

**TOWN OF STILLWATER
PLANNING BOARD MEETING MINUTES
STILLWATER TOWN HALL
September 28, 2020 @ 6:30 PM**

Present:

**Chairman Peter Buck (PB)
Frank Bisnett (FB), Member
Heather (Ferris) Keefer (HK), Member
Kimberlee Marshall (KM) Alternate Member
Randy Rathbun (RR), Member
Marybeth Reilly (MR), 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:

Carol Marotta, (CM), Vice-Chairperson

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:

Ms. Reilly made a motion to approve the minutes from July 27, 2020, seconded by Mr. Bisnett. The motion passed unanimously. Mr. Rathbun made a motion to approve the minutes from August 24, 2020 seconded by Ms. Keefer. The motion passed unanimously.

PB2020-09 Stewart's Gas Island Site Plan, 341 NYS Route 9P

Chairman Buck recognized Mr. Marcus Andrews of the Stewart's Shops Corporation who will be presenting the project before the Board. Mr. Andrews stated that this Stewart's Shop is located on the south end of Saratoga Lake and on the east side of NYS Route 9P. Mr. Andrews stated that they are proposing to remove the existing canopy, gasoline dispensers, and replacing the underground fuel tanks. Mr. Andrews stated that they were before the Planning Board on July 27, 2020 and that the project is similar to the original proposal. Mr. Andrews stated that the discussion at the last Planning Board meeting was the placement of sidewalks, vehicle movement, height of the retaining wall and signage on the retaining wall. Mr. Andrews stated that the elevation of the retaining wall is about 3.5 ft. to 4 ft in height. Mr. Andrews showed the

Planning Board the exhibits which show the vehicle movements within the Stewart's parking area, 3 options regarding the sidewalk placement and the retaining wall with a "Welcome to the Town of Stillwater" sign mounted on the front of the wall. Mr. Andrews stated that the 3 options show the difficulty with the sidewalk placement at the intersection of NYS Route 9P and County Route 76. Mr. Andrews stated that the easiest option for the sidewalks would be to place the sidewalks in the right-of-way of both the NYS Department of Transportation and Saratoga County Department of Transportation. Mr. Andrews stated that they have contacted both NYS Department of Transportation and Saratoga County Department of Transportation regarding the sidewalks and have not received a response back as of yet.

Mr. Smith stated that there is a significant need for sidewalks in that area. Mr. Smith stated that he was in the area of NYS Route 9P and County Route 76 after the July Planning Board meeting and there where five pedestrians trying to walk along NYS Route 9P and had a difficult time due to the traffic. Mr. Andrews asked if the Town of Stillwater has a plan regarding sidewalks in that area. Ms. Lindsay Buck stated that both entities are aware of pedestrian improvements needed in that area.

Mr. Male asked Mr. Andrews what Stewart's submitted to NYS Department of Transportation and to Saratoga County Department of Transportation. Mr. Andrews stated that Stewart's submitted the plans for the proposed project and sidewalk proposal.

Mr. Trainor asked Mr. Andrews if the nature of the NYS Department of Environmental Conservation Consent Order is to replace the underground fuel tanks. Mr. Andrews stated that is correct. Mr. Trainor asked if the fuel tanks will be the same size or larger than the existing fuel tanks. Mr. Andrews stated that larger fuel tanks are being proposed. Mr. Trainor asked if the larger fuel tanks are required by the NYS Department of Environmental Conservation Consent Order. Mr. Andrews stated that the larger fuel tanks are not required by the NYS Department of Environmental Conservation Consent Order but, is what Stewart's is proposing. Mr. Trainor stated that the minimum that is required is contained with the Department of Environmental Conservation Consent Order. Mr. Andrews stated that is correct.

Ms. Lindsay Buck stated that she spoke to Ms. Jennifer Howard who stated that Stewart's is under NYS Department of Environmental Conservation consent to replace the fuel tanks. Ms. Lindsay Buck asked Mr. Andrews if there is a certain date by which the fuel tanks have to be replaced. Mr. Andrews stated that Stewart's would like to replace the fuel tanks as soon as possible.

Mr. Rathbun asked if Stewart's has reviewed the entire site as a whole project. Mr. Andrews stated that Stewart's does not have any plans at the moment to rebuild at this location. Mr. Rathbun stated that the Planning Board wants to make this intersection as safe as possible for the pedestrians in that area. Mr. Rathbun asked Mr. Male if the Building, Planning, and Development Department could intervene and contact NYS Department of Transportation on

behalf of Stewart's. Mr. Male asked Mr. Andrews for the contact information of the person who he has spoken with at NYS Department of Transportation.

Mr. Male stated that the Building, Planning, and Development Department has been approached by applicants who are proposing an apartment project along Cold Springs Road and a project by Panza's Restaurant. Mr. Male stated that these projects will produce pedestrian traffic along NYS Route 9P. Mr. Andrews asked if these projects have a sidewalk plan in place. Mr. Male stated that these projects will be asked to show the placement of sidewalks on their plans. Mr. Andrews asked the Board where they would like to see the sidewalks placed. Ms. Marshall asked about the sidewalk options. Mr. Andrews showed the Board the three sidewalk options that have been submitted along with the difficulty of the placement due to the grade of the Stewart's site. Ms. Marshall asked about placing the sidewalk on the northern portion of the Stewart's site. Mr. Andrews stated that due to the grade it would be difficult to place a sidewalk in that location. Mr. Male asked if Stewart's would consider placing sidewalks on the west side of NYS Route 9P due to a flatter grade.

Ms. Marshall stated that NYS Department of Environmental Conservation may extend the date of the fuel tank replacement due to the project being before the Planning Board.

Chairman Buck asked if anyone had any additional questions or concerns, hearing none the project was tabled for additional information regarding the sidewalk placement as requested by the Planning Board members.

PB2020-16 Milsop Minor Subdivision, 67 Grace Moore Road

Chairman Buck Recognized Mr. Casey Milsop who is presenting the project before the Board this evening. Mr. Milsop stated that he is proposing a two lot Minor Subdivision. Mr. Milsop stated that his property is located at 67 Grace Moore Road and is in the LDR Zoning District. Mr. Milsop stated that he would retain ownership of Lot #1 and would sell Lot #2. Mr. Milsop stated that his property is across from Calvin Court. Mr. Milsop stated that he had received a comment letter which asked for detailed information regarding the property. Mr. Milsop stated that he did not receive the letter in time to have the map updated. Mr. Milsop stated that he asking the Planning Board to approve the subdivision as it was submitted.

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

Alec Mackay Luther Forest Corporation

Mr. Mackay stated that all mini-estates on Grace Moore Road, Luther Road and NYS Route 423 were approved in 1978. Mr. Mackay stated that on the approved subdivision map it states "no further subdivision of any of the parcels/mini estates". Mr. Mackay stated that he is just making sure that the Planning Board is complying with the 1978 subdivision map.

Chairman Buck asked if anyone had any additional questions or concerns, hearing none he closed the public hearing.

Chairman Buck stated that there is a deed restriction on the parcel that has caused some issues with this application.

Ms. Keefer stated that the map states under Note #2 “This survey was prepared without the benefit of an abstract of title or title report and is therefore subject to any statement of fact such documents may disclose”. Mr. Milsop asked what exactly is the meaning of this statement. Mr. Trainor stated that an abstract or title report insures that there are no deed restrictions on the parcel that would limit what could be done with the parcel.

Ms. Marshall clarified to the applicant that the Planning Board is not saying that they do not want entertain the application but, that the Board is bound by what is written in your deed and the previous deeds for the parcel. Ms. Marshall stated that the Planning Board has to refer to our attorney and what his recommendation is for this Board. Ms. Marshall stated that the Planning Board is precluded from making a decision regarding your application due to the deed restriction.

Mr. Trainor stated that the deed restriction on this parcel limits what actions can be made by the Planning Board. Mr. Trainor stated that Mr. Milsop has two options 1.) He can withdraw the application, or 2) The Planning Board can table the application until Mr. Milsop can provide adequate information to move the application forward. Mr. Trainor asked Mr. Milsop if he wished to withdraw his application. Mr. Milsop stated that he wished to withdraw his application at this time.

PB2020-13 Polyset Expansion Site Plan, NYS Route 4 and 32

Chairman Buck recognized Mr. Brian Osterhout of Environmental Design Partnership LLP who is representing the Polyset Company this evening. Mr. Osterhout stated that the Polyset Company owns two parcels that are located on the west side of Hudson Avenue and the east side of East Street which consists of a total of 3.56-acres. Mr. Osterhout stated that the applicant is proposing an 11,450 sq. ft addition. Mr. Osterhout stated that the Polyset Company needs more space as the company is doing more business and also wants to remove the storage containers currently located on the site. Mr. Osterhout stated that at the July 27, 2020 Planning Board meeting, the Board had concerns regarding the truck traffic, turn radius and trucks entering and backing up into the facility from East Street. Mr. Osterhout stated that they met with the owner and reconfigured the proposal for the site. Mr. Osterhout stated that the curb cut was moved to the south more toward the corner of the property and the width was widened to increase the turn radius of the truck traffic. Mr. Osterhout stated that the truck traffic is proposed to be entering the facility from Hudson Avenue now and moving through the facility to the loading dock. Mr. Osterhout stated that this eliminates the truck traffic from having to back up from East Street into the site and keeps it away from Veteran’s Park. Mr. Osterhout stated that the dumpster area can not be relocated but, will be screened. Mr. Osterhout stated that there are 31 employees with a maximum of 18 employees per shift.

Chairman Buck asked if the acreage of the property is correct. Mr. Osterhout stated that the acreage is correct.

Mr. Rathbun stated that the reconfiguration that was done on the site plan addresses the concerns that the Board had with the proposal. Mr. Rathbun stated that Polyset has been a good neighbor and the grounds are well maintained. Mr. Rathbun stated that the chainlink fencing that is currently on the property is sufficient. Mr. Rathbun asked Mr. Male if there are any outstanding issues that have not been addressed. Mr. Male stated that most of the outstanding issues have been addressed and that any outstanding issues are minor.

Ms. Lindsay Buck asked why the owner of Polyset Company has not combined the two parcels. Mr. Osterhout stated that the parcels were bought separately. Mr. Osterhout stated that the owner does not have an issue combining the two parcels. Ms. Lindsay Buck stated that in order for the Site Plan to meet zoning requirements, that the two parcels have to be combined.

Ms. Lindsay Buck asked about the chainlink fencing and if they are proposing an opaque or open weave fence. Mr. Osterhout stated that he does not have that information but would be open to what the Planning Board would like as fencing.

Ms. Lindsay Buck stated that she has received a response from Saratoga County Planning Board stating that Polyset will have to work with NYS Department of Transportation regarding the curb cut onto Hudson Avenue.

Ms. Lindsay Buck asked about the Multi-Sector General Permit regarding stormwater. Mr. Osterhout stated that Polyset is checking into getting a No Exposure Permit exemption which would eliminate the Multi-Sector General Permit. Ms. Lindsay Buck stated that the Town will need to be kept up to date on the status of that.

Mr. Smith agreed with Mr. Rathbun regarding to the current fencing on the property as being sufficient.

Mr. Male asked if Polyset is proposing lighting and landscaping. Mr. Osterhout stated that Polyset has not proposed a lighting plan as of yet. Mr. Osterhout stated that the lights may be mounted on the buildings. Mr. Osterhout stated that they would submit a lighting plan. Mr. Osterhout stated that he is not sure what they decided on for a landscaping plan. Ms. Lindsay Buck stated that there are zoning requirements for landscape plantings. Mr. Male asked about the swale in the front portion of the property. Mr. Osterhout stated that swale is for stormwater runoff.

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

**TOWN OF STILLWATER
PLANNING BOARD**

2020 RESOLUTION NO. 29

WHEREAS, The Polyset Company has submitted an application for Site Plan Review regarding property located at 65 Hudson Avenue, more fully identified as Tax Map Number 262.-1-9.13; 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 (FEAF); and

WHEREAS, the Planning Board has duly reviewed the FEAF 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 18 factors contained in Part 2 of the FEAF 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,

The Polyset Company, for Site Plan Approval regarding property located at 65 Hudson Avenue, more fully identified as Tax Map Number 262.-1-9.13, will not have a significant impact on the environment.

A motion by Member Ferris, seconded by Member Rathbun, to adopt Resolution No. 29.

A roll call vote was taken on Resolution No. 29 as follows:

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

Resolution No. 29 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on September 28, 2020.

**TOWN OF STILLWATER
PLANNING BOARD
2020 RESOLUTION NO. 30**

WHEREAS, The Polyset Company has submitted an application for Site Plan Review regarding property located at 65 Hudson Avenue, more fully described as Tax Map No. 262.-1-9.13; and

WHEREAS, the Town Zoning Law §210-39 does not require that a public hearing be held in order for the Planning Board to act on an application for Site Plan Review; and

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 29 of 2020; and

WHEREAS, the Planning Board has duly considered the application;

Now, therefore, be it

RESOLVED, that the application of The Polyset Company for Site Plan Approval of Lands located on 65 Hudson Avenue, more fully identified as Tax Map Number 262.-1-9.13, is hereby GRANTED: and be it further

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

1. Consolidate the two lots into 1 parcel by deed;
2. Install plantings/landscaping around the parking lot per Town Code;
3. Obtain NYSDOT permit for work required within the State R.O.W and the curb cut on Route 4;
4. Compliance with the remaining requirements of Paul Male P.E.'s letter on September 24, 2020;
5. Obtain clarification from NYSDEC regarding the Multi-Sector General Permit.

and be it further

RESOLVED, that the applicant must submit the remaining required submissions, with all required annotations, to the Town Building Department within a reasonable time, 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 Ferris, to adopt Resolution No. 30.

A roll call vote was taken on Resolution No. 30 as follows:

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

Resolution No. 30 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on September 28, 2020

Discussion:

Ms. Lindsay Buck stated that Colonial Road Apartments will be before the Village Board and the Planning Board at the October 26, 2020 Planning Board meeting. Ms. Lindsay Buck stated that she and Mr. Male had met with the Village Board and the Village of Stillwater Engineer on how we will be reviewing this project. Ms. Lindsay Buck stated that the Town of Stillwater Building and Planning Department will take the lead in the review of the project.. Ms. Lindsay Buck stated that the agreement with the applicant was to hold as many joint meetings with the Stillwater Village Board and the Town Planning Board in order to streamline processes for review. Ms. Lindsay Buck stated due to the number of Village Board members and Planning Board members we will have to start the meeting earlier and asked the Board Memebrs if they would available at 5:00pm. Ms. Reilly stated that she would not be available at 5:00pm but would be at the regular Plannig Board meeting.

A motion to adjourn was made by Ms. Ferris and seconded by Ms. Marshall at approximately 7:35 pm.