

## MINUTES OF MEETING ~ JANUARY 25, 2010

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

MINUTES: On a motion by Mr. Dutcher, seconded by Mr. Bump, the Minutes of the December 21<sup>st</sup> meeting were accepted, as presented. Motion carried 6/0. (Mr. Thurling had not yet arrived).

CORRESPONDENCE: Zoning Administrator's Activity Report for December 2009.

OLD BUSINESS: Tabled projects.

NEW BUSINESS:

McPhillips Properties ~ Mr. Tom McPhillips was in attendance to represent the project in a proposed lot line adjustment of property located off Friends Lake Road on McPhillips Drive, tax parcel #135.-2-3. A small area, approximately 29/100<sup>th</sup>'s of an acre are proposed to be conveyed from the adjoining parcel, (also a family property), to include the well, and the corner at the intersection of Friends Lake Road and McPhillips Drive, with the easterly boundary line to track McPhillips Drive. Total acreage is at 8.22+/- and, revised, will be 8.51+/- acres following the conveyance. After a brief discussion, motion was made by Mr. Dutcher, seconded by Mr. Bump, to approve the Lot Line adjustment, as proposed, and carried 7/0.

#SD2010-01 ~ Atateka Properties, LLC/Peter & Kathryn Fitzgerald ~ proposed 7-lot subdivision. Applicants were represented by Melissa Lescault, Esq. of McPhillips, Fitzgerald, & Cullum, LLC, and Lucas Dobie, E.I.T. of Hutchins Engineering.

Project consists of three tax parcels, #120.11-1-1.1; 120.11-1-1.3, and 120.-1-10.11, which total 73.54 acres of land. The proposed development consists of the following:

- Lot 1 ~ No new development; pre-existing house.
- Lot 2 ~ Non-building, common Lot.
- Lot 3 ~ Single family dwelling.
- Lot 4 ~ Single family dwelling.
- Lot 5 ~ Single family dwelling.
- Lot 6 ~ No new development, vacant land.
- Lot 7 ~ Single family dwelling.

This property has received a variance from the Zoning Board of Appeals for relief on road frontage for Lot 2, the non-building, common lot. The project is considered an APA Class A Regional project, mandating a permit from the Agency. APA has required that a septic

replacement system be designed and located on Lot 2, the common lot, for purposes of the structures on Lot 1, as they are lawfully non-conforming septic systems.

The project proposes subdividing the existing parcel #120.11-1-1.1 (5.14 acres on Friends Lake) into a 3.53 acre lot which will retain the existing house, cabin and barn, and a 1.61 acre commonly owned lot which will remain as a non-building lot. The existing house, cabin and barn were part of the former Atateka Hotel property. Lot 7, parcel #120.11-1-1.3, is an existing tax parcel which is presently vacant and will be utilized as a lakefront building lot. Parcel #120.-1-10.11 will be subdivided into 4 lots, three of which will be new building lots, and the remaining 61 acres are to be retained by the present owner. This parcel is presently vacant with the exception of a 150 square foot shed.

State of New York Department of Health has determined this project as non-jurisdictional, as only four lots for residential construction are being created at this time that are less than five acres. In order for the subdivision to be jurisdictional with DOH as a realty subdivision, 5 or more lots for residential construction have to be created that are less than 5 acres.

A letter has also been received by the New York State Office of Parks, Recreation and Historic Preservation, and it is their opinion that the project will have no impact upon cultural resources in, or eligible for, inclusion in the State and National Register of Historic Places.

All properties meet the requirements for Town of Chester Zoning Local Law, and are located in Moderate Intensity Land Use Area. The only lots using the common non-building lot for shoreline access would be the lots across the road from the shoreline lots. The common lot will not be available for public use. The maximum slope of the common lot is 10 to 15%, with the majority slope at about 5%. On the common lot is a designated septic replacement area for Lot #1, and the Park Agency has mandated that it have boulders or trees around it so that no vehicles can drive over it. Between this designated area and the boundary of the common lot is an old pathway that could be used in the event one of the homeowners wants to take a vehicle down to the shore. There is a pavilion and a small dock and deck in existence on the common lot, but there are currently no plans for a boat launch at that site.

Following discussion, motion was made by Mr. Thurling to waive the preliminary hearing and schedule a Public Hearing for the 22<sup>nd</sup> of February. Motion was seconded by Mr. Dutcher, and carried 7/0.

PUBLIC PRIVILEGE: No discussion.

BOARD PRIVILEGE: No discussion.

ADJOURNMENT: On a motion by Mr. Bump, seconded by Mrs. Robbins, the meeting adjourned at 7:30 p.m.

Respectfully submitted,

Patricia M. Smith ~ Secretary