

**TOWN OF STILLWATER  
PLANNING BOARD MEETING MINUTES  
STILLWATER TOWN HALL  
March 26, 2018 @ 7:00 PM**

**Present:**

**Chairman Randy Rathbun (RR)**  
**Frank Bisnett (FB)**  
**Peter Buck (PB)**  
**Heather Ferris (HF)**  
**Kimberlee Marshall (KM) Alternate Member**  
**John Murray (JM)**  
**Dale Smith (DS)**  
**Marybeth Reilly (MR) Alternate Member**

**Also Present:**

**Daryl Cutler, Town Attorney (DC)**  
**Lindsay Zepko, Director of Building and Planning (LZ)**  
**Ellen Vomacka, Town Board Liaison**  
**Sheila Silic, Secretary**

**Absent:**

**Carol Marotta (CM) Member**  
**Kimberlee Marshall (KM) Alternate Member**  
**Paul Male, Town Engineer (PM)**

**Pledge:**

Chairman Rathbun called the meeting to order at 7:00 PM and led everyone in the Pledge to the Flag.

**Review and approval of minutes of Planning Board meeting:**

Mr. Buck made a motion to approve the minutes from the February 26, 2018 meeting, seconded by Mr. Bisnett. The motion passed unanimously.

**PB2018-01, Post Lot Line Adjustment, 3 Aft Court**

**Mr. Buck recused himself from the project**

Chairman Rathbun asked Ms. Zepko if she would give a brief presentation before the Board regarding the Post Lot Line Adjustment. Ms. Zepko stated that Mr. Post is also present this evening and asked Mr. Post if he would like to make the presentation to the Board. Mr. Post relinquished the presentation to Ms. Zepko. Ms. Zepko stated that Mr. Post was previously before the Zoning Board of Appeals in 2015 seeking an Area Variance for lot frontage and lot size. Ms. Zepko stated that the Area Variance was granted on December 7, 2015. Ms. Zepko

stated that during the construction of the single family dwelling, the Town's Code Enforcement Officer, Mr. Eric Rutland, was made aware that the house was built too close to the property line and no longer met the side yard setback on the north side of the property. Ms. Zepko stated that Mr. Post has purchased property from Mr. Hardcastle and is proposing a lot line adjustment that results in an even land swap which will not change the acreage to either lot. It will correct the encroachment of the side yard setback.

Mr. Murray asked if the Lot Line Adjustment would make either lot more non-conforming? Ms. Zepko stated that there is no greater nonconformity being created by the Lot Line Adjustment. Mr. Murray asked if a 911 number has been assigned to the parcel. Ms. Zepko asked Mr. Post if a 911 number had been assigned to the parcel. Mr. Post stated that the parcel was assigned a 911 number.

Chairman Rathbun stated that Ms. Marotta had submitted a question regarding whether this is the parcel with a sand pit located on the property. Ms. Zepko stated that is correct. Chairman Rathbun asked if all the comments from Mr. Male's comment letter dated March 22, 2018 have been addressed. Ms. Zepko stated that the following conditions should be placed on the resolution 1) A deed consolidation is performed for the parcels being transferred to Mr. Post and Mr. Hardcastle, 2) A deed consolidation to combine the Aft Court road parcel to 3 Aft Court is performed 3) the building dimensions are added to the map, and 4) the location of the well is added to the map

Mr. Murray made a motion to waive the public hearing seconded by Ms. Ferris. A roll call vote was taken.

Chairman Rathbun	YES
Member Bisnett	YES
Member Buck	ABSTAINED
Member Ferris	YES
Member Marotta	ABSENT
Member Murray	YES
Member Reilly	YES
Member Smith	YES

Chairman Rathbun asked if anyone had any additional questions or concerns, hearing none she asked to move to discussion of SEQRA.

**TOWN OF STILLWATER  
PLANNING BOARD  
2018 RESOLUTION NO. 4**

WHEREAS, Douglas and Carol Post have submitted an application for a lot line adjustment regarding property located at 3 Aft. Court, more fully identified as Tax Map Number 248.20-2-25; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the proposed action is an unlisted action requiring SEQRA review; and

WHEREAS, pursuant to 6 NYCRR §617.6, the Stillwater Planning Board is the lead agency for SEQRA review; and

WHEREAS, the applicant has submitted a fully completed Short Environmental Assessment Form (EAF); and

WHEREAS, the Planning Board has duly reviewed the EAF and has considered the criteria contained in 6 NYCRR §617.7(c), to determine if the proposed action will have a significant impact on the environment;

WHEREAS, the Planning Board reviewed each of the 11 factors contained in Part 2 of the EAF and determined that the proposed action will have no, or only a small, environmental impact;  
Now, therefore, be it

RESOLVED, that the Planning Board hereby determines that the proposed action by the applicant, Douglas and Carol Post, for a lot line adjustment regarding property located at 3 Aft. Court, more fully identified as Tax Map Number 248.20-2-25, will / will not have a significant impact on the environment.

A motion by Member Ferris, seconded by Member Murray, to adopt Resolution No. 4.

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

Chairperson Rathbun	YES
Member Bisnett	YES
Member Buck	ABSTAINED
Member Ferris	YES
Member Murray	YES
Member Marotta	ABSENT
Member Marshall	ABSENT
Member Reilly	YES
Member Smith	YES

**TOWN OF STILLWATER  
PLANNING BOARD  
2018 RESOLUTION NO. 5**

WHEREAS, Douglas and Carol Post have submitted an application for a lot line adjustment regarding property located at 3 Aft. Court, more fully described as Tax Map No. 248.20-2.25 ; and

WHEREAS, the Town Zoning Law does not require that a public hearing be held in order for the Planning Board to act on an application for a lot line adjustment; and

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 4 of 2018; and

WHEREAS, the Planning Board has duly considered the application;  
Now, therefore, be it

RESOLVED, that the application of Douglas and Carol Post, for a lot line adjustment of lands located on 3 Aft. Court, more fully identified as Tax Map Number 248.20-2-25, is hereby GRANTED; and be it further

RESOLVED, that the application is GRANTED, provided the applicant comply with the following conditions,:

1. That the applicant prepares consolidate deeds for both lots to include the land transferred to each respective lot. That such deeds shall be recorded and a copy of the recorded deeds shall be provided to the Town.

2. That in the consolidated deed for 3 Aft. Court, the applicant include the lot known as Parcel ID 3 218.20-2-9 which lot contains the driveway to 3 Aft. Court.

3. That, if not already done, the Applicant shall obtain proper 911 designation for 3 Aft. Court.

RESOLVED, that the applicant must file the approved subdivision map, with all required annotations (a copy of which is annexed hereto), with Saratoga County within 62 days of its execution, or the action by this Board shall become null and void; and be it further

RESOLVED, that the Secretary is authorized and directed to transmit a copy of this Resolution to the Applicant, the Town Clerk and the Building Inspector-Code Enforcement Officer.

A motion by Member Murray, seconded by Member Reilly, to adopt Resolution No. 5.

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

Chairperson Rathbun	YES
Member Bisnett	YES
Member Buck	ABSTAINED
Member Ferris	YES
Member Murray	YES
Member Marotta	ABSENT
Member Marshall	ABSENT
Member Reilly	YES

**\*\*Mr. Buck returned to the Meeting\*\***

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

Chairman Rathbun recognized Mr. Scott Lansing of Lansing Engineering who is representing Mr. Cailean Mackay. Mr. Lansing stated that the project is located on Cold Springs Road. Mr. Lansing stated that the project contains 223-acres with two Zoning Districts within the parcel. Mr. Lansing stated that the northern portion is 115-acres in the Business Park Zoning District, and the southern portion is 108-acres in the Rural Residential District. Mr. Lansing stated that the Rural Residential District is the focus of this project and the district zoning calls for 2-acre lots. Mr. Lansing stated that the applicant is proposing a cluster subdivision with 39 lots containing a minimum of 10,000 Sq. Ft. Mr. Lansing stated that there are larger estate lots in the cul-de-sac. Mr. Lansing stated that there are 39 residential lots with public water, public sewer and stormwater basins on site. Mr. Lansing stated that there is 3,560 linear ft. of roadway which is proposed for dedication to the Town of Stillwater. Mr. Lansing stated that public water will be supplied by Saratoga Water Services for the project. Mr. Lansing stated that public sewer will be supplied by Saratoga County Sewer District #1. Mr. Lansing stated that the project received preliminary approval on June 27, 2016 with 5 conditions of approval. Mr. Lansing stated that those were:

- 1) Regarding the location of the trails: They have been adjusted to connect with the trail system to Luther Forest Blvd trail system and to show the potential future trails along Cold Springs Road and the Business Park on the plans as a requirement
- 2) Regarding open space ownership: What was previously proposed as an HOA is now proposed for dedication to the Town of Stillwater
- 3) Regarding who would supply public water to the project: It was determined that Saratoga Water Services would supply the water for the project. Mr. Lansing stated that the location of the waterline has been moved out of the Town of Stillwater right-of-way and has been placed in the easement along the east side of Cold Springs Road.
- 4) The Archeological Study found one Archeological site on the project parcel. Mr. Lansing stated that they shifted a couple of the lots to avoid that area.

Mr. Lansing stated that they have addressed all of the Chazen Companies comments. Mr. Lansing stated that there is a 15 Ft. wide easement along Joyce Road for the potential of future expansion. Mr. Lansing stated that they have received the approvals from NYS DEC, NYS Department of Health, Saratoga County Sewer District #1, NYS Preservation Office, Saratoga Water Services and Public Service Commission. Mr. Lansing stated that he received a comment letter from Mr. Male dated March 26, 2018. Mr. Lansing stated that he has spoken to Mr. Male regarding the comment letter and Item #11 regarding the 911, numbers are added to the final map and Item #12 regarding the concrete monument, is to be shown on the subdivision plan. Mr. Lansing stated that he believes that all the other comments have been addressed.

Mr. Murray stated that Items #11 and #12 of Mr. Male's comment letter dated March 26, 2018 are a condition for final approval. Mr. Murray asked if the Town Board should be made aware of any conditions. Ms. Zepko stated no.

Mr. Buck asked what was found in the Archeological area. Mr. Lansing stated that he would have to look at the report.

Mr. Bisnett stated that the Applicant has one year to start the work or they would have to come back before the Board. Ms. Zepko stated that is correct.

Chairman Rathbun asked if anyone had any additional questions or concerns, hearing none he asked to move to discussion of SEQRA.

**TOWN OF STILLWATER  
PLANNING BOARD  
2018 RESOLUTION NO. 6**

WHEREAS, Cold Springs Road Mixed Use Subdivision has submitted an application for Final Subdivision Approval regarding property located at Cold Springs Road, more fully identified as Tax Map Number 242.-1-96.11; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the proposed action is an unlisted action requiring SEQRA review; and

WHEREAS, pursuant to 6 NYCRR §617.6, the Stillwater Planning Board is the lead agency for SEQRA review; and

WHEREAS, the applicant has submitted a fully completed Short Environmental Assessment Form (EAF); and

WHEREAS, the Planning Board has duly reviewed the EAF and has considered the criteria contained in 6 NYCRR §617.7(c), to determine if the proposed action will have a significant impact on the environment;

WHEREAS, the Planning Board reviewed the records and determined that the proposed action is consistent with the prior SEQRA finds by the Planning Board;  
Now, therefore, be it

RESOLVED, that the Planning Board hereby determines that the proposed action by the applicant, Cold Springs Road Mixed Use Subdivision, for a Final Subdivision Approval regarding property located at Cold Springs Road, more fully identified as Tax Map Number 242.-1-96.11, will not have a significant impact on the environment.

A motion by Member Ferris, seconded by Member Bisnett, to adopt Resolution No. 6.

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

Chairperson Rathbun	YES
Member Bisnett	YES

Member Buck	YES
Member Ferris	YES
Member Murray	YES
Member Marotta	ABSENT
Member Marshall	ABSENT
Member Reilly	YES
Member Smith	YES

**TOWN OF STILLWATER  
PLANNING BOARD  
2018 RESOLUTION NO. 7**

WHEREAS, Cold Springs Road Mixed Use Subdivision has submitted an application for Final Subdivision Approval regarding property located at Cold Springs Road, more fully described as Tax Map No. 242.-1-96.11; and

WHEREAS, the Town Zoning Law does not require that a public hearing be held in order for the Planning Board to act on an application for Final Subdivision Approval; and

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 6 of 2018; and

WHEREAS, the Planning Board has duly considered the application;  
Now, therefore, be it

RESOLVED, that the application of Cold Springs Road Mix Use Subdivision, for Final Subdivision Approval of lands located on Cold Springs Road, more fully identified as Tax Map Number 242.-1-96.11, is hereby GRANTED; and be it further

RESOLVED, that the application is GRANTED, provided the applicant comply with the conditions, contained in the Town Engineer's Review Letter prepared by Paul Male, P.E. dated March 22, 2018.  
and be it further

RESOLVED, that the applicant must file the approved subdivision map, with all required annotations (a copy of which is annexed hereto), with Saratoga County within 62 days of its execution, or the action by this Board shall become null and void; and be it further

RESOLVED, that the Secretary is authorized and directed to transmit a copy of this Resolution to the Applicant, the Town Clerk and the Building Inspector-Code Enforcement Officer.

A motion by Member Murray, seconded by Member Buck, to adopt Resolution No. 7.

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

Chairperson Rathbun	YES
Member Bisnett	YES
Member Buck	YES
Member Ferris	YES
Member Murray	YES
Member Marotta	ABSENT
Member Marshall	ABSENT
Member Reilly	YES
Member Smith	YES

Resolution No. 7 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on March 26, 2018, 2018.

### **Discussion: PDD Referral Procedure Changes**

Chairman Rathbun turned the discussion over to Ms. Zepko on the PDD Referral Procedure Changes pertaining to Chapter 210-Article 4 of the Zoning Code pertaining to how the PDD procedure is currently handled when an application comes before the Town of Stillwater and the changes that are proposed. Ms. Zepko stated that Mr. Trainor is present this evening along with Mr. Cutler to explain the changes to the PDD Procedures.

Mr. Trainor stated he is one of the Attorney's for the Town. Mr. Trainor stated that he will be explaining the proposed PDD changes, answering the Board member's questions and if there are changes that the Board member's would like to have incorporated into the legislation to please email them to either Ms. Zepko or myself so, there is a record of the requested changes. Mr. Trainor stated that a PDD is a Planned Development District and/or known as a Planned Unit District. Mr. Trainor stated that a PDD is the creation of a special Zoning District within the Town of Stillwater and it allows a mix of uses and can allow creative development planning concepts to be used which is by New York State Law. Mr. Trainor stated that Town Law 261C authorizes the Town Board to enact the legislation and procedures that are required for those Planned Development Districts in furtherance of the Town Comprehensive Plan and the Zoning Code by allowing creative planning concepts. Mr. Trainor stated that they are starting at the comprehensive level and it was designed to implement the Town's Comprehensive Plan in a particular area of the Town. Mr. Trainor stated that the Local Law that the Board has seen contains the comments that have been received to date. Mr. Trainor stated Ms. Marotta's comments have not been formally incorporated into the Local Law as of yet. Mr. Trainor stated that they want to incorporate all the Board member's comments into the Local Law, put together a final version of the Local Law, hold a public hearing then vote on the Local Law at a later date. Mr. Trainor summarized the provision of the Local Law as proposed. Mr. Trainor stated that the PDD focuses on developing the language of the PDD at the comprehensive level to provide clarification and streamline the PDD procedure and the requirements for both the application and/or approval. Mr. Trainor stated that what the Local Law does is to gather more information



and documentation from the applicant before either Board reviews the PDD. Mr. Trainor stated that the proposed Local Law focuses on the applicant justifying why their PDD will benefit the Town of Stillwater, which is a change from the prior PDD procedure language. Mr. Trainor stated that this legislation does not eliminate the Planning Board from the process. It is designed to clarify and streamline the process. Mr. Trainor stated that Planning Board review of a PDD is not required by New York State Law or by the Stillwater Town Code. Mr. Trainor stated that it is always discretionary by the Town Board and what this legislation does is recommend the process. Mr. Trainor stated that the legislation allows the Town Board discretion to allow the project to proceed and based on the scope of the proposal, to decide if it does merit further review by the Planning Board. This allows the process some flexibility. Mr. Trainor stated that the Town Board may refer a project to the Planning Board or the Town Board may use the discretion allowed by New York State Law. Mr. Trainor stated that the time saved by the additional information at the beginning of the project and reducing the number of public hearings from 3 down to 2 public hearings helps to streamline the timeline for proposals. Mr. Trainor stated that the Town Board would conduct the initial public hearing and if the project is referred to the Planning Board there is no requirement that the Planning Board has to hold a public hearing. Mr. Trainor stated that the Planning Board would make their recommendations to the Town Board and the Town Board would move forward with the legislation. Mr. Trainor stated that the Town Board would incorporate the changes that the Planning Board has made to the project. Mr. Trainor stated that this will benefit the Town Council members to be involved with the details of the project earlier in the process. Mr. Trainor summarized the steps for the PDD process, Step 1- application, Step 2- meeting with the Planning Department by the applicant, Step 3- Professional Reviews, Step 4- Town Board presentation, Step 5- conducting the Town Board public hearing, Step 6- referral to the Planning Board if desired, Step 6A- referral to the Saratoga County Planning Board, Step 7- Town Board action, Step 8- Site Plan Review, Step 9- final actions and Step 10 – post approval modifications.

Mr. Murray asked Mr. Trainor to further explain the comment on page 12 of the PDD Legislation regarding the referral process and how the Town Board would separate the projects for referral to the Planning Board, and how is that not arbitrary or capricious. Mr. Trainor stated that the criteria for the Town Board consideration and the Planning Board consideration would be explained in the resolution. Mr. Murray asked why the Town Board does not have to explain what merits further review and what does not merit further review. Mr. Trainor stated that whether a project merits further review is what the current Town Zoning Code states now in Section 210-17 and Section 210-19. Mr. Trainor stated that there will be meetings with Ms. Zepko, the Planning Department, and the applicant before the application goes to the Town Board. Mr. Murray stated that he would like to see where it states “meeting with the department” to be changed to “meeting with the Planning Department” for clarification. Mr. Murray asked Ms. Zepko how she would interpret the Town Board’s determination that an application does not merit review by the Planning Board. Ms. Zepko stated that the Town Board would make that determination. Ms. Zepko stated that she generally attends the Town Board meetings if there is a

Planned Development District on their agenda. Ms. Zepko stated that she would either report back to the Planning Board or send an email with the resolution and the meeting minutes so, the Planning Board knows what was discussed and approved for Site Plan Review when it comes before the Board.

Mr. Murray asked Mr. Trainor how the Planning Board will know if the public benefit has been addressed. Mr. Trainor stated that he PDD Legislation for that project will require a development agreement that will show what the developer is proposing and what the Town Board is approving. Mr. Murray asked how the public benefit will be incorporated into the application when the project comes before the Planning Board. Mr. Trainor stated the Planning Board would see the public benefit in the proposed local law.

Mr. Murray stated that on page 13 regarding the referral to the Planning Board and the recommendation back to the Town Board, that it is expected within the next two scheduled meetings after receiving all the material. Mr. Murray asked who makes the determination that all the material has been received along with the Town Board meeting minutes which should be the approved minutes and not the draft minutes. Mr. Trainor stated that he had the same concerns with the timeline on the approval of the Town Board meeting minutes. Mr. Murray asked if the Planning Board does not take action after two scheduled meetings the Town Board can move forward with the PDD? Mr. Trainor stated that is correct as the Town Board has that discretion. Mr. Murray stated that puts the Planning Board in a position of delaying the project and the Town Board now has to override the Planning Board's recommendation with a super majority vote. Mr. Cutler stated that the prior draft of the legislation had a time limit of 60 days and it was the consensus of the people who were reviewing the legislation at the time that they wanted a meeting time limit instead of a 60 day time limit. Mr. Murray stated that he would like to change it to "the Planning Department shall schedule the first meeting when the Planning Department has received all required materials and has made the distribution of the materials to the Planning Board members". Ms. Zepko stated that she did not want to delay the process with the Planning Board which has to make a decision within two meetings if the Planning Board still requires more information. Mr. Murray stated that he is suggesting that all material is deemed complete and placed on the agenda.

Mr. Murray asked Mr. Trainor to explain the financial security on page 19 when the Planning Board is giving a referral back to the Town Board. Mr. Cutler stated that is regarding Site Plan Review. Mr. Trainor stated that they can be more specific on when the financial security is required.

Mr. Murray stated that the Town Board should explain the reasons why the project is not being referred to the Planning Board. Mr. Trainor stated that if the Town Board is not going to refer the project than a resolution defining the reasons should be drafted. Mr. Cutler stated that the resolution then becomes part of the record.

Chairman Rathbun stated to clarify the referral option it is up to the Town Board whether they want to refer the project to the Planning Board. Mr. Trainor stated yes as it is now. Chairman Rathbun asked if the next time the Planning Board may review the PDD project would be when it is presented to the Planning Board for Site Plan Review. Mr. Trainor stated that is correct.

Chairman Rathbun asked who the public benefit is negotiated with, is it the Town Board, the Town Supervisor, Planning Department and the applicant? Mr. Trainor stated that it is part of the application and could be addressed in the initial meeting with the Planning Department and would be addressed in the review process with the Town Board. Chairman Rathbun stated that would happen before the Planning Board's scheduled meeting that all the material has been received. Ms. Zepko stated that depends on which Board is receiving the material. Ms. Zepko stated that the Town Board would receive the application, EAF form, narrative, maps, objectives and considerations and a draft version of the Local Law once received and reviewed. Ms. Zepko stated that after the Town Board review whatever new information there is on the project along with the initial application, then, if referred to the Planning Board, the new application for the referral stage would be distributed to the Planning Board members. Chairman Rathbun stated that the application would be waiting 30 days before being placed on the Planning Board agenda and that would start the two meeting time limit after that. Ms. Zepko stated the applications would have to be received by the scheduled deadline dates and deemed complete for the applications to be placed on the agenda.

Mr. Bisnett asked Mr. Trainor if other municipalities are using the same PDD procedures that the Town of Stillwater is proposing. Mr. Trainor stated that he was the attorney for one municipality that uses the same process but it was not as detailed and had a discretionary referral process. Mr. Trainor stated that there are some municipalities that have in their Local Law "shall refer to the Planning Board for recommendation" but this is not required by New York State Town Law.

Ms. Ferris asked Mr. Trainor to explain the steps of the current PDD procedure. Mr. Trainor stated that Step #1- the application comes into the Building, Planning and Development Office, Step #2 – the application is reviewed, Step #3 – the application is scheduled on the Town Board Agenda, Step #4 – The application is referred to the Planning Board, Step #5 – The Planning holds a public hearing, Step #6 – the Planning Board makes a positive or negative recommendation back to the Town Board, Step #7 – the Town Board holds a public hearing, Step #8 – the Town Board takes action on the project. Mr. Trainor stated that there is not a big deviation between the two legislations. Mr. Trainor stated that the new legislation is more detailed. Ms. Ferris stated that the Planning Board has an opportunity to offer an opinion and to hold a public hearing for public comment during the PDD legislation referral stage and that is being eliminated. Mr. Trainor stated that the Town Code states under Section 210-19 A-1 "The Town Board, at its next regularly scheduled meeting, may, if it determines that the proposal merits review, refer the application to the Planning Board for review and recommendation." Ms. Ferris stated that the typical process has been that the Town Board refers the project to the Planning Board. Mr. Trainor stated that is how it has been but, the concern by the applicants and

the Town Board is that Site Plan Review is being done twice. Mr. Trainor stated let's focus on the legislation and the comprehensive nature of what this legislation is supposed to encompass.

Ms. Zepko stated that the current Zoning Code requires at referral that the Planning Board holds a public hearing. Ms. Zepko stated that the Zoning Code states Section 210-19 B "After receipt of all required information, as determined by the Planning Board, the Planning Board shall hold a public hearing in accordance with the hearing requirements of § 210-138 of this chapter and shall render either a favorable or an unfavorable report to the Town Board within 60 days of the closing of the public hearing." Ms. Zepko stated that she agrees with Mr. Murray that the draft minutes should be the approved minutes. Ms. Zepko stated that the Planning Board is making their decision contingent on the Town Board minutes and if a Town Board member makes changes to the minutes it could potentially cause an issue. Ms. Zepko asked about page 15 and if it could be clarified to give the Planning Board more flexibility where it states "the first meeting after receipt of all needed materials". Mr. Trainor stated in the paragraph above that statement it states "the Planning Board shall review the referred resolution, Town Board minutes, proposed local law and the application. Mr. Trainor stated those are the required materials that the Planning Board has to have to make their recommendation. Ms. Zepko asked Mr. Trainor if on page 14 where the materials are listed if it could be added any and all material deemed necessary by the Planning Department. Mr. Trainor stated that could be added. Ms. Zepko stated that the financial security clause should be part of the PDD Language.

Ms. Reilly asked Mr. Trainor what section of the State Law he was referring to that states the Town Board does not have to refer a PDD project to the Planning Board. Mr. Trainor stated that it is 261C of the Town Law which allows the Town Board to determine the regulations and procedures to be put in place for PDD's and is implemented through legislation then becomes a Town Local Law. Ms. Reilly asked if the time limit could be set with the agenda because the application would not be placed on the agenda unless it is deemed complete and that would start the "within 2 scheduled meetings" time limit. Ms. Reilly asked if that is correct. Ms. Zepko stated that is correct. Mr. Cutler stated what happens with the 60 days if the Planning Board does not have a meeting. Ms. Reilly asked Mr. Trainor if where Mr. Murray proposed three meetings if the following language could be added "provided no additional information is required."

Mr. Cutler stated that on pages 9 and 10 of the legislation it refers to the narrative and the public benefit. Mr. Cutler stated that before the project comes for Site Plan Review before the Planning Board the public benefit will have been agreed upon and will be explained in the narrative.

Mr. Cutler stated that the Town Board wants a time frame for Planning Board Recommendation so the project does not get delayed in the process of moving forward. Mr. Cutler stated if the Planning Board believes that there is insufficient time or insufficient information the Planning Board would have to make a resolution that states the reasons that the Board could not make a favorable recommendation. Mr. Cutler asked Mr. Trainor what if it stated that the Planning Board attempts to provide the recommendation within two scheduled meetings but, in the event

three meeting are needed, that would be acceptable without an extension by the Town Board. Chairman Rathbun and Ms. Zepko stated that they agree and would be a good solution to the two meeting time limit.

Mr. Buck asked if the work load would be more than Ms. Zepko can handle and if she would need help. Ms. Zepko stated that other than the guidelines on the time limit it is about the same amount of work that is currently being done. Mr. Buck stated that a Planning Board member should be designated on a rotating basis to attend the Town Board meeting on the third Thursday of the month and report back to the Planning Board.

Motion to adjourn: made by Mr. Murray, seconded by Ms. Reilly motion passed at approximately 8:35 PM.