



**MINUTES OF MEETING
TOWN OF CHESTER
PLANNING BOARD
JUNE 18, 2018**

Supervisor Leggett introduced the new alternate, Al Matrose, to the Planning Board. Mr. Matrose briefly discussed his background and experience. He mentioned he worked for NYSDEC in Warrensburg for 33 years as an Environmental Engineer. Barbara Kearney, who was also recently appointed by the Town Board as a Planning Board alternate, briefly mentioned her background as a building inspector and a zoning officer.

In the absence of George Stannard, Barb Kearney sat on the Board in his place.

Chairman Little called the meeting to order at 7:03 p.m.

ATTENDANCE:

Chairperson Paul Little, George Hilton, John Nick, Al Muench, Harold Ellsworth, Christine Hayes, Barbara Kearney, Walter J. Tennyson (Zoning Administrator), Jeremy J. Little (Secretary). Absent was George Stannard.

Also in attendance: Al Matrose (Alternate), James Burkett, Esq., Craig Leggett, and Tamera & Brian Sponable.

OLD BUSINESS: None.

NEW BUSINESS:

#BLA2018-02: Nola C. Cyr is seeking approval for a boundary line adjustment for properties located at 270 and 250 Dell Culver Rd, identified by Tax Map Parcel #: 16.-1-2.11 and 16.-1-2.2, respectively. Conveyance is approximately 1 acre.

#BLA2018-03: John H. Kulers is seeking approval for a boundary line adjustment for properties located at 250 and 270 Dell Culver Rd, identified by Tax Map Parcel #: 16.-1-2.2 and 16.-1-2.11, respectively. Conveyance is approximately 1 acre.

Attorney James R. Burkett from Bartlett, Pontiff, Stewart & Rhodes, P.C. was present to represent Nola Cyr for #BLA2018-02 and #BLA2018-03.

Attorney Burkett stated that Nola Cyr is proposing to transfer one (1) acre of property to Mr. Kulers, which will be adjacent to Mr. Kulers' present parcel of 2 acres. In addition, Mr. Kulers is seeking to transfer one (1) acre of land to Nola Cyr, who presently owns 18.8 acres. The transfer of the one (1) acre of property and movement of the boundary line to Mr. Kulers will increase Mr. Kulers' road frontage on Dell Culver Rd. Further, there is also a storage shed belonging to Mr. Kulers that is encroaching upon Nola Cyr's property. The proposed boundary line adjustment

would move the line further away from the shed and as a result, the shed would be located entirely on Mr. Kulers' property.

Ms. Hayes questioned if the parcel adjoining Mr. Kulers' property was a landlocked parcel. Attorney Burkett stated that the two properties were transferred from Frances M. Frisbie (Nola Cyr's mother) to Mr. Kulers. After the transfer of the two lots, which occurred in the 1980s, the lots were merged into one parcel. The one acre parcel that was a separate parcel prior to the transfer will be rejoined to Ms. Cyr's parcel, which will make it approximately 18.8 acres. The boundary line adjustments will result in no change in acreage for either parcels and no additional parcels will be created.

Mr. Muench mentioned that the Application states that the Physical 911 Address for Nola Cyr's property is 270 Dell Culver Road and the Tax Maps show it as 268 Dell Culver Rd. (*Secretary Note: Parcel # 16.-1-2.11, owned by Nola Cyr, is identified as 262 Dell Culver Rd. according to Warren County Tax Map records*). Mr. Nick questioned if there are any intentions to place any new structures on the parcels, as it is marked on the Application as "Unknown" for presence of wetlands. Attorney Burkett mentioned that Ms. Cyr claims that she has a letter from the Adirondack Park Agency determining that there are no wetlands on her property. He also stated that there is no current indication of any desire to construct additional structures on the property.

Mr. Hilton questioned if the 1.3 acres of Ms. Cyr's property in Essex County is included with the 18.8 acres in Warren County. Attorney Burkett stated that it is not included in the acreage. Mr. Muench mentioned that the boundary line adjustment parcels cannot have any principal building(s) placed on them and if approved the map and revised deed will have to indicate the restriction. Ms. Hayes questioned if new deeds will be created describing the boundary line adjustment for each parcel. Attorney Burkett stated that the pertinent boundary line adjustment language will be inserted into the new deeds and statements indicating that each 1 acre proposed conveyance will be merged with each adjoining parcel.

Mr. Muench mentioned that the Application for **#BLA2018-03** (Kulers to Cyr) is signed by Nola Cyr as Applicant, and not by John Kulers and there is no authorization for Attorney Burkett to represent Mr. Kulers. Brief discussion ensued regarding the required signatures and authorization for the **#BLA2018-03** proposal and submission of a revised application and authorization form for Attorney Burkett to act as agent for Mr. Kulers. Mr. Muench stated that the proposals seem to be straight forward and with a clear intent that each party intends to "trade" a one (1) acre portion from each existing parcel. Chairman Little questioned if the Board could grant conditional approval of the proposal pending receipt of the revised application and authorization form. Mr. Muench did not see why there would be any objection of granting conditional approval for the proposal. Attorney Burkett will submit a revised application, with Mr. Kulers as the applicant and grantor, and also a new authorization form.

Findings of Fact for #BLA2018-02:

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 project map will be revised to include a statement to the effect that “No principal dwellings or structures are to be constructed or placed on the 1.00 acre proposed conveyance.”
- 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 for **#BLA2018-02** 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 1.00 acre proposed conveyance.”
- 2.) Prior to filing with the Warren County Clerk, a new deed must be submitted to the Planning Board to verify that the new deed contains the following provisions:
 - a. A covenant stating that no principal dwellings or structures are to be constructed or placed on the 1.00 acre conveyance; and,
 - b. 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; and,
 - c. 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. It will then be the responsibility of the Applicant to file the signed map and the approved deed in the Office of the Warren County Clerk.

Motion seconded by Ms. Hayes. Mr. Hilton questioned if the “Findings of Fact” portion of the motion states that there will be no allowance of any development on the 1.00 acre proposed conveyance. Mr. Muench mentioned that the proposed conveyance cannot have any additional principal dwellings or structures placed on it.

Motion carried 7-0.

Findings of Fact for #BLA2018-03:

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 project map will be revised to include a statement to the effect that “No principal dwellings or structures are to be constructed or placed on the 1.00 acre proposed conveyance.”
- 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 for **#BLA2018-03** 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 1.00 acre proposed conveyance.”
- 2.) Approval is subject to receipt of a revised Application indicating that Mr. Kulers is the Applicant and that the Application includes an authorization for Mr. Burkett to act as Mr. Kulers’ agent.
- 3.) Prior to filing with the Warren County Clerk, a new deed must be submitted to the Planning Board to verify that the new deed contains the following provisions:
 - a. A covenant stating that no principal dwellings or structures are to be constructed or placed on the 1.00 acre conveyance; and,
 - b. 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; and,
 - c. A statement that these covenants “run with, touch and concern the land.”
- 4.) 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. It will then be the responsibility of the Applicant to file the signed map and the approved deed in the Office of the Warren County Clerk.

Motion seconded by Mr. Ellsworth. Motion carried 7-0.

Sketch Plan/Preliminary Subdivision Review: John Palermo Testamentary Trust and Leggett Family LLC are proposing a two lot subdivision on existing 65.05 acre parcel, identified by Tax Map Parcel #: 53.-2-1, in Zone Classifications Hamlet and Low Intensity. Proposed lots: 9.08 +/- acres (Hamlet Zone) and 56.02 +/- acres (Low Intensity & Hamlet Zone).

Mr. Leggett presented the proposal. Currently, there is a 65.05 acre parcel and he would like to subdivide the parcel into two lots. He went on to further explain that the remaining 56.02 +/- acres will have 200' +/- frontage on Landon Hill Road and the wood road trails as indicated on the survey map. Ms. Hayes asked if the Subdivision regulations require the Plat to show the location of a dwelling and septic on the proposed lot(s). Mr. Leggett said that the revised map does show the location of the dwelling. The Zoning Administrator stated that the location of the dwelling and on-site septic system needs to be sited on any proposed subdivision plat. Mr. Leggett questioned if the dwelling or septic would have to be constructed or placed on the exact location as marked on the Plat, if approved. Mrs. Kearney mentioned that usually a building "envelope" is shown on the Plat for each proposed lot which displays the setback distances.

There are no streets or extension of streets involved with the proposal and no wetlands are located on or near the proposed subdivision. Intended use of the two parcels would be for residential purposes and there would be no likely impact from the subdivision on neighboring properties. Mr. Muench asked if the water and sewer would be well and septic. Mr. Leggett confirmed it would be.

MINUTES:

Mr. Muench made a motion to accept the minutes from the April 16, 2018 meeting; motion seconded by Mr. Nick. Motion carried 7-0.

CORRESPONDENCE: Zoning Administrator and Sanitary Code Enforcement Officer's Activity Report for April and May 2018; APA Jurisdictional Determination J2018-0262, received by Zoning Office on 05/11/18, re: two-lot subdivision on Bonnie Belle Farm Rd. (TM #: 68.20-1-10.1).

PUBLIC PRIVILEGE:

Tamera Sponable, who owns property located at 737 State Route 28N (Tax Map Parcel #: 32.-1-26.1), discussed with the Board her intentions on subdividing the current property consisting of 63.73 acres into two parcels. She explained that the property is currently one parcel and State Route 28N intersects it with a "land hook". She would like to retain the smaller portion of the parcel and sell the larger portion of the property. She stated that the smaller portion of the parcel is 11 +/- acres with no wetlands and has no intentions to build on the smaller portion. On the other side of State Route 28N, the larger parcel has wetlands. Mrs. Sponable wanted to make sure that a survey would be required if she were to subdivide the property. Brief discussion ensued regarding the requirement of a mylar and paper copy of the Plat and revised deed at the County Clerk's office. Board agreed that a survey would be required for submission of the subdivision proposal. She questioned the Board if placement of a proposed dwelling on the smaller portion of the parcel would be required, even if she has no intentions to build. Mr. Muench mentioned including an envelope on the parcel showing the setback limitations. Mr. Muench also stated that since the requirement for a survey map is in the Application, but not in the Town Subdivision Regulations for a minor subdivision, the Board *could* consider waiving part of the Application if it came to that.

The Board recommended that a Jurisdictional Inquiry Form (JIF) be submitted to the Adirondack Park Agency to determine if a Permit would be required for the proposal, as there are wetlands on a portion of the current parcel.

BOARD PRIVILEGE:

Brief discussion ensued regarding the placement of a dwelling on a lot of a proposed subdivision Plat and if it is a requirement that an Applicant or future property owner is to build exactly on the approved location.

ADJOURNMENT:

Mr. Ellsworth made a motion to adjourn the meeting at 8:12 p.m.; motion seconded by Mr. Nick. Motion carried 7-0.

Respectfully submitted,

Jeremy J. Little
Secretary