



**MINUTES OF MEETING  
TOWN OF CHESTER  
PLANNING BOARD  
JUNE 19, 2017**

Chairman Little called the meeting to order at 7:00 p.m.

**ATTENDANCE:**

Chairperson Paul Little, Al Muench, John Nick, George Hilton, Harold Ellsworth, Rand Fosdick, Christine Hayes, George Stannard (Alternate), Walter J. Tennyson (Zoning Administrator), Jeremy J. Little (Secretary).

**OLD BUSINESS:**

**#SD2017-01:** Pauline M. Sullivan Trustee, Anne Yankoupe, and Barbara Murphy Trustee are seeking approval for a two-lot subdivision, on property located at 30 Millstone Drive, identified by Tax Map Parcel #: 103.18-1-28, in Zone Classification Moderate Intensity.

Matthew F. Fuller, Esq. from Meyer and Fuller, PLLC was present to discuss minor changes made to the subdivision plan after approval by the Planning Board.

Attorney Fuller briefly explained that when the subdivision plan was created, the final survey was not completed by Van Dusen and Steves Land Surveyors. After the April 17<sup>th</sup> meeting, the survey was finalized and the acreage did not match what was approved by the Board at the April meeting. He explained that on the subdivision map that was approved, Lot 1 consisted of 8.25 +/- acres and Lot 2 consisted of 18.24 +/- acres. After the survey had been completed, the subdivision map was revised to reflect those changes. Lot 1 changed from 8.25 +/- to 8.1 acres and Lot 2 changed from 18.24 +/- to 18.2 acres. Attorney Fuller mentioned that he advised the APA of the change as there was a prior Jurisdictional Determination issued for the project. A new Jurisdictional Determination was issued by the APA on June 15, 2017 and determined that a permit or variance was not required from the APA.

Chairman Little read a portion of Section 3.06 of the Town Subdivision Regulations which states, "No changes, erasures, modifications, or revisions shall be made in any Subdivision Plat after approval has been given by the Planning Board and a duly designated officer thereof has signed the Plat, unless such Plat is first resubmitted to the Planning Board and such Board approves in writing any modifications." Chairman Little believed that the acreage change is minor.

**Resolution to approve #SD2017-01 - Sullivan, Yankoupe and Murphy Subdivision - As Revised By Updated Subdivision Map Dated May 25, 2017**

Findings of fact:

1. The Planning Board finds that #SD2017-01, as revised by the updated survey dated May 18, 2017, and revised subdivision map dated May 25, 2017, and submitted on behalf of the applicant is a Minor Subdivision as defined in the Town of Chester Subdivision Regulations.
2. The Planning Board previously completed the required SEQR review on April 17, 2017, and found that this project will not have any significant adverse impacts on the environment. Similarly, the minor revisions in lot sizes in the revised subdivision map dated May 25, 2017, has no impact on the findings of our previous SEQR review.
3. A public hearing was duly advertised and was opened on March 22, 2017, and closed on April 17, 2017.

### **Approval of Subdivision Plat:**

Based on the findings of fact, Mr. Muench moved as follows:

Pursuant to section 3.06 of the Town of Chester Subdivision Regulations, the Planning Board grants final approval of the revised subdivision plat dated May 25, 2017, and authorizes the Chairman or Vice-Chairman of the Planning Board to sign the revised Subdivision Plat for #SD2017-01 subject to the following conditions:

1. The project is subject to all conditions contained in APA Jurisdictional Determination J2017-0119 and J2015-0590.
2. Upon receipt of the signed revised Subdivision Plat, the revised Subdivision Plat shall be recorded in the Office of the Warren County Clerk. Immediately after recording, a copy of the Subdivision Plat shall be filed with both the Town Clerk of the Town of Chester and the Secretary of the Planning Board.
3. No changes, erasures, modifications, or revisions shall be made in this revised Subdivision Plat after approval has been given by the Planning Board and the Chairman or Vice-Chairman of the Planning Board has signed the Plat, unless such Plat is first resubmitted to the Planning Board and such Board approves in writing any modifications.

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

Randy Frasier briefly presented and discussed the changes made to a gifted two-lot subdivision map on North Gore Road. The proposal was approved on August 15, 2016, but changes were made to the plan after approval. Mr. Frasier said that the APA permit has been issued for the subdivision. Chairman Little mentioned that the acreage for Lot 2 was revised from 45.07 to 45.25 acres. Ms. Hayes noted a minor error in the date the deed was recorded in the APA permit, under "Project Site" where it states, "...described in a deed from Albert Joseph Doring to Randy Frasier, dated November 21, 2014 and recorded **November 24, 2017** in the Warren County Clerk's Office..." Chairman Little said that the Board members received in each of their packets a letter from Amber Schenke, daughter of Randy Frasier, confirming the receipt of the gifted lot.

## **Resolution to approve Two-Lot Subdivision With Gifted Lot By Randy Frasier**

### **Findings of fact:**

1. Article III of the Town of Chester Subdivision Regulations provides in part, “In the case of a division of land resulting from a bona fide gift, devise or inheritance by and from natural persons which constitutes a minor subdivision, the Planning Board may, in its sole discretion, waive the required fee and/or the public hearing. However, such a division of land shall remain subject to all other provisions of these Subdivision Regulations and any new land use, development or construction on lots created thereby shall be subject to the provisions of the Town of Chester Zoning Ordinance.” The Planning Board finds that the “Map of a Proposed Subdivision Lands Now or Formerly of Randy Frasier” prepared by Darrah Land Surveying, PLLC, and dated April 12, 2017 and revised June 01, 2017 is a two lot subdivision resulting from a bona fide gift to Amber Schenke as evidenced by her letter dated May 16, 2017 and contains only minor changes to the map and project previously approved by the Planning Board on August 15, 2016. The Planning Board further finds that this is a Minor Subdivision as defined in the Town of Chester Subdivision Regulations.
2. The Planning Board finds that this project is a Class A Regional Project for which the APA has issued Project Permit 2017-0048.
3. In its SEQR review, the APA found in Project Permit 2017-0048 that this project will have, among others, “no undue adverse impact on the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park.”
4. As a two lot subdivision involving a bona fide gifted lot, the Planning Board finds that no public hearing will be required.

### **Approval of Subdivision Plat:**

Based on these findings of fact, Mr. Muench moved as follows:

Pursuant to section 3.06 of the Town of Chester Subdivision Regulations, the Planning Board grants final approval of the proposed subdivision plat dated April 12, 2017 and revised June 01, 2017, and authorizes the Chairman or Vice-Chairman of the Planning Board to sign the Subdivision Plat for this two-lot subdivision subject to the following conditions:

1. The project is subject to all conditions contained in APA Project Permit 2017-0048.
2. Upon receipt of the signed Subdivision Plat, the Subdivision Plat shall be recorded in the Office of the Warren County Clerk. Immediately after recording, a copy of the Subdivision Plat shall be filed with both the Town Clerk of the Town of Chester and the Secretary of the Planning Board.
3. No changes, erasures, modifications, or revisions shall be made in this Subdivision Plat after approval has been given by the Planning Board and the Chairman or Vice-

Chairman of the Planning Board has signed the Plat, unless such Plat is first resubmitted to the Planning Board and such Board approves in writing any modifications.

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

Attorney Fuller briefly explained that the map for boundary line adjustment #BLA2017-01 that was previously approved by the Board had not been filed within the sixty day period. No changes were made to the map. He asked the Board to reapprove to re-date the map so it could be filed at the County Clerk's office.

Ms. Hayes made a motion to approve that Chairman Little re-sign the "Keith Fish" map that was approved on January 23, 2017, dated March 16, 2017; motion seconded by Mr. Nick. Motion carried 7-0.

**PUBLIC PRIVILEGE:** None.

**BOARD PRIVILEGE:**

Chairman Little mentioned that in the past it has never been a requirement that a letter be submitted to the Board from the recipient of a gifted lot and is not included in Section 8.02 of the Zoning Local Law. Brief discussion ensued regarding approval of gifted lot subdivisions.

Chairman Little read the letter from Richard Bump regarding his resignation as member from the Planning Board. He believed it would be a nice gesture to send a letter to Mr. Bump and Mr. Dutcher thanking them for their service. Chairman Little said he would write the letters.

Chairman Little mentioned that he has noticed that a majority of the questions to the applicant(s) came from the "right-hand side of the Board". Chairman Little said that it does not look good to the public if one member of the Board is asking most of the questions concerning a proposal. Chairman Little proposed that each member of the Board be given the opportunity to ask one question and follow-up questions if necessary before moving on to the next member of the Board. Mr. Muench stated that if he has questions, he will ask every question that he feels is necessary for him to make an informed judgment on whatever is brought before the Board. Mr. Nick was in agreement with Chairman Little's suggestion. Ms. Hayes stated that she would like an opportunity to ask questions or to make a motion. Chairman Little mentioned that it is most likely not in the best interest of the Town for one member to make all of the motions. He also commended Mr. Muench that he has added a great deal to the Board's approval of projects with motions.

Ms. Hayes or Mr. Stannard will not be present at the tentative Board meeting on July 17<sup>th</sup>.

**MINUTES:**

Mr. Muench briefly discussed his thoughts on the Brand-Mundrick Boundary Line Adjustment (#BLA2016-01) and the Rustic Charm Proposal (#SPR2017-01). Board discussion ensued regarding the Planning Board's decision to waive the parking requirements for the Rustic Charm proposal. Mr. Nick asked Chairman Little if he had discussed with Mark Schachner regarding the deadline for sending paperwork to the Board prior to a meeting. Chairman Little said that sometimes the information received is of minor but necessary importance and at times it can be a

major piece of information. Mr. Nick felt that there should be a reasonable amount of time to review information before the Board makes a decision. Mr. Muench believed that if a Board member was unable to make a site visit prior to the meeting, that each Board member should feel free to suggest that the matter be tabled to the next meeting (***Please see Minutes from Planning Board Meeting on July 17, 2017 for emendatory statement by Mr. Muench***). Mr. Muench asked Chairman Little if at some point he was having conversation with the Town Attorney, that he ask the Town Attorney regarding the Planning Board's authority to waive certain requirements per Section 5.06(D) of the Zoning Local Law.

Ms. Hayes made a motion to accept the minutes for the April 17, 2017 meeting; motion seconded by Mr. Ellsworth. Motion carried 7-0.

**CORRESPONDENCE:** Zoning Administrator and Sanitary Code Enforcement Officer's Activity Report for April 2017 and May 2017. Minor Project Public Notice dated May 08, 2017 for Randy Frasier, Two-Lot Subdivision; APA Project Permit 2017-0048 dated May 08, 2017 authorizing two-lot subdivision involving wetlands (Randy Frasier); Letter from Amber Schenke (Randy Frasier's daughter) dated May 16, 2017 confirming receipt of gifted lot.

**ADJOURNMENT:**

Mr. Ellsworth made a motion to adjourn the meeting at 8:10 p.m.; motion seconded by Ms. Hayes. Motion carried 7-0.

Respectfully submitted,

Jeremy J. Little  
Secretary