

**Stillwater Town Board Meeting
March 1, 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 Vomacka and seconded by Councilman Baker to adopt the minutes of February 1, 2018 and February 15, 2015.
Motion carried.

Reports **Town Board & Dept. Heads**

Councilwoman Bruno

Landfill: Councilwoman Bruno reported that the spring clean-up is scheduled for May 12, 2018.

Supervisor Kinowski

Broadband/Internet: Supervisor Kinowski stated that the Town was awarded a \$98,136 to upgrade up to 88 sites within Stillwater. He has no other details at this time.

Agenda Items **Resolutions #13-#15**

**Resolution #13 Making a SEQRA Determination
Regarding the Winding Brook PDD Amendment**

Introduced by: _____ Supervisor _____

WHEREAS, Lansing Engineering PC has submitted an application on behalf of Amedore Homes for an amendment to the Winding Brook PDD via Local Law No. 2 of 2018 to allow for the construction of condominiums with a small commercial component in the place of the pure commercial use approved for the proposed 25.73 acre site in the original PDD; and

WHEREAS, the applicants presented the project to the Town Board on January 19, 2017 and Public Hearings were held on May 18, 2017 and June 15, 2017, to consider the proposed amendments; and

WHEREAS, the County Planning Board has reviewed the proposed amendments and EAF and provided its comments to the Town Board for its consideration; and

WHEREAS, the Town Board has considered the Full Environmental Assessment Form attached hereto, the Traffic Study by CME, the Financial Analysis provided by the Applicant and each of the comments and documents submitted, some of which are listed in the immediately following Resolution; and

WHEREAS, of the 25.73 acres involved in the PDD amendment, 6.83 acres will remain for commercial use as originally approved and 14 acres will remain open space, leaving 4.9 acres or 19% for which a change of allowable uses is requested in the Amendment and 12.37 acres or 48% of which will be physically disturbed;

Now, therefore, be it

RESOLVED, that the Town Board declares itself to be appropriate lead agency, hereby accepts the Full Environmental Assessment Form prepared by the Applicant in support the amendment to the Winding Brook PDD has considered the comments and documents, environment and SEQRA submitted both in support and in opposition to the project, determines the amendment of the PDD to be an Unlisted Action under SEQRA, determines that the project will not have a significant adverse impact on the environment, and hereby issues a Negative Declaration regarding the same.

Motion by Councilwoman Bruno and seconded by Councilwoman Vomacka to adopt Resolution No. 13 of 2018.

A roll call was taken on Resolution No. 13 of 2018 as follows:

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

Motion carried. Resolution No. 13 of 2018 was adopted unanimously.

**Resolution #14 Approve the Winding Brook PDD Amendment and
Adopt Local Law No. 2 of 2018**

Introduced by: Supervisor

WHEREAS, Amedore Homes has proposed to amend the Winding Brook PDD via the attached Local Law No. 2 of 2018, to be known as the Winding Brook PDD Amendment, to allow for the construction of condominiums with a small commercial component in the place of the purely commercial use approved for the proposed 25.73 acre site in the original PDD; and

WHEREAS, the applicants presented the project to the Town Board on January 19, 2017 and Public Hearings were held on May 18, 2017 and June 15, 2017, to consider the proposed amendments; and

WHEREAS, comments were received during the Public Hearings regarding traffic and the Town hired Creighton Manning Engineering to perform an independent traffic study concluding that the PDD Amendment would result in a minimal impact on traffic in the area, and

WHEREAS, concerns were expressed during the public hearings about the mix of housing types within the PDD yet the Town Code of Stillwater in Chapter 210, Article IV, Section 210-15A specifically calls for a mix of housing types and requires the Town Board to consider "whether the project provides a choice in the types of environment, occupancy tenure (e.g., individual ownership, condominium leasing), types of housing and sizes and community facilities available to existing and potential residents at all economic levels"; and

WHEREAS, the public commented during the public hearings that storm water and runoff are a concern, and the applicant has provided a Storm-water Management Report that implements a plan to mitigate storm-water runoff during and post construction; and

WHEREAS, the Town Board has considered the Full Environmental Assessment Form, the Traffic Study by CME, the Financial Analysis provided by the Applicant and each of

the comments and documents submitted, some of which are listed herein; and

WHEREAS, of the 25.73 acres involved in the PDD amendment, 6.83 acres will remain for commercial use as originally approved and 14 acres will remain open space, leaving 4.9 acres or 19% for which a change of allowable uses is requested in the Amendment and 12.37 acres or 48% of which will be physically disturbed;

WHEREAS, the County Planning Board has reviewed the proposed amendments and EAF and provided its comments to the Town Board for its consideration; and

WHEREAS, in deciding the proposed action, the Town Board has considered the many public comments and documents submitted discussing the PDD Amendment, as well as several relevant and previous studies affecting the area comprising the proposed PDD Amendment including, but not limited to, the following:

- Town Ordinance No. 2 of 1993 establishing the Winding Brook PDD;
- 2001 Zoning Code (Local Law No. 1 of 2001) and amendment thereto;
- 2006 Town Comprehensive Plan;
- LFTC Planned Development District and GEIS, with environmental and traffic impact studies;
- Town wide GEIS with incorporated environmental and traffic impact studies;
- Town Law Article 16, including but not limited to Sections 261 through 265 regarding Zoning amendments;
- General Municipal Law Section 239-l and 239-m;
- Local Law No. 5 of 2012 amending the Winding Brook PDD;
- Application with Map, Narrative and EAF received July 11, 2016;
- Project Review letter of Paul K. Male, P.E. dated September 27, 2016;
- Project Review letter of James P. Trainor, Esq. dated October 12, 2016;
- Applicant's response letter dated October 20, 2016 regarding Objectives and Considerations;
- Applicant's presentation and public comments at the January 19, 2017 Town Board Meeting;
- Applicant's revised application with map, narrative and EAF received February 1, 2017;
- Presentation and public comments at the May 18, 2017 Town Board Public Hearing;
- Applicant's revised local law language, narrative and map received June 5, 2017;
- Presentation and public comments at the June 15, 2017 Town Board Public Hearing;
- Town's Traffic Evaluation done by Creighton Manning Engineers dated November 13, 2017;
- Lansing Engineering's Fiscal Impact Analysis dated February 13, 2018;
- Presentation by Amedore Homes, Lansing Engineering and Creighton Manning Engineers, and public comments and submissions at or as part of the Town Board Public Hearing on February 15, 2018 regarding the PDD Amendments.

WHEREAS, the Town will address development concerns for Saratoga Lake quality and water shed areas through implementation of new Storm Water Management (MS4) programs and other methods not employed in the past; and

WHEREAS, the Town will continue to address and work closely with State and County agencies to insure major roadways are maintained and improved to meet current and future traffic demands; and

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. 2 of 2018, a Local Law Approving the Winding Brook PDD Amendment and amending Local Law No. 1 of 2001 and Chapter 211 of the Town Code as attached hereto;

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. 2 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. 14 of 2018.

A roll call was taken on Resolution No. 14 of 2018 as follows:

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

Motion carried. Resolution No. 14 of 2018 was adopted unanimously.

LOCAL LAW NO. 2 OF 2018

Local Law Amending Ordinance No. 2-
1993 and Local Law No. 5-2012
Regarding the
Winding Brook Planned Development
District

1. Purpose. The purpose of this Local Law is to amend Town of Stillwater Ordinance No. 2-1993 and Local Law 5-2012 regarding the Winding Brook Planned Development District ("PDD") to allow for the construction of

condominiums in the place of a portion of the previously approved commercial buildings.

2. The above referenced Ordinance and Local Law have previously been incorporated into the Stillwater Town Code as Article VII to Chapter 211. Article VII is titled “Winding Brook” and will remain unchanged except as noted herein.
3. Language being added is underlined below, while language being deleted is struck-through below.

4. § 211-80. Purpose.

The purpose of this ordinance is to establish the parameters and limits of residential and commercial growth on the subject premises. It is the further purpose of this ordinance to promote flexibility in the development and design of the subject premises by creating a single-family detached residential development, a multifamily (condominium) development and commercial development that will result in a more efficient use of the land, promote good site design and visual quality and result in a more pleasing environment by fostering architectural innovation in site planning.

5. § 211-81. Description and location.

The area of the Planned Development District-Residential/Commercial to be known as "Winding Brook" consists of 73.5 acres located along New York State Route 423 (Battlefield Road) in the Town of Stillwater, New York, and is more particularly bounded and described on Appendix A (legal description)¹ and Appendix B (concept site plan), titled "Winding Brook Planned Development Concept Plan," prepared by Robert Scarano, P.E., and Timothy O'Byrne, R.L.A., dated March 8, 1993, last revised by Lansing Engineering P.C. on March 25, 2016, annexed hereto and made a part hereof. The subject premises is currently designated on the Tax Maps of the Town of Stillwater as SBL No. 219.00-1-1.1 and SBL No. 219.9-1-1.

[1] *Editor's Note: Said appendix is included at the end of this chapter.*

6. § 211-82. Land use.

- A. There shall be constructed within the boundaries of "Winding Brook" Planned Development District (hereinafter referred to as the "development") up to 53 single-

family detached dwellings located on approximately 36 acres of land as depicted on the Concept Plan (Appendix B). The actual number of lots will be determined in accordance with generally accepted engineering practice by the Town Planning Board. The minimum residential lot size shall be 25,000 square feet. The minimum road frontage measured at the building setback line shall be 100 feet. Minimum building setbacks shall be as follows: front yard: 35 feet; side yard: minimum 10 feet and a total of both side yards no less than 25 feet; rear yard: 50 feet. No building will be permitted within the one-hundred-year floodplain.

B. Approximately 28 acres adjacent to New York State Route 423 will be reserved for future commercial uses. Allowable uses in this area shall correspond to and be limited to those B-2 uses identified in the Town's Zoning Ordinance at the time of application for site plan review for any project contemplated thereon.

C. Under the proposed changes to the existing Winding Brook PDD, , the 21.93 acre component (Tax I.D. 219.-1-1.1) would be subdivided into two parcels. The first, Lot 1, 18.90+/- acres is located between the PDD's single family component and SR 423 as shown on the Conceptual Site Plan dated 03/25/16. Lot 1 would be used for the development of nineteen, (19) four unit, maintenance free condominium buildings in a Homeowner's Association. Lot 2. 3.03+/-1-acres bordering 1200+/- feet of highway frontage along SR-423 would be set aside for those B-2 uses identified in the Town's Zoning Code. Lot 3, (3.8-acres, Tax I.D. 219.9-1-1) was subdivided under the original PDD and will remain the same utilizing 587' of frontage on SR 423 for B-2 uses. The minimum front yard setback within the condominium component shall be 15 feet.

D. The wetlands located in the condominium complex will be owned by the Stillwater Green Homeowner's Association or Stillwater Green Community Association, Inc. and approximately 55%, or 14 acres of the 25.73 acre parcel, will be preserved as open space.

E. Accessory Structures. An accessory structure is defined as a building subordinate and clearly incidental to the principal building on the same lot and used for a purpose customarily incidental to those of the principal building. Examples of accessory structures include but are not limited to garden sheds, play houses, shop buildings,

wooden & metal sheds, non-commercial greenhouses, pools, pool houses, gazebos, antenna & satellite dishes, chicken coops, dog houses, portable canopies & shelters and solar/heating/ventilation/utility equipment.

All accessory structures will require a building permit. There shall be a maximum of two accessory structures on a parcel. The accessory structures must be located in the side or rear yards, they are not allowed in the front yard. The maximum height of an accessory structure is 15 feet. The maximum area of an accessory structure is 144 square feet, the minimum side yard or rear yard setback is five feet. No accessory structure can be closer to any structure than ten feet.

Any accessory structure in existence at the time of adoption of this PDD amendment will be allowed to remain in their present location. Any new accessory structures must conform to the new accessory structure requirements.

7. § 211-83. Roads.

- A. The roads within the development shall be designed and constructed in accordance with the Town of Stillwater Subdivision Regulations and most current Town road specifications,² subject to the maximum allowable road grade in the subdivision being 10%. All the roads and appurtenances serving the residential section of the development, together with a sixty-foot right-of-way, shall be dedicated to the Town of Stillwater. However, the Town will not accept the roads and appurtenances until such time that all of the building lots are completed.
- B. The road system within the Condominium component of the proposed change to the PDD will be named “Reed’s Hollow” and will be built to Town of Stillwater specifications and dedicated to the Town. Lot 2 (B-2 Zone) would be accessed via SR 423 and Lot 3 (B-2 Zone) via the existing Walden Circle (a town road) and SR 423. All the roads and appurtenances serving the condominium component of the development within the right-of-way, unless agreed upon by the Town of Stillwater and the Homeowner’s Association, shall be dedicated to the Town of Stillwater.

8. § 211-84. Sanitary waste disposal and Stormwater Management.

A. Sanitary waste disposal will be provided by connection to the Saratoga County Sewer District. All sewer facilities will be designed and constructed in accordance with the standards of the Saratoga County Sewer District No. 1. Amedore Homes and/ or its assigns (the "developer"), agrees to offer for dedication to the Saratoga County Sewer District No. 1 all completed sewer facilities at no cost to the Saratoga County Sewer District No. 1. The sewer district shall determine what portion of these facilities are appropriate for public ownership.

B. Stormwater Management will include the Developer's compliance with applicable MS4 requirements as well as the formation of a drainage district by the Town at the Developer's expense that will include but not be limited to four (4) existing ponds and four (4) proposed basins.

C. Sanitary waste disposal will be provided by connection to the Saratoga County Sewer District. All sewer facilities will be designed and constructed in accordance with the standards of the Saratoga County Sewer District No. 1.

9. § 211-85. Water service.

A. Water service will be provided by interconnections with a private transportation corporation. All necessary approvals concerning the said interconnection will be obtained from the appropriate state and local authorities, and the actual interconnection will be completed prior to the issuance of any certificate of occupancy by the Town of Stillwater. All water facilities outside the limits of the development will be designed and constructed in accordance with the standards of the Saratoga County Water Authority.

B. Water service for the condominiums will be provided by interconnections with Saratoga Glen Hollow Water Company or its successors. All necessary approvals concerning the said interconnection will be obtained from the appropriate state and local authorities, and the actual interconnection will be completed prior to the issuance of any certificate of occupancy by the Town of Stillwater.

10. § 211-86. Site plan approval.

Prior to the issuance of building permits for the buildings within this district, the owner shall submit a site plan for approval by the Town Planning Board of the Town of Stillwater in accordance with the appropriate section of the Town Zoning Code. Specific details concerning the work allowed pursuant to such permits and any bonds which may be required shall be established by the Planning Board during the site plan review process.

11. § 211-87. Expiration of approvals.

A. The planned development district approval embodied herein shall expire three (3) years from the date this local law is filed with the New York State Department of State, , but in no event later than July 1, 2021, unless the developer is able to demonstrate by then that:

(1) All required infrastructure improvements to each and every lot have been completed; and

(2) The developer has completed 50% of the condominium units.

B. If the developer is able to so demonstrate to the Town Board no later than the expiration of said three (3) year period or July 1, 2021, the PDD approval period may be extended by resolution without further amendment of the PDD ordinance or local law.

12. § 211-88. Lead agency and SEQRA Review.

The Stillwater Planning Board, as the prior lead agency for this project, pursuant to the State Environmental Quality Review Act, has previously adopted a negative declaration, a copy of which is annexed hereto and made a part hereof and designated Appendix "C." The developer agrees to comply with all the mitigation measures which are a part thereof at no cost to the Town. No certificate of occupancy will be issued until the appropriate mitigation measures are complete. The Town Board has also conducted a SEQRA review regarding the PDD legislation amendment.

13. § 211-89. Performance bond or letter of credit.

A. Prior to the issuance of building permits for the buildings within this district, the developer shall file performance bonds or letters of credit in the amounts and for the time periods required by the Town Planning Board and acceptable as to amount and form by the Town's Engineer and the Town's Attorney to guarantee such performance and/or completion of the requirements of this Planned Development District Ordinance, including, but not limited to, the following:

- (1) The satisfactory completion of the roads and other infrastructure for the project; and
- (2) The satisfactory completion and maintenance for the year after completion of landscaping in the commercial area and common areas of the project site.

B. The Planning Board shall determine the time at which the developer shall file such bonds and the length of time that the bonds shall be effective. The developer will be permitted two building permits for two model homes, but no certificate of occupancy will be issued for the said model homes until all of the requirements of this section have been met.

14. § 211-90. Payment in lieu of green space and Development Agreement

A. The developer shall pay the Town of Stillwater a sum of money per residential lot as a payment in lieu of green space. The payment shall be made as follows: \$350 per lot for 26 lots at the time of the issuance of the first building permit and a fee per lot for the remaining lots in the development in accordance with the subdivision rules and regulations in effect at the time of application for a building permit for each home constructed within the development.

B. The developer shall be required to enter into a Development Agreement with the Town prior to the PDD Amendment approval for condominiums in order to provide one or more public benefits to the residents of the Town.

15. § 211-91. Fees.

The developer shall pay the Town of Stillwater pursuant to Section 24.9 of the Zoning Ordinance or amendments thereto for the fees incurred by the Town for the review of this

project and/or for inspections relating to the construction contemplated herein, all in accordance with the subdivision rules and regulations in effect in the Town of Stillwater at the time of the filing of the map. The developer shall also pay all GEIS and other fees currently required for the amendments to the existing PDD for condominiums.

16. § 211-92. Effect of other provisions.

Except to the contrary as set forth herein and/or delineated on the filed map for this subdivision, the subdivision rules and regulations of the Town of Stillwater in effect at the time of filing the subdivision map shall apply to the residential section of this development and those rules and regulations in affect at the time of the 20178PDD amendments shall apply to the commercial and condominium sections.

17. § 211-93. Penalties for offenses.

Any violation of the provisions of this Local Law shall be deemed a violation of the Town of Stillwater Zoning Code, and the provisions hereof shall be enforceable pursuant to the enforcement provisions of the said Town of Stillwater Zoning Coe.

18. § 211-94. Severability.

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

19. § 211-95. When effective.

This ordinance shall take effect upon filing of the within legislation pursuant to § 265 of the Town Law and the Amendments to the PDD local law shall take effect upon their adoption by the Town Board and subsequent filing with the New York State Department of State.

Resolution #15 Budget Adjustments and Transfers

WHEREAS, Ann Marie Hallum, Director of Fiscal Management has recommended that the following budget transfers and budget increases be accomplished:

BUDGET IMPACT STATEMENT: as stated above

Account No	Description	Amount	
A1330.100	Tax Collector Salary	1850.00	to cover increase in deputy tax collector salary
A1330.4	Tax Collector Contratural	-1850.00	to cover increase in deputy tax collector salary
SW8310.466	Administration		
Contractual		1000.00	To cover shortage
SW8320.466	Source of Supply		
Contractual		-1000.00	To cover shortage

BUDGET INCREASE

B2706 Grants	14267.50	received grant monies for route 9 revitalization
B9950.9 Transfer to capital projects	14267.50	received grant monies for route 9 revitalization

Transfer \$14,267.50 to capital projects for route 9 revitalization project

RESOLVED, that the above Budget Adjustments and Transfers are hereby approved.

Motion by Councilwoman Bruno and seconded by Councilwoman Vomacka to adopt Resolution No. 15 of 2018.

A roll call was taken on Resolution No. 15 of 2018 as follows:

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

Motion carried. Resolution No. 15 of 2018 was adopted unanimously.

Public Input

David W stated that he feels that the resident’s concerns were not heard, were misled when they purchased their home and then minimum they could have changed was putting in a separate entrance.

A resident commented on the passing of Resolution #14.

Suzanne who just moved to the area across from Winding Brooke, was told nothing about the proposed amendments and commented on Resolution #14 in regard to Rte. 9P & 423, historical and nature of area.

Herbert M commented on the explosion of building around the lake, and the traffic study not being realistic.

Coke C commented on the passing of a long time Planning Board member and having a moment of silence for him.

Supervisor Kinowski spoke on how all information is shared with State & County DOT through the County Planning Board. The State has no issues with handling traffic and it is scheduled for road maintenance. More discussion was held on traffic and DOT responsibility.

Herbert M commented on the quality of the road & life around the Lake and inquired how the lake was being protected.

Supervisor Kinowski stated through Town Law (MS 4/Storm water Management) that was adopted by the Town.

Dick D commented on the catch basin next to Stewarts that was just repaired.

A resident stated she wouldn’t have moved here if she had known the full details of what was being proposed, inquired about the dollar difference between condos and homes and felt the Board was out to make a quick buck.

Councilwoman Vomacka stated that their job is to be fiscally responsible for the entire town and to keep the tax base low comes development.

Supervisor Kinowski explained the job of the Town Board and the responsibility of the Planning Board.

Councilwoman Bruno stated that they do care about the town, she has raised her kids here and they have done a lot of good for the entire Town.
Supervisor Kinowski spoke on rezoning for a business district at residents requests, infrastructure the Town Board brought about, and how usually only two residents come to everyone Board meeting.

Andrea L stated they moved to this development for the quietness, focus on family, history of the Town and feels more income would come from single family homes then condos.

Supervisor Kinowski spoke on the Master Comp Plan, School System, economic study, businesses and decisions made are for greater good of Stillwater.

David inquired about the sunset clause and build out.
Supervisor Kinowski explained the sunset clause.

A resident inquired if possible changes could be made going forward from the Town Board to the Planning Board.
Supervisor Kinowski explained that the TB approved the PDD & Amendments and the PB looks at the character of area.

A resident commented on the water they have being Brown.
Supt Minick commented on different variables that could cause brown water.
A discussion was held on water issues.

Randi R, Planning Board Chair, commented that he and Peter B., Planning Board member have been to the public hearings and have listened to the resident’s concerns.

Gwynne O. inquired about the build out in regard to it being a section at a time or all at once and who was responsible for debris and sediment.
Lindsey Z., Building Dept., stated that building would be 5 acres at a time and spoke on Storm water management.

A resident inquired about the entrance and if it can be brought up before the Planning Board.
Supervisor Kinowski stated they can look at it.

Audited Claims

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

General	\$29,029.57
Town Outside	\$5274.66
Highway	\$29,792.34
Water & Sewer	\$16,800.00
Capital Projects	\$974.82

Motion carried.

Motion by Councilman Baker and seconded by Councilwoman Vomacka to adjourn the Town Board meeting at 8:40 pm. **Motion carried.**

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk

