

**TOWN OF STILLWATER
PLANNING BOARD**

SEPTEMBER 15, 2008

**STILLWATER PLANNING BOARD
SEPTEMBER 15, 2008
7:30 P.M.**

Present: Chairwoman JoAnn Winchell, Robert Barshied, Peter Buck, Carol Marotta, John Murray, Patricia Paduano, Paul Tompkins

Also Present: Ray Abbey-Building Department, Paul Cummings-Town Planner, Daryl Cutler-Attorney for the Town, Ken Petronis-Councilman, Chris Rounds-Engineer- Chazen Companies

Chairwoman Winchell called the meeting to order at 7:30 P.M., and led everyone in the Pledge to the Flag.

Chairwoman Winchell introduced Paul Cummings to the Board Members. She stated that he is substituting for Joel Bianchi this evening. She further stated that Paul has been associated with Planning for many months. She thanked him for offering applicants consult workshops every Tuesday downstairs in the Building Department. Paul also thoroughly checks applications and creates the meeting agendas. His service is greatly appreciated. She also introduced Chris Rounds, also an engineer with The Chazen Companies. Chris was present to answer any questions the Planning Board members may have in relation to the proposed GEIS.

The first order of business for the meeting was the approval the minutes of July 21, 2008 Planning Board Meeting, and the minutes of August 18, 2008 Planning Board Meeting. There was a motion to approve the July 21, 2008 minutes as prepared.

**Motion to approve the minutes of the
July 21, 2008 Planning Board Meeting
Motion made by P. Buck
Seconded by C. Marotta
MOTION CARRIES 6-0-1 (Murray abstained)**

There was a motion to approve the August 18, 2008 minutes as prepared.

**Motion to approve the minutes of the
August 18, 2008 Planning Board Meeting
Motion made by C. Marotta
Seconded by J. Murray
MOTION CARRIES 7-0**

**Lot Line Amendment Review
(PB 2008-45 261.-1-96.2)**

Raymond Stalter and his sister, Raena Mitchell were present to discuss with the Board their intention to reconfigure lots they own on Bancroft Street. Mr. Stalter and Mrs. Mitchell gave a brief overview to the Board members. Mr. Stalter stated that the property is located in the Low Density Residential District and each of the proposed lots have public water and sewer. They stated the main purpose for the Lot Line Amendment is to give his sister an additional 23 feet of property to access their backyard. His sister (Mrs. Mitchell) owns the property on 9 Bancroft Street which is 0.12 acres, having only 20 feet from the rear door to the property line. Mr. Stalter and Mrs. Mitchell stated that their mother's house and pool was destroyed by the tornado in 1998 and neither has been replaced. Mr. Stalter stated that they would like to divide their mother's lot equally in an effort to make their lots larger and more complying. They also stated that it would reconfigure six existing small lots into three larger, more appealing lots.

Chairwoman Winchell informed the Board that Mr. Stalter did contact her over the summer for guidance. She stated that once the family decides the number of lots and size of each lot, there would be a need to obtain a variance before any changes could be done. Mr. Stalter stated he did meet with Mr. Cummings and together they worked on an application and plan.

Chairwoman Winchell inquired whether the members received Joel Bianchi's memo on the application. Hearing that everyone did have a copy, she questioned whether there could be a waiver the Board could consider. The waiver would be based on the fact that no additional building permits would be sought, and the concept makes the lots less nonconforming. After a lengthy discussion with the attorney and engineer, it was decided that the variance route would be the only legal action for the Board..

Based upon review of the Town zoning, these parcels are within the LDR District and do not have sufficient minimum lot area, lot width, or setbacks. The reconfiguration as proposed would require approximately 12 area variance from the Zoning Board of Appeals. The application would be classified as an Un-listed Action in regards to SEQR.

The Planning Board members discussed the decision to refer this applicant to the Zoning Board of Appeals for the Area Variances. It was the consensus of the Planning Board members to send a letter of recommendation to the Zoning Board of Appeals in favor of the applicant.

There was a motion to refer to the Zoning Board of Appeals with a positive recommendation.

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**Motion to refer to Zoning Board of Appeals
With a positive recommendation
Made by J. Murray
Seconded by P. Buck
MOTION CARRIES 7-0**

Jean-Marc O. Lescault

**309 Route 423
Saratoga Springs, NY 12866
Minor Subdivision Review
(PB2008-47 219.-1-96.2)**

Land Surveyor, Charles Hartnett was present along with property owner, Jean-Marc Lescault requesting a minor subdivision of property on NY Route 423. The property is 8.8 acres within the LDR zone. A Minor Subdivision was sought many years ago by Lescault's father for the purpose of constructing a convenient store, however, no maps were ever filed with the County Clerk. It is now the intention of the younger Lescault to divide the property into two lots. Mr. Hartnett displayed mapping for the Board's review and explained how he arrived at the lot lines. He stated both lots are serviced by separate wells and septic systems. The larger parcel would be 6.7 acres with 214 feet of road frontage and the smaller lot measures 2.11 acres with 154 feet of road frontage. Each parcel currently has a residence and at least one accessory building. The larger lot extends back to abut the lots on Luther Road.

Chairwoman Winchell inquired whether the Board Members had the opportunity to review the memo from Engineer Bianchi regarding the Subdivision proposal. All members had and many expressed they are very familiar with the site.

After a brief discussion with the engineers and attorney, it was stated that the application would require two Area Variance from the Zoning Board of Appeals before a legal subdivision could be done. It was also noted that additional subdivision notes were needed, as well as 911 numbering and the Class C stream be included on the final plat. It was noted that SEQR would be classified as an Un-listed Action.

Mr. Hartnett stated that there would be two cross easements; one for the property with the garage and the other one has the property with the shed.

There was a discussion on the following: the necessary shared driveway agreement, whether there would any additional proposed building, and the change in zone since 1993

The Planning Board members discussed the decision to refer the applicant to the Zoning Board of Appeals for an Area Variance. It was the consensus of the Planning Board members to send a letter of recommendation to the Zoning Board of Appeals in favor of the applicant.

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There was a motion to refer the matter to the Zoning Board of Appeals with a positive recommendation on the basis that all the dimensions meet the regulations and the individual lots exceed the size in acreage.

**Motion to refer to the Zoning Board of Appeals
With a positive recommendation
Made by P. Buck
Seconded by P. Paduano
MOTION CARRIES 7-0**

Proposed Cemetery Law Planning Board Review

Chairwoman Winchell informed the Board members that Linda Saunders, Town and Village Historian came before the Planning Board in July, with regard to a proposal on the Cemetery Law. Chairwoman Winchell stated that this proposed Town Law is for the protection of cemeteries and burial grounds. She also stated that she had sent a listing of the twelve cemeteries in question to the Board Members. Chairwoman Winchell stated that two of these cemeteries are not applicable to this law; one being in the Presbyterian Cemetery which is located in the Village and the other one is the Baker Cemetery which is operated by a private organization. Chairwoman Winchell also stated that all these Cemeteries have deeds and located in the Assessor's Office. Chairwoman Winchell stated that all of these cemeteries are located in rural areas and the rural side yard as it states in the 2008 Ordinance requires only a 25 foot side yard. This new Local Law could extend that side yard setback.

This proposal, as prepared is asking for the following: restrict permanent structures within 100 feet of the side yard, this would also apply to all future subdivisions, provide a 30 foot access within 100 foot buffer of the cemetery, this proposal would allow for grant money to make improvements such as fencing and signage to the cemeteries.

Town Planner Cummings stated that the Planning Board could consider other options such as recommend a Local Land Mark Law. This Law is recognized by the State of New York and then the Town can apply for grants to improve the cemeteries. He also stated that the Town could impose an Overlay District. This would allow the Planning Board to achieve the site plan or concerns. The Overlay District would also be more flexible for the Town and for future applicants. The Planning Board can impose conditions on the Overlay District to protect the cemeteries. The Overlay District would become a Town Law if it was adopted.

After a lengthy discussion, and consult with Town Councilperson Ken Petronis, the consensus of the Board was to reserve decision on the recommendation until further information could be provided.

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The Board would like to see a map identifying the cemeteries, as well as, literature on the options proposed by the engineer.

The consensus of the Board members was to table the Cemetery Law until further information could be provided.

**Motion to table the
Cemetery Law
Made by P. Buck,
Seconded by P. Tompkins
MOTION CARRIES 7-0**

**Town of Stillwater
Draft Generic Environmental Impact Statement**

(DGEIS)

Chairwoman Winchell stated that on August 6, 2008 there was a Public Hearing held at the Stillwater Community Center on the proposed DGEIS. She stated that 20 residents, all Town Board Members and three members of the Planning Board attended. Chairwoman Winchell inquired of the Board members if they had received the DGEIS CD that was handed out; they informed her that they had received the CD.

Chris Rounds of Chazen Companies gave a brief overview of the DGEIS. Mr. Rounds informed the Board that DGEIS is to evaluate the potential impacts of growth on certain resources and facilities located in the Town of Stillwater. Mr. Rounds stated that the DGEIS deals with the Town's infrastructure including the following: Highways (traffic study), water supply and distribution systems, wastewater collection and treatment systems, open spaces protection plan, farmland protection plan, and recreational facilities. He further stated that the DGEIS draft was a combined effort with input from The Chazen Companies, Representatives of three Development Parks, Town Board Members, Highway Department, and a member of the Planning Board.

Mr. Rounds stated that the build-out estimate provides the basis for estimating growth that will occur in the Town over a ten-year period. This estimate utilizes the Town's zoning regulations, as well as, environmental and regulatory constraints. He also stated that the estimated growth for the ten years is 600 new homes, 10,000 square feet of commercial space and 50,000 square feet of new industrial facilities will be constructed. He further stated that the Town has issued an average of forty-two building permits per year.

The DGEIS Draft looks at a variety of forested, meadow, and wetland areas within the Town of Stillwater. The Natural Heritage Program has a database of NY State rare, threatened and endangered species and has identified several within Stillwater. The Northern Harrier is one that is known to breed in the marsh and grasslands in parts of the Town. There are also several vascular plants that are threatened or endangered that exist 70 within the Town. Mr. Rounds stated that the Town should ensure consultations with NYSDEC, Natural Heritage Program as a means of reducing the unintended loss of these resources.

Mr. Cummings stated that the DGEIS helps to preserve ecological features that the Town should target as preservation points. DGEIS helps to generate monies that will become available to the Town to protect these resources. He further stated that there are a series of policies within the DGEIS.

Chairwoman Winchell submitted a listing of her concerns. Carol Marotta mentioned that she addressed many of her concerns at the Public Hearing. There was further discussion on the following: With AMD coming, there are concerns of the main thoroughfares and intersections such as NYS Route 9P, County Route 76, and State Route 423. How does DGEIS address the build out of this project? Have you looked at issues that may affect the Hudson River and Saratoga Lake due to storm water drainage? Is there a way to utilize the old railroad beds that are high dry and available for access to State Route 423 for construction traffic? The traffic light at the intersection of Hudson Avenue and the Stillwater Bridge Rd should be looked into for any impact that may occur in this area. In the new Water Service Growth Plan, there is no mention of the Saratoga Lake area. In the Rural Residential District it states that it has the potential for 12.6

dwelling units. The common language relating to Community Services and Stillwater Central Schools with the Comprehensive Plan. The DGEIS should identify for the school where additional facilities may be warranted for further growth. Does the DGEIS address the need for additional cell towers and greater cable access? There are no mitigation fees for sewer, water, traffic, and storm water drainage proposed. What are the mitigation fees for a non –residential building per square foot and for a single family dwelling unit? What is the mitigation for the Farm Land Protection Plan?

After a lengthy discussion listing the concerns of all the Planning Board members, it was stated that a response from The Chazen Companies would be forthcoming. The response would be made to the Town Board. Copies of their response would be forwarded to the Planning Board.

New Business: Chairwoman Winchell stated that on Wednesday, September 17, 2008 there is an AMD meeting at 3:00 P.M. at the attorney's office in Malta. She inquired to the proposed agenda for the meeting and whether any Planning Board members wished to attend.. John Murray stated that he would be able to attend the meeting.

Councilman Petronis stated that he would like to thank Mr. Cummings and Mr. Rounds for all the hard work that have done on the DGEIS. He also informed the Board that the Town Board is currently considering items for the AMD Host Benefit Package. Five million dollars is being offered to Malta and Stillwater with a 75/25 split after a multi-purpose ball field is constructed.. Councilman Petronis also stated that the Town of Stillwater is looking into purchasing Brown's Beach. He also stated that they have a water meeting on September 16, 2008.

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Old Business: There was none.

There was motion to adjourn the September 15, 2008 Planning Board meeting.

**Motion to adjourn the
September 15, 2008
Made by J. Murray,
Seconded by P. Buck
MOTION CARRIES 7-0**

Respectfully Submitted,

Sheila Silic

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