

TOWN OF STILLWATER
PLANNING BOARD MEETING MINUTES
July 27, 2015 @7:00 PM
STILLWATER TOWN HALL

Present:

Chairman, Robert Barshied
Vice-Chairman, John Murray (JM)
Carol Marotta (CM)
Peter Buck (PB)
Randy Rathbun (RR)
Beverly Frank (BF)

Also Present:

Daryl Cutler, Attorney for the Town (DC)
Paul Male, Town Engineer (PM)
Lindsay Zepko, Town Planner (LZ)
Sheila Silic, Secretary

Absent:

Randy DeBacco (RD)

Pledge:

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

Review and approval of the minutes of Planning Board meetings:

Mr. Murray made a motion to approve the minutes from the May 26, 2015 with minor changes, Mr. Rathbun seconded. The Planning Board tabled the minutes from June 22, 2015 until August 24th meeting.

Mr. Cutler stated that Cellco Verizon is requesting, from the Planning Board, approval of the Resolutions from the June 22, 2015 meeting. Mr. Cutler stated that the Resolutions can then be filed with the Town Clerk's Office. Ms. Marotta asked if these are the Resolutions that were previously voted on at the June 22nd meeting. Mr. Cutler stated that is correct. Mr. Murray asked if this would be setting precedence by approving the Resolutions. Mr. Cutler stated that this would not set precedence by approving of the Resolutions. Ms. Frank asked if the board could take a few minutes to review the Resolutions. Chairman Barshied agreed with Ms. Frank that the Board should review the Resolutions.

Chairman Barshied asked for a motion to approve the Resolutions. Mr. Murray made a motion to approve Resolution #25 SEQRA, Resolution #26 Special Use Permit, and Resolution #27 Site Plan, Ms. Marotta seconded. A roll call vote was taken with Mr. Buck recusing himself and passed unanimously.

PB2015-8, Plasencia Minor Subdivision, 86 Kellogg Road

Chairman Barshied recognized Mr. Scott Ronda, of Beebe Law Firm who is representing Mr. Gary Plasencia. Mr. Ronda briefly recapped the project before the Board. Mr. Ronda stated the property is 7.3 acres and would be subdividing the 6 acre parcel. The remaining .50 acres will be merged with the new building lot and eliminating the landlocked parcel. Mr. Ronda stated that the new single family dwelling will be built on Lot #2. Mr. Ronda stated that all the lots meet all the set back and lot width requirements. Mr. Ronda stated that Lot #1 will be hooked up to public water and sewer.

Chairman Barshied asked Mr. Male if there were any conditions with this application. Mr. Male stated that there are no conditions with this application. Chairman Barshied proceeded to open the public hearing and asked if anyone wished to comment, hearing none Chairman Barshied proceeded to close the public hearing.

**TOWN OF STILLWATER
PLANNING BOARD
2015 RESOLUTION NO. 28**

WHEREAS, Gary and Deborah Pasencia have submitted an application for a minor subdivision regarding property located at 86 Kellogg Road, more fully identified as Tax Map Number 253.-2-10.2; 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, Gary and Deborah Plasencia, for a minor subdivision regarding property located at 86 Kellogg Road, more fully identified as Tax Map Number 253.-2-10.2, will not have a significant impact on the environment.

A motion by Member Frank, seconded by Member Buck, to adopt Resolution No. 28.

A roll call vote was taken on Resolution No. 28 as follows:

Chairman Barshied	Yes
Member Buck	YES
Member DeBacco	Yes
Member Frank	Yes
Member Marotta	Yes
Member Rathbun	Yes
Member Murray	Yes

Resolution No. 28 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on July 27, 2015.

**TOWN OF STILLWATER
PLANNING BOARD
2015 RESOLUTION NO. 29**

WHEREAS, Gary and Deborah Plasencia has submitted an application for a minor subdivision regarding property located at 86 Kellogg Road, Stillwater, more fully described as Tax Map No. 253.-2-10.2; and

WHEREAS, a public hearing was conducted on July 27, 2015 to consider the application, and no comments were received from the public; and

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 29 of 2015; and

WHEREAS, the Planning Board has duly considered the application;

Now, therefore, be it

RESOLVED, that the application of Gary and Deborah Plasencia, for a minor subdivision of lands located on 86 Kellogg Road, Stillwater, more fully identified as Tax Map Number 253.-2-10.2, is hereby GRANTED; and be it further

RESOLVED, that the applicant must file the approved subdivision 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 Rathbun, seconded by Member Frank, to adopt Resolution No. 29.

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

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

Resolution No. 29 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on July 27, 2015.

PB2014-48, Brickyard Road Apartments Site Plan, Brickyard Road

Chairman Barshied recognized Luigi Pallesch, of ABD Engineering and Land Surveying on behalf of Tom Andress and will be representing Mr. John Bove. Mr. Palleschi stated that they added some notes that were requested by Mr. Male. Mr. Palleschi stated that a comment letter was received dated July 23, 2015 from Mr. Male. Mr. Palleschi stated that he would like to address the comments, #1 Request that the Saratoga County Sewer Permit be made a condition of approval, #2 the applicant has acknowledged the GEIS and Parkland Fee payment, #3 regarding the placement location of the Fire Hydrants – Mr. Palleschi stated that they have not heard back from Arvin Hart Fire Department, #4 Discussion on the box culvert – Mr. Andres has provided Mr. Male with a letter stating that these concerns have been addressed, #5 request that the applicants attorney provide the easement language as a condition of approval, #6 the project will a separate permit and submitted for review, #7 the utilities will be privately owned and not turned over to the Town of Stillwater, #8 discussion on whether Saratoga County Planning Board has sent back a response – Ms. Zepko stated that she has received a response back, #9 in reference to the stormwater and SWPPP – Mr. Palleschi stated that the Town of Stillwater has the final signoff form and will get the signatures to Mr. Male so it can be submitted to DEC, #10 the environmental assessment form has been revised, #11 the soils report has been issued – Mr. Male has reviewed the report and there has been four notes that have been added to the latest Site Plan with the recommendation of the Dente report. Mr. Palleschi stated that one was not added and that is Item #3 two regarding pavement specifications. Mr. Palleschi stated that it is detailed on page 6 and is the minimum cross section of the pavement.

Chairman Barshied proceeded to open the public hearing and asked if anyone wished to comment, hearing none Chairman Barshied proceeded to closed the public hearing.

Mr. Murray asked about the handicapped parking being that far away from the building and is it consistent with the State and Federal requirements were the handicap parking spaces are placed. Mr. Palleschi stated yes as long as the grades are less than 2% and where the handicap parking spaces are located is within the 2% grade. Mr. Palleschi stated that the NYS Building Code recommends that the handicap parking spaces are placed as close to the front door as possible but is not a requirement. Mr. Murray stated that these parking spaces are not close to the front door as the front door of the apartments face Brickyard Road, secondly the handicap spaces are closest to the back of the building and the garage door, the person then has to cross the parking lot and then has to negotiate the steps to access the first floor apartment. Mr. Palleschi stated that is correct.

Mr. Cutler stated at that level the person enters into the garage and how does the person enter into the apartment. Mr. Palleschi stated that the person would then use the stairs to enter into the apartment.

Ms. Marotta asked if that was acceptable with the NYS Code and if a person could not negotiate the stairs would you provided access to the apartment. Mr. Palleschi stated it is required to meet the NYS Building Code and that they would provide whatever was needed to meet the NYS Building Code.

Chairman Barshied asked Mr. Male about his comment letter and what would the conditions be for this application. Mr. Male stated that from July 23rd letter, Saratoga County Sewer, GEIS and Associated Fees, Arvin Hart Fire Department – Mr. Male stated that he has not received a response back as of yet, culvert issues have been addressed, utilities will privately owned and nor turned over to the Town of Stillwater, utility easement will be a condition, Saratoga County Planning Board – Ms. Zepko stated that she received a response from Saratoga County stating no significant County or inter County impacts but with did comment with a condition of the compliance of the Dente Geo Technical Evaluation, the stormwater plan still has some issues that need to be addressed, and the Dente report would require conditions for certain criteria within the report.

Chairman Barshied asked if the proposal is to excavate the entire site. Mr. Palleschi stated yes they would have to excavate for the building per NYS Building Code and that excavation could certainly be discussed. Mr. Palleschi stated that if the parking lots and roadways are privately owned then that would be up to the applicant. Mr. Palleschi stated that if it's not necessary the applicant shouldn't be obligated to excavate the entire site. Chairman Barshied stated if the areas under the parking lots and roadways are not excavated in the same fashion as they are under the building foundations that would require an annual inspection or maintenance program and will enter into a formal condition every year, enter into either a bond or letter of credit requirement or excavate the parking lots and roadways like the building foundation will be excavated and refilled.

Mr. Rathbun asked if there was a response from Mechanicville on the project. Ms. Zepko stated that there has not been any response from Mechanicville since the water issue. Mr. Rathbun asked if has been just test borings or was a back hoe used to dig the holes. Mr. Palleschi stated that there are test pits done and the material that was found was fill.

Mr. Murray asked if the applicant was sure that they have sufficient parking spaces for the occupants and their guest. Mr. Palleschi stated that they meet the Town Zoning Code for the number spaces required. Mr. Murray stated that other apartment buildings have over flow parking and this project has no over flow parking. Mr. Murray asked Mr. Male about item #4 on the comment letter regarding the culvert. Mr. Male stated the applicant tried to find the outlet of the culvert but could not find it however it is would seem to flow out in the direction of the Hudson River.

Ms. Marotta stated the applicant should use this opportunity to address the hill situation and to redesign the site. Ms. Marotta stated that the land could be graded differently and would give the applicant the opportunity to improve the site. Mr. Palleschi stated that the applicant is not going to redesign the project.

Ms. Frank stated that if the project becomes too costly and the applicant abandons the project the property has to return to its original state.

Chairman Barshied asked if anyone had any additional concerns or questions and hearing none he asked to move to discussion of the SEQRA. Mr. Cutler stated that this SEQRA is the long form. Ms. Zepko stated that there is information on the SEQRA form that is not filled in. Mr. Marotta stated that she has a SEQRA form December 31, 2015 and from January 26, 2014. Ms. Marotta stated that the SEQRA form from December on page 4 under excavating is checked no. Mr. Palleschi stated that not all the excavated material will be removed some can be used in other places so long it is not used for the parking lots, roads or buildings. Ms. Marotta stated that according to the Dente report "All excavated material is removed and disposed of properly". Mr. Murray asked Mr. Male if this report and the Dente report should be reconciled to be consistent and is in consistent with the environmental report. Mr. Cutler stated the Board would go with the likely outcome and if the changes are substantially different than SEQRA would be revisited.

Mr. Buck asked Mr. Palleschi if he has discussed all the issues concerning this project with Mr. Bove. Mr. Palleschi indicated that he has discussed the issues with Mr. Bove.

Chairman Barshied asked if anyone had any additional concerns or questions and hearing none, he stated that the application was tabled at this time to address outstanding ADA/NYS Building Code compliance as well as to review the parking area compaction issue.

PB2015-17, Global Foundries Parking Lot F Site Plan, Stone break Road Ext.

Chairman Barshied recognized Mr. Gregg Connors on behalf of Global Foundries and Ms. Jessie Marquat of C T Male Associates and will provide the technical description of the project. Mr. Connors stated this lot is currently used as a temporary parking for construction workers.

Mr. Connors stated that the lot is located in both the Towns of Stillwater and Malta and is part of the Luther Forest PDD. Mr. Connors stated that Global Foundries would like to convert this lot into an employee parking lot to accommodate 950 full time employees. Mr. Connors stated that they had the opportunity to meet with Stillwater and Malta's Planning Staff to coordinate the design and layout of the parking lot. Mr. Connors stated that the parking lot should be finished about the same time that the connector road is finished. Mr. Connors referred to Ms. Marquat to present the technical presentation to the Board. MS. Marquat stated that the Town of Stillwater/Malta line goes through the middle of the parking lot. Ms. Marquat stated that here will be an entrance road that will connect the access road. Ms. Marquat stated that the roads and parking lot will be paved and there will be shuttle to pick up staff and bring them to the site. Ms. Marquat stated that there will be a temporary access road for construction vehicles, the storm water will enter a pipe system flowing into two hydro dynamic units. Ms. Marquat stated that existing landscaping will be used and there will be landscaping within the parking lot. Ms. Marquat stated that she has received correspondence from DEC.

Chairman Barshied asked Mr. Doty if they had received a response from CT Male for the questions that were submitted regarding this application. Mr. Doty stated that have not received a response as of yet. Ms. Marquat stated that the response to Mr. Doty's questions will be mailed out.

Ms. Marotta stated that this was reviewed for temporary construction parking and that with a single entrance for 950 parking spaces will it be issue for ingress and egress. Ms. Marquat stated that they can enter parking lot from either direction. Ms. Marotta asked if the paving of the roadway and the parking lot is going to have a barrier between them. Ms. Marquat stated that there will be a chain link fence separating the roadway and the parking lot.

**TOWN OF STILLWATER
PLANNING BOARD
2015 RESOLUTION NO. 30**

WHEREAS, Global Foundries has submitted an application for Apartment Complex Site Plan Approval regarding property located at Stone Break Road Extension, more fully identified as Tax Map Number 230.00-1-23; 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 Town Board was the lead agency for SEQRA review for the Global Foundries Campus; and

WHEREAS, the applicant has submitted a fully completed Environmental Assessment

Form (EAF); and

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

Now, therefore, be it

RESOLVED, that the Planning Board hereby determines that the proposed action by the applicant, Global Foundries, for Site Plan Approval regarding property located at Stone Break Road Extension, more fully identified as Tax Map Number 230.00-1-23, conforms with the prior SEQRA findings of the Town Board.

A motion by Member Murray, seconded by Member Buck, to adopt Resolution No. 30.

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

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

Resolution No. 30 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on July 27, 2015.

**TOWN OF STILLWATER
PLANNING BOARD
2015 RESOLUTION NO. 31**

WHEREAS, Global Foundries has submitted an application for site plan approval regarding property located at Stone Break Road Extension, more fully described as Tax Map No. 230.00-1-23; 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 Site Plan Approval; and

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 30 of 2015; and

WHEREAS, the Planning Board has duly considered the application;

Now, therefore, be it

RESOLVED, that the application of Global Foundries, for site plan approval of lands located on Stone Break Road Extension, more fully identified as Tax Map Number 230.00-1-23, is hereby GRANTED; and be it further

RESOLVED, that the application is GRANTED, provided the applicant comply with the conditions, which were included in the July 23, 2015 Memorandums from The Chazen Companies, and that these conditions be met prior to approval of the application; and be it further

RESOLVED, that the applicant must file the approved subdivision 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 Buck, seconded by Member Rathbun, to adopt Resolution No. 31.

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

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

Resolution No. 31 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on July 27, 2015.

Cedar Bluff PDD rescission and underlying zoning to Resort Residential

The Planning Board held a brief discussion on the issue and referred no comment to the Town Board.

Motion to adjourn: Made by Mr. Murray, seconded by Ms. Frank, motion passed unanimously at approximately 9:00p.m.

**The next Planning Board Meeting will be
Monday, August 24, 2015**