



**MINUTES OF MEETING
TOWN OF CHESTER
PLANNING BOARD
APRIL 16, 2018**

Chairperson Paul Little was not present to Chair the meeting. George Hilton, Vice Chairperson, assumed the position as Acting Chair.

Mr. Hilton called the meeting to order at 7:01 p.m.

ATTENDANCE:

Acting Chair George Hilton, John Nick, Harold Ellsworth, Al Muench, Christine Hayes, George Stannard, Jeremy J. Little (Secretary). Absent were Paul Little and Walter J. Tennyson (Zoning Administrator).

OLD BUSINESS: None.

NEW BUSINESS:

#BLA2018-01: Perrin W. Dake as Trustee of the Perrin W. Dake Trust is seeking approval for a boundary line adjustment for properties located at Atateka Drive. The lot identified by Tax Map Parcel #: 120.15-1-5 will decrease from 37.19 acres to 37.12 acres and lot identified by Tax Map Parcel #: 120.15-1-10 will increase from .09 acres to .16 acres. Conveyance is .07 acres.

Attorney Robert B. Simon from Smith and Simon, LLC was present to represent the applicant. Mr. Simon briefly explained that Mr. Dake currently owns both parcels in the Moderate Intensity Zone involved with the boundary line adjustment proposal. Both parcels adjoin one another and .07 acres from the 37.19 acre parcel will be added to the .09 acre parcel. Attorney Simon stated that he has submitted all paperwork to the APA concerning the proposal to determine if it would be non-jurisdictional with the Agency.

Mr. Muench stated that the definition of boundary line adjustment reads that the adjustment is not to create a parcel that causes a lot size deficiency. Mr. Simon stated that the boundary line adjustment will not cause a lot size deficiency in any of the parcels and the acreage of the current non-conforming parcel would be expanded by .07 acres. As a result, the adjustment would reduce the current .09 acre parcel's non-conformity.

Findings of Fact:

Pursuant to Section 7.22 of the Zoning Law the Planning Board finds that:

- 1.) The grantee of the boundary line adjustment parcel is the same as the landowner of the receiving parcel;
- 2.) The boundary line adjustment parcel is adjacent to the receiving parcel;

- 3.) The boundary line adjustment parcel is merged with and becomes a part of the receiving parcel;
- 4.) The property conveyed is of a size and configuration that could not reasonably accommodate the construction of a single family dwelling;
- 5.) The boundary line adjustment will not allow for any increase in the number of principal buildings on the resulting, merged parcel; and
- 6.) The boundary line adjustment will not result in or increase any non-conformance with the provisions of Section 7.01, 7.02 or 7.03 of the Local Law.

Therefore, the Planning Board has determined that the request is a boundary line adjustment.

Consequently, Mr. Muench made a motion that the requested boundary line adjustment **#BLA2018-01** be approved subject to the following conditions:

- 1.) The project map must be revised to include a statement to the effect that “No principal dwellings or structures are to be constructed or placed on the .07 acre proposed conveyance.”
- 2.) 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.”
- 3.) A statement that these covenants “run with, touch and concern the land.”

Following verification of the project map and the deed language by the Planning Board, the approved map will be stamped and signed by the Chairman of the Planning Board as a non-jurisdictional project.

Mr. Nick suggested that the Board reference Section 4.02(D) of the Zoning Local Law in the motion of approval. Discussion ensued regarding Section 4.02(D) and the requirement of a primary structure on the parcel prior to construction or placement of an accessory structure.

Motion seconded by Mr. Nick. Motion carried 6-0.

Conceptual/Preliminary discussion regarding commercial expansion of Pottersville Garage owned by Roger Peet. Property is located at 7920 State Route 9 in Pottersville.

Neither Mr. Peet nor his Attorney were present at the meeting.

MINUTES:

Mr. Muench abstained from voting for acceptance of the minutes for the February and March meetings as he was not in attendance.

Mr. Nick made a motion to accept the minutes for the March 19, 2018 meeting; motion seconded by Ms. Hayes. Mr. Muench abstained from voting. Motion carried 5-0-1.

Mr. Nick made a motion to accept the minutes for the February 26, 2018 meeting; motion seconded by Mr. Stannard. Ms. Hayes and Mr. Muench abstained as they were not present for the February meeting. Motion carried 4-0-2.

CORRESPONDENCE: Zoning Administrator and Sanitary Code Enforcement Officer's Activity Report for March 2018.

PUBLIC PRIVILEGE: None.

BOARD PRIVILEGE:

Secretary mentioned to the Board that the Zoning Office received a phone call on March 19th in the afternoon from Mr. Peet's attorney who mentioned they are currently in the process of surveying the parcels that are owned by Mr. Peet, with intentions to have something to present to the Board at the meeting in May.

ADJOURNMENT:

Mr. Muench made a motion to adjourn the meeting at 7:15 p.m.; motion seconded by Mr. Stannard. Motion carried 6-0.

Respectfully submitted,

Jeremy J. Little
Secretary