

**PLANNING BOARD MEETING
TOWN OF STILLWATER
STILLWATER TOWN HALL
September 27, 2021 @ 6:00 PM**

Present:

Chairman Peter Buck (PB)
Carol Marotta, (CM), Vice-Chairperson (Via Zoom)
Frank Bisnett (FB), Member
Heather (Ferris) Keefer (HK), Member (Via Zoom)
Randy Rathbun (RR) Member
Marybeth Reilly (MR) Member
Dale Smith (DS), Member
Kimberlee Marshall (KM) Alternate 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:

Pledge:

Chairman Buck called the meeting to order at 6:00 PM and led everyone in the Pledge to the Flag.

Review and approval of minutes of Planning Board meeting:

Mr. Bisnett made a motion to table the July 26, 2021 meeting minutes, seconded by Ms. Reilly.
Mr. Rathbun made a motion to table the August 23, 2021 meeting minutes, seconded by Mr. Bisnett. Motion passed unanimously.

Ms. Marshall made a motion to enter into executive session to discuss possible litigation, seconded by Ms. Reilly at approximately 6:05 PM. Mr. Rathbun made a motion to exit executive session and return to the scheduled meeting, seconded by Ms. Reilly at approximately 6:30 PM.

BP2020-27 Dalrymple Site Plan, Special Use Permit, and Lot Line Adjustment County Route 76

Chairman Buck recognized Mr. Scott Lansing of Lansing Engineering who is representing R.M. Dalrymple Co. Inc. Mr. Lansing stated the applicant is seeking comments from the Planning Board on the Lot Line Adjustment portion of the project. Mr. Lansing stated that the applicant has been before the Planning Board for Site Plan and Special Use Permit. Mr. Lansing stated that there are commercial activities on the lot along with several residences on the parcel. Mr. Lansing stated that this parcel has multiple uses and the Planning Department requested that the

applicant review the existing Site Plan in order to make the lot more conforming with the current Zoning Code. Mr. Lansing stated that Lot 1 will consist of 10.53-acres, Lot 2 will consist of 1.29-acres, Lot 3 will consist of 2.01-acres and Lot 4 will retain the remaining 7.75-acres. Mr. Lansing stated that Lot 1 will retain the business with frontage on Grace Moore Road and Route 76 (Lake Road). Mr. Lansing stated that Lot 2 will consist of a single-family home and remove the commercial portion of the business from the parcel and make the parcel more conforming. Mr. Lansing stated that Lot 3 which is sub-standard in size has been reconfigured to correct the pre-existing nonconforming lot size. Mr. Lansing stated that Lot 4 will have frontage on County Route 76 to correct the nonconforming land locked parcel. Mr. Lansing stated that Lot 1 and Lot 2 will be serviced by public water, Lot 3 and Lot 4 will have on site wells and septic systems. Mr. Lansing stated that Lot 2 and Lot 3 will be merged with Lot 1 when the owners of the property are no longer residing at the residents.

Chairman Buck asked if the way the lots are shown on the renderings are the best configuration of the lots at this time. Mr. Lansing stated that is correct. Chairman Buck stated that he agrees with Ms. Lindsay Buck's assessment regarding the property lot lines being a unique layout.

Ms. Lindsay Buck stated that the applicant has not submitted a Lot Line Adjustment application. Ms. Lindsay Buck stated that the Planning Department and the applicant wanted to present the proposed concept plan and receive comments from the Planning Board on the lot configuration. Ms. Lindsay Buck stated that a Lot Line Adjustment is needed to bring the lots into conformance. Ms. Lindsay Buck asked if the applicant would consider straightening the proposed lot lines.

Ms. Marotta stated that there are two issues with this application. The first is the Lot Line Adjustment and the second is the Site Plan and Special Use Permit. Ms. Marotta asked if the roadway is being attached to Lot 4. Mr. Lansing stated that property will be merged with Lot 4 and the dwelling that is currently on the property will be demolished. Ms. Marotta stated that Lot 4 will no longer be land locked. Mr. Lansing stated that is correct. Ms. Marotta asked about Mr. Males comment letter regarding the Site Plan. Ms. Lindsay Buck stated that the applicant has not responded to Mr. Male's comment letter.

Mr. Trainor asked Mr. Lansing if Lot 2 and Lot 3 have Life Estates for the owners of the property. Mr. Lansing stated that he does not have that information. Mr. Lansing stated that he will contact the applicant regarding the deeds.

Mr. Rathbun made a motion to table the project, seconded by Ms. Reilly. A roll call vote was taken.

Chairman Buck	Yes
Member Marotta	Yes

Member Bisnett	Yes
Member Keefer	Yes
Member Marshall	Abstained
Member Rathbun	Yes
Member Reilly	Yes
Member Smith	Yes

PB2021-12 & 13 & 20 Decresente Site plan, Special Use Permit, Lot Line Adjustment Best Avenue /Route 4&32

Chairman Buck recognized Mr. Frank Palumbo of CT Male Associates who is representing Decresente Distributing Co., Inc. Mr. Palumbo stated that there are also representatives from Decresente Distributing Co., Inc. present this evening. Mr. Palumbo stated that the applicant has been before the Planning Board on July 26, 2021 and August 23, 2021. Mr. Palumbo stated that they have continued to address the comments that they have received from the Planning Department. Mr. Palumbo stated that they submitted their response before the public hearing on August 23, 2021 to Mr. Male's comment letter dated May 17, 2021. Mr. Palumbo stated that they met with the Planning Department on September 15, 2021. Mr. Palumbo stated that the remaining comments which are minor in nature. Mr. Palumbo stated that they have received comments on the SWPPP which are technical and submitted their response letter on September 24, 2021.

Mr. Palumbo stated that they have submitted the application for the Lot Line Adjustments and Mr. Male suggested that a single plan for the Lot Line Adjustments be submitted. Mr. Palumbo stated that they have attached the correspondence from NYS DEC regarding the fuel tanks. Mr. Palumbo stated that the corner markers for the property will be completed once the Lot Line Adjustments are approved. Mr. Palumbo stated that the GEIS Fees will be paid to the Town of Stillwater once the building permit has been issued. Mr. Palumbo stated that they submitted a Notice of Termination on the previously opened SWPPP and was submitted to Ms. Lindsay Buck for her review. Mr. Palumbo stated that the applicant has added an oil/water separator to the plans due to truck traffic near the stormwater basins. Mr. Palumbo stated that the plans have been submitted to the Stillwater Fire District and they have made the changes that they have requested. Mr. Palumbo stated that the Saratoga County Planning Board have determined that there is no inter-municipal or county wide impact. Mr. Palumbo stated that the project plans were referred to the City of Mechanicville. Mr. Palumbo stated that the City of Mechanicville have verbally responded that they have no comments pertaining to the Site Plan, Special Use Permit, Lot Line Adjustment or the new SWPPP. Mr. Palumbo stated that the applicant is seeking Planning Board approval this evening. Mr. Palumbo stated that the comments that were received this afternoon are irrelevant and that the Planning Board has been working through the SEQRA review process.

Mr. Trainor asked about the use of the Esplanade property as a storage site for the soil from the proposed project. Mr. Palumbo stated that the Esplanade property was recently purchased by the applicant. Mr. Trainor stated that the moving of the soil from the proposed project to the Esplanade property was not on the original Environmental Assessment Form. Mr. Palumbo

stated that placement of soil on the Esplanade property is not a materially dependent part of the project. Mr. Palumbo stated that the demolition permit was issued on July 1, 2021 and the Stillwater Town Board passed Resolution 2020- NO.54 on August 20, 2020 regarding the Settlement of Patenaude Certiorari Case. Mr. Palumbo stated that if the applicant was to place the soil on the Esplanade property it would be no more than 1-acre. Mr. Palumbo stated that the applicant has received NYS DEC approval to place the soil on the Esplanade property. Mr. Trainor stated that he believes it is reflected in the minutes that Mr. Keis stated that there would be a NYS DEC review or signoff of all the hazardous material that was removed from the site. Mr. Palumbo stated that is an on-going remediation project in accordance with NYS DEC rules and regulations. Mr. Palumbo stated that the installation of the fuel tanks will also be monitored by NYS DEC. Mr. Trainor asked if there are two more buildings to be demolished. Mr. Turcotte stated that there are three buildings on the Patenaude property and two buildings on Decresente's property as part of the project. Mr. Turcotte stated that the two buildings on Decresente's property are not part of the remediation process just the three Patenaude buildings. Mr. Turcotte stated that two of the Patenaude's buildings have been removed and one of the buildings are in use.

Mr. Trainor stated that the Planning Board has questions on the recent addition in your application as of Friday September 24, 2021, that the soil will be placed on the Esplanade property which is owned by the applicant. Mr. Palumbo stated that all the Esplanade property is located in the City of Mechanicville.

Ms. Lindsay Buck stated that according to the correspondence received from the NYS DEC, there are inspections that will need to happen when the fuel tanks are removed and re-installed. Ms. Lindsay Buck stated that the Esplanade property would need to be added to the SWPPP for the Erosion and Sediment Control Plan for the site. Mr. Palumbo stated that the SWPPP would need to be modified for the placement of soil on the Esplanade property. Ms. Lindsay Buck asked if there is soil remediation happening on the Patenaude parcels where the three buildings are being demolished. Mr. Palumbo stated that is correct. Ms. Lindsay Buck stated that soil remediation would be part of the Site Plan review as that soil will be disturbed as part of the new development on the site. Ms. Lindsay Buck stated that if the applicant has the soil remediation paperwork from NYS DEC, can they provide the paperwork on the soil mitigation to the Planning Department. Mr. Palumbo stated that they would provide the paperwork to the Planning Department.

Mr. Keis stated that the environmental engineer has the report that he sent to NYS DEC listing the weight of each of the 39 truckloads of grit that went to the landfill. Mr. Keis stated that is different from the soil that will be removed from the Patenaude property which will be used for grading for loading docks. Mr. Keis stated that he believes that the Planning Department has the documentation from MC Environmental who removed 29 truckloads of paint, solvents and hazardous material. Mr. Keis stated that he believed that all the reports were being submitted to the Planning Department as the engineer was doing the reports. Mr. Keis stated that they are working under a settlement between the Town of Stillwater by resolution and was signed by Judge James Walsh on October 28, 2020. Mr. Keis stated that they are obligated to do all this work by the court order. Mr. Trainor stated that is correct. Mr. Keis stated that the original plan was to take 400 truckloads to the landfill. Mr. Keis stated that he spoke to NYS DEC regarding

the Esplanade property and NYS DEC was very excited for the soil placement on the Esplanade property that would eliminate the need for the soils to be trucked to the Albany County landfill. Mr. Trainor asked if there is documentation that he can submit to the Planning Department and to the Planning Board from NYS DEC which states that information.

Mr. Palumbo asked if the Planning Board would act on SEQRA if the soil was not being placed on the Esplanade property. Mr. Trainor stated that it is his understanding that the placement of the soil on the Esplanade property is now part of the proposed project which is owned by the applicant.

Ms. Marotta stated that Mr. Palumbo mentioned the SWPPP and the termination of the existing SWPPP. Ms. Marotta stated that the Esplanade property will now impact the SWPPP as the Esplanade property has now become part of the project. Mr. Palumbo showed the Board members the parcel where the soil will be stored from the project site on the map. Mr. Palumbo stated that he is not sure that the Esplanade property would impact the SWPPP. Ms. Marotta stated that the soil being placed on the Esplanade property is a positive solution to 400 truckloads being taken to the landfill, however that now makes the Esplanade property part of this application. Ms. Marotta stated that the Board now needs additional information on the project.

Mr. Smith asked why the soil needs to be trucked to the Albany County landfill if it is not contaminated. Mr. Keis stated that they were advised by their engineer and attorney not to mix the soil with any other soil for liability reasons.

Ms. Marotta made a motion to table the project, seconded by Ms. Reilly. A roll call vote was taken.

Chairman Buck	No
Member Marotta	Yes
Member Bisnett	Yes
Member Keefer	Yes
Member Marshall	Abstained
Member Rathbun	No
Member Reilly	Yes
Member Smith	No

PB2021-16 Bella Builders Minor Subdivision, NYS Route 9P

Chairman Buck recognized Mr. Scott Lansing of Lansing Engineering who is representing Bella Builders. Mr. Lansing stated that the property is located on the east side of NYS Route 9P which consists of 7.76+/-acres. Mr. Lansing stated that the applicant is proposing a 4-lot subdivision for single-family dwellings. Mr. Lansing stated that the applicant would like to construct the single-family dwelling on Lot 3 which would require the construction of the entire driveway. Mr. Lansing stated that they are preparing a SWPPP for that parcel. Mr. Lansing stated that Phase 1 would be the single-family dwelling and the entire driveway. Mr. Lansing showed the Board members the Erosion and Sediment Control Plan renderings on the map. Mr. Lansing stated Phase 2 is constructing the remaining three lots. Mr. Lansing showed the Board members the

Erosion and Sediment Control Plan renderings for Phase 2 on the map. Mr. Lansing stated that they have received Mr. Male's comment letter dated July 6, 2021 which are technical questions and will submit the response letter before the next meeting.

Mr. Male stated that there has been water that has been flowing across the NYS Route 9P during rain storms. Mr. Male stated that the Stillwater Fire District is concerned with the driveway grade to access the areas of the single-family dwellings. Mr. Male stated that Phase 1 which consist of the single-family dwelling is currently being reviewed by the Building Department. Mr. Male stated that if Mr. Myers approves the building permit for Lot 3 the conditions for the subdivision would also apply to Lot 3. Mr. Male stated that there would be daily construction inspection done on the site and that an escrow would need to be setup for those inspections.

Chairman Buck asked Mr. Lansing if the builder is currently working on the site. Mr. Lansing stated that he does not know if the builder is currently working on the site. Mr. Lansing stated that he has not been to site recently.

Ms. Lindsay Buck stated that the erosion and sediment control needs to be improved from what is currently being done on the site.

Ms. Marotta asked about the oval area on the plans. Mr. Lansing stated that the oval area on the plans will be used as a temporary stock pile site for material. Ms. Marotta asked if the area shown on the map are retaining walls along the driveway. Mr. Lansing stated that those are swales along the driveway shown on the map. Ms. Marotta asked about underground water retention basins as were proposed in the White Sulphur Springs Development. Ms. Lindsay Buck stated that type of stormwater retention would not be necessary with the amount of impervious area on this residential site. Ms. Marotta asked about the wooded areas. Mr. Lansing showed the Board members the wooded areas on the map that will be removed and the areas that will remain on the site. Ms. Marotta asked if the builder would be going onto the White Sulphur Springs property. Mr. Lansing stated that the builder is working with the owner of White Sulphur Springs to obtain a grading easement. Mr. Lansing stated that if the builder cannot obtain a grading easement the plans does include a retaining wall along the property line.

Mr. Rathbun made a motion to enter into executive session due to possible litigation, seconded by Ms. Reilly at approximately 8:20 PM. Mr. Rathbun made a motion to exit executive session and return to the scheduled meeting, seconded by Ms. Keefer at approximately 8:30 PM.

Motion to adjourn made by Mr. Rathbun, seconded by Ms. Keefer at approximately 8:30 PM