

**Town of Stillwater
Planning Board
January 12, 2009 7:00 PM
Stillwater Town Hall**

Present: Chairwoman Jo Ann Winchell, Robert Barsheid, Peter Buck, Carol Marotta, John Murray, Paul Tompkins

Also Present: Ray Abbey-Bldg Inspector/Code Enforcement, Daryl Cutler-Attorney for the Town, Paul Cummins-Engineer for the Town, Virginia Whitman-Town Councilwoman, Sue Cunningham-Secretary to the Planning Board.

Chairman Winchell called the meeting to order and led everyone in the Pledge to the Flag.

**7:00 PM Public Hearing-----ABC Recycling
Site Plan Review
PB2008-49 SBL#253.-1-55.122**

Chairwoman Winchell called the Public Hearing to order.

Sue Cunningham, Secretary verified for the record that the proper publication was published on January 2, 2009.

James Eastham, of WSP SELLS spoke on behalf of the applicant, Donald Buonomo of ABC Recycling. Mr. Eastham stated that his client was before the Planning Board this evening for a site plan review for their property located within the Industrial Zoning District. The purpose for this was to renew their annual junkyard license and continue to operate their auto recycling business.

Donald Buonomo, Vice President of ABC Recycling commented that he was providing a public service to the community in regard to recycling auto parts.

Public Input

Bob Myers, County Rd 75, inquired as to the impact of the business to the surrounding housing developments, recent placement of boundary surveying markers and drainage runoff.

Mr. Eastham stated that they are complying with the buffer zone plus and the reason for all the additional markers is so there is no encroaching on other residents land.

Mr. Buonomo stated that they are in complete compliance with the Army Corp of Engineers and DEC in regard to water drainage.

Ralph Peluso, Brickyard Rd questioned the regulation of the number of vehicles allowed, disposing of gas, oil & all fluids and inspections to be held. He also commented that he had concerns with safety issues.

Mr. Eastham stated that the Planning Board is considering placing a number on the amount of vehicles to be held on site and that all fluids are properly drained and taken off site to be disposed of.

Ray Abbey stated that there will be an inspection done in order to renew the junkyard license.

A discussion on a previous fire on site was held.

Mr. Buonomo stated that the fire was in the building and they were never sited for anything.

Mr. Eastham stated that codes have been updated and changed to insure the safety of nearby residents.

Virginia Whitman, Councilwoman inquired as to the number of inspections done yearly. Ray Abbey stated that an inspection would be done on a yearly basis in order to renew his Special Use Permit.

John Murray stated that an inspection could be done if any complaints were lodged.

Marty DelaRosa, Halfway House Rd inquired as to security measures being taken to keep people out and if any measures were in place in regard to hazardous materials being left behind if the business closed.

Mr. Eastham stated that they will keep the natural vegetation in place and will not be putting up a chain link fence. They feel that a chain link fence will draw attention and could be easily climbed. The area is well lit and employees will be on site during business hours.

Mr. Buonomo stated that they have liability insurance and the cars in the yard are an asset because they can be sold as scrap metal.

Ralph Peluso disagreed with their interpretation of a chain link fence, felt that it would deter trespassing and inquired as to the hours of operation.

Mr. Eastham stated that the hours of operation are 7 to 5, Monday thru Friday and 8 to 1 on Saturday.

With everyone having the opportunity to be heard Chairwoman Winchell declared the public hearing adjourned at 7:25.

Chairwoman Winchell stated that the Planning board would reserve the Boards option to vote until the February meeting in which the applicant could contact the Building Dept. for the date and time of the next Planning Board meeting.

**7:35 PM Public Hearing-----Saratoga Cluster (Jib Drive)
Major Subdivision
PB2008-48 SBL #241.-1-3**

Chairwoman Winchell called the Public Hearing to order.

Sue Cunningham, Secretary verified for the record that proper notification was published on January 2, 2009.

Peter Lynch, Attorney spoke on behalf of the applicant, Victor Gush who is seeking a PDD for property located in a Residential Zoned District. He proceeded to give a brief

overview of the project. Attorney Lynch stated that the original proposal called for twenty-nine high end homes and appeared before the Town Board to amend their proposal from twenty-nine to forty-nine homes due to the proposed water line they planned on running up to the development. The developer has scaled back and is requesting to build thirty-nine homes on a 50 acre parcel. He proceeded to go over the thirty-nine lots being more economically viable for the developer, wetlands being preserved, stormwater runoff, traffic study showing no more of an impact than twenty-nine homes would have, and that the Planning Board served as an advisory board to the Town Board.

Public Input

Alec Mackey, Fitch Rd, commented on the process of the application and questioned as a Zoning Board member if this public hearing was premature until the ZBA acts.

Chairperson Winchell stated that this project started as a major-subdivision three years ago but in June 2008 it was resubmitted as a PDD.

A discussion was held on the process, Short Environmental Impact Statement being incomplete, application before the ZBA and whether this public hearing was premature.

Chairwoman Winchell stated that the Planning Board never referred the applicant to the ZBA, the applicant did that on his own.

Attorney Cutler stated that the ZBA cannot act on this applicant the way it is being presented. The application is being presented as a PDD which requires legislation by the Town Board. Until legislation is passed the ZBA has no authority to grant something relating to a PDD because it's a separate legislation. The applicant's goal is to get the PDD legislation contingent upon the approval of the ZBA exceeding the 120% to go from 34 homes to 39 homes. The Planning Board is not being asked to approve the PDD just to make recommendations to the Town Board, upon the Town Board approving the legislation than it would be right to go before the ZBA to consider exceeding the 120% build out.

Paul Cummings, Chazen Engineers stated that if this application went to the ZBA prematurely the concern is segregation so the intent is to make sure that procedurally everything is done correctly.

Mike Dougall, 6 Jib Dr, commented on the deterioration of Jib Drive and was hopeful upon the approval of the applicant corrective measures would be taken to improve the road, felt the water line would benefit area residents, and he was in favor of the 39 homes.

Bill Kerr, Jib Dr, stated that once the developer bought the property he bought the problems that go with it. He commented on the road & safety concerns of Jib Dr and doesn't like being held hostage for road maintenance until the PDD is approved. He said that he really didn't know enough about the project to say whether he was for or against the project but he was not opposed to development. He distributed a memo dated January 12, 2009 outlining current road conditions and the need for positive action and results.

Peter Buck inquired who took care of Jib Dr prior to the applicant buying the property.

Mike Dougall stated that the residents would pay for the plowing but when it came to the ice once the residents complained the prior owner would salt the roadway.

Debra Dougall, 6 Jib Dr inquired about what looked liked another roadway at the top of the road leading to a parcel in the rear.

Peter Lynch stated that this was a stub street.

Joan Verdile, Route 9P commented that she was at the bottom of the roadway and subject to flooding on her property. She had concerns that with the development above her, plowing of snow and watering of lawns she will be subject to more flooding. She stated that she was not in favor of the additional homes.

Mr. Lynch stated that the project is designed to divert the storm water to the two catch basins on site.

Chairperson Winchell briefly summarized 5 emails that were received.

- (1). Carol Dooley: Her comments was that she is against the 39 homes & twenty nine is plenty.
- (2). Julia Amotta: She had several concerns and does not want the developer to exceed the allowable 34 homes.
- (3). Sharon Urban: Hopes the Planning Board will leave the project as first proposed and the Town keeps an eye on the project before it impacts the lake.
- (4). Penny Cronin: At this time they are opposed to any increase in the size of the proposed development.
- (5). Betty & Bill Blume: Did not specify whether she is for or against the project but had several concerns regarding the project.

With everyone having the opportunity to be heard Chairperson Winchell declared the Public Hearing closed at 8:20 PM.

8:25 Public Hearing-----LFTCSEDC
Major Subdivision
PB2008-48 SBL #241.-1-3

Mike Ingersoll of the LA Group representing the applicant gave a brief overview of the application that was submitted, prior appearances before the Town in regard to roadway, water tank, transmission lines and the developments vision of the PDD. He stated they were before the Planning Board this evening to receive approval for a minor subdivision of 264 acres within the Town of Stillwater. The purpose is to prepare the property for sale.

Public Input

There was no public comment on the application.

Attorney Cutler stated that there is a unique issue before the Planning Board tonight in regard to the Planning Board acting on the application. He said that the Town Board has passed the amended PDD but in order for that to become effective it needs to be filed for ten days with the Secretary of State. At this time they are unsure of the filing date and if

they were to vote now it would be on the current PDD which requires a site plan approval prior to a subdivision approval and the amended PDD lets them give subdivision approval before site plan approval. Therefore they can't vote on this application prior to the ten days of filing with the Secretary of State.

Chairperson Winchell inquired as to the Planning Boards options.

Attorney Cutler stated the options were to hold a vote on the next schedule meeting of the Planning Board or to hold a special meeting.

The consensus of Planning Board was to hold a special meeting on Monday, January 26, 2009 at 7:00 PM for the sole purpose of taking action on proposed application.

Motion by P. Buck and seconded by B. Barshied to hold a special meeting on January 26, 2009 at 7:00 PM. **Motion carried unanimously.**

With everyone having the opportunity to be heard Chairperson Winchell declared the meeting adjourned at 8:30 PM.

**Stalter/Mitchell
Lot Line Adjustment
PB2008-45 SBL #261.36-1-16**

Raymond Stalter stated that they were before the Planning Board this evening to receive final approval for their lot line adjustment for property they own on Bancroft Street. Chairperson Winchell recalled that the Stalters & Mitchell were before the Board back in the fall, they were referred to the ZBA prior to rendering a decision and they received a favorable recommendation from ZBA.

Resolution #1—2009: Approving Lot Line Adjustments Stalter/Mitchell

Motion by J. Murray and seconded by C. Marotta to adopt Resolution #1. **Motion carried unanimously.**

**Amedore Homes
Site Plan Review
PB2008-51 SBL #219.9-1-1**

John Bossalini representing Stillwater woods stated that he was before the Planning Board this evening for a site plan review for their monument sign for Stillwater Woods. He said that the roads and utilities are in and have been dedicated over to the Town. It is a simple monument sign made of stone veneer, stucco, metal lettering stating Stillwater Woods and in the middle of the their Boulevard entrance there is a colonial style split rail fence.

C. Marotta inquired as to the placement of the sign and if it would be interfering with site line distance.

Mr. Bossalini stated that there is adequate site distance in both directions.

J. Murray inquired if DOT requirements were met as requested by the engineers.

A discussion was held on the site distance and recommendations referenced in a memo issued by the Chazen Companies on Nov. 17, 2008 .

Chairperson Winchell inquired as to when they anticipated the start of the sign.

Mr. Bossalini start that weather permitting they would start in March and hopefully be finished by April at which time the other sign would be taken down.

John Murray moved that they approve the request contingent that Engineer Bianchi's comments of November 17, 2008 are complied with.

Resolution #2---2009: Site Plan Review—Approval of site plan and the monument sign for Stillwater Woods

Motion by J. Murray and seconded by B. Barshied to adopt Resolution #2. **Motion carried unanimously.**

Old Business

Robinson Knolls

Chairperson Winchell stated she received a letter at the last meeting requesting to be put on the agenda, they had nothing before them regarding activity at ZBA level so it was agreed to put them on the February agenda.

Attorney Cutler stated that on July 28, 2008 the ZBA rendered an Interpretation of the Building Dept. application, use and understanding of the Town of Stillwater Zoning Local Law §3.6(C)(1)). He recited Resolution #30 of the July 28, 2008 ZBA meeting. This resolution held that the proper interpretation of §3.6(C)(1)) was that it allowed individual engineered on-site septic systems within the Town Watershed protection Overlay District.

J. Murray inquired if this was specific to this project or is it anything related to the Stillwater Watershed Protection District.

Attorney Cutler said that the interpretation of the ZBA means it is effectively interpreting that provision of statue for all of the same issues relating to anyone within the watershed district.

Discussion entailed on septic systems and the watershed district.

Revolutionary Heights

B. Barshied excused himself from discussion due to the fact his property was adjacent to the development.

Chairperson Winchell commented that the maps have become available for signature but do to an issue that arose she reserved signing until the Planning Board met and discussed. She stated that when she stopped in the Building dept. there was an invoice attached to the maps for approximately \$115,000. The invoice was for recreation fees, money in lieu of greenspace as well as review for the project.

J. Murray inquired if all liabilities have been paid to the Town as of now.

Representative of Revolutionary Heights stated that they are paid up in full.

Paul Cummins stated that Joel Bianchi has a long standing history with this project and would be more comfortable referring questions of Revolutionary Heights and fees back to Joel.

Attorney Cutler referred to section 6.3.4 of the Subdivision Regulations in regard to recreation fees. At this time no recreation fees are due and they are current up to date on fees. He had discussed this with Mr. Bianchi who concurs with his findings.

P. Buck inquired as to the status of the sewer line.

Representative of Revolutionary Heights stated that once the maps are signed the sewer trunk would go through there property at no cost to the Town for PNL to hook into.

C. Marotta spoke on the approvals by the previous board and suggested as developers when they go from Phase I into Phase II & III that they be more considerate of the surrounding neighbors and work with them because the houses in Revolutionary Heights will be located close to the property line of an Agricultural District.

Minutes (December Meeting)

Chairperson Winchell requested that they delay approving the minutes of the December Planning Board meeting until the February meeting. Planning Board members agreed to adopt the minutes at their February meeting.

Re-Organizational

Appointing Vice Chairperson:

Appointment of Planning Board Vice Chairman

Motion by J. Murray and seconded by P. Tompkins to appoint Peter Buck as Vice Chairman of the Planning Board. **Motion carried unanimously.**

Scheduled Meetings: Chairperson Winchell stated that she emailed the members a draft schedule of the Planning Board Meetings. There was a need to discuss the February meeting as it fell on Presidents Day and the Association of Towns meetings in NYC. The census of the board was to have the next Planning Board meeting on February 9, 2009.

The Board also decided to change the time of the meetings to start at 7:00 PM.

Keys: Chairperson Winchell handed all members of the Board keys to the Town Hall so that they may stop and pick up their packets for their next meeting when they were ready. C. Marotta and P. Buck were uncomfortable with having keys to the Town Hall.

New Business

B. Barsheid stated that he had concerns that there are procedures in the Subdivision Regulations except that the Board is following a deviation to the procedures in the book. He said when he reviews something he sees a preliminary review and a final review. He would like to see the minutes reflect the exact same language of the subdivision regulations so there is no confusion about approvals and detail attention should be paid to the requirements of the Comprehensive Plan.

Jib Drive

A discussion was held on Jib Drive in regard to it being a PDD vs. subdivision and how the recommendation to the Town Board should be written.

Attorney Cutler stated the applicant is requesting approval of PDD legislation that is conditioned upon a subsequent ZBA variance to allow for more than 34 lots. As for the recommendation of the Planning Board, Attorney Cutler states that regardless of whether the recommendation is positive or negative it must conform with the requirements of a Planning Board recommendation. Specifically the Planning Board is required within the resolution to state why it is making a favorable or unfavorable recommendation and if unfavorable what changes might be made to allow it to become favorable. (See Subdivision Reg. page 34, Section 4.6) Attorney Cutler's recommendation was before a resolution is offered some fore thought be given setting forth each & every reason for approving or not approving the PDD. The Planning Board should show that deep thought went into the recommendation, the resolution should be clean, detailed, thorough, articulated to specify as many reasons using comments, emails and sections of the subdivision laws as possible.

February Meeting

Items to be discussed at the February meeting.

ABC Recycling: Attorney Cutler's recommendation was that any resolution should state specific conditions. Discussion was held on fencing, sprinkler system and specific conditions that the Planning Dept requested.

Jib Drive

Robinson Knoll

Motion by P. Buck and seconded by J. Murray to adjourn the Planning Board meeting at 10:20 PM. **Motion carried unanimously.**

Respectfully submitted by

Sue Cunningham
Secretary Planning Board