



**MINUTES OF MEETING  
TOWN OF CHESTER  
PLANNING BOARD  
JUNE 20, 2016**

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

**ATTENDANCE:**

Chairperson Paul Little, John Nick, Al Muench, Rick Bump, George Hilton, Eugene Dutcher, Harold Ellsworth, Christine Hayes (Alternate), Walter J. Tennyson (Zoning Administrator), Jeremy J. Little (Secretary).

**NEW BUSINESS:**

**#SPR2016-03:** Andy Beadnell is seeking Site Plan Review approval for a 49-lot travel trailer campground, located at 8021-8035 State Route 9, identified by Tax Map Parcel #: 36.3-1-12, in Zone Classification Hamlet.

Tod Beadnell was present to represent the proposal. Mr. Beadnell stated that the proposal includes 49 RV sites, with existing roads and existing power lines to service the trailers. At the previous meeting in May, the Board requested a number of items to be included as part of the Site Plan (i.e. landscaping, lighting, etc.) for the June meeting. Mr. Beadnell provided the Board with a new Site Plan, along with a cover sheet with responses to the items requested.

Chairman Little read to the Board the list of responses, with additional answers from Mr. Beadnell. Mr. Beadnell stated that there would be minimal lighting and explained that the lighting will be non-intrusive, low-impact. Mr. Beadnell displayed to the Board the placement of lighting on the Site Plan.

Mr. Beadnell explained that at the front of the property towards State Route 9, there will be an area with a raised bed, grass/flowers, which will also serve as a barrier between the parking spaces for the camp office and State Route 9. Mr. Beadnell showed the location of the plantings of pine trees as well as existing trees, which will remain on the property. Mr. Muench questioned if there has been a resolution reached with Café Adirondack regarding the parking. Mr. Beadnell said that there is no written, signed agreement and will allow them to use the parking area. Mr. Muench referenced Section 7.20(B) of the Zoning Local Law, which requires landscaping for parking lots and all development along state highways. Mr. Muench recommended to Mr. Beadnell to add a row of pine trees where the raised bed location is, not substituting for the raised bed, in order to screen the proposed parking for 24 cars from State Route 9. Mr. Beadnell mentioned that he would talk it over with his father regarding the addition of trees for screening.

Mr. Beadnell said that he would have two signs for the business – one on the North Side entrance and one on the South Side entrance, all of which would meet the Town of Chester

Sign Regulations. Mr. Muench mentioned that the sign plans (including if there was a window sign for the ticket booth) would need to be submitted as part of the application.

The schedule included on the Site Plan outlined the physical dimensions of each lot, square footage, and width of each lot. According to the schedule, the lots would maintain the following square footage: Lots 1-12 (7,000 sf.), Lots 13-35 and 41, 42 (3,600 sf.), and Lots 36-49 (5,000 sf.). Mr. Beadnell discussed access points on the property for fire and emergency vehicles. There will be one dump station on the campground property. Septic systems will follow the NYSDEC Design Standards for Intermediate Sized Wastewater Treatment Systems, with one system servicing five lots each.

There will be two storage locations for boats located at the rear of campground. Restrooms will be located in the camp office by the pool. Collection of the waste was also briefly discussed, with dumpsters being located by the existing maintenance building. There are two parking spaces per site; however, Mr. Beadnell stated that if there is not enough room for another vehicle to park on a site, it would be a possibility to park vehicle(s) in the boat trailer parking areas. Mr. Beadnell briefly stated that the existing roads on site will require improvement. Mr. Beadnell has not yet applied for NYSDEC and NYSDOH Permits. The RVs will not be used as year-round residences. Mr. Muench questioned the two nearby mobile homes adjacent to the property, particularly if the mobile home partially located on the property is being occupied. Mr. Beadnell believed that that the mobile homes are being used for storage.

Mr. Muench referred to Section 7.12(G) regarding the open space regulation for campgrounds and asked Mr. Beadnell if he would verify that the open space would be equal to at least 20 percent of the land area of the park. Mr. Beadnell estimated the open space to total 5.4 acres. Mr. Muench asked if he could confirm at the next meeting how much open space would be on the campground property.

Mr. Muench mentioned the SEQRA Classification for the proposal and that if 10 acres or more are disturbed by the project, the Full Environmental Assessment Form will need to be filled out and submitted with the application. Mr. Beadnell will confirm the amount of acreage disturbed and submit the information to the Secretary of the Board. Mr. Muench stated that once the Board has the information from Mr. Beadnell regarding the amount of acreage disturbed, it can be referred to the Warren County Planning Department for referral. Chairman Little agreed and believed that a public hearing could be scheduled for the July 18<sup>th</sup> meeting.

Mr. Muench made a motion to schedule a public hearing for Site Plan Review Application **#SPR2016-03** for the July 18, 2016 meeting at 7 p.m.; motion seconded by Mr. Ellsworth. Motion carried 7-0.

**#SPR2016-04:** Bernice Winchip is seeking Site Plan Review approval for the relocation of Winchip Engineering, to property located at 9 Panther Mountain Drive, identified by Tax Map Parcel #: 104.14-1-12, in Zone Classification Hamlet.

Mr. Dutcher was unsure if he should sit on the Board, since he stated his grandson is doing work for Winchip Engineering. Mr. Dutcher remained on the Board.

Zach Monroe was present to represent the applicant and Winchip Engineering. Bret Winchip was also present in the audience. Mr. Monroe mentioned that the proposal consisted of renovating the first floor of the existing building for office space. Winchip Engineering will be leasing the first floor of the building from Bernice Winchip.

Mr. Muench asked why Question 13(a) on the Short EAF Form was checked “yes” regarding wetlands. Mr. Monroe stated that across the road there are wetlands. Mr. Muench asked Mr. Monroe about the “second floor residential unit” and if it is currently a residence. Mr. Monroe said that it is an existing residence, though it is not occupied. Mr. Monroe stated that there are seven parking spaces for the office and two parking spaces for the apartment. Proposed sign is the door window sign, as shown on the provided Site Plan, and will comply with Section 7.04 of the Zoning Local Law.

Mr. Muench did not believe the landscaping requirements should be applied as it is an existing building. Mr. Monroe confirmed that the only work/renovations being done is to the interior of the first floor of the existing building.

Mr. Hilton asked what type of lighting would be used. All lighting will be shielded and downcast. Mr. Bump questioned if the wheelchair ramp is existing or proposed. Mr. Monroe confirmed that it is proposed, is a NYS Building Code requirement and will be the only exterior change to the building. Mr. Muench believed that the proposal is an unlisted action. It is also within 500 ft. of State Route 9 and as a result, requires referral to the Warren County Planning Department.

Mr. Muench made a motion that the Planning Board consider the use to be a less intensive use than the previous one and therefore the applicant need not comply with the landscaping requirements in Section 7.20; motion seconded by Mr. Dutcher. Motion carried 7-0.

Mr. Muench made a motion to schedule a public hearing for Site Plan Review Application **#SPR2016-04** for the July 18, 2016 meeting, immediately following the public hearing that the Board scheduled for #SPR2016-03; motion seconded by Mr. Hilton. Motion carried 7-0.

Mr. Muench made a motion to amend the above second motion to also declare Site Plan Review Application **#SPR2016-04** complete; motion seconded by Mr. Hilton. Motion carried 7-0.

**#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 to represent the applicant.

Mr. Muench did not believe that the Board could consider the application, as he felt that it did not meet the definition of a boundary line adjustment, “since it would require creation of a substandard size lot.” In addition, Chairman Little stated that there is a question regarding sideline setbacks associated with the proposal. Attorney Silvestri briefly explained the

reasoning for filing both applications and stated that they are being submitted to resolve pending litigation in the Supreme Court, where each property owner claims to own the disputed area. Mr. Muench mentioned that Mr. Brand's parcel currently conforms to the sideline setback, but would not conform if the boundary line adjustment were to be granted. A variance application has been submitted to the Board of Appeals for review at the June 28<sup>th</sup> meeting.

Mr. Muench believed that a two-lot subdivision application would need to be filed. Mr. Muench read the definition of boundary line adjustment, which states:

The transfer of a small amount of land which consists of less than the minimum lot size required in the zoning district in which it is located and which does not create an additional parcel of land or cause a lot size deficiency in either the granting or receiving parcel. A boundary line adjustment is subject to the provisions of Section 7.22. *[amended July 2011]*

Mr. Muench said that since the boundary line adjustment would create a lot-line deficiency in the Brand parcel, it does not comply with the definition of a boundary line adjustment, and therefore should be considered as a two-lot subdivision. Discussion ensued regarding additional variances that might be required to be submitted to the Board of Appeals relating to this proposal. Further, discussion ensued regarding the Mundrick property extending into the State Route 9, as shown on the provided map, and if the lots had municipal water supply.

Chairman Little stated that since the variance application is to be heard by the ZBA at the June 28<sup>th</sup> meeting, he felt that action could not be taken as the Zoning Board of Appeals would need to make a decision first on the variance application.

**#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 Robert Simon, from Smith and Simon, LLC, was present to represent the applicant. Tom Magee was also in attendance.

Mr. Simon stated that there is no intended change of use or development changes associated with this proposal. The proposal involves subdivision of one lot into three lots and as stated by Mr. Simon, the property is currently subject to Adirondack Park Agency (APA) Permits. Mr. Simon also said that there are wetlands on the parcel and as a result, APA staff have performed a wetland delineation and marked where the wetland boundaries exist.

Mr. Simon said that an application will be submitted to the APA for a Permit in the next couple of days. It was briefly explained that there will be a total of two access points for the proposed parcels. No new roads or streets are proposed. There will be no change in use for the mining operation. No principal buildings or accessory structures are proposed for the lots. Mr. Muench stated that it was safe to assume that the Planning Board is the SEQRA lead agency for the proposal. No changes will be made to the subdivision plat submitted to the Board. As a result, Mr. Muench believed that it can be considered as the submission of

the Final Minor Subdivision Plat. Mr. Simon suggested to the Board that the subdivision could be approved subject to the APA Permit.

Mr. Bump made a motion to schedule a public hearing for Subdivision Application **#SD2016-01** for the July 18, 2016 meeting; motion seconded by Mr. Nick. Motion carried 7-0.

**#SD2016-02:** Thomas Cameron is seeking approval for a 2-lot subdivision, on property located at Cobble Creek Road, identified by Tax Map Parcel #: 32.-1-32, in Zone Classification Rural Use.

Thomas Cameron presented the proposal. Mr. Muench questioned if the subdivided parcel would be a “gift” to his son and Mr. Cameron stated that it will be. Mr. Muench said if that is the case, he did not believe there is much for the Board to do as gifted lot subdivisions are non-jurisdictional and do not require Planning Board approval.

Once stamped and signed by the Chairman as non-jurisdictional, Mr. Cameron will be able to file the Mylar and paper copy of the subdivision at the Warren County Clerk’s Office. Mr. Muench mentioned that there are two small errors on the map where it references APA Project Permit 2008-52 as 2018-52. He recommended to Mr. Cameron to have the Permit number corrected on the map prior to having it signed and filed.

Mr. Muench made a motion that the Planning Board declares the proposal to be a family gift subdivision which is deemed non-jurisdictional, does not require Planning Board approval as either a major or minor subdivision and if we are authorized to refund the \$100.00 application fee that we do that; motion seconded by Mr. Ellsworth. Motion carried 7-0.

**MINUTES:**

Mr. Bump made a motion to accept the minutes for the May 16, 2016 meeting; motion seconded by Mr. Muench. Motion carried 7-0.

**CORRESPONDENCE:** Zoning Administrator and Sanitary Code Enforcement Officer’s Activity Report for May 2016.

**OLD BUSINESS:**

As Sal Tirone was present in the audience at the meeting, the following discussion ensued regarding the laser tag operation.

Mr. Nick mentioned that at the previous Board meeting, Mr. Tirone gave him permission to perform a site visit to check out his laser tag property. Mr. Nick referred to a prop with a helicopter on top that was over eight ft. in height, which he stated was contrary to what the Board approved. Mr. Nick also mentioned that the construction of the fence was disappointing and inappropriate, with the fence being supported by approximately 10 or 12 pallets facing the neighboring property.

It was Mr. Nick's understanding that when Mr. Tirone presented the proposal for the props, that they would be two-sided and not four-sided. Mr. Muench stated, "It was quite clear when you came and showed us your little props that the very largest prop would be two pieces of 4' x 8' plywood." Short discussion ensued regarding the props and it was mentioned that the props are like "sheds without a roof" and not what was approved by the Board.

The "signs" on each structure (i.e. Hospital, Bank, etc.) was also briefly discussed. Mr. Muench suggested to Mr. Tirone to check with the Zoning Administrator regarding the signs. There was discussion regarding the use of guns other than the laser guns that were approved and the circumstances surrounding Mr. Tirone's operation utilizing pellet guns, which did not receive approval from the Board.

Mr. Nick asked Mr. Tirone when the fence will be appropriately fixed with posts and the pallets removed facing the neighbor's property. Mr. Tirone stated, "I can bring the pallets on my side of the property, I can do that, certainly within, I will call it 10 days, this way it cleans up his side." Mr. Muench asked the Zoning Administrator if the County has control over fences and in this case, if a fence is not "structurally sound". The Zoning Administrator will call Warren County Building Codes and find out the answer.

In response to Mr. Tirone's answer regarding the pallets, Mr. Nick and Mr. Muench agreed that if the pallets were moved to the inside of the property, that they would be dangerous to children, especially if they were deteriorated and climbed upon. Mr. Tirone stated, "I will clean it up on his side so that this way it is presentable, on Walsh's property, as far as purchasing the posts, no, I can't put a time frame on that." Mr. Nick mentioned that the two types of fencing approved on the Site Plan were the orange construction fencing and stockade. Mr. Nick asked Mr. Tirone if during his proposal, he had mentioned that he would use oriented strand board (OSB) to construct multiple sections of the fence. Mr. Tirone stated that he had not.

Mr. Tennyson also mentioned that he was currently in the process of writing a notice of violation for the structures and Supervisor Leggett briefly explained the reasoning for issuing the violation notice. Brief discussion ensued regarding the props. Mr. Tirone read to the Board Section 5.06(E) of the Zoning Local Law and asked, "How does the size of my props violate anything to do with Zoning?" Ms. Hayes stated that they are structures and require permits.

Chairman Little stated that if Mr. Tirone returned to the Board for the addition of a helicopter prior to placement of it on the structure, the Board might have been OK with the helicopter. He also mentioned that he believed that it is the feeling of the Board, that Mr. Tirone misled the Board regarding the height of the structures. Concerning the helicopter discussion, Mr. Hilton mentioned if there is a stipulation in the approval that specifies the dimension, that he would either have to return to the Board for a modified approval or conform to what was approved.

Chairman Little suggested to Mr. Tirone to fix the fence and to remove the helicopter for the time being and return back to the Board to modify his Site Plan if he so chooses.

Mr. Muench stated, "Since the Zoning Administrator is considering some enforcement action and the only official way to get to the Planning Board is through the Zoning Administrator, he can decide whether he wants to entertain sending something to the Planning Board before he makes his decision to enforcement actions." Mr. Tirone stated that he will be submitting a new Site Plan Review Application to amend the condition regarding the size of the props.

Ms. Maxam was also present at the meeting. She mentioned that she has been at the Planning Board meetings where the laser tag operation has been discussed. Ms. Maxam reminded the Board of Section 13.04: Misrepresentation, of the Town of Chester Zoning Local Law and believed that due to Mr. Tirone's misrepresentations to the Board, including size of the props, that the permits issued are void. Further discussion ensued regarding the props.

**BOARD PRIVILEGE:**

Mr. Muench stated that he spoke to one of the attorneys at NYSDOS Division of Local Government Services, and confirmed that the settlement that Brand & Mundrick reached, has no bearing on what decision the Board makes and therefore, the Board has no obligation to approve the proposal.

**PUBLIC PRIVILEGE:**

**ADJOURNMENT:**

Mr. Dutcher made a motion to adjourn the meeting at 9:30 p.m.; motion seconded by Mr. Bump. Motion carried 7-0.

Respectfully submitted,

Jeremy J. Little  
Secretary