

**SPECIAL MEETING  
TOWN OF STILLWATER  
PLANNING BOARD MEETING MINUTES  
January 8, 2015 @ 6:00 PM  
STILLWATER TOWN HALL**

**Present:**

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

**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:**

Chairman Barshied called the meeting to order at 6:00 PM and led everyone in the Pledge to the Flag.

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

Chairman Barshied recognized Mr. Mark Schachner, Esq., representing Saratoga County Water Authority. Mr. Schachner stated their concerns of the Water Utility Project for Global Foundries, as stated in the letter that he handed out to the Board members this evening. He also stated that there is only one member, Mr. Kevin King, from the Saratoga County Water Authority Board that is present this evening. In addition the Chairman of the Board of Directors, Mr. Jack Lawler is also present. Mr. Schachner stated that also with him this evening Ed Hernandez and Leah Everhart. Mr. Schachner read the following letter to the Board:



## SARATOGA COUNTY WATER AUTHORITY

JOHN E. LAWLER, CHAIRMAN  
ED M. HERNANDEZ, PE ACTING EXECUTIVE DIRECTOR

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THOMAS K. CUMM  
ANITA M. DALY  
ARTHUR J. JOHNSON  
KEVIN T. KING  
JAMES M. SMITH  
PATRICK S. ZIEGLER

January 8, 2015

Town of Stillwater Planning Board  
Stillwater Town Hall  
881 Hudson Ave.  
Stillwater, NY 12170

Re: Site Plan Review Application of GlobalFoundries

Dear Chairman Barshield and Planning Board Members:

This letter is submitted on behalf of the Saratoga County Water Authority and we are accompanied by the Authority's Chairman, Board Members and Executive Director.

The Authority is obviously integrally involved in provision of water to the Luther Forest Technology Campus and GlobalFoundries and we are fully supportive of GF's efforts, including its desire for redundancy of water supply. However, we do have certain concerns and, if the Board is inclined to approve GF's application, we request that any such approval include the express condition that no Building Permit be issued until GF's water supply interconnection plans have been reviewed and approved by the New York State Department of Health and the Authority.

The Authority's principal concern in this regard (and always) is to preserve the integrity of our water supply system, not only for the benefit of GlobalFoundries, but also for all of our other customers in Saratoga County, including the Village of Stillwater. GF's plans apparently call for interconnection of community water systems of the Authority and Saratoga Water Services. Any interconnection between or among community water systems raises important issues of safeguarding the integrity of all water supply being provided. More specifically, the Authority needs to be concerned about avoiding any potential compromising of water quality in the supply generated to GF and any other LFTC users "downstream" through introduction of a water supply over which the Authority has no control. Similarly, interconnection also raises the related concern of introduction of materials from a "foreign" water source "back upstream" into the earlier elements of the SCWA system. Regardless of the likelihood of any such potential contamination, we all have contractual and environmental responsibilities to preserve, maintain and ensure the integrity of our County-wide water supply system.

SARATOGA COUNTY WATER AUTHORITY  
LETTER TO TOWN OF STILLWATER PLANNING BOARD  
RE: SITE PLAN REVIEW APPLICATION OF GLOBALFOUNDRIES  
JANUARY 8, 2015  
PAGE 2 OF 2

GF has neither provided the Authority nor, to the best of our knowledge, NYSDOH with its plans for interconnection of water supply systems. However, in the unfortunate event of any contamination, we foresee the likelihood of potential liability claims against GlobalFoundries, the Authority, SWS, NYSDOH and the Planning Board for implementing or approving an interconnection project without proper scrutiny. Therefore, we request inclusion of this condition in any application approval.

Thank you for your consideration of the Authority's position in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Mark Schachner', with a long horizontal flourish extending to the right.

Mark Schachner, Esq.  
Counsel for Saratoga County Water Authority

cc: GlobalFoundries  
New York State Department of Health  
Saratoga Water Services

Chairman Barshied asked Mr. Schachner if he represents the Malta Planning Board and if this request was made to the Malta Planning Board. Mr. Schachner stated that he does represent the Malta Planning Board and that this was not presented to the Malta Planning Board as the water tanks are not proposed to be located in the Town of Malta.

Chairman Barshied recognized Gregg Connors, representing Global Foundries. Mr. Connors stated that he would like to thank the Planning Board for holding the Special Meeting this evening. Mr. Connors stated that his application deals with concrete, pipes, pumps, setbacks and view sheds. Mr. Connors also stated that Global Foundries has addressed all the issues and concerns that the Planning Board had with this project. Mr. Connors stated that there was no opposition regarding concerns to this application at the December meetings. Mr. Connors also stated that the application is under review with NY State Department Health in Glens Falls. Mr. Connors stated that the Malta Planning Board unanimously approved the application for the portion of the project that is in the Town of Malta, subject to their comments from the Planning Department. Mr. Connors requested that the Stillwater Planning Board act on the application for approval this evening.

Mr. Murray asked Mr. Connors if he was familiar with the Subpart 5-1.31 of the NYS Sanitation Code. Mr. Connors stated that he was not familiar with this code and referred to Carrie Dooley of MJ Engineering and Design. Ms. Dooley stated that she is familiar with the NYS Sanitation Code. Ms. Dooley stated that there are two connections one is for a future connection to Saratoga Water Services and the other connection is to a water main that is currently owned and operated by Global Foundries. Ms. Dooley stated that both are designed with cross connection controls to protect the water supply. Mr. Murray asked Ms. Dooley if she concurred that the Saratoga County Water Authority and the NYS State Department Health have to sign off on the connections. Ms. Dooley stated that it would be important for both to review.

Chairman Barshied gave a brief overview of the Global Foundries Application. Chairman Barshied stated that on November 3<sup>rd</sup>, an application was submitted from Global Foundries and that on November 12<sup>th</sup>, Paul Male the Town Engineer made a review of the application to the Planning Board. Chairman Barshied stated that Board Members had comments and requests regarding view shed and the height of the water tanks. Chairman Barshied stated that the Planning Department had not received the approval letter from Saratoga County Planning Board prior to the December 15<sup>th</sup> meeting and therefore could not legally take any action on the application before the Board. Chairman Barshied stated that the public hearing was closed at the December 15<sup>th</sup> meeting and that there was no correspondence from Saratoga County Water Authority at any of the prior meetings; the only correspondence was from the Luther Forest Corporation, which stated that "It would be quite appropriate for the placement of additional utility infrastructure in this area."

Chairman Barshied stated that the Planning Board regulations state the Board has to act within thirty-one days from the date of the public hearing. Global Foundries made a number of requests for a special meeting to be held in order to meet their January construction timeline. Chairman Barshied stated that he contacted Saratoga County Planning Board and received a

copy of the Malta and Stillwater approvals and they are exactly the same with a comment stating "The interconnections of the two public water supplies and the proposed cross contamination protections system requires the review and approval of the NYSDOH, SCWA and SWS. This approval should be obtained prior to the local planning board approval the project." Chairman Barshied stated that he called Mr. Kemper, Director of Planning for Saratoga County, and asked for clarification if this was a comment or a condition. Mr. Kemper stated that it was a comment.

Chairman Barshied asked if anyone had any additional concerns or questions and hearing none, he asked to move to discussion of SEQRA. Mr. Murray made the motion to be consistent with the original LFTC SEQRA findings. Ms. Marotta stated that she has reviewed the environmental documents and they are consistent with the SEQRA findings. A motion was made by Member Murray, and seconded by Member Rathbun that the original SEQRA review was consistent with this proposal and covered the SEQRA review for this project.

Chairman Barshied asked if anyone would like to make a motion with or without conditions on the application. Mr. Buck made a motion that the Board accepts this application under the condition that the Town Engineer's comments be addressed. The second condition being that the plans would have to be approved by the NYS Department of Health when construction of the tanks is completed and before the new infrastructure and tanks are put on line.

Chairman Barshied stated just to clarify Mr. Bucks motion to approve with the condition that the outstanding items from the Town Engineer's review be satisfied and that prior to placing the facility into service the project needs the NYS Department of Health approval. Chairman Barshied asked Mr. Buck if this correct and Mr. Buck stated that it was correct. The motion was then seconded by Mr. Rathbun.

Chairman Barshied stated that he reviewed the Saratoga County Water Authorities regulations that specifically state that for cross connections they need to be approved by the NYS Department of Health.

Ms. Winchell stated that Mr. Buck's motion is consistent with the Town of Stillwater Code Section 206-4 for NYS Department Health approval.

**TOWN OF STILLWATER  
PLANNING BOARD  
2015 RESOLUTION NO. 1**

WHEREAS, Global Foundries has submitted an application for a site plan review regarding property located at 400 Stonebreak Road Extension, more fully identified as Tax Map Numbers 230.00-1-23 and 230.00-1-24; 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 the application and determined that the proposed action is consistent with the 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, Global Foundries, for a site plan review regarding property located at 400 Stonebreak Road Extension, more fully identified as Tax Map Numbers 230.00-1-23 and 230.00-1-24 is consistent with the Planning Board's prior SEQRA findings.

A motion by Member Murray, seconded by Member Rathbun, to adopt Resolution No. 1.

A roll call vote was taken on Resolution No. 1 as follows:

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

Resolution No. 1 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on January 8, 2015.

**TOWN OF STILLWATER  
PLANNING BOARD  
2015 RESOLUTION NO. 2**

WHEREAS, Global Foundries has submitted an application for a site plan review regarding property located at 400 Stonebreak Road Extension, more fully described as Tax Map Nos. 230.00-1-23 and 230.00-1-24; 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. 1 of 2015; and

WHEREAS, the Planning Board has duly considered the application, including the applicant's response to the review prepared by the Town's Engineer, Paul Male, dated November 17, 2014; and

WHEREAS, the applicant addressed the Board's concerns regarding visibility of the water tank by lowering the grade of the tank with the highest elevation and by changing the proposed color of the tanks; and

WHEREAS, during the public hearing, the Planning Board received no public comments, except a written response from the Luther Forest Corporation in support of the project; and

WHEREAS, the Planning Board considered the County Planning Board's approval of the application without conditions; and

WHEREAS, the Planning Board considered the comments within the County Planning Board approval letter which stated, "the interconnection of the two public water supplies and the proposed cross-contamination protection system requires the review and approval of the NYS DOH, SCWA, and SWS. This approval should be obtained prior to local planning board approval of the project."; and

WHEREAS, the Planning Board was advised that the comment was just a comment and not a condition of their approval; and

WHEREAS, the Planning Board considered the Malta Planning Board's approval of the proposed project that did not contain the condition set forth in the comment section of the County Planning Board approval letter; and

WHEREAS, the Planning Board Chair allowed the Saratoga County Water Authority ("SCWA") to address the Planning Board regarding the comment contained in the County Planning Board letter. Mark Schachner, Esq., the attorney for the SCWA, submitted a letter dated January 8, 2015 to the Planning Board and read the letter which asked the Planning Board to require NYS DOH and SCWA approval of the plan prior to the issuance of a building permit and set forth the SCWA's reasoning for that request; and

WHEREAS, the Planning Board Chair asked the applicant to address the issue and Greg Conners spoke on behalf of the applicant, asking the Planning Board to approve the project without conditions,

and setting forth the applicant's position for that request, including the applicant's need for a secondary water source and timeline for construction which would likely be delayed if the SCWA's request was granted; and

WHEREAS, the Planning Board considered the fact that under New York State law, the applicant will be required to satisfy the NYS DOH standards regarding cross-contamination protection and back flow prevention prior to the actual use of the system just as all projects that use public water; and

Now, therefore, be it

RESOLVED, that the application of Global Foundries, for a site plan review of lands located on 400 Stonebreak Road Extension, more fully identified as Tax Map Nos. 230.00-1-23 and 230.00-1-24, is hereby GRANTED; and be it further

RESOLVED, that the application is GRANTED, provided the applicant comply with the conditions included in the November 17, 2014 Memorandums from Paul Male, Town Engineer, and that the applicant obtain NYS DOH approval of the project prior to placing the system into service; and be it further

RESOLVED, that the Secretary is authorized and directed to transmit a copy of this Resolution to the Applicant, the Town Clerk and the Building Inspector-Code Enforcement Officer.

A motion by Member Buck, seconded by Member Marotta, to adopt Resolution No. 2.

A roll call vote was taken on Resolution No. 2 as follows:

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

Resolution No. 2 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on January 8, 2015.

Motion to Adjourn: made by Mr. Murray, seconded by Ms. Marotta, motion passed unanimously at approximately 6:30 PM.

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

