

TOWN OF STILLWATER
PLANNING BOARD MEETING MINUTES

February 29, 2016 @7:00 PM
STILLWATER TOWN HALL

Present:

Co-Chairperson, JoAnn Winchell (JW)
John Murray (JM)
Carol Marotta (CM)
Peter Buck (PB)
Randy Rathbun (RR)
Christopher D'Ambro (CD)
Randy DeBacco (RD)

Also Present:

Daryl Cutler, Attorney for the Town (DC)
Sean Doty, Engineer for the Town (SD)
Lindsay Zepko, Town Planner (LZ)
Sheila Silic, Secretary

Absent:

Paul Male, Town Engineer (PM)
Chairman Robert Barshied (RB)

Pledge:

Co-Chairperson Winchell called the meeting to order at 7:00 PM and led everyone in the Pledge to the Flag.

Review and approval of the minutes of Planning Board meetings:

Mr. Buck made a motion to approve the minutes from the January 25, 2016 meeting, seconded by Ms. Marotta.

PB2016-001, Haizlip Family Trust Minor Subdivision, NYS Route 32 Trail Project, PB2016-002, Cocozzo Farm Minor Subdivision, Durham road, Trail Project

These two items were reviewed in tandem by the Board.

Co-Chairperson Winchell asked Ms. Zepko if she would like to discuss the project. Ms. Zepko stated that this is a portion of the trail system to be dedicated to the Town of Stillwater for the purpose of advancing the Champlain Canal Trail.

Co-Chairperson Winchell stated that Mr. Cutler the Town Attorney has stepped out to get some more information on this project.

Co-Chairperson Winchell recognized Mr. James Trainor the Attorney for the Town Board. Mr. Trainor stated that there are two properties involved. The larger parcel is Cocozzo's and the corner parcel is Haizlip's. Mr. Trainor stated that the transaction took place in two different segments and that the first transaction took place about two years ago. Mr. Trainor presented some background information on this property to the Board. Mr. Trainor stated that the Town of Stillwater took a conservation easement of over 70 acres in the northwest portion of the property. Mr. Trainor stated that the second transaction took place in the fall of 2015 where Saratoga PLAN took a conservation easement over the remaining portion of the Cocozzo property and in exchange he would receive compensation. Mr. Trainor stated that Mr. Cocozzo was required to donate some property for the trail. Co-Chairperson Winchell stated that the portion of land to be conveyed is 20 ft. wide over 1.03 acres. Mr. Trainor stated that there is a ravine on the other side of the property and that is the reason that the Haizlip's were approached for the corner section of their property. Mr. Trainor stated that the trail then goes back out to the Cocozzo property and connects with the National Park Service property.

Chairperson Winchell asked Mr. Trainor if the cost of the property was covered by grant money. Mr. Trainor stated that the cost of the property was covered by Parks and Recreational fees collected as part of the GEIS fee program and not by grant money. Saratoga PLAN paid for the conservation easement.

Co-Chairperson Winchell proceeded to open the public hearing and asked if anyone wished to comment.

Albert Guerra & Mary Swatt, 82 Durham Rd

Mr. Guerra asked if there was a map of the trail system that they could review. Ms. Zepko and Ms. Marotta provided the maps that were available for viewing. Ms. Zepko stated that she does not have a large copy of the entire proposed trail map. Mr. Guerra asked what the reason is for subdividing the property. Mr. Murray stated that the subdivision is to dedicate one portion of the property to the Town of Stillwater and the remainder of the property will stay with the Haizlip Family Trust. Ms. Swatt asked if there would be another meeting to approve the trail. Co-Chairperson Winchell stated that the trail project would not be before the Planning Board, it would be before the Town Board. Ms. Marotta stated that the trail has already been approved and that there are grants for the completion of the trail project. Mr. Cutler stated that it wouldn't matter if the trail was approved or disapproved this application is for the subdivision of the land. Mr. Guerra asked if the trail was going on the linear piece of land. Co-Chairperson Winchell stated that was correct.

Moria D'Ambro, 17 York Town Ln

Ms. D'Ambro asked the Board how they can vote on a project without a copy of the map showing the entire trail. Co-Chairperson Winchell stated that the application before the Board is for a subdivision of the land, which they have maps representing. Co-Chairperson Winchell stated that the narrative states that 1.52-acres are to be dedicated to the Town of Stillwater to link the National Park Service property along the canal to Stratton Lane. Mr. Murray stated that the application has nothing to do with the overall trail, and that it has to do with subdividing the land. Mr. Murray stated that the Board is authorized to approve or deny this application according to the Town of Stillwater Zoning Codes. Ms. D'Ambro asked how much the Town paid for this property. Mr. Trainor stated that the Town purchased the property from the Haizlip's for \$6,500.00.

Herbert Broestler , 88 Durham Rd

Mr. Broestler asked if the trail was going to allow motorized vehicles. Mr. Trainor stated that the trail would not allow motorized traffic; it would be used by pedestrians and bicycles.

Bill Kennedy, 23 Yorktown Ln

Mr. Kennedy asked if the trail was going to be surfaced with asphalt. Co-Chairperson Winchell stated that the Board does not have that information. Mr. Trainor stated that this section of the trail is not designed yet.

Edward Richardson, 1467 Hudson Ave

Mr. Richardson stated that his property adjoins Mr. Cocozzo's property. Mr. Richardson stated that the map that is being shown does not match the map he received from a Town Board member showing where the trail is located. Co-Chairperson Winchell stated the Board has to go by the maps that are provided as part of the application for subdivision.

Michael D'Ambro, 17 Yorktown Ln

Mr. D'Ambro asked why everyone is pushing for this bike trail. Ms. Marotta stated that the trail project has been in the process of expansion for over ten years. Mr. D'Ambro stated that the trail will not be a benefit to the community. Mr. D'Ambro stated that there will be dirt bikes and snowmobiles on the trails which will be a nuisance for the residence that live along the trail. Mr. D'Ambro stated that the trail will not be maintained in the winter and will be a burden on the Stillwater Police Department. Mr. D'Ambro stated that he is against the trail and the subdivision. Co-Chairperson Winchell stated that Mr. D'Ambro's concerns should be addressed to the Town Board.

Co-Chairperson Winchell asked if there was anyone else who wished to provide comment and hearing none she closed the public hearing.

Mr. Rathbun asked Mr. Doty if the Chazen Companies have designed the trail yet. Mr. Doty stated that as far he knows the trail has not been designed yet. Mr. Rathbun stated that when the trail is designed by the Chazen Companies it will be designed to go across the Town owned property. Mr. Doty stated that is correct.

Co-Chairperson Winchell asked if anyone and any additional concerns or questions and hearing none, she asked to move to discussion of the SEQRA.

**TOWN OF STILLWATER
PLANNING BOARD
2016 RESOLUTION NO. 5**

WHEREAS, Town of Stillwater has submitted an application for a minor subdivision regarding property located at NYS Route 32, more fully identified as Tax Map Number 233.-1-48.1; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the proposed action is an unlisted action requiring SEQRA review; and

WHEREAS, pursuant to 6 NYCRR §617.6, the Stillwater Planning Board is the lead agency for SEQRA review; and

WHEREAS, the applicant has submitted a fully completed Short Environmental Assessment Form (EAF); and

WHEREAS, the Planning Board has duly reviewed the EAF and has considered the criteria contained in 6 NYCRR §617.7(c), to determine if the proposed action will have a significant impact on the environment;

WHEREAS, the Planning Board reviewed each of the 11 factors contained in Part 2 of the EAF and determined that the proposed action will have no, or only a small, environmental impact;

Now, therefore, be it

RESOLVED, that the Planning Board hereby determines that the proposed action by the applicant, Town of Stillwater, for a minor subdivision regarding property located at NYS Route 32, more fully identified as Tax Map Number 233.-1-48.1, will not have a significant impact on the environment.

A motion by Member Rathbun, seconded by Member Marotta, to adopt Resolution No. 5 of 2016.

A roll call vote was taken on Resolution No. 5 of 2016 as follows:

Chairman Barshied	Absent
Member Buck	Yes
Member DeBacco	Yes
Member D'Ambro	Yes
Member Marotta	Yes
Member Rathbun	Yes
Member Murray	Yes

Chair Winchell	Yes
----------------	-----

Resolution No. 5 of 2016 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on February 29, 2016.

**TOWN OF STILLWATER
PLANNING BOARD
2016 RESOLUTION NO. 6**

WHEREAS, Town of Stillwater has submitted an application for a minor subdivision regarding property located at NYS Route 32, more fully described as Tax Map No. 233.-48.1; and

WHEREAS, a public hearing was conducted on February 29, 2016 to consider the application, and comments were received from the public as well as the applicant; and

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 5 of 2016; and

WHEREAS, the Planning Board has duly considered the application;

Now, therefore, be it

RESOLVED, that the application of the Town of Stillwater for a minor subdivision of lands located on NYS Route 32, more fully identified as Tax Map Number 233.-1-48.1, is hereby GRANTED; and be it further

RESOLVED, that the applicant must file the approved subdivision map, with all required annotations (a copy of which is annexed hereto), with Saratoga County within 62 days of its execution, or the action by this Board shall become null and void; and be it further

RESOLVED, that the Secretary is authorized and directed to transmit a copy of this Resolution to the Applicant, the Town Clerk and the Building Inspector-Code Enforcement Officer.

A motion by Member Murray, seconded by Member DeBacco, to adopt Resolution No. 6 of 2016.

A roll call vote was taken on Resolution No. 6 of 2016 as follows:

Chairman Barshied	Absent
Member Buck	Yes
Member DeBacco	Yes
Member D'Ambro	Yes
Member Marotta	Yes

Member Rathbun	Yes
Member Murray	Yes
Chair Winchell	Yes

Resolution No. 6 of 2016 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on February 29, 2016.

**TOWN OF STILLWATER
PLANNING BOARD
2016 RESOLUTION NO. 7**

WHEREAS, Town of Stillwater has submitted an application for a minor subdivision regarding property located at Durham Road, more fully identified as Tax Map Number 233-1-55; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the proposed action is an unlisted action requiring SEQRA review; and

WHEREAS, pursuant to 6 NYCRR §617.6, the Stillwater Planning Board is the lead agency for SEQRA review; and

WHEREAS, the applicant has submitted a fully completed Short Environmental Assessment Form (EAF); and

WHEREAS, the Planning Board has duly reviewed the EAF and has considered the criteria contained in 6 NYCRR §617.7(c), to determine if the proposed action will have a significant impact on the environment;

WHEREAS, the Planning Board reviewed each of the 11 factors contained in Part 2 of the EAF and determined that the proposed action will have no, or only a small, environmental impact;

Now, therefore, be it

RESOLVED, that the Planning Board hereby determines that the proposed action by the applicant, Town of Stillwater for a minor subdivision regarding property located at Durham Road, more fully identified as Tax Map Number 233-1-55, will have a significant impact on the environment.

A motion by Member Marotta, seconded by Member Rathbun, to adopt Resolution No. 7 of 2016.

A roll call vote was taken on Resolution No. 7 of 2016 as follows:

Chairman Barshied	Absent
-------------------	--------

Member Buck	Yes
Member DeBacco	Yes
Member D'Ambro	Yes
Member Marotta	Yes
Member Rathbun	Yes
Member Murray	Yes
Chair Winchell	Yes

Resolution No. 7 of 2016 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on February 29, 2016.

**TOWN OF STILLWATER
PLANNING BOARD
2016 RESOLUTION NO. 8**

WHEREAS, Town of Stillwater has submitted an application for a minor subdivision regarding property located at Durham Road, more fully described as Tax Map No. 233-1-55; and

WHEREAS, a public hearing was conducted on February 29, 2016 to consider the application, and comments were received from the public as well as the applicant; and

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 7 of 2016; and

WHEREAS, the Planning Board has duly considered the application;

Now, therefore, be it

RESOLVED, that the application of the Town of Stillwater for a minor subdivision of lands located on Durham Road, more fully identified as Tax Map Number 233-1-55, is hereby GRANTED; and be it further

RESOLVED, that the applicant must file the approved subdivision map, with all required annotations (a copy of which is annexed hereto), with Saratoga County within 62 days of its execution, or the action by this Board shall become null and void; and be it further

RESOLVED, that the Secretary is authorized and directed to transmit a copy of this Resolution to the Applicant, the Town Clerk and the Building Inspector-Code Enforcement Officer.

A motion by Member Rathbun seconded by Member Murray to adopt Resolution No. 8 of 2016.

A roll call vote was taken on Resolution No. 8 of 2016 as follows:

Chairman Barshied	Absent
Member Buck	Yes
Member DeBacco	Yes
Member D' Ambro	Yes
Member Marotta	Yes
Member Rathbun	Yes
Member Murray	Yes
Chair Winchell	Yes

Resolution No. 8 of 2016 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on February 29, 2016.

PB2016-004, Risinger Minor Subdivision, 130 Meehan Road

Co-Chairperson Winchell recognized Mr. Gregory Risinger who gave a brief presentation before the Board. Mr. Risinger stated that he would like to do a two lot subdivision of his property at 130 Meehan Road. Mr. Risinger stated that Lot #1 is proposed at 14.6-acres and Lot #2 at 17.99-acres. Mr. Risinger stated that he wants to build a single-family dwelling on Lot #2 that has an existing barn on the property.

Co-Chairperson Winchell asked Mr. Risinger how long he has owned the property. Mr. Risinger stated that he has owned the property for seven months. Co-Chairperson Winchell asked if there is another structure on the lot. Mr. Risinger stated that there is a shed and that it will be removed from the property. Co-Chairperson Winchell asked if this is a wooded lot. Mr. Risinger stated that 6-acres are pasture and the remaining 32-acres are wooded.

Ms. Marotta asked if he was building on Lot #1 and if there are any old foundations on the property. Mr. Risinger stated that he is building on Lot #2 and that there are not any old foundations on the property. Ms. Marotta asked how many times the parcel has been subdivided. Co-Chairperson Winchell requested that information from the Planning Department for the next meeting.

Co-Chairperson Winchell asked if anyone had any additional concerns or questions and hearing none, she stated that the public hearing was set for the next Planning Board meeting on March 28, 2016.

PB2016-005, Lands of Fiorino Minor Subdivision, NYS Route 67

Co-Chairperson Winchell recognized Jeffrey Williams who is representing Bruce Tanski Construction and Development. Mr. Williams stated that Mr. Bruce Tanski is also present this evening. Mr. Williams stated that he is representing Mr. John Fiorino who is the applicant and also the property owner. Mr. Williams stated that the property is 85.27-acres located in the Route 67 Business District. Mr. Williams stated that the property is divided by NYS Route 67 and that 23.39-acres will remain with Mr. Fiorino's residence. Mr. Williams stated that the 55.90-acre southern parcel would be subdivided from the original parcel. Mr. Williams stated that the property is bound on the west by Kings Isle Apartments, north by NYS Route 67, east by vacant land and south by the Anthony Kill Creek in Halfmoon. Mr. Williams stated that the

subdivision meets all the requirements of the Zoning Codes.

Co-Chairperson Winchell asked Mr. Williams if he received a copy of Mr. Males review letter. Mr. Williams stated that he had not received a copy of the letter. Ms. Zepko stated that she would send Mr. Williams a copy of the letter.

Co-Chairperson Winchell asked if anyone had any additional concerns or questions and hearing none, she stated that the public hearing was set for the next Planning Board meeting on March 28, 2016.

PB2015-23, Cold Springs Rd Mixed Use Project, Cold Springs Road

Co-Chairperson Winchell recognized Mr. Scott Lansing of Lansing Engineering, who is representing Mr. Cailean Mackey. Mr. Lansing stated that the last time the project was before the Board was on September 28, 2015. Mr. Lansing gave a brief recap of the project before the Board. Mr. Lansing stated that this is 223-acre parcel divided into two Zoning Districts. Mr. Lansing stated that 115-acres are located in the Business District and 108-acres are located in the Rural Residential Zoning District. Mr. Lansing stated that for the 40 lot subdivision Mr. Mackey is proposing a cluster subdivision. Mr. Lansing stated that they are proposing a public roadway with public water and sewer. Mr. Lansing stated that he received a comment from The Chazen Companies and will contact Mr. Doty to address those comments. Mr. Lansing stated that the stormwater system will be dedicated to the Town of Stillwater. Mr. Lansing stated that Mr. Mackey is proposing a trail and open space area within the subdivision to be maintained by the Town of Stillwater or by an HOA.

Co-Chairperson Winchell asked what the HOA and the Town of Stillwater will be responsible for. Mr. Lansing stated that the roads will be dedicated to the Town of Stillwater and the HOA would be responsible for the trails and the open space area unless both are dedicated to the Town of Stillwater. Co-Chairperson Winchell asked if this project is in the Stillwater School District. Mr. Lansing stated that is correct.

Mr. Murray asked if the trails will have access to other trails or is it exclusively for this project. Mr. Lansing stated that the trails have been brought out to Cold Springs Road so the trails could be extended in the future. Mr. Murray stated that the homeowners may not want the responsibility of the trails or the liability with an HOA. Mr. Lansing stated that is why we are proposing that the Town of Stillwater takes ownership of the trails and open space. Mr. Murray stated that he would like to know the distance of the trails, about the cul-de-sac meeting the road specification for plowing, and about a traffic report for this project. Mr. Lansing stated that there will be a traffic study done for this project.

Ms. Marotta stated that the applicant owns the property adjacent to this project toward Cordero Drive and a trail spur by the applicant toward Cordero Drive so it would link to the other trails in Global Foundries. Ms. Marotta asked about the stormwater basin. Mr. Lansing stated that there are 3 stormwater basins proposed for the project.

Mr. Cutler asked about Lot #40 that was on Joyce Road and if the plan was to take that lot and do a Lot Line Adjustment to make one big lot. Mr. Lansing stated that was correct. Mr. Cutler asked Mr. Lansing to show this on the map to see if it changes the number of lots for this project.

Mr. Doty stated that if the Town of Stillwater takes ownership of the trails then they are allowed for public use where as if there is an HOA that is formed, the trails are then for private use. Mr. Doty stated the street design and the water design needs to be further reviewed and the Town Highway Superintendent will need to review them as well. Mr. Doty stated that DEC is checking for fish species, NYS SHPO has to sign off and stormwater drainage district may have to be created. Mr. Doty stated that the EAF has to be updated and the narrative has to be amended.

PB2015-32, Cedar Bluff Lot Line Adjustment, Lots #3, #5, #7, Cedar Bluff Court Amendment

Co-Chairperson Winchell recognized Mr. Matthew Hugg Esq. representing Mr. Andrew Kazanjian and Mr. Walter Bryce. Mr. Hugg stated that Mr. Kaszanjian and Mr. Bryce are seeking a Lot Line Adjustment. Mr. Hugg stated that since the January meeting Mr. Tublitz has filed for adverse possession of land that was part of Lot #7 of the previously approve Cedar Bluff Lot Line Adjustment. Mr. Hugg stated Mr. Kazanjian and Mr. Bryce have come to an agreement with Mr. Tublitz. Mr. Hugg stated that Mr. Tublitz is being given a portion of Lot #7.

Mr. Cutler stated that he would like to thank the applicant and Mr. Tublitz for this settlement agreement.

Mr. Murray stated for the record that one lot is receiving more land and the other lot is losing land and there will be no need for any future variances on these properties.

Mr. Hugg wanted the record to show that the map will not be filed until they receive the withdrawl letter for the litigation from Mr. Tublitz.

**TOWN OF STILLWATER
PLANNING BOARD
2016 RESOLUTION NO. 3**

WHEREAS, Andrew Kazanjian has submitted an application for a lot line adjustment regarding property located at 3, 5, and 7 Cedar Bluff Court, more fully identified as Tax Map Numbers 206.13-2-6.1, 206.13-2-6.7 and 206.13-2-6.8; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the proposed action is an unlisted action requiring SEQRA review; and

WHEREAS, pursuant to 6 NYCRR §617.6, the Stillwater Planning Board is the lead agency for SEQRA review; and

WHEREAS, the applicant has submitted a fully completed Short Environmental

Assessment Form (EAF); and

WHEREAS, the Planning Board has duly reviewed the EAF and has considered the criteria contained in 6 NYCRR §617.7(c), to determine if the proposed action will have a significant impact on the environment;

WHEREAS, the Planning Board reviewed each of the 11 factors contained in Part 2 of the EAF and determined that the proposed action will have no, or only a small, environmental impact;

Now, therefore, be it

RESOLVED, that the Planning Board hereby determines that the proposed action by the applicant, Andrew Kazanjian for a lot line adjustment regarding property located at 3, 5 and 7 Cedar Bluff Court, more fully identified as Tax Map Numbers 206.13-2-6.1, 206.13-2-6.7 and 206.13-2-6.8 will/will not have a significant impact on the environment.

A motion by Member Marotta, seconded by Member Murray, to adopt Resolution No. 3 of 2016.

A roll call vote was taken on Resolution No. 3 of 2016 as follows:

Chairman Barshied	Absent
Member Buck	Yes
Member DeBacco	Yes
Member D'Ambro	Yes
Member Marotta	Yes
Member Rathbun	Yes
Member Murray	Yes
Chair Winchell	Yes

Resolution No. 3 of 2016 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on February 29, 2016.

**TOWN OF STILLWATER
PLANNING BOARD
2016 RESOLUTION NO. 4**

WHEREAS, Andrew Kazanjian has submitted an application for a lot line adjustment regarding property located at 3,5 and 7 Cedar Bluff Court, more fully described as Tax Map Nos. 206.13-2-6.1, 206.13-2-6.7 and 206.13-2-6.8; and

WHEREAS, the Town Zoning Law does not require that a public hearing be held in order for the Planning Board to act on an application for a lot line adjustment; and

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 3 of 2016; and

WHEREAS, the applicant advised the Board that the adjacent property owner, Mr. Tublitz, commenced an adverse possession claim against the applicant and had appealed the Town's zoning change of the property within Cedar Bluff. The applicant advised the Board that the parties reached an agreement to having this lot line adjustment made in exchange for withdrawing the litigation; and

WHEREAS, the Planning Board has duly considered the application;

Now, therefore, be it

RESOLVED, that the application of Andrew Kazanjian, for a lot line adjustment of lands located on 3, 5 and 7 Cedar Bluff Court, more fully identified as Tax Map Numbers 206.13-2-6.1, 206.13-2-6.7 and 206.13-2-6.8, is hereby GRANTED; and be it further

RESOLVED, that the application is GRANTED, provided the applicant comply with the following condition:

That the adjacent property owner, Mr. Tublitz, and the applicant accept the lot line adjustment in full satisfaction of the legal litigation between them and that Mr. Tublitz withdraw the adverse possession claim and the appeal of the zoning change legislation; and be it further

RESOLVED, that the applicant must file the approved subdivision map, with all required annotations (a copy of which is annexed hereto), with Saratoga County within 62 days of its execution, or the action by this Board shall become null and void; and be it further

RESOLVED, that the Secretary is authorized and directed to transmit a copy of this Resolution to the Applicant, the Town Clerk and the Building Inspector-Code Enforcement Officer.

A motion by Member Murray, seconded by Member Rathbun, to adopt Resolution No. 4 of 2016.

A roll call vote was taken on Resolution No. 4 of 2016 as follows:

Chairman Barshied	Absent
Member Buck	Yes
Member DeBacco	Yes
Member D'Ambro	Yes
Member Marotta	Yes
Member Rathbun	Yes
Member Murray	Yes

Chair Winchell	Yes
----------------	-----

Resolution No. 4 of 2016 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on February 29, 2016.

Motion to Adjourn: Made by Mr. Murray, seconded by Mr. Rathbun motion passed unanimously at approximately 8:45 p.m.

**Next Planning Board meeting is on
April 25, 2016**