

SPECIAL MEETING -BOARD OF TRUSTEES- SEPTEMBER 8, 2015-7:00 P.M.

**PRESENT: RICK NELSON, MAYOR, TRUSTEE JUDY WOOD-SHAW, TRUSTEE FRANK TATUM, TRUSTEE TIMOTHY CAMPBELL, TRUSTEE JOHN MURPHY
CLERK/TREASURER: SHERISTIN TEDESCO
ATTORNEY – JAMES PELUSO**

Public Attendance – 15

Mayor Nelson explained this special meeting of the Village Board of Trustees of the Village of Stillwater is for a Public Hearing to assess and evaluate the environmental significance and Village approval of a Land Development application and Special Use Permit application by North Hudson Avenue LLC (Camelot Associates Corp.), 210 Morris Road, Schenectady, NY, for the construction of three residential buildings containing ten (10) apartment units each and one residential/commercial building containing five (5) apartments on the upper level with potential retail space on the lower level at 950 North Hudson Avenue, Stillwater NY, 12170 (Tax Map parcel No. 243.76-2-1). The property is located in a Business district. Said environmental review is pursuant to the State Environmental Quality Review Act, 6 N.Y.C.R.R. Part 617. Village approval of the land development permit is subject to Village Local Law No. 4 of 1994. Village approval of the special use permit is pursuant to the Village Zoning Law.

A short presentation was given by Tom Keany, Camelot representative, regarding the project to consist of 35 apartments with 6250 sf of proposed retail space on Route 4. We have heard from the public as well as the board and are working toward an exciting development here in the Village by taking an empty piece of property and turning it into first class apartments and retail space. We are excited to move this project forward.

Mayor Nelson asked if the Trustees had any questions or comments for Camelot.

Mayor Nelson stated his main concerns are the lack of greenspace area when you subtract the wetlands and parking lot, the density of the project and that the project does not fit into the existing landscape and character of the neighborhood.

Trustee Murphy stated his concerns included the density of the project and lack of greenspace. He also noted the comments raised by the Village's engineer.

MOTION to open the floor for the Public Hearing made by Trustee Campbell, seconded by Trustee Murphy
Motion carried 4-0

Mary Campbell asked if they currently had any retail space rented, it was answered no by Tom Keany who said it was hard to go to market without an approved plan.

Maria Morris asked what was different from the last proposal. Tom Keany answered the project was modified from 3 story buildings with 40 apartments to 2 story buildings with 35 apartments and retail space which would be converted to 40 apartments if the retail is not built. Mr. Keany stated that the size of the one and two bedroom units will remain the same.

Angelo Zullo expressed concern with the density of project and the character of the adjacent neighboring properties. Mr. Zullo stated the project is surrounded by R1 property which allows 1 dwelling per ½ acre. He said R1 use would allow 6 units and R2 use 24 units. Mr. Zullo stated that the proposed 40 units equates to 7 times the density in the Village. Mr. Zullo expressed concerns about the resale value of his home across the street, along with noise and animal concerns. He said the proposed project does not encourage smart growth and approval of the project would set a precedent for future growth. He supports denial of the project and a redesign of our zoning law.

Laura LaFountain is worried about her property value to the north of the project and losing the small town feel we have in the Village. She said the Village is looking at 40 apartments units because it is unlikely Camelot will rent the retail out.

Pam Conley Smith stated her concerns about drainage affecting her neighboring property. Mr. Keany responded that Camelot's engineers have done their due diligence regarding drainage. Mr. Smith asked does the Village need 35 apartments? She stated the project is not a good fit. She raised concerns about the impact of additional children on the school district and traffic.

Patrick Nelson inquired if there has been a study done on property values of adjacent land. It was answered by Scott Varley that he has only seen property values rise in these situations, he gave examples of Route 9 and Wolf Road. Mr. Nelson also asked what Camelot's options were

for the property if not apartments. It was answered by Tom Keany that the apartments are the driver for the project, that the potential retail is pedestrian friendly and that the proposed project was the best use of the property. He stated that Camelot was not considering any other options at this time.

John Basile reminded the public this is the second choice for the property as the first choice of the strip mall never came to fruition. He stated that the density was well within the existing zoning law for the Business District, 2 acres of usable land being $84,000 \text{ sf} \times 75\% = 63,000 \text{ sf}$ and Camelot would be using $153,000 \times .177 = 27,081 \text{ sf}$.

Angelo Zullo suggested 24 units and a dog park.

MOTION to close the floor for the Public Hearing made by Trustee Murphy, seconded by Trustee Campbell
Motion carried 4-0

Mayor Nelson read the preamble to Local Law #4 of 1994 Land Development as follows:

The Village of Stillwater hereby enacts this local law to provide for the regulation of certain land development within the boundaries and to encourage the most appropriate use of land, and to further protect and conserve the value of property and promote the health, safety and general welfare of the inhabitants of this community, notwithstanding any provision of general, special or local law to the contrary. To that end, this local law is to provide a procedure for the planned development of new or modified residential or commercial parks or estates in which certain economies of scale, or creative architecture or planning concepts may be utilized by a developer that will provide for the sound development and ordered growth of the Village of Stillwater.

The discussion then moved to Section 4, article 1 of Local Law #4 of 1994.

The Board of Trustees shall review all such applications and may request the applicant to furnish more accurate site data pertaining to the boundaries of the proposed planned development, information relative to the topography and sub—soil conditions, and any additional requirements it determines reasonably necessary to protect the ordered growth and sound development of the village. In reviewing such application, the Board of Trustees shall also consider the following:

- (1) The need for the proposed land use in the proposed location;
- (2) The existing character of the neighborhood in which the use would be located;
- (3) The location of principal and accessory building on the site in relation to one another;
- (4) The pedestrian circulation and open space in relation to structures or commercial sites;
- (5) The traffic circulation feature within the site, and the amount, location and access to automobile parking areas;
- (6) The height and bulk of buildings and their relation to other structures in the vicinity;
- (7) The proposed location, type and size of display signs, driveways, loading zones for commercial sites and landscaping;
- (8) The safeguards provided to minimize possible detrimental effects of the proposed use on adjacent properties and the neighborhood in general; and,
- (9) Such other requirements as the board may consider necessary.

Each of the above topics was discussed and commented on, by the Trustees, with summaries below (Notes on file):

Mayor Nelson stated there is not a need for the project as proposed; the project does not fit with the existing adjacent land uses, i.e., 1-2 family homes; the buildings are too close together with no green space; lack of open space for residents; Hudson Avenue is a busy corridor with existing traffic flow issues not addressed by plans; the size of the apartment buildings do not fit with the surrounding neighborhood; and expressed his feelings on the project as should be 24 apartments, the commercial building gets built first and the garage space should become a pavilion.

Trustee Campbell stated that the project is too dense and character does not fit; there is minimum green space and more space needed for recreation; that there are traffic concerns and no room for pedestrians; agreed with the Mayor's comments on traffic issues and also noted concern with school bus traffic at the location; that the buildings are too large, look like a box, and that a better fit would be 24 apartment units with a better façade; and agreed that the retail building should be constructed first.

Trustee Murphy stated that the project is a prime location within the Village, it is too dense and would have impacts on the neighborhood; the project needs more open and recreational space; that green space should be usable space dedicated to residents; there are no internal sidewalks and people must move through parking lots and cars; agreed with prior comments on traffic issues; agreed with comments on relative height and bulk of buildings as too large and not a good fit; and concerned with visual impacts and noise on adjacent property owners.

Trustee Wood-Shaw stated that she is in favor of the project; that the project fits well and new people would like to rent new construction; green space is sufficient; the Village has other recreational areas; density is not an issue nor R&R nor walking space; there are two story buildings on adjacent property; there is no problem with emergency access; and we need to move the Village forward toward the future.

Trustee Tatum stated that the density of the project is about 25% too large; the project would fit the character of the Village is scaled down a little; the Village has a walkable downtown and would be nice to have more people; negligible effect on traffic; less concerned about height of building than bulk; but does want to move the Village forward toward the future.

Mayor Nelson then then moved on to the Special Use Permit application and read aloud page 3 of the Zoning Law as an introduction.

District Intent. The purpose of the Business District, as referenced in the Comprehensive Plan, is to reinforce the historic land use patterns and promote the traditional role of the Village's downtown and its extended business areas found along Hudson Ave. The district is intended to maximize economic development potential by encouraging infill, reuse and expansion of related businesses. In addition, the area shall concentrate commercial, residential, governmental and social activity through a mixture of land uses. The area shall promote pedestrian activity in order to enhance the use of the downtown area as the center of community activity and to attract visitors. The district encourages and provides for a vertical mix of uses within structures, appropriate in type and scale to maintain the character of the Village. Careful consideration will be given to architectural design, building form, and signage to ensure new development retains the Village's historic qualities and enhances its identity.

Trustee Wood- Shaw stated if you look at the Village Comprehensive Plan from 2004 the Village has not grown.

The Mayor then said the Board would review each of the Special Use Performance Standards set forth in the Zoning Law, some of which overlapped with the criteria set forth in the Land Development law

- (1) Adjacent Land Uses. The proposed use should not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof. The proposed use shall not have a negative effect on adjacent land uses.
- (2) Location and Size of Use. The nature, scale, and intensity of the operations involved, the size of the site in relation to the use, and the location of the site with respect to existing and future streets providing access, shall be in harmony with the orderly development of the district.
- (3) Vehicular Access and Circulation. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, alignment, grade, pavement—surfaces, channelization structures, visibility, and traffic controls shall be considered.
- (4) Pedestrian Circulation. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic, and overall pedestrian convenience shall be considered.
- (5) Parking. Location, arrangement, appearance, and sufficiency of off—street parking and loading shall be considered.
- (6) Layout. The location, arrangement, size, design, and general site compatibility of buildings, lighting, and signage shall be considered.
- (7) Drainage Facilities/Erosion Control. Adequacy of storm water management plans and drainage facilities shall be considered.
- (8) Water and Sewer. Adequacy of water supply and sewage disposal facilities and their compliance with New York State Department of Health requirements shall be required.
- (9) Vegetation. The type and arrangement of trees, shrubs, and other landscaping components shall be considered. Existing vegetation shall be retained to the extent possible.
- (10) Emergency Access. Adequate provision for fire, police, and other types of emergency vehicles shall be made.
- (11) Flooding. Special attention shall be given to the adequacy of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding, or erosion.

(12) Aesthetics. The impacts of visual intrusion and noise on adjacent areas and areas within viewing distance shall be considered.

Each of the above topics was discussed and commented on by each of the Trustees with summaries below (Notes on file):

Mayor Nelson stated that neighbors have concerns; the project is too dense and too big; acknowledge prior traffic studies but expressed concern about effect on traffic flow especially during peak hours; the lack of sidewalks a major concern; allotted parking spaces is ok; buildings are too tight and not compatible with surrounding homes; and is worried about the impact on the neighbors.

Trustee Campbell stated the project would negatively impact adjacent lands; the project is too large and too dense; expressed concern about traffic; no pedestrian crosswalk at location raises safety concern; buildings are too large; the project is not conducive to the area; that our primary job is to represent the people and our residents are aware they may have to make up the difference in the tax base, if need be.

Trustee Murphy agreed that the project would negatively impact neighbors; stated the project is too large and too dense; the 2 acres of usable land is consumed by buildings and parking lot; there is no recreational space or porches for residents; the zoning requires 20 foot parking spaces (19 feet shown on drawings); the design does not fit with the historic nature of the community; and has same comments as those raised on the Land Development law.

Trustee Wood- Shaw stated that the standards are subject to different interpretation and believes Camelot has met all the requirements

Trustee Tatum stated that the project doesn't quite fit; is about 20% too big; the quality of builders is key to success and would prefer more outside space for the residents.

After the above review and discussion of the Land Development and Special Use Permit applications, the Mayor accepted additional comments from the Board and Camelot.

Trustee Wood-Shaw stated that she also believes the additional revenue will be good for the Village residents to help keep tax and water rates low.

Tom Keany, Camelot representative, summarized as saying the property is zoned commercial in the business district and listened to the comments from the public and the board and believes this project would be a great addition to the Village of Stillwater. He acknowledged that density is the biggest concern based on comments. He stated they have tried to do everything the right way with this project and are working well within the parameters given. He estimated that the project's tax revenue to the Village would be \$15,000 annually. Mr. Keany said he does not know what Camelot will do if the project is not approved. He said that a 20 apartment unit project is not feasible and they have made concessions already. The apartments are the driver. He believes it is not fair to not approve a project that is within the limits of the zoning of the Village.

The Board then discussed the procedure for voting on the Land Development and Special Use Permit applications. It was acknowledged that any vote would be a preliminary determination subject to review and approval of a final prepared written decision at a future Board meeting, and that the approved written decision would be filed in the Clerk's Office and provided to the applicant.

MOTION to approve the Land Development application of Mr. Dennis DeGennaro, North Hudson Avenue, LLC (Camelot Associates Corp.) for development of the property located at 950 North Hudson Avenue application dated September 1, 2015. This approval is for 30 apartments located in 3-ten unit buildings along with a separate 4th building containing five second floor apartments and approximately 6,500 square feet commercial space on the first floor. It being understood that the three ten-unit apartment buildings will be completed before commencement of construction of the fourth containing the commercial space. When this fourth is completed the developer shall have one year to fill the commercial space under lease. If fifty percent of the space remains unleased, the developer shall have the right to convert all or a portion of the commercial space to apartments, should he choose. Under the Village Development Law to approve the issuance of a development permit by the Village Clerk for construction of this proposed development subject to the special conditions as stated above

Trustee Campbell	Voting <u>Nay</u>
Trustee Murphy	Voting <u>Nay</u>
Trustee Tatum	Voting <u>Yes</u>

Trustee Wood-Shaw Voting Yes
Mayor Nelson Voting Nay

Motion denied 3-2

MOTION to approve a Special Use Permit for multi units located in the business district under the Village Zoning Law

Trustee Campbell Voting Nay
Trustee Murphy Voting Nay
Trustee Tatum Voting Yes
Trustee Wood-Shaw Voting Yes
Mayor Nelson Voting Nay

Motion denied 3-2

Following a short break, there was a discussion on a proposed license agreement with Jason Miller for driveway access.

MOTION to authorize Mayor Nelson to meet with Jason Miller for a license agreement for driveway access made by Trustee Murphy, seconded by Trustee Campbell
Motion carried 4-0

There was then a discussion on the proposed Local Law #1 of 2015 – Stillwater Vacant Building Registry Law. It was decided Larry Allen, BCO, and Mayor Nelson would meet with a group that helps provide services to locate the owners of vacant and abandoned buildings and all other Trustees will review the law and add their input.

MOTION to adjourn made by Trustee Murphy, seconded by Trustee Tatum
Motion carried 4-0

Meeting adjourned 8:45 pm

Respectfully submitted,

Sheristin Tedesco
Clerk/Treasurer