

**TOWN OF STILLWATER
PLANNING BOARD MEETING MINUTES
STILLWATER TOWN HALL
February 24, 2020 @ 6:30 PM**

Present:

**Chairman Peter Buck (PB)
Frank Bisnett (FB), Member
Heather Ferris (HF), Member
Randy Rathbun (RR), Member
Marybeth Reilly (MR), Member
Dale Smith (DS), Member**

Also Present:

**James Trainor, Attorney for the Town (JT)
Lindsay (Zepko) Buck, Town Planner (LB)
Sheila Silic, Secretary**

Absent:

**Paul Male, Town Engineer, (PM)
Carol Marotta, (CM), Vice-Chairperson
Kimberlee Marshall (KM) Alternate Member
Ellen Vomacka, Town Board Liaison**

Pledge:

Chairman Buck called the meeting to order at 6:30 PM and led everyone in the Pledge to the Flag.

Review and approval of minutes of Planning Board meeting:

Mr. Rathbun made a motion to approve the minutes from November 18, 2020, seconded by Mr. Bisnett. The motion passed unanimously. Mr. Rathbun made a motion to approve the minutes from January 27, 2020, seconded by Mr. Bisnett. The motion passed unanimously.

PB2019-24 Himler, Minor Subdivision, 22 NYS Route 423

Chairman Buck recognized Mr. Jason Hover Esq. of Hover and Mackowski PLLC. who is representing Ms. Marsha Himler this evening. Mr. Hover stated that the applicant is proposing a 2-lot subdivision which encompasses both the northern and southern portion of the parcel located at 22 NYS Route 423. Mr. Hover stated that Ms. Himler would like to maintain ownership of the northern portion of the property which is located on the corner of NYS Route 423 and Gronczniak Road and sell the southern portion of the property located on the corner of NYS Route 423 and Blizzard Road.

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

Michael Toma 131 Blizzard Road

Mr. Toma stated that his residence is adjacent to Ms. Himler’s parcel. Mr. Toma asked if the subdivision would potentially add a new entrance from Blizzard Road onto the parcel instead of the existing entrance off of NYS Route 423. Mr. Hover stated that the potential purchaser has not proposed a new entrance off of Blizzard Road onto the property at this time. Mr. Hover stated that at the January 27, 2020 Planning Board Meeting there was a discussion regarding possibly adding an entrance off of Blizzard Road if a dwelling was put on the property. Mr. Toma stated that there is no mandate that states the need for a new entrance onto the property from Blizzard Road verses the entrance off of NYS Route 423 as unacceptable. Chairman Buck stated that a new entrance for ingress and egress from Blizzard Road will be a stipulation for any new improvements on the site. Mr. Rathbun asked Mr. Toma if he was concerned with this parcel having a driveway entrance onto Blizzard Road. Mr. Toma stated that he did not have concerns regarding the driveway onto Blizzard Road.

Richard Dantz 427 County Route 76

Mr. Dantz stated that he does not believe that the NYS Department of Transportation would approve a new driveway curb cut onto NYS Route 423 due to the lack of line of site in that area.

Chairman Buck made a motion to close the public hearing seconded by Mr. Rathbun. A roll call vote was taken.

Chairperson Buck	Yes
Member Bisnett	Yes
Member Ferris	Yes
Member Marotta	Absent
Member Marshall	Absent
Member Reilly	Yes
Member Smith	Yes
Member Rathbun	Yes

Mr. Hover stated that he has concern regarding a single-family dwelling in the future and having to put a driveway in off of Blizzard Road when there is an existing driveway onto Route 423. He asked how a single family home would increase the traffic onto NYS Route 423. Mr. Trainor stated that the lot is a non-conforming parcel and it would make the lot more non-conforming by using the existing driveway. Mr. Trainor stated that the stipulation would be added to the file and would be fulfilled when the single-family dwelling is placed on the parcel.

Mr. Bisnett stated that the Planning Board is referring to the safety issues in regards to the line of site onto NYS Route 423.

Mr. Smith stated that it is not a personal issue with the Planning Board but has to do with the safety issues for ingress and egress from the property.

Mr. Rathbun stated that according to the Zoning Code it is the Planning Boards responsibility to make a non-conforming lot more conforming.

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

**TOWN OF STILLWATER
PLANNING BOARD
2020 RESOLUTION NO. 7**

WHEREAS, Marsha Himler has submitted an application for subdivision approval regarding property located at 22 Route 423, Stillwater, NY 12170, more fully identified as Tax Map Number 220.-1-33.1; 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, Marsha Himler, for a subdivision approval regarding property located at 22 Route 423, Stillwater, NY 12170, more fully identified as Tax Map Number 220.-1-33.1, will not have a significant impact on the environment.

A motion by Member Ferris, seconded by Member Bisnett, to adopt Resolution No. 7.

A roll call vote was taken on Resolution No. 7 as follows:

Chairperson Buck	Yes
Member Bisnett	Yes
Member Ferris	Yes

Member Marotta	Absent
Member Marshall	Absent
Member Reilly	Yes
Member Smith	Yes
Member Rathbun	Yes

Resolution No. 7 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on February 24, 2020.

**TOWN OF STILLWATER
PLANNING BOARD
2019 RESOLUTION NO. 8**

WHEREAS, Marsha Himler has submitted an application for subdivision approval regarding property located at 22 Route 423, Stillwater, NY 12170, more fully described as Tax Map No. 220.-1-33.1; and

WHEREAS, a public hearing was conducted on February 24, 2020 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. 7 of 2020; and

WHEREAS, the Planning Board has duly considered the application;

Now, therefore, be it

RESOLVED, that the application of Marsha Himler, for subdivision approval of lands located at 22 Route 423, Stillwater, NY 12170, more fully identified as Tax Map Number 220.-1-33.1, is hereby GRANTED; and be it further

RESOLVED, that the approval is conditional, provided the applicant comply with the following conditions:

1. Because of the non-conforming structures existing on the property, at the time the southern parcel is developed in any way, the only allowed ingress or egress from the southern property shall be to and from Blizzard Road and the existing driveway to/from Route 423 on the southern parcel shall be blocked and its use discontinued.

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 Rathbun, seconded by Member Smith, to adopt Resolution No. 8.

A roll call vote was taken on Resolution No. 8 as follows:

Chairperson Buck	Yes
Member Bisnett	Yes
Member Ferris	Yes
Member Marotta	Absent
Member Marshall	Absent
Member Reilly	Yes
Member Smith	Yes
Member Rathbun	Yes

Resolution No. 8 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on February 24, 2020.

PB2020-01 Dalrymple Sign Application, 15 Grace Moore Road

Chairman Buck recognized Mr. Peter Peculis Jr. of R.M. Dalrymple who presented the project before the Board. Mr. Peculis Jr. stated that the project property is located at 15 Grace Moore Road. Mr. Peculis Jr. stated that they would like to erect a 4 ft. x 4 ft., double sided, freestanding, non-illuminating sign at the entrance of the company driveway. Mr. Peculis Jr. stated that the sign would 6.5ft in height and would be placed 6 ft. from the edge of Grace Moore Road. Mr. Peculis Jr. stated that the reason for the sign is for receiving deliveries and so that Saratoga Lake Golf Course customers know that this not the entrance to the Saratoga Lake Golf Course and Banquet Hall.

Chairman Buck stated that it came to the Board’s attention that there was significant ground disturbance, clearing, and filling going on at the site. Mr Buck called Mr. Male, Town Engineer, regarding the excavating, removal of trees, and fill that has been brought onto the site without the proper Site Plan Review. Chairman Buck stated that Mr. Male has suggested that the sign application be tabled due to site work being done without the proper review. Mr. Peculis stated that he was unaware of the proper procedures and wants to do the site work according the Town of Stillwater Zoning Code.

Mr. Rathbun asked Mr. Peculis Jr. if he would explain to the Board what work is being done on the site. Mr. Peculis stated that that a drawing was brought before the Planning Board and it was his understanding that the Planning Board approved the drawing. Ms. Lindsay Buck stated that that there were preliminary discussions regarding the parcel in a meeting held in the Planning Department but there was no formal application submitted for review. Mr. Peculis Jr. stated that they have installed a silt fence to stop any sediment run off from the property, removed trees and

brought in fill to make the site level to the existing grade of the property. Mr. Peculis Jr. stated that the buildings that are on the site now are out dated and they want to put up a new building that will house material and equipment on the site. Mr. Peculis Jr. stated that they have not decided on the size of the building as of yet.

Ms. Lindsay Buck stated that all work to the site has to stop. Ms. Lindsay Buck stated that a full Site Plan needs to be submitted which includes engineer drawings and a SWPPP and the project has to be presented to the Planning Board before you can do any additional work on the site. Ms. Lindsay Buck stated that in regards to the sign this seems to be a safety issue for ingress and egress. Ms. Lindsay Buck stated that it is up to the Planning Board if the members want to approve the sign application provided that there is no additional ground work disturbance on the site.

Mr. Trainor stated that the application would need to be reviewed by the Saratoga County Planning Board. Ms. Lindsay Buck stated that there was an error in Mr. Male's comment letter dated February 23, 2020. Ms. Lindsay Buck stated that referral to the County would only be triggered if the sign is in the County right-of-way or within 500 ft. of another municipality. Ms. Lindsay Buck stated that there is no need for a county referral.

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

**TOWN OF STILLWATER
PLANNING BOARD
2020 RESOLUTION NO. 9**

WHEREAS, R.M. Dalrymple has submitted an application for sign site plan review regarding property located at 25 Grace Moore Road, Stillwater, NY 12170, more fully identified as Tax Map Number 231.-1-37.2; 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, R.M. Dalrymple, for sign site plan review regarding property located at 25 Grace Moore Road, Stillwater, NY 12170, more fully identified as Tax Map Number 231.-1-37.2, will not have a significant impact on the environment.

A motion by Member Ferris, seconded by Member Bisnett, to adopt Resolution No. 9.

A roll call vote was taken on Resolution No. 9 as follows:

Chairperson Buck	Yes
Member Bisnett	Yes
Member Ferris	Yes
Member Marotta	Absent
Member Marshall	Absent
Member Reilly	Yes
Member Smith	Yes
Member Rathbun	Yes

Resolution No. 9 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on February 24, 2020.

**TOWN OF STILLWATER
PLANNING BOARD
2019 RESOLUTION NO. 10**

WHEREAS, R.M. Dalrymple has submitted an application for sign site plan review regarding property located at 25 Grace Moore Road, Stillwater, NY 12170, more fully described as Tax Map No. 231.-1-37.2; 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 sign site plan review; and

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 9 of 2020; and

WHEREAS, the Planning Board has duly considered the application;

Now, therefore, be it

RESOLVED, that the application of R.M. Dalrymple, for sign site plan review of lands located at 25 Grace Moore Road, Stillwater, NY 12170, more fully identified as Tax Map Number 231.-1-37.2, is hereby GRANTED; and be it further

RESOLVED, that the approval is conditional, provided the applicant comply with the following conditions,:

1. No further disturbances to soil or trees until Site Plan Review of the entire parcel is completed;
2. A building permit is required for the sign;
3. Applicant agrees to relocate the new sign if required as part of the entire parcel Site Plan Review.

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 Rathbun, seconded by Member Reilly, to adopt Resolution No. 10.

A roll call vote was taken on Resolution No. 10 as follows:

Chairperson Buck	Yes
Member Bisnett	Yes
Member Ferris	Yes
Member Marotta	Absent
Member Marshall	Absent
Member Reilly	Yes
Member Smith	Yes
Member Rathbun	Yes

Resolution No. 10 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on February 24, 2020.

Chairman Buck opened the floor to the public.

Richard Dantz 427 County Route 76

Mr. Dantz asked about the sign for the Saratoga Lake Golf Club and Banquet Hall and if the sign was approved by the Planning Board. Mr. Dantz stated that the sign is much larger than the previous sign. Mr. Dantz stated that sign is located on County Route 76 and across from Grace Moore Road.

Chairman Buck closed the floor to the public.

Mr. Rathbun inquired if there was an updated Work in Progress memo. Ms. Lindsay Buck stated that she would update it and email it out to the Board. Mr. Rathbun asked about Zoning Enforcement and when specific areas were to be looked at in Town. Ms. Lindsay Buck stated to direct that question to Mr. Paul Male when he returns sometime in April.

A motion to adjourn was made by Ms. Ferris and seconded by Mr. Bisnett at approximately 7:10 pm.