

**Stillwater Planning Board  
May 3, 2010 7:00PM  
Stillwater Town Hall**

**Present: Chairperson Bob Barshied; John Murray; Carol Marotta; Paul Tompkins; Beverly Frank and Richard Butler**

**Absent: Peter Buck**

**Also Present: Daryl Cutler, Attorney for the Town; Joel Bianchi, Engineer for the Town; Ray Abbey, Building Inspector/Code Enforcement and Jessica Valcik, Secretary for the Planning Board**

Chairperson Barshied called the meeting to order and led everyone in the Pledge to the Flag.

**Adoption of Minutes: Motion by C. Marotta and seconded by B. Frank to adopt the April 5, 2010 Planning Board Minutes. Motion Carried.  
Motion by B. Frank and seconded by J. Murray to adopt the April 19, 2010 Planning Board Minutes with one correction. Motion Carried.**

**Julian DeLaRosa  
Minor Subdivision  
PB2010-75  
SBL# 253.-1-36.1**

Kevin Tollisen spoke on behalf of the applicant. The applicant is looking to take a piece of his parcel and merge it with another piece of property.

After discussions with the Board, it was found to be that the applicant did not need a minor subdivision, but a lot line adjustment instead because it will be kept at two lots. The consensus of the Board was to request an updated map showing there is no longer a driveway connecting lots, the deeds be combined and the maps to be signed and filed. They offered the following resolutions:

**Resolution # 10 (SEQRA-Approved)**

**Motion by J. Murray and seconded by P. Tompkins to adopt resolution # 10 as follows:**

WHEREAS, Julian J. DeLaRosa, III has submitted an application for a Minor Subdivision which has been corrected to be an application for a Lot Line Adjustment regarding property located at 78 Brickyard Road in the Town of Stillwater, more fully identified as Tax Map Numbers 253.00-1-36.1 and 253.00-1-37; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the proposed action is an Unlisted action requiring no further 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 applicant, Julian J. DeLaRosa, III, for a Lot Line Adjustment regarding property located at 78 Brickyard Road in the Town of Stillwater, more fully identified as Tax Map Numbers 253.00-1-36.1 and 253.00-1-37, is an Unlisted action and will not have a significant impact on the environment.

A roll call vote was taken on Resolution No. 8 as follows:

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

Resolution No. 10 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on May 3, 2010.

**Motion carried unanimously.**

**Resolution # 11**

**(Lot Line Adjustment-Approved)**

**Motion** by C. Marotta and seconded by B. Frank to adopt resolution # 11 as follows:

WHEREAS, Julian J. DeLaRosa, III has submitted an application for a Minor Subdivision which has been corrected to be an application for a Lot Line Adjustment regarding property located at 78 Brickyard Road in the Town of Stillwater, more fully identified as Tax Map Numbers 253.00-1-36.1 and 253.00-1-37; 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. 10 of 2010; and

WHEREAS, the Town Engineer has reviewed the application 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 Julian J. DeLaRosa for a Lot Line Adjustment regarding property located at 78 Brickyard Road in the Town of Stillwater, more fully identified as Tax Map Numbers 253.00-1-36.1 and 253.00-1-37, is hereby GRANTED provided the applicant comply with the following conditions, and that these conditions be met prior to approval of the application:

1. The Map be amended to reflect that the driveway from Lot 253.00-1-36.1 no longer travels over the property of the new dimensions of Lot 253.00-1-37; and
2. That the portion of land separated from Lot 253.00-1-36.1 are merged by deed to Lot 253.00-1-37 so that the boundary lines of the two lots are adjusted, but no new lot is created.

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 roll call vote was taken on Resolution No. 11 as follows:

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

Resolution No. 11 of 2010 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on May 3, 2010.

**Motion carried unanimously.**

**DeCrescente Dist. Co.**

**Sign Permit**

**PB2010-76**

SBL # 262.-1-11

Andy Laing spoke on behalf of the applicant. He is requesting the approval of a sign to be put up on the proposed Employee Fitness and Wellness Center.

After a brief discussion of the Board, the consensus was to send the applicant to the ZBA for an area variance because the sign is much larger than the allowed use according to the regulations.

**DeCrescente Dist. Co.**  
**Site Plan Review**  
**PB2010-77**  
SBL # 262.-1-11

Tom Center, the Engineer for the proposed project spoke on behalf of DeCrescente. The applicant is proposing to renovate the existing asphalt and gravel parking area. The applicant intends on removing old asphalt and adding new, also adding grass and some landscaping to make the Rt.4 Corridor look more appealing, adding a new handicap entrance to the proposed Center, and relocating the parking area entrance further to the North.

The Board held a discussion on the proposed changes and came to the consensus that they would like to see a detailed report from the Stillwater Engineer. The proposed project also needed a County Referral form. The applicant was tabled until the May 17<sup>th</sup> meeting for more information to come.

**Mason Street LLC**  
**Saratoga Pointe PDD**  
**PB2009-65**  
SBL # 219.-1-5.2

John Gay spoke on behalf of the proposed project. A request was made that the 25% minimum for the types and mix of units to be put up could go to a slight change of 20%. There was also a discussion on the commercial use of the property. The allowed types of uses they recommend on having such as a bank with a drive thru or a restaurant with no drive thru.

After a brief discussion the Board members came to the consensus to recommend the proposed project to the Town Board as follows:

**Resolution # 12**

**RESOLUTION 12, DATED MAY 3, 2010**

**Planning Board Recommendations**  
**Regarding Saratoga Pointe Planned Development District**

WHEREAS, Mason Street, LLC (the “Applicant”) submitted an Application for a Planned Development District for a project known as Saratoga Pointe on property on NYS Route 423 in the Town of Stillwater, New York, Tax Map Parcel Nos. 219-1-2, 3, 4, 5.1, 5.2 and Nos. 219-05-1-3, 12; and

WHEREAS, the project site was previously used as a trailer court for mobile homes, and the Applicant proposed to re-develop the property as a 139 lot subdivision on a ±81 acre site; and

WHEREAS, the Town Board of the Town of Stillwater referred the Planned Development District to the Planning Board for its review, comment and recommendation; and

WHEREAS, the Planning Board reviewed the application in August, 2009-December, 2009, and scheduled a public hearing with respect to the proposal, which commenced on January 19, 2010 and continued on February 8 and March 1, 2010; and

WHEREAS, as a result of comments received during the review process, the Applicant revised the PDD proposal. The original application proposed a 139 lot subdivision with no commercial uses. In April, 2010, the Planning Board reviewed the modified proposal, which contains 125 residential lots, plus one lot designated for commercial use; and

WHEREAS, the Zoning Law requires the Planning Board to make a recommendation regarding the Application once it determines that the application is complete; and

WHEREAS, the Planning Board has considered the revised Concept Plan and application materials and has determined that the application is complete; now, therefore, be it

RESOLVED, that the Planning Board provides the following report with its recommendations and comments as follows:

### ***Project Description***

The revised Concept Plan for Saratoga Pointe consists of 126 lots on an ±81 acre site on NYS Route 423 (Battlefield Road), near the intersection of Route 9P. A metes and bounds description of the property included in the PDD is annexed as **Appendix, Exhibit 1**. The Concept Plan (**Appendix, Exhibit 2**) reflects a single entrance to the subdivision, with the internal roads designed in two loops or lobes. A commercial lot is proposed near the entrance of the subdivision, and all other lots are buffered from the frontage on Route 423 by existing vegetation. Due to the compact design of the subdivision, a large area of the site (approximately 51.5 acres) will remain in a natural state. Almost every lot in the subdivision abuts common space or natural areas. All the natural areas are connected by walking paths, accessed by open common areas. There are common areas in the center of each of the two interior loop roads in the subdivision, which will remain open for passive recreation and play areas. The homes in the subdivision also will be connected to sidewalks as shown on **Appendix, Exhibit 2**.

The project is designed for workforce housing and “empty nesters,” who do not want to maintain large homes and yards. The homes will be priced in the \$225,000 to \$350,000 range, which is significantly less than the mean price of new construction in the region. There is currently no residential project in the area similar to the layout and design of Saratoga Pointe.

The design includes a mix of home styles, including “zero lot line” homes, which are similar to a duplex, but are built on separate lots. The Applicant proposes to use a variety of designs, including houses with front porches near the sidewalks/streets. The Applicant has agreed to comply with the Planning Board’s request that the mixture of homes in the subdivision comply with the following minimum ratios: (1) the number of homes using the “zero lot line” design will comprise no less than twenty percent (20%) of all home styles constructed in each phase of Phases I and II of the project; and (2) the number of homes using a traditional single family design style with front porches will comprise no less than twenty percent (20%) of all homes styles constructed in each phase of Phases I and II.

The Concept Plan includes a commercial lot, capable of accommodating multiple buildings on Route 423. The list of permitted commercial uses is annexed as **Appendix, Exhibit 3** to this Resolution. The commercial building will be constructed in an architectural style similar to the homes in the Saratoga Pointe neighborhood. Improvements constructed on the commercial lot shall maintain a 50’ rear and side yard setback, and a 30’ front yard setback. The Neighborhood Business (B-1) Zoning District in which the commercial lot is currently located only requires a 10’ rear and side yard setback. The Applicant proposed the additional setback at the rear and side yard to provide additional space for buffers and landscaping.

The Applicant purposes to construct the project in three (3) phases, as depicted on **Appendix, Exhibit 4**.

The Applicant has proposed that the common areas (not including roads and sidewalks) in the subdivision will be owned by a Homeowners Association (“HOA”). The HOA will be responsible for the maintenance and operation of the common areas, including any paths and improvements located in the common areas. The HOA also will be responsible for the maintenance of the sidewalks, including snow removal. The deeds to each lot shall state that (A) the lot is subject to the HOA and the restrictions and limitations imposed by the PDD law, (B) no dumping shall occur in the open space/common areas, and (C) no further subdivision or development of the lands shall be permitted.

The detailed stormwater detention and discharge plans will be developed prior to site plan and subdivision review and will be subject to approval of the New York State Department of Environmental Conservation (“DEC”). The Planning Board requested that the Applicant create a drainage district so that the owners of the lots in the Saratoga Pointe PDD will be responsible for the maintenance and operation costs associated with the stormwater detention and discharge system. The Planning Board also recommended that when Phase III (the commercial lot) is developed, the owner of the commercial lot will have the option of (1) developing its own stormwater detention and discharge plan, or (2) joining the

drainage district. The Applicant agreed that, subject to the Town Board's approval, it will create a drainage district for the project.

The final layout of the driveway entrance to the subdivision will be subject to DOT review and approval. The internal roadways will be built according to the Town's specification, and dedicated to the Town. A temporary turn around will be provided during Phase I of the project. The connection point (road stub) shall be shown on the subdivision plan for any future connection to Mason Street, and the Applicant will convey title to the unconstructed Mason Street to the Town to facilitate any future connection.

The Applicant has provided a proposed Planned Development District law with its amended Application (the "Proposed PDD Law"). The Proposed PDD Law has been amended to include items requested by the Planning Board, and is annexed as **Appendix A** to this Resolution.

### ***PDD Criteria Considered***

In reviewing the Application, the Planning Board considered the general requirements and criteria set forth in the Planned District Development Law, Article 4 of the Zoning Law. Those include the following factors:

- (1) The need for the proposed use(s) in the proposed location.
- (2) The availability and adequacy of water service.
- (3) The availability and adequacy of sanitary waste disposal facilities.
- (4) The availability and adequacy of transportation systems, including the impact on the road network.
- (5) The pedestrian circulation and open space network in relation to structures and uses.
- (6) The character of the neighborhood in which the PDD is being proposed, including the safeguards provided to minimize possible detrimental effects of the proposed use on adjacent properties and the neighborhood in general.
- (7) The height and mass of buildings and their relation to other structures in the vicinity.
- (8) Potential impacts on local government services.
- (9) Potential impacts on environmental resources including wetlands, surface water, floodplains, and plant and wildlife communities.

- (10) The general ability of the land to support the development, including such factors as slope, depth to bedrock, depth to water table and soil type.
- (11) Other factors as may be deemed appropriate.

The Planning Board also has considered the following general considerations:

- (1) Whether the project provides a choice in the types of environment, occupancy tenure (e.g. individual ownership, condominium leasing), types of housing and sizes and community facilities available to existing and potential residents at all economic levels.
- (2) Whether the project provides more usable open space and recreation areas, including the linkage of open space areas.
- (3) Whether the project provides more convenience in location of industrial, commercial and services areas, if applicable.
- (4) Whether the project provides for the preservation of trees, outstanding natural topographic and geologic features and prevention of soil erosion.
- (5) Whether the project provides for a creative use of land and related physical development which allows an orderly transition of land.
- (6) Whether the project provides for an efficient use of land resulting in smaller networks of utilities and services, thereby lowering housing costs.
- (7) Whether the project provides a development pattern in harmony with the objectives of the Comprehensive Plan.
- (8) Whether the project provides a more desirable environment than would be possible through the strict application of the Zoning Law.

The Planning Board also considered the intent of the PDD law. The Zoning Law recognizes that PDDs provide a mechanism for flexible land use and design. The PDD law allows the Town Board to rezone land so that small to large scale neighborhoods may be developed in the Town. The law permits diverse uses to be brought together in a compatible and unified plan of development. The PDD law also encourages innovation in residential development so that the growing demand for housing at all economic levels may be met by greater variety in type, design and siting of homes. One function of the PDD law is to promote more efficient use of land. The PDD law recognizes that a rigid set of space requirements, along with bulk and use specifications, would frustrate the application of this concept and the goal of conserving natural areas, such as wetlands.

### *Consideration of Comprehensive Plan Goals*

The Planning Board has considered the goals set forth in the Town's Comprehensive Plan, which was adopted in 2006. The Board is cognizant of the fact that any decision it makes with respect to a recommendation should be in harmony with the Comprehensive Plan. In this regard, the Planning Board finds that the Saratoga Pointe project, as modified by the Applicant, is consistent with many of the goals identified in the Comprehensive Plan.

- (1) A goal of the Comprehensive Plan is to ensure a diversity of housing sites and types to meet the changing needs of the population, including: (A) the needs of older residents who desire smaller homes, and (B) options for more affordable workforce housing. (Plan p. 60) The small lots and homes that comprise the development are generally not available elsewhere in the Town. The homes are well-suited for retired residents and workforce housing.
- (2) A goal of the Comprehensive Plan is to “promote efficient, flexible, and compact development design” that protects environmentally sensitive areas (e.g., wetlands), conserves open space, and uses infrastructure more cost-effectively than conventional development patterns. (Plan pp. 60; 76; 78) The Saratoga Pointe plan is a compact design that is an efficient use of the land, and requires less infrastructure and roads than would be needed to construct residential dwellings in a conventional residential zoning district. Because there will be less road per capita than would be provided under traditional subdivision designs, there will be reduced costs in maintaining the roads that are constructed to service the PDD subdivision.
- (3) A goal of the Comprehensive Plan is to promote “well-designed and appropriately scaled mixed-use development” and other compact development nodes. (Plan p. 60) The project includes one (1) lot for small-scale commercial uses, and 125 units for residential use. The design allows the developer to pass on the savings in infrastructure to the home buyer. (Plan p. 77)
- (4) A goal of the Comprehensive Plan is to expand active and passive recreational opportunities to meet the need for those resources. (Plan p. 60) The plan includes passive recreation areas and walking paths for hiking, dog walking, cross-country skiing, etc.
- (5) A goal of the Comprehensive Plan is to protect sensitive natural features, including wetlands. (Plan p. 60) The project allows for the protection of a large wetland, which will remain intact after development. The project also avoids the problems associated with residential development along road frontage. (Plan p. 78) The clustered development is buffered from the road.

- (6) A goal of the Comprehensive Plan is to sustain a “balanced tax base,” with a balanced mix of residential and commercial development. (Plan p. 59) The project includes a mix of commercial uses and residential units, while conserving open space.
- (7) A goal of the Comprehensive Plan is to expand opportunities for economic activity and economic development. (Plan p. 60) The project will create construction jobs, provide workforce housing to sustain economic development in the community, and provide opportunities for new commercial uses.
- (8) The Comprehensive Plan recognizes that “conventional subdivision design methods consume large areas of land and open space,” which is inconsistent with the Plan’s goal of clustering subdivisions and conserving open spaces. (Plan p. 69) The project is not a conventional subdivision plan; it is compact and conserves open space while providing housing opportunities for residents.
- (9) The Comprehensive Plan recognizes that “many individuals cannot afford to purchase homes within the community,” and household sizes are “decreasing” as a result of an “aging population” and preferences. (Plan p. 86) The project provides an option for an affordable home in a market in which traditional new construction costs \$500,000 or more. The target market for units in the project is in the \$225,000 to \$350,000 range.
- (10) The Comprehensive Plan recognizes that Stillwater needs to “become engaged in the Regional effort to address housing affordability.” (Plan p. 87) The Comprehensive Plan recognizes that the Planned Development District (PDD) law is an essential component of facilitating construction of workforce housing. (Plan p. 87) This is accomplished by allowing flexible designs and density to meet community needs. (Plan p. 87) The project is designed to achieve these objectives, and provide housing for a variety of income levels of the local population.
- (11) The Comprehensive Plan recognizes that sidewalks are an important part of hamlet style residential development. (Plan p. 88) The project incorporates sidewalks and walking paths to connect the lots for pedestrians and bicycle use.

### ***Findings Regarding PDD Criteria***

For the reasons set forth below, the Board finds that the Saratoga Pointe PDD satisfies the criteria and considerations of the PDD law:

- (1) The Applicant has demonstrated that there is a need for the proposed use in this location in light of changing demographics and trends, and the need for workforce housing to sustain economic activity in the region.

- (2) There will be adequate water service for the project provided by a private water company.
- (3) There is adequate sanitary sewer service. Any upgrades necessary will be evaluated during the subdivision review process and provided at no cost to the Town.
- (4) The traffic studies demonstrate that there is adequate sight distances for the entrance to the project site, and there is adequate capacity for the project. The traffic consultants confirmed that there will be no adverse traffic impacts as a result of the project.
- (5) The project includes sidewalks, and a network of paths for pedestrian access to the open space areas.
- (6) The project is consistent with the character of the neighborhood. Historically, the site was used for approximately 30 mobile homes. The neighborhood consists of open land, wetlands, and residential housing. The property abuts the backyards of homes on Route 9P, but there are substantial natural buffers between the new homes and the houses along Route 9P. The closest home is approximately 300 feet from the nearest proposed house. The stormwater management basin is over 275 feet from the nearest existing house. The project design will have no detrimental impact on adjacent properties or the neighborhood in general.
- (7) The height and mass of the units will be consistent with, or smaller than, the homes in the vicinity of the project.
- (8) No significant impacts on local government services were identified with respect to this project. There is sufficient water and sewer capacity; the roads are adequate to accommodate traffic generated by the project. The Application suggested that the project will have a reduced impact on the schools when compared to a traditional subdivision. No empirical evidence of this was provided. The Applicant, however, offered anecdotal evidence to support its conclusion from other projects in the area, which were developed with the same design concept. If the demographics of buyers of the Saratoga Pointe homes are consistent with the demographics of home buyers in the Applicant's other project, the Saratoga Pointe PDD will have less impact on the schools than would be typical under traditional subdivision plans.

The Board finds that the project is consistent with the general goals of the PDD law.

- (1) The project provides a choice of housing size and style for existing and potential residents of the Town which is not currently available. The residential units are available in a variety of styles, and will be priced at a range that is affordable.

- (2) The project is designed to maximize the open space on the project site. The design incorporates large, undeveloped tracts with paths for walking, and smaller park/recreation areas in the center of the project site. Almost all lots adjoin open space, and several lots have been left open to create a linkage between the open space/recreation areas.
- (3) The project incorporates commercial uses, which will be convenient for existing residents of the area and the residential lots located in the project site.
- (4) The project preserves over 51 acres of natural areas. The natural topography will be preserved, and the stormwater detention basins and natural wetlands will prevent soil erosion and stormwater runoff.
- (5) The project represents a creative use of the land that avoids large lot, single family homes. The project plan is designed to minimize the amount of road and infrastructure that is required by allowing smaller homes to be closely situated while maintaining natural areas for buffers and recreational use by the residents. The project allows for an orderly transition from the previous use of the land (a mobile home park) to a community suitable for workforce housing and other residents who desire to “down size.”
- (6) The compact design of the project is an efficient use of the land. The relatively small lots and “zero lot line” lots result in an efficient network of utilities, roadways and services, which will lower housing costs. This is also accomplished by reducing the amount of roads, driveways and sidewalks necessary to serve the 125 residential units, while preserving a large tract of the land for park areas/recreational use.
- (7) The project design provides a more desirable environment than possible under existing zoning conditions. The design eliminates extensive road networks and driveways and makes it economically feasible to build an affordable housing community. These desirable features would not be available under a strict application of the zoning laws in the existing commercial and residential zoning districts.

### ***Public Comments and Responses***

The Planning Board has considered the comments of the people who attended the Public Hearing and the letters that were received from neighbors. In general, approximately six residents voiced objections to the project. Some of the residents were concerned that the owners of the residential lots in the PDD would have access rights to Saratoga Lake as a result of a parcel that has frontage on the Lake. The Applicant addressed this concern by conveying title to the property to another entity, and has deleted the lakefront parcel from the PDD. Accordingly, that concern has been addressed to the satisfaction of the Board.

Other residents expressed concerns about traffic issues, including the speed of traffic on Route 9P. The Applicant submitted a traffic study from Creighton, Manning Engineers, LLP (“CME”) that demonstrates there will be no significant adverse traffic impacts. The level of service (“LOS”) in the area is currently LOS A or B. (The scale is LOS A-F, with A being the highest or best traffic condition.) After construction, the level of service will not change, except for one intersection during the peak afternoon traffic period. The CME traffic analysis concluded that the average delay on the NYS Route 423 left-turn approach to NYS Route 9P will increase by approximately 3 seconds after the project is constructed, which will result in LOS C for that specific movement at that intersection. This is only a minor delay, and average vehicle delays will remain less than 16 seconds during the worst case afternoon peak traffic periods. CME concluded that this is an acceptable operating condition and level of service, and no intersection improvements are warranted. The NYSDOT concurred with the CME conclusion.

The Board is also cognizant of residents concerns regarding speeding vehicles on NYS Route 9P. Similar comments were made during the Town’s Draft Generic Environmental Impact Statement review in 2008, and the comments are found in the Final Generic Environmental Impact Statement (“FGEIS”) adopted by the Town Board. Unfortunately, this is an existing condition, and is a matter for law enforcement. There is no indication that the traffic generated by the Saratoga Pointe project will have significant negative impacts with respect to traffic on Route 9P, or worsen this existing condition.

As initially proposed, the NYSDOT had concerns regarding sight distance issues on Route 423 in relation to the proposed location of the double driveway for the project. The Applicant’s March, 2010 concept plan eliminates the dual driveway design and shifts the location of the single driveway to the East. CME has concluded that the new driveway design, layout and location no longer presents any sight distance issues. Sight distance is adequate without any vegetative cutting. The Town’s engineer concurs with CME’s conclusion.

One of the residents of a cottage on Route 9P expressed concerns about the impact of the project on his well water. The Applicant has provided written assurances that the Applicant will install, at its expense, a new well on the lot or extend the waterline to the residence, if there is any negative impact on the neighboring property’s existing well. The Board recommends that this be a condition of any approval granted by the Town Board with respect to this project.

One of the neighbors questioned the size of the lots and whether the project was consistent with the \$1,000,000 homes that have lake frontage on Saratoga Lake. The Board finds that the size of the lots and homes is not out of character with the development patterns in this area. There are many homes in the area with smaller lots and bungalow style homes and cottages. One of the goals of the Comprehensive Plan is to ensure a mix of housing, including workforce housing. Given the location of the project and the manner in which it is situated on the lot,

the Board finds that there will be no adverse impact to neighboring homes.

One of the neighbors commented on the location of one of the stormwater detention basins. Following the public hearing, the Applicant shifted the stormwater detention basins. Now, the closest home on Route 9P to the nearest stormwater basin is over 275 feet. This distance, combined with natural vegetation, will provide a sufficient buffer between neighboring homes and stormwater detention basins.

At the public hearing, the Board requested the Applicant revise the original plans to include walking paths in the common areas. The Applicant revised the plans to include walking paths and linked the paths with common areas between the lots to facilitate access to the open spaces.

The Board requested the Applicant to include some open spaces or lots between homes to provide breaks in the row of homes. The Applicant has done this in the revised plan.

The Board requested the Applicant to include a lot for commercial uses to satisfy the intent of the Zoning Law. The Applicant noted that there may be difficulty in marketing the commercial space in light of the findings of the report submitted with the application. The revised plan includes an area for commercial development on the site. The Applicant complied with the Planning Board's request.

The Board also commented on the overall density of the initial sketch plan. The revised plan reduced the number of lots from 139 to 125 residential lots, and 1 commercial lot. The overall effect of the reductions provides sufficient buffers from surrounding properties and roadways. The revised plan also reduces the density of the project by creating open common areas within the subdivision.

The Board is satisfied that the revised plan strikes a reasonable balance between the concerns of neighboring landowners and the Town's goal of creating affordable, workforce housing. Larger lots and homes increase the overall cost of a project, and the Comprehensive Plan notes that reducing infrastructure, utility and roadways generates savings that can be passed on to home buyers. The revised plan is consistent with that goal.

The Board also questioned the Applicant and the Town Designated Engineer ("TDE"), Chazen Companies, regarding the 120% density rule in the Zoning Law. Based on the TDE's analysis, the Board is satisfied that the project is in compliance with the 120% rule set forth in Section 4.3(C) of the Zoning Law.

The Applicant submitted a report regarding endangered and threatened species. The North Country Ecological Services, Inc. survey concluded that there are no such species on the project site.

The Applicant submitted a freshwater wetland report with its application. The

report concluded that the project will not impact any wetlands. The plan layout protects all wetlands on the site.

The Applicant submitted an Archeological Survey with respect to the project. The report concludes that “no historic sites were discovered” on the project site.

Based on these reports and other information set forth in the Environmental Assessment Form, the Board finds that the Application is complete for further review by the Town Board.

### RECOMMENDATIONS

Based on the foregoing, the Planning Board recommends approval of the Saratoga Pointe PDD, as amended and depicted on the Concept Plan attached to this Resolution, and as described in the “Project Description” section of this Resolution, and subject to the provisions and conditions of the proposed Local Law annexed to this Resolution as **Appendix A**;

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 was made by Member Butler, seconded by Member Frank, to adopt Resolution number 12 of 2010, and was unanimously approved. A roll call vote was taken on the Resolution, and was unanimously approved.

A roll call vote was taken on Resolution No. 12 as follows:

Chairman Barshied	Yes
Member Tompkins	Yes
Member Butler	Yes
Member Marotta	Yes
Member Buck	[Absent]
Member Murray	Yes
Member Frank	Yes

Resolution 12 of 2010 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on May 3, 2010.

**Old Business**

**Esplanade project:** There was a brief discussion held on the Esplanade project about who is taking over as Lead Agency of the project. The Board had no objections to Mechanicville taking this role, however, would like to be kept informed throughout the project.

**Motion** by Member Butler and seconded by B. Frank to accept Mechanicville as Lead Agency for the Esplanade. **Motion carried unanimously.**

**Mobile Home Ordinance:** A brief discussion was held on the ordinances that have been prepared and sent to the Town Board. There were some questions about the revised draft that will be looked at and discussed at the next Planning Board meeting.

**Recyck Auto:** A brief discussion was held on the Recyck Auto for an update on the matter. The Board was informed that they would be attending the next Planning Board meeting as well as the next Zoning Board of Appeals for the Special Use Permit and an Interpretation.

**New Business**

None

**Motion** by B. Frank and seconded by P. Tompkins to adjourn the Planning Board Meeting at 9:10PM.

*[PROPOSED]*

**TOWN OF STILLWATER**

**LOCAL LAW NO. \_\_ OF 2010**

## **A LOCAL LAW ESTABLISHING THE SARATOGA POINTE PLANNED DEVELOPMENT DISTRICT**

**Be it enacted** by the Town Board of the Town of Stillwater as follows:

### **SECTION 1 – LOCAL LAW DESIGNATION**

This Local Law shall be known as “No \_\_\_ of 2010,” establishing the Saratoga Pointe Planned Development District (“PDD”), which amends the Town of Stillwater Zoning Law.

### **SECTION 2 – ZONING LAW AMENDMENT**

The Town of Stillwater Zoning Law, dated August 27, 1974, last amended August 20, 2001, and the Town of Stillwater Zoning Map, last amended January 23, 2006, shall be, and the same hereby are, amended by changing the area described in Section 3 of this Local Law from the existing zoning districts to a Planned Development District to be known and described as the “Saratoga Pointe Planned Development District,” located in the Town of Stillwater, Saratoga County, New York.

### **SECTION 3**

The Saratoga Pointe PDD shall be located in the Town of Stillwater, on a parcel of land located on Route 423, and comprising 81 acres, more or less, and identified as Tax Map Parcel Nos. 219-1-2, 3, 4, 5.1 and 5.2 and Tax Map Parcel Nos. 219.05-1-3, 12; and as more specifically described in the metes and bounds Property description attached as **Appendix 1**.

### **SECTION 4 – PURPOSE**

- B. When coordinated with the municipal comprehensive plan, planned unit development can be an effective tool for guiding development in ways that support community goals and priorities.
- C. Planned unit development provides a means by which different land uses within an area covered by a single development plan may be combined to achieve compatibility among such uses. Unattainable with traditional municipal zoning techniques, planned unit development provides flexibility in the regulation of land use development in order to: (i) encourage innovation in land use variety and design, in the layout and type of new structures and in their integration with existing structures; (ii) enhance efficiency in the use of land, natural resources, energy, community services and utilities; (iii) encourage open space preservation and protection of natural resources, historic sites and structures; (iv) facilitate the provision of housing and improved residential environments; and (v) enhance the ability of municipalities to promote business and employment opportunities.

D. Specifically, planned development districts can:

- (1) Provide a procedure which can relate the type, design and layout of residential and commercial development to the particular site, thereby encouraging preservation of the site's natural characteristics; and
- (2) Encourage innovations in residential and commercial development so that the growing demands of the population may be met by greater variety in type, design, and layout of residential, commercial, and open space land uses.

E. The Saratoga Pointe Planned Development District ("PDD") is established as a zone within the Town of Stillwater in order to:

- (8) To provide a choice of housing size and style for existing and potential residents of the Town which is not currently available. The residential units are available in a variety of styles, and will be priced at a range that is affordable to residents, including workforce housing.
- (9) The project is designed to maximize the open space on the project site. The design incorporates large, undeveloped tracts with paths for walking, and smaller park/recreation areas in the center of the project site. Almost all lots adjoin open space, and several lots have been left open to create a linkage between the open space/recreation areas.
- (10) The project incorporates a lot for commercial uses, which will be convenient for existing residents of the area and the residential lots located in the project site.
- (11) The project preserves over 51 acres of natural areas. The natural topography will be preserved, and the stormwater detention basins and natural wetlands will prevent soil erosion and stormwater runoff.
- (12) The project represents a creative use of the land that avoids large lot, single family homes. The project plan is designed to minimize the amount of road and infrastructure that is required by allowing smaller homes to be closely situated while maintaining natural areas for buffers and recreational use by the residents. The project allows for an orderly transition from the previous use of the land (a mobile home park) to a community suitable for workforce housing and other residents who desire to "down size."
- (13) The compact design of the project is an efficient use of the land. The relatively small lots and "zero lot line" lots result in an efficient network of utilities, roadways and services, which will lower housing costs. This is also accomplished by reducing the amount of roads, driveways and sidewalks necessary to serve the 125 residential units, while preserving a large tract of the land for park areas/recreational use.

- (14) The project represents a development pattern that is in harmony with the objectives of the Comprehensive Plan. This includes:
- The project will add diversity of housing sizes and types to meet the needs of an aging population, and residents who need affordable, workforce housing.
  - The project represents a compact development node.
  - The residential and commercial components of the project will promote a balanced tax base.
  - The project will expand areas for passive recreational opportunities.
  - The project incorporates sidewalks and walking paths.
  - The project protects the natural features of the site, especially a wooded wetland.
  - The project is an example of conservation subdivision design.
- (15) The project design provides a more desirable environment than possible under existing zoning conditions. The design eliminates extensive road networks and driveways and makes it economically feasible to build an affordable housing community. These desirable features would not be available under a strict application of the zoning laws in the existing commercial and residential zoning districts.

## **SECTION 5 – GENERAL DEVELOPMENT PROPOSAL: PROJECT DESCRIPTION**

- A. The Concept Plan for Saratoga Pointe consists of 126 lots on an ±81 acre site on NYS Route 423 (Battlefield Road), near the intersection of Route 9P. The Applicant shall construct the project in substantial conformance with the Concept Plan annexed as **Exhibit 2** and the description set forth below.
- B. The Concept Plan (**Appendix, Exhibit 2**) provides for a single entrance to the subdivision, with the internal roads designed in two loops or lobes. A commercial lot is proposed near the entrance of the subdivision, and all other lots are buffered from the frontage on Route 423 by existing vegetation.
- C. Due to the compact design of the subdivision, a large area of the site (approximately 51.5 acres) will remain in a natural state. Almost every lot in the subdivision abuts common space or natural areas. All the natural areas are connected by walking paths, accessed by open common areas. There are common areas in the center of each of the two interior loop roads in the subdivision, which will remain open for passive recreation and play areas. Sidewalks are included in

the Concept Plan.

- D. The project is designed for workforce housing and “empty nesters,” who do not want to maintain large homes and yards. The homes will be priced in the \$225,000 to \$350,000 range, which is significantly less than the mean price of new construction in the region. There is currently no residential project in the area similar to the layout and design of Saratoga Pointe.
- E. The design includes a mix of home styles, including “zero lot line” homes, which are similar to a duplex, but are built on separate lots. The Applicant provided samples of the home styles, which includes a variety of designs, including houses with front porches near the sidewalks/streets. The mixture of homes in the subdivision shall comply with the following minimum ratios: (1) the number of homes using the “zero lot line” design will comprise no less than twenty percent (20%) of all home styles constructed in each phase of Phases I and II of the project; and (2) the number of homes using a traditional single family design style with front porches will comprise no less than twenty percent (20%) of all homes styles constructed in each phase of Phases I and II.
- F. The Concept Plan includes a commercial lot, capable of accommodating multiple buildings on Route 423. The list of permitted commercial uses is annexed as **Appendix, Exhibit 3**. The commercial building(s) will be constructed in an architectural style similar to the homes in the Saratoga Pointe neighborhood. Improvements constructed on the commercial lot shall maintain a 50’ rear and side yard setback, and a 30’ front yard setback.
- G. Construction of the project will proceed in three (3) phases, as depicted on **Appendix, Exhibit 4**.
- H. The common areas (not including roads and sidewalks) in the subdivision shall be owned by a Homeowners Association (“HOA”). The HOA shall be responsible for the maintenance and operation of the common areas, including any paths and improvements located in the common areas. The HOA also shall be responsible for the maintenance of the sidewalks, including snow removal.
- I. The deeds to each lot shall state that (A) the lot is subject to the HOA and the restrictions and limitations imposed by the PDD law, (B) no dumping shall occur in the open space/common areas, and (C) no further subdivision or development of the lands shall be permitted.
- J. The detailed stormwater detention and discharge plans for the project will be developed prior to site plan and subdivision review and will be subject to approval of the New York State Department of Environmental Conservation (“DEC”). The Applicant shall create a drainage district so that the owners of the lots in the Saratoga Pointe PDD will be responsible for the maintenance and operation costs associated with the stormwater detention and discharge system. When Phase III (the commercial lot) is developed, the owner of the commercial lot shall have the option of either (1) developing its own stormwater detention and

discharge plan, or (2) joining the drainage district.

- K. The final layout of the driveway entrance to the subdivision shall be subject to DOT review and approval. The internal roadways shall be built according to the Town's specification, and dedicated to the Town. A temporary turn around shall be provided during Phase I of the project.
- L. The connection point (road stub) shall be shown on the subdivision plan for any future connection to Mason Street, and the Applicant will convey title to the unconstructed Mason Street to the Town to facilitate any future connection.
- M. Each residential living unit shall have at least a one-car garage. No garage shall be converted into living space.
- N. All driveway vertical grades shall not exceed what is otherwise permitted by the Town Subdivision Regulations or Subdivision Design Standards at the time of preliminary subdivision approval.
- O. Decks and pools shall be allowed and shall be installed within the setbacks of each respective lot as set forth in Bulk Lot Requirements.
- P. Fences shall be permitted and shall comply with all applicable rules and regulations concerning their construction. This shall exclude any fencing required for public/private utility areas.
- Q. Landscaping for all residential units shall be completed and shall include at a minimum (2) shade trees per lot, which shall be placed outside of any right of ways or easements and shall be a minimum of 2 ½" caliper.
- R. The residential units shall be subject to restrictive covenants which shall be contained in the deeds from the developer and shall run with the land. These covenants should include the following, but the final set of covenants and restrictions shall be determined by the Town of Stillwater Planning Board during subdivision review process:
  - (1) Each homeowner shall be primarily responsible for snow removal, maintenance, repair and replacement of the sidewalk abutting the owner's lot. If the homeowner fails to fulfill its obligations regarding the sidewalks, the HOA shall then be responsible for ensuring that the sidewalks are maintained, repaired and replaced, as needed.
  - (2) There shall be no outside storage of any products or equipment after final construction or subsequent remodeling of the premises is completed. There shall be no storage of nonregistered vehicles or of any trailers, boats, snowmobiles, ATVs or personal watercraft within the front yards of any lot. The Stillwater Town Building Department shall be empowered to enforce these provisions. Violations shall be subject to fines as dictated in the most current adopted code violation schedule of the Town at the time

of issuance of the violation/citation.

(3) A multi-use trail exists near the property and from time to time winter recreation vehicles may be in use on these trails resulting in periodic noise above ambient noise levels.

(4) No lot shall be further subdivided.

S. It is understood and agreed that if a special district is formed in this area and any and/or all lands of the PDD are included, the property owners of lands located within a special district shall agree to participate and pay associated fees deemed appropriate.

T. Signs.

(1) There may be project identification signs. The final design and location shall be determined at subdivision plan review. The lighting, if any, of a sign shall be determined at subdivision review. The maintenance of all signs in this development, excluding traffic regulatory signage along town or state owned roads, shall be the responsibility of the HOA. All traffic regulatory signs shall conform to the Town's and MUTCD standards.

(2) Any traffic control devices, roadway signs, and all road markings associated with each Phase of this development shall be completed by the developer for each Phase prior to the issuance of any certificate of occupancy within that Phase, and where applicable, shall be in conformance with the requirements of the Town of Stillwater and State of New York.

U. There shall be located on the front of each house and clearly visible from the road, in contrasting color and in a uniform location, at least six inches in height, the designated 911 emergency house numbers prior to the issuance of a certificate of occupancy.

V. All buildings will be constructed in accordance with the current building codes as adopted by the Town of Stillwater, as amended. All blueprints and building specifications shall be approved and stamped by a duly licensed engineer or architect. All construction shall be subject to the inspection and approval of the Town Code Enforcement Officer, Town Engineers or other duly appointed agents of the Town.

W. All new utilities shall be installed underground.

X. Public water shall be provided to the PDD from the Saratoga Glen Hollow Water Corporation with the parcel located within the permitted service area of the water supply system.

Y. Public sanitary sewers shall be provided to the PDD from the Saratoga County

Sewer District No. 1 with the parcel located within the existing sewer district boundaries.

- Z. Public storm sewer systems shall be provided to the PDD and shall be designed in accordance with the Town of Stillwater Standards and Specifications in existence at the time of preliminary subdivision approval that will be conveyed to the Town of Stillwater and the New York State Dept of Transportation if they exist within the State right of way for Routes 9P or 423.

## **SECTION 6 – BULK LOT REQUIREMENTS AND BUFFER AREAS**

### **A. Residential Uses**

- (1) Lot Areas: 6,000 sq. feet, minimum
- (2) Lot Width at Building Line: 60 feet, minimum
- (3) Lot Width at Right of Way: 60 feet, minimum
- (4) Lot Coverage: 50%, maximum
- (5) Building Height: 35 feet, maximum
- (6) Setbacks
  - (i) Front yard: 20 feet, minimum
  - (ii) Side yards:
    - (a) 8 feet each side, minimum, for single family detached style homes
    - (b) 0 feet for the “zero lot line,” duplex style homes
  - (iii) Rear yard: 15 feet, minimum

### **B. Commercial Lot**

- (1) Building Coverage: 35%, maximum
- (2) Building Height: 35 feet, maximum
- (3) Setbacks
  - (i) Front yard: 30 feet, minimum [with a Buffer Zone to be determined at site plan review]
  - (ii) Side yards: 50 feet each side, minimum [with a Buffer Zone to be determined at site plan review]

- (iii) Rear yard: 50 feet, minimum[with a Buffer Zone to be determined at site plan review]

## **SECTION 7 – SANITARY SEWERS**

- A. Sewer will be supplied by the Saratoga County Sewer District No. 1. The developer, at its expense, shall provide the connection to the existing sewer system.
- B. All sewer facilities shall be designed and constructed in accordance with the standards of the Saratoga County Sewer District No. 1 and any and all applicable town, state and federal agencies having jurisdiction.
- C. The developer shall evaluate the current capacity of the receiving sewer treatment and conveyance systems to determine if any improvements are necessary to support the full build out of the PDD. This study shall be provided to the Town and other appropriate regulatory agencies during the subdivision review process. The developer agrees to provide for any and all required improvements to the existing sewer system that are necessary to accommodate this PDD and shall complete these improvements at no cost to the Town.
- D. The developer agrees to offer for dedication to the Saratoga County Sewer District No. 1, all completed on-site and off-site sewer facilities at no cost to the Town of Stillwater.
- E. The developer shall provide easements at a width acceptable to the Saratoga County Sewer District No 1 that may be required and shall include easements over any private lands or public lands conveyed to the Town as part of this PDD.
- F. If any individual sewer grinder pumps are required for this project either as part of the initial design approval or in the future, the Town will not accept any responsibility for maintenance and operation of the individual grinder pumps.

## **SECTION 8 – WATER SUPPLY**

- A. Water will be supplied by the Saratoga Glen Hollow Water Corporation. The developer, at its expense, will provide the connection to the existing water distribution system which shall include individual service connections for all existing subdivided lots from the point of connection to the project site along Route 423 and the individual service connections shall extend from the installed water main, up to the existing right of way permitting a future connection by individual residence/users.
- B. All water facilities shall be designed and constructed in accordance with the standards of the Saratoga Glen Hollow Water Corporation, and any and all applicable town, state and federal agencies having jurisdiction.
- C. The developer shall evaluate the current capacity of the existing Saratoga Glen

Hollow Water Corporation water supply, treatment, storage and distribution systems to determine if any improvements are necessary to support the full build out of the PDD. This study shall be provided to the Town and other appropriate regulatory agencies during the subdivision review process. The developer agrees to provide for any and all required improvements to the existing water system that are necessary to accommodate this PDD and shall complete these improvements at no cost to the Town.

- D. The developer agrees to offer for dedication to the Saratoga Glen Hollow Water Corporation all completed on-site and off-site water facilities at no cost to the Town of Stillwater.
- E. The developer shall provide easements at a width acceptable to the Saratoga Glen Hollow Water Corporation that may be required and shall include easements over any private lands or public lands conveyed to the Town as part of this PDD.
- F. Fire hydrants shall be installed throughout the project by the developer pursuant to the building code and the fire code and Town of Stillwater requirements.
- G. The developer, at its sole cost, shall install a new well on the lot owned by Nick John D'Agastino, Tax Map Parcel No. 219.05-1-13, or provide a connection to the Saratoga Glen Hollow Water Corporation System constructed for the project. The well (or water connection) shall be installed prior to construction of any homes.

## **SECTION 9 – STORMWATER MANAGEMENT**

- A. All stormwater management facilities and associated utilities shall conform to the specifications of the Town of Stillwater in effect at the time of subdivision application being made by the developer and the latest version of the NYSDEC - New York State Stormwater Management Design Manual.
- B. At the time of application for subdivision review, a fully conforming Stormwater Pollution Prevention Plan (SWPPP) shall be submitted for review that complies with all Town of Stillwater codes, rules, regulations and design requirements in effect at the time of subdivision application being made by the developer and NYSDEC - New York State Stormwater Management Design Manual.
- C. The developer agrees to offer for dedication to the Town of Stillwater, all completed on-site stormwater facilities that have been installed on current or proposed lands, easements or right of ways owned or conveyed to the Town of Stillwater at no cost to the Town of Stillwater.
- D. The Town shall determine what portions of these facilities are appropriate for ownership by the Town.
- E. The developer shall provide easements a minimum of 30-feet in width for any storm sewer pipes crossing privately owned land (or when along any private

roads, the entire width of a private right of way) and shall offer these utility easements along with the installed infrastructure for dedication to the Town of Stillwater at no cost.

- F. For any stormwater infrastructure intended to remain under the ownership of the HOA, there shall be an executed Town of Stillwater Stormwater Maintenance Agreement. Said agreement shall be executed by the developer and the Town and filed with the Saratoga County Clerk's office prior to any site disturbances subject to General Permit GP-0-008-01 or latest addendum.
- G. For any stormwater management area that is conveyed to the Town, the HOA will be granted an access and landscaping easement outside the operational area of the stormwater management areas for the placement and maintenance of landscaping for enhancement of these areas. The Town and developer shall execute a hold harmless agreement relieving the Town of any responsibility for damage that may occur to any landscaping in these areas that may result during the course of on-going maintenance operations undertaken by the Town.
- H. The owner of the planned development district site, for itself and its successors and assigns, hereby agrees that, if the Town of Stillwater, New York, creates a new or extends an existing, municipal drainage district pursuant to Town Law Article 12 or Article 12A or otherwise, which district includes the site of the planned development district, in whole or in part, along with other areas of the Town of Stillwater, then owner(s) agree that the owner(s) or the entity in ownership of the real property at the time said fee or charge is levied shall pay the same proportional fee, charges and capital cost as all other like, situated and/or improved real property owners within the municipally created drainage district, even though the real property with associated improvements, if any, which the individual or entity owns is connected to and paying the use charges and fees for the storm sewer system created by the owner. This responsibility shall run with the land. In purchasing any property within the planned development district, the purchaser acquires such property encumbered by the obligation to participate in, or contribute to, any special improvement district for the provision of storm sewer transportation which may be established for provision of such services to any area of the Town which includes that portion of the planned development district in which his or her land is located. A covenant and restriction consistent herewith, and in a form acceptable to the Town of Stillwater, shall be included in the chain of title to all subsequent purchasers.

## **SECTION 10 – ROADWAYS AND PEDESTRIAN FACILITIES**

- A. All roadways within the PDD are intended for conveyance to the Town, and shall be constructed in conformance with the Town of Stillwater specifications and design requirements in effect at the time of preliminary subdivision application.
- B. All Town roads shall be located within a dedicated right of way meeting the Town's standards.

- C. These roadways and associated right of ways, upon construction, shall be offered for dedication to the Town of Stillwater, New York.

## **SECTION 11 – SIDEWALKS**

- A. A five-foot-wide concrete sidewalk shall be constructed along one side of all roads being conveyed to the Town of Stillwater as depicted on the plan included in **Appendix 2**.
- B. All sidewalks within the PDD are intended for conveyance to the Town, and shall be constructed in conformance with the Town of Stillwater specifications and design requirements in effect at the time of preliminary subdivision application.
- C. The sidewalk shall be constructed in accordance with ADA standards.
- D. Each homeowner shall be responsible for snow removal, maintenance, and repair of the sidewalk abutting the owner’s lot. If the owner fails to fulfill its obligations, the HOA shall be responsible for maintenance, repair and replacement of the sidewalks including but not limited, any needed repairs or snow removal. The Town reserves the right to periodically assess the condition of the sidewalks and direct the HOA to make the necessary repairs that are in the interest of the public health and safety. The HOA shall make the repairs deemed appropriate by the Town in a timely manner. If the HOA fails to make the necessary repairs, then the Town may on its own make the repairs and asses any incurred expenses back to the lot owner or HOA.

## **SECTION 12- MULTI-USE TRAIL**

- A. The HOA shall be responsible for all operation and maintenance of the multi-use trail, including but not limited to, any needed repairs. The Town reserves the right to periodically assess the condition of the multi-use trail and direct the HOA to make the necessary repairs that are in the interest of the public health and safety. The HOA shall make the repairs deemed appropriate by the Town in a timely manner. If the HOA fails to make the necessary repairs, then the Town may on its own make the repairs and asses any incurred expenses back to the HOA.
- B. The Town and developer shall execute a hold harmless agreement relieving the Town of any responsibility for damage that may occur to the multi-use trail that may result during the course of on-going maintenance operations undertaken by the Town within the right of way.

## **SECTION 13 – WETLANDS**

- A. All federal and state designated wetlands located within the PDD have been flagged and delineated and are shown on the plans filed with the application. The developer shall be required to comply with all wetland determinations and

mitigation measures as prescribed by the state and/or federal authorities.

- B. Notice of the possibility of wetlands and the limitations of use of said lands shall be provided in writing to prospective purchasers of residential property, if any, that contains regulated wetlands. The developer shall note and indicate all designated wetlands on any sales map or literature displayed or provided to potential purchasers.
- C. If a residential unit in this PDD is built on speculation, a copy of the executed notification shall be provided to the Town of Stillwater prior to the issuance of a certificate of occupancy.

#### **SECTION 14 – OPEN SPACE**

- A. Approximately 51 acres of open space in the locations shown on the plan provided in **Appendix 2** shall be conveyed to the HOA.
- B. The open space shall be precluded from any subsequent subdivision or development, excluding, passive recreation areas and walking trails shown on the Concept Plan.
- C. The HOA shall be responsible for any and all maintenance and operation of the open space.

#### **SECTION 15 – PROJECT RELATED REVIEW FEES**

The developer shall be responsible for reimbursing the Town for any and all expenses incurred for the review of this project as stipulated within the Town’s subdivision and zoning regulations. This shall also include costs incurred for the construction observation of all or portions of the PDD’s construction or services related to conveyance of infrastructure to the Town.

#### **SECTION 16 – PERFORMANCE BONDS, LETTERS OF CREDIT**

Upon receipt of final plat approval and filing with the Saratoga County Clerk, the developer shall:

- A. File bonds or letters of credit with the Town Supervisor in the amounts and for the time periods required by the Town Planning Board and/or Town Board and acceptable as to amount and form to the Town Designated Engineer and Town Attorney to guarantee such performance and/or completion of the requirements of this planned development district local law prior to issuance of a certificate of occupancy, guaranteeing satisfactory completion of the utility system and required infrastructure items. Only after this is completed to the satisfaction of the Town may the developer proceed with the construction of all proposed improvements or any single family home within the development. Following dedication of all improvements to the Town, the developer may request a reduction in the provided security to a value no less

than 20% of the original amount. This security shall remain in effect for one year following formal acceptance by the Town and shall serve as a maintenance security, or

- B. Provide no initial bonds or letters of credit and proceed with the construction of one single family home and all proposed improvements. Upon completion and successful dedication of the installed facilities to the Town or other agencies/corporations, the developer shall file bonds or letters of credit with the Town Supervisor in the amounts equal to any outstanding and unfinished items and for the time periods required by the Town Planning Board and/or Town Board and acceptable as to amount and form to the Town Designated Engineer and Town Attorney to guarantee such performance and/or completion of the outstanding items within this planned development district local law prior to issuance of a certificate of occupancy of any single family home beyond the first building permit issued so to guarantee satisfactory completion of the utility system and required infrastructure items.

#### **SECTION 17 - STATE ENVIRONMENTAL QUALITY REVIEW ACT**

- A. The Stillwater Town Board, as lead agency for this project pursuant to the State Environmental Quality Review Act, finds this project is in compliance with the Town-wide GEIS and has adopted a negative declaration and declaration of non-significance concerning this project. The developer agrees to comply with all of the mitigating measures which are a part thereof, at the sole cost and expense of the developer and at no cost to the Town.
- B. No certificate of occupancy for any building within the boundaries of the PDD will be issued until the mitigating measures are completed.

#### **SECTION 18 – GEIS IMPACT FEES**

- A. The developer shall be required to pay the following fees provided in the Town-wide GEIS:
  - (1) Parks & Recreation, Residential: \$913 per dwelling unit (d.u.)
  - (2) Farmland and Open Space: \$3,159.72 per acre of disturbance
  - (3) GEIS Preparation, Residential \$347 per dwelling unit (d.u.)
- B. All GEIS fees for the phase under construction shall be paid in full prior to any construction activity related to that phase of the project.

#### **SECTION 19 – ADDITIONAL TOWN APPROVALS**

Following adoption of this local law, the developer shall make application to the Town of Stillwater for the following “planning” related approvals:

- A. Preliminary/Final Major Subdivision Application subject to the Town Planning Board review and approval.
- B. Potential creation of a site specific Drainage District subject to the Town Board review and approval.

**SECTION 20 – SUPPORTING DOCUMENTS**

Attached to this Local Law and made a part hereof as appendices are documentation, diagrams, and plans associated with the Planned Development District as follows:

- A. Metes and Bounds Description of Property Located in PDD
- B. Concept Plan, dated March, 2010, last revised April 23, 2010
- C. Schedule of Permitted Uses on Commercial Lot
- D. Concept Plan Showing Phases/Staging

**SECTION 21 – ZONING MAP TO INCORPORATE THE SARATOGA POINTE PDD**

The Town of Stillwater Zoning Map is hereby amended by providing that said Saratoga Pointe Planned Development District be set forth on the Zoning Map of the Town of Stillwater and on any supplementary map later adopted by the Town Board.

**SECTION 22 – CRITERIA**

- B. The following is a list of factors considered by the Town Board when reviewing the PDD:
  - (1) The need for the proposed use(s) in the proposed location.
  - (2) The availability and adequacy of water service.
  - (3) The availability and adequacy of sanitary waste disposal facilities.
  - (4) The availability and adequacy of transportation systems, including the impact on the road network.
  - (5) The pedestrian circulation and open space network in relation to structures and uses.
  - (6) The character of the neighborhood in which the PDD is being proposed, including the safeguards provided to minimize possible detrimental effects of the proposed use on adjacent properties and the neighborhood in general.

- (7) The height and mass of buildings and their relation to other structures in the vicinity.
- (8) Potential impacts on local government services.
- (9) Potential impacts on environmental resources including wetlands, surface water, floodplains, and plant and wildlife communities.
- (10) The general ability of the land to support the development, including such factors as slope, depth to bedrock, depth to water table and soil type.
- (11) Other factors as may be deemed appropriate.

C. The Town Board also has considered the following:

- (9) Whether the project provides a choice in the types of environment, occupancy tenure (e.g. individual ownership, condominium leasing), types of housing and sizes and community facilities available to existing and potential residents at all economic levels.
- (10) Whether the project provides more usable open space and recreation areas, including the linkage of open space areas.
- (11) Whether the project provides more convenience in location of industrial, commercial and services areas, if applicable.
- (12) Whether the project provides for the preservation of trees, outstanding natural topographic and geologic features and prevention of soil erosion.
- (13) Whether the project provides for a creative use of land and related physical development which allows an orderly transition of land.
- (14) Whether the project provides for an efficient use of land resulting in smaller networks of utilities and services, thereby lowering housing costs.
- (15) Whether the project provides a development pattern in harmony with the objectives of the Comprehensive Plan.
- (16) Whether the project provides a more desirable environment than would be possible through the strict application of the Zoning Law.

D. The Town Board also considered the goals set forth in the Comprehensive Plan.

E. The Town Board's findings with respect to the above criteria and considerations are set forth in the Resolution approving this Local Law.

## **SECTION 23 – PROCEDURE**

- A. The Town Board approval of the Planned Development District zone change grants the Applicant permission for development of the specific proposed use submitted to and approved by the Town Board and contained in this local law.
- B. Upon approval of the Saratoga Pointe PDD, it shall be filed in the office of the Town Clerk. The approval shall then be promptly transmitted to the Town Planning Board to allow the Town Planning Board to consider approval of the site plan, subdivision, and any other approvals normally granted by the Town Planning Board for the development contemplated.

## **SECTION 24 – DEFINITIONS**

Unless a definition is expressly provided below, terms appearing throughout this local law are defined in the Town of Stillwater Zoning Law (“Zoning Law”) as revised through the effective date hereof, or through their ordinary usage.

## **SECTION 25 - PERMITTED USES AND DESIGN GUIDELINES**

The following are permitted uses within the Planned Development District:

1. Open Space
2. Single Family Dwellings
3. Home Occupations
4. Commercial uses are permitted on the commercial lot; a list of uses permitted as of right is set forth on **Appendix, Exhibit 3**.

Together with accessory uses thereto and accessory buildings therefore.

## **SECTION 26 - OPEN SPACE**

Of the ±81 acres on the project site, approximately 51.5 acres will be preserved as open space and be retained for passive recreation. This represents 63.4 percent of the property. The recreation areas shall be owned, managed and stewarded by a Homeowners Association formed for the Saratoga Pointe PDD.

## **SECTION 27 - DESIGN AND CONSTRUCTION**

All dwelling units and commercial buildings shall be constructed in accordance with the design and exterior finishes submitted by the Applicant with its application.

## **SECTION 28 - COMMERCIAL USES**

Commercial uses shall only be permitted on the lot designated as the proposed commercial lot on the Concept Plan annexed as Appendix, Exhibit 2. The commercial building will be consistent with the PDD’s architectural style and the site plan requirements and any conditions to be established by the Planning Board. The

architectural style must be approved by the Applicant or its successors. Notwithstanding the foregoing, if the Applicant is unable to identify a viable commercial buyer or tenant for the commercial lot and obtain site plan approval for such use on or before December 31, 2020, or when the residential build out is complete, whichever is sooner, the Applicant or owner of the commercial lot may apply to the Town Board to convert the commercial lot to residential use.

## **SECTION 29 - PHASING AND APPLICABLE LEGISLATION**

At the election of the Applicant, the entire PDD may be constructed in phases or stages, as shown on Appendix, Exhibit 4, and as dictated by the Applicant's financial models, market conditions, and/or the requirements of its lending institution(s). The first phase will be the construction of dwelling units on lots located in Phase 1, as illustrated on the Concept Plan.

## **SECTION 30 - BUILDING PERMITS/CERTIFICATE OF OCCUPANCY**

Prior to construction within any phase, the Project Sponsor shall obtain a building permit from the Town of Stillwater Code Enforcement Officer or Building Department (the "Building Department"). A certificate of occupancy must be obtained from the Building Department prior to occupying all or any portion of any newly constructed building within the PDD. A certificate of occupancy will be granted by the Building Department for occupancy of the completed portion of any building as permitted by the New York State Fire Prevention and Building Code (the "Building Code") and the provisions of this local law.

## **SECTION 31 – VIOLATIONS**

Any violations of the provisions of this local law shall be deemed a violation of the Zoning Law, and the provisions hereof shall be enforceable pursuant to the enforcement provisions of the said Zoning Law. The Town may also seek any other remedies as allowed under law.

## **SECTION 32 – SUPERCESSION**

The Town Board of the Town of Stillwater, pursuant to the Municipal Home Rule Law, hereby supersedes Town Law §§ 271, 274-a(2), 276(2).

## **SECTION 33 – CONFLICTS**

In any instances where specific permitted uses, setbacks or dimensional requirements, development guidelines and/or review procedures specifically set forth in this PDD conflict with other general provisions or requirements of the Zoning Law or the Subdivision Law of the Town of Stillwater, the particular provisions set forth herein shall take precedence. In all instances not specifically addressed in this PDD or the approved specifications and plans, the Zoning Law shall apply.

**SECTION 34 – SEVERABILITY**

If any section or subsection, paragraph, clause, phrase or provision of this Local Law be adjudged invalid for any reason or shall be deleted or subsequently repealed, the same shall not affect the validity of this Local Law as a whole or any part or provision hereof other than the part to be adjudged to be invalid and/or deleted and/or subsequently repealed.

**SECTION 35 – EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing with the Secretary of State in accordance with the Municipal Home Rule Law of the State of New York.

BE IT ENACTED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2010 BY THE TOWN BOARD OF THE TOWN OF STILLWATER, COUNTY OF SARATOGA, STATE OF NEW YORK.

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TOWN CLERK  
TOWN OF STILLWATER

## **APPENDIX, EXHIBIT 1**

### **METES AND BOUNDS DESCRIPTION OF PROPERTY INCLUDED IN PDD**

The area of the Planned Development District consists of a 81.164 acre parcel lying northerly of New York State Route 423 A.K.A. Battlefield Road generally easterly of New York State Route 9P, southerly of lands now or formerly of St. Isaac Jacques Church, westerly of lands now or formerly of the Luther Forest Corporation and being further bounded and described as follows:

Beginning at the point of intersection of the Northeasterly margin of New York State Route 423 A.K.A. Battlefield Road at the point of intersection of the Northwesterly line of lands now or formerly of Irene Grey as described in Book 1241 of Deeds at Page 59 with the Southeasterly line of lands of Mason Street, LLC as described in Book 1764 of Deeds at Page 663 and runs thence along the Northeasterly and Northerly margin of New York State Route 423 the following two courses: 1) North 26 degrees 10 minutes 56 seconds West 162.24 feet to a point and 2) North 66 degrees 25 minutes 56 seconds West 486.72 feet to a point thence along the boundary of lots fronting on New York State Route 9P the following 22 courses: 1) along the common division line between lands now or formerly of Barry N. Katz as described in Book 1443 of Deeds at Page 721 on the West and lands of Mason Street, LLC on the East, North 34 degrees 39 minutes 32 seconds East 141.94 feet to a point; 2) along the common division line between lands now or formerly of Penny Kussius as described in Book 1399 of Deeds at Page 252 on the West and lands of Mason Street, LLC on the East, North 34 degrees 29 minutes 14 seconds East 80.16 feet to a point; 3) along the common division line of lands now or formerly of Nancy J. Baker as described in Book 1650 of Deeds at Page 537 on the North and lands of Mason Street, LLC on the South, South 51 degrees 50 minutes 46 seconds East 50.00 feet to a point; 4) along the common division line of lands now or formerly of Nancy J. Baker as described in Book 1650 of Deeds at Page 537, lands now or formerly of Carmello Sperrazza as described in Instrument No. 2008027552, lands now or formerly of Shane M. Hunter as described in Instrument No. 2008026294 all on the West and lands of Mason Street, LLC on the East, North 34 degrees 29 minutes 14 seconds East 180.37 feet to a point; 5) along the common division line between lands now or formerly of Shane M. Hunter as described in Instrument No. 2008026294 on the South and lands of Mason Street, LLC on the North, North 51 degrees 50 minutes 46 seconds West 100.00 feet to a point; 6) along the common division line between lands now or formerly of Patrick Pitcherelle as described in Book 1453 of Deeds at Page 524, lands now or formerly of John D'Agostino as described in Book 640 of Deeds at Page 6 both on the West and lands of Mason Street, LLC on the East, North 34 degrees 29 minutes 14 seconds East 180.37 feet to a point; 7) along the common division line between lands now or formerly of

John D'Agostino as described in Book 640 of Deeds at Page 6 on the South and lands of Mason Street, LLC on the North, North 51 degrees 50 minutes 46 seconds West 100.00 feet to a point; 8) along the common division line between lands now or formerly of John D'Agostino as described in Book 788 of Deeds at Page 122 on the West and lands of Mason Street, LLC on the East, North 34 degrees 29 minutes 14 seconds East 60.00 feet to a point; 9) along the common division line between lands now or formerly of Nick John D'Agostino as described in Book 1503 of Deeds at Page 43 on the North and lands of Mason Street, LLC on the South, South 51 degrees 50 minutes 46 seconds East 200.00 feet to a point; 10) along the common division line between lands now or formerly of Nick John D'Agostino as described in Book 1503 of Deeds at Page 43 on the West and lands of Mason Street, LLC on the East, North 35 degrees 07 minutes 35 seconds East 113.14 feet to a point; 11) along the common division line between lands now or formerly of Nick John D'Agostino as described in Book 1503 of Deeds at Page 43 on the South and lands of Mason Street, LLC on the North, North 52 degrees 26 minutes 33 seconds West 300.00 feet to a point on the Easterly margin of New York State Route 9P; 12) along the said Easterly margin North 31 degrees 51 minutes 26 seconds East 30.15 feet to a point; 13) along the common division line between lands now or formerly of David Scripser as described in Instrument No. 2007032422, lands now or formerly of William H. Bolger as described in Book 1617 of Deeds at Page 113 both on the North and lands of Mason Street, LLC on the South, South 52 degrees 26 minutes 33 seconds East 302.91 feet to a point; 14) along the common division line between lands now or formerly of William H. Bolger as described in Book 1617 of Deeds at Page 113, lands now or formerly of Christopher J. Rotondo as described in Book 1524 of Deeds at Page 681, lands now or formerly of Lucy Yakowenko as described in Book 793 of Deeds at Page 53 all on the West and lands of Mason Street, LLC on the East, North 39 degrees 08 minutes 23 seconds East 230.86 feet to a point; 15) along the common division line between lands now or formerly of Lucy Yakowenko as described in Book 793 of Deeds at Page 53, lands now or formerly of Drinda A. Medina as described in Book 1633 of Deeds at Page 435, lands now or formerly of Adam Newman as described in Book 1664 of Deeds at Page 15 all on the West and lands of Mason Street, LLC on the East, North 64 degrees 15 minutes 23 seconds East 222.33 feet to a point; 16) along the common division line between lands now or formerly of Adam Newman as described in Book 1664 of Deeds at Page 15 on the South and lands of Mason Street LLC on the North, North 25 degrees 44 minutes 37 seconds West 200.00 feet to a point; 17) along the common division line of lands now or formerly of Joseph G. Furey as described in Book 1695 of Deeds at Page 17, lands now or formerly of Chas. Krahula as described in Book 901 of Deeds at Page 55 both on the West and lands of Mason Street, LLC on the East, North 64 degrees 15 minutes 23 seconds East 110.00 feet to a point; 18) along the common division line between lands now or formerly of John R. Mancini as described in Book 1525 of Deeds at Page 587 on the North and lands of Mason Street, LLC on the South, South 25 degrees 44 minutes 37 seconds East 100.00 feet to a point; 19) along the common division line between lands now or formerly of John R. Mancini as described in Book 1525 of Deeds at Page 587 on the West and lands of Mason Street, LLC on the

East, North 64 degrees 15 minutes 23 seconds East 50.00 feet to a point; 20) along the common division line between lands now or formerly of Angelina Lancaster as described in Book 1645 of Deeds at Page 43 on the North and lands of Mason Street, LLC on the South, South 25 degrees 44 minutes 37 seconds East 100.00 feet to a point; 21) along the common division line between lands now or formerly of Angelina Lancaster as described in Book 1645 of Deeds at Page 43, lands now or formerly of Daniel E. Coots as described in Book 1444 of Deeds at Page 435, lands now or formerly of Penny Hardenstine as described in Instrument No. 2008038686 all on the West and lands of Mason Street, LLC on the East, North 64 degrees 15 minutes 23 seconds East 112.35 feet to a point; and 22) along the common division line between lands now or formerly of Penny Hardenstine as described in Instrument No. 2008038686 on the South and lands of Mason Street, LLC on the North, North 03 degrees 38 minutes 08 seconds West 108.23 feet to a point, thence along the common division line between lands now or formerly of Donald A. Myers as described in Book 1339 of Deeds at Page 790 on the North and lands of Mason Street, LLC on the South, South 66 degrees 41 minutes 58 seconds East 101.08 feet to a point, thence along the common division line of lands now or formerly of St. Isaac Jacques Church as described in Book 680 of Deeds at Page 223 on the North and lands of Mason Street, LLC on the South, South 68 degrees 23 minutes 25 seconds East 2,168.12 feet to a point, thence along the common division line between lands now or formerly of The Luther Forest Corp. as described in Book 978 of Deeds at Page 1053 on the East and lands of Mason Street, LLC on the West, South 26 degrees 47 minutes 05 seconds West 1,428.81 feet to a point, thence along the common division line between lands now or formerly of Walter N. Sweet as described in Book 1377 of Deeds at Page 93 on the South and lands of Mason Street, LLC on the North, North 63 degrees 28 minutes 09 seconds West 956.77 feet to a point, thence along the common division line of lands now or formerly of Jacquelyn N. Harte as described in Book 1464 of Deeds at Page 145 on the South and lands of Mason Street, LLC on the North, North 64 degrees 23 minutes 56 seconds West 703.00 feet to a point, thence along the common division line between lands now or formerly of Jacquelyn N. Harte as described in Book 1464 of Deeds at Page 145, lands now or formerly of Irene Grey as described in Book 1241 of Deeds at Page 59 both on the East and lands of Mason Street, LLC on the West, South 81 degrees 59 minutes 04 seconds West 533.61 feet to the point or place of beginning containing 81.164 acres of land subject to a 20 foot wide easement known as Connolly Road running from New York State Route 9P to lands now or formerly of St. Isaac Jacques Church.

**APPENDIX, EXHIBIT 2**

**Saratoga Pointe Planned Development District  
Concept Plan**

### **APPENDIX, EXHIBIT 3**

#### **Commercial Uses Permitted on the Commercial Lot of the Saratoga Pointe PDD**

- Bank, including drive thru facilities
- Bed and Breakfast
- Convenience Store
- Day Care Center
- Gallery
- Office
- Personal Service Establishment
- Professional Office
- Recreation Use
- Restaurant (not including “fast food” establishments)
- Retail Store
- Tavern
- Uses Customarily Accessory to a Principal Use

**APPENDIX, EXHIBIT 4**

**PHASE/STAGING PLAN**