

**Town of Stillwater
Planning Board**

May 21, 2008

**Stillwater Planning Board
May 21, 2008
7:30 P.M.**

Present: Chairwoman JoAnn Winchell, Robert Barshied, Peter Buck, Carol Marotta, John Murray, Patricia Paduano, Paul Tompkins

Also Present: Ray Abbey-Building Department, Joel Bianchi-Town Engineer, Daryl Cutler-Town Attorney, Ken Petronis-Councilman

Chairwoman Winchell called the meeting to order, and led everyone in the Pledge to the Flag.

Chairwoman Winchell introduced Robert Barshied, who will be serving as a new Planning Board member. She informed the others that Mr. Barsheid has served with her in the past and brings a wealth of knowledge and experience to the Board. Mr. Barshield received his copy of the Ordinances and Comprehensive Plan.

Chairwoman Winchell informed the Board that she received a communication from representatives of Crown Communications requesting to have the Public Hearing for this evening cancelled to provide them the opportunity to address further issues. After a brief consultation with the Town Attorney and Town Engineer, it was decided that the postponement was warranted. Chairwoman Winchell apologized for any inconvenience that this may have caused and also stated that the public will be notified by mail when the Town of Stillwater reschedules the public hearing. She stated that hearing will not be at the June 16, 2008 meeting. The applicant will need to approach the Board prior to any Public Hearing.

**Carl Grove
736 NYS Route 9P
Saratoga Springs, NY 12866
Lot Line Adjustment
(PB 2008-27 206.17-1-7.2, 206.17-1-8.22, 206.17-1-13)**

Mr. and Mrs. Carl Grove were present to discuss with the Board their intentions to adjust the boundry line of their property at the corner of NYS 9P and Leeward Lane. The property is within the RRD zone. Mr. Grove stated that in 1992 they purchased 3 camps on Saratoga Lake. One is a parcel on both sides of NYS Rt. 9P. The second is a parcel of land on the east side of Rt. 9P. The third parcel is a lakefront parcel on the west side of Rt. 9P. They would like to restructure the lines and change 3 lots into 2. Mr. Grove

43

informed the Board that they have 150 foot of lake frontage that goes with their house (736 NYS Route 9P) and they would like to subtract 20 feet of the 50 foot of lake frontage and add it to the camp lot located on Leeward Lane (directly behind their home). Mr. Grove stated that this will

give the camp behind them access to the lake. Mr. Grove stated that they have successfully received the necessary Area Variances from the Zoning Board of Appeals at their April 28, 2008 meeting. Mr. Grove stated that they are now seeking a Lot Line Adjustment.

There was a brief discussion relating to the current vacancy and condition of the camp on Leeward Lane, the minimum square footage necessary for lots within the zone, the variance approved by ZBA, the condition of the existing water source and the standard DOH regulation stating that an alternative water source must be created prior to the issuance of any future building permits. All questions and concerns were satisfied by the applicant, the Town Attorney and Town Engineer.

There was a motion to review SEQRA as an unlisted action, the proposed action will not have a significant impact on the environment.

MOTION to approve SEQRA
Made by P. Buck, seconded by P. Tompkins
MOTION CARRIED 7-0

A motion to approve the Lot Line Adjustment, based on the findings from the Zoning Board of Appeals was in order. The site plan complies with all Town, State, and County requirements.

MOTION to approve
Resolution # 12
Made by P. Buck, seconded by C. Marotta
MOTION CARRIES 7-0

Stonybrook –WJB Contracting
Jack Halloran Rd.
Major Subdivision
(PB 2005-27 219.-1-59.5)

Mr. Van Guilder was present representing WJB Contracting. He updated the Board on the status of the Stonybrook Subdivision on Jack Halloran Road. Mr. Van Guilder stated that they had lost track of time and missed communications, realizing that time had lapsed. They are before the Board this evening requesting an extension, consistent with Section 7.6 of Town Subdivision Regulations. Mr. VanGuilder stated that the project remains exactly the same as the previous proposal. The private road was completed in November 2007, the roadway has gone through the frost and thaw cycle, has supported a

fully loaded dump truck weighing 50,000 pounds and has maintained its stability. The roadway does have a turn-out for an emergency pull off.

There is an existing escrow account. The application was forwarded to the Chazen Companies and needs no further review. The only well drilled at this time is on Lot #1, and all the lots are

conforming to standards. Mr. Van Guilder is asking for an extension of the application so they can move ahead with the subdivision development.

There was a brief discussion on the following: Chairwoman Winchell inquired if everyone was in receipt of the letter from Chazen Companies dated May 16, 2008 referencing the application, whether the 911 numbers have been assigned, is there going to be a sign at the end of driveway, what the linear footage is to the last lot on the interior roadway, what is the minimum grade for the driveway, a maintenance agreement for the roadway, and the existing condition that building permits will not be issued until proof of potable water. All questions were satisfied by the applicant's representative.

Chairwoman Winchell requested that the record show the consensus of the Planning Board is that there is no need for an additional public hearing.

There was a motion to review SEQRA as an unlisted action, the minor subdivision for use on Jack Halloran Road, will not have a significant impact on the environment.

**MOTION to approve SEQR
Made by J. Murray, seconded by P. Buck
MOTION CARRIED 7-0**

There was a motion to approve the Preliminary Subdivision Review, with the following condition: that the applicant files a shared access driveway agreement.

**MOTION to approve the Resolution # 14
Made by P. Paduano, seconded by P. Buck
MOTION CARRIED 7-0**

**DiSiena Furniture
NYS Route 67
Sign Application
(PB 2008-34 261.-2-1)**

Mr. Baker was present, along with Mr. A. DiSiena to discuss with the Board their intentions to erect an advertisement sign on the south side of NYS Route 67. The proposed sign will be one-sided and measures 24 sq. feet (4'X6') and will be three colors. The sign will follow the DOT standards for the speed limit of the highway (16 feet from the ground to the top of the sign).

45

There was a letter of correspondence signed by Mr. Blatchford of NYS DOT. The sign does conform to zoning conditions. Mr. Baker stated that the sign is needed to direct potential customers to the store. There was a brief discussion on the following: if the DOT Permit for the sign had been dated and signed, maximum height of the sign, how many colors may be on the sign, and does the license plate need to be affixed to the sign. All questions were answered to the satisfaction of the Board members.

There was motion to review SEQRA and was determined as a type II action, with no further action required.

MOTION to approve SEQRA
Made by J. Murray, seconded by C. Marotta
MOTION CARRIED 7-0

There was a motion to approve the 4'x6' directional sign with the following conditions: the sign does not exceed the height requirement conditions for the zone and the sign does not exceed 3 colors.

MOTION to approve Resolution # 16
Made by R. Barshied, seconded by P. Paduano
MOTION CARRIED 7-0

Luther Forest Technology Campus PDD
28 Clinton Street
Saratoga Springs, NY 12866
Site Plan Application for Electrical Transmission Lines
(PB 2007-07 241.-1-3)

Mr. Ingersol was present representing LFTC. He gave a brief update of the status of the Electric Transmission Lines planned for 6.5 miles through Stillwater connecting the station on Brickyard Road to the proposed station on Cold Springs Road. He stated that he, along with other representatives met with property owners voicing concerns at the Public Hearing. Their intentions were to address any visual impacts as a result of the construction of the lines. (Mentioned meeting with: Revers, Mormile, Brother, and Welch). In Mrs. Welch's case, they have adjusted the location of the lines to a more favorable location. Mr. Ingersol stated that Michael Reylea has the information on Mr. Mormile's questions. It was noted that the residents from Brickyard Road haven't been called as of yet, they will make every attempt to meet with residents at the time they are working in that general area. It was the consensus of the Board that there will not be a substantial change on the NYSEG property which is located on Brickyard Road.

Mark Becker
104 County Route 75

46

Mr. Becker was permitted to ask questions due to an error in the notification process. He inquired as to any impact to his property, and the height of poles.

Mr. Ingersol stated that in the rear of Mr. Becker's property there is a deeply wooded and vegetative area, some of that vegetation is 75 feet in height. Mr. Ingersol stated that LFTC lowered the poles to 85 feet in height in that area in an attempt to lessen the visual impact, stating that Mr. Becker should only be able to see the very tops of poles.

Peter Buck would like the record to reflect that Mr. Ingersol, Mr. Reylea and all others working on the path of the transmission lines through Stillwater have been most accommodating to the residents of the Town of Stillwater.

There was a discussion on the following: if there is any buffering planned for Brickyard Road, is NYSEG a partner with National Grid in the transmission lines, the relationship of lowering pole heights and the lowering of transmission lines. All questions and concerns of the Board were satisfied by the applicants, the Town Attorney, and the Town Engineer.

There was a motion to approve SEQRA and reaffirm prior SEQR Statements of Findings.

Motion to reaffirm SEQRA
Made by J. Murray, seconded
by P. Buck
MOTION CARRIED 7-0

There was a motion to approve Electric Transmission Lines Site Plan, with the following conditions: the applicant apply for and obtain a Town of Stillwater Highway Work Permit, the applicant schedule a pre-construction meeting with the Town, the applicant fund any construction related escrows as deemed necessary, the applicant pay any outstanding fees relating to this Site Plan Application, the applicant shall provide infill screening via trees and shrubs, the applicant provides a bond, or letter of credit to guarantee that infill screening required (acceptable forms of security), the applicant shall furnish the Town with mapping and legal descriptions of all right of ways to be conveyed to the Town within 60 days of completion of all construction activities, the applicant provide the Town with a copy of the right way for AT&T acquired from Alec Mackay, the applicant shall provide the Planning Board with written documentation of the changes in pole heights and locations and changes in the span between poles.

MOTION to approve Resolution # 18 with conditions,
Made J Murray, seconded by P. Buck
MOTION CARRIED 7-0

47

Luther Forest Technology Campus PDD
28 Clinton Street
Saratoga Springs, NY 12866
Site Plan Application for Transformer Station

Chairwoman Winchell inquired if the Board members had the letter from Chazen Companies dated May 16,2008.

Mr. Ingersol also distributed maps and reports to the Board. He stated that the PDD requires a 100 foot buffer from Cold Springs Road. LFTC has positioned the 19-acre Transmission Station 362 feet to 400 feet away from the Town road. He further stated that after careful examination of the existing topography, there are three locations that may need supplemental plantings, there

is also a natural hill in the back and natural vegetation. They will be using an existing logging road, therefore, there will be very little cutting done to this area.

The first phase planned would be putting the concrete pad in. As part of the construction they will be bringing in stone to set the base of the pad. There will be a control building constructed and security lights. They will conform to all building specifications. New York State Gas and Electric and National Grid will each have two banks at this site.

There was a brief discussion on the following: security of the station, additional planting options, general operations and maintenance. All questions and concerns were satisfied by the applicants.

Chairwoman Winchell reminded the Board members that a Public Hearing has been held for each of the phases of the application for LFTC, and the Electric Transformer Station should not be an exception. The consensus was to schedule a Public Hearing for the next meeting on June 16, 2008 at 7:40 P.M.

**Revolutionary Heights
Major Subdivision
Kellogg Road
6 Month Extension**

Mr. Powhida, representing Camelot Associates Corporation in their Revolutionary Heights Major Subdivision application was present to request an extension of 90 days for a Site Plan Review that approved with conditions in August of 2007. The need for the request was based on the difficulty with obtaining the various necessary approvals from other governmental entities. It appears the proper permits are forthcoming (DEC has approved, DOH has issued a comment letter, ACOE forthcoming).in reference to Revolutionary Heights. He also stated that the wetland permit is at the Army Corp of Engineers office, and they are waiting on a signature for the permit. There are no changes

48

to the application. Mr. Powhida informed the Board that in 1973 the Saratoga County Sewer District received grant money, if a project touches environmentally sensitive areas they will need to get a waiver from the EPA.

Chairwoman Winchell inquired whether the Town Engineer needed to further review the application prior to the Board addressing the request. The engineer informed the Board members that he didn't need to review the application. The engineer did ask for updated plans for Revolutionary Heights.

After careful review of the Ordinance, the consensus of the Board was to amend the request to allow for the allotted six-month extension. Mr. Powhida stated that six months should be more than enough time to comply.

There was a motion to approve the six month extension for the Site Plan Review application for Revolutionary Heights to allow for the necessary governmental approvals to be in place and submitted for review.

MOTION to approve Resolution # 19
Made by J. Murray, seconded by P. Buck
MOTION CARRIED 7-0

New Business: Chairwoman Winchell received communication May 6, 2008 from Robison Knolls' representative, Mr. Bogardas, requesting clarification of the ruling on the project. After a brief discussion the consensus was to request Attorney Cutler draft a communication on the Planning Board's behalf.

Chairwoman Winchell reported on a newspaper publication stating the request for a PDD from the Town Board for an application currently before the Planning Board for Jib Drive. She requested members review the minutes of 2005 and 2006 in reference to the Planning Board's activity. It will be necessary for the four new members of the Planning Board to become familiar with the project's location and specifications.

Chairwoman Winchell inquired if the documentation of the easement for the Anensusky property has been received. Attorney Cutler stated that he has received the easement.

Engineer Bianchi stated that there is a Planning Board meeting at Malta on May 20th, on AMD for anyone interested in attending.

Old Business: There was none.

There was a motion to adjourn the Planning Board meeting of May 19, 2008.

49

MOTION to adjourn the meeting of 5/19/08
Made by C. Marotta, seconded by P. Buck
MOTION CARRIED 7-0

The meeting adjourned at 10:30 P.M.

Respectfully Submitted,

Sheila Silic

Sheila Silic

