

**TOWN OF STILLWATER
PLANNING BOARD MEETING MINUTES
STILLWATER TOWN HALL
July 24, 2017 @ 7:00 PM**

Present:

Vice-Chairman John Murray (JM)
Peter Buck (PB)
Christopher D'Ambro (CD)
Heather Ferris (HF)
Carol Marotta (CM)
Randy Rathbun (RR)
Marybeth Reilly (MR) Alternate Member

Also Present:

Daryl Cutler, Attorney for the Town (DC)
Paul Male, Town Engineer (PM)
Lindsay Zepko, Director of Building and Planning (LZ)
Sheila Silic, Secretary

Absent:

JoAnn Winchell (JW)
Ellen Vomacka, Town Board Liaison

Pledge:

Chairman 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:

Mr. Buck made a motion to approve the minutes from the May 22, 2017 meeting, seconded by Ms. Ferris. The motion passed unanimously. Ms. Reilly abstained from the approval of the minutes.

Ms. Marotta made a motion to enter into executive session, seconded by Mr. D'Ambro at 7:03 PM. Ms. Marotta made a motion to exit executive session seconded by Mr. D'Ambro at 7:21 PM.

PB2015-023, Cold Spring Rd Mixed Use Project, Cold Spring Road

Chairman Murray recognized Mr. Scott Lansing of Lansing Engineering and Ms. Marybeth Slevin of Stockli, Slevin and Peters LLC, who is representing Mr. Cailean Mackay. Chairman Murray stated that he is giving Mr. Cutler the floor regarding Ms. Slevin's comment letter dated July 3, 2017.

Mr. Cutler asked what plans were specifically submitted to the state agencies. Mr. Cutler stated that there were plans that related to preliminary approval and then there was subsequent changes made to those plans which the applicant submitted to the state agencies. Mr. Cutler asked if the agencies were NYS DEC, NYS DOH and the Public Service Commission. Ms. Slevin stated no, just to clarify the submission to the Public Service Commission is outside the purview of the subdivision. Ms. Slevin stated the submission made to the Public Service Commission was in respect to the water company and the water line that is independent of the subdivision. Mr. Cutler asked what the dates were for the submissions made to NYS DOH and NYS DEC. Ms. Slevin stated that she would have to refer that question to Mr. Lansing.

Mr. Lansing stated that he would get Mr. Cutler the specific dates of the plans that were submitted to each agency. Mr. Lansing stated that it is the same set of the plans and contents that the Board has before them. Mr. Cutler stated that he believes what concerns the Town is what has changed post preliminary approval; what's changed? Mr. Cutler stated that the Planning Board wants to figure out what was submitted to the agencies and whether that was substantially different than the preliminary approval. Ms. Slevin stated the agencies certainly had plans that were subject to the preliminary approval last May or June and that are substantially the same as the plans the Board has in front of them. Ms. Slevin stated that the same plans were submitted in January of this year and again in May. Mr. Cutler stated that the Planning Board is trying to avoid a situation where there is approval by these agencies that are substantially different and running into a problem. Ms. Slevin stated that she understands and doesn't think that is the case but will certainly confirm. Mr. Cutler asked Ms. Slevin if she will provide him with the dates and what plans were submitted and when they were submitted. Ms. Slevin stated that she would provide the information to Mr. Cutler.

Mr. Cutler stated that the Town agreed that the water could be supplied by Saratoga Water Services. Ms. Slevin stated that is correct. Mr. Cutler stated that in Ms. Slevin's letter dated July 3, 2017 she indicated that the Town was aware that the water system was designed and is now approved by the Department of Environmental Conservation in the Town's Right of Way. Mr. Cutler stated that the Town was not aware of this and would like to know when it was submitted, was the Town put on notice, and was the Town allowed to have input into all of this. Mr. Cutler stated that the Town will need the details pertaining to this. Ms. Slevin stated that this has been the proposal from the very beginning of this project. Ms. Slevin stated that they will provide the data requested. Ms. Slevin stated that the Town had a preference that the waterline was on the opposite side of the road. Ms. Slevin stated that it was pretty clear that the waterline was going to be proposed in the same Right of Way as the other public utilities are located. Mr. Cutler stated that he does not think that is consistent with the articulated position of the Town. Mr. Cutler stated that the Town will need the details on this.

Mr. Cutler stated Ms. Slevin if she would send him the language on the deed restrictions for the estate lots. Ms. Slevin stated that she would send the information to Mr. Cutler. Mr. Cutler stated that the deed restrictions for the property that is going to be dedicated to the Town was sent previously and asked if that is specifically what is being proposed. Ms. Slevin stated that she would provide the specific language to Mr. Cutler. Ms. Slevin stated that generally it would be a non-disturbed area that would be deeded to the home owner and would remain open space as it is today.

Mr. Cutler asked for a copy of the language for the deed restriction for the lots to be dedicated to the Town. Ms. Slevin stated that she would get that information to Mr. Cutler. Mr. Cutler stated that Ms. Slevin referenced passive use only. Ms. Slevin stated that is correct. Mr. Cutler stated that the Planning Board wanted to know what exactly is intended there and what the limitations are.

Mr. Cutler stated that in the minutes from September 28, 2015 there was a reference to easements on the land. Mr. Cutler stated that the survey map does not show any easements. Mr. Cutler asked Ms. Slevin what easements are there on the land. Ms. Slevin stated that she believes it was the easements for the trails that are now going to be dedicated to the Town. Mr. Male stated that he thinks Mr. Mackay stated that there are easements on the property. Mr. Male stated that he believed that Mr. Mackay had previously referenced easements. Mr. Male stated that it may be the case that there aren't any but if there are easements on the property they should be shown on the map. Ms. Slevin stated that they would clarify if there are any easements on the property.

Mr. Cutler stated that regarding the trails, the Building Department will be working on the specifics as to where the trails are placed and will take into consideration the Saratoga County Planning Board's comments of how the trails should connect to the Global Foundries trail system. Mr. Cutler stated that the

Town's position has been that there should be trails on the commercial property. Mr. Cutler stated that the Town recognizes that would be in the form of easement and maybe subject to change when the commercial portion of the property is developed and have the trails then dedicated to the Town. Ms. Slevin stated that has always been the project sponsor's commitment to provide trails across the commercial property as well. Ms. Slevin stated that there is no current plan for the commercial property. Ms. Slevin stated at this point they do not know where the trails would be located on the commercial property. Ms. Slevin stated if it was necessary to locate the trails at this point with respect to the project, the trails would have to be along Cold Springs Road. Ms. Slevin asked if the Town would be able to be flexible with respect to the location of the trails across the commercial property in the future. Ms. Slevin stated that they can work with the Town for the appropriate language of the location of the trails.

Mr. Cutler asked if, at this point there are no plans for the development of the commercial property? Ms. Slevin stated that is correct. Mr. Cutler stated that the Town has a problem and that is, within a short period of time after the SEQRA approval on the preliminary plans, the Town was approached by Global Foundries and Pike Corporation. Mr. Cutler asked Mr. Male and Ms. Zepko if they would elaborate on the situation.

Mr. Male stated that the meeting he attended on November 19, 2016 with Ms. Zepko, a representative from Pike, Mr. Greg Connors, Mr. John Murray, Mr. Mark Minick and Mr. Ken Petronis. Mr. Male stated that Mr. Connors made a presentation on the need for training for Global Foundries in a particular area and there was grant money. Mr. Male stated that it was a teaching facility for plumbers and pipe fitters. Mr. Male stated that Mr. Connors had stated there was discussion that started over a year ago which put the discussions back to 2015. Mr. Male stated that there were no utilities on the other site and it would cost a lot of money so, that is why they are looking at this site. Mr. Male stated that Mr. Connors stated that they have a land lease with Mr. Mackay at that point for 15-acres. Mr. Male stated that Mr. Connors stated that the timeline was to have students enter in the fall of 2017 and they were in a rush to start construction in January 2017. Mr. Male stated that 34,000 SF is the first phase with 100,000 SF total for this one facility. Mr. Male stated that Pike would own and operate the building. Mr. Male stated that was the essence of the meeting. Mr. Mackay stated for the record that they do not have a land lease with anyone.

Ms. Zepko stated that subsequently on February 2, 2017 she received an inquiry from Mr. Connors of Global Foundries regarding that they were ready to make submission for the March 2017 Planning Board meeting to discuss the Site Plan for M-Tech. Ms. Zepko stated that she responded back to Mr. Connors that she was not familiar with what he was presenting. Ms. Zepko stated that Mr. Connors responded back on February 6, 2017 and submitted a confidential memorandum with the proposal for the project. Ms. Zepko stated that she responded back to Mr. Connors stating that the parcel where the project was proposed to be located, it has received preliminary approval and that any future plans would have to wait until Final Approval is granted for the subdivision. Ms. Zepko stated that Mr. Connors followed up on March 30, 2017 stating that he was referring to Mr. Mackay's business park portion of the project. Ms. Zepko stated that Mr. Connors stated that he had spoken to Mr. Mackay the previous week and was informed he was "good to go" to make an application and subdivision for this parcel. Ms. Zepko stated that she responded that the project was in the same place as when they had previously spoken.

Ms. Slevin stated that they can review this matter. She stated that there were discussions but there are no signed leases. Ms. Slevin stated that there are no signed leases with parties on the commercial property. Ms. Slevin stated when they went through SEQRA review a year ago, they did look at the max build out of the project with respect to the commercial property in full contemplation that maybe something would happen on this portion of the project. Ms. Slevin stated that they looked at the max buildout of traffic and what impact that would have along with the max build-out with respect to water and sewer. Those were

the only elements that could be addressed at the time. Ms. Slevin stated that there were no proposals when the SEQRA was done a year ago and there are still no proposals today.

Mr. Cutler stated that when he references segmentation it is not on the entire parcel only on the commercial portion. Ms. Zepko stated just to clarify; Mr. Cutler is not speaking about the 2400-acres that the project sponsor owns, but the 221-acres that this project involves. Ms. Slevin stated that is understood and that is why they looked at the 220+/- acres last year when the SEQRA was reviewed. Ms. Slevin stated that was a concern on the part of the Town and to the extent that the potential impacts could be evaluated, they were evaluated at that time.

Mr. Cutler stated that they understand that the applicant does not have control over what third parties say but, there has to be some recognition when a third party says that they have plans ready for submission for a Site Plan application the Town needs to determine whether that is accurate. Mr. Cutler asked the applicant to confirm that this is not accurate. Ms. Slevin stated that they have not seen any plans and cannot speak on that issue. Ms. Slevin stated that there were discussions with Global Foundries and they discussed the potential with Mr. Trainor last February. Ms. Slevin stated that there were no advance plans that they had seen or that were available to her or the applicant. Ms. Zepko stated that she received an email from Mr. Connors that stated that the company has an option on the property. Ms. Slevin stated that there is not an option on the property.

Mr. Cutler stated, once again, that receiving the documentation on the deed restrictions will help. Ms. Slevin stated that she will send the deed restrictions to Mr. Cutler as soon as possible.

Mr. Male stated that at this point the Planning Board is not in any position to make any final approvals until the plans come back signed from the respective agencies signed and then the project would go before the Planning Board for final approval possibly subject to Public Hearing.

Ms. Slevin asked if there are any issues that the Planning Board is waiting for guidance from the Town Board on. Mr. Cutler stated he was going to address that next. The water issue will be addressed by Mr. Trainor and Chazen Companies. Mr. Cutler stated that Chazen Companies will then report to this Board so that they can have insight to that. Mr. Cutler stated that the information should be sent to him and he will get it to Mr. Trainor, along with the Building Department. Ms. Zepko stated that the Building Department will refer the information to Chazen Companies. Mr. Cutler stated that he will review the deed restrictions and then explain the restrictions to the Planning Board. The trails portion of the project is to be decided by the Building Department. The segmentation portion of the project is the Planning Board. The information regarding the state agencies should be sent to my office. Mr. Cutler asked if that answered the question for Ms. Slevin. Ms. Slevin responded that she believed that it does.

Chairman Murray asked about the difference in open space where it went from 60-acres to about 20 or 30-acres. Mr. Cutler stated that there is some confusion in the amount of open space because the maps shows open space on the deed restricted estate lots. Mr. Cutler stated that the applicant has been consistent in all of the project narratives, that the open space be dedicated to the Town and the HOA did not include the lands attached to the Estate lots.

Ms. Slevin asked for clarification on the trails and stated she thought the Town Board has to sign off as to what the dedication of the trails where going to be. Mr. Male stated that his understanding is the task was given to the Planning Department for trail location along with the applicant and that the Town would take ownership of the trails.

Mr. Buck asked if Ms. Slevin and Mr. Mackay get the information to the Planning Department can the Planning Board move forward with the project. Mr. Male stated that at this point the Planning Board cannot act until the plans come back signed from the state agencies.

Mr. Cutler asked Mr. Lansing what the status is on the approvals. Mr. Lansing stated that NYS DEC and Sanitary Sewer should be received any day. He was able to submit to NYS DOH a month ago with the approval of the water and should be back in 3 or 4 weeks.

Motion to adjourn: made by Mr. D'Ambro, seconded by Mr. Rathbun motion passed at approximately 8:05 PM.