

**Planning Board Meeting
July 13, 2016**

Present:

Peter Sheridan, Chairman
Matt Coldrick
Fred Sievers
William Ryan, Alternate
Thomas Peterson, Planning Board Attorney

Absent:

Marybeth Max
Michael Roets

Agenda: July Monthly Meeting

- Griffin's Ridge PDD Changes
- The Mill, Rezoning in Clifton Park
- Open Discussion

Guests:

Gary Putman
Sue Thompson
Tom Schweder

At 6:59 PM, Mr. Sheridan called the meeting to order noting that Ms. Max and Mr. Roets were unable to attend tonight's meeting.

Griffin's Ridge PDD Changes

The Village DPW would like to change the emergency access road concrete blocks to pavement, especially in regards to snow plowing. Right now, the width is set to be 20', and Mr. Sievers stated that the average truck would need about 15' of clearance. Mr. Ryan asked does Mr. Bob Sweet know about this change, and the consensus was likely no, or he would be present tonight. The developer has said it is wash for costs regarding the change in material. Mr. Sievers has said he would like to see it as a connecting road, but that is another discussion that has been long hashed out in other meetings.

The access road will come to a gate. Mr. Coldrick asked if there was signage to let people know that it is a dead end. Mr. Ryan asked how this was going to be documented. Mr. Peterson said the legislation specifies the road will be concrete, but Bill was concerned with width versus materials. If reduced to 15', this would be more of a path. Mr. Coldrick's preference would be to keep the 20' with, but put a sign up like the signage on Maltaville Road at Round Lake.

Mr. Sheridan raised a motion that that the paved width of the access road to Griffin's Ridge should remain at 20' feet, and to change the material from concrete blocks to porous concrete, which Mr. Coldrick seconded, and no further discussion was warranted. Ms. Elford polled the Board: Mr. Ryan – aye, Mr. Sievers – aye, Mr. Coldrick – aye, and Mr. Sheridan – aye.

Mr. Peterson and Mr. Sheridan briefly discussed that Belmonte would like to buy the donated PDD lots back from the Village. An independent assessor will value the lots. The Village Board has not agreed either to a price or to allow the sale of the donated lots.

The Mill, Rezoning in Clifton Park

The Village received a letter from the Town of Clifton Park that there will be a public hearing for rezoning The Mill's land in Clifton Park, from residential to commercial on Monday, July 18, 2016. The area in review includes the patio, parking spaces behind the building, and the garage is included. Ms. Thompson stated there has been discussion about rezoning approximately an acre of land to be [B4A commercial](#) that includes clubs, which is broader than B3, but includes B3 provisions. B3 includes barrooms. The Clifton Park Planning Board said that the Round Lake Planning Board would need to approve as an adjoining municipality when a decision is made in Clifton Park. Ms. Thompson stated that if the area is rezoned, it is spot zoning, and she feels the only benefit is to The Mill. Currently, bands are not playing at The Mill, and without the bands the situation has improved. Over the last several years she has experienced issues with noise violations, public intoxication, witnessed urination on the street, and parking encroachment. This has led to diminished enjoyment of her property.

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Mr. Sheridan said that there were tickets issued last year for occupancy and parking, which were paid by the owner, Mr. Beale. Mr. Sheridan expressed his concerns about noise and over occupancy years ago, and iterated that the performers were supposed to be only acoustic bands. Mr. Peterson asked Ms. Thompson if it was said in Clifton Park meeting that it was spot zoning, the head of the Clifton Park Planning Board said at the [September 22, 2015](#) meeting that this was a self-imposed hardship, but spot zoning is not explicitly stated in the minutes. Mr. Peterson would like to hear what the exception is that it is not spot zoning. Mr. Sheridan said that Clifton Park's Mr. Tom McCarthy argued that it is a parking lot, which makes it an exception. Mr. Peterson said if we are close enough to be affected by the rezoning, and that there is a shared border, that we have standing to present our case and objections. Debate over standing and spot zoning ensued between Mr. Peterson, Mr. Sievers, Mr. Ryan, and Mr. Sheridan.

Reviewing the September meeting minutes, link provided above, Ms. Thompson said that Round Lake is a Permitting Agency in the SEQRA process. Mr. Peterson believes Round Lake has standing, but are not a permitting agency in this matter. The SEQRA process has to be completed before the rezoning can be completed. Mr. Sievers mentioned if the property is more than an acre, stormwater management will come into play as well. Mr. Coldrick asked if the bandstand were to move into Round Lake, could Round Lake impose strictures on the bandstand performances.

Mr. Sheridan said he would be going to Clifton Park Town Board and will be speaking this coming Monday night. Mr. Ryan made a motion that the Planning Board of the Village of Round Lake opposes the proposed rezoning for The Mill's Clifton Park property from Residential to Highway Business/Restricted Retail Districts B-4A because:

- A. The rezoning would constitute illegal spot zoning.
- B. The rezoning would provide extensive additional parking which would increase the occupancy load of a business that is already at maximum capacity. Over-capacity commercial spaces constitute a fire/life-safety issue.
- C. The zone permits use as a "barroom" (§208-37B, incorporated into Article VIA by §208-50.1), which could arguably include a bandstand. A bandstand use would result in amplified music by a business that has been convicted of a number of violations of Round Lake's Noise Law by reason of bands playing on-premises. In other words, the rezoning would have a deleterious effect on Clifton Park's neighbor, Round Lake.
- D. Upon information and belief, no SEQRA determination has been made and, in fact, no notice of a SEQRA review has been provided to the Village, which will necessarily be affected by the proposed rezoning in is at the least an interested party.

Mr. Sievers reiterated from a fire department perspective, it creates a health and human safety issue. Mr. Sievers seconded the resolution. Ms. Elford polled the Board: Mr. Ryan – aye, Mr. Sievers – aye, Mr. Coldrick – aye, and Mr. Sheridan – aye.

Open Discussion

26 Albany Avenue has continued to provide inadequate information for reconsideration of a Zoning Board variance. Mr. Peterson indicated that if the Village did not receive notification from the Malta Town Court by COB today, he can proceed to Supreme Court action.

Mr. Sheridan indicated that 15 units have been sold in Victorian Landings, and they have more units on the horizon. For the coming winter, Victorian Landings wants the Village to take over the roads and have posted a \$100,000 bond as a security. The Village cannot plow the roads until the road is taken over by the Village.

Griffin's Ridge has had one home sold.

The Planning Board reviewed the February 10, 2016 minutes. Peter moved to approve the minutes as amended, which Matt seconded. Peter polled the Board: Mr. Ryan – abstain, Mr. Sievers – aye, Mr. Coldrick – aye, and Mr. Sheridan – aye.

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Mr. Sheridan made a motion to adjourn at 8:12 PM. All were in favor.

Respectfully submitted,

Heather K. Elford

Heather Elford
Planning Board Secretary