

**Stillwater Town Board**  
**Business Meeting & Public Hearing**  
Amendments to Saratoga Gulf Course (LL#3)  
**August 18, 2016      7:00 pm**  
**Stillwater Town Hall**

**Present:**      **Councilman Artie Baker**  
                      **Councilman Ken Petronis**  
                      **Councilwoman Ellen Vomacka**  
                      **Supervisor Ed Kinowski**

**Also Present:** **Sue Cunningham, Town Clerk**  
                      **Mark Minick, Supt of Highways**  
                      **Joe Lanaro, Engineer for the Town**  
                      **James Trainor, Attorney for the Town**

**Absent:**        **Councilwoman Lisa Bruno**

Supervisor Kinowski called the meeting to order and led everyone in the Pledge to the Flag.

Sue Cunningham, Town Clerk took the roll call.

**7:00 PM Public Hearing**      **Local Law #3 – Saratoga Lake Golf Course**

An Engineer for Saratoga Lake Golf Course PDD gave a brief overview of the proposals the owners would like to make. Those proposals include a mix of additional residential and commercial uses such as; a golf pro shop, clubhouse and snack bar to be located within a clubhouse, as well as maintenance buildings and other accessory structures related to the golf course. The clubhouse may include a banquet facility with deck and restaurant and bar for use for golf and non-golf related event.

Attorney Trainor inquired about some modifications within the PDD, stormwater and drainage district. He also stated that he would like to see something in the proposed amendments to include timing of development and a sunset clause for constructing the building but not to put in a sunset clause on additional structures.

**Public Input**

Ben T. stated that he was not against the golf course but feels it just needs to be done right. He had concerns with parking, highway signage not up to standard, the NE corner of the entrance road, and would like traffic monitored along with speeding.

Dennis D stated that he was not opposed of the proposed amendments but feels the speed limit is too high for the area and would like to see it lowered and enforced.

Supervisor Kinowski commented on speeding through the Town. He stated that if know of events the police can periodically monitor frequently if they know of an event or possibly place the electric speed sign in the area.

Supt Minick stated that it is a process to reduce speed limit in an area and DOT sets the speed limit not the Town.

With everyone having the opportunity to comment on the proposed amendments Supervisor Kinowski declared the public hearing adjourned at 8:00 pm.

**Business Meeting—8:00 pm**

**Special Presentation**

Tom Coffinger, Boy Scout, gave a brief presentation of a project he would like to do in order to make Eagle Scout. He would like to build an arbor at the entrance of the Presbyterian Cemetery on Colonial Road.

**Agenda Items                      Resolutions #51 & #61---#73**

**Resolution #51                                      Establish Escrow Accounts  
For Professional Reviews Regarding  
The Saratoga Lake Golf Course Planned Development District Amendment, Jib  
Drive PDD and the Winding Brook PDD Amendment**

WHEREAS, Resolution 51 of 2016 was introduced on July 21, 2016 at the Stillwater Town Board meeting and by motion was tabled; and

WHEREAS, Saratoga Lake Golf Course, Jib Drive and Winding Brook developers have submitted applications for Planned Development Districts (“PDD”) or Amendments; and

WHEREAS, the projects will require engineering reviews in the form of consulting, construction management, maps, plans and a report and legal services including site plan review, SEQRA analysis, the drafting and review of a Local Law and Development Agreement, all of which are required to be paid for by the applicants;

Now, therefore, be it

RESOLVED, that escrow accounts be established for project related expenses in connection with the Saratoga Lake Golf Course Planned Development District Amendment, Jib Drive PDD and the Winding Brook PDD Amendments for engineering and legal services; and be it further

RESOLVED, that the applicants each deposit into their respective escrow accounts forthwith the initial fees for these services at \$3225.00 for engineering services and \$2625.00 for legal services, and to replenish said amount when either escrow balance falls below \$1,500.00.

**Motion** by Councilman Petronis and seconded by Councilman Baker to adopt Resolution No. 51 of 2016.

A roll call vote was taken on Resolution No. 51 of 2016 as follows:

|                      |        |
|----------------------|--------|
| Supervisor Kinowski  | YES    |
| Councilman Baker     | YES    |
| Councilman Petronis  | YES    |
| Councilwoman Bruno   | ABSENT |
| Councilwoman Vomacka | YES    |

**Motion carried.** Resolution No. 51 of 2016 was adopted unanimously.

**Resolution #61                                      Setting a Public Hearing  
Regarding Local Law \_\_\_\_ of 2017  
A Local Law to Override the Property Tax Cap**

Introduced by: Supervisor

WHEREAS, effective in 2012, local governments are subject to a tax levy limitation as a result of the New York State Property Tax Cap Legislation set forth in General Municipal Law Article 2, §3-c; and

WHEREAS, there is a provision within the legislation that requires the Town to pass a local law by a 60% majority vote that states that it wishes to override said tax cap limit if the tax levy limit established by this preliminary budget will exceed the tax cap limit; and

WHEREAS, Paragraph 5 of §3-c of Article 2 of the General Municipal Law reads in full: “A local government may adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year, not including any levy necessary to support the expenditures pursuant to subparagraphs (i) through (iv) of paragraph g of subdivision two of this section, only if the governing body of such local government first enacts, by a vote

of sixty percent of the total voting power of such body, a local law to override such limit for such coming fiscal year only, or in the case of a district or fire district, a resolution, approved by a vote of sixty percent of the total voting power of such body, to override such limit for such coming fiscal year only.” And

WHEREAS, Supervisor Kinowski has recommended that a Public Hearing be set for taking public input on the proposed Local Law to Override the Property Tax Cap because it may be needed to exceed the tax cap of approximately two percent (2%) for the 2017 Budget;

Now, therefore be it

RESOLVED, that a public hearing is hereby scheduled for September 15, 2016 at 7:00 p.m. at Town Hall 881 Hudson Avenue, Stillwater, New York, to receive comments from the public regarding the attached Local Law to Override the Tax Cap; and be it further

RESOLVED, that Town Clerk is hereby directed to publish appropriate notice of the public hearing a minimum of five (5) days prior to the Public Hearing on September 15, 2016.

**Motion** by Councilman Petronis and seconded by Councilman Baker to adopt Resolution No. 61 of 2016.

A roll call vote was taken on Resolution No. 61 of 2016 as follows:

|                      |        |
|----------------------|--------|
| Supervisor Kinowski  | YES    |
| Councilman Baker     | YES    |
| Councilman Petronis  | YES    |
| Councilwoman Bruno   | ABSENT |
| Councilwoman Vomacka | YES    |

**Motion carried.** Resolution No. 61 of 2016 was adopted unanimously.

**Resolution #62**

**Resolution #63                      Establish and Request  
Funding of Project Specific Escrow Account from Applications**

Introduced by: Planning Board

WHEREAS, the Town of Stillwater receives applications for specific activities regulated by NYS Law, the Town of Stillwater Code and Regulations that are before the Town Board, Planning Board or Zoning Board of Appeals; and

WHEREAS, from time to time, the respective Boards or Town agencies request an independent review by the Town’s contracted engineer or attorney to assist in the review of specific applications; and

WHEREAS, when the independent reviews are requested, the Town requires that an escrow account must be funded by the applicant in advance of the reviews; and

WHEREAS, the current procedures for engaging independent reviews for applications require the Town Board to entertain and approve resolutions for each instance that these services are requested by each Board; and

WHEREAS, in order to provide a more efficient process for establishment of escrow accounts, the Town desires to also allow the Supervisor, the Attorneys for the Town and Director of Building, Planning and Development to make specific escrow requests without prior authorization from the Town Board when one is deemed necessary; and

WHEREAS, the Attorneys for the Town are able to establish and administer the project-related escrow funds for legal reviews in its IOLA escrow account with Ballston Spa





1. LTLP agrees to develop, design and fabricate Heritage Center facilities that are prioritized for the available budget:
  - Five (5) wayside kiosks
2. The Stillwater Blockhouse Committee and the Town of Stillwater agree to coordinate community outreach to provide contents and images needed for exhibits.
3. Modifications to this AGREEMENT must be in writing, and signed by both parties.
4. Disagreements which cannot be resolved as the staff level shall be referred to a joint meeting of the Executive Boards of LTLP, the Town of Stillwater and the Stillwater Blockhouse Committee for final resolution.

AGREED TO:

**STILLWATER BLOCKHOUSE COMMITTEE**

By: \_\_\_\_\_ Date \_\_\_\_\_

**TOWN OF STILLWATER**

By: \_\_\_\_\_ Date \_\_\_\_\_  
                   Edward Kinowski, Town Supervisor

**LAKES TO LOCKS PASSAGE, INC.**

By: \_\_\_\_\_ Date \_\_\_\_\_  
                   Janet Kennedy, Executive Director

**Motion** by Councilman Petronis and seconded by Councilman Baker to adopt Resolution No. 65 of 2016.

A roll call vote was taken on Resolution No. 65 of 2016 as follows:

|                      |        |
|----------------------|--------|
| Supervisor Kinowski  | YES    |
| Councilman Baker     | YES    |
| Councilman Petronis  | YES    |
| Councilwoman Bruno   | ABSENT |
| Councilwoman Vomacka | YES    |

**Motion carried.** Resolution No. 65 of 2016 was adopted unanimously.

**Resolution #66           Awarding the Bid and Authorizing the Supervisor  
 to Sign a Contract for Repair or Replacement of the  
 Stillwater Area Community Center Roof**

WHEREAS, competitive bids were solicited and opened on August 2, 2016 for the repair or replacement of the Stillwater Area Community Center Roof; and

WHEREAS, bids were submitted and the General Municipal Law requires that the bid be awarded to the lowest most responsible bidder;

Now, therefore, be it

RESOLVED, that the contract for the Stillwater Area Community Center roof



**Resolution #68**

**Reappointing Fran Beninati  
To the Board of Assessment Review**

Introduced by: \_\_\_\_\_ Supervisor \_\_\_\_\_

WHEREAS, Fran Beninati has previously been appointed to the Board of Assessment Review with a term ending on September 30, 2016; and

WHEREAS, the Town Board wishes to reappoint Mr. Beninati for another term on the Board of Assessment Review;

Now, therefore, be it

RESOLVED, the Town Board hereby reappoints Fran Beninati to the Board of Assessment Review with a term ending September 30, 2021.

**Motion** by Councilman Petronis and seconded by Councilman Baker to adopt Resolution No. 68 of 2016.

A roll call vote was taken on Resolution No. 68 of 2016 as follows:

|                      |        |
|----------------------|--------|
| Supervisor Kinowski  | YES    |
| Councilman Baker     | YES    |
| Councilman Petronis  | YES    |
| Councilwoman Bruno   | ABSENT |
| Councilwoman Vomacka | YES    |

**Motion carried.** Resolution No. 68 of 2016 was adopted unanimously.

**Resolution #69**

**Authorizing the Supervisor to Sign an Agreement  
Regarding Installing an Awning at Brown’s Beach**

Introduced by: \_\_\_\_\_ Supervisor \_\_\_\_\_

WHEREAS, the License and Management Agreement for Brown’s Beach provides that buildings with attached fixtures are owned by the Town but that the Licensees may install fixtures to the buildings at their own expense with the Town’s prior consent; and

WHEREAS, the Licensees of the Doc Brown’s Restaurant have requested the Town’s permission for them to install an awning to the building according to the terms of the attached Agreement;

Now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to sign the attached Agreement, the terms of which are incorporated herein, with the Panza Group LLC and Panza’s on the Green, Inc. (“Panza”) providing for the installation of an awning to the town-owned restaurant building known as Doc Brown’s, which awning is to be purchased and installed entirely at Panza’s expense and shall become a fixture to the building, obligating Panza to leave it in place at the end of its use of the building and to indemnify the Town for any damage it may cause to the building; and be it further

RESOLVED, that the attached Agreement, once signed, shall become Addendum Number Three to the License and Management Agreement for Stillwater Brown’s Beach.

**Motion** by Councilman Petronis and seconded by Councilman Baker to adopt Resolution No. 69 of 2016.

A roll call vote was taken on Resolution No. 69 of 2016 as follows:

|                     |     |
|---------------------|-----|
| Supervisor Kinowski | YES |
|---------------------|-----|

|                      |        |
|----------------------|--------|
| Councilman Baker     | YES    |
| Councilman Petronis  | YES    |
| Councilwoman Bruno   | ABSENT |
| Councilwoman Vomacka | YES    |

**Motion carried.** Resolution No. 69 of 2016 was adopted unanimously.

**Resolution #70                      Budget Adjustments**

WHEREAS, Colleen Zabielski, Director of Fiscal Management has recommended that the following budget transfers be accomplished:

|                     |             |                                     |             |
|---------------------|-------------|-------------------------------------|-------------|
| Increase:           |             | Increase:                           |             |
| B2115 Planning Fees | \$12,000.00 | B1140.444 Attorney-Bld Dept Support | \$10,000.00 |
|                     |             | B7140.4683 Glen Hollow Park         | \$2,000.00  |

RESOLVED, that the above Budget Adjustment is hereby approved.

**Motion** by Councilman Petronis and seconded by Councilman Baker to adopt Resolution No. 70 of 2016.

A roll call vote was taken on Resolution No. 701 of 2016 as follows:

|                      |        |
|----------------------|--------|
| Supervisor Kinowski  | YES    |
| Councilman Baker     | YES    |
| Councilman Petronis  | YES    |
| Councilwoman Bruno   | ABSENT |
| Councilwoman Vomacka | YES    |

**Motion carried.** Resolution No. 70 of 2016 was adopted unanimously.

**Resolution #71                      Scheduling a Public Hearing to  
Consider Changes to the Town’s Comprehensive Plan**

Introduced by: Supervisor

WHEREAS, the Town Board requested The Chazen Co’s to propose needed changes to the Town’s Comprehensive Plan; and

WHEREAS, the proposed changes and related EAF are on file at the Town Clerk’s Office;

Now, therefore be it

RESOLVED, that a Public Hearing to consider the proposed changes to the Town’s Comprehensive Plan is hereby scheduled for September 15, 2016 at 7PM at Town Hall, 881 Hudson Avenue, Stillwater, New York; and be it further

RESOLVED that the Town Clerk is directed to publish appropriate notice of the Public Hearing at least 10 days but no more than 20 days before the Public Hearing date of September 15, 2016 in the Town’s official daily newspaper.

**Motion** by Councilman Petronis and seconded by Councilman Baker to adopt Resolution No. 71 of 2016.

A roll call vote was taken on Resolution No. 71 of 2016 as follows:

|                      |        |
|----------------------|--------|
| Supervisor Kinowski  | YES    |
| Councilman Baker     | YES    |
| Councilman Petronis  | YES    |
| Councilwoman Bruno   | ABSENT |
| Councilwoman Vomacka | YES    |



A roll call vote was taken on Resolution No. 73 of 2016 as follows:

|                      |        |
|----------------------|--------|
| Supervisor Kinowski  | YES    |
| Councilman Baker     | ABSENT |
| Councilman Petronis  | YES    |
| Councilwoman Bruno   | YES    |
| Councilwoman Vomacka | YES    |

**Motion carried.** Resolution No. 73 of 2016 was adopted unanimously.

Local Law #3      A Local Law Amending the Saratoga Lake Golf Course PDD

1. Title.

This local law shall be known as "Saratoga Lake Golf Course Planned Development District" and amends the Town of Stillwater Zoning Ordinance, enacted September 30, 1974, as amended, and the Official Zoning Map of the Town of Stillwater.

2. Zoning amendment authorized.

The Zoning Ordinance and the Official Zoning Map of the Town of Stillwater are hereby amended by changing the "Subject Premises" hereinafter described from its existing zoning district designation of "Residential District R-1" to a planned development district to be known as "Saratoga Lake Golf Course Planned Development District," hereinafter referred to as "development."

3. Description and location.

The area of the development consists of 217 acres located west of Grace Moore Road, north of Lake Road, east of Route 9P and south of Luther Road, in the Town of Stillwater, New York, and is bounded and described as set forth in Appendix A, which contains a Legal Description of the subject premises, which is expressly made a part thereof.<sup>[1]</sup> The subject premises is currently identified on the Tax Maps of the Town of Stillwater as being comprised of the following parcel: 231-1-1.

[1]

*Editor's Note: Said appendix is included at the end of this chapter.*

4. Purpose.

The purpose of this ordinance is to establish the nature, parameters and limits of an eighteen-hole golf course, to be constructed on the subject premises, with a mix of additional residential and commercial uses (in the form of a golf pro shop, clubhouse and snack bar to be located within a clubhouse, as well as maintenance buildings and other accessory structures related to the golf course), all of which will also be permissible on the subject premises. The clubhouse may include a banquet facility with deck and restaurant and bar, with a combined maximum seating capacity of 250 seats, for use for golf and non-golf related events . It is the further purpose of this ordinance to promote flexibility in the development and design of the subject premises by creating a cohesive mixture of uses that will result in the development of a significant and beneficial amenity for the Town of Stillwater in the form of an eighteen-hole golf course. In addition to the recreational opportunities thereby provided, the development will also provide for the efficient use of land, compatibility of land use within the subject premises and with surrounding land uses, promote good site design and visual quality, and result in a more pleasing environment.

5. Land use.

A.

There shall be constructed within the boundaries of the development up to 14 residential units on 22+/- acres and an eighteen-hole golf course on 195+/- acres. The golf course shall include a clubhouse which will contain a pro shop for the sale of golf equipment and apparel, a snack bar in which food and beverages will be served, a banquet facility, bar

and restaurant where food and alcoholic beverages will be served to the public, as well as maintenance buildings to house related golf course equipment and supplies, and other accessory structures. Accessory structures shall include but not limited to, Gazebos each not to exceed 600 square feet, and two open air pavilions with a maximum size of 1,800 square feet for each, subject to Building permit or Operating Permit approvals and/or site plan approvals. . Additionally, the use of temporary tents on the golf course for golf and non-golf events shall be permitted subject to Building permit or Operating Permit. Organized fireworks will not be permitted within the boundaries of the PDD. Winter recreation on the golf course is to be allowed. Recreation activities would consist of cross country skiing, snow shoeing, sledding, winter hiking, skating and similar type activities, but excluding motorized vehicle use.

B.

The hours of operation of the golf course shall be limited to the following:

The hours of operation of the golf course, restaurant and banquet facility will be limited to the following: 6AM to 11PM, year round including indoor music with the restriction that non-amplified outdoor music be allowed from 10AM to 10PM Monday-Sunday, subject to the limitations of Section 141-3 (Noise) of the Town Code. There shall be no amplified music provided outside the restaurant and banquet facility.

6. Permitted subdivision; setbacks and area requirements.

The development will be subdivided as follows: up to 14 residential lots and one lot comprising the entire golf course, all as conceptually shown on the map entitled, "Saratoga Lake Golf Club" made and drawn by the L.A. Group, and dated May 23, 1994, which map shall be superseded by the actual subdivision plat approved by the Stillwater Planning Board and filed in the Saratoga County Clerk's Office.

A. Residential lot setbacks and area requirements.

(1)

The setbacks for the residential lots shall be as follows:

(a)

Minimum front yard setback: 40 feet.

(b)

Minimum rear yard setback: 30 feet.

(c)

Minimum side yard setback: 15 feet.

(2)

The statistical mean of the width of a lot as measured at the front and rear property lines shall be at least 80 feet. No residential lot shall be permitted which contains less than 60 feet of road frontage.

(3)

In addition, the developer, its successors and/or assigns may, upon complying with all relevant statutes, regulations, standards and other requirements of the Town of Stillwater, and other local or state agencies having jurisdiction thereof, including specifically the Town of Stillwater Subdivision Regulations,<sup>[1]</sup> and after obtaining Planning Board approval for same, may subdivide the subject premises into such lots as shown on a subdivision map provided no such lot contains less than 20,000 square feet, or fails to meet the above-mentioned setback requirements.

B.

Golf course setbacks and area requirements. The clubhouse will not be located within 200 feet of abutting residential properties. Any Gazebo or Open Air Pavilion or similar structure that would support public assembly will not be located within 100 ' of abutting residential properties. No other structures shall be located upon the golf course lot within 50 feet of any property line, and parking areas shall not be located closer than existing parking to any residentially zoned property . All other setback and area requirements shall be as provided for in Article 15 of the Town of Stillwater Zoning Ordinance. However, the dimensions of a parking space for purposes of the design of the parking lot for the clubhouse shall be nine feet by 18 feet.

C. The following minimum standards for parking shall be accommodated within the approved Site Plan: A minimum of 152 clearly delineated spaces, consisting of grass spaces, as defined on the 2016 site plan shall be required to serve all of the facility's needs. Overflow parking of at least 20 spaces shall be provided. These spaces can be provided thru valet parking or by temporary parking at the driving range and other open areas on the golf course, such as the maintenance area, where cars can be stacked. Valet parking for the main parking area can allow stacking of cars in the aisle normally used for self-parking access. There shall be a minimum of 24' driving aisle for two-way traffic within the parking area.

D. All buffer requirements and characteristics shall comply with the current approved PDD. Notwithstanding the foregoing, the Planning Board shall have the discretion to permit the construction and maintenance of a berm in lieu of an Opaque Fence in any buffer area

7. Sewer, water and storm drainage systems.

A.

The 14 residential lots shall be serviced by municipal sewer service, which will be connected to the Saratoga County Sewer District No. 1. All sewer hookups to the said municipal sewer system shall be constructed and/or installed in accordance with the specifications of the Town of Stillwater and the Saratoga County Sewer District No. 1.

B.

The 14 residential lots and the clubhouse shall be serviced by a private public transportation corporation water system, in accordance with the rules, regulations, standards and specifications of New York State Public Service Commission and the State of New York Department of Environmental Conservation, and the rules and regulations of Town Law or other applicable statutory authority.

C.

The storm drainage system serving the public roads to be constructed within the development by the developer will be dedicated to the Town of Stillwater as a part of the overall roadway system in accordance with the standards and specifications of the Town of Stillwater.

8. Timing of development.

The development shall be developed by the developer, its successors or assigns, at one time, commencing within one year of the adoption of this planned development district, as amended, and the developer shall then proceed continuously thereafter without substantial interruption (as weather permits) until completed. Should the construction of the banquet facility not be completed within 18 months from the date of the approval to amend the Saratoga Lake Golf Course PDD to build a banquet facility, then the approval to amend the Saratoga Lake Golf Course PDD to build the banquet facility shall be deemed automatically revoked, null and void.

9. Modifications.

The developer, its successors or assigns may, upon notice to and approval by the Town of Stillwater Planning Board, alter, modify or change the types of dwelling units to be constructed within the development, provided, however, that such alteration, modification or change does not result in any increased density in the total number of allowable dwelling units, to wit: 14 dwellings.

10. Expiration of zoning change.

The zoning change for this planned development district for the "Saratoga Lake Golf Course Planned Development District" project shall expire if the golf course is not completed within five years of the adoption of this planned development district by the Town Board of the Town of Stillwater. In this event, the zoning shall revert to the original zoning.

11. Expiration of construction time period.

The developer shall have three years to construct the necessary improvements to complete the golf course as conceptually shown on the map entitled "Saratoga Lake Golf Club" made and drawn by the LA Group on May 23, 1994, as the same may be superseded by the development plan approved by the Stillwater Planning Board or Stillwater Town Board, as may be required in the Town Zoning Ordinance. This three-year time period shall begin at the time the Stillwater Planning Board or Stillwater Town Board grants development plan approval, whichever approval is later. In the event that the necessary improvements are not completed within the three-year period of time provided, the development plan approval shall expire (unless otherwise extended by the developer pursuant to the applicable provision of the Zoning Ordinance), and no further work may be performed without first obtaining a new development plan approval.

12. Filing of plans; enforcement.

Copies of the final approved plan of the development (including those as amended and As-Built) shall be filed with the Planning Board, the Town Clerk and the Code Enforcement Officer of the Town of Stillwater prior to the issuance of a final certificate of occupancy.. The provisions of this PDD shall be enforced by the Code Enforcement Officer or Building Inspector, whichever position shall be established by the Town Board for the purpose of enforcing the Town of Stillwater Zoning Ordinance. Said enforcement shall be in accordance with Section 22, and subdivisions thereof, or similar section, of the Town of Stillwater Zoning Ordinance, as amended from time to time. Said ordinance is referred to and made a part hereof as if more fully set forth herein.

13. Financial guaranties.

A.

Prior to the issuance of building permits for buildings within the district the developer shall file performance bonds or letters of credit in the amounts and for the time periods required by the Town Planning Board and acceptable as to amount and form by the Town Engineer and Town Attorney; to guarantee such performance and/or completion of the requirements of this planned development district including, but not limited to the following;

(1)

The satisfactory completion of the new roads and other infrastructure required to complete the project; and

(2)

The satisfactory completion and maintenance for the year after completion of landscaping in the commercial and common areas of the project site.

B.

The Planning Board shall determine the time at which the developer shall file such bonds and/or letters of credit and the length of time that the bonds shall be effective.

14. Deposit for dust control program.

Prior to the issuance of building permits for buildings within the district, the developer shall also provide to the Town of Stillwater the sum of \$3,000, which sum will be maintained in an escrow account by the Town of Stillwater to insure that the developer promptly and appropriately follows a dust control program upon Grace Moore Road. The developer shall consult with the Highway Superintendent for the Town of Stillwater with respect to the timing and nature of the dust control program. In the event that the developer should ever fail to comply with the dust control program, the Town of Stillwater may utilize this escrow for the purpose of maintaining the dust control program. In this event, should the balance of the escrow account ever fall below \$1,000, the developer shall be required to make additional deposits into this escrow account as determined to be appropriate by the Highway Superintendent for the Town of Stillwater. In the event that the developer should ever fail to make such additional deposits as required within 30 days of written request for same, during the construction of the project, the Town shall have the right to immediately cease issuing building permits and/or certificates of occupancy for any of the 14 residential lots and any other structures to be located upon the golf course.

15. Payment in lieu of parkland.

The Town of Stillwater hereby determines that the golf course constitutes one lot, which, together with the 14 residential lots, equals 15 newly created lots. Pursuant to §§ 276 and 277 of the New York State Town Law, as further amplified by the Stillwater Subdivision Regulations,<sup>[1]</sup> this would require the payment of \$400 per lot, or a total of \$6,000, as payment in lieu of parkland. This sum shall be paid to the Town of Stillwater by the developer in accordance with the established policy of the Town of Stillwater with respect to such payments in lieu of parkland. (07/19/2016 note that the Parkland Fee was paid in full).

16. Payment of fees.

The developer shall pay the Town of Stillwater pursuant to Section 24.9 of the Zoning Ordinance, and pursuant to any applicable provisions of the Stillwater Subdivision Rules and Regulations, or any amendments thereto, the fees incurred by the Town for the review of this project and/or for inspections relating to the construction contemplated herein, all in accordance with the rules and regulations in effect in the Town of Stillwater at the time of the filing of the subdivision map in the office of the Saratoga County Clerk.

17. Negative declaration; conditions of approval.

A.

The Planning Board has issued a negative declaration, finding that this project does not engender any potential environmental effects as defined by the applicable SEQRA regulations. The Town Board in creating this local law relies upon the Planning Board's expertise with respect to administering SEQRA and its environmental determinations.

B.

Similarly, the Stillwater Planning Board, in making this recommendation to approve the project has set forth certain conditions which the Planning Board would like to see established within the context of this local law. Attached hereto as Appendix B<sup>[1]</sup> is a summary of these conditions, which the Town Board hereby adopts and ratifies, as if the same were more fully set forth herein.

[1]

*Editor's Note: Said appendix is included at the end of this chapter.*

C.

With respect to the Amendment of the PDD reviewed in 2016, the Town Board, as Lead Agency, issued a negative declaration, finding that this project, as amended, does not engender any potential environmental effects as defined by the applicable SEQRA regulations.

18. When effective.

This local law shall take effect on filing with the Secretary of State.

19. Severability.

In case any provision of this local law should be held to be contrary to or invalid under the law of any county, state or other jurisdiction, such illegality or invalidity shall not affect in any way any of the other provisions hereof, all of which shall continue, nevertheless, in full force and effect; any provision which is held to be illegal or invalid in any county, state or other jurisdiction shall nevertheless remain in full force and effect in any county, state or jurisdiction in which such provision is legal and valid.

ZONING: PLANNED DEVELOPMENT DISTRICTS

*211 Attachment 15*

**Town of Stillwater**

**Appendix B: Saratoga Lake Golf Course**

The Town Board hereby imposes the following conditions with respect to the Saratoga Lake Golf Course PDD:

1. The developer shall install appropriate traffic control signs on Grace Moore Road deemed necessary by the Planning Board and the Town Board during the development plan review process, up to a maximum of five signs.
2. Developer shall confine construction activity to Monday through Saturday, inclusive, from 7:00 a.m. to 6:00 p.m. "Construction activity" as this phrase is used herein shall only pertain to outdoor construction activities, and shall not restrict interior work.
3. Luther Forest Corporation, its successors and assigns, as owner of a gravel bank, shall provide a letter to the Town of Stillwater authorizing and allowing the Town Highway Superintendent access to the gravel bank for the purpose of obtaining up to 1000 cubic yards of bank run gravel. There shall be no charge to the Town of Stillwater for such bank run gravel at such time as the Town Highway Superintendent commences the upgrade of Grace Moore Road. In lieu of the foregoing (and only if the developer and/or the Luther Forest Corporation fails to provide the aforesaid 1,000 cubic yards of bank run gravel), the developer shall pay the Town of Stillwater a sum equal to the fair market value of 1,000 cubic yards of bank run gravel at the gravel bank, at the time such gravel is needed for this purpose by the Town of Stillwater. In addition, developer shall pay \$3,000.00 to the Town of Stillwater to defray the cost of the upgrade of Grace Moore Road prior to the issuance of the first certificate of occupancy.
4. Appropriate provisions must be made by the developer to put into place a stormwater management plan, a stormwater pollution prevention plan, a surface water monitoring program, a fertilizer and pest risk assessment plan and an integrated pest management plan. These plans and monitoring programs will be submitted for approval by the Town of Stillwater by the developer during development plan approval of the golf course.

ZONING: PLANNED DEVELOPMENT DISTRICTS

*211 Attachment 16*

**Town of Stillwater**

**Appendix B: Saratoga Lake**

**Mitigation Measures for Stewart's Saratoga Lake Planned Development District**

1. The developer shall comply with all requirements set forth by the Army Corps of Engineers for wetlands disturbance, Department of the Army Permit No. 93-08170.
2. Due care and consideration shall be given to construction of the development roadway and individual lot development to preserve existing flood plains and water courses. The developer shall comply with all requirements set forth by the issuance of a floodplain development permit by the Town of Stillwater.
3. The submission of a soil conservation plan as part of the approved development plan.
4. No lot shall be further subdivided.
5. Design of roadways and other infrastructure components in accordance with the Town of Stillwater subdivision regulations.
6. No Sunday construction allowed.
7. Water service to be provided to properties by interconnection with a private transportation corporation as permitted by governing agencies.

8. Sewer service will be provided via connection to the Saratoga County Sewer District No. 1 facilities.
9. The Town of Stillwater will be granted permanent easements for access to drainage facilities which accommodate runoff from the proposed Town road.
10. Easements shall be granted for all roadside drainage structures (pipes, swales, or catch basins) which do not fall within a proposed right-of-way.
11. Should the development plan be altered by site plan approval by the Planning Board, the stormwater management plan must be updated to reflect the increase or decrease in runoff (to be implemented by the Planning Board).

**Public Input**

Richard D requested that when they submit a request for a lower speed reductions for Grace Moore Rd if they would include part of County Rd 76 from Grace Moore Rd to the intersection of County Rd 76 & 75.

Supervisor Kinowski stated that he would submit both.

Coke C commented on speed signs and people not obeying posted speed signs.

**Audited Claims**

Audited claims audited on August 4, 2016 by Town Board members.

|                  |             |
|------------------|-------------|
| General          | \$9,329.45  |
| Town Outside     | \$14,135.31 |
| Highway          | \$24,087.27 |
| Water & Sewer    | \$412.00    |
| Capital Projects | \$50,641.21 |

**Motion** by Councilman Baker and seconded by Councilwoman Vomacka to pay the audited claims.

|                  |             |
|------------------|-------------|
| General          | \$8,549.11  |
| Town Outside     | \$18,804.89 |
| Highway          | \$20,518.81 |
| Water            | \$111.96    |
| Capital Projects | \$42,099.76 |

**Motion carried.**

**Motion** by Councilman Petronis and seconded by Councilman Baker to adjourn into executive session to discuss contractual and litigation at 8:40 pm. **Motion carried.**

Respectfully submitted by

Sue Cunningham  
Stillwater Town Clerk