

**TOWN OF STILLWATER**  
**PLANNING BOARD MEETING MINUTES**  
Monday, December 15, 2014 @ 7:00 PM  
STILLWATER TOWN HALL

**Present:**

Chairman, Bob Barshied (BB)  
Vice-Chairman John Murray (JM)  
Carol Marotta (CM)  
Peter Buck (PB)  
Randy DeBacco (RD)  
Randy Rathbun (RR)  
Beverly Frank (BF)  
JoAnn Winch, Alternate Member (Co-Chair)(JW)

**Also Present:**

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

**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:**

Mr. Buck made a motion to approve the minutes from the November 24<sup>th</sup> Ms. Marotta seconded. The minutes were approved unanimously.

**Public Hearings:**

**PB2014-71, Grove Lot Line Adjustment, 736 NYS Route 9P**

Chairman Barshied proceeded to open the public hearing and asked if anyone wished to provide public comment.

There was no public comment and Chairman Barshied closed the public hearing.

Chairman Barshied recognized Mr. and Mrs. Grove who briefly recapped the proposal before the Board for the Lot Line Adjustment. Mr. Grove stated that they want to decrease the property at 736 NYS Route 9P from 130 ft. back to 100 ft. and increase the adjacent property from 20 ft. to 50 ft. back to where it was in 1993.

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

**TOWN OF STILLWATER  
PLANNING BOARD  
2014 RESOLUTION NO. 46**

WHEREAS, Carl & Kathleen Grove have submitted an application for a lot line adjustment regarding property located at 736 Route 9P, more fully identified as Tax Map Numbers 206.17-1-13 and 206.17-1-7.21; 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, Carl and Kathleen Grove, for a lot line adjustment regarding property located at 736 Route 9P, more fully identified as Tax Map Numbers 206.17-1-13 and 206.17-1-7.21, will not have a significant impact on the environment.

A motion by Member Buck, seconded by Member Marotta to adopt Resolution No. 46.

A roll call vote was taken on Resolution No. 46 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. 46 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on December 15, 2014.

**TOWN OF STILLWATER  
PLANNING BOARD  
2014 RESOLUTION NO. 47**

WHEREAS, Carl and Kathleen Grove have submitted an application for a lot line adjustment regarding property located at 736 Route 9P, more fully described as Tax Map Numbers 206.17-1-13 and 206.17-1-7.21; and

WHEREAS, a public hearing was conducted on December 15, 2014 to consider the application, and comments were received from the public as well as the applicant; and

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 46 of 2014; and

WHEREAS, the Planning Board has duly considered the application;

Now, therefore, be it

RESOLVED, that the application of Carl and Kathleen Grove, for a lot line adjustment of lands located on 736 Route 9P, more fully identified as Tax Map Numbers 206.17-1-13 and 206.17-1-7.21, is hereby GRANTED; 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 Marotta, to adopt Resolution No. 47.

A roll call vote was taken on Resolution No. 47 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. 47 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on December 15, 2014.

**PB2014-73, Open Space Institute Subdivision, U.S. Route 4**

Chairman Barshied proceeded to open the public hearing and asked if anyone wished to provide public comment.

There was no public comment and Chairman Barshied closed the public hearing.

Chairman Barshied recognized Sean Doty of the Chazen Companies, representing the Open Space Institute (OSI), who briefly recapped the proposal to the Board requesting a lot subdivision. Mr. Doty stated that the Town is taking two lots for the Champlain Canal and the other parcel will remain with OSI.

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

**TOWN OF STILLWATER  
PLANNING BOARD  
2014 RESOLUTION NO. 48**

WHEREAS, Open Space Institute has submitted an application for a minor subdivision regarding property located on Route 4, more fully identified as Tax Map Number 208.00-1-17; 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, Open Space Institute, for a minor subdivision regarding property located on Route 4, more fully identified as Tax Map Number 208.00-1-17, will not have a significant impact on the environment.

A motion by Member Frank, seconded by Member Rathbun, to adopt Resolution No. 48.

A roll call vote was taken on Resolution No. 48 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. 48 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on December 15, 2014.

**TOWN OF STILLWATER  
PLANNING BOARD  
2014 RESOLUTION NO. 49**

WHEREAS, Open Space Institute has submitted an application for a minor subdivision regarding property located on Route 4, more fully described as Tax Map No. 208.00-1-17; and

WHEREAS, a public hearing was conducted on December 15, 2014 to consider the application, and comments were received from the public as well as the applicant; and

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 48 of 2014; and

WHEREAS, the Planning Board has duly considered the application;

Now, therefore, be it

RESOLVED, that the application of Open Space Institute, for a minor subdivision of lands located on Route 4, more fully identified as Tax Map Number 208.00-1-17, 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 Frank, seconded by Member Marotta, to adopt Resolution No. 49.

A roll call vote was taken on Resolution No. 49 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. 48 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on December 15, 2014.

## **PB2014-68, LFTC Amendment to PDD, LFTC Campus**

Chairman Barshied proceeded to open the public hearing and asked if anyone wished to provide public comment.

There was no public comment and Chairman Barshied closed the public hearing.

Chairman Barshied recognized Libby Coreno of the Jones Firm representing LFTC. Ms. Coreno stated that with her this evening is Tom Roohan Chairman and President of the Board, Mike Relyea President and Consultant to LFTC, Gregg Connors representing Global Foundries. Ms. Coreno briefly recapped the proposal before the Board to Amend the LFTC PDD. Ms. Coreno stated that LFTCEDC and Global Foundries filed a joint application for expansion and clarification permitted uses, removal of the restrictions on applying for a Pilot and parody on subdivisions regulations, soil disturbance and calculation of fees.

Chairman Barshied asked Mr. Male and Ms. Zepko if they knew what Malta's recommendation was for the project. Mr. Male and Ms. Zepko stated that they did not know results of Malta's recommendation. Mr. Doty stated that Malta had given a positive recommendation to their Town Board.

Ms. Marotta asked about the section of the narrative stating Identical PDD Amendments are proposed to the Stillwater PDD legislation and Town of Malta code and if that was a typing error. Ms. Coreno stated that this is a correct statement. The sections affected in SEQRA are for lead agency. Ms. Coreno stated that they can annotate the numerical section of the Stillwater code. Ms. Marotta asked about pg. 35 which has to do with the buffers. Ms. Marotta asked for clarification on the 400 ft., 200 ft. and 100 ft. buffering. Ms. Coreno stated that there is a 400 ft. buffer required near residential development. Ms. Coreno stated they are seeking clarification that this pertains to the residential area delineated as #4 in Malta. Ms. Marotta asked about pg. 6 of the red line version pertaining to the conference center and the only access is through Fab 1.

Chairman Barshied asked about the conference center that this could be a hotel and that there is no restriction on the number of hotels. Ms. Coreno stated that the Environmental Impact Statement (EIS) states that it is limited to one hotel with the potential of 140 rooms. Ms. Coreno stated that they would have to come in and update the EIS. Ms. Coreno stated that she will revisit this section.

Mr. Murray asked Mr. Roohan for clarification on who the potential owners may be. Mr. Roohan stated that they do not have answers on the potential investors but that yes, they are looking at that room number range. Mr. Roohan stated that one hotel is what had been envisioned. Ms. Marotta asked about commercial business services such as a daycare, pharmacy, banking, being limited to 5,000 sq. ft. of business space. Ms. Coreno stated that it cannot be a free standing business. It has to be within an existing building.

Mr. Murray stated that he thought the 5,000 sq. ft. is too small for a business and should be a ratio of the percentage of the sq. footage of the building. Mr. Murray stated that he would like sq. footage to be revisited. Ms. Coreno stated that the 5,000 sq. ft. is driven by traffic within the park. Ms. Coreno stated that she will revisit this for a larger sq. footage for business space. Chairman Barshied concurred with Board that if the business goes above the 5,000 sq. ft. they would have to apply for a Special Use Permit.

Mr. Buck stated that he thought that businesses inside the park are going to hurt the local businesses in the Stillwater/Malta area and that there are businesses outside the park that offer the same services.

Ms. Marotta asked about the development fees and what that number of \$0.25 cents was based on. Ms. Coreno stated that number was proposed in the EIS and will help to build a budget for the project.

Chairman Barshied stated that the development fee should be based on the foot print of the building and not on habitable space. Ms. Coreno stated that they would consider this change in measurement method with an adjusted square foot price.

Mr. Murray stated that he concurs with the changes regarding the soil disturbance and the subdivision definitions. Chairman Barshied asked if Mr. Male or Ms. Zepko have a different opinion on the subject. Both Mr. Male and Ms. Zepko stated that they agree with the definitions.

Chairman Barshied asked about the definition of compatible to or related to nano-technology and if industries such as manufacturing of medical devices or high tech aircraft would fit the new definition of allowed industries. Ms. Coreno stated that the applicant would have to show in their application that it is compatible or related to nano-technology.

Ms. Marotta asked about the location of the noise monitors being on the borders of the pods. Ms. Coreno stated that they are asking for clarification for the noise monitors to be placed on the property lines as in the original proposal. Ms. Coreno stated that they are also raising the noise decibel from 55/45 up to 60/50.

Chairman Barshied asked about pg. 28 of the PDD question #2 12 cents per sq. ft. is this the foot print of the building that is being calculated. Ms. Coreno stated that they add clarification to this section. Chairman Barshied stated that on the bottom of pg. 28 of health and safety it states a shuttle between the campus and down town Stillwater. Chairman Barshied stated that different wording such as serving the population growth area of Stillwater or a broader description to that affect. Ms. Coreno stated that they will add clarification to this section and that this wording was in the original EIS.

Chairman Barshied asked if anyone had any additional concerns or questions and hearing none, he asked for a motion to refer the LFTC PDD Amendment to the Town Board.

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**TOWN OF STILLWATER  
PLANNING BOARD  
2014 RESOLUTION NO. 50**

WHEREAS, LFTC & Global Foundries have submitted an application for a PDD amendment regarding property located at the Luther Forest Technology Campus; and

WHEREAS, a public hearing was conducted on December 15, 2014 to consider the application; and

WHEREAS, the Planning Board has duly considered the application; and

WHEREAS, the Planning Board discussed the requested changes with the applicant's attorney, Libby Coreno, Esq.; and

WHEREAS, the Planning Board expressed concerns over the 5,000 square foot space limitations placed on commercial businesses. The Planning Board discussed the possibility of allowing businesses to have more than 5,000 square feet but requiring a special use permit for businesses larger than 5,000 square feet; and

WHEREAS, Member Buck expressed concerns for the small businesses outside of the campus that could suffer if businesses like those proposed by the changes are allowed; and

WHEREAS, the Planning Board expressed concerns that the change in the requirements for the conference center provisions could allow for multiple hotels or even a hotel strip. The Planning Board and applicant agreed that this concern could be addressed with language that placed a limit to a single hotel within the campus; and

WHEREAS, the Planning Board discussed the changes to the type of uses allowed for research and development facilities and technology and light industrial businesses and was assured that the language proposed was broad enough to allow desired business types while still being within the general concepts of the technology campus; and

WHEREAS, the Planning Board expressed support for the provisions and changes regarding traffic, PILOTS, soil disturbance, and subdivisions; and

WHEREAS, the Planning Board expressed concerns over the proposed changes regarding the noise limits and monitoring locations, and asked for clarification on those provisions. The Planning Board was satisfied with the responses from the applicant; and

WHEREAS, the Planning Board purposefully deferred to the Town Board and did not address the provisions regarding the timing of payments of open space and recreation fees and requests the Town Board to determine the appropriateness of those changes; and

WHEREAS, the Planning Board discussed the changes to the development agreement provision. The Planning Board was in full support of the concept of the change from a development agreement to a set fee based on the square footage. However, the Planning Board expressed strong concern over the use of habitable space to determine the square feet of a business subject to the development fee; and

WHEREAS, the Planning Board discussed the provisions regarding growth-inducing impacts and although no changes proposed were in part “a” of that section, the Planning Board believes (a)(2) should be changed for ease of calculation to using the total square feet included in the footprint of the building to calculate the fee. They recognize this will require adjustment to the \$ .25/sf proposed and the Planning Board would defer to the Town Board on the amount to charge per square foot; and

WHEREAS, the Planning Board discussed the language of the section referred to as “7. Health and Safety”. The Planning Board determined that language regarding a shuttle system between the campus and downtown area of Stillwater should be changed from downtown area of Stillwater to a more flexible term such as “ the higher density population areas of Stillwater”;

Now, therefore, be it

RESOLVED, that the Planning Board gives a FAVORABLE RECOMMENDATION to the application of LFTC and Global Foundries for a PDD amendment of lands located on the Luther Forest Technology Campus with the following conditions:

1. That section (B)(2) “Campus Commercial” provide that businesses of 5,000 square feet or larger be an allowable use, but that such use for businesses over that size be required to obtain a special use permit;
2. That section (B)(4) “Conference Center” provide that only one hotel is allowed within the campus;
3. That section (G) “Development Agreements” use the square foot of the outside foot print of the building to determine the size of the business and that the Town Board determines what the appropriate amount per square foot to charge as a fee; and

4. That section (X) "Mitigation" (6)(a)(2) define the area as the square foot of the outside foot print of the building and that the Town Board determines the appropriate amount per square foot to charge as a fee; and

5. That Section X. "Mitigation" (7)(a) be amended by changing it from the downtown area of Stillwater to the higher density population areas of Stillwater.

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 Marotta, to adopt Resolution No. 50.

A roll call vote was taken on Resolution No. 50 as follows:

Chairman Barshied	Yes
Member Buck	No
Member DeBacco	Yes
Member Frank	Yes
Member Marotta	Yes
Member Rathbun	Yes
Member Murray	Yes

Resolution No. 50 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on December 15, 2014.

**PB2014-72, Global Foundries Water Utility Project, 400 Stonebreak Rd**

Chairman Barshied proceeded to open the public hearing and asked if anyone wished to provide public comment. There was no public comment but an email letter was received from the Luther Forest Corporation as follows:

"On Friday, December 12, 2014 2:34 PM

Dear Mr. Barshied,

The Luther Forest Corporation (LFC) is the immediate neighbor to the referenced project. The Corporation has no objection to the tanks and their location. The LFC's property adjacent to the proposed tank location currently has Nationalgrid power line and Saratoga Water Services, Inc. utility easements. It would be quite appropriate for the placement of additional utility infrastructure in this area. Please make these comments part of the public record on this matter. Thank you for your consideration.

Sincerely,

Alexander L Mackay, Pres.

The Luther Forest Corporation"

Chairman Barshied closed the public hearing.

Chairman Barshied recognized Gregg Connors, representing Global Foundries. Mr. Connors stated that they forwarded the questions and comments to the design team from the meeting on November 24<sup>th</sup>. Mr. Connors stated that they can accommodate all or most of comments and recommendations. Mr. Connors informed the Board that Joel Bianchi of MJ Engineering will be presenting the project to the Board.

Mr. Bianchi stated that this project is for two 5- million gallon tanks, a pump station with the provision for one future pump, and a temporary parking area for 30 contractor vehicles. They are securing an easement from . There will be approximately 5-acres of disturbance in Stillwater. Mr. Bianchi stated that the tanks were lowered between 5ft and 8ft in order to reduce their visibility as requested by the Planning Board while still be able to deliver water to the facilities at Global Foundries. They also moved the ladder to back side of the tank. Mr. Bianchi stated that there are two lines coming to the tanks, one from Saratoga County Water Authority and the other is Saratoga Water Services. There is a control for how much water can be taken from each provider. Mr. Bianchi stated that once the water is in the tank the water is blended and then pumped to the facility. Mr. Bianchi showed the Board the species of vegetation to obscure the tanks view and also the tank colors that are available.

Chairman Barshied asked how much of the tank is visible now that it has been lowered. Mr. Bianchi stated that the visual height of the tank is now 55 ft.

Mr. Bianchi stated that the tanks are available in four different colors and asked the Board if they had a preference of a certain color. The Board Members stated that the two colors that they prefer are beige or the earth tone.

Mr. Bianchi stated that they were on the Malta Planning Board meeting for November 25<sup>th</sup> and that Malta received a approval from the County,

Chairman Barshied stated that no action can take place this evening as they are waiting on the approval from County Planning Board.

Mr. Connors stated that he would like the record to show his appreciation to the Planning Board for their accommodations to the applicant.

**Old Business:**

Chairman Barshied asked Ms. Zepko about Brickyard Road Apartments and the Tanski King's Isle Apartments.

Ms. Zepko stated that Brickyard Road Apartments is anticipated to be on the January 26<sup>th</sup> meeting date and that the Town Board is still working thru the public benefit fo the Tanski project.

Motion to adjourn: made by Mr. Murray, seconded by Ms. Frank, motion passed unanimously at approximately 9:00 PM.

**The Next Planning Board Meeting will be  
Monday, January 26, 2015**