

**Town of Stillwater Planning Board  
March 2, 2009      6:30 PM  
Stillwater Town Hall**

**Present: Chairperson Winchell, Peter Buck (6:40 pm), Beverly Frank, Carol Marotta, John Murray, Paul Tompkins**

**Also Present: Daryl Cutler, Attorney for the Town; Joel Bianchi, Engineer for the Town; Sue Cunningham, Planning Secretary**

**Absent: Robert Barshied**

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

**Adoption of Minutes: Motion** by P. Buck and seconded by C. Marotta to adopt the minutes of the January 26, 2009 special meeting of the Stillwater Planning Board.

**Motion carried unanimously.**

**Motion** by J. Murray and seconded by P. Tompkins to adopt the minutes of the February 9, 2009 Planning Board meeting. **Motion carried unanimously.**

**Agenda Items**

**AMD**

**Site Plan Review**

**PB2008-48**

**SBL#241.-1-3**

A brief presentation was presented by Matthew J. Jones of Jones-Ferradino and Ed Garrigan of CT Male Associates.

Mr. Jones gave a brief overview of the application for the AMD Fab Technologies US, Inc.- Fab 4X Luther Forest Technology Campus Temporary Construction Site Plan Approval Application. He also requested the Planning Board hold a public hearing on March 16, 2009 in regard to Conditional Soil Disturbance and Temporary Construction Approvals.

Mr. Garrigan gave a brief update on the Scheduling, Batch Plant, Concrete Batch Plant, Fueling Station, Fabrication Shop/Assembly Area, Construction Warehousing, warehouse/Shop, QA/QC Labs and Phases 1 thru 8.

**Resolution #11      AMD Site Plan Review/ Public Hearing**

**Motion** by C. Marotta and seconded by J. Murray to adopt Resolution #11 as follows:

WHEREAS, AMD Fab Technologies, U.S., Inc. has submitted an application for the Site Plan Review for the proposed permits for soil disturbance and temporary construction site plan; and

Now, therefore, be it

RESOLVED, that a Public Hearing has been scheduled for March 16, 2009 in order to review the Site Plan for the proposed permits for soil disturbance and temporary construction site plan; 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 and Code Enforcement Officer.

**Motion carried.** Resolution #11 was adopted unanimously.

C. Marotta inquired on the storm water basins and making sure that they work properly during the construction.

Mr. Garrigan stated that DEC would be monitoring the situation bi-weekly and make recommendation as needed.

P. Buck inquired about options for obtaining water, if bids were out on the phases and what the approximate start date was.

Mr. Garrigan stated that they are considering different options for water and that it would not be used for drinking water. He also stated that seven or eight bidders have picked up packets and they are hoping to start by the end of March.

Further discussion was held.

Chairperson Winchell requested that if the Planning Board had any further questions submit them to the Attorney who will then forward them to the applicant.

**Robinson Knoll  
Minor Subdivision  
PB2007-56  
SBL #242.-1-61.1**

Chairperson Winchell stated that the application before them is now for a minor subdivision as opposed to a major, which was the prior application. She inquired if all members of the board received a copy of Chazens comments on this project dated February 23, 2009.

C. Marotta questioned the sediment basins.

J. Bianchi stated that the applicant is complying with the standards and has done more than what is requested.

**Resolution #12                      SEQRA—Negative Declaration**

**Motion** by P. Buck and seconded by C. Marotta to adopt the following Resolution:

WHEREAS, Robinson Knolls has submitted an application to the Planning Board seeking minor subdivision approval for property along Elmore Robinson Road, more fully identified as Tax Map Number 242.00-1-61.1; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the proposed action is an unlisted action requiring SEQRA review; and

WHEREAS, pursuant to 6 NYCRR §617.6, the Stillwater Planning Board is the lead agency for SEQRA review; and

WHEREAS, the applicant has submitted a fully completed Environmental Assessment Form (EAF); and

WHEREAS, the Planning Board has duly reviewed the EAF and has considered the criteria contained in 6 NYCRR §617.7(c), to determine if the proposed action will have significant impact on the environment;

Now, therefore, be it

RESOLVED, that the Planning Board hereby determines that the proposed action by the applicant, Robinson Knoll, for a minor residential subdivision for property along Elmore Robinson Road, more fully identified as Tax Map Number 242.00-1-61.1, is an unlisted action and will not have a significant impact on the environment.

**Motion carried.** Resolution #12 was adopted unanimously.

**Resolution #13                      Minor Subdivision/Conditional Approval**

**Motion** by P. Buck and seconded by C. Marotta to adopt Resolution #13 as follows:

WHEREAS, Robinson Knolls has submitted an application to the Planning Board seeking minor subdivision approval for property along Elmore Robinson Road, more fully identified as Tax Map Number 242.00-1-61.1; and

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 12 of 2009; and

WHEREAS, the Town Engineer has reviewed the application and the proposed site plan and confirms that the plans complies with all Town, County and State requirements; and

WHEREAS, the Planning Board has duly considered the application; and

WHEREAS, concerns were expressed regarding the installation of individual septic systems in areas located within the Watershed Protection Overlay District; and

WHEREAS, the Zoning Board of Appeals addressed this concern and rendered an intervention finding the individually engineered septic systems are permitted within the Watershed Protection Overlay District under the Zoning Code; and

Now, therefore, be it

RESOLVED, that the application of Robinson Knolls for a minor subdivision approval for property along Elmore Robinson Road, more fully identified as Tax Map Number 242.00-1-61.1, is hereby GRANTED; and be it further

RESOLVED, that the application is GRANTED based upon all the recommendations set forth in the February 23, 2009 letter of the Town Engineer being satisfied.

**Motion carried.** Resolution #13 was adopted unanimously.

**Donnelly Construction**

**Site Plan Review**

**PB2008-44**

**SBL#252.-2-39.11**

Scott Lansing of Lansing Engineering spoke on behalf of the applicant regarding an application submitted for a Site Plan Review. He briefly went over some minor changes to the plan from when he was in here in February 2009.

Discussion was held on County approval and whether the accessory buildings on the property conformed to zoning.

P. Buck requested that they dress up the mobile home for appearances.

**Resolution # 14                      SEQRA—Negative Declaration**

**Motion** by C. Marotta and seconded by P. Buck to adopt the following Resolution:

WHEREAS, Donnelly Construction has submitted an application to the Planning Board seeking a Site Plan Review regarding property more fully identified as Tax Map Number 252.-2-39.11; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the proposed action is an unlisted action requiring SEQRA review; and

WHEREAS, pursuant to 6 NYCRR §617.6, the Stillwater Planning Board is the lead agency for SEQRA review; and

WHEREAS, the applicant has submitted a fully completed Environmental Assessment Form (EAF); and

WHEREAS, the Planning Board has duly reviewed the EAF and has considered the criteria contained in NYCRR §617.7 (c), to determine if the proposed action will have a significant impact on the environment;

Now, therefore, be it

RESOLVED, that the Planning Board hereby determines that the proposed action by the applicant, Donnelly Construction, seeking a Site Plan Review for property more fully identified as Tax Map Number 252.-2-39.11, is an unlisted action and will not have a significant impact on the environment.

**Motion carried.** Resolution #14 was adopted unanimously.

**Resolution #15                      Site Plan Review/Conditional Approval**

**Motion** by J. Murray and seconded by C. Marotta to adopt the following Resolution:

WHEREAS, Donnelly Construction has submitted an application to the Planning Board seeking a site Plan Review for property more fully identified as Tax Map Number 252.-2-39.11; and

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 14 of 2009; and

WHEREAS, the Town Engineer has reviewed the application and the proposed site plan and confirms that the plan complies with all Town, County and State requirements; and

Now, therefore, be it

RESOLVED, that the application of Donnelly Construction for a Site Plan Review for property more fully identified as Tax Map Number 252.-2-39.11, is hereby GRANTED; and be it further

RESOLVED, that the application is GRANTED based upon the following conditions being satisfied:

1. County Approval
2. Excessory building conform to Zoning

3. The applicant providing the Town with a copy of easement filed with the Saratoga County Clerk's Office

**Motion carried.** Resolution #15 was adopted unanimously.

### **Old Business:**

#### Jib Drive

Attorney Cutler stated that he sent the applicant a letter along with a copy of the resolution of the Planning Boards recommendations. In the letter it informed the applicant that they had ten days from receipt of the notice to make a request to the Town Board asking them to consider the application and holding a public hearing. Attorney Cutler proceeded to go over the Town Boards options. At this point he does not believe the applicant has approached the Town Board.

Chairperson Winchell stated that she spoke with the Supervisor and he informed her that he had a phone conversation between himself and Mr. Gush. Mr. Gush informed her that he is in the process of modifying the plans and the modifications would still exceed the threshold of 120%. The Supervisor also informed her that it was not the Town Boards desire to go against the Planning Boards recommendations.

J. Murray inquired as to the steps involved if they modify their plans.

Attorney Cutler stated that they could make application to the Town Board asking them to consider thirty-four homes and then decide what to do about the sidewalks. The Town Board can act however they want but he believes they would still have to have a super majority vote to approve the application.

Discussion was held on the process if the applicant came back before the Town Board.

LFTC: Councilwoman Winchell reported that she had a meeting prior to the Planning Board this evening with representatives of LFTC and the Town supervisor to go over the proposed business plan for LFTC. The reason for the meeting was because once the documents are signed, the sale goes through, which they anticipate in March, they plan on hitting the pavement with a global initiative to market the remaining portion of the project.

### **New Business**

Joint meeting: Councilwoman Winchell stated that while attending the NYC Association of Towns Conference she spoke with the Town Attorney and believes that there is a real need to have a joint meeting between the Planning Board, Zoning Board, and Town Board. They would have the workshop on a Saturday morning sometime in mid April to go over documents, procedural items, conflict of interest and ethics issues, as well as general education items. She believes the four-hour workshop would satisfy the annual NYS mandated training necessary for Planning and ZBA members.

Discussion was held on the date, time and agenda.

It was decided to set a temporary date of April 11, 2009 at 9AM. Councilwoman Winchell will draft an agenda to all members of the board prior to the meeting.

Revolutionary Heights: J. Murray requested clarification from the Planning Dept as to why Revolutionary Heights was on the agenda.

AMD: P. Buck commented on the amount of material the Planning has been receiving regarding the AMD project and how Malta has hired an independent person to review the documents and report back to the Malta Planning Board.

Discussion was held on AMD, Malta, Stillwater and the scope of the project.

**Adjournment: Motion** by J. Murray and seconded by P. Tompkins to adjourn the Planning Board meeting at 8:30 PM. **Motion carried.**

Respectfully submitted by

Sue Cunningham  
Planning Board Secretary