

Special meeting of the Town Board of the Town of Chester was held on **August 24, 2006** at 7:00 pm in the Town of Chester Municipal Center, Chestertown, NY.

Roll Call: Frederick H Monroe, Michael Packer, Frank Shaw, Edna Wells, and Karen DuRose. Mark Schachner - Attorney for the Town.

RESOLUTION #142: APPROVE WATER RENT WARRANTS FOR 2006.

Introduced by Mrs. DuRose, 2nd by Mrs. Wells to approve water warrant for Districts I and II:

Chestertown Water District \$52,671.49

Pottersville Water District \$25,040.59

AYE 5 NO

Purpose of the special meeting was to conduct **Public Hearings/input** on the following:

Proposed amendments to Zoning Local Law of June 20, 2005.

1. Minimum road frontage requirements in Moderate intensity.
200' road frontage is what is required.
2. Maximum area involved in boundary line adjustments.
3. Reincorporation of junk car and/or junkyard provision from former Zoning ordinance.
4. Creation of a "Friends Lake Watershed" Overlay District in which mining (or at least certain types of mining activities) is prohibited.

Supervisor Monroe explained that this is an informational meeting and no formal action would be taken. Amendments to the Zoning Law need to be submitted to APA for jurisdictional determination, referred to the Town of Chester Planning Board and the Warren County Planning Board for advisory recommendations.

Board decided to review and accept input on one issue at a time.

Supervisor Monroe opened the floor for comments on **road frontage requirements** at 7:10 pm.

Section 4.03 - Minimum road frontage - 200' in moderate intensity - discussion on changing road frontage back to 100' or 150' as was in the prior zoning ordinance.

Many letters and comments were received recommending that the 200' road frontage not be changed. Some of those taxpayers that spoke in favor of keeping the 200' - Bob and Doris Turner, Joe Cargioli, John Peeling, Chris Little, Craig Leggett, Dale Gleason, Harold Ellsworth and Town of Chester Planning Board made a recommendation that the 200' required road frontage in Moderate Intensity Land Use area remain 200'.

Martha Cring - has concerns over 200' frontage.

Petition received (Joe Cargioli) with 246 signatures opposing any change or modification to the Town of Chester Zoning law (section 4.03 road frontage). Majority of signatures were from the hamlet of

Chestertown and Friends Lake area.

Letter received from Robert and Mary Lou Smith "to propose an addition to the Zoning Law addressing the concerns of shoreline property owners within the Town as well as all other property owners within the remainder of the Town."

Dan Smith, Attorney, commented on the issue of 200' and suggested that consideration be given to perhaps a compromise of 150' with a 75' no cut zone.

Supervisor Monroe closed Public input at 8:10 pm.

Board Discussion - Supervisor Monroe was in favor of a compromise and a no cut zone through out the Town of Chester; Councilperson Shaw, Wells and DuRose was in support of leaving the 200' road frontage; Councilperson Packer - no comment.

Motion by Mr.Monroe to change Town of Chester Zoning Local Law (Section 4.03) to 150' in Moderate insanity and include a no cut zone. No seconds were made.

Supervisor Monroe opened Public input on **junk provision** at 8:35 pm.

Reincorporation of junk car and/or junkyard provision from former Zoning ordinance.

Walt Tennyson, Zoning Administrator, request that the same "Junk" definition be used as was in the original zoning ordinance. (referrals to APA, County Planning Board and Town).

No comments received. Closed this part at 8:40 pm.

Board discussion. Board concluded that the JUNK part was omitted and needs to be added to the current Zoning Local Law.

Provision to be included in the former Zoning Ordinance in what was under Section **4.12 JUNK**, a closing sentence after the a-f conditions:

Accumulation of or storing of materials defined as junk shall require a license as a junk yard if the above conditions are not met. Failure to obtain a license as a Junk Yard shall be deemed a violation of this Zoning Law and subject to its provisions for enforcement. And to also omit "such as that" in the first sentence.

RESOLUTION #143: AUTHORIZE JUNK PROVISION TO BE INCLUDE IN THE ZONING LOCAL LAW, BASED ON WHAT WAS IN THE PRIOR ZONING ORDINANCE AND TO INCLUDE THE PROVISION, AS DRAFTED BY ATTORNEY.

Introduced by Mr.Shaw, 2nd by Mrs.Wells to authorize "JUNK" provision to be include in the Zoning Local Law, based on what was in the prior Zoning Ordinance and to include the provision, as drafted by Attorney:

Accumulation of or storing of materials defined as junk shall require a license as a junk yard if the above conditions are not met.

Failure to obtain a license as a Junk Yard shall be deemed a violation of this Zoning Law and subject to its provisions for enforcement. And to also omit "such as that" in the first sentence.
This is to be submitted for the referrals of the APA, Warren County Planning and Town of Chester Planning Board.

AYE 5 NO 0

Supervisor Monroe opened public input on **boundary line adjustments** at 8:46 pm.

The existing Zoning Local Law has no provision for boundary or lot line adjustments. Discussion on the conveying of property for minor lot line changes.

The Town of Chester Planning Board submitted a draft for Boundary Line Adjustment.

Closed public input on **boundary line adjustments** at 9:08 pm.

RESOLUTION #144: AUTHORIZE A BOUNDARY LINE ADJUSTMENT SECTION BE INCLUDED IN TOWN OF CHESTER SUBDIVISION REGULATIONS AND REFERRALS TO BE SUBMITTED TO ADIRONDACK PARK AGENCY, TOWN OF CHESTER PLANNING BOARD AND WARREN COUNTY PLANNING BOARD.

Introduced by Mr. Shaw, 2nd by Mrs. DuRose authorize to accept draft as corrected:

BOUNDARY LINE ADJUSTMENT

DEFINITION: A boundary or lot line adjustment is the transfer of real property between individuals, corporations or businesses, consisting of **less than the minimum lot size required in the zoning district in which it is located, which does not provide for the creation of an additional parcel of land or create a lot size deficiency in either parcel.**

A boundary or lot line adjustment **must be conveyed to the landowner of an adjoining parcel** and the lot **must be merged with and become part of the adjoining parcel.**

The property conveyed **must be of a size and configuration that could not reasonably accommodate the construction of a single family dwelling, and would, in and of itself, have no principal building rights.**

The Planning Board shall have the power to approve a boundary line agreement, and to determine that it is not a subdivision, subject to review. The approved plat shall be stamped and signed by the Planning Board Chair as a non-jurisdictional project, and the signed map shall then be the responsibility of the applicant to file in the office of the county clerk.

The deed describing the boundary line adjustment parcel must contain a covenant stating that the conveyance is a boundary line adjustment and that the boundary line adjustment parcel is to merge with the

receiving adjacent parcel, and may not be sold separately. The grantee of the boundary line adjustment parcel must be the same as the landowner of the receiving parcel. The deed must also state that no individual principal building right is associated with the boundary line adjustment parcel, and the deed must also state that these covenants "run with, touch and concern the land."

AYE 5 NO 0

Supervisor Monroe opened public input on **mining impact on Friends Lake Watershed** at 9:10 pm.

Wilson Matthias, Attorney for Peckham Materials, reviewed the agreement that was made with Friends Lake Property Owners Association in regards to an application that was made with APA and DEC to expand the quarry operation. FLPOA had concerns over water quality and at that time an agreement was made.

Mr. Matthias, in regards to draft - Amending the Chester Zoning Law to create the Friends Lake Watershed Overlay District and Regulations - asked that consideration be given to eliminate the clause "and to mitigate the effect of certain development activities" and that an official map be made available and be on file.

Discussion on a map that will include all zone changes that have been made. Supervisor Monroe is still trying to get a map, showing all changes, from APA.

Mary VanLuven has a map, but does not show the changes that are needed.

Closed public input on **mining impact on Friends Lake Watershed** at **9:40 pm**.

Board discussion on clarification of mining in watershed areas and to clarify definition of mineral extraction.

Mark Schachner, Attorney for the Town, will draft and clarify the amendment to the Zoning ordinance (not to prohibit sand and gravel).

Board agreed on Mr. Mathias' request to remove part of Section 1.

Purpose and Intent and Mr. Schachner read the correction and also recommends an amendment to Section 2. A - reference to 4.06 be changed to 4.07 (4.06 already exists) and to include the words "the property" and omit "those parcels of land" in A. Establishment Boundaries.

Supervisor Monroe stated that there are other corrections to be made to the Zoning Ordinance in regards to spelling errors and/or typo.

Affordable housing - discussion on density bonus, accessory uses, flexible lot lines, etc.

Motion by Mr. Packer, 2nd by Mrs. Wells Board went into Executive session at 10:00 pm to review CSEA contract, and employment of Margaret Andrews and Mabel Remington. Town Board resumed regular session at 10:55 pm. No action taken.

RESOLUTION #145: REJECT PROPOSED CSEA SETTLEMENT AGREEMENT.

Introduced by Mr.Shaw, 2nd by Mr.Packer to reject the proposed CSEA Settlement Agreement.

Roll Call: Frederick Monroe - No Michael Packer - AYE
Frank Shaw - AYE Edna Wells - AYE Karen DuRose - AYE

RESOLUTION #146: AUTHORIZE THE HIRING OF MARGARET ANDREWS AND TO PAY ONE HALF HER PAY.

Introduced by Mrs.Wells, 2nd by Mrs.DuRose authorizing the hiring of Margaret Andrews for the meal site. Town of Chester will pay one half of her weekly pay (½ of 20 hours). Town of Chester will pay \$67.50 per week. AYE 5 NO 0

Supervisor Monroe stated that the John West informed him that David Bradway is no longer able to fulfill his contract agreement in regards to the metal pile. John has contacted Northern Car Crusher and they will pay \$50 a ton.

RESOLUTION #147: AUTHORIZE CONTRACT WITH NORTHERN CAR CRUSHER.

Introduced by Mr.Packer, 2nd by Mr.Shaw to authorize contract with Northern Car Crusher at \$50 per ton. AYE 5 NO 0

Supervisor Monroe stated that a new grant is available - Restore New York Grant. He was unable to attend the informational meeting. Materials/information is being reviewed by Warren County Planning. Deadline for grant is September 15, 2006.

Motion by Mr.Monroe meeting was adjourned at 11:05 pm.

Town Clerk