

MINUTES OF MEETING ~ JANUARY 24, 2011

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

MINUTES: On a motion by Mr. Bump, seconded by Mr. Dutcher, the Minutes of the December 20, 2011 meeting were accepted, as presented. Motion carried 5/0.

CORRESPONDENCE: Zoning Office Activity report for December 2010; APA Jurisdictional Determinations for Greg & Sharon Taylor, and John & Barbara Chelucci.

OLD BUSINESS: Continuation of Public Hearings on #SD2010-09 and SD2010-10 for Rich & Pam Greco, tabled from December 2010 meeting. The Secretary informed the Board that she had received an email from Mr. Greco requesting public hearing continuation until the February 28th meeting, as he was currently out of town. The Board agreed to continue to table the projects.

NEW BUSINESS: #SD2011-01 ~ John & Barbara Chelucci proposed 2-Lot Subdivision. Applicants represented by Attorney Dan Smith of Smith & Simon, LLC. Applicants are owners of a 44+/- acre non-shoreline parcel of land located on State Route 9, tax parcel #19.-1-13, a Low Intensity Land Use Area, approximately 1 mile north of downtown Pottersville. The property contains no wetlands or other critical environmental areas. Applicant proposes to divide the property into two lots. Lot "C1" will encompass 3.2+/- acres and extend 719+/- feet from New York State Route 9, to be conveyed as a building lot. Applicant will retain the remainder of the property. Lot "C1" will also be improved by one single family dwelling with related on-site wastewater treatment system and water supply. The proposed subdivision has received a variance from the Town of Chester for deficient road frontage (#396-V) to the proposed lot for an 8.90 foot relief of 200 feet. The variance stipulates that access to both lots shall be achieved over the existing shared driveway known as Autumn Moon Lane, a 20 foot wide ROW, and no new curb cuts be undertaken. This condition shall be superimposed on the final map for signing and filing.

Following brief discussion, motion was made by Mr. Bump to schedule a public hearing for the February 28th meeting. Motion was seconded by Mr. Ellsworth, and carried 5/0.

#SPR2011-01 ~ Erin Brothers proposed change from commercial space to residential. Applicant was in attendance to present the project. The Lincoln Logs property fronting on State Routes 8 & 9, with access over Riverside Drive, contains three buildings that have been for lease as office space. The remainder of buildings on the property are designated for manufacturing, storage and the Mill. Applicant wishes to convert building number one from office space to residential living. The structure is a Lincoln Log home. Only minor, non-structural additions to the interior are required, such as addition of a kitchen and bathroom with tub and shower. The bedrooms will be enclosed and general maintenance of existing finish will be accomplished. Only the main floor will be utilized at this time as a single family dwelling, with the remaining space above being used for

residential storage. Entry will be achieved through the main gate.

Following discussion, on a motion by Mr. Dutcher, seconded by Mr. Ellsworth, application #SPR2011-01 is approved with a negative declaration, as presented. Motion carried 5/0.

#SPR2011-02 ~ D & C North Country Enterprises, LLC proposed Model Train attraction and Museum with Souvenir Shop. Applicants Clark & Barbara Dunham were in attendance to present their project. Property to be utilized is the site of the former Big "A" Auto Parts Store located at 7903 State Route 9 in Pottersville, located in the Hamlet. Applicant wishes to use the space for a Model Train attraction, with a museum and souvenir shop. Applicant presented a slide show of the proposed attraction, boasting 50 different trains and trolleys, 2500 feet of track, hundreds of buildings, thousands of trees, and millions of memories. Four miniature worlds will be depicted, the "Station" showing a fun trip up the Hudson River from NYC to the Catskills and the Adirondacks; a 90 foot fantasy trip over the Hell Gate Bridge; Park Avenue & Subways, both in day and in night times; and the 1939 World's Fair. The project will be called "Railroads on Parade." The site will have 50 total parking spaces available, handicap included, and the building will have ADA passageways and restrooms.

Following presentation and discussion, motion was made to waive a public hearing, and to approve application #SPR2011-02 with a negative declaration, as proposed. Motion was made by Mr. Dutcher, seconded by Mr. Bump, and carried 5/0.

BOARD PRIVILEGE:

1. Cynthia Behan had called requesting an extension for another year on their Site Plan Project for a proposed mixed use shopping center to be located at State Route 9 and Exit 25 of I-87. On a motion by Mr. Ellsworth, seconded by Mr. Bump, approval was given for a one year extension for application #SPR2008-02. Motion carried 5/0.
2. A letter had been received from Mary Rohde requesting definition of the term "unbuildable", or "non-buildable," with regard to a 2-lot subdivision that she had presented to the board in May of 2010. One of the conditions for approval of that subdivision was that the lot to be conveyed, Lot #49, was to remain a non-buildable lot.

The subject parcel is located in a Moderate Intensity Land Use Area. According to Section 4.03 of the Town of Chester Zoning Local Law, a parcel located in this land use area requires 1.3 acres in order to construct a principal building. The setbacks for such a building would be 60 feet from the front lot line, 50 feet from the rear lot line, with 15 feet setback from both sides. Road frontage requirements are 200 feet, and 100 feet is required between a well and a septic wastewater disposal system, the latter also being 100 feet from any surrounding wells. Any accessory structure must be subordinate to or supportive of the activities of the principal use or structure.

According to Article 8, Section 8.01, any nonconforming lot of record, **as of August 1, 1973**, which does not meet the minimum lot area, shoreline frontage, and/or minimum lot width and depth requirements of the Local Law for the zoning district in which such

lot is situated shall be considered as complying with such minimum lot dimension, size and density requirements, and no variance shall be required provided that:

Section 8.01-B-3: "The lot of record or merged lot has a width of at least two-thirds the minimum lot requirements of this Local Law and a minimum area as follows":

"Moderate Intensity Use Areas - 20,000 sq. feet."

The subject lot consists of 0.18 acres and is 7,921.38 square feet. Therefore, **this lot cannot be built upon**, i.e. is "unbuildable" or "non-buildable."

3. A handout was given to the board members for a Forum coming up on Feb. 9th at 7:00 p.m. at the Chestertown Municipal Center with Mr. Robert Freeman speaking on Open Government. Board members will be given credit for training, four hours annually being required, and all are urged to attend.

ADJOURNMENT: On a motion by Mr. Ellsworth, the meeting adjourned at 8:00 p.m.

Respectfully submitted,

Patricia M. Smith ~ Secretary