

**Stillwater Planning Board
November 16, 2009 7:00 PM
Stillwater Town Hall**

Present: Chairperson Jo-Ann Winchell; Peter Buck; Robert Barshied; Beverly Frank; Carol Marotta; John Murray and Paul Tompkins

Also Present: Daryl Cutler, Attorney for the Town; Ray Abbey, Building Inspector/Code Enforcement; Ken Petronis, Councilman; Paul Cummings, Engineer for the Town; Sue Cunningham and Jessica Valcik, Secretary for the Planning Board

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

**Elinor Coulter (continued from 11/2/09 mtg.)
Minor Subdivision
PB2009-69
SBL # 221.-1-9**

A representative of Mr. & Mrs. Coulter spoke on behalf of the applicants. He has stated he is now in compliance with everything except the 911 Coordinator for lot numbers.

A brief discussion was held on the placement of the home. The consensus of the Board was to refer the Coulter's to the ZBA for a variance because they do not meet the 300 ft. building line.

Chairman Winchell noted for the record she just received the 911 Coordinator's plot number's future address of 73 Wrights Loop.

**Cecilia Ropitzky & Steven Ropitzky
Minor Subdivision
PB2009-70
SBL # 232.-1-17.1**

The applicant was seeking a request to subdivide agricultural property of 104 acres on the East side of Durham Rd. The property would be split up three ways and given as a gift from his Mother to her children. 56 acres given to Steve Ropitzky adjoining on the East side of his property, 41 acres that will be gifted to the three family members and 7 acres that will stay with the Mother. The applicant also requested to have the required perc test by the Board waived because they do not plan to change the use of the land.

Chairman Winchell noted for the record that she did read into the request at the September meeting that he requested to have the perc test waived; however there was no application so there was no decision rendered. As of this meeting, there is now an application and all the fees have been paid.

After a brief discussion from the Board, they granted a waiver from conducting a perc test and site design for lot 2. The following resolution was offered.

Resolution # 37 (SEQRA approved)

Motion by J. Murray and P. Buck to adopt resolution # 37 as follows:

WHEREAS, Cecilia and Steven Ropitzky have submitted an application for a Minor Subdivision and Lot Line Adjustment regarding property located at 24 Durham Road in the Town of Stillwater, more fully identified as Tax Map Number 232.-1-17; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the proposed action is a Type II action requiring no further review; and

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

WHEREAS, the applicants have 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 applicants, Cecilia and Steven Ropitzky for a Minor Subdivision and Lot Line Adjustment regarding property located at 24 Durham Road in the Town of Stillwater, more fully identified as Tax Map Number 232.-1-17, is a Type II action and will not have a significant impact on the environment.

A roll call vote was taken on Resolution No. 37 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 unamously.

Resolution # 38 (Minor subdivision and lot line approval)
Motion by R. Barshied and J. Murray to adopt resolution # 38 as follows:

WHEREAS, Cecilia and Steven Ropitzky have submitted an application for a Minor Subdivision and Lot Line Adjustment regarding property located at 24 Durham Road in the Town of Stillwater, more fully identified as Tax Map Number 232.-1-17; 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. 37 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 Minor Subdivisions and Lot Line Adjustments;

Now, therefore, be it

RESOLVED, that the application of Cecilia and Steven Ropitzky for a Minor Subdivision and Lot Line Adjustment, including a request for a waiver of the requirement that Lot #2 have a percolation test performed, regarding property located at 24 Durham Road in the Town of Stillwater, more fully identified as Tax Map Number 232.-1-17, is hereby GRANTED under the following conditions:

1. That the applicant provide the Town with an amended survey that includes the parcel of land that Lot 3 will be merged with;
2. That the applicant provide the Town with copies of deeds for the 3 lots created by the subdivision and boundary line adjustment; and
3. That the map include a notation that Lot #2 is a non-buildable lot until a percolation test is completed,

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. 38 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 unamously.

Workshop (continued from 10/19/09 mtg.)

Jib Drive

PB2009-60

SLB # 206.-1-38

Peter Lynch on behalf of the applicant submitted a draft copy of the Home Owners Association Manual.

A brief discussion was held on the projected expenses of the HOA, what the Town will be responsible for and projections for the cleaning of the storm water ponds.

The consensus of the Planning Board and Mr. Lynch was to put this on for the next Planning Board meeting in order for the Planning Board Members, the Town Attorney and the Town Engineer to review the HOA document prior to discussing it.

Chairman Winchell noted for the record that a letter was received in the mail from a neighbor Carolyn on the conditions of the storm water drainage on Jib Drive.

Mason Street LLC-Saratoga Pointe

Workshop

PB2009-65

SLB # 219.5-1-3

The applicant handed out a packet to the Planning Board with responses to the Engineer's review. The Planning Board requested that the Town's Attorney and Engineer review the responses before continuing.

A discussion was held in regard to Saratoga County Sewer capacity, contract with Saratoga Glen Hollow water showing they had enough water to supply the proposed development, green space, drainage district and the impact on the school.

Motion by Peter Buck and seconded by John Murray to move the application until the December 21, 2009 Planning Board meeting. **Motion carried.**

Adoption of Minutes: Motion by Robert Barshied and seconded by Carol Marotta to adopt the minutes of the November 2, 2009 Planning Board Meeting. **Motion carried.**

Old Business

ABC Recycling: A representative for ABC Recycling was present to discuss the requirements that were to be met for the special use permit that was granted.

The Building and Planning Department concluded that all the requirements have been met. The applicant will have to resubmit another application before February 9, 2010 for the special use permit.

Non-Conforming and Mobile Home Ordinance: The Planning Board discussed if there has been any changes on non-conforming use and mobile home ordinances.

P. Cummings informed the Planning Board that the recommendations have been submitted to the Town Board and now it is up to them on whether they refer them back to the Planning Board.

Saratoga Hills Mobile Home Park: The Town Attorney was asked if any further contact has been made with the owners relative to providing a map showing existing and proposed lot layout. He stated no, but he would make contact and report back at the next meeting.

New Business

Saratoga Pointe: A discussion was held on the traffic study. It was discussed if the traffic study that was done was sufficient if all four pending PDD are approved.

The consensus was to have the Engineer look into the traffic study and then decide whether they need to recommend an updated traffic study.

P. Buck stated that being a PDD, he would still like to see the something commercial brought to the development.

Motion by J. Murray and seconded by P. Buck to adjourn the Planning Board meeting at 8:45PM. **Motion carried unanimously.**