



TOWN OF STILLWATER

ESTABLISHED 1788 - SITE OF THE TURNING POINT OF THE AMERICAN REVOLUTION

PO Box 700 ~ 881 Hudson Ave., Stillwater, NY 12170 ~ (518) 664-6148 ~ www.townofstillwater.ny.gov

PLANNING BOARD MEETING MINUTES

June 22, 2026 @ 6:00 PM

PRESENT

Frank Bisnett, Chairman
Eliot Cresswell, Vice-Chairperson
Kimberlee Marshall, Member
Randy Rathbun, Member
Mary Beth Reilly, Member
Dale Smith, Member

ALSO PRESENT

Ryan Pezzulo, Attorney for the Town
Paul Male, Town Engineer
Lindsay Buck, Senior Planner
Erin Herring, Planner
Ellen Vomacka, Town Board Liaison
Sheila Silic, Secretary for the Planning Board

ABSENT

Peter Buck, Member
Timothy Scrom, Alternate Member
Geoffrey Warren, Alternate Member

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

Minutes of Planning Board Meeting May 18, 2026

Vice-Chairman Cresswell made a motion to approve the May 18, 2026 meeting minutes, seconded by Member Reilly.

Vote

Chairman Bisnett	Yes
Member Cresswell	Yes
Member Marshall	Yes
Member Rathbun	Yes
Member Reilly	Yes
Member Smith	Abstain

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PB2026-06 Herkert Minor Subdivision, 11 McDermott Road

Chairman Bisnett recognized Jacob Keasbey from Keasbey Land Surveying and Site Development, who presented the project.

Jacob Keasbey:

The property is owned by Full Circle Builders and located on the north side of McDermott Road in the T2 Zoning District and consists of 7-acres. The applicant is proposing a 2-lot Minor Subdivision, Lot 1 which will consist 3.7-acres with the existing dwelling and on-site well and septic system. Lot 2 is proposed as 3.3-acres with a shared driveway for ingress and egress and will be serviced by public water with an on-site septic system. They have added some limits of disturbance, both lots have adequate road frontage, and we have provided the Town Engineer with the easement language. They have addressed all the comments from Paul Male's comment letter dated June 1, 2026.

Frank Bisnett:

Opened the public hearing and asked if anyone wished to comment.

Mark Benacquista 215 County Route 75:

His concern with the subdivision is the stormwater stream that flows along or through the property. He wants to make sure that the Town of Stillwater is going to do everything to protect the stream through an easement and to clean the stream occasionally. The stream is the only relief the properties have in the southwest or southeast corner of Van Ness Road and County Route 75 which drains the water from those properties. It also drains the water from the properties south of McDermott Road. I want to make sure that the stream is protected.

The Board discussed the location of the intermittent stream and that it was located on private property and was not in the Town right of way.

Mary Beth Reilly:

Asked who cleans the stream currently.

Mark Benacquista:

The Town of Stillwater or Saratoga County DOT have cleaned the stream occasionally. It was recently cleaned due to an environmental spill on a neighbor's property. Saratoga County DOT and NYS DEC cleaned the stream when a neighbor had an oil spill. He stated that Saratoga County owns an easement across 216 County Route 75. There was a serious issue where the new owners of 216 County Route 75 filled in the stream that went across their property which caused major flooding on the east side of the roadway. The roadways known as McDermott Road, Van Ness Road and County Route 75 have dammed off the properties and this stream is the only way that water gets out of there.

Jacob Keasbey:

They had all the wetlands and everything on the property professionally delineated. They are not proposing any changes to any culverts or the stream system. The area of disturbance other than the driveway which is existing is outside of the 100 ft wetland buffer. They are staying quite a

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distance away from the stream and are not changing any culverts. The culverts that are within the Town of Stillwater and Saratoga County right of way can be cleaned at their discretion.

Randy Rathbun:

Asked if the Town of Stillwater has any provisions that would need reviewing.

Paul Male:

There are no provisions that the Town of Stillwater would need to review. He was not aware of any significant soil disturbance work being done. This would have been a NYS DEC issue.

Lindsay Buck:

She does not see anything on the map where there was any wetland area disturbed.

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

Frank Bisnett:

Asked if anyone else wished to comment, hearing none he asked for a motion to close the public hearing. Kimberlee Marshall made a motion to close the public hearing seconded by Eliot Cresswell. A roll call vote was taken.

Vote

Chairman Bisnett	Yes
Member Cresswell	Yes
Member Marshall	Yes
Member Rathbun	Yes
Member Reilly	Yes
Member Smith	Yes

**TOWN OF STILLWATER
PLANNING BOARD
2026 RESOLUTION NO. 10**

**A RESOLUTION PURSUANT TO SEQRA
REGARDING THE APPLICATION BY HERKERT
FOR A MINOR SUBDIVISION**

WHEREAS, the applicant has submitted an application for a minor subdivision at 11 McDermott Road, more particularly described as SBL 242.-1-36; and

WHEREAS, the applicant has submitted a fully completed Short Environmental Assessment Form (“SEAF”); and

WHEREAS, pursuant to 6 NYCRR section 617.6, the Stillwater Planning Board is the appropriate lead agency for SEQRA review; and

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WHEREAS, pursuant to the New York State Environmental Quality Review Act ("SEQRA") the proposed action is a Type II action requiring SEQRA review; and

WHEREAS, the Planning Board has duly reviewed the SEAF and has considered the criteria contained in 6 NYCRR section 617.7 (c) to determine if the proposed action will not have a significant impact on the environment.

NOW, therefore, be it

RESOLVED, the Town of Stillwater Planning Board hereby determines that the proposed action by the applicant will not result in significant impacts on the environment and a negative declaration is hereby issued.

A motion by Member Cresswell seconded by Member Rathbun to adopt Resolution No. 10 of 2026.

A roll call vote was taken on Resolution No. 10 of 2026 as follows:

Chairman Bisnett	YES
Member Buck	ABSENT
Member Reilly	YES
Member Marshall	YES
Member Rathbun	YES
Member Smith	YES
Member Cresswell	YES
Alternate Member Warren	ABSENT
Alternate Member Scrom	ABSENT

Resolution No. 10 of 2026 was passed at a meeting of the Planning Board of the Town of Stillwater duly conducted on June 22, 2026.

**TOWN OF STILLWATER
PLANNING BOARD
2026 RESOLUTION NO. 11**

**A RESOLUTION
REGARDING THE APPLICATION BY HERKERT
FOR A MINOR SUBDIVISION**

WHEREAS, the applicant has submitted an application for a minor subdivision at 11 McDermott Road, more particularly described as SBL 242.-1-36; and

WHEREAS, pursuant to Resolution 10 of 2026, the Planning Board issued a negative declaration pursuant to SEQRA; and,

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WHEREAS, on June 22, 2026, a public hearing was held to allow for and receive public comments regarding the application.

NOW, therefore, be it

RESOLVED, the Town of Stillwater Planning Board hereby approves the application for a minor subdivision at 11 McDermott Road, more particularly described as SBL 242.-1-36 conditioned upon:

1. Compliance with the requirements described in the letter June 1, 2026 from Paul Male, P.E.

A motion by Member Rathbun seconded by Member Reilly to adopt Resolution No. 11 of 2026.

A roll call vote was taken on Resolution No. 11 of 2026 as follows:

Chairman Bisnett	YES
Member Buck	ABSENT
Member Reilly	YES
Member Marshall	YES
Member Rathbun	YES
Member Smith	YES
Member Cresswell	YES
Alternate Member Warren	ABSENT
Alternate Member Scrom	ABSENT

Resolution No. 11 of 2026 was passed at a meeting of the Planning Board of the Town of Stillwater duly conducted on June 22, 2026.

PB2026-01 Hope Minor Subdivision, 35 County Route 70

Chairman Bisnett recognized Douglas Heller from the LA Group, who presented the project.

Douglas Heller:

The applicant is proposing a four-lot subdivision located on the west side of County Route 70 in the T2 Zoning District which consists of 11.54-acres. The existing residence and accessory building are on Lot 1, consisting of 2.72-acres. Proposed Lot 2 would consist of 2.84-acres, Lot 3 would consist of 2.94-acres, and Lot 4 consist of 3.05-acres with each having 200 ft. of road frontage with on-site wells and septic systems. They have conducted perk tests to confirm that there is suitable soil for septic systems. There are wetlands on the property which have been delineated by NYS DEC. The proposed project is outside of the 100 ft. buffer and will not

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impact the wetlands or require a wetland permit. The three new lots will require a curb cut permit from Saratoga County DOT.

Eliot Cresswell:

Asked about the line of site and if there were any concerns regarding the proposed driveway.

Douglas Heller:

The line of site to the north and south on this section road is straight. They have no concerns regarding the location of the driveways.

Frank Bisnett:

Asked if anyone had any further questions or concerns, and hearing none, he asked for a motion to schedule the public hearing. Randy Rathbun made a motion to schedule the public hearing seconded by Eliot Cresswell. A roll call vote was taken.

Vote

Chairman Bisnett	Yes
Member Cresswell	Yes
Member Marshall	Yes
Member Rathbun	Yes
Member Reilly	Yes
Member Smith	Yes

PB2025-17 Winding Brook Site Plan Amendment, Sidewalk Removal

Chairman Bisnett recognized Paul Male Engineer for the Town of Stillwater, who presented the project.

Paul Male:

This project has been active for a couple of years and is currently under construction. There have been a number of site visits between myself, representatives from Lansing Engineering, La Bella who is doing the construction inspections, and Bill Doughty, Town of Stillwater Highway Superintendent. The previous highway superintendent asked to have the roadway widened by a foot on each side after the project received subdivision approval. With the widening of the road, the applicant lost the width to put in the adequate sidewalk. In December, they were approved by this Board to put in a 3 ft. sidewalk rather than a 5 ft. sidewalk. The Planning Department had recommended to eliminate the sidewalks at that time. The Planning Board had decided they wanted to leave the sidewalks and reduce the width from 5 ft. to 3 ft. At the start of construction, the finished floors of the garages of the dwellings were set at the elevation of the road. There were a number of issues trying to get a grade for the driveways to drain out to the road. We discussed the issues the past couple weeks with Lansing Engineering, LaBella, Bill Doughty and myself and the final consideration was to ask the Planning Board to eliminate the 3 ft. sidewalks all together. The reason for that is the sidewalk is not wide enough for a standard wheelchair. The allowable greenspace that is left for snow storage is 2 ft. in width which does not provide enough snow storage for the Highway Department. This will cause snow to constantly blow back onto the sidewalk on a regular basis. The potential safety and liability issues from that with the widening of the road by one foot (each lane), and the change from a 15 ft. front yard setbacks to

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a 10 ft. setback, eliminated a total of 6 ft. that we had to work with. This would place the cars parked in the driveway to sit across the proposed sidewalk because they couldn't get the cars into their driveway. The elevation and the garage floor slabs do not provide enough of a pitch for drainage of the driveways across the sidewalk corridor. The actual layout of the sidewalks is difficult due to limited space, and certain areas of the sidewalks would not be ADA compliant. So, with all those issues being discussed, we are requesting the Planning Board to consider the elimination of the requirement of the 3 ft. sidewalks. If the Planning Board would like to do something different, the Planning Department is open to that. But the Planning Department would prefer not to have the sidewalks located within the town right away.

Dale Smith:

When the sidewalks were changed from 5 ft. to 3 ft. the sidewalks became a path.

Paul Male:

There is still the problem of the sidewalks not being ADA compliant in some areas. This is a difficult site to construct. The recommendation in the beginning was to eliminate the sidewalks and install interior sidewalks. This would allow people to walk inside of the development and not have to walk the entire loop to get their mail or visit neighbors.

Lindsay Buck:

We had a discussion regarding the proposal to remove the sidewalks along with Planning Board in December. The Planning Board felt very strongly at that meeting that there was a need for sidewalks on the road within the subdivision. There was a meeting with Frank Bisnett, the Planning Department, Lansing Engineering, the Highway Superintendent, and the applicant. The discussion resulted in the 3 ft. width and was what everyone at the meeting agreed upon in order to try and help the situation. This discussion happened when the sidewalks were being installed.

Paul Male:

It was very difficult to get the forms in and try to set the three-foot sidewalk.

Dale Smith:

The problem is 2 ft. were taken away from 10 ft. Asked how did we end up so short.

Paul Male:

The setbacks are reduced from 15 ft. to 10 ft. in some of the instances which lost 5 feet. Then we lost a foot for each drive lane due to the Highway Superintendent's changes, so there's a total of six feet that we would have been able to use which has now been compressed. There is a variety of things that happened and unfortunately at this point we are stuck in a hard place.

Randy Rathbun:

He drove through the development and as the sidewalks that are proposed currently do not work. Is there an option still to install interior sidewalks?

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Paul Male:

The project was not proposed that way. That would be my personal recommendation but, that is up to Planning Board.

Dale Smith:

Asked Paul about originally wanting interior sidewalks.

Paul Male:

I was looking at the overall concept of the development. The applicant has an amendment to the project coming before the Town Board. He does not believe the Planning Board has seen the project as of yet.

Lindsay Buck:

The amendment has not gone before the Town Board yet.

Paul Male:

The amendment is for the commercial lots on NYS Route 423.

Lindsay Buck:

The two commercial lots are on either side of Walden Circle. The proposal is to develop the commercial lots into residential lots for condominiums.

Paul Male:

Asked if the Planning Board has any questions. He strongly advises the Planning Board to eliminate the sidewalks and possibly come up with an alternative.

Frank Bisnett:

They met with Lansing Engineering, the Highway Superintendent and discussed the situation and proceeded accordingly. Now it turns out that a lot of people made some not so accurate judgements on what would or would not work. We are now in a situation that is embarrassing to the Planning Board where this happened and now we have to find a solution. Eliminating the sidewalks certainly is something from a safety and liability perspective. Then the only other issue is do we want to take that open space area and put the cross sidewalks in this area. This would give the people the ability to walk on the sidewalk to get to the mailboxes without having to always walk in the street especially in bad weather. The sidewalks would be in the open common area where Paul Male originally proposed the sidewalks in an X pattern. Asked Paul Male what he meant with the interior sidewalks.

Paul Male:

Yes, if the Planning Board is inclined to go that route. I think it would be a nice amenity to give them the ability to walk safely other than in the street.

Eliot Cresswell:

Asked what could we have done differently and what lessons can we learn from this situation.

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Paul Male:

The Planning Department and the Building Inspectors discussed being very vigilant on making sure the finished floors of every proposed structure when the garage slabs are set will drain out to the road properly. This will create a lot more work for the Planning Board from the engineers' perspective. There is not a lot of attention to the vertical component of where the dwelling is being set and there is no coordination regarding the grading so the center property receives the runoff. When a building permit is pulled and footing are poured the foundation would be located by a surveyor. The finished floor elevations are not provided and usually not required. There is another development that is a bit of a concern where the finished floors are little low.

Randy Rathbun:

The developers should know that the foundations should be at least a foot or so above the ground.

Paul Male:

The Building Department will be required in the building permit process to make sure those elevations are set properly according to Building Code requirements and have been certified by a licensed land surveyor.

Eliot Cresswell:

The Planning Board will have to do a motion to eliminate the sidewalks and decide if the Board wants to put in the interior sidewalks. Asked if this gets resolved tonight or if it would get done separately or does it accommodate the one or replace it.

Ryan Pezzulo:

He hesitates to have the Planning Board vote on the interior sidewalks unless there are alternative plans for the sidewalks.

Michael Robertson:

The applicant does not have a plan at this point. The applicant did have a plan previously, but that plan can no longer be used. We would like to go back to Amedore and see what they want to do in regards to the sidewalks. It is going to be difficult for him, because he already has units sold and the interior sidewalk would affect the sales as the sidewalks were offered in the front of the dwellings. He would have to go back to the purchaser and change his offer due to the change in the plans.

Dale Smith:

There is a Board member who lives in the Walden Circle development and she can certainly speak on the need for sidewalks in the development.

Michael Robertson:

They would like to be allowed to speak with the applicant regarding the sidewalks.

Eliot Cresswell:

Asked if he understands what the Planning Board's preferences are to communicate it to the applicant.

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Michael Robertson:

Yes, I understand the Planning Board's preferences on the sidewalks.

Randy Rathbun:

He briefly recalls the conversation regarding issues with setbacks and the sidewalks going through the center of the development.

Lindsay Buck:

I have spoken with George Amedore and the concern is the HOA offering plan that has gone out to everyone that did not include the sidewalks in the open space and the maintenance was not included for the HOA in that area. His concern is that they will have to go back to the Attorney General's Office and file an entirely new offering plan. The applicant has already sold some of the condominium units and that is a change to the offering plan as well.

Michael Robertson:

The applicant would have to go back to those client's and explain the situation. This would obviously give the clients the right to cancel their contract.

Paul Male:

Asked if the original contract agreement included 5 ft. or 3 ft. sidewalks or any sidewalks in the front of the condominiums.

Michael Robertson:

The contract agreements offered sidewalks in the front of the condominiums and not in the back of the condominiums.

Paul Male:

The applicant would have to amend the offering plan no matter if the sidewalks went from 5 ft. to 3 ft. or there are no sidewalks.

Eliot Cresswell:

The configuration of the sidewalks in the center of the development would improve the safety and quality of life for the residents.

Michael Robertson:

He will go back to the applicant to find a resolution for the sidewalks.

Frank Bisnett:

He agrees that the applicant needs to do sidewalks in the center of the development and it may create an inconvenience for the applicant. But, they are not installing sidewalks throughout the development which is a substantial savings and should offset the inconvenience.

Dale Smith:

He agrees that should offset the cost.

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Eliot Cresswell:

Asked if the Planning Board should hold off on a resolution or would the resolution approval be contingent on new plans for the sidewalks.

Ryan Pezzulo:

He would advise the Planning Board to hold off on any vote until there is a proposal in front of the Board to act.

Frank Bisnett:

Asked for a motion to table the project for new engineered sidewalk plans. Kimberlee Marshall made a motion to table the project seconded by Eliot Cresswell. A roll call vote was taken.

Vote

Chairman Bisnett	Yes
Member Cresswell	Yes
Member Marshall	Yes
Member Rathbun	Yes
Member Reilly	Yes
Member Smith	Yes

Business:

Marybeth Reilly resigned from the Planning Board effective June 22, 2026.

Adjournment

Randy Rathbun:

Made a motion to adjourn, seconded by Kimberlee Marshall, at approximately 6:30 pm.