



PLANNING BOARD
Regular Meeting – August 21, 2023

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

Attendance:

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

Public Hearings and Old Business:

#SD2023-08: Kathleen & Michael Swindell, Celine & George Olsen, and William & Ruth Aiken Irrev. Trust are seeking approval for a four-lot subdivision for properties located at 5292-5304 State Route 8 and 5326 State Route 8, identified by Tax Map Parcel #: 103.-1-13.1 and 103.-1-11.6, in Zoning Districts Low Intensity and Rural Use. The proposed subdivision involves the creation of four (4) lots. “Lot 6” consisting of 16.6 acres, “Lot 7” consisting of 8.4 acres, “Lot 8” consisting of 2.1 acres and “Lot 9” consisting of 3.9 acres.

Chairman Little **opened** the public hearing for **Minor Subdivision #SD2023-08: Kathleen & Michael Swindell, Celine & George Olsen, and William & Ruth Aiken Irrev. Trust** at 7:00 pm.

Lucas Dobie, from Hutchins Engineering, was present representing the Applicants along with Kathleen and Michael Swindell.

Lucas Dobie commented that they have the APA Permit.

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

On a motion by Greg Taylor, seconded by Bruce Goody, the public hearing for **Minor Subdivision #SD2023-08: Kathleen & Michael Swindell, Celine & George Olsen, and William & Ruth Aiken Irrev. Trust** was closed at 7:03 pm

AYE 6 NO 0

Chairman Little read the following from the June 26, 2023 minutes:

“Lucas Dobie, from Hutchins Engineering, was present representing the Applicants.

Lucas Dobie said that each house would have road frontage on Route 8 and Lot #6 would be a non-building lot, as well as Lot #9. They have a complete application at the Park Agency.

Chairman Little said the wetlands are marked by the APA, Lots #6 and #9.

Chairman Little commented that they do not have a response from the APA granting their approval and cannot deem the application complete without approval. The Town of Chester has always waited for approval from the APA.

On a motion by Greg Taylor, seconded by Bruce Goody, **Minor Subdivision Application #SD2023-08: Kathleen & Michael Swindell, Celine & George Olsen, and William & Ruth Aiken Irrev. Trust** was deemed complete with the condition of a permit from the APA by July 5, 2023, if permit is received by July 5th a public hearing will be scheduled for July 17, 2023 at 7 pm. If no permit is received by July 5th the application will not be deemed complete and no public hearing will be scheduled.”

Chairman Little read the following from the July 17, 2023 minutes:

“Chairman Little asked the Zoning Administrator if he had received the letter from the APA. The Zoning Administrator said that he received the APA Permit today.

On a motion by Greg Taylor, seconded by Kathy Bilfield, **Minor Subdivision Application #SD2023-08: Kathleen & Michael Swindell, Celine & George Olsen, and William & Ruth Aiken Irrev. Trust** was deemed complete and scheduled a public hearing for August 21, 2023 at 7 pm.”

The Board reviewed the SEAF Part 2 and agreed “Little or No Impact”.

Chairman Little read the following:

RESOLUTION

NOTICE OF DETERMINATION OF SIGNIFICANCE AND NEGATIVE DECLARATION IN CONNECTION WITH MINOR SUBDIVISION APPLICATION #SD2023-08, KATHLEEN & MICHAEL SWINDELL, CELINE & GEORGE OLSEN AND WILLIAM & RUTH AIKEN IRREVOCABLE TRUST

WHEREAS, the Town of Chester Planning Board (“Planning Board”) has received an Application from Kathleen & Michael Swindell, Celine & George Olsen and William & Ruth Aiken Irrevocable Trust (the “Applicants”) for a four-lot minor subdivision for properties located at 5292-5304 State Route 8 and 5326 State Route 8, identified by Tax Map Parcel #: 103.-1-13.1 and 103.-1-11.6 (the “Project”); and

WHEREAS, the Planning Board has identified the Project to be an Unlisted action for purposes of the State Environmental Quality Review Act (“SEQRA”) review pursuant to 6 NYCRR 617; and

WHEREAS, the Planning Board has decided to conduct an uncoordinated review as a Lead Agency for the Project; and

WHEREAS, the Planning Board has received a Short Environmental Assessment Form (“SEAF”) for the Project with Part 1 of the SEAF completed by the Applicant; and

WHEREAS, SEQRA requires that the Planning Board undertake a thorough review of the potentially significant adverse environmental impacts prior to making its determination with respect to the Project; and

WHEREAS, the Planning Board has reviewed Parts 1, 2 and 3 of the SEAF and all other supporting information submitted to the Planning Board by the Applicant;

NOW, THEREFORE BE IT

RESOLVED, that in accordance with SEQRA, the Planning Board, as a Lead Agency, has determined that the Project will not result in any significant adverse environmental impacts and hereby issues a Negative Declaration pursuant to the requirements of SEQRA and directs the Planning Board Chairperson to complete and sign Part 3 of the SEAF as required for the Determination of Significance, confirming the foregoing Negative Declaration.

MOTION FOR ISSUANCE OF NOTICE OF DETERMINATION OF SIGNIFICANCE AND NEGATIVE DECLARATION IN CONNECTION WITH MINOR SUBDIVISION APPLICATION #SD2023-08, KATHLEEN & MICHAEL SWINDELL, CELINE & GEORGE OLSEN AND WILLIAM & RUTH AIKEN IRREVOCABLE TRUST,

Introduced by John Nick who moved for its adoption, seconded by Greg Taylor:

Duly adopted this 21st day of August, 2023 by the following vote:

AYES:	Chairperson Paul Little John Nick Patrick Powers Greg Taylor Bruce Goody Kathy Bilfield
NOES:	None.
ABSTAINED:	None.
ABSENT:	George Hilton

Findings of Fact:

1. #SD2023-08 is a Minor Subdivision;
2. A duly advertised public hearing was opened and closed on August 21, 2023;
3. The Project is an Unlisted action and the Planning Board has decided to conduct an uncoordinated review as a Lead Agency;
4. The Board reviewed Parts 1, 2 and 3 of the Short Environmental Assessment Form (SEAF) and all other supporting information submitted to the Board by the Applicant;
5. The Project will have negligible negative impacts on the environment;

6. The Board has determined that the Project will not result in any significant adverse environmental impacts and issued a Notice of Determination of Significance and a Negative Declaration;
7. The Adirondack Park Agency issued APA Permit 2022-0272 on July 06, 2023 authorizing the four-lot subdivision;
8. “Lot 6” will consist of 16.6 acres and is currently vacant; “Lot 7” will consist of 8.4 acres and is currently improved with one (1) existing single-family dwelling and accessory structure (barn); “Lot 8” will consist of 2.1 acres and is currently improved with one (1) existing single-family dwelling and an accessory structure (shed); and “Lot 9” will consist of 3.9 acres and is currently vacant.
9. Pursuant to Section 3.06 of the Town of Chester Subdivision Regulations, the Planning Board grants approval of #SD2023-08 and authorizes the Chairperson to sign the Subdivision plat.

Conditions for Approval:

1. No changes, erasures, modifications or revisions shall be made in this Plat after approval has been given by the Planning Board;
2. In accordance with Section 3.06(A) of the Town Subdivision Regulations, the signature of the duly designated officer of the Planning Board, or the Certificate from the Town Clerk, shall expire sixty (60) days from the date of such signature or the issuance of such Certificate unless within such sixty (60) day period the Plat has been duly filed or recorded in the Office of the County Clerk or Register.

On a motion by Kathy Bilfield, seconded by Greg Taylor, **Minor Subdivision #SD2023-08: Kathleen & Michael Swindell, Celine & George Olsen, and William & Ruth Aiken Irrev. Trust** was approved with the above Findings of Fact and Conditions for Approval.

AYE 6 NO 0

Minutes:

On a motion by Bruce Goody, seconded by John Nick, minutes from Regular Meeting on July 17, 2023 were accepted.

AYE 6 NO 0

Correspondence:

- Zoning Administrator’s Activity Report for July 2023;

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****

Family Gift Subdivision (Section 8.02 of the Zoning Local Law; Article III of the Subdivision Regulations): Philip Sr. and Elaine K. Rinaldi are seeking confirmation from the Planning Board that the proposed division of land constitutes a gift:

- **Grantors: Philip Sr. and Elaine K. Rinaldi**
- **Grantee: Philip Rinaldi, Jr.**
- **Property Address: 25 Woodridge Road**
- **Tax Map Parcel #: 104.14-1-61**
- **Zoning District: Hamlet**
- **Proposed Lot 3 to be gifted from the Grantors to the Grantee will consist of 1.082 ± acres.**
- **Proposed Lot 4 to be retained by the Grantors will consist of 1.064 ± acres.**
- ****TABLED BY THE PLANNING BOARD AT THE 04/17/2023 MEETING****

New Business:

Request for Extension of the following Site Plan Review Application #SPR2021-12 proposal approved by the Planning Board on June 21, 2021:

- Construction of a 3' x 8' extension to an existing 3' x 32' dock on a contractual access lot. Property is located at 136 Jones Road, identified by Tax Map Parcel #: 86.10-1-49.2, in Zoning District Moderate Intensity.

Chairman Little read the following letter from May Rohde:

“Dear Town of Chester Planning Board Members,

Please consider this letter as my formal request to extend Site Plan Review Application #SPR2021-12, approved on June 21, 2021, for an additional one (1) year term. Enclosed is a copy of the approval #SPR2021-12 for your reference.”

Mary Rohde via Zoom commented that she is not sure why the dock was not completed during this time. There is currently one person docking there and two others that would like to dock.

Chairman Little commented that the site plan approval lasts for two (2) years so this request is two (2) months late according to our regulations. He is hesitant to make an exception excusing a two (2) month absence could very well lead to other times when people are going to say you did it for someone else, you can do it for me. He feels that a new Site Plan Review Application should be filled out and turned into Jeremy Little.

Greg Taylor agrees with Chairman Little’s view of the situation but feels that there is no need for another public hearing.

Chairman Little read the following from the June 21, 2021 minutes:

“A motion was made by Al Matrose, Seconded by Greg Taylor to not hold a Public Hearing for #SPR2021-12. A Roll Call Vote was called by Secretary Bartlett”

Kathy Bilfield asked if there were a lot of neighbors. John Nick commented that there were a lot of neighbors on Jones Road.

John Nick asked if the dock was going to be rented. Mary Rohde said using, not renting. John Nick said that only a marina can rent out dock space in the Town of Chester.

Chairman Little read the following from the June 21, 2021 minutes:

“Mary Rhode was present at the meeting. The applicant is seeking approval for an extension to the existing dock to make it 40 feet. Mr. Nick asked about the schedule of property owners included with the submission. The applicant stated that the back lot owners of the association, many of them already have dock rights and only four back lot owners will need access to the dock.

Mr. Taylor asked if everyone has docking rights in their deeds. The applicant stated that most of the property owners have just bathing and drawing ice in their deeds. Mr. Taylor questioned if the applicant was changing deeds, in which she stated that they were not and were just giving docking space.

Mr. Matrose asked about the entire group of back lot owners in regards to future requests for docking space. The applicant stated that they are working on the legal rights in regards to this.

Mr. Taylor stated that he felt that the logistics don't affect the Town of Chester or the Planning Board. He asked how many feet of shoreline is present on the property, there are 125 feet of shoreline. Mr. Taylor confirmed that in accordance to the Town of Chester Zoning Local Law, 50% of shoreline is necessary for bathing.

Mr. Nick reminded the applicant to ensure that there was no contact of pressure treated lumber with the lake. The applicant stated that their plan for the project follows this.

A discussion took place regarding holding a Public Hearing. Mr. Nick stated that he does not see a need for a Public Hearing and would be in favor of approving the project. Zoning Administrator Little stated that the Zoning Board of Appeals application was withdrawn due to the contest from the neighboring property owners. Mr. Walp stated he feels we should have a Public Hearing. Chairman Little asked the applicant how holding a Public Hearing would affect them with their project. Mr. Taylor stated that the Town of Chester Zoning Local Law stated this is “perfectly okay to do”, and feels that there is no need for a Public Hearing. Mr. Matrose asked if the adjacent property owners had been notified. Zoning Administrator Little and Secretary Bartlett both stated that they are only notified when there is a Public Hearing.”

Discussion ensued about deeded rights to a dock and if a boat is allowed to extend past the dock.

On a motion by John Nick, seconded by Kathy Bilfield, the Board requests that Mary Rodhe reapply for the dock extension due to the fact that **Site Plan Review #SPR2021-12: Mary Rohde** has expired.

AYE 6 NO 0

#SPR2023-16: Lewis W. Britton, IV and Russell E. Sheer, Jr. are seeking Site Plan Review approval to demolish an existing single-family dwelling and construct a new 34' x 20' Four-Bedroom Single-Family Dwelling with 16'-2" x 7'-9" Rear Porch and 16'-2" x 4' Deck with stairs and 5'-9" x 12' Mudroom/Entry and 4' x 12' Deck with stairs. Proposal also includes relocation of an existing 14' x 10' Storage Shed. 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 835 State Route 28N, identified by Tax Map Parcel #: 32.-1-16, in Zoning District Rural Use.

Bret Winchip was present representing the Applicants.

Bret Winchip commented that they have received a Jurisdictional Determination from the APA, they have approval from the Local Board of Health for a wastewater disposal system, and they have received approval for setback variances from the Zoning Board of Appeals.

John Nick asked if the area was flat where the septic was going, less than 15%. Bret Winchip said it is less than 8%.

Bret commented that the APA flagged the wetlands.

Kathy Bilfield asked how large the property was. Bret Winchip replied ±1.8 acres.

On a motion by John Nick, seconded by Patrick Powers, **#SPR2023-16: Lewis W. Britton, IV and Russell E. Sheer, Jr.** was deemed complete, referred the Application to the Warren County Planning Department, and will not require a public hearing.

AYE 6 NO 0

John Nick asked the Zoning Administrator what the boat size would be on a forty (40) ft dock. The Zoning Administrator said that it depends on the size of the boats. John Nick asked if the Board could stipulate that you could only have two (2) twenty (20) ft boats per side. The Zoning Administrator said that he would not. Bruce Goody said that you have 40 ft. Greg Taylor commented that as the water level decreases you lose dock space. John Nick asked if a boat can hang over the end of the dock. Chairman Little commented it may depend on the location of the dock on whether it will hinder use of other docks.

Public Privilege:

None.

Board Privilege:

None.

Adjournment:

On a motion by Bruce Goody, seconded by Greg Taylor, meeting adjourned at 7:52 pm.

AYE 6 NO 0

Respectfully submitted,

Mindy Conway
Acting Secretary