

TOWN OF STILLWATER
PLANNING BOARD MEETING MINUTES
March 19th, 2012 @ 7:00 PM
STILLWATER TOWN HALL

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

Absent: Chairman, Bob Barshied (BB)

Also Present: Daryl Cutler (DC), Attorney for the Town; Sean Doty (SD), Engineer for the Town; Richard Butler (RB), Director of Building, Planning & Development; Ray Abbey (RA), Code Enforcement Officer; Deanna Stickney (DS) Acting Secretary for the Planning Board; Supervisor Ed Kinowski (EK);

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

Adoption of February 6th Minutes & March 5th:

(PB) made motion to approve February 6th minutes and (BF) seconded. (JM) Stated he will put on hold the March 5th meeting minutes for approval until the next meeting.

1st Agenda Item

**-Stewart's Shop, Site Plan Review, Building Addition;
501 Rt. 9P, SBL #: 218.20-2-28; 218.20-2-31; & 230.-1-17.1
Jennifer Howard representing Stewart's (7:03 PM)**

Ms. Howard addressed the comments presented in the Chazen Engineering review. Stewart's is willing to combine the 3 parcels into one parcel, if it is not done so already. Ms. Howard confirmed that Stewarts does not need formal storm water plans. Discussion was had regarding the B-2 zoning landscape requirements. The engineer and attorney for the Town confirmed that under current B-2 Zoning, the Planning Board does not have discretion to waive the landscaping requirements. Insufficient information was presented or available to determine whether or not a PDD provision provided the Planning Board with discretion to deviate from the landscaping requirements. Absent such discretionary authority, the Applicant would be required to obtain a variance from the Zoning Board or an amendment of the PDD legislation from the Town Board.

The Applicant was advised of the ZBA's schedule and the need for a public hearing to be conducted for the granting of a variance.

2nd Agenda Item

**D.A. Collins Trucking Facility; Temporary Special Use Permit & Site Plan Review
Rt. 67 Overlay District; SBL #: 252.-2-35 (7:17 PM)
Mike Ingersoll, LA Group; Jeff Cintula, DA Collins**

Mike Ingersoll presented a detailed explanation to the Board of the Applicant's proposed use of the property. He addressed various concerns and comments set forth in the Chazen Engineering Report.

Discussion was had regarding the Applicant's intent to not operate the truck parking area once they develop and have a tenant for the previously approved building. The Applicant stated that they would be seeking a two year temporary use permit. It was determined that a renewable special use permit would be more appropriate, since it could be renewed, if desired. Mr. Ingersoll and (SD) discussed whether a storm water pollution plan was necessary. (SD) advised that DEC Region 5 is the ultimate authority on interpretation of its statutes.

(CM) and (RB) expressed concern regarding the lighting which may need side shields.

Mike Ingersoll expressed concern regarding landscaping requirements which necessitate landscaping in areas where vegetation would likely not survive. (SD) and Ingersoll discussed various options. (DC) advised that a variance could be granted by the ZBA and addressed the procedure to pursue the same.

A motion was made to pursue a coordinated SEQRA review by (PB) and seconded by (BF), which motion was passed by unanimous consent. The matter was placed on the May 7th Planning Board agenda for a public hearing to provide sufficient time for D.A. Collins to seek to obtain a variance from the ZBA prior to the Planning Board public hearing.

Discussion was had regarding granting a temporary SUP for 120 days to allow operation of the facility pending the full review of this application.

**TOWN OF STILLWATER
PLANNING BOARD
2012 RESOLUTION NO. 3**

WHEREAS, D.A Collins Construction Co., Inc., has submitted an application for a special use permit regarding property located at 101 NYS Route 67, more fully identified as Tax Map Number 252.-2-35; 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 granting of a 120 day temporary special use permit for the proposed action will have a significant impact on the environment;

Now, therefore, be it

RESOLVED, that the Planning Board hereby determines that granting a 120 day temporary special use permit for the proposed action by the applicant, D.A. Collins Construction Co., Inc., for a parking lot regarding property located at 101 NYS Route 67, more fully identified as Tax Map Number 252.-2-35, will not have a significant impact on the environment.

A motion by Member Marotta, seconded by Member Frank, to adopt Resolution No. 3.

A roll call vote was taken on Resolution No. 3 as follows:

Chairman Barshied	Absent
Member Buck	Yes
Member DeBacco	Yes
Member Frank	Yes
Member Marotta	Yes
Member Murray (Acting Chair)	Yes
Member Tompkins	Yes

Resolution No. 3 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on March 19, 2012.

**TOWN OF STILLWATER
PLANNING BOARD
2012 RESOLUTION NO. 4**

WHEREAS, D.A. Collins Construction Co., Inc., has submitted an application for a Special Use Permit regarding property located at 101 NYS Route 67, more fully identified as Tax Map Number 252.-2-35; and

WHEREAS, there was no public hearing; and

WHEREAS, the applicant is asking for a 120 day temporary special use permit to allow for the use of the property as a parking lot pending the review for a 2 year renewable special use permit; and

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 3 of 2012; and

WHEREAS, the Planning Board has duly considered the application and the elements necessary to consider the granting of a Special User Permit by taking into consideration the benefit to the applicants if the permit is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community by such grant; and

WHEREAS, the Planning Board considered the fact that the property had been used in the past for storage of construction vehicles owned by the applicant in a similar location as the proposed parking lot and the applicant had provided sufficient information to allow for consideration of a temporary use of that site as a parking lot and that based upon the information provided, the Planning Board has determined that this temporary use promotes the general purpose and intent of the comprehensive plan, would have a positive impact on developing business in the area, and would not have a substantially negative impact on vehicle congestion.

Now, therefore, be it

RESOLVED, that the application of D.A. Collins Construction Co., Inc., for a 120 day temporary special use permit on property located at 101 NYS Route 67, more fully identified as Tax Map Number 252.-2-35, is GRANTED

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 DeBacco, to adopt Resolution No. 4 of 2012.

A roll call vote was taken on Resolution No. 4 as follows:

Chairman Barshied	Absent
Member Buck	Yes
Member DeBacco	Yes
Member Frank	Yes
Member Marotta	Yes
Member Murray (Acting Chair)	Yes
Member Tompkins	Yes

Resolution No. 4 of 2012 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on March 19, 2012.

**TOWN OF STILLWATER
PLANNING BOARD
2012 RESOLUTION NO. 5**

WHEREAS, D.A. Collins Construction Co., Inc., have submitted an application for a site plan review for a parking lot regarding property located at 101 NYS Route 67, more fully identified as Tax Map Number 252.-2-35; and

WHEREAS, pursuant to the Stillwater Zoning Law, a public hearing is not required to be held for this type of application; and

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 3 of 2012; and

WHEREAS, the Planning Board has reviewed the application and has duly considered the criteria for a site plan review of a temporary 120 day use of the property as a parking lot;

Now, therefore, be it

RESOLVED, that the application of D.A. Collins Construction Co., Inc., for a site plan review for 120 day use of a proposed parking lot regarding property located at 101 NYS Route 67, more fully identified as Tax Map Number 252.-2-35, is hereby GRANTED

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 Tompkins, to adopt Resolution No. 5 of 2012.

A roll call vote was taken on Resolution No. 5 as follows:

Chairman Barshied	Absent
Member Buck	Yes
Member DeBacco	Yes
Member Frank	Yes
Member Marotta	Yes
Member Murray (Acting Chair)	Yes
Member Tompkins	Yes

Resolution No. 5 of 2012 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on March 19, 2012.

OLD BUSINESS (8:51 PM)

-Update on Enforcement of Violations:

NEW BUSINESS

-NONE

New developments, Dept of Building Planning & Development (8:55 PM)

-Notice to Applicants regarding incomplete outstanding applications: (RB) and (RA) have started housekeeping of aging and incomplete applications. If applications are inactive for 3+ months the Building Department will notify applicants and if there is no response within a certain amount of time, the partial applications will be filed and they can be re-opened only if the Applicant contacts the Department. There is a list of about ten (10) applications at present that apply.

-Zoning Ordinance / Town Web-site: -(RB) stated, thanks to Chazen's assistance, any day now the new zoning ordinance will be available on the town website.

OTHER DISCUSSIONS

(JM), (SD), and (CM) had a brief discussion about whether you have to have a public hearing for every special use permit application. They discussed ways the Town Board can work to change the language of the Zoning Code to give the Planning Board discretion on that issue.

Adjournment (9:40 PM)

(JM) asked for a motion to adjourn so moved by (BF).

Next Meetings April 2nd 2012 and April 16th

Respectfully submitted by:

Deanna Stickney Secretary for the Planning Board