

## **MINUTES OF MEETING ~ APRIL 19, 2010**

**ATTENDANCE:** Rick Bump, Eugene Dutcher, Ken Raisner, Suzanne Robbins, Harold Ellsworth, George Hilton, Bob Thurling, and Secretary, Pat Smith. Also in attendance was Zoning Administrator, Walt Tennyson. Absent was Paul Little.

**MINUTES:** On a motion by Mr. Dutcher, seconded by Mr. Bump, the Minutes of the March 15th meeting were accepted, as presented. Motion carried 7/0.

**CORRESPONDENCE:** Zoning Office Activity for February & March, 2010; and correspondence regarding Timber Lodge Estates Subdivision.

**OLD BUSINESS:** None.

**PUBLIC HEARING:** #SD2010-02 ~ W.& R. Aiken Irrevocable Trust proposing a 6-lot subdivision of land on the Priory Road. Having been duly advertised, the public hearing was opened by Chairman Raisner at 7:02 p.m. Lucas Dobie, EIT with Hutchins Engineering of Queensbury, was in attendance to represent the applicant. Mr. Dobie explained that the project proposes the subdivision of 71.5 acres on the Priory Road into five new building lots on tax parcel #103.-1-11, and conveying 16.6 acres to parcel #103.-1-13.1 which consists of 14.44 acres along State Routes 8 & 9, separated from the rest of the holdings by the power lines. This latter parcel already consists of a modular family dwelling and barn and an older two story house, currently in use, and the addition of the 16.6 acres will only serve to increase their land holdings, and will remain as vacant land. The remaining five lots range in size from 8 ½ acres to 19 ½ acres, this last one retaining existent wetlands, and all to be conveyed to family members. Mr. Lucas stated that they are still waiting for coordination with family members on APA project responses in order to obtain a completed application with the Agency. He submitted a copy of the final sign off from New York State Office of Parks, Recreation and Historic Preservation, they having found No Impact upon cultural resources in or eligible for inclusion in the State and National Register of Historic Places. Mr. Dobie had taken some pictures at the Priory of St. Benedict compound to determine whether the buildings were of historical value, and whether they would be impacted by this project. He also met with the Sisters there, and wanted to be sure that enough buffer would be maintained between the Priory and the project.

Soils are typical of the Adirondacks, red-brown sandy loam over hardpan, with groundwater generally at 28", so it could support shallow absorption fields, on site wells, subsurface electrical service, and the grade is typically, on the Priory side, 5% to 10%, leveling out for the septic sites and presenting no problem as far as the Park Agency is concerned. The project is located both in Rural and Low Intensity Land Use.

Following brief discussion, Mr. Thurling made a motion to close the public hearing at 7:11 p.m. Motion was seconded by Mrs. Robbins, and carried 7/0.

Motion was then made by Mr. Dutcher, seconded by Mr. Bump, to approve application #SD2010-02, subject to Park Agency approval. Motion carried 7/0.

NEW BUSINESS: Discussion took place regarding litigation between the Town of Chester and Timber Lodge Estates over the subdivision that was approved in 1980 with conditions that the roads be brought up to town standards, and then be turned over to the town. Owner was non-compliant with these conditions, with the resultant lawsuit forbidding the sale of any future lots located on a certain road within the subdivision until such time as compliance occurred.

The Planning Board has been asked by Attorney for Richard Considine, to pass a resolution adopting an amendment to the original subdivision which would allow Evergreen Lane, within the subdivision, to forever remain a private road, to be maintained by one or more of the property owners whose lands adjoin Evergreen Lane. The Town would not be responsible for any improvements, upkeep, maintenance or in any way liable for Evergreen Lane, and because the original subdivision application contemplated that Evergreen Lane would be dedicated or conveyed to the Town and become a Town road, counsel believe that the Board must approve the minor amendment or adjustment to the original application.

Following extended discussion, a motion was made by Mr. Hilton, seconded by Mr. Dutcher, to request additional information in the form of a revised subdivision plat that incorporates the proposed conditions referenced in the March 29<sup>th</sup>, 2010 Brennan & White LLP letter, to be presented to the board before consideration of the subdivision modification. Motion carried 7/0.

(Secretary's note: I have contacted Mr. William White from Brennan & White, LLP, and asked that he attend the May meeting, bringing along the revised plat. He should be able to answer any questions or concerns that the board may have. I have to wait for his response to my letter before I will know for sure whether he will be attending).

BOARD PRIVILEGE: No discussion.

ADJOURNMENT: On a motion by Mr. Dutcher, seconded by Mrs. Robbins, the meeting adjourned at 7:50 p.m.

Respectfully submitted,

Patricia M. Smith ~ Secretary