

**TOWN OF STILLWATER
PLANNING BOARD MEETING MINUTES
STILLWATER TOWN HALL
October 24, 2016 @ 7:00 PM**

Present:

Chairman, Bob Barshied (BB)
Carol Marotta (CM)
John Murray (JM)
Peter Buck (PB)
Christopher D'Ambro (CD)
JoAnn Winchell (JW)
Heather Ferris (HF) Alternate Member

Also Present:

Daryl Cutler, Town Attorney (DC)
Sean Doty, Engineer for the Town (SD)
Paul Male, Town Engineer (PM)
Ellen Vomacka, Town Board Liaison
Sheila Silic, Secretary

Absent:

Randy Rathbun (RR)
Lindsay Zepko, Town Planner (LZ)

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 minutes of Planning Board meeting:

Ms. Winchell made a motion to approve the minutes from the July 25, 2016 meeting, seconded by Mr. Buck. The motion passed unanimously. Mr. Murray made a motion to un-table the minutes from the August 22, 2016 Planning Board meeting, seconded by Ms. Winchell. Ms. Winchell made a motion to approve the minutes from the August 22, 2016 with minor changes, seconded by Ms. Marotta. The motion passed unanimously.

PB # 2016-31 Bullis Lot Line Adjustment, 329 River Road

Chairman Barshied recognized Ms. Lillian Bullis who presented the project before the Board. Ms. Bullis stated that her husband Mr. Anthony Bullis is also present this evening. Ms. Bullis stated that the lot with the existing house is currently 0.14 acres and the adjacent parcel is 0.56 acres. Ms. Bullis stated that the proposed new lot with the existing house will be 0.32 acres and the vacant parcel will be 0.59 acres. Ms. Bullis stated that the surveyor stated that with the direction he had received from the Town he was to measure from the center of Ensign Lane to the south as part of the lot. Ms. Bullis stated that the surveyor had stated that if an adjustment needs to be made in the area of the lots, he would note it on the map. Ms. Bullis stated that they are seeking a Lot Line Adjustment in order to build a two car garage to keep their vehicles out of the elements.

Chairman Barshied asked Mr. Male for clarification. Mr. Male stated that Ms. Bullis is referring to Ensign Lane as a user road. Mr. Male stated that most of the older deeds refer to the center line as the boundary line of the lot. Mr. Male stated that the Town has the right to claim any section of the road that they maintain. Chairman Barshied stated that if the Mr. & Ms. Bullis conveyed that section of road to the Town it would also reduce the acreage of their property. Mr. Male agreed with Chairman Barshied regarding the acreage of the parcel. It was agreed to compute the lot acreage to the center of the road.

Ms. Marotta asked if would negatively impact the vacant lot further. Mr. Male stated that the septic system is located on the vacant parcel and the well is located on the house parcel. Mr. Male asked the Applicant if she was aware that they would probably not be able to build on the vacant parcel. Ms. Bullis stated that they are aware of that fact that may not be able to build on the vacant parcel. Ms. Marotta asked if the vacant parcel will be an unbuildable lot. Mr. Male stated that the vacant lot is probably unbuildable lot. Ms. Marotta stated that the septic system is on the vacant parcel. Ms. Bullis stated that is correct. Ms. Marotta asked if the garage will be on the vacant parcel. Chairman Barshied stated that the garage will be on the lot with the existing house.

Ms. Winchell asked if a business is being operated out of the house or out of the garage. Ms. Bullis stated that she wants to put her vehicles in the garage and keep their personal belongings out of the elements. Ms. Bullis stated that there is no business being operated on the premises. Ms. Winchell asked where the placement of the garage will be located. Ms. Bullis stated that the garage will be in alignment with the existing house and the same setback from the road.

Mr. Male stated that are some issues that need clarification which include the placement of the Planning Board Number of the Plat, Stillwater Approval Block, well, septic system, buildings and the fence that need to be shown on the map.

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

Mr. Murray asked Mr. Cutler if it is appropriate to move forward with SEQRA without clarifying the lot dimensions. Mr. Cutler stated that the lots are existing nonconforming because there is a structure on the property. Mr. Cutler stated the Applicant is not creating any greater nonconformity and it does not substantially impact the application.

**TOWN OF STILLWATER
PLANNING BOARD
2016 RESOLUTION NO. 45**

WHEREAS, Anthony Bullis has submitted an application for lot line adjustment regarding property located at 329 River Road, more fully identified as Tax Map Numbers 209.-1-21.1 and 209.-1-20; 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, Anthony Bullis, for a lot line adjustment regarding property located at 329 River Road, more fully identified as Tax Map Numbers 209.-1-21.1 and 209.-1-20, will not have a significant impact on the environment.

A motion by Member Marotta, seconded by Member Winchell, to adopt Resolution No. 45 of 2016.

A roll call vote was taken on Resolution No. 45 of 2016 as follows:

Chairman Barshied	YES
Member Buck	YES
Member D'Ambro	YES
Member Ferris	YES
Member Marotta	YES
Member Rathbun	ABSENT
Member Murray	YES
Member Winchell	YES

Resolution No. 45 of 2016 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on October 24, 2016.

**TOWN OF STILLWATER
PLANNING BOARD
2016 RESOLUTION NO. 46**

WHEREAS, Anthony Bullis has submitted an application for a lot line adjustment regarding property located at 329 Rive Road, more fully described as Tax Map Nos. 209.-1-21.1 and 209.-1-20; 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. 45 of 2016; and

WHEREAS, the Planning Board has duly considered the application;

Now, therefore, be it

RESOLVED, that the application of Anthony Bullis, for a lot line adjustment of lands located on 329 River Road, more fully identified as Tax Map Numbers 209.-1-21.1 and 209.-1-20, is hereby GRANTED; and be it further

RESOLVED, that the application is GRANTED, provided the applicant comply with the following conditions:

1. The conditions contained in the October 12, 2016 engineer's review letter of Paul Male, P.E.;
2. Add the location of the septic system on the Plat Plan; and
3. Exact lot dimensions be added to 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 Murray, seconded by Member Winchell, to adopt Resolution No. 46 of 2016.

A roll call vote was taken on Resolution No. 46 of 2016 as follows:

Chairman Barshied	YES
Member Buck	YES
Member D'Ambro	YES
Member Ferris	YES
Member Marotta	YES
Member Rathbun	ABSENT
Member Murray	YES
Member Winchell	YES

Resolution No. 46 of 2016 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on October 24, 2016.

PB # 2016-30, King's Isle Sign Application Site Plan and Special Use Permit

Chairman Barshied recognized Mr. Jeff Williams of Bruce Tanski Construction and Development. Mr. Williams stated that Mr. Bruce Tanski is also present this evening. Mr. Williams stated that they are proposed a marquis identification sign design for Kings Isle Apartments PDD which is located on NYS Route 67. Mr. Williams stated that there are two signs that will be mounted on the wings of the stone structure to give a mid-evil castle like ambiance to the site. Mr. Williams stated there will ample landscaping around the proposed structure. Mr. Williams stated there will be stone flower boxes on the stone wall with 4 light fixtures on top of the stone wall. Mr. Williams stated the stone structure is 40 ft. long and 12 ft. high and each wing is 12 ft. long and 8 ft. 10 inches high. Mr. Williams stated that they would like to amend the Site Plan Application this evening. Mr. Williams stated that he originally proposed two 4 ft. by 6 ft. signs and would like to reduce the size to 4 ft. by 5 ft. signs. Mr. Williams stated that the signs will read "King's Isle Luxury Apartments". Mr. Williams stated that will be a total of 40 sq. ft. and will conform to the Town of Stillwater Sign Ordinance. Mr. Williams stated that the sign and structure will be located at the western most access entrance. Mr. Williams stated that he received a comment letter from Mr. Male dated October 14, 2016 and has addressed the comments. Mr. Williams asked the Board if the public hearing could be waived for this application. Mr. Murray asked if the sign is large enough to be seen on NYS Route 67 by vehicles traveling 55 MPH without passing the entrance of the site. Mr. Williams stated that the sign is to identify the site and the Town's Sign Ordinance states the maximum

size of the sign that is allowed. Chairman Barshied stated that the maximum size of a sign is 20 sq. ft. for a speed limit of 55 mph. Mr. Tanski stated that is why the signs are located on the end wings so they have at least 200 ft. of visibility as vehicles approach the site.

Ms. Marotta stated that the sign is located between the two entrances. Ms. Marotta asked if both entrance sites are going to be open. Mr. Williams stated that both entrances are open. Ms. Marotta asked if there will be lighting on the site. Mr. Tanski stated that there will be street lights at the entrances.

Ms. Winchell asked about vehicles entering the driveway of the house next to the apartments. Mr. Tanski stated the house is going to be the office for the apartments and that he owns the house. Ms. Winchell asked about the elimination of the sign. Mr. Williams stated that there are only lights on the top of the sign.

Chairman Barshied asked Mr. Male if the application had gone to the Saratoga County Planning Board. Mr. Male stated that there is no letter in the file from the Saratoga County Planning Board. Chairman Barshied stated that the application needs to go to the County Planning Board for referral. Chairman Barshied asked Mr. Cutler if the Public Hearing could be waived. Mr. Cutler stated that the public hearing cannot be waived as per Section 210-93 which states that Site Plan Review in accordance with Article VI shall be required for all signs. Mr. Cutler stated that Section 210-39B specifically states that a public hearing shall be held for Site Plan Review. Mr. Cutler stated that has always been the Town's interpretation of this section. Chairman Barshied asked if there is any signage on the site. Mr. Tanski stated that the street signs have been installed.

Chairman Barshied stated he wants the minutes to reflect that without the decision from the County Planning Board it is at the owner's risk to purchase the material for the sign.

Chairman Barshied asked if anyone had any additional concerns or questions and hearing none he stated that the public hearing was set for the next Planning Board meeting on November 14, 2016.

PB # 2015-25 & 26, ABC Recvclcd Auto Parts Site Plan and Special Use Permit, Brickvard Road

Chairman Barshied recognized Mr. Gavin Vuillaume of Environmental Design Partnership, representing Mr. Jack Cox who is present this evening. Mr. Vuillaume stated that they were before the Board on April 25, 2016, at that meeting they presented detailed plans to the Board and have received comment letters from Chazen. Mr. Vuillaume stated since the last meeting they have been working on the two comment letters, the first comment letter was received on April 20, 2016 and the second comment letter was received on September 19, 2016. Mr. Vuillaume stated that the application is to operate a salvage yard on the 20 acre parcel located on Doughty Road. Mr. Vuillaume stated that there is one access road entering the site off Brickyard Road which will be made wider. Mr. Vuillaume stated that Mr. Cox has been working with the Town, Chazen, Sterling Environmental and Environmental Design Partnership to adequately address any storm water or operational concerns. Mr. Vuillaume stated that there are some changes that were made regarding the access easements that range in width and size and these were forwarded to both the Town and Chazen; there were changes made to the long Environmental Form; there will be no storage of fluid on the premises for the first year of operation; there will only be temporary storage of fluid while the cars for crushing are being processed; the access will be widened from 12 ft. to 22 ft.; and the Fire Chief after reviewing the plans, has agreed that the 22 ft. wide driveway will be sufficient. Mr. Vuillaume stated that he received a comment letter from the Fire Chief dated October 24, 2016. Mr. Vuillaume stated that he is going to contact the Fire Chief to discuss the requirement of an onsite hydrant and a second access point. Mr. Vuillaume stated that a perimeter fence is required by Stillwater Town Code and the Applicant would like to install the fence in phases due to the removal of cars, installation of the storm water basins and erosion control, post construction and grading. Mr. Vuillaume stated along with the Special Use Permit the other permits required for the facility are the Multi-Sector Permit from DEC, Stormwater Permit and the Annual Permit. Mr. Vuillaume stated that they received a sign off letter from NYSOPHRP and had submitted copies of the letter to the Board. Mr. Vuillaume stated that have done some soil testing on the site and verified the depth of groundwater. Mr. Vuillaume stated that there are two swales that flow into the site the first basin would take in any downstream drainage and the second basin is to collect any drainage from where the cars are located. Mr. Vuillaume stated that he has submitted the SWPPP to Chazen and has received a comment letter and will address the issues with Mr. Doty. Mr. Vuillaume stated that they received a letter from the Army Corp. of Engineers who verified the wetlands and the project has no impact on the wetlands.

Mr. Cox stated that the cars have been on the property for years and he wants to move the cars back on the site and off the neighbor's property so he can prepare the cars to be crushed and hauled away.

Chairman Barshied asked Mr. Male if a temporary fence should be installed. Mr. Male referred the question to Mr. Doty. Mr. Doty stated the cars are located where the fencing would be installed and the Applicant has stated that they need to process a certain number of cars before fencing can be installed. Mr. Doty stated that a temporary fence in this area has not been proposed. Mr. Vuillaume stated that the Applicant cannot install temporary fencing on the neighbor's property. Chairman Barshied asked Mr. Doty if the DEC Permits need to be issued before the Town issues any permits. Mr. Doty stated that the Storm Water Permit is issued when the Applicant is ready to disturb the soil. Chairman Barshied asked what the difference is between the cars that crushed and the cars that kept. Mr. Cox stated that it is the marketability of the parts.

Mr. Murray stated that he would like clarification on the specific type of containers and lids that will be used to store the fluid on site. Mr. Vuillaume stated that they will get the clarification to the Board regarding the containers. Mr. Murray stated that if the Applicant is proposing to install the fence in phases and the site plan should be specific regarding the fence phasing. Mr. Vuillaume stated that they will submit a time line for each phase of the fence. Mr. Doty suggested that they include the length and orientation of the fence. Mr. Murray asked Mr. Cox how many cars are on the site. Mr. Cox stated that there are about 700 to 750 cars on the premises. Mr. Cox stated that he would like to get the number down to 300 to 350 cars on the premises. Mr. Murray asked Mr. Cox how long it will take to reduce the inventory down to 300 cars. Mr. Cox stated 2 to 4 weeks to crush the cars and haul the cars away. Mr. Murray asked Mr. Cox to clarify what each phase entails. Mr. Cox stated that phase 1, will include the moving the cars around and phase 2, will be the middle section of the site.

Mr. D'Ambro asked what the maximum number of cars that will be allowed on the site. Mr. Cox stated that it is his understanding from the previous owner that the 2009 approval by the Town was for a maximum number of 900 cars. Mr. Cox stated that they would like to stay with the maximum number that was allowed in the 2009 approval.

Mr. Cutler asked about a letter of credit for periodic inspection that needs to be done by the Town Building Inspector. Mr. Cutler asked about the reapplication renewal of the annual permit and what is the Town going to require as a letter of credit if the project is abandoned.

Mr. Doty asked the Board in regard to the letter of credit if the Board wants to take into consideration the cleaning up of the soil where the cars were located on the neighbor's property. Mr. Doty asked about the noise ordinance and what is the decibels of the machinery when they are in operation. Mr. Cox stated that the car crusher is no louder than a 4 or 6 cylinder diesel engine tacked out at 2,000 RPM's.

Ms. Winchell stated that in Mr. Doty's letter it states that the nearest structure is 500 ft. away from the site. Ms. Winchell asked if that structure is house or a business. Mr. Cox stated that the nearest structure is a house.

Motion to adjourn: made by Mr. Murray, seconded by Ms. Winchell motion passed at approximately 8:40 PM.

**The Next Planning Board Meeting will be
Monday November 7, 2016**