

Planning Board Meeting November 14, 2012

Present:

Lance Spallholz, Chairman
Fred Sievers
Peter Sheridan
Michael Roets
Virginia Hewitt
William Ryan, Alternate
Thomas Peterson, Planning Board Attorney

Absent:

N/A

Guests:

Scott Lansing	Rich Miller
Kevin Dailey	Patricia Saunders
Sandy Debus	Sean Rigney
Mary Jo Lanahan	Victor Isca
Florence Cruz	Barbara Isca
Sandra Debus	Scott Rigney
Diane Shapiro	Ken Rawley
Amy Frederickson	Corliss Robichaud
Bob Sweet	

Agenda: November Monthly Meeting

- Hillman Estates PDD Review
- Village Board PDD Guidelines
- Open Discussion

At 7:08 PM, Mr. Spallholz called the meeting to order, noting that the Planning Board Attorney is currently running late. Mr. Ryan is sitting at the table for Mr. Sievers tonight, but Mr. Sievers is present.

Hillman Estates PDD Review

Mr. Spallholz began by giving an overview that in September the Planning Board extended the 60-day window for this meeting, to be prepared to make a decision regarding the application. Three things could happen because of tonight's meeting:

- (1) Mr. Dailey and Mr. Lansing could request an extension
- (2) The applicants can wait until the end of the meeting and then ask for an extension
- (3) The Planning Board can conclude this meeting and vote on the matter

Mr. Dailey asked to wait until the end of the meeting to reach that decision. Mr. Spallholz clarified for the guests in attendance, the new plans have been available for 10 days to Planning Board members, and there will be an opportunity for public discussion regarding the changes after the presentation. Mr. Lansing began by talking about different access points and public purpose lands. The first option presented has primary access from Route 9 with emergency access via Cleveland Avenue. In addition, an 8' wide path would have reinforcement to support an emergency vehicle. They also honored the request for the detail of the public purpose lands, with the parking separate from the access point.

At 7:17 PM, Mr. Peterson arrived to the meeting.

Mr. Lansing continued with the second option of eliminating Cleveland Avenue access in favor of a boulevard style of access. Further, they addressed the EAF concerns, noting the lot configuration is consistent with the prior maps. Mr. Lansing added that option 1 is 0.37 acres of paving and option 2 boulevard is 0.46, with additional mitigation to the wetlands.

Mr. Ryan asked if the walking path would still be included in option 2. No, the boulevard eliminates the need to create an emergency access. Ms. Hewitt said she had reflected on this, and asked what would happen if Route 9 flooded, in a boulevard scenario the entry and exit would both be compromised. Mr. Ryan said another concern would be if something blocked the road, for example an accident, a boulevard would face the same compromise issue. It looks aesthetically appealing, but faces obstacles as a secondary access.

Planning Board Meeting November 14, 2012

Mr. Roets indicated that while the Planning Board can offer feedback to figure the road issue out, it might be a Village Board decision. Mr. Sievers agrees with the concerns about limitations of the proposed boulevard. Mr. Spallholz clarified that a secondary road should always be accessible, even in inclement weather.

Mr. Dailey likes the concept of the 8' wide trail, added it could be an alternate way into the Village in case of an emergency. He is concerned without any connection the development will be isolated from the Village.

Mr. Roets stated in the EAF, question 7, is the project contiguous to a Historic District – the answer is again yes. Mr. Sheridan asked with the water table being so high in the proposed area if there were going to be basements; yes, but there would be sump-pump drainage. With raised elevation, there could be filling, but Mr. Lansing clarified that there will not be much fill brought in to the site, that they seek a balance of fill from the existing construction site.

Regarding the clear-cut of the land, Mr. Spallholz said on page 2 in the commentary it has 16.2 acres and later the amount is the same in the developable lands. On the southernmost access point there are wetlands, he questioned who is responsible for the wetlands. Mr. Dailey said there are a variety of options: HOA, Village, Saratoga PLAN, and the Library as part of the land donation.

On the map, the red area is a flood plain based on FEMA mapping. The applicant will invest in a study to see if it can be reduced, because Mr. Lansing believes it is smaller than what FEMA has proposed. The boundary of the stormwater management area abuts the flood plain. Mr. Lansing said that the grading would prevent issues; a study will help address that. In the proposed maintenance for the stormwater ponds, Mr. Spallholz asked if there would be a fence. Mr. Peterson asked how deep the ponds are, Mr. Lansing responded they are typically 4' deep, with safety precautions built in.

Ms. Hewitt who is responsible for the roads, Mr. Dailey said that in discussions with the Village Board it would be the Village.

Mr. Roets asked how the library land would be handled. Mr. Dailey and Mr. Lansing want to meet with the Library Board to further clarify that question. They propose a voluntary conveyance of property of the land, where the Library Board would take possession any time they want to after PDD approval. Mr. Roets meant the physical condition of the land, who would deal with its care in the interim; it could be built in as a PDD condition that the lands be landscaped and selectively cleared.

Mr. Sheridan asked what percentage of the overall buildable area is the proposed library site, 2 acres of 16 acres, roughly 10% of the lots. In Cluster legislation, green space would be 40%, and asked if the new library is enough to make it an offsetting public benefit. Mr. Sheridan said in a cluster development about 9.7 acres would be public space; without it, it would be about 7 acres, a 2.7 acre loss. Mr. Peterson said the 60% development figure in cluster development includes lots, sidewalks and driveways.

Mr. Spallholz said that he has been considering the FAR value of the architectural standards, and he is concerned that the lots will not conform to the FAR. Mr. Lansing felt that they will meet that, but will go back to calculate. Using Lot 3 as an example, 6000 sq. ft. with a Manor House, FAR is 4500 square feet, and basements are included in the calculation. A PDD may circumvent the FAR value, but the architectural standard documentation indicates that these standards to apply to a PDD. Mr. Peterson said the Planning Board should be sure to take that consideration. Mr. Dailey said they can put a provision in that takes the FAR into account, if the Village Board says they must adhere, they will.

Mr. Ryan added that if the Planning Board does not accept the plan, it pushes the Village Board into a super majority situation. The more difficult conversation at this point is about making this PDD part of Round Lake.

**Planning Board Meeting
November 14, 2012**

Mr. Spallholz interjected that in the June map, there were 51 lots and library land, and in September, there were 52 lots and library land. The current zoning of RV1 would allow 35 – 37 houses, with the 15 additional lots, the difference is a 40% - 43% increase in lots, and the PDD designates approximately 4 acres of public space as a benefit. Is that a proper balance of gain versus benefit?

Mr. Spallholz reflected that today he walked through the Village with the intent of assessing the difference of Round Lake versus this project. Yes, there are small houses that are close together with a unique feel, but residents all have views of green spaces, either they face parks or look out to other backyards, not looking at the front door of another house. Thirty houses in this development will be looking at each other's front doors. In Round Lake, no one feels confined even when they are. He feels that this PDD is a confined situation that is not a replication of Round Lake.

He asked Ms. Debus if the donation would be good for the library, and she responded yes, but it does not satisfy the question of the benefit. Even if there are limitations with the current building like handicapped access, working space, and limitations with the Malta Branch, it does not address Mr. Spallholz's concerns.

Mr. Dailey said you could not build an 1880's village in the 21st century, that there are limitations like accommodating parking for two cars, issues with snowplowing, and emergency access.

Mr. Spallholz opened the meeting for public commentary. Ms. Lanahan said not all of the new site will be deforested, the trails are not going to be gone, and the Zim Smith area and the swamp area will still have trees. Mr. Spallholz clarified that all 51 of the properties will be cleared. Mr. Lansing said the backs of the lots would not be entirely cleared; the EAF is conservative without a finalized plan.

Mr. Sweet asked about clearing that had already been done on site, three areas approximately 100 yards in length and 25 yards in width. Discussing the two road options, he feels the boulevard is a limited choice and Cleveland Road access will be used by traffic. Mr. Lansing indicated that there would be locked gates.

Mr. Sean Rigney asked if it were possible to build two roads rather than a boulevard. Mr. Lansing responded that they are trying not to increase the wetlands impact. Mr. Sweet rebutted it was the burden of cost and time.

Ms. Frederickson asked about the style of architecture. From smallest to largest houses, there are Mini-Cottages (8), Rural Cottages (12), Cottage Houses (13), and Manor Houses (19), all in a Victorian style.

Ms. Debus clarified that although it is a public library, under the purview of private entity. Mr. Spallholz said when the transfer of the six lots happens, it would be given to WRLIS for the express purpose of building a library. When this property is received, it has a gift value, and currently WRLIS does not have the funding to build a library, and there is an unknown amount of time of when it could be built. It is a "debt" in that it cannot be used until there is enough capital to build. The amount of value of the property increases what the library can get grants for, state money and perhaps a donation from the builder of the PDD, or even pouring a foundation. Mr. Dailey said they would get the appraisal of the land, which is increased in value because of the front-facing lots and utility access. Mr. Spallholz asked if delineating the land increases the value, Mr. Dailey answered it would. Mr. Peterson asked if WRLIS could sell the lots, Mr. Dailey said they would restrict that in the gift. Mr. Spallholz asked if the applicant gets the tax benefit; yes, they get an incentive via a tax benefit.

Mr. Miller asked if there is any way that we can keep the Cleveland Avenue connection as only a walking path. Mr. Spallholz said that a connection is important, and so are safety issues. A law could be passed to prevent it

Planning Board Meeting November 14, 2012

from turning into a road, but a future Village Board could change the law. Mr. Spallholz reiterated that the Planning Board is just offering recommendations at this point, and then the Village Board has to write the legislation. Should the Planning Board recommend against the project to the Village Board, it makes a super-majority vote requirement, 4 to 1.

Mr. Spallholz asked if the voting members of WRLIS ready to accept this, Ms. Debus said there has been no formal decision by the organization. Mr. Ryan asked why are we getting involved with WRLIS business? Mr. Ryan declared for the record that he is a Round Lake Library Trustee, a member of WRLIS. Mr. Spallholz said that it is the concern of the PDD to see if there is a public benefit, and if the property is extended as a gift to a private institution, then that is why it is in discussion. Mr. Ryan said the Planning Board should not care about what is going to happen with it, it is his opinion that it should not be discussed at this venue. Mr. Sheridan echoed that the Planning Board has to consider how the PDD benefits residents.

Mr. Sean Rigney then asked if the library goes on the PDD site, would the current library leave? Ms. Debus said there is no plan at this time to close the current library. Ms. Saunders is asking the Planning Board to say no to the PDD as presented, that it is too dense, and that she agreed with Mr. Spallholz's description of the Village versus the proposed PDD. She said that WRLIS has influence and there will be pressure to make Cleveland Avenue access the library. Mr. Rawlings added he lives across from the library and he loves the charm of having the library right in the Village. Mr. Spallholz said that these concerns regarding the library would be more appropriate at the Village Board meeting or WRLIS.

Ms. Hewitt said that with a garage that is two cars deep instead of wide she is concerned there will always be a car in the driveway.

Mr. Spallholz asked if there was anything more for Mr. Dailey and Mr. Lansing. Mr. Roets said that he is hearing that they would not want the Planning Board to vote tonight, but would prefer to continue to work through concerns. In addition, there are concerns that should be addressed with WRLIS. Mr. Dailey said the recommendations could also go back to the Village Board with options.

Mr. Spallholz said the next meeting is December 12th if the Planning Board is to postpone the decision. He recommended that if the vote is extended to the December meeting that they have conversations prior to the next meeting. Mr. Ryan said he is not ready to vote tonight, but Mr. Spallholz said that ultimately that is up to Mr. Dailey and Mr. Lansing.

Mr. Sheridan clarified that they are the applicants and not the owners, but Mr. Dailey said it is in their best interest to come back with a positive vote. They restated they are willing to compromise and want to attract the right people to development.

For the next meeting, the FAR calculation is a critical concern, in addition to the density, and the connection point is something to consider. Mr. Sievers feels the most critical component with this PDD is how to incorporate into the Village, and he is hearing that people are not in favor to incorporate them. He challenges the public to propose ideas on how to incorporate them. He also said to Mr. Sweet that cars are a part of our life, even if he too objects to the increased traffic through the Village.

The access point at the Zim Smith trail, on the path where Cleveland Avenue used to connect Herlihy Road, also seems a viable option for a secondary access. The Planning Board addressed Ms. Robichaud about the edge of her property, which she clarified belongs to Saratoga County and was taken as an easement for a pump station. Mr. Dailey said in another municipality if land is a dedicated as parkland, a trail can be put in, and could support an emergency vehicle, but could never have a road. Mr. Miller said if Cleveland Avenue

**Planning Board Meeting
November 14, 2012**

extension was designated parkland, the conundrum is solved. Mr. Dailey requested Mr. Peterson research the park clause for Round Lake.

Mr. Dailey and Mr. Lansing would like to meet again, and requested to continue the discussion on December 12. Ms. Hewitt proposed a motion to accept the request, which Mr. Roets seconded. With no further discussion, the Planning Board voted: Mr. Ryan – aye, Mr. Roets – aye, Mr. Sheridan – aye, Ms. Hewitt – aye and Mr. Spallholz – aye.

Mr. Spallholz wants to consider for the next meeting: the park option, density of house count and FAR calculation. If the park option does not work, could there be a possibility to work with the connection to Herlihy Road, but it is limited to an agreement with Saratoga County and a private property owner.

Village Board PDD Guidelines

Mr. Spallholz and the Planning Board reviewed the Round Lake law 180-18, paragraph C, compared to the Malta Code PDD and found only some minor wording differences. He noted number 9 in the Malta list (Adequacy of drainage, water supply and sewage disposal facilities) is out of the realm of the Planning Board. What the Village Board sent is not that different from Round Lake guidelines, but the Planning Board appreciated the opportunity to review the differences.

Open Discussion

The September 12th minutes were then reviewed. Ms. Hewitt moved to approve the minutes as approved, which Mr. Sheridan seconded. Mr. Spallholz polled the Board: Mr. Sievers – abstain, Mr. Sheridan – aye, Ms. Hewitt – aye, Mr. Roets – aye, Mr. Ryan – aye and Mr. Spallholz – aye.

October minutes require a more in-depth review, which will be postponed until December and change requests can be sent via email prior to the meeting.

Before concluding the meeting, the Planning Board had a brief discussion regarding the meeting and the plans presented. Mr. Ryan made a motion to adjourn at 9:44 PM. All were in favor.

Respectfully submitted,

Heather K. Elford

Heather Elford
Planning Board Secretary