

TOWN OF STILLWATER
PLANNING BOARD MEETING NOTES
April 4, 2011 @ 7:00 PM
STILLWATER TOWN HALL

Present: Chairman Bob Barshied (BB), John Murray (JM); Carol Marotta (CM); Paul Tompkins (PT); Beverly Frank (BF) Peter Buck (PB) and Randy DeBacco (RD)

Absent: N/A

Also Present: Ed Kinowski (EK) Town Supervisor, Daryl Cutler (DC) Attorney for the Town, Sean Doty (SD) Engineer for the Town; Ray Abbey (RA) Code Enforcement Officer, Richard Butler (RB) Acting Secretary for the Planning Board.

Pledge: Chairperson Barshied called the meeting to order at 7PM and led everyone in the Pledge to the Flag.

Adoption of March 21st Minutes: **Motion** by (CM) and seconded by (PB) to adopt the March 21st, 2011 Planning Board Minutes.

Discussion:

Corrections: (BF) requested that mention be made that she recused herself from participating in the merging of lots discussion as well as the Richard Frank 2 lot sub-division proceeding.

Motion Carried: Unanimous

(DC) stated later in the meeting that he had made significant revision recommendations to (RB) for March 21st meeting minutes. Due to (RB)'s absence last week, these items were not addressed nor incorporated. (RB) will address and revise the minutes, and distribute them for re-approval at the April 18th meeting.

Applicants

None

New Business

(EK) raised the topic of the potential for splitting potential distribution of revenues from the Chip Fab plant projects. He asked the Board to think about this topic. This is a potential issue, according to (EK), that is growing in importance in terms of re-looking at the way these [PILOT] funds are distributed. It was mentioned that there is a great deal of property ripe for development near the Global Foundries Plant in the Town of Stillwater. (DC) stated that it is his opinion that the 75/25% split of revenue stays in place until a Fab is built in Stillwater. (EK) mentioned that there are multiple opinions on this PILOT distribution formula and timing. (DC) mentioned that Jim Trainor may well be more versed on this topic.

Old Business

-**ABC Recycling update** by (DC). (DC) updated (BB) on the status of the lawsuit.

-**Global Foundries:** Brief discussion of screening of high voltage line and sub-station serving Global Foundries. (JM) requested that (SD) give a status update. Details are delayed till next meeting.

-Rt 67 Overlay District / Comprehensive Plan / Business Park at Fitch & Farley review and update.

-There was considerable discussion concerning this topic by all present.

-(EK) Commented initially on his point of view for clarity, as well as to serve as an update for (BB). (EK) mentioned that there are 3 main items we need to continue to discuss and move forward: 1) RT 67 George Thompson Road East to McVile line "Overlay Zoning", 2) Necessary (proposed) revisions to the Comprehensive Plan and the Zoning Ordinance to accommodate the town vision. 3) Business Park near Fitch and Farley Roads.

-It was mentioned that Chazen and Attys input is needed that would allow the Town to publish materials for the official notice prior to the Public Hearing..

-During the 21st April public hearing it is hoped to hear from more residents. Some new parties may want to be added to the planned overlay. Much of land West of George Thompson Road is either wetlands, hills or not conducive to development. EK has met with several parties interested in related land development.

-(JM) asked if additional parcels can still be added to the Overlay District. Answer (DC) yes.

-(EK) infrastructure is potentially available, i.e.gas, water and sewer (soon to be connected at new bridge). Chazen / Town needs to describe the work for the sewer connection, since NYS permits are running out at the bridge location. Time is of the essence. D. A. Collins property infrastructure is being planned by DAC.

-(BB) suggested / asked that warehousing could proceed now under present zoning, but (EK) said that D. A. Collins wants offices first. (EK) agreed. (PB) also mentioned that D.A.Collins first building wants to be offices.

-Proposed zoning in the Overlay District eliminates parcels that are presently split zoned.

-(EK) reiterated that conceptually he wants to clarify the purpose of the "Overlay District " as he perceives it: Any presently zoned use would continue to be allowed. Secondly, any allowed new use would be allowed only by "Special Use Permit"

-(SD) reiterated the purpose and conception of the potential "Overlay Zone".

-This meeting is the third time the Planning Board has met on this issue.

-Present zoning has a very unusual non-conforming land use provision according to (SD).

-The Town wants to encourage existing land uses to potentially conform to the new zoning.

-(BB) asked if residential uses will be allowed. Apartments / housing are not to be allowed in the "Overlay District" per (DC)

-(SD) Reiterated the Town's Vision Statement" and listed the events that have precipitated the Town's potential changes to the Zoning Law, i.e. Global Foundries is now real, sewer is now more available within the Southern part of the Town, and the Inter-modal Facility in adjacent Halfmoon; all these factors will further growth in the Town. Rt 67 is now perceived as something different in purpose than was originally intended.

- The Town's goal is to incorporate Comprehensive Plan changes now that will also provide for the Business Park at Fitch and Farley Roads without future revisions. The Town will have to

- adopt a new overlay map, amend comprehensive plan, adopt zoning table and definitions plus some housekeeping items according to (SD).
- Lack of Design Guidelines will lead to a “hodgepodge” of development according to (SD). The Town should pursue the development of these guidelines.
 - Revision to the list of allowed uses in the Overlay District by SUP and refining definitions are works in progress by Chazen.
 - An analogy was mentioned by (SD) that the SUP process is Site Plan Review on “steroids” .
 - Under Site Plan Review there is an assumption that eventually you will be granted approval. Under the SUP process there is no such assumption. Nothing new may be allowed unless it is permitted in the list of permitted uses.
 - (DC) We want to control what goes where and how it is accomplished. Existing use in an existing zone can be continued but an applicant can’t develop new uses.
 - All new projects within the overlay district will need an SUP.
 - (BB) mentioned that the table of allowed uses really needs to be reviewed and be as complete as possible. A PDD, however, can be requested thru the Town Board.
 - (DC) Thinks continuing to add parcels to the Overlay District should be limited. (EK) mentioned that water is not available west of George Thompson Rd., which will, by itself tend to limit more owners wanting to be part of the District.
 - (BB) mentioned that storage/contractor’s yards, telecommunications towers are not now included in the list of allowed uses as proposed. He also mentioned that heavy industrial and processing is not on the list as being allowed to continue in the Overlay District.
 - (EK) and others mentioned that the list of allowed uses is still a work in progress and the largest property owner of the subject property, he felt, should have the opportunity to comment on the list of allowed uses.
 - (JM) Mentioned that the list of allowed uses will get dated over time and require amending.
 - (RB) Mentioned that there are other issues besides the list of allowed uses that need to be looked into in order to have a successful process for development oversight and control, i.e. Design Guidelines, etc. (SD) mentioned that basic principles of design guidelines are preferred by developers.
 - All Board members are conceptually in favor of the Overlay District concept as proposed.
 - (DC) When asked by (EK) if the ZBA could have the right to review SUP’s, he responded: The Town has the right to designate which Board has oversight rights to review approve SUPs.
 - (BB) This Overlay District proposal gives the whole responsibility of approving/disapproving a SUP to the Planning Board, not the Town Board. An applicant could seek variances thru the ZBA., and applicants have the ability to pursue an Article 78 via the Supreme Court,.
 - (BB) We need to further describe the term “Big Box”.

**TOWN OF STILLWATER
PLANNING BOARD
2011 RESOLUTION NO. 5**

WHEREAS, the Town Board has requested that the Planning Board review and issue recommendations regarding the proposed changes to the Comprehensive Plan and the proposed Route 67 Overlay District; and

WHEREAS, the Planning Board discussed the changes and developments in the Town, including infrastructure and businesses that are interested in locating in Stillwater, in part due to the Pan Am Intermodal facility and Global Foundries; and

WHEREAS, the Route 67 Corridor offers the potential for the necessary infrastructure is accessible to the Northway, and has a close proximity to the Pan Am project and Global Foundries; and

WHEREAS, proper business growth affords Stillwater employment opportunities and a strong tax base; and

WHEREAS, an Overlay District will allow for such business development while still protecting the rural character and aesthetics of the Town.

Now, therefore, be it

RESOLVED, that the Planning Board recommends approval of the amendments to the Comprehensive Plan and the proposed legislation regarding the Route 67 Overlay District, as presented.

A motion by Member Murray, seconded by Member Frank, to adopt Resolution No. 5 of 2011.

A roll call vote was taken on Resolution No. 5 of 2011 as follows:

Chairman Barshied	Yes
Member Murray	Yes
Member Buck	Yes
Member Butler	Yes
Member Frank	Yes
Member Marotta	Yes
Member Tompkins	Yes

Resolution No. 5 of 2011 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on April 4, 2011.

Report from Building & Planning (RB)

-(RB) stated that BP&D Department has received 150 calls the first quarter. Sheila Silic has fielded many calls for the Department.

-Reputed 1st home bought in Malta or Stillwater by a Global Foundries employee was purchased in Turning Point Development.

-Sunset clause for large billboards is due to expire in late December of 2011. (DC) reported that a letter to Lamar Signs will be sent requesting that they develop a plan for satisfying its pending

non-compliance. (DC) expects that based upon their prior correspondence, they will take exception to the clause in the zoning ordinance.

-(RB) stated the deplorable condition of some manufactured / mobile homes in the town. (EK) mentioned that the Town of Milton has set a precedent for a process that foreclosed on a derelict project in receivership which allowed the Town to demolish the property. (EK) demonstrated interest in further understanding the process as to how it may apply to manufactured home parks in poor condition within the Town of Stillwater.

-(RB) stated that there have been several complaints registered with the Department for potential violations of the Town's Zoning Law. (RB) requested continued support from the Town to assist in the pursuit of compliance from property owners.

Motion by (JM) and seconded by (BF) to adjourn the Planning Board Meeting at approximately 8:50PM.

Next Meeting (April 18, 2011)

-Pending Applications: (not mentioned during this mtg):

Dunn Minor Sub-Division, Sawmill Hill Road

-Discuss with (CM) Global Foundries landscaping / screening of sub-station and power lines.

-Continuing discussion of Rt 67 Overlay Zoning and the Business Park.

Respectfully submitted by:
Richard R. Butler
Temporary Secretary for PB