

At 7:03 p.m., Supervisor Johnson called the regular meeting to order.

Pledge of Allegiance

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

Roll Call

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

Arthur Johnson-Supervisor
Raymond O'Connor-Deputy Supervisor
Ian McGaughey-Councilman
Charles Gerber-Councilman
Larry Gordon-Councilman

Also present were: Town Attorney Richard DeVall, Town Comptroller Jeffrey Reale, Town Planner Kate Maynard and Director of Planning and Engineering Keith Manz.

Approve Pending Minutes

Supervisor Johnson asked for a motion and a second to approve the pending minutes from the last meeting.

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

RESOLUTION # 122

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the May 1, 2008 meeting as typed without amendment.

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

Proclamation

Commending Jake Kruchinski (Eagle Scout)

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

RESOLUTION # 123

WHEREAS, **Jake Kruchinski** is a member of the Boy Scout Troop 70 of the Twin Rivers Council in Saratoga Springs, New York and recently achieved the rare distinction of the rank of Eagle Scout; and

WHEREAS, an Eagle Scout award honors the scout, his family, his troop and his troop leaders; and

WHEREAS, a Boy Scout is required to complete an Eagle Leadership Service project as part of qualifying for the rank of Eagle Scout; and

WHEREAS, **Jake Kruchinski** set his goal and completed his plan to remove the old and build new fencing for the St. Clement's Horse Show grounds ; and

WHEREAS, it is fitting to recognize the unusual dedication and diligence exhibited by **Jake Kruchinski** in attaining the rank of Eagle Scout; therefore, be it

PROCLAIMED, that the Wilton Town Board commends **Jake Kruchinski** for his attainment of the rank of Eagle Scout in the Boy Scouts of America; and, be it further

PROCLAIMED, that the Town Clerk forward a duly inscribed copy of this Proclamation of Commendation to **Jake Kruchinski**.

IN WITNESS WHEREOF, We have hereunto set our hands and affixed the Seal of the Town of Wilton this 5th day of June, 2008.

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

Route 9 (Rezone)

Ray O'Connor

Last discussed 5/1/08

Supervisor Johnson explained that last month the board initiated a discussion regarding rezoning a portion of Route 9 between Gailor Road and Ballard Road. The Town sent out letters to all property owners affected by the rezone. Supervisor Johnson asked Deputy Supervisor O'Connor who is in charge of this committee to address the board. **Deputy Supervisor O'Connor** explained that last year there was initial discussion about doing some rezoning in certain portions of the Town. Some changes were made at that time, and there were other changes that we were looking at that we decided to defer until later on. In the initial discussion the zoning changes were for portions north of Gailor Road and portions south of Ballard Road. We wanted to leave the commercial uses alone around Gailor Road and Route 9 that are currently there and leave the existing zoning the way it is. Also further north near Ballard Road, the commercial uses that are up there and the uses listed in the new Master Plan and zoning, and the Hamlet areas as well. The

focus is on the areas south of Ballard Rd. and north of Gailor Rd. that are now basically single family homes and open areas. He then asked Kate Maynard the Director of Planning to give an over-view of that area. **Kate Maynard** went over all the information regarding the zoning changes from RB-1 to RB-2 and there uses, explaining each one and going over the map that was also provided to all the residents. This information was in the letter sent out to the affected property owners. A discussion took place with some of the residents and business owners who either have businesses or own property on Route 9. Mr. Richard Woodcock, Mr. Fred Bollman and his wife, Mr. James Stanley, and Mr. George Vanderplug, all businessmen and property owners who had concerns regarding future businesses being able to locate on Route 9 with the new RB-2 Zone change restrictions and the financial impact on them, and on the property values and the future sale of their properties located in that area. **Councilman Gerber** stated he was thrilled to see a huge turn-out tonight, as he had suggested that property owners be notified of the zoning change during the discussion held a couple months ago. **Deputy Supervisor O'Connor** stated that the board has always recognized the value of having businesses and part of the game plan here is to have small businesses, medium size businesses and large businesses. For twenty six consecutive years we have not had a Town General Fund or Highway tax here. One of the principals behind that was to be prudent in our spending and that businesses generate income, such as sales tax and other revenue that help fund everything, so the residents and business owners do not have to bare a tax burden in this community. **Mrs. Dowd** stated that she wanted to have an organic farmers market business, but was told she could not, because it would be considered retail and that it was not allowed. **Councilman Gerber** stated that that is a good rural business and it fits in with the Comprehensive Plan process; that talks about preserving the rural character and that's a positive thing. **Deputy Supervisor O'Connor** stated that certain businesses fall under certain definitions and sometimes when you talk about a creative use of property like that, that conceptually seems to fit, if it doesn't fit in one of our boxes of definitions, maybe you have to write a new definition. At this point there was a discussion regarding apartments and multi-family residents on Route 9 and one of the residents asked if the Town Board was worried about over-growth. **Deputy Supervisor O'Connor:** Yes, Apartments are a wonderful thing, but there is one thing that is undeniable as you watch a community grow and this is one of the fastest growing communities in New York State. You get to a certain point in time where the financial benefits of having growth turns into financial liabilities. Where the cost of maintaining infrastructures: Roads, water lines, sewer lines, recreation programs, programs for the elderly and infirmed start to overwhelm a community. That is one of things that keep people coming to this town. This is a fiscally, financially, prudently run community. It has been for a long time and we would like to see that continue. **Councilman Gerber** stated that from what the board is hearing from everyone tonight, is that there are some commercial uses that should be allowed in the RB-1 zone, that are not allowed on stretches of Route 9. I think that needs to be investigated. I think I am hearing that there are certain residential uses that many of you prefer not to see on Route 9. The Comprehensive Plan talks about preserving rural character. Maybe what the Town Board needs to do is get together with our Planning Board and talk over options and then have another meeting. **Councilman Gordon** stated the Town Board needs to take another look at the properties and see what the capabilities are: both in land use and what Mother Nature will realistically allow us to put there. **Deputy Supervisor O'Connor** stated that at this stage, the board is just having a discussion here tonight and there were a lot of good ideas that we have gotten. There is a lot to be considered and thought about before we take any other steps toward making any changes. If that were to take place we would get back in touch

with you folks. **Deputy Supervisor O'Connor** stated that what he suggests is forgetting about any proposed zoning change. The way things are now if there are any questions or concerns about what you may be able to do such as expansion or changes to your business, you can get in touch with Kate Maynard and Keith Manz they can give you details. He then thanked everyone for coming. **Supervisor Johnson** also thanked everyone for coming and appreciated all the comments. (No action taken).

Resolution of Support for Grant
Transportation Enhancement Program
Kate Maynard Last Discussed 5/1/08

Supervisor Johnson asked for a motion and a second to adopt a resolution in support of the Transportation Enhancement Program Grant.

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

RESOLUTION 124

WHEREAS, the New York State Department of Transportation is soliciting projects to implement Governor David A. Paterson's efforts to provide assistance for the improvement of the transportation system to benefit the traveling public, to increase transportation choices and access, to enhance the built and natural environment and to provide a sense of place under the Transportation Enhancements Program.

WHEREAS, funding for the Transportation Enhancements Program was created in the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and continued in the Transportation Equity Act for the 21st Century (TEA-21) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

WHEREAS, the Town of Wilton finds that the proposed project is consistent with existing local and/or regional plans; the proposed financing is appropriate for the specific facility or project; the project facilitates effective and efficient use of existing and future public resources so as to benefit the public interest through the provision of public access and use.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

The Town of Wilton supports the principals, intent, and establishment of the Transportation Enhancements Program Initiative, as proposed by the Governor and the State Legislature, and deems it to be in the public interest and benefit, and

The Town of Wilton firmly supports the submission of an application for funding from the New York State Department of Transportation through the Transportation Enhancements Program for the properties listed within the Transportation Enhancements Program Application submitted herein, and be it further

RESOLVED: by the Town Board of the Town of Wilton that Supervisor Arthur Johnson is the representative authorized to act in behalf of the applicant in all matters related to this application to participate in the Transportation Enhancements Program and is authorized to sign and submit the enclosed application; and be it further

RESOLVED: should the Town, as a result of this application receive state assistance, the Town Supervisor is also authorized to act on behalf of the applicant in all matters related to the project and to State assistance.

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

Lonesome Pine Trail
Speed Limit Reduction Request
From 30 MPH to 25 MPH
Ray O'Connor

Deputy Supervisor O'Connor explained that the Town has received a number of phone calls regarding Lonesome Pine Trail in particular the stretch that goes from Northern Pines Road to the first stop sign on Lonesome Pine Trail. There is a curve on that road that people are speeding around so we would like to lower the speed limit in on that stretch of road.

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

RESOLUTION # 125

NOW, THEREFORE, BE IT RESOLVED, to request a lower speed limit on Lonesome Pine Trail from Northern Pines Road to the first stop sign on Lonesome Pine Trail from 30 mph to 25 mph.

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

Code of the Town of Wilton (Amendment)
Proposed changes to the code resulting in
Additions and some changes relating to:
Change in Tenancy, Fee for Stormwater
Basins assumed by the Town, C-2 Zoning
Schedule, replace footnote, referencing C-1
To C-2, neighborhood identification signs,
Set maximum size for signage, and threshold
For building permit and amending parking
Requirements for C-1

Supervisor Johnson asked Kate Maynard, Town Planner, to go over the changes and amendments provided to the board. **Ms. Maynard** did a brief summary of the detailed changes and amendments and explained why the changes were necessary. The detailed summary of those changes and amendments are as follows:

- **Change in Tenancy**

At this point there is no review or oversight with any change in use, at times there is a concern of code compliance and impacts associated with a different or more intense use (i.e. a shift from warehouse to medical office space). A potential code change could look to provide for a building permit needing to be issued with a change of tenancy. This would ideally allow for a "check-in" for code compliance and ensure that all approved site plan conditions are still being met. If the intensity or use is changing (again the example use changes from warehouse to medical office) then the question would be asked whether the changes should be reviewed by the Planning Board.

Both Mark and Keith liked the addition to the Code as discussed below. This is a portion of Clifton Park's code which I was pretty familiar with and functioned well, but of course we could adapt/ start from whatever we feel would most meet our needs.

- (2) In instances where the building exists, the site is in conformity with a previously approved site plan (as determined by the Building Inspector) and a change of occupancy is occurring

without structural changes to the building, the following procedures shall be followed:

- (a) If the new use is of the same type and intensity (i.e., office to office, sit-down restaurant to sit-down restaurant, etc.), no Planning Board action will be required prior to the issuance of a building permit and/or certificate of occupancy or tenancy. When issuing the building permit and/or certificate of occupancy or tenancy the Building Inspector shall provide the owner with a copy of the approved site plan for that location and obtain a signed receipt for same from the owner and/or his agent.
 - (b) If the new use is not of the same type and intensity (i.e., office to retail, sit-down restaurant to fast-food restaurant, etc.), the new owner shall, if required by the Building Inspector, appear before the Planning Department to arrange to appear before the Planning Board to determine if a revised site plan approval will be required prior to the issuance of a building permit and/or certificate of occupancy or tenancy.
 - (3) In instances where the building exists, the site is not in conformity with a previously approved site plan and a change of occupancy is occurring without exterior structural changes to the building, a revised site plan approval shall be required prior to the issuance of a building permit and/or certificate of occupancy.
 - (4) In instances where the building exists, a change of occupancy is occurring and exterior structural changes will be made to the building, a revised site plan approval shall be required prior to the issuance of a building permit and/or certificate of occupancy.
 - (5) In instances where the building exists, no change of occupancy is occurring and structural changes will be made to the building, the new occupant shall appear before the Planning Board to determine if a revised site plan approval will be required prior to the issuance of a building permit and/or certificate of occupancy.
 - (6) Site plan approval will be required for applications normally approved by the Building Inspector but where the Building Inspector has determined that, due to the nature of the action, the application requires review and approval by the Planning Board.
- **Fee for Stormwater basins assumed by Town-** update from prior \$2000 per stormwater management area, and more generally reference corresponding fee schedule

129-210,B (1) Construction Completion guarantee. In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Town of Wilton in its approval of the stormwater pollution prevention plan, the Town of Wilton will require the applicant or developer to provide, prior to construction, [a lump sum fee of \$2000] the relevant fee per stormwater management area as stated in 63-15E of the Town of Wilton Code.

- **C-2 Zoning Schedule, replace footnote referencing C-1 to C-2**
- **Neighborhood identification signs, set maximum size for signage, and threshold for building permit**

129-187 B. (17)- Neighborhood Identification signs. In any zone, a sign, a masonry wall, landscaping and other similar materials or features may be combined to form a display for neighborhood or tract identification, provided that the legend of such sign or display shall consist only of the neighborhood or tract name and be limited to four feet by six feet in area. Any sign requiring an extension of electricity will require a building permit.

- **ADDITIONAL PROPOSED CODE CHANGE ALSO FOR CONSIDERATION-** it is looking to provide flexibility for parking requirements in the C-1 zone similar to what we currently offer in our other commercial/ business districts.

ARTICLE IX C-1 Commercial District Editor's Note: See Schedule H and Article XXIV for additional requirements

§ 129-52. Additional requirements.

A. Parking is preferred to the rear of the building. No on-street parking shall be permitted. The Planning Board may allow side and front yard parking at their discretion, if it determines that rear parking would not be feasible and based upon the following considerations: **[Amended 7-2-1997]**

- (1) Type of business.
- (2) Uses in the immediate area (e.g., residences vs. businesses).
- (3) Aesthetics.

(4) Traffic and pedestrian circulation.

(5) Any other criteria the Planning Board may determine as relevant.

The Planning Board may deviate from the parking standards set forth in Section 129-61, Off-street parking, based upon the following considerations: type of business; shared parking arrangements; adjacent uses; aesthetics; and pedestrian accessibility.

After some discussion the board set a public hearing for July 3rd, 2008, at 7:00 p.m.. Engineer Manz stated that the board will do SEQR after the public hearing.

Reappointment (Park & Recreation Comm.)

R. Dale Long, Jr.

Term to expire 6/30/08

New Term 7/1/08-6/30/11

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

RESOLUTION # 126

NOW, THEREFORE, BE IT RESOLVED, to reappoint R. Dale Long, Jr. to the position of Park & Recreation Commission member. Term to expire 6/30/08, new term 7/1/08-6/30/11.

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

Committee Reports (If Any)

Supervisor Johnson asked if there were any committee reports. **Councilman Gordon**, stated that after twenty years of hard work our Town Superintendent has been honored by a doctorate of Highway Superintendency and might be next year's speaker at Cornell University. The board congratulated him.

Comptroller's Report
(Including Bills & Transfers)

Budget (Transfers) (2008)

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

RESOLUTION # 127

NOW, THEREFORE, BE IT RESOLVED, to approve the budget transfers requested for and listed in the Comptroller's 6/5/08 report to the Town Board.

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

Budget (Amendments) (2008)

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

RESOLUTION # 128

NOW, THEREFORE, BE IT RESOLVED, to approve the budget amendments requested for and listed in the Comptroller's 6/5/08 report to the Town Board.

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

Personnel

a.) Building Inspector Position (Roger Blauvelt)

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

RESOLUTION # 129

NOW, THEREFORE, BE IT RESOLVED, to approve Roger Blauvelt's permanent placement back into the Building Inspector position Grade 9 Step 7 effective 1/8/08.

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

b.) Records Scanning Clerk (Part-time position)

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

RESOLUTION # 130

NOW, THEREFORE, BE IT RESOLVED, to approve the request submitted by Carol Maynard, the Town Clerk to hire Jazzmina Moore, as a temporary part-time clerk to continue scanning town records. This position would start at the part-time employee schedule, grade 2, base salary rate of \$11.22/hr and;

FURTHER BE IT RESOLVED, to approve a budget transfer to 1460.1 (Records Management) in the amount of \$2,500, would result in 200 hours of scanning.

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

Capital Project #440 Camp Saratoga

Comptroller Reale explained that Councilman Gordon has requested that we re-open Capital Project #440 Camp Saratoga. Councilman Gordon is requesting initial funding of \$30,000 to pay for engineering fees and the cost to move a fire tower to Camp Saratoga. This project will be spanning a couple of years. **Councilman Gordon** explained that the Town got an offer to relocate the Cornell Hill fire tower totally paid for except to put footings in and some engineering. Also we have to look at getting some rough drafts, cost estimates for sanitary facilities. Things that have a long term benefit to the use of the camp.

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

RESOLUTION # 131

NOW, THEREFORE, BE IT RESOLVED, to approve the request from Councilman Gordon, to re-open Capital Project #440 Camp Saratoga, requesting initial funding of \$30,000 to pay for engineering fees and the cost to move a fire tower to Camp Saratoga.

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

Revocable permit to DEC (Not on Agenda)

Councilman Gordon explained that he needed some form of permission in the minutes for an application for a temporary permit to DEC for the removal of a couple of large pasture trees on State land.

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

RESOLUTION # 132

NOW, THEREFORE, BE IT RESOLVED, to approve a temporary revocable permit to DEC for the removal of large pasture trees on State property and;

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

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

Informational

For informational items see Comptroller's 6/5/08 report to the Town Board.

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

On a motion introduced by Deputy Supervisor O'Connor, and seconded by Councilman McGaughey, the meeting was adjourned at 8:55 p.m..

Respectfully Submitted,

Carol Maynard, Town Clerk

Supervisor, Arthur Johnson

Councilman, Raymond O'Connor

Councilman, Charles Gerber

Councilman, Larry Gordon

Councilman, Ian McGaughey

