

Stillwater Town Planning Board
May 18, 2009 7:00 PM
Stillwater Town Hall

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

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.

Absent: Paul Tompkins

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

Frank Tate Associates
Lot Line Adjustment
PB2009-59
SBL# 253.-1-32

James Eastman, of WSP Sales represented the applicant in their request for a Lot Line Adjustment prior to doing a Minor Subdivision. He gave a brief overview of the seventeen acre parcel and proposal. The proposal is to give one acre to Raymond Proctor which will enlarge his land, upon approval his lot will conform to zoning and with the remaining sixteen acres they would like to divide it into two lots.

Mr. Eastman proceeded to go over Engineer Bianchi's comments in regard to the easements, wetlands and culvert.

A discussion was held on the poor condition of the culvert and it was the Boards desire to see the culvert remedied prior to acting on.

Engineer Bianchi stated that the Highway Supt would prefer to have control of the drainage swale as long at it is corrected properly.

Mr. Eastman stated that he was willing to go out with the Engineer to check what needs to be repaired and then go back to his client to see what they are willing or unwilling to do.

Engineer Bianchi stated that there is another issue which is an old smoke stack which could be a safety issue.

Attorney Cutler brought up another issue regarding encroachment on another property. Discussion was held and the Board recommended that this issue be resolved.

Chairperson Winchell stated that in order to proceed the applicant needs to work out some legal issues with the Town Attorney and once that is handled they need to go before the ZBA.

Chairperson Winchell suggested that the applicant notify the Building Dept. when the recommendations were resolved so they may be placed on the Planning Board agenda to proceed with their application.

Michael Petta
Minor Subdivision Review
PB2009-58
SBL#252.-1-16

James Vianna spoke on behalf the applicants Michael Petta & Joan Lupo-Petta and went over the updates made since the last meeting and addressed concerns made by the Engineer.

It was noted that Saratoga County Planning Board has given its approval with no significant countywide impact and stated that the applicant would need to obtain a curb cut permit from Saratoga County DPW as part of any subdivision approval granted by the Town.

Attorney Cutler addressed the mitigation fees, since the fees were in effect prior to the application they will have to be paid.

Resolution #22 SEQRA---Negative Declaration

Motion by J. Murray and seconded by C. Marotta to adopt Resolution #22 as follows:

WHEREAS, Michael and Joan L. Petta have submitted an application for a Minor Subdivision regarding property located at 203 County Route 75, more fully identified as Tax Map Number 252.00-1-16; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the proposed action is an unlisted action requiring SEQRA review; and

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

WHEREAS, the applicants have submitted a fully completed Short Environmental Assessment Form (EAF); and

WHEREAS, the Planning Board has duly reviewed the EAF and has considered the criteria contained in 6 NYCRR §617.7(c), to determine if the proposed action will have a significant impact on the environment;

Now, therefore, be it

RESOLVED, that the Planning Board hereby determines that the proposed action by the applicants, Michael and Joan L. Petta, for Minor Subdivision regarding property located at 203 County Route 75, more fully identified as Tax Map Number 252.00-1-16, will not have a significant impact on the environment.

Motion carried. Resolution #22 was adopted unanimously.

Resolution #23 Petta Minor Subdivision/ Conditional Approval

Motion by R. Barshied and seconded by P. Buck to adopt Resolution #23 as follows:

WHEREAS, Michael and Joan L. Petta have submitted an application for a Minor Subdivision regarding property located at 203 County Route 75, more fully identified as Tax Map Number 252.00-1-16; and

WHEREAS, pursuant to the Stillwater Zoning Law, a public hearing is not required to be held for this type of application; and

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 22 of 2009; and

WHEREAS, the Town Engineer has reviewed the application and the proposed site plan and confirms that the plan complies with all Town, County and State requirements; and

WHEREAS, the Planning Board has reviewed the application and has duly considered the criteria for Minor Subdivisions;

Now, therefore, be it

RESOLVED, that the application of Michael and Joan L. Petta for a Minor Subdivision regarding property located at 203 County Route 75, more fully identified as Tax Map Number 252.00-1-16, is hereby GRANTED provided applicant comply with the following conditions, which were included in the May 4, 2009 and May 18, 2009 Memorandums from The Chazen Companies, and that these conditions be met prior to approval of the application:

1. Applicant shall furnish the Town with three (3) separate checks for payment of the GEIS Fee in accordance with the May 18, 2009 Memorandum from The Chazen Companies in the total amount of \$1,812.95; and
2. The final, newly created plat shall include the 911 addresses, which may be obtained from the Town.

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.

Motion carried. Resolution #23 was adopted unanimously.

Mr. Vianna inquired as to the length of time they had to meet the conditions?

Chairperson Winchell stated they had six months to meet the conditions.

Adoption of Minutes: Motion by J. Murray and seconded by B. Frank to adopt the minutes of the May 4, 2009 Planning Board Meeting. **Motion carried.**

Old Business

Revolutionary Heights: Chairperson Winchell inquired if there were any updates with Revolutionary Heights, water line and easements needed.

Engineer Bianchi stated that the Planning Board had no other jurisdiction with Revolutionary Heights, they have a ninety day window with the Town Board.

Tri-Board Meeting: Chairperson Winchell commented on the positive aspect of the Tri-Board meeting.

The consensus of the Planning Board members who attended stated that it was very informative.

Jib Drive: Chairperson Winchell stated that they learned a new submittal for Jib Drive has been submitted for 34 homes.

A discussion was held on the difference between the old submittal and the new submittal and the process of the new submittal.

New Business

Scheduled Fees: Ray Abbey, Building Inspector/Code Enforcement Officer stated that this was just for their information and it is something that has to go before the Town Board. He explained the discrepancies in the policy of fees for mailings and notices for public hearings.

Motion by J. Murray and seconded by C. Marotta to make a recommendation to the Town Board to update the fee structure. **Motion carried.**

Non-Conforming Lots & Structures: Ray Abbey, Building Inspector/Code Enforcement Officer commented on the issue of pre-existing non-conforming lots that do not meet the current area and width requirements even though the proposed projects will conform to current setback requirements. He stated that the Town Board needs to act on the zoning change but was looking for input from the Planning & Zoning Board.

Discussion was held on the on the requested zoning change, pre-existing lots being grandfathered in, new building and the process of a variance.

Motion by J. Murray and R. Barshied to adjourn the Planning Board Meeting at 8:20 PM. **Motion carried.**

Respectfully submitted by

Sue Cunningham
Planning Board Secretary