

**TOWN OF STILLWATER**  
**PLANNING BOARD MEETING MINUTES**  
**January 26, 2015 @7:00 PM**  
**STILLWATER TOWN HALL**

**Present:**

Co-Chairperson, JoAnn Winchell (JW)  
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)  
Lindsay Zepko, Town Planner (LZ)  
Sheila Silic, Secretary

**Absent:**

Paul Male, Town Engineer (PM)  
Randy DeBacco (RD)

**Pledge:**

Co-Chairperson Winchell 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:**

The Planning Board tabled the minutes from the December 15<sup>th</sup>, 2014 and the January 5<sup>th</sup>, 2015 until the February 23<sup>rd</sup> meeting.

**PB2015-1, DeBates/Grimaldi Lot Line Adjustment, #33 and #35 Battery Blvd**

Co-Chairperson Winchell recognized Frederick Metzger, Land Surveyor PC who briefly presented the project before the Board. Mr. Metzger stated that he would be representing the DeBates for the Lot Line Adjustment, and that the parcel is located in the Turning Point PDD Zoning District. Mr. Metzger stated that Mr. Grimaldi is conveying a 12 Ft. strip of land along

the northerly border that will decrease the acreage of his property, and will increase the acreage on the southerly of the DeBates property.

Ms. Marotta asked if this proposal meets all the setbacks. Mr. Metzger stated that all the setbacks have been met for this project. Co-Chairperson Winchell asked if this is due to the plantings. Mr. Metzger stated that was part of the reason and also it would give the DeBates more property on the side yard. Co-Chairperson Winchell asked about the fences being in the easement of the Town Highways right-away. Mr. Metzger stated that he informed both applicants that the Town Highway has the right to remove the fences and does not have to replace either fence.

Co-Chairperson Winchell asked if anyone had any additional concerns or questions and hearing none, she stated that the public hearing is set for the next Planning Board meeting on February 23, 2015.

### **PB2015-2, Urbanski Minor Subdivision, 166 Gronczniak Rd**

Co-Chairperson Winchell recognized David Bogardus of Northeast Land Survey who briefly presented the project before the Board. Mr. Bogardus stated that he is representing Joseph Urbanski, who is also present this evening. Mr. Bogardus stated that Saratoga Custom Homes went before the Stillwater Zoning Board of Appeals for an Area Variance on December 8<sup>th</sup>, 2014 and was approved. Mr. Bogardus stated that Saratoga Custom Homes is seeking a two lot minor subdivision of this property. Mr. Bogardus referenced Paul Male's review letter, question #1 of the EAF form was not answered "is this a Legislative Action". Mr. Bogardus stated no it is a Subdivision. Mr. Bogardus stated that each parcel will

be serviced with individual driveways, wells, septic systems and there is no disturbance to the wetlands.

Co-Chairperson Winchell asked if there were any conditions attached to the approval by the Zoning Board. Mr. Bogardus stated that the approval was without conditions. Co-Chairperson Winchell asked about the distance between the parcel directly behind the Moore's property and the proposed placement of the new house. Mr. Bogardus stated that the distance is 20 ft. from the Moore's property line to the proposed house. Co-Chairperson Winchell asked about the length of the driveway and if there are pull offs for emergency vehicles. Mr. Bogardus stated that the driveway is 600 ft. in length and there are pulls off to let emergency vehicles pass.

Ms. Marotta asked about the Marshall's property and if was part of the original subdivision. Mr. Urbanski stated that Mrs. Marshall's house is a trailer and that Frank Marshall's house is a ranch. Mr. Urbanski stated that original parcel was subdivided. Mr. Urbanski stated that when he purchased the property the road frontage was 51 ft. and he added 61 ft. on the northern side which was done 8 yrs. ago. Ms. Marotta asked what the reasoning is for dividing the lots in this particular manner. Mr. Bogardus stated that the potential owners wanted to share the wetlands and leave them forever wild.

Ms. Frank asked about the distance from the Marshall's residents to the proposed new houses and if there is buffering between these properties. Mr. Bogadus stated that the distance between the residences is 400 ft. Mr. Urbanski stated that Frank Marshall has trees the length of his property in the rear yard and that Mrs. Marshall has trees halfway down the rear yard of her property.

Ms. Marotta stated that Mr. Urbanski may want to put in a buffer of trees between the properties for privacy.

Co-Chairperson Winchell asked if anyone had any additional concerns or questions and hearing none, she stated that the public hearing is set for the next Planning Board meeting on February 23, 2015.

### **PB2014-52, LFTC (NYSEG pole Ext.) PDD Amendment and Site Plan Substation Pole Extension, LFTC Substation Rd**

Co-Chairperson Winchell recognized Josh Silvers of the Murray Law Firm, representing NYSEG, who gave a brief overview of the project before the Board. Mr. Silvers stated NYSEG received approval from Stillwater Town Board on January 8, 2015 for the PDD Amendment. Mr. Silvers stated that SEQRA went before the Town of Malta for review and received approval. The Town of Stillwater Planning Board found that SEQRA was consistent on prior findings. The proposed tower will communicate with the service center in Mechanicville to ensure the problems are addressed sooner.

Ms. Frank asked about the height of the pole extension and does it need a beacon. Mr. Silvers stated that the height of the pole extension stayed the same at 190 ft., which is under the limit that would require a beacon.

Co-Chairperson Winchell asked about height of the Mechanicville tower. Mr. Silvers stated that the Mechanicville tower is 180 ft. in height. The LFTC PDD amendment approval was for a maximum height of 190 ft., just the height of the tower. Co-Chairperson Winchell asked if the tower will need a beacon. Mr. Silvers stated that the FAA is fine with the height so the tower would not need a beacon.

Ms. Marotta asked about the balloon testing that was conducted at the substation site and if it could be seen from Saratoga Lake. Mr. Silvers stated that the testing was done at the substation site and that the balloon could be seen from Saratoga Lake from 1.6 and 2.2 miles depending on line of travel.

Mr. Rathbun asked about the diameter of the antenna on the top of tower. Mr. Silvers stated that antenna is round disc that is 6 ft. in diameter.

Co-Chairperson Winchell asked if other vendors would be allowed to co-locate on the tower. Mr. Silvers stated that the vendors would have to seek Site Plan Approval from the Planning Board before they could co-locate on the tower.

Co-Chairperson Winchell asked if anyone had any additional concerns or questions and hearing none, asked to move on SEQRA, conforms to existing findings.

**TOWN OF STILLWATER  
PLANNING BOARD  
2015 RESOLUTION NO. 3**

WHEREAS, LFTC has submitted an application for site plan approval for the NYSEG pol extension regarding property located at the LFTC campus; 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 determined that the proposed action conforms with prior SEQRA findings of the Planning Board;

Now, therefore, be it

RESOLVED, that the Planning Board hereby determines that the proposed action by the applicant, LFTC, for site plan approval regarding property located at the LFTC campus will not have a significant impact on the environment.

A motion by Member Murray, seconded by Member Marotta, to adopt Resolution No. 3.

A roll call vote was taken on Resolution No. 3 as follows:

Chairman Barshied	Absent
Member Buck	Yes
Member DeBacco	Absent
Member Frank	Yes
Member Marotta	Yes
Member Rathbun	Yes
Member Murray	Yes
Acting Chair Winchell	Yes

Resolution No. 3 was adopted at a meeting of the Planning Board of the Town of Stillwater duly

conducted on January 26, 2015.

**TOWN OF STILLWATER  
PLANNING BOARD  
2015 RESOLUTION NO. 4**

WHEREAS, LFTC submitted an application for site plan approval for the NYSEG pole extension regarding property located at the LFTC campus; 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. 3 of 2015; and

WHEREAS, the Planning Board has duly considered the application, and determined that the applicant addressed the conditions and concerns set forth in the engineering review performed by The Chazen Companies;

Now, therefore, be it

RESOLVED, that the application of LFTC for site plan approval of lands located on the LFTC campus, is hereby GRANTED/DENIED; and be it further

RESOLVED, that the application is GRANTED, and be it further

A motion by Member Marotta, seconded by Member Rathbun to adopt Resolution No. 4.

A roll call vote was taken on Resolution No. 4 as follows:

Chairman Barshied	Absent
Member Buck	Yes
Member DeBacco	Absent
Member Frank	Yes
Member Marotta	Yes
Member Rathbun	Yes
Member Murray	Yes
Acting Chair Winchell	Yes

Resolution No. 4 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on January 26, 2015.

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

Co-Chairperson Winchell recognized Luigi Poleski of ABD Engineering and Land Surveyors, representing John Bove, who gave a brief overview of the project before the Board. Mr. Poleski stated that both of the property owners are present this evening. Mr. Poleski stated that this parcel consists of 8.93-acres located on Brickyard Rd. in the Industrial Zoning District. Mr. Poleski stated that the applicant is seeking to build five apartment buildings with eight units per building and each has a garage. Mr. Poleski stated that there will be sidewalks along Brickyard Rd and walk ways leading to the front of each apartment. Mr. Poleski stated that there will be one parking space in the garage and one outside for each unit as well as extra parking in the back of the apartments for guests.

Mr. Murray asked if each apartment has its own entrance and its own garage. Mr. Poleski stated that each apartment is set up like a town house with its own entrance, with the ground floor as the garage. Mr. Murray asked how many bedrooms per unit. Mr. Rossi stated that each apartment is two bedrooms. Mr. Murray asked about children per unit and cars per unit. Mr. Poleski stated that there are 2.9 parking spaces per unit and was unsure the number of children per unit.

Ms. Frank asked the height of each apartment building. Mr. Poleski stated that the front of the building is 30 ft. in height and the back of the building is 40 ft. in height.

Co-Chairperson Winchell asked how far the sidewalks are from the right of way and how wide are the sidewalks. Mr. Poleski stated that sidewalks are 13ft. from the right away and the sidewalks are 5 ft. wide. Co-Chairperson Winchell asked about the traffic pattern. Mr. Bove stated that traffic flow would depend on where the occupants of the apartments work. Co-Chairperson Winchell asked if Mr. Bove has had a conversation with the City of Mechanicville about this project. Mr. Bove stated that he has not spoken to the City of Mechanicville on this project. Co-Chairperson Winchell asked Ms. Zepko if the City of Mechanicville has been notified about this project. Ms. Zepko stated that she sent notification to the City of Mechanicville. Co-Chairperson Winchell asked about landscaping and buffering. Mr. Poleski stated that there are maples along the front of the property and there will be shrubs along Brickyard Rd. Co-Chairperson Winchell asked if this has gone before Saratoga County Sewer. Mr. Poleski stated that this project has not gone to Saratoga County Sewer as of yet. Co-Chairperson Winchell asked Ms. Zepko if it has gone to the County Planning Board. Ms. Zepko stated that it was sent to the County but have not received a response back.

Ms. Marotta asked who will be maintaining the sidewalks. Mr. Poleski stated that the property owner will be doing the maintenance on the property. Ms. Marotta asked about handi-cap parking and if the buildings have elevators for handi-cap accessibility. Mr. Poleski stated that there are handi-cap parking spaces, there are no elevators in the buildings and each apartment has a service door entrance.

Mr. Cutler asked if there would be parking allowed on Brickyard Rd. Mr. Poleski stated that there would not be any parking on Brickyard Rd, as there is a drainage ditch between Brickyard Rd and the sidewalks.

Mr. Rathbun asked who would be providing water and sewer for this project. Mr. Poleski stated that the County would be providing sewer and the City of Mechanicville, would be providing water.

Co-Chairperson Winchell asked if anyone had any additional concerns or questions and hearing none, she stated the application is tabled for further engineering review.

### **PB2014-69, King's Isle Apartments Site Plan PDD, Route 67**

Co-Chairperson Winchell recognized Jason Dell, P.E. of Lansing Engineering, representing Bruce Tanski. Mr. Dell gave a brief overview of the project before the Board. Mr. Dell stated that the project is on 80.8 acres that straddles the boundary of the Town of Stillwater and the Town of Malta. Mr. Dell stated that the apartments will be located in Stillwater and the Malta side will stay undeveloped. Mr. Dell stated that there are 29 apartment buildings consisting of eleven units each and two parking stalls per unit. Mr. Dell stated that the development will have public water, public sewer and natural gas. Mr. Dell stated that there are two storm water basins proposed within the project.

Ms. Marotta asked who will be supplying the water and sewer for this project. Mr. Dell stated that the water will be supplied by Saratoga County Water Authority and come from Cordero Blvd down Cold Spring Rd to NYS Router 67. Mr. Dell stated that the sewer will be supplied by Saratoga County Sewer and come from the intersection of Farley Rd and NYS Route 67. Mr. Dell stated that Chazen Engineering Companies will be submitting the plans to NYS Department of Health. Ms. Marotta asked the plans are for the other parcel. Mr. Tanski stated that he has plans to speak to Saratoga Plan and see if they are interested in the parcel.

Mr. Rathbun asked why Chazen Engineering was submitting the plans. Mr. Dell stated that Chazen Engineering was the company that designed plans for the water lines.

Co-Chairperson Winchell asked about which direction the gas line would be coming into the project. Mr. Tanski stated that NYSEG would bring the gas line east along NYS Route 67. Co-Chairperson Winchell asked why there was only one entrance for ingress and egress for the development. Mr. Dell stated that the topography of the land does not allow for a second entrance. Co-Chairperson Winchell asked if the Schenedahowa School District and the fire districts had any concerns about the project. Mr. Tanski stated that the plans were shown to the School District and there were no concerns on their part. Mr. Dell stated that the plans were sent to the fire districts and have not received a response back.

Mr. Murray asked about the number of bedrooms per apartment unit. Mr. Tanski stated that there are two 1-bedroom, seven 2-bedroom and two 3-bedroom apartments per building.

Co-Chairperson Winchell asked Ms. Zepko if it had gone to the County Planning Board. Ms. Zepko stated that it had been sent to the County and the County had replied with comment.

Co-Chairperson Winchell asked if anyone had any additional concerns or questions. Ms. Marotta stated that she had concerns with one entrance into and out of the development on a busy road where the speed limit is 55MPH. Co-Chairperson Winchell stated that Saratoga County Water

Authority and Saratoga County Sewer District #1 will have to approve the water and sewer line extensions along with DOT approval for a curb cut.

Ms. Zepko stated that she met with two individuals from the Malta Planning Department and that they recused Town Of Malta Planning Board from the review process.

Co-Chairperson Winchell stated the application is tabled for further engineering review.

### **PB2011-17&18, Cellco/Verizon Wireless Special Use Permit and Site Plan Review, Radar Rd**

Co-Chairperson Winchell recognized Scott Olsen of Young and Sommers Law firm, representing Cellco/Verizon. Mr. Olsen introduced representatives of Crown Castle Telecommunications, the owner of the existing tower that the Cellco/Verizon uses. The Crown Castle Telecommunications' representatives were present to affirm their position that they will remove the existing tower as soon as the new proposed tower is up. Mr. Olsen gave a brief overview of the project before the Board. Mr. Olsen stated that Cellco had been before the Board previously in respect to this project but was unable to provide assurances to the Town that if a new cell tower were constructed, the existing tower would be removed. Mr. Olsen stated that Crown Castle Telecommunications has now provided written confirmation that if a new tower is constructed, they would remove the existing tower. Mr. Olsen stated that T-Mobile has expressed interest in co-locating on the new tower. Mr. Olsen stated that the lease agreement between Crown Castle and Saratoga Endeavors has a clause within it that either party may terminate the lease at any time upon 6 months notice. Mr. Olsen stated that if this were to happen, it would not leave enough time to get approval and to construct another tower so there would be Verizon no cell phone coverage for this area.

Mr. Murray asked about the time frame for assembling and dismantling the tower. Mr. Olsen referred to Elizabeth Masters to address this question. Ms. Masters stated to assemble the new tower it would take two months and to dismantle the existing tower it would take six months. Ms. Zepko stated within the Zoning Code Section 210.81 it states that the existing tower has to be dismantled within four months. Mr. Murray stated that the Saratoga National Park is within the view shed of this project. Mr. Olsen stated that they had received a letter from Saratoga National Park that were okay with the new tower and would provide the Board with a copy of the letter.

Mr. Cutler asked if there were any other cell providers on this tower. The applicant advised that there were not. Mr. Cutler asked if the applicant has approached AT&T to inquire about co-locating on the new proposed tower so that two existing towers could be replaced by the one new proposed tower. Ms. Masters stated that the applicant has not approached AT&T about co-locating to the new proposed tower. Mr. Cutler asked if Saratoga Endeavors had ever taken the position that the existing tower is owned by Saratoga Endeavors and not Crown Castle. Ms. Masters stated that she does not believe so. Mr. Cutler asked if Crown Castle has ever experienced a problem with other property owners when it sought to dismantle a tower. Ms. Masters stated that she does not believe so.

Ms. Marotta asked about the appearance of the property when the existing tower is dismantled. Ms. Masters stated that the property is put back to its original state.

Mr. Olsen stated that the height of the existing tower is 180 ft. and the height of the new tower 195 ft.

Co-Chairperson Winchell asked Ms. Zepko if this was sent to the County Planning Board. Co-Chairperson Winchell asked the Board if they believed the application was now complete. After input from Mr. Cutler and Ms. Zepko regarding the items that were requested from the applicant in order to deem the application complete, and considering the new submissions by the applicant, the Board deemed the application complete.

Co-Chairperson Winchell asked if anyone had any additional concerns or questions and hearing none, she stated that the public hearing was set for the next Planning Board meeting on February 23, 2015.

Motion to adjourn: made by Mr. Murray, seconded by Ms. Frank, motion passed unanimously at approximately 9:50PM.

**The next Planning Board Meeting will be  
Monday, February 23, 2015**