

**TOWN OF STILLWATER  
PLANNING BOARD MEETING MINUTES  
STILLWATER TOWN HALL  
December 14, 2020 @ 6:30 PM**

**Present:**

**Chairman Peter Buck (PB)  
Frank Bisnett (FB), Member  
Heather (Ferris) Keefer (HK), Member  
Kimberlee Marshall (KM) Alternate 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  
Randy Rathbun (RR), 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. Bisnett made a motion to approve the minutes from October 26, 2020, seconded by Mr. Smith. Th Board tabled the review of the November 16, 2020 minutes.

**PB2020-19 and PB2020-20 Dyer Mine Site Plan/Special Use Permit, George Thompson Road**

Chairman Buck recognized Mr. Michael Polacco of H2H Geoscience Engineering who will be representing Mr. Charles Dyer this evening. Mr. Polacco stated that Mr. Dyer is also present this evening. Mr. Polacco stated that the Dyer Mine is located on the west side of George Thompson Road which consist of 71.1-acres in the RR Zoning District. Mr. Polacco stated that the mine has been in operation since the 1970's. Mr. Polacco stated that the mine currently operates on a 10.2-acre area which is the maximum area that the applicant is allowed to mine within per the Life of Mine permit granted by NYS DEC. Mr. Polacco stated that the proposal is for a lateral expansion which would bring the total mine area up to 18.8-acres. Mr. Polacco stated that the expansion will extend the Life of Mine permit to include the new area. Mr. Polacco showed the Board

members the mine boundaries on the map. Mr. Polacco showed the Board members where the reclamation cross sections are on the map. Mr. Polacco stated that the reclamation meets the Town of Stillwater 30% side slopes regulations and maintains the 5 ft. separation between the ground water. Mr. Polacco stated that the test pits showed that the ground water was higher than they anticipated so the mine floor was raised.

Chairman Buck proceeded to open the public hearing and asked if anyone wished to comment, hearing none he closed the public hearing.

Mr. Bisnett stated that Mr. Male's comment letter dated December 4, 2020 states that there is a composting site within the mine. Ms. Lindsay Buck stated that is an error in Mr. Male's comment letter.

Mr. Polacco commented on Mr. Male's letter dated December 4, 2020 regarding the following items: comment #8 regarding the truck traffic, Mr. Polacco stated that there will be between 20 and 40 trips per day, comment #10 regarding the SWPPP, Mr. Polacco stated that the SWPPP is being conducted, comment #11 regarding the NYS DEC Mining Permit, Mr. Polacco stated that the Mining Permit was submitted on December 8, 2020, comment #13 regarding the composting, Mr. Polacco stated that the composting site has been removed from the proposal.

Mr. Trainor asked if the applicant received a SEQRA determination from NYS DEC. Mr. Polacco stated that NYS DEC issued a negative declaration regarding SEQRA.

Chairman Buck asked for motion to approve the Dyer Mine Site Plan and Special Use Permit

**TOWN OF STILLWATER  
PLANNING BOARD  
2020 RESOLUTION NO. 31**

WHEREAS, Dyer Construction, Inc. has submitted an application for Site Plan Review and a Special Use Permit regarding a Mine located on George Thompson Road, more fully described as Tax Map No. 252.-2-42.2; and

WHEREAS, pursuant to the Stillwater Zoning Law, a public hearing was held on December 14, 2020; and

WHEREAS, the New York Department of Environmental Conservation (DEC) completed a SEQRA review and was to issue a negative declaration by the end of 2020 according to the applicant; and

WHEREAS, the Town Engineer has reviewed the application and the proposed site plan and confirms that the plan complies with all Town and County requirements while DEC will ensure the plan meets the requirements to obtain a Mine Permit modification; and

WHEREAS, the Planning Board has duly considered the application and the elements necessary to consider the granting of a Special Use Permit by taking into consideration the benefit to the applicants if the permit is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community by such grant;

Now, therefore, be it

RESOLVED, that the Planning Board hereby makes the following findings:

1. The Use is in harmony with and does promote the general purposes and intent of the comprehensive plan and the overlay district legislation, and the use does not have a negative effect on the health, welfare, and safety of the Town and its residents because the Mine already exists and is not negatively affecting the community and;
2. The overall compatibility of the Use has a positive impact on the neighborhood or community character, including the character of adjoining properties, districts, and uses but the Use has a slightly negative impact on density, including the density of adjoining properties, districts, and uses because the current application is for an expansion of the mining operation, involving more of the applicant's property and;
3. The Use does not have a substantially negative impact on vehicular congestion and parking, including the provision of adequate parking and the absence of hazardous or traffic conditions, including ingress and egress because the truck traffic is represented to remain the same as it is now (20 trips per day) and;
4. The Use has a neutral impact on infrastructure and services, including utilities, public facilities, and services, taking into consideration the extent to which the project extends or provides infrastructure and services to the area in need of such infrastructure and services because the mining activity is only to be slightly increased by the expansion; and
5. The Use has a small negative impact on environmental and natural resources, including the environmental and physical suitability site for development, the risk of fire, flood, or erosion taking into consideration the impacts such as emissions of electrical charges, dust, light, vibration, or noise detrimental to the public health, safety, and welfare, because it increases the mineral and soil extractions from the property, but DEC is monitoring this and approving the expansion; and
6. The Use provides a positive effect on the long term economic stability and community character of the Town and surrounding properties, districts, and uses because this is one of the few permitted mines in the area to draw from for local construction businesses; and be it further

RESOLVED, that the application of Dyer Construction, Inc. for a Special Use permit on

property located on George Thompson Road, more fully identified as Tax Map Number 252.-2-42.2 is GRANTED, provided applicant complies with the following conditions, which were included in the December 4, 2020 Review Letter of Paul Male, P.E., and that these conditions be met prior to the expansion of the Mine boundary:

1. Negative Declaration from DEC be provided to the Town;
2. DEC Mine Permit Modification be obtained and provided to the Town;
3. All requirements of Stillwater Town Code §210-105 be satisfied;
4. A SWPPP be prepared for review by the Town;
5. GEIS and all other fees be paid in full;
6. Submit an Agricultural Data Statement to the Town.

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 Bisnett, seconded by Member Smith, to adopt Resolution No. 31 of 2020.

A roll call vote was taken on Resolution No. 31 as follows:

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

Resolution No. 31 of 2020 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on December 14, 2020.

### **PB2020-21 King's Isle North PDD Site Plan, NYS Route 67**

Chairman Buck recognized Mr. Scott Lansing of Lansing Engineering who is representing Bruce Tanski and Route 67 Holdings LLC for the Kings Isle PDD Amendment. Mr. Lansing stated that Mr. Bruce Tanski is also present this evening. Mr. Lansing stated that the proposed project was last before the Planning Board on August 24, 2020. Mr. Lansing stated that the project has received preliminary approval from Saratoga County Sewer District #1, Saratoga County Water Authority and the reports for drainage and grading have been submitted. Mr. Lansing stated that the approvals and reports have been submitted to the Building, Planning and Development Department. Mr. Lansing stated that they have received Mr. Male's comment letter dated November 23, 2020 which comments are technical in nature and are being addressed. Mr. Lansing stated that the property is located on the north side of NYS Route 67 and is in the Town

of Stillwater and the Town of Malta. Mr. Lansing stated that the applicant is proposing one building for senior housing with 123 units and 123 parking spaces. Mr. Lansing stated that there are eight apartment buildings for standard apartments with 11 units each for a total of 88 standard apartment units with 176 parking spaces. Mr. Lansing stated that there are additional parking spaces proposed throughout the development. Mr. Lansing stated that the residents would access the boulevard for ingress and egress to NYS Route 67. Mr. Lansing stated that the sidewalks are ADA accessible and the applicant is proposing a water feature along with a sign which has not been designed as of yet. Mr. Lansing stated that they are proposing a 2-lot subdivision for financial purposes along with this Site Plan. Mr. Lansing stated that they are asking the Planning Board to set the Public Hearing for the next Planning Board meeting.

Chairman Buck asked what the total number of units are for the project being proposed. Mr. Lansing stated that the total number of units being proposed are 211. Chairman Buck asked what the total site acreage is for the project. Mr. Lansing stated that total site acreage is 23.97-acres and is located in the Town of Stillwater and a small area in the Town of Malta. Mr. Lansing stated that the western portion of the parcel in the Town of Malta consists of 1.55-acres which will remain undeveloped and the eastern portion of the parcel in the Town of Stillwater consists of 22.42-acres. Chairman Buck stated that he had visited the Falcon Trace Senior Development in the Town of Halfmoon and that is a very nice development. Chairman Buck stated that this is a very good project for the Town of Stillwater.

Ms. Keefer asked for clarification regarding Comment #6 of Mr. Male's November 23, 2020 comment letter regarding the number of parking spaces. Mr. Lansing stated that there are 299 required parking spaces with 62 banked parking spaces.

Mr. Trainor asked if there will be a buffer or berm in front of the apartment buildings that are closest to NYS Route 67. Mr. Lansing stated that the plans are showing a slight berm in that area due to the grade. Mr. Trainor asked how much of the apartment building will be visible from NYS Route 67. Mr. Lansing stated that most of the building will be visible from NYS Route 67. Mr. Trainor asked about the diagonal subdivision line. Mr. Lansing showed the subdivision line on the map with the 123 units and the Sweeney farm.

Mr. Bisnett asked if the apartment buildings are the same design as the King's Isle Apartments that are across the from this development. Mr. Lansing stated that the apartments are the same design as the King's Isle Apartments.

Ms. Marshall asked if Mr. Male's comment letter should be addressed before the public hearing is scheduled. Chairman Buck stated that Mr. Male's comments could be addressed at the public hearing.

Ms. Lindsay Buck stated that scheduling the public hearing gives the applicant the chance to address all the comments at the same time.

Chairman Buck asked for a motion to schedule the public hearing for January 25, 2021. A motion to schedule the public hearing was made by Mr. Bisnett seconded by Ms. Marshall. A roll call vote was taken.

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

A motion to adjourn was made by Ms. Keefer and seconded by Ms. Marshall at approximately 7:00 pm.