



**MINUTES OF MEETING  
TOWN OF CHESTER  
PLANNING BOARD  
APRIL 17, 2017**

Due to the absence of Chairman Paul Little and Vice Chair George Hilton, Christine Hayes assumed the position of temporary Chair. In the absence of George Hilton, Rand Fosdick sat on the Board in his place.

**ATTENDANCE:**

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

Temporary Chair Christine Hayes called the meeting to order at 7:00 p.m.

**PUBLIC HEARING:**

Ms. Hayes re-opened the public hearing for **#SD2017-01** at 7:01 p.m.

**#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 presented the proposal. Bret Winchip and Zach Monroe from Winchip Engineering were also present.

Attorney Fuller mentioned that a Jurisdictional Determination was issued by the APA for the subdivision, with the response that a permit or variance from the Agency was not required. Attorney Fuller submitted a letter dated April 13, 2017, received by the Zoning Office on April 17<sup>th</sup>, following up on comments that were discussed at the March meeting, particularly concerning the answers made and submitted in the short EAF. Attorney Fuller said that he believed the answer to question 2 marked as “No” is correct as the proposed action does not require a permit from any governmental Agency and the Jurisdictional Determination from the APA does not constitute an approval. Attorney Fuller briefly discussed the explanation behind the answer to 12(b) which was marked “yes”, regarding if the proposed action is located in an archeological sensitive area. He explained that the question was marked “yes” by the EAF mapper provided by NYSDEC. Mr. Muench stated that question 14 in the short EAF was not answered. The Board and Attorney Fuller agreed that the answers would be shoreline, wetland, suburban, and forest.

Mr. Ellsworth made a motion to close the public hearing at 7:06 p.m. for Subdivision Application **#SD2017-01**; motion seconded by Mr. Fosdick. Motion carried 6-0.

Ms. Hayes read questions in Part II of the Short EAF. The Board agreed that all of the answers to the questions 1-11 are marked as “No, or small impact may occur”.

Mr. Ellsworth made a motion to declare a negative declaration and authorize the Chairperson to sign Part III of the Short EAF; motion seconded by Mr. Bump. Motion carried 6-0.

**Resolution to approve #SD2017-01 - Sullivan, Yankoupe and Murphy Subdivision**

Findings of Fact:

1. The Planning Board finds that #SD2017-01 is a Minor Subdivision as defined in the Town of Chester Subdivision Regulations.
2. The Planning Board has completed the required SEQR review and finds that this project will not have any significant adverse impacts on the environment.
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 subdivision plat and authorizes the Chairman or Vice-Chairman of the Planning Board to sign the 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.
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.

Motion seconded by Mr. Nick. Motion carried 6-0.

**OLD BUSINESS:**

**#SD2016-01:** GILMA Enterprises, Inc. is seeking approval for a 3-lot subdivision, on property located at State Route 8, identified by Tax Map Parcel #: 87.-1-41.11, in Zone Classifications Hamlet and Moderate Intensity.

Attorney Rob Simon from Smith and Simon, LLC was present as agent for the proposal.

Mr. Simon mentioned that the APA Permit has been issued by the Agency for the three-lot subdivision. Mr. Simon also stated that the boundaries of the properties on the Plat have not changed. Brief discussion ensued regarding whether the subdivision has been approved by default.

### **Resolution to approve #SD2016-01 - Gilma Enterprises Class A Regional Subdivision**

#### Findings of fact:

1. The Planning Board finds that #SD2016-01 is both a Minor Subdivision and a Class A Regional Subdivision as defined in the Town of Chester Subdivision Regulations.
2. The Planning Board also finds that the required SEQR review has been completed by the Adirondack Park Agency as lead agency for its Project Number P2016-0149.
3. A public hearing was duly advertised and was held on July 18, 2016.
4. No improvements are associated with this proposed subdivision. Lot 1 will retain the existing mining activities. Lot 2 will not be used for storage or any other commercial use without approval of both the APA and the Town of Chester Planning Board. Lot 3 will be sold pursuant to a pre-existing agreement.

#### 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 subdivision plat and authorizes the Chairman or Vice-Chairman of the Planning Board to sign the Subdivision Plat for #SD2016-01 subject to the following conditions:

1. The subdivider shall comply with all conditions of APA Project Permit Number 2016-0149 issued on March 8, 2017 and reissued on March 17, 2017.
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.

Mr. Ellsworth seconded the motion. Mr. Fosdick Nay. Motion carried 5-1.

### **MINUTES:**

Mr. Bump made a motion to accept the minutes for the March 20, 2017 meeting; motion seconded by Mr. Fosdick. Motion carried 6-0.

**CORRESPONDENCE:** Zoning Administrator and Sanitary Code Enforcement Officer's Activity Report for March 2017; APA Jurisdictional Determination J2017-0119 dated March 27, 2017 for two-lot subdivision (TM#: 103.18-1-28); APA Minor Project Public Notice dated March 24, 2017 for Randy Frasier, Two-Lot Subdivision (TM#: 33.-2-22); APA Notice of Incomplete Permit Application dated April 04, 2017 for Randy Frasier, Two-Lot Subdivision (TM#: 33.-2-22).

The Board briefly discussed if there are any changes made to the plat or project for the two-lot subdivision for Randy Frasier, that he be contacted to return to the Board to discuss the changes, if any are made.

**PUBLIC PRIVILEGE:**

Supervisor Leggett mentioned a Local Economic Development Initiative event held at the Town Hall on Thursday, April 27<sup>th</sup> between 1 p.m. to 4 p.m.

**BOARD PRIVILEGE:**

Mr. Muench addressed comments that were made during the February meeting in regard to his Memorandum dated February 27, 2017. Further, he discussed the boundary line adjustment that was approved by the Board at the February 27<sup>th</sup> meeting concerning the Brand and Mundrick properties.

Mr. Muench mentioned the parking for the Rustic Charm business that was approved by the Board at the March meeting. Mr. Muench believed the Board should not have treated that Site Plan Review proposal different than others. Moreover, he believed that variances were required for the parking. Ms. Hayes said the Zoning Local Law allows the Board to waive certain requirements and also did not understand why the subject was brought up as the proposal received approval from the Board. Mr. Fosdick said that the Board unanimously approved the proposal at the March meeting and there was no reason in discussing the matter. Mr. Bump said the Town has a number of businesses on the Main Street where customers only have the option to park on-street as there is no available off-street parking.

Mr. Nick said that he would like Chairman Little or Town Counsel to comment on how close to a Planning Board meeting the Board can receive additional information for a project and if there exists an appropriate timeline. Mr. Nick expressed his concern regarding the receipt of additional documents the day of the meeting. Mr. Bump said that if the Board felt there was not enough time to review the additional information, the matter could be delayed and discussed at the next meeting.

Ms. Hayes mentioned the next Board meeting is scheduled for May 15<sup>th</sup>.

**ADJOURNMENT:**

Mr. Ellsworth made a motion to adjourn the meeting at 7:48 p.m.; motion seconded by Mr. Bump. Motion carried 6-0.

Respectfully submitted,

Jeremy J. Little  
Secretary

DRAFT