

**PLANNING BOARD MEETING
TOWN OF STILLWATER
STILLWATER TOWN HALL
September 26, 2022 @ 6:00 PM**

Present:

**Chairman Peter Buck (PB)
Frank Bisnett (FB), Member
Heather Keefer (HK), Member
Carol Marotta, (CM), Vice-Chairperson
Randy Rathbun (RR) Member
Marybeth Reilly (MR) Member
Dale Smith (DS), Member**

Also Present:

**James Trainor, Attorney for the Town
Paul Male, Town Engineer, (PM)
Lindsay (Zepko) Buck, Senior Planner (LB)
Sheila Silic, Secretary
Ellen Vomacka, Town Board Liaison**

Absent:

Kimberlee Marshall (KM) Alternate Member

Pledge:

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

Review and approval of minutes of Planning Board meeting:

Mr. Bisnett made a motion to approve the June 27, 2022 meeting minutes, seconded by Mr. Rathbun. Motion passed unanimously. Mr. Bisnett made a motion to approve the August 22, 2022 meeting minutes, seconded by Mr. Rathbun. Motion passed unanimously.

PB2022-15 Luther Forest Business Park Lot 2 Site Plan, Luther Forest Blvd

Chairman Buck recognized Mr. Scott Lansing of Lansing Engineering who is representing the applicant for Luther Forest Business Park. Mr. Lansing stated: Ms. Moran of VHB Traffic Engineers is also present this evening. This project is part of the Luther Forest Business Park. There are two parcels. The northern parcel consists of 15.89-acres and the southern parcel consists of 46.13-acres. The parcel was subdivided as part of the Forest Ridge Apartment project. The parcel is separated by Shenandoah Drive which is currently under construction. The proposed lot is currently vacant. The proposed Site Plan is for Lot 2 which consists of 4.55-acres which will include two buildings. The first building is 23,550 Sq. Ft and the second building is 21,000 Sq. Ft. for a total of 44,550 Sq. Ft. Each building includes 1,500 Sq. Ft. modules which are business suites. Each of these business suites will have an overhead door, entrance door, and an ADA restroom. The modules are for light industrial uses, warehouse and office space. The

structures are one-story 26 Ft. in height. Access for ingress and egress for the development will be off Shenandoah Drive. They are proposing 60 parking spaces for the site and banking 34 spaces for a total of 94 spaces. There is 44% green space on the site which is over what the Town of Stillwater Zoning Code requires. The project is within the zoning requirements.

Chairman Buck proceeded to open the public hearing and asked if anyone wished to comment, hearing none he closed the public hearing. Ms. Reilly made a motion to close the public hearing seconded by Mr. Rathbun. A roll call vote was taken.

Chairman Buck	Yes
Member Bisnett	Yes
Member Keefer	Yes
Member Marotta	Yes
Member Reilly	Yes
Member Smith	Yes
Member Rathbun	Yes

Mr. Bisnett asked about the interconnectivity between the modules. Mr. Lansing stated that the modules are constructed in a way that would allow for the interconnectivity between the modules. Mr. Bisnett asked if the parking is sufficient should the uses change within the modules. Mr. Lansing stated that is correct. Mr. Bisnett asked about the trail connectivity to the existing trails. Mr. Lansing stated that trail was located in the most convenient area to connect to the existing trails.

Ms. Marotta asked about having all businesses on one cul-de-sac. Mr. Lansing stated that tractor trailers, small trucks and other vehicles can access the entire site. Mr. Lansing stated that the vehicle movements in and around the site meets the International Fire Code. Ms. Marotta asked about sidewalks. Mr. Lansing stated that there is a striped area by the buildings which are handicap accessible walkway. Ms. Marotta asked if the uses that are proposed fit within the zoning. Mr. Male stated that there is a section in the Town of Stillwater Zoning Code regarding change of occupancy. Ms. Marotta stated that the Town would need to know what chemicals/materials are being used on the site. Ms. Marotta asked if the overhead doors would remain open during regular business hours. Mr. Lansing stated that the overhead doors may remain open for fresh air.

Chairman Buck stated that the traffic was addressed at a prior meeting. Chairman Buck stated that there are different access points within the project that can be used. Mr. Lansing stated that is correct.

Ms. Lindsay Buck asked about moving the ADA parking spaces closer to the entrance door and asked the Planning Board members if they would like to review the change in tenants. Mr. Bisnett stated that reviewing the new tenants would allow the Planning Board to make sure that the new tenants meet the required zoning uses. Ms. Lindsay Buck stated that the Building Department could have each tenant apply for an operating permit. Ms. Lindsay Buck stated that

would allow the Planning and Building Department to have contact information for each tenant. Ms. Lindsay Buck asked about signage details for the project. Mr. Lansing stated that he does not believe the sign details are included on the plans. Ms. Lindsay Buck asked if the sign would have the name of the development. Mr. Lansing stated that is correct. Ms. Lindsay Buck asked about signage on each building. Mr. Lansing stated that each building would have a sign for customers to find a particular building/suite for which they are visiting.

Mr. Trainor stated that the cul-de-sac is a Town Road and the access within the site are private drives. Mr. Lansing stated that is correct. Mr. Trainor asked about the cross-reference easements for stormwater which are between parcel owners and not the Town of Stillwater. Mr. Lansing stated that is correct. Mr. Trainor asked Mr. Male if the Town of Stillwater does annual fire inspections. Mr. Male stated that they are reviewing and making changes to how fire inspections have been done in the past. Mr. Male stated that with the new building inspector the fire inspection should be more efficient. Mr. Trainor asked Mr. Male if the building inspector does not believe that the business is within the required uses of the zoning code what steps would be taken. Mr. Male stated that the business/tenant would need to come before the Planning Board for review. Mr. Trainor stated or the Zoning Board for an interpretation.

Mr. Male stated that the new occupant would need to come before the Planning Board for review. Mr. Male stated that the modules would need fire separation for possible fire code issues. Mr. Lansing stated that an architect drew up plans that show the firewall separation and the buildings will all have sprinkler systems. Mr. Male stated that each tenant could submit a narrative regarding what type of business and what materials are used for that particular business. Mr. Male stated that the Planning Department could review the narrative and submit their comments and/or the narrative for the Planning Board to review.

Mr. Bisnett made a motion for the Town of Stillwater Planning Board to be Lead Agency for SEQRA, seconded by Ms. Keefer.

**TOWN OF STILLWATER
PLANNING BOARD
2022 RESOLUTION NO. 17**

**A RESOLUTION DECLARING INTENT TO SERVE AS LEAD AGENCY
REGARDING THE LUTHER FOREST BUSINESS PARK LOT 2 SITE PLAN**

WHEREAS, the Luther Forest Corporation has submitted its Site Plan Application for Lot 2 of the Luther Forest Business Park to the Town of Stillwater and several reviews were undertaken; and

WHEREAS, the Town of Stillwater Planning Board conducted a public hearing on the site plan on September 26, 2022 and the SEQRA aspects of the project were presented and discussed.

WHEREAS, although Lot 2 by itself is 4.55 acres, the area being developed

simultaneously as a stormwater management area is 6.48 acres, making the total area of disturbance 11.03 acres.

NOW, therefore, be it

RESOLVED, that the Town of Stillwater Planning Board hereby closes the public hearing, classifies the project as a Type I action, declares its intent to serve as Lead Agency for SEQRA purposes and requests the Town’s Senior Planner to circulate a Notice of Intent to all involved and interested agencies regarding the coordinated review of Luther Forest Business Park Lot 2 site plan application.

A motion by Member Bisnett, seconded by Member Keefer, to adopt Resolution No. 17 of 2022.

A roll call vote was taken on Resolution No.17 as follows:

Chairman Buck	YES
Member Bisnett	YES
Member Keefer	YES
Member Marotta	YES
Member Rathbun	YES
Member Reilly	YES
Member Smith	YES

Resolution No. 17 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on September 26, 2022.

PB2021-14 Bocrest Fields Site Plan , Halfway House Rd/Brickyard Rd
PB2021-19 & Minor Subdivision, Brickyard Rd

The above projects were reviewed simultaneously

Chairman Buck recognized Mr. Frank Palumbo of CT Male Associates representing Bocrest Fields.

Mr. Palumbo:

Mr. Ed Kies of DeCresente Distributing Co. and Mr. Ed Salsibury of Hodorowski Development Co. are also present this evening. They received PDD approval on August 18, 2022 from the Stillwater Town Board. They were last before the Planning Board on July 25, 2022 for recommendation of the PDD to the Town Board. The developer has incorporated first floor patios and balconies on the second and third floor apartment units. There is green space around the apartment buildings and they will have picnic tables for the tenants to use. They incorporated into the PDD Language the potential for a clubhouse, pool and other recreational amenities. The developer is not phasing the project and will build 4-apartments building per year and when those apartments are occupied they will build another 4-apartment building. That the bike extension will access the Town of Stillwater bike/walking path. They received Mr. Male’s comment letter dated September 6, 2022 and submitted a quick response to the comment letter.

They will work closely with Mr. Male and Ms. Lindsay Buck to address all the comments. Mr. Male had questions in regards to comment #6 regarding the number of parking spaces per unit. The T3N Zoning requires 1.5 parking spaces per unit. The Planning Board was shown the location of the primary and secondary parking spaces on the renderings. Carports were suggested and incorporated into the PDD Language but, are not part of the plans at this time. The roadways will be privately owned and the development will be privately maintained. They have been working with NYS DEC on wetlands permits. The development will be serviced by public water and sewer.

Mr. Male:

Will the development have a boulevard?

Mr. Palumbo:

It is not feasible for the project to do a boulevard as it would be very close to the 100 Ft. wetland buffer. He showed the Planning Board the maneuverability of the roadway to accommodate emergency vehicles. The bike path extension would have removable bollards for emergency vehicle access to the site. He asked if the Planning Board would consider affirming the SEQRA for the Site Plan as it was reviewed by the Town Board. He asked if the public hearing could be scheduled for the October Planning Board meeting.

Ms. Marotta asked if the Planning Board could receive a copy of Mr. Palumbo's responses to Mr. Male's comment letter. Ms. Lindsay Buck stated that she would email the response letter to the Planning Board members. Ms. Marotta asked how many apartment buildings are being proposed. Mr. Palumbo stated that there are 13 apartment buildings. Ms. Marotta asked about the infrastructure for the development. Mr. Palumbo stated each apartment will have grinder pumps. Mr. Palumbo showed the Board where the sewer connections are on the map. Mr. Palumbo stated that the water lines would be the Town of Stillwater's decision on how they want the developer to tie into the town water line. Ms. Marotta stated that the development is not being developed in phases. Mr. Palumbo stated that is correct. Ms. Marotta asked about charging station for electrical vehicles. Mr. Palumbo stated that they will review the layout of the development to find the appropriate placement for the charging stations.

Chairman Buck asked if natural gas will be supplied to the development. Mr. Palumbo stated that they contacted New York State Electric and Gas and National Grid and they both were not receptive.

Ms. Marotta made a motion to schedule the public hearing, seconded by Mr. Bisnett. A roll call vote was taken. Ms. Marotta made a motion for the Town of Stillwater Planning Board to declare Lead Agency for SEQRA, seconded by Mr. Bisnett

**TOWN OF STILLWATER
PLANNING BOARD
2022 RESOLUTION NO. 18**

WHEREAS, Bocrest Field LLC. has submitted an application for Site Plan Review regarding property located at Brickyard Road and Halfway House Road, more fully described as Tax Map No. 253.-00-2-25; and

WHEREAS, the Planning Board has conceptually reviewed the application and determined the number of units to be constructed exceeds 200.

Now, therefore, be it

RESOLVED, that a public hearing on the application be set for October 24, 2022, and the Planning Board Secretary is requested to publish appropriate notice of the Public Hearing; and be it further

RESOLVED, that the Town of Stillwater Planning Board hereby classifies the project as a Type I action, declares its intent to serve as Lead Agency for SEQRA purposes and requests the Town's Senior Planner to circulate a Notice of Intent to all involved and interested agencies regarding the coordinated review of the Bocrest Fields LLC site plan application.

A motion by Member Marotta, seconded by Member Bisnett, to adopt Resolution No. 18.

A roll call vote was taken on Resolution No. 18 as follows:

Chairperson Buck	YES
Member Bisnett	YES
Member Keefer	YES
Member Marotta	YES
Member Reilly	YES
Member Smith	YES
Member Rathbun	YES

Resolution No. 18 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on September 26, 2022.

Mr. Palumbo stated: The applicant is proposing a 3-lot subdivision located on Brickyard Road and Halfway House Road. Lot 1 will consist of 83.50-acres which is the apartment project, Lot 2 will consist of 1.65-acres and Lot 3 will consist of 1.51-acres which are designated for single-family dwellings. That the PDD process requires a variety of housing and this is the applicants attempt at accomplishing that requirement.

Mr. Rathbun asked if the rear of the parcel is all wetlands. Mr. Palumbo stated that they have an agreement with NYS DEC and the Army Corp of Engineers for that to be designated wetlands.

Mr. Keis stated that he asked NYS DEC if solar panels could be placed in that area. Mr. Keis stated that NYS DEC refused the request for solar panels. Mr. Palumbo stated that they will leave the wetlands area as forever wild.

Ms. Reilly made a motion to schedule the public hearing, seconded by Mr. Rathbun. A roll call vote was taken.

Chairperson Buck	Yes
Vice Chairwoman Marotta	Yes
Member Bisnett	Yes
Member Keefer	Yes
Member Reilly	Yes
Member Rathbun	Yes
Member Smith	Yes

PB2022-07 Colonial Road Cluster Subdivision, Colonial Road

Chairman Buck recognized Mr. Nicholas Zeglen of Environmental Design Partnership who is representing Malta Development. Mr. Zeglen stated: Mr. Thomas Samascott of Malta Development is also present this evening. They have had a couple of variations for the subdivision. They met in July with the Planning Department and a couple of Planning Board members. The applicant has decided to do a conventional subdivision on the property. They are extending the roadway to the southern property line in the rear of the project which would allow for future development of the adjacent lots. They were advised that Mr. Harris, Stillwater Highway Superintendent would prefer a hammer head turn around instead of a cul-de-sac. The project will be serviced by public water and sewer; stormwater will be on site. They would like to be able to move forward with detailed engineering plans. They are presenting the conceptual subdivision plans this evening to receive comments and/or concerns from the Planning Board.

Chairman Buck asked Mr. Male about his comment letter regarding the subdivision. Mr. Male stated that his comments are in regard to concepts 1.2 and 1.3. Mr. Male stated that Ms. Lindsay Buck had asked for comments from the Planning Board regarding each of the concepts.

Ms. Lindsay Buck stated that the information received from some of the Planning Board members was more favorable for the 23-lot subdivision. Ms. Lindsay Buck stated that a drainage district would need to be formed for that neighborhood. Ms. Lindsay Buck stated that drainage district could be part of the road dedication procedure.

Ms. Marotta asked how many lots were proposed with the cluster conservation subdivision. Ms. Lindsay Buck stated that there were 24-lots proposed. Ms. Marotta asked about the stormwater area in the front of the project. Mr. Zeglen stated that there was a stormwater area on Lot 1 but that Lot 3 would be more preferable. Ms. Lindsay Buck stated that would be a better option for

the stormwater basin. Ms. Lindsay Buck stated that the applicant would then develop Lot 1. Mr. Zeglen stated that is correct. Ms. Marotta asked about sidewalks along Colonial Road. Mr. Zeglen stated that they are proposing a sidewalk along the road in the development. Mr. Zeglen stated that they are not proposing any sidewalks along Colonial Road.

Mr. Trainor stated the stormwater and the roadway would be dedicated to the Town of Stillwater. Mr. Zeglen stated that is correct. Mr. Trainor asked about access to the stormwater areas. Mr. Zeglen stated that there will be a 10 Ft. to 12 Ft. access road off the main development road to access the stormwater areas. Mr. Trainor stated that the Town of Stillwater would be able to access all the stormwater areas. Mr. Zeglen stated that is correct.

Mr. Rathbun stated that the concept that he prefers is Concept 13. Mr. Rathbun asked about any issues with the flag lots being so close to the wetlands. Mr. Rathbun asked about the site distance. Mr. Zeglen stated that they will review the site distance but, does not believe there are any issues. Mr. Rathbun asked if the water would be serviced by the Town of Stillwater or the Village of Stillwater as the project is in the Town. Mr. Zeglen stated that the water servicing the development is the Village of Stillwater.

The Planning Board tabled the project for further engineering review.

PB2019-07 Colonial Road Apartments Site Plan, Colonial Road

Chairman Buck recognized Mr. Cosmo Marfione President of The BDC Group. Mr. Marfione stated: On June 21, 2022 they received a negative declaration from the Village of Stillwater who was Lead Agency for SEQRA. They would briefly recap the project for the Planning Board. Mr. Nicholas Costa of Advance Engineering and Surveying PLLC and Mr. Derrick Cotler of Cotler Architecture are also present this evening. They seeking approval of the project this evening.

Mr. Marfione turned the presentation over to Mr. Costa. Mr. Costa stated: They have worked with the Village of Stillwater on the project. That the project is in both the Town/Village of Stillwater with the frontage on Colonial Road which is in the Village of Stillwater. That the parcel is 24.45+/-acres on the west side of Colonial Road. They are proposing 8 apartment buildings with 16-units and 5 apartment buildings with 10-units for a total of 178 apartments. He showed the Planning Board the layout for the apartments, the location of the wetland areas and there is one access into the development for ingress and egress with a cul-de-sac. The roadway, sanitary sewer, water on the site, and stormwater management areas will be privately owned and maintained by the BDC Group. The public sewer and water will be serviced by the Village of Stillwater. They will have the analysis of the pump station on NYS Route 4 that will address Mr. Male's comments. There will be a meter pit for the public water. The stormwater from the roadway and the parking areas will drain into the stormwater areas and there are access roads to the stormwater areas. The stormwater management areas are in accordance with the NYS DEC manual and the Town/Village stormwater requirements. There are sidewalks from the development to the playground on Major Dickerson Avenue. They have received Mr. Male's comment letter.

Mr. Costa turned the presentation over to Mr. Derrick Cotler. Mr. Cotler stated: The proposed apartments are 3-story buildings with different types of siding and stone facades. The roofs will be a mix of shingles and gable metal roofing with dormers. The first-floor apartments will have patios and the second-floor apartments will have in-set balconies. There are 2-types of apartment buildings: there are 16-unit and 10-unit buildings. There are 2-types of apartment units. There are flats which are all on one floor and a townhouse style. All the apartment buildings will have sprinkler systems installed and fire walls. There are no elevators proposed for the apartments. All first-floor apartments are ADA Adaptable. The development meets all the T5 zoning requirements.

Mr. Rathbun asked about the location of the sidewalks. Mr. Marfione stated that the sidewalks are along Colonial Road, Broughton Lane and Major Dickerson Avenue. Mr. Rathbun asked if there are any road improvements or is it strictly sidewalks. Mr. Marfione stated that it is strictly sidewalks. Mr. Rathbun stated that sidewalks are an improvement to Colonial Road but there are serious issues with that intersection. Mr. Rathbun stated that the narrative states that the majority of the parcel is located in the Village of Stillwater. Mr. Rathbun stated that the majority of the apartment buildings are in the Town of Stillwater. Mr. Rathbun asked if the Village of Stillwater will bill for water and sewer for the portion of the project in the village and the Town of Stillwater will bill for the portion in the town. Mr. Male stated that he believes that there will be a master meter for the apartments. Mr. Marfione stated that the water and sewer will be paid to the Village of Stillwater. Mr. Marfione stated that there are no apartments built on the Village/Town line. Mr. Rathbun stated that the Village of Stillwater approved the project with conditions. Mr. Rathbun asked what those conditions were. Ms. Lindsay Buck showed Mr. Rathbun the resolution with the conditions.

Mr. Male stated that they submitted a plan that shows the sidewalks improvements. Mr. Marfione stated that they are improving the parking area at the park. Mr. Male stated that was included with the sidewalk plan. Mr. Male stated that he specifically asked the traffic consultants to review the intersection with two school buses passing at the same time. Mr. Male stated that at the request of the Planning Board he asked the traffic engineer to add that to the traffic study. Mr. Male stated that the Town of Stillwater has no jurisdiction over what the town can tell the Village of Stillwater what they can or cannot do with their roadways.

Mr. Smith asked Mr. Marfione and Mr. Costa if they have visited the intersection at Colonial Road and Broughton Lane. Mr. Costa stated that he had visited the intersection. Mr. Smith stated that there are no improvements to the intersection. Mr. Costa stated that they are installing a stop bar and a stop sign which is what was recommended by the traffic analysis. Mr. Smith stated that there needs to be some sort improvement to that intersection. Mr. Smith stated that the sidewalks are not going in the direction of school but, in the direction of the village. Mr. Costa stated that the Village of Stillwater agreed to the sidewalks leading to the playground as the extent of the improvements. Mr. Smith stated that sidewalks will make Colonial Road and Broughton Avenue smaller. Mr. Costa stated that the sidewalks are not taking any width away from Colonial Road or Broughton Lane. Mr. Smith asked if the Planning Board does not approve the town portion of the project they would not be able to do the village portion of the project. Mr. Male stated that is correct.

Chairman Buck stated that he agrees with Mr. Smith's concerns with intersection at Colonial Road and Broughton Avenue.

Ms. Vomacka asked where the entrance of the development is located off Colonial Road. Mr. Costa showed Ms. Vomacka the location of the entrance on the map. Ms. Vomacka asked about a stop sign on Major Dickerson and a speed bump on Broughton Lane. Ms. Vomacka stated that the school buses would not be entering the development. Mr. Male stated that the school buses will not go onto privately owned roadways.

Ms. Lindsay Buck stated from a building permit perspective they will need to work out an intermunicipal agreement with the Village of Stillwater regarding construction inspections and stormwater inspections. Mr. Marfione stated that they need to apply to the Village of Stillwater for building permits for the apartments that are located in the Village. Ms. Lindsay Buck stated that is correct. Ms. Lindsay Buck stated that the Planning Department will coordinate construction meetings with both entities, the applicant, and all who will be involved with the project.

Mr. Bisnett stated that he is very uncomfortable with the language regarding to the 15 conditions placed in the resolution by the Village of Stillwater Board. Ms. Lindsay Buck stated that she had a conversation with some of the Village Board members regarding the resolution. Ms. Lindsay Buck stated that the Village Board's goal was to be more encompassing of the project. Ms. Lindsay Buck stated that she believes that the Village Board included everything that would need to be included in the resolution. Mr. Bisnett asked if the Planning Board should draft their own language for the resolution. Ms. Lindsay Buck stated that the Planning Board would place their own conditions on the resolution. Ms. Lindsay Buck stated that the Planning Board does not have to adopt any of the language from the Village of Stillwater's resolution. Mr. Bisnett stated that the conditions that the Planning Board places on the resolution have to be met before the any building permits are issued. Ms. Lindsay Buck stated that is correct.

Ms. Marotta stated that the Planning Board is doing Site Plan Review for the entire project. Ms. Lindsay Buck stated that technically it is only the portion of the project that is within the Town of Stillwater. Ms. Marotta stated that the 15 conditions are only for the Village of Stillwater portion of the project. Ms. Lindsay Buck stated that is correct. Ms. Lindsay Buck stated that the Site Plan the Planning Board is reviewing is a totally separate action. Ms. Marotta asked about the utilities. Mr. Marfione stated that the Village of Stillwater has control over all the utilities that belong to them. Ms. Marotta asked if there are different phases to the project. Ms. Lindsay Buck stated that Phase 1 is the front portion or Village portion of the project and Phase 2 and 3 are the Town portion.

Mr. Trainor stated that the intersection that the Planning Board has concerns with is in the Village of Stillwater's jurisdiction. Mr. Trainor stated that the Village of Stillwater reviewed the intersection. Ms. Vomacka stated that the sidewalks and stop signs that are proposed should help with the traffic. Mr. Marfione stated that there are also crosswalks. Mr. Trainor stated that SEQRA has already been approved and this is just Site Plan.

Ms. Keefer stated that she is very uncomfortable with this project.

Mr. Rathbun stated that the Planning Board is only voting on the portion that is within the Town of Stillwater.

Mr. Bisnett made a motion to approve the project, seconded by Ms. Reilly. A roll call vote taken. Motion denied

Chairperson Buck	No
Vice Chairwoman Marotta	Yes
Member Bisnett	Yes
Member Keefer	No
Member Reilly	Yes
Member Rathbun	No
Member Smith	No

Mr. Male stated that if the Planning Board denies the project they need to document viable reasons for the denial to avoid a possible Article 78.

Chairman Buck asked Mr. Trainor for clarification on the procedures moving forward. Mr. Trainor stated that the Planning Board could leave the vote as is, the Board could table the project, or the Board could re-open the discussion on the project.

Chairman Buck made a motion to re-open the discussion, seconded by Mr. Bisnett. A roll call vote was taken.

Chairperson Buck	Yes
Vice Chairwoman Marotta	Yes
Member Bisnett	Yes
Member Keefer	Yes
Member Reilly	Yes
Member Rathbun	Yes
Member Smith	Yes

The Planning Board discussed their concerns for approving or denying the project.

Mr. Marfione stated that the Village of Stillwater approved the project and is asking the Planning Board to approve the section of the Site Plan which is within the Town of Stillwater.

Chairman Buck stated: From the beginning of this project it has been the Planning Board's concern regarding the intersection at Colonial Road and Broughton Lane. Chairman Buck stated that he does not want the Town of Stillwater held liable if something were to happen at that intersection. Mr. Smith asked where would the Town of Stillwater stand if something were to

happen. Chairman Buck asked Mr. Marfione to discuss with the Planning Board how we can move forward. Mr. Marfione asked if he could recommend better striping on the roadway, a possible speed hump, placement of an extra stop sign at Major Dickerson and Broughton Lane and reflectors on the crosswalk sign. All of this contingent of a design approved and provide by a licensed engineer. Mr. Male stated that the Village of Stillwater would have to agree. Mr. Marfione stated correct. Mr. Marfione stated that the traffic engineer may say ok, may have a better suggestion, or may say that it cannot be done and the Planning Board would have to accept that decision. Chairman Buck asked Mr. Marfione to repeat his suggestion. Mr. Marfione stated a speed hump to slow down traffic, better striping to delineate and channel vehicles, and possibly flashing lights at the crosswalk. Chairman Buck asked that when Mr. Costa and Mr. Marfione would speak with the traffic engineer. Mr. Costa asked if they can speak with the traffic engineer as a condition of approval. Mr. Male stated that the Planning Department would reach out to Creighton Manning who performed the original Traffic Study and ask to investigate further what they can do to make the two intersection safer. Mr. Male recommended that the Board let Creighton Manning suggest what can be done to make the intersection safer. Mr. Male stated that this will be an extra cost as there is no more escrow monies to use. Ms. Vomacka stated that she is not sure that the Town of Stillwater should do this as it is the Village of Stillwater's property. Mr. Male stated that the Planning Department would have to contact the Village of Stillwater and provide feedback that this is what the Town of Stillwater Planning Board is concerned about.

Mr. Rathbun stated that with the past history of that intersection, would Mr. Marfione be willing to revisit and possibly widen the intersection. Mr. Marfione stated that it is hard to widen an intersection that the applicant does not own. Mr. Rathbun stated that if the curve at the intersection of Colonial Road and Broughton Lane could be made into a T-intersection, it would improve safety immensely. Mr. Costa stated that they could have a traffic engineer review the curve and the intersection for improvements. Mr. Rathbun suggested tabling the project and have a conversation with the Village of Stillwater Board regarding the results of the additional traffic study from the traffic engineers and then have the Boards review the results. Mr. Rathbun stated that there is curbing at the intersection of Colonial Road and Broughton Lane. Mr. Costa stated that was changed to striping so, vehicles need to use that area if needed.

Ms. Reilly stated: The intersection at Colonial Road and Broughton Lane is a concern. She would like the sidewalks going the entire distance. She asked about the sidewalks going north that the Village of Stillwater had requested. Ms. Lindsay Buck stated that the Village of Stillwater decided that was a much bigger project and that the most important section of sidewalk would be the section going to the playground on Major Dickerson Avenue.

Ms. Reilly asked: Are the sidewalks going toward Tenbroeck Road to connect to Hudson Avenue. Mr. Marfione stated that it would be 1,500 linear Ft. of sidewalk. Ms. Lindsay Buck stated that the Village of Stillwater Board decided that it was too big of a project and decided that the most important section was toward the playground on Major Dickerson Avenue. Ms. Reilly asked the Board members who voted no on the project what would make it less of a safety issue for you.

Mr. Bisnett stated: That the Planning Board's job is to review the material that is presented by the engineers and that the Planning Board may or may not agree with. Unless you are an expert,

it is hard for the Planning Board to defend their decision to deny the project. Any project on Colonial Road will create more traffic, so the Planning Board should not approve any project on Colonial Road. Mr. Rathbun stated that there are three other ways that traffic can go on Colonial Road, Stratton Lane and Tenbroeck Road. Mr. Bisnett stated that the traffic from this project can go north on Colonial Road, Stratton Lane and Tenbroeck Road also.

Ms. Keefer stated: The Planning Board does not always have to vote in favor of a project. Mr. Bisnett agreed that the Planning Board does not always have to vote in favor of a project. Ms. Keefer stated that it feels like the Planning Board does based on previous comments. Mr. Bisnett stated that the Planning Board has to have a legal, defensible reason for denying the project. Ms. Keefer stated that she feels the Planning Board cannot get to a different outcome on the vote this evening. Ms. Keefer stated that the Planning Board does not have a chance to discuss this with the Village of Stillwater Board.

Mr. Smith stated that he agrees with Ms. Keefer. Ms. Vomacka stated that if the Board denies the project, the applicant may choose to challenge the decision in an Article 78 and that would cost the Town of Stillwater tax payer monies and the Town could lose. Ms. Lindsay Buck stated that the Planning Board would have to provide rationale for their decision in the resolution to deny. Mr. Bisnett stated that it will cost the Town of Stillwater a lot of monies and the Town may lose.

Ms. Keefer stated that she understands that there needs to be a valid reason to deny the project and that she does not agree with it. Ms. Keefer stated that her vote remains unchanged.

Mr. Trainor asked Board members if their concern is pedestrian or vehicular traffic at that intersection. Chairman Buck and the Board members stated that it is both pedestrian and vehicular. Mr. Trainor asked if there is anything that can be done with the intersection to mitigate those concerns other than what the traffic engineers suggested to make it safer. Mr. Costa stated that he does not have any additional suggestions other than what the traffic engineers stated in their report. Mr. Trainor asked if the curved intersection could have divots placed in the road. Mr. Male stated that would depend on the consideration of the Village of Stillwater's Board. Mr. Trainor asked if the crosswalk has flashing lights with signage. Mr. Costa stated that the crosswalk has striping and signage. Mr. Trainor asked about the stop sign. Mr. Costa stated that there is a stop sign exiting the development, another at the intersection of Colonial Road and Broughton Lane. Mr. Costa stated that Councilperson Vomacka suggested placing a stop sign at Major Dickerson and Broughton Lane. Mr. Trainor stated that it will probably take a favorable vote from one of the no votes to pass.

Ms. Marotta asked about gore striping on the road. Mr. Costa stated that type of striping could be done. Mr. Male stated that once striping is installed it has to stay down and that would need to be incorporated into the Village budget. Ms. Marotta stated that the plans do not mention crosswalks. Ms. Marotta asked if the crosswalks could be relocated. Mr. Male stated that the crosswalks are shown on the plans that were submitted. Mr. Costa stated that there is a specific placement for crosswalks and is a visual for vehicles that pedestrians may be crossing. Ms. Marotta stated that striping is a visual signal to vehicles to slow down. Mr. Costa stated that the gore striping so, that larger vehicles could use in curved section of Colonial Road. Mr. Marfione

stated that they could make those suggestions conditional on the approval by the Village of Stillwater regarding the traffic engineer. Ms. Marotta stated that likes that suggestion.

Mr. Marfione stated that he does not feel comfortable installing what has not been engineered by the traffic study due to liability purposes. Mr. Marfione stated that the project started off with 198-units and was reduced to 178-units at the request of the Village/Town of Stillwater Planning Boards.

Ms. Lindsay Buck stated that the concerns over the past year have been concerned with the intersection and sidewalks which has been discussed with the Village of Stillwater Board at the multiple joint Village Board/Town Planning Board meetings that have been held for the project.

Mr. Male stated that if the Site Plan is modified it will need to go back to the Village of Stillwater Board. Mr. Male stated that Village Trustee, Mr. Basile, was against the project in the beginning and voted yes for the project at the decision. Ms. Lindsay Buck stated that is correct. Mr. Male stated that he will ask Creighton Manning if they can modify the two intersections for a true type T-intersection and make sure that traffic can move through the intersection such as school buses and emergency vehicles.

Mr. Trainor asked Chairman Buck if one of the Planning Board members would like to make a motion for approval with those conditions for the project.

Mr. Rathbun stated that he will change his vote as long as the applicant makes a conscious effort to improve the intersection. Mr. Rathbun stated that he would like to be involved in the traffic discussion meetings resulting from the traffic study. Mr. Rathbun stated that if this is a way to make the intersection safer, he would be in agreement.

Chairman Buck stated that he would also like to be involved in the meetings.

Upon further discussion of the project, the Board chose to reconsider the previous vote and proceeded with the following: Chairman Buck made a motion to approve the project with conditions, seconded by Ms. Reilly.

**TOWN OF STILLWATER
PLANNING BOARD
2022 RESOLUTION NO. 20
RESOLUTION OF THE STILLWATER PLANNING BOARD GRANTING SITE PLAN APPROVAL OF
THE COLONIAL ROAD APARTMENT PROJECT**

WHEREAS, the Stillwater Planning Board has received from the BDC Group (“Applicant”) a Site Plan Application in connection with the Applicant’s construction of 178 apartments in 13 three-story buildings (the “Project”) at 19 Colonial Road Tax Map No. 243.75-1-2), partially within the Village of Stillwater and partially within the Town of Stillwater; and

WHEREAS, several joint public hearings were held between the Town and the Village regarding the application; and

WHEREAS, the Board of Trustees of the Village of Stillwater served as Lead Agency of the coordinated review, classified the action as Unlisted and issued a Negative Declaration as defined by the State Environmental Quality Review Act and its implementing regulations (“SEQRA”) on June 21, 2022; and

WHEREAS, the Town of Stillwater Planning Board has duly considered the application, the Village Board’s SEQRA findings and the Village Board’s Resolution conditionally approving the Project on June 21, 2022, and also expressed concern regarding the safety of the Major Dickenson/Broughton Lane/Colonial Road intersection.

WHEREAS, the Planning Board deems the Project to be consistent with the Stillwater Zoning Code and such other local laws and ordinances as may be applicable to the Project and the Planning Board further determines that the best interests of the Town of Stillwater are served by approval of the pending site plan application; and

WHEREAS, the Planning Board reviewed a presentation by the Applicant on this date and engaged in a question-and-answer dialog with the Applicant’s representatives on matters of interest to the Planning Board; and

WHEREAS, the Planning Board is satisfied that all necessary and appropriate procedural requirements have been met so as to enable it to render a determination on the application.

NOW THEREFORE, be it

RESOLVED, that the Site Plan Application for the Colonial Road Apartment Project is approved upon the following conditions:

1. The applicant shall comply with and satisfy each of the requirements contained in the review letter of Paul Male, P.E. dated August 25, 2022.
2. The applicant shall draft and enter into a Stormwater Management Agreement (“SMA”) with the Town prior to the issuance of a building permit.
3. The applicant shall pay the Town’s GEIS fees prior to a building permit being issued.
4. The applicant shall install “Gore” stripping on the corners of Brought Lane in order to safely channel vehicular traffic.
5. The applicant shall install a speed hump in the middle of Brought Lane.
6. The applicant shall install reflective safety signs at the crosswalk on Brought Lane.
7. The applicant shall install a stop sign at the Major Dickenson/Brought Lane intersection.
8. Conditions 4 – 7 shall be subject to the review and comment of a qualified traffic engineering consultant, such as Creighton-Manning (“CME”), and also of the Village Board of Trustees since the intersection is located within the Village.

A motion by Member Buck, seconded by Member Reilly, to adopt Resolution No. 20 of 2022.
A roll call vote was taken on Resolution No. 20 as follows:

Chairperson Buck	Yes
Member Bisnett	Yes
Member Keefer	No
Member Marotta	Yes
Member Rathbun	Yes
Member Reilly	Yes
Member Smith	No

Resolution No. 20 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on September 26, 2022.

PB2019-12 Saratoga Hills Reaffirm Site Plan Approval, County Route 76

Chairman Buck recognized Mr. Male Town Engineer who was representing the project this evening. Mr. Male stated that Stillwater Elgen did not submit the Site Plans for signing by the Planning Board Chairman within the required timeframe.

Ms. Lindsay Buck stated that the resolution gave Saratoga Elgen 62 days to file the Site Plan map. Mr. Male stated that the 62 days expired on September 26, 2021. Ms. Lindsay Buck stated that they had been actively working through some issues.

Mr. Male stated that they received letters from the Malta/Stillwater EMS, Stillwater Fire District and Stillwater Central School District. Mr. Male stated that they filed a stormwater agreement with the Saratoga County Clerk’s Office. Mr. Male asked Mr. Trainor if he had reviewed the stormwater agreement. Mr. Trainor stated that he is not sure if he reviewed the stormwater agreement. Mr. Male stated that recommends that the Planning Board reaffirm the approval conditioned on Mr. Trainor’s review of the stormwater agreement.

**TOWN OF STILLWATER
PLANNING BOARD
2022 RESOLUTION NO. 21**

WHEREAS, Saratoga Hills Mobile Home Park/Stillwater Elgen LLC submitted an application for Site Plan Approval regarding property located at Saratoga Hills Mobile Home Park, more fully identified as Tax Map Numbers 243.00-1-72 and 243-1-72.3; and

WHEREAS, a public hearing was conducted on July 26, 2021 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 issued a negative declaration pursuant to Resolution No. 17 of 2021; and

WHEREAS, the Planning Board previously approved the application on July 26, 2021 in Resolution No. 2021-18 but the applicant failed to file the Site Plan map within 62 days of its signing as required and now seeks an extension of time in which to do so. Now, therefore, be it

RESOLVED, that the application of Saratoga Hills Mobile Home Park/Stillwater Elgen, LLC, for a 62 day extension of Site Plan Approval of lands located on Saratoga Hills Mobile Home Park, more fully identified as Tax Map Numbers 243.00-1-72 and 243-1-72.3, is hereby GRANTED; and be it further

RESOLVED, that the application is GRANTED, provided the applicant comply with the conditions, which were included in the July 15, 2021 Memorandum from Paul Male, P.E., and be it further

RESOLVED, that the applicant provide Attorney James P. Trainor with a proposed Stormwater Management Agreement for his review and approval before the Site Plan map is filed; and be it further

RESOLVED, that the applicant must file the approved subdivision/site plan map, with all the required annotations within 62 days of this approval and/or 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 Buck, seconded by Member Marotta, to adopt Resolution No.21 of 2022.

A roll call vote was taken on Resolution No. 21 as follows:

Chairperson Buck	Yes
Member Bisnett	Yes
Member Keefer	Yes
Member Marotta	Yes
Member Rathbun	Yes
Member Reilly	Yes
Member Smith	Yes

Resolution No. 21 of 2022 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on September 26, 2022.

Ms. Reilly made a motion to adjourn, seconded by Mr. Bisnett at approximately 9:15pm.