



**MINUTES OF MEETING
TOWN OF CHESTER
PLANNING BOARD
JULY 20, 2015**

Mr. Little called the meeting to order at 7:02 p.m.

ATTENDANCE:

Chairman Paul Little, Al Muench, John Nick, George Hilton, Harold Ellsworth, Rick Bump, Eugene Dutcher, and Jeremy J. Little (Secretary). Absent was Walter J. Tennyson (Zoning Administrator).

MINUTES:

Mr. Bump made a motion to accept the minutes for the June 15, 2015 meeting; motion seconded by Mr. Muench. Motion carried 7-0.

CORRESPONDENCE:

Zoning Administrator & Sanitary Code Enforcement Officer's Activity Report for June 2015.

NEW BUSINESS:

Boundary Line Adjustment: Gerald C. Potter Jr. is seeking approval for a boundary line adjustment for properties located at State Route 28, in Zone Classification Rural Use. The lot identified by Tax Map Parcel #: 152.-1-47.22 will decrease from 4.94 ± acres to 4.48 acres and lot identified by Tax Map Parcel #: 152.-1-47.21 will increase from 4.21 acres to 4.67 acres. Conveyance is approximately .46 ± acres.

Mr. Potter presented the proposal. He explained that last year in 2014, he proposed to the Board a boundary line adjustment, which received approval from the Board. He further stated he would like to re-configure the lot line and put it back to the way it originally was prior to the approval of the lot line adjustment last year. Mr. Potter is currently trying to sell his property (TM #: 152.-1-47.22). Mr. Potter stated he contacted the Adirondack Park Agency and was granted an amended permit from the Agency (APA Project Permit 2013-34A issued July 01, 2015).

Mr. Muench questioned if the request would have any effect on the shoreline, water access, docks, etc. Mr. Potter stated that it would have no effect on the Hudson River. No wetlands exist on the properties. Mr. Potter also stated that the "One-Story Wood Frame Storage Building" as denoted on the proposed boundary line adjustment map would be situated on the adjoining property (TM #: 152.-1-47.21) and would only be utilized for storage purposes.

Motion to Approve:

Boundary Line Adjustment: Gerald Potter to Craig and Tamie Carlson, July 20, 2015

Findings of Fact:

Pursuant to Sections 7.22 of the Zoning Law the Planning Board finds that:

1. The grantee of the boundary line adjustment parcel is the same as the landowner of the receiving parcel;
2. The boundary line adjustment parcel is adjacent to the receiving parcel;
3. The boundary line adjustment parcel is to be merged with and become a part of the receiving parcel;
4. The property conveyed is of a size and configuration that could not reasonably accommodate the construction of a single family dwelling;
5. The boundary line adjustment will not allow for any increase in the number of principal buildings on the resulting, merged parcel; and
6. The boundary line adjustment will not result in or increase any non-conformance with the provisions of Section 7.01, 7.02 or 7.03 of this Local Law.

Therefore, the Planning Board has determined that the request is a boundary line adjustment.

Consequently, Mr. Muench moved that the requested boundary line adjustment be approved subject to the following conditions:

1. The project map must be revised to include a statement to the effect that “No principal dwellings or structures are to be constructed or placed on the 0.46 +/- acre proposed conveyance.”
2. Prior to filing with the Warren County Clerk, the proposed 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 0.46 +/- 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 the approved deed in the office of the County Clerk.

4. These conditions are in addition to any conditions set by APA Permits 89-310 and 2013-34A.

Mr. Dutcher seconded the motion to approve the requested boundary line adjustment.
Motion carried 7-0.

PUBLIC HEARING:

#SPR2015-09: DHC of Chestertown LLC is seeking Site Plan Review approval for a Dollar General retail store, on property located at State Route 8 (parcel next to Gallo Realty), identified by Tax Map Parcel #: 87.20-1-11, in Zone Classification Hamlet.

David House presented the application. Zack Monroe from Winchip Engineering was also present to answer any questions.

Chairman Little stated at the previous Planning Board Meeting, the Board made four requests: (1) Landscaping Plan; (2) Mechanicals and visibility from the main road; (3) Signage; and (4) Lighting. All four requests were submitted to the Board.

In regards to the landscaping, Mr. House explained where trees and shrubs would be planted to enhance the property. Location of the trees and shrubs are shown on the Proposed Site Plan with the notation of “revised planting/landscaping” – revised on June 17, 2015. The visibility of the mechanicals was briefly discussed by the Board and a plan titled “Eyesight Profile” displays the mechanicals and what will be seen from the Road, which was found to be minimal.

Mr. House also discussed signage for the store, which includes two signs: One (1) Double Face Center Pole Sign, which would be situated near the entrance and one (1) Single Face Wall Mounted Sign, which would be situated on the front of the building. Mr. House stated that both signs would be illuminated and the design and size of each sign were shown on the plans. Mr. Nick mentioned that both signs seemed to be over the allowed square footage as per Section 7.04(E)(6) of the Zoning Local Law. Mr. Nick read a portion of Section 7.04(E)(6) where it states, “No luminous sign shall be erected or maintained having a sign area of greater than fifteen (15) square feet.” Mr. Muench also mentioned in that particular paragraph, it stated that “no sign shall be erected or maintained having a sign area greater than forty (40) square feet... and the total area of two signs shall not exceed sixty (60) square feet.” Mr. Muench questioned if the sign by the entrance could be lowered in height and Mr. House stated that he could not answer that question without receiving approval from Dollar General. Mr. Muench also asked how far the pole of the entrance sign would be from the highway right-of-way and Mr. Monroe stated approximately “five feet”.

Mr. Hilton questioned the lighting and if there were any light fixtures proposed for the parking lot. Mr. House stated there would be approximately four (4) parking lot lights. One wall pack will be placed on the side of the building facing Gallo Realty, five wall packs would be placed on the opposite side of the building, and two on the front of the building facing State Route 8. The wattage for each wall pack is 250 watts.

Having been duly advertised, the public hearing for Site Plan Review Application **#SPR2015-09** was opened by Chairman Little at 7:36 p.m.

Mr. House briefly explained to the public the proposal for the Dollar General store. He mentioned that at the request of the Planning Board, the front of the building would have cultured stone veneer towards the bottom with the rest made of hardiplank fiber cement siding.

Mark Walp, who owns property on the Friends Lake Road, stated his concern for the proposal. He explained that in his opinion, the Dollar General is almost “a symbol of rural squalor and the buildings are ugly and inexpensive”. As a result of his findings, Mr. Walp explained to the Board the value of Dollar General’s stock and their profits. He believed it would impact McCluskey Hardware, Buckman’s, the consignment shop, Rite Aid, and Tops Market. He believed that the building should conform to the Town’s standard and construct a building in “Adirondack Style” and designed by local builders.

In the audience, Linda Muench mentioned that she would hope that the Dollar General could conform to the Town’s sign regulations and possibly make the signs more attractive.

Tom Magee, one of the owners of the property for the proposed Dollar General, was also present. In response to Mr. Walp’s comments, Mr. Magee mentioned that he travels on State Route 8 every day and mentioned the surrounding buildings – the North Warren School Bus Garage, Hayes Contracting Garage (metal-sided), Gravel Pit, Stewarts, and the State Highway Garage. He did not believe that the Dollar General proposal would be out of character with the Town’s standard of surrounding structures and that it fits with what has been put in in that area. He found it unfortunate Mr. House had to return to the ZBA again with other multiple variance requests for the signs.

Mr. House mentioned that he did submit all the necessary paperwork requested by the Board at the previous meeting and stated that there are time constraints and deadlines that need to be met.

Chairman Little stated that a meeting could be scheduled shortly after the special meeting of the ZBA. The Board discussed possible suggestions for signs that could conform to the local law, or minimize the area variances requested.

Mr. Muench suggested to the Board that the Secretary to the Board try to obtain permission from the ZBA to schedule a special meeting for the ZBA to hear the variances, with a scheduled public hearing.

Mr. Hilton requested to have a copy of the plan with the parking lot lighting.

Mr. Ellsworth made a motion to adjourn the public hearing at 8:12 p.m. concerning Site Plan Review Application **#SPR2015-09** and reconvene the day following the ZBA special meeting that considers the sign issue for Dollar General; seconded by Mr. Bump. Motion carried 7-0.

OLD BUSINESS: None.

BOARD PRIVILEGE:

Mr. Muench recommended that the Board improve the checklists for project applications and to have certain checklists be specific to certain projects. As Mr. Muench stated, it should eliminate the need for multiple meetings to consider an application. Mr. Hilton explained to the Board the checklist that is used in the Queensbury Planning Office. Chairman Little mentioned a checklist from a neighboring Town and what is required in that checklist.

Mr. Muench suggested to the Board that a pre-application conference for each project brought before the Planning Board might be a good consideration and should be encouraged. Mr. Nick mentioned that every application should reference the appropriate sections of the Zoning Law (i.e. signage). Discussion ensued having different checklists for commercial vs. residential projects subject to Planning Board review. The Board agreed that with these changes, it should make for a smoother process for approval/disapproval purposes.

ADJOURNMENT:

Mr. Muench made a motion to adjourn the meeting at 8:56 p.m.; seconded by Mr. Nick. Motion carried 7-0.

Respectfully submitted,

Jeremy J. Little

Secretary