



**MINUTES OF MEETING  
TOWN OF CHESTER  
PLANNING BOARD  
OCTOBER 20, 2014**

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

**ATTENDANCE:**

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

**MINUTES:**

Chairman Paul Little asked for a motion to accept or amend the previous Planning Board Meeting minutes held on August 18, 2014. Mr. Dutcher made a motion to accept; seconded by Mr. Bump. Motion carried 7-0.

**CORRESPONDENCE:**

Zoning Administrator and Sanitary Code Enforcement Officer's Activity Report for August and September 2014.

**NEW BUSINESS:**

**Boundary Line Adjustment:** The North Warren Trailblazer's Club is seeking approval for a boundary line adjustment on Knapp Hill Road, identified by Tax Map Parcel #: 104.1-1-10.5 (Trailblazer's Club Parcel); Tax Map Parcel #: 104.1-1-18.1 and Tax Map Parcel #: 104.1-1-19 (Two Parcels owned by John Palermo Testamentary Trust and Leggett Family LLC). The proposed conveyance of 1.22 +/- acres from the Palermo and Leggett parcels are to be merged with the NWTSC parcel. All parcels are in Zone Classification Moderate Intensity.

Mr. Jack Latchford, the Vice President for the North Warren Trailblazer's Club, was in attendance to present the proposal.

Mr. Muench questioned Mr. Latchford if there were wetlands on the parcels. To Mr. Latchford's knowledge, there are no wetlands as the area is heavily wooded. Mr. Dutcher questioned whether the Planning Board could approve such a substantial boundary line adjustment request as the proposed conveyance is 1.22 plus or minus acres. During the discussion, Mr. Muench quoted *Section 7.22 (A) (4) of the Town of Chester Zoning Local Law* which states:

*The property conveyed is of a size and configuration that could not reasonably accommodate the construction of a single family dwelling.*

Mr. Muench mentioned that on the provided map, it states that “No Principal Dwellings or Structures Are To Be Constructed or Placed on the 1.22 +/- Acre Proposed Conveyance.” In addition, Mr. Muench said that it would be beneficial to include the above statement in the amended deed if the property were to be sold in the future. Mr. Dutcher questioned if any structures (including a garage for storage of equipment) could be placed on the parcel in the future. The Board concurred that it would not be permitted due to the requirements for the approval of a Boundary Line Adjustment and the abovementioned statement pertaining to any new construction of principal buildings or structures on the parcel.

Mr. Muench believed that it would be in good practice to submit the newly amended deed to the Secretary of the Planning Board before such map can be filed in the County Clerk’s Office. This would allow the Planning Board to ensure and verify that all of the necessary statements and covenants required by Boundary Line Adjustments are included in the amended deed. Once the deed has been submitted to the Secretary of the Planning Board for review to determine that it includes the pertinent statements, it could then be stamped and signed by Chairman Little as a non-jurisdictional boundary line adjustment which would then be filed in the County Clerk’s Office.

Mr. Little questioned Mr. Latchford the reason for the proposed conveyance and it was determined that there is a parking issue at the Club and the approval of the boundary line adjustment would allow for more parking area.

Mr. Muench made a motion to approve the Boundary Line Adjustment request subject to the submission and review of the amended deed to the Secretary to ensure that it contains the pertinent language in Section 7.22: Boundary Line Adjustment Regulations (including: no principal structures are to be constructed on the boundary line adjustment parcel) and if such language is included, the map is to be stamped and signed by the Chairman. Motion seconded by Mr. Dutcher. Motion carried 7-0.

**#SPR2014-04:** Jason Bradley is seeking Site Plan Review approval for an accessory apartment above an existing “Carriage House”, located at 1 Pine Street, identified by Tax Map Parcel #: 104.10-3-2, in Zone Classification Moderate Intensity.

Mr. Eric Isachsen from Eric and Eric Inc. was present to represent Mr. Bradley and his proposal.

Mr. Isachsen began by stating Mr. Bradley would like to have an apartment on the second floor in the existing carriage house. Mr. Isachsen explained that in order for the proposal to satisfy the Town of Chester Zoning Local Law requirements regarding Accessory Apartments, it must be “within the single family dwelling” as read in the following definition:

*Accessory apartment* - An accessory apartment is a short-term accessory use to a single family dwelling. It is a separate living space within a single family dwelling to be occupied by family members or caregivers. An accessory apartment shall constitute a principal building however it does not need to comply with the density or minimum lot size requirements of the district. **[amended July 2011]**

To satisfy the requirements, Mr. Isachsen explained that a breezeway will be constructed between both structures so that it becomes “within a single family dwelling” and the construction of the breezeway will be contingent on the approval of the proposal.

Mr. Muench mentioned that the number of accessory apartments cannot be greater than ten percent (10%) of the existing single family residences in the Town. Mr. Muench questioned Mr. Isachsen if the square footage of Mr. Bradley’s residence is under 3,500 square ft. and it was determined that it was. After review of the Site Plan, Mr. Muench stated that the upstairs of the carriage house is approximately 818 square ft. and is more than the 800 square ft. allowable living space (**Section 7.21 (C) (4)**). Mr. Isachsen said that the living space will be less than 800 square ft.

Mr. Isachsen stated that there is a two-car garage underneath the proposed accessory apartment, which would eliminate the concern for necessary off-street parking for both the accessory apartment and the primary single family dwelling (**Section 7.21 (C) (6)**). It was determined that there is only one electric meter on the property.

Mr. Muench stated that if the accessory apartment is approved, Mr. Bradley is required to annually renew the permission to continue the accessory apartment and provide documentation that all provisions in Section 7.21 are met. Further, Mr. Muench explained to Mr. Isachsen that if the “authorization for the accessory apartment expires or is invalidated, the removal of the kitchen facilities shall be removed within sixty days.” Mr. Muench also clarified that the accessory apartment can only be occupied by family members or caregivers and no money may be received for the use of the accessory apartment.

Mr. Ellsworth made a motion to schedule a public hearing on November 17, 2014 in connection with Site Plan Review application **#SPR2014-04**. Motion seconded by Mrs. Robbins. Motion carried 7-0.

**#SPR2014-05:** Joseph Brand is seeking Site Plan Review approval for the relocation of the “All Brands Redemption Center” and “Susan Brand Salon” to property located at 6393 State Route 9, identified by Tax Map Parcel #: 104.10-2-8, in Zone Classification Hamlet.

Mr. Brand was not present at the Planning Board meeting. The Site Plan Review Application **#SPR2014-05** was tabled and scheduled for the next Planning Board meeting on November 17, 2014.

**OLD BUSINESS:** None.

**PUBLIC PRIVILEGE:** None.

**BOARD PRIVILEGE:**

Mr. Muench stated he has a couple friends that own properties on Loon Lake that were asking about the recent construction in the Loon Lake RV Park. Mr. Muench said that the construction involves a bathhouse and a camp store. Mr. Muench questioned why those projects were not subject to Planning Board approval through Site Plan Review. Under the Use Chart for Low Intensity, for which the Loon Lake RV Park is zoned, Mr. Muench stated

that it reads:

*For all commercial uses any increase in the structural size or any addition or change in use shall be subject to project review.*

Mr. Ellsworth questioned if a Zoning Certificate had been issued for both structures. Mr. Muench stated that on the Zoning Administrator and Sanitary Code Enforcement Officer's Activity Report for July 2014, there was a permit issued for "Construction of 56' x 28' Camp Store with 56' x 8' Covered Porch." Mr. Muench stated that it was unclear if the "Camp Store" would only be utilized by the occupants/guests of the campground and/or also available to the general public. Mrs. Robbins questioned the permit process for a bathhouse. In reply, Mr. Tennyson said that the New York State Department of Health is the lead agent when it comes to the design, construction, and installation of public wastewater facility(s). Chairman Little mentioned that when Mr. Tim Beadnell submitted an application for Site Plan Review in August 15, 2011 (#SPR2011-03) for the expansion of the Loon Lake RV Park by 33 additional sites, it was questioned whether the increase/expansion of sites would have any effect on the Town Beach.

The Planning Board requested the Secretary to obtain the folder(s) for the Loon Lake RV Park (Tax Map Parcel #: 103.-1-18.1). It was determined that there was a Zoning Certificate issued for Construction of a Bath House on 02/28/12 and a Zoning Certificate issued for Construction of a 56' x 28' Camp Store with 56' x 8' Covered Porch on 07/02/14. The Site Plan Review Approval from the August 15, 2011 Planning Board meeting was also read at the meeting and states the authorized activity as the following:

*Expansion of existing Campground, with addition of 33 new sites, as proposed.  
Permits required for construction of any new on-site buildings.*

Mr. Tennyson stated that he would contact Mr. Beadnell and inform him that Site Plan Review approval is required for the placement and construction of the camp store.

On another note, Mr. Muench moved to an issue addressed in previous meetings regarding Paul and Rosalie Frettoloso's property located at 56 West Road. Mr. Muench mentioned that the Adirondack Park Agency determined that enforcement action would not be pursued related to the subdivision. Mr. Muench explained that in the APA letter, it stated, "In addition, subdivision or development of your property may require approval from the Town of Chester." Mr. Muench made the suggestion that a letter be sent to Mr. Frettoloso to submit an application for a Minor Subdivision to resolve the unapproved subdivision issue and if there is no response, that enforcement action must commence.

Chairman Little stated that the property has already been subdivided and a new deed and map has been submitted to and approved by the County. From the meeting on August 18, 2014, it was discussed that Mr. Muench would contact the Warren County Real Property Tax Services Office and bring back some answer(s) to the Board regarding the issue. Mr. Muench spoke to Ron Dixon from Warren County and he stated these situations have occurred before, but that once a deed has been presented and submitted, he is obligated to process it. During the discussion, Mr. Dixon suggested to contact the County Clerk

Committee of the Warren County Board of Supervisors and present the issue in hopes of finding a solution. It was decided that Mr. Muench will initiate contact with the County Clerk Committee and will inform the Secretary of his findings. Once informed, the members believed that a letter should then be sent to Mr. and Mrs. Frettoloso explaining the necessary submission of a complete subdivision application.

There was discussion pertaining to a lot on McPhillips Pine Lane on Friends Lake. The lot in question owned by Jennifer and Christian Bauman at 137 McPhillips Pine Lane was discussed by Mr. Muench. Mr. Muench explained that the lot is split by McPhillips Pine Lane; however, the lot still remains as one parcel, not two. On the non-shoreline section, there is a Guest Cottage and the other side on Friends Lake is vacant. Mr. Muench read part of the deed to the Board and stated, "One of the general restrictions is no building except a single family dwelling, non-commercial use of at least 2,000 square ft. shall be built or constructed on the parcel conveyed." He stated there is already a "single family dwelling on the property and John MacMillen of MacMillen Construction believes that he already has a Zoning Certificate that allows him to build a second structure there." ***(Please see the Minutes from November 10, 2014 Meeting for emendatory statements by Mr. Muench, in Bold Face Type).***

Mr. Tennyson stated that he would contact Mr. MacMillen about Mr. Muench's concern.

#### **ADJOURNMENT:**

Mr. Ellsworth made a motion to adjourn the meeting at 7:49 p.m.; seconded by Mr. Hilton. Motion carried 7-0.

Respectfully submitted,

Jeremy J. Little

Secretary