

TOWN OF STILLWATER
PLANNING BOARD MEETING NOTES
March 21, 2011 @ 7:00 PM
STILLWATER TOWN HALL

Present: Co-Chairperson John Murray (JM); Carol Marotta (CM); Paul Tompkins (PT); Beverly Frank (BF) Peter Buck (PB) and Randy DeBacco (RD)

Absent: Robert Barshied (CH)

Also Present: Ed Kinowski (EK) Town Supervisor, Daryl Cutler (DC) Attorney for the Town, Sean Doty (SD) & Joe Lanaro (JL) Engineers for the Town; Richard Butler (RB) Acting Secretary for the Planning Board

Co-Chairperson Murray called the meeting to order and led everyone in the Pledge to the Flag.

Adoption of March 7th Minutes: Motion by (CM) and seconded by (PB) to adopt the March 7, 2011 Planning Board Minutes.

Discussion:

Corrections: None

Motion Carried: Unanimous

Applicants

-G&D Stillwater, LLC
Jib Drive PDD
206.00-1-38
Subdivision Approval

“Prior to this application being heard, there was discussion regarding the fact that the Applicant had filed for sub-division approval on the property around 2004. That application was considered and discussed between 2004 and 2006. Although it was a request for a subdivision on the same property as is presented in this application, it was a request for subdivision approval for a different number of lots, under the then current zoning regulations. Sometime in 2006 or shortly thereafter, the Applicant did not pursue subdivision approval any further and approximately 2 years later filed for an application for a PDD on the property. The PDD process took approximately 2 years and ultimately resulted in PDD legislation granting a zoning change to the property.

The Chairperson announced that the application has been deemed incomplete. The Applicant was advised prior to the meeting that an application fee must be paid before the application would be heard by the Board. The attorney for the Applicant, Peter Lynch, asked permission from the Chairperson to address the Board regarding the application fee. The Chairperson granted Attorney Peter Lynch permission to speak to the Board. Attorney Peter Lynch spoke on behalf of the Applicant concerning the application fee. Attorney Lynch argued that the prior subdivision application was never abandoned and

that the current subdivision should be considered a mere amendment to the original application. In the alternative, Attorney Lynch argued that the Applicant should be credited for whatever the application fee that was paid in 2004 toward the current application fee.

The Board discussed the prior precedent by the Board of treating applications with substantial amendments to them as new applications, the fact that the current application was for more lots and under PDD legislation and thus required a new application fee.

No review of the project was initiated.

It was determined by the Board that a new application fee for a major subdivision, which was in the amount of approximately \$7,000 was applicable prior to the application being complete. It was also noted that the Town receipt of fees in escrow for engineering and attorney work was required prior to engineering and attorney's review and reports to the Board."

Jean M. Varley
Minor Sub-division / Lot line Adjustment
231.-1-3.2 & 3.12

Surveyor Bill Tompson spoke on behalf of Ms Varley, Ms Varley spoke as well. The main reason for the adjustment is to preserve views from house.

It was determined that the barn is not being used for agricultural uses.

(DC) mentioned that Variance would run with the land. The Board determined that the Applicant must apply to the ZBA to get an area variance for the front yard setback of the barn. Application fee to the ZBA is necessary. County Referral has been requested, but not yet received.

-Merging of abutting lots

**TOWN OF STILLWATER
PLANNING BOARD
2011 RESOLUTION NO. 4**

WHEREAS, the Town Zoning and Local Law has no provisions governing the combination of contiguous lots owned by the same individual. It would be the Planning Board's desire to allow the owner to combine lots without having to obtain approval from the Planning Board;

Now, therefore, be it

RESOLVED, that a property owner who owns two or more contiguous lots may combine those lots to form a single lot, without Planning Board approval, provided that the newly-created lot conforms with current zoning standards;

RESOLVED, that the Building Department is authorized to issue a letter to the County

consenting to the combination of lots when requested to do so by a property owner to have the lots combines at the County level.

RESOLVED, that once combined, the lots shall be treated as a single lot and division of the property thereafter to two or more lots shall constitute a subdivision requiring Planning Board approval;

RESOLVED, that any property owner who wishes to combine lots in this manner shall be required to coordinate with the Town's 911 coordinator for potential re-assignment of emergency response addresses. In the event the combination of lots results in the lack of a need for existing utility service laterals, the property owner shall coordinate with the Town Highway Department and applicable Water Department to address abandoning such utility laterals. The Building Department shall address such issues as part of any building permit process; 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 Buck, seconded by Member Tompkins, to adopt Resolution No. 4 of 2011.

A roll call vote was taken on Resolution No. 4 of 2011 as follows:

Chairman Barshied	Yes
Acting Chair Murray	Yes
Member Buck	Yes
Member Butler	Yes
Member Frank	Abstained
Member Marotta	Yes
Member Tompkins	Yes

Resolution No. 4 of 2011 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on March 21, 2011.

Richard Butler, Planning Board Secretary

-Richard A. Frank
2 lot sub-division
232.00-1-14.1

Applicant wants to merge parcels 220.-1-73.2 & 232.-1-14.12, thereby amending his most recent application. The Board determined that the new policy regarding combining contiguous lots applies to this application and that Planning Board approval is not required. Beverly Frank abstained from the discussion. The Building, Planning and Development Department will issue a letter to County Real Property approving of the parcel merging.

Report from Building & Planning (RB)

-(RB) is requesting that Planning Board pre-submission deadlines be increased to 3 weeks minimum. No exception was taken. Application forms will be revised to suit, and will apply to new applications. No resolution was deemed necessary for this procedure.

-There were no other issues discussed or reported.

New Business

-(DC) agreed to research if the Town presently has legislation governing the expiration of a subdivision application if no action was taken.

-Carol reported on Global Foundries Admin Bldg and related issues. She was not able to attend the last Malta Planning Board Mtg. Nothing in Stillwater is changing according to (CM).

-The adequacy of Global Foundries power line screening / landscape buffers at power sub-station and power line landscaping were of concern to (CM). This issue was requested to be revisited this spring and requested to be placed on the next Planning Board Agenda. (RB) mentioned that a set of "as-built" drawings for the line has been received. LFTC should be requested to come to PB to present their landscaping plan at a future meeting.

Old Business

-ABC Recycling update: (DC) reported on Judge's Ruling favoring the Town. The stop work order is still in effect. . After (CM)'s inquiry regarding the stop work order, (RB) investigated and reports that which is in italic and parenthesis (*in subsequent speaking with Ray Abbey (RA), he has seen no signs of on site activity throughout the winter*)

-Rt 67 Overlay District review and update.

There was considerable discussion concerning this topic by all present.

The Special Use Permit process was discussed at length as it relates to the potential Rt 67 Overlay District as well as other areas of the Town.

The question was asked by (JM): What recourse can be expected from an applicant if their SUP request is denied? According to (DC) when reviewing SUP applications there are special factors/guidelines that the Board needs to consider as justification to deny a use. Resolutions should recite those factors in making a decision to deny. A judge can only overrule if arbitrary and capricious. There is no recourse to go to Town Board. The PB needs to produce clear resolutions following the rules in order to protect the Town.

(EK) entered discussion. Ed requested that Board develop revised SUP requirements. The West end of Town along Rt 67 could also be addressed for an Overlay District as well.

(JM) wants definitions reconciled, in his opinion they need more work. Example : Body shop, gas stations, auto sales and service, truck stop, etc. (JM) is of the opinion that definitions of

potential uses are not in sync with current conditions and especially uses sympathetic to the forthcoming Inter-Modal Facility.

It was mentioned that a multi-use project may necessitate more than one SUP and the Board has the right to deny some, none or all.

The Board was asked to present their opinions on functions they feel are most likely to locate here in support of and accessory to the Inter-modal facility.

(RD) mentioned that he thought traffic was the biggest potential problem with the Rt 67 Corridor.

(DC) will have additional suggestions for SUP denial justification and revisions to Article 7 Special Use Permits. Under the current proposed legislation, the Board would have the right to issue SUP's that are renewable, temporary or permanent. Substantial expansions or change of use would trigger the need to seek a new or amended special use permit.

(SD) to revisit definitions and expirations of SUP, with consultation with (DC).

Next Meeting (April 4, 2011)

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

Dunn Minor Sub-Division, Sawmill Hill Road

Ropitzky Minor Sub-division?

Jib Drive Major Sub-Division?

-Discuss Global Foundries landscaping / screening.

- Continue to discuss the Rt 67 Overlay District development process, including advancing definitions, mock review of a multi-use project (example), etc.

Motion by (BF) and seconded by (CM) to adjourn the Planning Board Meeting at approximately 9:30PM.

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