

**Stillwater Town Planning Board
July 20, 2009 7:00 PM
Stillwater Town Hall**

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

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

Chairwoman Winchell called the meeting to order at 7:00 P.M., and led everyone in the Pledge to the Flag.

**7:00 PM Public Hearing-----Global Foundries
Final Site Plan Approval
PB2008-48
SBL # 241.-1-3**

Stephanie Ferradino of Jones Ferradino, Attorneys at Law gave a brief overview of the Final Site Plan that was being requested.

Public Input

E. Kinowski inquired if the Planning Board had time to do an overview of the packet of information submitted at the last meeting and if they had any concerns regarding the Final Site Plan.

Engineer Bianchi went over what the Final Site Plan consisted of.

C. Marotta had concerns on the Engineers letters of June 15th and July 17th and asked for clarification.

Engineer Bianchi commented that additional information was submitted for review. After reviewing the additional documentation for a Final Site Plan approval the July 17th letter of comments is being submitted for the Planning Board's consideration.

With everyone having the opportunity to comment Chairperson Winchell closed the public input portion of the meeting at 7:11 PM.

After a brief discussion on the maintenance agreement, fence with gate, stormwater, greenspace, noise monitoring, and emergency response the following Resolutions were offer:

**Resolution #24-----Adopt Reaffirmation of SEQRA specific to
Global Foundries for Site Plan Approval**

Motion by R. Barshied and seconded by J. Murray to adopt Resolution #24 as follows:

WHEREAS the Planning Board of the Town of Stillwater (“Planning Board”) has received from AMD Fab Technologies U.S., Inc. (“Applicant”) an application for site plan approval in the Luther Forest Technology Campus Planned Development District (the “LFTC PDD”) in the Town of Stillwater in connection with the Applicant’s construction of a semiconductor manufacturing facility within the LFTC PDD (the “Project”); and

WHEREAS, the Town of Stillwater Town Board as lead agency in the SEQRA process for the review of the Project has reviewed and approved a DSEIS, FSEIS and Findings Statement; and

WHEREAS, the Town of Stillwater Planning Board, as a SEQRA involved agency, has reviewed the SEIS and the Town of Stillwater Town Board SEQRA Findings Statement and agrees with the findings and conclusions set forth in the SEQRA Findings adopted by the Town Board of Stillwater in 2004 and 2008.

Now, therefore, be it

RESOLVED, The Town of Stillwater Planning Board accepts the conclusions and findings of the Town of Stillwater Town Board SEQRA Findings Statement and further finds that the proposed Site Plan is consistent with the Statement of Findings of 2004 and 2008 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 Part 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 environment 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.

This Resolution shall take effect immediately.

Motion carried. Resolution No. 24 was adopted unanimously.

Resolution #25----Site Plan Approval (Granting)

Motion by P. Buck and seconded by R. Barshied to adopt Resolution #25 as follows:

WHEREAS, the Planning Board of the Town of Stillwater (“Planning Board”) has received from AMD Fab Technologies U.S., Inc. (“Applicant”) an application for site plan approval in the Luther Forest Technology Campus Planned Development District (the “LFTC PDD”) in the Town of Stillwater in connection with the Applicant’s construction of a semiconductor manufacturing facility within the LFTC PDD (the “Project”); and

WHEREAS, the Project requires the following actions by the Town of Stillwater: (a) approval of amendments to the LFTC PDD, which was approved by the Town Board on December 18, 2008, (b) subdivision approval, which was granted by the Planning Board on January 12, 2009, and (c) site plan approval; and

WHEREAS, pursuant to Article 6 of the Code of the Town of Stillwater, as amended by Local Law No. 3 of 2008, the Applicant has submitted a site plan application for the construction of Fab 2; and

WHEREAS, the Planning Board has considered the Applicant's bound application dated February 6, 2009, as supplemented by additional application information on May 29, 2009; together with the Applicant's presentation materials and responses at the Planning Board meetings of March 2, 2009, March 16, 2009, April 6, 2009 and June 15, 2009; and

WHEREAS, in satisfaction of the requirements of SEQRA, the Planning Board completed a SEQRA review and has adopted the Town Board SEQRA Findings Statement pursuant to Resolution No. 24 of 2009; and

WHEREAS, the Town Engineers and Town Planner have reviewed the application and confirm that the proposed site plans comply with all Town, County and State requirements; and

WHEREAS, the Town Engineers have made certain recommendations and proposed conditions as set forth in the Chazen Review Letter of June 15, 2009; and

WHEREAS, the Saratoga County Planning Board has received and reviewed the application pursuant to General Municipal Law §239-m and by resolution dated February 19, 2009, has determined there is no significant County Wide or Inter-Community Impact; and

WHEREAS, the Applicant has executed and delivered to the Town of Stillwater's supervisor, Shawn Connelly, a Development Agreement and an Escrow Agreement, pursuant to the requirements of local law #3 of 2008; and

WHEREAS, the Town of Stillwater Planning Board has duly publicized and a public hearing on the application for site plan review was held on July 20, 2009.

Now, therefore, be it

RESOLVED, that based specifically on the documents attached to this Resolution and the results of the public hearing, the Planning Board hereby approves the Applicant's request for Site Plan approval; and be it further

RESOLVED, The Planning Board further conditions the approval set forth above on the following:

Applicant shall satisfactorily address and comply with the five (5) conclusions and recommendations by the Town Engineer as set forth in the Chazen Review letter of June 17, 2009.

Motion carried. Resolution No. 25 was adopted unanimously.

**Saratoga Cluster (Jib Drive)
Subdivision Review (further review)
PB2008-40
SBL # 206.-1-24**

Peter Lynch representing the applicant, VLG Real Estate Developers, LLC went over the modified application submitted for the Saratoga Cluster Planned Development District on

Jib Drive. Attorney Lynch stated that the original proposal called for twenty-nine high end homes and appeared before the Town Board to amend their proposal from twenty-nine to forty-nine homes due to the proposed water line they planned on running up to the development. The developer scaled back and requested to build thirty-nine homes on a 50 acre parcel. On February 9, 2009 the Planning Board gave an unfavorable recommendation due to density and sidewalk issues. He proceeded to state that they filed an appeal with the Town Board and asked them to over ride the Planning Board's recommendations which they did not do. They appeared back before the Town Board with new plans for thirty-four homes and were referred to the Planning Board for their recommendations.

A discussion was held on whether this application was the same project as submitted prior or if it was a new application. The Planning Board questioned if they should use the same traffic, water and sewer studies.

Engineer Bianchi commented that this is a new application even though it is very similar to previous submittals. He further stated that this application is subject to GEIS Mitigation Impacts. Engineer Bianchi stated that numerous required documents were submitted with previous submittals and it is the Board's discretion to request additional information.

Attorney Cutler stated that the Planning Board can request new information or use prior information. However, the applicant must resubmit the prior information in order to make it part of the record. Resubmission can be made by merely informing the Board as to which documents the applicants want to reuse. The Planning Board would then determine if it felt it needed updated reports.

Chairperson Winchell requested that prior to the August meeting the applicant prepare a listing of specific concerns that the Planning Board has such as housing, open space, prior reports, copy of appeal to the Town Board, and Town Board minutes of discussion regarding the appeal.

Scott St. George
Lot Line Adjustment
PB2009-61
SBL # 242.-1-95

Kurt Hess representing the applicant gave a brief synopsis of what the applicant intentions were, which was to convey 10.49 acres over to a neighbor.

After a brief discussion regarding the building line the following Resolutions were offered.

Resolution # 26-----SEQR (Approval)

Motion by J. Murray and seconded by R. Barshied to adopt Resolution #26 as follows:
WHEREAS, Scott St. George has submitted an application for a Lot Line Adjustment regarding property located at County Route 75, more fully identified as Tax Map Numbers 241.00-1-93.5 and 241.00-1-95; 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 Short 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 a significant impact on the environment;

Now, therefore, be it

RESOLVED, that the Planning Board hereby determines that the proposed action by the applicant, Scott St. George, for a Lot Line Adjustment regarding property located on County Route 75, more fully identified as Tax Map Numbers 241.00-1-93.5 and 241.00-1-95, is subject to the Town Wide GEIS. The project's scope is not likely to generate significant traffic, nor will it increase the demand on sewer or water. The project will not generate additional stormwater runoff, nor will it have a growth inducing affect on the area. Therefore, based upon the information submitted this project appears to be in conformance with the conditions and thresholds of the Town of Stillwater's Generic Environmental Impact Statement and Statement of Findings. Note that this specific activity or project is not subject to the GEIS mitigation fees. This application is an unlisted action. No further action is required.

Motion carried unanimously.

Resolution #27-----Lot Line Adjustment (Granted)

Motion by R. Barshied and seconded by P. Buck to adopt Resolution #27 as follows:

WHEREAS, Scott St. George has submitted an application for a Lot Line Adjustment regarding property located on County Route 75, more fully identified as Tax Map Numbers 241.00-1-93.5 and 241.00-1-95; and

WHEREAS, pursuant to the Stillwater Zoning Law, a public hearing is not required to be held for this type of application; and

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 26 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

WHEREAS, the Planning Board has reviewed the application and has duly considered the criteria for Lot Line Adjustments;

Now, therefore, be it

RESOLVED, that the application of Scott St. George for a Lot Line Adjustment regarding property located on County Route 75, more fully identified as Tax Map Numbers 241.00-1-93.5 and 241.00-1-95, 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.

Motion carried unanimously.

Adoption of Minutes: Motion by J. Murray and seconded by P. Tompkins to adopt the Planning Board minutes of June 15, 2009. **Motion carried.**

Saratoga P. L. A. N.

Re: Battles of Saratoga Preservation Plan

Diane Metz gave a brief over on what Saratoga P.L.A.N was all about. Saratoga P.L.A.N is the only non-profit land trust and community planning partner working throughout Saratoga County to promote smart growth and preserve natural areas, farmland, and recreational trail corridors in upstate New York's fastest growing region. She proceeded to give a presentation on the Battles of Saratoga Preservation and Viewshed Protection Plan, purpose and process of the plan, examples of resources and local recommendations, preservation tools, planning & zoning, historic site preservation strategies and current status & next steps of the program.

Old Business

Mobile Home Ordinance: The Planning Board held a lengthy discussion on the Mobile Home Park Ordinance, Mobile Home Parks in the Town and a meeting to be held with the Town Board, Engineer, and Attorney to discuss putting a moratorium on Mobile Home Parks. R. Barsheid was asked if he would like to attend the meeting as a representative of the Planning Board. A polling of the Planning Board members showed that six out of the seven members were in favor of a moratorium on Mobile Home Parks and would send a favorable recommendation to the Town Board members concerning this matter.

ABC Recycling: James Eastham, of WSP SELLS was in attendance this evening regarding ABC Recycling the current status of their prior approvals. Attorney Cutler stated that at a recent Zoning Board meeting ABC Recycling was discussed on the matter of their zoning interpretation application. He stated that they discussed the conditions of the Planning Board approvals, conditional approval was granted and no steps taken to rectify conditions. The Zoning Board than discussed the interpretation request and it was their interpretation that the Building Dept. acted appropriately and a stop work order was issued again until the applicant meets the conditions set by the Planning Board.

Saratoga Cluster: a brief discussion was held on whether the Town Board approve or disapproved the PDD Application, the appeal, prior application & new application, drainage, maintenance of open space, and emergency exit.

Motion by J. Murray and seconded by R. Barshied to adjourn the Planning Board meeting at 9:50 PM.

Respectfully submitted by

Sue Cunningham
Secretary to the Planning Board