



PLANNING BOARD
Regular Meeting – February 27, 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 Bruce Goody, minutes for the January 23, 2023 Planning Board Meeting were accepted.

AYE 6 NO 0

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****

#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.

Chairman Little asked if there were any questions from the audience or from the Board. Hearing none.

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 finds no significant impact;
5. Planning Board has classified the project as a Type II Action requiring no further review under SEQR.

On a motion by John Nick, seconded by George Hilton, **Site Plan Review Application**
#SPR2023-01: Elizabeth A. Krebs was approved with the above Findings of Fact.

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.

Chairman Little asked if there were any questions from the audience or from the Board. Hearing none.

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 finds no significant impact;
5. Planning Board has classified the project as a Type II Action requiring no further review under SEQR;
6. Planning Board received notice that the neighbors do not object to on street parking or possible across the street.

On a motion by George Hilton, seconded by Patrick Powers, **Site Plan Review Application**
#SPR2023-02: Terri-Lee Allen was approved with the above Findings of Fact.

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.

Gabrielle Kuba was present to answer questions.

Chairman Little asked if there were any questions from the audience or from the Board.

John Nick asked if there was on-site parking. Chairman Little commented that it was on the street in front of the building and there is only one salon chair so there will probably only be one there at a time or one coming while one is going. Gabrielle Kuba said that there maybe two at times; during a color she may do a 10–15 minute haircut and she reached out to the owners of the P House about parking.

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. Planning Board has classified the project as a Type II Action requiring no further review under SEQR;
6. Parking is adequate for a one chair salon.

On a motion by Kathy Bilfield, seconded by Patrick Powers, **Site Plan Review Application #SPR2023-03: Gabrielle Kuba** was approved with the above Findings of Fact.

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 via Zoom representing Deborah Freer. Ethan commented that at the last Planning Board Meeting he gave a preliminary presentation talking about parking and an area variance was need from the Zoning Board of Appeals, which we now have, so they are now back to the Planning Board for the beginning process of the site plan review.

Chairman Little said one of the questions was parking and our code requires so many spaces per square foot of the entire building (38 needed). If you just take the restaurant portion 23 is required and there is only 22, which is very close. Ethan Hall commented that they are still working through with New York State about parking on their property with a lease or an easement. The driveway is on State owned property. If they are able to get permission, they would gain 18 additional spaces.

Chairman Little said at the last meeting it was discussed having a professional inspection for the septic system. Ethan Hall said that it is underway, they are having some difficulty because of the weather. They have opened the grease trap and the septic tank and inspected that part. They are still trying to get over to the Monroe Property to get to the drywells and the distribution box (d-box).

John Nick asked if they had already looked at the seats during the proposed and determined that the parking spaces proposed would work. Chairman Little replied yes.

Chairman Little asked the Board if they felt the application was complete without a complete septic inspection. Ethan Hall commented that they have a letter from the State Board of Health saying that what is on site is adequate for the use. They did get the pump chamber and the tank open, and they were operating adequately. If they were discharging effluent onto someone else's property and there was an issue with the septic, we would know immediately.

John Nick asked what happens if you open the d-box and look at the leach field it is not good. Ethan Hall said they would have to do a repair at that point. There is an easement with the property owners saying that they can repair it if there is an issue. Mr. Monroe said that he has not seen any problems with it, it is all sand. Jenna Cooper commented that that is her parents' property and she can confirm that there has not been any issues at least in the last eleven (11) years.

Kathy Bilfield asked if there was a contract between Mr. Monroe and the owners. Ethan Hall commented that he thought that it was part of the closing that the agreement would be transferred, and he believes that it was done as a deeded easement. Ethan Hall read a portion of the deed, "together with the septic system drain field easement, described in the deed from Astra Enterprises to Ward W. Bennett and Linda Bennett dated 04-30-1992 and recorded 05-06-1992 in Warren County Clerk's Office", so there is a deeded easement for that to remain there.

John Nick asked Chairman Little if this could be approved with the stipulation that the restaurant could not open without an approved septic inspection. That would be up to all the members of the Board and we are trying to keep this moving.

Chairman Little asked if the Board thought a public hearing was necessary. Chairman Little commented that it has been a restaurant as long as he has lived here and they are not changing the use. John Nick said continual usage.

Discussion continued about the septic.

John Nick asked Jeremy Little if they could put a condition on that they could not open until there was written confirmation about the septic system from the inspector. Jeremy Little asked Ethan Hall if there was a letter from DOH or was it verbal. Ethan Hall commented that the letter states that the system is adequate and the letter was back when the Silver Star was operating. Jeremy Little asked if there was anything recent. Ethan Hall replied no because we have not been able to inspect the Monroe site.

Chairman Little asked the Board if they were confident saying that the application is complete and sending it to Warren County with the stipulation that if we do not receive written confirmation for the septic system they will not be able to open. The Board agreed.

On a motion by George Hilton, seconded by Patrick Powers, the Board deemed **Site Plan Review Application #SPR2023-04: Cooper Management Associates, LLC (Deborah Freer)** complete and referred the Application to the Warren County Planning Department for their review with the stipulation that prior to the March 2023 Meeting written confirmation of the functioning of the entire septic system will be provided to the Zoning Administrator.

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.

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. Planning Board has classified the project as a Type II Action requiring no further review under SEQR;
6. Landscaping will be completed after construction is complete.

Condition of Approval:

1. Seasonal equipment is to be stored behind the building.

Ryan Miller commented that seasonal equipment will be stored off site. Mary Miller said that seasonal equipment will be store under cover and the only time you would see something is in between snow storms. Usually, the plows would be stored out back so it will not look like a junk yard.

On a motion by Patrick Powers, seconded by Kathy Bilfield, **Site Plan Review Application #SPR2023-05: Randal and Mary Miller** was approved with the above Findings of Fact and the one condition.

AYE 6 NO 0

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, spoke on behave of Carl Younes stating that they are trying to bring the lot into compliance. His client has agreed to have the piece joined with his existing property.

Chairman Little said that he contacted the Attorney for the Town, Mark Schachner. Mr. Schachner told him that the Planning Board may change conditions such as the one saying that it will be merged if both parties agree.

Chairman Little asked if this lot infringes on the parking area of the Black Bear.

Chairman Little presented a sample motion to remove the condition of approval of October 16, 2000, 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 and the lot 52.8-1-19.2 be merged with lot 52.8-1-20 owned by Carl Younes and the merger be filed with Warren County.

Nathan Hall commented that looking at the records that is what they have been requesting of the Board. Deborah Kellogg (current owner) would be deeding the property to Carl Younes, which is to be merged with his existing land.

Chairman Little commented that one of the problems with leaving lot 52.8-1-19.2 by itself is that it is less than a half an acre, which is not enough, especially with the wetlands.

Chairman Little asked about adding “no further development”. Nathan Hall commented that he would prefer not to add that to the approval.

On a motion by John Nick, seconded by Patrick Powers, the condition of approval of **October 16, 2000**, 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 was removed and the Tax Map Parcel #: 52.8-1-19.2 will be merged with Tax Map Parcel #: 52.8-1-20 owned by Carl Younes and the merger be filed with Warren County and a copy will be filed with the Zoning Administrator.

AYE 6 NO 0

New Business:

Request to amend the size of the four (4) previously approved tent platforms and locations of two (2) of the four (4) tent platforms in connection with Site Plan Review Application #SPR2022-14, Word of Life Fellowship, property located at 8119 State Route 9, identified by Tax Map Parcel #: 36.-1-26.

Doug Benson was present representing Word of Life Fellowship. Doug Benson proposed that two of the platforms be relocated to the other side of the road and the platform size will be changed from 20’ x 20’ to 16’ x 30’ which is due to the canvas for the tents.

Patrick Powers asked if the space where the platforms were originally going will now remain vacant.

John Nick asked how close the platforms will be to the water. Doug Benson commented that one will be at least 59 feet from Andrew Pond and the other one will be about 71 feet from the outlet of Andrew Pond.

John Nick asked if there was going to be any sewage there, near the platforms. Doug Benson replied no, they will use one of the public bathhouses.

Chairman Little asked the Zoning Administrator if the tent platforms were considered a structure. The Zoning Administrator said they are considered an accessory use structure and they are showing 35 feet from the Pond on the map.

Chairman Little asked the Board if this was a major change. The Board agreed this was not a significant change.

On a motion by John Nick, seconded by Bruce Goody, the Board agrees that the proposed changes to **Site Plan Review Application #SPR2022-14, Word of Life Fellowship** are not significant and approves the change in size of the four (4) tent platforms from 20' x 20' to 16' x 30' and the relocation of two of the four platforms with at least a 50 ft separation from the highwater mark on Andrew Pond and the outlet.

AYE 6 NO 0

#SD2023-01: Varick W. Stringham is seeking approval for a two-lot minor subdivision on property located at 222 Indian Springs Road, identified by Tax Map Parcel #: 120.10-1-50.1, in Zoning District Moderate Intensity.

Declan O'Dea was present.

Chairman Little stated that this was an unlisted action, will require a public hearing, and parts 2 and 3 of SEAF.

Declan O'Dea said that the Board approved this already in October, but with the holidays he did not file it with Warren County within the required filing deadline.

On a motion by George Hilton, seconded by Patrick Powers, the Board deemed **Subdivision Application #SD2023-01: Varick W. Stringham** complete and schedules a public hearing for March 20, 2023 at 7 pm.

AYE 6 NO 0

#SPR2023-06: Small Tales Day Care (Michael Dittmer) is seeking Site Plan Review approval for a day care center providing all day daycare for ages six (6) weeks to five (5) years utilizing existing rooms (rooms used formerly for the Meal Site and Youth Commission) at the Town of Chester Municipal Center. Property is located at 6307 State Route 9, identified by Tax Map Parcel #: 104.14-1-57.2, in Zoning District Hamlet.

Michael Dittmer was present to answer questions.

Chairman Little said this was a Type II Action, no SEQR review, and a building permit is not needed.

Chairman Little said the septic is the same as when it was a school (now the Town Hall).

Chairman Little asked Michael Dittmer if they need a permit from Warren County Building Codes. Michael Dittmer replied yes.

Chairman Little asked if there was a license needed since it was going to be a daycare. Michael Dittmer replied yes. He needs all of the approvals and then submits it to the Office of Children and Family Services (OCFS).

Chairman Little asked the Board if they had any questions.

Kathy Bilfield asked if there was oversight from the Health Department and asked when the last time the room was used. Mindy Conway commented that when it was a Meal Site it was certified by the Health Department and they stopped using it as a kitchen during Covid.

Chairman Little commented the water should be fine.

Bruce Goody asked if they were leasing the property from the Town. Mindy Conway replied that there will be a lease agreement.

Chairman Little asked if they needed a license before they deem the application complete. Bruce Goody said that the State has a lot of regulations when it comes to daycare.

Michael Dittmer commented that he cannot move forward without approval from the Town. Bruce Goody commented that the State will come see the site and tell what changes need to take place to open.

On a motion by George Hilton, seconded by Patrick Powers, the Board deemed **Site Plan Review Application #SPR2023-06: Small Tales Day Care (Michael Dittmer)** complete and referred the Application to the Warren County Planning Department for review.

AYE 6 NO 0

#SPR2023-07: Laszlo Fuzesi is seeking Site Plan Review approval for the construction of a new two-story four-bedroom single-family dwelling, driveway, new on-site wastewater treatment system, water supply well and landscaping. The proposed land use and development will occur on the property where the slopes are in excess of fifteen percent (15%). Property is located at 115 McPhillips Pine Lane, identified by Tax Map Parcel #: 136.-1-30, in Zoning District Moderate Intensity.

Brandon Ferguson, Environmental Design Partnership, was present representing the Fuzesis and gave a quick overview of the project.

Chairman Little commented that a permit will be needed for the dock, the wastewater system was designed by licensed engineer, the water supply well will meet Town of Chester standards, and this is a Type II Action.

George Hilton asked if they had applied for a SWPP (Stormwater Pollution Prevention Plan). Brandon Ferguson replied not yet, usually they apply a week in advance.

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. Planning Board has classified this a Type II Action requiring no further review under SEQR;
6. Wastewater system is designed by a licensed professional engineer.

Conditions of Approval:

1. Water supply well will meet Town of Chester standards; and
2. SWPP will be issued before construction starts.

John Nick asked about the retaining wall. Brandon Ferguson said that a structural engineer will design the wall.

Kathy Bilfield asked about the material for the walking path to the lake. Brandon Ferguson commented that it will not be a paved and they are not proposing any stairs at this time.

On a motion by Kathy Bilfield, seconded by John Nick, the Board deemed **Site Plan Review Application #SPR2023-07: Laszlo Fuzesi** was approved with the above Findings of Fact and Conditions of Approval.

AYE 6 NO 0

#SD2023-02: John S. and Rachael L. Shafer are seeking approval for a two-lot minor subdivision on property located at 435 Stock Farm Road, identified by Tax Map Parcel #: 120.-1-7, in Zoning District Rural Use.

Rachael Shafer was present to answer questions.

Chairman Little commented that this is an Unlisted Action that will require a public hearing, and completion of parts 2 and 3 of SEAF.

Chairman Little asked the Board if they had any questions.

Chairman Little commented that they will need a location of a house and septic system and he does not see those on the maps. Rachael Shafer replied that they are selling a piece of vacant land and asked if they have to have a potential site for the buyers. Chairman Little replied yes, a potential site for a house and septic with a test pit. Zoning Administrator said that in the past the Planning Board has approved subdivisions and required those applicants to provide perc tests and test pit data.

Discussion ensued about adding a proposed location for a house, septic system and well to the map before approval.

The land surveyor asked if he could turn in updated plans to the Zoning Administrator this week to help move things along. The Zoning Administrator commented that he would be ok with having the plans turned in to him by March 1st.

On a motion by John Nick, seconded by Bruce Goody, the Board deemed **Subdivision Application #SD2023-02: John S. and Rachael L. Shafer** complete with the stipulation that updated plans with a principal building, septic, alternate septic site and well are received by the Zoning Administrator by March 1, 2023 and schedules a public hearing for March 20, 2023 at 7 pm.

AYE 6 NO 0

Request to amend the following Site Plan Review #SPR2020-08 proposal approved by the Planning Board on July 20, 2020:

- o Construction of a three-bedroom single-family dwelling, driveway, attached one-car garage, deck, covered front entry, on-site septic wastewater treatment system, and well. The proposed land use and development will occur on the property where the slopes are in excess of fifteen percent (15%). Property is located at Chester Shores View, identified by Tax Map Parcel #: 86.18-1-6.

Rich Osborne and Stefan and Darci Clausen were present to answer questions.

Chairman Little commented that an extension was given in the July 2022 Meeting.

Chairman Little listed the following changes:

1. The driveway has been changed, entering road at same location;
2. The retaining wall has been removed;
3. There are no substantial changes to the site plan with the exception that there is an actual reduction in the footprint of the house, reducing from a 3-bedroom house to a 2-bedroom house.

Chairman Little read the Conditions for Approval from the July 20, 2020 Meeting:

1. Only three bedrooms will be allowed in the single family dwelling;
2. Installation of the water supply well will meet Town of Chester Standards; and,
3. Septic wastewater treatment system will be designed to meet Town of Chester standards subject to the variance approved by the Town of Chester Town Board on April 10, 2012.

John Nick asked if the septic has been designed yet. Rich Osborne replied yes.

Chairman Little commented that this will be a log home instead of a stick-built house. Replied yes.

On a motion by George Hilton, seconded by Patrick Powers, the Board approved the proposed amendments to **Site Plan Review #SPR2020-08** as submitted with the previous conditions still remaining with application.

AYE 6 NO 0

#SKETCH-SD2023-01: Amend Business Group LLC is seeking approval of a subdivision sketch plan for property located at 1428 North Gore Road, identified by Tax Map Parcel #: 16.-1-46, in Zoning District Low Intensity. Proposed subdivision involves the creation of three (3) lots: Lot 1 consisting of 3.6 ± acres, Lot 2 consisting of 3.6 ± acres and Lot 3 consisting of 4.2 ± acres.

Don Darrah was present to answer questions.

Don Darrah said the lot size was 11.2 acres after the survey, there are no wetlands, no JIF is needed, they are showing where potential locations for a house, septic and well, there is an existing mobile home on the property that will be removed, and there is an existing septic system on the property that they would like to utilize as well as an existing well.

Chairman Little asked if there has been any perc tests done. Don Darrah replied no this is very preliminary. This is a sketch plan to get comments.

Kathy Bilfield asked about the size. Don Darrah commented 1,500 sq. ft.

Chairman Little commented that the map will need to have an alternate leach field.

Don Darrah asked if the proposed septic system needed to be done before the application is complete. Chairman Little replied yes.

Public Privilege:

Jenna Monroe Cooper stated that she is running for Town Board and introduced herself.

Board Privilege:

Board discussion RE: **APA Project No. 2023-0016** (Peckham Materials Corp.)

The Zoning Administrator commented that they are looking to expand the industrial use structures at the asphalt plant. The APA is just looking for comments at this time.

George Hilton asked the application for the APA was incomplete. The Zoning Administrator replied yes, it is incomplete.

Chairman Little commented that having a crushed stone operation in our area is very beneficial economically to anyone who lives here and needs crushed stone or blacktop.

John Nick said that Peckham Materials has always been a very responsible neighbor.

The Secretary asked the Board members if they are interested in attending 2023 Adirondack Planning Forum scheduled for April 26 and 27, 2023 at the Hotel Saranac, Saranac Lake, New York and she would need to know by March 13, 2023.

John Nick said that he would be attending.

Kathy Bilfield commented that she would like to attend.

John Nick wanted to highlight #6 item K of the Site Plan Application and that this must be included with the application. If item K is not included with the application, then it should be deemed incomplete.

Kathy Bilfield thought that everyone in Town had municipal sewer. John Nick replied that they have municipal water in the hamlet but no septic.

John Nick commented that septic are a big thing and would request that the Zoning Administrator let the applicants know that they have to have septic information or the application will not be deemed complete.

Adjournment:

On a motion by John Nick, seconded by George Hilton, meeting adjourned at 9:20 pm.

AYE 6 NO 0

Respectfully submitted,

Mindy Conway
Acting Secretary