

Town of Stillwater Planning Board

Monday August 20, 2012 at 7:00 PM

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

Also Present: Daryl Cutler (DC), Attorney for the Town; Sean Doty (SD) Engineer for the Town; Ray Abbey (RA), Code Enforcement Officer, Richard Butler (RB), Director of Building Planning and Development and Ed Kinowski Supervisor (EK) part of meeting.

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 were not approved, due to an omission of a resolution relating to Global Foundries.

AGENDA ITEMS:

#1 Global Foundries Lot "E"

Reaffirmation of July Resolution

-Matt Jones spoke on behalf of the Applicant requesting re-approval of a site plan for temporary parking lot "E".

TOWN OF STILLWATER PLANNING BOARD 2012 RESOLUTION NO. 26

WHEREAS, Global Foundries has submitted an application for Site Plan Review regarding property located at Fab 8 Campus; and

WHEREAS, Global Foundries received approval of the Site Plan Review pursuant to the Resolution #25 of 2012; and

WHEREAS, the Applicant has asked the Planning Board to re-approve the Site Plan because the County approval was not formally issued until after the July 16, 2012 Planning Board meeting; 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 site plan approval; and

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 24 of 2012; and

WHEREAS, the Planning Board has duly considered the application;

Now, therefore, be it

RESOLVED, that the application of Global Foundries, for site plan approval for a temporary parking lot on property located at Fab 8 Campus, is hereby granted; and be it further

RESOLVED, that the application is GRANTED, provided the applicant comply with the following conditions, which were included in the July 14, 2012 Memorandums from The Chazen Companies, and the additional conditions set forth below, and that these conditions be met prior to approval of the application:

1. That a \$150,000.00 letter of credit for the cost of landscaping will cover the landscaping requirements until September 15, 2015, at which time such landscape must be installed unless the parking lot has been removed.

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 Buck, to adopt Resolution No. 26.

A roll call vote was taken on Resolution No. 26 as follows:

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

Resolution No. 26 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on August 20, 2012.

#2 Esplanade Project Request for extension and / or Re-approval

Rts 4, 32 and 67

SBL# 262.00-1-10

-Pat Mitchell of Creighton Manning Engineering spoke on behalf of the Owner, requesting an extension of the approval granted on November 15th of 2010. No changes have been made to the plans according to Mr. Mitchell. A contract has recently been signed for demolition and demolition is scheduled to start in January or February of 2013. Leonard Bus was relocated to

Saratoga Springs in March of this year. Payment of GEIS fees appears to be the only condition of approval. Lack of receipt of payment according to (DC) does not impede approval in this case. - The Applicant needs to verify the schedule of GEIS fee payment with the Town Board.

-(CM) asked if there will still be a pedestrian connection to the DeCrescente Project(s). Mr. Mitchell stated to the affirmative.

-The Applicant is looking for developers to assist with the project. Demolition is moving forward to assist with the marketing of the Project to developers

-Mr. Mitchell was asked about the parking of tractor trailers on the north end of the property. (DC) stated that, in his opinion, the present use for parking of tractor trailers is consistent with the prior use of the property as a warehouse. Mr. Mitchell stated that after demolition there will be no more parking of tractor trailers on the site.

-(BB) Questioned if the present use for trailer parking was allowed in the Mixed Use Zoning District, since the parcel was rezoned Mixed Use, specifically for the Esplanade Project. (DC) stated that this issue would not impede the re-approval, the subject of this presentation by the Applicant.

-(CM) asked about the prior approved exterior building materials. Mr. Mitchell stated that all materials will be as approved previously. No vinyl siding will be used in the Project.

-(BB) mentioned that upon the passing of this proposed resolution the Applicant will have one year to start construction.

**TOWN OF STILLWATER
PLANNING BOARD
2012 RESOLUTION NO. 27**

WHEREAS, Empire Warehousing Corp. has submitted an application for site plan approval regarding property located at North Main Street, more fully described as Tax Map No. 262.00-1-10; 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 re-approval of a site plan that has not changed from the original approved plan that expired due to the time delays on starting the project; and

WHEREAS, the Planning Board determined that the project has not changed since the original SEQRA review, that was a negative declaration; and

WHEREAS, the Planning Board has duly considered the application and has inquired with the applicant regarding the storage of tractor trailer trucks on the property. The applicant advised the Board that such trucks were incidental to the uses of the existing warehousing building, which is scheduled to be demolished. Once it is demolished, the tractor trailer trucks would not be stored on the property;

Now, therefore, be it

RESOLVED, that the application of Empire Warehousing Corp., for re-approval of the site plan review regarding lands located on North Main Street, more fully identified as Tax Map Number 262.00-1-10, is hereby granted; and be it further

RESOLVED, that the application is GRANTED, provided the applicant complies with the following conditions, and that these conditions be met prior to approval of the application:

1. Payment of GEIS fees.

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 Frank, seconded by Member Buck, to adopt Resolution No. 27.

A roll call vote was taken on Resolution No. 27 as follows:

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

Resolution No. 27 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on August 20, 2012.

#3 7:30 PM

Saratoga Point Public Hearing

382 Rt 423

Mason Street, LLC

SBL# 219.-1-5.2.

-John Gay of Northeast Consultants spoke on behalf of the Applicant with the aid of a slide presentation. Mr. Gay gave an overview of the entire project and its extended planning history. It includes 124 houses ranging in potential price from \$250-300,000.

(BB) opened the public portion of the hearing.

- Dave Wickes of Rt 9P asked about the drainage design for the Project due to past storm drainage problems. (BB) mentioned and described the “Drainage District “ that is being set up by the developer and the Town. There was significant discussion concerning storm drainage on the subject property, describing the direction of water flow and retention ponds.
- Chris Rotundo of 674 Rt 9P also mentioned storm water problems around his property and asked how the Project’s design would prevent the water problems from getting any worse. He also was concerned about an extended multi-year long construction period.
- A small, reputed unbuildable, parcel of lake front property, once part of the parcel, has been transferred out of the Project entirely, in answer to a concern of Mr. Rotundo and others present.
- Nancy Baker of 656 Rt 9P asked about landscape buffers between the rear of her property and the house lots of the subject project. She also asked about the appearance of the drainage basins. (BB) mentioned that they will be grassy areas with no trees. She had a concern about the width of the treed buffer between her property and the drainage basin. The width of the landscape buffer is 30’. The basins will be permanently protected with chain-link fencing. (SD) mentioned that temporary fencing should be provided to protect existing trees to remain.
- Nick Dagostino of Rt 9P asked about the narrow sewer line route along the north side of his property. It is about 30’ in width. It is mostly wetlands that must be maintained. No pathway is planned and the existing contours need to be maintained. There was concern that the sewer line route would become a pathway to the Lake. He also inquired about recreational aspects of the Project.
- Mr. Gay gave a description of the trail system and potential locations for recreational features.
- (EK) mentioned that PDD’s have their own unique zoning requirements that super-cede the underlining zoning.
- Municipal water will be available to provide water for property owners along 9P, but hookups are not mandatory.
- (BB) asked that the Applicant point out the area reserved for commercial uses. A discussion ensued about the necessity of the Project to contain commercial uses. (CM) recited the allowed commercial uses stated in the Zoning Ordinance, but the PDD legislation super-cedes the underlying zoning and it [PDD] lists the actual allowed uses. Mr Gay stated that a gas station is not allowed. A schematic commercial development for the commercial phase was presented and discussed.
- (BB) mentioned that the Project’s review history includes 12 meetings before the Planning Board and a few public hearings.
- (EK) mentioned that there are no clear plans from NYSDOT to revise the intersection of Rt 9P and Rt 423.
- A discussion took place regarding the type of housing units anticipated.
- The development of the PDD legislation took into account traffic, school impact and many other areas of concern that will be affected by the Project.
- The time frame for the full development of the Project is uncertain at this time and is very dependent upon the economy and sewer district improvements.
- There are three phases of the Project, including two that are residential.
- More phases, i. e. an expansion of the Project, can not take place.
- The maintenance of the Drainage District is the responsibility of the Town.
- (DC) mentioned that the Project’s PDD has already been approved by the Town Board
- Walking trails will be unimproved and are not meant to be for the use of the general public.
- The Applicant is looking for final conditional approval, hopefully at the next meeting.
- (JM) made a motion to keep the public hearing open till the next meeting on Sept. 17th. All agreed.

#4 Grace Moore Meadows

Minor Sub-Division
Grace Moore and Yunch Roads
SBL# 219.00-1-.92.12

- Brian Ragone of the Environmental Design Partnership spoke on behalf of the Owner. The Project is a 3 lot minor sub-division consisting of a total of 9.79 acres, surrounded by single family houses and forested land. On-site septic systems and wells are part of the project. There will be private driveways for each lot. The Chazen review letter relating to the Project was reviewed by (SD).
- The Fire Marshal needs to comment on the driveway for the middle parcel.
- The Applicant/Owner resides directly west of the sub-division.
- The previous sub-division was approved more than 5 years prior, hence the application can be considered a minor sub-division.

**TOWN OF STILLWATER
PLANNING BOARD
2012 RESOLUTION NO. 28**

WHEREAS, Lighthouse Design Build, LLC, has submitted an application for a minor subdivision regarding property located on Grace Moore Road more fully identified as Tax Map Number 219.00-1-92.12; 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, Lighthouse Design Build, LLC, for a minor subdivision regarding property located on Grace Moore Road, more fully identified as Tax Map Number 219.00-1-92.12, will not have a significant impact on the environment.

A motion by Member Buck, seconded by Member Tompkins, to adopt Resolution No. 28.

A roll call vote was taken on Resolution No. 28 as follows:

Chairman Barshied	Yes
Member Buck	Yes

Member DeBacco	Yes
Member Frank	Yes
Member Marotta	Yes
Member Murray	Yes
Member Tompkins	Yes

Resolution No. 28 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on August 20, 2012.

**TOWN OF STILLWATER
PLANNING BOARD
2012 RESOLUTION NO. 29**

WHEREAS, Lighthouse Design Build, LLC, has submitted an application for a minor subdivision regarding property located on Grace Moore Road, more fully described as Tax Map No. 219.00-1-92.12; 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 minor subdivision; and

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 28 of 2012; and

WHEREAS, the Planning Board has duly considered the application;

Now, therefore, be it

RESOLVED, that the application of Lighthouse Design Build, LLC, for a Minor Subdivision Review for a 3-lot subdivision of lands located on Grace Moore Road, more fully identified as Tax Map Number 219.00-12-92.12, is hereby granted; and be it further

RESOLVED, that the application is GRANTED, provided the applicant comply with the conditions, which were included in the August 9, 2012 Memorandums from The Chazen Companies, and that these conditions be met prior to approval of the application; 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 Marotta, seconded by Member Murray, to adopt Resolution No. 29.

A roll call vote was taken on Resolution No. 29 as follows:

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

Resolution No. 29 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on August 20, 2012.

NEW BUSINESS:

- (RB) gave a status update on the DeCrescente Distributing Warehouse Expansion Project . It is intended to be before the Board in September.
- The adoption of the proposed new SEQR short EAF form has been delayed till April 13, 2012 or later according to (EK) and (SD).
- (PB) mentioned the Saratoga Lake fee assessments that are being requested by the Saratoga Lake Protection and Improvement District aka: SLIPD. The proposal referred to caused a lengthy discussion both for and against the proposal. Implementation is reputed to be a lengthy process.

OLD BUSINESS

- (EK) reported on a combined Board meeting previously held regarding enforcement of Town Codes. Most of the meeting was in "Executive Session" as it pertained to potential litigations.
- (EK) mentioned potential manpower additions within the Building Planning and Development Department, to assist with more proper review and potential enforcement of Town Rules and Regulations.
- (BB) Reiterated the importance of the maintenance of data and enforcement of new and long-standing code violations.
- (RB) mentioned that D. A. Collins has not started their mandatory site improvements for the Temporary Gravel Surfaced Freight Facility previously approved. A discussion ensued relating to the Applicant's failure to implement the work.
- (EK) mentioned that Intermodal has also not implemented significant mandatory improvements to its site that abuts RT 67, specifically the area south of and close to Rt 67.

ADJOURNMENT

(JM) made a motion to adjourn; (PT) seconded the motion at approximately 9:00 PM. All approved the motion.

NEXT MEETINGS: September 17th, 2012 and October 1, 2012