

**TOWN OF STILLWATER  
PLANNING BOARD MEETING MINUTES  
STILLWATER TOWN HALL  
October 28, 2019 @ 6:30 PM**

**Present:**

**Chairman Peter Buck (PB)**  
**Carol Marotta (CM), Vice Chairwoman**

**Frank Bisnett (FB), Member**  
**Heather Ferris (HF), Member**  
**Kimberlee Marshall (KM) Alternate Member**  
**Randy Rathbun (RR), Member**  
**Dale Smith (DS), Member**

**Also Present:**

**James Trainor, Attorney for the Town (JT)**  
**Paul Male, Town Engineer, (PM)**  
**Lindsay (Zepko) Buck, Town Planner (LB)**  
**Ellen Vomacka, Town Board Liaison**  
**Sheila Silic, Secretary**

**Absent:**

**Marybeth Reilly (MR), Member**

**Pledge:**

Chairman Buck called the meeting to order at 6:30 PM and led everyone in the Pledge to the Flag.

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

Mr. Rathbun made a motion to approve the minutes from the August 26, 2019 meeting, seconded by Mr. Bisnett. A roll call vote was taken 6-0. The motion passed unanimously. Vice Chairperson Marotta made a motion to approve the minutes from the September 23, 2019 meeting, seconded by Mr. Bisnett. A roll call vote was taken 6-0. The motion passed unanimously.

**PB2019-13 &14 Eastern Light Partnership Solar Farm Site Plan and Special Use Permit  
Grave and George Thompson Rd**

**\*\* Mr. Rathbun recused himself from this project \*\***

Chairman Buck recognized Mr. Travis Mitchell of Environmental Design Partnership who is representing East Light Partners. Mr. Mitchell stated that Ms. Stephanie Dar, Mr. Jamie Fordyce and Ms. Wendy DeWolf are also present this evening. Mr. Mitchell stated that the site is located on George Thompson Road and Graves Road and consists of three parcels which total 363-acres. Mr. Mitchell stated that the parcels are bordered by George Thompson Road to the west, Graves

Road to the north and County Route 75 to the east. Mr. Mitchell stated that the solar array portion of the project consist of 113-acres Mr. Mitchell stated that this is a 20 Mega-Watt AC solar facility. Mr. Mitchell stated that the solar arrays are located in the RR and LDR Zoning Districts. Mr. Mitchell stated that the Town of Stillwater adopted the Alternative Energy Overlay District on November 1, 2018 which consists of an area west of County Route 75 and south of County Route 76. Mr. Mitchell stated that the transmission lines go through the interior of the site and allows for the connection of the solar facility. Mr. Mitchell stated that they revised the layout of the solar panels and each set of panels will have fencing around the perimeters. Mr. Mitchell stated that comments from Mr. Male's comment letter dated August 15, 2019 which have been addressed. Mr. Mitchell stated that the memo received from Ms. Buck dated August 6, 2019 regarding the comments from the public hearings on June 24, 2019 and July 22, 2019 Planning Board meeting have been addressed. Mr. Mitchell stated that the last few months they have been working with the Planning Staff regarding the planting of trees, setbacks, buffers and a letter of credit to disassemble the site when it is no longer in use. Mr. Mitchell stated that they have also worked with the Arvin Hart Fire Department regarding the ingress and egress of emergency vehicles that will be using the access road. Mr. Mitchell stated that there are no noise issues or hazardous material associated with the solar facility.

Chairman Buck proceeded to open the public hearing and asked if anyone wished to comment, hearing none he asked for a motion to close the public hearing.

Vice-Chairperson Marotta made a motion to close the public hearing seconded by Mr. Bisnett. A roll call vote was taken.

Chairperson Buck	Yes
Vice Chairwoman Marotta	Yes
Member Bisnett	Yes
Member Ferris	Yes
Alternate Member Marshall	Yes
Member Rathbun	Yes
Member Smith	Yes

Chairman Buck stated that he along with Ms. Lindsay Buck, Mr. Male, Ms. Marotta and Mr. Mitchell, Mr. Fordyce, and Ms. Dar visited the project site. Chairman Buck stated that with the revisions that have been made to the project it has greatly diminished the visibility of the solar arrays. Chairman Buck stated that the access roadway leading into the parcel is an old farm road.

Vice-Chairperson Marotta asked about the phasing portion of the project. Ms. Dar stated that the phasing schedule of the project is for 5-acre increments. Vice-Chairperson Marotta asked about the post development trimming of trees. Mr. Mitchell stated that the post development trimming of the trees would consist of stumping the trees around the solar arrays. Vice-Chairperson Marotta stated that there would not be any soil disturbance to the site during stumping. Mr. Mitchell stated that is correct. Vice-Chairperson Marotta asked about the rumble driveway that encroaches onto the project parcel. Mr. Mitchell stated that they will review the driveway. Vice-

Chairperson Marotta asked about the pathway and the fencing on the northeast portion of the parcel. Mr. Mitchell stated that he would review this issue.

Mr. Male asked about inspections during construction. Mr. Mitchell stated that he believes that there would be construction inspections done on the site.

Ms. Lindsay Buck asked Mr. Mitchell for the phasing information regarding the project. Mr. Mitchell stated that he would furnish the Planning Department with the information.

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

**TOWN OF STILLWATER PLANNING BOARD  
2019 RESOLUTION NO. 32  
A Resolution Authorizing Circulation of EAF  
And Notice of Intent to Serve as SEQRA Lead Agency  
Regarding ELP Stillwater Solar Site Plan**

WHEREAS, ELP Stillwater Solar LLC is proposing a 19.99 MW ground mounted solar panel project on 363 acres near George Thompson and Graves Roads; and

WHEREAS, several permits from State Agencies are needed to operate the facilities and a coordinated SEQRA Review should be completed for its Special Use Permit and Site Plan Review; and

WHEREAS, the action has been proposed as a Type I action, pursuant to the New York State Environmental Quality Review Act (SEQRA) 6 NYCRR Part 617.4.

Now, therefore, be it

RESOLVED, that pursuant to the applicable standards of SEQRA 6 NYCRR Part 617.6, the Planning Board of the Town of Stillwater hereby declares its intent to serve as Lead Agency for the coordinated environmental review of the proposed Type I action; and be it further

RESOLVED, that the Planning Board hereby authorizes Town Planner Lindsay Buck to conduct the circulation of the Lead Agency Agreement to the other Involved and Interested Agencies, indicating the Planning Board's intention to serve as Lead Agency, including circulation of Part 1 of the Full Environmental Assessment Form (EAF), including, but not limited to NYSDOT, NYSDOH, NYSDEC and Saratoga County Planning Board.

A motion by Member Marotta, seconded by Member Marshall, to ADOPT Resolution No. 32 of 2019.

A roll call vote was taken to ADOPT Resolution No. 32 of 2019 as follows:

Chairperson Buck	YES
Member Bisnett	YES
Member Ferris	YES
Vice-Chairperson Marotta	YES
Member Marshall	YES
Member Reilly	Absent
Member Smith	YES
Member Rathbun	Recused

Resolution No. 32 of 2019 was unanimously ADOPTED at a meeting of the Planning Board of the Town of Stillwater duly conducted on October 28, 2019.

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

**PB2019-05, PB2019-06 Forest Ridge Site Plan, Major Subdivision Cold Springs Road**

Chairman Buck recognized Mr. Scott Lansing of Lansing Engineering who is representing the Forest Ridge Mixed Use Development. Mr. Lansing stated that the project was before the Planning Board on April 22, 2019. Mr. Lansing stated that the overall parcel is 115-acres. Mr. Lansing stated that to the west of the parcel is Luther Forest Boulevard, to the north is Cordero Blvd, to the east is Cold Springs Road, to the south is Elmore Robinson Road. The parcel is just north and adjacent to the Cold Springs Road Conservation Cluster Subdivision. Mr. Lansing stated that the parcel meets all the zoning requirements for the Business Park. Mr. Lansing stated that there is a proposed cul-de-sac that is off of Luther Forest Blvd. Mr. Lansing stated that they are proposing a 15.98-acre lot for potential commercial use, a 47.13-acre lot for potential senior housing and a 50.24-acre lot for apartments. Mr. Lansing stated that the apartments is the primary reason that the applicant is before the Planning Board this evening. Mr. Lansing stated that the apartments are proposed as standard market rate apartments that are not age restricted. Mr. Lansing stated that they are proposing 26 buildings with 10 units each for a total of 260 units with a mix of 1 and 2 bedroom units. Mr. Lansing stated that there are two parking spaces per unit with extra parking areas throughout the site. Mr. Lansing stated that the project is serviced by public water and public sewer and the stormwater is managed on-site. Mr. Lansing stated that the proposed plans show the clustering of 4 or 5 buildings separated by a cluster of trees. Mr. Lansing stated that the roadway will follow the grade of the property in order to limit the grading of the site. Mr. Lansing stated that there will be sidewalks on both sides of the roadway and will connect to the club house. Mr. Lansing stated there will be plantings of trees and shrubs through the development. Mr. Lansing stated that the trails will go along Cold Springs Road and through the development to Luther Forest Blvd. Mr. Lansing stated that they received Mr. Male's comment letter dated October 21, 2019 which is technical in nature.

Ms. Lindsay Buck stated for the record that due to the size of the mother parcel and the placement of this lot between three roads, public hearing notices were sent to the previous owner of the property .

Chairman Buck proceeded to open the public hearing and asked if anyone wished to comment, hearing none he asked for a motion to close the public hearing.

Vice-Chairperson Marotta made a motion to close the public hearing seconded by Ms. Ferris. A roll call vote was taken.

Chairperson Buck	Yes
Vice Chairwoman Marotta	Yes
Member Bisnett	Yes
Member Ferris	Yes
Alternate Member Marshall	Yes
Member Rathbun	Yes
Member Smith	Yes

Chairman Buck stated that this is a good project for the Town of Stillwater and it is located in a nice area.

Mr. Trainor stated that the roadway that is in the apartment development is privately owned but that the cul-de-sac will be dedicated to the Town of Stillwater. Mr. Lansing stated that is correct. Mr. Trainor asked about the stormwater basin and if there will be a drainage district. Mr. Lansing stated that the on-site stormwater basin in the apartment complex will be privately owned and operated by the owner of the development. Mr. Lansing stated that the northern stormwater basin on the map is currently owned by the Town of Stillwater.

Vice-Chairman Marotta asked about the waterline for the other phases of the project. Mr. Lansing stated that the waterline would stumped until the other areas are built out. Vice-Chairperson Marotta asked about the traffic study. Ms. Lindsay Buck stated that there is a traffic being performed currently. Mr. Lansing stated that a previous traffic study is being updated. Vice-Chairperson Marotta stated that this project is a Type I SEQRA Action. Ms. Lindsay Buck stated that is correct.

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

**TOWN OF STILLWATER PLANNING BOARD**  
**2019 RESOLUTION NO. 33**  
**A Resolution Authorizing Circulation of EAF**  
**And Notice of Intent to Serve as SEQRA Lead Agency**  
**Regarding Forest Ridge Mixed Use Development**

WHEREAS, Forest Ridge Development LLC is proposing the mixed use development near Cold Springs Road and Luther Forest Blvd.; and

WHEREAS, several permits from State Agencies are needed to operate the facilities and a coordinated SEQRA Review should be completed for its major subdivision and Site Plan Applications; and

WHEREAS, the action has been proposed as a Type I action, pursuant to the New York State Environmental Quality Review Act (SEQRA) 6 NYCRR Part 617.4.

Now, therefore, be it

RESOLVED, that pursuant to the applicable standards of SEQRA 6 NYCRR Part 617.6, the Planning Board of the Town of Stillwater hereby declares its intent to serve as Lead Agency for the coordinated environmental review of the proposed Type I action; and be it further

RESOLVED, that the Planning Board hereby authorizes Town Planner Lindsay Buck to conduct the circulation of the Lead Agency Agreement to the other Involved and Interested Agencies, indicating the Planning Board's intention to serve as Lead Agency, including circulation of Part 1 of the Full Environmental Assessment Form (EAF), including, but not limited to NYSDOT, LFTCEDC, NYSDOH, NYSDEC and Saratoga County Planning Board.

A motion by Member Marotta, seconded by Member Ferris, to ADOPT Resolution No. 33 of 2019.

A roll call vote was taken to ADOPT Resolution No. 33 of 2019 as follows:

Chairperson Buck	YES
Member Bisnett	YES
Member Ferris	YES
Vice-Chairperson Marotta	YES
Member Marshall	YES
Member Reilly	Absent
Member Smith	YES
Member Rathbun	YES

Resolution No. 33 of 2019 was unanimously ADOPTED at a meeting of the Planning Board of the Town of Stillwater duly conducted on October 28, 2019.

**PB2016-20 Hudson Heights Apartments Site Plan, (Turning Point PPD Amendment)**  
**Brickyard Road**

Chairman Buck recognized Mr. Scott Lansing of Lansing Engineering who is representing Mr. Marshall Whalen and Mr. Victor Gush. Mr. Lansing stated that the project has not changed and they are proposing 11 buildings with 12 units each for a total of 132 apartment units. The project would be serviced by public water and public sewer. Mr. Lansing stated that the changes that have been made is the addition of benches in the park area and along the sidewalks for the residents, the access road will have a winged gate with a Knox Box that emergency vehicles can access to enter the maintenance roadway, split rail fencing that will go from property line to property line with no trespass signs, and plantings where some of the existing vegetation will be removed. Mr. Lansing stated that there was a comment letter from adjoining residents which have been addressed. Mr. Lansing stated that they have received Mr. Male's comment letter dated October 3, 2019 which are technical in nature and will be addressed.

Vice Chairperson Marotta asked if the swing set has been removed that encroached onto the parcel. Mr. Lansing stated that the swing set has been removed.

Chairman Buck asked Ms. Vomacka if any of the residents attended the Town Board meeting regarding the project and the concerns that were stated regarding the narrowness of Brickyard Road. Ms. Vomacka stated that the residents have not attended the Town Board meetings regarding this project.

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

**TOWN OF STILLWATER**  
**PLANNING BOARD**  
**2019 RESOLUTION NO. 34**

WHEREAS, Hudson Heights Apartments has submitted an application for Site Plan Review regarding property located at Brickyard Road, more fully identified as Tax Map Number 253.17-3-98; 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 Full 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, Hudson Heights Apartments, for a Site Plan Review regarding property located at Brickyard Road, more fully identified as Tax Map Number 253.17-3-98, will not have a significant impact on the environment.

A motion by Member Ferris, seconded by Member Marotta, to adopt Resolution No. 34.

A roll call vote was taken on Resolution No. 34 as follows:

Chairperson Buck	YES
Member Bisnett	YES
Member Ferris	YES
Member Marotta	YES
Member Marshall	YES
Member Reilly	Absent
Member Smith	YES
Member Rathbun	YES

Resolution No. 34 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on October 28, 2019.

**TOWN OF STILLWATER  
PLANNING BOARD  
2019 RESOLUTION NO. 35**

WHEREAS, Hudson Heights Apartments has submitted an application for Site Plan Review regarding property located at Brickyard Road, more fully described as Tax Map No. 253.17-3-98; and

WHEREAS, a public hearing was conducted on September 23, 2019 to consider the application, and comments were received from the public (as well as the applicant); and

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 34 of 2019; and

WHEREAS, the Planning Board has duly considered the application;

Now, therefore, be it



RESOLVED, that the application of Hudson Heights Apartments, for Preliminary Site Plan Review of lands located on Brickyard Road, more fully identified as Tax Map Number 253.17-3-98, is hereby GRANTED; and be it further

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

1. Compliance with the comments made in Paul Male, P.E.'s letter of October 3, 2019.

and be it further

RESOLVED, that the applicant must file the approved Site Plan 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 Rathburn, seconded by Member Marshall, to adopt Resolution No. 35.

A roll call vote was taken on Resolution No. 35 as follows:

Chairperson Buck	YES
Member Bisnett	YES
Member Ferris	YES
Member Marotta	YES
Member Marshall	YES
Member Reilly	Absent
Member Smith	YES
Member Rathburn	YES

Resolution No. 35 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on October 28, 2019.

#### **PB2018-19 Flintlock Way Cluster Subdivision, County Route 75**

Chairman Buck recognized Mr. Scott Lansing of Lansing Engineering who is representing Mr. Marshall Whalen and Mr. Victor Gush. Mr. Lansing stated that the proposed project has not had any changes to the layout configuration. Mr. Lansing stated that the parcel is 31.84-acres and the applicants are proposing a 19-lot conservation subdivision. Mr. Lansing stated that all lots are in accordance with the Town of Stillwater Zoning Ordinance. Mr. Lansing stated that at the September 23, 2019 Planning Board meeting there were some issues that needed clarification. Mr. Lansing stated that on Lot #19 there was a reference to a trailer on that particular lot. Mr. Lansing stated that it was a construction trailer that has been removed. Mr. Lansing stated that

another concern was regarding the trees along the street. Mr. Lansing stated that on the engineer's drawing it does show trees along street as per the Town Zoning Code. Mr. Lansing stated that there was concerns regarding the clearing of trees on the estate lots. Mr. Lansing stated that they have reduced the number of trees that will be removed from the estate lots. Mr. Lansing stated that have received Mr. Male's comment letter dated October 2, 2019 which are technical in nature and will be addressed.

Chairman Buck stated that the outstanding issues are minor in nature. Mr. Male stated that the only comment that the Planning Board needs to address is the applicant's request for a waiver on the sidewalks. Mr. Male stated that Article 176-23 requires sidewalks on at least one side of the street. Mr. Lansing stated that there was a discussion at the last Planning Board meeting and it was his understanding that the Board was acceptable to the proposal of not having sidewalks. Chairman Buck stated that other projects are required to have sidewalks and believes this project should have sidewalks.

Ms. Ferris asked why the applicant is not proposing sidewalks for this project. Mr. Lansing stated that the Turning Point Development does not have sidewalks. Ms. Lindsay Buck stated that Mr. Mark Minick, Highway Superintendent, is not in favor of sidewalks in this development. Ms. Lindsay Buck stated that sidewalks would change the setbacks for this development.

Mr. Rathbun stated he believed that there was a paved area along the road that acted as a sidewalk in the Turning Point Development. Vice-Chairperson Marotta stated that she does not believe that there are sidewalks that will connect the two developments. Mr. Rathbun asked who would be maintaining the sidewalks. Mr. Male stated that it would be the Town of Stillwater Highway Department.

Vice-Chairperson Marotta asked if this development will have a drainage district. Mr. Trainor stated that there will be a drainage district for this development. Vice-Chairperson Marotta asked about comment #19 regarding the NOI. Mr. Lansing stated that is regarding the water quality volume and that NYS DEC has a minimum water reduction requirement. Vice-Chairperson Marotta asked about the deed restriction language. Mr. Trainor stated that he has been in contact with the applicant's attorney regarding the utilities that go through the deed restricted area. Mr. Lansing stated that there will be a utility easement that will allow the utility companies access to the deed restricted area.

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

**TOWN OF STILLWATER  
PLANNING BOARD  
2019 RESOLUTION NO. 36**

WHEREAS, Flintlock Way has submitted an application for a residential cluster subdivision regarding property located at County Route 75, more fully identified as Tax Map Number 252.-2-22.11; 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 Long 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, Flintlock Way, for a residential cluster subdivision regarding property located at County Route 75, more fully identified as Tax Map Number 252.-2-22.11, will not have a significant impact on the environment.

A motion by Member Ferris, seconded by Member Bisnett, to adopt Resolution No. 36.

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

Chairperson Buck	YES
Member Bisnett	YES
Member Ferris	YES
Member Marotta	YES
Member Marshall	YES
Member Reilly	Absent
Member Smith	YES
Member Rathbun	YES

Resolution No. 36 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on October 28, 2019.

**TOWN OF STILLWATER  
PLANNING BOARD  
2019 RESOLUTION NO. 37**

WHEREAS, Flintlock Way has submitted an application for a residential cluster subdivision regarding property located at County Route 75, more fully described as Tax Map No. 252.-2-22.11; and

WHEREAS, a public hearing was conducted on September 23, 2019 to consider the application, and comments were received from the public as well as the applicant; and

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 36 of 2019; and

WHEREAS, the Planning Board has duly considered the application;

Now, therefore, be it

RESOLVED, that the application of Flintlock Way, for preliminary residential cluster subdivision approval of lands located on County Route 75, more fully identified as Tax Map Number 252.-2-22.11, is hereby GRANTED; and be it further

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

1. Compliance with comments contained in Paul Male, P.E.'s letter of October 2, 2019;
2. Approved deed restrictions on the estate lots;
3. The sidewalk requirement is waived at the applicant's request.

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 Rathbun, seconded by Member Bisnett, to adopt Resolution No. 37.

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

Chairperson Buck	YES
Member Bisnett	YES
Member Ferris	YES
Member Marotta	YES

Member Marshall	YES
Member Reilly	Absent
Member Smith	YES
Member Rathbun	YES

Resolution No. 37 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on October 28, 2019.

A motion to adjourn was made by Mr. Bisnett and seconded by Vice Chairwoman Marotta at approximately 9:09 pm.