

**Stillwater Town Board Meeting
Public Hearing (PDD Process)
May 17, 2018 7:00 PM
Stillwater Town Hall**

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

Also Present: **Sue Cunningham, Town Clerk
Joe Lanaro, Engineer for the Town
James Trainor, Attorney for the Town**

Absent: **Councilwoman Ellen Vomacka
Mark Minick, Supt of Highways**

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

Sue Cunningham, Town Clerk took the roll call.

7:00 PM Public Hearing Local Law-PDD Process

Supervisor Kinowski called the public hearing to order and gave a brief overview of the proposed Local Law. He stated they the Town Board were not eliminating the Planning Board.

Thomas B with the Saratoga Lake Association had concerns with streamlining the process especially with properties adjacent to the lake. He also commented on the water quality of the lake and that the lake is already stressed.

Carol M member of the Planning Board had concerns with the Planning Board review process, the wording "optional" used in section 210-19 and public benefit proposed by the developer.

Supervisor Kinowski once again stated that they were not eliminating the Planning Board just trying to streamline the process. He gave a few examples of ways the process would be streamlined.

Tony M inquired what would be referred to the Planning Board.

Supervisor Kinowski stated a whole new PDD process would be referred to the Planning Board. He also stated that the public benefit does not go into the general fund and all surrounding Towns receive public benefit.

Julie W commented on the public benefit, long term health & environment conditions of the lake, PDD's in the watershed area and the Town Board should not make it easier for the developers.

Supervisor Kinowski stated that they are not taking the Planning Board out of the process, they have added more responsibility to the Town Board for review, they are not out to pollute the Lake and they have programs in place that will help and prevent discharge from going into the lake.

Gene F commented on Planning Board being taken out of the process, growth, traffic and comprehensive plan status.

Resident commented on drainage & runoff, lake being the gem of the Town and road condition.

Tony M commented on the developer, tract of land and the process not being in character of area.

Supervisor Kinowski stated that the process starts with the Planning Department who even has the Planning Board Chair involved in many meetings with the developer going over the plans, comp overview, wetlands, trees, water basin etc., prior to the Town Board. Attorney Trainor commented on the PDD process and stated that there are 10 requirements that need to be met before going to the Town Board. The Planning Department has over 9yrs experience, many plans are sent back before consideration.

Russell B stated that eliminating the Planning Department is only beneficial to the developer and not the residents. Look at other Towns and, don't want more development or PDD's in Town.

Gene F stated that public outcry is not in favor of the proposal.

Supervisor Kinowski once again stated that the Planning Board is not out of the process.

Attorney Trainor stated that the legislation has not change and the Planning Board is still involved.

Laura M commented on the surrounding landscape. Streamlining is for developers; protect residents, lake and the surroundings.

Gwynne O commented on the lake, buffer and putting a limit on developers, not enough land.

Resident commented on the 4 entities around the lake, combined concerns of the 4 entities and they should all coordinate together on development.

Paul M commented on meetings between developers and Planning Department should be open to public unless hiding something, too much development, health of Saratoga Lake and should be put up to a vote by the residents.

Supervisor Kinowski stated that they are not changing the process. The prior Planning Board chair was in on past meeting with the planning department and developers. They are eliminating just one Planning Board hearing which puts more on the Town Board to understand before passing.

Herbert M commented on rampant overdevelopment around the lake, the lake district is under stress, growth and traffic. He understands the Board look for unnecessary duplication, trivial cases made simple. He suggested write law on side of caution, not rush concerns/guidelines in order to retain public confidence.

Elliot G commented on the lack of info in advance and fiscal concerns the pendulum swings a little too far to development.

Supervisor Kinowski stated that they are here for residents anytime. He commented on the finance of the Town and its Moody ratings.

Carol M still feels strongly that Planning Board remain in the front.

Herbert M inquired if they considered bounds on conditions.

Supervisor Kinowski stated that he feels that 99% of the application will go to the Planning Board.

A discussion was held on environmental reviews, process and who reviews and approves applications.

Councilman D'Ambro explained the process from a prior planning board member aspect. The Town Board handles the financial aspect of a PDD and the Planning Board handles the nuts & bolts of the project with a 3rd party opinion which is the engineer. He stated that not touching the land is sometimes the worst thing you can do.

Julie W inquired who and when a PDD is sent to County Planning.
Attorney Trainor stated that Lindsey Z from the Planning Dept would submit the project to the County Planning and the County would look at impact it would have on the County.

Tony K inquired if the taxpayer pays for the 3rd party opinion.
Supervisor Kinowski stated that the applicant is required to submit funds into an escrow which pays the 3rd party,

Councilman D'Ambro commented on setting boundaries or listing materialistic would only result in scrutiny and legal debates. It is on the Town Board shoulders to say yes or no in the best in of the Town for the greater good.

Attorney Trainor stated that State Law does not include PDD's in Planning Board responsibilities.

Dick D stated that it was good see other people at the meeting, he doesn't miss many and all are welcome at all meetings.

With everyone having the opportunity to speak Supervisor Kinowski declared the public hearing adjourned at 9:30 pm

Business Meeting 9:40pm

Agenda Items Resolutions #36--#47

Resolution #36 Adopting Local Law No. 4 of 2018, A Local Law Amending the PDD Process

Introduced by: Supervisor

WHEREAS, Local Law No. 4 of 2018, attached hereto, proposes to amend Chapter 210, Article IV of LL 1 of 2001, the Town of Stillwater's Zoning Code, regarding Planned Development Districts ("PDD"s) and Chapter 210, Sections 129 and 138 regarding recommendations and notices of public hearings; and

WHEREAS, changes to the Town's process for handling PDD applications was first proposed by local law in the spring of 2017 in order to streamline the existing PDD application and approval process, and numerous revisions have been incorporated into the original proposal since then at the requests of Town residents, the Department of Building and Planning, the Town Planning Board and the Town Board; and

WHEREAS, at least 9 public meetings, presentations, public workshops or public hearings have been conducted to receive and review comments to the proposed changes in the Town's existing PDD approval process, culminating in a duly noticed Public Hearing on the final version of proposed Local Law at the regularly-scheduled Town Board meeting of May 17, 2018; and

WHEREAS, pursuant to 6 NYCRR §617.5 (a) and (c)(20) and (27), the Town Board's consideration and adoption of legislative changes to how the Town processes applications for, and approves, PDD's is a Type II Action and is not subject to review under SEQRA;

Now, therefore, be it

RESOLVED, that pursuant to the Town Board's authority under NYS Town Law §261-C and Municipal Home Rule Law §10, the proposed Local Law No. 4 of 2018, Amending Chapter 210, Article IV of LL 1 of 2001, the Town of Stillwater's Zoning Code, regarding Planned Development Districts ("PDD"s) and Chapter 210, Sections 129 and 138 regarding recommendations and notices of public hearings, is hereby adopted; and be it further

RESOLVED, that the Town Clerk is hereby directed to publish a descriptive notice of the adoption of the Local Law No. 4 of 2018 within 5 days of its adoption by the Town Board; and be it further

RESOLVED, that the Town Clerk is hereby directed to file a Certified Copy of Local Law No. 4 of 2018 with the New York State Department of State within 20 days of the date of its adoption by the Town Board; and be it further

RESOLVED, that the Director of the Department of Building and Planning shall file a copy of the Local Law No. 4 of 2018 with the Town and County Planning Boards; and be it further

RESOLVED, that the Town Clerk shall attach a copy of Local Law No. 4 of 2018 to the minutes of this Town Board meeting.

Motion by Councilman Baker and seconded by Councilman D’Ambro to adopt Resolution No. 36 of 2018.

A roll call was taken on Resolution No. 36 of 2018 as follows:

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

Motion carried. Resolution No. 36 of 2018 was adopted unanimously.

LOCAL LAW NO. 4 OF 2018

Local Law Amending Chapter 210,
Article IV of the Zoning Code Regarding
Planned Development Districts and
Chapter 210, Sections 129 and 138
Regarding Recommendations and Notice
of Public Hearing

1. The purpose of this Local Law is to amend the Planned Development District (“PDD”) Approval process in the Town of Stillwater as a function of the Town Board’s authority under §261-C of the Town Law of the State of New York.
2. The following amendments are made to the following Sections of Local Law 1 of 2001 as amended and to Article IV of Chapter 210 of the Stillwater Town Code entitled “Planned Development Districts.”

Article IV

Planned Development Districts

§ 210-14. Purpose and intent.

A. It is the intent of this Planned Development District (“PDD”) Article to provide flexible land use and design regulations to provide for the rezoning of land so that small- to large-scale neighborhoods or commercial uses or portions thereof may be developed in the Town. Provision is included for planned development districts to permit establishment of areas in which diverse uses may be brought together in a compatible and unified plan of development which shall be in the interest of the general public. This article specifically encourages innovation in residential and commercial development, or a combination thereof, so that the growing demand for housing and commercial uses at all economic levels may be met by greater variety in type, design and siting of dwellings and structures, and by the conservation and more-efficient use of land in such developments.

B. This article recognizes that, while the standard zoning function and the subdivision function are appropriate for the regulation of the land use in areas of neighborhoods which are already substantially developed, these controls represent a type of pre-regulation, regulatory right, and uniformity which may not be in harmony with the techniques of land development contained in the planned development concept. Further, this section recognizes that a rigid set of space requirements, along with bulk and use specifications, could frustrate the application of this concept. Thus, where planned development techniques are deemed appropriate through the rezoning of land to a planned development district by the Town Board, the set of use and dimensional specifications elsewhere in this chapter is herein replaced with an approval process in which the 2018 amendments and the Planned Development Districting legislation becomes the basis for continuing land use controls.

C. The requirements of the article shall apply to newly proposed PDDs as well as to all amendments to a previously approved PDD. In no case shall the regulations of this article be so interpreted as to circumvent the benefits of this chapter to the residents or occupants of adjoining properties.

§ 210-15. Objectives.

In order to carry out the intent of this article, the Town Board shall consider the following objectives:

A. Whether the Planned Development District provides for a designed grouping of varied and compatible land uses, which may include housing, recreation, commercial, and industrial uses or any mix thereof within a development.

B. Whether the project provides more usable open space and recreation areas, including the linkage of open space areas, than would otherwise be available with the existing zoning classifications and subdivision regulations applicable to the property

C. Whether the project provides more convenience in location of industrial, commercial and service areas, if applicable, than would otherwise be available with the existing zoning classifications and subdivision regulations applicable to the property.

D. Whether the project provides for the preservation of trees and outstanding natural topographic and geologic features and for the prevention of soil erosion to a greater degree than would otherwise be available with the existing zoning classifications and subdivision regulations applicable to the property.

E. Whether the project provides for a more creative use of land and related physical development which allows an orderly transition of land than would otherwise be available with the existing zoning classifications and subdivision regulations applicable to the property.

F. Whether the project provides for a more efficient use of land resulting in smaller networks of utilities and services, thereby lowering housing costs, than would otherwise be available with the existing zoning classifications and subdivision regulations applicable to the property.

G. Whether the project provides a development pattern more in harmony with the objectives of the Comprehensive Plan than would otherwise be available with the existing zoning classifications and subdivision regulations applicable to the property.

H. Whether the project provides a more desirable environment than would otherwise be possible through the strict application of other articles of this chapter.

§ 210-16. General Requirements.

A. Ownership. The tract of land for a project may be owned, leased or controlled either by a single person or entity or by a group of individuals or entities. An application must be filed by the owner or jointly by the owners of all property included in a project. In the case of multiple ownership, the approved plan shall be binding on all owners and in all cases shall be binding on all subsequent owners, heirs, assignees and transferees of the property.

B. Minimum area. The minimum area for which a PDD may be considered for a parcel or parcels of land is 30 contiguous acres or more. The Town Board may consider projects of lesser acreage where the applicant can demonstrate that the characteristics of his holdings meet the purposes and objectives of this article more than they meet the purposes and objectives of existing zoning classifications and subdivision regulations applicable to the property.

C. Residential density. Residential density in a PDD shall not exceed 120% of the base residential density in the district or districts in which the PDD is located. Such calculations shall be based on buildable land excluding slopes in excess of 12%, and excluding Federal or State regulated wetlands.

D. Drainage districts. The Town may, at its discretion, require the formation of a drainage district in connection with a PDD, which district infrastructure shall be dedicated to the Town and subject to taxation upon the benefitted property owners.

E. Open Space. For requested increases in the base residential density, a proportional amount of the PDD area shall be permanently dedicated for public benefit or for a common recreation area to be owned by a private homeowners association (HOA).

§ 210-17. Considerations.

In determining whether a planned development district should be allowed, particularly at the intensity of land use proposed, the Building, Planning and Development Department (“Department”), the Planning Board (if referred for PDD review) and the Town Board shall consider the following factors:

A. The need for the proposed land use in the proposed location.

- B. The availability and adequacy of water service.
- C. The availability and adequacy of sanitary waste disposal facilities.
- D. The availability and adequacy of transportation systems, including the impact on the road network and traffic volume.
- E. The pedestrian circulation and open space in relation to structures.
- F. The character of the neighborhood in which the PDD is being proposed, including the safeguards provided to minimize possible detrimental effects of the proposed use on adjacent properties and the neighborhood in general.
- G. The height and mass of buildings and their relation to other structures in the vicinity.
- H. Potential impacts on any and all local government services.
- I. Potential impacts on environmental resources, including but not limited to air, wetlands, surface water, floodplains, active and passive recreation areas, and plant and wildlife communities.
- J. The general ability of the land to support the development, including but not limited to such factors as slope, depth to bedrock, depth to water table, and soil type.
- K. Whether the PDD furthers the vision, goals and recommendations contained in the Town's Comprehensive Plan.
- L. Other factors as may be deemed appropriate by the Town Board or as identified during the SEQRA review process.

§ 210-18. Common Property.

Common property in a planned development district is a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites or where appropriate, within commercial projects. Common property shall be allowed within a PDD. The ownership of such common property may be public or private. When common property exists in private ownership, satisfactory arrangements must be made for the improvement, operation and maintenance of such common property and facilities, including but not limited to private streets, drives, services, parking areas, recreational and open space areas as well as drainage and stormwater infrastructure . When common property is

publicly owned, it is available for appropriate use by members of the general public subject to reasonable time, place and manner restrictions.

§ 210-19. Application and Approval process.

Whenever any planned development district is proposed or amended, before any permit for the erection of a permanent building in such planned development district shall be granted, and before any subdivision plat of any part thereof may be filed in the office of the Saratoga County Clerk, the developer or his authorized agent shall apply for and secure approval of such planned development district in accordance with the following procedures:

A. Application Information Required For Review.

(1) Sketch Plan. The application shall include a sketch plan, drawn to scale, though it need not be to the precision of a finished engineering drawing subject to the discretion of the Town Board, and it shall clearly show the following information:

(a) The location of the various uses and their areas and dimensions.

(b) The general outlines of the interior roadway system and all existing rights-of-way and easements, whether public or private along with all connections to existing roadways.

(c) Delineation of the various residential areas, indicating for each such area its general extent, size and composition in terms of total number of dwelling units, percentage allocation by dwelling unit type (i.e., single-family detached, duplex, townhouse, garden apartments, high-rise), and a general description of the intended market structure (i.e., luxury, middle-income, moderate-income, elderly units, family units, etc.), plus a calculation of the residential density in dwelling units per gross acre with calculations of existing base density and any bonus densities proposed. For commercial uses a delineation of the various commercial areas, indicating for each use, the area, total square footage of structures, and a general business plan of the activities to be conducted at the site.

(d) The open space system with total acreage and percentage of overall plan noted.

(e) The overall drainage system.

(2) Topographic Map. A topographic map showing contour intervals from the USGS of not more than ten feet of elevation.

(3) Narrative. A written narrative fully describing the proposal, including, but not limited to, the following:

(a) Principal ties to the community at large with respect to transportation, water supply and sewage disposal.

(b) A general description of how other community resources are to be provided, such as schools, fire-protection services and cultural facilities..

(c) Evidence of how the developer's particular mix of land uses meets existing community demands.

(d) A general statement as to how common open space is to be owned and maintained.

(e) If the development is to be staged, a general indication of how the staging is to proceed. Whether or not the development is to be staged, the sketch plan of this section shall show the intended total project.

(f) A detailed statement explaining how the plan is in conformance with the Town's Comprehensive Plan and specifically addressing the Vision, Goals and Recommendations therein.

(g) A detailed statement explaining how the proposal meets each of the Objectives and Considerations contained in Sections 210-15 and 210-17 above.

(h) The description of a development proposal or a public benefit proposed by the Developer.

(i) The developer's detailed justification for why the Town should approve the PDD as an exception to its normal zoning and subdivision requirements.

(4) Location Map. A location map showing uses and ownership of abutting lands.

(5) Environmental Assessment Form (EAF). A full environmental assessment form including the applicant's justification for classifying the proposed action as a Type I, Type II or Unlisted action with citations to the applicable provisions of SEQRA.

(6) Local Law. A draft of the proposed PDD Local Law addressing, at a minimum, all matters identified by the Department, its engineers and/or its attorneys regarding the project for review by the Town Board. The draft shall identify all amendments to any existing PDD or other local law or ordinance by annotating the existing text with red-lined proposed changes.

(7) Pre Application Meeting with the Department. A preapplication meeting is recommended with the Department to ensure an understanding of the basic requirements of this Article.

B. Approval Procedure after Receipt of Complete Application.

- (1) Meeting with Department. In order to allow the Town and the developer to reach an understanding on basic design requirements prior to detailed design investment, the developer shall schedule a meeting with Department to review the application procedure and requirements.
- (2) Professional Reviews. Once the application has been deemed complete by the Department, the applicant shall submit one complete copy of the application to the Department, one complete copy to the engineer(s) for the Town, two complete copies of the application directly to the attorneys for the Town and the number of complete copies for the Town Board Members as outlined on the application for review. The applicant shall also make provisions to pay the cost of such reviews in the form of escrow to be established upon initial review of the complete application.
- (3) Town Board Presentation. The Town Board may require the developer to present the proposed PDD at a regularly scheduled Town Board meeting. If the Town Board determines at any time in its discretion that the proposal does not merit further consideration because it does not meet the Objectives, General Requirements or Considerations of this article, no further action on the application shall be taken. If the Town Board determines that the proposed PDD merits further consideration, the Town Board shall schedule a public hearing on the proposed local law to be conducted at a future Town Board meeting and provide Notice of Intent to serve as SEQRA Lead Agency to all

foreseeable Involved Agencies.

- (4) Town Board Public Hearing. The Town Clerk shall publish notice of the Public Hearing as required by law. At the Public Hearing, the Town Board will consider comments from the public directed to whether the Town Board should approve, modify, or disapprove the proposed PDD local law.
- (5) Optional Referral to the Town Planning Board. If the Town Board determines the proposal merits further review after the Town Board Public Hearing, it may refer the application to the Town Planning Board for its review and advisory recommendation in accordance with the procedure set forth in Section 210-19C herein. The Town Clerk shall attach the approved minutes of the Town Board Public Hearing to the finalized referral Resolution and provide both documents to the Department and to the Planning Board Chair. If the Town Board decides to take action on the PDD Local Law without referring it to the Town Planning Board for its review and recommendation, the Town Board meeting minutes or a Town Board resolution will reflect the Town Board's rationale for that decision.
- (6) Referral to the County Planning Board/Agency. Any PDD on property within 500 feet of another municipality's boundary, right of way or public property shall be referred by the Town Board to the County Planning Board or Agency pursuant to General Municipal Law ("GML") §239-1 or §239-m. In any such case, the Town Board shall not take final action on the proposed PDD until at least 30 days have passed since the County's receipt of the referral or after receiving the County's report with recommendations, whichever is sooner.
- (7) Town Board Action. Upon completion of the Town Board's public hearing and receipt of the County Planning Board/Agency's recommendations (if requested) and receipt of the Town Planning Board's advisory recommendations on whether or not to adopt the local law pursuant to §210-19C herein (if requested), the Town Board may approve, approve with modifications, or disapprove the PDD and local law after making a SEQRA determination regarding its potential environmental impacts.

- (8) Additional Conditions. The Town Board may, if it feels it necessary in order to fully protect the public health, safety and welfare of the community, attach to its resolution approving the local law any additional conditions or requirements for the applicant to meet. Such requirements may include, but are not confined to, visual and acoustical screening, land use mixes, order of construction and/or occupancy, circulation systems, (both vehicular and pedestrian), availability of sites within the area for necessary public services such as schools, fire houses and libraries, or protection of natural and/or historic sites or other physical or social demands and commercial hours of operation (if applicable).
- (9). Site Plan Review. If the PDD and local law are approved and adopted by the Town Board, the Applicant will submit the proposal to the Planning Board for Site Plan and/or Subdivision Review and the Planning Board may, in its discretion, schedule a Public Hearing for that purpose in accordance with §210-39 of the Town Code.
- (10) Reports of Final Action. If the Town Board adopts the local law approving the PDD;
- (a) the Department shall report the final action to the County Planning Agency.
 - (b) the Town Clerk shall post and publish Notice of Adoption of the local law within 10 days of its adoption.
 - (c) The Town Clerk shall file the local law with the Department of State within 20 days of adoption.

C. Planning Board PDD Review Procedure (If Applicable)

- (1) Upon referral by Resolution of the Town Board, the Planning Board shall review

the referral Resolution, the approved minutes of the public hearing, proposed local law and the application materials, and after formal presentation to the Planning Board and in accordance with the Objectives, General Requirements and Considerations in this Article,

provide the Town Board with an advisory report with recommendation(s) on the proposed PDD local law within the Planning Board's next two (2) scheduled meetings after the Director's provision of all needed materials to the Planning Board. The Planning Board Chair may ask for an extension of time in writing from the Town Supervisor for a specified amount of time with defined reason for the request.

(2). A favorable advisory report, shall recommend approval of the local law or approval with conditions or modifications, and shall include the following findings:

(a) That the proposal meets the intent and objectives of planned development districting as expressed in Section 210-14 and 210-15 of this article.

(b) That the proposal meets all the general requirements and considerations expressed in Sections 210-16 and 210-17 of this article.

(c) That the proposal is conceptually sound in that it meets a community need and it conforms to accepted design principles in the proposed functional roadway system, land use configuration, open space system and drainage system.

(d) That there are adequate services and utilities available or proposed to be made available in the construction of the development.

(e) That the proposal furthers the vision, goals and recommendations of the Town's Comprehensive Plan.

(3). An unfavorable advisory report shall recommend disapproval of the local law and state clearly the reasons therefor and identify which of the findings in Section 210-19(c)(2) , the Planning Board is not able to find in the applicant's favor and why. If appropriate, the Planning Board may also point out to the applicant what might be necessary in order to receive a favorable report from the Planning Board.

D. Post Town Board approval procedures.

(1) Zoning for Planned Development Districts. If the Town Board grants the adoption of the Planned Development District Local Law, the Zoning Map and Town Code shall be so amended. (2) Site plan and subdivision approvals. Subsequent to

obtaining any rezoning under this article, individual project elements shall be subject to site plan, special use permitting or subdivision approvals, as applicable.

§ 210-20. Changes in Development.

If, in the site plan, special use permitting or subdivision review process, it becomes apparent that certain elements of the Development, PDD or local law as they have been approved by the Town Board, are infeasible and in need of significant modification, the applicant shall present a modified plan to the Planning Board in accordance with the above requirements. The Planning Board shall then determine whether or not the modified plan is still in keeping with the intent of the local law creating the PDD and provide the Town Board with its recommendations on the proposed modifications to the PDD. The Town Board will determine an appropriate procedure to approve with conditions or deny the proposed modifications to the PDD.

§ 210-21. Financial security.

The Town Board may require the posting of financial security in the form of a bond, a letter of credit or other instrument in order to ensure that improvements are carried out as specified in the plans and approvals.

§ 210-22. Expiration of approval.

In the event the applicant does not submit a complete application for a building permit within one year of the PDD approval by the Town Board or if no evidence of progressive activity has occurred within one year of the date of the adoption of the local law or upon expiration of any extension of time for starting development granted by the Town Board, the approved plan and local law shall expire, become null and void, and the zoning shall revert to its designation prior to the approval of the PDD.

§210-129 Recommendation.

3. The following further amendment is made to Local Law 1 of 2001, as amended, to replace Chapter 210, Section 129 of the Stillwater Town Code entitled “Referrals”:

“In the event a proposed zoning amendment or PDD is referred to the Planning Board for review and comment, the Building, Planning and Development Department shall submit

a copy of the proposed amendment to the Planning Board and, where required by §239-m of the General Municipal Law, to the Saratoga County Planning Board for review and recommendation.

§ 210-138 Notice of public hearing.

4. The following further amendment is made to Local Law 1 of 2001, as amended, to replace Chapter 210, Section 138 of the Stillwater Town Code entitled “Notice of Public Hearing”:

Each notice of public hearing upon an application for site plan, subdivision or special use permit review or for PDD districting or amendment or request for rezoning or for the review of a variance application, or upon an appeal to the Zoning Board of Appeals from an action of the Code Enforcement Officer, shall be published once in the official newspaper of the Town at least ten days prior to the date of the hearing. In addition, at least ten days prior to the date of the hearing, notices shall be mailed or hand delivered, at the discretion of the Building, Planning and Development Department, to all owners of property within 500 feet of the exterior boundary of the property for which the application is made, as may be determined by the latest assessment records of the Town.

5. Effect on Pending Applications. Any PDD or PDD Amendment applications which have not already been the subject of any Stillwater Town Board action by resolution on or before the effective date of this local law shall be processed in accordance with the provisions contained in this local law, including but not limited to the application and approval process contained in §210-19 hereof.

6. This local law shall be effective upon its adoption by the Town Board and its subsequent filing with the New York Secretary of State.

Resolution #37 Scheduling a Public Hearing
On Local Law No. _____ of 2018
Enacting Rules and Regulations for Brown’s Beach and other Public Parks

Introduced by: _____ Supervisor _____

WHEREAS, parking, boating and swimming violations have occurred at the Town’s Stillwater Brown’s Beach Park with increasing frequency since its opening; and

WHEREAS, a local law incorporating the existing rules and regulations as well as some additional ones is needed for local law enforcement to write tickets for violations of the rules and regulations;

Now, therefore, be it

RESOLVED, that a Public Hearing be scheduled for June 21, 2018 at 7:00PM at the Town Hall, 881 Hudson Avenue, Stillwater, New York to consider public comments regarding the proposed local law containing rules and regulations for Brown’s Beach and other Public Parks; 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 June 21, 2018 Public Hearing; and be it further

RESOLVED, that the Town Clerk make the proposed Local Law available at her office for public inspection during normal business hours.

Motion by Councilman Baker and seconded by Councilman D’Ambro to adopt Resolution No. 37 of 2018.

A roll call was taken on Resolution No. 37 of 2018 as follows:

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

Motion carried. Resolution No. 37 of 2018 was adopted unanimously.

Resolution #38 Appoint a New Planning Board Chair and Appoint a New Planning Board Member

Introduced by: Supervisor

WHEREAS, Planning Board Chairman Randy Rathbun has tendered his resignation as both Chairman and as a Member of the Town Planning Board due to his work-related commitments; and

WHEREAS, the Town Board has considered the qualifications of several candidates to replace Mr. Rathbun as Chairman and also as a member of the Planning Board.

Now, therefore, be it

RESOLVED, that the Town Board hereby accepts the resignation of Randy Rathbun as a member and as Chairman of the Town Planning Board, thanks him for his years of service to the Town and wishes him well in his future endeavors; and be it further

RESOLVED, that the Town Board hereby appoints Planning Board member Peter Buck as Chairman of the Town Planning Board through December 31, 2018; and be it further

RESOLVED, that the Town Board hereby appoints Planning Board alternate member Mary Beth Reilly as a member of the Town Planning Board to fill Mr. Rathbun’s unexpired term through December 31, 2019.

Motion by Councilman Baker and seconded by Councilman D’Ambro to adopt Resolution No. 38 of 2018.

A roll call was taken on Resolution No. 38 of 2018 as follows:

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

Motion carried. Resolution No. 38 of 2018 was adopted unanimously.

Resolution #39 Authorizing Highway Superintendent to Solicit Bids for Gas, Diesel and Heating Oil

Introduced by: Highway Superintendent

WHEREAS, due to the imminent rise in prices of Gas, Diesel and Heating Oil, Highway Superintendent Minnick recommends that the Town allow him to solicit bids for Gas, Diesel and Heating Oil to lock in today’s price; and

WHEREAS, the Town Board agrees that it would be prudent to do so;

Now, therefore, be it

RESOLVED, that the Highway Superintendent is hereby authorized to solicit bids for Gas, Diesel and Heating Oil.

Motion by Councilman Baker and seconded by Councilman D'Ambro to adopt Resolution No. 39 of 2018.

A roll call was taken on Resolution No. 39 of 2018 as follows:

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

Motion carried. Resolution No. 39 of 2018 was adopted unanimously.

Resolution #40 Purchase Inventory for Brown’s Beach

Introduced by: _____

WHEREAS, the Town Board has identified a need to purchase an inventory of beach products including but not limited to the items reflected on the attachments hereto;

Now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to purchase beach inventory products for Brown’s Beach at a cost not to exceed \$1500 per the attachments hereto.

Motion by Councilman Baker and seconded by Councilman D'Ambro to adopt Resolution No. 40 of 2018.

A roll call was taken on Resolution No. 40 of 2018 as follows:

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

Motion carried. Resolution No. 40 of 2018 was adopted unanimously.

Resolution #41 Purchase Marina Store Products for Brown’s Beach

Introduced by: _____

WHEREAS, the Town Board has identified a need to purchase Marina Store products for Brown’s Beach including but not limited to the items listed in the attachment hereto;

WHEREAS, the exception to this resolution will be the periodic cost for Marina fuel to refill the tank.

Now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to purchase Marina Store products for Brown’s Beach per the attachments hereto at a cost not to exceed \$5,000, and to also periodically purchase marina fuel to refill the tank.

Motion by Councilman Baker and seconded by Councilman D’Ambro to adopt Resolution No. 41 of 2018.

A roll call was taken on Resolution No. 41 of 2018 as follows:

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

Motion carried. Resolution No. 41 of 2018 was adopted unanimously.

**Resolution #42 Authorizing the Purchase of Inventory and Supplies
from the Former Brown’s Beach Marina Operator**

Introduced by: _____

WHEREAS, the Town Board has identified a need to purchase the existing general supplies and equipment from the former Brown’s Beach Marina Operator; and

WHEREAS, the list of inventory is attached;

Now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to purchase the inventory and supplies listed in the attachment hereto from the Mennetto Powersports, Inc. for Brown’s Beach at an amount not to exceed \$8170.

Motion by Councilman Baker and seconded by Councilman D’Ambro to adopt Resolution No. 42 of 2018.

A roll call was taken on Resolution No. 42 of 2018 as follows:

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

Motion carried. Resolution No. 42 of 2018 was adopted unanimously.

**Resolution #43 Authorizing the Purchase of Equipment
for the New Community Building at Brown’s Beach**

Introduced by: _____

WHEREAS, the Town Board has identified a need to purchase equipment for the new Community Building including deck chairs, picnic tables and miscellaneous items for the Beach and Life Guard Offices; and

Now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to purchase equipment for the new Community Building at Brown’s Beach at a cost not to exceed \$6000.00.

Motion by Councilman Baker and seconded by Councilman D’Ambro to adopt Resolution No. 43 of 2018.

A roll call was taken on Resolution No. 43 of 2018 as follows:

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

Motion carried. Resolution No. 43 of 2018 was adopted unanimously.

**Resolution #44 Compensate Certain Town Employees for Brown’s Beach
Marina Administration**

WHEREAS, the Town of Stillwater assumed all responsibility to operate the Brown’s Beach Marina for 2018 and beyond; and

WHEREAS, the town placed significant extra duties upon the Supervisor’s Confidential Secretary and Financial Manager to build administrative files, coordinate and communicate with all clients, and provide a transition plan from our current marina operators to our Town and newly hired Employee Operations manager; and

WHEREAS, the accomplishment of these duties entailed a significant amount of time and effort to launch the program and bring the operation to a point of seamless transition;

Now Therefore, be it

RESOLVED, the Town will compensate both the Confidential Secretary and Financial Manager a sum of \$1,500 each for all work accomplished from February 1st to May 10, that constitutes the bulk of time spent to create and implement the Marina operations plan, and be it further

RESOLVED that each such person will be further compensated a sum of \$250 per Quarter, to begin on July 1st to continue to perform essential duties directly related to the operations and maintenance of the Brown’s Beach Marina;

Motion by Councilman Baker and seconded by Councilman D’Ambro to adopt Resolution No. 44 of 2018.

A roll call was taken on Resolution No. 44 of 2018 as follows:

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

Motion carried. Resolution No. 44 of 2018 was adopted unanimously.

Resolution #45

ESTABLISHING THE TOWN’S STANDARD WORK DAY (RS-2417-A) FOR 2018

WHEREAS, New York State requires the Town to file certain forms annually attesting to the Town’s standard work day hours for wage and benefit purposes; and

WHEREAS, the Office of Fiscal Management has proposed filing the attached report for that purpose;

Now, therefore be it

RESOLVED, that the Office of Fiscal Management is authorized and directed to file with New York State Standard Work Day Form RS 2417-A as attached hereto.

Motion by Councilman Baker and seconded by Councilman D’Ambro to adopt Resolution No. 45 of 2018.

A roll call was taken on Resolution No. 45 of 2018 as follows:

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

Motion carried. Resolution No. 45 of 2018 was adopted unanimously.

Resolution #46

Budget Adjustments

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

BUDGET IMPACT STATEMENT: as stated above

Account No. Description	Amount	
BUDGET TRANSFERS		
A-6510.4 Veteran Services	1,125.00	To cover shortage in contractual
A-7550.4 Celebrations	-1,125.00	To cover shortage in contractual

RESOLVED, that the above Budget Transfers are hereby approved.

Motion by Councilman Baker and seconded by Councilman D’Ambro to adopt Resolution No. 46 of 2018.

A roll call was taken on Resolution No.46 of 2018 as follows:

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

Motion carried. Resolution No. 46 of 2018 was adopted unanimously.

Resolution #47

Summer Scheduling of Town Board Meetings for 2018

Introduced by: Supervisor

WHEREAS, Resolution No. 1 of 2018 scheduled both an agenda meeting and a business meeting for the Town Board on the first and third Thursdays of each month, respectively;

and

WHEREAS, due to vacations of residents, staff members and board members, the Town Board traditionally modifies its schedule to hold just one meeting per month in July, August and September;

Now, therefore, be it

RESOLVED, that the Town Board hereby determines that the Town Board meeting schedule be modified to reflect that the Town Board will conduct only one meeting in the months of July, August and September 2018, that being a business meeting on the third Thursday of each month (July 19th, August 16th and September 20th); and be it further

RESOLVED, that beginning in October and continuing through the end of the calendar year, the Town Board will resume both an agenda meeting and a business meeting on the first and third Thursdays of each month, respectively.

Motion by Councilman Baker and seconded by Councilman D'Ambro to adopt Resolution No. 47 of 2018.

A roll call was taken on Resolution No. 47 of 2018 as follows:

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

Motion carried. Resolution No. 47 of 2018 was adopted unanimously.

Public Input

Peter Buck Planning Board Chair thanked the Town Board for appointing him Chair and gave a brief overview of his background and experience on the planning board.

Supervisor Kinowski spoke on a school safety program between the school and sheriff's dept., There is no state support, 75% school and 25% county.

Councilman Baker reported that the Memorial Day Parade was May 25 at 6pm.

Audited Claims

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

General	\$8672.35
Town Outside	\$16,972.64
Highway	\$8,681.48
Capital Projects	\$3,260.00
Water	\$1739.13

Motion carried.

BID: Snack Shack-2 bids were received but one was to be pulled.

After discussion the Board decided to open the bids, pull the one and decide whether to accept the other bid.

Quiedo Carbone-bid \$4,176 on the shed

The Town Board decided to accept his bid.

Motion by Councilman Baker and seconded by Councilwoman to adjourn the meeting at 9:55 pm. **Motion carried**

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk

