

**Planning Board Meeting
December 12, 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:

Kevin Dailey
Diane Shapiro
Bob Sweet
Sean Rigney

Agenda: December Monthly Meeting

- Hillman Estates PDD Review
- Open Discussion

At 7:07 PM, Mr. Spallholz called the meeting to order, noting that the Planning Board received a new map and new EAF for the proposed Hillman Estates PDD. Mr. Spallholz noted he was not able to do a full comparison prior to the meeting. In addition, Mr. Peterson gave a handout that details the PDD procedure for the current and future applicants.

Hillman Estates PDD Review

Mr. Dailey informed the Planning Board that Mr. Lansing would not be here tonight for personal reasons. Mr. Dailey then introduced the new map that addresses concerns raised in previous meetings, beginning with the reduction of the density of houses from 52 to 44 lots. He stated he believes that reducing the amount of lots makes a better project, and will be more attractive to the public and to potential buyers. He noted they have also added three lots to the Library, which would be given directly to the library via donation. He has spoken to Ms. Debus and the increase of capital with the additional lots allows the library to seek grants that are more valuable.

Mr. Dailey then addressed the emergency vehicle concern of using a trail instead of a boulevard road system. The proposed trail will have a base that could support a heavier vehicle. There would be breakaway gates at either end, and they propose that the land that the trail will be on would be deeded and dedicated as parkland, which means that it could never be used for highway purposes, requiring an act of state legislature to revoke the park status.

They did fill out a new EAF, indicating to Mr. Roets that they have corrected the Historic District question. Mr. Spallholz began by addressing the EAF, on page 2, where in the narrative it says 14.76 acres, asking if that includes the acreage devoted to the entrance road and the wetlands in that spot; Mr. Dailey affirmed that it did. On page 3, question 8, Mr. Spallholz pointed out the level of 1.5 to 3 feet for the water table and how will that affect basements for the property. He is curious about the engineering, because nearby residents, including him, are impacted by water in their basements. For the lots in the FEMA flood plain, they have to comply with National Flood Insurance standards.

Mr. Spallholz continued on page 4, question 16, where the wetlands are 8.1 acres, and is that same as the portion on the map, Mr. Dailey affirmed that it was. On page 5, the number of off-street parking spaces is 116; Mr. Spallholz asked where does that number come from? Mr. Dailey said with 44 units, one parking spot in every driveway, and there would likely be a two-car garage for each property. Mr.

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Peterson affirmed parking could include the garage, which it can, with a combination of one and two-car garages, the total could be 116.

Further, on page 4 Mr. Spallholz pointed out that the largest building listed is 40' x 40'; conceivably, if it were one floor, then that would be 1600 sq. ft. Mr. Dailey stated they would generally have a smaller footprint. On the bottom of the same page, it states that 16.41 acres of vegetation will be removed, but in 1B on the same page, the project acres are 6.3, which seems inconsistent. Mr. Dailey said they would get a clarifying answer for the Planning Board.

Regarding the question of agencies involved, does the Planning Board have to notify the County Planning Board and the nearby municipalities? Mr. Peterson said the County should be notified. For the question of will the proposed action create a demand for any community services, Mr. Peterson clarified that community services include water, sewer, plowing, etc. Whether there will be any traffic impact, Mr. Spallholz asked if will that include the library. Mr. Peterson recommended including in the SEQR the impact of the library on traffic.

Mr. Roets mentioned Mr. Lansing provided test sheets of showing a test depth of 60" with no seepage, and without apparent adverse impact. Mr. Dailey stated they will also work with the Claydon family, and the owner of the Mill (Mr. Beale), to provide an easement so that they could use public water. The owner of Zac's Sports has also contacted Mr. Dailey with a request to square off his lot. The sale would be a small portion of a lot, or lots, and it would be a \$1 sale. Mr. Peterson questioned whether it would be a conforming or non-conforming lot; Mr. Dailey said he was not sure, that Hillman Estates would be doing this with simply the intent of being a good neighbor.

Mr. Spallholz asked the Planning Board if they had additional questions. Mr. Sheridan asked Mr. Peterson if there was an answer about converting the road into parkland, and Mr. Peterson agrees with Mr. Dailey that it would be very difficult to overturn the status. There has to be a good reason, and a benign reason, but it would be highly unlikely. Mr. Peterson added that he believed the point between Round Lake and the PDD property is not currently a road. Mr. Ryan said it had been in the past, but after a flash flood, the bridge washed out. Mr. Peterson believes that the Village designated this portion of land as parkland. The Planning Board needs to confirm the status.

Mr. Spallholz asked if the builder was willing to fund the upgrade to connect the pieces; yes, and when Mr. Dailey – hopefully – comes back as a site plan he would indicate it as a requirement, in addition a hammerhead for snow removal situations. Mr. Dailey mentioned that similar designs are used, and maintained year-round, in Clifton Park. Mr. Sievers said this would require a new culvert for the stream.

Mr. Spallholz noted the additional library lots facing the path, they are not street frontage, and do not have access to a road and therefore are not legitimate lots. Mr. Ryan said that is a library problem, not a Planning Board problem. Mr. Spallholz responded the Planning Board is not in the business of approving lots without street access. Mr. Sheridan said the value is in the building lots, then Mr. Ryan countered that the four new lots should not be called building lots. Mr. Dailey said the library could file for a restriction. Mr. Roets said that was a Village Board issue, and the Planning Board has to determine the actual lots.

Mr. Peterson respectfully disagreed with Mr. Ryan over the library lots, because the public benefit is part of the package. Mr. Spallholz said the Village of Round Lake could not accept the donated

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property; it would be transferred directly to the library. It would be possible for the Village to accept the property and lease it, but it would have to be at the fair market value. Mr. Spallholz said four lots equals a subdivision, but a PDD can override the zoning; however, they do not have direct frontage on any given access point and suggested a cul-de-sac as a solution.

Mr. Spallholz also has concerns about the stormwater management being adjacent to the library, but under Village management. He is also interested how the water line will come in from the village. He also mentioned the sewer line and asked if they would need to pump up. Mr. Dailey said that they would if they needed to.

Mr. Spallholz then handed out copies of a spreadsheet, which he had created based on the original 58-lot sheet, before receiving the new map. Sorted by the type of houses, (Cottage, Manor House, Mini Cottage, and Rural Cottage) based on his calculations the public property represented 17% of the property.

The chart has the FAR calculation; total floor area divided by the lot area, the FAR ratio is 75%. There are questions on what the net area of the site is: is it the size of the lot, minus the setbacks, because they are not buildable? He did his original calculations based on rectangular lots, using RV1 setbacks, and removing the setbacks, the new build size reduces the FAR values making a range for 81.8% to 129.4%.

The proposal has a 5' side, 20' front and 10' back setback. This adjusts the calculations in the second spreadsheet distributed; the majority of the properties that he can approximate will satisfy the FAR calculation with the exception of two manor houses, with some that are tantalizingly close to the maximum. The manor houses, even with the reduced setbacks, are of concern to Mr. Spallholz. He is also concerned about the tree clearing in the back lots, noted in the November minutes. Finally, he is concerned about the homogeneity of the size of the lots, which does not allow for the variances noted in the architectural standards. It is not a case of variety of FAR, but variety of styles. Mr. Spallholz noted he would also call Mr. Lansing regarding the FAR calculation. In the PDD, they can stipulate the size of the homes to fit the FAR calculation.

Mr. Spallholz asked about the 3500' sq. ft. size for the Manor House, Mr. Dailey clarified that is the maximum size, and there will be a wide range of sizes. "Floor Area" is the exterior walls, the usable area under the roof. The Planning Board will have to determine if setbacks are a part of the FAR calculation. Per the guidelines, the calculation of buildable area and streets and sidewalks, has to be 75%. Mr. Dailey is not a fan of variances of setbacks. He conceptualizes people coming to the front of the house on their porches to interact, and without uniformity, it would lose the neighborly feel. Mr. Roets said in the architectural standards it would be in the Planning Board's favor to work with this design aspect when it comes back from the Village Board.

Mr. Sheridan pointed out for the record that the architect would be the builder, not Mr. Dailey. Mr. Spallholz noted from the architectural guidelines that in a square block there has to be a mix of house styles. He then pointed out paragraph 2.4, that building materials must be established before the Planning Board votes on the PDD. Mr. Dailey said materials fall in two categories: natural materials and manmade materials, some of which are extraordinary, including Victorian styles. Using both natural and manmade, with the exception of vinyl siding, is standard to good builders. Mr. Peterson asked if Mr. Dailey could provide a list of materials. Mr. Sievers said the fiber cement siding is fire retardant, which is good for when the homes are close together.

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For the record, Mr. Dailey noted he is amenable to another 30-day extension. Mr. Sheridan asked for verification on if the Cleveland Avenue extension is on parkland, and that the road does not extend in to this property. Mr. Spallholz asked if the archaeological study yielded any red flags, and it did not.

Opening the meeting for public comment, Mr. Sweet said he was concerned about the amount of deforestation on the build site. He recommended Mr. Dailey contacting Ms. Shapiro so she can show them important trees to be saved for reintroducing wildlife to the site after the completion of the build. Ms. Shapiro also recommended leaving some of the mature trees for privacy. Mr. Dailey requested she come to the office to discuss this further and then they could go to the site to GPS map trees instead of conducting a formal tree study. Mr. Spallholz suggested a review of the subdivision legislation regarding trees that are exempt from being cut unless they are in a roadway. A 20' forested buffer could also be built into the property, which can be under the realm of the HOA.

Mr. Sheridan raised a motion, which Ms. Hewitt seconded, to extend the request for the PDD review and subsequent vote to the next meeting, January 9, which passed unanimously.

Open Discussion

The Planning Board discussed the FAR calculation and the building materials of the architectural standards.

The October 10th minutes were then reviewed. Ms. Hewitt moved to approve the minutes with minor amendments, 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.

The November 14th minutes were then reviewed. Mr. Ryan moved to approve the minutes as approved, which Mr. Sheridan seconded. Mr. Spallholz polled the Board: Mr. Sievers – aye, Mr. Sheridan – aye, Ms. Hewitt – aye, Mr. Roets – aye, Mr. Ryan – aye and Mr. Spallholz – aye.

Ms. Hewitt made a motion to adjourn at 9:37 PM. All were in favor.

Respectfully submitted,

Heather K. Elford

Heather Elford
Planning Board Secretary