

## MINUTES OF MEETING ~ JULY 20, 2009

ATTENDANCE: Rick Bump, Eugene Dutcher, Bob Thurling, Paul Little, Suzanne Robbins, Ken Raisner, George Hilton, Alternate Harold Ellsworth, and Secretary Pat Smith.

CORRESPONDENCE: A.A.T.V. Updates; Zoning Administrator's Activity Report for June, 2009.

MINUTES: On a motion by Mr. Dutcher, seconded by Mr. Ellsworth, the Minutes of the June 15<sup>th</sup> meeting were accepted, as presented. Motion carried 7/0.

OLD BUSINESS: Tabled projects.

NEW BUSINESS: #SD2009-01 ~ Peck Properties, LLC proposed 2-lot subdivision.

Attorney Dan Smith of Smith & Simon, LLC was in attendance for the applicant. Applicant owns about 120 acres on the east and west sides of Pucker Street, with the southern boundary being the Town line between the Town of Chester and the Town of Warrensburg. Maps were provided which showed separate surveys, one done in 1950 and the second done in 1987.

It is the opinion of the Zoning Administrator that because the Peck Holdings have a single tax map parcel number, and only one tax bill, that the property must be subject to review by the Planning Board as a Subdivision in order to form two separate lots. The current preliminary survey done by Jim Nestor on July 20<sup>th</sup>, 2009, identifies the lot on the east side of Pucker Street as having 62.67 +/- acres, and the lot on the west side as having 57.01 +/- acres. There shows on the map a Woods Road on the east side which provides access to other lands to the east and south. The entire parcel is located in a Rural Land Use Area.

Attorney Smith explained that site inspection and tax maps seem to indicate a wetland area at the northwest corner of that portion of the property east of the road of about 5 +/- acres. He explained that the Park Agency had changed its' rules last January, to wit, that a subdivision is jurisdictional with the Agency if any lot line is within 200 feet of a jurisdictional wetland. He added that they would be meeting with Mary O'Dell from the Park Agency on July 31<sup>st</sup>, at which time she will be flagging the wetlands along Pucker Street, and this wetland may or may not be within 200 feet of the road. He continued, once the wetlands are flagged, one of three things could happen.

1. All of the wetlands are more than 200 feet from the centerline of Pucker Street and the project will need no Park Agency Permit.,

2. No portion of the wetlands is within 176 feet of the centerline of the road. Road width is assumed as 3 rods or 49.5 feet. If this is the case, at least as to the north end of the property, the dividing line between the lands on the east and the lands on the west will be on the west side of Pucker Street, more than 200 feet from the

wetlands. If this is the case, the subdivision will need no APA Permit; and

3. Should the wetlands, as an example, be 100 feet from the centerline of Pucker Street, then applicant will propose at the August meeting a subdivision which proposes to convey all of the lands east of Pucker Street, *plus* a strip of land on the west side of the road so that the distance between the wetlands and the lot line is a little over 200 feet, leaving the project a non-jurisdictional subdivision.

Prospective buyer does not want the delay of waiting for a jurisdictional determination.

Following discussion, Mr. Bump made a motion to schedule a Public Hearing for the August 17<sup>th</sup> meeting. Motion was seconded by Mr. Dutcher, and carried 7/0.

BOARD PRIVILEGE: Mr. Bump broached the subject of changing the meeting time to convene at 6:00 p.m. instead of 7:00 p.m. Board members were not in agreement.

Chairman Raisner also queried as to whether meetings ought to be held every other month, instead of every month. It was pointed out that a 60 day delay would not be fair to any applicants or those waiting for a public hearing. The board is always notified in the event that there are no projects on the table, in which instance no meeting would be held. Such a move would also have to be approved by the Town Board.

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

Respectfully submitted,

Patricia M. Smith ~ Secretary