

MINUTES OF MEETING ~ AUGUST 17, 2009

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

CORRESPONDENCE: Letter from Attorney Dan Smith re: withdrawal of Peck Subdivision proposal; Zoning Office Activity for July 2009.

MINUTES: On a motion by Mr. Dutcher, seconded by Mr. Ellsworth, the Minutes of the July 20th, 2009 meeting were accepted as presented. Motion carried 6/0.

PUBLIC HEARING: #SD2008-07 ~ William Murphy proposed 2-lot subdivision. Public hearing was opened at 7:00 p.m. by Chairman Raisner. Attorney Dennis Phillips of McPhillips, Fitzgerald & Cullum, LLP was in attendance as Agent for the applicant. There had been a presentation of this project on October 20, 2008 and a motion had been made at that time to schedule a public hearing at the November 17, 2008 meeting. However, prior to the meeting, notification had been received to table the project until additional information could be obtained by the family.

The parcel is located on the north end of Friends Lake off County Route 8, and is currently owned by William T. Murphy, Jr., the Estate of Joan Murphy Haddad, and the Estate of Mary C. Murphy. Property consists of 11+/- acres, and it is proposed that it be divided into two lots, in order to settle a litigious estate matter, wherein an offer has been agreed to among the beneficiaries. Lot #1 would consist of 5.48+/- acres to be conveyed to William Murphy, Jr., and Lot #2, consisting of 5.65+/- acres to be conveyed to the remaining five beneficiaries of both estates. Combined, the lots have over 1100 feet of road frontage, and over 400 feet of shoreline on Friends Lake. Property is located in a Moderate Intensity Land Use Area, and both parcels indicate the presence of wetlands, which, to date, have been verified by the APA.

Engineer Jim Hutchins has done deep hole testing, and sited Septic Wastewater disposal systems for proposed single family dwellings on each parcel, along with ample replacement areas for each lot. Each lot will have a separate driveway, centrally located, rather than one shared by both parties.

There were no comments from the public arena regarding this project, but the Board discussed the possibility of stipulating that no further subdivision be allowed. Attorney Phillips requested that that stipulation not be made at this time, due to the family dynamics, and in consideration of what the offspring may decide to do with the property in the future. Applicants fully understand that any future development of the property would be subject to both Adirondack Park Agency jurisdiction, as well as Town of Chester Planning Board review. Additionally, location of extensive wetlands on both parcels could preclude them from any further subdivision or construction of additional principal dwellings, or, at the least, limit what can be done.

As indicated on the map, all of the setbacks of the two proposed dwellings would be met as far as the wetlands are concerned, and the property boundaries, as well, as required by the Zoning Local Law. Additionally, the dwellings would be set back quite a distance from the Lake. (It was explained by Atty. Phillips that the subdivision south of Murphy Street that had been created in 2001 had a provision in its' approval that any further subdivision would require Park Agency review).

On a motion by Mrs. Robbins, seconded by Mr. Dutcher, the public hearing was closed at 7:25 p.m. Motion carried 6/0.

No further discussion took place, and a motion was presented by Mr. Little to approve application #SD2008-07 for Mr. William Murphy for a two lot subdivision, as presented. Motion was seconded by Mr. Dutcher, and carried 6/0.

OLD BUSINESS: Tabled project for Peter Fitzgerald.

NEW BUSINESS: #SD2009-02 ~ Marino Cosenza & Sons proposed 4-lot subdivision. Applicant was represented by Mr. Zachery Monroe, an associate of James E. Hutchins, PE. The property is located on the Olmstedville Road, heading West, and just past the playground in Pottersville on the right hand side. It is situated in the Hamlet, and all four proposed lots border Trout Brook on the North Easterly side. Total parcel area is 6+/- acres, and lot sizes will be: Lot #1 at 1.9+/- acres, Lots #2 and 3 at 0.9+/- acres, and Lot #4 at 1.8+/- acres. There is only one proposed curb cut and roadway into the subdivision which will be 20' wide with 3' shoulders leading to a 140' x 100' Cul-de-Sac oval from which all driveway/roadways will extend. The road and Cul-de-Sac will be offered to the Town of Chester, and will be built according to standards as set forth in the Town of Chester Subdivision Regulations, as specified by Highway Superintendent Gary Clark. Driveway/roadways to individual lots will be privately maintained and will be 14' in width, constructed of gravel, with Lots 2 & 3 sharing a common drive. Site plan indicates town water, showing proposed water lines with curb stops in the Cul-de-Sac. Site plan also shows locations for a 40' x 60' single family dwelling on each lot, to include attached garage, porches and deck. Each lot will have septic disposal systems pumped to 4 independent fields, and parcels will also have a 100% field replacement area.

NYS erosion and sediment control plans will be in place, and silt fences will be located on the Trout Brook side to protect the embankment and the water. Absolutely no structures over 100 square feet will be located within 50 feet of the mean high water mark of Trout Brook. The embankment to the water rises from 12 to 16 feet to the property elevation. Despite the property being located in the Hamlet and not being a scenic river corridor, the Board requested a letter of non-jurisdiction from the Park Agency.

Following discussion, motion was made by Mr. Little to schedule a public hearing for the September 21st meeting for Project #SD2009-02, beginning at 7:30 p.m. Motion was seconded by Mr. Hilton, and carried 6/0. (The Board will be having a coordinated review with the ZBA on a Towers project beginning at 6:00 p.m. Regular Planning

Board meeting to follow).

BOARD PRIVILEGE: No discussion.

ADJOURNMENT: On a motion by Mr. Ellsworth, seconded by Mr. Hilton, meeting adjourned at 8:00 p.m.

Respectfully submitted,

Patricia M. Smith
Secretary