



PLANNING BOARD
Regular Meeting – March 20, 2023

Chairman Little called the meeting to order at 7:01 p.m.

Attendance:

Chairman Paul Little, John Nick, Kathy Bilfield, Bruce Goody, Zoning Administrator Jeremy J. Little (via Zoom) and Mindy Conway (Acting Secretary). Vice Chairperson George Hilton, Patrick Powers, and Greg Taylor were absent.

Public Hearings and Old Business:

#SD2023-01: Varick W. Stringham is seeking approval for a two-lot minor subdivision on property located at 222 Indian Springs Road, identified by Tax Map Parcel #: 120.10-1-50.1, in Zoning District Moderate Intensity.

Chairman Little **opened** the public hearing at 7:01 pm.

Chairman Little asked if anyone would like to speak on this matter.

On a motion by John Nick, seconded by Bruce Goody, the public hearing **closed** at 7:02 pm.

Board reviewed the SEAF Part 2.

RESOLUTION

**NOTICE OF DETERMINATION OF SIGNIFICANCE AND NEGATIVE
DECLARATION IN CONNECTION WITH MINOR SUBDIVISION APPLICATION
#SD2023-01, VARICK W. STRINGHAM**

WHEREAS, the Town of Chester Planning Board (“Planning Board”) has received an Application from Varick W. Stringham (the “Applicant”) for a two-lot minor subdivision for property located at 222 Indian Springs Road, identified by Tax Map Parcel #: 120.10-1-50.1 (the “Project”); and

WHEREAS, the Planning Board has identified the Project to be an Unlisted action for purposes of SEQRA review pursuant to 6 NYCRR 617; and

WHEREAS, the Planning Board has decided to conduct an uncoordinated review as a Lead Agency for the Project; and

WHEREAS, the Planning Board has received a Short Environmental Assessment Form (“SEAF”) for the Project with Part 1 of the SEAF completed by the Applicant; and

WHEREAS, the State Environmental Quality Review Act (“SEQRA”) requires that the Planning Board undertake a thorough review of the potentially significant adverse environmental impacts prior to making its determination with respect to the Project; and

WHEREAS, the Planning Board has reviewed Parts 1, 2 and 3 of the SEAF and all other supporting information submitted to the Planning Board by the Applicant;

NOW, THEREFORE BE IT

RESOLVED, that in accordance with SEQRA, the Planning Board, as a Lead Agency, has determined that the Project will not result in any significant adverse environmental impacts and hereby issues a Negative Declaration pursuant to the requirements of SEQRA and directs the Planning Board Chairperson to complete and sign Part 3 of the SEAF as required for the Determination of Significance, confirming the foregoing Negative Declaration.

MOTION FOR ISSUANCE OF NOTICE OF DETERMINATION OF SIGNIFICANCE AND NEGATIVE DECLARATION IN CONNECTION WITH MINOR SUBDIVISION APPLICATION #SD2023-01, VARICK W. STRINGHAM,

Introduced by Kathy Bilfield who moved for its adoption, seconded by Bruce Goody:

Duly adopted this 20th day of March, 2023 by the following vote:

AYES: Chairperson Paul Little
 John Nick
 Bruce Goody
 Kathy Bilfield

NOES: None.

ABSTAINED: None.

ABSENT: George Hilton
 Patrick Powers
 Greg Taylor

Findings of Fact:

1. #SD2023-01 is a Minor Subdivision;
2. A duly advertised public hearing was opened and closed on March 20, 2023;
3. The Project is an Unlisted Action and the Planning Board has decided to conduct an uncoordinated review as a Lead Agency;
4. The Board reviewed Parts 1, 2 and 3 of the Short Environmental Assessment Form (SEAF) and all other supporting information submitted to the Board by the Applicant;

5. The Project will have negligible negative impacts on the environment;
6. The Board has determined that the Project will not result in any significant adverse environmental impacts and issued a Notice of Determination of Significance and a Negative Declaration;
7. Lot 1 will consist of 1.69 +/- acres and is currently improved with two (2) existing single-family dwellings and lean-to and Lot 2 will consist of 18.49 +/- acres and be merged with the existing lot (Tax Map Parcel #: 120.10-1-49), currently improved with an existing single-family dwelling;
8. Pursuant to Section 3.06 of the Town of Chester Subdivision Regulations, the Planning Board grants approval of #SD2023-01 and authorizes the Chairperson to sign the Subdivision plat.

Conditions for Approval:

1. No changes, erasures, modifications or revisions shall be made in this Plat after approval has been given by the Planning Board;
2. In accordance with Section 3.06(A) of the Town Subdivision Regulations, the signature of the duly designated officer of the Planning Board, or the Certificate from the Town Clerk, shall expire sixty (60) days from the date of such signature or the issuance of such Certificate unless within such sixty (60) day period the Plat has been duly filed or recorded in the Office of the County Clerk or Register.

On a motion by Bruce Goody, seconded by Kathy Bilfield, **Minor Subdivision Application #SD2023-01: Varick W. Stringham** was approved with the above Findings of Fact and Conditions of Approval.

AYE 4 NO 0

#SD2023-02: John S. and Rachael L. Shafer are seeking approval for a two-lot minor subdivision on property located at 435 Stock Farm Road, identified by Tax Map Parcel #: 120.-1-7, in Zoning District Rural Use.

Chairman Little **opened** the public hearing at 7:10 pm.

Chairman Little asked if anyone would like to speak on this matter.

On a motion by John Nick, seconded by Bruce Goody, the public hearing **closed** at 7:10 pm.

Board reviewed the SEAF Part 2.

RESOLUTION

NOTICE OF DETERMINATION OF SIGNIFICANCE AND NEGATIVE DECLARATION IN CONNECTION WITH MINOR SUBDIVISION APPLICATION #SD2023-02, JOHN S. AND RACHAEL L. SHAFER

WHEREAS, the Town of Chester Planning Board (“Planning Board”) has received an Application from John S. and Rachael L. Shafer (the “Applicant”) for a two-lot minor

subdivision for property located at 435 Stock Farm Road, identified by Tax Map Parcel #: 120.-1-7 (the “Project”); and

WHEREAS, the Planning Board has identified the Project to be an Unlisted action for purposes of SEQRA review pursuant to 6 NYCRR 617; and

WHEREAS, the Planning Board has decided to conduct an uncoordinated review as a Lead Agency for the Project; and

WHEREAS, the Planning Board has received a Short Environmental Assessment Form (“SEAF”) for the Project with Part 1 of the SEAF completed by the Applicant; and

WHEREAS, the State Environmental Quality Review Act (“SEQRA”) requires that the Planning Board undertake a thorough review of the potentially significant adverse environmental impacts prior to making its determination with respect to the Project; and

WHEREAS, the Planning Board has reviewed Parts 1, 2 and 3 of the SEAF and all other supporting information submitted to the Planning Board by the Applicant;

NOW, THEREFORE BE IT

RESOLVED, that in accordance with SEQRA, the Planning Board, as a Lead Agency, has determined that the Project will not result in any significant adverse environmental impacts and hereby issues a Negative Declaration pursuant to the requirements of SEQRA and directs the Planning Board Chairperson to complete and sign Part 3 of the SEAF as required for the Determination of Significance, confirming the foregoing Negative Declaration.

MOTION FOR ISSUANCE OF NOTICE OF DETERMINATION OF SIGNIFICANCE AND NEGATIVE DECLARATION IN CONNECTION WITH MINOR SUBDIVISION APPLICATION #SD2023-02, JOHN S. AND RACHAEL L. SHAFER,

Introduced by Bruce Goody who moved for its adoption, seconded by John Nick:

Duly adopted this 20th day of March, 2023 by the following vote:

AYES: Chairperson Paul Little
 John Nick
 Bruce Goody
 Kathy Bilfield

NOES: None.

ABSTAINED: None.

ABSENT: George Hilton
 Patrick Powers

Greg Taylor

Findings of Fact:

1. #SD2023-02 is a Minor Subdivision;
2. A duly advertised public hearing was opened and closed on March 20, 2023;
3. The Project is an Unlisted action and the Planning Board has decided to conduct an uncoordinated review as a Lead Agency;
4. The Board reviewed Parts 1, 2 and 3 of the Short Environmental Assessment Form (SEAF) and all other supporting information submitted to the Board by the Applicant;
5. The Project will have negligible negative impacts on the environment;
6. The Board has determined that the Project will not result in any significant adverse environmental impacts and issued a Notice of Determination of Significance and a Negative Declaration;
7. The Adirondack Park Agency issued APA Permit 2022-0192 on August 09, 2022 authorizing the two-lot subdivision and construction of one single-family dwelling on Lot 2;
8. Lot 1 will consist of 144.8 +/- acres and is currently improved with one (1) existing single-family dwelling and Lot 2 will consist of 15 +/- acres;
9. Pursuant to Section 3.06 of the Town of Chester Subdivision Regulations, the Planning Board grants approval of #SD2023-02 and authorizes the Chairperson to sign the Subdivision plat.

Conditions for Approval:

1. No changes, erasures, modifications or revisions shall be made in this Plat after approval has been given by the Planning Board;
2. In accordance with Section 3.06(A) of the Town Subdivision Regulations, the signature of the duly designated officer of the Planning Board, or the Certificate from the Town Clerk, shall expire sixty (60) days from the date of such signature or the issuance of such Certificate unless within such sixty (60) day period the Plat has been duly filed or recorded in the Office of the County Clerk or Register.

On a motion by John Nick, seconded by Bruce Goody, **Minor Subdivision Application #SD2023-02: John S. and Rachael L. Shafer** was approved with the above Findings of Fact and Conditions of Approval.

AYE 4 NO 0

Minutes:

On a motion by Bruce Goody, seconded by Kathy Bilfield, minutes for the February 27, 2023 Planning Board Meeting were accepted.

AYE 4 NO 0

Correspondence:

- Zoning Administrator’s Activity Report for February 2023;
- Warren County Planning Department Project Review and Referral Form, reviewed by Department on March 06, 2023 for #SPR2023-04 and #SPR2023-06. Forms received by the Zoning Office on March 06, 2023;

- Adirondack Park Agency Major Project Public Notice (Application Completed) dated March 01, 2023 and received by the Zoning Office on March 03, 2023 RE: APA Project No. 2022-0015;
- Adirondack Park Agency Request for Consultation, including proposed plans, dated March 03, 2023 and received by the Zoning Office on March 03, 2023 RE: APA Project No. 2022-0015;
- Adirondack Park Agency Major Project Public Notice (Application Completed) dated March 02, 2023 and received by the Zoning Office on March 13, 2023 RE: APA Project No. 2023-0016;
- Adirondack Park Agency Major Project Public Notice (Application Completed) dated February 21, 2023 and received by the Zoning Office on March 13, 2023 RE: APA Project No. 2022-0272;
- Adirondack Park Agency Request for Consultation, including proposed plans, dated March 16, 2023 and received by the Zoning Office on March 16, 2023 RE: APA Project No. 2022-0272.

APA Project No. 2022-0015, RHR Farms/Troy Beadnell:

After review of the above correspondences and Plans, the Board members concluded the following advisory comments regarding this proposal:

1. The proposed Plans will need to show the following to comply with the Town of Chester requirements and the Town On-Site Wastewater Treatment Local Law:
 - a. Replacement/Reserve area for the proposed absorption trench system.
2. Any proposed projects involving expansion(s) to the existing structure may require an area variance from the Town, as the structure does not currently comply with the front yard setback requirement as set forth in Section 4.03 of the Town Zoning Local Law.
3. The Plan titled “Distillery Site” notes that the structure is 85 ft. x 50 ft., totaling 4,250 square ft. In the Request for Consultation letter and Major Project Public Notice from the APA, the existing structure is noted as consisting of 3,000 square ft.
4. Any lighting (existing and proposed) shall be in accordance with *Section 7.18 Lighting* of the Town Zoning Local Law. Outdoor lighting shall be the minimum required to meet any legal requirements and ensure patron safety. Lighting devices shall be oriented and shielded to minimize disturbance on surrounding properties. Lighting shall be directed onto the lot in such a manner that no direct beam of light or excessive glare shines onto other properties or the highway.
5. There are no plans for the proposed sign submitted to the Town for review in connection with the proposal. Depending on the type of sign and its size and location, an area variance(s) may be required from the Town Zoning Board of Appeals. Regarding the sign location, Section 7.04(F)(10) of the Town Zoning Local Law states the following:

- a. Any freestanding sign, including posts, shall be located on private property, set back from the street or highway right-of-way a minimum distance of five (5) feet. The maximum size of any sign at this five (5) foot minimum distance shall be twelve (12) square feet. This area may increase by two (2) square feet for every one (1) additional foot of setback up to a maximum area of forty (40) square feet.

APA Project No. 2022-0272, W. & R. Aiken Irrevocable Trust, Kathleen A. & Michael G. Swindell, & Celine A. & George Olsen:

After review of the above correspondences and Plans, the Board members concluded the following advisory comments regarding this proposal:

1. The proposed Plans will need to show the following to comply with the Town of Chester requirements and the Town On-Site Wastewater Treatment Local Law:
 - a. Locations of two (2) perc tests and one (1) test pit at the site of the “future pipe-in stone absorption field” for proposed Lot 7 and Lot 8;
 - b. Results (i.e. Soil Test Data) of the perc tests and test pits for proposed Lot 7 and Lot 8 to be shown on the Plans;
 - c. 100% Replacement/Reserve area for the future absorption fields on Lot 7 and 8.
2. Any proposed projects involving an in-kind replacement to the existing Single-Family-Dwelling on Proposed Lot 8 will require an area variance from the Town, as the structure does not currently comply with the front yard setback requirement as set forth in Section 4.03 of the Town Zoning Local Law. Any expansion(s) may also require an area variance.
3. Any proposed projects involving an in-kind replacement to the existing Barn on Proposed Lot 7 will require an area variance from the Town, as the structure does not currently comply with the side yard setback requirement as set forth in Section 4.03 of the Town Zoning Local Law. Any expansion(s) may also require an area variance.

Old Business:

#SPR2020-13: Loon Lake RV Park LLC (Tim Beadnell) is seeking Site Plan Review approval to finish and renovate the upstairs of the existing Camp Store to offer coin operated video games and coin operated laundry (2 sets). Property is located at 5400-5408 State Route 8, identified by Tax Map Parcel #: 103.-1-18.1, in Zoning District Low Intensity ****TABLED UNTIL FURTHER NOTICE BY REQUEST OF APPLICANT****

#SPR2023-04: Cooper Management Associates, LLC (Deborah Freer) is seeking Site Plan Review approval to renovate and construct additions to the existing restaurant to provide for expanded indoor and new outdoor dining. The proposed additions will consist of a 519 sq. ft. addition for indoor dining and a 507 sq. ft. outdoor covered patio for outdoor dining. Property is located at 5810 State Route 8, identified by Tax Map Parcel #: 104.1-2-1, in Zoning District Hamlet.

Ethan Hall was present representing Cooper’s Roost commented that there is no septic update, they have been in touch with Environmental Design, and Cedarwood, which cannot inspect the septic because they are contracted with the Town.

Kathy Bilfield asked when the business was last open.

Discussion ensued about the number of seats on the most recent permit from NYS DOH. 60 seat capacity.

Chairman Little commented that we have 62 days to approve or deny the application after the Board has deemed the application complete.

The Zoning Administrator said that if the Applicant continues with construction before NYS DOH approval it is at the risk of the Applicant.

Findings of Fact:

1. There will be little or no negligible impact on Public Health, safety, and general welfare, and the project satisfies all concerns stated in Section 5.06(E) of the Town of Chester Zoning Regulations;
2. The Project agrees with the Town of Chester Master Plan;
3. The proposed action will have no negative impact on the environment;
4. Planning Board has classified the project as a Type II Action requiring no further review under SEQR;
5. The parking is adequate for the number of seats in the restaurant;
6. The Zoning Board of Appeals has approved a 24.7 ft shoreline setback for Variance Application #526-V.

Conditions of Approval:

1. The restaurant will not be allowed to open unless a licensed PE has inspected the existing wastewater treatment system and deemed adequate for the project;
2. When the parking lot is paved, stormwater mitigation methods will be installed to prevent direct runoff from the parking lot directly into Faxon Pond;
3. Any Permit or approval from a jurisdictional agency (i.e. NYS Department of Health, NYS Department of Environmental Conservation, Adirondack Park Agency) is to be submitted to the Planning and Zoning Office;
4. The Applicant is to provide a copy of the APA Jurisdictional Determination to the Planning and Zoning Office.

On a motion by John Nick, seconded by Kathy Bilfield, **Site Plan Review Application #SPR2023-04: Cooper Management Associates, LLC (Deborah Freer)** was approved with the above Findings of Fact and Conditions of Approval.

AYE 4 NO 0

#SPR2023-06: Small Tales Day Care (Michael Dittmer) is seeking Site Plan Review approval for a day care center providing all day daycare for ages six (6) weeks to five (5) years utilizing

existing rooms (rooms used formerly for the Meal Site and Youth Commission) at the Town of Chester Municipal Center. Property is located at 6307 State Route 9, identified by Tax Map Parcel #: 104.14-1-57.2, in Zoning District Hamlet.

Michael Dittmer was present via Zoom.

Bruce Goody commented that this building was a school so the parking should be sufficient and the septic should be good and asked what the number of enrollment was expected. Michael Dittmer replied 30 – 45.

Kathy Bilfield asked if parking was going to be an issue.

Findings of Facts:

1. There will be little or no negligible impact on Public Health, safety, and general welfare, and the project satisfies all concerns stated in Section 5.06(E) of the Town of Chester Zoning Regulations;
2. The Project agrees with the Town of Chester Master Plan;
3. The proposed action will have no negative impact on the environment;
4. Warren County finds no significant impact;
5. Planning Board has classified the project as a Type II Action requiring no further review under SEQR.

Conditions of Approval:

1. Before opening of the day care center, all licenses and inspections will be completed and submitted to the Planning and Zoning Office.

On a motion by John Nick, seconded by Bruce Goody, **Site Plan Review Application #SPR2023-06: Small Tales Day Care (Michael Dittmer)** was approved with the above Findings of Fact and Condition of Approval.

AYE 4 NO 0

New Business:

#SPR2023-08: Richard Stolen and Cheryl Carlson are seeking Site Plan Review approval for the construction of a 24’ x 24’ second-story addition (After-the-Fact) to an existing two-car garage with 3’ x 5’ landing and stairs. Addition is only to be use for storage. The proposed addition will increase the square footage of the existing detached garage by more than fifty-percent (50%). Property is located at 43 Marina Road, identified by Tax Map Parcel #: 86.13-1-18, in Zoning District Moderate Intensity.

The Zoning Administrator showed that the property is within 500 ft from State Route 9, across the lake.

On a motion by John Nick, seconded by Bruce Goody, **Site Plan Review Application #SPR2023-08: Richard Stolen and Cheryl Carlson** was deemed complete and referred the Application to the Warren County Planning Department.

AYE 4 NO 0

Request for approval of a minor amendment to the plans approved by the Planning Board on February 27, 2023 for Site Plan Review Application #SPR2023-07:

#SPR2023-07: Laszlo Fuzesi is seeking Site Plan Review approval for the construction of a new two-story four-bedroom single-family dwelling, driveway, new on-site wastewater treatment system, water supply well and landscaping. The proposed land use and development will occur on the property where the slopes are in excess of fifteen-percent (15%). Property is located at 115 McPhillips Pine Lane, identified by Tax Map Parcel #: 136.-1-30, in Zoning District Moderate Intensity.

Brandon Ferguson was present via Zoom and said that there are a few small changes to the Plans. The building was rotated five degrees because the APA has a forty ft. height requirement. They still meet all of the building setbacks. They want to make sure they are not in violation of the APA height restriction.

Chairman Little feels that this is a minor change.

On a motion by John Nick, seconded by Bruce Goody, **Site Plan Review Application #SPR2023-07: Laszlo Fuzesi**, approved the minor amendment and requires no further consideration on the part of Planning Board.

AYE 4 NO 0

Public Privilege:

None.

Board Privilege:

None.

Adjournment:

On a motion by Kathy Bilfield, seconded by John Nick, meeting adjourned at 8:22 pm.

AYE 4 NO 0

Respectfully submitted,

Mindy Conway
Acting Secretary