

**ROUND LAKE PLANNING BOARD MEETING
MAY 11, 2011**

PRESENT: Lance Spallholz, Chairman
Peter Sheridan
Virginia Hewitt
Sandra Debus
Fred Sievers
William Ryan, Alternate
Thomas Peterson, Attorney

Guests: Corliss Robichaud
Stuart Hodsoil
James Trainor, Attorney
Duane J. Rabideau

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

Robichaud Subdivision

Mr. James P. Trainor, Attorney, is representing Corliss Robichaud, for a minor subdivision of her property on Herlihy Road. Ms. Robichaud has proposed subdividing 2.86 acres of her 55 acre parcel. There is an issue with the requirement of providing the Planning Board with a detailed survey map of the entire 55 acres or just of the 2.86 acres that are to be subdivided.

Mr. Trainor has provided a survey map of a 5 acre subdivided parcel belonging to Kay Katzer, located in the Town of Malta; a GIS Map of her overall parcel was approved in the Town in 2010. Accordingly, they believe that the enclosed mapping satisfies the requirement of Round Lake Village Code Section 158-20(A) (2).

Mr. Trainor believes that this is an appropriate case for the Planning Board to exercise its discretion in granting a waiver as permitted under Section 158-23 of the Village Code. There are special circumstances for this minor subdivision which warrant a waiver, do not affect the public health, safety or general welfare of the community and do not have the effect of nullifying the intent and purpose of the Official Map, Master Plan or Zoning Code. Those special circumstances include the estimated cost of surveying the entire 55 acres parcel being approximately \$8,000, whereas the cost of surveying the 2.86 acre parcel to be subdivided is \$2,500. In order to justify the \$8,000 survey cost, it makes more economic sense for Ms. Robichaud to elect to subdivide many more parcels and propose them for sale, something which Ms. Robichaud or the Village would want to see happen at this time. The disparity in cost, time and effort between the two types of mapping qualifies as the type of special circumstances envisioned in the Village Code waiver provision.

Mr. Trainor asks that the Board accept Ms. Robichaud submission of the survey map of the 2.86 acre property to be subdivided, Tax Map overlay of the property and a

copy of the subdivision of lands of Kay Katzer, in fulfilling Section 158-20 of the Village Code to grant a partial waiver of that requirement via Section 158-23 of the Code.

Mr. Spallholz asked if the waiver in the Sub-division Law Section 158-103 applies in the case. The intent is not to put up road blocks, but he is concerned that the waiver is for improvements, is the map an improvement?

Mr. Peterson replied that if a survey is done on a property it is an improvement to that property.

Mr. Rabideau presented a GIS map of the Robichaud and neighboring properties. The Board and Mr. Rabideau discuss the GIS map and the fact that this mapping is accepted in other communities.

Mr. Spallholz asked if the house gets water and sewer from the Village.

Ms. Robichaud replied yes, the house and garage gets Village water but not sewer.

If Ms. Robichaud decides to build a house or any building, on any property, it would require approval and a building permit. If the remaining section of property is sole a survey will be required.

Mr. Sievers commented that he is not sure he agrees with that. At the time of the sale of the second parcel the Board could say that the survey was required, would this be a liability for the Board?

Mr. Peterson commented that this Board in not guarantee anything. This does not create a liability for the neighbors. It is the orderly transfer of property. The sale of the remaining 52 acre parcel of property would be subject to the same level of scrutiny that has been given to the 2.86 52 acres of property.

There was discussion about the exact location of the Village of Round Lake and the Town of Clifton Park line. The line is identified on the maps provided by Ms. Robichaud.

BOARD RESOLUTION

Moved by Virginia Hewitt
Seconded by Peter Sheridan

IT IS RESOLVED that the Planning Board of the Village of Round Lake waives the Applicant's obligation to provide an actual field survey of the boundary lines of the subject tract otherwise required by Village Code Section 158-20(A)(2) in order for its Minor Subdivision Application to be deemed complete, pursuant to its authority under Section 158-23, on the grounds that the Planning Board finds that such an actual field survey is not requisite in the interest of the public health, safety and general welfare and

that special circumstances exists, to wit: (1) the cost of surveying the boundaries of the entire 55 acre parcel would constitute a hardship on the applicant who seeks to subdivide out less than 3 acres for sale; (2) a necessary component of the actual field survey would be the location of the boundary line between the Town of Clifton Park and the Village of Round Lake, which would be a significant additional expense; and (3) the provision of a map by the Applicant with the section to be subdivided out in conformance with the requirements of Section 158-0 2(A) and the remaining 55 acres to be provided on the map using GIS data is sufficient for the planning Board to fulfill its duties under Chapter 158; and it is further

RESOLVED that the Planning Board of the Village of Round Lake finds that no condition should be imposed pursuant to Section 158-24 because, in its judgment the map to be provided will substantially secure the objects of the requirements so waived.

Mr. Sievers – aye
Ms. Hewitt – aye
Mr. Spallholz – aye

Mr. Sheridan – aye
Ms. Debus – aye

RESOLUTION ADOPTED

Ms. Robichaud will need to file the complete application for subdivision, payment of the subdivision fees, and provide 5 copies of the maps.

The Planning Board discussed the subdivision regulations; they would like to recommend some amendments of this law to the Village Board. Hold for discussion at the meeting to continue the May 11 meeting.

MS4 Annual Report

The Planning Board reviewed the Annual MS4 report. The report will be signed by Deputy Mayor Thomas Bergin. The public hearing will be held May 25, 2011 at 7 pm for the MS4 report.

Motion by Mr. Sheridan to hold this meeting open until May 25, 2011, to allow Ms. Robichaud to submit all the necessary paperwork for the subdivision of her property, and to discuss the recommendations to the Village Board for amendments to the subdivision law, seconded by Ms. Debus.

Respectfully submitted,

Lois J. Whitbeck
Village Clerk