

Resolution #14

WHEREAS, Amedore Homes has proposed to amend the Winding Brook PDD via the attached Local Law No. ___ of 2018, to be known as the Winding Brook PDD Amendment, to allow for the construction of condominiums with a small commercial component in the place of the purely commercial use approved for the proposed 25.73 acre site in the original PDD; and

WHEREAS, the applicants presented the project to the Town Board on January 19, 2017 and Public Hearings were held on May 18, 2017 and June 15, 2017, to consider the proposed amendments; and

WHEREAS, comments were received during the Public Hearings regarding traffic and the Town hired Creighton Manning Engineering to perform an independent traffic study concluding that the PDD Amendment would result in a minimal impact on traffic in the area, and

WHEREAS, concerns were expressed during the public hearings about the mix of housing types within the PDD yet the Town Code of Stillwater in Chapter 210, Article IV, Section 210-15A specifically calls for a mix of housing types and requires the Town Board to consider "whether the project provides a choice in the types of environment, occupancy tenure (e.g., individual ownership, condominium leasing), types of housing and sizes and community facilities available to existing and potential residents at all economic levels"; and

WHEREAS, the public commented during the public hearings that storm water and runoff are a concern, and the applicant has provided a Storm-water Management Report that implements a plan to mitigate storm-water runoff during and post construction; and

WHEREAS, the Town Board has considered the Full Environmental Assessment Form, the Traffic Study by CME, the Financial Analysis provided by the Applicant and each of the comments and documents submitted, some of which are listed herein; and

WHEREAS, of the 25.73 acres involved in the PDD amendment, 6.83 acres will remain for commercial use as originally approved and 14 acres will remain open space, leaving 4.9 acres or 19% for which a change of allowable uses is requested in the Amendment and 12.37 acres or 48% of which will be physically disturbed;

WHEREAS, the County Planning Board has reviewed the proposed amendments and EAF and provided its comments to the Town Board for its consideration; and

WHEREAS, in deciding the proposed action, the Town Board has considered the many public comments and documents submitted discussing the PDD Amendment, as well as several relevant and previous studies affecting the area comprising the proposed PDD Amendment including, but not limited to, the following:

- Town Ordinance No. 2 of 1993 establishing the Winding Brook PDD;
- 2001 Zoning Code (Local Law No. 1 of 2001) and amendment thereto;
- 2006 Town Comprehensive Plan;
- LFTC Planned Development District and GEIS, with environmental and traffic impact studies;
- Town wide GEIS with incorporated environmental and traffic impact studies;
- Town Law Article 16, including but not limited to Sections 261 through 265 regarding Zoning amendments;
- General Municipal Law Section 239-l and 239-m;
- Local Law No. 5 of 2012 amending the Winding Brook PDD;
- Application with Map, Narrative and EAF received July 11, 2016;
- Project Review letter of Paul K. Male, P.E. dated September 27, 2016;
- Project Review letter of James P. Trainor, Esq. dated October 12, 2016;

- Applicant's response letter dated October 20, 2016 regarding Objectiveness and Considerations;
- Applicant's presentation and public comments at the January 19, 2017 Town Board Meeting;
- Applicant's revised application with map, narrative and EAF received February 1, 2017;
- Presentation and public comments at the May 18, 2017 Town Board Public Hearing;
- Applicant's revised local law language, narrative and map received June 5, 2017;
- Presentation and public comments at the June 15, 2017 Town Board Public Hearing;
- Town's Traffic Evaluation done by Creighton Manning Engineers dated November 13, 2017;
- Lansing Engineering's Fiscal Impact Analysis dated February 13, 2018;
- Presentation by Amedore Homes, Lansing Engineering and Creighton Manning Engineers, and public comments and submissions at or as part of the Town Board Public Hearing on February 15, 2018 regarding the PDD Amendments.

WHEREAS, the Town will address development concerns for Saratoga Lake quality and water shed areas through implementation of new Storm Water Management (MS4) programs and other methods not employed in the past; and

WHEREAS, the Town will continue to address and work closely with State and County agencies to insure major roadways are maintained and improved to meet current and future traffic demands; and

Now therefore be it

RESOLVED, that the time period for receiving public comments and submissions, as well as the extended public hearing, is now closed; and be it further

RESOLVED, that the Town Board hereby adopts Local Law No. ____ of 2018, a Local Law Approving the Winding Brook PDD Amendment and amending Local Law No. 1 of 2001 and Chapter 211 of the Town Code as attached hereto;

RESOLVED, that the Town Clerk shall immediately post and publish notice of the adoption of this Resolution in the Express or Gazette with a descriptive summary or extract of the PDD Amendment within 5 days pursuant to Article 16 of the Town's Zoning Code and obtain Affidavits of Publication therefore; and be it further

RESOLVED, that the Town Clerk file a certified copy of Local Law No. ____ of 2018 with the New York Secretary of State within 20 days of its adoption and shall file a copy of the local law with the County Planning Agency and the Town Planning Board; 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 maintain a separate file for zoning changes, and be it further

RESOLVED, that the Town Clerk shall include the text of the local law within or attached to the minutes of this Town Board meeting per Town Law §265(2).