

Town of Stillwater Planning Board

Monday September 17, 2012 at 7:00 PM

Board Members Present: Chairman Bob Barshied (BB); Co-Chairman John Murray (JM); Peter Buck (PB); Randy DeBacco (RD); Paul Tompkins (PT); Beverly Frank (BF)

Absent: Carol Marotta (CM)

Also Present: Jim Trainor (JT), Attorney for the Town; Joe Lanaro (JL) Engineer for the Town; Ray Abbey (RA), Code Enforcement Officer, Richard Butler (RB), Director of Building Planning and Development.

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

Adoption of Minutes:

-The minutes of the July 16th meeting and the August 20th, 2012 meeting were approved.

AGENDA ITEMS:

#1 Stewart's Shops Corporation

PDD discussion & Site Plan Review

501 Rt 9P

SBL# 218.20-2-28, 218.20-2-31, & 230.-1-17.1

-Jennifer Howard spoke on behalf of the Applicant. (JM) gave an update on the history of the proposed addition. No changes have been made in the proposed plans since it was once proposed back in the spring of 2012.

-Ms Howard understands that the PDD legislation has been amended to allow the application to proceed through the Site Plan Review stage. (JT) concurred. The revisions to the PDD were resolved at the Town Board level. Impacts of SEQR were adequately addressed by the Town Board in accordance with the PDD legislation.

-SBL numbers have been clarified. Provisions have been made for the updating of the Zoning Map.

-(JM) made a motion to grant a waiver to not require storm drainage amendments to the site plan. It was seconded by (PB). Motion passed unanimously.

-(RB) stated the conditions of the Chazen review letter. A Stewarts response letter responding to the conditions was read by Jennifer Howard. It appears that the conditions have been met.

-A 655 square foot addition is planned.

-Only one soffit light is proposed.

-Jennifer asked about salvaging and relocating an existing Community Board. The topic will be referred to the Supervisor.

**TOWN OF STILLWATER
PLANNING BOARD
2012 RESOLUTION NO. 30**

WHEREAS, Stewart's Shop Corporation have submitted an application for site plan approval regarding property located at 501 Route 9P, more fully described as Tax Map No. 218.20-2-28, 218.20-2-31, and 230.-1-17.1; and

WHEREAS, the Town Board completed a SEQRA review of the proposed plan and has issued a negative declaration pursuant to Resolution No. 65 of 2012, and the Planning Board adopts those findings; and

WHEREAS, the Planning Board has duly considered the application;

Now, therefore, be it

RESOLVED, that the application of Stewart's Shops Corporation, for a site plan review of lands located 501 Route 9P, more fully described as Tax Map No. 218.20-2-28, 218.20-2-31, and 230.-1-17.1, is hereby granted; and be it further

RESOLVED, that the Planning Board issued a waiver of a storm water management plan because of the projects effects on storm water is de-minimis; 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 Buck, seconded by Member Murray, to adopt Resolution No. 31.

A roll call vote was taken on Resolution No. 30 as follows:

Chairman Barshied	Yes
Member Buck	Yes
Member DeBacco	Yes
Member Frank	Yes
Member Marotta	Absent
Member Murray	Yes
Member Tompkins	Yes

Resolution No. 30 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on September 17, 2012.

#2 Saratoga Point Public Hearing (continuation)

382 Rt 423

Mason Street, LLC

Sub-Division Approval

SBL# 219.-1-5.2.

- (BB) asked if there was any additional public comment. There was none. The Public Hearing was closed.
- There was no additional public input received by the Town since the public hearing commenced on August 20th 2012.
- John Gay of Northeast Consultants spoke on behalf of the Applicant. Atty Anthony Amodeo Jr. was also present on behalf of the Applicant.
- The Applicant was looking for conditional approval for Phases 1&2, which are basically the residential portions of the Project..
- There was considerable concern mentioned by the Board relating to the Commercial Phase of the Development. The Board mentioned that this concern has to be addressed as part of any conditional approval process. (JM) stated that the commercial parcel has to be made a valid component of the Project.
- John Gay mentioned that there needs to be housing sales prior to the development of the commercial phase and presently there is not a demand for the commercial lot. He also mentioned the potential difficulty of marketing the commercial portion in a difficult economy.
- Mr. Gay hopes to have all approvals in hand within the next 6 months.
- The Board suggested that a development agreement be agreed upon between the developer and the Town Board for the commercial portion of the Project before the final sub-division plats are submitted and signed by the Planning Board Chair.
- Technical comments made in the latest Chazen review letter have been addressed

**TOWN OF STILLWATER
PLANNING BOARD
2012 RESOLUTION NO. 31**

WHEREAS, Mason Street, LLC, has submitted an application for a site plan approval regarding property located at 382 Route 423, more fully identified as Tax Map Number 219.-1-5.2; 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;

Now, therefore, be it

RESOLVED, that the Planning Board hereby determines that the proposed action by the applicant, Mason Street, LLC, for site plan approval regarding property located at 382 Route 423, more fully identified as Tax Map Number 219.-1-5.2, will not have a significant impact on the environment.

A motion by Member Murray, seconded by Member Buck, to adopt Resolution No. 31.

A roll call vote was taken on Resolution No. 31 as follows:

Chairman Barshied	Yes
Member Buck	Yes
Member DeBacco	Yes
Member Frank	Yes
Member Marotta	Absent
Member Murray	Yes
Member Tompkins	Yes

Resolution No. 31 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on September 17, 2012.

**TOWN OF STILLWATER
PLANNING BOARD
2012 RESOLUTION NO. 32**

WHEREAS, Mason Street, LLC, has submitted an application for a site plan review regarding property located at 382 Route 423, more fully described as Tax Map No. 219.-1-5.2; and

WHEREAS, a public hearing was conducted on August 20, 2012 and September 17, 2012 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. 32 of 2012; and

WHEREAS, the Planning Board has duly considered the application;

Now, therefore, be it

RESOLVED, that the application of Mason Street, LLC, for site plan approval of lands located on 382 Route 432, more fully identified as Tax Map Number 219.-1-5.2, is hereby granted, provided the applicant comply with the following conditions and that these conditions be met prior to filing of the map;

1. Satisfy conditions in the Engineering Review letter of Sean Doty, P.E., of Chazen dated July 12, 2012;
2. Formation of a Drainage District;
3. Reach agreement with the Town of Stillwater regarding timing, design, and usage of commercial parcel before Planning Board Chair will stamp the map.
4. Approval of the Health Department
5. Approval of the County Sewer District.
6. Approval of the Department of Environmental Conservation.

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. 32.

A roll call vote was taken on Resolution No. 32 as follows:

Chairman Barshied	Yes
Member Buck	Yes
Member DeBacco	Yes
Member Frank	Yes
Member Marotta	Absent
Member Murray	Yes
Member Tompkins	Yes

Resolution No. 32 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on September 17, 2012.

#3 Verizon / Cellco

Site Plan Review

New Tower, etc.

Radar Road

SBL#207-1-13.1

- Scott Olson Atty spoke on behalf of the Applicant.
- New site photo simulations depicting view-shed of the proposed additional 4th tower from the Saratoga National Battlefield will be prepared by the Applicant after leaves are off the trees.
- The Application is still deemed incomplete by the Town. Atty Olson agreed.
- (BB) Mentioned that it is the Town's preference to keep the number of towers to a minimum, or no more than the three that presently exist.
- (BB) also mentioned that there is still need for all parties to be communicating with each other. The Town needs some documentation that negotiations amongst the parties are taking place.
- Atty Olson requested extending the time frames mentioned in his letter dated August 31, 2012.
- (JM) mentioned that the time extension should be extended to the PB meeting in March 2013.
- (JT) mentioned that a letter needs to be prepared by the Applicant requesting an extension to March 15th 2013. All present agreed.
- Atty Olson reputed that the technical aspects of Chazen's review letter dated April 5, 2012 have been resolved. Joe Lanaro agreed.
- Atty Olson reiterated that the only reason that Verizon is before the Board is the short termination clause in their present agreement with Crown Communications.
- (JM) again mentioned that the Applicant previously agreed to remove the present tower at no cost to the Town. Atty Olson did not recall.. (JM) stated that he did make the statement at a prior meeting.

#4 Decrescente Distributing

Site Plan Review

Building demolition, Warehouse and Cooler Expansion

211 N. Main Street

Rts 4,32 &67

SBL#262.-1-4.111 & 262.-1-4.121

- Frank Polumbo of C. T. Male spoke on behalf of the Applicant.
- Representatives from Decrescente and BBL (Construction Managers) were also present.

- Referral to the County Planning Board and designation of lead agency are two of the main reasons for this appearance before the Board. The Applicant expects to attend the County Planning Board Meeting when their project is discussed.
- The applicant is well aware and accepting of the GEIS fees. The final calculation of them will be made at a later date.
- A colored site plan was displayed depicting, in general terms, the scope of the renovations and expansion.
- The expansion project gives the applicant greater capacity to grow their business.
- The Chazen review letter dated September 12, 2012 was reviewed item by item.
- A site variance was previously granted for lot coverage in December of 2007. Some work was completed subsequent to the variance, thereby reputedly validating the continued variance applicability to the proposed Project. (BB) mentioned that this has to be validated by Atty Daryl Cutler.
- Parking calculations were discussed as well as truck traffic. Truck waiting spaces have been provided. Most of the existing paving will be restriped.
- Tax parcel SBL numbers have been clarified.
- The Applicant wishes to construct starting late fall and winter thru spring of 2013, to avoid their busy summer season.
- Partial site truck maneuvering drawings were distributed and discussed.
- The SWPP plan was discussed. The fine tuning is being developed as a previously developed area.
- Further description of landscaping will be prepared and submitted.
- The site entrance permits are being administered by the City of Mechanicville through an arrangement with NYSDOT.
- The location of the curb cut entrance was discussed in detail as it relates to the adjacent proposed Esplanade Project. The main entrance to the Esplanade Project is south of the proposed Decrescente Project.
- More specific site information will be presented prior to the Planning Board Public Hearing scheduled and agreed to by the Board for the 15th of October. Coordination with the results of the County Planning Board Meeting has an impact upon final Site Plan Review Approval by the Planning Board.
- (BB) asked that the landscape strip along Rt 4 be further developed and be more dense. Solid versus a more open type fence was discussed as well as restricting the view of the back of tractor trailer trucks immediately adjacent to Rt 4. (RB) asked if the width of the landscape strip could be widened. [much of this area is not within the Town of Stillwater]
- The guard-shack is intended to be manned.
- (JT) asked about a ROW shown on the site plan running N/S from Best Ave. The project surveyor will be asked to remove the ROW if there is no other party with rights to use it.
- (BF) Asked about trucks leaving the north end of the property (through the "Recon Bldg".) The new work will add to this traffic onto Best Avenue according to the Applicant.
- The October 1st meeting will be informational in nature, with a more specific landscape plan, etc. Technical aspects of storm-water will come a bit later.
- Motion to be Lead Agency was made by (JM) seconded by (PB) All in favor. Agencies will have 30 days to object.

- (RB) will be sending lead agency notices to the appropriate parties, after receipt of a list of agencies supplied by Chazen.*[sent out September 25th]*
- Motion to hold a public hearing made by (JM) 2nd by (PB)

**TOWN OF STILLWATER
PLANNING BOARD
2012 RESOLUTION NO. 33**

WHEREAS, DeCrescente Distributing has submitted an application for a site plan review regarding property located at 211 North Main Street (Rtes 4, 32 & 67), more fully identified as Tax Map Number 262.-1-4.111 & 262.-1-4.121; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the proposed action requires a coordinated SEQRA review; and

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

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

Now, therefore, be it

RESOLVED, that the Planning Board directs Chazen to distribute a notice of the Planning Board's intent to serve as lead agency pursuant to SEQRA to all appropriate agencies; and be it further

RESOLVED, that Chazen is requested to send the GML §239 referral to the Saratoga County Planning Board.

A motion by Member Murray, seconded by Member Buck, to adopt Resolution No. 30.

A roll call vote was taken on Resolution No. 33 as follows:

Chairman Barshied	Yes
Member Buck	Yes
Member DeBacco	Yes
Member Frank	Yes
Member Marotta	Absent
Member Murray	Yes
Member Tompkins	Yes

Resolution No. 33 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on September 17, 2012.

NEW BUSINESS:

- (RB) gave a status update on the expanded position of Fire Marshal, assistant Code Enforcement Officer and 911 Coordinator.
- (RB) described a Town Police Force proposed shooting Range on George Thompson Road in a Town owned gravel pit. (RB) has concerns and requested suggestions as to how to proceed from the Board. (RB) was asked to send the Police Department a letter stating that they need to make a presentation of their plans to the Planning Board. (BB) asked (RB) to forward a copy of the lead shot best management practices to the Chief of Police. (JM) has concerns about limiting who has access to use the range, etc. (BB) mentioned that the Police Department may be using it already. The site is located in the watershed protection district and also in a rural residential district.
- (RB) updated the Board on the status of Peter Hughes' enforcement activities. Enforcement proceedings have been initiated on 6-8 problem properties presently regarded as "unsafe structures".
- (RB) promised to distribute periodically to the Board, a list of violation/complaints as prepared by Peter Hughes.
- (RB) recently distributed a list of permits in process of review. It will be periodically distributed, if only to inform the Board of the Department's level of activity.
- Proposed revisions to the Global Foundries PDD, recently received, were distributed for review. This affects Malta primarily, but the Town of Stillwater is copied as part of an inter-municipal agreement. A workshop is scheduled in Malta on October 1st. A formal presentation will be made before this board after Malta has had their input.
- (RB) mentioned that there are no regulations related to drilling and blasting in our Town regulations. There has been a preliminary request for blasting in Winding Brook due to the presence of shale interfering with the excavation of two house foundations.
- (BF) asked about the status of enforcement proceedings relating to the deteriorating historic spring house enclosure at the intersection of Rt 9P and Luther Road. (RB) stated that Peter Hughes will be informed for his determination of any required actions. (RB) investigated and the property is not owned by the Town, but the Town reputedly would like to pursue the historic restoration of the immediate portion of the site surrounding the structure.

OLD BUSINESS

None

ADJOURNMENT

(JM) made a motion to adjourn; (BF) seconded the motion at approximately 9:45 PM. All approved the motion.

NEXT MEETINGS: October 1, 2012 & October 15, 2012