

## Town of Stillwater Planning Board

Monday May 21, 2012 at 7:00 PM

**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)

**Absent:** N/A

**Also Present:** Daryl Cutler (DC), Attorney for the Town; Sean Doty (SD), Engineer for the Town; Joe Lanaro (JL), Engineer for the Town; Ray Abbey (RA), Code Enforcement Officer; Deanna Stickney (DS) Acting Secretary for the Planning Board; 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.

**Notice:** (BB) asked (JM) to run the portion of the meeting relative to the two public hearings.

**Adoption of Minutes:**

-None ready to approve for May 7, 2012

**AGENDA ITEMS:**

**#1 D.A. Collins Trucking Terminal Site Plan Review & Renewable Temporary Special Use Permit**

SBL#252.-2-35, Rt 67

-Jeff Cintula spoke on behalf of the Applicant. He responded to a complaint at the previous meeting regarding the running of trucks during night-time hours. He submitted and discussed the tenant's [JB Hunt] "truck idling policy". Idle time is down below 4% and their policy allows 8%. Idle time is reputedly defined as anytime a truck is not moving. Anytime a truck idles for more than ten minutes the Company is notified and the driver is contacted. No calls regarding idling overtime have been received by him. Trucks are monitored by GPS.

-(JM) opened the public hearing and requested anyone to speak with comments about the Project.

-No one from the public spoke.

-(JM) closed the public portion of the hearing .

-The three variances requested from the ZBA have been approved.

-(SD) reviewed The Chazen Companies' comments from the most recent review letter. Jeff Cintula responded to the comments.

-(CM) Stated that she would like to see the main entrance improvements off Rt 67 implemented now.

-(BF) Asked about trailer traffic information entering and leaving the site. Jeff Cintula answered that the majority of the traffic entering and leaving was by tractors only. The Applicant intends to remove the entrance gate. Tractors with trailers according to Jeff Cintula constitute a minority of the on-site traffic, approximately 10%.

-(JM) offered a motion limiting the length of the Special Use Permit to a 12 month period. A lengthy discussion took place regarding the most appropriate length of the Temporary Renewable Special Use Permit, i.e. 12 month versus 24 months.

-(CM) stated that she would support a 2 year term if entrance improvements are made now. There were concerns about traffic safety and entrance turning radii not meeting current DOT guidelines.

-David Collins, owner of D. A. Collins, spoke in justification of his Project and remarked about the company's excellent safety record.  
-(DC) will research the date that determines the start of the SUP time frame.

**TOWN OF STILLWATER  
PLANNING BOARD  
2012 RESOLUTION NO. 9**

WHEREAS, DA Collins has submitted an application for a two year Renewable Special Use Permit and Site Plan Review regarding property located on 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 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, DA Collins, for a two year Renewable Special Use Permit and Site Plan Review, regarding property located on 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 Murray, to adopt Resolution No. 9.

A roll call vote was taken on Resolution No. 9 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. 9 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on May 21, 2012.

**TOWN OF STILLWATER  
PLANNING BOARD  
Proposed 2012 RESOLUTION**

WHEREAS, DA Collins have submitted an application for a two year Renewable Special Use Permit regarding property located on Route 67, more fully identified as Tax Map Number 252.-2-35; and

WHEREAS, pursuant to the Stillwater Zoning Law, a public hearing was conducted on May 7, 2012 and May 21, 2012; and

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 9 of 2012; and

WHEREAS, the Town Engineer has reviewed the application and the proposed use and confirms that the plan complies with all Town, County and State requirements; and

WHEREAS, the Planning Board has reviewed the application and has duly considered the criteria for a two year Renewable Special Use Permit and Site Plan Review;

Now, therefore, be it

RESOLVED, that the application of DA Collins for a two year Renewable Special Use Permit regarding property located on Route 67, more fully identified as Tax Map Number 252.-2-35, is hereby GRANTED provided applicant comply with the following conditions, which were included in the May 21, 2012 Memorandum from The Chazen Companies, and that these conditions be met prior to approval of the application:

1. That the entrance meet DOT turning radius requirements (i.e., widen the gate and move the landscape barrier);
2. That comments 4, 5, 7-12 of the Chazen Memorandum be completed to the satisfaction of the Town Engineer;
3. That the variances granted by the ZBA be referenced on the plot plan; and

Payment of the GIS fees. RESOLVED, that the Special Use Permit be conditioned upon the requirement that The truck terminal facility will be decommissioned prior to occupation of the warehouse/incubation project;

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. 10 of 2012.

A roll call vote was taken on Resolution No. 10 as follows:

Chairman Barshied	No
Member Buck	No
Member DeBacco	No
Member Frank	Yes
Member Marotta	Yes
Member Murray	Yes
Member Tompkins	No

Resolution No. 10 of 2012 did not pass at a meeting of the Planning Board of the Town of Stillwater duly conducted on May 21, 2012.

**TOWN OF STILLWATER  
PLANNING BOARD  
2012 RESOLUTION NO. 10**

WHEREAS, DA Collins has submitted an application for a two year Renewable Special Use Permit regarding property located on Route 67, more fully identified as Tax Map Number 252.-2-35; and

WHEREAS, pursuant to the Stillwater Zoning Law, a public hearing was conducted on May 7, 2012 and May 21, 2012; and

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 9 of 2012; and

WHEREAS, the Town Engineer has reviewed the application and the proposed use and confirms that the plan complies with all Town, County and State requirements; and

WHEREAS, the Planning Board has reviewed the application and has duly considered the criteria for a two year Renewable Special Use Permit and Site Plan Review;

Now, therefore, be it

RESOLVED, that the application of DA Collins for a two year Renewable Special Use Permit regarding property located on Route 67, more fully identified as Tax Map Number 252.-2-35, is hereby GRANTED provided applicant comply with the following conditions, which were included in the May 21, 2012 Memorandum from The Chazen Companies, and that these conditions be met prior to approval of the application:

1. That the Applicant widen the gate to the entrance of the facility;
2. That comments 4, 5, 7-12 of the Chazen Memorandum be completed to the satisfaction of the Town Engineer;
3. That the variances granted by the ZBA be referenced on the plot plan;  
and
4. Payment of the GIS fees.

RESOLVED, that the Special Use Permit also be conditioned upon the requirement that the truck terminal facility will be decommissioned prior to occupation of the warehouse/incubation project;

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. 10 of 2012.

A roll call vote was taken on Resolution No. 10 as follows:

Chairman Barshied	Yes
Member Buck	Yes
Member DeBacco	Yes
Member Frank	No
Member Marotta	No
Member Murray	No
Member Tompkins	Yes

Resolution No. 10 of 2012 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on May 21, 2012.

**TOWN OF STILLWATER  
PLANNING BOARD  
2012 RESOLUTION NO. 11**

WHEREAS, DA Collins has submitted an application for Site Plan Review, regarding property located on Route 67, more fully identified as Tax Map Number 252.-2-35; and

WHEREAS, pursuant to the Stillwater Zoning Law, a public hearing was held on May 7, 2012 and May 21, 2012; and

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 9 of 2012; and

WHEREAS, the Town Engineer has reviewed the application and the proposed site plan and confirms that the plan complies with all Town, County and State requirements; and

WHEREAS, the Planning Board has reviewed the application and has duly considered the criteria for a Site Plan Review;

Now, therefore, be it

RESOLVED, that the application of DA Collins for Site Plan Review, regarding property located on Route 67, more fully identified as Tax Map Number 252.-2-35 is hereby GRANTED, without conditions, 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 DeBacco, to adopt Resolution No. 11 of 2012.

A roll call vote was taken on Resolution No. 11 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. 11 of 2012 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on May 21, 2012.

**#2 Jib Drive PDD**  
SBL#206.00-1-38, Rt 9P

-Peter Lynch Atty spoke on behalf of the Applicant to address issues raised at the May 7, 2012 Public Hearing. By deed there is no lake access. Keel Lane is in the HOA controlled areas.  
-(JM) reopened the public hearing and asked the public to speak.  
-(RB) read a letter just received by the Department dated May 21<sup>st</sup> from Robert E. Heslin. It requested three conditions: 1) No parking be allowed along Keel Lane 2) No easement be given to Sorenson [corner of Rt 9P and Keel Lane]. 3) The drainage on Keel lane when paved to be conducted North across Keel Lane as it is now.  
-(JM) closed the public portion of the meeting.  
-(BB) mentioned that it is his understanding that the applicant is looking for final approval with conditions.  
-(SD) reviewed The Chazen Company's comments from the most recent review letter.  
-Conditions for resolutions were discussed in detail.

**- TOWN OF STILLWATER  
PLANNING BOARD  
2012 RESOLUTION NO. 12**

WHEREAS, Jib Drive, PDD, has submitted an application for subdivision approval, regarding property located at Jib Drive, Route 9P, more fully identified as Tax Map Number 206.00-1-38; and

WHEREAS, pursuant to the Stillwater Zoning Law, a public hearing was held on May 7, 2012 and May 21, 2012; and

WHEREAS, the Planning Board has determined that the actions are consistent with the Town Board's SEQRA findings; and

WHEREAS, the Planning Board has reviewed the application and public comments presented; and

Now, therefore, be it

RESOLVED, that the application of Jib Drive, PDD, for a major subdivision for a 34 lot subdivision of lands located on Jib Drive, more fully identified as Tax Map Number 206.00-1-38, is hereby GRANTED, provided applicant comply with the following conditions, which were included in the May 4, 2012 Memorandum from The Chazen Companies, and that these conditions be met prior to approval of the application:

1. That the Applicant provide documentation to establish that the Saratoga Glen Hollow Water Supply Corporation has sufficient capacity and will provide water that will meet the required demands for the subdivision;
2. That a drainage district is established to handle the storm water management for the property and that the Applicant sign any necessary paperwork to facilitate the establishment from that drainage district;

3. That the Applicant obtain all necessary DOT permits;
4. That the 911 lot numbers be designated on the plot plan;
5. That a lot line adjustment to the lot referred to as “#6 Jib Drive” be completed;
6. That the HOA sign a hold harmless agreement in favor of the Town regarding the wet lands, and that the hold harmless agreement be reviewed and approved by the Attorneys for the Town;
7. That stamped engineer drawings from Redi Rock be provided to the Town;
8. That the Applicant pay the necessary GIS fees, or establish and comply with any payment plan approved by the Town Board;
9. That no certificate of occupancies will be granted until SCSD improvements are completed;
10. That the water shed delineations created as part of the SWPPP, should be extended so that they are not “cut off” at the property line;
11. That the Applicant provide the Town with correspondence and approvals from NYS DOH, NYS DOT, and SCSD, once obtained;
12. That the plot plan be amended to include the notation that there shall be no parking on Keel Lane, except by Keel Lane residents, and such parking shall not block the emergency access;
13. That all other conditions set forth in the May 4, 2012 Memorandum of the Chazen Companies be complied with.

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. 12 of 2012.

A roll call vote was taken on Resolution No. 12 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. 12 of 2012 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on May 21, 2012.

**#3 Lighthouse Design Build, LLC Minor 3 Lot Sub-Division**

SBL# 219.00-1-92.12, Grace Moore Rd & Yunch Road

- This is a preliminary meeting for the Project.
- Brian Ragone RLA of the Environmental Design Partnership spoke on behalf of the Owner. He generally described the Project called Grace Moore Meadows. The sub-division contains approx. 9.7 acres including some DEC regulated wet lands.
- The Chazen Company's comment letter was reviewed by (SD).
- (PB) gave some background information regarding the lots in this sub-division. He stated that there may be a restriction of the development of one of the lots from a prior sub-division. The Department needs to investigate prior resolutions for such a restriction.
- (CM) asked if the Applicant would consider a two-lot sub-division.
- (CM) also objected to the angled lot boundaries.
- Eric Rice, the Owner of the parcels introduced himself. He stated that the original sub-division was done over 5 years ago.
- The need for a public hearing was discussed and deemed not necessary by the Board.
- The Applicant needs to further the design of the Project and address the Chazen review letter.

**#4 1743 Rt 9 LLC, 4 Lot Minor Sub-Division**

SBL#219.-1-88.1 Grace Moore Road

- Duane Rabideau represented the Owner and spoke on their behalf. Last December the parcels were before the Board as a two lot sub-division. It was approved. It is now before the Board as a 4-lot sub-division for a preliminary review. The land affected totals 20.5 acres.
- (JM) remarked that the reputed driveway is not a driveway, it is a road. He objected to the Application and stated it is unacceptable to him as presented.
- (BB) & (SD) remarked that in order for this application to be considered further it would require a variance from the Zoning Board of Appeals as it is in violation to Section 12.12 [Frontage on public streets] of the Town's Zoning Ordinance.
- (BB) Also objected to the flag lots and the reputed driveway. (RD) agreed.
- (CM) Objected to this being a minor sub-division, stating that it should be a five lot major sub-division. She also objected to the driveway.
- According to the Applicant, the deeds have not been filed on the prior sub-division.
- Saratoga Water Services is reputed to be able to serve the parcels. (PB) questioned the accuracy of the statement.
- (BB) mentioned that the Board is generally not favorable to this sub-division as it has been presented. The Board tabled the application.

**NEW BUSINESS:**

- (RB) Made remarks regarding the LFTC owned National Grid / NYSEG Sub-Station. Mike Ingersol of the LA Group stated to (RB) that the project was approved and plats signed approximately five years ago by the Planning Board, though the landscaping remains to be installed.

-(RB) Stated that Peter Hughes will be presenting to the Town board a talk similar to the one presented to the ZBA and PB regarding Code Enforcement.

-(RB) mentioned that next month's meeting will have a large agenda.

### **OLD BUSINESS**

-None

### **ADJOURNMENT**

-(BF ) made a motion to adjourn; (PT ) seconded the motion at approximately 10:30PM. All approved the motion.

NEXT MEETINGS: June 18, 2012 & July 16, 2012