

**Stillwater Town Board**  
**Agenda Meeting/ 4 Public Hearing**  
(Route 67 Overlay)  
**November 17, 2011                      7:00 PM**  
**Stillwater Town Hall**

**Present:**                      **Councilman Artie Baker**  
                                         **Councilman Ken Petronis**  
                                         **Councilwoman Lisa Bruno**  
                                         **Councilwoman Virginia Whitman**  
                                         **Supervisor Ed Kinowski**

**Also Present:**                **Sue Cunningham, Town Clerk**  
                                         **James Trainor, Attorney for the Town**  
                                         **Joe Lanaro, Engineer for the Town**

**Absent**                         **Mark Minick, Supt of Highways**

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**  
                                         ((Repealing Resolution #36 of 2011-Amendments to Comp Plan)  
Attorney Trainor read the proposed amendments to the Comprehensive Plan.

**Public Input**

A resident inquired what was being repealed.

Attorney Trainor explained gave a brief explanation of repealing what was already adopted and changes being made.

Supervisor Kinowski stated that all four public hearing concur with each other.

Jim B. inquired if they were expanding past George Thompson Rd on Route 67.  
Supervisor Kinowski stated no that only the area that was originally proposed.

Michael M questioned why they were changing Resolution #36, if the area was going to be residential or commercial and if they were taking property by eminent domain?  
Attorney Trainor stated that the Town is not taking property by eminent domain and that this was changes of zoning to an overlay district.  
Supervisor Kinowski stated that many changes are being made to Route 67 and this is a way to offer an opportunity to residents the chance to do what they want with their property. It's a way to make it easier for the resident if they want to stay residential, build business or sell.

Jeff D asked what would happen to the tax rate value of their property.  
Supervisor Kinowski stated he does not see any changes but can't speak for the assessor.  
The homeowner always has the option to file a grievance claim if they are unhappy with their assessment.

A resident questioned if they could sell their home a residential.  
Attorney Trainor stated that they should be able to sell as residential.  
Supervisor Kinowski stated that with the new zoning changes to overlay they can sell as residential or business property.

A resident inquired if a business were interested in building in the area and how many residents this effected.  
Supervisor Kinowski stated that DA Collins has proposed a partial office building/warehouse and on the western edge of Town a company has shown interest in building. Bringing in Businesses will help reduce the overall tax base for residents.

Tony B questioned making residential to commercial but can they take an empty lot and make it residential.

Supervisor Kinowski explained that explained that with an overlay district they can turn residential to commercial but cannot turn commercial or an empty lot to residential.

Mike M. suggested that they put this elsewhere and commented on the traffic.

Supervisor Kinowski gave a brief dissertation on how this all began. It started with the move the bridge which was placed across from residents. The prior supervisor failed to interact on behalf of the residents so he met with Pan Am to consider the best way to fix this for the residents. A resident came to him and requested zoning changes and after researching he thought an overlay district the best way to go.

A resident stated that he has children that play out in the yard and questioned traffic, traffic lights, or stop signs to slow traffic.

Supervisor Kinowski stated that in the very near future they will pursue the traffic pattern with the traffic of trucks but believes that with the trucks having to turn into the rail yard the traffic will slow.

Councilwoman Bruno stated that in the meantime they can have the police put out a traffic dolly if a resident was interested in having it put on their lawn and also have them patrol more often.

Mary W stated that where she is located the water table is high and question if it would get worse with the proposed DA Collins expansion.

Engineer Lanaro stated that prior to any work being done they would have to go through a detailed planning process including storm water management.

Mike M questioned the homes that were closed up do to methane gas.

The Town Board had not heard of homes being closed do to methane gas.

Art F questioned if the overlay district would affect the resident.

Attorney Trainor stated that this gives the resident more opportunities to sell their property.

Brian C questioned whether proposed businesses would be sensitive to residents.

Supervisor Kinowski stated that any business would have to go before the planning board who would take into consideration to nearby residents.

Engineer Lanaro explained that the overlay allows mix use approach for land applications. It does not allow empty lots to be built as residential. Residential can be maintained as residential or sell as commercial and protection is in place to protect residents from the effects of commercial.

A resident inquired if there would be any impact on the Tenendowa Creek.

Supervisor Kinowski stated that he doesn't believe so. It is environmentally preserved.

A resident questioned the noise pollution from the rail yard and buffers being in place.

Supervisor Kinowski stated that it the rail yard is a pass thru yard and the majority of the noise would be from trucks.

Engineer Lanaro stated that Halfmoon is the lead agency for this project and unfortunately Stillwater was not engaged in the process.

Jeff D inquired about natural gas and sewer being brought to the area.

Supervisor Kinowski stated that the gas company is behind times but as far as the sewer he has met with representatives of Pan Am and they are considering helping to bring sewer to the area.

A resident inquired how it will be determined what the property can be used for.

Engineer Lanaro explained what is needed to be developed as a residential neighborhood business. Every application will apply as a special use permit but until then it will stay as is until they go through the process and be approved.

Supervisor Kinowski stated that this is all new Stillwater and the Planning Board. SEDC is asking for proposal in advance and they are discussing to see if the business would fit.

A resident inquired if the Planning Board was involved.  
Supervisor Kinowski stated that they were.

Tony B inquired if the County needed to approve any special use permit.  
Engineer Lanaro stated that property fronting the main highway is required to go to the County for approval and cannot proceed until they receive County opinion.

Ed T inquired about the proposed resolution, what additionally was being considered and where residents find this information.

Engineer Lanaro stated that existing uses remains and other uses would be special use and mix use.

Supervisor Kinowski stated that they would find the information in the Town Clerks office.

With everyone having the opportunity to speak Supervisor Kinowski declared the meeting adjourned at 8:10 PM.

**8:11 PM Public Hearing** (Repealing Local Law #3 of 2011—Route 67 Overlay)

Attorney Trainor gave a brief explanation for the purpose of the public hearing.  
Sue Cunningham stated that the public hearing notices were published on November 7<sup>th</sup> in The Express, The Gazette and also posted on the bulletin outside the Town Clerks Office.

With everyone having the opportunity to speak Supervisor Kinowski declared the meeting adjourned at 8:11 PM. (Note: No one spoke at this public hearing).

**8:11 PM Public Hearing** (Adopting changes to Comp Plan)

Attorney Trainor read Resolution #74 & #75

With everyone having the opportunity to speak Supervisor Kinowski declared the meeting adjourned at 8:13 PM. (Note: No one spoke at this public hearing).

**8:13 PM Public Hearing** (Adopting Local Law #\_\_ --Zoning Changes)

Attorney Trainor read Resolution #76 & #77

John L inquired what he could do with his property of over 12 acres since he can't build homes. The acres are in the back so who would want to build a business where it can't be seen. He also expressed that he does not feel right being told what he can build.

Supervisor Kinowski stated that he can't say what or even if could build homes now, must meet requirements no matter what.

Engineer Lanaro stated that this is a way of enhancing the opportunity for residents to do more with their property.

Supervisor Kinowski requested the resident come in to see him, discuss what can be offered and put the resident in touch where help is available.

Councilwoman Bruno spoke on the tax base and that this is a way of trying to help residents to reduce tax burden on the residents.

With everyone having the opportunity to speak Supervisor Kinowski declared the meeting adjourned at 8:30 PM.

**8:31 PM Business Meeting**

Supervisor Kinowski called the business meeting to order.

**Communications:** Supervisor Kinowski reported that the CSR project is mostly completed and the top course is needed but will be finished in the spring.

**Adoption of Minutes: Motion** by Councilman Petronis and seconded by Councilwoman Whitman to adopt the minutes of October 30, 2011. **Motion carried.**

**Agenda Items**

**Resolutions #72-#77**

**Resolution #72      Repealing Recent Changes to the Town Comprehensive Plan Regarding the Route 67 Overlay District**

Introduced by:           Supervisor          

WHEREAS the Town Board conducted Public Hearings on April 21, 2011 and November 17, 2011 considering both the adoption of and now the repeal of, certain Comprehensive Plan amendments regarding the Route 67 Corridor and a corresponding overlay district; and

WHEREAS, the amendments to the 2006 Comprehensive Plan were adopted by Resolution No. 36 of 2011 on April 21, 2011; and

WHEREAS, due to perceived deficiencies in the timing of publication of notice of the April 21, 2011 Public Hearing, the Town Board now wishes to repeal Resolution No. 36 of 2011; and

WHEREAS, by Resolution No. 68 of 2011, the Town Board elected to exercise the authority it has pursuant to the NYS Constitution as well as the Municipal Home Rule Law to supersede §§ 264, 272-a and 265 of the NYS Town Law with respect to the number of days required for publication of the November 17, 2011 Public Hearing Notices in accordance with Municipal Home Rule Law §20;

Now therefore be it

RESOLVED, that Resolution No. 36 of 2011, which adopted amendments to the 2006 Comprehensive Plan regarding the Route 67 Corridor and corresponding overlay district, is hereby Repealed; and be it further

RESOLVED, that the Town Clerk shall immediately post and publish notice of the adoption of this Resolution in the Express and Gazette within 5 days pursuant to Article 16 of the Town’s Zoning Code.

**Motion** by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #72 of 2011.

A roll call vote was taken on Resolution #72 of 2011 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	YES
Councilwoman Whitman	YES
Councilwoman Bruno	YES

**Motion carried.** Resolution #72 of 2011 was unanimously adopted unanimously.

**Resolution #73      Consider Local Law No. 4 of 2011  
A Local Law Repealing Local Law No. 3 of 2011  
Which Establishes the Route 67 Overlay District and  
Amended Local Law No. 1 of 2001**

Introduced by:           Supervisor          

WHEREAS the Town Board conducted Public Hearings on April 21, 2011 and November 17, 2011 considering both the adoption of and the now repeal of, certain changes to the Zoning Code to enact Route 67 Overlay District; and

WHEREAS, the changes to the Zoning Code were adopted by Local Law No. 3 of 2011 on April 21, 2011; and

WHEREAS, due to perceived deficiencies in the timing of publication of notice of the April 21, 2011 Public Hearing, the Town Board now wishes to repeal Local Law No. 3 of 2011;

Now therefore be it

RESOLVED, that the Town Board hereby elects to exercise the authority it has pursuant to the NYS Constitution as well as the Municipal Home Rule Law to supersede §§ 264, 272-a and 265 of the NYS Town Law with respect to the number of days required for publication of the Public Hearing Notices in accordance with Municipal Home Rule Law §20; and be it further

RESOLVED, that Local Law No. 3 of 2011, which adopted Zoning Code changes to enact the Route 67 Overlay District, is hereby Repealed; and be it further

RESOLVED, that the Town Clerk shall now immediately post and publish notice of the adoption of this Resolution in the Express and Gazette within 5 days pursuant to Article 16 of the Town's Zoning Code.

**Motion** by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #73 of 2011.

A roll call vote was taken on Resolution #73 of 2011 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	YES
Councilwoman Whitman	YES
Councilwoman Bruno	YES

**Motion carried.** Resolution #73 of 2011 was unanimously adopted unanimously.

TOWN OF STILLWATER  
LOCAL LAW NO. 4 OF 2011

A Local Law Repealing Local Law No. 3 of 2011  
Which Enacted Route 67 Overlay District and  
Amended Local Law No. 1 of 2001

Be it enacted by the Town Board of the Town of Stillwater as follows:

Section No. 1: Purpose and Intent.

Local Law No. 3 of 2011 was enacted by the Stillwater Town Board on April 21, 2011 to amend zoning in the Route 67 corridor by instituting an Overlay District to encourage commercial development in that part of town pursuant to the Town's Comprehensive Plan, as amended. The procedure utilized by the Town to publish notice of the required public hearings may have resulted in less than optimal advance notice to town residents and therefore the Town Board wishes to redo the process to ensure every resident has an adequate opportunity to be advised of, and to comment on, the proposed zoning changes along Route 67.

Section No. 2: Effect.

This local law will result in the repeal of Local Law No. 3 of 2011, a local law which enacted the Route 67 Overlay District and which amended Local Law No. 1 of 2001 (The Town of Stillwater Zoning Code), upon its passage and subsequent filing with the NYS Secretary of State.

Section No. 3: Supersession.

By the authority contained in the NYS Constitution and the Municipal Home Rule Law, the Town Board hereby exercises its authority to supersede NYS Town Law Sections 264, 272-a and 265 regarding their 10 day prior publication requirement and instead elects to reduce the minimum prior publication period to 5 days pursuant to Municipal Home Rule Law Section 20.

Section No. 4: Effective Date.

This local law shall be come effective upon its filing, after adoption, with the NYS Secretary of State but, shall also become effective immediately upon any person or entity personally served with a copy thereof after its adoption and before being filed at the NYS Secretary of State's Office.

**Resolution #74            Regarding the Environmental Impact of Comprehensive Plan Amendments Proposed in Resolution No. 75 of 2011**

Introduced by: Supervisor

WHEREAS, by Resolution No. 20 of 2011, adopted by the Town Board on March 3, 2011, the Town Board determined that the proposed changes are a Type I action pursuant to 6 NYCRR Part 617.6 (SEQRA) and declared its intent to serve as lead agency for the coordinated SEQRA evaluation; and

WHEREAS, by Resolution No. 18 of 2011, adopted by the Town Board on February 12, 2011 the proposed Route 67 Comprehensive Plan and Zoning Amendments was referred to the Town and Saratoga County Planning Boards for review and the County Planning Board recommended approval by letter dated March 21, 2011; and

WHEREAS, Public Hearings were conducted at Town Board meetings on April 21, 2011 and November 17, 2011 at which the environmental impacts of the project were presented and discussed; and

WHEREAS, the Town Board has compared the proposed action with the criteria for determining significance in SEQRA 6 NYCRR 617.6 and has duly considered the Environmental Assessment Form attached hereto prepared by the Chazen Companies; and

Now, therefore, be it

RESOLVED, that the Town Board, acting as lead agency for the coordinated SEQRA evaluation of the proposed Route 67 Comprehensive Plan and Zoning Amendments hereby determines that the proposed action will not have a significant environmental impact pursuant to 6 NYCRR Part 617.6 (SEQRA); and be it further

RESOLVED, that the Town Board authorizes the dissemination of the Notice of Determination of Non-Significance to all involved and interested agencies.

**Motion** by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #74 of 2011.

A roll call vote was taken on Resolution #74 of 2011 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	YES
Councilwoman Whitman	YES
Councilwoman Bruno	YES

**Motion carried.** Resolution #74 of 2011 was unanimously adopted unanimously.

**Resolution #75          Adopting Amendments to the Town Comprehensive Plan  
Regarding the Route 67 Overlay District**

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

WHEREAS the Town Board conducted Public Hearings on April 21, 2011 and November 17, 2011 considering certain Comprehensive Plan amendments regarding the Route 67 Corridor and a corresponding overlay district; and

WHEREAS, in considering the proposed action, the Town Board has considered several relevant and previous studies affecting the Route 67 corridor, including but not limited to, the following:

- 2001 Zoning Code (Local Law No. 1 of 2001);
- 2006 Town Comprehensive Plan;
- Pan Am Southern Railroad environmental and traffic studies;
- LFTC Plan Development District and GEIS, with environmental and traffic impact studies;
- Town wide GEIS with incorporated environmental and traffic impact studies;
- Memorandum from Chris Round of The Chazen Companies dated, March 18, 2011;
- Town Planning Board recommendation;
- County Planning Board recommendation dated: March 21, 2011;
- Town Law Sections 264, 265 and 272-a;
- Agricultural and Markets Law Section 305-a and Articles 25-AA and 25-AAA;
- General Municipal Law Section 239-l and 239-m; and
- Municipal Home Rule Law Section 20;

Now therefore be it

RESOLVED, that the Town Board hereby elects to exercise the authority it has pursuant to the NYS Constitution as well as the Municipal Home Rule Law to supersede §§ 264, 272-a and 265 of the NYS Town Law with respect to the number of days required for publication of the Public Hearing Notices in accordance with Municipal Home Rule Law § 20; and be it further

RESOLVED, that the Town Board hereby adopts the changes to the Town's Comprehensive Plan along the Route 67 Corridor as proposed in the attachment hereto; and be it further

RESOLVED, that the Town Clerk shall immediately post and publish notice of the adoption of this Resolution in the Express and Gazette within 5 days pursuant to Article 16 of the Town's Zoning Code; and be it further

RESOLVED, that the Town Clerk shall complete, file and maintain in the Office of the Town Clerk the Affidavits of Posting/Publication and Mailing, and maintain a separate file for zoning changes, and be it further

RESOLVED, that The Chazen Companies is directed to provide the Town with a new zoning map depicting the overlay district; and be it further

RESOLVED, that The Chazen Companies is directed to ensure compliance with all appropriate Environmental Regulations.

**Motion** by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #75 of 2011.

A roll call vote was taken on Resolution #75 of 2011 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	YES
Councilwoman Whitman	YES
Councilwoman Bruno	YES

**Motion carried.** Resolution #75 of 2011 was unanimously adopted unanimously.

**Resolution #76            Regarding the Environmental Impact of  
Route 67 Zoning Amendments  
Proposed in Local Law No. 5 of 2011**

Introduced by: Supervisor

WHEREAS, by Resolution No. 20 of 2011, adopted by the Town Board on March 3, 2011, the Town Board determined that the proposed changes are a Type I action pursuant to 6 NYCRR Part 617.6 (SEQRA) and declared its intent to serve as lead agency for the coordinated SEQRA evaluation; and

WHEREAS, by Resolution No. 18 of 2011, adopted by the Town Board on February 12, 2011 the proposed Route 67 Comprehensive Plan and Zoning Amendments was referred to the Town and Saratoga County Planning Boards for review and the County Planning Board recommended approval by letter dated March 21, 2011; and

WHEREAS, Public Hearings were conducted at Town Board meetings on April 21, 2011 and November 17, 2011 at which the environmental impacts of the project were presented and discussed; and

WHEREAS, the Town Board has compared the proposed action with the criteria for determining significance in SEQRA 6 NYCRR 617.6 and has duly considered the Environmental Assessment Form attached hereto prepared by the Chazen Companies; and

Now, therefore, be it

RESOLVED, that the Town Board, acting as lead agency for the coordinated SEQRA evaluation of the proposed Route 67 Comprehensive Plan and Zoning Amendments hereby determines that the proposed action will not have a significant environmental impact pursuant to 6 NYCRR Part 617.6 (SEQRA); and be it further

RESOLVED, that the Town Board authorizes the dissemination of the Notice of Determination of Non-Significance to all involved and interested agencies.

**Motion** by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #76 of 2011.

A roll call vote was taken on Resolution #76 of 2011 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	YES
Councilwoman Whitman	YES
Councilwoman Bruno	YES

**Motion carried.** Resolution #76 of 2011 was unanimously adopted unanimously.



**Resolution #77            Adopting Local Law No. 5 of 2011  
A Local Law Establishing the Route 67 Overlay District  
and Amending Local Law No. 1 of 2001**

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

WHEREAS, the Town Board conducted Public Hearings on April 21, 2011 and November 17, 2011 considering changes to the Town's current Zoning Code regarding the Route 67 Corridor and a corresponding overlay district; and

WHEREAS, in considering the proposed action, the Town Board has considered several relevant and previous studies affecting the Route 67 corridor, including but not limited to, the following:

- 2001 Zoning Code (Local Law No. 1 of 2001);
- 2006 Town Comprehensive Plan;
- Pan Am Southern Railroad environmental and traffic studies;
- LFTC Plan Development District and GEIS, with environmental and traffic impact studies;
- Town wide GEIS with incorporated environmental and traffic impact studies;
- Memorandum from Chris Round of The Chazen Companies dated, March 18, 2011;
- Town Planning Board recommendation;
- County Planning Board recommendation dated: March 21, 2011;
- Town Law Sections 264, 265 and 272-a;
- Agricultural and Markets Law Section 305-a and Articles 25-AA and 25-AAA;
- General Municipal Law Section 239-l and 239-m; and
- Municipal Home Rule Law Section 20;

Now therefore be it

RESOLVED, that the Town Board hereby elects to exercise the authority it has pursuant to the NYS Constitution as well as the Municipal Home Rule Law to supersede §§ 264, 272-a and 265 of the NYS Town Law with respect to the number of days required for publication of the Public Hearing Notices in accordance with Municipal Home Rule Law § 20.

RESOLVED, that the Town Board hereby adopts Local Law No. 5 of 2011, a Local Law establishing the Route 67 Overlay District and amending Local Law No. 1 of 2001 regarding changes to the Town's current Zoning Code in the Route 67 Corridor and corresponding overlay district; and be it further

RESOLVED, that the Town Clerk shall immediately post and publish notice of the adoption of this Resolution in the Express and Gazette within 5 days pursuant to Article 16 of the Town's Zoning Code.

RESOLVED, that the Town Clerk file Local Law No. 5 of 2011 with the New York Secretary of State forthwith.

RESOLVED, that the Town Clerk shall complete, file and maintain in the Office of the Town Clerk the Affidavits of Posting/Publication and Mailing, and maintain a separate file for zoning changes, and be it further

RESOLVED, that The Chazen Companies is directed to provide the Town with a new zoning map depicting the overlay district; and be it further

RESOLVED, that The Chazen Companies is directed to ensure compliance with all appropriate Environmental Regulations.

**Motion** by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #77 of 2011.

A roll call vote was taken on Resolution #77 of 2011 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	YES
Councilwoman Whitman	YES
Councilwoman Bruno	YES

**Motion Carried.** Resolution #77 of 2011 was unanimously adopted unanimously.

TOWN OF STILLWATER  
LOCAL LAW NO. 5 OF 2011

A Local Law Enacting the  
Route 67 Overlay Zoning District  
And Amending Local Law No. 1 of 2001

Be it enacted by the Town Board of the Town of Stillwater as follows:

Section No. 1: Purpose and Objectives.

The purpose of this Local Law is to accommodate the ever increasing demand for commercial and industrial space for industries and suppliers seeking to support the Global Foundries Chip Fab by diversifying allowable uses in the Route 67 Corridor. In accordance with the Town's Comprehensive Plan and the contemporaneous amendments being made thereto, it is also the Town's objective to encourage growth of new businesses and additional service locations in order to expand the economic base while retaining the Town's rural character and small scale business climate.

Section No. 2: Establishment of the Route 67 Overlay Zoning District.

a. Portions of the Route 67 Corridor are hereby re-zoned to allow for a mixture of manufacturing, professional, office and complementary retail/commercial uses as depicted in Attachment A, Town of Stillwater Summary of Allowed Uses, as amended with the "R67" District Allowed Uses.

b. The Route 67 Overlay Zoning District ("R67") will allow nearly all uses allowed in the Town's zoning ordinance by special use permit as detailed in Attachment A.

Section No. 3: Existing Uses.

a. The new R67 zone allows continuation of legally established existing uses in the underlying zone (for example residential uses) and allow simple improvements thereto (for example porches, garages, etc.) so long as those uses and simple improvements comply with setback and lot coverage requirements. No new residential uses will be permitted and no subdivision of land for residential uses will be permitted after the filing of this local law at the NYS Secretary of State's Office.

b. Existing conforming uses in the current Route 67 Industrial Zone may continue and be regulated as non-conforming existing uses as of the date of the adoption of this local law. However, any expansions or amendments to the existing use will be regulated by a special use permit so as to mitigate any potential conflicts with adjoining land uses.

c. The allowable dimensional areas in the R67 District shall be as provided in Attachment B hereto.

d. The re-zoning will follow current property lines except to the extent necessary to correct any “split parcel” zoning as depicted in the map contained in Attachment C hereto.

Section No. 4: Town Code Amendments.

a. The changes described herein shall amend the Town of Stillwater Zoning Code, adopted as Local Law No. 1 of 2001 on December 20, 2001, and Chapter 210 (Zoning) of the Stillwater Town Code, adopted as Local Law No. 5 of 2009 on February 19, 2009 pursuant to Article 16 of the New York State Town Law and Section 10 of the New York State Municipal Home Rule Law.

b. Attachments A and B hereto shall replace in its entirety and be incorporated in its stead, Appendix A to Stillwater Town Code Chapter 210 (Zoning).

c. Attachment D hereto contains additional or amended definitions to existing Article II of Chapter 210 of the Stillwater Town Code (Terminology) and shall amend and be incorporated into the Stillwater Town Code Section 210-7B (Definitions).

d. Attachment E hereto contains amendments to existing Article 7 of Chapter 210 of the Stillwater Town Code (Special Use Permit) and shall amend and be incorporated therein.

e. Attachment F hereto contains amendments to existing Section 210-8 in Article 3 of Chapter of 210 of the Stillwater Town Code (Zoning Map and Districts) and shall amend and be incorporated therein.

Section No. 5: Supersession.

By the authority contained in the NYS Constitution and the Municipal Home Rule Law, the Town Board hereby exercises its authority to supersede NYS Town Law Sections 264 and 265 regarding their 10 day prior publication requirement and instead elects to reduce the minimum prior publication period to 5 days pursuant to Municipal Home Rule Law Section 20.

Section No. 6: Effective Date.

This local law shall be effective upon its filing with the Secretary of State, but shall also be immediately effective upon anyone personally served with a copy thereof after its adoption and prior to its filing with the Secretary of State.

**Resolution #78                      Support to Repeal Executive Order Signed by Former Gov.  
Patterson Entering into Regional Greenhouse Gas Initiative**

Introduced by: Supervisor

WHEREAS, Former Governor Paterson signed an Executive Order entering the State of New York into the Regional Greenhouse Gas Initiative program without the opportunity for the residents of New York to vote on this new tax; and

WHEREAS, Americans for Prosperity New York is introducing repeal efforts by calling on local municipalities to support this task;

Now, therefore, be it

RESOLVED, that the Stillwater Town Board hereby pledges its support to the efforts of Americans for Prosperity New York to repeal the Regional Greenhouse Gas Initiative program; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Governor Cuomo, State Senator McDonald and State Assemblymen Jordan and Reilly.

**Motion** by Councilwoman Whitman and seconded by Councilman Petronis to adopt Resolution #78 of 2011.

A roll call vote was taken on Resolution #78 of 2011 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	YES
Councilwoman Whitman	YES
Councilwoman Bruno	YES

**Motion carried.** Resolution #78 of 2011 was unanimously adopted unanimously.

**Resolution #79           Appointing a Member to the Board of Assessment Review**

Introduced by: Councilwoman Bruno

WHEREAS, by virtue of the resignation of George Walko from the Board of Assessment Review, a vacancy on the Stillwater Board of Assessment and Review exists; and

WHEREAS, the Town Board has recommended that Francis Beninati be appointed to the Board of Assessment Review to fill the vacated position of George Walko; and

WHEREAS, the appointment of Mr. Beninati shall become effective as of October 1, 2011 and be for a term of five (5) years through September 30, 2016;

Now, therefore, be it

RESOLVED, that the Town Board hereby appoints Francis Beninati as a member of the Board of Assessment Review to fill the vacancy left by the resignation of George Walko, effective October 1, 2011 through September 30, 2016.

**Motion** by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #79 of 2011.

A roll call vote was taken on Resolution #79 of 2011 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	YES
Councilwoman Whitman	YES
Councilwoman Bruno	YES

**Motion carried.** Resolution #79 of 2011 was unanimously adopted unanimously.

**Resolution #80           Purchase Fill Material for Glen Hollow Park**

Introduced by: Supervisor

WHEREAS, the Stillwater Glen Hollow Park needs additional fill material for the athletic field due to areas of poor drainage and to finish the dry wells required to drain the field; and

WHEREAS, the material is needed this year to prevent unnecessary ground water collection that can cause damage to the walking trail and pavilion; and

WHEREAS, the cost of additional materials was researched and it was determined that SRE Equipment can provide the necessary material at a rate of \$9.50 per yard, which includes delivery; and

WHEREAS, the estimated quantity of material is approximately 20 loads at 10 to 20 yards per load, such that the total cost is under the threshold in the General Municipal Law for competitive bidding;

Now therefore be it,

RESOLVED, that the Town Board hereby approves the purchase of the required fill material from SRE Equipment for the Stillwater Glen Hollow Park at a cost not to exceed \$4,000.00.

**Motion** by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #80 of 2011.

A roll call vote was taken on Resolution #80 of 2011 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	YES
Councilwoman Whitman	YES
Councilwoman Bruno	YES

**Motion carried.** Resolution #80 of 2011 was unanimously adopted unanimously.

**Resolution #81          Adopting the Budget for 2012**

Introduced by:           Supervisor          

WHEREAS, during the month of October several workshops were held with regard to the proposed budget; and

WHEREAS, the Town Board proposed its Preliminary Budget at a Public Hearing that was conducted on November 3, 2011, where the Budget was reviewed and comments from the public were received;

Now, therefore, be it

RESOLVED, that the final 2012 Budget, a copy of which is on file at both the Supervisor's office and the Town Clerk's office, is hereby approved, as amended.

Discussion: Supervisor Kinowski read the following budget message. Beginning with the 2010 budget, I quickly realized budget inequities for both appropriations and distribution of revenues; and a continual use of fund balance to reconcile the budget. I also realized our debt requirements needed significant re-structuring. I worked with the Town Board to adjust the 2010 budget and re-work a number of Loans. The adjustments and loan restructuring allowed our Board to set in place a better 2011 budget year.

In 2011, we raised the budget about 4.5%, eliminated a General Outside Village Tax, lowered District Taxes by re-working loans, lowered our debt by \$ 2. 1 Million, made the budget more comprehensive by stating actual expenditures, created a Capital Project account and added the budget to our website. All this was necessary to prepare for the 2012 budget year and make the budget more visible to the public.

For 2012, our Budget proposes no tax increase, eliminates use of fund balance, creates contingency funds for both General and Highway budgets, establishes a firm Capital Project program for growth further reduces our debt and sets in place a program to reduce taxes for future years.

I believe our budget philosophy has changed to be more budget minded and more in tune to the fiscal issues facing our residents, state and nation. We will continue to work hard to insure your tax dollars are spent wisely to meet the needs of our town and secure a prosperous future.

With all the best intentions of the Town Board, the following items can impact future Budgets:

Resolving a PILOT dispute with the Mechanicville School system dating back to before 1989. (\$100K and up?)

Major repair of road ways, such as Van Ness Road. (\$300K and up?)

Major repairs to any of our very old buildings – Town Hall, Community Center or Town Garage

My Plan to approach these concerns is to build a healthy reserve account within existing budgets in the years to come.

Councilman Petronis stated that he appreciates the work that has been put into the budget but he cannot agree with the Highway budget. He does not like balancing the budget on the back of Highway and does not want to go backwards.

Councilwoman Bruno commented on the Town Highway budget. She does not feel they are doing anything on the back of the Highway or harming the resident. The taxpayer needs to come first and do what they can afford. Discussion was held on the highway budget.

Councilman Baker stated that the Highway Supt hands are tied but he will do a great job with what is budgeted.

Councilwoman Whitman stated that she does not feel they are hurting the Highway Dept. She said with benefits going high they should consider hiring part time, as needed and that it was better to pay out \$3,000 than over #50,000.

Supervisor Kinowski commented that they need to look at other options and alternatives than going with the standard practice. He feels the budget is a level playing field where they can approach it new and build on it.

**Motion** by Councilwoman Whitman and seconded by Councilwoman Bruno to adopt Resolution #81 of 2011.

A roll call vote was taken on Resolution #81 of 2011 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	NO
Councilwoman Whitman	YES
Councilwoman Bruno	YES

**Motion carried.** Resolution #81 of 2011 was adopted by a 4 to 1 vote.

### **Public Input**

Coke C questioned why Glen Hollow Park seemed to be getting everything they want. Supervisor Kinowski stated that the PDD was brought to his attention which included a park but no park was ever developed. He proceeded to go over the process which included forming a committee, they used own money, raised money and applied for grants to get the park off the ground.

Councilwoman Bruno commented that they did not increase funding for parks. Discussion continued on all parks developed and undeveloped in Town.

Art F inquired about Van Ness Hill and the drainage issue in Glen Hollow Park. Supervisor Kinowski reported that the drainage has been installed in the park and the report on Van Ness Hill was not completed.

Art G questioned how the Town Police being part time could patrol Route 67 often. Councilwoman Bruno in addition to the Town Police patrolling the Sheriff Dept and State police also patrols Stillwater.

Fran B commented on the Saratoga County sales tax and that a public hearing was being held on December 1<sup>st</sup> at 5:30 if residents were interested in attending. A discussion was held on the County budget and Maplewood Manor continuing to be run by the County or going private.

Tony B inquired if the Town budget would be placed on the website. Supervisor Kinowski stated that the final budget would be placed on the Town website.

Art F inquired about the State working on the road by Browns Beach. Supervisor Kinowski stated that they were doing patch work.

John V inquired when the Village would be receiving water from the county. Supervisor Kinowski stated that a rough estimate would be February and he should contact Saratoga Hills management for further information.

**Audited Claims**

**Motion** by Councilwoman Whitman and seconded by Councilwoman Bruno to pay the audited claims.

General	#349-#372	\$16,265.88
Town Outside	#287-#302	\$32,232.99
Highway	#427-#440	\$34,034.31
Water	#60-#64	\$379.06

**Motion carried.**

**Motion** by Councilman Petronis and seconded by Councilwoman Whitman to adjourn the Stillwater Town Board meeting at 9:25 PM. **Motion carried.**

Respectfully submitted by

Sue Cunningham  
Stillwater Town Clerk