

**TOWN OF STILLWATER
PLANNING BOARD MEETING MINUTES
STILLWATER TOWN HALL
August 27, 2018 @ 7:00 PM**

Present:

**Chairman Peter Buck (PB)
Frank Bisnett (FB)
Heather Ferris (HF)
Carol Marotta (CM) Member
Kimberlee Marshall (KM) Alternate Member
Dale Smith (DS)**

Also Present:

**Edward Kinowski, Town of Stillwater Supervisor
Daryl Cutler, Attorney for the Town (DC)
Paul Male, Town Engineer (PM)
Lindsay Zepko, Director of Building, Planning, and Development (LZ)
Ellen Vomacka, Town Board Liaison
Sheila Silic, Secretary**

Absent:

Marybeth Reilly (MR) Alternate Member

Pledge:

Chairman Buck 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:

Ms. Marotta made a motion to approve the minutes from the June 25, 2018 meeting, seconded by Ms. Ferris. The motion passed unanimously. Mr. Bisnett made a motion to approve the minutes from the July 23, 2018 meeting, seconded by Ms. Ferris. The motion passed unanimously.

Chairman Buck stated that Mr. Cutler will explain how the Public Hearing will be conducted this evening.

Mr. Cutler stated that there are certain guidelines for the Public Hearing this evening. Mr. Cutler stated that once the Public Hearing is open and if you wish to speak please raise your hand and wait until the Chairman acknowledges you. Then you may stand and state your full name and address. Mr. Cutler stated at that point you will have 3 minutes to state your concerns. If you cannot state all your concerns within the 3 minutes, following this hearing, there will be a short period of time to be determined by the Board, in which you can submit your concerns in writing. Once that period has closed the comments will be forwarded to the Board members and will be part of the record. Mr. Cutler stated that you should state your concerns clearly and concisely, please do not be repetitive in your comments. Mr. Cutler stated that every concern that is made is

part of the record and is reviewed by the Planning Board and the applicant. Mr. Cutler stated that it is important that you do not speak over each other and you are to address the Planning Board and not the applicant. Mr. Cutler stated that if the Chairman allows the applicant to address your concerns then that may occur. Mr. Cutler stated that they ask that there is no clapping, yelling, or any other type of grandstanding. Mr. Cutler asked that you show respect to the Planning Board, the applicant and each other.

Chairman Buck recognized Mr. Male, Town Engineer who will do a brief presentation on stormwater. Mr. Male stated that the Town of Stillwater is an MS4 community, which means Municipal Separate Storm Sewer System. Mr. Male stated that there are rules established as a result of the Clean Water Act and directed by the Environmental Protection Agency to the NYS Department of Environmental Conservation (NYSDEC). The NYSDEC is the permitting agency who issues the MS4 General Permit to municipalities. Mr. Male stated that the Town has to adhere to certain regulations. Mr. Male stated that the MS4 General Permit was first issued by the NYSDEC in 2003. In Saratoga County, it originally, the County, 1 City, 4 Villages and 10 Towns were issued permits. Mr. Male stated that the MS4 permits are based on urbanized areas, which are established via census and population data. The Town of Stillwater became an MS4 in 2013 and was required to have implemented the requirements of the permit in 2016. Mr. Male stated prior to that time, the Town of Stillwater was not an MS4 community. This is an effort to regulate water pollution. Mr. Male stated that Ms. Zepko who is the Director of Building, Planning and Development is the Stormwater Management Officer of the Town of Stillwater and prior to this, she was the Stormwater Management Officer for the Town of Halfmoon since the beginning of the MS4 program. Mr. Male stated that Ms. Zepko is a Certified Professional in Municipal Stormwater Management. Mr. Male stated that he is a Licensed Engineer and worked the first half of his career in the private sector and the second half of his career in the public sector. Mr. Male stated that he worked for the City of Saratoga Springs and was the Stormwater Management Officer for the City. Mr. Male stated that he is also a Certified Professional in Erosion and Sediment Control. Mr. Male stated that prior to the Town of Stillwater having Ms. Zepko and himself in the Building, Planning and Development Department, projects were not required to have the regulated inspections and some designs were not designed properly. Mr. Male stated that the two projects before the Planning Board this evening are required to be designed under the requirements of the NYS Standards and Specifications for Erosion and Sediment Control and the NYS Stormwater Management Design Manual. Mr. Male stated that they will be inspected by a third party through an escrow account which will require weekly SWPPP inspections by trained individuals. Mr. Male presented a slide show on stormwater runoff of different properties along NYS Route 9P and Cold Springs Road.

**** The following projects were reviewed all together ****

PB2016-26, Winding Brook PDD Site Plan Review, Walden Circle

PB2018-12, Winding Brook Minor Subdivision, NYS Route 423

Chairman Buck recognized Mr. Scott Lansing of Lansing Engineering who is representing Amedore Homes Inc. Also present this evening is Mr. John Bossalini of Amedore Homes Inc. Mr. Lansing stated that they received the approval on the Winding Brook PDD Amendment from the Stillwater Town Board on March 1, 2018. Mr. Lansing stated that there are two phases to this project, Site Plan Review and a Minor Subdivision. Mr. Lansing stated that the first project that

will be presented is Site Plan Review. Mr. Lansing stated that the project is located on NYS Route 423 and consists of 25.73-acres. Mr. Lansing stated that they are proposing condominiums which consist of 19 two-story buildings with 4 units per building. Mr. Lansing stated that each unit would have an attached garage and driveway. There are 1 and 2 bedroom units. Mr. Lansing stated that public water will be furnished by Glen Hollow Water and public sewer will be from Saratoga County Sewer District #1. Mr. Lansing stated that there are 6.68-acres of Army Corp (ACOE) federal wetlands and 14-acres of open space. Mr. Lansing stated that there is a waterline and sewer line on the parcel. Mr. Lansing stated that the roadway will be dedicated to the Town of Stillwater. Mr. Lansing stated that there will be a Condominium Association. The project is proposed as maintenance free living. There are additional parking spaces in three areas that are proposed along with ornamental lighting on each building, and a mailbox kiosk. Stormwater will be managed on site and each commercial site will have a stormwater basin. Mr. Lansing stated that they have revised the plans since the last Planning Board meeting. Mr. Lansing stated that they reduced the number of visitor parking spaces from 36 down to 27 which eliminates the parking area in the rear of the project and therefore, reduces a significant amount of the retaining wall previously proposed. Mr. Lansing stated that the mailbox kiosk has been moved from the entrance of the project to a visitor parking area in the front of the project. Mr. Lansing stated that they have changed the type of fencing from vinyl coated chain link to split rail fencing. Mr. Lansing stated that the Planning Board requested to maintain as much of the hill at the entrance of the project nearest to Walden Circle. Mr. Lansing stated that they moved the stormwater basin further back in order to maintain the hill. Mr. Lansing stated that the second part of the project that will be presented is the Minor Subdivision. Mr. Lansing stated that each commercial site would consist of a single-story 9,000SF building with a parking area. Mr. Lansing stated that they are subdividing one commercial lot from the proposed project parcel which is shown as a conceptual plan on the map. Mr. Lansing stated that there are no specific uses for the commercial lots at this time. Mr. Lansing stated that one commercial lot will consist of 3.03-acres and the other commercial lot will consist of 3.8-acres. Mr. Lansing stated that the Minor Subdivision of the commercial lot would consist of the 3.03-acre parcel.

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

John Cashin 122 Cedar Bluff Road

Mr. Cashin stated that his concern is the increase work load and stress that these two projects combined with the 96 residences will put on the local EMS and fire departments. Mr. Cashin stated that an incentive for the builders may be adding residential sprinklers to the new residences in the development. Mr. Cashin asked how long can the Town ignore the warnings and allow high density housing developments to continue along the NYS Route 9P corridor.

Cristen Locci 11 Munger Hill Road

Ms. Locci stated her concern is the intersection of NYS Route 9P and NYS Route 423 with the added residences. Ms. Locci asked who regulates the intersection because it is treacherous now and this development will be adding more traffic to that intersection. Chairman Buck stated that the intersection is regulated by NYS Department of Transportation. Ms. Marotta stated that a traffic study had been completed for this project. Ms. Locci asked what the results were from the traffic study. Mr. Male stated that Craighton Manning, who was an independent third party that

the Town of Stillwater hired to do the traffic study, concluded that there was “no significant impact on the intersection”.

John Fortune 23 Luther Road

Mr. Fortune stated his concerns are the number of developments on NYS Route 423, NYS Route 9P and County Route 76 along with the increased traffic that these developments will impose on the roadways. Mr. Fortune stated that NYS Route 9P does not have any type of drainage. The roadway has shifted and there is no weight limit on NYS Route 9P. Mr. Fortune stated that these issues need to be addressed first before the approval of any more developments.

Penny Cronin 13 Fathom Drive

Ms. Cronin asked what criteria were used to determine the need for commercial use on NYS Route 423 considering the number of vacant businesses in the area. Ms. Cronin asked what month the traffic study was done which determined that the development would not impact NYS Route 9P and NYS Route 423.

Ed Kinowski 640 NYS Route 9P

Mr. Kinowski stated that there was a major road study for Exit 11A that was completed for the Global Foundries potential expansion and included the Stillwater area. Mr. Kinowski stated that the study included future developments within the Town of Stillwater. Mr. Kinowski stated that he has met with a representative from NYS Department of Transportation who indicated that the process to improve NYS Route 9P by replacing the major culverts first, then they can start the improvements to the roadway.

Douglas Niles 1266 NYS Route 9P

Mr. Niles stated his concerns are with the drainage issues along NYS Route 9P and the sediment that is going into Saratoga Lake. Mr. Niles stated that there should be a tax incentive for residents who do not develop their property.

Chairman Buck asked Mr. Kinowski if Route 67 in the Town of Stillwater is a state highway and if it was part of the study. Mr. Kinowski stated that is correct. Mr. Kinowski stated that the traffic study included Cold Springs, Fitch and Farley Road, NYS Route 9P, County Route 76, all the roads in the Business District on Route 67, along with the corner of County Route 75 and County Route 76.

After discussion, Chairman Buck stated that the public comment period for the Board to receive written comments will be extended to September 7, 2018 and the public should submit their written comments to the Planning Department.

Ms. Marotta stated that initially the traffic study for Winding Brook was data collected on September 7, 2017 through September 19, 2017. Ms. Marotta stated that the traffic study was done during the school year. Ms. Marotta stated that she appreciates the revisions that Mr. Lansing and the applicant made to the plans.

Chairman Buck asked if anyone had any additional questions or concerns, hearing none he asked for a motion to close the Public Hearing for both projects.

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

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| Chairman Buck | YES |
| Member Bisnett | YES |
| Member Ferris | YES |
| Member Marotta | YES |
| Member Marshall | YES |
| Member Reilly | ABSENT |
| Member Smith | YES |

PB2018-02, White Sulphur Springs Cluster / Conservation Subdivision

Chairman Buck recognized Mr. David Bogardus of Northeast Land Survey who is representing Mr. Karl Yang. Mr. Bogardus stated that John Romeo who is the Engineer for the project is also present this evening. Mr. Bogardus stated that they are proposing 21 single-family lots which range from 0.50-acres up to 2-acres at the rear of the project. Mr. Bogardus stated that there are 14-acres of open space that will be owned by a Home Owners Association or a Conservation Organization to be preserved. Mr. Bogardus stated that there will be no disturbance to the two areas of Army Corps of Engineer federal wetlands, which are located on the project. Mr. Bogardus stated that the entrance is a 28 Ft. divided boulevard. Mr. Bogardus stated that they have worked with Mr. Mark Minick, Highway Superintendent, regarding the roadway entrance. Mr. Bogardus stated that the new entrance is in an area which is less steep to cross the stream. Mr. Bogardus stated that the project will be serviced by Saratoga Glen Hollow Water Company and Saratoga County Sewer District #1. Mr. Bogardus stated that the waterlines and the sewer lines will run along Luther Road for the residents who would like to hook into the utilities. Mr. Bogardus stated that the project is buffered by trees and there will be two stub roads, one for future use that leads to Saratoga Lake Golf Course, and the other one that leads to the adjacent property. Mr. Bogardus stated that Mr. John Romeo will be presenting the stormwater management and sediment control portion of the project to the Board. Mr. Romeo stated that they took the comments and concerns that the Planning Department had and revised the plans regarding stormwater and sediment control to improve the site during construction and post development practices. Mr. Romeo stated that they increased the silt fencing by 20% to 30%, in addition to sediment control blankets that will be on all slopes over 10% to 15%. Mr. Romeo stated that with the construction entrance in place it will prevent the sediment from entering onto Luther Road and NYS Route 9P. Mr. Romeo stated that instead of the oversized catch basin with a 3 Ft. extended sump-pump they are adding a Hydro Dynamic Separator. Mr. Romeo explained that the Hydro Dynamic Separator actually separates 100% of the trash and debris, 80% of the sediment, silt, and hydrocarbons from the stormwater. Mr. Romeo stated that all the stormwater is treated on site and is infiltrated back into the ground which reduces the amount of runoff. Mr. Romeo stated that the Hydro Dynamic Separator will be put in place before the start of construction on the site. Mr. Romeo presented a video on how the Hydro Dynamic Separator works. Mr. Romeo stated that there will be swales on both sides of the roadways which will reduce the amount of runoff into Saratoga Lake and the stream that is on the site. Mr. Romeo

stated that they have added perimeter swales to the plans since the last Planning Board meeting. Mr. Romeo stated that the swales will be constructed during the three phases of the project. Mr. Romeo stated that there will be a significant buffer surrounding the project. Mr. Romeo stated that buffer extends 200 Ft. along NYS Route 9P and the buffer along Luther Road extends between 60 Ft. and 120 Ft. Mr. Romeo stated that the no-cut buffer had been revised from 50 Ft. to 60 Ft. on the lots on the west side closest to Route 9P for a total of 260ft no cut buffer. Mr. Romeo stated that they reduced the back lots in size to avoid the steep slopes and increased the open space by 0.75-acres. Mr. Romeo stated the project site has dry swales, perimeter swales and rock lined swales. Mr. Romeo stated that the roadway entrance is at an 8% grade. Mr. Romeo stated with the revised plan they are able to save more trees then with the previous plan. Mr. Romeo asked Mr. Bogardus to speak on the type of vegetation that is found on the project site. Mr. Bogardus stated that trees and vegetation found on the site consist of mature pine, white pine, hemlock, oak, black cherry, a variety of hard woods and soft woods, alder and brush. Mr. Bogardus stated that this parcel was logged about 50 or 60 Years ago. Mr. Bogardus stated that there are wetlands in the rear of the parcel which are not being disturbed.

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

Mary Kaye Vanasour 734 NYS Route 9P

Ms. Vanasour asked who would be maintaining and cleaning out the Hydro Dynamic Separator. Mr. Male stated that the Drainage District would be responsible for the maintenance and cleaning. Ms. Vanasour asked who would pay for the maintenance of Hydro Dynamic Separator. Mr. Male stated that the owners of the subdivision would pay for the maintenance. Mr. Male stated that the owners of the development would pay for the Drainage District through a tax which does not extend to the rest of the Town's residents. Ms. Vanasour asked what the length of service is before the machine needs to be cleaned. Mr. Romeo stated 6 months and would take about 30 to 40 minutes to clean out. Mr. Male stated that it would depend on what type of debris goes into the machine. Mr. Male stated that it would be inspected periodically. Ms. Vanasour asked what the life span is of the Hydro Dynamic Separator. Mr. Cutler stated that the Drainage District is responsible for maintaining and replacing the unit. Mr. Romeo stated that he does not have that information this evening. Mr. Romeo stated that most infrastructures last about 20+ years. Ms. Vanasour asked if the silt fences are considered permanent. Mr. Male stated that they are there only during construction.

John Fortune 23 Luther Road

Mr. Fortune stated his concerns regarding the Drainage District if the residents do not have enough money to maintain it. Mr. Fortune asked if the Town of Stillwater requires a bond from the developer to maintain the Hydro Dynamic Separator and the infrastructure if there are problems in the future. Mr. Fortune stated that the residents on Luther Road are on 5-acre estates and in order to stay within the character of the neighborhood the lots in this development should also be on 5-acre estates. Mr. Fortune stated that he has concerns regarding the environmental impact. Mr. Fortune asked if the Planning Board collectively looks at the property before they make a decision. Chairman Buck stated that Planning Board evaluates each proposed project parcel before any decision is made. Mr. Fortune stated his concerns with the project devaluing the surrounding property, that it does not increase the tax base, and the need to look at the longevity of the Town. Mr. Male stated that the Town of Stillwater has a Route 9P committee

and a Comprehensive Plan Committee that has been meeting for about 6 to 8 months consecutively which is reviewing these issues. Mr. Male stated that the next meeting for both of these committees is on September 18, 2018

Alison Crocker 31 Luther Road

Mr. Crocker asked if there was a study done on any endangered or threatened species on the parcel. Ms. Marotta stated that a study was done and there were no endangered or threatened species found on the parcel.

Lewis Morrison 561A NYS Route 9P

Mr. Morrison asked if he would still see the tallest tree on the NYS Route 9P side of the project. Mr. Bogardus stated that there is 260 Ft. of tall trees on the NYS Route 9P side of the project. Mr. Romeo stated that he does not believe that you would be able to see any changes. Mr. Morrison stated his concern with entering the intersection of NYS Route 9P from Luther Road. Mr. Morrison stated that the Town of Stillwater or the developer should put a traffic light at the intersection. Chairman Buck asked Mr. Morrison if he was referring to the line of sight entering onto NYS Route 9P.

Matthew Fantauzzi 561 NYS Route 9P

Mr. Fantauzzi stated that he appreciates the 60 Ft. increase of the no cut buffer. Mr. Fantauzzi asked if the historical spring is part of the proposed plan. Mr. Fantauzzi stated his concerns with the soil disturbance of the project site affecting his well along with the drainage issues on NYS Route 9P and the beachline which is progressively increasing.

Eliot Cresswell 21 Luther Road

Mr. Cresswell asked about the water and sewer lines on Luther Road and who would be able to access the utilities. Mr. Romeo stated that the water and sewer lines will extend past the boulevard entrance and will stop at 17 Luther Road. Mr. Cresswell asked when the developer expects to break ground. Mr. Romeo stated it will depend on when all the approvals are received. Mr. Bogardus stated that construction would not start until next year.

Nadine Sleasman 17 Fathom Drive

Ms. Sleasman asked if the White Sulphur Spring building is in the plans to be restored and will it be maintained as a Historical Site. Mr. Bogardus stated that they will be rebuilding the spring with the addition of a gazebo with walking paths and a parking area. Mr. Bogardus stated that it will be dedicated to the Town of Stillwater as a Town Park. Chairman Buck stated that it is his understanding that the developer will be maintaining the spring house.

Hubert Miller 97 Brown Road

Mr. Miller stated his concerns with the development of the 21 residents and the impact that will have on NYS Route 9P. Mr. Miller asked if a traffic study has been done regarding the impact that this development and future developments in the area will have on NYS Route 9P. Mr. Buck stated that there had been a traffic study. Mr. Male stated that Supervisor Kinowski had spoken about the traffic study during the prior public hearing.

Eugene Fedoronko 587 NYS Route 9P

Mr. Fedoronko asked what the projected time frame is for the build out of the development. Mr. Fedoronko asked what happens if there is a problem with the Hydro Dynamic Separator or if the development is not completed. Mr. Fedoronko asked what the price range will be for the single-family dwellings. Mr. Romeo stated that the project will be done in phases to minimize soil disturbance. Mr. Male stated that the Town will have a letter of credit from the developer. Mr. Romeo stated that the price range is will be \$500,000.00 or more.

Myrna Saks 29 Luther Road

Ms. Saks stated her concerns are regarding the construction vehicles and how they will affect the residents on who live on Luther Road.

Ed Kinowski 640 NYS Route 9P

Mr. Kinowski stated from the Town Boards perspective they are addressing the longevity of the Town. Mr. Kinowski stated that the Town Board started reviewing the Comprehensive Plan from 2006 and took a holistic look at the Town of Stillwater. Mr. Kinowski stated that the Town Board will continue to look at the longevity of the Town. Mr. Kinowski stated that there have been joint meetings between the Town Board, Planning Board and the Zoning Board of Appeals to review these issues.

Cailean Mackay Saratoga lake Golf Club

Mr. Mackay stated that the southern portion of the project borders the Golf Club and the plans show a 30 Ft. no-cut buffer. Mr. Mackay stated that when the Golf Course was approved it was required to have a 50 Ft. no-cut buffer around the entire parcel. Mr. Mackay stated that he would like the Planning Board to suggest a 50 Ft. no-cut buffer to the applicant. Mr. Mackay stated his concerns with the number of dwellings on the parcel and would like to see 5-acre estate lots. Mr. Mackay stated that there is a provision in the NYS Code/Town Code that encourages municipalities to work together to protect the common resource which is Saratoga Lake and would help with NYS Route 9P.

Douglas Niles 1266 NYS Route 9P

Mr. Niles stated that the last EnCon rating for Saratoga Lake was a stressed lake due to the sediment. Mr. Niles stated that there are such things as Apiarian Rights.

Chairman Buck stated that Saratoga Lake has improved from what it was in the past since the Saratoga County Sewer lines have been installed to the residents along NYS Route 9P.

After discussion, Chairman Buck stated that the public comment period for the Board to receive written comments will be extended to September 7, 2018 and the public should submit their written comments to the Planning Department.

Ms. Marotta stated that she appreciates the revisions that Mr. Bogardus and Mr. Romeo made to the plans. Ms. Marotta stated that she would still like to see the no-cut buffer go from 60 Ft. to a 100 Ft. Ms. Marotta stated that she would like to see a more effective way of trimming the trees instead of topping the trees.

Chairman Buck asked if anyone had any additional questions or concerns, hearing none he asked for a motion to close the Public Hearing.

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

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| Chairman Buck | YES |
| Member Bisnett | YES |
| Member Ferris | YES |
| Member Marotta | YES |
| Member Marshall | YES |
| Member Reilly | ABSENT |
| Member Smith | YES |

Motion to adjourn made by Ms. Ferris, seconded by Mr. Bisnett at approximately 8:50 pm.