



**MINUTES OF MEETING**  
**PLANNING BOARD ~ TOWN OF CHESTER**  
**August 19, 2013**

**ATTENDANCE:**

Chairman Paul Little, Harold Ellsworth, Eugene Dutcher, Rick Bump, George Hilton, Suzanne Robbins, Al Muench, John Nick (alternate), and Jeremy Little (Clerk).

**MINUTES:**

Chairman Paul Little asked for a motion to accept or amend the previous Planning Board Meeting minutes held on July 15, 2013. Mr. Dutcher made a motion to accept; seconded by Mr. Bump. Motion carried 7-0.

Mr. Little called the meeting to order at 7:02 p.m.

**CORRESPONDENCE:**

Lake George and Lake Champlain Regional Planning Board 2012 Annual Report.

**NEW BUSINESS:** None.

**OLD BUSINESS:**

**FREDERICKA PEREAU SUBDIVISION:** Lauren Pereau's request for a gifted lot subdivision from his mother, Fredericka Pereau on 269 Starbuck Hill Rd, zone classification Resource Management, Tax Map #: 104.-1-17.

Along with Mr. Lauren Pereau was Daniel T. Smith of Smith and Simon, Attorneys at Law who represented Mr. Pereau and spoke on behalf of the proposal.

Mr. Smith stated that the project was originally to be performed in a different manner; however, the Adirondack Park Agency noted there were areas of wetlands on the property, which resulted in their decision to create two (2) new lots. As a result, the right-of-way road for the cell tower would be used as the division line. The parcel with the single family dwelling would be comprised of 34.91 acres; the parcel named Lot #2 would consist of 68.47

acres; the other parcel identified as Lot #3 would consist of 54.61 acres.

Furthermore, Mr. Smith also mentioned that the Adirondack Park Agency sent a letter to his office that a permit would not be necessary for this subdivision.

Mr. Muench questioned if the property was owned prior to August 1, 1973 and Mr. Smith affirmed that the property was, in fact, owned prior to 1973. Moreover, Mr. Little stated that Mr. Pereau would not be able to re-gift the lot to his children or immediate family members.

Mr. Muench also asked what proof would be necessary to demonstrate that there is essentially a "gift" involved. He also said that a request for a copy of the deed to be filed with this project would be helpful in determining that the lots given were received as a gift from Mrs. Pereau.

Mr. Bump asked the Board what number should be assigned to the project and suggested to refer it to as SD2013-03. Mr. Little stated that the project shall be referred to as the **Fredericka Pereau Subdivision**. Furthermore, Mr. Smith stated that the maps and mylar will be brought in to the Zoning office later in the week to be stamped as non-jurisdictional and signed by Mr. Little.

Mr. Bump made a motion to approve the Fredericka Pereau Subdivision; Mr. Dutcher seconded. All in favor, none opposed; motion carried 7-0.

**PUBLIC PRIVILEGE:** None.

**BOARD PRIVILEGE:**

Regarding the Zoning Local Law pertaining to gifted lots (**Article 8, Section 8.02: Gifts, Devises, and Inheritances of Town of Chester Zoning Local Law**), Mr. Little expressed his concern to the Board that in various gifted subdivisions that have been approved in the past, the property owner might not have *owned* it on the date of or prior to August 1, 1973.

Mr. Muench questioned the term "vacant" in the first sentence of **Section 8.02** which reads:

“ The proposed division of vacant land resulting from bona fide gift, devise or inheritance by and from natural persons shall not require Planning Board approval as a major or minor subdivision.”

Mr. Muench stated that from a practical standpoint, it would be difficult for an individual to gift a lot(s) if a dwelling was present on the property. In addition, Mr. Little and Mr. Dutcher agreed with Mr. Muench's statement.

Furthermore, a discussion ensued concerning gifted lots and what requirements shall be met for such lot(s) to be considered as a "gift(s)." Furthermore, Mr. Little stated that a phone call to the Attorney for the Town of Chester should be initiated to ensure Section 8.02 is clearly understood and interpreted properly for potential future projects.

**ADJOURNMENT:**

Mr. Ellsworth made a motion to adjourn the meeting at 7:30 p.m.; seconded by Mrs. Robbins. Motion carried 7-0.

Respectfully submitted,

Jeremy J. Little

Clerk