

**PLANNING BOARD MEETING
TOWN OF STILLWATER
STILLWATER TOWN HALL
NOVEMBER 15, 2021 @ 6:00 PM**

Present:

Chairman Peter Buck (PB)
Frank Bisnett (FB), Member
Heather (Ferris) Keefer (HK), Member
Carol Marotta, (CM), Vice-Chairperson (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)
Sheila Silic, Secretary

Absent:

Ellen Vomacka, Town Board Liaison

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:

Ms. Reilly made a motion to table the October 25, 2021 meeting minutes, seconded by Mr. Bisnett. Motion passed unanimously.

PB2021-23 Cailean Mackay Major Subdivision, Elmore Robinson Road

Chairman Buck recognized Mr. Cailean Mackay representing Luther Forest Corporation who will be presenting the project this evening. Mr. Mackay stated that he proposing a 1 lot subdivision for a single-family dwelling which will be his personal residence. Mr. Mackay stated that the parcel is located on Elmore Robinson Road in the RR Zoning District and consists of 2.81-acres with the remaining 2,200+/- to remain undisturbed. Mr. Mackay stated that the parcel will be serviced by public water and will have an on-site septic system. Mr. Mackay showed the Board the wetlands, Plum Brook Water Shed Protection District and the driveway location on the map. Mr. Mackay stated that there have been multiple subdivisions of this parcel and that is why this application is a Major Subdivision. Mr. Mackay showed the Board members the comparisons of what is required by the Zoning Code and what is being proposed. Mr. Mackay

stated that the perc test still needs to be done and the soil disturbance permit. Mr. Mackay stated that he has applied for the curb cut permit.

Chairman Buck opened the public hearing and asked if anyone wished to comment.

Floyd Russell 29 Meehan Road

Mr. Russell stated that Mr. Mackay should be allowed to build his personal dwelling. Mr. Russell welcomed Mr. Mackay as a neighbor.

Chairman Buck asked if anyone else would like to comment and hearing none, he closed the public hearing.

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| Chairman Buck | Yes |
| Member Marotta | Via Zoom |
| Member Bisnett | Yes |
| Member Keefer | Yes |
| Member Marshall | Yes |
| Member Rathbun | Yes |
| Member Reilly | Yes |
| Member Smith | Yes |

Chairman Buck asked Mr. Male if there are any outstanding issues. Mr. Male stated that there are no outstanding issues. Mr. Male stated that all his comments have been addressed.

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

**TOWN OF STILLWATER
PLANNING BOARD
2021 RESOLUTION NO. 25**

WHEREAS, W. Cailean Mackay on behalf of the Luther Forest Corporation has submitted an application for a major subdivision regarding property located near the corner of Cold Springs Road and Elmore Robinson Road, more fully identified as Tax Map Number 242.1-96.111; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the proposed action is an unlisted action requiring SEQRA review; and the applicant has submitted a fully completed EAF; and

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, Luther Forest Corporation, for a major subdivision regarding property located at Cold Springs and Elmore Robinson Roads, more fully identified as Tax Map Number 242.1-96.111, is an Unlisted Action and will not have a significant impact on the environment.

A motion by Member Keefer, seconded by Member Bisnett, to adopt Resolution No. 25.

A roll call vote was taken on Resolution No. 25 as follows:

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| Chairperson Buck | Yes |
| Member Bisnett | Yes |
| Member Keefer | Yes |
| Member Marotta | Via Zoom |
| Member Marshall | Yes |
| Member Reilly | Yes |
| Member Smith | Yes |
| Member Rathbun | Absent |

Resolution No. 25 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on November 15, 2021.

**TOWN OF STILLWATER
PLANNING BOARD
2021 RESOLUTION NO. 26**

WHEREAS, W. Cailean Mackay on behalf of the Luther Forest Corporation has submitted an application for a major subdivision regarding property located near the corner of Cold Springs Road and Elmore Robinson Road, more fully identified as Tax Map Number 242.1-96.111; and

WHEREAS, a public hearing was conducted on November 15, 2021 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. 25 of 2021; and

WHEREAS, the Planning Board has duly considered the application;

Now, therefore, be it

RESOLVED, that the proposed action by the applicant, Luther Forest Corporation, for a major subdivision regarding property located at Cold Springs and Elmore Robinson Roads, more fully identified as Tax Map Number 242.1-96.111, is hereby GRANTED, conditional upon the

following:

1. Satisfaction of comments in Paul Male P.E.'s review letters of October 7, 2021, October 25, 2021 and November 1, 2021;

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 Bisnett, seconded by Member Reilly, to adopt Resolution No. 26.

A roll call vote was taken on Resolution No. 26 as follows:

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| Chairperson Buck | Yes |
| Member Bisnett | Yes |
| Member Keefer | Yes |
| Member Marotta | Via Zoom |
| Member Marshall | Yes |
| Member Reilly | Yes |
| Member Smith | Yes |
| Member Rathbun | Absent |

Resolution No. 26 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on November 15, 2021.

PB2021-24 Stillwater Police Gun Range Site Plan, Still Point Lane

Chairman Buck recognized Mr. Male Town Engineer who will be presenting the project this evening. Mr. Male stated that Mr. Nett presented the project to the Planning Board on October 25, 2021. Mr. Male stated that the Stillwater Police Department and the Town of Stillwater is proposing a gun range and training site. Mr. Male stated that the proposed site is located adjacent to the former Town of Stillwater Landfill off of NYS Route 423 and Still Point Lane. Mr. Male stated that the noise from the training site during training exercises is under 100 decibels. Mr. Male stated that they have spoken to the adjacent property owners, the Christian Church and the Nuns at Still Point who are all in favor of the project. Mr. Male stated that the existing training site on George Thompson Road is no longer a viable training site. Mr. Male stated that the training site will not be open to the public. Mr. Male stated that the training site would be used for pistol drills, long gun drills and will have training exercises with the Saratoga County Sheriff's Office and the City of Mechanicville Police Department. Mr. Male stated that

construction would start on the project in the spring of 2022. Mr. Male stated that the Stillwater Police Department and the Town of Stillwater are seeking approval this evening on the project.

Chairman Buck opened the public hearing and asked if anyone wished to comment.

Karen Lorf 232 Gronczniak Road

Ms. Lorf asked about a backline for any sound that may travel beyond the project site. Ms. Lorf asked about a containment area for the collection of ammunition to avoid lead contamination at a future date. Ms. Lorf asked if a noise study could be done with a wider range radius than what was previously submitted. Ms. Lorf stated that the OSHA standards for exposure are different from other background noises. Ms. Lorf stated that a more official sound study was done by an engineering firm may be appropriate. Ms. Lorf stated that the reason that the Stillwater Police Department is moving from George Thompson Road is because of adjacent residential development. Ms. Lorf stated that there is quite a lot of adjacent residential development in this area. Ms. Lorf stated that if the berms were higher or if structures were put on the site, it would buffer the sound.

Sister Cheryl St. John, The Community at Still Point 20 Still Point Lane

Sister Cheryl St. John thanked the Town of Stillwater for the new roadway. Sister Cheryl St. John stated that they were told the gun range would be used at certain times during the year. Sister Cheryl St. John stated that they would be notified prior to the Stillwater Police Department utilizing the gun range. Sister Cheryl St. John stated that they have heard from guests who visit The Community at Still Point Retreat that the Stillwater Police Department will have AK-47 Machine Guns on the site.

Floyd Russell 29 Meehan Road

Mr. Russell stated that the gun range located on George Thompson Road is across the road from the gun range used by the Federal Government, Mechanicville Police Department and other agencies. Mr. Russell stated that Saratoga County has facilities that can be utilized by the Stillwater Police Department. Mr. Russell stated that he does not see the need to spend monies for a new gun range.

Mr. Male read the project narrative to the public regarding their questions. Mr. Male stated that he does not know what type of weapons the Stillwater Police Department uses but, presumes that they do have tactical weapons at their disposal.

Sister Cheryl St. John, The Community at Still Point 20 Still Point Lane

Sister Cheryl St. John stated that they were informed that the gun range would be used only 4 to 5 times a year. Chairman Buck stated that is correct. Chairman Buck stated that the gun range is for the certification of the Police Officers. Chairman Buck stated that there are certain times when Police can start firing and when the Police have to stop firing. Mr. Male stated that the Police would start no earlier than 9:00am and would stop firing and training by 4:00pm.

Chairman Buck asked if anyone else would like to comment and hearing none, he closed the public hearing.

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| Chairman Buck | Yes |
| Member Marotta | Via Zoom |
| Member Bisnett | Yes |
| Member Keefer | Yes |
| Member Marshall | Yes |
| Member Rathbun | Yes |
| Member Reilly | Yes |
| Member Smith | Yes |

Mr. Bisnett stated that in regards to the lead from the bullets that the Police Commissioner was present at the October 25, 2021 Planning Board meeting and assured the Board that the lead will be cleaned up and that there will not be any residual lead on the site. Mr. Bisnett stated that there should not be any issues.

Ms. Reilly asked about the applicant's response to baffling the noise and if there is anything that can be done to help baffle the noise. Mr. Male stated that there are berms on both sides and on the end. Mr. Bisnett stated that the berms are in accordance with the NRA specs. Mr. Male stated that is correct.

Chairman Buck stated that the berms are 25 ft. in height. Mr. Male stated that is correct. Chairman Buck stated that the gun range is not open to the public. Mr. Male stated that is correct.

Ms. Marshall asked if the applicant would add some plantings to the berms to help baffle the noise. Mr. Male stated that the berms start at 5 ft. and increase to 25 ft at the end of the berms.

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

PLANNING BOARD 2021 RESOLUTION NO. 27

WHEREAS, the Town of Stillwater has submitted an application for Site Plan Approval of a rifle range on property located on Still Point Lane near NYS Route 423, more fully identified as Tax Map Number 231.-2-81; 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 Short Environmental Assessment Form (EAF); and

WHEREAS, that 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;

Now, therefore, be it

RESOLVED, that the Planning Board hereby determines that the proposed action by the applicant, Town of Stillwater, for Site Plan Approval regarding property located at on Still Point Lane near NYS Route 423, more identified as Tax Map Number 231.-2-81, will not have a significant impact on the environment.

A motion by Member Marshall, seconded by Member Keefer, to adopt Resolution No. 27 of 2021.

A roll call vote was taken on Resolution No. 27 as follows:

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| Chairperson Buck | Yes |
| Member Bisnett | Yes |
| Member Keefer | Yes |
| Member Marshall | Yes |
| Member Marotta | Via Zoom |
| Member Rathbun | Yes |
| Member Smith | Yes |
| Member Reilly | Yes |

Resolution No. 27 of 2021 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on November 15, 2021.

**TOWN OF STILLWATER
PLANNING BOARD
2021 RESOLUTION NO. 28**

WHEREAS, the Town of Stillwater has submitted an application for Site Plan Approval of a rifle range on property located on Still Point Lane near NYS Route 423, more fully identified as Tax Map Number 231.-2-81; and

WHEREAS, a public hearing was conducted on November 15, 2021 to consider the application; and comments were received from the public and from the applicant; and

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 27 of 2021; and

WHEREAS, the Planning Board has duly considered the application;

Now, therefore, be it

RESOLVED, that the application of the Town of Stillwater, for Site Plan approval of lands located on Still Point Lane near NYS Route 423, more fully identified as Tax Map Number 231.-2-81, is hereby GRANTED, provided the applicant comply with the following conditions:

1. That the Stillwater Police Department pick up and properly dispose of all lead and brass from the range at the conclusion of each session's shooting;
2. That the Town consider installing baffling on both sides of range of between 5 and 25 feet high;
3. That the range be utilized only by police agencies four to five times per year for certification and not be opened the general public.

And be it further

RESOLVED, that the applicant must file the approved Site Plan map, with all required annotations, 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 Keefer, seconded by Member Bisnett, to adopt Resolution No. 28 of 2021.

A roll call vote was taken on Resolution No. 28 as follows:

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| Chairperson Buck | Yes |
| Member Bisnett | Yes |
| Member Keefer | Yes |
| Member Marshall | Yes |
| Member Marotta | Via Zoom |
| Member Rathbun | Yes |
| Member Smith | Yes |
| Member Reilly | Yes |

Resolution No. 28 of 2021 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on November 15, 2021.

PB2021-07, 08, 29 Dalrymple Site Plan, Special Use Permit and Lot Line Adjustment, County Route 76

Chairman Buck recognized Mr. Paul Lubera of Lansing Engineering who is representing R M Dalrymple this evening. Mr. Lubera stated that they were before the Planning Board on September 27, 2021. Mr. Lubera stated that they have submitted full engineering drawings. Mr. Lubera stated that they have reconfigured the proposed Lot Line Adjustments for a more conventional layout. Mr. Lubera stated that they have made changes to the Site Plan regarding the storage area. Mr. Lubera stated that the storage area is now employee parking. Mr. Lubera stated that they asking the Planning Board for their comments and seeking to schedule a Public Hearing.

Ms. Lindsay Buck stated that she and Mr. Male had compiled a comment letter which had been sent to Mr. Dell. Mr. Male stated that the comment letter was dated October 26, 2021. Mr. Lubera stated that he has not had time to review the latest comment letter. Mr. Lubera stated that they have addressed Mr. Male's comment letter dated May 24, 2021 with the submittal. Ms. Lindsay Buck stated that one of the comments was regarding the uses on the site, the proposed uses and the storage site.

Mr. Male asked Mr. Lubera if the changes were made on the frontage to the two lots. Mr. Lubera stated that the changes have been made to the two lots. Mr. Male stated that he had met with the applicant at the end of October and discussed what needed to be changed on the plans.

Mr. Rathbun asked about the comment letter dated October 26, 2021 and if all the comments are outstanding. Ms. Lindsay Buck stated that the comments that have not been addressed are still outstanding. s

Mr. Trainor asked if the 50 ft. frontage has been addressed regarding comment #6 B&D. Mr. Lubera stated that the 50 ft. frontage has been addressed.

Ms. Reilly asked if they would have the comments addressed and back to the Planning Department in two weeks for review.

Ms. Keefer stated that she is not comfortable with the outstanding issues that need to be addressed and having to act on the application.

Mr. Bisnett stated that he agrees with Ms. Keefer regarding the outstanding issues and is not comfortable scheduling a public hearing for the next Planning Board meeting.

Chairman Buck stated that the Planning Board will not be scheduling a public hearing for this project this evening.

PB2021-25 Lee-Carson Home Occupation, 1 Luther Road

Chairman Buck recognized Mr. John Bergen of Bergen Building representing Mr. Brian Lee and Ms. Patricia Carson. Mr. Bergen stated that the applicants would like to construct an office building with two offices, a kitchenette and a rest room. Mr. Bergen stated that the applicants are working from home.

Chairman Buck stated that he had visited the site and that the proposed building can not be seen from the road.

Ms. Lindsay Buck stated that there is no proposed signage, there would be one employee, 1 to 3 deliveries per week, there will be no clients visiting the site.

Mr. Trainor stated that Mr. Lee is an Attorney. Mr. Trainor asked Mr. Bergen what Ms. Carson does for employment. Mr. Bergen stated that Ms. Carson is a Pharmaceutical Attorney.

Mr. Rathbun made a motion to schedule the public hearing, seconded by Ms. Keefer. A roll call vote was taken.

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| Chairperson Buck | Yes |
| Vice Chairwoman Marotta | Via zoom |
| Member Bisnett | Yes |
| Member Keefer | Yes |
| Member Marshall | Yes |
| Member Reilly | Yes |
| Member Smith | Yes |
| Member Rathbun | Yes |

PB2021-30 Town of Stillwater Minor Subdivision, County Route 76

Chairman Buck recognized Mr. Male Town Engineer who will be presenting the project for the Town of Stillwater this evening. Mr. Male stated the property consists of 10-acres which is located on County Route 76. Mr. Male stated that the west side of the parcel would be the municipal building which would house the Stillwater Town Court, EMS and the Stillwater Police Department. Mr. Male stated that the Town has reached out to some contractors for bids on the new municipal building. Mr. Male stated that the new municipal building will be serviced with public water and will have an onsite septic system. Mr. Male stated that the Town of Stillwater is subdividing for financial reasons.

Chairman Buck stated that the new municipal building is in the center of the town. Mr. Male stated that is correct. Chairman Buck stated that the parcel has a better line of site. Mr. Male stated that Mr. Rourke had given his permission to the Town of Stillwater to cut back the brush along the roadway. Chairman Buck asked about grants from Global Foundries and/or if Global Foundries would be willing to help finance the building. Mr. Male stated that the town can look into Chairman Buck's suggestion.

Mr. Smith asked who will be maintaining the brush so, it will not interfere with the line of site. Mr. Male stated that he is not sure who will be maintaining the brush along the roadway.

Mr. Rathbun asked what the timeline is to start construction on the new municipal building. Mr. Male stated that the town is looking to start construction in 2022.

Mr. Rathbun made a motion to schedule the public hearing, seconded by Ms. Keefer. A roll call vote was taken.

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| Chairperson Buck | Yes |
| Vice Chairwoman Marotta | Via zoom |
| Member Bisnett | Yes |
| Member Keefer | Yes |
| Member Marshall | Yes |
| Member Reilly | Yes |
| Member Smith | Yes |
| Member Rathbun | Yes |

Discussion:

Mr. Richard Dantz asked why the Board members are not using the sound system so, the public can hear what the Planning Board members are speaking about. Chairman Buck apologized for not using the sound system.

Motion to adjourn made by Mrs. Keefer, seconded by Mr. Bisnett at approximately 6:50 PM