

TOWN OF STILLWATER
PLANNING BOARD MEETING MINUTES
September 19, 2011 @ 7:00 PM
STILLWATER TOWN HALL

Present: Chairman Bob Barshied (BB), John Murray (JM); Paul Tompkins (PT); Beverly Frank (BF) Peter Buck (PB) Randy DeBacco (RD)

Absent: Carol Marotta (CM)

Also Present: Daryl Cutler (DC) Attorney for the Town, Sean Doty (SD) Engineer for the Town; Richard Butler (RB) Acting Secretary for the Planning Board. Ray Abbey (RA) Code Enforcement Officer, Jim Ferris (JF) ZBA Chair.

There was no one present in the audience except (JF) and those in support of the applicant.

Pledge: Chairperson Barshied called the meeting to order at 7PM and led everyone in the Pledge to the Flag.

Adoption of August 15, 2011 Minutes:

Motion to adopt made by (JM) seconded by (RD) All in favor with no changes.

The meeting schedule for 2012 was discussed. Revisions were suggested to move the January meeting to the third Monday. There were no other changes.

Applicants

Chris Wickes 252.-1.4.11

Lot Line Adjustment

A new map was received from Applicant with revisions to the boundaries of SBL# 251.1.20. (BB) asked if the Applicant would change the South Lot Line back to its original location shown on the previous plan. Chris Wickes read a prepared statement describing his project history and his business practices, including many donated services made over the years through out the Town. Mr. Wickes is frustrated with the town process and the length of time that it has taken him to try to resolve his concerns. (PB) expressed empathy for Mr. Wickes and the sometimes overwhelming bureaucracy relating to doing business in the State.

-It is the intention that the Wickes family to continue ownership of all the parcels indicated on the site plan.

-(RB) stated that the Applicant's planned storage building still needs to go up on the larger parcel in order to have a legal storage building. If the building is intended, by the Applicant, to be erected on Parcel 251.1.20, it will be illegal presuming that the Applicant is operating a business in a non- business zone. The Applicant has the right to appeal to the ZBA for an interpretation if he/she is of the opinion that the Building Department's decision to deny a permit was improper.

If the Applicant chooses to return to the ZBA for an interpretation, he/she needs to make an application for an interpretation, after receipt of a denial letter from the Department.

-(JF) Asked why the parcel in question can't be determined to be agriculture and the Applicant allowed to erect his storage building. (RB) and others representing the Town added that since the boundaries of parcel 251.1.20 have been altered, that any project proposed for the parcel would be considered illegal for the same reason, i.e. it would be considered an extension of a non-conforming lot that is presumed also to be operating a business in a district that does not allow businesses.

(BB) asked if the applicant would be willing to erect the subject building on the larger adjacent parcel to the East. Mr Wickes replied that he did not want to erect the building behind his property on the adjacent lot, partially due to a pet cemetery. (DC) stated that if the Building Department promptly acts to issue a letter of denial and the Applicant promptly acts to make a ZBA application for an interpretation by the 3rd of October, the subject could be brought before the ZBA on the 24th of October.

**TOWN OF STILLWATER
PLANNING BOARD
2011 RESOLUTION NO. 22**

WHEREAS, Antoinette and Christopher Wickes have submitted an application for a Lot Line Adjustment regarding property located at 216 County Route 75 in the Town of Stillwater, more fully identified as Tax Map Number 252.-1-4.11; 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 Applicant has 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 application of Antoinette and Christopher Wickes for a Lot Line Adjustment regarding property located at 216 County Route 75 in the Town of Stillwater, more fully identified as Tax Map Number 252.-1-4.11, is an Unlisted action and will not have a significant impact on the environment.

A motion by Member Murray, seconded by Member Buck, to adopt Resolution No. 22 of 2011.

A roll call vote was taken on Resolution No. 22 as follows:

Chairman Barshied	Yes
Member Buck	Yes
Member DeBacco	Yes
Member Frank	Yes
Member Marotta	Absent
Member Murray	Yes
Member Tompkins	Yes

Resolution No. 22 of 2011 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on September 19, 2011.

**TOWN OF STILLWATER
PLANNING BOARD
2011 RESOLUTION NO. 23**

WHEREAS, Antoinette and Christopher Wickes have submitted an application for Lot Line Adjustment regarding property located at 216 County Route 75 in the Town of Stillwater, more fully identified as Tax Map Number 252.-1-4.11; 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 2011; 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 Lot Line Adjustments;

Now, therefore, be it

RESOLVED, that the application of Antoinette and Christopher Wickes for Lot Line Adjustment regarding property located at 216 County Route 75 in the Town of Stillwater, more fully identified as Tax Map Number 252.-1-4.11, is hereby GRANTED provided application comply with the following conditions, and that these conditions be met prior to approval of the application:

1. Amend the map to reflect the current property lines of 252-1-20; and
2. Amend the map to include reference to variance granted on September 12, 2011;

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.

A motion by Member Murray, seconded by Member Buck, to adopt Resolution No. 23 of 2011.

A roll call vote was taken on Resolution No. 23 of 2011 as follows:

Chairman Barshied	Yes
Member Buck	Yes
Member DeBacco	Yes
Member Frank	Yes
Member Marotta	Absent
Member Murray	Yes
Member Tompkins	Yes

Resolution No. 23 of 2011 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on July 11, 2011.

(It was further clarified that the original plat dated July 8 2011 can be used indicating the boundaries with conditions added for signing by the PB Chair and County filing)

Old Business

Complaints, dilapidated buildings and violations update

(RB) stated that there is a small budget left for initiating a second demolition project. An attempt is being made to identify a high priority parcel.

-(RB) A formal list of dilapidated properties and properties in violation is being prepared.

-Donnelly Construction has offered to build a fence along their westerly border. (RB) has requested more specific information for Department review.

-The Dreimiller Property along George Thompson Road may well be the next top priority for Town action.

-(RB) Reviewed the procedures determined to be applicable for new projects in the Rt 67 Overlay District, as reviewed and discussed with The Chazen Companies. They are generally as follows:

- 1) It is the Applicant's choice to apply for a Special Use Permit, individually or simultaneously with, an application for Site Plan Review.
- 2) The SEQR process must be accomplished prior to the issuance of a Special Use Permit.
- 3) A Special Use Permit can't be granted without first obtaining County Approval.
- 4) The Applicant must establish limits of use for the review and approval of the Planning Board for the SUP. The Project's design must be developed sufficiently to describe its scope.
- 5) A public hearing is required prior to the issuance of a Special Use Permit and it will not be set until after the Planning Board has officially met to review the application. A second public hearing for Site Plan Review is at the discretion of the Planning Board.

NEW BUSINESS:

-Verizon has inquired about a new cell tower near the existing tower near Radar Road.

(JM) asked (RB) to review the Crown file for background relating to the new proposed cell tower on Radar Road.

-The Department anticipates an increase in involvement with Global Foundries projects as they may affect the Town of Stillwater.

-(BB)reported on the County Sewer District's moratorium status and progress of the sewer district improvements.

Motion by (PB) and seconded by (BF) to adjourn the Planning Board Meeting at approximately 8:45PM.

A sub-committee meeting followed to review proposed changes to the Zoning Law

Next Meetings (October 17th and November 7th)

Respectfully submitted by:

Richard R. Butler Secretary for PB