



**MINUTES OF MEETING
TOWN OF CHESTER
PLANNING BOARD
AUGUST 21, 2017**

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

ATTENDANCE:

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

OLD BUSINESS:

#SD2017-02: Atateka Properties, LLC is seeking approval for a three-lot subdivision, on property located at Stock Farm Road, identified by Tax Map Parcel #: 120.-1-6, in Zone Classification Rural Use.

Robert Simon from Smith and Simon, LLC presented the proposal. Mr. Simon mentioned that the Jurisdictional Determination was issued by the APA for the proposed subdivision and it was determined that a Permit would not be required from the Agency. Mr. Simon briefly explained the proposal, which involves the creation of three lots: Lot 1 consisting of 12.16 +/- acres; a 3.55 +/- acre parcel which will be merged with an existing adjoining parcel; and, Lot 2 which will consist of the remaining portion of lands owned by Atateka Properties, LLC. Lot 2 contains 200 ft. of road frontage and will be provided access via a 50 ft. wide easement from the Stock Farm Road. Mr. Simon briefly stated that placement of potential dwellings with associated septic and driveway locations were also provided on the submitted engineered Site Plan for Lots 1 and 2. Chairman Little briefly read a portion of the minutes from the July 17, 2017 Planning Board meeting regarding the proposed subdivision.

After reading the portion of the minutes, Chairman Little said that the requested engineered plans and other documentation were submitted to the Board for review. Mr. Simon mentioned that there are multiple ways to access Lot 2. The proposed septic wastewater treatment system will comply with the Department of Health and Town of Chester On-Site Wastewater Treatment Local Law requirements. The right-of-way 50 ft. wide easement to Lot 2 will be included in the deed.

MINUTES:

Mr. Muench requested to remove the sentence on Page 2 in the July 17, 2017 Planning Board minutes. The sentence read:

Mr. Muench said that the Board is not able to have a public hearing until the Board makes an environmental determination.

Mr. Muench read the following sentence on Page 2 in the July 17, 2017 Planning Board minutes:

Mr. Muench stated that the Board is unable to schedule a public hearing until the application is complete and it is not complete until all materials have been submitted to the Board.

Mr. Muench requested to amend the sentence to read as follows:

Mr. Muench stated that the Board is unable to schedule a public hearing until the application is complete and it is not complete until all materials have been submitted to the Board and a SEQRA determination has been made with either a negative declaration or a notice of completion of an EIS.

Mr. Muench made a motion to accept the minutes, as amended, for the July 17, 2017 meeting; motion seconded by Mr. Fosdick. Motion carried 5-0. Ms. Hayes and Mr. Ellsworth abstained due to absence.

NEW BUSINESS:

#BLA2017-02: Gary and Deborah Wallace are seeking approval for a boundary line adjustment for properties located at 540 Rock Ave. Ext. and Rock Ave. Ext. The lot identified by Tax Map Parcel #: 122.-1-39 will decrease from 59 +/- acres to 55.7 +/- acres and lot identified by Tax Map Parcel #: 122.-1-38 will increase from 1.76 acres to 5 acres. Conveyance is 3.24 acres.

Ms. Hayes questioned whether the proposal could be considered as a gifted lot subdivision. Mr. Muench stated, "If it is a boundary line adjustment, there is what I would call a severe restriction placed on the boundary line adjustment parcel which means you would not be able to add a principal building to that parcel." Mrs. Wallace mentioned the purpose of the boundary line adjustment was so that her son could construct a dwelling. Mr. Muench recommended to Mrs. Wallace to withdraw her proposal for a boundary line adjustment and apply for a gifted lot subdivision. Ms. Hayes briefly discussed with Patrick Magee of Magee Land Surveying to make revisions to the map. Mrs. Wallace stated she would withdraw her request for a boundary line adjustment and apply for a gifted lot subdivision.

OLD BUSINESS:

#SD2017-02: Atateka Properties, LLC is seeking approval for a three-lot subdivision, on property located at Stock Farm Road, identified by Tax Map Parcel #: 120.-1-6, in Zone Classification Rural Use.

Brief discussion ensued regarding the subdivision proposal and whether it would be classified as a Type II or Unlisted Action.

Mr. Muench made a motion to declare the application complete and it is complete because the applicant submitted all of the required materials, the Board made a determination that it is an Unlisted project and that there is little or no adverse environmental impact to the project; motion seconded by Mr. Hilton. Motion carried 7-0.

Chairman Little read questions 1-11 in Part II of the Short Environmental Assessment Form. All questions were answered as "No, or small impact may occur".

PUBLIC HEARING:

Having been duly advertised, the public hearing for Subdivision Application **#SD2017-02** was opened by Chairman Little at 7:24 p.m.

No questions or comments were addressed from the public.

Mr. Hilton made a motion to close the public hearing for Subdivision Application **#SD2017-02** at 7:26 p.m.; motion seconded by Mr. Muench. Motion carried 7-0.

Mr. Hilton made a motion to approve **#SD2017-02** having found no negative environmental impact and having deemed the application complete; motion seconded by Ms. Hayes.

Mr. Muench mentioned that the following should be added to the above motion:

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.

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.

Chairman Little stated that Mr. Muench's addition is an amendment to the original motion. All in favor of amending the original motion to include Mr. Muench's statement. All in favor of approving **#SD2017-02**. Motion carried 7-0.

NEW BUSINESS:

#SPR2017-02: Tim Beadnell is seeking Site Plan Review approval for the addition of 25 new sites to the existing campground (Loon Lake RV Park located at 5408 State Route 8). Property is located at State Route 8, identified by Tax Map Parcel #: 103.-1-18.2 and # 103.-1-18.3, in Zone Classification Low Intensity.

Tim Beadnell of Loon Lake RV Park presented the proposal. Mr. Beadnell stated that the campground is full with seasonal residents and there is a waiting list. He is proposing to expand the campground by 25 additional sites. None of the proposed sites will be visible from State Route 8. Mr. Beadnell mentioned that the Site Plan includes the dimensions of each site, stormwater management, septic layouts, etc. There was communication between the Zoning Office and the Adirondack Park Agency to determine if an APA permit would be required for the expansion of the existing campground. Mr. Beadnell mentioned that the Zoning Office notified him that the Agency determined the proposal would be considered as a Class B project, requiring approval from the Town Planning Board. Mr. Beadnell mentioned that a Stormwater retention area on the Site Plan will be shifted so that it is located further away from the well on a neighboring property (owned by Prossick). Mr. Nick questioned if the existing well on the Site Plan will service the 25 proposed sites. Mr. Beadnell stated that it would.

Discussion ensued on parking issues and concerns. Mr. Nick believed the proposal is a significant increase and would impact the Town Beach and parking. Chairman Little mentioned a conversation he had with lifeguards at the Town Beach and if it had ever been overcrowded to the point that they became uncomfortable. The lifeguards responded that there were a couple of days during the season where they were uneasy, but the rest of the season they felt comfortable monitoring those swimming at the Beach. Chairman Little said he has also noticed cars parking along the side of the road opposite the Town Beach. Mr. Nick said that he has been told if the parking spaces are full at the Town Beach that cars have attempted to park at the Boat Launch. Mr. Nick questioned Mr. Beadnell if he intended on installing additional docks and Mr. Beadnell stated he does not.

Mr. Fosdick asked if the proposed sites met the requirements as set forth in *Section 7.12 Travel Trailer Campgrounds* of the Town of Chester Zoning Local Law. Each travel trailer lot is to have a total area of not less than 3,600 square feet with a minimum width of forty (40) feet. Mr. Beadnell stated that each site met the requirement. Mr. Fosdick questioned if proposed lot 77 met the lot width requirement as it has an irregular shape. Mr. Beadnell said he would contact Winchip Engineering and confirm that the lot met the 40 ft. width requirement. Mr. Beadnell also confirmed that there would be more than twenty percent (20%) open space located within the campground.

Mr. Ellsworth asked if the proposed wastewater absorption fields would be ten ft. (10') from the property line. Mr. Beadnell said that the fields would be 10 ft. minimum from the property line. Mr. Muench requested that the width of each lot be included on the proposed Site Plan. Each lot will have power, water and sewer hookups. Mr. Beadnell briefly explained that due to the amount of clearing that has been done, a stormwater management plan was required. All proposed septic and water systems will be approved by the NYS Department of Health. Mr. Muench explained that any project that disturbs more than one acre requires a SPDES permit and a Stormwater Pollution Prevention Plan. As the project will disturb more than one acre, Mr. Muench stated the proposal will require a SPDES permit and a Stormwater Pollution Prevention Plan.

There was minimal discussion regarding Question 13(a) of the short EAF concerning wetlands. Mr. Beadnell confirmed there are no wetlands on or near the location of the proposed 25 lots. Mr. Muench said he has been contacted by numerous people that attended the public hearing in 2015 when the campground expanded by 8 new RV sites. At the public hearing, they expressed concern about the impact of the sites on the Town Beach, traffic, and parking. Mr. Muench referred to *Section 6.04: Requirements for Class B Regional Project Approval* of the Zoning Local Law. He asked Chairman Little if it would be a good idea to perform a formal study to indicate what the potential impacts would be. If so, Mr. Muench thought that the Board could ask the Town to conduct the study and have the applicant (Tim Beadnell) pay for it. Chairman Little was not sure if a study needed to be done. Mr. Nick expressed his thoughts on a study and said that he was not certain how much a study would cost and to determine who would pay for the study would not be the issue. Rather, Mr. Nick was concerned with what could be done to make the area safer. Mr. Nick expressed his concern with the crossing of people, especially those that are young and elderly.

Mr. Hilton mentioned the possible placement of the flashing traffic speed limit devices like those placed in the Town before entering the Hamlets of Chestertown and Pottersville. In the audience, Robert Clench, owner of Conway's Lake Manor which is located on State Route 8 across from the RV Park, believed that the problem with traffic is not an issue related to the addition of new sites. Chairman Little stated that it appeared to him there are two bodies (Town Planning Board and Town Board) that need to consider the traffic and safety situation. Chairman Little also mentioned

that the Planning Board could ask the Town Board to possibly reduce the speed limit in that area to 35 MPH. Brief discussion ensued regarding golf carts crossing the road and the possibility of installing signs concerning the golf carts. Chairman Little suggested that if the Town Beach parking lot was paved and parking spaces were properly marked, it might allow for parking of more vehicles. Chairman Little recommended not to schedule a public hearing as the Board did not have all the information required to do so.

#BLA2017-03: Thomas Swick is seeking approval for a boundary line adjustment for properties located at Vanguilder Road and State Route 9. Applicant proposes to merge existing parcels (identified by Tax Map #: 85.16-1-1.1, 1.2, & 2). The lot identified by Tax Map Parcel #: 85.12-1-11 will decrease from 1.653 acres to 1.633 acres and the merged lots will increase from 2.282 acres to 2.302 acres. Conveyance is approximately .02 acres.

Rob Simon from Smith and Simon LLC was present to represent the applicant. Mr. Simon explained the proposal which involves moving an existing boundary line and the merge of existing parcels. Brief discussion ensued on the merge of existing parcels. Mr. Simon stated that he is proposing to move a boundary line and merge less than 10 ft. of waterfront from TM #: 85.12-1-11 into TM #: 85.16-1-1.2. There will be no decrease in conformity for any of the parcels.

Chairman Little read *Section 7.22 Boundary Line Adjustments* of the Zoning Local Law.

Chairman Little read the Findings of Fact:

- 1.) The project map must be revised to include a statement to the effect that no principal dwellings or structures are to be constructed on the .02 acre proposed conveyance.
- 2.) Prior to filing with the Warren County Clerk, the new deed must be submitted to the Planning Board to verify that the new deed contains the following provisions:
 - A covenant stating that no principal dwellings or structures are to be constructed or placed on the .02 acre conveyance; and,
 - 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,
 - A statement that these covenants “run with, touch and concern the land”.
- 3.) 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 approved deed in the office of the Warren County Clerk.

Chairman Little asked a Board member to submit the Findings of Fact as a motion.

Mr. Ellsworth submitted the Findings of Facts as a motion and to approve **#BLA2017-03** for a Boundary Line Adjustment pursuant to Section 7.22 of the Zoning Law; motion seconded by Mr. Nick. Motion carried 7-0.

CORRESPONDENCE: Zoning Administrator and Sanitary Code Enforcement Officer's Activity Report for July 2017.

PUBLIC PRIVILEGE: None.

BOARD PRIVILEGE:

Mr. Fosdick asked what could be done to extend the length of time to review packets prior to a meeting. Brief discussion ensued regarding extending the time to review packets. Ms. Hayes mentioned the possibility of the Board scheduling a workshop meeting before a regular meeting. Discussion ensued regarding workshop meetings and the possibility of installing flashing traffic speed limit devices in the area of the Town Beach. Mr. Nick mentioned that a major portion of the participants for the Fishing Derby and the Water Carnival events that are held at the Beach are from the RV Park.

ADJOURNMENT:

Mr. Nick made a motion to adjourn the meeting at 9:07 p.m.; motion seconded by Mr. Ellsworth. Motion carried 7-0.

Respectfully submitted,

Jeremy J. Little
Secretary