

**PLANNING BOARD MEETING
TOWN OF STILLWATER
STILLWATER TOWN HALL
February 27, 2023 @ 6:00 PM**

Present:

**Chairman Frank Bisnett (FB), Chairman
Peter Buck (PB), Vice-Chairman
Eliot Cresswell (EC) Member
Carol Marotta, (CM) Alternate Member (Via Zoom)
Kimberlee Marshall (KM) Member
Randy Rathbun (RR) Member
Timothy Scrom (TS) Alternate Member
Dale Smith (DS), Member**

Also Present:

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

Absent:

Marybeth Reilly (MR) Member

Pledge:

Chairman Bisnett 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. Buck made a motion to table the January 23, 2023 meeting minutes, seconded by Mr. Cresswell. A roll vote was taken.

Chairman Bisnett	Yes
Member Buck	Yes
Member Cresswell	Yes
Member Marotta	Yes
Member Marshall	Yes
Member Rathbun	Yes
Member Smith	Yes

PB2022-22 VonAhn Major Subdivision, 42 NYS Route 423

Chairman Bisnett recognized Mr. Matthew Webster of Van Duesen Land Survey who is representing Mr. Richard VonAhn.

Mr. Webster:

Mr. VonAhn is also present this evening. They were last before the Planning Board October 24, 2022. The applicant has modified his proposal for Lot 1 and will be converting the barn into a single-family dwelling. This will eliminate the issue of an accessory structure being located in the front of a principal residence and they have also redesigned Lot 5 by moving the lot line to the south for a future single-family dwelling.

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

Chairman Bisnett	Yes
Member Buck	Yes
Member Cresswell	Yes
Member Marotta	Yes
Member Marshall	Yes
Member Rathbun	Yes
Member Smith	Yes

Mr. Rathbun made a motion to table the project for Saratoga County Planning Board's response, seconded by Ms. Marshall. A roll vote was taken.

Chairman Bisnett	Yes
Member Buck	Yes
Member Cresswell	Yes
Member Marotta	Yes
Member Marshall	Yes
Member Rathbun	Yes
Member Smith	Yes

PB2022-26 & 27 Verizon Wireless Site Plan and Special Use Permit, West Street

Chairman Bisnett recognized Mr. David Brennen of Young/Sommer LLC who is representing Verizon Wireless.

Mr. Brennen:

Ms. Allison Squire, Site Acquisition Specialist, is also present this evening via Zoom. Verizon Wireless has been operating on the site located at 45 West Street since 1998. The antennas and bay station equipment were on the existing water tank. The applicant has placed a temporary monopole in order to maintain coverage in this area of the community. The applicant is proposing a replacement monopole to give the necessary height to maintain the coverage to this area of the community. Showed the Planning Board the coverage site, air communication site

and the proposed site. The applicant is proposing to place the monopole behind the equipment shelter. The Town of Stillwater will be removing the fencing on the water tank portion of the parcel. The equipment shelter has HVAC units used to keep the equipment cool during the summer. Showed the Planning Board the access yard, and views from West Street and East Street of the monopole with and without the water tank. The applicant is proposing a 6 Ft. chain link fence on three sides of the parcel. There are three properties that border the proposed parcel. The property located at 47 West Street shares the driveway with the Town of Stillwater parcel. There are trees located between the property to the rear on East Street and the Town of Stillwater parcel. The Town of Stillwater Police Department accesses the facility to ensure that there are no unauthorized people within the fenced in area.

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

Chairman Bisnett	Yes
Member Buck	Yes
Member Cresswell	Yes
Member Marotta	Yes
Member Marshall	Yes
Member Rathbun	Yes
Member Smith	Yes

Chairman Bisnett:

The applicant met with Ms. Lindsay Buck, Supervisor Ed Kinowski, and Highway Superintendent Matt Harris to discuss screening options such as fencing and plantings.

Mr. Rathbun:

Asked if there were any written comments received from the public regarding the project.

Chairman Bisnett:

The Planning Department did not receive any written comments for this project.

Mr. Buck:

The presentation on the project was very well done by the applicant.

Chairman Bisnett:

Asked if the property which shares the driveway is owned by Ms. Cuilla. Ms. Cuilla may like a few plantings along the property line to screen the project sight.

Ms. Squires:

The property is owned by Ms. Cuilla.

Mr. Brennen:

The applicant could place plantings along Ms. Cuilla's property line.

Ms. Marshall:

Asked who the neighbors would contact to request plantings along their property line.

Mr. Brennen:

The neighbors could contact the Town of Stillwater and the applicant would pay for the plantings. The plantings would become the neighbor's responsibility once they are planted. Suggested this could be a condition of approval.

Chairman Bisnett:

Asked Mr. Male if there were any outstanding issues.

Mr. Male:

The applicant has to add the standard notes and the Planning Board numbers to the final plot plan .

Ms. Marotta:

Asked if the shed in the rear of the property was removed.

Mr. Brennen:

He believes the shed will be removed and may have been removed.

Mr. Brennen:

Regarding screening on the site, the applicant could install privacy slats on two sides of the fence to screen the public's view of the area within the fence and leave privacy slats off the north and the south side of the fence so the Town Stillwater Police Department could see into the site.

Ms. Marotta:

Asked about installing a decorative fence to screen the neighbor's view of the area.

Mr. Cresswell:

There are two or three options that the Planning Board could suggest. The applicant was looking for options from the public but unfortunately that did not occur.

Mr. Rathbun:

That he believes fencing three sides of the project site is agreeable.

Ms. Lindsay Buck:

The Stillwater Town Code Section 210-77 regarding screening states "Deciduous or evergreen tree plantings may be required to screen portions of the tower and accessory structures from nearby residential property as well as from public sites known to include important views or vistas. Where a site abuts a residential property or public property, including streets, screening shall be required."

Chairman Bisnett:

He is agreeable to privacy slats in the fence along the road. Asked the Planning Board if they agree with this option.

Planning Board Members:

All agreed to this to option.

Ms. Marotta:

The north side of the site and under the monopole is all stone.

Mr. Brennen:

There is stone throughout the site.

Ms. Marotta:

Asked if the lease agreement covers the monopole if it needs to be removed.

Mr. Brennen:

That is correct.

Ms. Marotta:

Suggested that the slats should be green in color to blend in with the vegetation on West Street and the south portion of the fence. The Board agreed to green for the slats.

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

**TOWN OF STILLWATER
PLANNING BOARD
2023 RESOLUTION NO. 4**

**A Resolution Making a SEQRA Determination for the application of Cellco Partnership
d/b/a Verizon Wireless for Site Plan Review and Special Use permit regarding the
construction of a Monopole Telecommunications Tower**

WHEREAS, Cellco/Verizon Wireless has made an application for Site Plan Review and Special Use Permit to construct a Monopole Telecommunications Tower at a location known as 45 West Street, more specifically set forth at Tax Parcel 262.5-1-11; and;

WHEREAS, a public hearing was held on February 27, 2023; and

WHEREAS, there were no comments received relating to the application; and

WHEREAS, the applicant has submitted a fully completed Full Environmental Assessment Form (EAF); and

WHEREAS, pursuant to 6 NYCRR section 617.6, the Stillwater Planning Board is the appropriate lead agency for SEQRA review; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (“SEQRA”) the proposed action is a Type II action requiring SEQRA review; and

WHEREAS, the Planning Board has duly reviewed the FEAF and has considered the criteria contained in 6 NYCRR section 617.7 (c) to determine if the proposed action will not have a significant impact on the environment; and

NOW, therefore, be it

RESOLVED, the Planning Board hereby determines that the action to construct a Monopole Telecommunications Tower at a location known as 45 West Street, more specifically set forth at Tax Parcel 262.5-1-11 will not result in significant impacts on the environment and a negative declaration is hereby issued.

A motion by Member Buck seconded by Member Marshall to adopt Resolution No. 4 of 2023.

A roll call vote was taken on Resolution No. 4 of 2023 as follows:

Chairman Bisnett	YES
Member Buck	YES
Member Marshall	YES
Member Rathbun	YES
Member Smith	YES
Member Cresswell	YES
Alternate Member Marotta	YES

Resolution No. 4 was Passed at a meeting of the Planning Board of the Town of Stillwater duly conducted on February 27, 2023.

Sheila Silic
Sheila Silic, Planning Board Secretary

TOWN OF STILLWATER

PLANNING BOARD
2023 RESOLUTION NO. 5
A Resolution Regarding the application of Cellco Partnership d/b/a Verizon Wireless for Site Plan Review and Special Use permit regarding the construction of a Monopole Telecommunications Tower

WHEREAS, Cellco/Verizon Wireless has made an application for Site Plan Review and Special Use Permit to construct a Monopole Telecommunications Tower at a location known as 45 West Street, more specifically set forth at Tax Parcel 262.5-1-11; and;

WHEREAS, a public hearing was held on February 27, 2023; and

WHEREAS, there were no comments received relating to the application; and

WHEREAS, pursuant to 6 NYCRR section 617.6, the Stillwater Planning Board is the appropriate lead agency for SEQRA review and made its SEQRA determination of in Resolution 4 of 2023;

NOW, therefore, be it

RESOLVED, the Planning Board hereby approves the action to construct a Monopole Telecommunications Tower at a location known as 45 West Street, more specifically set forth at Tax Parcel 262.5-1-11 subject to satisfactory completion of the following conditions:

1. Compliance with the engineering letter of Paul Male, P.E. dated February 22, 2023.
2. A final lease agreement between the applicant and the Town to be approved by the Town Board.
3. Green privacy slats for screening shall be added to the fencing proposed by the site plan.
4. A letter of credit or removal bond in an amount to be approved by the Town.

A motion by Member Marshall seconded by Member Buck to adopt Resolution No. 5 of 2023.

A roll call vote was taken on Resolution No. 5 of 2023 as follows:

Chairman Bisnett	YES
Member Buck	YES
Member Marshall	YES
Member Rathbun	YES
Member Smith	YES
Member Cresswell	YES
Alternate Member Marotta	YES

Resolution No. 5 was Passed at a meeting of the Planning Board of the Town of

Stillwater duly conducted on February 27, 2023.

Sheila Silic

Sheila Silic, Planning Board Secretary

PB2022-23 Vienneau Lot Line Adjustment, 41 and 37 County Route 76

Chairman Bisnett recognized Mr. Ryan Vienneau who is presenting the project this evening.

Mr. Vienneau:

His residence is located west side of County Route 76 and consists of 5.2-acres. Mr. Herkenham resides at 37 County Route 76 and consist of 10-acres. Mr. Herkenham’s property has a deed restriction against further subdividing his parcel to prevent the development of additional parcels. Mr. Herkenham and I would like to adjust the property line which would not create a new parcel. He has a purchase agreement with Mr. Herkenham to purchase 4-acres which borders his property and is intended for privacy and will remain wooded.

Mr. Rathbun:

Asked Mr. Vienneau where his property is located on County Route 76.

Mr. Vienneau:

South of the proposed Scenic View Estates.

Mr. Buck:

He does not have any issues with the Lot Line Adjustment.

Chairman Bisnett:

Asked Mr. Male if there are issues that need to be addressed.

Mr. Male:

There are no issues with the Lot Line Adjustment.

Chairman Bisnett asked for a motion to waive the public hearing. Mr. Rathbun made a motion to waive the public hearing seconded by Mr. Cresswell. A roll call vote was taken.

Chairman Bisnett	Yes
Member Buck	Yes
Member Cresswell	Yes
Member Marotta	Yes
Member Marshall	Yes
Member Rathbun	Yes
Member Smith	Yes

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

**TOWN OF STILLWATER
PLANNING BOARD
2023 RESOLUTION NO. 6**

**A Resolution Making a SEQRA Determination for the application of Vienneau/Herkenham
for a Lot Line Adjustment at 41 and 37 County Route 76**

WHEREAS, Ryan Vienneau and Gregg Herkenham have made an application for a lot line adjustment between the properties located at 41 County Route 76 and 37 County Route 76, more specifically set forth at Tax Parcels 243.-1-59.2 and 243.-1.59.1 respectively; and;

WHEREAS, the applicant has submitted a fully completed Short Environmental Assessment Form (SEAF); and

WHEREAS, pursuant to 6 NYCRR section 617.6, the Stillwater Planning Board is the appropriate lead agency for SEQRA review; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (“SEQRA”) the proposed action is a Type II action requiring SEQRA review; and

WHEREAS, the Planning Board has duly reviewed the SEAF and has considered the criteria contained in 6 NYCRR section 617.7 (c) to determine if the proposed action will not have a significant impact on the environment; and

NOW, therefore, be it

RESOLVED, the Planning Board hereby determines that the action for a lot line adjustment between the properties located at 41 County Route 76 and 37 County Route 76, more specifically set forth at Tax Parcels 243.-1-59.2 and 243.-1.59.1 will not result in significant impacts on the environment and a negative declaration is hereby issued.

A motion by Member Buck seconded by Member Rathbun to adopt Resolution No. 6 of 2023.

A roll call vote was taken on Resolution No. 6 of 2023 as follows:

Chairman Bisnett	YES
Member Buck	YES
Member Marshall	YES

Member Rathbun YES
Member Smith YES
Member Cresswell YES
Alternate Member Marotta YES

Resolution No. 6 was Passed at a meeting of the Planning Board of the Town of Stillwater duly conducted on February 27, 2023.

Sheila Silic
Sheila Silic, Planning Board Secretary

**TOWN OF STILLWATER
PLANNING BOARD
2023 RESOLUTION NO. 7
A Resolution Regarding the application of Vienneau/Herkenham for a Lot Line
Adjustment at 41 and 37 County Route 76**

WHEREAS, Ryan Vienneau and Gregg Herkenham have made an application for a lot line adjustment between the properties located at 41 County Route 76 and 37 County Route 76, more specifically set forth at Tax Parcels 243.-1-59.2 and 243.-1.59.1 respectively; and;

WHEREAS, pursuant to 6 NYCRR section 617.6, the Stillwater Planning Board is the appropriate lead agency for SEQRA review and made its SEQRA determination of in Resolution 6 of 2023; and,

WHEREAS, the Planning Board has waived any public hearing; and;

WHEREAS, the Planning board has determined that they can consider a Lot Line Adjustment for this parcel as there are no new lots created that would violate the no further subdivision condition;

NOW, therefore, be it

RESOLVED, the Planning Board hereby approves that the action for a lot line adjustment between the properties located at 41 County Route 76 and 37 County Route 76, more specifically set forth at Tax Parcels 243.-1-59.2 and 243.-1.59.1 subject to satisfactory completion of the following conditions:

1. Compliance with the engineering letter of Paul Male, P.E. dated February 22, 2023.

A motion by Member Rathburn seconded by Member Marshall to adopt Resolution No. 7 of 2023.

A roll call vote was taken on Resolution No. 7 of 2023 as follows:

Chairman Bisnett	YES
Member Buck	YES
Member Marshall	YES
Member Rathbun	YES
Member Smith	YES
Member Cresswell	YES
Alternate Member Marotta	YES

Resolution No. 7 was Passed at a meeting of the Planning Board of the Town of Stillwater duly conducted on February 27, 2023.

Sheila Silic
Sheila Silic, Planning Board Secretary

PB2022-14 Bocrest Fields PDD Site plan, Halfway House Road/Brickyard Road

Chairman Bisnett recognized Mr. Frank Palumbo of C.T. Male Associates who is representing Bocrest Fields.

Chairman Bisnett:

Asked Mr. Palumbo except for the changes made by the Stillwater Fire District has there been any other change. His understanding is the Planning Board has addressed all the issues with the project.

Mr. Palumbo:

The Stillwater Fire District changes were to the placement of two hydrants at the entrance from the right side to the left side of the entrance and the addition of one hydrant. There have been no other changes.

Mr. Rathbun:

Asked if the issue regarding the flooding along the bike path and Mitchell Road have been addressed.

Chairman Bisnett:

The flooding is on the east side of the bike path and the stormwater from this project is proposed to be treated on site and would not have any bearing on the bike path.

Mr. Smith:

The apartments and the pervious asphalt will be adding to the stormwater runoff along the bike path.

Chairman Bisnett:

The Planning Department has reviewed and approved the stormwater plans. There are stormwater basins that will handle the runoff of the site.

Mr. Male:

The stormwater plans were reviewed by the Planning Department in accordance with NYS DEC regulations.

Mr. Palumbo:

The Planning Department reviewed the SWPPP showing how the stormwater would be collected, detained and exits the site. The stormwater exit-points all have to be identified as part of that plan. The advantage of the last development plan is that by moving the buildings the applicant retained more of the natural areas of the site which are being utilized along with the stormwater basins. There will be no additional runoff from the site to the bike path.

Mr. Smith:

Mr. Gurba installed two 18in. culverts about 25 years ago when the sewer line was installed as part of his development. Mr. Gurba hired his company to replace the two 18in. culverts that collapsed which were replaced with a 4ft. culvert. He personally went on the bike path last week and at some-point a section of the bike path has had new asphalt installed for about 30ft. He contacted the previous highway superintendent who had no knowledge of the asphalt being replaced on the bike path. In his opinion the bike path was washout due to excess water runoff. Asked Ms. Carpenter if she has seen water runoff over flow the bike path.

Ms. Kelly Carpenter, Mitchell Road resident:

She has not seen water run off over flow the bike path but is level with the road after an evening of rain. Asked if the stagnant water will stay in the overflow areas along the bike path.

Mr. Palumbo:

The water on the path would not change from what it does currently. The water is filter through the stormwater basin and disperse into the ground. The development is adding no additional water to the stream.

Ms. Marotta:

She has questions on the resolution regarding landscaping. Is the landscaping being done all at once or in phases. There was a discussion regarding a committee with two Planning Board members and Ms. Lindsay Buck.

Ms. Lindsay Buck:

They had discussed forming a committee but did not decide who be part of the committee.

Mr. Palumbo:

The applicant feels that the best buffer at the beginning of the development would be the existing vegetation. He will provide the required number of trees before phase 2 starts. If the Planning Board or committee would like the plantings done at the start of construction that can be done.

Ms. Marotta:

The planting will be placed in the Town of Stillwater right-of-way due to not enough room in the buffer area.

Mr. Palumbo:

That is correct. The Town agreed to allow the work needed for the installation of the plantings within the Town Right of Way.

Ms. Lindsay Buck:

Asked if Phase 2 along the bike path where apartments 11 and 12 are proposed would be seen from the path.

Mr. Palumbo:

That is correct.

Ms. Lindsay Buck:

Asked who would like to be on the committee. There can be up to three Planning Board members on the committee.

Mr. Cresswell:

Asked if the committee is limited to Planning Board members.

Ms. Lindsay Buck:

That is correct.

Mr. Cresswell:

He would like to be on the committee.

Mr. Rathbun:

He would like to the Town Engineer, Mr. Male on the committee.

Ms. Carpenter:

Asked about planting the trees at the start of construction to give some growth were there are buildings to give some privacy.

Chairman Bisnett:

That he believes there should be some plantings at the start of construction so there will be growth to buffer the view.

Mr. Rathbun:

He would like to see some plantings at the start of construction.

Ms. Marshall:

That she agrees with Mr. Rathbun regarding the plantings. She does not see why the planting cannot be evaluated now and keep evaluating the planting as the process progresses. If committee members change in the future, the new committee can continue with the planting process.

Mr. Rathbun:

He would like to see the committee also look at the stormwater runoff. If there is a problem during construction it can be addressed at that time.

Ms. Lindsay Buck:

The Town Stormwater Management Officer inspects all phases of construction to insure the applicant's compliance with the Stormwater Pollution Prevention Plan (SWPPP). The Town of Stillwater also requires a Stormwater Management Agreement that is signed by the applicant and the Town and filed with Saratoga County. The applicant would be held financially responsible should the stormwater management areas not be properly maintained and the Town of Stillwater would then make the repairs.

Ms. Marshall:

Asked who signs the agreement.

Ms. Lindsay Buck:

The Town of Stillwater and the developer sign the agreement.

Ms. Marshall:

Asked if it is the developer or the LLC.

Ms. Lindsay Buck:

It is the developer, whether that is the LLC or changes. The agreement provides for all future owners of the site. It is filed with Saratoga County and goes with the site. There is verbiage in the agreement of who is held accountable regarding ownership.

Chairman Bisnett asked if anyone had any further questions or concerns, hearing none he asked to move to discussion of SEQRA

PLANNING BOARD
2023 RESOLUTION NO. 8
A Resolution Making A SEQRA Determination
Regarding The Site Plan Proposed As Part
Of The Bocrest Fields PDD Amendment

WHEREAS, Bocrest Fields LLC has proposed a Site Plan that includes 86.66 acres on the west side of Brickyard Road south of Halfway House Road on tax parcel 253.-2-25 for 2 single family homes and 312 multi-family units; and

WHEREAS, the Planning Board declared its intent for Lead Agency Status pursuant to SEQRA on September 26, 2022; and,

WHEREAS, notices to serve as Lead Agency were distributed to all involved agencies including the NYS Department of Health, the NYS Department of Transportation, the NYS Department of Environmental Conservation, the Saratoga County Sewer District #1, and the United States Army Corps of Engineers, and all agencies were allowed thirty days for review of the notice and materials; and,

WHEREAS, only the NYS Department of Environmental Conservation responded and had no objection; and,

WHEREAS a public hearing was held on October 24, 2022; and,

WHEREAS, pursuant to 6 NYCRR section 617.6, the Stillwater Planning Board is the appropriate lead agency for SEQRA review; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (“SEQRA”) the proposed action is a Type I action requiring SEQRA review; and

WHEREAS, the applicant has submitted a long environmental assessment form (“LEAF”); and

WHEREAS, the Town’s engineer, Paul Male, PE has duly reviewed the LEAF and has provided comments to the Board for consideration; and,

WHEREAS, the Planning Board has duly reviewed the LEAF and has considered the criteria contained in 6 NYCRR section 617.7 (c) to determine if the proposed action will not have a significant impact on the environment; and

NOW, therefore, be it

RESOLVED, that the Planning Board hereby determines that the proposed action by the applicant, for a Site Plan that includes 86.66 acres on the west side of Brickyard Road south of Halfway House Road on tax parcel 253.-2-25 for 2 single family homes and 312 multi-family units, will not result in significant impacts on the environment and a negative declaration is

hereby issued.

A motion by Member Cresswell seconded by Member Buck to adopt Resolution No. 5 of 2023.

A roll call vote was taken on Resolution No. 8 of 2023 as follows:

Chairman Bisnett	YES
Member Buck	YES
Member Marshall	YES
Member Rathbun	YES
Member Smith	YES
Member Cresswell	YES
Alternate Member Marotta	YES

Resolution No. 8 was Passed at a meeting of the Planning Board of the Town of Stillwater duly conducted on February 27, 2023.

Sheila Silic
Sheila Silic, Planning Board Secretary

**TOWN OF STILLWATER
PLANNING BOARD
2023 RESOLUTION NO. 9
A Resolution Regarding Site Plan Review
of the Bocrest Fields PDD Amendment**

WHEREAS, Bocrest Fields LLC has proposed a Site Plan that includes 86.66 acres on the west side of Brickyard Road south of Halfway House Road on tax parcel 253.-2-25 for 2 single family homes and 312 multi-family units; and

WHEREAS, the Town Board approved the Bocrest Fields PDD Amendment via Local Law No. 3 of 2022 on August 18, 2022 after a positive recommendation from the Planning Board; and

WHEREAS, the Town's review of the project included, but was not limited to, the following:

- 4/2017: Original PDD Application received by Planning Department for 214 units.
- 6/2018: Review by Town Board. Public Hearing set for July 2018. Notices sent to all residents within 500ft and published in the paper.

- 7/2018: Review by Town Board, Public Hearing held and remained open until August 2018.
- 10/2018: Town Board review, referred to Planning Board for Recommendation.
- 10/2018: Planning Board gave a positive recommendation to Town Board.
- 12/2018: Town Board approved PDD.
- 4/2021: Application for PDD Amendment to increase number of units to 312 and remove interior parking spaces. Leniency was granted by the Town Board for sunset clause on PDD due to COVID restrictions.
- 8/2021: Review by Town Board. Public Hearing set for 9/2021. Notices sent to all residents within 500ft and published in the paper.
- 9/2021: Town Board review, Public Hearing held, tabled to remain open pending Traffic Study.
- 2/2022: Traffic Study report received.
- 6/2022: Town Board determined a Type I Action pursuant to SEQRA and declared Intent for Lead Agency for SEQRA.
- 6/2022: SEQRA Lead Agency Letters of Intent out to involved Agencies.
- 6/2022: Town Board referred PDD Amendment to Planning Board for recommendation.
- 7/2022: Planning Board issued Positive recommendation to the Town Board conditioned on balconies being added to the structures, outdoor amenities added, and increased recreation opportunities added to a proposed site plan.
- 8/2022: Town Board review, continued Public Hearing, and presented Traffic Study results. Public Hearing closed. Town Board acted on SEQRA and PDD Amendment was approved.
- 9/2022: Planning Board review for Site Plan and Minor Subdivision. Planning Board determined a Type I Action pursuant to SEQRA and declared Intent for Lead Agency for SEQRA. Planning Board set Public Hearing for 10/2022. Notices sent to all residents within 500ft and published in the paper.
- 9/2022: SEQRA Lead Agency Letters of Intent out to involved Agencies.

- 10/2022: Planning Board held Public Hearing on Subdivision and Site Plan Review. Planning Board closed Public Hearing. Item tabled for additional information.
- 1/23/23: Planning Board review continued wherein the Applicant showed additional renderings and visuals addressing impacts identified at the Public Hearing by members of the board and by members of the public; and

WHEREAS, a number of comments from the applicant have been considered, including, but not limited to the following:

1. Mr. Carm DeCrescente & Mr. Frank Bove purchased the parcel in 1980 in a partnership called Bocrest Fields LLC.
2. They paid taxes on unimproved land for the entirety of ownership.
3. When the water district was formed in 2007, Bocrest got a water bill for almost \$21,000 for 62 units when the property was deemed mostly wetlands that could not be developed.
4. Since that time, they have paid over \$218,000 in water bills without using any water.
5. The other users in the district have benefited from lower water bills that Bocrest Fields LLC was covering.
6. This forced Bocrest Fields LLC to investigate development opportunities, so they didn't have to keep paying water bills with no offsetting revenue.
7. Bocrest Fields LLC sorted through history of wetlands designations and subsequent changes over the years with NYS DEC.
8. Bocrest engaged environmental consultants starting in 2015 to determine what the property could be used for. For a time period, they investigated building a 300,000sf warehouse and distribution center with about 150 employees entering daily and approximately 90 to 110 tractor trailers arriving and departing each day 5 days a week.
9. Taxes - Projected annual taxes at completion (using current rates)
 - i. Town & County \$240,000 to support Town and county budgets
 - ii. School District \$462,000 to support the school district without significant additional costs.
 - iii. Total taxes to be paid: \$702,000
10. Public Benefit payments -Owner will make a one-time payment to the Town of \$1,000/apartment or \$312,000 for the Town to use for public benefit projects that might not otherwise be affordable in the Town Budget.
11. Water District payments – At the current rate of \$206/unit per year, Bocrest Fields LLC would be paying annually when each phase of the construction is completed and that will amount to over \$64,000 per year when the 312 apartments are completed.

WHEREAS, a number of concerns were heard from the public at the Public Hearing on October 24, 2022 by neighbors and residents, some of which were responded to by the applicant and all of which were considered by the Planning Board including, but not limited to, the following:

1. Traffic: Several residents discussed their concerns with an increase of traffic to the area. The following responses were provided by the Town and the applicant:

- a. The Town Engineer gave an overview of the independent traffic study from February 2022 conducted by Creighton Manning paid for through escrow by the applicant
 - b. Actual traffic counts were used for the peak hours of 7am to 9am and 4pm to 6pm weekdays.
 - c. Standard industry measurements project an additional 120 to 155 vehicles per hour when the 312 Bocrest Apartments are fully occupied in 4 or 5 years based on the type of housing.
 - d. This measure also includes any other projects that the Town Planning Department is aware of at the time the study was conducted.
 - e. The level of service analysis concludes that this additional traffic flow will not significantly change the Level of Service rating for nearby intersections.
 - f. Residents questioned the accuracy of this reporting.
 - g. As further clarification, if 120 to 155 additional vehicles “per hour” were doubled, that could mean 240 to 310 additional vehicles during the 7am to 9am and 4pm to 6pm peak weekday periods.
 - h. If this seems low at first impression, one needs to realize that some people commute before 7am and after 6pm outside of the 2-hour test peak periods
 - i. 310 vehicles in a 2-hour period could average out to 2.6 additional vehicles per minute.
 - j. Pedestrian connections have been provided through the development to offer a connection from the existing Town-owned trail system to Brickyard Road.
2. Site Layout: The public expressed concerns for the 3-story height proposed for the multi-family buildings, the proximity of the buildings and parking areas to existing residents, the lighting proposed on the site. The following responses were offered:
- a. The applicant would provide visual renderings for the Board to review and offer additional layouts to mitigate concerns
 - b. The applicant would provide sensors for parking lot lighting, use height limits and low-level lighting to mitigate light pollution
 - c. At the request of either the Stillwater Planning Department, Town Engineer, Planning Board, Town Board, DEC, Army Corp of Engineers, Saratoga County Sewer District and others, the applicant has moved the site layout to accommodate DEC request to preserve certain areas.
 - d. Visual renderings were provided with 3 optional layouts that were considered by the Planning Board.
3. Density and Character of the Neighborhood: The public expressed concerns for the number of units proposed and the impact of the number of units to the character of the neighborhood. The following responses were offered:
- a. 3-story buildings were proposed and approved by the Town Board in both the original PDD as well as the PDD Amendment. The buildings are proposed to be situated to limit visibility from Halfway House Road.
 - b. Visual renderings were provided with 3 optional layouts that were considered by the Planning Board.

4. Impacts to infrastructure and public services: The public expressed concerns to the impact on the infrastructure and on public services from the site and the need for multi-family housing. The following responses were given:
 - a. The school district was contacted and responded that enrollment had been down and there was sufficient capacity for the additional students that may come from the development.
 - b. The Fire Department has reviewed the project and provided feedback.
 - c. Emergency access is no proposed from the trail to be provided to connect out to Brickyard Road.
 - d. Market studies that show a need for additional market rate housing in Stillwater and nearby communities. A senior Global Foundries executive said recently that they would need housing/apartments for over 1,000 workers.

5. Wildlife: The public expressed concerns for wildlife with the reduction of open space on the parcel. The following were responses provided:
 - a. Approximately 64 of the 84-acres within the multi-family unit portion of the proposal will not be disturbed, allowing wildlife ample space left uncut and in a natural state.
 - b. Bees: An Apiary is located approximately one-third of a mile from the closest proposed apartment building and two-thirds of a mile from the furthest proposed building.
 - i. The owner of the apartments does not plan to use pesticides any different than the homeowners in the area are likely using now. The owner has agreed to not plant rhododendrons and to discuss future plantings with the Apiary owner to prevent harm to the apiary.

6. Wetlands and Stormwater:
 - a. The Public expressed concerns for wetlands and possible negative effects of additional water runoff.
 - b. Multiple agencies have been involved in the review of the potential wetland impacts. These include NYSDEC, USACOE, Town Engineers and Planning Department.
 - c. All Wetlands will be preserved and carefully monitored by DEC.
 - d. The NYSDEC and the USACOE are presently reviewing the applications for the disturbance of a small portion of wetlands necessary for access which is less than 1/10th of an acre (or about 4,000 sf) on the 20-acre portion to be developed.
 - e. No buildings, parking areas or roadways can be within 100 feet of the NYSDEC delineated wetlands.
 - f. The site has minimized the disturbance of any wetlands to an amount allowed under the USACOE standards for coverage under the nationwide permit limits.
 - g. Stormwater management controls are included in the design plans.
 - h. Stormwater management is required to meet the requirements of the NYSDEC. This results in the preparation of a Stormwater Pollution Prevention Plan (SWPPP). Once the plan is finalized, meets all requirements, and is approved by the MS4 Coordinator at the town, it is filed with the NYSDEC prior to construction. There are also requirements for stormwater inspections throughout

the construction process. The final SWPPP can only be filed after full Planning Board approval.

- i. There will be a Stormwater Management Agreement (SMA) executed by the applicant and filed with the Saratoga County Clerk.

WHEREAS, the application narrative, maps, proposed local law and Full Environmental Assessment Form were also duly considered as well as several relevant and previous studies affecting the Bocrest Fields PDD Amendment, including but not limited to, the following:

- 2001 Zoning Code (Local Law No. 1 of 2001) and amendments thereto;
- 2006 Town Comprehensive Plan;
- Town wide GEIS with incorporated environmental and traffic impact studies;
- Town Law Article 16 regarding zoning amendments;
- General Municipal Law Section 239-l and 239-m; and
- Lindsay Buck's, Paul Male, P.E.'s and James Trainor, Esq.'s written comments on the project;
- The traffic study done by Creighton Manning regarding the project.

Now, therefore, after careful consideration and considerable board and public discourse, it is

RESOLVED, that the Planning Board hereby approves the Site Plan dated December 8, 2022 proposed by Bocrest Fields LLC with the required amendments through February 22, 2023 incorporated therein, conditional upon each of the following items being completed satisfactorily prior to the issuance of any building permit(s) or certificate(s) of occupancy:

1. Compliance with the Engineering Letter by Paul Male, PE dated September 12, 2022.
2. Compliance with the provisions of the PDD amendment authorized by the Town Board on August 18, 2022.
3. A committee shall be established consisting of up to three (3) Planning Board Members, the Town Engineer, and members of the Building, Planning, and Development Department to perform a site visit at first Building Permit for Phase I to determine locations for plantings to be required along the bike path right of way.
4. A satisfactory letter of credit in an amount to be approved by the Board for the required plantings that will be determined by the committee established in Condition Number 3 above.
5. A Stormwater Management Agreement shall be required to be executed by the applicant, approved by the Town and filed with the Saratoga County Clerk.

RESOLVED, that the Secretary is authorized 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 Cresswell to adopt Resolution No. 9 of 2023.

A roll call vote was taken on Resolution No. 9 of 2023 as follows:

Chairman Bisnett	YES
Member Buck	YES
Member Marshall	YES
Member Rathbun	YES
Member Smith	YES
Member Cresswell	YES
Alternate Member Marotta	YES

Resolution No. 9 was PASSED at a meeting of the Planning Board of the Town of Stillwater duly conducted on February 27, 2023.

Sheila Silic

Sheila Silic, Planning Board Secretary

PB2022-14 TDNI Properties Minor Subdivision Cold Springs Road

Chairman Bisnett recognized Mr. John Hitchcock of ABD Engineers who is representing TDNI Properties.

Mr. Hitchcock:

The applicant is seeking to subdivide two vacant parcels located on Cold Springs and County Route 76 which consist of 13.4+/-acre parcel in the Saratoga Glen PDD Zoning District and 9.4+/-acre parcel in the LDR Zoning Districts. The 3 new lots are proposed for single family dwellings. Lot 1 consists of 1.78-acres, Lot 2 consists of 1.42-acres, Lot 3 consists of 1.08-acres and Lots 4 and 5 consists of a total of 18.70-acres. The remaining 18.70-acres contained in Lot 4 and 5 will be conveyed to the Town of Stillwater. The lots will be serviced with public water from Glen Hollow Water and public sewer serviced by Saratoga County Sewer District #1.

Ms. Lindsay Buck:

The parcels to be dedicated to the Town of Stillwater are contiguous to Glen Hollow Park.

Chairman Bisnett:

Asked Mr. Male about the vicinity of NYS Route 9P and County Route 76 with regards to sidewalks.

Mr. Male:

That he would like to see sidewalks as a part of the project.

Ms. Marotta:

She agrees with Chairman Bisnett and Mr. Male in regards to sidewalks.

Mr. Rathbun:

Asked about the waterline that runs through Lot 1.

Mr. Hitchcock:

He will speak with applicant regarding the waterline.

Mr. Cresswell:

Asked if the parcels to be dedicated to the Town of Stillwater would be used as parkland.

Ms. Lindsay Buck:

The parcels that will be dedicated to the Town of Stillwater is proposed to remain as open space.

Mr. Male:

The topography of land that is being dedicated to the Town of Stillwater has a steep terrain.

Mr. Hitchcock:

Asked about the placement of the sidewalks for the project.

Mr. Male:

The placement of sidewalks would be along the Glen Hollow parcel.

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

Chairperson Bisnett	Yes
Vice Chairwoman Buck	Yes
Member Cresswell	Yes
Member Marotta	Yes
Member Marshall	Yes
Member Rathbun	Yes
Member Smith	Yes

Ms. Marshall made a motion to adjourn, seconded by Mr. Bisnett at approximately 8:08pm.