

**Planning Board Meeting
January 9, 2013**

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	Scott Lansing
Sandra Debus	Diane Shapiro
Wayne Beale	Debra Audette
Rich Miller	Pat Saunders

Agenda: January Monthly Meeting

- Hillman Estates PDD Review
- Open Discussion

At 7:05 PM, Mr. Spallholz called the meeting to order, noting since the beginning of the Hillman Estates PDD review Mr. Ryan has been acting as a full-time board member while Mr. Sievers was out due to medical reasons. The Planning Board received a new packet on December 17th and one on January 2nd. Tonight, the Planning Board will address the information received on the 2nd.

Hillman Estates PDD Review

Mr. Spallholz indicated that he had spoken with Mr. Lansing on the phone between Christmas and New Year's. Mr. Spallholz opened the floor to Mr. Dailey and Mr. Lansing to present the changes made to the current map. Mr. Dailey thanked the Planning Board for the time and effort that they have invested in the project. He feels that he and Mr. Lansing have addressed all the issues presented to them over the last few months, accepting compromises and coming up with creative solutions.

Since the last meeting, they have addressed the lots, which will be voluntarily conveyed to the Round Lake Library, which did not have street frontage and created a small cul-de-sac, eliminating one of the lots for a total of eight. They previously reduced the building lots from 53 to 44, which they feel is an overall better plan. As for a Cleveland Avenue extension, it would remain a pathway designed to support an emergency vehicle, in both directions, to and from the Village of Round Lake. It would be dedicated as parkland, which would take an act of state legislature to undo.

A list of building materials was submitted to the Planning Board, all of good quality. The Floor Area Ratio (FAR) calculation and building materials are issues that would be explored fully in the PDD, and they are willing to build slightly smaller homes to meet the ratio. They disseminated language to the Planning Board that they wish to potentially include in the PDD. Mr. Dailey pointed out that they would be squaring the lot for Zac's Sports, owned by Kevin Zacharewicz, and plan to extend the water line to their southern neighbors. Mr. Dailey then asked for any questions from the Planning Board.

Mr. Spallholz first questioned a map he reviewed in the village office, for the municipal parks and zoning that followed the railroad tracks, which he assumed was part of the applicant's property. Mr. Peterson affirmed that it was, but in the instance of PDD legislation, it could trump the use designated on the current map. Second, with the transference of property to Zac's Sports, does that affect anything regarding the wetlands. Mr. Dailey affirmed that it is wetland, and they will charge a \$1 price for the property, but it is of no benefit to Hillman Estates. Provided the PDD comes back to the Planning Board, it is their intent to carve out the area to square Mr. Zacharewicz's lot.

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Mr. Peterson asked for a refresher on how the sign "Hillman Estates" discussion had ended. Mr. Dailey figured that they would have a "Hillman Estates" sign up during the construction phase, but not a permanent sign. Mr. Spallholz said the state might require a similarly sized street sign to Covell Avenue or George Avenue. Mr. Sievers asked if the deed would refer to Lot X, Hillman Estates, Ordellia Avenue, Round Lake or simply Lot X, Ordellia Avenue, Round Lake. Mr. Spallholz said with a HOA that it might have to be the former rather than the latter.

Mr. Spallholz pointed out that Round Lake is not the lead agency for the EAF. On page 2, question 21, there is a listing of 15.9 acres for the project, on the next page the total is 27.35 acres, and he is trying to understand the difference. Mr. Lansing said the difference is the disturbed acreage versus the parcel acreage. On page 5, the maximum vehicular trips are 52 generated per hour (1 per house). Mr. Lansing confirmed they estimated high. The 930 feet of frontage listed is that along Route 9.

In the last discussion of clear-cutting, the answer is 15.51 acres (0.45 acres of wetland disturbance) which accounts for the road. Does the 15.51 include the 0.45? Mr. Lansing would need to confirm, but he feels the difference, if there were, would be minimal. On the next page, the multi-phase development, what is phase 1 and what is phase 2? Mr. Dailey said they might develop one area first, not clear the whole area and then build. Phases would be dependent on the success of sales, and Mr. Peterson pointed out issues regarding water and sewage with Victorian Landings electing one phase.

Regarding the decrease of a water body, Mr. Spallholz requested confirmation that wetlands are not considered a water body. On page 8, regarding federal agencies, the only wetlands are designated as state-qualified; therefore, the NYSDEC would coordinate. Mr. Roets asked about the reclassification of the stream/floodplain area and Mr. Sievers confirmed that would be FEMA, not the state. Ms. Hewitt asked if all the buildable land would be cleared of trees when they build. Mr. Dailey said they would like to try to keep as many trees as they can, especially as a buffer along the back of the property.

Mr. Spallholz then spoke regarding the FAR calculation with a current side setback of 5', a front setback of 20', and a back setback of 10', asking if those numbers had been included in the proposed legislation. Mr. Dailey does not believe it is in the legislation, but said it could be added in the PDD or subdivision approval. The reason Mr. Spallholz asked is that his interpretation of FAR in the architectural standards is concerned with each lot's FAR. On the material that was submitted on the January 2nd submission, based on RV1 setback standards of 10' for side, 20' for front, and 30' for back of the 60% of the lots he reviewed, about half the lots failed the FAR calculation. He feels knowing the project setbacks and FAR is important in making a recommendation to the Village Board on the PDD.

Mr. Sievers said there is a bit of a difference in the legislation versus the architectural standards; the legislation is the gross ratio, the building ratio of the entire project, not for the individual lot. Mr. Peterson said the FAR ratio could override the legislation, so how important is it for the Planning Board to do the calculation? Mr. Ryan asked if Mr. Spallholz was asking for a larger side yard calculation, to which he responded, no he is asking is it important for the Planning Board in recommending setbacks for each lot. However, with 10' between houses, he thought the space between houses would only be slightly more than that of the table the Planning Board is sitting at tonight. Ms. Hewitt said she thought that distance would look like the Avondale development, which she thought was unappealing.

Mr. Sheridan said that the list of materials was broad and vague, and asked if the Planning Board has influence to vote on materials prior to the PDD. Mr. Peterson's understanding is adherence to the architectural standards is part of the PDD legislation. Mr. Sheridan is concerned with not having a visual of what the

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houses will look like, but Mr. Peterson said renderings would be more appropriate for site plan review. Mr. Ryan said the Planning Board should be keeping a list of either preferences or dislikes to include with the resolution. Mr. Peterson said the Planning Board could approve, disapprove or approve the PDD with conditions. In regards to the materials, Mr. Peterson said the list was provided and that the Planning Board can negotiate the list. Mr. Dailey said provisions of the material list would be made during the site plan review. He also affirmed that they would only work with builders who will respect the feel of Round Lake with materials and attracts the right clientele to the village.

Mr. Peterson suggested adding the stipulation that during site plan review the Planning Board will negotiate the building styles and materials. In previous PDDs, this was not an option. The Village Board and Planning Board can each recommend what they want as the stipulations.

Returning to the discussion of setbacks, Mr. Spallholz asked if the Planning Board should make a condition of the setbacks as a part of the motion or address them later. Mr. Sievers said the front-yard setback is consistent with the atmosphere of Round Lake, but his concern for side-yards, is that 10' is concerning for fire spread. Mr. Spallholz is concerned with the side-yard for appearance; Mr. Dailey suggested he could live with 7.5' instead of 5', a 50% increase. Mr. Peterson asked if the 20' front setback is the maximum, minimum or required. Mr. Daley said it is the minimum in normal zoning. Mr. Spallholz said he would be amenable to 7.5'.

Since the last discussion, a no-cut 20' barrier was inserted on the lots adjacent to the Zim Smith trail; this is now showing on the new map, but the property line goes in to that space. Mr. Dailey said they would note the map, with deed restrictions with either HOA enforcement or municipality enforcement to prevent cutting. Mr. Roets and Mr. Ryan have concerns about restricting the homeowner's rights.

Mr. Spallholz asked if the audience if they had any questions about the topics discussed. Ms. Crandall spoke, saying she still feels that it is still too dense with 44 units. Ms. Shapiro agrees with Mr. Ryan and Mr. Roets regarding the rights of owners, but wants to point out the pines along the trail are a valuable resource for the environment. Mr. Sievers pointed out the legal repercussions if there are restrictions that prevent people from cutting trees.

Mr. Spallholz indicated to the Planning Board, Mr. Dailey and Mr. Lansing, that if the Planning Board votes tonight, there will a be a list of stipulations with the resolution. He sought their opinion on the impact of a delay should the Planning Board wait a month to vote so they may circulate a list of stipulations to be shared with all involved. Mr. Dailey preferred to move ahead sooner rather than later, and affirmed their willingness to work with the Planning Board, indicating they would like the resolution at this meeting due to pending financial obligations. Mr. Spallholz asked if the Planning Board could come up with conditions or recommend the PDD "as is" to create a motion.

By sending the PDD to the Planning Board, Mr. Roets voiced his concerns that the Village Board wants to move ahead with a PDD. Mr. Peterson countered that they recommended it to come to the Planning Board for the board's recommendations and feedback. Mr. Roets pointed out that without a PDD there should be 40% parkland, and he has concern to what the public benefit truly is in this PDD.

After consideration of the discussion, Mr. Ryan moved to approve to the PDD to the Village Board with the conditions of:

1. A 7.5' side yard setback
2. The PDD contains wording about building materials, architectural styles and elevations that will be negotiated during site plan review with the Planning Board

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3. The transfer of lots 45 – 52, plus the cul-de-sac, to WRLIS for library purposes as a voluntary transfer previously offered by the applicant as a charitable contribution
4. The property between lot 44 and 47 is to be deeded to the Village of Round Lake as parkland
5. Improvements to be made to the extension of Cleveland Avenue as an emergency access and pedestrian walkway as indicated per the map

Ms. Hewitt seconded the motion, to which Mr. Spallholz asked for discussion from the Planning Board. Mr. Sheridan raised his concerns over a project this size with a part-time building inspector. Mr. Peterson said that was a cogent observation, and in other projects, an additional part-time or full-time inspector could be hired by the Village, which the expense would be borne by the applicant. This would be under the review of the Village Board, not the Planning Board, per Mr. Peterson. Mr. Roets still is concerned about the public benefit, but added that will be up to the public when there is a SEQR and site plan public hearing. Unless, there is further discussion, Mr. Spallholz indicated the Planning Board is voting on a motion with conditions. If the Planning Board votes in favor with conditions, the Village Board needs a super-majority vote of 4 – 1, the same as if the vote was a rejection of the PDD. Mr. Dailey noted all conditions are acceptable to the applicant.

Mr. Spallholz polled the Planning Board: Mr. Sheridan – nay, Ms. Hewitt – aye, Mr. Ryan – aye, Mr. Roets – nay and Mr. Spallholz – nay.

The motion failed, and Mr. Spallholz said it will be presented to the Village Board, with letters sent supporting the decision to the Village Board and to the applicant. Mr. Peterson recommended a motion to show the PDD had failed.

Mr. Sheridan made a motion to disapprove the application for the PDD, which Mr. Roets seconded. Without further discussion, voting on a motion to disapprove the submitted plan 102-13, Mr. Spallholz polled the Planning Board: Mr. Sheridan – aye, Mr. Roets – aye, Mr. Ryan – nay, Ms. Hewitt – nay and Mr. Spallholz – aye.

Open Discussion

The Planning Board discussed the inconsistencies in the architectural standards, approved in April. Mr. Spallholz said that they are not online for public review. Mr. Spallholz and Mr. Sievers feel that the FAR calculation needs clarification by the Village Board, as they do not clearly outline whether it is at a lot level or a project level. Mr. Roets made a motion that the Village Board should consider clarifying the FAR calculation of the architectural standards with language recommended by the Planning Board, which Ms. Hewitt seconded. The Planning Board unanimously approved the motion.

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

Mr. Sheridan made a motion to adjourn at 9:17 PM. All were in favor.

Respectfully submitted,

Heather K. Elford

Heather Elford
Planning Board Secretary