

**Planning Board Meeting
February 09, 2011**

Present:

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

Absent:

N/A

Guests:

Linda Connors
Bob Connors
Corliss Robichaud

Agenda: February Monthly Meeting

- Bob and Linda Connors Zoning Board of Appeals for rear and front setbacks
 - Open Discussion
 - Local Law filing
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At 7:05 PM, Mr. Spallholz called the meeting to order.

Connors Rear/Front Setbacks

Mr. and Ms. Connors received a variance for a 560 square foot two story addition for their property on 1 Wesley Avenue, which will double the size of the property. Mr. Spallholz noted the pencil marking on the map and asked if it was included in the variance, which the Connors affirmed. The variance is for a 5' front and 26.6' rear setback. Ms. Hewitt asked if there was a tree that needs to come down, but it is on a neighbor's property. Mr. Spallholz asked what the roof pitch will be, to which Mr. Connors responded that it would be like a shed, front to back, and there will be drainage tiles added in the ground. Gutters can be added if needed; however, there is no water problem now. The Board suggested that if new electrical service needs to be run to come in underground, as it is now above ground to the North side of the house. The width of the addition is 20.67'. There are no decks or lights on the back of the house, just a small jut out for architectural relief.

The only condition from the Zoning Board of Appeals was that the deeds must be combined within one year of the approval, January 28, 2011. Mr. Spallholz asked for a motion that the Round Lake Planning Board finds no problems with the proposed plan. Ms. Debus moved to make the motion, which Ms. Hewitt seconded as such we find no issues for further plan review and accept as presented. Mr. Peterson asked if provisions regarding electric service and drainage be added. The electric service is a suggestion, but Mr. Spallholz asked if we could amend the motion so that drainage systems will take water away from the property lines so there is no negative impact to neighbors. The motion as amended is that the Round Lake Planning Board finds no issues for further plan review and accepts the variance as presented with the amendment that drainage systems will take water away from the property lines so there is no negative impact to neighbors. Mr. Spallholz asked if there were any other questions and then polled the board: Mr. Sheridan – aye, Mr. Sievers – aye, Ms. Hewitt – aye, Ms. Debus – aye and Mr. Spallholz – aye. Please see the attached resolution letter and copy of the Zoning Board of Appeals Variance Findings and Decision for attestation.

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Open Discussion

Ms. Robichaud stated that she is planning to sell her house and 3 to 4 acres, and subdividing an acre, in the spring. She has a total of 55 acres that are not contiguous that she has owned for 46 years. There is one deed for all the pieces, with some land in Round Lake and some in Clifton Park. Mr. Peterson said that a property owner at one time could subdivide once as a right, but thinks that provision was removed about five years ago; he will follow-up and confirm. To move ahead, the expectation would be that a letter be sent to the Village for a proposed subdivision with a survey required which the Planning Board will then review. If there is a buyer who wants an extra acre, Mr. Sievers suggested having both in the subdivision proposal, but the additional lot has to be buildable.

The second item that Ms. Robichaud raised is that she bought Ms. Silvera's property, and now wants to know what she can and cannot do with it. The existing garage is coming down and she needs to follow the setbacks, but wanted to know if the existing footprint be used. The September 14th 2010 motion stated: "to give relief of that requirement for this Subdivision to the extent that no structure built on the newly created building lot may be no closer to route 9 than the closer of the two neighboring structures. The Planning Board understands this distance to be approximately 110 feet from the Route 9 right-of-way. This relief is granted because all of the existing dwellings in the east side of Ames Avenue are all currently with the 300 foot green space and another dwelling in this location will not alter the general appearance of the neighborhood." The Planning Board recommended contacting the Village Office for further information on heights and setbacks.

The November minutes were then reviewed. Mr. Sievers made a motion to approve as submitted, which Ms. Debus seconded, and all were in favor. Mr. Peterson said he expected approval for Victoria Landings to be in soon, with the conditions for approval all being met.

Local Law Filing

Mr. Peterson explained that in the there are two key items addressed, the first making clear the Code Enforcement Officer (CEO) duties as a Village employee. The second involves allowing the Zoning Board of Appeals to allow approved variances to be reheard if the building inspector or a member of the board finds an issue that warrants suspension, revocation or amendment. Mr. Sievers asked if the issue was related to noncompliance to the variance, and conditions are part of site plan approval, can it go back before the board. State law does not apply to this, but a Village can supersede the law with municipal home rule.

This is a pre-proposal as the Village wanted the Zoning Board of Appeals and Planning Board input. After further review and discussion regarding the proposal, the Board agreed with the proposal with the following suggestions: first, the CEO should indicate in his reports that a checklist of approved items has been fulfilled. The second suggestion was that the reports be made available to the Village Board, the Zoning Board of Appeals and Planning Board. Review of the CEO report will be a standing agenda item for the Planning Board. The last suggestion was that the Village Board implement fines for violations that increase with severity or continued non-compliance, and that if legal action is required that the non-compliant party would be responsible for our legal fees.

Ms. Debus made a motion to adjourn at 8:45 PM. All were in favor.

Respectfully submitted,

Heather Elford
Planning Board Secretary