

**Stillwater Town Board**  
**Business Meeting/ 2 Public Hearings**  
*Amendments to Comp Plan & Zoning ordinance*  
**April 21, 2011          7:00 PM**  
**Stillwater Town Hall**

**Present:**                    **Councilman Artie Baker**  
                                 **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**

**Absent**                      **Councilman Ken Petronis**

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

Sue Cunningham, Town Clerk took the roll call.

**7:00 PM Public Hearing**                      *(proposed Zoning Changes)*

*Purpose: The purpose of the Public Hearing is to afford the public the opportunity to comment on a proposed Local Law amending the Town's Zoning Code in order to accommodate the increasing demand for commercial/business space along the Route 67 Corridor.*

Supervisor Kinowski gave a brief overview of the purpose & objectives and establishment of the Route 67 overlay zoning district and existing uses.

**Public Input**

Alice (Ballston Lake) inquired if residents go before the Town Board for a zoning change or if it would be automatic.

Supervisor Kinowski stated they would need to obtain a special use permit (S.U.P.) and go through the process before the Planning Board.

Marty D (Stillwater) requested that they clarify special use permanent whether it was permanent or it would have to be renewed.

Supervisor Kinowski stated that a special use permit would not have to be renewed yearly. Engineer Lanaro commented that a time frame can be attached considering the use.

Art F (Stillwater) inquired on the area of the proposed changes.

Supervisor Kinowski went over the proposed area and stated that they could expand it to the west.

David S (Saratoga) questioned why Route 67 and not 4 & 32, traffic study, design concept, anticipated tax rate, water & sewer and if anyone was looking or interested in developing. Supervisor Kinowski stated that Route 4 & 32 was plugged up and no room to build. Route #67 was chosen due to its proximity to Global Foundries and the inter-modal rail yard that will be a main hub between Boston & Buffalo, plans would be submitted to the Planning Board who would review and decide, the area is already being serviced by Mechanicville water, the sewer is being worked on, prior traffic studies were considered SEDC is working with the Town and D A Collins has shown interest in developing their land and other companies have also shown an interest in the area.

Jeff representing D A Collins spoke on behalf of D A Collins in regard to the company investing in an office park and this would allow them to look for potential services, retail, etc.

Tony B (Stillwater) inquired if Halfmoon did a traffic study when approving the Rail yard project, what the projection of increase in traffic was and the property owner would pay to have sewer hook up.

Engineer Lanaro stated that Pan Am, Luther Forest and the GEIS traffic pattern was used and it was determined that Route 67 could accommodate growth.

Supervisor Kinowski commented that this was a starting point for the allowance & attraction of business and there were several methods regarding sewer at which time the process has not been selected yet. There was also a chance Pan Am (rail yard) may help with this.

Councilwoman Bruno commented that this was preparing the corridor to be shovel ready if not businesses will go elsewhere.

Joe O (Stillwater) inquired if a potential buyer would apply for a Special Use Permit prior to buying or after, if there would be a cost involved and as to the timeframe for adopting the proposed changes and considered this a positive thing for the residents along the corridor.

Engineer Lanaro stated that the owner of the property would have to apply for a special use permit or the person applying would have to have a contract with the intent to purchase.

Supervisor Kinowski stated that there would be a cost but it would be less than if the applicant had to apply for rezoning the area. He said the Town Board could pass the proposed changes as early as this evening or at the next meeting of the Town Board depending on comments this evening and the Town Board's desire.

Dave (Stillwater) inquired about Wood Rd. being a single lane road and how & who would make the road so that it would accommodate a business if owners decided to sell or build.

Supervisor Kinowski stated that the developer would have to make the road so it would accommodate traffic.

Dick Butler, Building Dept Director commented that the Pan Am Rail yard and Luther Forest is here, its real and this only going to generate other businesses here.

Bob D (Stillwater) commented on traffic conditions when coming off the side roads on to Route 67.

Supervisor Kinowski stated that the Town Board could possibly apply to have a speed zone set for the area in question.

With everyone having the opportunity to comment Supervisor Kinowski closed the public input at 8:00 pm.

**8:00 Public Hearing** (amendments to the Town Comprehensive Plan)

*Purpose: Amendments to the Town Comprehensive Plan to create a new Route 67 Overlay District to encourage commercial and industrial development along Route 67 where adequate infrastructure is available or in place, while maintaining sensitivity to protection of its historic and agriculture resources.*

**Public Input**

Bob D inquired how this would affect homeowner's taxes.

Supervisor Kinowski said it would change homeowner's assessments unless the homeowner made changes to its residence. He stated that if Stillwater continues to become a bedroom community for surrounding communities taxes will continue to increase.

Engineer Lanaro stated that an overlay area will not be a burden to the resident but a benefit.

Supervisor Kinowski stated that the southwest corner has the most vacant land and is the least populated which is close to the intermodal rail yard and Global Foundries.

Councilwoman Bruno brought up open land in other areas of the Town that is being protected and a brief discussion was held on areas of protected open land. She also commented that without businesses to offset taxes the property owner can not afford to live here.

Christy D commented on property owners not being in favor of doing anything with there land.

Mike C commented on incentives being offered to businesses that include paying no taxes.

Supervisor Kinowski commented on tax breaks given to company to attract them here. They may pay less now but pay later or payment in lieu of taxes.

Councilwoman Bruno mentioned sales tax being collected.

A brief discussion was held on whether the Board would like to move forward on adopting the proposed Local law and amendments to the Stillwater Comprehensive Plan. The consensus was to move forward this evening during agenda items portion of the meeting.

With everyone having the opportunity to comment Supervisor Kinowski closed the public input at 8:20 pm.

**Bid Opening** Mid Mount Mower and Tractor

1. Trivas Corp—Fort Edward, NY	\$73922.00
2. Trivas Corp—Fort Edward, NY	\$80467.00
3. Capital Tractor—Greenwich, NY	\$79949.00
4. Joe JohnsonEquip—Rochester, NY	\$56407.00
5. Hudson River Tractor Co-- Clifton Park	\$55784.20 & 19707.00

Bids will be reviewed and possibly awarded at the next meeting of the Town Board.

**Adoption of Minutes: Motion** by Councilwoman Whitman and seconded by Councilman Baker to adopt the minutes of the March 17, 2011 Business Meeting of the Stillwater Town Board.  
**Motion carried.**

**Agenda Items** (Resolutions #29—#34)

**Resolution #29**      **Sponsor Stillwater Family Day 2011**

Introduced by: Supervisor

WHEREAS, the Town of Stillwater, in order to promote community relations and in keeping with historical tradition, has sponsored an annual Family Day, and

WHEREAS, the Town Board has decided to be this years Family Day Committee and will meet as required to plan and execute this event using authorized funds under the General Municipal Code;

Now, therefore, be it

RESOLVED, that the Town Board has authorized funding for the Stillwater Family Day event for an amount not to exceed \$6,000.

**Motion** by Councilwoman Bruno and seconded by Councilman Baker to adopt Resolution #29.

A roll call vote was taken on Resolution #29 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	ABSENT
Councilwoman Whitman	YES
Councilwoman Bruno	YES

**Motion carried.** Resolution #29 was unanimously adopted.

**Resolution #30**      **Awarding the Cold Springs Road Contract No. 2  
To Kubricky Construction Corp.**

Introduced by: Supervisor

WHEREAS, by Resolution No. 157 of 2009 the Town Board authorized the advertisement for bids related to the Cold Springs Road Corridor Reconstruction Project Contract No.2; and

WHEREAS, the Kubricky Construction Corp. has submitted the lowest most responsible bid in the total amount of \$6,822,340.87; and

WHEREAS, in order to keep the project on schedule, The Chazen Companies have recommended that the contract be awarded to the Kubricky Construction Corp. subject to a number of conditions to be met prior to the Supervisor's execution of the contract as described in the letter of Joseph M. Lanaro, P.E. dated April 18, 2011 attached hereto;

Now, therefore, be it

RESOLVED, that the Cold Springs Road Corridor Reconstruction Project – Contract No. 2 is hereby awarded to the Kubricky Construction Corp. as the lowest most responsible bidder in the base bid amount of \$3,788,896.16 and Bid Alternate No. 1 of \$3,033,444.71 for a total contract amount of \$6,822,340.87 subject to the satisfaction of the following conditions prior to the execution of the contract:

1. The Town receiving approval from ESDC to award the contract, after ESDC reviews the bid results and approves the contract amount for the Base Bid and Bid Alternate No. 1 or as otherwise resolved;
2. The Town receiving a contract from the Kubricky Construction Corp. furnishing adequate insurance bond or as otherwise resolved.

RESOLVED, that the Kubricky Construction Corp. provide the services described under a unit price contract, such that the final quantities and related costs may vary from the original bid, which is based upon estimated quantities, subject to change based upon final quantities as quantified by the Town Engineer and Project Administrator.

**Motion** by Councilwoman Bruno and seconded by Councilman Baker to adopt Resolution #30.

A roll call vote was taken on Resolution #30 of 2011 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	ABSENT
Councilwoman Whitman	YES
Councilwoman Bruno	YES

**Motion carried.** Resolution #30 was unanimously adopted.

**Resolution #31**      **Awarding Contract to G.A. Bove Fuels  
For Gas, Diesel Fuel and Heating Oil**

Introduced by: \_\_\_\_\_ Supervisor \_\_\_\_\_

WHEREAS, as authorized by Resolution No. 25 of 2011 adopted on March 17, 2011, Highway Superintendent Minick solicited bids for Gas, Diesel Fuel and Heating Oil for 2011; and

WHEREAS, the Town received one bid, that being from G.A. Bove Fuels, for Gas, Diesel Fuel and Heating Oil, a copy of which is attached hereto; and

HEREAS, the Town Board finds the bid to be the lowest and most responsible bid;

Now, therefore, be it

RESOLVED, that the Town Board hereby awards a contract for the supply of Gas, Diesel Fuel and Heating Oil to G.A. Bove at the bid prices; and be it further

RESOLVED, that the Supervisor is authorized to sign an Agreement with G.A. Bove Fuels for Gas, Diesel Fuel and Heating Oil at the prices listed in the attached bid.

**Motion** by Councilwoman Bruno and seconded by Councilman Baker to adopt Resolution #31.

A roll call vote was taken on Resolution #31 of 2011 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	ABSENT
Councilwoman Whitman	YES
Councilwoman Bruno	YES

**Motion carried.** Resolution #31 was unanimously adopted.

**Resolution #32**      **Appointing a Member to the Ethics Board**

Introduced by: Supervisor

WHEREAS, by virtue of the resignation of Pat Brown from the Ethics Board, a vacancy on the Stillwater Ethics Board exists; and

WHEREAS, a Committee of the Town Board has accepted resumes and conducted interviews of interested candidates for the position; and

WHEREAS, the interview committee has recommended that Mike Caufield be appointed to the Ethics Board to fill the vacant position with a term ending December 31, 2011;

Now, therefore, be it

RESOLVED, that the Town Board hereby appoints Mike Caufield as a member of the Ethics Board to fill the vacancy left by Pat Brown, with a term ending December 31, 2011, effective immediately.

**Motion** by Councilwoman Bruno and seconded by Councilman Baker to adopt Resolution # 32.

A roll call vote was taken on Resolution #32 of 2011 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	ABSENT
Councilwoman Whitman	YES
Councilwoman Bruno	YES

**Motion carried.** Resolution #32 of 2011 was unanimously adopted.

**Resolution #33**                      **Appointing a Custodian for Clean-Up Days**

Introduced by: \_\_\_\_\_ Supervisor \_\_\_\_\_

WHEREAS, it is both necessary and proper to appoint a custodian for the 2011 Town-wide Clean-Up Days to be held on May 7, 2011 and on a date to be determined in October 2011; and

WHEREAS, the Town Board recommends that Sheila Silic be appointed for the position at a rate of \$125 per day; and

WHEREAS, the public bidding requirements of the General Municipal Law are not applicable because the threshold amount of \$20,000.00 has not been triggered;

Now, therefore, be it

RESOLVED, that the Town Board hereby appoints Sheila Silic as the custodian for services to be rendered for the 2011 Town-wide Clean-Up Days at a total cost not to exceed \$125.00 per day.

**Motion** by Councilwoman Bruno and seconded by Councilman Baker to adopt Resolution #33.

A roll call vote was taken on Resolution #33 of 2011 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	ABSENT
Councilwoman Whitman	YES
Councilwoman Bruno	YES

**Motion carried.** Resolution #33 was unanimously adopted.

**Resolution #34**      **Amending Resolution No. 4 of 2011 Regarding the Purchase of Property from Saratoga County**

Introduced by: \_\_\_\_\_ Supervisor \_\_\_\_\_

WHEREAS, Resolution No. 4 of 2011 was passed by unanimous vote on January 6, 2011 regarding the purchase of park land on Cambridge Court for back taxes at an approximate amount of \$4,500.00; and

WHEREAS, an amendment is needed to reflect the actual amount of back taxes necessary for the purchase of the park land on Cambridge Court;

Now, therefore, be it

RESOLVED, that Resolution No. 4 of 2011 is hereby amended to authorize the Supervisor to purchase the Cambridge Court park land (SBL: 261.8-2-24) from the County of Saratoga in the amount of \$5,209.35.

**Motion** by Councilwoman Bruno and seconded by Councilman Baker to adopt Resolution #34.

A roll call vote was taken on Resolution #34 of 2011 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	ABSENT
Councilwoman Whitman	YES
Councilwoman Bruno	YES

**Motion carried.** Resolution #34 of 2011 was unanimously adopted.

**Resolutions #35, #36 & #37**

Discussion: Supervisor Kinowski inquired if they voted on this tonight if properties above George Thompson rd were included and if not should they wait to include them.

Engineer Lanaro stated that they should complete this process and initiate to start the process to extend further up from George Thompson Rd.

The consensus of the Town Board was to act on the Amendments to the Stillwater Comp Plan and Zoning changes presented tonight them move on to the next phase of changes.

**Resolution #35**      **Regarding the Environmental Impact of Route 67 Comprehensive Plan and Zoning Amendments**

Introduced by: \_\_\_\_\_ Supervisor \_\_\_\_\_

WHEREAS, by Resolution No. 20 of 2011, adopted by the Town Board on March 3, 2011, the Town Board determined that the proposed changes are a Type I action pursuant to 6 NYCRR Part 617.6 (SEQRA) and declared its intent to serve as lead agency for the coordinated SEQRA evaluation; and



WHEREAS, by Resolution No. 18 of 2011, adopted by the Town Board on February 12, 2011 the proposed Route 67 Comprehensive Plan and Zoning Amendments was referred to the Town and Saratoga County Planning Boards for review and the County Planning Board recommended approval by letter dated March 21, 2011; and

WHEREAS, a Public Hearing was conducted at a Town Board meeting on April 21, 2011 at which the environmental impacts of the project were presented and discussed; and

WHEREAS, the Town Board has compared the proposed action with the criteria for determining significance in SEQRA 6 NYCRR 617.6 and has duly considered the Environmental Assessment Form attached hereto prepared by the Chazen Companies; and

Now, therefore, be it

RESOLVED, that the Town Board, acting as lead agency for the coordinated SEQRA evaluation of the proposed Route 67 Comprehensive Plan and Zoning Amendments hereby determines that the proposed action will not have a significant environmental impact pursuant to 6 NYCRR Part 617.6 (SEQRA); and be it further

RESOLVED, that the Town Board authorizes the dissemination of the Notice of Determination of Non-Significance to all involved and interested agencies.

**Motion** by Councilwoman Bruno and seconded by Councilman Baker to adopt Resolution #35.

A roll call vote was taken on Resolution #35 of 2011 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	ABSENT
Councilwoman Whitman	YES
Councilwoman Bruno	YES

**Motion carried.** Resolution #35 of 2011 was unanimously adopted.

**Resolution #36**      **Amend the Town's Comprehensive Plan Regarding the  
Route 67 Corridor**

Introduced by: Supervisor

WHEREAS, a public hearing was appropriately noticed for and conducted on April 21, 2011 regarding changes to the Town's Comprehensive Plan in the wake of development activity at the Luther Forest Technology Campus, where comments from the public and board members were presented and considered;

Now, therefore, be it

RESOLVED, that the Town Board hereby adopts the changes to the Town's Comprehensive Plan along the Route 67 Corridor as proposed in the attachment hereto.

**Motion** by Councilwoman Bruno and seconded by Councilman Baker to adopt Resolution #36.

A roll call vote was taken on Resolution #36 of 2011 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	ABSENT
Councilwoman Whitman	YES
Councilwoman Bruno	YES

**Motion carried.** Resolution #36 was unanimously adopted.

**Resolution #37**      **Adopt Local Law No. 3 of 2011 Regarding a Local Law Amending the Zoning Code Regarding the Route 67 Corridor**

Introduced by: Supervisor

WHEREAS, a public hearing was appropriately noticed for and conducted on April 21, 2011 to consider Local Law No. 3 of 2011, regarding changes to the Town's current Zoning Code in order to accommodate the increasing demand for commercial/industrial space along the Route 67 Corridor, where comments from the public and board members were presented and considered;

Now, therefore, be it

RESOLVED, that the Town Board hereby adopts Local Law No. 3 of 2011, a Local Law regarding changes to the Town's current Zoning Code in order to accommodate the increasing demand for commercial/industrial space along the Route 67 Corridor as proposed in the attachment hereto; and be it further

RESOLVED, that the Town Clerk shall file Local Law No. 3 of 2011 with the New York Secretary of State forthwith.

**Motion** by Councilwoman Bruno and seconded by Councilman Baker to adopt Resolution #37.

A roll call vote was taken on Resolution #37 of 2011 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	ABSENT
Councilwoman Whitman	YES
Councilwoman Bruno	YES

**Motion carried.** Resolution #37 was unanimously adopted.

## **Public Input**

Art F. commented on a traffic study being done on Route 67.

## **Audited Claims**

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

General	#129--#140	\$4393.87
Highway	#153--#165	\$9648.49
Town Outside	#87	\$6606.07
Water & Sewer	#25	\$346.84

## **Motion carried**

**Motion** by Councilwoman Whitman and seconded by Councilman Baker to adjourn into executive session to discuss litigation at 8:50 pm. **Motion carried.** (Note: Town Board will not be resuming the regular business meeting).

Respectfully submitted by

Sue Cunningham  
Stillwater Town Clerk