

Stillwater Town Board Meeting
3 Public Hearings
(Calvin Ct Drainage, White Sulphur PDD & Winding Brook PDD)
February 15, 2018 7:00 PM
Stillwater Town Hall

Present: **Councilman Artie Baker**
 Councilman Chris D'Ambro
 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

Absent: **Councilwoman Lisa Bruno**

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

Sue Cunningham, Town Clerk took the roll call.

Public Hearing Calvin Ct Drainage

Supervisor Kinowski call the public hearing to order.

Attorney Trainor gave a brief overview of the Drainage District in regard to strict guidelines that need to be followed, storm water discharge, and property owners in subdivision pay cost of maintenance.

Public Input

A resident inquired at the cost to maintain the drainage district.
Attorney Trainor stated \$400 per year.

With everyone having the opportunity to comment Supervisor Kinowski closed the public hearing at 7:05pm

7:05 Public Hearing #2 White Sulphur Springs PDD

Supervisor Kinowski called the public hearing to order at 7:05 pm.

David Bogardus a representative of Northeast Land Survey and Land Development Consultants gave a brief overview of the proposed PDD. The proposed PDD is located on the southern corner of Luther Rd and Route 9P and consists of 21 single family homes with a small pocket park on the corner of Luther Rd and Route 9P.

John R representing the applicant gave a brief overview of storm water management, placement of home, reduction of environmental impact, utilities and pocket park.

Public Input

Dawn U commented on the buffer zone, traffic, quality of life and stated she was opposed to the proposed PDD.

John F commented on the characteristic of the area, and the impact this proposal will have in regard to overbuild, traffic, congestion and environment.

Allison C has the same concerns and also commented on the Rt 9p study and had concerns with school buses managing on the steep terrains in the proposed PDD.

Caitlin M inquired about the setbacks of houses.
Mr. Bogardus stated that the setback is 100 foot.

Matthew F stated that he has concerns on drainage & sediment, commented on the protection act for Bald Eagles and Rt 9P crumbling. He stated that he was not totally against but suggested bigger lots as other homes on Luther Rd.

Julie W commented on the 14 acres of open space, location of the Pocket park, homeowners Assoc. requirement and wetland. She has concerns regarding the Lake with the watershed, drainage sediment, county oversight, sediment from Global Foundry and the depth of the lake changing.

Herbert M stated that they should look at all traffic and sediment conditions around the entire lake, and keep with the character of the community.

Chris a resident commented on deliveries being made on a 5 ton road.

John C commented on effect on the lake in regard to erosion and sediment on the lake.

Ed M commented on the economic opportunity, Rt. 9P concerns, traffic, Multi Use Rd, projects over the years ,impact on environment and future growth and handling.

Myrna S inquired when this became a PDD and commented on the zoning laws, density, traffic study, storm water study and traffic.

Supervisor Kinowski stated that this is the first time proposed to the Town Board so it is not a PDD yet. The Town Board is hearing this for the first time and nothing has been authorized.

Edith R commented on the Rt 9P traffic.

Jean F commented on the development around the Lake.

Jack M commented on the roads which conform to Highway Standards.

Ed Martin inquired who White Sulphur Springs LLC was.

Lindsey Zepko, Building Dept. stated that Karl Yang is the person who made out the application.

Julie W inquired as to the number of homes prior to PDD application.

Mr. Bogardus stated in 2005 it was 29 homes.

Mathew F inquired about the two additional access roads.

Mr. Bogardus stated that one connected to the golf course and the other to a neighboring builder.

Caitlin M commented on the one into the golf course. He stated that before they put an access road they should consult with the owners. He stated that he would like that access road removed.

Mr. Bogardus stated that he has been working on the access road for over a year with his sister.

John F asked why the additional access roads were not mentioned prior and inquired if another development was going in.

Supervisor Kinowski stated that they were working with the neighboring landowner on access. There is nothing official on any other project.

A resident on Luther Rd commented on the other homes in the area being on 5 acre lots, road conditions, Rt 9P, effect on sediments in the lake, sink holes on property, and wildlife in area.

Nancy E stated that everyone has the right to relocate, more interaction with other agency around lake, work on infrastructure first and development benefits everyone.

Tom L stated that he totally respects his neighbors opinions but Rte. 9P is a State highway and can handle the traffic, why they have sewer & water in the area, and that he loves the Lake but their focus should be on the rural areas of the Town and not a State highway.

John, consultant for the applicant, commented on the roadway slopes, retaining walls, less than 1/3 disturbance to wetlands, and drainage district that will create less runoff and sediment to lake or surrounding area.

Supervisor Kinowski stated that this is the first time hearing the applicant and a lot of information to digest. They have discussed concerns for the Lake, storm water management in place, builders need to conform to laws, spoke on drainage & sediment. The Town Board will refer to Planning Board for comment.

With everyone having the opportunity to comment Supervisor Kinowski adjourned the public hearing at 8:30PM.

8:40 pm Public Hearing #3 Winding Brooke PDD

Supervisor Kinowski call the public hearing to order at 8:40 pm.

Scott Lansing spoke on behalf of the applicant. He gave a brief summary of the proposed amendment to the PDD in regard to commercial, condominiums, homeowners association, sidewalks, streetlights, utilities, and storm water management.

Representative from Creighton Manning who did a traffic assessment summarized a traffic study that completed last September during peak times of the day.

Andrea L commented on the traffic, flood zone change, homeowners association, commercial building & condominiums. She stated that she would like to see it in the homeowners association that they can't rent out their condo's and the commercial entrance back out on the Main Rd.

Mary O spoke on the traffic study and commercial.

Dave B spoke on a water issue's, wetlands, commercial, and traffic. He stated he is not in favor of the commercial.

A resident from Luther Rd inquired about data used for traffic study.
Mark, Creighton Manning, stated they use historical records through present day.

A resident from Brown Rd commented on the traffic study & development in other connecting towns.

David A stated he has concerns with the entrance road.

Nancy E commented on the storm water and water erosion.

Scott Lansing spoke on the storm water management plan guidelines that need to be followed.

Supervisor Kinowski invited anyone into the Town to go over the plans & proposal for storm water management.

Dennis W commented on homeowners rules, retaining wall, drainage, gated community, security and suggested they look at all development around the lake.

Shirley W spoke on her home, town home-rental during race season and traffic all seasons.

Julie W commented on the \$1000 per unit and being payment to build.

Tom P commented on if they make it a gated community and who maintains roads etc., the development itself and having the right to rent out if owner.

A resident spoke on drainage, land erosion, money invested, not worth what paid for and would not have invested in home if she knew commercial was going in.

David C spoke on traffic concerns, last development he lived in, assessed value, public benefit, equalization rate, revenue, condominium value. He said he is not unreasonable about development but commercial does not belong here.

Paul M spoke on the Rt. 9P corridor, traffic study not accurate, storm water protection, reckless over development, environmental protection, infrastructure and quality of life. Development is not what people want developer gets what they want.

Jason R commented on the entranceway destroying cul de sac living, displacement of wildlife, and the proposed adjustments made from the 1st presentation are worse.

Edith R from the Town of Saratoga inquired if the Town Boards of all communities around the Lake communicate with each other and if not it is imperative that they do.

A resident commented that when developer can't sell homes prices are lowered and then they get residents they don't want.

A resident commented on only town data used when in reality the entire area should be used.

Supervisor Kinowski stated that DOT receives data from all towns.

Julie W inquired who watches out for Saratoga Lake.

Supervisor Kinowski stated State regulated agency such as DOT, DEC, Saratoga County Water, SLPID, etc.

Marybeth R commented on the density, safety, property value, proposal is nothing more than an apartment complex, and disappointment with Amedore.

Andrea L commented on timeframe of townhomes and suggested they put in single family homes instead.

Supervisor Kinowski stated that they are not voting on anything tonight.

Supervisor Kinowski spoke on fees that are paid by the developers and a brief overview on the benefits of the fees and what they are used for.

With everyone having the opportunity to comment Supervisor Kinowski adjourned the public hearing at 9:55 pm.

Agenda Items

Resolutions #9-12

Resolution #9

Making a SEQRA determination regarding

Resolution No. 10 of 2018

Regarding Formation of the Calvin Court Drainage District

Introduced by: _____ Supervisor _____

WHEREAS, the Town Board has compared the proposed action with the criteria for determining significance in SEQRA 6 NYCRR 617.7 and has duly considered the Short Environmental Assessment Form prepared by Lansing Engineering on behalf of Belmonte Builders, attached hereto; and

WHEREAS, a Public Hearing was conducted at the Town Board meeting on February 15, 2018 at which time the environmental impacts of the project were presented and discussed.

Now, therefore be it

RESOLVED, that the Town Board hereby determines that the proposed action will not have any significant environmental impacts in the following areas:

1. There will be no creation of material conflict with the Town's officially adopted zoning regulations.
2. There will be no substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels.
3. There will be no substantial increase in potential for erosion, flooding, leaching or drainage problems.
4. There will be no removal or destruction of large quantities of vegetation or fauna.
5. There will be no substantial increase in traffic or the use of existing infrastructure.
6. There will be no significant impairment of the character or quality of architectural or aesthetic resources or of the existing neighborhood character; and be it further

RESOLVED, that the Town Board has determined that the proposed changes are 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 an adverse environmental impact and hereby issues a negative declaration.

Motion by Councilman Baker and seconded by Councilwoman Vomacka to adopt Resolution No. 9 of 2018.

A roll call was taken on Resolution No. 9 of 2018 as follows:

| | |
|----------------------|--------|
| Supervisor Kinowski | YES |
| Councilman Baker | YES |
| Councilwoman Bruno | ABSENT |
| Councilman D'Ambro | YES |
| Councilwoman Vomacka | YES |

Motion carried. Resolution No. 9 of 2018 was adopted unanimously.

Resolution #10 Establishing the Calvin Court Drainage District

Introduced by: Supervisor

WHEREAS, a Map Plan and Report, ("MPR") dated April 26, 2013, revised December 6, 2013, revised December 27, 2017 signed and acknowledged by Lansing Engineering on behalf of Belmonte Builders (the "Applicant"), the developer of the Breslin/Belmonte Subdivision (the "Subdivision"), has been filed with the Town Clerk requesting the approval of a drainage district to be known as the Calvin Court Drainage District (the "District") as more particularly described in the attached MPR, and

WHEREAS, a Resolution of the order of this Board calling for a hearing thereon, which Resolution is dated January 18, 2018, attached hereto and incorporated herein was duly published on notice by the Clerk as set forth in the Affidavit of Publishing and Posting, and

WHEREAS a Public Hearing was held at 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, and

WHEREAS, the Town Board determined that the action is an Unlisted Action pursuant to 6 NYCRR Part 617(SEQRA), determined that the Town Board should serve as Lead Agency, found pursuant to the criteria in Part 617.7 that the proposed action will not have an adverse environmental impact, and issued a negative declaration, and

WHEREAS, the formation of the Drainage District is not subject to State Comptroller approval pursuant to §209-f of the New York State Town Law because the cost to the typical property falls below any applicable threshold, and

WHEREAS, the Town Board has given due deliberation to the comments of the public presented and has determined that the formation of the District is in the public interest;

Now, therefore, be it

RESOLVED, the Town Board finds that said MPR, dated April 26, 2013, revised December 6, 2013, revised December 27, 2017, for the creation of the District in the Town is signed, approved, and acknowledged, as required by law, and is otherwise sufficient and complies with the provisions of Article 12-A of the New York Town Law; and it is further;

RESOLVED, the Town Board finds that all of the property, property owners and interested persons within said proposed district are benefited thereby, and that all property or property owners benefited are included therein, and that no property or property owners or interested persons benefited thereby have been excluded therefrom, and it is further;

RESOLVED, that the Calvin Court Drainage District be established in the Town, and will include those parcels of property set forth in the description annexed hereto as Schedule “A”; and it is further;

RESOLVED, that the expense of constructing the infrastructure to be operated by the District shall be borne by Belmonte Builders, and it shall install all improvements to the Town’s satisfaction prior to relinquishing control of the drainage infrastructure to the Town; and it is further;

RESOLVED, that once the drainage infrastructure has been constructed by Belmonte Builders and turned over to the Town, the cost for operating the District shall be assessed, levied and collected from the several lots and parcels of land within the said district in proportion as nearly may be to the benefit which each lot or parcel of land in said district will derive therefrom and it is further;

RESOLVED that this Resolution is subject to a permissive referendum pursuant to Article 7 and §209-e of the New York Town Law and the Town Clerk is directed to post and publish a Notice of Adoption of this Resolution in the Express within 10 days.

Motion by Councilman Baker and seconded by Councilwoman Vomacka to adopt Resolution No. 10 of 2018.

A roll call was taken on Resolution No. 10 of 2018 as follows:

| | |
|----------------------|--------|
| Supervisor Kinowski | YES |
| Councilman Baker | YES |
| Councilwoman Bruno | ABSENT |
| Councilman D’Ambro | YES |
| Councilwoman Vomacka | YES |

Motion carried. Resolution No. 10 of 2018 was adopted unanimously.

**Resolution #11 Approving Requests for Qualifications for BridgeNY
Application, Design and Construction Inspection Services –
Lohnes Road Culvert Replacement**

Introduced by: _____ Supervisor _____

WHEREAS, The Town of Stillwater wishes to select a consultant to prepare a BridgeNY application for potential funding to replace the existing culvert carrying the Kroma Kill on Lohnes Road, and further, the Town would like the option, if the application is

successful, to have the same consultant design and provide construction inspection services for the replacement;

Now, therefore, be it

RESOLVED, that the Town of Stillwater is requesting qualifications of engineering firms licensed in the State of New York, to assist the Town in developing an application for BridgeNY funding for the replacement of the Lohnes Road Culvert, and if successful and thereafter selected by the Town, to provide design and construction inspection services for the same.

RESOLVED, that the Highway Superintendent is authorized to prepare the Request for Qualifications and shall place an ad in the Town’s official newspaper, “The Express” notifying of the Request for Qualifications. Responses shall be due on February 23, 2018.

Motion by Councilman Baker and seconded by Councilwoman Vomacka to adopt Resolution No. 11 of 2018.

A roll call was taken on Resolution No. 11 of 2018 as follows:

| | |
|----------------------|--------|
| Supervisor Kinowski | YES |
| Councilman Baker | YES |
| Councilwoman Bruno | ABSENT |
| Councilman D’Ambro | YES |
| Councilwoman Vomacka | YES |

Motion carried. Resolution No. 11 of 2018 was adopted unanimously.

Resolution #12 Hire a Marina Operator/Manager for the Brown’s Beach Marina

Introduced by: _____ Supervisor

WHEREAS, the current Marina Operator for Brown’s Beach, through a Town License and Management Agreement, has requested a release from the Town License and Management Agreement ; and

WHEREAS, the Town is desirous to continue the Marina Operations as seamless as possible by creating a joint exit & continued operation strategy between the current licensee and the Town;

Now, therefore be it

RESOLVED, the Town Board authorizes the supervisor to create & negotiate a contract to hire a professional Marina operator to operate & manage the Brown’s Beach Marina; and be it further

RESOLVED, the Marina operator/Manager will be compensated for an amount not to exceed \$50,000 per year and be paid through the proceeds generated through Marina Operations; and be it further

RESOLVED, the supervisor is authorized to negotiate and sign a new Town License and Management Agreement separating the Marina lease operations from the Joint agreement with Panza’s LLC to operate Dock Browns & the Nest. The final License and Management Agreement will be a standalone License and Management Agreement to operate the restaurant & resort rooms.

Motion by Councilman Baker and seconded by Councilwoman Vomacka to adopt Resolution No. 12 of 2018.

A roll call was taken on Resolution No. 12 of 2018 as follows:

| | |
|----------------------|--------|
| Supervisor Kinowski | YES |
| Councilman Baker | YES |
| Councilwoman Bruno | ABSENT |
| Councilman D’Ambro | YES |
| Councilwoman Vomacka | YES |

Motion carried. Resolution No. 12 of 2018 was adopted unanimously.

Public Input
No public input

Audited Claims
Motion by Councilwoman Vomacka and seconded by Councilman Baker to pay the audited claims.

| | |
|------------------|----------------------|
| General | \$6,964.99 |
| Town Outside | \$10,168.77 |
| Highway | \$24,027.61 |
| Water & Sewer | \$1731.98 / \$240.00 |
| Capital Projects | \$11,290.95 |

Motion carried.

Motion by Councilman Baker and seconded by Councilwoman Vomacka to adjourn into executive session to discuss contractual. **Motion carried.** (Note: The Town Board will not resume back into the regular Town Board meeting).

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk