

**Stillwater Town Planning Board
September 21, 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; Councilman Artie Baker; Councilman Ken Petronis; and Councilwoman Whitman

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

Adoption of Minutes: Motion by J. Murray seconded by P. Buck to accept the minutes of the September 7, 2009 meeting as prepared. Motion carried unanimously.

Chairperson Winchell questioned if members had sufficient material and time to review documents pertaining to the agenda. Every member responded they had time and materials. Ray Abbey reported that two new file cabinets were placed downstairs to store land-use documents. Funding for the cabinets came partially from the Planning Board's budget.

**7:00 PM Public Hearing
Jib Drive PDD
PB 2009-62
SBL#206.-1-38**

Chairwoman Winchell opened the Public Hearing at 7PM. She requested representatives from the application to address the audience with project highlights, including items within the September 15, 2009 communication revising three key items.

Attorney Peter Lynch spoke in regards to his applicant's request for the rezoning of Jib Drive to support 34 residential building lots. In an attempt to provide immediate and accurate answers, he also answered questions from the general public.

Robert Heslin spoke on behalf of his brother who resides on Keel Lane. His questions related to the establishment of a Home Owners' Association, the planned emergency ingress/egress of Keel Road, and the assumption that property values of existing homes would diminish.

Carolyn Pone questioned the dead end street condition of Connolly Road, the plans for a stop sign at the base of Jib Drive and plans for two storm water detention ponds.

Jim Garrity stated that the existing condition of Jib Drive is poor due to an artesian well at the site that has been disturbed during the PDD planning. He mentioned the poor conditions during the winter freeze.

Debra Dougall stated she was in favor of the project because she feels it will make the developer improve the conditions of Jib Drive.

Veronica Arellio questioned how the project will impact the existing condition of the church parking lot. She also wanted to know how the H.O.A. would address the existing snowmobile trails.

Ann Durocher also questioned any liability due to snowmobile use as it relates to this project and the neighboring church lot.

Patricia Kopeki questioned the H.O.A. and the developer's cost for making improvements to the area (water and sewer).

Robert Heslin had two follow-up questions relating to the width and surface of Keel Lane, as well as who was the owner of the project.

Joelle Ansarie questioned the route for water and whether neighbors would have access.

Joan Verdile's letter to the Planning Board stating negative impacts was read aloud by Chairperson Winchell.

An e-mail received from lake resident Julia Annotta mentioning the need to monitor any and all potential run-off was read aloud by Chairperson Winchell

Joan Verdile added additional information relating to the unwelcome sludge from a creek on the property and near her residence.

Carol Dooley stated that she was in support of the project and thanked the developer for working with the lake community at public forums. She also stated she does not believe he is to blame for the reoccurring run-off problems.

Thomas Amotto questioned the need for sidewalks and whether additional linear feet of waterline could be gained if sidewalks were waived.

Owner/Developer Victor Gush added that existing agencies have requirements and specifications dealing with storm drainage and he plans to comply with them.

Hearing no further comments from the audience, Motion by John Murray seconded by C. Marotta to keep the Public Hearing for the Jib Drive PDD open. **Motion carried unanimously.**

The consensus of the Planning Board members was to allow the engineer and attorney the opportunity to review and respond to the Sept. 15, 2009 letter from Peter Lynch referencing the most resent revisions to the project.

**Dollar General Sign Permit
Price Chopper Plaza**

**Sign permit
PB2009-60
SBL#262.-1-4.112**

Peter May, a representative from the Dollar General Store located in the Price Chopper Plaza on Routes 4 & 32 was present for the second time in an attempt to obtain a sign permit to allow for an oversized illuminated sign that will be fixed to the front fascia of the building. The applicant recently received an approval for an Area Variance from the Stillwater Zoning Board of Appeals at their August 24, 2009 meeting.

The application was reviewed and a brief discussion was held in regards to the hours of illumination, which will most likely be on a timer and not illuminated between the hours of 11 PM until 6 AM.

Resolution #28 SEQRA (Approved)

Motion by P. Buck and seconded by C. Marotta to adopt Resolution #28 as follows:

WHEREAS, Dollar General has submitted an application for a permit to construct a 56.25 square foot sign at a 20 foot elevation over the entrance to the Dollar General store at property located in Price Chopper Plaza, Routes 4 and 32, Mechanicville, New York, more fully identified as Tax Map Number 262.-1-4.112; 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, Dollar General, to construct a 56.25 square foot sign at a 20 foot elevation over the entrance to the Dollar General store at property located in Price Chopper Plaza, Routes 4 and 32, Mechanicville, New York, more fully identified as Tax Map Number 262.-1-4.112, will not have a significant impact on the environment.

A roll call vote was taken on Resolution No. 28 as follows:

Chairwoman Winchell	Yes
Member Buck	Yes
Member Frank	Yes
Member Tompkins	Yes
Member Marotta	Yes
Member Murray	Yes

Member Barshied

Yes

Motion carried unanimously.

Resolution #29 Dollar General Sign Permit (Approved)

Motion by R. Barshied, seconded by J. Murray, to adopt Resolution No. 29 of 2009.

WHEREAS, Dollar General has submitted an application for a permit to construct a 56.25 square foot sign at a 20 foot elevation over the entrance to the Dollar General store at property located in Price Chopper Plaza, Routes 4 and 32, Mechanicville, New York, more fully identified as Tax Map Number 262.-1-4.112; 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. 28 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 Sign Permits;

Now, therefore, be it

RESOLVED, that the application of Dollar General for a permit to construct a 56.25 square foot sign at a 20 foot elevation over the entrance to the Dollar General store at property located in Price Chopper Plaza, Routes 4 and 32, Mechanicville, New York, more fully identified as Tax Map Number 262.-1-4.112, is hereby GRANTED, subject to lighting restrictions contained in Town Local and Zoning Laws, 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 roll call vote was taken on Resolution No. 29 as follows:

Chairwoman Winchell	Yes
Member Buck	Yes
Member Frank	Yes
Member Tompkins	Yes
Member Marotta	Yes
Member Murray	Yes
Member Barshied	Yes

Motion carried unanimously.

**DeGraff Bloom
Turning Point PDD – Lot Line Amendment
PB2009-66
SBL #252.20-2-5**

Michael Groff, representative from DeGraff Bloom was present to discuss a proposal for a Lot Line Amendment for approved Lot #18 within Phase 4. The purpose of this request is to convey

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 30 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 Degraff, Bloom Custom Builders, Inc. for a Lot Line Adjustment regarding property located at Flintlock Way and Revere Run, more fully identified as Tax Map Numbers 252.20-2-5 and 253.17-3-1, is hereby GRANTED, provided applicant file three (3) updated deeds with the County, and that it be done prior to approval of the application, 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 roll call vote was taken on Resolution No. 31 as follows:

Chairwoman Winchell	Yes
Member Buck	Yes
Member Frank	Yes
Member Tompkins	Yes
Member Marotta	Yes
Member Murray	Yes
Member Barshied	Yes

Motion carried unanimously.

**Charles Cowin (Beverly Dunn)
Lot Line Amendment (Pre Application)
PB 2009-67
SBL #253.33-1-30 & 33**

Beverly Dunn and Charles Cowin were present along with their engineer, Dwane Rabidon to discuss with the Board a proposal to sell their recently deceased parent's home at 33 Railroad Avenue. The necessary survey discovered the driveway was encroaching on a neighbor's property. They wish to correct the problem by doing a fair and equal trade, conveying 3'7" on Railroad Ave to Cowin and granting 3'7" of the rear to the neighbor, Kay Cassier (35 Railroad Ave.). The result would be making the southern boundary of Cowin squared and in compliance. Both lots were created in the 1940s and contain dwellings and outbuildings.

The proposal would require an Area Variance from ZBA. Chairwoman Winchell requested members consider fast tracking the application in an effort to allow the new homeowner to take advantage of the federal incentive of \$8,000 if transferred prior to November 2009. Attorney Cutler stated that fast tracking is not possible, however, if a positive action is imminent, then a letter stating the Planning Board "intends to grant approval" could be forwarded to allow setting a closing date that may beat the deadline.

Motion by P. Buck and seconded by P. Tompkins to adopt Resolution #32 as follows

WHEREAS, Beverly Dunn has submitted an application for a Lot Line Adjustment regarding property located at 33 and 35 Railroad Avenue in the Town of Stillwater, more fully identified as Tax Map Numbers 253.33-1-30 and 253.33-1-33; 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 matter has been referred to the Zoning Board of Appeals for consideration of granting area variances to allow for the lot line adjustment; and

WHEREAS, the purpose of the lot line adjustment is to eliminate the encroachment of a portion of a driveway on one of the parcels of property;

Now, therefore, be it

RESOLVED, that the Planning Board cannot currently act on this application without the Applicant being granted the necessary variances regarding nonconformities of the lots. If the Planning Board could act, it would grant the application for the lot line adjustment and it is the intention of the Planning Board to grant the application at the November 56, 2009 meeting in the event the Zoning Board of Appeals grants the necessary variances.

A roll call vote was taken on Resolution No. 32 as follows:

Chairwoman Winchell	Yes
Member Buck	Yes
Member Frank	Yes
Member Tompkins	Yes
Member Marotta	Yes
Member Murray	Yes
Member Barshied	Yes

Motion carried unanimously

Old Business

Proposed changes to Article 13

Paul Cummings led a discussion on the need to formulate a recommendation to the Town Board relating the Planning Board's opinion of the proposal within the June 24, 2009 Memorandum from Chazen on the proposed changes to Section 3.5 Use and Area Regulations, as well as, Non-conforming Uses, Structures and Lots.

If adopted, these changes would allow property owners to construct already permitted uses on pre-existing, nonconforming lots of record, so long as the proposed use met all other aspects of the Town's bulk and area requirements (i.e., front, side, rear yard setbacks).

After a lengthy discussion and hearing what our ZBA proposed, the consensus of the Planning Board was to follow the same path as the ZBA. The Planning Board does not want to address any changes to current ordinances dealing with substandard sized pre-existing lots that remain vacant.

Mobile Home Ordinance – A lengthy discussion took place regarding the status of the proposed revisions/recommendations for the 1974 Mobile Home Ordinance. A basis for expediting the revisions was expressed. Joel Bianchi and Paul Cummings stated revisions are nearly ready for the boards to review.

Motion by Paul Tompkins and seconded by Carol Marotta to adjourn the meeting at 9:45 PM.
Motion carried unanimously.

Respectfully submitted by

Sue Cunningham
Planning Board Secretary