

**PLANNING BOARD MEETING
TOWN OF STILLWATER
STILLWATER TOWN HALL
October 24, 2022 @ 6:00 PM**

Present:

**Chairman Peter Buck (PB)
Heather Keefer (HK), Member (Arrived at 6:25)
Carol Marotta, (CM), Vice-Chairperson
Kimberlee Marshall (KM) Alternate Member
Randy Rathbun (RR) Member (Arrived at 6:25)
Marybeth Reilly (MR) Member
Dale Smith (DS), Member**

Also Present:

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

Absent:

**Frank Bisnett (FB), Member
Ellen Vomacka, Town Board Liaison**

Pledge:

Chairman Buck 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:

Ms. Reilly made a motion to approve the September 26, 2022 meeting minutes, seconded by Ms. Marotta. Motion passed unanimously.

PB2022-11 Town of Stillwater Shared Services Building Amendment to Site Plan, 266 County Route 76

Chairman Buck recognized Mr. Paul Male, Town Engineer, who is representing the Town of Stillwater and presenting the project this evening.

Mr. Paul Male:

Mr. Male stated that the building is located on the north side of County Route 76 approximately 600 ft east of the intersection of County Route 76 and County Route 75 in the LDR Zoning District. The building is 15,500 sq. ft. +/- and there will be three entities within the building including the Town of Stillwater Police Department, Malta/Stillwater EMS Service, and the Stillwater Town Court. The Town of Stillwater recently received bids for the new facility and were over the construction budget. The decision was made to re-engineer the site and the building to accommodate the project budget. The major change was to rotate the building 90

degrees and will now be parallel with County Route 76. Rotating the building reduced the impervious footprint of the project, moved the building further away from the existing stream, reduced the amount of disturbance and lessened the environmental impacts. The plans were also revised to accommodate a future Town Hall facility. There were no other significant changes to the original approval by the Planning Board. At the June 27, 2022 Planning Board meeting, the Planning Board issued a Neg-Dec pursuant to SEQRA and granted Site Plan approval. The Town of Stillwater is requesting that the Planning Board re-affirm the original Site Plan approval, waive the public hearing, and re-affirm the Neg-Dec decision.

Ms. Marotta stated that she likes the changes that were made to the plans. Ms. Marotta asked about the gravel road on the plans. Mr. Male stated that the gravel road is to access the stormwater area. Ms. Marotta asked if re-affirming the approval will affect the interest rate. Mr. Trainor stated that the finances have been secured.

Ms. Marotta made a motion to waive the public hearing, seconded by Ms. Marshall. A roll call vote was taken.

Chairman Buck	Yes
Member Marshall	Yes
Member Keefer	Absent
Member Marotta	Yes
Member Reilly	Yes
Member Smith	Yes
Member Rathbun	Absent

**TOWN OF STILLWATER
PLANNING BOARD
2022 RESOLUTION NO. 22
A RESOLUTION APPROVING THE AMENDED SITE PLAN FOR
THE STILLWATER SHARED SERVICES BUILDING**

WHEREAS, The Town of Stillwater has submitted an amendment to the site plan previously approved to construct a Shared Services Building on a property located on County Route 76 Road, more fully described as Tax Map Parcels 232-1-43.21 and 232-1-43.22; and

WHEREAS, the applicant and its representative, Paul Male, P.E., appeared before the Planning Board on October 24, 2022 to present the amendment as a change in the orientation of the building on the parcel, such that it would save the Town a significant amount of groundwork and expense; and

WHEREAS, pursuant to 6 NYCRR section 617.6, the Stillwater Planning Board affirms it is the appropriate lead agency for SEQRA review, made its previous SEQRA negative declaration in Resolution 8 of 2022 and hereby affirms its prior determination as no significant adverse environmental impacts are created by the amendment; and

WHEREAS, the applicant has asked the Planning Board to waive the public hearing requirement.

NOW, therefore, be it

RESOLVED, that the Planning Board hereby waives the public hearing requirement for amended site plan review regarding the application by the Town of Stillwater for the approval of the amended site plan to construct a Shared Services Building on property located on County Route 76, more fully identified as tax maps 232-1-43.21 and 232-1-43.22; and be it further,

RESOLVED, that the application by the Town of Stillwater for approval of the amended site plan to construct a Shared Services Building on a property located on County Route 76 Road, more fully described as Tax Map Parcels 232-1-43.21 and 232-1-43.22 is hereby GRANTED; and be it further,

RESOLVED, that the Secretary is authorized and directed to transmit a copy of this Resolution to the Applicant, the Town Clerk and the Building Inspector-Code Enforcement Officer.

A motion by Member Marotta, seconded by Member Marshall, to adopt Resolution No. 22 of 2022.

A roll call vote was taken on Resolution No. 22 as follows:

Chairman Buck	YES
Member Bisnett	ABSENT
Member Keefer	ABSENT
Member Marshall	YES
Member Marotta	YES
Member Rathbun	ABSENT
Member Reilly	YES
Member Smith	YES

Resolution No. 22 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on October 24, 2022.

PB2021-14 Bocrest Fields Site Plan, Halfway House Rd/Brickyard Rd

PB2021-19 Bocrest Fields Minor Subdivision, Brickyard Rd

The above projects were reviewed simultaneously

Chairman Buck recognized Mr. Frank Palumbo of CT Male Associates representing Bocrest Fields.

Ms. Lindsay Buck read the time line as to where Bocrest Fields PDD and Site Plan are in the process to the Planning Board and the Public. Ms. Lindsay Buck stated that on 4/2017: PDD Application received, 6/2018: Review by Town Board, 7/2018: Review by Town Board, Public Hearing held and tabled, 10/2018: Town Board review, referred to Planning Board for Recommendation, 12/2018: Town Board approved PDD, 4/2021: Application for PDD Amendment to increase number of units and removed interior parking spaces, 7/2021: Review by Town Board, 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 review, continued Public Hearing and presented Traffic Study results. Public Hearing closed. Town Board declared Intent for Lead Agency for SEQRA, 8/2022: Town Board approved PDD Amendment.

Mr. Palumbo:

Mr. Ed Kies of DeCresente Distributing Co. and a representative from Hodorowski Development Co. are also present this evening. They were before the Planning Board last on July 25, 2022 for recommendation of the PDD to the Town Board. They received PDD approval on August 18, 2022 from the Stillwater Town Board. The parcel borders the Town of Stillwater bike path, Halfway House Road and Brickyard Road. There is a 2-Lot subdivision proposed for single-family dwellings on Brickyard, the conservation land in the center and the apartments as part of the project. There are thirteen 3-story apartment buildings with 8 apartments per floor which are 24 units per building for a total of 312 apartments. The parking spaces are located in front and on the sides of the apartment buildings. There were recommendations from the Planning Board regarding the type of buildings, reduction in the number of buildings and the addition of balconies and patios. The Town Board requested the connection of the bike path to Brickyard Road. The traffic study was commissioned by the Town of Stillwater and was completed by Creighton Manning. The traffic study reviewed multiple intersections and as a result of independent analysis the traffic study had determined that there would be no impact to the intersection of Halfway House Road and Hudson Avenue. The site will have public sewer serviced by Saratoga County Sewer District #1 and will continue to work with Saratoga County Sewer District #1 on the system. The sewer will connect to the sewer main located under the bike path. The public water will be serviced by the Town of Stillwater and has been reviewed by the Chazen Companies which is now LaBella and will adequately supply water to the project. The increased number units may reduce the rates in that area. They have submitted applications to NYS DEC and the Army Corp of Engineers. The wetland area that connects the entrance to Halfway House Road will have a culvert bridge constructed over the stream. There will be some permanent impacts and some temporary impacts in the buffer area. They are in discussions with NYS DEC to widen the bike path for emergency access to the site. The NYS DEC and the Army Corp of Engineers wants the Town of Stillwater to approve the project before either agency will move forward on the submitted applications. The apartments are market based with rent ranging between \$1,000.00 and \$1,400.00. The apartments are not subsidized in any way and the site will

be privately owned. Mr. Palumbo showed the Planning Board and the public the apartment renderings. There will be picnic areas, second floor balconies and first floor patios. In the first year of construction the developer will build the first 4-apartment buildings along Halfway House Road. The 24-unit apartments consist of six 1-bedroom apartments and eighteen 2-bedrooms apartments there are no 3-bedrooms apartments planned at this time.

Mr. Male read the February 2, 2022 traffic study summary which was completed by Creighton Manning.

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

Dennis Parker, 6 Elmore Robinson Rd

Mr. Parker asked how accurate is the traffic study with past, present and proposed projects. Mr. Male stated that Creighton Manning's primary focus is traffic and they have been doing these studies for 40 or 50 years. Mr. Male stated that Creighton Manning considers a number of factors, some of which are the types of project, type of building, number of bedrooms and the number of potential children for certain projects. Mr. Male stated that the numbers that Creighton Manning has put forth are pretty accurate. Mr. Parker stated: when he bought his property 17 years ago it was because of the country living and for the small-town feel. That many people have moved to the Town of Stillwater for the same reason. It is the people that are against corrupt elected officials because for years they have gone against the residents wishes. The officials continually push projects that the residents simply do not want. A few of those projects are the waterline that was mentioned, the water tower, housing developments on Cold Springs Road and County Route 75 and the solar farm on George Thompson Road. He has spoken to residents that are impacted by these projects who did not know about the projects until they were under construction. It is shady how things are run in the Town of Stillwater. Who does the solar farm benefit when there is a clean water hydro plant 2-miles down the road. The Town Officials seem to be more concerned with re-election money and donations from corporations and companies than what the residents want. They were elected to represent the residents and maybe it would be a good time to actually start listening to the residents. He can understand developing on NYS Route 67 because it is commercialized but, when it comes to ruralized areas when does it stop. Most of the residents want the rural identity and not to become like Clifton Park or Malta.

Josie Yankowski Ryan, 142 Brickyard Rd

Ms. Ryan stated: That she and her father own an apiary which is a beehive. There is another resident who abuts this project who also owns an apiary. According to the NYS Ag & Markets Law Chapter 69 if you own an apiary you are considered a farm. According to the Town of Stillwater Town Code Chapter 98-1, C it states "It is the general purpose and intent of this chapter to maintain and preserve the rural tradition and character of the Town of Stillwater, to permit the continuation of agricultural practices, to protect the existence and operation of farms, and to encourage the initiation and expansion of farms and agricultural businesses." To be a farm you do not have to be commercial you can be a personal home and still be considered a farm. Ms. Yankowski proceeded to explain the process of the bees collecting pollen for the hive. She is a fourth generation beekeeper in the Town of Stillwater. As the property is currently, there are enough resources to support the bees, but, this development will reduce the resources for the bees and take away from her farm which is against town code. It will bring danger to the apiary

in regards to pesticides being used. If the wrong pesticides are used it will kill her hives. The pollution from cars, people and the traffic will affect the air quality which will also be harmful to the bees. The bees are phenomenal for allergies and developments cause allergies; they are counter intuitive. They have apple trees, black walnut trees along with plantains. This development affects the entire neighborhood. This is the second time that the Town of Stillwater has placed a burden on these properties and the owners. About 20 years ago her family and many of the residents that are present were in a lawsuit regarding the waterline on Brickyard Road. The residents were told that they would be paying for the waterline for 30 years and then the Town of Stillwater re-financed the loan which we are now paying on longer than 30 years. The residents were told the more dwellings that are built, the lower the benefit unit fees, so, the lower dollar amount the residents would pay. This project will have 62-units and we have been told that we will not be told if the benefit unit will go down. She asked if she will have to pay more taxes because of the benefit units. She asked if the fire apparatus or a ladder truck can maneuver within the development which has not been addressed. Her parents have lived near this parcel for 60 years as have other residents. This development is not helpful.

Nicole Oliver 22 Gronczeniak Rd

Ms. Oliver stated: She moved to Stillwater not Clifton Park because “I do not want neighbors in my backyard”. She wants a small community where there is lots of land. She reviewed the Comprehensive Plan and it calls for 935 units which is mostly houses and a few apartments. There are 178 apartment units on Colonial Road to be built. Bocrest Fields, which is 132 apartment units. 123 senior housing apartments on NYS Route 67 which the Town of Stillwater needs. 70 units on Windsor Woods. Developments on Cold Springs Road and condos. All these projects together are 863 apartments units in the Town of Stillwater that have been approved. That is 150% increase from what is currently in the Town of Stillwater. It was mentioned that not everyone will have a vehicle, it is 2.1 miles from this project to the Price Chopper Plaza. Our Community Center has not been invested into and the Town of Stillwater does not have the infrastructure for this project. The Comprehensive Plan states that of the 935 units 180 are multi-family units not 863 and 754 single-family dwellings. The Comprehensive Plan was approved in March 2021. She believes it is time for the Town of Stillwater to step back and look at what the town has committed to and should honor our Comprehensive Plan. She asked if the applicant builds the clubhouse, do they have to come back before the town.

Mr. Palumbo stated that if they modify the Site Plan it would have to come back before the Planning Board for a Site Plan Amendment. Mr. Palumbo stated the PDD stated what can be placed on the properties. Mr. Palumbo stated that they included the clubhouse so, it would be included in the zoning. Mr. Palumbo stated that the PDD Legislation is available. Mr. Palumbo stated that it lists what the apartment complex is allowed to do, the number of stories the apartment building is allowed, parking, bike path and what is allowed on the residential lots. Mr. Palumbo stated it explains about the utilities, sewer and water.

Ms. Lindsay Buck stated to clarify there are no additional uses.

Ms. Oliver asked about the number of parking spaces for the project.

Mr. Palumbo stated that he does not have the total number but it is 1.8 spaces per apartment unit.

Ms. Keefer stated that there are 559 total parking spaces.

Ms. Oliver stated the Comprehensive Plan states that there are growth inducing impacts and irreversible commitment resources for the community. All the projects that have been mentioned are all the growth that the Town of Stillwater committed to through 2025. The proportion of single-family is less than multi-family units. She asked if anyone has reviewed all the projects to make sure that the Town of Stillwater has the infrastructure and if there is a plan from the Town of Stillwater to do a review of the infrastructure. She asked what the is the process to have the infrastructure checked so we do not change the community dynamics. Ms. Oliver state that she came to the Town Hall and met with Ms. Lindsay Buck to try to get a list of all projects approved with the total number and types of units for each project.

Ms. Lindsay Buck stated that Ms. Oliver asked if she could receive a list of all the developments and number units. Ms. Lindsay Buck stated that a list is readily available as they are not maintained in such fashion within the department.

Ms. Lindsay Buck stated she was able to answer one of the Ms. Oliver's emails because it was a relatively quick response. Ms. Lindsay Buck stated that she is not sure if that was a correct representation of our conversation.

Ms. Oliver stated that it feels like we currently have this many apartment and single-family dwellings planned and that review of the infrastructure for this project and new projects is not being done.

Ms. Lindsay Buck stated that the infrastructure for every proposed project is reviewed along with the water and sewer reports. Ms. Lindsay Buck stated that an Environmental Quality review is done with every project.

Ms. Oliver stated that would consider everything that is in process at the time.

Ms. Lindsay Buck stated that is correct.

Ms. Oliver asked if we pulled up the data on this project would we be able to view everything that is in process in the Town of Stillwater? Would it be accounted for in the traffic study?

Mr. Palumbo stated yes, we have contacted the agency that is responsible for the sewer which is Saratoga County Sewer District #1. Mr. Palumbo stated that if this project was not capable of being handled by the Saratoga County Sewer District #1 system they would not have given the project a conceptual approval. Mr. Palumbo stated that the water study was reviewed by an engineer for the Town of Stillwater to ensure that this project would have the water service and would not have any degradation on any other part of the system. Mr. Palumbo stated that the analysis is done when the plans are submitted to the agency and the traffic analysis that Mr. Male spoke about was done which answered most of the questions for our project but, also took into consideration all the other projects which is included in the background of the traffic study and the overall services of the Town of Stillwater.

Ms. Oliver stated that the traffic study stated 123 more vehicles in the A.M. hours and 155 vehicles in the P.M. hours. With all projects it seems like there should be more vehicles. According to the town website there are 9,500 residents. With two individuals to an apartment, the Town of Stillwater population goes up 20% for just the project that I have mentioned. She asked if the school, roadways, and emergency services can handle the impact.

Mr. Male stated that not only does the Town of Stillwater Planning Department review the projects but, NYS DEC approves the sanitary sewer, NYS Department of Health approves the water, and the plans are sent to the Stillwater Fire District for their review.

Erin Kussius, 23 Kellogg Rd

Ms. Kussius stated that she grew up on River Road/Hudson Avenue and the proposed project is adjacent to our backyard. The wildlife is being displaced from their habitat on Cold Springs Road and now from this parcel. She sees porcupines on a daily basis which was not the case before the developments. She asked if they have a plan in place for the displaced wildlife.

Al Coom, 1 Halfway House Road

Mr. Coom stated that this project will have a negative impact on our quality of life, the school, the bike path along with privacy issues. He asked what the impacts will be to our property taxes and the property values.

Debra Proctor, 118 Brickyard Rd

Ms. Proctor stated she does not understand why this project is being placed on this parcel instead of NYS Route 67 or County Route 76 on the main roadways. She asked if there is another approved apartment complex at the other end of Brickyard Road. Chairman Buck stated that is correct.

Russ Bowers, 23 Halfway House Road

Mr. Bowers stated Mr. Palumbo and Mr. Keis have been to his residence several times and they were very nice and congenial. He lives across the street from this project. When the water line was installed for Water District #4 they were already connected to public water from the fire hydrant which the Town of Stillwater stated was illegal. I now have to pay a benefit unit for Water District #4. The water line was installed about 10 to 15 years ago and was extended past his property line for future development. Evidentially the Town Board had previous information regarding using the connection to go across the street. He asked the Planning Board how would they feel if this project was in your front yard.

Richard Robbins 349 Hudson Ave

Mr. Robbins stated that he has lived here for 40+ years and the proposed project parcel was supposed to be forever wild. Decesente wants to build on this parcel and everything is changing so quickly. He asked why this project could not be built on the parcel by the Hydro Plant along the river. He just walked the path that is forever wild and it is beautiful. If this proposed project is built it will no longer be forever wild. The sewer line that is under the bike path was supposed to along NYS Routes 4&32 but, the Town of Stillwater changed the location. He believed that the Saratoga County Sewer District was at its capacity.

Michalena Sorrell, 7 Walnut Road

Ms. Sorrell stated that the bike path was suppose to go along the front of her property and the Town Officials were going to install a bridge to connect Towpath Road and Walnut Road but, due to the water issues that could not be accomplished nor could the bike path be built under the powerlines. She lives at the end of Walnut Road and has issues with water runoff on her property. If this project is built I am going to have more issues with the water runoff and will have trouble with my septic system and leach field. She asked what the builder is going to do about the excess water runoff. She would bring a lawsuit against the company.

Pam Aprilliano, 57 East St

Ms. Aprilliano asked about the Environmental Quality Review and as part of that review was there a ground water or water shed study done. She asked if there were any determinations on the degree of the wetlands that will be disturbed. Wetlands are very important to the eco-system for processing contaminants and water runoff especially in the spring when areas flood. All the water from higher elevations access the wetlands before the resident's properties flood. She has a garden and she does not want to consume contaminants from lawn pesticides or what is used in the asphalt used to pave the roadways. With all the developments being built and proposed there is less soil to absorb the water and will not be able to handle the additional water intake. She asked what the Public Hearing Notice is referring to regarding the 68.83-acres of open space conservation land. She asked if the 68.83-acres will be preserved or turned into a park. She asked who is designated to manage the open space land or is the land for future development. She asked when does the development of the land stop.

Kelly Carpenter, 21 Mitchell Rd

Ms. Carpenter showed the Planning Board where her property is located in accordance to the project and is adjacent to the bike path. She bought this property because of the close proximity to her parent's property. She never wanted to leave Stillwater because it is a small town, small school and she knows the residents. She knew the proposed project was in the development process. She did not receive a public hearing notice regarding the final vote. The deer come into her yard and there is a family of foxes in the field across the road. She never thought about leaving Stillwater but, now I am making plans to move. Her backyard is wet now and the sub-pump runs constantly. When the developer starts digging on the parcel all that water will come into my backyard, basement and my neighbor's yards. The designated areas to catch the water is not going to catch all of the runoff. This project will ruin our quality of life. She came to the Planning Department on Friday to find out how close this project is to her residence and it is 10 yards from my property. She asked if the tree line will be maintained to the parking area of the project or will the trees be removed. There are all these studies regarding the infrastructure but, does the school have the ability to add additions to the high/middle school or the elementary school. She contacted a School Board member regarding the project and if they received notification. The School Board member's response was that they received notification this week. She asked about the lighting plan for the parking areas and if the lights will be on the entire evening. She asked if emergency services will able to accommodate all the new residents. She has reviewed the Planning Boards meeting minutes and noticed that the Planning Board has voted Yes on projects several times and asked if the Planning Board ever denies a project.

Mr. Male stated that the Town of Stillwater has a Planning Department which is located in Town Hall. Ms. Lindsay Buck is the Senior Planner and he is the Town Engineer. All applications that are received by the department are reviewed. The Planning Department has denied applications in the past. The Planning Department makes specific recommendations to the applicants and Planning Board and if the project does not meet the Town of Stillwater requirements the project is not referred to the Planning Board. Typically, when the Planning Board receives a project it has had a thorough review by Ms. Lindsay Buck and myself to make sure that all aspects of the project have been addressed. The Storm Water Pollution Prevention Plan makes sure that there is no increase in water runoff after the development than there was before the development.

Mr. Parker, 6 Elmore Robinson Rd

Mr. Parker asked why the residents are not actually informed about this.

Mr. Male stated that the Planning Board meetings are every fourth Monday of the month.

Mr. Parker stated that he did not receive notification on this project. He receives flyers in his mailbox regarding meetings for the Water District. He does not receive any notices from the Town of Stillwater because the Town wants less residents here for the meetings. This is a small town and it easy to replace our elected officials.

Resident #1

Resident stated that he was on the Board for the Teamster Union in Albany and a lot of people do not attend theses meetings. We entrust the Planning Board to make decisions as a whole for the Town of Stillwater and not just for a few. He does not envy the Planning Board because the meetings take away from your family life.

Ms. Lindsay Buck stated that is an excellent point that was just made. All projects are reviewed on an individual basis, with the Town Comprehensive Plan, the Town Code, and other documentations, studies and requirements. The Planning Board has to review applications for every resident that owns property in the Town of Stillwater. She asked that the residents be fair to the Planning Board as they are all volunteers. The Planning Board reviews all the material that is given to them every month. The Planning Board is here to listen to all the residents. We do understand that there is a lot of emotion with every individual property owner. Please understand that the intent of the Public Hearing is to listen to everyone's viewpoints and concerns and to address those concerns. The Town is not trying to hide anything from the residents.

Richard Robbins, 349 Hudson Ave

Mr. Robbins stated that he does not believe that anyone meant to be hostile but, that we are all just trying to protect what we have.

Ms. Lindsay Buck stated that they understand the emotional and financial investments to their property.

Rob McCoy, NYS Route 9P

Mr. McCoy asked the Planning Board to reconsider the entire project for the density. He learned about this project and the public hearing last week. He and his family moved to the Town of

Stillwater about 8 years ago because it is a small town. Has anyone contacted the school regarding the impact that this development will have on the school. He stated he has concerns with the traffic and asked who will be purchasing the ladder truck to service this development.

Tony Cavotta, 55 Jolly Rd

Mr. Cavotta stated that there is a lot of shale rock on the property. If this property is built on there will be more water runoff to the south and east of the project. He asked what the plan is for the excess water runoff. He asked the Planning Board to please take that into consideration.

Delores Apprilliano, 57 East St

Ms. Apprilliano stated that the old canal floods in the spring and our basements flood. She asked what are the temporary issues with the wetlands that were mentioned. What will be done to address the wetland issues and how do propose to address the wetland issues. When will the concerns of the public hearing be addressed or would be it be at a future meeting. It would have been nice to hear the Planning Boards concerns regarding this project before it was opened to the public.

Mr. Male stated that the public hearing is to hear from the public and not for the Planning Board or the Applicant to answer questions.

Ms. Apprilliano stated that the project was opened up to the Planning Board first.

Mr. Male stated that this is how every public hearing is done. Mr. Male stated that the applicant does their presentation and then the public is able to ask questions.

Ms. Lindsay Buck stated that she is sorry for the confusion and that the public is heard from first. Ms. Lindsay Buck stated that there are minutes from all the Town Board and Planning Board meetings regarding this project which are available on the Town of Stillwater website or if the public would like a copy of the minutes you can contact the Planning Department.

Ms. Apprilliano asked how does the public receive the answers to our comments.

Ms. Lindsay Buck stated that Mr. Male and I compile all the comments and then forward the comments to the applicant for a response to those comments. Ms. Lindsay Buck stated that the responses to the comments will be presented at a future meeting.

Resident #2

Resident stated that they would like to hear what the Planning Board has as concerns and not discussed behind closed doors.

Ms. Lindsay Buck stated that there are no meetings held behind close doors and there are no pre-meetings held before the scheduled meetings in the Town of Stillwater.

Kelly Carpenter, 21 Michell Rd

Ms. Carpenter asked now that the public hearing has been held can the Planning Board change their recommendation.

Ms. Lindsay Buck stated the Town Board reviews the project and then refers it to the Planning Board for a positive or negative recommendation which goes back to the Town Board. Ms. Lindsay Buck stated that process has been completed. Ms. Lindsay Buck stated that the project is now before the Planning Board for Site Plan Review.

Ms. Carpenter asked if the Planning Board can change their recommendation.

Ms. Lindsay Buck stated no, the Planning Board's recommendation was sent back to the Town Board. Ms. Lindsay Buck stated that the Town Board approved the Planned Development District Language and now the project is before the Planning Board for Site Plan Review.

Mr. Male stated that the PDD Language has been enacted into law.

Resident #3

Resident asked if this project is already a go.

Ms. Lindsay Buck stated no, this project is not a go. Ms. Lindsay Buck stated that the Town Board sets the uses and the parameters for the uses. Ms. Lindsay Buck stated the uses are single-family and multi-family dwellings which are permissible on this parcel and the number of units. Ms. Lindsay Buck stated that the application is now in the process of Site Plan for the layout of the project, stormwater, utilizes, sewer and water.

Resident stated that basically the project is done.

Ms. Lindsay Buck stated no, there is a lot that can change during Site Plan Review.

Josie Yankowski Ryan, 142 Brickyard Rd

Ms. Ryan stated that this layout can be changed. So, a parking lot or building can be moved.

Chairman Buck stated that is correct.

Ms. Ryan stated that is why we are all here.

Mr. Rathbun stated that there is a lot misconception on how this process works and asked Ms. Lindsay Buck to explain how the whole process works.

Ms. Lindsay Buck stated that prior to a project submission the applicant will call the office to discuss the zoning requirements and what is allowed in that area. The project application is then submitted to the Planning Department which is reviewed by Mr. Male and I. The Planning Department will have a meeting with the applicant to discuss the lay out and procedures. The Site Plan has procedures such as Planning Board Reviews and Public Hearings. Public Hearing Notices in the Town of Stillwater, along with most other municipalities, do a 500 Ft. radius from the outside of the parameters of the property. That everyone within that 500 Ft. radius would receive a public hearing notice. The notice is also published in the paper. There are no subsequent letters that are sent to residents for upcoming meetings. The public can contact the office for any upcoming projects that may be on the agenda.

Mike VanPatten, 65 Fitch Rd

Mr. Van Patten stated that there needs to be more public input at these meetings. The agendas need to be placed on the Town of Stillwater website. There is a spot on the website for the agendas. Placing the agenda on the website the day before the meeting is not fair to the residents.

Ms. Lindsay Buck stated that all procedures are being followed and that the agendas are not required to be placed on the website. Mr. Van Patten asked if all the agendas are on the website.

Ms. Lindsay Buck stated that she does not have personal access to place information on the website.

Mr. Van Patten stated do not misinform the public.

Resident #4

Resident asked if the project can be moved to Brickyard Road.

Mr. Palumbo stated that there are NYS DEC wetlands in that area and the applicant is not allowed to disturb this area.

Mr. Robbins, 349 Hudson Ave

Mr. Robbins stated that the area of wetlands goes down to the stream.

Mr. Palumbo stated that is correct. Mr. Palumbo stated that they are only disturbing 0.10-acres of the wetland and there are also the NYS Dec buffers which cannot be disturbed.

Donna Mulvey, 70 Kellogg Rd

Ms. Mulvey asked the Planning Board and the staff if they live around the proposed project.

Ms. Keefer stated that we all live in various areas within the Town of Stillwater.

Resident #5

Resident asked if there is a need for more housing in the Town of Stillwater.

Chairman Buck stated that there probably is as there are people moving into the Town of Stillwater.

Rob McCoy, NYS Route 9P

Mr. McCoy stated that this project impacts the entire town and he believes that public hearing notices should be sent to all residents in the Town of Stillwater.

Ms. Marotta stated that the Planning Board takes all the comments and concerns into consideration. That the Board follows the Comprehensive Plan and the Zoning Code requirements when reviewing all projects that come before the Planning Board. There are no backdoor deals made. This Board reviews all aspects of a project and are not afraid to ask questions. Ms. Marotta stated that each Board member does a very good job.

Ms. Marotta asked if anyone else wished to comment and hearing none, she closed the public hearing. Ms. Marotta made a motion to close the public hearing seconded by Mr. Rathbun. A roll call vote was taken.

Chairman Buck	Yes
Member Marshall	Yes
Member Keefer	Yes
Member Marotta	Yes
Member Reilly	Yes
Member Smith	Yes
Member Rathbun	Yes

Mr. Rathbun made a motion to table the project for further review seconded by, Ms. Marotta. A roll call vote was taken.

Chairman Buck	Yes
Member Marshall	Yes
Member Keefer	Yes
Member Marotta	Yes
Member Reilly	Yes
Member Smith	Yes
Member Rathbun	Yes

Mr. Rathbun stated that there are procedures that need to be followed. The Planning Board has to take each project and review the project to determine if it is within the Zoning and Planning requirements. Ms. Lindsay Buck and Mr. Male reviews the application and determines if it is a viable project that is within those parameters. There are no projects that are pushed through. The Board takes into consideration all the comments and information provided by the public, the applicant, Ms. Lindsay Buck and Mr. Male before the Planning Board starts to make any determination on the project.

Mr. Smith stated that when this project was first introduced about 2 years ago he personally contacted Superintendent Morris regarding the impact this project would have on the school. Ms. Morris stated that the school enrollment was on the decline. Mr. Smith stated that the school had a chance to purchase property next to the school and the school declined the offer. If the school needs to expand they will need to purchase a parcel and build. The sewer line that was supposed to go along NYS Route 4/Hudson Avenue and was installed under the bike path was not installed by the Town of Stillwater. The sewer line was installed by John Gurba for the Gurba Estates because he could not get the Town of Stillwater to install the sewer line. Mr. Smith stated that there were a lot of comments that were made tonight that are not factual. The Planning Board reviews all the studies.

PB2022-15 Forest Ridge Business Park Lot 2 Site Plan, Luther Forest Blvd

Chairman Buck recognized Mr. Scott Lansing of Lansing Engineering who is representing the applicant for Luther Forest Business Park.

Mr. Lansing:

At the September 26, 2022 meeting it was determined that SEQRA was a Type 1 action and the Town of Stillwater is Lead Agency. The Town of Stillwater had to send notices to all involved and interested agencies. They have received all the responses from all the involved and interested agencies. The applicant is seeking final approval for the project.

Chairman Buck asked Ms. Lindsay Buck and Mr. Male if there are any outstanding issues. Ms. Lindsay Buck and Mr. Male stated that there are no outstanding issues.

Chairman Buck 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
2022 RESOLUTION NO. 23
A RESOLUTION MAKING A SEQRA DETERMINATION REGARDING
THE LUTHER FOREST BUSINESS PARK LOT 2 SITE PLAN REVIEW**

WHEREAS, the Luther Forest Corporation has submitted an application for site plan review to construct a portion of a business park on Lot 2 of a property located on Shenandoah Drive, more fully described as Tax Map Parcels 241.-1-6.1 and 6.3; and

WHEREAS, the applicant and its representative appeared before the Planning Board on September 24, 2022 for a public hearing and on October 24, 2022 for final review; and

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

WHEREAS, pursuant to 6 NYCRR 617.6 the Stillwater Planning Board by Resolution 17 of 2022 voted to send a Notice of Intent to Serve as Lead Agency for SEQRA review and no opposition has been received from any involved or interested agencies; and

WHEREAS, the applicant has submitted a long environmental assessment form (“FEAF”); 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 have a significant impact on the environment; and

WHEREAS, the Planning Board has also reviewed each of the 18 factors contained in Part Two of the FEAF to determine whether the proposed action will have significant environmental impacts on this and upon nearby properties.

NOW, therefore, be it

RESOLVED, that the Planning Board hereby determines that the proposed action by the applicant, the Luther Forest Corporation, for site plan approval to construct a portion of a business park on Lot 2 of a property located on Shenandoah Drive, more fully described as Tax Map Parcels 241.-1-6.1 and 6.3, will not result in significant impacts on the environment and a negative declaration is hereby issued.

A motion by Member Keefer seconded by Member Rathbun to adopt Resolution No. 23 of 2022.

A roll call vote was taken on Resolution No. 23 as follows:

Chairman Buck	YES
Member Keefer	YES
Member Marshall	YES
Member Marotta	YES
Member Rathbun	YES
Member Reilly	YES
Member Smith	YES

Resolution No. 23 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on October 24, 2022.

**TOWN OF STILLWATER
PLANNING BOARD
2022 RESOLUTION NO. 24
A RESOLUTION REGARDING SITE PLAN APPROVAL OF
LOT 2 IN THE LUTHER FOREST BUSINESS PARK**

WHEREAS, the Luther Forest Corporation has submitted an application for a major subdivision to construct a portion of a business park on Lot 2 of a property located on Shenandoah Drive, more fully described as Tax Map Parcels 241.-1-6.1 and 6.2; and

WHEREAS, the applicant and its representative appeared before the Planning Board on September 26, 2022 for a public hearing and on October 24, 2022 for final review; 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 in Resolution 23 of 2022; and

NOW, therefore, be it

RESOLVED, the application of the Luther Forest Corporation for site plan approval to construct a portion of a business park on Lot 2 of a property located on Shenandoah Drive, more fully described as Tax Map Parcels 241.-1-6.1 and 6., is hereby GRANTED, conditional upon the applicant's satisfaction of all remaining punch list items contained in the review letters of Lindsay Buck, Town Planner, dated September 2, 2022, and Paul Male, Town Engineer dated August 6, 2022; and be it further,

RESOLVED, that the Secretary is authorized and directed to transmit a copy of this Resolution to the Applicant, the Town Clerk and the Building Inspector-Code Enforcement Officer.

A motion by Member Rathbun, seconded by Member Keefer, to adopt Resolution No. 24 of 2022.

A roll call vote was taken on Resolution No. 24 as follows:

Chairman Buck	YES
Member Keefer	YES
Member Marshall	YES
Member Marotta	YES
Member Rathbun	YES
Member Reilly	YES
Member Smith	YES

Resolution No. 24 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on October 24, 2022.

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

Mr. Arico:

Mr. Parella is also present this evening. The project was before the Planning Board on July 25, 2022 for the PDD recommendation to the Town Board. The project has not changed but there have been modifications made to the apartment portion of the project. The style of the apartment building has changed, they have reduced the apartment footprint by 25%, the road alignment was reduced by about 300 Ft., and the open space has increased. The single-family portion of the project has not changed. The project is proposing sixteen 2-acre lots for single-family dwellings and a cul-de-sac roadway. The apartment portion of the project consists of 17+/- acres with twelve 4-unit apartment buildings for a total of 48 apartments. There are two access points off of

County Route 76 for ingress and egress into the development. The access for the single-family portion of the project will be a public roadway and the access into the apartment portion of the project will be a private roadway. The project will be serviced by public water and sewer. There have been prior meetings with the Village of Stillwater Engineer, Ed Hernandez, and Village Trustee John Basile. The wetlands have been delineated by the Army Corps of Engineers.

Mr. Rathbun stated that the Village of Stillwater has agreed that the Village water and sewer systems can provide these services.

Mr. Arico stated that is correct.

Mr. Rathbun asked if the residents in that area would be able to connect to the public water and sewer.

Mr. Arico stated that they would put in lateral connections so, if the residents in that area want to connect to the sewer they would be able to.

Mr. Rathbun asked if the water and sewer will be turned over to the Village of Stillwater or privately owned. Mr. Rathbun asked if the single-family lots will be serviced with public water.

Mr. Arico stated that is correct.

Mr. Rathbun asked if there is enough pressure to service those lots.

Mr. Arico stated yes, we have not determined where the connection will be located on the waterline.

Mr. Rathbun asked how do you intend to protect the ridge/slope so it is not disturbed.

Mr. Arico stated that there are no trees being removed and no disturbance to the ridge/slope area.

Mr. Rathbun asked about the design of the apartments.

Mr. Arico showed the Planning Board the renderings for the apartments. Mr. Arico stated that each apartment has a garage with 2 parking spaces, separate entrances, and a deck.

Mr. Rathbun asked about the site distance on County Route 76.

Ms. Marotta asked about the water tank on the west side with an existing waterline that crosses through the single-family lots and would need to remain in that area.

Mr. Arico stated that is correct.

Ms. Marotta asked if there would be a new waterline in the roadway or would the project connect to the existing waterline.

Mr. Arico stated that the project would connect to the existing waterline.

Ms. Marotta asked about the right-of-way that services the water tank.

Mr. Arico stated the existing easement will be adjusted between the lot 5 and lot 6.

Ms. Marotta stated that pages 4, 5 and 6 regarding the proposed areas of disturbance should have all the areas that will be disturbed and the conservation buffer.

Mr. Arico stated that they can install a buffer so, that the residents cannot reach the steep grade.

Ms. Marotta stated that the plans show a proposed club house.

Mr. Arico stated that is correct. Mr. Arico stated that the clubhouse is one large room and no pool. Mr. Arico stated that the mailbox kiosk would also be in that area.

Ms. Marotta asked about the sewer lines on the map.

Ms. Lindsay Buck stated that those were powerlines and showed sewer lines shown on the map.

Ms. Marotta stated that the Camelot roadway would connect to a private roadway.

Mr. Male stated that all private roadways have to be built to town standards.

Ms. Marotta asked about condos in place of the apartments.

Mr. Arico stated that a certain percentage of the condos need to be sold in order to get financing.

Ms. Marotta asked about sidewalks.

Chairman Buck stated that the Town of Stillwater requires sidewalks.

Mr. Trainor asked about the interior roadways.

Mr. Arico stated that Scenic View will be dedicated to the Town of Stillwater and the roadway for the apartments will be a private roadway.

Mr. Trainor asked if the roadway for the apartments will have a different road name.

Mr. Arico stated that is correct, the road name for the apartments will be Upton Drive.

Ms. Lindsay Buck stated that the road names have not been approved yet.

Mr. Trainor asked if the roadway for the single-family portion of the project would be constructed first.

Mr. Arico stated that is correct.

Mr. Trainor asked if the trail and open space area would be privately owned.

Mr. Arico stated that is correct.

Mr. Trainor asked if the future roadway between Camelot and this project could be an emergency access point.

Mr. Arico stated that they separated the buildings to make the roadway an emergency access.

Mr. Male stated that these are not engineered plans.

Mr. Rathbun stated that these are conceptual plans.

Mr. Male stated that the road grade is at 4.5% and the Town of Stillwater would like a minimum of 1%. There is a road grade of 10% and the subdivision regulations do not allow a road grade above 7% unless approved by the Planning Board. The geometry of 90% needs to meet the Town Code. There is a proposed roadway from Camelot to connect to this project.

Mr. Arico stated that they have contacted Camelot regarding the property and they want too much money for the property.

Mr. Male stated that the Town Highway Superintendent would like a hammerhead instead of a cul-de-sac.

Ms. Keefer asked how would the Planning Board go about having Camelot build the roadway.

Mr. Trainor stated that Camelot would have to build roadway when they proposed a project for that parcel.

Mr. Rathbun stated that Camelot would have to build roadway.

Ms. Reilly asked about townhouses instead of apartments.

Mr. Arico stated that they would need to meet the setbacks. Mr. Arico stated that the apartments are placed in this area due to the wetlands.

Ms. Reilly stated that there are always children walking on County Route 76 toward the Village of Stillwater.

Mr. Arico stated that they do not anticipate the apartments to have a lot of children as the apartments are 2-bedrooms.

Ms. Lindsay Buck asked if the Town of Stillwater would want to consider maintaining a right-of-way along County Route 76 for sidewalks in the future.

Mr. Arico asked if Saratoga County DOT would allow sidewalks along County Route 76.

Ms. Lindsay Buck asked about a right-of-way along the property line of the project.

Ms. Keefer made a motion to table the project for further review seconded by, Ms. Marotta. A roll call vote was taken.

Chairman Buck	Yes
Member Marshall	Yes
Member Keefer	Yes
Member Marotta	Yes
Member Reilly	Yes
Member Smith	Yes
Member Rathbun	Yes

PB2022-22 VonAhn Major Subdivision, 42 NYS Route 423

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

Mr. Webster:

Mr. VonAhn is also present this evening. The project was before the Planning Board on March 8, 2021 for a four-lot subdivision. The applicant is proposing a two-lot subdivision of Lot 1 which consist of 13.95+/-acres located at 42 NYS Route 423. The new lot would consist of 2.23-acres and the remaining 11.72-acres would remain with Lot 1.

Ms. Lindsay Buck stated that Lot 1 shows the dwelling behind an accessory structure on the parcel. According to the Town Code an accessory structure is not allowed in the front yard. She asked if the barn will be demolished.

Mr. Von Ahn stated no, the barn was just rebuilt.

Ms. Lindsay Buck asked if they could refigure the lots.

Ms. Marotta asked about the boundary lines of Lot 5.

Ms. Lindsay Buck showed Ms. Marotta the boundary lines.

Ms. Reilly asked if this new lot is for a single-family dwelling.

Mr. Webster stated that is correct.

Mr. Von Ahn stated that he would like the pond on the larger lot.

Mr. Webster stated that they will revise the plans.

Ms. Reilly made a motion to adjourn, seconded by Mr. Bisnett at approximately 9:15pm.