

**REGULAR MEETING -BOARD OF TRUSTEES- NOVEMBER 14, 2017-6:00 P.M.**

**PRESENT: MAYOR – FRANK TATUM, TRUSTEE JUDY WOOD-SHAW, TRUSTEE JUDY WOOD-ZENO, TRUSTEE EUNICE MARSHALL, TRUSTEE JOHN BASILE**  
**CLERK/TREASURER: SHERISTIN TEDESCO**  
**DEPT. OF PUBLIC WORKS: MATT RIFENBURGH**  
**ATTORNEY: JAMES PELUSO**  
**FIRE CHIEF: JEFF MAHAR**  
**BUILDING CODE OFFICER: STEPHEN STREETER - Absent**

Public Attendance – 1

The meeting began with The Pledge of Allegiance

**CORRESPONDENCE** – An invitation was received from the Stillwater Food Pantry inviting the Village Board to a breakfast on 12/2/17 from 8-10 am. The Stillwater Library is requesting a motion detector light to be put near the top of the pump station behind the library to illuminate the area at night and deter any unwanted activity. The Village Board decided it would accommodate that request. The 20<sup>th</sup> Annual Festival of Trees will be held at the Stillwater Area Community Center beginning on 12/15/17 and will feature Breakfast with Santa on 12/16/17. Trustee Wood-Shaw stated she will be decorating trees to represent both the Village and Senior Time at SACC.

Capital District Ventures Representative Luigi Palleschi attended the meeting to answer any additional questions the Village Board may have regarding the proposed condominium project at 950 Hudson Ave.

The SEQRA short form parts 2 & 3 were read aloud by Trustee Basile and discussed by all board members.

**MOTION** for Mayor Tatum to sign and approve to complete part 3 of the SEQRA determination, stating the proposed action will not result in any significant adverse environmental impacts for the proposed condominium project at 950 Hudson Ave., made by Trustee Basile, seconded by Trustee Wood-Shaw

Motion carried 4-0

The following Resolution was read aloud by Mayor Tatum

**RESOLUTION**

**VILLAGE OF STILLWATER  
BOARD OF TRUSTEES**

**November 14, 2017**

**SEQR Negative Declaration - 950 North Hudson Avenue**

Motion By: Trustee Marshall

Seconded By: Trustee Wood-Zeno

**WHEREAS**, Capital District Ventures, LLC, as owner of certain lands in the Village known and distinguished as 950 North Hudson Avenue identified by Tax Map No. 243.76-2-1, has submitted a (1) Land Development Permit Application pursuant to Village of Stillwater Local Law No. 4 of 1994 and (2) Special Use Permit Application pursuant to Article VI of the Village of Stillwater Zoning Law (now Article VI of the Form Based Code); which applications are for construction of six (6) four-unit condominium buildings plus associated parking, utilities, landscaping and stormwater management facilities as set forth in the maps and plans submitted in support of its application, and; and

**WHEREAS**, pursuant to the New York State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617, the proposed action is an unlisted action; and

**WHEREAS**, pursuant to 6 NYCRR § 617.6, the Village of Stillwater Board of Trustees has previously declared itself lead agency concerning the action proposed by Applicant; and

**WHEREAS**, the Applicant has completed a Short Form Environmental Assessment Form;

and

**WHEREAS**, a public hearing was noticed and duly held on May 16, 2017 to consider the environmental significance of the proposed action; and

**WHEREAS**, the Village Board has carefully considered and weighed the input by the public;

and

**WHEREAS**, the Village Board has reviewed the environmental findings and recommendations of the Village's engineers with respect to the proposed action, and has duly reviewed the EAF and has considered the criteria contained in 6 NYCRR §617.7(c) to determine whether the proposed action will have a significant impact on the environment;

**NOW, THEREFORE, BE IT KNOWN AND RESOLVED**, that the Village Board hereby determines that the proposed action by the Applicant, to construct six (6) four-unit condominium buildings on lands located at 950 North Hudson Avenue on NYS State Route 4 & 32, and identified

as Tax Map parcel No. 243.76-2-1, will NOT have a significant adverse impact on the environment; and

**IT IS FURTHER RESOLVED**, that the Village Board adopts the findings and conclusion relating to probable environmental impacts contained within the Negative Declaration and authorizes the Mayor and Village Clerk to execute and file the Negative Declaration in accordance with the applicable provisions of law.

The Village Board Members present upon roll call vote were:

VOTE:		YES	NO
Mayor Tatum	Voting	<u>  X  </u>	<u>      </u>
Trustee Basile	Voting	<u>  X  </u>	<u>      </u>
Trustee Marshall	Voting	<u>  X  </u>	<u>      </u>
Trustee Wood-Shaw	Voting	<u>  X  </u>	<u>      </u>
Trustee Wood-Zeno	Voting	<u>  X  </u>	<u>      </u>

The foregoing resolution was duly adopted at a meeting of the Board of Trustees of the Village of Stillwater duly conducted on November 14, 2017.

The Land Development criteria was read aloud by Mayor Tatum from Local Law #4 of 1994, Section 4, A through I and was discussed by the Board, along with the Zoning requirements for the Special Use Permit.

The following Resolution was read aloud by Mayor Tatum

**RESOLUTION**  
**VILLAGE OF STILLWATER**  
**BOARD OF TRUSTEES**  
**November 14, 2017**

**Decision Approving Land Development and Special Use Permit Applications for 950 North Hudson Avenue**

Motion By: Trustee Basile

Seconded By: Trustee Wood-Shaw

**WHEREAS**, Capital District Ventures, LLC, as owner of certain lands in the Village known and distinguished as 950 North Hudson Avenue identified by Tax Map No. 243.76-2-1, has submitted a (1) Land Development Permit Application pursuant to Village of Stillwater Local Law No. 4 of 1994 and (2) Special Use Permit Application pursuant to Article VI of the Village of Stillwater Zoning Law (now Article VI of the Form Based Code); which applications are for construction of six (6) four-unit condominium buildings plus associated parking, utilities, landscaping and stormwater management facilities as set forth in the maps and plans submitted in support of its application, and

**WHEREAS**, the subject property proposed for development at 950 North Hudson Avenue, Stillwater NY, 12170 (Tax Map No. 243.76-2-1) is located in the V4 - Mixed Use Transect Zone; and

**WHEREAS**, the Village Board of Trustees received and duly reviewed the application materials, plans, maps, stormwater management report, stormwater prevention pollution plan, etc. dated January 27, 2017 and thereafter revised and amended; together with the comments of the Village's engineers and planners thereon; and

**WHEREAS**, the Village Board of Trustees, after due notice and publication, held a public hearing and accepted public comment on the permit applications on May 16, 2017; and the applicant further appeared at a public meeting before the Board on and October 17, 2017; and

**WHEREAS**, the Village Board completed a SEQRA review and issued a Negative Declaration by Resolution dated November 14, 2017; and

**WHEREAS**, the Village Board having considered the requirements set forth in Local Law No. 4 and Article VI of the Zoning Law, public comment thereon, the findings and recommendations of its engineers and planners, and after due deliberation and consideration of said permit applications hereby determines the following:

**NOW, THEREFORE, BE IT KNOWN AND RESOLVED THAT** pursuant to Village of Stillwater Local Law No. 4 of 1994 and Article VI of the Village of Stillwater Zoning Code (not Article VI of the Form Based Code), the Village Board of Trustees by roll call vote set forth below, hereby approves the Land Development Permit Application and Special Use Permit Application subject to the following conditions:

1. Approval is conditioned upon applicant obtaining all other necessary local, state and/or federal approvals and permits as may be necessary by law.
2. Approval of the site plans is conditioned upon a final site plan map showing all improvements, roads, utilities, stormwater facilities, sidewalks, landscaping, lighting, and any other conditions or restrictions deemed necessary by the engineers for the Village and the Village Board.
3. Approval is conditioned upon a satisfactory completed jurisdictional determination from the US Army Corps of Engineers for the wetland locations.
4. Approval is conditioned upon a stormwater maintenance agreement satisfactory to the Village Board prior to the issuance of any building permits.
5. Approval is conditioned upon the applicant's compliance with the comments of the Village's stormwater management officer.
6. Approval is conditioned upon final NYS Department of Transportation approval of the driveway and curb cuts.
7. Approval of all proposed easements, deeds, rights of way or other conveyances is subject to review and approval by the Village's engineers and attorneys, and the dedication of any roads, utilities or other improvements shall be made only after inspection and approval of the same.
8. Approval is conditioned upon Village Board approval of proposed street names and building addresses.
9. Approval is conditioned upon Village Board approval of the building façades facing Route 4 & 32.
10. Approval is conditioned upon Village Board approval of a final landscaping and lighting plan.
11. Approval is conditioned upon Village Board approval of a public benefit/mitigation fee for the project.
12. Any subsequent modifications are to be agreed upon by the Applicant and the Village Board.

The basis for the decision approving the Land Development and Special Use permit applications, as set forth on the record at the public meeting held on November 14, 2017 and summarized in the attached Meeting Minutes, is as follows: there is a need for the project as proposed; the project fits with the existing character of the surrounding neighborhood and adjacent land uses; the relative location and size of the six (6) four-unit condominium buildings (containing a total of 24 condominium units) plus associated parking, utilities, landscaping, and stormwater management facilities is consistent with the Village's planning regulations and goals; the project utilizes sufficient green and open space for residents; pedestrian, vehicular and emergency traffic circulation and access to and from the buildings and parking areas is sufficient and satisfactory; the location, layout, height and bulk of the buildings and their relation to other structures in the vicinity is consistent with the character of the surrounding neighborhood; there is adequate provision of water, sewer and stormwater facilities; the project's proposed landscaping and lighting is consistent with Village planning regulations and goals; the project as designed is consistent with historic character of Village and harmonious development of the neighborhood; and the project will not have undue negative impacts on adjacent properties and the neighborhood relative to aesthetics, density, traffic and noise.

The Village Board Members present upon roll call vote were:

	VOTE:	YES	NO
Mayor Tatum	Voting	<u>  x  </u>	_____
Trustee Basile	Voting	<u>  x  </u>	_____
Trustee Marshall	Voting	<u>  x  </u>	_____
Trustee Wood-Shaw	Voting	<u>  x  </u>	_____
Trustee Wood-Zeno	Voting	<u>  x  </u>	_____

The foregoing resolution was duly adopted at a meeting of the Board of Trustees of the Village of Stillwater duly conducted on November 14, 2017.

The Proposed homeowner by-laws were requested by the Village Attorney to be submitted to the Village Board when complete.

**FIRE DEPARTMENT CHIEF:** Chief Mahar reported there were 7 alarms and 3 fundraisers for the month, along with the Haunted Firehouse for Halloween and Fire Prevention at the SCSD. Chief

Mahar reported the Fire Dept. will be partnering with the Stillwater Library to collect toys for the "Toys for Tots Convoy" that will run from Ballston Spa High School to SPAC. You can drop off any new unwrapped toy at the library on 11/18/17. (Report on file)

**DPW** – Matt R. reported as of 11/6/17 the Town of Stillwater is no longer purchasing water from the Village of Stillwater for District #1. He informed the Board there has been a noticeable change of flow from the Dick Lynch and Hillside Tanks that needs to be reviewed and addressed. Discussion followed and it was decided Matt and Randy would try a couple of things and report back to the Board. (Report on file)

**MOTION** to authorize Kenneth Ingersoll, GC to frame and finish a proposed new chlorine monitoring station with assistance by the DPW crew, as per quote estimate dated 11/14/2017, not to exceed \$2850.00 made by Trustee Basile, seconded by Trustee Marshall  
Motion carried 4-0

Randy Rathbun gave a brief overview history of the water and sewer lines for Russell and Riverside Drive.

**BUILDING CODE OFFICER- Absent** (Report on file)

**ENGINEERING** – (Report on file)

**COMMITTEE REPORTS:**

Trustee Basile – No report at this time.

Trustee Marshall – Stated she attended the Economic Summit and collected donations for the Food Pantry during Fall Festival. She attended a meeting regarding the Hillside Water Tank replacement project and a meeting at the Town regarding contract negotiations on 11/14/17.

Trustee Wood-Shaw – There was not an Emergency Mgmt. Mtg. this month. Senior Time was held at Lakeside Farms last month and they donated a basket to Ladies Night Out for the Stillwater Library. The next Senior Time celebration will be this Friday and will be Thanksgiving themed. It was decided the Village Tree Lighting Ceremony will be the same day as the Town's Tree Lighting at Blockhouse Park.

Trustee Wood-Zeno – Stated she represented the Village at a local domestic abuse conference during the month and had been sick so missed a couple of meetings, but is feeling better now.

**VILLAGE ATTORNEY**

James Peluso – Nothing to report at this time

**TREASURER REPORT**

**Voucher Totals By Account 11/14/17**

"A" General Fund	\$ 42,534.06
"F" Water Fund	\$ 3,851.96
"G" Sewer Fund	<u>\$ 3,476.60</u>
TOTAL	\$ 49,862.62

Treasurer's Report – copy provided to all board members

Up to date Revenue and Expense Control Reports have been provided to all board members.

Approximately 76% of the fall water bills have been collected to date.

The Response Letter and Corrective Action Plan was delivered to the State Comptroller's Office on 11/8/17 and acknowledged received. All Board members have a copy.

**MOTION** to open the floor to the public and press made by Trustee Basile, seconded by Trustee Marshall  
Motion carried 4-0

Trustee Basile stated long time Village resident Charles Moose passed away and that he was a renowned organist. There will be a Memorial Program for him on 12/3/17 at 3 PM at the United Church played by Art Fedak who will be performing some of Mr. Moose's favorite pieces.

**MOTION** to close the floor to the public and press made by Trustee Basile, seconded by Trustee Wood-Zeno

Motion carried 4-0

**NEW BUSINESS**

**MOTION** to accept the updated proposal for Engineering Services for the Hillside Water Tank Improvements by Adirondack Mountain Engineering, dated 11/9/17, made by Trustee Marshall, seconded by Trustee Basile

Motion carried 4-0

**OLD BUSINESS**

The following Resolution was read aloud by Mayor Tatum

**RESOLUTION**

**VILLAGE BOARD OF TRUSTEES  
VILLAGE OF STILLWATER  
November 14, 2017  
Stillwater Landings Project**

Motion By: Trustee Wood-Shaw

Seconded By: Trustee Marshall

**WHEREAS**, the Board of Trustees of the Village of Stillwater previously approved the land development and subdivision application of NKT Land Acquisitions, Inc. for construction of a thirty-nine lot, single family residential subdivision on NYS Route 4 & 32 and Clinton Court, on lands identified as Tax Map parcel Nos. 244-2-27.1 & 244-2-27.2, commonly known as the Stillwater Landings Project; and

**WHEREAS**, approval of the Project was conditioned upon and subject to payment to the Village of a public benefit/mitigation fee in the amount of \$100,000, which amount was to paid upon the project owner/developer filing for the 10<sup>th</sup> building permit on the project (see Village Resolutions dated October 17, 2006 and April 22, 2008); and

**WHEREAS**, the Project is now solely owned and being developed by James G. Doyle, who has requested that the Village Board, due to the status of the project's finances, modify the payment terms of said \$100,000 public benefit/mitigation fee; and

**WHEREAS**, James G. Doyle requests that said \$100,000 be payable to the Village as follows: (1) \$20,000 payable upon filing for the 10<sup>th</sup> building permit and (2) \$80,000 payable upon the sale of the 11<sup>th</sup> home or by March 31, 2018 whichever event occurs earlier; and

**WHEREAS**, the Village Board has duly considered and deliberated upon the proposed modification.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees for the Village of Stillwater hereby approves and modifies the payment conditions of the \$100,000 public benefit/mitigation fee as follows: the project owner shall pay to the Village (1) the amount of \$20,000 upon filing for the 10<sup>th</sup> building permit and (2) the amount of \$80,000 upon the sale of the 11<sup>th</sup> home or by March 31, 2018 whichever event occurs earlier. No application for the 12<sup>th</sup> building permit shall be approved until such payments are made. This Resolution is conditioned upon and shall not be effective until the project owner acknowledges its agreement to the modification of said payment conditions by signing below.

**ACKNOWLEDGEMENT OF PROJECT OWNER:** James G. Doyle, as the sole owner of the Stillwater Landings Project acknowledges and agrees to the modification of the payment terms of the \$100,000 public benefit/mitigation fee as resolved by the Board of Trustees of the Village of Stillwater in this Resolution. The undersigned represents that he is duly authorized by the project owner to execute same.

Copy on File  
James G. Doyle

The Village Board Members present upon roll call vote were:

	<b>VOTE:</b>	<b>YES</b>	<b>NO</b>
Mayor Tatum	Voting	<u>  X  </u>	<u>      </u>
Trustee Basile	Voting	<u>  X  </u>	<u>      </u>

Trustee Marshall	Voting	<u>  X  </u>	_____
Trustee Wood-Shaw	Voting	<u>  X  </u>	_____
Trustee Wood-Zeno	Voting	<u>  X  </u>	_____

The foregoing resolution was duly adopted at a meeting of the Board of Trustees of the Village of Stillwater duly conducted on November 14, 2017.

**MOTION** to approve the audit claims for the month made by Trustee Marshall, seconded by Trustee Basile  
Motion carried 4-0

**MOTION** to approve the Treasurer’s report made by Trustee Marshall, seconded by Trustee Basile  
Motion carried 4-0

**MOTION** to approve the minutes from Regular Meeting dated 10/17/2017 made by Trustee Wood-Shaw, seconded by Trustee Marshall  
Motion carried 4-0

**MOTION** to adjourn to Executive Session for personnel matters made by Trustee Basile, seconded by Trustee Wood-Shaw  
Motion carried 4-0

**MOTION** to exit Executive Session for personnel matters made by Trustee Basile, seconded by Trustee Wood-Shaw  
Motion carried 4-0

**MOTION** to adjourn made by Trustee Basile, seconded by Trustee Wood-Shaw  
Motion carried 4-0

Meeting adjourned 9:30 PM

Respectfully submitted,

Sheristin Tedesco  
Clerk/Treasurer