

**TOWN OF STILLWATER
PLANNING BOARD**

OCTOBER 20, 2008

**STILLWATER PLANNING BOARD
OCTOBER 20, 2008
6:30 P.M.**

Present: Chairwoman JoAnn Winchell, Robert Barshied*, Peter Buck, Carol Marotta*, John Murray*, Patricia Paduano, Paul Tompkins*

Also Present: Ray Abbey-Building Department, Art Baker-Councilman, Joel Bianchi-Town Engineer, Shawn Connelly-Supervisor, Daryl Cutler-Attorney for the Town, Ken Petronis-Councilman, James Trainor-Attorney for the Town, Virginia Whitman-Councilwoman

Supervisor Connelly called the joint meeting of October 20, 2008 to order at 6:30 P.M. and led everyone in the Pledge to the Flag.

* It should be noted that these members of the Stillwater Planning Board arrived after the 6:30PM Special Meeting starting time due to the fact that they were not notified of the time change for the meeting..

**Advanced Micro Devices
PDD Amendment
(PB 2008-48)**

The representatives of AMD gave a 45-minute presentation to members of the Stillwater Town Board and Planning Board in a joint meeting on October 20, 2008

Mr. Mathew Jones, Attorney representing AMD's interests, thanked both Boards for hosting a joint meeting and also stated that he will be doing the presentation on behalf AMD this evening. Mr. Jones stated that the following people were also in attendance: Stephanie Ferridino, Elizabeth Coreno from Jones & Ferridino, Teresa Bakner from Whitman Osterman and Hanna, John Munsey from C.T. Male Associates, and Steve Groseclose from AMD.

Mr. Jones stated that they last appeared in Stillwater on March 3, 2008 when they discussed the applications before Malta and Stillwater. He presented a power-point presentation explaining historical reference and plans for the Fab 4X, and the outcome on Malta's behalf. The slides also detailed the changing trends in nanotechnology, as well as, the corporate changes underway with AMD. Mr. Jones stated that they are seeking the PDD Amendment, Site Plan Review, the Industry Requirements Report, and a Findings Report that would allow existing legislation to the project's needs to continue.

Mr. Steven Groseclose stated that the Foundry Company is a joint venture between AMD 72 and a company called, ATIC. The Foundry Company will be based in the United States, and IBM will be a key partner. The deal creating the new company is set to close at the end of 2008. Mr. Groseclose presented slides on the Fab 4x as follows: PDD Amendment-Clarification, Completion of Approvals (Subdivision, Site Plan, Soil Disturbance, Temporary Construction

Site Plan, Final Site Plan), New Provisions, Removal of Provisions (modifications), Environmental Review (SDEIS-filed 2/25/08, Accepted SDIES as completed 3/3/08, with a Public Hearing on 5/5/08, accepted FSEIS on 8/4/08, Malta Adopted finding on 8/25/08), and on the symmetry they hope to see in Stillwater. Mr. Groseclose stated that this documentation may mirror Malta's PDD Amendment. Mr. Groseclose also stated that there will be increased corporate responsibility such as: responsible investments, sustainable companies, electronic industry code, global climate protection, operational rules for the company and the employees.

There was a brief discussion on the following:

1. Discuss Pod 1, clarify the PDD area within the Town Malta and Stillwater
2. Discuss Pod 1's permitted uses that are allowed in the area; allows for semi-conductor manufacturing and associated accessory buildings development
3. Discuss future phases till build-out and whether agreements will be required for each phase.

Chairwoman Winchell stated that the Board will go over the information provided earlier in the week and will forward all questions to Town of Stillwater Engineer Bianchi or Engineer Messinger by October 30, 2008.

The Town Board and the Planning Board both thanked AMD for the presentation update and further stated that they look forward to working with them on this project. The joint meeting of the Stillwater Town Board and Planning Board ended at 7:15 P.M.

Chairwoman Winchell requested a brief Executive Session of the Stillwater Planning Board to discuss a personnel issue.

The Planning Board moved to go into Executive Session at 7:20 PM and came out of Executive Session at 7:40PM.

VGL Real Estate Developers, LLC
Planned Development District
(PB2008-40 219.-1-1.1)

Mr. Peter Lynch will be representing Mr. Gush this evening before the Board. Mr. Lynch gave the Board a brief overview of the Saratoga Lake Cluster PDD and distributed a financial report for the Board's review.

Mr. Lynch stated that in August 25, 2008 there was a traffic update analysis done by Craig Manning for 39 homes. Mr. Lynch also stated that they recently filed an application 73 with the Zoning Board of Appeals for an Area Variance. He stated that his applicant met on at least two occasions with members of the Saratoga Lake community to unveil plans for the development and gain their perspective. From those meetings they learned that the public is very concerned with the density around the lake. Mr. Lynch stated that he has reduced the size of the project from 49 homes to 39 homes. Mr. Lynch stated they have a water line agreement to bring the water north from Route 423 to Jib Drive. Mr. Lynch stated that had Paragon Prime Funding, the mortgage company for developers review the project and present figures justifying the need to construct 39 homes. Paragon informed Mr. Lynch that if they create housing on lots with a sales price of \$120,000 per lot, that the rate of return would be 15% spread over 5 years, or 3%

per year. Mr. Gush has amended the PDD to allow for 39 lots with hopes of breaking even on his investment. Mr. Lynch stated that wetlands will be preserved, 60% of the space will maintain in its natural state, and there will be a walking trail at the end of the church's parking lot.

There was discussion on the following:

1. The need to complete and submit documents requested by the Board (recommended by the Town Engineers)
2. The fiscal analysis submitted and its bearing, if any, on the subject at hand
3. The previously submitted traffic study and the density figures reviewed
4. The submitted plans and the need to identify wetlands and amenities such as sidewalks (as per Town Ordinance)
5. The application before the Stillwater ZBA and its bearing, if any, on the application process
6. The need for further description and discussion on Keel Lane.

There was a motion made to notify the Zoning Board of Appeals that the VLG PDD application is incomplete at this time. The Planning Board has requested information from Mr. Gush on this project numerous times and has yet to receive it.

**Motion to notify the
Zoning Board of Appeals
That the VLG PDD Application
Is incomplete at this time
Motion made by J. Murray,
Seconded by R. Barshied
MOTION CARRIED UNANIMOUSLY 7-0**

Engineer Bianchi inquired if the Area Variance is acted on by the Stillwater Zoning Board of Appeals how this will impact SEQRA. Engineer Bianchi reminded the Board that the Town Board ultimately approves all PDDs and they rely on the discussions and negotiations carried out by the Planning Board.

Chairwoman Winchell stated that she would like the Board to come up with a list of requirements that they would like from the applicant. It was learned that the Board seeks: 74

1. A letter of commitment from Saratoga County Sewer
2. Letter of commitment from Saratoga Water Services for water service
3. Documentation resolving property owners' access from site via Jib Drive and the encroachments
4. Updated and detailed mapping with setbacks and wetlands
5. SEQRA segmentations with the ZBA
6. Improved description of the northern access road
7. Update the school analysis
8. Plans for trails for users other than snowmobilers

Chairwoman Winchell stated that she received the Cemetery Protection Ordinance from Engineer Paul Cummings. She requested that copies be provided to all Planning Board members and the topic be adjourned until the next meeting. Secretary Silic will copy the law and insert it in packets for the November 3 meeting.

Councilman Ken Petronis stated that all AMD meetings will be commence at 6:30 PM and that notification will be sent out to the Planning Board members. There will be copies of AMD presentation forwarded to the Planning Board members from Jones & Ferridino. The Planning Board requested that any and all communications scheduling future joint meetings between the Stillwater Town Board and the Planning Board be sent from the Stillwater Town Clerk. To make it simpler for the Town Clerk, she may elect to e-mail the newspaper notification of Special Meetings to all members. Councilman Petronis stated that he would bring this request back to the Town Board for review.

Chairwoman Winchell stated that all questions that are for AMD will be forwarded to Stewart Mesinger by October 30, 2008. Mr. Mesinger will forward all questions on to AMD. Chairwoman Winchell asked Engineer Bianchi if Stewart Mesinger would be able to attend the November 3, 2008 meeting at 6:30 P.M. He responded that someone would be available on that date at that time.

The following questions were raised: On Page 5 Section-C revised industry standard, what exactly does this mean, who defines the standards, the amendments that are being asked of Stillwater are they exactly the same as Malta, Page 11 last sentence only uses the word Stillwater it does not mention Malta, Page 5 Section-G trade secrets and redactions, they are self policing and will provide Stillwater with the reports, what is the purpose for self policing, Page 7 Number 19 what exactly is the lay down facility, were will the facility be located, Page 7 & 8 one is being moved and the square footage is being increased by 20%, Page 13 entire page, Page 13 Section V environmental audit, summary of air emission point modeling, Page 14 thru 17 soil disturbance approval, temporary site plan approval, what are there construction hours, Page 7 Tab 5 there will be 1900 workers for 24 hours while the foundation is being poured, Page 7 Item 6 mitigation for noise, Page 21 Tab 5 of Malta's findings they talk about remote locations, Page 21 Tab 6 mitigation for 24 hour construction is found in lighting under finding 4.22 J and was unable to find 4.22 J under findings, temporary construction access road that 75 leading to Cold Spring Road, Page 21 Tab 5 Item A construction access for Malta and Stillwater, will Cold Spring Road used for employees and not for delivery vehicles, when will Route 67 access road be finished, will all truck routes will have signage, and all the roads be built to Town specks.

New Business: There was none.

Old Business: There was none.

There was a motion to adjourn the October 20, 2008 Planning Board meeting at 9:30 PM.

**Motion to adjourn the
Planning Board Meeting
Of 10/20/08**

**Made by P. Buck, seconded
By J. Murray
MOTION CARRIED UNANIMOUSLY 7-0**

Respectfully Submitted,

Sheila Silic

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