

**TOWN OF STILLWATER
PLANNING BOARD MEETING MINUTES
March 28, 2016 @7:00 PM
STILLWATER TOWN HALL**

Present:

Acting-Chairman, John Murray (JM)
Carol Marotta (CM)
Peter Buck (PB)
Randy Rathbun (RR)
Christopher D'Ambro
Heather Ferris (HF) Alternate

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)
Randy De Bacco (RD)
Chairman Robert Barshied (RB)
JoAnn Winchell (JW)

Pledge:

Acting-Chair Murray 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 February 29, 2016 meeting, seconded by Mr. D'Ambro.

PB2016-004, Risinger Minor Subdivision, 130 Meehan Rd

Acting-Chair Murray recognized Mr. Gregory Risinger who gave a brief recap on the project before the Board. Mr. Risinger stated that he would like to do a two lot subdivision of his property located at 130 Meehan Road. Mr. Risinger stated that Lot #1 is proposed at 14.6 acres, which will remain vacant, and the proposed single-family dwelling will be built on the remaining 17.99 acres of Lot #2.

Mr. Murray asked Ms. Zepko if she would address the Board regarding Mr. Male's February 15, 2016 comment letter. Ms. Zepko stated that all items from Mr. Male's comment letter have been added to the map.

Acting-Chairman Murray proceeded to open the public hearing and asked if anyone wished to comment.

Terrance Tiernan 142 Meehan Rd

Mr. Tiernan asked the applicant why he wishes to subdivide the property. Mr. Risinger stated it is for financial reasons, so he doesn't have to mortgage the entire property. Mr. Tiernan asked if he could build on Lot #1. Acting-Chairman Murray stated that he would have to receive a building permit from the Building Department. Mr. Risinger stated that he has no intentions of doing anything with Lot #1 at this time.

Acting-Chairman Murray asked if there was anyone else who wished to provide comment and hearing none he closed the public hearing.

Ms. Marotta asked about the stream that is next to the buffer area. Mr. Risinger stated that it is runoff and not a stream. Ms. Marotta asked if the shed will be removed. Mr. Risinger stated that the shed will be removed. Ms. Marotta asked about the side setbacks in the Rural Residential Zone. Ms. Zepko stated that the property is in the Low Density Residential Zone.

Mr. Cutler stated that the driveway is over 500 ft. long and will have to meet all the regulations for ingress and egress for emergency vehicles.

Mr. Rathbun stated the shed will be removed. Mr. Risinger stated that is correct.

Acting-Chairman Murray asked if anyone had any additional concerns or questions and hearing none, he asked to move to discussion of SEQRA.

**TOWN OF STILLWATER
PLANNING BOARD
2016 RESOLUTION NO. 9**

WHEREAS, Gregory Risinger has submitted an application for a minor subdivision regarding property located at 130 Meehan Road, more fully identified as Tax Map Number 242.-1-83.2; 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, Gregory Risinger for a minor subdivision regarding property located at 130 Meehan Road, more fully identified as Tax Map Number 242.-1-83.2, will not have a significant impact on the environment.

A motion by Member Marotta, seconded by Member Rathbun, to adopt Resolution No. 9 of 2016.

A roll call vote was taken on Resolution No. 9 of 2016 as follows:

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

Resolution No. 9 of 2016 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on March 28, 2016.

**TOWN OF STILLWATER
PLANNING BOARD
2016 RESOLUTION NO. 10**

WHEREAS, Gregory Risinger has submitted an application for a minor subdivision regarding property located at 130 Meehan Road, more fully described as Tax Map No. 242.-1-83.2; and

WHEREAS, a public hearing was conducted on March 28, 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. 9 of 2016; and

WHEREAS, the Planning Board has duly considered the application;

Now, therefore, be it

RESOLVED, that the application of Gregory Risinger for a minor subdivision of lands located on 130 Meehan Road, more fully identified as Tax Map Number 242.-1-83.2, is hereby GRANTED; and be it further

RESOLVED, that the application is GRANTED, provided the applicant complies with the following conditions:

1. Removal of dilapidated building prior to issuing a building permit.

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 Ferris, to adopt Resolution No. 10 of 2016.

A roll call vote was taken on Resolution No. 10 of 2016 as follows:

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

Resolution No. 10 of 2016 was adopted at a meeting of the Planning Board of the Town of

Stillwater duly conducted on March 28, 2016.

BP2016-005, Lands of Fiorino Minor Subdivision, 24 Farley Road/NYS Route 67

Acting-Chairman Murray recognized Mr. Jeffrey Williams representing Bruce Tanski Construction and Development. Mr. Williams gave a brief recap of the project before the Board. Mr. Williams stated that the property is 85.27-acres located in the Route 67 West 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 southern parcel containing 55.90-acres would be subdivided from the original parcel. Mr. Williams stated that the property is bound on the west by Kings Isle Apartments, on the north by NYS Route 67, one the east by vacant land and on the south by the Anthony Kill Creek in Halfmoon. Mr. Williams stated that there are no proposed plans for development for this parcel at this time.

Acting-Chairman Murray proceeded to open the public hearing and asked if anyone wished to comment and hearing none proceeded to close the public hearing.

Acting-Chairman Murray asked Mr. Doty if there were any issues that need addressing. Mr. Doty stated that in item #1 the applicant was asked to show the proposed water and sewer easements on the map, in item #2 there is a typographical error in the required setbacks that needs to be corrected, in item #4 there is an archeological site on the property that needs to be put on the map. Mr. Williams stated that there is a Note #8 that was added but is not shown on the current map. Mr. Williams stated that it will be placed on the final map upon approval.

Ms. Marotta asked about availability of natural gas and the easement for the gas line. Mr. Doty stated that the gas company would have their own easement. Mr. Williams stated that the natural gas line is coming in from the west.

Acting-Chairman Murray asked if anyone had any additional concerns or questions and hearing none, he asked to move to discussion of SEQRA.

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

WHEREAS, John and Theresa Fiorino have submitted an application for a minor subdivision regarding property located at Route 67, more fully identified as Tax Map Number 251.1-1-14.1; 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, John and Theresa Fiorino for a minor subdivision regarding property located at Route 67, more fully identified as Tax Map Number 251.1-1.14.1, will not have a significant impact on the environment.

A motion by Member Buck, seconded by Member Ferris, to adopt Resolution No. 11 of 2016.

A roll call vote was taken on Resolution No. 11 of 2016 as follows:

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

Resolution No. 11 of 2016 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on March 28, 2016.

**TOWN OF STILLWATER
PLANNING BOARD
2016 RESOLUTION NO. 12**

WHEREAS, John and Theresa Fiorino has submitted an application for a minor subdivision regarding property located at Route 67, more fully described as Tax Map No. 251.1-1-14.1; and

WHEREAS, a public hearing was conducted on March 28, 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. 11 of 2016; and

WHEREAS, the Planning Board has duly considered the application;

Now, therefore, be it

RESOLVED, that the application of John and Theresa Fiorino for a minor subdivision of lands located on Route 67, more fully identified as Tax Map Number 251.1-1-14.1, is hereby GRANTED; and be it further

RESOLVED, that the application is GRANTED, provided the applicants comply with the conditions contained in the March 28, 2016 memorandum of Chazen Companies; 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 Ferris, to adopt Resolution No. 12 of 2016.

A roll call vote was taken on Resolution No. 12 of 2016 as follows:

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

Resolution No. 12 of 2016 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on March 28, 2016.

PB2016-006, Lands of Kings Isle Apts Minor Subdivision, NYS Route 67

Acting-Chairman Murray recognized Mr. Jeffrey Williams of Bruce Tanski Construction and Development. Mr. Williams stated that Kings Isle Apartments gained final Site Plan approval on April 18, 2015. Mr. Williams stated that Mr. Bruce Tanski would like to subdivide the 56.3-acre

parcel that is located in the Town of Stillwater into three separate parcels. Mr. Williams stated that the 24.53-acre portion located in the Town of Malta will remain vacant. Mr. Williams stated that Parcel #1, which is currently under construction and is 24.75-acres, will contain ten apartment buildings, Parcel #2 will be 19.4-acres will contain ten apartment buildings, and Parcel #3 will be 12.15-acres will contain nine apartment buildings. Mr. Williams stated that this subdivision is only for financial reasons. Mr. Williams stated that there will be deed restrictions that states the parcels cannot be sold separately.

Mr. Cutler asked if this will create any issues considering that the roads within the subdivision are private. Mr. Williams stated that there will be cross easements for the roads. Mr. Cutler asked if the applicant would be opposed to a letter stating joint and severed liability to satisfy the obligation. Mr. Williams stated that he didn't believe that would be an issue.

Acting-Chairman Murray stated that this subdivision is for financial reasons. Acting-Chairman Murray asked if Mr. Tanski defaults on the mortgage and the bank defaults on these parcels could they be sold separately. Mr. Williams stated that the parcels cannot be sold separately as is stated in the deed restrictions.

Ms. Marotta asked if the cross easements would go with utilities as well. Mr. Cutler stated that the easements would still have the same obligations and it is being done for financial purposes only. Ms. Marotta asked about the Fiorino's property that adjoins the Kings Isle Apartments. He asked would the two parcels be merged together. Mr. Williams stated that there is a drainage corridor that goes through the parcel and also a grade difference.

Mr. D'Ambro stated that his concern is the site line for ingress and egress onto NYS Route 67 from the parcel. Acting-Chairman Murray stated that the ingress and egress was part of the Site Plan for this project. Mr. D'Ambro asked about an area where people can walk other than on NYS Route 67. Mr. Williams stated that there are sidewalks within the development.

Acting-Chairman Murray asked if anyone had any additional concerns or questions and hearing none, he stated that the public hearing was set for the next Planning Board meeting on April 25, 2016.

PB2016-007, Bonacorsa and Schneidmuller Lot Line Adjustment, 590 and 592 NYS Route 9P

Acting-Chairman Murray recognized Ms. Victoria McCarthy who is representing the project before the Board. Ms. McCarthy stated that they are proposing a Lot Line Adjustment for 590 and 592 NYS Route 9P. She stated there is no change of the use or new construction of 590 NYS Route 9P. There is an encroachment of the existing garage is on 592 NYS Route 9P. Ms. McCarthy stated that 590 NYS Route 9P is vacant land.

Mr. Doty stated that the lot to the east of Ms. McCarthy's parcel is land locked and the Planning Board cannot act on the application. Mr. Doty stated that Lot Line Adjustment is making the other lot more nonconforming and would have to go before the Zoning Board for a variance. He

stated that the map needs to be redone showing that the two parcels would be merged, and then the Planning Board would be able to act on the application. Mr. Doty stated that the driveway also has an encroachment that would need to be corrected.

Acting-Chairman Murray asked Ms. Zepko if this application was sent to the Saratoga County Planning Board. Ms. Zepko stated that it had been referred to the county and they responded back as approved.

Acting-Chairman Murray tabled the application for the following information to be provided. A new map showing Ms. McCarthy's parcel and Bonacorsa parcel to be merged when the property is purchased and the correction of the encroachment to the driveway.

PB2016-008, Route 67 Self-Storage Facility Site Plan and Special Use Permit, NYS Route 67

Acting Chairman Murray recognized Mr. Scott Lansing of Lansing Engineering representing D&N Excavating. Mr. Lansing stated that the project is for self-storage buildings located on 3.34-acres in the Route 67 West Business District. Mr. Lansing stated that the buildings will consist of 155 single storage units with the egress and ingress onto Sawmill Hill Road. Mr. Lansing stated that the project meets all the parking requirements and there will be no water or sewer on the site. Mr. Lansing stated that the stormwater drainage will be located within the lower east portion of the site. Mr. Lansing stated that he has not addressed Chazen's comments from the March 24, 2016 letter.

Mr. D'Ambro asked about the speed limit on NYS Route 67 and if the vehicles can safely enter NYS Route 67. Mr. Lansing stated that a DOT highway permit will be required and a traffic study will be conducted.

Mr. Buck stated that there are some concerns that need to be addressed regarding lighting for the facility; the driveway may be an issue for ingress and egress, and the wetlands. Mr. Buck asked Mr. Lansing who is building the storage facility. Mr. Lansing stated that it is Scott Dusso and Don Listbun. Mr. Buck asked if they have other storage facilities. Mr. Lansing stated that he does not believe that they own any other storage facilities.

Mr. Rathbun stated that he agrees with Mr. Buck regarding the concerns. Mr. Doty stated that Saratoga County has a pamphlet for self-storage units that maybe helpful with the construction of the buildings.

Acting-Chairman Murray asked if the placement of the storage units are anywhere near the wetlands. Mr. Lansing stated that there are no impacts to the wetlands.

Ms. Marotta asked Mr. Lansing if the wetlands have already been delineated. Mr. Lansing stated that is correct. Ms. Marotta asked if what is reflected on the map is correct. Mr. Lansing stated that the map is correct. Ms. Marotta asked about the driveway being 20 ft. wide between the buildings and if that was standard. Ms. Marotta stated that Chazen's comment letter mentions buffers and fencing. Mr. Lansing stated that current buffer is 8.5 ft. and the Town of Stillwater

requires 10 ft. which will be achieved by moving the parking area back. Mr. Lansing stated that there will be fencing up to the buffers.

Mr. Cutler asked what the hours of operation would be for the storage facility. Mr. Lansing stated that the hours of operation are 7 days a week, 24 hours a day. Mr. Cutler asked about the rental contract and if it stated what could be stored on the premises.

Mr. Doty asked what the number of parking spaces for the storage facility was. Mr. Lansing stated that the parking is just for picking up or dropping off at the units. Mr. Doty asked about a sign for the project. Mr. Lansing stated that he has not spoken to the applicant about signage.

Acting-Chairman Murray asked if anyone had any additional concerns or questions and hearing none, he tabled this item for the next Planning Board meeting on April 25, 2016.

PB2016-23, Cold Springs Rd Mixed Use Project, Cold Springs Road

Acting-Chairman Murray recognized Mr. Scott Lansing of Lansing Engineering, who is representing Mr. Cailean Mackay. Mr. Lansing stated that this is a major subdivision, with lands to the north zoned Business Park District containing 115-acres for future development and to the south zoned the Rural Residential District consisting of 108-acres. Mr. Lansing stated that there were changes made to the project as follows: the number of lots went from 40 lots down to 39 lots, the lot located on Joyce Road will remain with the applicant and is its own parcel and the applicant has added a trail that will connect Cordero Blvd with the trails in the development. Mr. Lansing stated that they met with Highway Supervisor Mr. Minick to discuss the roadway infrastructure pertaining to road configuration and wing edges. Mr. Lansing referred to The Chazen's Companies comment letter and addressed Item #2 regarding the lot located on Joyce Road. Mr. Lansing stated that this lot will not be combined to Mr. Hopeck's property at this time. In Item #12 regarding the requirements for sidewalks within the development, Mr. Lansing stated that the applicant is proposing a trail system in lieu of sidewalks. In Item #23 it addressed moving the stormwater basin back toward the cul-de-sac. Mr. Lansing stated there have been test pits done in both areas of the development. Mr. Lansing stated that due to the grade of the property moving the stormwater basins would cause the applicant to raise the cul-de-sac for proper drainage.

Acting-Chairman Murray asked about Item #12 and stated that his interpretation of this section is the Planning Board will determine if the sidewalks will be on one side or both sides of the roadway. Acting-Chairman Murray asked Mr. Doty if his interpretation is correct or incorrect. Mr. Doty stated that he had a discussion with Mr. Cutler and Ms. Zepko on this section and the decision was to leave it up to Ms. Zepko CEO. Ms. Zepko stated that she agrees with Acting-Chairman Murray. Ms. Zepko stated she interpreted this section as having sidewalks on one or both sides of the roadway, but your discretion wasn't to not have any sidewalks. Acting-Chairman Murray stated just for clarification, Mr. Lansing you are suggesting the Planning Board will make the determination whether or not there will be sidewalks, or sidewalks on one side or both sides of the roadway. Mr. Buck stated sidewalks or the trail system. Mr. Lansing stated that he was sorry if he misinterpreted the Zoning Code, but was under the understanding that the sidewalks could be waived if there was a good reason. Mr. Lansing stated that the

configuration of the project they didn't feel sidewalks were appropriate and that the trail system was a good

alternative. Acting-Chairman Murray stated that he is only speaking for himself and not members of the Board, but the Zoning Code states that there will be sidewalks. Acting-Chairman Murray stated that you can have them on one side or both sides of the road. Mr. Lansing stated if that is the case then they would ask for the Board's consideration to grant a waiver or some kind of mechanism where we can get some sort of a waiver from either this Board or another Board.

Mr. Mackay stated that Saratoga Glen is down the road with a similar project that doesn't have any sidewalks. Mr. Cutler asked if the Saratoga Glen project was a PDD. Ms. Zepko stated that the Saratoga Glen project is a PDD. Acting-Chairman Murray stated that is the difference in the projects.

Ms. Mackay stated that it is a rural country kind of development and you don't see sidewalks out in that direction. Mr. Cutler stated the reason he asked if it was a PDD is because a PDD would allow the Stillwater Town Board the ability to legislate a new zone and to change provisions. Mr. Lansing stated that the Breslin/Belmonte project for Calvin Court was proposed by Lansing Engineering for that application before the Planning Board there were discussions on waiving the sidewalks. Mr. Lansing stated that is why he was under the understanding that the Board could waive the sidewalks. Acting-Chairman Murray stated that the Board looks at each project individually.

Mr. Cutler asked hypothetically if the Board could waive the sidewalks from one side, both sides or completely from the project, what would be the reasons for not having sidewalks. Mr. Lansing stated that it is the country setting and the configuration of the project. Mr. Lansing stated in his opinion sidewalks are a great idea if there are vehicles passing through the project from one side of the Town to other side of the Town. Mr. Lansing stated in his opinion the residents will be on the street visiting each other or using the trails to get from one side of the project to the other.

Mr. Cutler asked what the current proposal is for all the green space, is it an HOA, Town Park or attached to land of the proposed properties. Mr. Lansing stated that it is proposed as an HOA or dedicated to be the Town of Stillwater. Mr. Lansing stated that they would need a letter of recommendation from the Planning Board to the Town Board in order to dedicate the green space and/or the trail system. Acting-Chairman Murray stated that there are homes not too far from the development and if you make it an HOA then the outside residents can't utilize the trails because of liability. Acting-Chairman Murray asked if they have made an application or some sort of documentation approach asking the Town of Stillwater about taking ownership of the trail system and to send a response back to the Planning Board so it would be part of the application. Mr. Lansing stated that they have not and inquired if the Planning Board would consider sending a letter to the Town Board as it would go a long way with the Town Board knowing what the Planning Board's opinion is on the trails before the applicant goes before the Town Board.

Acting-Chairman Murray stated that he is only speaking for himself but he would like the Town Board to take a look at the project and decide if they wanted to take over the ownership of the trail system and if it would be linked to any other trails.

Acting-Chairman Murray asked about snow removal into the roadway from the houses in the cul-de-sac. Mr. Lansing stated that he spoke to Mr. Minick and he had no issues with snow removal.

Mr. Cutler asked if there could be a map with different colors to show all the areas of the project. Mr. Lansing stated that would be done for the next meeting. Mr. Cutler asked if the applicant would be willing to go before the Town Board and speak about the project because there are issues that need to be considered. Mr. Cutler stated that it would be important and appropriate to get feedback from the Town Board. Mr. Lansing stated that he would speak to the Town Board on behalf of the project. Mr. Cutler asked Mr. Lansing if he had spoken to Mr. Minick about the trail system as it would be his department to maintain the trail. Mr. Lansing stated he had only spoken to Mr. Minick about the infrastructure of the roadway, wing edges and sidewalks.

Mr. Buck stated that there will not be a Town Park in this area. Mr. Buck stated that the Town doesn't want to encourage residents from outside the Town of Stillwater using the trail system because the development is a private community. Ms. Marotta stated that if it is a private community then the trail system should be kept private for the residents within the development. Ms. Marotta stated that when the Town takes over the trail system it becomes open for public usage. Ms. Marotta stated if the Town was to take ownership of the trails there is a need for a parking area but, if the trails are owned by an HOA there is no need for a parking area. Ms. Marotta stated the Town Board needs to have the trail system presented the Town Board members because of liability, management, expenses and access points. Ms. Marotta stated the trail connection to Cordero Blvd gives access to the sidewalks of Global Foundries. Mr. Lansing stated that is why the applicant is requesting that the Town takes over the trail system. Mr. Rathbun stated that the connection to Cordero Blvd makes it a public trail. Acting-Chairman Murray stated that he doesn't feel it is appropriate for the Planning Board to give the impression that the trails will be part of the Town complex because that is not fair to the applicant.

Mr. Cutler asked who would supply the water to the project. Ms. Mackay stated that Saratoga Water Services has approval from NYS DEC and NYS DOH to extend the water line 520 ft. from Wafer Way to the south. Ms. Mackay stated that there would be a 16 inch pipe that would go within easements given by the Town of Stillwater.

Ms. Zepko stated that in Article VI, Section 176-25 of the Zoning Code it states "Where an appropriate public water main already exists and is accessible, the subdivider must connect into said main and provide a water connection for each lot. Where an appropriate water main does not exist or is not accessible, the subdivider shall install, at his expense, such main, together with all equipment necessary to make such water system conform to the standards of the Town, or provide an alternate water system acceptable to the Town Planning Board and with approval by the New York State Health Department"

Mr. Cutler asked the applicant for their interpretation of the language from Article VI, Section 176-25. Mr. Buck asked Mr. Lansing how quickly he could provide the Planning Board with that information for a public hearing. Mr. Lansing stated that he could have the information to

the Planning Board by the end of the week. Mr. Buck asked if the applicant would have to go to the Town Board before there is a public hearing. Mr. Cutler stated that if a public hearing was held based on the trails being dedicated to the Town and but the Town decides that they don't want the trail system it would cause a significant enough change that it would have to come back before the Planning Board and another public hearing would have to be held.

Acting-Chairman Murray stated that there are three things that need clarification 1) how are the trails configured, 2) parking access, 3) are the trails for public use or private. Mr. Lansing asked for a public hearing on the subdivision with the open space and trails to be determined. Mr. Lansing stated that the applicant will petition the Town Board for review of the trails and the open space. Mr. Lansing stated that the Town Board would have to hold a public hearing. Acting-Chairman Murray stated that the Board can't answer the public's questions on the trails because the Board doesn't know if the trails are going to be private or taken over by the Town. Mr. Buck state it is sidewalks or trails correct. Mr. Rathbun stated that this part of the project needs clarification. Mr. Marotta stated that the Town Ordinance states sidewalks. Ms. Marotta stated that the Town has a Parks and Trails committee who would look over the plans and make their decision.

Ms. Ferris asked if the public hearing could be scheduled with the contingency that the Town Board has an opportunity to review this portion of the application. Ms. Ferris asked if the Town Boards decision is going to allow the subdivision to happen. Acting-Chairman Murray stated what if the Town Board hasn't made a decision by the Planning Boards next meeting. Ms. Ferris asked why the Board couldn't schedule the public hearing with the trails too be determined. Mr. Rathbun stated that the public hearing has to be advertised and letters have to mailed out to the residents so, if the applicant cancels then the public hearing and the mailings have to be redone.

Mr. Rathbun asked Mr. Mackay how much of a problem would it be to if the project went one more meeting. Mr. Mackay stated that it would be a big problem. Mr. Mackay stated whether the trails are owned by an HOA or the Town it is not going to delay the projects approval. Mr. Mackay stated if the trails are that big of problem than he will remove them and put in sidewalks. Mr. Mackay stated that the trails were put as a benefit to the Town. Ms. Zepko stated that it is not just the trails it is also the open space and the remainder of the parcel that would be dedicated to the Town. Mr. Mackay stated that you can base that off the trails. Mr. Mackay stated he can dedicate the trails and the open space to the Town or have an HOA. Ms. Zepko stated that Mr. Mackay may decide to reconfigure some of the lots. Mr. Mackay stated that based on the grading and wetlands the configuration of the proposed property lines should remain the same. Mr. Mackay stated that he can't place the houses any were else other than how they are configured. Ms. Zepko stated that Mr. Mackay may want to move the boundary lines back so that there is no open space. Mr. Mackay stated that he doesn't understand why the ownership of the trails and open space would delay he public hearing. Mr. Mackay stated that the project is still going to happen, one way or another and the project isn't going to change. Mr. Mackay stated the public will understand who the owner of the property is.

Mr. D'Ambro asked if there are any expansions proposed for this parcel. Mr. Lansing stated that the applicant has no intentions to expand the proposed project. Mr. D'Ambro asked about street lights within the development. Mr. Lansing stated that there is no street lights proposed.

Mr. D'Ambro asked about a traffic study. Mr. Lansing stated that a traffic study will be part of this project.

Mr. Buck asked Mr. Cutler if he was going to speak to his partner Mr. Trainor regarding the proposed extension of the Saratoga Water System line and if there can be another water line in the same easement as the one recently installed as part of the Saratoga Water Authority line. Mr. Cutler stated that he is going to speak with Mr. Trainor. Mr. Cutler stated the questions are is there enough room and how is it being proposed. Mr. Cutler stated that is not the reason for not having the public hearing. Mr. Cutler stated that the County is coming through there with two lines and is not sure how much room there is.

Ms. Marotta asked if the Town of Stillwater was to take ownership of all the green space except the lot on Joyce Road and does it include the streams, pond and slopes. Mr. Lansing stated that no there are wooded areas and a proposed grade and some of the lots go back farther than the other lots.

Acting-Chairman Murray asked the Board members if they are in favor or not in favor of holding the public hearing. Acting-Chairman Murray asked for a roll call vote.

Acting-Chairman Murray	NO
Member Rathbun	YES
Member Marotta	NO
Member Ferris	YES
Member Buck	YES
Member D'Ambro	NO

Mr. Cutler stated that the Board cannot hold a public hearing without a majority vote. Acting-Chairman Murray asked Ms. Zepko to give them the shortest time frame to be placed onto a Planning Board meeting. Ms. Zepko stated that to set the public hearing the notices must be sent out within ten days prior to the next Planning Board meeting. Acting-Chairman Murray stated that the Town Board's first meeting is on May 7, 2016 but if the Town Board places the project on May 21, 2016 meeting with the Planning Board's next meeting scheduled for May 23, 2016 then there would not be time for a response. Mr. Doty stated that the Town Board would have to act on the project on May 7, 2016 at the agenda meeting. Mr. Cutler stated that the Town Board has a two week time frame for information before an applicant so they can be on the agenda.

Mr. Mackay stated that if the delay of the public hearing is because of the trail system then he will remove them. Mr. Mackay stated the trails were a public benefit for the Town but if the Town is going to be difficult and delay the project even further and cost him an absorbant amount of money more than he has already spent on the project that he will just remove the trails. Mr. Doty stated that Mr. Mackay is requesting the Board to reconsider the resolution for a public hearing if the trails are removed. Mr. Mackay stated that is correct. Ms. Marotta stated that the sidewalks would need to be shown. Acting-Chairman Murray stated that is correct. Mr. Mackay stated that the Board hasn't figured out if the sidewalks need to be on one side, both sides or at all. Acting-Chairman Murray stated that the question being raised was if a trail system was going in so, the Board didn't think there would be sidewalks and the trail system is

now proposed to be deleted. Mr. Mackay stated that Mr. Lansing stated it is not a thoroughfare going from one side of Town to the other. Acting-Chairman Murray stated that the Town Zoning states that there will be sidewalks. Ms. Mackay stated that Mr. Lansing mentioned projects within the Town that doesn't have sidewalks that were recent. Ms. Zepko stated that the Saratoga County Planning Board encouraged the trails. Ms. Marotta stated that the trails were on the map. Ms. Zepko proceeded to read the response from the Saratoga County Planning Board. Mr. Mackay stated that the County saw the trails on the map.

Mr. Rathbun stated that he thinks the trails are a good benefit. Mr. Rathbun asked if there was a way to get this onto the Town Board agenda meeting by talking to Supervisor Kinowski. Acting-Chairman Murray stated that he does not feel that it fair to ask the Town Board to look at the trail system within such a short time frame to make a decision.

Acting-Chairman Murray stated that he is sorry that the applicant feels that the Board is being unfair but, wants the project done right. Mr. Mackay stated that if the delay is solely going to the Town Board because of the trial system then he will remove them. Mr. D'Ambro stated that brings up the question of the sidewalks. Mr. Mackay stated that is a Planning Board decision. Mr. Lansing stated that they can show the sidewalks. Acting-Chairman Murray stated that the applicant is proposing sidewalks on one side, or both sides. Mr. Lansing stated that is correct.

Acting-Chairman Murray asked for a second vote to schedule a public hearing without trails. Ms. Marotta stated that this is with a HOA being put in place.

Acting-Chairman Murray	YES
Member D'Ambro	YES
Member Buck	YES
Member Ferris	YES
Member Marotta	YES
Member Rathbun	YES

Acting-Chairman Murray asked if anyone had any additional concerns or questions and hearing none, he stated that the public hearing was set for the next Planning Board meeting on April 25, 2016.

Motion to Adjourn: Made by Ms. Marotta, seconded by Ms. Ferris motion passed unanimously at approximately 9:20 p.m.

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