

## **Planning Board Meeting October 13, 2010**

### **Present:**

Lance Spallholz, Chairman  
Sandy Debus  
Virginia Hewitt  
William Ryan  
Peter Sheridan  
Fred Sievers  
Thomas Peterson, Village Attorney

### **Absent:**

N/A

### **Guests:**

Dixie Lee Sacks, Mayor  
Lois Whitbeck, Village Clerk  
Carole Silvera  
Linda Leary  
Charlie Baker  
John M. Bossalini  
George Amedore, Sr.  
Rosanne Denatale  
Norma Spallholz

### **Agenda: October Monthly Meeting**

- Carol Silvera, Public Hearing
- Victorian Landings
- Open Discussion

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At 7:00 PM, Mr. Spallholz called the meeting to order.

### **Carol Silvera, Public Hearing**

Mr. Spallholz asked for a motion to open the public hearing on the subdivision of the Carol Silvera property. Ms. Debus made the motion and Ms. Hewitt seconded the motion. All agreed to open the discussion.

Ms. Whitbeck indicated that Mr. Coshburn had indicated to her that he had no objection to the subdivision. Mr. Spallholz said that the County has received the paperwork, but we have not yet received a reply. Mr. Sievers asked if we should wait until the decision is received in order to prevent a conflict. Mr. Spallholz indicated that nothing has changed, that there will be a lot with her own dwelling and a lot for sale of .543 acres. He then asked Mr. Peterson if we close the public hearing, can we vote tonight, to which Mr. Peterson replied we can.

Mr. Spallholz then asked for a motion to close the hearing. Mr. Sievers made the motion, which Mr. Sheridan seconded. All agreed. Mr. Spallholz made a motion to close the hearing with the condition that the building line previously agreed to for relief of the 300 foot set back will be indicated on the map on file. The Board was polled: Ms. Hewitt – aye. Ms. Debus – aye. Mr. Sheridan – aye. Mr. Spallholz – aye. Mr. Sievers – aye. Ms. Silvera has to file the map with the County within 60 days. Mr. Sievers suggested we have the map amended to include the relief line, which should be a dotted line at 110 feet from the right-away. Mr. Peterson suggested that the surveyor insert the language from the motion on the face of the map. Mr. Sievers will then need to sign that map. Ms. Whitbeck said that we have to have a copy of the mylar map on file at the Village, therefore Ms. Silvera will need two copies.

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Mr. Spallholz asked for a motion to move to executive session to discuss pending litigation for 15 minutes. Mr. Sheridan made the motion and Ms. Hewitt seconded the motion. All were in favor. Ms. Debus moved to end executive session, which Ms. Hewitt seconded. All were in favor.

### **Victorian Landings**

Victorian Landings is requesting a 90 day extension to the 180 days approved on March 10<sup>th</sup>. Discussion then began regarding at what phase were the conditions that needed to be met per the conditional approval letter provided by the Board. These included conditions with the DEC, DOH, Village of Round Lake and the Planning Board. Mr. Peterson indicated that Round Lake Village Board has approved the letter assuming responsibility of the roads and storm water management after the project is complete.

Mr. Spallholz asked how many items in the conditional letter were still pending. Ms. Leary responded that there seven conditions, and all are still pending final approval. Mr. Spallholz added that six time extensions have been requested and approved. Ms. Leary indicated that when they are working with several agencies and municipalities there are delays and it is not uncommon to need extensions, even retroactively. They are asking for 90 days retroactive to when the 180 day period expired. Mr. Baker enumerated on items out for approval including DEC/Saratoga County regarding treatment of sewage, DOH for revisions to the engineer narrative and Round Lake for MS4. He anticipates all will be signed within two weeks to a month.

Ms. Debus made a motion that we accept the request for a 90 day extension, which Ms. Hewitt seconded. Mr. Sheridan asked for further explanation regarding recent discoveries regarding mineral rights. Ms Leary explained that Land Associates found in the midst of their review that they are entitled to 40% of the sale of the fill, but that would not change what was agreed to with the Village. If it is sold, then the Village gets 3% and Amedore-Farone would get 40% less. Discussion also continued regarding allowing extensions after expiration of the initial period. Ms. Debus then asked to call the question.

Mr. Peterson added that he had consulted with a contact at NYCOM and they verbally opined that the board has the authority to grant the retroactive relief as long as the reasons are found to be sound. Mr. Spallholz polled the board: Mr. Sheridan – aye. Mr. Sievers – aye. Ms. Hewitt – aye. Ms. Debus – aye. Mr. Spallholz – aye. Mr. Spallholz added for the record he feels uncomfortable that other boards are post dating motions and that the request was not made within the 180 period. When the approved paperwork is received it will come to the Village of Round Lake, which the Village Engineer will approve as long as conditions are met and then will be given to the Village Clerk. Mr. Spallholz will then sign the documents as Planning Board Chairman.

### **Open Discussion**

Ms. Hewitt asked to approve the minutes of September 8<sup>th</sup> and 14<sup>th</sup>. Mr. Sievers made a motion to approve the September 8<sup>th</sup> minutes, Mr. Sheridan seconded the motion and all were in favor. Mr. Sheridan made a motion to approve the September 14<sup>th</sup> minutes with corrections, which Ms. Hewitt seconded and all were in favor except Ms. Debus who abstained.

Ms. Denatale asked the Board if there was the option to mine as previously mentioned in the Victorian Landings discussion. Mr. Peterson answered that once the letters are in place they cannot and Mr. Spallholz added the most that they can take is the 200,000 cubic yards previously agreed on.

Ms. Hewitt made a motion to adjourn at 8:26 PM. Mr. Sievers seconded. All were in favor.

Respectfully submitted,

Heather Elford  
Planning Board Secretary