

**Stillwater Town Board
Business Meeting & Public Hearing
(Zoning Changes-Rt 67, West)
April 19, 2012 7:00 PM
Stillwater Town Hall**

Present: **Councilman Artie Baker
Councilman Ken Petronis
Councilwoman Lisa Bruno
Councilwoman Virginia Whitman
Supervisor Ed Kinowski**

Also Present: **Sue Cunningham, Town Clerk
Mark Minick, Supt of Highways
James Trainor, Attorney for the Town
Joe Lanaro, Engineer for the Town**

Supervisor Kinowski called the Business Meeting to order and led everyone in the Pledge to the Flag.

7:00 PM Public Hearing (Zoning-Route 67-west)

Supervisor Kinowski called the public hearing to order and led everyone in the Pledge to the Flag.

Paul Cummings of the Chazen Companies gave a brief overview of the proposed Route 67 Business District. He went over the project background, Route 67 Comprehensive Plan Vision, Route 67 Comprehensive Plan recommendations, existing land uses, exiting zoning, existing topography, existing environmental resources; Route 67 overlay district, Route 67 Business District, proposed uses and the next steps for the Town.

Public Input

Art F inquired about the wetlands & reservoir and how they would be protected. Supervisor Kinowski stated the areas would be protected and buffers would be put in place.

Diane S of Malta stated that her home is in part Malta and part Stillwater and she has concerns with traffic, safety, property values going down and the effects to wildlife and residents. She also inquired if a Title 1 Action-Environmental Impact was completed. Paul Cummings stated that a full impact SEQR has been done. Further discussion was held on the SEQR process and where filed. It was stated that the appropriate forms were done and filed.

Attorney Trainor stated that the use of property as it is now remains the same, future use depends on the change.

Engineer Lanaro commented that her home was regulated by Malta and the proposed zoning changes will have no effect on her assessment.

Al D stated that he bought a vacant lot next to his home and wanted to know how these changes would affect him being able to build there later on. Paul Cummings stated that he would need to apply for a use variance. Supervisor Kinowski stated that they are hear to comments from residents and will try to accommodate their concerns.

A resident inquired if they are being driven by a commercial adventure. Supervisor Kinowski stated that a company bought land from the Sweeney farm, and a SEDC received a grant to look at property of large landowners in this particular area.

Art F questioned the properties in the proposed area would no longer be residential use. Discussion was held on options the residents such as the ZBA, mechanisms in place for residents, PDD process, and rezoning requests.

Diane S inquired if it was possible to file to have property remain residential. Supervisor Kinowski stated that they can clean up the rezoning line so that it doesn't go through her property.

Carol Marotta, Planning Board member commented that the proposed rezoning changes have to go before the Planning Board for review and their recommendations. She stated that moving the line is an easy fix, buffers are a requirement in zoning and storm water regulations have been tightened. Inter-Modal is here and traffic will only grow. The Town needs to be proactive which will benefit the Town.

John V questioned the SEQR process on the prior Route 67 changes. Supervisor Kinowski stated that everything was approved and completed legally.

Jim K inquired about the proposed uses. Engineer Lanaro stated an applicant would file for a special use permit, come before the Planning Board who can make conditions depending on the request.

A resident questioned the effects on the Tenendoha Creek. Engineer Lanaro commented that all water and wetland areas are regulated by the State and prevention measures must be followed.

A resident questioned Route 67 becoming a 4 lane highway. Engineer Lanaro stated that it is a State road but there are no plans to make it a 4 lane highway that he is aware of.

Lisa D asked what was in this for the residents. Supervisor Kinowski stated that they needed to build a balance in the Town in Residential & Business. Residential has more of an impact on the residents. More homes mean higher taxes where business can relieve the tax burden placed on residents.

Councilwoman Bruno commented that communities around here are growing and reaping the rewards. If the Town doesn't look to the future they will be left in the dark and people won't be able to afford living here anymore.

With everyone having the opportunity to speak Supervisor Kinowski closed the public hearing at 8:20 PM.

Supervisor Kinowski stated that the Town Board would be voting on this at their May 19th meeting after the Planning Board meets. At this time they would go over any changes that are made.

Business Meeting

Special Presentation

A special presentation was given on solar panels solar panels are put up at no cost, saves thirty percent off electric bill, payment goes to the solar company instead of electric company and a standard contract is 20 years.

Adoption of Minutes

Motion by Councilman Baker and seconded by Councilman Petronis to adopt the minutes of the March 15, 2012 meeting of the Town Board. **Motion carried.**

Agenda (Resolutions #27--#38)

The consensus of the Town Board was to pull Resolution #29 until the next meeting and Resolutions #37 & #38 until the May 17 meeting.

**Resolution #27 Rescinding Resolution No. 24 of 2012 Setting a Public Hearing
to Consider Acquiring a Conservation Easement and
To Purchase Development Rights Over a Portion of the
Cocozzo Farm**

Introduced by: Supervisor

WHEREAS, a Public Hearing was scheduled via Resolution No. 24 of 2012 entitled “Setting a Public Hearing to Consider Acquiring a Conservation Easement and To Purchase Development Rights Over a Portion of the Cocozzo Farm” and it was determined that a Public Hearing was unnecessary and was therefore not held; and

WHEREAS, a new Resolution No. 24 entitled A Resolution to Lower the Speed Limit in the Willow Glen Hamlet was enacted; and

WHEREAS, in order to keep the records straight in the Town Clerk’s Office it is necessary to rescind one resolution and renumber the other;

Now, therefore, be it

RESOLVED, that the Town Board hereby rescinds the original Resolution No. 24 of 2012 entitled “Setting a Public Hearing to Consider Acquiring a Conservation Easement and to Purchase Development Rights Over a Portion of the Cocozzo Farm”; and be it further

RESOLVED, that the Town Board hereby amends of the subsequent Resolution No. 24 entitled A Resolution to Lower the Speed Limit in the Willow Glen Hamlet by renumbering it to Resolution No. 25 of 2012.

Motion by Councilwoman Whitman and seconded by Councilman Baker to adopt Resolution #27 of 2012.

A roll call vote was taken on Resolution # 27 of 2012 as follows:

| | |
|----------------------|-----|
| Supervisor Kinowski | YES |
| Councilman Baker | YES |
| Councilman Petronis | YES |
| Councilwoman Whitman | YES |
| Councilwoman Bruno | YES |

Motion carried. Resolution #27 of 2012 was adopted unanimously.

**Resolution #28 Amending Resolution No. 26 of 2012
Scheduling a Public Hearing to Consider Local Law No. ____ of 2012
A Local Law Further Amending Local Law No. 4 of 2004
Regarding the Luther Forest Technology Campus
Planned Development District**

Introduced by: Supervisor

WHEREAS a Public Hearing was scheduled via Resolution No. 26 of 2012 and it was determined that the Public Hearing must be delayed; and

WHEREAS, a Public Hearing is required to amend the Local Law pursuant to Municipal Home Rule Law (MHRL) § 20;

Now therefore be it,

RESOLVED that the Town Board hereby Amends Resolution No. 26 of 2012 and re-schedules the Public Hearing which shall be conducted at 7:00 p.m. on Thursday, May 3, 2012 at Stillwater Town Hall, 66 East Street, Stillwater, New York 12170, to consider Local Law No. ____ of 2012, a Local Law further amending Local Law No. 4 of 2004

RESOLVED, that pursuant to the authority vested in the Town Board by virtue of the New York State Constitution and Municipal Home Rule Law Article 2, the Town Board hereby exercises the authority to supersede New York State Town Law Sections 264 and 265 requiring ten (10) days prior publication of the Public Hearing and shortening the period to five (5) days prior to the hearing pursuant to Municipal Home Rule Law Section 20; and be it further

RESOLVED, that the Town Clerk is directed to immediately post and publish the attached Notice of Public Hearing in the Mechanicville Express or Schenectady Gazette the no later than five (5) days prior to May 3, 2012 and to obtain Affidavits of Publication therefore.

A roll call vote was taken on Resolution #28 of 2012 as follows:

Motion carried. Resolution #28 of 2012 was adopted unanimously.

Introduced by: Supervisor

WHEREAS Town of Stillwater Ordinance No. 2 of 1993 established the Stillwater Woods Planned Development District (“PDD”) and provided that the PDD would expire within Five (5) years of the granting of final site plan approval if certain conditions had not been met by then; and

WHEREAS the five (5) year approval period expired in December 2010 but the PDD allows the Town Board to extend the PDD for a period of at least one (1) year provided the Developer has demonstrated its best efforts in the development process; and

WHEREAS a copy of the PDD Ordinance, as well as a letter from Amedore Homes requesting the extension and explaining its efforts to date are attached hereto;

Now therefore be it,

RESOLVED that a Public Hearing is hereby scheduled for May 17, 2012 at 7:00 p.m. at Stillwater Town Hall, 66 East Street, Stillwater, New York 12170 to consider Local Law ____ of 2012 a Local Law amending Ordinance No. 2 of 1993 to extend the PDD approval period for at least one (1) year; and be it further

RESOLVED, that pursuant to the authority vested in the Town Board by virtue of the New York State Constitution and the Municipal Home Rule Law, the Town Board hereby exercises the authority to supersede New York State Town Law Sections 264 and 265 requiring ten (10) days prior publication of the Public Hearing and shortening the period to five (5) days prior to the hearing pursuant to Municipal Home Rule Law Section 20; and be it further

RESOLVED, that the Town Clerk is directed to immediately post and publish the attached Notice of Public Hearing in the Schenectady Gazette or the Mechanicville

Express preferably ten (10) days prior to May 17, 2012 but no later than five (5) days prior to May 17, 2012 and to obtain Affidavits of Publication therefore; and be it further RESOLVED, that The Chazen Companies are hereby directed to immediately refer the proposed Zoning Code Amendments to the Town and County Planning Boards pursuant to the Town’s Zoning Code and Section 239-m of the General Municipal Law, respectively, for comments prior to May 17, 2012 pursuant to the attached referral letter; and be it further

RESOLVED, that The Chazen Companies are to ensure that the Town Board’s intent to serve as Lead Agency under SEQRA for this project is timely published in the Environmental News Bulletin; and

RESOLVED, that The Chazen Companies are to ensure compliance with NYS Agriculture & Markets Law Articles 25-AA, 25-AAA, especially Section 305-a thereto, and also ensure that the requirements of the State Environmental Quality Review Act (“SEQRA”) and complied with.

Motion by Councilwoman Whitman and seconded by Councilman Baker to adopt Resolution #30 of 2012.

A roll call vote was taken on Resolution #30 of 2012 as follows:

| | |
|----------------------|-----|
| Supervisor Kinowski | YES |
| Councilman Baker | YES |
| Councilman Petronis | YES |
| Councilwoman Whitman | YES |
| Councilwoman Bruno | YES |

Motion carried. Resolution #30 of 2012 was adopted unanimously.

Resolution #31 Schedule a Workshop Regarding Proposed Water Line

Introduced by: Supervisor

WHEREAS, the Town wishes to invite the public to a Public Workshop regarding a proposed water line;

Now, therefore, be it

RESOLVED, that the Town Board hereby schedules a Public Workshop at _____ a.m./p.m. on _____, 2012 at either the Stillwater Area Community Center located at 19 Palmer Street or at Stillwater High School located at 1068 North Hudson Avenue, Town of Stillwater, New York, regarding the proposed water line; and be it further

RESOLVED, that the Town Clerk is hereby directed to publish appropriate notice of the public workshop in the Town’s official newspaper or the daily alternate newspaper as necessary.

Motion by Councilwoman Whitman and seconded by Councilman Baker to adopt Resolution #31 of 2012.

A roll call vote was taken on Resolution #31 of 2012 as follows:

| | |
|----------------------|-----|
| Supervisor Kinowski | YES |
| Councilman Baker | YES |
| Councilman Petronis | YES |
| Councilwoman Whitman | YES |
| Councilwoman Bruno | YES |

Motion carried. Resolution #31 of 2012 was adopted unanimously.

**Resolution #32 Authorizing the Supervisor to
Sign a Retainer Agreement with
Cutler, Trainor & Cutler, LLP regarding
Van Ness Road, Stillwater Stabilization Project**

Introduced by: Supervisor

WHEREAS, the Supervisor has requested the Town’s attorney to provide a Letter of Engagement and Retainer Agreement regarding the Van Ness Road, Stillwater Stabilization Project, a copy of which is attached; and

WHEREAS, legal services are necessary in order to obtain easements along Van Ness Road for the purpose of stabilizing the roadway and installing future utilities;

Now therefore, be it

RESOLVED, that the Supervisor is hereby authorized to sign a retainer agreement with Cutler, Trainor & Cutler, LLP on behalf of the Town for the purpose of obtaining easements along Van Ness Road.

Motion by Councilwoman Whitman and seconded by Councilman Baker to adopt Resolution #32 of 2012.

A roll call vote was taken on Resolution #32 of 2012 as follows:

| | |
|----------------------|-----|
| Supervisor Kinowski | YES |
| Councilman Baker | YES |
| Councilman Petronis | YES |
| Councilwoman Whitman | YES |
| Councilwoman Bruno | YES |

Motion carried. Resolution #32 of 2012 was adopted unanimously.

Resolution #33 Approving the Rental or Purchase of a Tent

Introduced by: Supervisor

WHEREAS, the Supervisor has recommended that a tent be rented or purchased for Town outdoor activities; and

WHEREAS, a tent meeting the Town’s needs can be rented or purchased from _____ for \$_____, which is less than the amount needed to require competitive bidding;

Now therefore, be it

RESOLVED, that the Supervisor is hereby authorized to rent or purchase a tent for the Town’s outdoor activities from _____ for the amount of \$_____.

Motion by Councilwoman Whitman and seconded by Councilman Baker to adopt Resolution #33 of 2012.

A roll call vote was taken on Resolution #33 of 2012 as follows:

| | |
|----------------------|-----|
| Supervisor Kinowski | YES |
| Councilman Baker | YES |
| Councilman Petronis | YES |
| Councilwoman Whitman | YES |
| Councilwoman Bruno | YES |

Motion carried. Resolution #33 of 2012 was adopted unanimously.

Resolution #34 Authorizing the Purchase of Town Signs

Introduced by: Councilwoman Whitman

WHEREAS, the Town desires to install signs at the roadway entrances to the Town; and

WHEREAS, competitive bidding is not required as the monetary threshold of General Municipal Law of §103 has not been reached; and

WHEREAS, the cost to fabricate and install the new signs is Two Thousand Dollars (\$2,000.00) each;

Now, therefore, be it

RESOLVED, the Town Board hereby authorizes the purchase of new signs which includes the fabrication and installation at the Town entrances at a cost not to exceed Two Thousand Dollars (\$2,000.00); and be it further,

RESOLVED, that the entrance signs shall be installed, and the old signs are to be removed, by the Town Highway Department.

Motion by Councilwoman Whitman and seconded by Councilman Baker to adopt Resolution #34 of 2012.

A roll call vote was taken on Resolution #34 of 2012 as follows:

| | |
|----------------------|-----|
| Supervisor Kinowski | YES |
| Councilman Baker | YES |
| Councilman Petronis | YES |
| Councilwoman Whitman | YES |
| Councilwoman Bruno | YES |

Motion carried. Resolution #34 of 2012 was adopted unanimously.

Resolution #35 Approving the Rental or Purchase of a Tent

Introduced by: Supervisor

WHEREAS, the Supervisor has recommended that a tent be rented or purchased for Town outdoor activities; and

WHEREAS, a tent meeting the Town’s needs can be rented or purchased from _____ for \$ _____, which is less than the amount needed to require competitive bidding;

Now therefore, be it

RESOLVED, that the Supervisor is hereby authorized to rent or purchase a tent for the Town’s outdoor activities from _____ for the amount of \$ _____.

Motion by Councilwoman Whitman and seconded by Councilman Baker to adopt Resolution #35 of 2012.

A roll call vote was taken on Resolution #35 of 2012 as follows:

| | |
|----------------------|-----|
| Supervisor Kinowski | YES |
| Councilman Baker | YES |
| Councilman Petronis | YES |
| Councilwoman Whitman | YES |
| Councilwoman Bruno | YES |

Motion carried. Resolution #35 of 2012 was adopted unanimously.

**Resolution #36 Hold Only the Business Town Board Meeting
For the Months of July and August**

Introduced by: Supervisor

WHEREAS, it is often difficult to ensure all board members will be present for meetings during the summer vacation months; and

WHEREAS, in the interest of allowing appropriate vacation planning for our Town Board Members, Town Staff and the members of the Public, during the months of July and August it has been requested that the Town Board consider the number of Town Board Meetings during the summer;

Now therefore, be it

RESOLVED that only one Town Board meeting will be held during the months of July and August 2012, and these meetings will be for business purposes and conducted on the third Thursday of these respective months; and

RESOLVED that a minimum of three council members will review any vouchers, as prepared by the Town Clerk, for audit of claims as needed to ensure timely payment of Claims prior to the third Thursday Business meeting; and

RESOLVED that the Town Clerk shall publish this change of schedule in the official town newspaper and post at Town Hall.

Motion by Councilwoman Whitman and seconded by Councilman Baker to adopt Resolution #36 of 2012.

A roll call vote was taken on Resolution #36 of 2012 as follows:

| | |
|----------------------|-----|
| Supervisor Kinowski | YES |
| Councilman Baker | YES |
| Councilman Petronis | YES |
| Councilwoman Whitman | YES |
| Councilwoman Bruno | YES |

Motion carried. Resolution #36 of 2012 was adopted unanimously.

Public Input

Tony B Commented on Resolution #31 and commented that the Town would like District #3 & #4 take on something they already have, the Town should consider giving them Sewer in return.

Art G commented that it was hard for the residents in the back to hear the board members.

Councilwoman Bruno stated that she would look into the lapel microphones.

Art F inquired about work being done on George Thompson rd and who was cutting the trees.

Supt Minick stated that the area on George Thompson Rd needs to be shimmed and the trees are being cut by Luther Forest.

Art G inquired if the leaks in the community center gym have been corrected.

Supervisor Kinowski stated that Councilman Baker fixed the leaks on the community center roof.

Audited Claims

Motion by Councilwoman Whitman and seconded by Councilman Baker to pay the audited claims.

| | | |
|--------------|-----------|-------------|
| General | #168-#180 | \$3,840.93 |
| Town Outside | #68-#76 | \$14,737.85 |
| Highway | #137-#149 | \$6,648.80 |
| Water | #20-#23 | \$702.39 |

Motion carried.

Town Board Discussions

Glen Hollow Park & Walkway: Residents of Glen Hollow were in attendance this evening who were unaware of an easement the Town has along their property where a walking path would be going to the park. After lengthy discussion the Town Board assured the residents they will work with them to assure the privacy of the residents.

Election re-districting: Supervisor Kinowski requested the Attorney look into the legality of the new district lines.

Family Day: Supervisor Kinowski brought up moving Family Day to Riverside Veterans Park. He stated that he has talked with the American Legion Post 490, residents in the area and discussed the pros & cons of moving Family Day. After a discussion among the Town Board members the majority of the Town Board agreed to move Family Day to Riverside Veterans Park this year as a trial. Councilman Baker was against the move.

Motion by Councilman Petronis and seconded by Councilwoman Lisa to adjourn into executive session to discuss contracts at 9:25 PM. **Motion carried.** (Note: The Town Board will not resume back into the regular town board meeting).

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk