

**TOWN OF STILLWATER
PLANNING BOARD**

NOVEMBER 3, 2008

**STILLWATER PLANNING BOARD
NOVEMBER 3, 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, Joel Bianchi-Engineer for the Town, Daryl Cutler-Attorney for the Town, Stuart Mesinger-Engineer for the Town and Liaison for AMD, Councilwoman Virginia Whitman

Chairwoman Winchell called the meeting of November 3, 2008 to order and led everyone in the Pledge to the Flag.

The first order business was to approve the October 20, 2008 minutes. There was a brief discussion regarding the reference to Saratoga Cluster on page 74, paragraph 1, Line 9. The consensus of the members was to revise the minutes to read "housing on lots with a sales price of \$120,000...", rather than the recorded "create housing with a sales price of \$120,000".

**Motion to approve the minutes of
October 20, 2008 with one amendment
Made by R. Barshied, seconded by P. Paduano
MOTION CARRIES 7-0**

**Advanced Micro Devices (AMD)
Planned Development District (Amendment)
(PB2008-48 241.-1-3)**

The representatives for AMD present were: Attorneys Mathew Jones, Stephanie Ferridino and Elizabeth Coreno, Terresa Bakner-Whitman Osterman and Hanna, John Munsey- C.T. Male Associates.

The representatives of AMD distributed an overlay map for clarification of site amenities and gave a brief presentation for any Planning Board Members who may have arrived later to the Joint Town Board/Planning Board Meeting held on October 20, 2008.

Chairwoman Winchell stated that goal for the evening was to address questions and concerns forwarded to Engineer Mesinger since October 20, 2008, and expand upon any additional questions pertaining to the Amendment request.

Engineer Stu Mesinger informed the Board that they may want direct answers from the 77

AMD representatives, rather than receive responses second-hand from him, therefore he would defer questions. He stated that he forwarded questions to Attorney Jones earlier in the week. The questions and subsequent responses related to the red-line version of the PDD

Amendment provided to the Planning Board members in mid-October. When members questioned the previously approved Malta PDD Amendment and correlations and any contrasts, the responses were that they were symmetric.

Stu Mesinger stated that there are sections of the FEIS with Stillwater and Malta that can not be changed. Chairwoman Winchell inquired of Attorney Cutler if he concurs with that statement. Attorney Cutler stated that there are subtle differences with the Malta properties.

The Planning Board Members questions were as follows:

- 1) Chairwoman Winchell questioned Page 27, Tab 3, Number 1 on Open Space and Recreation being removed, is that because it just pertains to Malta? Ms. Bakner stated that was correct.
- 2) Page 5, Section G, Trade Secrets: this has been revised in the red-line version? Ms. Bakner stated that chip fab facilities all have very specialized processes that they develop and need to protect. The value in those processes are that they have the trade secrets and other people shouldn't have them, so, under the Freedom Of Information Law you are working with DEC, or Army Corps of Engineers, or the EPA. These agencies have procedures to declare what you submit as a trade secret and able to protect it further from the public. The problem is that both the Town of Malta and the Town of Stillwater do not have a comparable way to protect these trade secrets and that is why the change was made. There will be reports made available to the Town of Stillwater, however, confidential information will be removed pertaining to trade secrets. The same section was removed from the Town of Malta's PDD also.
- 3) Member Murray questioned Page 5, Section C, "reasonable Period": who defines what a reasonable period of time is? Mr. Jones stated the Town defines what a reasonable time period is. The Town takes into account circumstances that exist at the time. If the Town determines that the entity has not complied in a reasonable amount of time, the Town has available enforcement options to place on the entity. If standards change, the "clock" on the applicant starts reasonable time. If there is a mandate from the government, DEC or the EPA that poses a specific specification that they need to comply with, the reasonable period of time does not apply. Ms. Bakner stated that DEC, Army Corp of Engineers and the EPA put all their standards and changes to these standards on their websites.
- 4) Chairwoman Winchell questioned Page 7, Number 19, Lay-down Facility: this term has not been used before and would require a presentation.

Mr. Munsey stated that this is a new term and it is an enclosed area for construction contractors to use as a staging area to store construction material such as pipes and material that would react to the elements outside. There will also be a parking lot for 1,400 cars belonging to tradesmen working on the site. It was noted that trade workers' lot and the temporary cement plant will be removed when the cement plant is no longer in use and the property will be restored to its original condition.

5) Chairwoman Winchell and Member Marotta questioned Page 21, Tab 5, Temporary Access Roads: where are they? Mr. Munsey stated that Stone Break Road Extension will be the main access road starting November 1, 2008 for truck traffic to and from the construction site. When the main entrance on Route 67 is finished, all construction traffic will be using the main entrance into the facility. The driveway entrance to the parking lot for all employees will be off Cold Springs Road, there will be no truck traffic on Cold Springs Road unless truck access is previously approved by the Stillwater Town Board. The route to the staging area is Hermes Road to Dunning Street and this has not changed.

6) Member Jack Murray questioned Page 12, Tab 3, Pilot Tax Sharing Agreement: he inquired if anyone has the calculation for the tax revenue expected for the Town of Stillwater? Mr. Jones stated that it is within the DGEIS and that the Town of Malta will do the assessment on the property and Stillwater will receive 25% of the assessed value. Mr. Jones stated that they would look into this issue further and present the information to the Planning Board at a later date.

7) Chairwoman Winchell questioned Page 13, Environmental Audit and Air Emission Point Modeling: would you explain what level of modeling will be done? Mr. Munsey stated that air emission point modeling is not something which would normally be conducted as part of the routine environmental audit. The reason for that is because the audits are designed for conditions that might change or a procedure in place and compliance is consistent. The air dispersion modeling is something that was done as part of the original permit application and was submitted in June 2008. If the input conditions of the air dispersion were to change, such as when a new chemical or with a new stack, the applicant would redo the air modeling as part of air permit application. The entity will be giving the Town of Stillwater reports showing that air emissions are in compliance and the company does an annual audit every three years. Mr. Munsey stated that on Page 14, Tab 5, Section E, they list materials and procedures in which they have agreed to follow and have stated that they will keep both towns informed on the audit without releasing the document.

8) Member Marotta questioned the Malta Findings, she inquired if the language would be changed because throughout this section it mentions "AMD". Will there be a rider to these findings? Mr. Jones stated it pertains to law itself and the entities, operators or owners will have to follow all the IRR and operate to the mirror image of "AMD". Stu Mesinger stated that these findings are found on

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Tab 5, Page 3, Item 3 which states these findings will apply to any entity.

9) Member Bob Barshied questioned Tab 5, Page 3, Item 1, referencing the Town of Malta at the end of the section, why doesn't it mention the Town of Stillwater? Mr. Jones stated that Stillwater will do its own findings and that all references to Malta will be removed and Stillwater will be inserted.

10) Member Carol Marotta questioned Tab 5, Page 5, the Intermunicipal Agreement was attached as an appendix to the PDD Amendment and it is not attached on copies provided to the Planning Board members. Ms. Bakner stated that it was attached to the original

PDD in 2004 and has been filed with the Secretary of State. There has been no proposal to change any of that documentation.

11) Member Carol Marotta questioned Tab 3, Page 4, There are some maps included in the Amendment binders and there were some maps e-mailed. Are the maps different? If so, how? Ms. Coreno stated that Attorney Trainer had called and inquired about the Pod Development Map, the Build-out Map and the future build-out of LFTC. Those maps were provided via e-mail.

12) Member Carol Marotta questioned Page 8, Pod 19 is not available for an industry to build on? Ms. Ferridino stated that Pod 19 is designated as a buffer zone, managed forest, managed wetlands, public path ways and trails, public and private utilities. Mr. Munsey stated that Saratoga Water Services will be building a five-million gallon water tank within Pod 19.

13) Member Carol Marotta questioned Page 13, Section B, would you explain this new section? Mr. Munsey stated that existing PDD legislation did not have an air section in it. The new section was drafted specifically for Air Pollution Control Measures. This section basically specifies that AMD will design air pollution control treatment technology in accordance with BEST available technology. Mr. Mesinger stated that the language referring to it is on Page 11, item N.

14) Member Carol Marotta questioned the receptors and if they are off-site? Mr. Munsey stated that they are off-site and the total receptor area is on a 70 by 75 grid, 70 units north and south and 70 units east and west with 75 meters between them. There are 5,600 receptor points which encompasses a total area of ten square miles.

Attorney Cutler inquired if Mr. Jones received Attorney Trainer's letter. Mr. Jones stated that he will be responding back to Attorney Trainor this week. Mr. Mesinger stated that a special meeting or a workshop would be a good idea to further provide the opportunity for Planning Board members to ask questions and have the AMD representatives clarify some the issues in the PDD Amendment prior to making a recommendation to the Town Board.

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**Motion for a Special Meeting of the Stillwater Planning Board
Scheduled for Monday, November 10, 2008 at 6:30 P.M.
Made by J. Murray, seconded
by P. Buck
MOTION CARRIES 7-0**

The consensus of the Planning Board members was to hold the Public Hearing for the AMD PDD Amendment at the Stillwater Town Hall on November 17, 2008 at 7:00 P.M. They authorized Attorney Cutler to begin the advertising process for the hearing.

**ABC Recycling
Brickyard Road -Rear
Mechanicville, NY 12118**

Site Plan Review
(PB2008-49 253.-1-55.122)

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James Eastman from WSP Sells was present representing Donald Bonomo, owner and operator of ABC Recycling. Mr. Bonomo and his family were also in attendance. Mr. Eastman stated that in 1996 this project was approved by the Town of Stillwater for the operation of a junk yard facility. ABC Recycled Auto Parts has been doing business since then, even after a fire devastated the structure at the site in 2005. Mr. Bonomo stated that in 2001 he became one of the owners of ABC Recycling. Mr. Eastman stated that the Town of Stillwater has since revised their Zoning Code and a Special Use Permit is required to be renewed on an annual basis to operate a junk yard. Mr. Eastman stated that they are proposing to rebuild the pole barn facility on the existing slab of the barn that burnt in 2005, provide a large gravel area around the building for stability, and create an emergency and tractor trailer turnaround area on the site. Mr. Eastman also stated that all contamination run-off is proposed to be diverted to a stormwater wet pond designed to help mitigate any pollutants from entering the environment. Mr. Bonomo stated that tires will be removed from the cars and are shipped off-site to a waste removal site and NYS regulations state that no more than 1,000 tires be at the site at any given time. Mr. Bonomo stated that they had a license from the State of New York for dismantling cars, selling car parts, to do junk and they also had a license from Stillwater. He also stated that with the confusion associated with the fire, they did not renew the license from Stillwater. They have however, maintained their required NYS licenses. Mr. Eastman stated that are not disturbing the existing vegetation or the wetlands. The Site Plan outlines two phases and there would be 70% of green space at build-out with 30% maximum with structures. The first phase would be the replacement of the pole barn with a steel fabricated structure. Phase Two would have to come before the Planning Board for approval if ABC Recycling decides to move ahead with any expansion proposal.

There was discussion on the following: What Zoning District is ABC Recycling in, is there an easement in place, what is the grade of the slope on the property, what security measures are in place, is there a fence around the facility, whether any business plan is in place, what kind of liner is proposed for the stormwater wet pond, and what kind of lighting is planned, what will be the hours of operation, and what is the water source for this facility.

Chairwoman Winchell stated that she believes it would be beneficial to do a site visit prior to advancing the application. The applicants welcomed members and stated the present operating hours.

Motion to deem the
ABC Site Plan Application
Incomplete As Submitted
Made by J. Murray,
seconded by P. Paduano
MOTION CARRIES 7-0

New Business: Chairwoman Winchell stated that she has received a letter from Alex Powhida on behalf of Camelot Associates requesting an extension for the Revolutionary Heights subdivision. They are waiting on a waiver from EPA.

Chairwoman Winchell requested a report from the Building Department on the activity in the Town since March of 2008.

Member Murray requested that the Planning Board go into executive session for personnel issues at 10:16 P.M.

**Motion to go into
Executive Session to discuss Personnel
Made by J. Murray,
Seconded by R. Barshied
MOTION CARRIES 7-0**

**Motion to end Executive Session
Made by P. Buck, seconded by
C. Marotta
MOTION CARRIES 7-0**

The Planning Board meeting adjourned at 10:40 P.M.

**Motion to adjourn the
Planning Board Meeting
Made by R. Barshied,
Seconded by C. Marotta
MOTION CARRIES 7-0**

Respectfully Submitted,

Sheila Silic

Sheila Silic

