

Stillwater Town Board
January 18, 2018 7:00 PM
Stillwater Town Hall

Present: **Councilman Artie Baker**
Councilman Chris D'Ambro
Councilwoman Lisa Bruno
Councilwoman Ellen Vomacka
Supervisor Ed Kinowski

Also Present: Sue Cunningham, Town Clerk
Mark Minick, Supt of Highways
Joe Lanaro, Engineer for the Town
James Trainor, Attorney for the Town

Supervisor Kinowski called the meeting to order and led everyone in the Pledge to the Flag.

Sue Cunningham, Town Clerk took the roll call.

Adoption of Minutes: Motion by Councilwoman Bruno and seconded by Councilwoman Vomacka to adopt the minutes of January 4th of 2017. **Motion carried.**

Agenda Items **Resolutions #2-7**

Resolution #2 Scheduling the Annual Frost Faire

Introduced by: Supervisor

WHEREAS, it has become a tradition in the Town to schedule and co-sponsor with the Saratoga National Battlefield a Frost Faire in January for Town residents;

Now, therefore, be it

RESOLVED, that the Town Board hereby schedules the Annual Frost Faire on January 27, 2018 at the Saratoga National Battlefield; and be it further

RESOLVED, that the Town Clerk is authorized to coordinate the event and expend budgeted funds in an amount not to exceed \$500.00 for the event.

Motion by Councilwoman Bruno and seconded by Councilwoman Vomacka to adopt Resolution No. 2 of 2018.

A roll call was taken on Resolution No. 2 of 2018 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilwoman Bruno	YES
Councilman D'Ambro	YES
Councilwoman Vomacka	YES

Motion carried. Resolution No. 2 of 2018 was adopted unanimously.

Resolution #3 Making a SEQRA determination regarding Saratoga Hills PDD Amendment

Introduced by: Supervisor

WHEREAS, Stillwater Elgen, LLC has submitted an application to amend the Hillside Mobile Home Park PDD via Local Law ___ of 2018, to be known as the Saratoga Hills PDD Amendment; and

WHEREAS, a public hearing was hold on November 16, 2017 to consider the proposed local law as well as the attached Full EAF ;

Now, therefore, be it

RESOLVED, that the Town Board has determined that the proposed Saratoga Hills PDD Amendment is an Unlisted action pursuant to 6 NYCRR Part 617 (SEQRA), has determined that the Town Board should serve as Lead Agency, finds pursuant to the criteria in Part 617.7 that the proposed action will not have a significant adverse environmental impact and hereby issues a negative declaration.

Motion by Councilwoman Bruno and seconded by Councilwoman Vomacka to adopt Resolution No. 3 of 2018.

A roll call was taken on Resolution No. 3 of 2018 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilwoman Bruno	YES
Councilman D’Ambro	YES
Councilwoman Vomacka	YES

Motion carried. Resolution No. 3 of 2018 was adopted unanimously.

**Resolution #4 Approve the Saratoga Hills PDD Amendment and
Adopt Local Law No. ____ of 2018**

Introduced by: Supervisor

WHEREAS, Stillwater Elgen LLC has proposed to amend the Hillside Mobile Home Park PDD via the attached Local Law No. ____ of 2018, to be known as the Saratoga Hills PDD Amendment; and

WHEREAS, the Town Board conducted a Joint Public Hearing on November 16, 2017, wher the Proposed Local Law and Amendment to the Saratoga Hills PDD was reviewed and comments from the public were received; and

WHEREAS, the Public Hearing was left open for additional comments and submissions until the Local Law was to be voted on; and

WHEREAS, the Town Planning Board conducted a review and site visit and provided the Town Board with its recommendations; and

WHEREAS, the County Planning Board referral pursuant to the Town Law §239-m was done and no negative comments were received;

WHEREAS, the Full Environmental Assessment Form was duly considered and the Town Board previously determined there to be no significant environmental impact as a result of the adoption of the Local Law; and

WHEREAS, in considering the proposed action, the Town Board has considered several relevant and previous studies affecting the Saratoga Hills Mobile Home Park, including but not limited to, the following:

- Hillside Mobile Home Park Ordinance and Regulations;
- 2001 Zoning Code (Local Law No. 1 of 2001);
- 2006 Town Comprehensive Plan;
- LFTC Plan Development District and GEIS, with environmental and

- traffic impact studies;
- Town wide GEIS with incorporated environmental and traffic impact studies;
- Town Planning Board’s site visit report, and tax analysis and PB Resolution 19 of 2017;
- Town Law Sections 264, 265 and 272-a;
- General Municipal Law Section 239-l and 239-m; and
- Local Law No. 1 of 2014 regarding Manufactured Homes and Parks

Now therefore be it

RESOLVED, that the time period for receiving public comments and submissions, as well as the extended public hearing, is now closed; and be it further

RESOLVED, that the Town Board hereby adopts Local Law No. ____ of 2018, a Local Law Approving the Saratoga Hills PDD Amendment and amending Local Law No. 1 of 2001 and Chapter 211 of the Town Code; conditional upon the four (4) specific recommendations made by the Town Planning Board in the “Resolved” section of its attached Resolution 19 of 2017 being incorporated into the final version of the local law filed with the Department of State; and be it further

RESOLVED, that the Town Clerk shall immediately post and publish notice of the adoption of this Resolution in the Express or Gazette with a descriptive summary or extract of the PDD Amendment within 5 days pursuant to Article 16 of the Town’s Zoning Code and obtain Affidavits of Publication therefore; and be it further

RESOLVED, that the Town Clerk file a certified copy of Local Law No. ____ of 2018 with the New York Secretary of State within 20 days of its adoption and shall file a copy of the local law with the County Planning Agency and the Town Planning Board; and be it further

RESOLVED, that the Town Clerk shall complete, file and maintain in the Office of the Town Clerk the Affidavits of Posting/Publication, and maintain a separate file for zoning changes, and be it further

RESOLVED, that the Town Clerk shall include the text of the local law within or attached to the minutes of this Town Board meeting per Town Law §265(2).

Motion by Councilwoman Bruno and seconded by Councilwoman Vomacka to adopt Resolution No. 4 of 2018.

A roll call was taken on Resolution No. 4 of 2018 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilwoman Bruno	YES
Councilman D’Ambro	YES
Councilwoman Vomacka	YES

Motion carried. Resolution No. 4 of 2018 was adopted unanimously.

TOWN OF STILLWATER
LOCAL LAW NO. 1 FOR THE YEAR 2018
SARATOGA HILLS PLANNED DEVELOPMENT DISTRICT

TITLE:

This Planned Development District shall be known as “SARATOGA HILLS PLANNED DEVELOPMENT DISTRICT” and amends the Town of Stillwater Zoning Ordinance enacted September 30, 1974, as amended, and the Zoning Map of the Town of Stillwater.

PURPOSE:

The purpose of this amendment is to provide for the orderly reconfiguration of the lots currently existing on the subject property and to establish guidelines and minimal standards for the completion of the mobile home community, recognizing that transitioning from the existing as built facility to the preferred proposed development will require flexibility.

DESCRIPTION OF THE PROPERTY:

The area of the planned development district to be known as “Saratoga Hills Planned Development District” consists of 91.816 acres, Tax Map #243-1-72.1 and 16.66 acres identified as Tax Map #243-1-72.3 as shown on a map entitled “PDD Concept Lot Layout” by Bohler Engineering dated March 8, 2017, last revised August 9, 2017. (Appendix A). Any land within the original PDD other than the 91.816 acres identified as Tax Map #241-1-72 and the 16.66 acres identified as Tax Map #243-1-72.3 shall revert back to Low Density Residential Zoning requirements and shall no longer be part of the PDD upon adoption of this local law.

LAND USE:

The property will be used for the creation of mobile home lots and associated facilities as set forth below. The number of lots will be determined by reconfiguration of existing lots, the creation of new conforming lots, the percentage of single and double wide units with a maximum of 374 mobile home lots as depicted on the engineered site plan. There shall be added to the existing park a total of 16.66 acres.

AREA REQUIREMENTS:

A. It is acknowledged that the reconfiguration of lots is restricted by the distance between existing roadways. Minimum lot configurations are attached. It is acknowledged that the reconfiguration of lots is to be based entirely on the proposed general lot layout included in Appendix A.

All lots will be created in such a manner as to allow a minimum distance of twenty feet between each home and all lots will allow for a minimal setback from the roadway of twenty feet. All homes will have a minimum rear and side set back of 12.5 feet.

B. Each lot shall be used for one mobile home with deck, a 20’x 20’ paved parking area, and not more than one shed.

C. Portions of the development may be used for some combination of the following amenities: a recreational area, green space, mini-storage facilities, self-service laundromat, pool area, restrooms, offices, playground, maintenance building,

sales office, bus stop, mailbox station, overflow parking, parking for recreational vehicles and trailered boats and a clubhouse. Parking facilities may include a storage building for maintenance supplies and a garage for parked vehicles. All of the above uses shall require site plan approval and building permits where otherwise required. At any site plan review of any portion of the Project, the Planning Board may establish the specific amenities the Board wishes to require for the project and the time frame for the completion of those amenities.

D. Nothing in this local law shall be interpreted to preclude the owner from restricting the age of tenants, so long as such restrictions comply with all other local, State and Federal regulations. Such age limitations may be imposed over the whole, or any portion of the property.

E. Mobile homes may be sold on the property for placement in the park. Such homes will be set on a lot within the park in accordance with the applicable Building Codes. No mobile home shall be placed within the park without obtaining the necessary building permit required.

ITEMS

A. Landscaping. Each new lot will have a minimum of 6 foundation plants planted per lot including shrubs and perennials. Plant beds will be mulched and weed barriers will be installed.

B. Lighting. Each home will have a light installed at a location to be determined for illumination of the driveway and walkway. Lights will be of a similar model so as to create aesthetic continuity within the community.

C. Sheds. Each home may have one shed not to exceed 120 square feet. Each shed must be not less than 10 feet from the mobile home or any other accessory structure and at least 5 feet from the side and rear property line. All sheds will be factory built and shall have a peaked roof.

D. Unlicensed vehicles. Vehicles without a current valid registration are not allowed in the community.

E. Trash containers. Trash will be collected weekly at community expense. Containers are to be kept in the rear of the home on non-collection days as per park rules.

F. Street and Traffic signs. Traffic signs shall be installed as needed. Street name signs shall be installed at all intersections. Each mobile home lot will have address numbers installed so as to be visible from roadway. The address numbers must be legible and visible from the street. Address numbers shall contrast with their background. Each number must be not less than 4 inches high with a minimum stroke width of ½ inch. A site location map shall be installed at the entrance to the park. Signs shall comply with standards for signs as set forth during site plan review.

G. Outside Storage and Firewood. Outside storage is not allowed. Items must be stored in the shed on the lot. Firewood is allowed to be stored outside provided it is neatly stacked, not more than 2 cords and it is kept a minimum of 10' from the home and any other structure.

- H. Pools. Pools are not allowed on individual lots under any circumstances.
- I. Fences. Fences will be allowed only in very specific circumstances. The granting of permission to install a fence rests with the Landlord. Any fence that is installed must comply with all municipal regulations in that regard.
- J. Placement of Homes. As older homes are removed from the park, they will be replaced with mobile homes conforming to the guidelines set forth in this PDD.
- K. Antennas. One satellite dish is allowed per home. Any other antenna must comply with Title 47 Part 15 of FCC regulations and must be consistent with the aesthetics of the community in the sole opinion of the park operator.
- L. Operating Permit. The park operator shall obtain and maintain at all times an operating permit from the Town.
- M. Decks. Each lot may have two decks that shall not exceed 200 SF each. Decks shall meet setback requirements.
- N. Storage Buildings. The proposed storage buildings shown on the map submitted with the application shall be relocated or removed.

ROADS:

- A. A majority of the roadways in the development, having already been created, shall be maintained in their current location and to their current standards. Any additional roadways shall be constructed to the same or higher standards as those existing. Specifications for any new roadway shall be approved by the Town Building Inspector prior to construction.
- B. Paved areas may be provided throughout the park to accommodate overflow parking and to discourage parking on the roadways. Additional areas may be created for the storage of boats, trailers and similar vehicles.

WASTE DISPOSAL:

The property is and will be served by a private sewer collection system and connection to the Saratoga County Sewer District #1.

WATER SERVICE:

Water service is currently provided by agreement with the Village of Stillwater. All water will comply with the facilities requirements of the New York State Department of Health.

EXPIRATION OF APPROVALS:

Because this legislation is intended to facilitate improvement of an existing mobile home park and recognizing that the expected transition will take an unpredictable amount of time, this approval shall be deemed a permanent rezoning of the parcel upon its adoption.

LEAD AGENCY:

The Stillwater Town Board, as Lead Agency, pursuant to the State Environmental Quality Review Act has adopted a Negative Declaration, a copy of which is attached and incorporated herein.

PENALTIES AND OFFENSES:

Any violation of the provisions of this legislation shall be deemed a violation of the Town of Stillwater Zoning Ordinance, and the provisions hereof shall be enforceable pursuant to the enforcement provisions of the Zoning Code.

SEVERABILITY:

If any provision of the ordinance shall be invalid in an appropriate court proceeding, the remainder of this ordinance shall not be affected.

EFFECTIVE DATE:

This Local Law shall take effect upon filing pursuant to §265 of the Town Law.

**Resolution #5 Scheduling a Second Public Hearing
Regarding the Winding Brook PDD Amendment**

Introduced by: _____ Supervisor _____

WHEREAS, Amedore Homes has submitted an application for an amendment to the Winding Brook PDD Amendment; and

WHEREAS, changes have been proposed to the existing PDD language to incorporate apartments but also to incorporate the engineer's and attorney's comments, and a copy of the proposed Local Law is attached hereto showing the proposed amendments; and

WHEREAS, since the last public hearing, a traffic study has been conducted by an independent consultant on the Town's behalf;

Now, therefore, be it

RESOLVED, that the application by Amedore Homes, in the form of the attached Local Law No. ____ of 2018, regarding the amendment of the Winding Brook Point Planned Development District, be scheduled for a Public Hearing on February 15, 2018 at 7:00PM at the Town Hall, 881 Hudson Avenue, Stillwater, New York; and be it further

RESOLVED, that the Town Clerk publish appropriate notice of the Public Hearing at least 10 days, but not more than 20 days, prior to the February 15, 2018 Public Hearing; and be it further

RESOLVED, that the Director of the Building, Planning and Development Department ensure that individual mailings are sent in accordance with §210-138 of the Stillwater Town Code; and be it further

RESOLVED, that the Director of the Building, Planning and Development Department submit the proposed Local Law, EAF and Application to the Saratoga County Planning Board pursuant to General Municipal Law §239-m for its review and comment prior to the Town Board's final action on the PDD Amendment, if not done so already.

Motion by Councilwoman Bruno and seconded by Councilwoman Vomacka to adopt Resolution No. 5 of 2018.

A roll call was taken on Resolution No. 5 of 2018 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilwoman Bruno	YES
Councilman D'Ambro	YES
Councilwoman Vomacka	YES

Motion carried. Resolution No. 5 of 2018 was adopted unanimously.

**Resolution #6 Scheduling a Public Hearing Regarding
Formation of the Calvin Court Drainage District**

Introduced by: Supervisor

WHEREAS, the Town Board is considering forming a Drainage District as described in the attached Notice of Hearing pursuant to Article 12-A of the NYS Town Law; and

WHEREAS, the Map, Plan & Report has been filed and is available for Public inspection at the Town Clerk’s Office;

Now, therefore be it

RESOLVED, that a Public Hearing be scheduled for 7PM at Town Hall, 881 Hudson Avenue, Stillwater, New York on February 15, 2018 to consider the formation and environmental impact of the Calvin Court Drainage District pursuant to Article 12-A of the NYS Town Law as described in the attached Notice of Hearing, which is specifically incorporated into, and is part of, this Resolution.

Motion by Councilwoman Bruno and seconded by Councilman Baker to adopt Resolution No. 6 of 2018. Councilman D’Ambro recused himself from the discussion and from the vote.

A roll call vote was taken on Resolution No. ____ of 2018 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilwoman Bruno	YES
Councilwoman Vomacka	YES
Councilman D’Ambro	RECUSED

Motion carried. Resolution No. 6 of 2018 was adopted by a 4-1 vote. (1Recused)

**Resolution #7 Scheduling a Second Public Hearing
Regarding the White Sulfur Springs LLC**

Introduced by: Supervisor

WHEREAS, White Sulphur Springs LLC has submitted an application to establish the White Sulphur Springs PDD; and

WHEREAS, a local law has been proposed with PDD language to modify the previous subdivision application and also to incorporate the engineer’s and attorney’s comments, and a copy of the proposed Local Law is attached hereto showing the proposed language;

Now, therefore, be it

RESOLVED, that the application by White Sulphur Springs LLC, in the form of the attached Local Law No. ____ of 2018, regarding the establishment of White Sulphur Springs Planned Development District, be scheduled for a Public Hearing on February 15, 2018 at 7:10PM at the Town Hall, 881 Hudson Avenue, Stillwater, New York; and be it further

RESOLVED, that the Town Clerk publish appropriate notice of the Public Hearing at least 10 days, but not more than 20 days, prior to the February 15, 2018 Public Hearing; and be it further

RESOLVED, that the Director of the Building, Planning and Development Department ensure that individual mailings are sent in accordance with §210-138 of the Stillwater Town Code; and be it further

RESOLVED, that the Director of the Building, Planning and Development Department submit the proposed Local Law, EAF and Application to the Saratoga County Planning

Board pursuant to General Municipal Law §239-m for its review and comment prior to the Town Board’s final action on the PDD Amendment, if not done so already.

Motion by Councilwoman Bruno and seconded by Councilwoman Vomacka to adopt Resolution No. 7 of 2018.

A roll call was taken on Resolution No. 7 of 2018 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilwoman Bruno	YES
Councilman D’Ambro	YES
Councilwoman Vomacka	YES

Motion carried. Resolution No. 7 of 2018 was adopted unanimously.

Public Input

Saratoga Hills new park manger introduced herself.

Northeast Land Surveyors introduced themselves in regard to the White Sulphur Springs PDD.

Julie W commented on the boat frozen in at Brown Beach and inquired about the Panza deal.
Supervisor Kinowski stated that he contacted DEC, Police & Sheriff regarding the boat and as long as there is no harm no action can be taken at this time. If the boat causes harm once the lake thaws the boat owner will be liable.
Attorney Trainer asked her to clarify what she meant by Panza deal.
Julie replied hotel & expansion.
Supervisor Kinowski stated that nothing has been formally submitted from Panza, they have met to inquire if possible.

Dick D inquired where Calvin Court was located.
Lindsey Zepko, Director of BP&Z stated that it was off of Grace Moore Rd.

Reports

Councilman Baker

Parks: Councilman Baker proposed that the rental fees for the Town park pavilions be raised to \$50 for resident and \$75 for nonresident.
Brief discussion was held and a resolution would be prepared for the next Town Board meeting.

Supervisor Kinowski

Family Day: Supervisor Kinowski brought up whether Family Day should be held in June or have in again in September.
After a brief discussion Family Day will be held in September, date to be determined, and would be held back at Riverside Park.

July 4th Fireworks on Saratoga Lake: Supervisor Kinowski reported that SLIPID would not be hosting fireworks on the lake this year. He inquired from the other Town Board members if the Town would like to host the fireworks this year.
After a brief discussion the Town Board decided to host the fireworks on July 3rd as it has been in the past.

Councilwoman Bruno

Town Concert series: Councilwoman Bruno reported that there would be no scheduled concert series this year. Maybe they will revisit this next year.

Audited claims

Motion by Councilwoman Bruno and seconded by Councilman Baker to pay the audited claims.

2017	
General	\$4138.03
Town Outside	\$1287.75
Highway	\$7769.46
Water & Sewer	\$998.93
Capital Projects	\$2554.50

2018	
General	\$3134.61
Town Outside	\$4471.86
Highway	\$9583.20
Trust & Agency	\$300.00

Motion carried.

Motion by Councilman Baker and seconded by Councilwoman Vomacka to adjourn the Town Board meeting at 7:50 pm. **Motion carried.**

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk