

**TOWN OF STILLWATER
PLANNING BOARD MEETING MINUTES
STILLWATER TOWN HALL
September 25, 2017 @ 7:00 PM**

Present:

Chairperson Carol Marotta (CM)
Christopher D'Ambro (CD)
JoAnn Winchell (JW)
John Murray (JM)
Randy Rathbun (RR)
JoAnn Winchell (JW)
Marybeth Reilly (MR) Alternate Member

Also Present:

Daryl Cutler, Attorney for the Town (DC)
Paul Male, Town Engineer (PM)
Lindsay Zepko, Director of Building and Planning (LZ)
Ellen Vomacka, Town Board Liaison
Sheila Silic, Secretary

Absent:

Heather Ferris (HF)
Peter Buck (PB)

Pledge:

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

Review and approval of minutes of Planning Board meeting:

Mr. Murray made a motion to approve the minutes from the July 24, 2017 meeting, seconded by Mr. Rathbun. The motion passed unanimously. Ms. Winchell made a motion to approve the minutes from the August 28, 2017 meeting, seconded by Ms. Reilly. The motion passed unanimously.

PB2017-08, Cowin/Streeter Lot Line Adjustment, 55 Kellogg Road/47 Kellogg Road

Chairperson Marotta recognized Mr. Charles Cowin who will be presenting the project before the Board this evening. Mr. Cowin stated that part of his driveway which is located at 55 Kellogg Road is on the neighbor's property which is located at 47 Kellogg Road. Mr. Cowin stated that he is seeking a Lot Line Adjustment in order to fix an encroachment between the two properties.

Mr. Male stated that the Lot Line Adjustment will increase 55 Kellogg Road from 29,508 sf. up to 32,134 sf. and 47 Kellogg Road will decrease from 37,351 sf. down to 34,725 sf. Mr. Male stated that the Lot Line Adjustment makes the Cowin parcel less non-conforming.

Chairperson Marotta stated that Mr. Male's comment letter dated August 24, 2017 has been addressed as shown on Mr. Male's comment letter dated September 25, 2017.

Ms. Winchell stated that this was all Cowin property and now that Mr. Cowin's Uncle's house is for sale they want to take care of the encroachment.

Mr. Murray made a motion to waive the public hearing seconded by Ms. Winchell. A roll call vote was taken.

Chairperson Marotta	YES
Member Buck	ABSENT
Member Ferris	ABSENT
Member D'AMbro	YES
Member Murray	YES
Member Rathbun	YES
Member Reilly	YES
Member Winchell	YES

Chairperson Marotta asked if anyone had any additional questions or concerns, hearing none she asked to move to discussion of SEQRA.

**TOWN OF STILLWATER
PLANNING BOARD
2017 RESOLUTION NO. 11**

WHEREAS, Charles Cowin has submitted an application for a lot line adjustment regarding property located at 55 Kellogg Road, more fully identified as Tax Map Numbers 253.33-1-11 and 253.33-1-9.2; 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, Charles Cowin, for a lot line adjustment regarding property located at 55 Kellogg Road, more fully identified as Tax Map Numbers 253.33-1-11 and 253.33-1-9.2, will not have a significant impact on the environment.

A motion by Member Winchell, seconded by Member Rathbun, to adopt Resolution No. 11.

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

Chairperson Marotta	Yes
Member Buck	Absent
Member D'Ambro	Yes
Member Ferris	Absent
Member Murray	Yes
Member Rathbun	Yes
Member Reilly	Yes
Member Winchell	Yes

Resolution No. 11 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on September 25, 2017.

**TOWN OF STILLWATER
PLANNING BOARD
2017 RESOLUTION NO. 12**

WHEREAS, Charles Cowin has submitted an application for a lot line adjustment regarding property located at 55 Kellogg Road, more fully described as Tax Map Nos. 253.33-1-11 and 253.33-1-9.2; 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 the Planning Board determined one was not needed for this particular application; and

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 11 of 2017; and

WHEREAS, the Planning Board has duly considered the application;

Now, therefore, be it

RESOLVED, that the application of Charles Cowin for a lot line adjustment on lands located on 55 Kellogg Road, more fully identified as Tax Map Numbers 253.33-1-11 and 253.33-1-9.2, is hereby GRANTED; and be it further

RESOLVED, that the application is GRANTED, provided the applicant remove the encroachment portion of the asphalt pad that is on the property line of both properties; 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 Winchell, to adopt Resolution No. 12.

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

Chairperson Marotta	Yes
Member Buck	Absent
Member D'Ambro	Yes
Member Ferris	Absent

Member Murray	Yes
Member Rathbun	Yes
Member Reilly	Yes
Member Winchell	Yes

Resolution No. 12 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on September 27, 2017.

PB2017-09, Key Capture Energy Site Plan, 30 Substation Drive

Chairperson Marotta recognized Mr. Matthew Brobston of the LA Group and Mr. Daniel Fitzgerald of the Key Capture Energy. Mr. Brobston stated that this project is adjacent to the NYS Electric & Gas Substation, located at 30 Substation Drive which is off Cold Spring Road. Mr. Brobston stated that the applicant will be leasing a 6-acre parcel from the 154-acre parcel known as Pod 1 within the LFTC PDD. Mr. Brobston stated that this portion of Pod1 is located in the Town of Stillwater. Mr. Brobston stated the road will remain in the ownership of Luther Forest and has an easement over the land for NYS Electric & Gas and National Grid to access their substations. Mr. Brobston stated that the 6-acre parcel will have 1.25+/- acres of disturbance for the placement of the battery storage system, which will handle the energy flows to even out the energy on the system at this location. Mr. Brobston stated that the project is 385 ft. from Cold Spring Road. The project is behind the knoll which is 16 ft. taller than the existing grade out at the road and 90 ft. from the nearest property line. Mr. Brobston stated the remaining 40 ft. would have trees removed and there would be some vegetation remaining. Mr. Brobston stated that because of the soil on the site they were able to move some of the storm water into the forested areas which help with the storm basins. Mr. Brobston stated that as new sign will be on the gate noting the location of the project. Mr. Brobston stated that they received Mr. Male's comment letter dated September 11, 2017 and have addressed all the comments. Mr. Fitzgerald stated that they are a company that develops and employs battery storage systems. Mr. Fitzgerald stated the battery storage system helps to enhance the electrical company's grid. Mr. Fitzgerald stated that this project is a frequency response project which will help to stabilize the electrical company's grid. Mr. Fitzgerald stated that this will help with the fluctuation of increasing or decreasing power and the batteries can restore the power within 4 seconds.

Chairperson Marotta asked about the infiltration basin and the rip rap along the service road and if there is any disturbance connected to this. Mr. Brobston stated the only disturbance will be putting in the gravel pad and the swale that will alleviate some of the runoff. Chairperson Marotta asked if the 100 ft. buffer from Cold Spring Road could be shown on the map. Mr. Brobston stated that he would add the 100 ft. buffer to map. Chairperson Marotta asked about the letter dated August 23, 2017 where it stated that there are no emissions and a low noise profile. Mr. Brobston stated that the only noise would come from the air conditioning units on each battery storage container. Mr. Brobston stated that the air conditioning units are no louder than a lawn mower. Chairperson Marotta stated that the Town of Stillwater has a noise ordinance. Chairperson Marotta asked about Mr. Male's comment on page 10 in regards to the SWPPP. Mr. Male stated that he also had comments in reference to the Fire Department. Mr. Fitzgerald stated that they had a meeting with the Fire Department. Mr. Fitzgerald stated that the Fire Department's concerns were the access to the battery storage units and training for personnel on suppression. Mr. Fitzgerald stated that there will be training before construction and after construction. Chairperson Marotta asked about the LED lighting on the 20 ft. light poles and if they're taller than the battery storage units. Mr. Fitzgerald stated that the light poles are taller than the battery storage units. Chairperson Marotta asked if the lights would be illuminated 24 hours a day, 7days week. Mr. Fitzgerald stated that the lights would be illuminated only when someone is on the site.

Mr. Murray asked if this is conforming to the current PDD language. Mr. Brobston stated that yes, in this zone the electrical service and utility services are specified in this part of the PDD. Mr. Murray stated that

this project is considered a public utility. Mr. Brobston stated that this is a private utility. Mr. Murray stated that with this PDD there are some very unique and restrictive rules regarding noise. Mr. Murray stated that on page 1 of the application, public utility is marked and it needs to be changed to private utility. Mr. Murray asked if the application was referred to Malta. Ms. Zepko stated that the application was referred to Malta but that the Town has not received a response back .

Mr. Rathbun asked if this is part of NYS Electric & Gas / National Grid or private project. Mr. Fitzgerald stated that this project is being done as an independent developer/operator. Mr. Fitzgerald stated that they are working with NYS Electric & Gas and after the final study has been reviewed NYS Electric & Gas will tell them exactly how the battery storage system has to be connected to the substation.

Ms. Winchell asked if the applicant will be a tenant of Luther Forest Technology Campus. Mr. Fitzgerald stated that is correct. Ms. Winchell asked what the duration of the lease is with Luther Forest Technology Campus. Mr. Fitzgerald stated that it is a 10 year lease with two 10 year extensions. Ms. Winchell asked the applicant if this is the first project that the company has presented to a municipality. Mr. Fitzgerald stated that is correct. Ms. Winchell asked Ms. Zepko if the Saratoga County Planning Board has issued a response. Ms. Zepko stated that she has not received a response back from the Saratoga County Planning Board. Ms. Winchell asked if the storage units are available in the color green. Mr. Fitzgerald stated that it would depend on the manufacturer of the storage unit.

Mr. D'Ambro asked if the batteries would have any sort discharge that would be a concern to the environment. Mr. Fitzgerald stated that there is no discharge from the battery storage containers that cause any environmental concerns.

Chairperson Marotta stated that a motion is in order to schedule the public hearing for the October 23, 2017 Planning Board meeting.

Ms. Winchell made a motion to hold the public hearing on October 23, 2017 seconded by Mr. D'Ambro. A roll call vote was taken.

Chairperson Marotta	YES
Member Buck	ABSENT
Member D'Ambro	YES
Member Ferris	Absent
Member Murray	YES
Member Rathbun	YES
Member Reilly	YES
Member Winchell	YES

PB2017-10, Zecca Minor Subdivision, 18 Kellogg Road

Chairperson Marotta recognized Mr. Frederick Metzger of Frederick Metzger Land Survey P.C. who is representing Mr. Joseph Zecca. Mr. Metzger stated that the property is located at 18 Kellogg Road which is both in the Town of Stillwater and the Village of Stillwater. Mr. Metzger stated that Mr. Zecca is seeking to subdivide the parcel now that the 2017 Zoning Codes have changed and now allows town houses. Mr. Metzger stated that the berms have been completed, the canopy building has been removed, the turn arounds in the driveways have been completed and the water and sewer lines will be shown on the map. Mr. Metzger stated that there is an easement that runs along the front of the parcel.

Chairperson Marotta stated that when the building was built under the old Zoning Ordinance it did not allow for town houses and under the new Zoning Ordinance town houses are allowed in this Zoning

District.

Ms. Zepko stated that this application was referred to Saratoga County Planning Board and received a response back on August 30, 2017 stating no inter-municipal or county wide impact. Ms. Zepko stated that the application was referred to the Village of Stillwater with no response back from them.

Chairman Murray stated that a motion is in order to schedule the public hearing for the October 23, 2017 Planning Board meeting.

Ms. Winchell made a motion to hold the public hearing on October 23, 2017 seconded by Mr. Murray. A roll call vote was taken.

Chairperson Marotta	YES
Member Buck	ABSENT
Member D'Ambro	YES
Member Ferris	Absent
Member Murray	YES
Member Rathbun	YES
Member Reilly	YES
Member Winchell	YES

DISCUSSION ON NEW BUSINESS: Key Capture Energy

Mr. Cutler asked the Planning Board if they have any concerns regarding abandoned batteries if the company goes out of business. Ms. Zepko stated that some sort of mitigation would be an option.

Mr. Rathbun stated even though the applicant stated that there would be no environmental impact on the environment, in his opinion there is a huge environmental impact when dealing with this type of batteries. Ms. Zepko stated that according to the company, the batteries are stored in multiple containers so leakage is not a large concern.

Ms. Zepko stated that a condition could be placed similar to the Telecommunication Tower chapter of the Town Code that as part of the mitigation if the batteries are not used for a certain number of months they would have to be removed and the land has to be put back to its original form.

Mr. Murray stated that the Board has to be very cautious with this project as we are the first municipality to entertain a project like this. Mr. Murray stated that he has concerns regarding the PDD language due to the specific rules and regulations.

Ms. Winchell asked if The Chazen Companies were asked to review this project. Ms. Zepko stated that they were not asked to review this project. Ms. Winchell stated that she feels that The Chazen Companies should be a part of the review process for this project. Ms. Zepko stated that Mr. Male felt that the Planning Department would be fine with his review of the project. Ms. Zepko stated that she will contact The Chazen Companies to review the project at the Boards request. Ms. Zepko stated that the applicant would have to supply an escrow for the Chazen Companies to review the project.

Mr. D'Ambro asked about a letter of credit with the Town in the event that the applicant defaults on their obligation regarding this project.

Chairperson Marotta stated that she supports referring the PDD portion of the review process to the The

Chazen Companies.

Mr. Cutler stated he would recommend that with the information that was given to the Board and with the Boards lack of expertise on the LFTC PDD language that they elect to have The Chazen Companies as additional engineer to review the project and that an escrow letter for The Chazen Companies services will be sent to the applicant.

Ms. Winchell made a motion to retain The Chazen Companies as additional engineer to review the project, seconded by Mr. D'Ambro.

Chairperson Marotta	YES
Member Buck	ABSENT
Member D'Ambro	YES
Member Ferris	ABSENT
Member Murray	YES
Member Rathbun	YES
Member Reilly	YES
Member Winchell	YES

Motion to adjourn: made by Mr. Murray, seconded by Mr. Rathbun motion passed at approximately 8:24 PM.