



**MINUTES OF MEETING  
TOWN OF CHESTER  
PLANNING BOARD  
AUGUST 20, 2018**

Chairman Little called the meeting to order at 7:02 p.m.

**ATTENDANCE:**

Chairperson Paul Little, Harold Ellsworth, John Nick, George Stannard, Bob Walp, and Jeremy J. Little (Secretary). Absent were George Hilton and Al Matrose.

Chairman Little thanked Al Muench and Christine Hayes for their service on the Board as members. Chairman Little also welcomed Al Matrose and Bob Walp to the Board.

**PUBLIC HEARING:**

Having been duly advertised, the public hearing for Subdivision Application **#SD2018-01** was opened by Chairman Little at 7:03 p.m.

**#SD2018-01:** Jacqueline Avignon and Jennifer Sausville are seeking approval for a two-lot subdivision, on property located at 16 Lake View Lane, identified by Tax Map Parcel #: 68.20-1-10.1, in Zone Classification Moderate Intensity.

Matthew Steves from Van Dusen and Steves Land Surveyors was not present; however, Matthew Webster presented the proposal in his absence.

Mr. Webster stated that the map was revised with the following changes: Lake View Lane was added to the map and Note 9 on the Map was corrected to represent 16' instead of 16". Topography was also added to the map.

Peter Hart, who is President of the Bonnie Belle Association, asked a question on behalf of Christina Brown and Michael Blaskewicz, who own a .98 acre parcel at 28 Lake View Lane which is surrounded by the current 16.82 parcel (TM# 68.20-1-10.1) owned by Avignon. He questioned the easement they have for the geothermal and if that was represented on the Survey map. Mr. Webster stated that the geothermal was not located during the Survey but mentioned that the easement is part of the deed to the property and the easement will be added to the deed for the new property. As a result, he further said that the easement will stand and remain unaffected.

John Fowle, who owns property located at 66 Bonnie Belle Farm Rd., asked if either Lot 1 or Lot 2 could be further subdivided. Mr. Webster stated that further subdivision is not part of the current proposal. Chairman Little stated there was a question at July 16<sup>th</sup> meeting regarding the dwelling location and associated septic system. Chairman Little read Section 6.01 and 6.02 of the Town Subdivision Regulations regarding waiver of any requirements or improvements for the approval, approval with modifications, or disapproval of subdivisions submitted for its approval. Chairman Little further stated that Section 6.01 and 6.02 was not discussed at the July meeting and he believed

it would allow the Board to approve the subdivision Plat without the location of a dwelling and septic (including engineered septic plans) being sited on the survey map. Mr. Webster stated that a four bedroom dwelling is located on the survey map with an appropriately sized septic system. Mr. Webster further stated that he is not an engineer and it is not a design, but is simply showing a potential location of a dwelling and septic on the parcel.

Mr. Ellsworth made a motion to close the public hearing at 7:09 p.m. for Subdivision Application **#SD2018-01**; motion seconded by Mr. Nick. Motion carried 5-0.

### **OLD BUSINESS:**

**#SD2018-01:** Jacqueline Avignon and Jennifer Sausville are seeking approval for a two-lot subdivision, on property located at 16 Lake View Lane, identified by Tax Map Parcel #: 68.20-1-10.1, in Zone Classification Moderate Intensity.

Chairman Little made a motion to approve **#SD2018-01** and the Planning Board finds that:

1. **#SD2018-01** is a minor subdivision.
2. Planning Board finds SEQRA review completed and no significant environmental impact.
3. A public hearing was held on August 20, 2018.
4. Lot 1 will contain already constructed single family dwelling and Lot 2 will be sold as a building lot with sole waterfront access included.

### **Approval:**

Pursuant to Section 3.06 of the Town of Chester Subdivision Regulations, the Planning Board grants final approval of the minor subdivision Plat and authorizes the Chairman or Vice Chairman to sign the Subdivision Plat for **#SD2018-01** subject to the following conditions:

1. No changes, erasures, modifications, or revisions shall be made in this Plat after approval has been given by the Planning Board.
2. The Planning Board waives Section 5.02(A)(2); however, before a Building Permit is issued, the septic system shall be designed and shall meet all conditions as stated in the Town of Chester On-Site Wastewater Treatment Local Law.

Mr. Ellsworth seconded the motion. Motion carried 5-0.

### **NEW BUSINESS:**

**#SD2018-02:** McPhillips Properties LLC is seeking approval for a two-lot subdivision, on property located at 31 McPhillips Dr., identified by Tax Map Parcel #: 136.-1-19, in Zone Classification Rural Use.

Bernice McPhillips presented the subdivision proposal. The proposal involves the creation of two lots from Tax Map Parcel #: 136.-1-19. Lot 1 will consist of 72.8 +/- acres and Lot 2 will consist of 7.45 +/- acres. Lot 2 will surround current Tax Map Parcel #: 136.-1-22./1, with the intention to eventually merge the two lots in the future. In addition, the lot identified by Tax Map Parcel #:

136.-1-22./1 currently contains a seasonal single family dwelling. No buildings are proposed to be placed on Lot 2. Ms. McPhillips mentioned that there are no wetlands on proposed Lot 1 or Lot 2.

Mr. Ellsworth made a motion to deem Subdivision Application **#SD2018-02** complete and to schedule a public hearing for September 17, 2018; motion seconded by Mr. Nick. Motion carried 5-0.

The Board reviewed questions in Part II of the Short Environmental Assessment Form. The Board agreed to answer and mark questions 1-11 in Part II of the Short EAF as “No, or small impact may occur.”

Mr. Stannard made a motion to declare a negative declaration; motion seconded by Mr. Ellsworth. Motion carried 5-0.

**#BLA2018-04:** Donald G. Ellsworth is seeking approval for a boundary line adjustment for properties located at 62 White Schoolhouse Road and 70 White Schoolhouse Road. The lot identified by Tax Map Parcel #: 86.-1-29 will decrease from 11.7 acres to 11.59 acres and lot identified by Tax Map Parcel #: 86.-1-28 will increase from .51 acres to .62 acres. Conveyance is .11 acres.

Patrick Magee from Magee Land Surveying D.P.C., agent for the property owner, presented the proposal. Mr. Magee stated that in 1992 there was an approved boundary line adjustment between the two existing parcels. At the time, Mr. Magee stated that the Planning Board Chairman did not date the mylar and the Map created by James Nestor was not appropriately filed. As a result, Mr. Magee said that Mr. Ellsworth approached him and questioned if a new survey map could be created showing the proposed boundary line adjustment. Mr. Magee stated that the Map of the proposed boundary line adjustment is identical to what was approved in 1992.

Chairman Little questioned if there were wetlands on the property. Mr. Magee was unsure if there were any wetlands; however, he stated that there is an existing culvert that crosses the road. Mr. Magee mentioned that a portion of the house on TM #: 86.-1-28 crosses the boundary line onto TM #: 86.-1-29. Chairman Little stated that the proposal meets the definition of a boundary line adjustment.

Chairman Little made a motion of approval:

Findings of Fact:

Pursuant to Section 7.22 of the Zoning Law the Planning Board finds that:

1. The request is a boundary line adjustment;
2. The boundary line adjustment is approved subject to conditions stated in Section 7.22(B); and,
3. The approved map will be signed by the Chairman of the Planning Board as a non-jurisdictional project.

Motion seconded by Mr. Stannard. Mr. Ellsworth abstained as Mr. Ellsworth is his uncle. Motion carried 4-0-1.

**#SPR2018-05:** Little Big House LLC is seeking Site Plan Review approval for the use of an existing structure (former NYS Trooper Barracks) as an independent property and casualty insurance agency. Property is located at 6250 State Route 9, identified by Tax Map Parcel #: 104.14-1-1-31.12, in Zone Classification Hamlet.

Mark Carpenter, owner and member of Little Big House LLC, presented the proposal. Mr. Carpenter handed out renderings of the proposed structure to the Board members. Mr. Carpenter stated that the footprint of the existing structure would remain unchanged; however, the existing front porch would be widened and extended approximately two feet from the footprint of the existing porch. He further explained that there will be handicap access with a wheelchair lift on the Southside of the porch and vinyl siding plus new windows and doors. Mr. Carpenter stated that it would be a complete “facelift” of the structure’s exterior.

Mr. Carpenter stated that there will be an exteriorly illuminated sign for the business located in front of the building on the parcel. Chairman Little mentioned that on the Site Plan there are approximately 2-3 parking spaces plotted in the State Right-of-Way. Mr. Carpenter stated that the parking spaces could be re-located entirely on the parcel he owns. Chairman Little said that there appears to be existing landscaping on the property, but stated that the Board would like to have a landscaping plan/rendering. Mr. Carpenter mentioned that there would be shrubs under each of the windows on the front of the building and on the Southside there would also be shrubs, with no intentions for landscaping on the Northside to allow for future expansion.

Mr. Walp questioned the setback distances from State Route 9 and sidelines, especially the distance from the proposed porch to State Route 9. Chairman Little stated to Mr. Carpenter that the Board would need to know the distance from the State boundary line to the proposed porch. Mr. Carpenter mentioned that there are no plans for lighting other than lighting on the front of the building around the porch.

Mr. Ellsworth made a motion to schedule a public hearing on September 17, 2018 for **#SPR2018-05**; motion seconded by Mr. Nick. Motion carried 5-0.

Preliminary discussion regarding a 1,200 sf. vertical addition to the existing O.P. Frederick’s Restaurant.

George Stannard, owner of O.P. Frederick’s, discussed the proposal. Mr. Stannard stated that there would be no change in footprint of the existing restaurant and plans are being drawn by Winchip Engineering. Mr. Stannard stated that there would be a new banquet room with an occupancy of 50 persons, which would be located upstairs. Chairman Little stated that his proposal basically involves the “squaring out the back end of the restaurant” and Mr. Stannard agreed. A Jurisdictional Inquiry Form has also been submitted to the APA for the proposal. Mr. Stannard briefly explained the brewery system, which will also require the installation of a new holding tank. The room in the basement currently used by the Rotary, would be for storage. There will be no proposed signage and lighting will be upgraded. In addition, he said that he plans to submit the Site Plan Review Application to the Board for the October 15<sup>th</sup> meeting.

Preliminary discussion regarding Pottersville Garage and to discuss the parking of vehicles on the parcels owned by Roger Peet.

Edward Kowalewski, Jr., Esq. from McNamee Lochner, Attorneys at Law was present to discuss Pottersville Garage and the parking of vehicles. Roger and Douglas Peet were also present in the audience. Mr. Kowalewski mentioned that a Survey map has been prepared for the preparation of plotting parking spaces. He briefly explained the properties currently owned by Roger Peet, including the property that contains the structure presently used by the Auto Parts Store (VI Enterprises). Mr. Kowalewski further mentioned the parking plan approved by the Board for VI Enterprises. He stated that the other part of the Pottersville Garage business is the Towing and Recovery business and as of late, those vehicles have been parked on the Gravel Parking area behind the warehouse building that is on the same parcel as VI Enterprises.

He mentioned the earthen berm on the warehouse parcel can be removed which would allow for additional parking on the property. Mr. Kowalewski briefly explained the vehicles on the warehouse parcel would not be visible from State Route 9. The parking plan for VI Enterprises was briefly reviewed and discussed. Chairman Little questioned the vehicles that are around and behind the present garage and if they are being removed. Mr. Kowalewski stated that it is a “work in progress” and explained the process of removing the vehicles and the time involved. Discussion ensued regarding the potential installation of fencing to screen vehicles from view. Mr. Kowalewski mentioned installation of a fence from the two-story building to the corner of the garage to screen the vehicles behind the garage from view. Chairman Little stated that for aesthetic purposes, it would be nice if there were far fewer vehicles visible from the highway. Mr. Kowalewski stated the business has expanded and has flowed over to the other parcels and they are there to work with the Town to limit the visual aspect. Mr. Nick mentioned his concern regarding the speed limit and the safety factor in the area with the vehicles being parked so close to State Route 9.

Mr. Nick questioned if any environmental concerns will be addressed (i.e. fuel tanks, waste oil, etc.) Mr. Peet stated that all of the fuel tanks used for pumping gas were removed. Chairman Little questioned if the Planning Board would determine the property where the Auto Part Store/Warehouse is located as a new use and therefore require Site Plan Review Approval. Mr. Nick expressed his concern of not mixing the parking with the Auto Parts Store and Pottersville Garage. Chairman Little was unsure of what the Board would be approving at next month’s meeting. Mr. Nick thought that just by having Pottersville Garage come before the Board and be willing to develop a plan is terrific, welcoming, and positive to the Hamlet. Brief discussion ensued regarding what approval, if any, is required for the proposal. Chairman Little directed the Secretary to contact the Attorney for the Town to receive an answer on whether the Board has authority to approve such a proposal.

### **MINUTES:**

As there were an insufficient number of Board members present that could vote to accept the minutes from the July 16, 2018 meeting, the acceptance of the July 16, 2018 meeting minutes was tabled until the next month’s meeting on September 17, 2018.

**CORRESPONDENCE:** Zoning Administrator and Sanitary Code Enforcement Officer’s Activity Report for July 2018; APA Request for Consultation (APA Project P2018-0093) dated July 19, 2018 for the construction of a hunting and fishing cabin within the Hudson Recreational River Area; Notice of Incomplete Permit Application for APA Project No. 2018-0093 dated July 13, 2018; Major Project Public Notice for APA Project No. 2018-0093 dated July 2, 2018.

Chairman Little mentioned that the Board has no advisory comments regarding APA Project P2018-0093.

**PUBLIC PRIVILEGE:** None.

**BOARD PRIVILEGE:** None.

**ADJOURNMENT:**

Mr. Ellsworth made a motion to adjourn the meeting at 8:39 p.m.; motion seconded by Mr. Nick. Motion carried 5-0.

Respectfully submitted,

Jeremy J. Little  
Secretary