

**PLANNING BOARD MEETING
TOWN OF STILLWATER
STILLWATER TOWN HALL
May 22, 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)
Randy Rathbun, (RR) (Arrived at 6:15)
Marybeth Reilly (MR) Member
Dale Smith, (DS)**

Also Present:

**Ryan Pezzulo, Attorney for the Town
Paul Male, Town Engineer, (PM)
Lindsay (Zepko) Buck, Senior Planner (LB)
Judy Wood-Zeno
Sheila Silic, Secretary**

Absent:

**Kimberlee Marshall (KM) Member
Timothy Scrom (TS), Member
Ellen Vomacka, Town Board Liaison**

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 approve the April 24, 2023 meeting minutes, seconded by Mr. Cresswell. A roll call vote was taken.

Chairman Bisnett	Yes
Member Buck	Yes
Member Cresswell	Yes
Alternate Member Marotta	Yes
Member Rathbun	Absent
Member Reilly	Yes
Member Smith	Yes

PB2022-20 Scenic View Site Plan, County Route 76

PB2022-21 Scenic View Major Subdivision. County Route 76

The above projects were reviewed simultaneously

Chairman Bisnett recognized Mr. Dominick Arico of Arico Associates who is presenting the project this evening.

Mr. Arico:

Mr. Alfred Parella is also present this evening. The placement of the sidewalks along the westerly side of County Route 76 along the front of the project. The parcel is located on the westerly side of County Route 76 and consist of 73+/-acres. There are 16 single-family dwellings and 12 apartment buildings with 4-units per building along with a clubhouse proposed. The road for ingress and egress to the apartment buildings will remain private and Lot 17 will remain with the apartment portion of the project. The applicant has changed the cul-de-sac to a hammerhead turn around, the site will be serviced with public water and public sewer by the Village of Stillwater. The survey is currently being updated with the changes that have been made to the project. The wetlands have been delineated by North Country Ecological Services. The applicant will apply for an Army Corp of Engineers wetland permit.

Ms. Lindsay Buck:

The Stillwater Town Board reviewed the changes to the PDD Amendment by the applicant.

Chairman Bisnett asked if anyone would like to comment, hearing none he closed the public hearing. Mr. Smith made a motion to close 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 Rathbun	Yes
Member Reilly	Yes
Member Smith	Yes

Mr. Smith:

Asked if the Village of Stillwater sewer line can accommodate the number of dwellings and apartments for this development.

Mr. Arico:

The applicant is working with Village of Stillwater's Engineer Mr. Hernandez regarding the Village of Stillwater sewer line.

Ms. Reilly made a motion to table the project for engineering review, seconded by Mr. Cresswell. A roll vote was taken.

Chairman Bisnett	Yes
Member Buck	Yes
Eliot Cresswell	Yes
Alternate Member Marotta	Yes

Member Rathbun	Yes
Member Reilly	Yes
Member Smith	Yes

PB2023-07 VonAhn McDermott Road Minor Subdivision, 45-47 McDermott Road

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

Mr. Webster:

Mr. Richard Von Ahn is also present this evening. The applicant is proposing a two-lot subdivision of an existing nonconforming parcel with two existing dwellings and one vacant parcel to create one conforming parcel and bring Lot 2 more into conformity with the accessory structure. The third lot will be merged with Lot 2. This will bring the two non-conforming parcels into more conforming lots. There are wetlands located on the vacant parcel.

Mr. Male:

Asked if the wetlands have been delineated.

Mr. Webster:

The wetlands have been delineated.

Ms. Lindsay Buck:

She spoke with the resident at 51 McDermott Road regarding the subdivision.

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

Robert Sgambati 44 McDermott Road

Asked what the plans are for the block building in the front of the parcel. Asked what is the meaning of the term non-conforming.

Mr. Webster:

There are no plans for the block building. The location of accessory structures according to town code have to be located in the side yard or rear yard of the property.

Mr. Male:

That non-conforming means that the parcel does not conform to the Town of Stillwater Zoning Code.

Robert Sgambati 44 McDermott Road

Asked about the intersection of McDermott, George Thompson, Elmore Robinson and Meehan Road regarding making it into a four way stop. This is due to the line of site regarding the knoll on George Thompson Road.

Ms. Lindsay Buck:

She would relay Mr. Sgambati's concerns regarding the intersection to the Town Board.

Chairman Bisnett:

Asked if anyone else 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. Smith. A roll call vote was taken.

Chairman Bisnett	Yes
Member Buck	Yes
Eliot Cresswell	Yes
Alternate Member Marotta	Yes
Member Rathbun	Yes
Member Reilly	Yes
Member Smith	Yes

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

**TOWN OF STILLWATER
PLANNING BOARD
2023 RESOLUTION NO. 18**

A Resolution Making a SEQRA Determination for the application for a minor subdivision and boundary line adjustment by Richard VonAhn

WHEREAS, Richard VonAhn has made an application for a minor subdivision and boundary line adjustment for an existing nonconforming 24.70 acre parcel to create two new conforming parcels with existing dwellings and one vacant parcel to be merged with tax parcel 242.-1-42, more particularly described as tax parcel numbers 242.-1-41 & 242.-1-42; 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.

NOW, therefore, be it

RESOLVED, the Planning Board hereby determines that the action for a minor subdivision and boundary line adjustment for an existing nonconforming 24.70 acre parcel to

create two new conforming parcels with existing dwellings and one vacant parcel to be merged with tax parcel 242.-1-42, more particularly described as tax parcel numbers 242.-1-41 & 242.-1-42, will not result in significant impacts on the environment and a negative declaration is hereby issued.

A motion by Member Buck seconded by Member Reilly to adopt Resolution No. 18 of 2023.

A roll call vote was taken on Resolution No. 18 of 2023 as follows:

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

Resolution No. 18 was Passed at a meeting of the Planning Board of the Town of Stillwater duly conducted on May 22, 2023.

Sheila Silic
Sheila Silic, Planning Board Secretary

**TOWN OF STILLWATER
PLANNING BOARD
2023 RESOLUTION NO. 19**

A Resolution Regarding the application for a minor subdivision and boundary line adjustment by Richard VonAhn

WHEREAS, Richard VonAhn has made an application for a minor subdivision and boundary line adjustment for an existing nonconforming 24.70-acre parcel to create two new conforming parcels with existing dwellings and one vacant parcel to be merged with tax parcel 242.-1-42, more particularly described as tax parcel numbers 242.-1-41 & 242.-1-42; 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 issuing a negative declaration in Resolution 18 of 2023; and,

WHEREAS, a public hearing was held on May 22, 2023 to receive public comments and public comments were received.

NOW, therefore, be it

RESOLVED, the Planning Board hereby approves the application for a minor

subdivision and boundary line adjustment for an existing nonconforming 24.70 acre parcel to create two new conforming parcels with existing dwellings and one vacant parcel to be merged with tax parcel 242.-1-42, more particularly described as tax parcel numbers 242.-1-41 & 242.-1-42 subject to satisfactory completion of the following conditions:

1. Compliance with the engineering letter of Paul Male, P.E. dated April 19, 2023.

A motion by Member Reilly seconded by Member Buck to adopt Resolution No. 19 of 2023.

A roll call vote was taken on Resolution No. 19 of 2023 as follows:

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

Resolution No. 19 was Passed at a meeting of the Planning Board of the Town of Stillwater duly conducted on May 22, 2023.

Sheila Silic
Sheila Silic, Planning Board Secretary

PB2023-09 Flintlock Way Site Plan Review, Flintlock Way

Chairman Bisnett recognized Mr. Paul Labera of Lansing Engineering who is representing Brigadier Estates LLC.

Mr. Labera:

Mr. Marshall Whalen is also present this evening. The proposed project has not had any changes to the layout configuration. The parcel is 31.84-acres and the applicants are proposing a 19-lot conservation subdivision. The Planning Board approved the project on July 20, 2020. The approval has lapsed and the applicant is seeking re-approval of the project. The applicant has submitted an updated SWPPP to the Planning Department.

Ms. Lindsay Buck:

There will be a pre-construction meeting with the developer before construction is started. The placement of the mail boxes will be discussed at the pre-construction meeting. The developer will also need a SPDES Permit.

Mr. Rathbun:

Asked what the delay was in starting the construction of the development.

Mr. Labera:

The delay in the construction of the development was due to COVID and Saratoga County.

Ms. Marotta:

Asked if the delineation of disturbance has been submitted.

Ms. Lindsay Buck:

The delineation of disturbance has been updated in the SWPPP.

Ms. Marotta:

Asked if the open space is the conservation land.

Ms. Lindsay Buck:

There are deed restrictions regarding the open space.

Mr. Male:

That Mr. Trainor has reviewed the deed restrictions for this development.

Ms. Marotta:

Asked if the home owners will be supplied with regulations of what can and cannot be done within the open space.

Chairman Bisnett:

If the development does not have an HOA the regulations cannot be in-forced.

Mr. Cresswell:

Asked as part of the record why the public hearing is being waived.

Mr. Pezzulo:

There was a public hearing held on September 23, 2019 and approved on July 20, 2020. This is an extension of the approval.

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
Eliot Cresswell	Yes
Alternate Member Marotta	Yes
Member Rathbun	Yes
Member Reilly	Yes
Member Smith	Yes

**TOWN OF STILLWATER
PLANNING BOARD
2023 RESOLUTION NO. 20**

**A Resolution Regarding the application for a major subdivision and site plan approval for
Flintlock Way**

WHEREAS, The applicant has made an application for a 19 lot major subdivision and site plan approval on 31.84 acres, more particularly described as tax parcel number 252.-2-22.11, 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 issuing a negative declaration in Resolution 36 of 2019, and the Planning Board hereby renews and re-adopts its issuance of a negative declaration herein; and,

WHEREAS, the application for a 19 lot major subdivision was previously granted by the Planning Board in Resolution 21 of 2020; and,

WHEREAS, a public hearing was conducted on September 23, 2019 to consider the application, and comments were received from the public as well as the applicant; and,

WHEREAS, the Planning Board has waived any further public hearing for the applicant's site plan review.

NOW, therefore, be it

RESOLVED, the Planning Board hereby approves the application for a 19 lot major subdivision and site plan approval on 31.84 acres, more particularly described as tax parcel number 252.-2-22.11, subject to satisfactory completion of the following conditions:

1. Compliance with the engineering letter of Paul Male, P.E. dated May 10, 2023.

A motion by Member Buck seconded by Member Rathburn to adopt Resolution No. 20 of 2023.

A roll call vote was taken on Resolution No. 20 of 2023 as follows:

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

Resolution No. 20 was Passed at a meeting of the Planning Board of the Town of Stillwater duly conducted on May 22, 2023.

Sheila Silic
Sheila Silic, Planning Board Secretary

PB2022-17 King’s Isle PDD King’s Isle East Site Plan

Chairman Bisnett recognized Mr. Paul Labera of Lansing Engineering who is representing Mr. Bruce Tanski.

Mr. Labera:

Mr. Bruce Tanski and Ms. Tamara Sullivan are also present this evening. They have addressed Mr. Male’s comment letter dated March 18, 2023 and believe that the engineering reviews are complete.

Chairman Bisnett:

Asked Mr. Male and Ms. Lindsay Buck if there are outstanding issues.

Ms. Lindsay Buck:

There are just a few technical issues which can be resolved when the applicant applies for a building permit.

Mr. Buck:

The proposed development is located in the Shenendehowa School District.

Ms. Reilly:

There are 121 apartments in Phase 6. Asked how many apartments are there over all in the development.

Mr. Labera:

He does not have that information but, will provide the Planning Board with the information.

**PLANNING BOARD
2023 RESOLUTION NO. 21
A Resolution Making a SEQRA Determination for the application for King’s Isle PDD,
King’s Isle East (Phase 6) Site Plan by Bruce Tanski Construction**

WHEREAS, Bruce Tanski Construction has made an application for site plan approval within the King’s Isle PDD, King’s Isle East (Phase 6) for 11 apartment buildings with 11 units each for a total of 121 units, located on Route 67 consisting of 55.90 acres in the Route 67 West Zoning District more particularly described as tax parcel number 251.-1-14.12; and;

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

NOW, therefore, be it

RESOLVED, the Planning Board hereby determines that the action for site plan approval within the King’s Isle PDD, King’s Isle East (Phase 6) for 11 apartment buildings with 11 units each for a total of 121 units, located on Route 67 consisting of 55.90 acres in the Route 67 West Zoning District more particularly described as tax parcel number 251.-1-14.12, will not result in significant impacts on the environment and a negative declaration is hereby issued.

A motion by Member Reilly seconded by Member Buck to adopt Resolution No. 21 of 2023.

A roll call vote was taken on Resolution No. 21 of 2023 as follows:

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

Resolution No. 21 was Passed at a meeting of the Planning Board of the Town of Stillwater duly conducted on May 22, 2023.

Sheila Silic
Sheila Silic, Planning Board Secretary

**TOWN OF STILLWATER
PLANNING BOARD
2023 RESOLUTION NO. 22
A Resolution Regarding the application for King’s Isle PDD, King’s Isle East (Phase 6) Site
Plan by Bruce Tanski Construction**

WHEREAS, Bruce Tanski Construction has made an application for site plan approval within the King’s Isle PDD, King’s Isle East (Phase 6) for 11 apartment buildings with 11 units

each for a total of 121 units, located on Route 67 consisting of 55.90 acres in the Route 67 West Zoning District more particularly described as tax parcel number 251.-1-14.12; 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 issuing a negative declaration in Resolution 21 of 2023; and,

WHEREAS, a public hearing was held on April 24, 2023 to receive public comments and no public comments were received.

NOW, therefore, be it

RESOLVED, the Planning Board hereby approves the application for site plan approval within the King's Isle PDD, King's Isle East (Phase 6) for 11 apartment buildings with 11 units each for a total of 121 units, located on Route 67 consisting of 55.90 acres in the Route 67 West Zoning District more particularly described as tax parcel number 251.-1-14.12 subject to satisfactory completion of the following conditions:

1. Compliance with the engineering letter of Paul Male, P.E. dated March 18, 2023.

A motion by Member Reilly seconded by Member Buck to adopt Resolution No. 21 of 2023.

A roll call vote was taken on Resolution No. 21 of 2023 as follows:

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

Resolution No. 22 was Passed at a meeting of the Planning Board of the Town of Stillwater duly conducted on May 22, 2023.

Sheila Silic
Sheila Silic, Planning Board Secretary

Mr. Smith made a motion to adjourn seconded, by Mr. Cresswell at approximately 7:09pm.