

**Stillwater Town Board & Public Hearing
Local Law-PDD & CDGB Grant
July 27, 2017 7:00 PM
Stillwater Town Hall**

Present: **Councilman Artie Baker
Councilman Ken Petronis
Councilwoman Lisa Bruno
Councilwoman Ellen Vomacka
Supervisor Ed Kinowski**

Also Present: **Sue Cunningham, Town Clerk
Mark Minick, Highway Supt.
James Trainor, Attorney for the Town**

Absent: **Joe Lanaro, Engineer for the Town**

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

Sue Cunningham, Town Clerk took the roll call.

Supervisor Kinowski gave a brief overview of the Town Board meetings and rules of the meeting.

7:00 pm Public Hearing-- A Local Law Amending Chapter 210, Article IV of the Zoning Code regarding Planned Development Districts and Chapter 210, Section 138 Regarding Notice of Public Hearings.

Supervisor Kinowski gave a brief overview of the proposed Local Law. The purpose of the Local Law is to streamline the Planned Development District (PDD) approval process.

Carol M, Planning Board member, spoke on the current code and proposed change, the notification process to the planning board, the removal of the planning board from the PDD review, the rationale of the proposed amendment, streamlining after the Comprehensive Plan is completed, eliminating the Planning Board review during the crucial application process and communication between the Boards. Supervisor Kinowski stated that he attended a Planning Board meeting back in April and notified them and discussed the proposed changes.

Marybeth R, Planning Board member, stated that she was fairly new to the Planning Board. She heard about the proposed amendments a couple of weeks ago and cutting the Planning Board out of the PDD public hearing process would be a huge impact on the Town. The public needs to voice concerns. Planning Board members attend training every year unlike Town Board members and they need educated people to make decisions.

Attorney Trainor commented that the proposed change is reducing the public hearings from 3 meetings down to 2 meetings.

Supervisor Kinowski stated that they are not removing the Planning Board from the process they are just removing one public hearing which is redundant. As for the training board members as well as himself have attended the same training classes as the Planning Board members and have also acted as liaison between the Boards.

Councilwoman Vomacka stated that she has also attended the same classes and has been going to Planning Board meetings.

Supervisor Kinowski spoke on a moratorium, taxes increasing, growth and development.

A resident inquired on as to why they would take on this responsibility.

Supervisor Kinowski stated that the Town Board represents residents and required to act as their representative.

Attorney Trainor stated that there is a difference in the planning process now before they didn't have professional positions in place.
Supervisor Kinowski spoke on the Building Dept. and their professional qualifications.

John P stated that they need the Planning Board involvement. He also commented on the Winding Brooke amendment proposal. He said he has no problem with condos but does have problem with the entry and egress, traffic congestion, what kind of commercial. Supervisor Kinowski stated that Amedore is not an issue today, the Town Board decided another public hearing & review. Amedore suggested they meet with residents and a traffic study is initiated.

Rick inquired on how many PDD's in the town and if all residents in the PDD's notified of this meeting. Feels Planning Board needs to be kept involved.
Supervisor Kinowski commented on the growth of PDD's and how every is different. The Town Board is not eliminating the Planning Board involvement and it has always been the Town Board who approves PDD's.

Dick D commented that everyone should work together and shorten the process. He said the Planning Board should use their knowledge to speed up the process. A poison pen letter is circulating and it is the opinion of one and not 100% accurate.

Heather Ferris, Planning Board, agreed it should be collaboration between the two Boards and recommended they wait until the new comp plan is completed.

Supervisor Kinowski stated that they are not rushing this through for the developers.

Carol M, Planning Board, stated she just read the flow chart and sees that only one Public Hearing is being removed. She submitted her version and comments and asked the Town Board to look at it.

Supervisor Kinowski stated that the Town Board received two communications in regard to the proposed Local Law amending Planned Development District (PDD) approval process one from Bob Barshied and one from Andrea Lester.

Motion by Councilman Petronis and seconded by Councilman Baker to adjourn the public hearing at 8:05 pm but to leave open for additional comments until the August meeting. At this time they also agreed to move the meeting from August 17th to August 24th. **Motion carried.**

8:10 pm Public Hearing—CDGB Grant

Purpose- To receive comments on the proposed application to the NYS Office of Housing and Community Renewal – requesting \$720,000 of Community Development Block Grant (CDBG) funds for the replacement of 2,900 linear feet of waterlines

No public input.

With everyone have the opportunity to comment Supervisor Kinowski closed the public hearing at 8:12 pm.

8:12 pm--Regular Town Board Meeting

Supervisor Kinowski gave a brief overview of a meeting he had on Blue Algae with DEC & DOH.

Adoption of Minutes: Motion by Councilwoman Bruno and seconded by Councilman Vomacka to adopt the June 15, 2017 Town Board minutes. **Motion adopted.**

Agenda Items **Resolutions #40-#43**

**Resolution #40 Making a SEQRA Determination
Regarding the Adoption of Local Law No. 2 of 2017,
Amending Local Law 1 of 2001 to Incorporate
Form-Based Zoning Code Provisions for the Route 4 Corridor**

Introduced by: _____ Supervisor _____

WHEREAS, the Town has undertaken to modify its zoning regulations in the area of the Route 4 corridor in order to utilize form-based code provisions there; and

WHEREAS, the Director of the Town Building and Planning Department has completed the attached Environmental Assessment Form (EAF) and made it available to the Stillwater Village and Town Route 4 Corridor Study Advisory Committee, the County Planning Board, the Town Board and to the public; and

WHEREAS, several public workshops and a public hearing have been conducted that have considered the environmental impacts of the zoning code changes;

Now, therefore, be it

RESOLVED, that the Town Board declares itself to be the appropriate Lead Agency for the SEQRA Review; and be it further

RESOLVED, that the Town Board hereby determines that the adoption of the form-based zoning code amendments is an Unlisted Action pursuant to the State Environmental Quality Review Act (“SEQRA”); and be it further

RESOLVED, that the Town Board determines there to be no significant environmental impacts as a result of the aforementioned zoning code amendments and hereby issues a negative declaration pursuant to SEQRA.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution No. 40 of 2017.

A roll call vote was taken on Resolution No. 40 of 2017 as follows:

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

Motion carried. Resolution No. 40 of 2017 was adopted unanimously.

**Resolution #41 Adoption of Local Law No. 2 of 2017,
Amending Local Law 1 of 2001 to Incorporate
Form-Based Zoning Code Provisions for the Route 4 Corridor**

Introduced by: _____ Supervisor _____

WHEREAS, the Stillwater Village and Town Route 4 Corridor Study Advisory Committee (“Committee”) in conjunction with the Capital District Transportation Committee (“CDTC”), Chazen Engineering and Planning 4 Places began formulating proposed amendments to their respective zoning codes to incorporate Form-Based Code Provisions in 2016; and

WHEREAS, the Committee, after conducting several public workshops and a Joint Village-Town Board Public Hearing on March 23, 2017 and an additional Public Hearing on June 15, 2017, has recommended the amendments in the form of Local Law No. 2 of 2017, attached hereto; and

WHEREAS, the Public Hearing was left open for additional comments and submissions until the Local Law was to be voted on; and

WHEREAS, the County Planning Board referral pursuant to the Town Law §239-m was done and no negative comments were received;

WHEREAS, the Environmental Assessment Form was duly considered and the Town Board previously determined there to be no significant environmental impact as a result of the adoption of the Local Law; and

WHEREAS, in considering the proposed action, the Town Board has considered several relevant and previous studies affecting the Route 4 corridor, including but not limited to, the following:

- 2001 Zoning Code (Local Law No. 1 of 2001);
- 2006 Town Comprehensive Plan;
- LFTC Plan Development District and GEIS, with environmental and traffic impact studies;
- Town wide GEIS with incorporated environmental and traffic impact studies;
- County Planning Board recommendation dated:
_____;
- 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;
- Study Committee Report/Recommendations last updated February 2017

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 to eliminate mailings to adjoining municipalities within 500 feet of the rezoned areas; and be it further

RESOLVED, that the time period for receiving public comments and submissions, as well as the extended public hearing, is now closed; and be it further

RESOLVED, that the Town Board hereby adopts Local Law No. 2 of 2017, a Local Law Incorporating Form-Based Code Provisions into and amending Local Law No. 1 of 2001 regarding changes to the Town's current Zoning Code in the Route 4 Corridor and corresponding overlay district; 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. 2 of 2017 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 Director of Building and Planning is directed to ensure compliance with all appropriate Environmental Regulations.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution No. 41 of 2017.

A roll call vote was taken on Resolution No. 41 of 2017 as follows:

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

Motion carried. Resolution No. 41 of 2017 was adopted unanimously

Local Law#2 of 2017—The Form Based Zoning Code Provisions for Route 4 Corridor can be reviewed in the Town Clerks Office.

**Resolution #42 AUTHORIZING THE SUBMISSION OF
AN APPLICATION FOR GRANT FUNDS TO THE NEW YORK STATE
OFFICE OF COMMUNITY RENEWAL FY 2017
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

Upon motion made by Councilman Petronis, seconded by Councilwoman Bruno and carried it is

RESOLVED, that the following resolution be adopted:

WHEREAS, the New York State Office of Community Renewal (OCR) is accepting applications from eligible communities to compete for funds available through the NYS administered Community Development Block Grant (CDBG) Program; and

WHEREAS, the Town of Stillwater has reviewed its housing and community development problems and needs, and has developed a proposed program and application for grant funds.

WHEREAS, the OCR application process requires that the governing body of the application authorize the submission of the application and related actions; and,

THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes and directs the Supervisor to submit the application to OCR and to act in connection with the submission of the application, including execution of all required certifications and forms and to provide such additional information as may be required.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution No. 42 of 2017.

A roll call vote was taken on Resolution No. 42 of 2017 as follows:

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

Motion carried. Resolution No. 42 of 2017 was adopted unanimously.

**Resolution #43 Regarding the Required Audit/Examination
of the Town Court**

WHEREAS, the Stillwater Town Board is required to do an annual audit/examination of the Town Court of the Town of Stillwater; and

WHEREAS, an audit/examination of the Town Court's records was completed on July 12, 2017 and a copy of the results of the examination and this Resolution must be presented to the State of New York Unified Court System;

Now, therefore, be it

RESOLVED, that the Town Board has completed the necessary audit/examination and the results will be emailed or mailed to the New York State Office of Court Administration.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution No. 43 of 2017.

A roll call vote was taken on Resolution No. 43 of 2017 as follows:

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

Motion carried. Resolution No. 43 of 2017 was adopted unanimously.

Resolution #44 Regarding the Proposed Maltaville Water District

WHEREAS, the Stillwater Town Board has been advised that the Town of Malta is currently advancing a shared services initiative to create a water district to serve the portion of the Town of Malta that suffers from poor groundwater conditions; and

WHEREAS, the Town of Malta has requested from the Town of Stillwater feedback in regards to considerations prior to submitting an Engineer's Report to NYSEFC to place this potential plan on the annual Intended Use Plan;

Now, therefore, be it

RESOLVED, that the Town Board has considered the requests submitted by the Town of Malta and is in support of the proposed Maltaville Water District so long as there is no cost to the Town of Stillwater.

Motion by Councilwoman Bruno and seconded by Councilman Baker to adopt Resolution No. 44 of 2017.

A roll call vote was taken on Resolution No. 44 of 2017 as follows:

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

Motion carried. Resolution No. 44 of 2017 was adopted unanimously.

Resolution #45 **Authorizing the Continual Refurbishing
of the SACC Gym**

Introduced by: Supervisor

WHEREAS, the SACC Gym requires some repairs; and

WHEREAS, Councilman Baker had solicited several proposals and found that \$5800 of repairs are needed at this time;

Now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to expend up to \$5,800 to further continue the restoration of the SACC Gym.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution No. 45 of 2017.

A roll call vote was taken on Resolution No. 45 of 2017 as follows:

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

Motion carried. Resolution No. 45 of 2017 was adopted unanimous.

Councilwoman Bruno reminded everyone of the Town concert at Blockhouse Park on Friday night.

Councilwoman Vomacka stated that she would like to look into the Town website and having it updated. She will report at a later meeting of cost.

Public Input

Dick D inquired on the status of the waterline and tank.
Supt Minick stated they are anticipating August. He said that permits for Best & West Ave have not been issued as of yet.

Jackie (Melrose) inquired as for the reason of the form base zoning.
Supervisor Kinowski gave a brief overview of what their expectations from adopting this are.

Rick Nelson, Village Mayor, reported that the United Church would be having a blood drive on August 5th from 9-12 and on August 12th at noon they would be having a summer fling-clam steam.

A resident commented on Winding Brooke Development in regard to the stone entrance be removed.

Supervisor Kinowski stated that he has no knowledge of the entranceway being demolished. The PDD builder has the right to request an amendment on any land not built on, amendment is only proposed and the Town can deny their request. He said he would like see changes made to their proposal and if they have compromised.

More discussion was held on Walden Circle in the Winding Brooke Development, proposal made by the developer, traffic, signage etc.

Carol M inquired as to what paper the Town advertises in.
Supervisor Kinowski stated they use The Express (hometown paper)and sometimes the Gazette.

Audited Claims

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

General	\$9915.57
Town Outside	\$18665.57
Highway	\$9224.07
Water & Sewer	\$13838.23
Capital Projects	63726.97

Motion carried.

Also approved and signed off on the following abstract on July 6th:

General	\$10754.87
Town Outside	\$9142.15
Highway	\$382641.83
Water & Sewer	\$1853.57
Capital Projects	\$36665.46

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adjourn into executive session to discuss potential litigation and contract at 9:05pm. **Motion carried.**
(Note: The Town Board will not resume back into the regular Town Board meeting.)

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk