



PLANNING BOARD
Regular Meeting – January 23, 2023

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

Attendance:

Chairman Paul Little, Vice Chairperson George Hilton, John Nick, Kathy Bilfield, Bruce Goody, Patrick Powers, Zoning Administrator Jeremy J. Little (via Zoom) and Mindy Conway (Acting Secretary). Greg Taylor was absent.

Minutes:

On a motion by Patrick Powers, seconded by Vice Chairperson George Hilton, minutes for the November 21, 2022 Planning Board Meeting were accepted.

AYE 5 NO 0
Paul Little - Abstained

On a motion by Bruce Goody, seconded by John Nick, minutes for the December 19, 2022 Planning Board Meeting were accepted.

AYE 5 NO 0
George Hilton - Abstained

Request to amend the Boundary Line Adjustment approval on October 16, 2000 to remove the condition as noted on the approved Map requiring merger of property located at Valley Farm Road, identified by Tax Map Parcel #: 52.8-1-19.2 with property located at 7882 State Route 9, identified by Tax Map Parcel #: 52.8-1-21.

Nathan Hall from Stafford, Carr, & McNally was present via Zoom representing the prospective owner, Carl Younes. Nathan Hall commented that the Boundary Line Adjustment that was approved October 16, 2000 was never completed. Debra Kellogg never conveyed the land to Robert Stetson to be merged. Nathan Hall is asking that the condition be removed, and the lot remains a standalone lot and not be merged with the Stetson lot. This lot is heavily wetlands, and the prospective owner has no plans on developing the lot.

Zoning Administrator, Jeremy Little, commented that the Warren County Community Map shows about 70% wetlands.

Chairman Little commented that the original intent of the Boundary Line Adjustment in 2000 was so that the Black Bear Restaurant could protect its parking lot. The parking lot is in the non-wetland part of the lot we are talking about. Chairman Little said everyone agrees that the

Boundary Line Adjustment was signed and filled, but no deed was ever prepared to describe the property that is to be transferred for this Boundary Line Adjustment. So the question is, if there is no deed, then did a merger ever occur. Nathan Hall replied no, and it has been a standalone lot for 20 years.

John Nick asked why they just don't go file the paperwork. Nathan Hall said that he is asking that the condition of the merger be removed.

Kathy Bilfield asked if the owner knows about the Japanese knot weed?

Chairman Little would like to speak to the Attorney for the Town as to the proper procedure.

Old Business:

#SPR2020-13: Loon Lake RV Park LLC (Tim Beadnell) is seeking Site Plan Review approval to finish and renovate the upstairs of the existing Camp Store to offer coin operated video games and coin operated laundry (2 sets). Property is located at 5400-5408 State Route 8, identified by Tax Map Parcel #: 103.-1-18.1, in Zoning District Low Intensity ****TABLED UNTIL FURTHER NOTICE BY REQUEST OF APPLICANT****

#SPR2022-16: Sharon and Gerald Yarter are seeking Site Plan Review approval for the installation and placement of a 5.92 kW ground mounted solar PV system with whole house battery backup (as accessory structure). Property is located at 323 Landon Hill Road, identified by Tax Map Parcel #: 87.1-1-15, in Zoning District Low Intensity.

Garrett Lee was present via Zoom, representing the applicant. Garrett Lee gave a quick overview of the project. Stating they were installing 16 ground mount solar panels which would provide electricity for when the grid goes down.

Chairman Little asked if the Board had any questions.

Findings of Facts:

1. There will be little or no negligible impact on Public Health, safety, and general welfare, and the project satisfies all concerns stated in Section 5.06(E) of the Town of Chester Zoning Regulations;
2. The Project agrees with the Town of Chester Master Plan;
3. The proposed action will have no negative impact on the environment;
4. Warren County concurs with the Chester Planning Board;
5. Solar panels are not visible from neighboring properties.

On a motion by Patrick Powers, seconded by Bruce Goody, **Site Plan Review Application #SPR2022-16: Sharon and Gerald Yarter** was approved with the above Findings of Fact.

AYE 6 NO 0

New Business:

Chairman Little commented that the first four (4) site plan applications involve parking and read the following:

“Pre-existing structures that have inadequate off-street parking capability would require approval by the Planning Board. The Planning Board may modify these requirements based on the objectives and purpose of Section 7.06(A) being met.”

Then read Section 7.06(A):

“The purpose and objective of this law is to provide safe flow of traffic, relieve congestion, allow adequate accessibility for ingress and egress, and insure acceptable visual aesthetics.”

#SPR2023-01: Elizabeth A. Krebs is seeking Site Plan Review approval for the use of the first floor of an existing building as a studio gallery with classes being offered and handmade products and artwork for sale. Property is located at 6375-6377 State Route 9, identified by Tax Map Parcel #: 104.10-8-11, in Zoning District Hamlet.

Betsy Krebs was present via Zoom to answer questions.

Betsy Krebs commented that she plans on using the lot on Pine Street across from the Funeral Home for parking along with street parking.

John Nick asked about the hours of operation. Betsy Krebs replied 10 to 4 most days and classes in the evening from 6 to 8 at night. Hours of operation will be very flexible for other artists to have classes and use the space. John Nick commented that it will be great to have that space filled and if the customers could be notified of the additional parking available on Pine Street.

Chairman Little asked the Board if they felt a public hearing was necessary. The Board agreed that a public hearing was not necessary.

On a motion by Kathy Bilfield, seconded by George Hilton, the Board deemed **Site Plan Review Application #SPR2023-01: Elizabeth A. Krebs** complete and referred the Application to the Warren County Planning Department.

AYE 6 NO 0

#SPR2023-02: Terri-Lee Allen is seeking Site Plan Review approval to change the use from a beauty salon to a liquor store. Property is located at 102 Riverside Drive, identified by Tax Map Parcel #: 104.10-6-23, in Zoning District Hamlet.

Terri-Lee Allen told the Board that she would like to turn the old Groom Salon into a liquor store; where they would offer price matching with bigger store in Queensbury and delivery.

Kathy Bilfield asked how much interior renovations were going to take place. Terri-Lee Allen replied very little, most of it is currently open. Kathy Bilfield said she was concerned about lead paint and asbestos. Terri-Lee Allen commented that the building was already renovated by the owners with fresh paint and flooring.

Chairman Little commented that the liquor store would cut down on septic use compared to the beauty salon.

John Nick said that when they approved the salon, the salon owner had asked the P House if they could use parking. Terri-Lee Allen said that she could definitely do that. Chairman Little commented that he thinks the liquor store would require less parking than the beauty salon did.

Kathy Bilfield asked what the hours would be. Terri-Lee Allen said that the proposed hours would be Monday through Thursday 11 – 8 pm, Friday and Saturday 11-9 pm, and Sunday 12 – 6 pm and the hours may change seasonally.

Chairman Little asked if there were anymore questions from the Board.

Chairman Little asked Terri-Lee Allen to have something from their neighbors about parking.

On a motion by John Nick, seconded by Bruce Goody, the Board deemed **Site Plan Review Application #SPR2023-02: Terri-Lee Allen** complete and referred the Application to the Warren County Planning Department.

AYE 6 NO 0

#SPR2023-03: Gabrielle Kuba is seeking Site Plan Review approval to change the use of a portion of the existing law office to a beauty salon. Property is located at 102 Riverside Drive, identified by Tax Map Parcel #: 104.10-6-23, in Zoning District Hamlet.

Randy Kuba was present to answer questions.

Chairman Little commented that the septic must have already been approved when the beauty salon was in the building before. Randy Kuba said that it was and this will be much smaller since it will be just Gabrielle so there is only one chair.

Chairman Little asked the Board if there were any questions.

John Nick said parking.

Kathy Bilfield asked what was there before. Randy Kuba said that it was a law office and was already renovated.

On a motion by John Nick, seconded by George Hilton, the Board deemed **Site Plan Review Application #SPR2023-03: Gabrielle Kuba** complete and referred the Application to the Warren County Planning Department.

AYE 6 NO 0

#SPR2023-04: Cooper Management Associates, LLC (Deborah Freer) is seeking Site Plan Review approval to renovate and construct additions to the existing restaurant to provide for expanded indoor and new outdoor dining. The proposed additions will consist of a 519 sq. ft. addition for indoor dining and a 507 sq. ft. outdoor covered patio for outdoor dining. Property is located at 5810 State Route 8, identified by Tax Map Parcel #: 104.1-2-1, in Zoning District Hamlet.

Ethan Hall was present representing Deborah Freer. Ethan Hall commented that she is interested in changing the seating around the bar area and having a covered patio on the end of the building.

Kathy Bilfield asked if the building was currently insulated and operated in the winter. Ethan Hall replied that the previous owners operated it seasonally. Tom Hall said they will be adding a new facade to the front and that will all be up to code.

Chairman Little commented that the seating will increase from 63 seats to 91 seats and 22 parking spaces. Ethan Hall said that New York State owns the property under the rooster and Deborah Freer has been in contact with the State about parking and they are trying to stay away from the pond as much as possible.

John Nick asked if any of the new construction would require variances. Ethan Hall replied yes, they go in front of the Zoning Board tomorrow night.

The Zoning Administrator, Jeremy Little, said that 23 parking spaces is the minimum requirement and if you go by the most stringent 38 parking spaces are required. Ethan Hall said that parking is determined by the building square footage and the kitchen is huge and takes up over a third of the building. Chairman Little asked if the kitchen is taken into consideration of the square footage. Zoning Administrator Little said that the kitchen is included based on the law and the Planning Board can grant modifications to the parking requirements and if that is the case then the Zoning Board will not be reviewing that variance request at tomorrow night's meeting, they would only be looking at the shoreline setback variance that is being proposed.

Chairman Little thinks that 22 parking spaces is sufficient. John Nick agreed.

Ethan Hall commented that they have a variance from the State Board of Health for the septic. There is a grease trap, a septic tank, and an effluent pump. The effluent pump is pumped under Route 8 to the Monroe Property on the other side with six (6) dry wells. Kathy Bilfield asked if they ever need to be pumped out. Ethan Hall replied that the septic tank and the grease trap do need to be pumped out regularly.

John Nick asked when they would like to open. Ethan Hall responded that she would like to be open by May for the summer season.

Chairman Little read the following from the Town of Chester On-Site Wastewater Treatment Local Law, Section 4.010 – Continuation of Preexisting Systems:

“Wastewater systems and or properties within 200 feet of lakes, streams or ponds must be inspected by a licensed professional engineer and Town Zoning Administrator prior to the sale, gift or transfer of the property. This inspection shall include a test pit in the leachfield and an examination of the leachfield. This article shall not be construed to allow any unsafe use or structure, or permit such structures or their use when such structure or use constitutes a threat to public health, safety, welfare or environmental quality; permits the seepage of wastewater to ground surface; or interferes with the enjoyment or use of property.”

Chairman Little said that it would be helpful to the Board to have someone who has inspected the wastewater system to send a letter.

John Nick asked where the pump station was located. Ethan Hall said right outside the building, not under the driveway, and there is a cover over it so they can service the pumps.

Chairman Little asked if the Board thought there was a need for a public hearing.

On a motion by John Nick, seconded by Bruce Goody, the Board approves 22 parking spaces and requests a letter stating the wastewater treatment system has been inspected for **Site Plan Review Application #SPR2023-04: Cooper Management Associates, LLC (Deborah Freer)**.

AYE 6 NO 0

#SPR2023-05: Randal and Mary Miller are seeking Site Plan Review approval for the construction of a 56' x 64' x 14' (H) steel commercial garage with a 56' x 14' exterior shed for storage of equipment and vehicles for Miller's Masonry and Property Management. The proposed garage will be connected to a new on-site wastewater treatment system. Property is located at 7860 State Route 9, identified by Tax Map Parcel #: 52.8-1-22, in Zoning District Hamlet.

Mary Miller and Ryan Miller were present to answer questions.

John Nick commented that the building looks like it will be a nice addition.

Chairman Little asked if they had colors chosen. Ryan Miller said gray with a charcoal roof and tan doors.

Kathy Bilfield asked if it was going to be heated. Ryan Miller commented that it will be heated in the winter.

Patrick Powers asked if the old barn in the back was going to remain there. Mary Miller said that she would like to keep it.

Patrick Powers asked what was going to be stored in the structure. Ryan Miller replied trucks, lawn mowers, excavator, and plows. Patrick Powers asked if anything would be stored outside the building. Ryan Miller said that trailers would be stored outside and Mary Miller commented that the plows would be stored outside in the summer. Patrick Powers asked if there could be landscaping in place to hide equipment stored outside. Ryan Miller said there was space behind the building to store equipment out of sight.

Chairman Little commented that maybe one of the conditions would be that seasonal equipment have to be stored behind the building.

Kathy Bilfield asked about landscaping and adding trees for screening. Mary Miller commented that once the building is complete they can worry about landscaping, they are a landscape company so that will be important.

On a motion by John Nick, seconded by Bruce Goody, the Board deemed **Site Plan Review Application #SPR2023-05: Randal and Mary Miller** complete and referred the Application to the Warren County Planning Department.

AYE 6 NO 0

Request for Extension of the following **Site Plan Review Application #SPR2021-01** proposal approved by the Planning Board on February 22, 2021:

Renovation of an existing building (former Pottersville School and Word of Life Fellowship Offices) to twenty-two (22) residential apartment units. Proposal also includes the removal of an existing maintenance building and shed, construction of a covered main entrance, screened refuse area, potential future construction of (2) Four-Bay and (1) Nine-Bay parking garages and addition of second floor for seven (7) additional apartment units. Property is located at 71 Olmstedville Road, identified by Tax Map Parcel #: 35.4-2-47, in Zoning District Hamlet.

Clinton McKenna was present to answer questions.

Chairman Little asked why he was asking for an extension. Clinton McKenna said that Covid caused them to hold the project and now they are working again with the architect who is extremely busy, but he did not want to change the architect in the middle. They are working on exterior elevations.

John Nick asked about adequate water and fire protection. Clinton McKenna said water is still good and they are making a proposal for the new system.

John Nick asked when he would like to resume. Clinton McKenna said the limiting factor right now is the architect and he is meeting with him one day a week.

Chairman Little read the following from Section 12.08 Expiration of Zoning Permits of the Town of Chester Zoning local Law:

“If a project for which a land use and development permit has been issued is not under construction within two years after the issuance of such permit, said permit shall expire, and the project may not thereafter be undertaken or continued unless a new permit has been applied for and issued in the same manner and subject to all provisions governing the initial application for and issuance of a permit, unless the terms of the initial land use and development permit for the project provide for a longer period of time, in which case the permit shall expire at the end of that longer period.

On amotion by Bruce Goody, seconded by George Hilton, the Board approved the request for an extension of the following **Site Plan Review Application #SPR2021-01** proposal approved by the Planning Board on February 22, 2021 for one (1) year expiring February 22, 2024.

AYE 6 NO 0

Public Privilege:

None.

Board Privilege:

Kathy Bilfield expressed her concerns about the knot weed in Pottersville. Mary Miller commented that an agency usually comes in to deal with it.

Adjournment:

On a motion by John Nick, seconded by Kathy Bilfield, meeting adjourned at 8:31 pm.

AYE 6 NO 0

Respectfully submitted,

Mindy Conway
Acting Secretary