

**DRAFT**  
**TOWN OF STILLWATER**  
**PLANNING BOARD MEETING MINUTES**  
**February 4, 2013 @ 7:00 PM**  
**STILLWATER TOWN HALL**

**Present:** Vice-Chairman John Murray (JM); Carol Marotta (CM); Peter Buck (PB); Randy DeBacco (RD); Randy Rathbun (RR); Beverly Frank (BF)

**Absent:** Chairman, Bob Barshied (BB);

**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 & Development; Jim Ferris, Chairman of the Zoning Board of Appeals; Ed Kinowski, Town Supervisor (part of meeting)

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

**Review and approval of minutes of planning board meeting:**

Minutes of January 7, 2012 were approved with no modifications. All approved.

**AGENDA ITEMS:**

**#1 Global Foundries**

**Matt Jones Atty**

Procedural Issues

- Matt Jones Atty spoke on behalf of the Applicant. He stated that PDD amendments to accommodate FAB 8.2 are being proposed in both Stillwater and Malta.
- A resolution to execute and assign Lead Agency consent to the Town of Malta has been prepared for tonight's meeting, in order to avoid the necessity to wait 30 days.
- There are reciprocal amendments being proposed to both the Malta and Stillwater PDD legislations.
- The 2<sup>nd</sup> Fab, now called the Technology Development Center (TDC) building is presently ready to start construction . FAB 8.2 (the 3<sup>rd</sup> FAB) is planned to have a 450,000sf of Clean Room space. In comparison there is 90,000 sf of clean room in the (TDC) and 300,000sf of clean room in the 1<sup>st</sup> FAB.
- There are changes to the total building area on site (980,000sf) and different kinds of traffic mitigation being proposed. A slightly larger 8.2 is being proposed.
- There are no plans, either state or federal, to build Northway Exit 11A, nor does it appear to be necessary according to the Applicant's traffic engineers.
- FAB 8.2 will be +/- 25% in the Town of Stillwater. Atty Jones proposed a draft resolution for execution at this meeting.
- Additional traffic mitigation will take place at several intersections.
- Multiple bound copies of the Second Supplemental Draft Environmental Impact Statement (SSDEIS) were delivered to the Board.
- The Board was invited to a February 12<sup>th</sup> meeting at the Town of Malta when the Project will be discussed and the SEQR process initiated.
- (JM) asked specifically if the Inter-Municipal Agreement is being changed. Atty Jones replied no.
- (PB) asked if this Malta site was indeed the selected site for FAB 8.2, since there have been newspaper articles suggesting that other sites around the world may still be under consideration. Atty Jones responded that FAB 8.2 has been authorized to proceed with site plan approval and the preparation of construction documents.

-Two Building Departments, Malta and Stillwater, will coordinate with each other to review and issues permits as well as make construction inspections.  
-The Applicant will return to the planning Board in March to continue the review and application process. Multiple near future presentations will be taking place before this Board. Site plan approval is desired by mid-May.

**TOWN OF STILLWATER  
PLANNING BOARD  
2013 RESOLUTION NO. 3**

RESOLUTION TO AUTHORIZE EXECUTION OF SEQRA REPLY FORM TO CONSENT TO THE MALTA TOWN BOARD RE-STABLISHING ITSELF AS LEAD AGENCY FOR THE ENVIRONMENTAL REVIEW OF AN APPLICATION FOR AMENDMENT TO THE LUTHER FOREST TECHNOLOGY CAMPUS PLANNED DEVELOPMENT DISTRICT NO. 46 IN THE TOWN OF MALTA.

WHEREAS, the Planning Board of the Town of Stillwater (“Planning Board”) has received a Notice from the Town of Malta indicating the Malta Town Board’s intention to re-establish itself as lead agency for purposes of GLOBALFOUNDRIES US INC.’s application to amend the Luther Forest Technology Campus Planned Developmental District pursuant to a 2002 Intermunicipal Agreement between the Town of Stillwater and the Town of Malta; and

WHEREAS, the Planning Board has been provided with a Notice of Intent to Become Lead Agency, a Supplemental Draft Environmental Impact Statement and a SEQRA Reply Form for purposes of indicating the Planning Board’s consent to the Malta Town Board acting as lead agency; and

Now, therefore, be it

RESOLVED, that the Planning Board Chair, the Vice Chairperson and the Secretary are each hereby authorized to execute the SEQRA Reply Form to consent to the Malta Town Board continuing as lead agency; and it is further

RESOLVED, that this resolution shall take effect immediately.

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

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

Vice Chair Murray	Yes
Member Buck	Yes
Member DeBacco	Yes
Member Frank	Yes
Member Marotta	Yes
Member Rathburn	Yes
Chairman Barshied	Absent

Resolution No. 3 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on February 3, 2013.

**#2 Gloria Zullo**  
**Lot Line Adjustment**  
43 East Street  
SBL# 262.05-1-77

- James Vianna LLS spoke on behalf of the Applicant. There are 3 separately deeded parcels facing both Route 4 and East Street.
- Two zoning compliant lots will be the result, with a 20' wide utility easement to service the proposed new house with water and sewer.
- Formal action by this Board will take place after receipt of County Planning Board approval / comment at the next Planning Board meeting. The Application has been referred to the County Planning Board. The Applicant's presence at the next meeting will not be required.
- The Chazen Companies' review letter was discussed and a copy given to the Applicant.
- A NYSDOT curb cut permit will be required.

**#3 Paul Zurlo**  
**Minor Sub-Division**  
30 Mcdermott Road  
SBL# 252.-1-3.111

- Paul Zurlo spoke on the Applicant's behalf. A revised site plan was distributed. Revisions made include showing the pond, adding a vicinity map and notes, the driveway width to Parcel "B" and lane turn offs to allow emergency vehicles to pass. Mr. Zurlo mentioned that the culvert under the road was not necessary according to the Town Highway Superintendent.
- Extent of wetland delineation was discussed, especially in the area of the proposed long driveway. DEC is requested to do an additional site visit to further document the extent of wetlands on the subject sub-division.
- DEC approval of adjacent area impacts is required according to (SD).
- Site topography is reputed to be relatively flat.
- (SD) Mentioned that the driveway has to be designed to carry a 50,000 pound load and have less than a 10% grade, plus any other Town required driveway standards.

**TOWN OF STILLWATER**  
**PLANNING BOARD**  
**2013 RESOLUTION NO. 4**

WHEREAS, Paul Zurlo has submitted an application for a minor subdivision regarding property located at 30 McDermott Road more fully identified as Tax Map Number 252-1-3.111; 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, Paul Zurlo, for a minor subdivision regarding property located at 30 McDermott Road, more fully identified as Tax Map Number 252-1-3.11, will not have a significant impact on the environment.

A motion by Member Buck, seconded by Member Frank, to adopt Resolution No. 4.

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

Vice Chair Murray	Yes
Member Buck	Yes
Member DeBacco	Yes
Member Frank	Yes
Member Marotta	Yes
Member Rathburn	Yes
Chairman Barshied	Absent

Resolution No. 4 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on February 4, 2013.

**TOWN OF STILLWATER  
PLANNING BOARD  
2013 RESOLUTION NO. 5**

WHEREAS, Paul Zurlo has submitted an application for a minor subdivision regarding property located at 30 McDermott Road, more fully described as Tax Map No. 252-1-3.111; 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. 4 of 2013; and

WHEREAS, the Planning Board has duly considered the application;

Now, therefore, be it

RESOLVED, that the application of Paul Zurlo, for a minor subdivision of lands located on 30 McDermott Road, more fully identified as Tax Map Number 252-1-3.111, is hereby GRANTED; and be it further

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

1. That the applicant obtain all necessary Army Corp of Engineers and the DEC Wetlands permits for the driveways; and
2. That the driveways meet all conditions of the Town Driveway Standards and §511 of the New York State Fire Code.

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 Rathburn, to adopt Resolution No. 5

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

Vice Chair Murray	Yes
Member Buck	Yes
Member DeBacco	Yes
Member Frank	Yes
Member Marotta	Yes
Member Rathburn	Yes
Chairman Barshied	Absent

Resolution No. 5 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on February 4, 2013.

#### **#4 Verizon Celco**

Site Plan Review

Proposed Telecommunications Tower

SBL#207-1-13.1

-Scot Olson Atty. spoke on behalf of the Applicant. The required balloon test has been accomplished. Three balloons were used. The balloons could not be seen from the Historical Park. A letter has been received from the National Park Service signed by Mr. Chris Martin.

-(JM) asked for an update on the progress of the application. Atty Olson does not have any letter or any other form of communication from Crown (the tower owner) describing any negotiations with Verizon.

- (DC) Stated that evidence of attempts to revise and lengthen the term of the lease were requested by the Town of Verizon months ago.

- The application is still being deemed incomplete by the Town. It is the Applicant's interpretation that the application is complete.
- (DC) gave Mr. Huff's attorney's contact information to Atty Olson.
- Atty. Olsen accepts the Town's decision that the Application remains incomplete.
- The Board passed a unanimous motion deeming the Application incomplete.

## **#5 Belmonte Builders**

Major Sub-Division

Grace Moore Road

SBL#219.-1-91.1,91.2, 91.3,219.-1-88.1 & 88.2

Continuing Discussion

- This meeting is a continuation of preliminary discussions regarding the design of the Project.
- No formal approvals are forthcoming from this meeting.
- Scott Lansing of Lansing Engineering spoke on behalf of the Applicant.
- A Chazen Company review letter has been received by the Applicant and action taken to incorporate the comments. Mr. Lansing stated that water service authorization is taking considerable time from the Public Service Commission.
- (PB) voiced concern over the effect that several new wells might have on adjacent properties. Wells are a second choice considering the length of time for water service delivery.
- A public hearing will eventually be required.
- (JM) stated that Zoning Board of Appeals variances apparently will not be necessary.
- Lot #7's driveway has been revised to meet fire code requirements.
- No signage or entry landscaping is anticipated at the entrance to the cul-de-sac.
- No expansion is anticipated to the Project according to Mr. Lansing.

## **#6 Stewart's Shops**

501 Rt 9P

Site Plan Review

- Jennifer Howard spoke on behalf of the applicant.
- Revised site plans were distributed.
- The changes include a second bathroom, placing the freezer outside and adding a small overhang at the rear of the building. The addition will be 859sf.
- The natural gas line location / service will not be relocated due to expense.
- The community sign has been omitted.
- All plantings are the same as the previous application.
- (JM) Suggested waiving of storm water provisions. All approved.
- Formal action by the Board will take place after County Planning Board review / approval

## **IV. OLD BUSINESS:**

- (RB) mentioned that the zoning sub-committee met in early December. The work is on-going and a series of 2<sup>nd</sup> phase revisions are being discussed and developed.

## **V. NEW BUSINESS:**

- No new violations were reported by the Board for investigation.
- (RB) gave an overview on the zoning ordinance enforcement meeting held in January
- (RB) Passed around a list of building permit applications in process for Board information.
- (RB) Also passed around a monthly report from the Fire Marshal.
- (RB) mentioned that Peter Hughes, Fire Marshal / Code Enforcement Officer has accepted a full time position with another employer. He will still provide the town with ten hours per week.

-(PB) Asked how the Town is proceeding with correcting the problem of illegal business operation within the Town. (DC) commented that the Town is proceeding with the development of a process to make the illegal businesses conforming while at the same time making the properties visually more acceptable.

-Jim Ferris, chairman of the Zoning Board of Appeals mentioned that the zoning sub-committee was instrumental in establishing enforcement as a first priority, in advance of establishing more zoning rules and regulations.

-Jim Ferris suggested that road names and road locations as listed in the proposed revised zoning map need to be updated as there are many inconsistencies in the street name index and on the map as a whole.

-(JM) mentioned that there will be a workshop between the Malta and Stillwater Boards in Malta on February 12, 2013 regarding Global Foundries and issues common to both towns.

## **VI. NEW DEVELOPMENTS, DEPT. OF BUILDING, PLANNING & DEVELOPMENT**

-None

**VII.** Motion to adjourn: made by (PB), seconded by (BF), motion passed unanimously at approximately 9:15PM.

NEXT MEETINGS: March 4, 2013 & March 18, 2013