

Stillwater Town Board
Business Meeting & Public Hearing
(Stillwater Woods PDD Amendments)
May 17, 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 (Stillwater Woods PDD)

Purpose: To consider Local Law No. ____ of 2012. A Local Law amending the Town of Stillwater Ordinance No. 2 of 1993 (the Stillwater Woods Planned Development District).

Attorney Trainor gave a brief summary of the changes.

With everyone having the opportunity to comment Supervisor Kinowski declared the public hearing closed.

Sue Cunningham, Town Clerk took the roll call.

7:10 PM Agenda Meeting

Route 67 Business District

Supervisor Kinowski commented on the public hearing that was held and the comments received from the meeting. He stated that time was given for residents to contact the town or for written comments and no one made any contact at all. The map was fixed so that the line doesn't go through peoples homes. As for the residents who might want to subdivide in the future for family members they will have to address the planning board as they do now. Supervisor Kinowski inquired if anyone from the public was interested in making any final comments.

There were no comments from any resident in attendance.

Communication

Parade: A letter from the American Legion Post #490 regarding the annual Memorial Day Parade. The parade will be on Friday, May 25, 2012 at 6 PM.

Eric Mueller: Councilwoman Whitman announced that a fund raiser will be held for Eric Mueller on June 9th at the American Legion Post #490 starting at 2 PM.

Town signs: Councilwoman Whitman reported that 4 of the 5 new Town signs are in.

Culverts: Councilwoman Bruno requested that Supt. Minick look at the culvert near New Bridge Rd. to see if it needs to be cleaned out.

Budget: Supervisor Kinowski stated that by the end of the year the Town's unappropriated balance should be approximately 1.6 million.

Adoption of Minutes: Motion by Councilman Petronis and seconded by Councilman Baker to adopt the minutes of the April 19, 2012 agenda meeting of the Stillwater Town Board. **Motion carried.**

Agenda items

Resolution #40-#47

Resolution #40 Purchase Materials and a Shed for the Glen Hollow Park

Introduced by: Supervisor

WHEREAS, it has become necessary to purchase some dirt and a shed for the Glen Hollow Park at the recommendation of the Town Supervisor; and

WHEREAS, because these items fall under the monetary threshold required for competitive bidding under General Municipal Law § 103, several proposals have been received;

Now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to purchase dirt and a shed, in an amount not to exceed \$12,000.00, for the Glen Hollow Park; and be it further

Motion by Councilman Petronis and seconded by Councilman Bruno to adopt Resolution #40 of 2012.

A roll call vote was taken on Resolution #40 of 2012 as follows:

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

Motion carried. Resolution #40 of 2012 was adopted unanimously.

**Resolution #41 Regarding the Environmental Impact of
Route 67 West Business District Amendments
Proposed in Local Law No. 4 of 2012**

Introduced by: Supervisor

WHEREAS, by Resolution No. 18 of 2012, adopted by the Town Board on March 15, 2012, 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 2012, adopted by the Town Board on March 15, 2012 the proposed Route 67 West Business District Amendments were referred to the Town and Saratoga County Planning Boards for review and those Boards recommended approval by letters dated May ____, 2012 and April 19, 2012, respectively; and

WHEREAS, the Public Hearing was conducted at the Town Board meeting on April 19, 2012 at which time 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 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 West Business District 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 Councilman Petronis and seconded by Councilman Bruno to adopt Resolution #41 of 2012.

A roll call vote was taken on Resolution #41 of 2012 as follows:

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

Motion carried. Resolution #41 of 2012 was adopted unanimously.

Resolution #42 **Adopting Local Law No. 4 of 2012**
A Local Law Establishing the Route 67 West Business District
and Amending Local Law No. 1 of 2001

Introduced by: Supervisor

WHEREAS, the Town Board conducted a Public Hearing on April 19, 2012 to consider changing the Town's current Zoning Code regarding the Route 67 Corridor and Route 67 West Business District; and

WHEREAS, as a result of the Public Hearing on April 19, 2012, the boundaries of the District were changed slightly to omit four (4) parcels of land located along the border with the Town of Malta which would result in split zoning for the parcel; and

WHEREAS, in considering the proposed action, the Town Board has considered several relevant and previous studies affecting the Route 67 corridor, including but not limited to, the following:

- 2001 Zoning Code (Local Law No. 1 of 2001);
- 2006 Town Comprehensive Plan;
- Pan Am Southern Railroad environmental and traffic studies;
- LFTC Plan Development District and GEIS, with environmental and traffic impact studies;
- Town wide GEIS with incorporated environmental and traffic impact studies;
- Memorandum from Paul Cummings, AICP, LEED AP, of The Chazen Companies dated, March 14, 2012;
- Town Planning Board recommendation dated: May ___, 2012;
- County Planning Board recommendation dated: April 19, 2012;
- Town Law Sections 264, 265 and 272-a;
- Agricultural and Markets Law Section 305-a and Articles 25-AA and 25-AAA;
- General Municipal Law Section 239-l and 239-m; and
- Municipal Home Rule Law Section 20;

Now therefore be it

RESOLVED, that the Town Board hereby elects to exercise the authority it has pursuant to the NYS Constitution as well as the Municipal Home Rule Law to supersede §§ 264, 272-a and 265 of the NYS Town Law with respect to the number of days required for publication

of the Public Hearing Notices in accordance with Municipal Home Rule Law § 20; and be it further

RESOLVED, that the Town Board hereby adopts Local Law No. 4 of 2012, a Local Law establishing the Route 67 West Business District and further amending Local Law No. 1 of 2001 regarding changes to the Town’s current Zoning Code in the Route 67 Corridor; and be it further

RESOLVED, that the Town Clerk shall immediately post and publish notice of the adoption of this Resolution in the Express and Gazette within 5 days pursuant to Article 16 of the Town’s Zoning Code.

RESOLVED, that the Town Clerk file Local Law No. 4 of 2012 with the New York Secretary of State forthwith.

RESOLVED, that the Town Clerk shall complete, file and maintain in the Office of the Town Clerk the Affidavits of Posting/Publication and Mailing, and maintain a separate file for zoning changes, and be it further

RESOLVED, that The Chazen Companies is directed to provide the Town with a new zoning map depicting the Route 67 West Business District; and be it further

RESOLVED, that The Chazen Companies is directed to ensure compliance with all appropriate Environmental Regulations.

Motion by Councilman Petronis and seconded by Councilman Bruno to adopt Resolution #42 of 2012.

A roll call vote was taken on Resolution #42 of 2012 as follows:

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

Motion carried. Resolution #42 of 2012 was adopted unanimously.

Resolution #43 **Environmental Impact of
Stillwater Woods Planned Development District
Amendments Proposed in Local Law No. 5 of 2012**

Introduced by: Supervisor

WHEREAS, by Resolution No. 30 of 2012, adopted by the Town Board on April 19, 2012, 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, the Public Hearing was conducted at the Town Board meeting on April 19, 2012 at which time 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 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 Stillwater Woods Planned Development District 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 Councilman Petronis and seconded by Councilman Bruno to adopt Resolution #43 of 2012.

A roll call vote was taken on Resolution #43 of 2012 as follows:

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

Motion carried. Resolution #43 of 2012 was adopted unanimously.

Resolution #44 **Adopting Local Law No. 5 of 2012**
 A Local Law Further Amending the
 Stillwater Woods Planned Development District

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, final site plan approval occurred in December 2005 and 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;

WHEREAS, Amedore Homes has also requested that the name of the PDD be changed to the “Winding Brook Planned Development District”; and

WHEREAS, a Public Hearing was conducted on May 17, 2012 at 7:00 p.m. to consider the attached Local Law No. 5 of 2012 for obtaining public input on the application;

Now, therefore, be it

RESOLVED, Local Law No. 5 of 2012, a Local Law amending Ordinance No. 2 of 1993 to both extend the PDD approval period for five (5) years to July 1, 2017, and changing the name of the project to the “Winding Brook Planned Development District”, is hereby adopted; and be it further

RESOLVED, that the Town Clerk is directed to file a copy of the adopted Local Law with the New York State Secretary of State forthwith; and be it further

RESOLVED, that the Town Clerk shall appropriately post and publish Notice of Adoption of this Resolution and Local Law as required by the New York State Town Law.

Motion by Councilman Petronis and seconded by Councilman Bruno to adopt Resolution #44 of 2012.

A roll call vote was taken on Resolution #44 of 2012 as follows:

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

Motion carried. Resolution #44 of 2012 was adopted unanimously.

Resolution #45

Retirement of Tom Roberts

CONGRATULATING Tom Roberts upon the occasion of his retirement after many years of service to the Elder Care Program of the Stillwater Area Community Center.

WHEREAS, Tom Roberts' record of public service to the Stillwater community and to the citizens of this great Empire State warrants the recognition of the New York State Senate; and

WHEREAS, On behalf of the Town of Stillwater, I am justly proud to congratulate Tom Roberts upon the occasion of his retirement after many years of service to the Eldercare Program of the Stillwater Area Community Center (SACC), to be celebrated at SACC's Board meeting on May 21, 2012; and

WHEREAS, Born and raised in Mechanicville, Tom Roberts proudly served in the U.S. Air Force; a resident of Stillwater since 1971, he previously was employed at Macy's in Colonie, New York, as well as at several restaurants between Albany and South Glens Falls; and

WHEREAS, Tom Roberts first volunteered at the Elder Care Program of SACC in the fall of 1998; in October 2004 he was hired as the Director and served until his retirement in April 2012; and

WHEREAS, The Elder Care Program serves seniors age 60 and older who are not on Medicaid and who live in the Town or Village of Stillwater and the City of Mechanicville; the Program provides these seniors with transportation for local errands and transportation to medical appointments; and

WHEREAS, Those individuals that have shown a long and sustained commitment to enhancing the well-being of their communities certainly have earned the respect and admiration of all the citizens of this great Empire State; now, therefore, be it

RESOLVED, That as duly elected members of the Town Board for the Town of Stillwater, in the State of New York, we congratulate Tom Roberts; we are fortunate to have such an outstanding citizen, one who is truly worthy of the honor and esteem of his community and the great State of New York.

May 21, 2012

Supervisor Ed Kinowski

Resolution #46

**Authorizing the Supervisor to Sign
Contract with General Code**

Introduced by: Supervisor

WHEREAS, at the request of the Town Board, General Code prepared the Town Code; and

WHEREAS, additional legislation has been provided to General Code to be included in the Town Code at a cost of \$5,765.00, a copy of which is attached hereto;

Now therefore, be it

RESOLVED, that the Supervisor is hereby authorized to sign the attached contract and pay to General Code the amount of \$5,765.00 to finalize the Town Code.

Motion by Councilman Petronis and seconded by Councilman Bruno to adopt Resolution #46 of 2012.

A roll call vote was taken on Resolution #46 of 2012 as follows:

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

Motion carried. Resolution #46 of 2012 was adopted unanimously.

Resolution #47

Sponsor Stillwater Family Day 2012

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 \$12,000.00.

Motion by Councilman Petronis and seconded by Councilman Bruno to adopt Resolution #47 of 2012.

Discussion: Supervisor Kinowski consulted with the Town Board in signing a contract with D. Wolff for six thousand and offering free rides to visitors of Family Day or reduced wrist bands. He felt this was a way of giving back to the community.

Councilman Baker was against the contract and offering free rides.

Councilwoman Whitman was for reduced wrist bands but not the contract and free rides.

Councilwoman Bruno was for the contract and free rides. She thought this was a great way to give back to the community.

Councilman Petronis was for the contract and offering free rides.

A roll call vote was taken on Resolution #47 of 2012 as follows:

Supervisor Kinowski	YES
Councilman Baker	NO
Councilman Petronis	YES
Councilwoman Whitman	NO
Councilwoman Bruno	YES

Motion carried. Resolution #47 of 2012 was adopted by a three to two vote.

Public Input

Coke C. questioned the six thousand and if the board needed to go out to bid.

Supervisor Kinowski stated that the quote was under \$10,000 so they don't need to out to bid and they try to stay within the Town.

Fran B asked about fund raising to cut the cost of Family Day.

Discussion was held on funding, tag days, etc.

Supervisor Kinowski gave a brief update on activities planned for Family Day.

Audited Claims

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

General	#202--#214	\$3,090.43
Town Outside	#93--#105	\$29,448.34
Highway	#171--#185	\$10,061.21
Water & Sewer	#24--#25	\$707.95

Motion carried.

Motion by Councilman Baker and seconded by Councilman Petronis to adjourn the Town Board meeting at 8:00 PM. **Motion carried.**

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk