

**PLANNING BOARD MEETING  
TOWN OF STILLWATER  
STILLWATER TOWN HALL  
December 12, 2022 @ 6:00 PM**

**Present:**

**Chairman Peter Buck (PB)**  
**Heather Keefer (HK), Member**  
**Carol Marotta, (CM), Vice-Chairperson**  
**Randy Rathbun (RR) Member**  
**Marybeth Reilly (MR) Member**  
**Dale Smith (DS), Member**

**Also Present:**

**James Trainor, Attorney for the Town**  
**Paul Male, Town Engineer, (PM) (Via Zoom)**  
**Lindsay (Zepko) Buck, Senior Planner (LB)**  
**Sheila Silic, Secretary**

**Absent:**

**Kimberlee Marshall (KM) Alternate Member**  
**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:**

Mr. Rathbun made a motion to approve the October 24, 2022 meeting minutes, seconded by Ms. Reilly. A roll vote was taken.

Chairman Buck	Yes
Member Bisnett	Abstained
Member Keefer	Yes
Member Marotta	Yes
Member Rathbun	Yes
Member Reilly	Yes
Member Smith	Yes

**PB2021-14 Bocrest Fields Site Plan, Halfway House Rd/Brickyard Rd**

Chairman Buck recognized Mr. Frank Palumbo of CT Male Associates representing Bocrest Fields.

**Mr. Palumbo:**

Mr. Ed Keis of DeCresente Distributing Co. is also present this evening. The applicant received PDD approval on August 18, 2022 from the Stillwater Town Board. Two documents were submitted on December 8, 2022 which were the responses to Mr. Male's comment letter from September 6, 2022 and the responses from the public comments. Mr. Male's comments are technical in nature and they will respond to those comments at the next meeting. They have also submitted two full SWPPP's to the Planning Department. The test pits have been completed where the stormwater basins are proposed. They wanted to thank Mr. Bisnett, Ms. Marotta and the Planning Department who agreed to meet with them in a workshop session in November to discuss the public comments received. The following topics were discussed in depth and we will discuss out responses to those topics at tonight's meeting.

*Traffic Concerns:*

Mr. Male read the findings from the Creighton Manning Traffic Study including ingress and egress for residents that will be from Halfway House Road, and the estimated 120 vehicles during morning peak hours leaving the development. He explained that this is approximately 2 or 3 cars leaving the development per minute on average. He stated that the rationale for that is because there will be vehicles leaving the development before and after peak hours. He stated that Creighton Manning Associates followed all the requirements and regulations needed in a traffic study including impacts of additional projects proposed in the vicinity.

*Emergency Access:*

Mr. Palumbo stated that the proposed bike path from the development and Brickyard Road for ingress and egress may be a suitable access point for emergency services. They have revised the plans to show a 14 ft. wide access for emergency vehicle access along the bike path from the rear of the development to Brickyard Road. They are proposing the bike path as a potential construction access point to alleviate traffic on Halfway House Road. This will be included in the submission to NYS DEC and Army Corp of Engineers wetland permit submission.

*Pedestrian Traffic:*

Mr. Palumbo stated that they are now providing a connection to the bike path which allow the residents of the development to walk the bike path without utilizing the public roadway.

*Public Sewer:*

Mr. Palumbo showed the Planning Board and the public the access for the public sewer connection which is a more direct path located by Building #10. There may be a ridge way along the stormwater basin around Building 13 which they have not committed to as it is within the 100 FT. buffer and NYS DEC would have no issues with the proposal. They have been working with Saratoga County Sewer District #1. Saratoga County Sewer District would like grinder pumps installed.

*Emergency Services:*

Mr. Palumbo stated that the applicant will be meeting with both the Stillwater Fire District and Malta/Stillwater EMS for any concerns, comments and/or modifications on the proposed project.

*Building Height:*

Mr. Palumbo stated that the original proposed plans were for a two-story building which was not marketable. The original PDD approved and the amended PDD allows for three-story buildings. The applicant continues to address buffering and setbacks to limit the impact of the three-story buildings. I will discuss the proposed options for realignment of buildings and parking areas to further address this issue later on in this presentation.

Density:

Mr. Palumbo stated that the density proposed follows the approved PDD. The buildings are clustered which changes the perception of the density. The project maintains 63-acres of natural open space.

Wildlife Displacement:

Mr. Palumbo stated that the displacement of the wildlife should be minimal as there is 63-acres of open space remaining on the site which is not being used and being left in its natural state.

Environmental Impacts:

Mr. Palumbo stated that regarding the resident who has the apiary and the discussion of what shrubs/plants and pesticides would be harmful to the bees. The final landscaping plans will have the shrubs/plants and pesticides that are not to be used.

Wetlands Impacts:

Mr. Palumbo stated that they will continue to work with NYS DEC and the Army Corp of Engineers. They are using the higher land outside the naturally formed basin. Mr. Male and Ms. Lindsay Buck will review the proposed SWPPP. The impact to the wetlands proposed is 1/10<sup>th</sup> of an acre with the current plan. He showed the Planning Board and the public the area on the map.

Impacts to Ground Water and Flooding:

Mr. Palumbo stated that the stormwater plan (SWPPP) addresses impact of the impervious surface additions. No flooding impacts have been identified to the neighboring properties.

Waterline:

Mr. Palumbo stated that the applicant does not have any input regarding the water charges per unit or how the Town Board sets the rates. They have been working with LaBella who will continue to review the plans on the water system.

Impacts to the School District:

Mr. Palumbo stated that the apartments are one and two bedrooms which would generate 9 to 10 school age children attending the school. They had contacted the school previously during the PDD process and was informed that the school enrollment had decreased. This project will not impact the school.

Lighting Impacts:

Mr. Palumbo stated that there will be entrance lights at each entrance of the apartment buildings that will project out toward the parking lot. The parking lot lighting is being considered with an alternative style light by the applicant. The lights are 12 ft. in height with the lights projecting downward.

Parking:

Mr. Palumbo stated that there are 559 proposed parking spaces with areas of banked parking for future use.

Mr. Palumbo stated that there are a couple of options possible to reconfigure the layout to lessen the impacts to the neighboring properties and the existing trail.

Option A:

Mr. Palumbo showed the Planning Board and the public the changes under Option A. The building and parking lot layout was changed. Building #10 was moved farther into the development and away from the property line, the bike path, and from Ms. Carpenter's property. This would allow for plantings and move the parking lot lighting to the interior of the development.

Option B:

Mr. Palumbo showed the Planning Board and the public the changes under Option B. Option B would be more effort to modify the plans. The two apartment buildings and the parking area would be switched. The apartments would be moved to the outside and the parking area would be moved to the interior. The third apartment building would be placed where the potential clubhouse was shown.

Option C:

Mr. Palumbo stated that Option C is close to the original proposed layout and shows Building 10 closer to the property line, the parking areas on the outside of the buildings and the stormwater areas along the side of the property of the existing canal trail.

Mr. Keis stated that they moved the one apartment that was closest to the bike path to the reserved area for the clubhouse on the interior of the site.

Mr. Rathbun:

Asked about the view from building #10 and if it would overlook the neighbor's property. Is there an elevation change from the site to Ms. Carpenter's property?

Mr. Palumbo stated that the topography of the neighbor's yard is lower than the apartment building. Mr. Palumbo stated that there is a buffer of tall trees and shrubs between the apartment and the neighbor's yard.

Mr. Rathbun asked what the height of the trees are between the neighbor's yard. Mr. Palumbo stated that he does not know the height of the trees.

Mr. Bisnett:

Asked if the applicant is putting in arborvitaes along the bike path to block the view of the dwellings.

Mr. Palumbo stated that he is not sure if the Town of Stillwater would allow arborvitaes in the town right-of-way.

Mr. Keis:

Stated that he contacted the neighbors about their concerns after the October 24, 2022 Planning Board meeting and the comments from the workshop meeting on November 16, 2022. He met with Josie Yankowski Ryan, the resident who has the apiary and the resident at the end of Mitchell Road, Ms. Carpenter.

With Josie Yankowski Ryan, 142 Brickyard Rd he discussed what planting would be helpful or detrimental to the bees. She stated that rhododendrons were bad for the bees. They agreed to not plant rhododendrons on site.

Mr. Keis stated that he asked about pesticides and if there were any pesticides that she prefer we use or not use, including mosquito and tic prevention. After further discussion, I offered that I could require that the builder agree to offer her the opportunity to review the list of proposed treatments and recommend others. She said she would appreciate that. I offered to come to her house to talk further and she said she had my cell number from one of the meetings and it was in the Planning Board Minutes. She appreciated those offers and then talked about her father's relationship with Carm. I have not gotten a call, although I would welcome one.

Mr. Keis stated the following in regards to his discussion with Kelly Carpenter of Mitchell Road: I also engaged Kelly after the meeting, saying that I had spoken to John Pickett at a Siena game the night before about the neighbor concerns and that John said he knew Kelly and that she was reasonable and approachable and I should talk to her. I reached out and told her that John Pickett would be doing the infrastructure work at Bocrest Fields. I understand that Kelly & John have known each other for a long time. I asked if I could come visit her at the back side of her property, maybe with John and Frank Palumbo to discuss how we could accommodate her concerns about visibility of the apartments from her house that I now understand the house is over 350ft from her house.

I told her we would be willing to try to figure out if we could help with what we heard is excessive water in her back yard, if we could do so without violating any wetlands regulations. I talked about us planting a good amount of arborvitae on either side of the trail. They could grow to 20 ft high by the time we do construction on the buildings that she could see in the back of the project. When I asked again if I could come visit her at her property to address her concerns further, she said she would talk to John Pickett first. She has not called John Pickett as of today.

Ms. Reilly:

Asked what the distance is from the closest apartment to the neighbor's property line.

Mr. Palumbo stated that the distance is 400 Ft. to the property line and is heavily wooded.

Mr. Rathbun:

Stated that the best way to the proposed project property is from the bike path.

Mr. Palumbo stated that is correct. If you would view the property from Halfway House Road it goes uphill and is wooded. There may be some areas of clearing for the test pits that are required by NYS DEC and requested by Mr. Male.

Ms. Reilly:

Asked about lighting on the bike path for foot traffic in the evening.

Mr. Palumbo stated that he is not sure the Town of Stillwater would approve of the lighting.

Mr. Bisnett stated that there could be a sign stating that the bike path closes at dusk.

Ms. Keefer:

Asked about emergency services and the lack of a ladder truck in regards to the height of the apartments. The Town of Stillwater would have to depend on mutual aid from other municipalities.

Mr. Palumbo stated that will be reviewed with the Stillwater Fire District.

Ms. Marotta:

Stated that she appreciates the comments being addressed and the options that were presented. The bike path for emergency services depends on the decision from NYS DEC. The Planning Board is in the reviewing stage of the Site Plan. She asked if Option B has banked parking.

Mr. Palumbo stated that Option A was easier to have the banked parking.

Mr. Bisnett:

Stated to the north of the property line there is a wetland area.

Mr. Palumbo stated they are not disturbing that area.

Mr. Bisnett stated that there is stream that is near the bike path located by Mitchell Road.

Mr. Palumbo stated that is correct.

Mr. Bisnett asked if there is a sprinkler system being installed in the apartment buildings.

Mr. Palumbo stated that the apartments are required to have a sprinkler system installed.

Mr. Bisnett stated that there were comments regarding the waterline. That there were about sixty residents on Brickyard Road and Halfway House Road that signed a petition supporting the waterline which took about two years for the Town of Stillwater to install several years ago. He

stated that this waterline replaced a broken waterline that the Town of Stillwater was not going to repair about 15-years ago.

Ms. Lindsay Buck stated that she and Mr. Male recommend the Planning Board table the application for further review and consideration of the options presented.

Mr. Rathbun made a motion to table the application for further review, seconded by Mr. Bisnett. A roll call vote was taken.

Chairman Buck	Yes
Member Bisnett	Yes
Member Keefer	Yes
Member Marotta	Yes
Member Rathbun	Yes
Member Reilly	Yes
Member Smith	Yes

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

Ms. Lindsay Buck stated that this project was last before the Planning Board on December 13, 2021. In review of the proposal, the Planning Department had a discussion with the Building Department regarding an inground pool that needed fencing installed around the pool in order to close out the building permit. The fencing has now been installed around the pool and the Certificate of Compliance has been issued.

Chairman Buck recognized Mr. John Bergen of Bergen Building representing Mr. Brian Lee and Ms. Patricia Carson who stated that the pool permit has been closed out and the applicant is seeking final approval.

Ms. Marotta Asked if the applicant plans to forward with the project.  
Mr. Bergen stated that the buildings are under construction.

Ms. Marotta asked about signage and employees.

Mr. Bergen stated there is virtually no visitation from clients to the office.

Chairman Buck:

Stated that the office building is not visible from the roadway and does not impact the community.

Mr. Trainor asked if what the occupancy count is for the conference room.

Mr. Bergen stated that the conference room will hold 6 to 7 occupants.

Mr. Trainor asked if Mr. Lee will be doing depositions at the office building.

Mr. Bergen stated no. Mr. Lee does all his depositions off site.

Ms. Reilly  
asked what is the square footage of the office building.

Mr. Bergen stated that the office building is 1,106 Sq. Ft.

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

**TOWN OF STILLWATER  
PLANNING BOARD  
2022 RESOLUTION NO. 25**

WHEREAS, Brian Lee and Patricia Carson have submitted an application for a home occupation law office regarding property located at 1 Luther Road, Stillwater, NY 12170, more fully identified as Tax Map Number 219.-2-32.1; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the proposed action is a Type II action requiring no further SEQRA action; and

Now, therefore, be it

RESOLVED, that the Planning Board hereby determines that the proposed action by the applicants, Brian Lee and Patricia Carson, for a home occupation of a law office regarding property located at 1 Luther Road, Stillwater, NY 12170, more fully identified as Tax Map Number 219.-2-32.1, is a Type II action requiring no further SEQRA review.

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:

Chairperson Buck	YES
Member Bisnett	YES
Member Keefer	YES
Member Marotta	YES
Member Marshall	Alternate
Member Reilly	YES
Member Smith	YES
Member Rathbun	YES

Resolution No. 25 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on December 12, 2022.



**TOWN OF STILLWATER  
PLANNING BOARD  
2022 RESOLUTION NO. 26**

WHEREAS, Brian Lee and Patricia Carson have submitted an application for a home occupation law office regarding property located at 1 Luther Road, Stillwater, NY 12170, more fully described as Tax Map No. 219.-2-32.1; and

WHEREAS, the Town Zoning Law does not require that a public hearing be held in order for the Planning Board to act on an application for a home occupation and it was waived by the Planning Board; and

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 25 of 2022; and

WHEREAS, the Planning Board has duly considered the application;

Now, therefore, be it

RESOLVED, that the application of Brian Lee and Patricia Carson, for a home occupation regarding property located at 1 Luther Road, Stillwater, NY 12170, more fully described as Tax Map No. 219.-2-32.1, is hereby GRANTED; 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 Marotta, seconded by Member Keefer, to adopt Resolution No. 26.

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

Chairperson Buck	YES
Member Bisnett	YES
Member Keefer	YES
Member Marotta	YES
Member Marshall	Alternate
Member Reilly	YES
Member Smith	YES
Member Rathbun	YES

Resolution No. 26 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on December 12, 2022

Ms. Keefer made a motion to adjourn, seconded by Mr. Bisnett at approximately 7:50 pm.