



**MINUTES OF MEETING
TOWN OF CHESTER PLANNING BOARD
DECEMBER 16, 2019**

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

ATTENDANCE:

Chairperson Paul Little, George Hilton, John Nick, George Stannard, Bob Walp, Al Matrose, Vanessa Hutton, and Jeremy J. Little (Secretary and Zoning Administrator).

PUBLIC HEARINGS AND OLD BUSINESS:

#SPR2019-06: John and Cynthia Behan are seeking Site Plan Review approval for the construction of a 10,000 sq. ft. two-story mixed use commercial building. Property is located at 6 Skeet Dr., identified by Tax Map Parcel #: 87.20-1-5, in Zoning District Hamlet.

The property owner/applicant were not present to represent **#SPR2019-06**.

MINUTES:

Mr. Hilton made a motion to accept the November 18, 2019 Planning Board Meeting Minutes; motion seconded by Mr. Stannard. Chairman Little abstained as he was not present at the November meeting. Motion carried 6-0-1.

CORRESPONDENCE:

- Zoning Administrator's Activity Report for November 2019.
- E-mail from Town Zoning Enforcement Officer dated November 26, 2019 RE: "Village Auto – Wes Butler".
- Letter from Town Zoning Enforcement Officer dated December 02, 2019 RE: "Request for amendment to decisions made by each Board in 1992".
- Letter from Adirondack Park Agency dated December 03, 2019, received by the Zoning Office on December 03, 2019 RE: Approval of the Town of Chester Zoning Law Revisions.
- Warren County Planning Department Project Review and Referral Forms, reviewed by Department on December 03, 2019, for #SPR2019-17, #SPR2019-18. Forms received by the Zoning Office on December 05, 2019.
- Letter from Adirondack Park Agency dated December 03, 2019, received by the Zoning Office on December 03, 2019 RE: Approval of the Town of Chester Zoning Law Revisions.
- Copy of e-mail/letter from June Maxam dated December 10, 2019, received by the Zoning Office on December 12, 2019 RE: "Butler Zoning/Planning Applications".
- APA Jurisdictional Determination J2019-0810 RE: Proposed expansion of the existing food service building for Word of Life (#SPR2019-17), dated December 13, 2019 and received by the Zoning Office on December 16, 2019.
- 2020 Meeting Schedule and Submittals.

Chairman Little mentioned he would like to change the order in which the Site Plan Review applications were listed, as there were a couple applications that required minimal review and

others that involved further discussion. No objections received from the Board to move #SPR2019-16 (Steven Meade) and #SPR2019-19 (Butler Loop LLC) to the end.

OLD BUSINESS:

#SPR2019-15: James and Maribeth Batsford are seeking Site Plan Review approval for the construction of an addition to an existing 18' x 24' garage which will increase the square footage of the existing garage by more than 50%. The addition will consist of an attached 10' x 17' workshop and 40' x 60' building to be used as a garage and storage space. Property is located at 268 Perry Rd., identified by Tax Map Parcel #: 51.-1-26.1, in Zoning District Rural Use.

Mr. Batsford presented the proposal. Mr. Batsford briefly explained the variance for the proposed project was approved by the Zoning Board of Appeals at the November ZBA meeting for a 25 ft. front yard setback in order to construct the addition.

Chairperson Little addressed Findings of Fact for **#SPR2019-15:**

1. There will be little to no negative impact on public health, safety, and general welfare and satisfies all concerns as stated in Section 5.06(E) of the Town of Chester Zoning Local Law;
2. The project agrees with the Town of Chester Master Plan;
3. The proposed action will have negligible negative impacts on the environment;
4. The proposed project is a Type II action, requiring no further review under SEQR;
5. The Zoning Board of Appeals has approved the 25 ft. front yard setback variance; and,
6. As per Section 5.06(G)(1) there will be no public hearing as the expected level of public interest is negligible.

Mr. Matrose made a motion to approve **#SPR2019-15**; motion seconded by Mr. Stannard. Motion carried 7-0.

#SPR2019-17: Word of Life Fellowship is seeking Site Plan Review approval for the construction of 12' x 32' wood framed addition and 9'-2" x 14'-6" service porch addition to the existing kitchen/storage building. Property is located at 8119 State Route 9, identified by Tax Map Parcel #: 36.-1-26, in Zoning District Moderate Intensity.

Doug Bensen, representing Word of Life, was present to answer any questions regarding the proposal. Chairman Little mentioned a Jurisdictional Determination (J2019-0810) was received from the Adirondack Park Agency concerning the project. There were no questions from the Board.

Chairperson Little addressed Findings of Fact for **#SPR2019-17:**

1. There will be little to no negative impact on public health, safety, and general welfare and satisfies all concerns as stated in Section 5.06(E) of the Town of Chester Zoning Local Law;
2. The project agrees with the Town of Chester Master Plan;
3. The proposed action will have negligible negative impacts on the environment;
4. The Warren County Planning Department finds no significant County-wide impact;
5. A Jurisdictional Determination has been received from the APA; and,

6. As per Section 5.06(G)(1) there will be no public hearing as the expected level of public interest is negligible.

Mr. Stannard made a motion approve **#SPR2019-17**; motion seconded by Mrs. Hutton. Motion carried 7-0.

#SPR2019-18: Beadland Park, LLC (Andy Beadnell) is seeking Site Plan Review approval for the adjustment to the approved travel trailer lot locations in connection with #SPR2016-03 (approved on 08/15/16) and for use of the existing building on TM#: 36.3-1-13 as a campground office and bathrooms. Properties are located at 8021-8035 State Route 9, identified by Tax Map Parcel #: 36.3-1-12, 13, and 16, in Zoning District Hamlet.

Mr. Beadnell nor a representative were present at the meeting to present the proposal. Chairman Little asked if there was further information required from the Applicant regarding the project. The Board agreed that there was not.

Chairperson Little addressed Findings of Fact for **#SPR2019-18**:

1. There will be little to no negative impact on public health, safety, and general welfare and satisfies all concerns as stated in Section 5.06(E) of the Town of Chester Zoning Local Law;
2. The project agrees with the Town of Chester Master Plan;
3. The proposed action will have negligible negative impacts on the environment;
4. The Warren County Planning Department finds no significant County-wide impact; and,
5. As per Section 5.06(G)(1) there will be no public hearing as the expected level of public interest is negligible.

Mr. Nick made a motion to approve **#SPR2019-18**; motion seconded by Mr. Walp. Motion carried 7-0.

#SPR2019-16: Steven Meade is seeking Site Plan Review approval to utilize the existing 36' x 40' shop for an excavation business, which will include the storing and repair of trucks/equipment and sandblasting of raw steel products to recondition truck bodies and equipment. Property is located at 24 Hill Park Rd., identified by Tax Map Parcel #: 120.9-1-4, in Zoning District Moderate Intensity.

Chairman Little stated that this proposal was discussed at the previous meeting, for which he was absent. Steven Meade presented the proposal. Mr. Meade provided each Board member with a handout regarding the project. Mr. Meade mentioned he works full-time for Donnelly Construction and has his own excavation business (Pinnacle Excavation LLC). He further stated he has rented the space from Michael Terry to work on his own equipment, which he uses for excavation and concrete purposes. He said there is also sandblasting that will be done on the property.

Mr. Nick questioned how many businesses are on the parcel. In response, Mr. Meade stated there is Pinnacle Excavation LLC and Powder Works (Bob and Kyle Smith). Mr. Meade said that the work being done on the property is not for the public, but rather only for Donnelly Construction or Pinnacle Excavation LLC. Mr. Nick was concerned what was going to be sandblasted and where. Mr. Meade said that he is proposing to have a dedicated site for the sandblasting, with a bunker being built to contain any of the material being used. He further

stated that there will not be sandblasting of any painted material; however, if it is painted, he said the newer paint is not lead-based paint. Mr. Nick asked if there would be any greases or oils that would be sandblasted and if being done outside, Mr. Nick was unsure how it would be contained with a bunker. Mr. Meade mentioned a 3 ft. high concrete barrier around the outside with fencing would aid in the containment. Mr. Nick was concerned of the visibility, noise level, what was to be sandblasted and how far it would be going into the woods. Mr. Walp asked if any older vehicles would be sandblasted. Mr. Meade said that primarily raw steel products and nothing older than late 1990s would be sandblasted. Mr. Meade said that he is also seeking to improve the appearance of the building and the property. Mr. Nick asked Mr. Meade if he had any idea when the work to the building would be done to make it look better from the road. Mr. Meade responded that early summer it would be completed. Installation of a fence was also briefly mentioned.

Chairman Little said that if the Board decides to schedule a public hearing for the January meeting, the Application and materials would also be referred to the Warren County Planning Department for review. Chairman Little also mentioned that if the Board approves the proposal, there will likely be conditions. He understood that construction work requires multiple pieces of equipment and storage of materials (i.e. concrete forms for poured foundations, various pieces of equipment, etc.) Chairman Little believed the question the Board will have to answer before granting approval is whether the appearance of construction equipment would be considered offensive or the nature of the business. Chairman Little also mentioned that the Board might require the installation of a fence to obstruct the view from the road.

Noise and property values were another concern from the public. Chairman Little said that the business is four-tenths of a mile to the nearest dwelling not including the house, currently owned by Mr. Terry, that adjoins the subject property. In the audience, Greg Taylor stated he is also an adjoining property owner. In the audience, Doug Nixon mentioned that he has no problem with the proposal. Mr. Taylor said that there has always been a continuous business on the property and the appearance of the property has been improved. Mr. Taylor also commended Steven Meade for the efforts he has put forth and knows he is trying to do the right thing. Mr. Meade briefly discussed the waste removal and said that the painting process would occur inside and outside. Mr. Meade said that from what he has been told, the paint can safely be poured on the ground; however, it would not be something that he would do. Chairman Little said that a notice has been received from the Adirondack Park Agency mentioning there does not appear to be any wetlands on the property. Mr. Meade said that mainly everything will be done inside and any outside work would be minimal.

Al Muench, who owns property at 146 Hill Park Road, expressed his concerns regarding the proposal. He mentioned a stop work order that has been issued by the Zoning Enforcement Officer. He said that there appears to be multiple businesses on-site, including Powder Works, Donnelly Construction, etc. Mr. Muench said that there remains a sign that advertises a registered NYS motor vehicle repair shop. Chairman Little mentioned that the number on the sign has been crossed off. Mr. Muench believed Mr. Meade's operation in a residential area is an eyesore and "looks like a junkyard than anything else". Discussion ensued regarding the reasoning for issuance of the stop work order. Chairman Little said that he does not see construction equipment as an eyesore, but rather as a necessity. Mr. Meade said that the compressor is not what generates most of the noise. He further stated the majority of the noise emanates from the air coming out of the end of the hose.

Chairman Little mentioned that installation of screening (i.e. fence, fast-growing evergreens) could be a possible condition of approval. Mr. Stannard stated that there are multiple

businesses and individuals that have excavation equipment throughout the Town. Mr. Stannard further mentioned that it seems like it a risky area telling people what they can and cannot do as far as moving equipment around on their property. Mr. Nick felt that if Mr. Meade came back to the Board and explained how far down the road the sandblasting could be heard it would give the Board a better understanding. The Board agreed that the proposal will require a public hearing.

Mr. Stannard made a motion to schedule a public hearing for **#SPR2019-16** on January 27, 2020 at 7 p.m. and to refer the project to the Warren County Planning Department; motion seconded by Mr. Nick. Motion carried 7-0.

NEW BUSINESS:

#SPR2019-19: Butler Loop LLC (Wesley Butler) is seeking Site Plan Review approval for the continued use of an automobile repair center and used vehicle sales, on property located at 6249 State Route 9, identified by Tax Map Parcel #: 104.14-1-44.1, in Zoning District Hamlet.

Zach Monroe, representing Wesley Butler, presented the proposal. Mr. Monroe stated that in 1992, Mr. Emlaw received approval from the ZBA to have used cars for sale on his lot. Mr. Monroe stated that at the time, the Town Zoning Law did not allow for used car sales and as a result, a use variance was required. The Zoning Board of Appeals granted Mr. Emlaw the variance and allowed him to have up to 8 cars for sale. Mr. Monroe stated Mr. Emlaw also received Site Plan Review approval from the Planning Board. Mr. Monroe said that since then, the Zoning Local Law has changed and now there are no restrictions on used car sales in the Hamlet Zoning District. Mr. Monroe further mentioned that the use variance limited to 8 cars for sale, but did not limit the total number of vehicles on the lot. Mr. Monroe stated that Mr. Butler has submitted a request to the Zoning Board of Appeals to amend the condition of approval for the use variance. Mr. Monroe stated that rather than limit the number of vehicles for sale, the request is for a total limit of fifty-five (55) vehicles on the property as per the provided sketch and to eliminate the restriction of only having 8 cars for sale. There will be no wrecked or disassembled vehicles. The vehicles would strictly be for sale, repaired or serviced by Mr. Butler.

Mr. Matrose mentioned to Mr. Monroe that in the Application where it states "detailed description of proposed project", the request to increase to fifty-five (55) vehicles should be listed. Mr. Monroe stated the request is to have a total maximum limit on the site for fifty-five (55) vehicles. Mr. Nick questioned if there will be a stockade fence on the property. Mr. Monroe said that the proposal also involves a stockade fence across the rear of the property with a gate for screening purposes. Further, Mr. Monroe said that they are also proposing a storage shed.

Chairman Little said that the original approval for the use variance in 1992 limited 8 cars for sale and storage of boats with trailers, cars and trucks were permitted while under service or repair. Also stated in the approval, "There shall be no storage of wrecked or dismantled motor vehicles or other junk." Chairman Little stated that the Planning Board then met and there were letters from several adjoining landowners with one opposed. Chairman Little said that the Planning Board approved the proposal with the following conditions: (1) Parking is limited to those vehicles on the premises for sale, repair, or service; (2) A 20' wide fire lane shall be left to gain access to the building from the Rt. 9 entrance to the Foster Flats entrance; (3) The Foster Flats entrance is to be used as a secondary access. Chairman Little stated the Planning Board did not approve exactly what the Zoning Board of Appeals approved at the time.

Chairman Little said that the Board has received a complaint regarding the proposal. As a result, Chairman Little stated he performed a site visit from Foster Flats Road and State Route 9 and observed the following: (1) From Foster Flats Road, one rusty old truck, three trailers (one enclosed and two flat trailers for landscaping, etc.), one boat covered with plastic, five other vehicles which had not moved in a while, four tires between two double doors; and (2) From State Route 9, there were 10 vehicles in the front all looked operable, a pickup with a plow which was for sale, and one enclosed trailer north of the building. Mr. Butler said that the storage building in the rear of the property is being used to store extra used tires, a mechanical press, pressure washer, and other equipment not being used on a regular basis.

Chairman Little was unsure whether the Zoning Board of Appeals would agree to have fifty-five (55) vehicles on the lot. Chairman Little referred to a couple items noted in the complaint submitted to the Planning Board. Mr. Nick felt that it is a normal automotive and boat repair center, is consistent and did not see any issue. Mr. Monroe stated that the reason for filing the Site Plan Review application is to receive Planning Board approval, as the Planning Board approved the proposal based on the Zoning Board's approval in 1992. Mr. Monroe said that the site plan will be updated to show the stockade fence with a gate and the proposed storage shed. Mr. Hilton questioned where the structures would be placed on the property. There is no new lighting or landscaping proposed for the property. Mr. Matrose asked if the plan is also to still sell boats and lawn tractors. Mr. Monroe said yes. Mr. Matrose felt that the language should be incorporated into the Application to make it clear the vehicles that would be on the property.

Mr. Walp made a motion to schedule a public hearing for **#SPR2019-19** on January 27, 2020 at 7 p.m. and to refer the project to the Warren County Planning Department; motion seconded by Mr. Nick. Motion carried 7-0.

PUBLIC PRIVILEGE: None.

BOARD PRIVILEGE: None.

ADJOURNMENT:

Mr. Stannard made a motion to adjourn the meeting at 8:39 p.m.; motion seconded by Mr. Nick. Motion carried 7-0.

Respectfully submitted,

Jeremy J. Little
Secretary