

MINUTES OF MEETING ~ MAY 17, 2010

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

CORRESPONDENCE: Zoning Administrator's Activity Report for April 2010.

MINUTES: On a motion by Mr. Dutcher, seconded by Mrs. Robbins, the Minutes of the April 19th, 2010 meeting were accepted, as presented. Motion carried 6/0.

OLD BUSINESS: Timber Lodge Estates Subdivision Modification. Mr. William White, Esq. of Brennan & White LLP, had sent additional information to be shared with the members, regarding this amendment. Following discussion and review of the facts, the following resolution was adopted. Motion for adoption was made by Mr. Bump, seconded by Mr. Ellsworth, and carried 6/0.

WHEREAS, in or around 1980, Lincoln Logs Ltd. Applied to the Chester Planning Board seeking to subdivide certain lands within the Town of Chester; and

WHEREAS, the proposed subdivision was known as Timber Lodge Estates; and

WHEREAS, Evergreen Lane was one of four proposed roadways within the proposed Timber Lodge Estates Subdivision; and

WHEREAS, on or about November 2, 1980, the Chester Planning Board granted final subdivision approval; and

WHEREAS, as a condition of final subdivision approval, all four roadways were required to be constructed to Town standards and offered to the Town for dedication; and

WHEREAS, Evergreen Lane has not been constructed to Town standards and has not been offered to the Town for dedication; and

WHEREAS, ownership of Evergreen Lane has since been transferred to Richard Considine, (Applicant); and

WHEREAS, the Town of Chester commenced suit against Applicant and Lincoln Logs Ltd. to enjoin further sale or development of lots within the Timber Lodge Estates Subdivision pending construction of Evergreen Lane to Town standards and the offering of Evergreen Lane to the Town for dedication; and

WHEREAS, the Town board of the Town of Chester is contemplating settlement of the litigation; and

WHEREAS, subject to any necessary Planning Board review and approval, the proposed settlement would excuse the owner of Evergreen Lane from any further obligation to construct Evergreen Lane to Town standards and would further excuse any future obligation to offer Evergreen Lane to the Town for dedication; and

WHEREAS, the contemplated settlement further clarifies the duties and obligations of various private parties to maintain Evergreen Lane which maintenance would ensure adequate access to subdivision lots for means of ingress and egress for residents and for emergency services providers; and

WHEREAS, the Applicant has applied to the Town of Chester Planning Board seeking modification of final subdivision approval by striking the condition which would otherwise require that Evergreen Lane be constructed to Town standards and be offered to the Town for dedication; and

WHEREAS, upon review of the application for modification of subdivision approval and upon due deliberation having been given to the circumstances giving rise to the present application and the private agreements reached concerning care and maintenance of Evergreen Lane; and

WHEREAS, the dedication of Evergreen Lane to the Town as a Town Road is not necessary for Town purposes, and the Town has made no plans contingent upon the offer or acceptance of Evergreen Lane as a Town Road.

NOW THEREFORE BE IT RESOLVED, that the application to modify the final subdivision approval issued on or about November 2, 1980 is hereby granted, that portion of the approval requiring that Evergreen Lane be constructed to Town standards and offered to the Town for dedication is stricken; and

BE IT FURTHER RESOLVED, that as a condition of this approval, the Applicant shall prepare and submit to the Planning board for its review and approval, a proposed revised subdivision plat; and

BE IT FURTHER RESOLVED, that the proposed revised subdivision plat shall reference the previously filed subdivision plat, the Planning Board's determination to strike the condition at issue and shall further make clear that Evergreen Lane is not a Town Road, is not constructed to Town standards and is not the responsibility of the Town to maintain; and

BE IT FURTHER RESOLVED, that the revised subdivision plat shall be in a form acceptable to the Planning Board and, upon Planning Board review and acceptance, shall be filed in the Office of the Warren County Clerk and any associated cost or fee shall be that of the Applicant.

Peckham Materials, Lyme Timber, and Upland Forestry. Applicant is proposing to relocate the proposed log concentration yard from the Industrial Park, yet still remaining within the Industrial Zone. They have found an area beyond the tree lined drive of the former Ross property that is a flat, cleared field, and would require very little site work in order to set up the operation. Additionally, the old barn which had been used for

housing by the former owner could now be utilized for an office. It already has power and cable hookups in it. Ingress and egress could be accomplished safely from this proposed location with an existing driveway already in place, and about five acres would be utilized for the operation. In attendance were Don Taseley (sp?) from Upland Forestry and Peter Simoneau from Peckham Materials. Applicant will have a Stormwater discharge plan in place for the operation. Following discussion, the board requested a new application, as they are concerned over visibility of a log pile from State Route 9.

Applicant will return for the June meeting.

NEW BUSINESS: #SD2010-04 ~ Mary Ollmann Rohde. Applicant wishes to do a lot line adjustment on her property on Third Avenue, now consisting of Lots 41-46 of the old subdivision, and adding lots 47 & 48 to Parcel "B". She then wants to subdivide off old lot #49, consisting of .177 acres, for conveyance to Daniel R. Brown, owner of old lot #'s 33 & 34. The property is to be merged with and become part of the Brown holdings, but is to be designated as a non-buildable lot. Following discussion, motion was made by Mr. Bump, seconded by Mr. Dutcher, for a negative declaration, to waive a public hearing, and to approve the subdivision, as proposed with the stipulation that lot 49 be shown on the map as a non-buildable lot, to be merged with and become part of the Brown holdings. Motion carried 6/0.

PUBLIC PRIVILEGE: No discussion.

BOARD PRIVILEGE: No discussion.

ADJOURNMENT: On a motion by Mr. Ellsworth, seconded by Mr. Hilton, the meeting adjourned at 8:07 p.m.

Respectfully submitted,

Patricia M. Smith ~ Secretary