

**TOWN OF STILLWATER**  
**PLANNING BOARD MEETING MINUTES**  
**December 5th, 2011 @ 7:00 PM**  
**STILLWATER TOWN HALL**

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

**Absent:** N/A

**Also Present:** Daryl Cutler (DC), Attorney for the Town; Sean Doty (SD) Engineer for the Town; Deanna Stickney (DS) Acting Secretary for the Planning Board; Richard Butler (RB), Director of Building, Planning & Development; Ray Abbey (RA), Building Code Inspector; Edward Kinowski (EK), Town Supervisor & Ginger Whitman (GW) Town Councilwoman.

**Pledge:** Chairperson Barshied called the meeting to order at 7:00 PM and led everyone in the Pledge to the Flag.

**Adoption of November 21st, 2011 Minutes:**  
(BB) stated that no minutes were ready to review / approve.

**1<sup>st</sup> Agenda Item 7:05 PM**

**D. A. Collins Business Incubator / Warehouse Project**

(BB) Reopened the Public Hearing which was left open at the previous meeting and he asked if there were any more comments from the public. There were none and the public input portion was closed.

The purpose of the continuing discussion was to further review the Special Use Permit & Site Plan Review Applications.

(BB) asked if the Overlay District had been reinstated. (DC) stated that it had been. Representatives Mike Ingersoll of LA Group and Jeff Cintula of DA Collins spoke on behalf of the Applicant.

Mike Ingersoll presented a revised Power Point Presentation of the Project. It contained many site drawings including a simulation of what the property would look like upon completion. He also showed the sight distances along Route 67. Traffic generation was also discussed. The Applicant stated that there would be a reduction of 7 trips when compared with prior D. A. Collins maximum site activity.

Parking, lighting, and added landscaping at the complex was discussed in detail.

(DC) stated that he remembers only one comment during public hearing that could have been deemed negative and it concerned storm water at the easternmost boundary of the property, no where near the subject site improvements.

**TOWN OF STILLWATER**  
**PLANNING BOARD**  
**2011 RESOLUTION NO. 28**

WHEREAS, D.A. Collins Construction Co., Inc. has submitted an application for Site Plan Review and a Special Use Permit regarding property located at 101 Route 67 in the Town of Stillwater, more fully identified as Tax Map Number 252.-2-35; 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 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 D.A. Collins Construction Co., Inc. for Site Plan Review and Special Use Permits regarding property located at 101 Route 67 in the Town of Stillwater, more fully identified as Tax Map Number 252.-2-35, is an Unlisted action and will not have a significant impact on the environment.

A motion by Member Murray, seconded by Member Frank, to adopt Resolution No. 28 of 2011.

A roll call vote was taken on Resolution No. 26 as follows:

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

Resolution No. 28 of 2011 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on December 5, 2011.

(DC) stated that this is an application for a permanent Special Use Permit.

**TOWN OF STILLWATER  
PLANNING BOARD  
2010 RESOLUTION NO. 29**

WHEREAS, D.A. Collins Construction Co., Inc. has submitted an application for a Special Use Permit regarding property located at 101 Route 67, more fully identified as Tax Map Number 252.-2-35; and

WHEREAS, pursuant to the Stillwater Zoning Law, a public hearing was held on November 7, 2011 and December 5, 2011; and

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 28 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 duly considered the application and the elements necessary to consider the granting of a Special Use Permit by taking into consideration the benefit to the applicants if the permit is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community by such grant;

Now, therefore, be it

RESOLVED, that the Planning Board hereby makes the following findings:

1. The Use is in harmony with and does promote the general purposes and intent of the comprehensive plan and the overlay district legislation, and the use does not have a negative effect on the health, welfare, and safety of the Town and its residents because it provides necessary and desirable business uses that are beneficial to the Town in a location where such business was planned under the Town's development plans;
2. The overall compatibility of the Use has a positive impact on the neighborhood or community character, including the character of adjoining properties, districts, and uses and the Use has a positive impact on density, including the density of adjoining properties, districts, and uses because there are already businesses in the area, the design has little aesthetic impact and improves the look of the property;
3. The Use does not have a substantially negative impact on vehicular congestion and parking, including the provision of adequate parking and the absence of hazardous or traffic conditions, including ingress and egress because the Use proposed does not create even as much traffic as the prior use generated; and
4. The Use has a positive impact on infrastructure and services, including utilities, public facilities, and services, taking into consideration the extent to which the project extends or provides infrastructure and services to the area in need of such infrastructure and services because it will provide needed facilities for the Town and its residences; and
5. The Use has a positive impact on environmental and natural resources, including the environmental and physical suitability site for development, the risk of fire, flood, or erosion taking into consideration the impacts such as emissions of electrical charges, dust,

light, vibration, or noise detrimental to the public health, safety, and welfare, because the environmental risks have been addressed and the businesses attracted by the proposed building will be clean businesses; and

6. The Use provides a positive effect on the long term economic stability and community character of the Town and surrounding properties, districts, and uses because this project will provide jobs and attract other desirable businesses; and be it further

RESOLVED, that the application of D.A. Collins Construction Co., Inc. for a permanent Special Use permit on property located at 101 Route 67, more fully identified as Tax Map Number 252.-2-.35, is GRANTED, provided applicant comply with the following conditions, which were included in the November 29, 2011 Memorandums from The Chazen Companies, and that these conditions be met prior to approval of the application.

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 Marotta, to adopt Resolution No. 29 of 2011.

A roll call vote was taken on Resolution No. 29 as follows:

Chairman Barshied	Yes
Member Buck	Yes
Member Butler	Yes
Member Frank	Yes
Member Marotta	Yes
Member Murray	Yes
Member Tompkins	Yes

Resolution No. 29 of 2011 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on December 5, 2011.

Signage was discussed. (SD) reminded the Applicant that they do need to apply for a sign permit, which also requires review by the Planning Board.

Mr. Ingersol described the proposed site lighting. (JM) stated a concern that the proposed lighting may establish a standard for future projects and that he would like to see consistency and similarity with future projects.

There was considerable discussion about roadway and driveway required widths.

**TOWN OF STILLWATER  
PLANNING BOARD  
2011 RESOLUTION NO. 30**

WHEREAS, D.A. Collins Construction Co., Inc. has submitted an application for Site Plan Review regarding property located at 101 Route 67 in the Town of Stillwater, more fully identified as Tax Map Number 252.-2-35; 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. 28 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 Site Plan Review;

Now, therefore, be it

RESOLVED, that the application of D.A. Collins Construction Co., Inc. for Site Plan Review regarding property located at 101 Route 67 in the Town of Stillwater, more fully identified as Tax Map Number 252.-2-35, is hereby GRANTED provided Applicant comply with the following conditions, which were included in the November 29, 2011 Memorandum from The Chazen Companies, and that these conditions be met prior to approval of the application:

1. Applicant obtain any necessary sign permits; and
2. The roadway is at least twenty-six (26') feet in width unless a narrower width can conform with New York State Fire code;

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 Marotta, seconded by Member Buck, to adopt Resolution No. 30 of 2011.

A roll call vote was taken on Resolution No. 30 of 2011 as follows:

Chairman Barshied	Yes
Member Buck	Yes
Member DeBacco	Yes
Member Frank	Yes
Member Marotta	Yes

Member Murray	Yes
Member Tompkins	Yes

Resolution No. 30 of 2011 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on December 5, 2011.

**2<sup>nd</sup> Agenda Item (7:57)**

**Global Foundries; Jim Houston, CT Male representing Global Foundries**

Mr. Huston stated he was present as a follow-up from a previous meeting regarding the discussion of a temporary parking lot for Site Plan Review and a Grading Permit.

Mr. Huston verified that at this time Cordero Drive is open to traffic with full access to main campus since this was a question that (CM) had asked at the last meeting.

(CM) also wanted to know if it is possible to access the subject parking area from the main entrance down Stonebreak Road, and Mr. Huston verified, yes you can and that it is all paved.

(BB) stated that SEQRA requirements were met under the original Luther Forest PDD .

**TOWN OF STILLWATER  
PLANNING BOARD  
2011 RESOLUTION NO. 31**

WHEREAS, Global Foundries U.S. Inc. has submitted an application for Site Plan Review to construct a Temporary Lot E Parking area regarding property located at 400 Stone Break Road Extension, Stillwater, more fully identified as Tax Map Number 241-1-3.1; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the proposed action is an Unlisted action requiring no further action; 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 Planning Board hereby determines that the proposed action by the applicant, Global Foundries U.S. Inc., for Site Plan Review for a Temporary Parking Lot regarding property located at Lot E, Global Foundries Facility Campus at 400 Stone Break Road Extension, Stillwater, more fully identified as Tax Map Number 241-1-3.1, will not have a significant impact on the environment.

A motion by Member Murray, seconded by Member Tompkins, to adopt Resolution No. 31 of 2011.

A roll call vote was taken on Resolution No. 31 of 2011 as follows:

Chairperson Barshied	Yes
Member Buck	Yes
Member Frank	Yes
Member Marotta	Yes
Member Murray	Yes
Member Tompkins	Yes

Resolution No. 31 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on December 5, 2011.

**TOWN OF STILLWATER  
PLANNING BOARD  
2011 RESOLUTION NO. 32**

WHEREAS, Global Foundries U.S. Inc. has submitted an application for Site Plan Review to construct Lot E Temporary Parking regarding property located at the Global Foundries Facility Campus at 400 Stone Break Road Extension, Stillwater, , more fully identified as Tax Map Number 241-1-3.1; 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. 31 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 Site Plan Review;

Now, therefore, be it

RESOLVED, that the application of Global Foundries U.S. Inc. for Site Plan Review to construct Lot E Temporary Parking on property located at 400 Stone Break Road Extension, Stillwater, more fully identified as Tax Map Number 241.-1-3.1, is hereby GRANTED; 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 Frank, seconded by Member DeBacco, to adopt Resolution No. 32 of 2011.

A roll call vote was taken on Resolution No. 32 of 2011 as follows:

Chairperson Barshied	Yes
Member Buck	Yes
Member Frank	Yes
Member Marotta	Yes
Member Murray	Yes
Member Tompkins	Yes

Resolution No. 32 of 2011 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on December 5, 2011.

### **3<sup>rd</sup> Agenda Item**

#### **1743 Route 9 LLC, represented by Gil Van Gilder; Land Surveyor 71 Grace Moore Road; Town of Stillwater; SBL #: 219.-1-88.1 & 219.-1-88.2**

Mr. VanGilder discussed the Project. There is no public water or sewer so he stated the parcels would be developed with site septic and wells. The smallest parcel is 4.2 acres and the larger parcel is 10.3 acres.

Driveway requirements were discussed in detail.

### **TOWN OF STILLWATER PLANNING BOARD 2011 RESOLUTION NO. 33**

WHEREAS, 1743 Route 9, LLC has submitted an application for a Minor Subdivision regarding property located at 71 Grace Moore Road in the Town of Stillwater, more fully identified as Tax Map Numbers 219.-1-88.1 and 219.-1-88.2; 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 Planning Board hereby determines that the proposed action by the Application, 1743 Route 9 LLC for a Minor Subdivision regarding property located at 71 Grace Moore Road, more fully identified as Tax Map Numbers 219.-1-88.1 and 219.-1-88.2, will not have a significant impact on the environment.

A motion by Member Marotta, seconded by Member Buck, to adopt Resolution No. 33 of 2011.

A roll call vote was taken on Resolution No. 33 as follows:

Chairperson Barshied	Yes
Member Buck	Yes
Member Frank	Yes
Member Marotta	Yes
Member Murray	Yes
Member Tompkins	Yes

Resolution No. 33 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on December 5, 2011.

**TOWN OF STILLWATER  
PLANNING BOARD  
2011 RESOLUTION NO. 34**

WHEREAS, 1743 Route 9 LLC has submitted an application for a Minor Subdivision regarding property located at 71 Grace Moore Road in the Town of Stillwater, more fully identified as Tax Map Numbers 219.-1-88.1 and 219.-1-88.2; 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. 33 of 2011; and

WHEREAS, the Town Engineer has reviewed the application and the proposed minor subdivision 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 1743 Route 9 LLC for a Minor Subdivision regarding property located at 71 Grace Moore Road in the Town of Stillwater, more fully identified as Tax Map Numbers 219.-1-88.1 and 219.-1-88.2, is hereby GRANTED provided applicant comply with the following conditions, which were included in the

Memorandum from The Chazen Companies, and that these conditions be met prior to approval of the application:

1. Obtain 911 numbers for the lots;
2. Submit a basic Stormwater Pollution Prevention Plan;
3. Provide a driveway cross section on drawing; and
4. Driveway is constructed within conformity with NYS Fire Code.

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 Marotta, seconded by Member Buck, to adopt Resolution No. 34 of 2011.

A roll call vote was taken on Resolution No. 34 of 2011 as follows:

Chairperson Barshied	Yes
Member Buck	Yes
Member Frank	Yes
Member Marotta	Yes
Member Murray	Yes
Member Tompkins	Yes

Resolution No. 34 of 2011 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on December 5, 2011.

**3<sup>rd</sup> Agenda Item-**  
**Cellco Partnership d/b/a/ Verizon Wireless**  
**Special Use Permit and Site Plan Review**  
**SBL# 207-1-13.1**

The applicant was not present. No discussion took place

**OLD BUSINESS**

(RB) updated the Board on two items of past interest:

1) Dilapidated properties.

(RB) stated that the Fire Marshal, Peter Hughes, has offered to make a presentation to any board that may want an update on his duties and procedures. (RB) stated the Fire Marshal has been very busy and has not yet started to investigate dilapidated properties due to other Town enforcement issues.

2) Revisions to the Zoning Ordinance.

(RB) stated he has distributed to the subcommittees the revised ordinance which is the result of many hours of work by the sub-committee and staff. The proposed changes have been forwarded to (EK), the Town Engineers and the Town Attorneys for their review.

### **Other Business**

(BF) asked if the Town is still reviewing the Comprehensive Plan and if the Town Board has reinitiated a committee to do an update. (EK) stated not at this time, but that the Town updated the Comprehensive Plan for the Route 67 Corridor Rezoning and now he wants to form a number of committees for 2012. For example a Long Range Planning Committee.

Motion to adjourn made by member Frank\_ seconded by member Tompkins at approximately 9PM.