

**Stillwater Planning Board  
July 21, 2008  
7:30 P.M.**

Present: Chairwoman Jo Ann Winchell, Robert Barshied, Peter Buck, Carol Marotta, Patricia Paduano, Paul Tompkins

Also Present: Ray Abbey-Building Department, Joel Bianchi- Town Engineer, Lisa Bruno-Councilwoman, Daryl Cutler-Attorney for the Town, Linda Saunders-Deputy Town Historian

Excused: John Murray

Linda Sanders, Town and Village Historian, gave a brief overview relating to an action item presently before the Town Board. She stated that a recommendation from the Planning Board is necessary prior to the adoption of a Local Law that would regulate additional setbacks near a public cemetery. She stated that ultimately the Town of Stillwater would take ownership of the 12 cemeteries. They have plans to make substantial improvements to the cemeteries, giving them curb appeal and signage. In an effort to respect the deceased, she stated that the Local Law would prevent any permanent structures within 100 feet of a cemetery.

Ms. Sanders informed the Board that there is a New York State Cemetery Law. The Local Law proposed would enhance NYS Cemetery Law. It would also provide the necessary documentation to secure grant funding, as well as, provide access for families wishing to do family genealogy. Ms. Sanders also stated that the Town of Stillwater's Highway Department does a wonderful job with the upkeep of the cemeteries, and she also thanked the Assessor's Office for all their help in providing the necessary data.

Chairwoman Winchell stated that she would provide copies of the proposed Local Law and a listing of the cemeteries within the Town of Stillwater prior to the Board making any recommendation. It was noted that a Public Hearing before the Town Board would be held in August. Ms. Sanders thanked the Board for the opportunity to speak prior to the official opening of the meeting.

Chairwoman Winchell called the meeting to order at 7:30 P.M., and led everyone in the Pledge to the Flag.

The first order of business was to approve the minutes of the June 16, 2008 Planning

Board meeting. There was a brief discussion regarding paragraph 6 on page 53, line 4, relating to the LFTC Transmission Station's commitment to retain a vegetation buffer at the site. The consensus was to insert the words "to be used by" and also the word "to" to alleviate any mix-up with escrow accounts in the future. There was a motion to approve the amended minutes.

**MOTION to approve the minutes of the  
June 16, 2008 Planning Board Meeting  
with one amendment  
Motion made by C. Marotta  
Seconded by P. Paduano  
MOTION CARRIES 5-0-1 (Buck abstained)**

**Mary Palmieri  
108 Brickyard Rd.  
Mechanicville, NY 12118  
Lot Line Adjustment  
(PB 2008-33 253.-1-33)**

Mrs. Palmieri was represented by Mark Jacobson this evening before the Board. Mr. Jacobson gave a brief overview of her request to amend the boundary line of her property on Brickyard Road. He stated that Brigadier Estates LLC is willing to give Mrs. Palmieri a parcel of land that adjoins her property measuring 0.247 acres with approximately 41 feet of road frontage. He further stated that Saratoga County Real Property informed the town that there was a discretion in filing deeds recently. The application before the Board would rectify the situation. The action first needed an Area Variance from the Zoning Board of Appeals. The Area Variance was granted at their June 23, 2008 meeting.

There was a brief discussion on the following: who was filing the deed, and why, was the property owner aware that she did not own this parcel, will it change the conformity of the property, and will the new deed combine the two Palmieri parcels. All questions were answered satisfactorily by Mr. Jacobson, Attorney Cutler, and Engineer Bianchi.

There was motion to approve SEQRA as prepared as an unlisted action with Resolution NO. 22.

**Motion to approve SEQRA  
Made by P. Buck  
Seconded by P. Tompkins  
MOTION CARRIED 6-0**

There was a motion to approve the Lot Line Adjustment of the property owned by Mary Palmieri on Brickyard Road and Brigadier Estates LLC which complies with all Town, County and State requirements as in Resolution No. 23.

**Motion to approve the site plan  
for the Lot Line Adjustment  
Made by B. Barshied,  
Seconded by C. Marotta  
MOTION CARRIES 6-0**

**Walter & Sylvia Ermalowicz  
529 County Road 75  
Mechanicville, NY 12118  
Minor Subdivision Review  
(PB2008-39 220.-1-66)**

Mr. and Mrs. Ermalowicz, as well as their sons Justin and Jason were present along with their attorney, Andrea DiDomenico. They were before the Board seeking a Minor Subdivision of property they own on County Road 75. The initial request was subject to an Area Variance with the ZBA, however, with ZBA guidance plans were modified to create two additional lots that comply with the existing Subdivision Regulations.

Attorney DiDomenico stated that proposed Lot #2, measuring 2 acres with 271 feet of road frontage is Mr.& Mrs. Ermalowicz's residence, Lot # 1 is where their recently deceased grandfather's mobile home is located. Plans are that the mobile home, garage and the shed will be removed from Lot # 1, however, the barn will become accessory building to this lot. Lot #1, measuring 3.56 acres with 100 feet of road frontage will be conveyed to Justin Ermaloowicz. Lot # 3 is located to the south of the existing residence. It is complying and plans are to convey it to Jason Ermalowicz. It measures 3.56 with 150 feet of road frontage.

Any action on the Minor Subdivision would be subject to the percolation testing and driveway permits. There are no wetlands on the property which is primarily pasture and woodland. It is within the LDR and RR Zones. Attorney DiDomenico informed the Board that this subdivision meets all required setbacks, the 50 foot road frontage and the 300 feet at the building line.

There was a brief discussion on the following: the removal of the buildings, obtaining the driveway permit from the county, accessory structures to Lot #1, and the need to remove structures prior to obtaining any building permit for Lot #1.

There was motion to review SEQRA as prepared and as an unlisted action as in Resolution NO. 24.

**Motion to approve SERQA  
Made by B. Barshied,  
Seconded by P. Buck  
MOTION CARRIES 6-0**

There was a motion to approve the 2- Lot Minor Subdivision of lands owned by Walter & Sylvia Ermalowicz on County Road 75 with conditions; provide results and location of percolation testing and one test pit per new lot on final plat, include standard notes as provided to applicant on July 21, 2008 on final plat, label structures to be removed on Lot # 1 on the final plat, and label existing pole barn to remain on Lot # 1 as an accessory structure on final plat as in Resolution NO. 25.

**MOTION to approve the  
2 Lot Minor Subdivision  
Made by B. Barshied,  
Seconded by P. Paduano  
MOTION CARRIES 6-0**

**VLG Real Estate Developers LLC  
Jib Drive  
Saratoga Springs, NY 12866  
Planned Development District  
(PB 2008-40 206.-1-38)**

Victor Gush was present along with his attorney, Mark Jacobson. Mr. Jacobson informed the Board that Mr. Gush was before the Town Board a few years ago with a similar application for a Clustered Major Subdivision. The Church of St. Peter the Apostle owned this property located at the end of Jib Drive prior to this property being divided into a 2-Lot Minor Subdivision in 2006 of which 51 acres was sold to Victor Gush and the church retained 2 acres. The parcel contains streams and wetlands, and it is the applicant's intention to reserve over 30 acres for Open Space eventually to be deed over to the Town of Stillwater. They believe it will be ideal for walking paths. The ingress to the parcel will be Jib Drive off NYS Route 9P. When the PDD concept was unveiled to the Town Board last month, they requested a second egress from the project. Mr. Jacobson reported they have received approval from the Army Corp of Engineers, they also received an extension on the Nation Wide and EPA permits. They are awaiting approvals from other agencies.

Mr. Jacobson informed the Board that they would like to build 49 affordable single family homes. They will be supplied with public water from Mr. Ivannello (Saratoga Glen Hollow Water Supply) and public sewer from (Saratoga County Sewer District # 1). He further stated that they will be doing a comprehensive study on the density and traffic impact this project will have on NYS Route 9P. Engineer Bianchi informed the Board that the Town Board is the lead agency on SEQRA.

There was a brief discussion on the following: the proposed lot sizes, plans for street lighting, storm water drainage, Home Owners Association, density numbers from prior submissions and ingress/egress plans. The concept of affordable housing was debated.

Additional documents necessary for a review include such items as R-O-W easements for property owners on Jib Drive, a revised Traffic Study, alternative options for public benefit, and recently obtained permits from outside agencies.

The consensus of the Planning Board is the applicants need to upgrade reports submitted since 2004 to reflect the request for increased density, as well as, authorize the Town Engineer to create a timeframe and listing of submittals necessary for the PDD to proceed.

Old Business: Chairwoman Winchell created a Notice of Public Hearing template for the Planning Board to use. Chairwoman Winchell also handed out Capital District Regional Planning Commission's residential building comparison and Stillwater Planning Board's 6-month activity summary sheets. She stated that surveyor Gil Van Gulder provided the necessary mapping for her to stamp relating to the Bill Benson (Stony Brook) subdivision on July 21, 2008. Chairwoman Winchell also stated that she received an escrow check from Crown Castle Communication on July 21, 2008.

New Business: Chairwoman Winchell received a letter from Saratoga Endeavors informing the Board that are updating their application for the new cell tower. Chairwoman Winchell handed out papers on educational opportunities to the Board members. She also informed members of the scheduled Public Hearing on the Draft Environmental Generic Study to be held at SACC on Wednesday, August 6, 2008 at 6PM.

**Motion to adjourn the  
Planning Board Meeting  
of July 21, 2008  
Made by P. Tompkins,  
Seconded by C. Marotta  
MOTION CARRIES 6-0**

The meeting adjourned at 9:30 P.M.

Respectfully Submitted,

*Sheila Silic*

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