

## MINUTES OF MEETING ~ JANUARY 26, 2009

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

MINUTES: On a motion by Mr. Bump, seconded by Mr. Dutcher, the Minutes of the November 17<sup>th</sup>, 2008 meeting were accepted, as presented. Motion carried 5/0.

CORRESPONDENCE: SEQR Negative Declaration Notice of Determination of Non-Significance for the Surrey Drive Subdivision; DOH approval for Surrey Drive subdivision; APA Project Permit #2008-197 for Gilma Enterprises; and Zoning Administrator's Activity Reports for November & December 2008.

OLD BUSINESS: #SD2008-07 William Murphy proposed 2-lot subdivision. Applicant has requested that project continue to be tabled.

#SD2008-02 ~ Gilma Enterprises ~ Applicant represented by Attorney Dan Smith of Smith & Simon, LLC. Applicant has been through the subdivision process, public hearing, and received Preliminary approval for an 11-lot subdivision on March 17<sup>th</sup>, 2008, known as Surrey Drive. In October of 2008 applicant received approval for a lot line adjustment with a neighboring subdivision under the same ownership. This left Lot # 11 in the Surrey Drive subdivision at 1.894 +/- acres. Each of the proposed residential lots, aside from Lot 11, will be larger than 3 acres in size. Each of the 11 numbered lots will also presumably be improved by one single family dwelling with related on-site wastewater treatment system, water supply and accessory structures. Applicant has received Dept. of Health approval, and also an APA Project Non-Jurisdictional Determination. A State Environmental Quality Review Negative Declaration Notice of Determination of Non-Significance was issued, and now applicant is requesting waiver of a Public Hearing for Final approval of the project. Following discussion, motion was made by Mr. Dutcher, seconded by Mr. Bump, to waive a second public hearing, and give final approval to application #SD2008-02 for an 11 lot subdivision to be known as Surrey Drive. Motion carried 5/0.

NEW BUSINESS: Proposed lot line adjustment between Joseph & Catherine Mannuci & the Town of Chester. Applicants, owners of a parcel of land on Landon Hill Road, currently shown on the tax maps as parcel #70.-1-28, also represented by Attorney Dan Smith. The Lands of Mannuci are bounded on the south side by LaFlure, and on the east and north sides by the Town of Chester (landfill). Some time ago, Jim Hughes did a survey and two problems came to light as a result of that survey. The first problem is that the prior deeds, (prior to the 1984 deed), Najer to Mannuci, excepted out a 33' wide parcel at the south end of the lands of Mannuci. This exception was never mentioned in the deed, Najer to Mannuci. The second problem, and much more serious, is that there is an apparent gore between the Mannuci property and Lands of the Town of Chester.

Attorney Smith met with the Town board, and they have agreed to a Boundary Line Adjustment. The essence of this agreement is that the Town will Quit Claim to Mannuci the

0.508 +/- acre parcel contiguous to the lands of the Town of Chester as surveyed in 1975 by Joseph Laflure and Mannuci will Quit Claim to the town the 0.162 +/- acre parcel, to wit, the two rod exception in prior deeds of record.

Following discussion, on a motion by Mr. Little, approval was given for the boundary line adjustment, as proposed. Motion seconded by Mr. Thurling, and carried 5/0.

Proposed lot line adjustment ~ Anne Murphy Vanderwalker. Mrs. Vanderwalker, owner of land on the north side of the Friends Lake Road, is also represented by Attorney Dan Smith. Applicant had a survey done in 2008 by Jim Hughes, showing the lands now owned by the Murphy family.

Applicant is owner of a 10.063 +/- parcel of land, and her intent is to convey that parcel by gift to her daughter and son in law, Lynn & Richard Gipp. The parcel was created in 1985 when applicant conveyed tax map parcel #103.-1-43 to her son, Kenneth W. Murphy III, and his wife Helen. The same parcel owned by Mr. Murphy is shown as 14.358 +/- acres on the 2008 survey. There is a 7.90 +/- acre parcel shown as tax map parcel #103.-1-42.1 which was conveyed to Gipp, Montena, Murphy and Murphy by deed in 2003, with applicant retaining a life estate in her house. All of these deeds were done without benefit of a modern survey. The 2008 survey, consequently, presents with two problems.

The first problem is that the deck, pool and barbecue belonging to the Vanderwalker house, is on the property line, encroaching onto land of Ken and his wife Helen. All parties have agreed to a lot line adjustment. The lot line adjustment will take 28 ft. by 68 ft. from the Ken and Helen parcel and add it to Anne's lot.

There is a second problem which involves the neighbors, the McDowell's. A survey done in 1988 by Jim Nestor for the McDowell's showed the Murphy line going through the McDowell house. That encroachment was incorrectly resolved with a 1987 deed (prior to the 1988 Nestor survey), by a deed from applicant to McDowell for a 20 ft. parcel, as shown on the 1988 Nestor Map. There is a deed copy for that 20 ft. conveyance. Referring back to the 1988 survey, such survey shows a 0.36 +/- acre parcel to be conveyed to McDowell. Apparently that deed had never been recorded, although it is applicant's recollection that she signed such a deed, but neither Jim Hughes nor Mr. Smith were able to find such a deed filed in the Clerk's office.

At this time, applicant would like to clarify the McDowell property line by conveying the 0.36 +/- acre parcel to McDowell. Looking at the 1988 survey and the 2008 survey, the garage got bigger and is now two feet from the proposed sideline.

Assuming that the 0.36 +/- acre parcel is conveyed to McDowell, that will leave applicant with the sum of 26.99 feet of road frontage. Access to McDowell's land and to applicants land is by mutual easements.

It has been determined that an after-the-fact variance would be needed for the road frontage in the 1987 conveyance to McDowell. In addition, an area variance is also required for the 0.36 +/- acre parcel (road frontage), and, a sideline variance is required for the McDowell garage which sits two feet from the proposed sideline.

Following discussion, Attorney Smith indicated that he would be forwarding a variance application to Mrs. Vanderwalker for her signature, and will also be contacting McDowell's to have them join in on the same application for the sideline variance. The Planning Board will need to sign the subsequent maps at such time that the variances are granted.

On a motion by Mr. Dutcher, authorization has been given to the Chairman to sign the maps for the lot line adjustments following approval on the proposed variances. Motion was seconded by Mr. Bump, and carried 5/0.

**BOARD PRIVILEGE:** Discussion over having the Park Agency come to make a brief presentation to the combined boards on their new shoreline and wetland regulations. Secretary will contact Park Agency to arrange a time for them to come.

**ADJOURNMENT:** On a motion by Mr. Thurling, meeting adjourned at 7:50 p.m.

Respectfully submitted,

Patricia M. Smith ~ Secretary