

**TOWN OF STILLWATER
PLANNING BOARD AGENDA
FEBRUARY 19, 2008
7:30 PM**

Present: Chairwoman JoAnn Winchell, John Murray, Patricia Padauno, Carol Marotta, Peter Buck, Paul Tompkins.

Also Present: Darryl Cutler ESQ-Attorney for the Town, Joel Bianchi-Town Engineer, Ken Petronis-Town Councilman, Lisa Bruno-Town Councilwoman.

Absent: Ray Abbey-Building Department, John Girard, Member

7:30 P.M. Chairwoman JoAnn Winchell called the meeting to order, and led everyone in the pledge to the flag.

The first order business was the minutes of January 21, 2008 Planning Board Meeting. A motion to approve was in order.

**MOTION to approve the January 21, 2008
Planning Board Meeting Minutes.
Made by P. Buck, seconded by J. Murray
Motion Carried 6-0**

**Revolutionary Heights
Kellogg Road
6 Month Extension**

Revolutionary Heights PDD was represented by their lawyer Mr. Powhida, who was requesting a 6 month Extension under Local Law 276. The attorney stated they have approval from DEC, but not sign-off approval. DEC wants a secondary review from the Saratoga County Sewer District's Jim DePasquale. Once the Sewer District's review

is complete DEC will most likely sign the maps.

DOH sent Revolutionary Heights their comments and the engineers told Mr. Powhida that their response to the comments would go out early this week and that should address of all the Department of Health's concerns. Revolutionary Heights has their engineer report in to Jim DePasquale. Revolutionary Heights has their request to the Army Corp of Engineers for a permit for almost 2 years. They have received word that an approval is on order and a permit will be forwarded. Attorney Powhida informed the Planning Board that if they get the 6 month extension today, they need only to submit mapping to the Planning Board in the future.

Chairwoman Winchell questioned the Board Members as to whether or not they received the communication on the extension request dated February 6. The members responded positively. Chairwoman Winchell informed the attorney that there are 3 new members to the Planning Board and stated that it may be beneficial to expand on the PDD specifics.

Mr. Powhida informed the Planning Board that Revolutionary Heights allows for 146 total uses, (98 single family homes, and 48 unit condominiums). Revolutionary Heights will be connecting into Sewer District #2 through the formally known "Gurba Sewer System. The project will also be connected to municipal water. Carol Marotta inquired what the hold ups are with DEC and the Department of Health. The response was that DEC sent back comments on their design in which they have either agreed to or rectified and sent back. DEC also has to approve their flows, and wants individual engineers report. It was provided by 2/19/08 or will be provided by this week. Army Corp of Engineers had concerns about wetlands that impacted the entrance points. They also had to do an archeological study which caused impact and had to be further investigated. Carol Marotta inquired as to were Revolutionary Heights is located. The location was detailed Castle Drive and Gurba Drive as referencing points.

Councilman Ken Petronis inquired after all the permits are issued, when will be the expected starting date. Mr. Powhida informed the Board that Revolutionary Heights has to have funding in place first. Chairwoman Winchell inquired about the timeliness of the construction of the sewer line since it serves as a link connecting Saratoga Hills sewer to the former Gurba sewer. The lawyer said that the holdup lies with the Army Corp of Engineers. The hold up on that is some of sewer lines go through some wetlands and when they granted approval for wetland delineation, the project can break ground.

John Murray inquired if there was precedence to grant 90 day extensions. Chairwoman Winchell informed him extensions that it has been granted in the past. Chairwoman Winchell asked Joel Bianchi if there was any other submittals necessary for his review. Joel Bianchi informed the Planning Board that once they have the revisions from Health Department and DEC he just wants to see the final plans. Peter Buck informed the Planning Board that it should be noted for the new members' benefit that the PDD's density has been reduced. Carol Marotta inquired if they have preliminary approval.

Attorney Powhida informed the Planning Board that they do have preliminary approval for the PDD. He further stated that they were in front of the Planning Board back in August 2007. The Planning Board took a few moments to look over the communications from the lawyer. Carol Marotta inquired if this was their first application for an extension. The response was that it was the first request for an extension. With no further discussion before the board, a motion was in order.

**Motion to Approve
Revolutionary Heights
90 DAY EXTENSION
Made by J. Murray, seconded by P. Tompkins
Motion carried 6-0**

**Robinson Knolls Major Subdivision
Elmore Robinson Road
MJS (PB2007-07-242.-1-61.1)
7:45 Public Hearing**

Chairwoman Winchell called the public hearing to order at 7:45 P.M. She inquired as to whether the Public Notice was published and certification placed in the file. Attorney Darryl Cutler informed her that it had been published. She inquired if the neighbors had been notified by registered mail and was informed that they had been notified.

Chairwoman Winchell requested a brief presentation before the questions and comments begin. Robinson Knolls is being represented by developer Joseph Ubanski and his land surveyor, David Bogardus of Northeast Land Survey. Robinson Knolls is a 5 lot subdivision on approximately 14 acres on Elmore Robinson Road within the Rural Residential zone. The subdivision details the creation of 5 lots, 4 of those lots will be a little over 2 acres and 1 lot in the rear will be a little over 5 acres. It will involve 350 ft. of interior road leading to a cul-de-sac, it is within the Reservoir Watershed Protection Overlay district. They have done topography and boundary survey, it was brought into the Planning Board concept review last year. There was some engineering aspects yet to be completed, such as the grading plan. At the last Planning Board meeting it was discussed that Elmore Robinson Road maybe reconstructed due to the infrastructure improvements

associated with Luther Forest Tech Campus. If in fact the road does get reconstructed, it would go closer to their project, therefore, the first two houses of subdivision would be moved as far back away from Elmore Robinson Road as possible and the changing of the road wouldn't impact the overall subdivision. Due to the fact that it is a Watershed Protection Overlay Area and it was noted there are some steep slopes in the back and a couple intermittent streams in the back. They have decided to self impose a buffer along the back of the property and along the intermittent streams to restrict any soil disturbance among the trees or any disturbance at all within 40 ft. of the intermittent streams. The project as proposed doesn't impact any wetlands, they have had a wetland study done and a endangered species study done. Both of those indicate that there is no environmental impact on the project as proposed. They have done soil percolation test and the soil is very conducive to individual septic systems, and they have done one test well to make sure they have viable water at the site.

Chairwoman Winchell asked the members if they were in receipt of Chazen report dated January 17th as well as the response from the developer dated February 5th. The Board members indicated that they have both documentations. Chairwoman JoAnn Winchell opened the floor to public.

Tom Richardson (Mechanicville Supervisor)
112 South 4th Street
Mechanicville, NY 12118

Mr. Richardson informed the Planning Board that with him was Jack Messoro, Mark Severs and Don Fletcher all of who are officials with the city of Mechanicville. Mr. Richardson informed the Board that they are opposed to the project. One, they are in Mechanicville's Reservoir Watershed and they are concerned about the impact of residential septic systems. Secondly the paving of the interior road is a major concern. Mr. Richardson said he spoke to Joel Bianchi a week ago and Joel sent him a copy of the Environmental Assessment Form. Mr. Richardson stated that there had been perk test on all the lots except for proposed lot #3. Mr. Bogardus inform him that there was no particular reason for reason why a test was not performed for lot #3, they did random perk test to see what they were dealing with, when they divided the lots they had 5 lots and not 4. Mr. Richardson said his concern is that lot #3 is right across from the Mechanicville water supply and that is a red flag for him. Mr. Richardson had questions from the Environmental Assessment Form pg 4, questions 15, 15a and 16. Question 15 it has streams there is an unnamed stream within the project area, 15a there is an unnamed stream that feeds into the Hudson River within the project area, 16 lakes, ponds, streams within the project area. Mr. Richardson believes that these streams feed into the Mechanicville Reservoir. Chairwoman Winchell asked Mr. Richardson if he had the amendment to the SQER form and there is clarification statement on pg 4. She asked the developer if he would address their concerns at this time in which he did. Question 15 which remains unchanged with the unnamed stream which 80ft north of the property site.

Question 15a which is an unnamed stream which is a tributary to the Hudson River. Question 16 was amended per Joel Bianchi request. Mr. Richardson inquired about pg 9 question #7 land use and zoning of land use within a quarter mile area and forest land. Mr. Richardson said again the reservoir is right there and should be duly noted. He said that you can stand and touch the trees to the entrance of their proposed development. Mr. Bogardus stated that it zoned as rural residential and forest land. Mr. Bogardus informed the Planning Board and Mr. Richardson that they are bound on the north and on the west by Luther Forest, it doesn't say City of Mechanicville Reservoir, it is Luther Forest, therefore forest land. The property on the east is a residential home and vacant forest land so Mr. Bogardus doesn't think that they SQER is miss leading. Mr. Richardson believes that there water should be protected. Mr. Bogardus asked fro clarification as to how they would be effecting there water supply. Mr. Richardson stated that they would be using pesticides, septic systems, paving the roads, and eventually that will seeping into there drinking water. The drinking water from the reservoir supplies 5,000 residents of Mechanicville, they also service Stillwater, Town of Halfmoon, and the Hemstreet Park area.

Mr. Richardson asked Chairwoman Winchell if he address the second and third part of the SQER. Joel Bianchi addressed the Planning Board and stated that part 2 and part 3 of the EAF are generally completed by the Planning Board and that Chazen does that on there behalf. Chazen is waiting on information that they haven't received yet from the applicant before they attempt to complete the EAF. Chairwoman Winchell inquired if there would be another public hearing. Joel Bianchi stated that subdivision law states that you have one before you consider the preliminary and you can have a second one under resolution. Chairwoman Winchell stated that a second Public Hearing is rarely exercised, however, possible if the Board feels it is warranted. She inquired if Mr. Richardson has questions he would like to summit for the EAF's part 2 and part 3. He informed the Chairwoman that he has all the questions listed and would give them to Joel Bianchi to answer. Mr. Bogardus stated that when they looked at this project they knew that it was in Watershed District and they know there is restriction listed in the zoning codes for that protection area. They made a note on the map that says it is in Watershed district. The zoning doesn't preclude single family homes. He believes that when Chazen does there review they will find that there is no impact on the septic systems and there will be no erosion or filtration that will affect the streams.

Councilwoman Lisa Bruno inquired about the distance this development is from the reservoir. Chairwoman JoAnn Winchell questioned the closest lot is to the reservoir. Mr. Richardson believes it is about 300 yards, however, Mr. Bogardus believes it is approximately 2,000ft. Mr. Richardson inquired if they could have another public hearing. Chairwoman Winchell stated that they will take the request under advisement.

Mike Coleman
329 South Main Street
Mechanicville, NY 12118

Mr. Coleman stated that as a child he spent a lot of time just east of that property. He stated that all of streams on that property run into the reservoir. John Murray inquired about the water flow, does it go into reservoir or the Hudson River? MR.Coleman stated that in order for the streams to run into the Hudson River they would have to flow in a south easterly direction. He also stated that the owner of this property isn't present at this meeting. Chairwoman Winchell inquired if Ms. Kobzar was present. Hearing no response, Chairwoman Winchell stated that the file includes written permission for Mr. Urbanski to represent her interest in the property. Mr. Coleman inquired if the property has been subdivided at the county level, he was informed that it has not.

Chairwoman Winchell inquired if there was any others in attendance wishing to address the board in regard to the proposed Major Subdivision. With no response, she declared the Public Hearing closed at 8:12 P.M.

Luther Forest Technology Park Public Forum

Michael Relyea, ESQ. and Jon Dawes Jr. from Luther Forest Technology Park gave an overview of the proposed AMD site plan. Mr. Reylea informed the Planning Board that SEDC is separate from Luther Forest Tech Park. Mike said they are designing the building around their tenant which makes it easier. Using color-coded maps, Mr. Reylea discussed infrastructure issues. He stated that Malta helped to put roads leading into the Tech Park from the west, the Town road on the Stillwater side should be started in April 2008. Mr. Reylea said they will be picking up the Saratoga County Water source which will be coming across the Round Lake bypass. The Round Lake bypass is located near Route 9 and Route 67. DOT has made sufficient progress on the bypass. National Grid is bringing the power lines. They are currently in front of PSC to deal with gas service. The sewer trunk lines will run into the Saratoga County Sewer #1 and goes into sewer line #1. This project is tied into the Cold Spring Road Project. They have a reserve capacity in sewer #1 of 3 million gallons a day. The line that services Pod #1 is 1 million gallons a day. The power line substation that is to be built will connect with the Mulberry

substation. Mr. Reylea stated that they are waiting funding from the Dormitory Authority of New York. They have site plan approval from Malta. Chairwoman Winchell inquired if they have spoke to joint Planning Board that was created in 2006. Mr. Reylea informed her he has not. She also inquired if they have held a public hearing to update residents on what is going on. Ken Petronis informed her that they haven't discussed any public meeting at this time. Mr. Reylea informed the Planning Board that there is a website at LFTC for those who would like to get information on the progress of the Tech Park. He informed them that it should be updated shortly. He further informed them that he is willing to meet with the residence at there home or at a public meeting. AMD is planning to come to Stillwater to speak to the Town Board or Planning Board on their PDD amendments in the very near future.

Carol Marotta inquired about the power lines in Malta. Mr. Reylea informed the Planning Board that Malta chose to address the power lines in section. Carol Marotta questioned the reasoning behind portions planned for above ground and other under ground. Mr. Reylea stated that underground wires were specified by Malta for some sections. Carol Marotta inquired about the power lines easements in Stillwater and if they are in place. Mr. Reylea replied that there are 9 property owners that are impacted due to property crossings. Chairwoman Winchell inquired if these are the properties that are directly impacted due to property crossings. Mr. Reylea informed the Board that this is correct. Carol Marotta inquired if any of these power lines are currently in existence. Mr. Reylea informed the Planning Board that these are all new lines and will have to be constructed. Carol Marotta inquired if the town has detailed maps of the power lines. Joel Bianchi informed the Board that there maps that show all the proposed power lines. Mapping is available on the website or by contacting the Town Clerk. The Planning Board thanked Mr. Reylea and Mr. Dawes for the discussion.

Mike McBride
27 Brickyard Road
Lot Line Adjustment
(PB 2008-23-253.-2-5-35.1)

Chairwoman Winchell asked Mr. McBride if he would give a brief presentation regarding his request for a Line Lot Adjustment. Mr. McBride informed the Planning Board that it is his first time be fore the Board and that he owns a two-family house on Brickyard Road. Mr. McBride purchased the property in 1988 from Fred Donovan. Mr. Donovan retained the property to them west and south. It is Mr. Donovan's intension to deed property he

owns that is directly west of the of the McBride residence to the McBride's. The mapping provided with the application shows that by subtracting the rear portion the Donovan parcel it would still be conforming for that zone. Mr. McBride informed the Planning Board that Mr. Donovan's property would be a little over 1 acre. Chairwoman JoAnn Winchell inquired if there is public water and sewer. Mr. McBride informed the Board that it is public water and septic.

Chairwoman Winchell inquired if there was public water and sewer in the area. Mr. McBride informed the Planning Board that it is public water private septic. Joel Bianchi informed the Planning Board that the new lot proposed for McBride would measure 20 thousand square foot for MDR. After reviewing the maps, Joel Bianchi questioned the front set back of the Mr. McBride residence. Mr. McBride stated the setback was approximately 15feet. Hearing this, the consensus of the Board was to refer the proposal to the Zoning Board of Appeals for the purpose of obtaining an Area Variance for the front yard setback prior to any approval for a Lot Line Amendment. The process and timeframe was explained for Mr. McBride's benefit. It was stated that once a prior nonconforming use comes for review, all aspects of the proposal are open for review, including the current locations for all buildings. Upon favorable decision of the ZBA, Mr. McBride will be able to return to the Planning Board to Address the Lot Line Adjustment. A motion was in order.

**MOTION to table the Lot Line
Adjustment submitted by Michael McBride
For property he owns on 27 Brickyard Road
As it doesn't conform to zoning.
Made by P. Buck, seconded by J. Murray**

Old Business: On January 29,2008 many of the Planning Board members attended the Saratoga County Land Use Planning Workshops in Saratoga Springs. The following people received their 4hr. training: JoAnn Winchell, Carol Marotta, Patricia Paduano who also received a certificate, Paul Tompkins, John Murray, Sheila Silic, Christine Robbins, and Ray Abbey. Mike Van Patten was also recognized for his service.

Peter Buck informed the Board of the meeting he attended in Malta on the power lines proposed for LFTC. He stated that the resolutions were all ready they apparently had discussed the power lines in the meeting prior to that meeting. Peter informed the Board that he did find out that 900+ feet of the line is under ground. The rest is over head he said they didn't spend a lot of time on it.

Councilman Ken Petronis informed the Planning Board that he has been discussions with Joe Lenero and Mark Minick and representatives working on the Cold Spring Road reconstruction. The designs are coming along well. They are planning several horizontal and lateral changes to Cold Spring Road and Elmore Robinson Road. The sewer lines will provide stubs for each landowner for future hook ups. There are some large landowners and they have to decide whether they should have more than one hook up for future subdivisions. This is all in planning stage. Chairwoman Winchell reminded Ken that most of the residents along the proposed sewer line have their private wells in the front of their homes. Ken informed the Board that there is only one property with a well that they have concerns for and that the realignment is going to take that into consideration. Ken informed the Board about the cemetery on Cold Spring Road. He said they are not going to touch the cemetery. Ken informed the Board that they are waiting the final design before they hold a public hearing.

Carol Marotta inquired if there had been a traffic study done. Joel Bianchi informed the Board that there is a web link that has all this information and he urges every one to start reading it. Chairwoman Winchell informed the Board members that it available on CD.

Ken Petronis informed the Board members that John Girard has resigned from serving on the Planning Board as of February 14th 2008. He will bring it up for discussion at the Town Board Meeting on Thursday. Chairwoman Winchell expressed regret on hearing of John's resignation. She inquired if they were going to fill the seat within the next few months. She requested for another volunteer to go with Peter Buck to the Malta Planning Board meetings. Ken Petronis said he would attend the meetings with Peter.

Chairwoman Winchell informed the Board that she received communication from the County Clerk that paperwork for the Luther Forest Subdivision has been filed and also the Garland Subdivision has been filed. Chairwoman Winchell inquired if the Board members would like a copy of the ZBA minutes, the secretary informed the Board that they are in the packets.

New Business : The Crown Communication Cell Tower will be coming before the Planning Board in March. They will need a SITE PLAN REVIEW and a SPECIAL USE PERMIT. Peter Buck inquired if that the Federal Tower or the other one. Chairwoman Winchell informed the Board members that the ZBA meeting in January they stated they proposed to remove two towers from the Radar Base property and erect a single tower on property leased from Thomas Gorsky. Secretary Sheila Silic informed the Board that the FAA tower has a 99 year lease.

There is another Education opportunity for Planning and ZBA members on March 12th at 7:00 P.M. at the Stillwater Community Center. It is a Farmers Forum and invited guest are coming from. Agriculture and Markets, Board of Assessment Review, Real Property and from Cornell Cooperative Extension to discuss ways to make Stillwater more farms friendly.

Hearing no further business before the Board a motion was in order.

**MOTION to adjourn the 2/19/08
Planning Board Meeting
Made by P. Buck, seconded by J. Murray**

The meeting adjourned at 9:42 P.M.

Respectfully Submitted,

Sheila Silic

Sheila Silic
Secretary
Stillwater Planning Board

