

**Town of Stillwater
Planning Board Special Meeting
(LFTCEDC)
January 26th, 2009 7:00PM
Stillwater Town Hall**

Present: Chairwoman Jo Ann Winchell, Robert Barshied, Peter Buck, Carol Marotta, John Murray, Paul Tompkins, Beverly Frank

Also Present: Ray Abbey-BLDG Inspector/Code Enforcement, Daryl Cutler-Attorney for the Town, Joel Bianchi-Engineer for the Town, Sue Cunningham, Secretary to the Planning Board

Chairwoman Winchell called the meeting to order and led everyone in the Pledge to the Flag.

**LTTCEDC
Major Subdivision
PB2008—48 SBL241.-1-3**

Mike Ingersoll of The LA Group, P.C. spoke on behalf of the applicant regarding the LFTCEDC POD 1 Major Subdivision. Mr. Ingersoll briefly went over the memorandum of findings submitted January 6, 2009 by Joel Bianchi of the Chazen Companies. The applicant acknowledges that the application is not subject to any further SEQRA review or action, that a condition of plat approval be that the applicant convey any lands to the Town as part of the Cold Springs Road right-of-way prior to the transfer of title of any proposed lots, in the event that there are additional land owners within the PDD, the applicant will supply the Town's attorney with land owner's association documentation prior to any signing of mylar or plats, and that the applicant contact the Town's 911 coordinator to obtain emergency address numbers and placed them on the plat to be filed with the County.

A brief discussion was held on the size of the 3 lots, fees, and SEQRA.

Attorney Cutler stated that in speaking with the applicant, their council and AMD's council they agreed on the following language in regard to the SEQRA, if acceptable to the Planning Board. He recited the language as follows:

WHEREAS the Town of Malta Town Board as lead agency in the SEQRA process for the review of the proposal has reviewed and approved a DSEIS, FFEIS and Findings Statement; and

WHEREAS, the Town of Stillwater Town Board as an involved agency in the SEQRA process for the review of the proposal, has issued a SEQRA Findings Statement; and
WHEREAS, the Town of Stillwater Planning Board is a SEQRA involved agency has reviewed the SEIS and the Town of Stillwater SEQRA Findings Statement and agrees

with the findings and conclusions set forth in the SEQRA findings adopted by the Town Board of Stillwater;

Now, therefore, be it

RESOLVED, that the Town of Stillwater Planning Board accepts the conclusions and findings of the Town of Stillwater Town Board SEQRA Findings Statement and hereby incorporates it by reference, determining, as an involved agency, that it is appropriate for the Planning Board to adopt that SEQRA Findings Statement as its own and hereby certifies that:

- (a) The requirements of 6 NYCRR 617 have been met; and
- (b) Consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the proposed action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

Resolution #3 of 2009

LFTCEDC—Accepting SEQRA

Motion by J. Murray and seconded by P. Buck to accept Resolution #3 which accepts the conclusions and findings of the Town of Stillwater Town Board SEQRA Findings Statement.

Discussion: Chairperson Winchell inquired if they were being asked to move on something that they have not had the courtesy of a presentation on.

C. Marotta recited the 4th whereas which states Town of Stillwater Planning Board is a SEQRA involved agency has reviewed the SEIS and the Town of Stillwater SEQRA Findings Statement and agrees with the findings and conclusions set forth in the SEQRA findings adopted by the Town Board of Stillwater and stated that she was not comfortable with this portion since they have not reviewed the Findings Statement.

Chairperson Winchell stated that they have had joint meetings but have not really discussed the finding statements.

A discussion was held on the SEQRA Findings Statement and it was agreed to amend the 4th WHEREAS to read: WHEREAS, the Town of Stillwater Planning Board is a SEQRA involved agency.

Motion carried. Resolution #3 was adopted as amended by a 6 to 1 vote. (B. Frank abstained)

Resolution #4 of 2009

**LFTCEDC
3 Lot Extension of a
Major Subdivision
#241.-1-3**

J. Bianchi went over the Regulations and how they set forth Minor and Major Subdivisions and because this is an extension it becomes a Major subdivision. He suggested as they consider final plat approval with conditions waving the second public hearing which they are allowed to do and to make it part of the motion.

Attorney Cutler recited conditions attached to the Resolution as follows: that the application is granted based upon the following conditions being satisfied:

(a) That LFTCEDC sign and deliver to the Town of Stillwater, at no cost to the Town, all documents necessary to convey title in fee to two parcels (parcels number 122 and 123), a permanent easement (parcel number 124), and a temporary easement (parcels number 125 and 126 along Cold Springs Road as shown in the survey maps and legal description provided by the Chazen Companies in support of the Cold Springs Road corridor improvement project; and

(b) That the applicant supply the Town of Stillwater with a Landowners Association Agreement that has been filed with the Saratoga County Clerk's Office and signed by LFTCEDC and AMD and that such documentation shall be provided prior to any signing of mylars or plats

Motion by B. Barshied and seconded by C. Marotta to adopt Resolution #4.

Discussion: C. Marotta inquired if the parcels referred to are specific to the detailed road map.

Attorney Cutler replied that it was.

Attorney Cutler stated that relating to the Landowners Association he has been specifically in contact with AMD attorney and explained why they want AMD to execute the document. Specifically telling them that they would anticipate AMD could have language within that that's states it would only be binding on AMD if they become a landowner.

Motion carried. Resolution #4 was adopted by a 6 to 1 vote. (B. Frank abstained)

Chairperson Winchell declared the Special Meeting adjourned at 7:30 PM at which time the Planning Board recessed and went to the conference room to hold a workshop.

Respectfully submitted by

Sue Cunningham
Planning Board Secretary