

**PLANNING BOARD MEETING
TOWN OF STILLWATER
STILLWATER TOWN HALL
December 11, 2023 @ 6:00 PM**

Present:

**Chairman Frank Bisnett (FB), Chairman
Peter Buck (PB), Vice-Chairman
Eliot Cresswell (EC) Member
Kimberlee Marshall (KM)
Randy Rathbun, (RR) Member
Timothy Scrom (TS) Alternate Member
Dale Smith, (DS) (Arrived @6:04)**

Also Present:

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

Absent:

**Carol Marotta, (CM) Alternate Member
Marybeth Reilly (MR) Member
Ellen Vomacka, Town Board Liaison
Judy Wood-Zeno, Assistant to Planning Department**

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. Smith made a motion to approve the October 23, 2023 meeting minutes, seconded by Mr. Rathbun. Mr. Smith made a motion to table the November 13, 2023 meeting minutes, seconded by Mr. Rathbun. A roll call vote was taken.

Chairman Bisnett	Yes
Member Buck	Yes
Member Cresswell	Abstain
Member Marshall	Yes
Member Rathbun	Yes
Alternate Member Scrom	Abstain
Member Smith	Yes

PB2023-26 Winding Brook Condominiums Site Plan Re-Approval

Chairman Bisnett recognized Mr. Scott Lansing of Lansing Engineering who will be presenting the project this evening.

Mr. Lansing:

The project is before the Planning Board this evening for re-approval. The parcel is 25+/- acres located on Walden Circle with commercial units located on NYS Route 423. There have been no changes to the project and stormwater has been previously approved. The approval lapsed due to Covid.

Chairman Bisnett:

Asked Ms. Lindsay Buck if there are any conditions associated with the re-approval.

Ms. Lindsay Buck:

The re-approval is conditioned on the outstanding issues.

Chairman Bisnett:

Stated that the Planning Board is re-affirming SEQRA and the Negative Declaration for this project.

**TOWN OF STILLWATER
PLANNING BOARD
2023 RESOLUTION NO. 37**

A Resolution Regarding the application by Amedore Homes for a renewal of its Site Plan Approval for the Walden Brook PDD Amendment.

WHEREAS, Amedore Homes has made an application for a renewal of its site plan approval for the Walden Brook PDD Amendment, more particularly described as tax parcel numbers 219.-1-1.1 & 219.9-1-1; and;

WHEREAS, On March 1, 2018 the Town Board enacted Local Law No. 2 of 2018, a Local Law approving the Winding Brook PDD Amendment and amending Local Law No. 1 of 2001 and Chapter 211 of the Town Code; and,

WHEREAS, The applicant made an application for Site Plan Approval of the PDD and a public hearing was conducted on August 27, 2018, and the Planning Board allowed additional written comments to be submitted and public comments were received and considered; and,

WHEREAS, by Resolution No. 18 of 2018, the Planning Board issued a Negative Declaration pursuant to 6 NYCRR 617.6 (SEQRA) and by Resolution No. 19 of 2018, the Planning Board granted the application for Site Plan Approval; and,

WHEREAS, pursuant to the Town Code, the approval has lapsed, and the applicant has applied for renewal of the previously granted Site Plan Approval.

NOW, therefore, be it

RESOLVED, the Planning Board hereby adopts its findings and Negative Declaration pursuant to 6 NYCRR 617.6 (SEQRA) as stated in Resolution 18 of 2018; and be it further,

RESOLVED, the application is granted for renewal of the Applicant's site plan approval for the Walden Brook PDD Amendment, more particularly described as tax parcel numbers 219.-1-1.1 & 219.9-1-1 subject to satisfactory completion of the following conditions:

1. Compliance with the engineering letter of Paul Male, P.E. dated December 6, 2023.
2. Compliance with the conditions set forth in the original approval stated in Resolution 19 of 2018.

A motion by Member Rathburn seconded by Alternate Member Scrom to adopt Resolution No. 37 of 2023.

A roll call vote was taken on Resolution No. 37 of 2023 as follows:

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

Resolution No. 37 was Passed at a meeting of the Planning Board of the Town of Stillwater duly conducted on December 11, 2023.

PB2023-20 Skidmore Horseshow (White Hollow Farm), 28 Brickhouse Road

Chairman Bisnett recognized Ms. Adele Einhorn of Southbound Saratoga Management Group LLC who will be presenting the project this evening. Mr. Daniel Rodecker of Skidmore College Facility Services is also present this evening.

Ms. Einhorn:

Stated that she researched options with Saratoga County Cornell Cooperative Extension, Palette Stone, and D.A. Collins regarding the dust and dirt. The Highway Superintendent suggested using number 1 or number 2 stone or calcium to diminish the amount of dust along with sweeping the dirt at the edge of the road. That dust down is safe to use for horses. They are reviewing using smaller stone or pavement millings on the driveways. They did a noise decibel test with the tractor and water truck in operation and the levels were below the Town of Stillwater Noise Ordinance. They have spoken to Mr. Dantz and will work with him in the spring regarding the speakers in that arena closest to his residence and placing a restrictor for the volume on the speakers.

Chairman Bisnett:

Stated that the Planning Board received letters from Vince Santilli and another neighbor.

Mr. Scrom:

Asked how many people attend the horse shows.

Ms. Einhorn:

The attendance varies on the horse shows. The June horse show is our largest horse show, which can have about 500 people, but not all at one time. The first week of the horse show will be cancelled due to the Belmont Race in 2024.

Mr. Scrom:

Asked if emergency services are notified regarding the horse shows.

Ms. Einhorn:

That all emergency services are notified and are invited to walk the site. There are 4 or 5 people on site for crowd control.

Mr. Rathbun:

Asked about the renewal and for how many years.

Chairman Bisnett:

Stated that the renewal is for one year and will review after the one year if the conditions have been met.

Mr. Male:

That he and Ms. Buck have a list of conditions regarding the renewal of the Special Use Permit.

Ms. Lindsay Buck:

Read the conditions to be placed on the Special use Permit.

Chairman Bisnett:

Stated that the Planning Board is re-affirming SEQRA and the Negative Declaration for this project.

**TOWN OF STILLWATER
PLANNING BOARD
2023 RESOLUTION NO. 38**

**A Resolution Regarding the application by Skidmore College for a renewal of its
Temporary Special Use Permit for the Skidmore Horse Show.**

WHEREAS, Skidmore College has submitted an application for the renewal of a Temporary Special Use Permit regarding property located at 28 Brickhouse Road, Stillwater, NY 12170, more fully identified as Tax Map Numbers 220.-1-51.1 and 220.-1-52 for the Skidmore Horse Show and other activities; and

WHEREAS, The Planning Board granted a Temporary Site Plan Approval by Resolution No. 9 of 2018 that has expired by its terms; and,

WHEREAS, The applicant made an application for renewal of its Site Plan Approval and a public hearing was conducted on October 23, 2023, and the Planning Board allowed additional written comments to be submitted and public comments were received and considered; and,

WHEREAS, by Resolution No. 8 of 2018, the Planning Board issued a Negative Declaration pursuant to 6 NYCRR 617.6 (SEQRA) and the Planning Board adopts its prior findings and re-issues a Negative Declaration.

NOW, therefore, be it

RESOLVED, the Temporary Special Use Permit regarding property located at 28 Brickhouse Road, Stillwater, NY 12170, more fully identified as Tax Map Numbers 220.-1-51.1 and 220.-1-52 for the Skidmore Horse Show and other activities is hereby granted, subject to satisfactory completion of the following conditions:

1. Compliance with the engineering letter of Paul Male, P.E. dated December 7, 2023.
2. The Special Use Permit shall be temporary for a period of one (1) year expiring on December 11, 2024.
3. The applicant shall obtain an operating permit from the Code Enforcement Officer for each horse show/event.
4. The applicant shall apply Dust-Down or a similar product to reduce the dirt/dust on internal roadways.
5. The entrance shall be improved with asphalt, millings, or stone.
6. The applicant shall work with its adjacent neighbor to determine an adequate reduction in noise from its speakers/PA system.
7. The applicant shall obtain approval from NYS Dept. of Health and/or Saratoga County for its campground and shall provide proof of the same to the Town's Planning Department and/or Code Enforcement Officer.
8. The applicant shall not have events other than the horse shows and related activities. This prohibition shall mean that the applicant may not host any weddings, car shows, polo, or similar events.
9. The hours of operation shall be from 7am-8pm.

A motion by Member Cresswell seconded by Member Marshall to adopt Resolution No. 38 of 2023.

A roll call vote was taken on Resolution No. 38 of 2023 as follows:

Chairman Bisnett	YES
Member Buck	YES
Member Reilly	ABSENT

Member Marshall	YES
Member Rathbun	YES
Member Smith	YES
Member Cresswell	YES
Alternate Member Scrom	YES
Alternate Member Marotta	ABSENT

Resolution No. 38 was Passed at a meeting of the Planning Board of the Town of Stillwater duly conducted on December 11, 2023.

PB2023-24 and 25 H.O.P.E. Animal Rescue, Special Use Permit and Site Plan, 90 Jack Halloran Road

Chairman Bisnett recognized Mr. Matthew Brobston of the LA Group who will be presenting the project this evening. Mr. Brobston stated that Ms. Michele Jennings who is the Director of H.O.P.E. Animal Rescue is also present this evening.

Mr. Brobston:

They have submitted narratives to the Planning Board. The Lot Line Adjustment has been modified to allow for the required distance needed per the Town Code for outdoor dog-runs and play areas outside of the 200 Ft. buffer. Showed the Planning Board the location of the temporary dog-runs on the map. The pole barn will remain as a storage area. The signage proposed is 4 Ft. by 3 Ft. All outside entrances will include a double entry vestibule for safety. To minimize the issue of the possibility of animals escaping, the public would enter through double style vestibules on both buildings where the dogs and cats will be kept. . The main house will be used to house the cats and as office space. The downstairs area of the 3-bay garage will be renovated for the dog program to house a maximum of 5 dogs at a time. The renovations to the space will include sound-proofing insulation for noise control. This property will serve as HOPE’s permanent location and adoption center. The applicant will be applying for all required building permits when the purchase is finalized. Stated that he will let Ms. Jennings address snow removal, and the licensing issue.

Ms. Jennings:

In order to insure the safety of the site and the animals, there will be surveillance cameras installed inside and outside the facility which goes directly to our cell phones and monitored 24/7. There is someone available to respond at all times in the event of an emergency. Their goal is to have someone living on site 24/7 within 8 or 9 months.

The number of cats allowed on the premises by the Special Use Permit would be 30 cats and 5 dogs. They would like to have no more than 5 indoor kennels which would allow the facility to intake and evaluate the dogs before placement in foster care. The renovation will include creating an indoor play area for evaluations and provide a safe place for dogs who do not walk well on a leash. Their foster network is usually between ten and twenty people and they typically have about 15 dogs in foster care. The average length of time the dogs are in our care is generally less than 1-month.

They would like to be able to hold an adoption on the second and forth Saturday and there would be no more than 15 dogs allowed on the premises. All visitors would be scheduled by appointment which would help with the concern of increased traffic. They have removed the proposal of additional events at this site and have already begun to identify local community spaces that would be suitable alternatives for the events that were planned to be held on the premises. They would like to hold a grand opening to introduce themselves to the community and one annual open house per year at the facility to shine a spotlight on their organization and location. There will be staff and volunteers on site from 7am until 7pm daily and have the site open to the public from 10am until 6pm to limit traffic.

The products that disinfect and sanitize will have no impact as they are pet and environmentally friendly and not connected to any septic systems.

The animal waste will be bagged in trash bags before being disposed of in a dumpster with the lid closed to help prevent odors that will be picked up weekly.

They would like to enclose the back porch into a 'catero' with pet resistant screening. There will be no cats left out in the 'catero' overnight.

They understand that there are currently no services in the Town for cats under Animal Control and would be willing work with the Town to assist in this area. They would be able to help catch the feral cats that would either stay with HOPE or would go to Saratoga County Animal Shelter. Regarding the increase burden to the Canine Control Officer. They propose to assist the town as a location to bring animals instead of the county shelter and capturing and sheltering of felines.

That snow removal will be contracted out to a local snow removal business.

The dogs will be registered and licensed in the municipalities in which they live.

Chairman Bisnett:

Asked about the dog-runs that are outside for the dogs.

Ms. Jennings:

The only dogs that will be in the outside runs are the ones that are leash trained to provide additional enrichment and outdoor exercise. They would like to enclose the back of the garage area for the dogs that would not able to be placed in the outside runs.

Mr. Scrom:

Asked if there will be a veterinarian on site.

Ms. Jennings:

There will not be a veterinarian on site. That HOPE Rescue works with a network of veterinarian offices throughout the area.

Mr. Scrom:

Asked if the dogs will be left outside overnight.

Ms. Jennings:

They do not leave the animals outside overnight. All the cats will be in the house and the dogs will be in the garage kennels.

Mr. Scrom:

Asked about the timeframe to have a person on-site 24/7.

Ms. Jennings:

Stated that she does not have an exact timeframe but would like to have a person on-site within 6 to 9 months. The owner of the property will not allow us to perform test pits for the septic system for the proposed apartment above the garage.

Mr. Smith:

Stated his concerns with the animals being left alone for 12 hours.

Ms. Jennings:

Stated that the animals are left alone at their current location at Saratoga Wilton Mall from 6pm until 10am which is longer than the timeframe at this location.

Mr. Cresswell:

Asked if the rescue will be closing their current location or if they will have both locations due to the number of cats and dogs.

Ms. Jennings:

They would be closing their current location. They have a certain number of cats and dogs that are allowed with the Special Use Permit. They work with rescues and shelters so that they would not exceed the number of cats and dogs.

Mr. Buck:

Stated that he believes that HOPE Rescue has addressed all the issues that the Planning Board and public had with the application.

Mr. Rathbun:

Asked who will enforce the conditions of the Special Use Permit.

Mr. Male:

The Building Department and Code Enforcement Officers would enforce the conditions if a complaint was brought to the department.

Ms. Marshall:

Asked about requirement consistency with other kennels and dog day cares in the area for zoning compliance such as Woofs and Wags.

Ms. Lindsay Buck:

Stated that the other kennels and dog day cares were approved before she and Mr. Male started working for the Town of Stillwater in 2013 and that there were changes to the Town Zoning Code prior to that time.

Mr. Pezzulo:

Stated that the other kennels and dog day cares could be pre-existing non-conforming.

Chairman Bisnett:

Stated that the Planning Board may act on SEQRA for this project.

**TOWN OF STILLWATER
PLANNING BOARD
2023 RESOLUTION NO. 39**

A Resolution Making a SEQRA Determination for the application by H.O.P.E. Animal Rescue for a Special Use Permit and Site Plan Approval at 90 Jack Halloran Road.

WHEREAS, H.O.P.E. Animal Rescue has made an application for a special use permit and site plan approval for property located at 90 Jack Halloran Road, more particularly described as tax parcel number 219.-3-6.12; and;

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

NOW, therefore, be it

RESOLVED, the Planning Board hereby determines that the action for a special use permit and site plan approval for property located at 90 Jack Halloran Road, more particularly described as tax parcel number 219.-3-6.12, will not result in significant impacts on the environment and a negative declaration is hereby issued.

A motion by Member Buck seconded by Alternate Member Scrom to adopt Resolution No. 39 of 2023.

A roll call vote was taken on Resolution No. 39 of 2023 as follows:

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

Resolution No. 39 was Passed at a meeting of the Planning Board of the Town of Stillwater duly conducted on December 11, 2023.

**TOWN OF STILLWATER
PLANNING BOARD
2023 RESOLUTION NO. 40**

A Resolution Regarding the application by H.O.P.E. Animal Rescue for a Special Use Permit and Site Plan Approval at 90 Jack Halloran Road.

WHEREAS, H.O.P.E. Animal Rescue has made an application for a special use permit and site plan approval for property located at 90 Jack Halloran Road, more particularly described as tax parcel number 219.-3-6.12; and

WHEREAS, A public hearing was conducted on November 13, 2023, and the Planning Board allowed additional written comments to be submitted and public comments were received and considered; and,

WHEREAS, by Resolution No. 39 of 2023, the Planning Board issued a Negative Declaration pursuant to 6 NYCRR 617.6 (SEQRA).

NOW, therefore, be it

RESOLVED, the special use permit and site plan approval for property located at 90 Jack Halloran Road, more particularly described as tax parcel number 219.-3-6.12 is hereby granted, subject to satisfactory completion of the following conditions:

1. Compliance with the engineering letter of Paul Male, P.E. dated December 7, 2023.
2. The Special Use Permit granted shall be temporary for a period of eighteen (18) months, expiring June 11, 2025.
3. The applicant shall not keep more than 30 cats and 5 dogs overnight on site at any time.
4. The applicant shall have no more than two (2) adoption events per month and the events must be scheduled by appointment only.
5. The applicant shall have no more than one (1) open house event annually with a maximum of fifteen (15) dogs at any given event.

6. The applicant shall install a security system and shall have staff on-call at all times.
7. The applicant shall have all animal waste bagged and the on-site dumpster shall be emptied weekly.
8. All dogs shall be licensed in the municipality where they are adopted.
9. Building permits shall be obtained for all improvements that require such permits.
10. The hours of operation shall be from 7am-7pm for volunteers and 10am-6pm for the general public.
11. Soundproofing is required in the area where dog kennels will be kept.
12. All outdoor dog runs shall be kept in the area outside of the 200ft buffer from adjacent property lines and the roadway.

A motion by Member Buck seconded by Alternate Member Scrom to adopt Resolution No. 40 of 2023.

A roll call vote was taken on Resolution No. 37 of 2023 as follows:

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

Resolution No. 40 was Passed at a meeting of the Planning Board of the Town of Stillwater duly conducted on December 11, 2023.

Mr. Buck made a motion to adjourn seconded, by Mr. Scrom at approximately 7:15pm.