

MINUTES OF MEETING ~ OCTOBER 20, 2008

ATTENDANCE: Rick Bump, Eugene Dutcher, Paul Little, Bob Thurling, Suzanne Robbins, Ken Raisner, George Hilton, Alternate Harold Ellsworth, and Secretary Pat Smith. Zoning Administrator Walt Tennyson was also in attendance.

MINUTES: On a motion by Mr. Thurling, seconded by Mr. Bump, the Minutes of the September 15th, 2008 meeting were accepted, as presented. Motion carried 7/0.

CORRESPONDENCE: Letter to NYSDEC and NYSDOH dated 9/26/08 re: Gilma subdivision; APA 2nd notice of incomplete application Project #2008-197 for Magee/Gill; Specs. on reverse warning back-up alarms on the Coca Cola project; Zoning Administrator's Activity report for September 2008; and reply from 9/26/08 letter to NYS DEC re: Lead Agency status for Gilma subdivision.

PUBLIC HEARING: Having been duly advertised, the Public Hearing was opened at 7:03 p.m. by Chairman Raisner.

#SPR2008-08 ~ Walter Fredericks proposal for change of use from retail to a distribution facility. The site is located on Skeets Road, off State Route 8, containing a 2000 s.f. building formerly used for boat sales and storage. That business is no longer operational. Mr. Dwayne St. Clair, Distribution Manager of the Albany Coca Cola facility, presented a brief run down of the proposed project. He explained that Coke wants to develop a drop site for their beverage industry, within the Town of Chester, it being a half way point between Albany and the Tupper Lake region and areas north. Owner of the property, Mr. Fredericks, has been working with Coca Cola in development of this project. The equipment (trailers) will be loaded in Albany and brought to the site in tandem with two 20 ft. trailers per tractor. Delivery people will then come in the morning, perform a vehicle inspection, hook up to their trailers, then proceed out to make the deliveries on their route. Seasonality would dictate the number of trailers brought to the site each day. There would be no weekends involved, and other than trailer drops, no activity on the site after the drivers have left for the day to make their run. There would probably be 2 to 3 trailer deliveries to the site each weekday. Drivers' personal vehicles would be left on site until the end of their workday.

Mr. John Behan, who is a new neighbor of the site, having recently purchased property on which to develop a mixed use shopping center, was in attendance to voice some concerns.

The first one was over the scale of the facility, concerned at how big it could become, and whether another larger facility would want to come in someplace else in town, thereby producing large truck farms in the hamlet. (Should another facility want to come in, the project would be subject to Planning board review and approval, as well).

His second concern was site specific, regarding the chain link fence with barbed wire on it, and wondering if it shouldn't be landscaped in the front to keep it from being seen from Route 8. Discussion ensued between the board and applicants. Question was raised by a board member why they did not seek to locate in the Industrial Zone across from Peckham Materials.

Applicant stated that DOT regulates how far off the Interstate they can run with double trailers, and he didn't believe the town would want them running tandem trailers over Main Street. He added that most of the trucks would be headed back to I-87 from the site, with no additional traffic coming into town.

Mr. Behan also questioned whether Skeet Road could be brought up to town road standards by all the residents there, in order for the town to take over care and maintenance of it, but that is a concern for the town board, and not an issue to be decided by the planning board.

Visual impact seems to be the greatest concern of the board, and they would like to see it softened by some sort of screening. They asked the applicant if they would bring in a picture of the fencing, and a drawing showing vegetative screening of the fencing. Applicant stated that upgrades needed to be done on the electric service in the building for upgrading of the lighting, and they would need to study the cost of screening, etc. in order to determine cost effectiveness for continuing with the project. Rob Simon of Smith & Simon LLC, stated that he was attorney for and had spoken with the owner of the property, and he had said that he would be willing to do what he could to make it acceptable to the boards' conditions.

A motion had been made earlier to close the public hearing, but it was rescinded, and a second motion was made by Mr. Little to adjourn the public hearing, in order for the additional material to be brought in and reviewed. Motion was seconded by Mr. Hilton, and carried 7/0. Applicant was reluctant at having to wait another month for an approval on the project. It was decided by the board, and agreed to by the applicant, to hold a special meeting on November 3rd for continuation of the public hearing on the project, and to review the anticipated pictures of the proposed fencing and screening. Approval at that time would still enable applicant to undertake the project before winter sets in.

OLD BUSINESS: Continuation of tabled projects.

NEW BUSINESS: #SPR2008-09 ~ Deborah Buttino proposed consignment shop. Applicant explained that she wanted to open a clothing consignment shop in the downstairs space located at 6300 State Route 9, recently vacated by Beckie's Bloomers Flower Shop. She would be taking in good used clothing for men, women and children on a consignment basis. She was confident that parking in the space provided with the building would be sporadic, and had spoken with the Grand Union who had offered no objection over the use of their parking lot by her customers. She explained that since she was a baker by trade, she might also offer coffee and baked goods to the shoppers. She added that her proposed sign would be much like Attorney Silvestri's, tan and green in color, and professionally stylish. Brief discussion ensued, and a motion was then made by Mr. Bump, seconded by Mrs. Robbins, to waive a public hearing, and to approve application #SPR2008-09 for the purpose of operation of a clothing consignment shop. Motion carried 7-0.

#SD2008-05 ~ Gilma/CASME proposed 3-lot subdivision. The proposed 3 lot subdivision is of property owned by Gilma Enterprises, Inc. (Tom & Nadine Magee along with Ron & Priscilla Gill), and CASME, Inc. (Cynthia Mead). Applicant represented by Attorney Rob Simon, of Smith & Simon, LLC.

The Gilma property is a 73.4 +/- acre parcel located off State Route 8 and off Stage Coach Drive, tax map designation #87.-1-3.1. The CASME property is a 1.82 +/- parcel, also located off State Route 8 and off Stage Coach Drive, tax map parcel #87.20-1-9.

The proposed subdivision involves the creation of Lot 1, comprised of a .806 +/- acre portion of tax parcel 9, improved by a commercial use structure (Gallo Realty), and will be retained by CASME, Inc. Lot 2 is a .70 +/- acre lot and Lot 3 is 1.414 +/- acres in size. Both of the latter lots are vacant and both are comprised of portions of tax parcels 9 and 3.1. The remainder of the Gilma property will be retained. The property is located in two land use areas, according to the Adirondack Land Use and Development Plan Map. The currently proposed subdivision will occur entirely within the Hamlet land use area, and not within the Moderate Intensity Use area being retained by Gilma.

The other lands of Gilma will be retaining the right-of-way as the primary access to the gravel pit, located on the westerly side of the Gallo Realty property, and will continue to be maintained by them. Project has received a non-jurisdictional determination from the Park Agency. Upon approval, the parcels will then be available for sale, with anticipated use unknown, and to be determined by the purchasers.

Following brief discussion, a motion was made by Mr. Thurling to schedule a public hearing for the November 17th meeting. Motion was seconded by Mr. Dutcher, and carried 7/0.

Gilma proposed Lot Line Adjustment. Applicant, Lands of Magee and Gill, represented by Mr. Rob Simon of Smith & Simon, LLC. There is an existing, approved subdivision off Stage Coach Road known as Carriage Knolls. Under the same ownership is a second subdivision, currently under review by the Planning Board, and having received Preliminary approval, known as Surrey Drive. Applicant recently had to make application to the Park Agency to construct a house on Lot 7 in Carriage Knolls. An originally submitted application had been rejected because the house would be located on lands a little bit too steep.

Applicant now proposes that Lot 7 will be revised to include a portion of lands owned by Gilma (Surrey Drive subdivision), which runs contiguous to Lot 7 of the Carriage Knolls property. The lands of Gilma to be added to Lot 7 are approximately 160 feet deep, measuring generally north to south, by 355 feet measuring east to west. Total land area to be added to Lot 7 is relatively flat, and will consist of 1.145 +/- acres, leaving Lot 11 in the Surrey Drive subdivision at 1.894 +/- acres.

Following discussion, motion was made by Mr. Little, seconded by Mr. Thurling, to approve the Lot Line Adjustment, as proposed. Motion carried 7/0.

#SD2008-06 ~ Suzanne Fish proposed 3-lot subdivision. Applicant is owner of approximately 15.69 +/- acres of land located on VanGuilder Road, a Low Intensity Land Use area. She proposes a 3 lot subdivision, with Lot 2C at 1.92 +/- acres; Lot 2B at 5.4 +/- acres, and will be retaining the remaining 8.38 +/- acres which contains the wetlands. The first two parcels will be conveyed to applicants' daughters, and are each proposed for the construction of a single family dwelling and related on-site wastewater treatment systems. Since all of the wetlands are located on the parcel being retained, there will be no subdivision of wetlands. There is a proposed easement and right-of-way for ingress and egress and utility installation and

maintenance off Van Guilders Road, and crossing both Lots 2C and 2B, as well as other lands of Suzanne Fish to access Lot 2A and those areas to the rear of the proposed subdivision. A non-jurisdictional letter has been received from the Adirondack Park Agency, but will need to be amended to read "3-lot subdivision", instead of "2-lot subdivision."

Following discussion, a motion was made by Mr. Bump, seconded by Mr. Hilton, to schedule a public hearing for the November 17th meeting. Motion carried 7/0.

#SD2008-07 ~ William t. Murphy, Jr. proposed 2-lot subdivision. Attorney Melissa Lescault of McPhillips, Fitzgerald & Cullum LLP was in attendance to represent the applicant. The property is an 11 +/- acre lot located on the north end of Friends Lake, off County Route 8, opposite the Friends Lake Inn. It is currently owned by William T. Murphy, Jr., the Estate of Joan Murphy Haddad and the Estate of Mary C. Murphy. The property had descended to William T. Murphy, Jr. through the estate of his father and his aunt. In order to settle a litigious estate matter, a settlement offer has been agreed to among the beneficiaries of the estates to partition the property into two lots. Lot 1, consisting of 5.48 +/- acres shall be conveyed to William T. Murphy, Jr., and Lot 2, consisting of 5.65 +/- acres shall be conveyed to the remaining five beneficiaries of both estates. Combined, the lots have over 1100 feet of road frontage, and over 400 feet of shorefront on Friends Lake. Property is located in a Moderate Intensity Land use area, and both parcels indicate the presence of wetlands which need to be verified by the APA. Driveways are proposed for construction on both lots, and the parcels will be conveyed into a single deed with modern descriptions. Application for jurisdiction has been made to the Park Agency.

Following discussion, motion was made by Mr. Bump, seconded by Mrs. Robbins, to schedule a public hearing for the November 17th meeting. Motion carried 7/0.

PUBLIC PRIVILEGE: No comment from the public arena.

BOARD PRIVILEGE: Discussion on a prior subdivision of the Filkins property on Vanderwalker Road.

ADJOURNMENT: On a motion by Mrs. Robbins, seconded by Mr. Hilton, the meeting adjourned at 8:45 p.m.

Respectfully submitted,

Patricia M. Smith ~ Secretary