



**MINUTES OF MEETING  
TOWN OF CHESTER  
PLANNING BOARD  
FEBRUARY 27, 2017**

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

**ATTENDANCE:**

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

Due to the absence of Board member Al Muench, Rand Fosdick sat on the Board in his place.

**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.

Chairman Little began by stating that at the July 18, 2016 Planning Board meeting, the Board held a public hearing on the proposal. He read a portion of the minutes from the July 18<sup>th</sup> meeting where GILMA was discussed. He stated that at that time, Mr. Simon agreed with the Board that there would be no action taken until the project received final notice from the Adirondack Park Agency (APA). Chairman Little mentioned that the Board made an error in closing the public hearing for the project and failed to take action within 62 days of the close of the public hearing; therefore, according to the Town Subdivision Regulations, it constitutes a default approval of the subdivision.

A Major Project Public Notice from the APA regarding the project was received determining that the application was complete. Chairman Little mentioned he had a brief phone conversation with Devan Korn from the APA regarding the subdivision and the APA's request for consultation letter asking for advisory comments on the proposal. In the letter, it stated the advisory comments should be received by February 24<sup>th</sup>; however, Chairman Little stated that Mr. Korn mentioned it is not a statutory requirement, but rather a courtesy requirement. Chairman Little briefly explained the reasoning for the extended subdivision review by the APA. Chairman Little mentioned that there will be no boat storage taking place on Lot 2 and there were no changes made to the Subdivision Plat. It was also mentioned that a response letter should be sent from the Board to the APA advising the Agency that the Board has no concerns with the issuance of the Permit. Chairman Little recommended to the Board that the project be tabled to next month's meeting and not take any action until the Agency Permit has been submitted to the Board.

**#BLA2016-01:** All Brands Redemption Center, LLC is seeking approval for a boundary line adjustment for properties located at 6393 State Route 9 and 17 LaFlure Lane. The lot identified by Tax Map Parcel #: 104.10-2-8 will decrease from .70 acres to 29,125 square feet and lot identified

by Tax Map Parcel #: 104.10-2-9 will increase from 9,918 square feet to 11,285 square ft. Conveyance is approximately 1,367 square feet.

Attorney John Silvestri was present at the meeting.

Chairman Little said that the APA Jurisdictional Determination was issued and it was determined that a permit would not be required for the boundary line adjustment proposal. He further mentioned that a memorandum was submitted by Board member Muench with his thoughts on the proposal and other projects currently under review by the Board. Ms. Hayes believed that it was improper to take into account Mr. Muench's thoughts as he was not present and not part of the Board at the meeting. Chairman Little read a portion of Mr. Muench's memorandum where it states Mr. Muench's belief that the Mundrick lot has a lot size deficiency and will continue to be deficient, not meeting Section 4.03 of the Zoning Law. Chairman Little stated that both lots are in Hamlet Zone Classification, and the minimum lot size required in that zone is .25 acres with municipal water. It was further mentioned that both lots have municipal water and if the proposal was approved, the Mundrick lot would increase from .2276 acres to .259 acres and the Brand lot would decrease from .70 acres to approximately .66 acres. As a result, both would conform to the minimum lot size required. Brief discussion ensued regarding comments made in Mr. Muench's February 26, 2017 memorandum. Short discussion ensued concerning Mr. Muench's memorandum and if it should be made part of the public record.

Mr. Nick stated he would not be in favor if one lot would turn out to be substandard and the other standard; however, he said that is not the case as both lots will be standard lots that meet the lot size requirements for the Hamlet Zone. Mr. Bump agreed with Mr. Nick. Ms. Hayes said she would like to see language included on the survey map indicating that the boundary line adjustment lot would be merged with the Mundrick parcel. Mr. Silvestri said that the language will be included in the deed as well. Chairman Little believed that even after the approval of the lot line adjustment, the Brand lot will still remain as a valuable commercial lot.

Ms. Hayes made a motion to approve Boundary Line Adjustment #BLA2016-01 All Brands Redemption Center LLC conveyance of 1367 sq. ft parcel to be merged with adjoining parcel currently owned by Mundrick Tax Map 104.10-2-9, the project meets all requirements of Section 7.22 A and B and is APA non-jurisdictional as the project does not involve or affect wetlands. The BLA parcel is adjacent to the receiving parcel and is to be merged with and become part of the receiving parcel, will not allow for any increase in the number of principal building lots nor will not result in or increase any non-conformance with the provisions of Section 7.01, 7.02 or 7.03 of the Zoning Law, and is also a Type II action, requiring no further environmental review under SEQRA. Mr. Bump seconded the motion. Motion carried 7-0.

### **NEW BUSINESS:**

**#SPR2017-01:** Jessica Phillips is seeking Site Plan Review approval for the relocation of the Rustic Charm art/gift shop business, from property located at 102 Riverside Drive to 6348 State Route 9, identified by Tax Map Parcel #: 104.10-5-29, in Zone Classification Hamlet.

Jessica Phillips presented the proposal. Mrs. Phillips mentioned that she would like to move her business from the current location on Riverside Drive to the building on State Route 9, formerly the location of Attorney John Silvestri's law office. The business would be located on the first floor of

the building. The second floor will be used as an apartment where Mrs. Phillips will reside. Mr. Fosdick questioned the square ft. of the gross floor area. Mrs. Phillips said she could obtain the measurements. Mr. Nick asked where the customers would park and she answered there would be on-street parking for the business. Mr. Fosdick referred to Section 7.06 of the Zoning Local Law and stated that off-street parking would be required for retail space and that the number of required parking spaces is based off of gross floor area.

Chairman Little said that the on-street parking did not seem to be an issue with the previous commercial professional use of the property. Mr. Hilton was unsure if the Board could waive the parking requirement. Brief discussion ensued regarding options for parking. Chairperson Little asked what the maximum number of customers would be at any one time. Mrs. Phillips said that at the current location, there has been a maximum of 3 cars at one time. She also mentioned that there could be available parking in the rear of the building for customers. At that point during the meeting, Mrs. Phillips left to measure the gross floor area of retail space and the parking area behind the building.

**#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, Zach Monroe, and Larry Turcotte from Winchip Engineering were also present.

Attorney Fuller briefly explained the proposal. There is currently an existing .08 acre parcel (TM #: 103.18-1-26) that is proposed to be merged with Lot 1, as noted on the subdivision Plat. Lot 1 will consist of 8.25 +/- acres and Lot 2 will consist of 18.24 +/- acres. A jurisdictional determination was received from the APA for the subdivision; however, it was issued in 2015 and the lot lines have changed minimally from the previous plat submitted. Attorney Fuller stated he has re-submitted the proposal to the APA for a new determination from the Agency. There was brief explanation regarding driveway, proposed dwelling and septic placement on Lot 2. It was also briefly mentioned that there will be a private driveway for Lot 2, which will come off the Friends Lake Road.

Mr. Fosdick noted there were two minor errors on the application: On page 5 of 9 of the Application, it reads: "2 Lot Subdivision/boundary adjustment merger of 103.18-1-26." Mr. Fosdick believed the tax map number should be changed to #103.18-1-28. Attorney Fuller agreed. On Page 1 of 3 of the Short Environmental Assessment Form, under Brief Description, it states: "Applicants propose to essentially adjust the boundary of 103.18-1-26 to include a portion of 103.18-1-26." Mr. Fosdick believed the latter number should be changed to #103.18-1-28. Attorney Fuller agreed and will submit the changes to the Secretary.

Ms. Hayes made a motion to deem Subdivision Application #SD2017-01 complete and schedule a public hearing for March 20, 2017; motion seconded by Mr. Fosdick. Motion carried 7-0.

At this time during the meeting, Mrs. Phillips returned with the measurements. The square ft. of the retail space would total 806 sf. and the parking behind the building has a total of 800 square ft (40' x 20'). Mr. Fosdick said based on the measurements, the Zoning Local Law would require her business to have 8 parking spaces.

Mr. Hilton questioned if there would also be classes offered. Mrs. Phillips was unsure if there would be enough space at the new location to have classes. Mr. Hilton stated that if only a certain portion of the first floor would be used for retail, he believed the parking requirement would apply to only the retail. Mr. Nick said that if Mrs. Phillips was not using the full 800 sq. ft of retail space, that all of the 8 parking spaces might not be required. Mr. Bump stated that the Board should take into consideration all of the other businesses on Main Street that use on-street parking. Chairman Little stated that in the rear of the building, there would be enough room for four parking spaces. Mr. Nick believed that there are two options for parking: (1) Apply to the ZBA for variance, or (2) Obtain approval from another property owner for additional parking. Chairman Little read Section 5.06(D) of the Zoning Local Law regarding waiver of requirements. He also read Section 5.02(B) of the Zoning Local Law, which reads:

The Planning Board is further authorized to, when reasonable, waive any site plan review application requirements as are determined to be inappropriate to a particular site plan in light of the particular setting for the proposed activity and the Town objectives set forth in this code.

Brief discussion ensued regarding the parking and possible waiving of the parking requirement. Mr. Nick made a recommendation to the Board that Mrs. Phillips place a sign on the building noting parking in the rear, with 4 parking spaces available. No Board members believed that a public hearing was necessary for #SPR2017-01.

Mr. Nick made a motion that the Board accepts the four spots in the back for Rustic Charm with a sign on the front of the building stating that there is parking in the rear; motion seconded by Mr. Bump. Motion carried 7-0.

Ms. Hayes questioned the Zoning Administrator if the sign on the building stating “parking in rear” is acceptable. The Zoning Administrator agreed that it would be acceptable.

Ms. Hayes made a motion to deem the Site Plan Review Application **#SPR2017-01** complete and to schedule a public hearing for next month; motion seconded by Mr. Fosdick. Motion carried 7-0.

#### **MINUTES:**

Mr. Ellsworth made a motion to accept the minutes for the January 23, 2017 meeting; motion seconded by Mr. Nick. Motion carried 7-0.

**CORRESPONDENCE:** Zoning Administrator and Sanitary Code Enforcement Officer’s Activity Report for January 2017; APA Major Project Public Notice Application Completed (dated: 01/30/17) for Gilma Enterprises three-lot subdivision; APA Request for Consultation (dated: 01/31/17) for Gilma Enterprises three-lot subdivision; APA Jurisdictional Determination J2017-0050 (dated: 02/08/17) for All Brands Redemption Center Boundary Line Adjustment proposal.

**PUBLIC PRIVILEGE:** None.

**BOARD PRIVILEGE:**

Chairman Little mentioned a recent Stormwater Runoff and Soil Erosion Training Session held at the Horicon Town Hall on February 17<sup>th</sup>. Chairman Little read a portion of an e-mail from Al Muench, dated February 21, 2017, where Mr. Muench highlighted what was mentioned at the session which involved a discussion on the requirement of a State Pollutant Discharge Elimination System (SPDES) Permit for certain projects. Chairman Little mentioned that a section in the Planning Board applications (i.e. Site Plan Review, Subdivision) could be amended to state that a SPDES permit, including the Stormwater Pollution Prevention Plan (SWPPP), is to be attached if any site plan review or subdivision approval would disturb one or more acres of soil.

Chairman Little stated that after a conversation with the Town Supervisor, the Supervisor mentioned that no Board member should be contacting the Town Attorney directly for legal advice without first receiving permission from the Supervisor. Chairman Little also noted that one Board member should be designated to consult with the Adirondack Park Agency if there are any questions regarding an application before the Board. A couple Board members recommended that the designee should be the Chair. Chairman Little also briefly discussed the Saratoga County Planning Conference that he and other Board members attended.

**ADJOURNMENT:**

Mr. Fosdick made a motion to adjourn the meeting at 8:32 p.m.; motion seconded by Mr. Bump. Motion carried 7-0.

Respectfully submitted,

Jeremy J. Little  
Secretary