

**TOWN OF STILLWATER  
PLANNING BOARD MEETING MINUTES  
STILLWATER TOWN HALL  
April 24, 2017 @ 7:00 PM**

**Present:**

**Chairman John Murray (JM)  
Peter Buck (PB)  
Christopher D'Ambro (CD)  
JoAnn Winchell (JW)  
Randy Rathbun (RR)  
Heather Ferris (HF)  
Carol Marotta (CM)**

**Also Present:**

**Daryl Cutler, Attorney for the Town (DC)  
Paul Male, Town Engineer (PM)  
Lindsay Zepko, Director of Building and Planning (LZ)  
Ellen Vomacka, Town Board Liaison  
Edward Kinowski, Town Supervisor  
Kenneth Petronis, Town Council Person  
Sheila Silic, Secretary**

**Absent:**

**JoAnn Winchell (JW)**

**Pledge:**

Chairman Murray called the meeting to order at 7:00 PM and led everyone in the Pledge to the Flag.

**Review and approval of minutes of Planning Board meeting:**

Mr. Buck made a motion to approve the minutes from the February 27, 2017 meeting, seconded by Ms. Ferris. The motion passed unanimously.

**PB2017-01, Luther Forest Corp, Minor Subdivision, Brightman Rd**

Chairman Murray recognized Mr. Alex Mackay, President of Luther Forest Corporation presenting the project before the Board this evening. Mr. Mackay stated that this is a two lot Minor Subdivision which is located on the east side of Brightman Road in the LDR Zoning District. Mr. Mackay stated that the parcel is 283-acres and he is proposing to subdivide off a 2-acre parcel to build a single family dwelling. Mr. Mackay addressed items from Mr. Male's comment letter dated April 19, 2017. Regarding Item #5, the two wood roads on the parcel, Mr. Mackay stated that one of the wood roads will be the driveway for the 2 – acre parcel and the other wood road will remain as access to the 281- acre parcel. For item #6 regarding the encroachment on the parcel, Mr. Mackay stated that the encroachment is yard debris from the neighbor's property. Item #7 regarding the Planning Board reference number on the map, Mr. Mackay stated that the number will be added by the surveyor. Item #8 regarding wetlands, Mr. Mackay stated the 2- acre parcel does not have any wetlands on the parcel the remaining 281 – acre parcel has wetlands. Item #9 regarding development of the remaining 281-acres, Mr. Mackay stated there are no plans to develop the parcel. Item #10 regarding the well and septic system, Mr. Mackay stated that the proposed well is 100 ft. off the property line and there will be a 100 ft. separation from the well and the septic system to be in compliance with the Health Department. Item #11 regarding previous subdivisions of this parcel, Mr. Mackay stated that about 25 years ago there was a subdivision or a lot line adjustment so Mr.

Joba could access his property. Mr. Mackay stated that there are no existing structures on the parcel. Mr. Mackay asked the Planning Board to waive the public hearing for the subdivision. Ms. Zepko stated that the Planning Board does not have the authority to waive the public hearing as NYS Law requires a public hearing for all subdivisions. Attorney Cutler concurred that a public hearing is required for all subdivision of lands.

Ms. Nadeau asked what new information the Board would receive on the project by holding a public hearing. Chairman Murray stated that the public hearing is to give the neighbors a chance to ask questions on the project.

Chairman Murray stated that there is currently not a septic system on the property. Mr. Mackay stated that is correct. Chairman Murray stated that the Saratoga County Planning Board has to respond to the application. Ms. Zepko stated that she received the response from Saratoga County Planning Board and they replied with no significant County Wide or Inter Community Impact.

Mr. Cutler asked Mr. Mackay to consider issuing a license to the neighbor to use that section of the property and then there would be no claims for adverse possession on the property. Mr. Mackay stated that he plans to remove the debris from the property. Ms. Zepko stated that a note on the map under the encroachment stating that the applicant will be removing the debris from the property should be added and that will alleviate that concern.

Ms. Marotta asked if the Town requires a map that shows the entire parcel for the subdivision. Ms. Zepko stated that the Town does not require a map of the entire parcel. Ms. Marotta asked Mr. Mackay where the wetlands are located on the remaining parcel. Mr. Vianna stated that he would add the wetlands to map.

Chairman Murray stated that a motion is in order to schedule the public hearing for the May 22, 2017 Planning Board meeting.

Mr. Rathbun made a motion to hold the public hearing on May 22, 2017 seconded by Ms. Marotta. A roll call vote was taken.

Chairman Murray	YES
Member Rathbun	YES
Member Marotta	YES
Member Buck	NO
Member D'Ambro	YES
Member Ferris	YES

**PB2017-02, Pink Lot Line Adjustment 156 and 144 Lohnes Road**

Chairman Murray recognized Mr. James Vianna of James Vianna Land Survey, who is representing Mr. and Mrs. Pink. Mr. Vianna stated that they are seeking a Lot Line Adjustment to decrease the acreage of Lot #1 from 10.80-acres to 4.00-acres and to increase Lot#2 from 6.63-acres to 13.43-acres. Mr. Vianna stated that Lot #2 is Mr. and Mrs. Pink's residence and Lot #1 is rental property. Mr. Vianna stated that the Lot Line Adjustment is to increase the pasture area for their beef cattle. Mr. Vianna stated that the wetlands are located in the pasture and the perimeter pasture area has electric fencing. Mr. Vianna stated that the fences don't encroach on any property and they are well off the boundary lines. Mr. Vianna stated that the property corners will be staked after the approval of the Lot Line Adjustment.

Mr. Male asked about the fencing that is on the rental property. Mr. Vianna stated that he was not sure if the fencing would be removed or if the fence would be straightened so it is no longer on the rental property.

Mr. Cutler asked Mr. Vianna if the fencing will be removed from Lot#1. Mr. Vianna stated that he was not sure what the Pink's were planning to do about the fence. Mr. Vianna stated that he would add that to the map as Note #6. Mr. Cutler stated that in the event that Mr. and Mrs. Pink where to sell the property and the fencing was not removed, then a license would need to be issued to the new owners of the property.

Ms. Marotta asked if this would require an easement on the deed. Mr. Vianna stated no, as Mr. Cutler stated it would be a license type situation.

Chairman Murray asked Ms. Zepko if she has received a response from Saratoga County Planning Board. Ms. Zepko stated that she received the response from Saratoga County and they replied with no significant County Wide or Inter Community Impact

Mr. Cutler stated that the Planning Board can entertain the Lot Line Adjustment and waive the public hearing if the Board agrees. (This is under Section 176-9 in the Town Subdivision Laws).

Chairman Murray asked the Board if they agree with Mr. Cutler to waive the public hearing on the Lot Line Adjustment. The Board agreed to waive the public hearing.

Chairman Murray asked if anyone had any additional questions or concerns, hearing none he asked to move to discussion of SEQRA.

**TOWN OF STILLWATER  
PLANNING BOARD  
2017 RESOLUTION NO. 5**

WHEREAS, Mike and Kirsten Pink have submitted an application for lot line adjustment regarding properties located at 144 and 156 Lohnes Rd., more fully identified as Tax Map Numbers 208-1-1.1 and 208-1-2; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the proposed action is an unlisted action requiring SEQRA review; and

WHEREAS, pursuant to 6 NYCRR §617.6, the Stillwater Planning Board is the lead agency for SEQRA review; and

WHEREAS, the applicant has submitted a fully completed Short Environmental Assessment Form (EAF); and

WHEREAS, the Planning Board has duly reviewed the EAF and has considered the criteria contained in 6 NYCRR §617.7(c), to determine if the proposed action will have a significant impact on the environment;

WHEREAS, the Planning Board reviewed each of the 11 factors contained in Part 2 of the EAF and determined that the proposed action will have no, or only a small, environmental impact;

Now, therefore, be it

RESOLVED, that the Planning Board hereby determines that the proposed action by the applicant, Mike and Kirsten Pink, for a lot line adjustment regarding property located at 144 and 156 Lohnes Rd., more fully identified as Tax Map Numbers 208-1-1.1 and 208-1-2, will not have a significant impact on the environment.

A motion by Member Marotta, seconded by Member Buck, to adopt Resolution No. 5.

A roll call vote was taken on Resolution No. 5 as follows:

Chair Murray	Yes
Member Buck	Yes
Member D'Ambro	Yes
Member Ferris	Yes
Member Marotta	Yes
Member Rathbun	Yes
Member Winchell	Absent

**TOWN OF STILLWATER  
PLANNING BOARD  
2017 RESOLUTION NO. 6**

WHEREAS, Mike and Kirsten Pink have submitted an application for a lot line adjustment regarding property located at 144 and 156 Lohnes Rd., more fully identified as Tax Map Numbers 208-1-1.1 and 208-1-2; and

WHEREAS, the Town Zoning Law does not require that a public hearing be held in order for the Planning Board to act on an application for a lot line adjustment; and

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 5 of 2017; and

WHEREAS, the Planning Board has duly considered the application;

Now, therefore, be it

RESOLVED, that the application of Mike and Kirsten Pink, for a lot line adjustment of lands located on 144 and 156 Lohnes Rd., more fully identified as Tax Map Numbers 208-1-1.1 and 208-1-2, is hereby GRANTED; and be it further

RESOLVED, that the application is GRANTED, provided the applicant comply with the conditions contained in the Paul Male, PE, April 1, 2017, engineering review letter and that the map contains a note stating in the event there is no longer a common owner of the parcels, any encroaching fences shall be removed or a license granted; and be it further

RESOLVED, that the applicant must file the approved lot line adjustment map, with all required annotations (a copy of which is annexed hereto), with Saratoga County within 62 days of its execution, or the action by this Board shall become null and void; and be it further

RESOLVED, that the Secretary is authorized and directed to transmit a copy of this Resolution to the Applicant, the Town Clerk and the Building Inspector-Code Enforcement Officer.

A motion by Member Marotta, seconded by Member D'Ambro to adopt Resolution No. 6.

A roll call vote was taken on Resolution No. 6 as follows:

Chair Murray	Yes
Member Buck	Yes
Member D'Ambro	Yes
Member Ferris	Yes
Member Marotta	Yes
Member Rathbun	Yes
Member Winchell	Absent

Resolution No. 6 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on April 24, 2017.

Motion to adjourn: made by Mr. Rathbun, seconded by Mr. D'Ambro motion passed at approximately 8:15 PM.