he was just looking at the Camoin Study and saw the \$368,000 economic impact a year to the town. He said his assistant brought him a number, Maybe \$15,000 to \$20,000 off that, but didn't believe it. He said he knew his assistant talked to the town comptroller and to the county comptroller who walked him through the process and now knows how the sales tax is divvied up. The county collects 3% and they keep half of that. Saratoga Springs has their own from that one and a half percent and the rest of it is divvied up amongst the municipalities based on the assessed value of your total tax base. That's how you get to that extraordinary number, that \$368,000. He said they came up with maybe \$348,000, it was a big number. At the same time, those conversations his assistant had with the Comptrollers, he looked around and sales tax revenue numbers from the

State of New York, he learned that coming out of COVID in 2021 all the retailers were hit badly, with sales tax well, with sales and thus sales tax. Coming out of COVID, Saratoga Springs actually exceeded their projections by 50%. He said he thought they lead the state. Conversely, the Town of Wilton's collections fell by \$34,000. Saratoga Springs grew by 50% and the Town of Wilton fell. You pride yourself in not having ad valorem taxes, admirable, that trend runs counter to that. Supervisor Lant asked where those figures came from. Mr. Settle said it is in the press but will forward the information.

Mr. Settle said they did an analysis of the school system and average single family home and its impact on the school system. The average single family home produces one school aged child; on average, a luxury apartment unit puts out .12 students per unit. It was in the study of 25 units, that's a national. The benefit to the school is seven to eight times greater per student in school taxes. The economic impact of this is staggering.

Mike Shaffer, General Manager of the Wilton Mall said this is actually an example of one of our leasing challenges. Bowtie Cinema closed at the end of 2020 and it still has yet to reopen. Right now, we have strong interest for this location from a new theater operator that's going to operate not just as a theater, but other entertainment uses, and is waiting to hear what's going to happen with residential to fully execute the lease. This is just an example of some of the leasing challenges we face with our mall right now without a catalyst for future growth. We see residential as a catalyst for future growth. Over the course of time in the last 10 years, the other economic decline that has occurred was based largely on the decline of the department store industry, and the leaving of national tenants and we lost several national tenants during COVID. The World Mall assessed value has decreased by 76% over the last 10 years. If you look at the green line, that's the main mall parcel itself. It has gone from \$78 million to \$18 million in the last 10 years. The blue line follows it because that includes the other tax parcels that are part of the total property where it's gone from just under \$100 million to below \$40 million. There's been a significant reduction in the mall's assessed value and we'd like to see that turned around not only for the benefit of the town and the benefit of the community. The next slide is about the mixed use evolution. This is not new for us. Back in 2011 and 2012, the former JC Penney anchor that was on the front side of the mall was converted to Healthy Living market grocery and Planet Fitness gym. We landed Home Goods in the mall which is not typically a mall retailer, and we boxed up six spaces to make one for them. Fast forward most recently, Saratoga Hospital has taken over the 82,000 square feet of the former Sears location that vacated in 2019. They have their medical services there, including primary care, clinical care, as well as some IT and clerical that they bought from downtown to open bed space for downtown Saratoga. As you view some of the renderings, this would be an example of what the view from the apartments would look like to the mall entrance right now that you all know as the DMV mall entrance with the Bonton removed. You can see the additional trees, additional green space that kind of goes along with it. That's basically what we're proposing to do on that end of the mall. It's not clearing into the county or state forest, we're not cutting down any trees. We're basically developing a vacant building and asphalt into a much better working space with gated residential apartment communities. The second thing was something that members of the planning board and Mr. Bogardus was asking what we're going to do to reinvest on improvements into the mall. We're talking about entryway improvements, you can see the existing up there, it still has the old sundial in there. It has some ugly green paint, now you have white paint, you have landscaping beds throughout, and we would transition that for the two entrances immediately with the commitment to the grand opening of apartments to commit to this work along with getting those apartments open. Those two entrances would be the first we would touch. The other entrances still could be a part of the potential renovation of the mall so we wouldn't touch them to begin with. In addition to this, we're proposing a full power wash of the of the mall itself, and also upgrading all of our interior and exterior landscaping beds. Second is an example of the marketing material that we're utilizing with our leasing team right now, to show what other possibilities were to be if we were to tear down and re-

develop that entire wing of the mall. You now have a further view back from the apartments to the to the mall where we would take that entire wing down, develop some pad sites that have out facing out entryway. Retailers that like the front of our mall, all of our model tenants in the front are able to exit to the front to outside, we would create a strip scenario on this side of the mall doing the same thing. This would happen if we had the interest of retailers and restaurants, which we do have some interest. This is an example of the marketing materials that our leasing team is using right now as part of the master plan to attract and retain more dining, entertainment and service and retail options.

Deputy Supervisor McEachron said when you mentioned the wing, what portion of that are you referring to?

Mr. Shaffer said right here you have the BonTon building, this is the remaining wing right here.

Deputy Supervisor McEachron said it would just flatten that right out.

Mr. Shaffer said it would be flattened out provided we have the entrance. The given is the BonTon coming down. We redo the front entryways and we redo landscaping and things like that. This is just an example of some of the marketing materials that our leasing crew is doing to market the property. This also shows where the townhome development would be, potential other paths sites for restaurants, and possible short stay hotel.

Deputy Supervisor McEachron asked about the brown area on the map.

Mr. Shaffer said that's Dick's Sporting Goods. If you know about Dick's Sporting Goods, they just opened their House of Sport in Latham which includes places to actually try stuff. So that is something that we're talking to Dick's Sporting Goods about, why not house a sport here? Some of the pylon and signing upgrades that would be completed if we were able to move to the second option will require tearing the entire wing down and we need to have more pylon space. That's an example of that and the same with the Loudon Road entrance, signing upgrades. Next thing we want to talk about is a public benefit. In addition to preserving the community benefits the mall currently provides such as the winter for our farmers market, CDTA Park and Ride, police substation and training site, mall walkers venue and RV show. We found another worthy cause we would be proud to support. As another public benefit we have found an opportunity to remove vested residential density from the market and at the same time also help preserve the Vincek family farm which is 123 acres located just east of Route 9 and zoned R-1. This is a conceptual layout for residential subdivision on the Vincek farm and meets current code. It illustrates that if a developer bought that farm from the Vincek family, it could be replaced with approximately 228 single family homes. These homes would have an exponentially greater impact on town services, schools, traffic and the environment as compared to the farm and to the mall apartments. The farmland has been there since the 1700s and operated by the Vincek family farm since 1920. The farm is located on prime residential and commercial area. The family wishes to continue operating as a farm providing all the fresh local foods and family activities that they do day to day. However, to pass the torch on to the next generation and protect the land from development pressures assistance is needed. Saratoga Plan, a local nonprofit agency has a potential solution, the Vincek family can sell their development rights and a forever conservation easement will be placed over their land. The 123 acre easement has been approved by the New York State Department of Ag and Markets, but only partially funded at a million dollars. With a deadline looming, a title issue and a funding shortfall of over three quarters of a million dollars the farm needs help and the mall can provide that assistance, while simultaneously providing public benefits. With one action, we can forever preserve the family farm and all they do for the community and take a giant step towards reimagining and saving a dying suburban mall. Again, this is a redevelopment of existing property. It's not a new development, which we heard in the

earlier presentations about solar new developments coming to the town. This is a redevelopment of basically a concrete jungle as they say in New York City.

Councilwoman Kolligian stated there are five equally voting members on this board. She said she hasn't had a conversation or communication from the mall in two years. She said she didn't know if everybody just thought she was a shoo in. She said her husband has been spoken to but she has not. It would be great to have heard this before the meeting and have conversations. Mr. Shafer said he thought about knocking on her door. Councilwoman Kolligian said it'd be great before this, though, and had time to digest and ask questions and help brainstorm around different ideas as well. Because we all have different but that we're happy to still do that. Even the next month.

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

RESOLUTION #195

NOW, THEREFORE, BE IT RESOLVED, to set a public hearing for Proposed Local Law #9 of 2023, Wilton Mall PUDD for October 5, 2023 at 7:00 P.M.

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

Resignation-Wilton Planning Board

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

RESOLUTION #196

NOW, THEREFORE, BE IT RESOLVED, to accept the resignation of David Catalfamo from the Wilton Planning Board.

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

Resignation-Wilton Zoning Board of Appeals

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

RESOLUTION #197

NOW, THEREFORE, BE IT RESOLVED, to accept the resignation of Shawn Lescault from the Wilton Zoning Board of Appeals.

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

Appointment-Wilton Planning Board

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

RESOLUTION #198

NOW, THEREFORE, BE IT RESOLVED, to approve the appointment of Shawn Lescault from the Wilton Planning Board as 2nd Alternate, 9/7/2023-12/31/2023.

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

Fee Waiver-6th Annual Dan Provost Memorial Walk

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

RESOLUTION #199

NOW, THEREFORE, BE IT RESOLVED, to waive the Gavin Park rental fee for the 6th Annual Dan Provost Memorial Walk on October 7, 2023

The adoption of the resolution was seconded by Councilman O’Conor, duly put to a vote, all in favor. The motion passed 4-0.

Appointment-Wilton Zoning Board of Appeals

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

RESOLUTION #200

NOW, THEREFORE, BE IT RESOLVED, to approve the appointment of Andrew Bobbit from the Wilton Zoning Board Appeals as 2nd Alternate, 9/7/2023-12/31/2023.

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

Speed Limit

Discussion was held on a complaint of speeding in a neighborhood. Highway Superintendent Mike Monroe said the lowest the neighborhood speed limit can be set at is 30 mph. Supervisor Lant noted it is usually the residents of the neighborhood who are speeding and requested additional patrols by the New York State Police and the Saratoga County Sheriff's Department.

Committee Reports

Supervisor Lant said the free concerts at Gavin Park were well attended despite the weather and would like to continue them next year. Different bands have contacted him about performing.

Supervisor Lant said there will be a free Narcan training and distribution at Gavin Park on Saturday, September 9, 2023 from 10:00 a.m. until 2:00 p.m. There will also be a Bulk Waste Dropoff Day on Saturday, September 16, 2023. There is a list of accepted items on the town website.

Supervisor Lant said the 6th Annual Daniel Provost Memorial Walk will be held on Saturday, October 7, 2023. The Ballard Road paving project is nearing completion. Saratoga County Department of Public Works did a great job.

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

RESOLUTION #201

NOW, THEREFORE, BE IT RESOLVED, to approve the appointment of Katherine Coons as Chairwoman of the Wilton Historical Society.

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

Deputy Supervisor McEachron was excused from the meeting at 9:07 p.m.

Comptroller's Report

1.) 2023 Budget Transfers

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

RESOLUTION #202

NOW, THEREFORE, BE IT RESOLVED, to approve the 2023 budget transfers requested for and listed in the Comptroller's 9/7/2023 Report to the Town Board.

The adoption of the resolution was seconded by Councilman O'Connor, duly put to a vote, all in favor. The motion passed 4-0.

2.) 2023 Budget Amendments

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

RESOLUTION #203

NOW, THEREFORE, BE IT RESOLVED, to approve the 2023 budget amendments requested for and listed in the Comptroller’s 9/7/2023 Report to the Town Board.

The adoption of the resolution was seconded by Councilman Bogardus, duly put to a vote, all in favor. The motion passed 4-0.

3.) Sales Tax

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

RESOLUTION #204

NOW, THEREFORE, BE IT RESOLVED, to approve the payment of the town’s portion of the 2024 county sales tax in cash.

The adoption of the resolution was seconded by Councilman O’Conor, duly put to a vote, all in favor. The motion passed 4-0.

4.) Escrow and Surety Bond Agreements

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

RESOLUTION #205

NOW, THEREFORE, BE IT RESOLVED, approve the following Escrow and Surety Bond Agreements related to solar decommissioning, pending final review by Town Counsel:

Escrow-Wilton-Gansevoort Road Solar, TMN. 102.-1-18.3 for \$202,500

Surety Bond-Wilton Solar Array #1, TMN. 128-1-36.21 for \$199,763.00, Sherman Road

Surety Bond-Wilton Solar Array #2, TMN. 128-1-105 for \$203,739, King Road

The adoption of the resolution was seconded by Councilman Bogardus, duly put to a vote, all in favor except Councilman O'Connor who recused himself. The motion passed 3-0.

5.) Annual Certification Housing Choice Voucher Program

Ms. Moran said this item is related to our public housing agreement. It is an annual certification in which the public housing administrator certifies it will carry out the public housing program with civil rights in mind.

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

RESOLUTION #206

NOW, THEREFORE, BE IT RESOLVED, approve the annual civil rights certification for the Town of Wilton with HUD for 2024.

The adoption of the resolution was seconded by Councilwoman Kolligian, duly put to a vote, all in favor. The motion passed 4-0.

6.) Personnel

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

RESOLUTION #207

NOW, THEREFORE, BE IT RESOLVED, to accept the resignation of Julie Hotaling, Full-Time Deputy Town Clerk, effective September 18, 2023.

The adoption of the resolution was seconded by Councilwoman Kolligian, duly put to a vote, all in favor. The motion passed 4-0.

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

RESOLUTION #208

NOW, THEREFORE, BE IT RESOLVED, to appoint Sandra Holcomb as a Full-Time Deputy Town Clerk, vacated by Julie at a Step 2 rate of \$19.88 per hour with full benefits.

The adoption of the resolution was seconded by Councilman Bogardus, duly put to a vote, all in favor except Supervisor Lant who was opposed. The motion passed 3-1.

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

RESOLUTION #209

NOW, THEREFORE, BE IT RESOLVED, to approve the hiring of Julie Johnson as a Part-Time Clerk, to fill the position vacated by Sandra Holcomb, at a rate of \$19.00 per hour with no benefits pending the completion of pre-employment testing.

The adoption of the resolution was seconded by Councilman O’Conor, duly put to a vote, all in favor. The motion passed 4-0.

7.) Asset Disposition

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

RESOLUTION #210

NOW, THEREFORE, BE IT RESOLVED, to approve the request from Michael Monroe, Highway Superintendent to sell the following through Auctions International:

- Weedwackers**
- Mower**
- Truck tires**
- Tamper**
- Motor**
- Filters**
- Band saw**

The adoption of the resolution was seconded by Councilman Kolligian, duly put to a vote, all in favor. The motion passed 4-0.

Adjournment

On a motion introduced by Councilman O’Conor and seconded by Councilwoman Kolligian with all board members in favor, the meeting was adjourned at 9:25 p.m.

Respectfully Submitted,

Susan Baldwin, Town Clerk

_____ Supervisor, John J. Lant

_____ Councilman, Duane Bogardus

_____ Councilman, Raymond O’Conor

_____ Deputy Supervisor, John McEachron

_____ Councilwoman Erinn Kolligian

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