

Town of Stillwater Planning Board
April 6, 2009 7:00 PM
Stillwater Town Hall

Present: Chairperson Winchell, Robert Barshied, Peter Buck, Beverly Frank, Carol Marotta, John Murray and Paul Tompkins

Also Present: Daryl Cutler, Attorney for the Town, Joel Bianchi, Engineer for the Town, Ray Abbey, Bldg Inspector/Code Enforcement, Councilman Ken Petronis and Sue Cunningham, Secretary to the Planning Board.

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

AMD

Site Plan Review

Temporary Construction Permit Approval

PB2008-48

SBL# 241.-1-3

Stephanie Ferradino, of Jones Ferradino gave a brief overview of the Temporary construction plans in regard to temporary structure such as; concrete batch plant, fueling station, QA/QC Lab, and three subcontractors' offices and parking.

Engineer Bianchi went over the following topics and comments for the Planning Board's consideration: State Environmental Quality Review Act, Traffic & Parking Analysis, Gas Storage & Dispensing Details, Solid & Hazardous Waste Management handling procedures, Construction Noise Monitoring Plan, Construction Plan Narrative. Site Plans, Documents to be considered as part of an Approval, and Conclusion and recommendations.

Discussion was held in regard to construction work schedule, shift work, waste management, source of water, emergency management, construction route & signage and recommending that the Town Board hire a representative to review the large documents that are submitted.

Through a lengthy discussion, it was noted that there would only be one shift working, the EMS groups have been meeting regularly, construction deliveries would be given a specific route to enter & exit the site, and some members of the Board thought it was premature to hire a representative at this time.

The Board was concerned with the lack of an updated Development Agreement. It was expressed that an agreement should be in place prior to advancing any permits for site work.

Ms. Ferradino stated that Global Foundries has not retained ownership of the property yet.

Attorney Cutler stated that a resolution could be prepared that would make the signed Development Agreement a condition of approval.

Resolution # 19

Adopt SEQRA Statement of Findings for Temporary Construction Permit Approval

Motion by J. Murray and seconded by R. Barshied to adopt Resolution #19 as follows:

WHEREAS the Planning Board of the Town of Stillwater (“Planning Board”) has received from AMD Fab Technologies U.S., Inc. (“Applicant”), with consent of the Luther Forest Economic Development Corporation, an application for site plan approval in the Luther Forest Technology Campus Planned Development District (the “LFTC PDD”) in the Town of Stillwater in connection with the Applicant’s construction of a semiconductor manufacturing facility within the LFTC PDD (the “Project”); and

WHEREAS, the Applicant's site plan application requests a preliminary approval pursuant to Article 6 of the Town of Stillwater Code, as amended by Local Law No. 3 of 2008, for a Temporary Construction approval; and

WHEREAS, the Town of Stillwater Town Board as lead agency in the SEQRA process for the review of the Project has reviewed and approved a DSEIS, FSEIS and Findings Statement; and

WHEREAS, the Town of Stillwater Planning Board, as a SEQRA involved agency, has reviewed the SEIS and the Town of Stillwater Town Board SEQRA Findings Statement and agrees with the findings and conclusions set forth in the SEQRA Findings adopted by the Town Board of Stillwater in 2004 and August 25, 2008.

NOW THEREFORE BE IT RESOLVED THAT,

The Town of Stillwater Planning Board accepts the conclusions and findings of the Town of Stillwater Town Board SEQRA Findings Statement, and its amendments, and further finds that the proposed Soil Disturbance Permit is consistent with the Statement of Findings of 2004 and August 25, 2008 and hereby incorporates it by reference, determining, as an involved agency, that it is appropriate for the Planning Board to adopt that SEQRA Findings Statement as its own and hereby certifies that:

- a) the requirements of 6 NYCRR Part 617 have been met; and
- b) consistent with social, economic and other essential considerations from among the reasonable alternatives available, the proposed action is one that avoids or minimizes adverse environment impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or

minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

The Town Clerk is hereby directed to file, publish and distribute the Statement of Findings and Decision and any required notices in accordance with 6 NYCRR § 617.12; and

This resolution shall take effect immediately.

Motion carried. Resolution #19 was adopted unanimously.

Resolution # 20 Granting Temporary Construction Permit Approval

Motion by P. Buck and seconded by P. Tompkins to adopt Resolution #20 as follows:

WHEREAS the Planning Board of the Town of Stillwater (“Planning Board”) has received from AMD Fab Technologies U.S., Inc. (“Applicant”), with consent of the Luther Forest Economic Development Corporation, an application for site plan approval in the Luther Forest Technology Campus Planned Development District (the “LFTC PDD”) in the Town of Stillwater in connection with the Applicant’s construction of a semiconductor manufacturing facility within the LFTC PDD (the “Project”); and

WHEREAS, the Project requires the following actions by the Town of Stillwater: (a) approval of amendments to the LFTC PDD, (b) subdivision approval, and (c) site plan approval; and

WHEREAS, pursuant to Article 6 of the Code of the Town of Stillwater, as amended by Local Law No. 3 of 2008, the Applicant has submitted, as part of its application, a request for Temporary Construction approval which will allow the property to be used temporarily for construction related purposes in order to prepare to commence construction of the permanent structures on site; and

WHEREAS, the Planning Board has considered the Applicant’s bound application dated February 6, 2009, as supplemented by a second bound application dated February 18, 2009; together with the Applicant’s presentation materials and responses at the Planning Board meetings of March 2, 2009, March 16, 2009, and April 6, 2009, and the documents listed in the attachment made part of this resolution; and

WHEREAS, in satisfaction of the requirements of SEQRA, the Planning Board completed a SEQRA review and has adopted the Town Board SEQRA Findings Statement pursuant to Resolution No. 19, of 2009; and

WHEREAS, the Town Engineers and Town Planner have reviewed the application and confirm that the proposed site plans related to temporary construction comply with all Town, County and State requirements; and

WHEREAS, the Town Engineers have made certain recommendations and proposed conditions as set forth in the Chazen Review Letter of April 2, 2009; and

WHEREAS, the Saratoga County Planning Board has received and reviewed the application pursuant to General Municipal Law §239-m and by resolution dated February 19, 2009, has determined there is no significant County Wide or Inter-Community Impact; and

WHEREAS, the Town of Stillwater by and through its supervisor, Shawn Connelly, has made and executed a Development Agreement and an Escrow Agreement and submitted the same to the Applicant for its signature.

NOW THEREFORE BE IT RESOLVED THAT,

1. Based specifically on the documents attached to this resolution, the Planning Board hereby approves the Applicant's request for Temporary Construction approval.
2. The Planning Board further conditions the approval set forth above on the following:
 - a. The Applicant shall satisfactorily address and comply with the technical comments provided by the Town Engineer as set forth in the Chazen Review Letter of April 2, 2009.
 - b. The Town of Stillwater's receipt of the fully executed Development Agreement. This approval will have no force or effect unless and until the Town of Stillwater receives the fully executed Agreement.
 - c. The applicant consents to return to the Planning Board on a quarterly basis during construction to provide updates to the Board on changing uses, protocols for issues and/or placement of temporary construction facilities.

Documents to be Considered as Part of an Approval

- Overall Project Plans Sheets submitted on February 5, 2009
- Construction Plan, Sheet CP1, Sheet DET1, dated January 30, 2009
- Traffic & Parking Analysis (Section K of February 5, 2009 Application)
- Construction Noise Monitoring Plan (Section L of February 5, 2009 Application)
- Construction Plan Narrative (Section M of February 5, 2009 Application and Section A of February 16, 2009 Application)
- Construction Phasing Sheets Submitted on February 16, 2009;
- Construction Phasing Plan #1, Sheet CPP1, dated Feb. 11, 2009
- Construction Phasing Plan #2, Sheet CPP2, dated Feb. 11, 2009
- Construction Phasing Plan #3, Sheet CPP3, dated Feb. 11, 2009
- Construction Phasing Plan #4, Sheet CPP4, dated Feb. 11, 2009

- Construction Phasing Plan #5, Sheet CPP5, dated Feb. 11, 2009
- Construction Phasing Plan #6, Sheet CPP6, dated Feb. 11, 2009
- Construction Phasing Plan #7, Sheet CPP7, dated Feb. 11, 2009
- Construction Phasing Plan #8, Sheet CPP8, dated Feb. 11, 2009

Motion carried. Resolution #20 was adopted unanimously.

**Empire Warehousing Corp
Esplanade Site Plan Review
PB2009-57
SBL# 262.-1-10**

Ken Green of Logistics One spoke on behalf of the applicant Empire Warehousing Corp. He commented that an application has been submitted to the Town Board to consider redesignating a portion of property along Route 4 & 32 from Industrial Zone to a Mixed Use Zone and the applicant is also seeking Site Plan approval through the Stillwater Planning Board. He stated that they have had several public hearings on the proposed project in Mechanicville, commented on the traffic study, requirements being met by the Stillwater Master Plan, and spoke positively on Chazen's recommendations.

Questions were answered regarding traffic study, lighting, easements for buses to enter, grant funding, Saratoga County Planning recommendation, apartments and parking. It was noted that the Planning Board wished to see the traffic study expanded more towards Stillwater because of concerns that Route 4 & 32 was a main artery for more than just Stillwater.

Attorney Cutler stated that the zoning was beneficial to the Town and suggested that comments of March 19, 2009 and April 6, 2009 from Chazen be incorporated into the resolution.

**Resolution #21 Making a favorable recommendation with conditions to the
Town Board regarding rezoning for the Esplanade Project.**

Motion by R. Barshied and seconded by J Murray to adopt Resolution #21 as follows:

Upon review of the application for the Esplanade project, the proposed language for the Mixed Use Zoning District, and the comments and report of the Town Engineers, and upon discussion and consideration, it is hereby

RESOLVED, that allowing the mixed uses proposed for the Esplanade project is in keeping with the goals and objectives of the Town of Stillwater's Comprehensive Plan and would be beneficial to the Town.

That the Planning Board makes a favorable recommendation to the Town Board regarding the request that the property be re-zoned to be made part of a Mixed Use Zoning District.

That the Planning Board makes a favorable recommendation regarding the proposed language for the Mixed Use Zoning District, conditioned upon the language incorporating the amendments set forth in the March 19, 2009 Memorandum of Paul W. Cummings, the Town Planner and the comments and recommendations in the April 6, 2009 letter of Joel Bianchi, engineer for the Town of Stillwater.

Motion carried. Resolution #21 was adopted unanimously.

Adoption of Minutes: Motion by J. Murray and seconded by P. Buck to adopt the minutes of the March 16, 2009 Planning Board Minutes. **Motion carried.**

Old Business

Joint Meeting: Discussion on the previous date was held and the Board changed the date to May 16, 2009. Chairperson Winchell would send out a notice to the Town Board & Zoning Board members asking them to participate in the joint workshop.

Saratoga Cluster & Revolutionary Heights: J. Murray inquired if there has been anything new on these projects. He also stated that he was disappointed that the Town Board did not act on the Planning Boards recommendation for the Saratoga Cluster applicant.

Trailer Ordinance: The Planning Board would like this topic to be discussed at the joint meeting between all Boards.

Motion by J. Murray and seconded by R. Barshied to adjourn the Planning Board meeting at 9:30 PM.

Respectfully submitted by

Sue Cunningham
Secretary to the Planning Board