



**MINUTES OF MEETING
TOWN OF CHESTER
PLANNING BOARD
JULY 17, 2017**

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

ATTENDANCE:

Chairperson Paul Little, Al Muench, John Nick, George Hilton, Rand Fosdick, Walter J. Tennyson (Zoning Administrator), Jeremy J. Little (Secretary). Absent were Christine Hayes, Harold Ellsworth, and George Stannard (Alternate).

OLD BUSINESS: None.

NEW BUSINESS:

Joseph Brand was present to speak on behalf of All Brands Redemption Center regarding the fencing that is currently installed on the property. Mr. Brand briefly stated that the fencing he installed was not what was approved by the Board and he is requesting the Board to approve the fence that is there now, as it is not redwood fencing. Chairperson Little read Condition 6 of the approval for Site Plan Review Application #SPR2014-05, which states, "Approval of fencing material, other than redwood fencing, is required from the Planning Board before installation." Mr. Brand said that the fencing material is made of spruce. Mr. Muench mentioned that when Mr. Brand came before the Board originally, Mr. Brand made mention of the term redwood fencing, which is the reason why it ended up as a condition in the approval. Mr. Muench said the Stipulation that was signed in the Supreme Court Order between the Mundrick's and the Brand's in December 2015 calls for a stained fence.

Attorney John Silvestri was also present to represent Mr. Mundrick, who was unable to make the meeting. Attorney Silvestri stated that Mr. Mundrick did not object to the spruce fence, but did not like the lattice work at the bottom of the fence and has requested that it be solid fencing. Mr. Nick stated that he looked at the fence and believed it was properly installed. He further went on to mention that in the Court Order, it did not discuss anything pertaining to lattice. Mr. Nick said he would like Mr. Brand to be able to maintain the fence (i.e. staining, replacing pickets, etc.). Attorney Silvestri mentioned that he did not have an answer from Mr. Mundrick if he would allow Mr. Brand to maintain the side of the fence facing Mr. Mundrick's home. Mr. Nick was concerned if Mr. Brand was not allowed to maintain the fence, the fence would quickly deteriorate. Chairman Little read part of the Court Order where it states, "BRAND may and shall construct an 8' high wooden fence with the finished side towards Petitioner's, MUNDRICK's home. The fence shall be stained with an earth tone color of cedar or brown and shall have no signs or writing of any kind on the side facing MUNDRICK's home. As per the site plan approval issued by the Town of Chester Planning Board effective 02/23/15, the approval of fencing material, other than redwood fencing, is required from the Planning Board before installation". Chairman Little referred to an e-mail received by Mr. Mundrick on July 11, 2017 (e-mail dated July 10, 2017). Chairman Little briefly stated that Mr. Mundrick did not like the lattice work near the bottom portion of the fence. Mr. Muench said that

the fence looks nice and did not have a problem with the lattice work. Mr. Hilton agreed that the fence looks nice; however, he believed the intent installing the fence was to screen Mr. Brand's property from the Mundrick's and with the installation of lattice work, he did not feel there was a complete screen provided. Further, Mr. Hilton said that he did not have a problem approving the type of material used to construct the fence, as opposed to redwood fencing. Mr. Fosdick thought that the fence and lattice work was properly installed. Mr. Fosdick questioned if the lattice would be painted the same color as the fence. Mr. Brand said that he would be in agreement to painting it the same color. Mr. Muench said to Mr. Brand to use his best efforts to stain the side of the fence facing the Mundrick property.

Mr. Nick made a motion to accept the fence as is; motion seconded by Mr. Fosdick. Motion carried 5-0.

#SD2017-02: Atateka Properties, LLC is seeking approval for a three-lot subdivision, on property located at Stock Farm Road, identified by Tax Map Parcel #: 120.-1-6, in Zone Classification Rural Use.

Robert Simon from Smith and Simon, LLC and David House presented the proposal. Mr. House briefly explained the proposal, which involves creation of three lots. There is a proposed fifty ft. (50') wide easement to access Lot 2 from the Stock Farm Road. Chairman Little read a portion of Appendix B – Class B Regional Projects: Rural Use Areas of the Town of Chester Zoning Local Law, which states “Any subdivision or subsequent subdivision of such land, either by the original owner or subsequent owners, shall be subject to review as a class B regional project where the total number of lots, parcels or sites resulting from such subdivision and any prior subdivision or subdivisions exceeds four.” Brief discussion ensued regarding the prior subdivisions. Chairman Little said that it is a Class B Subdivision and asked Mr. Simon if the Adirondack Park Agency (APA) has been notified of the proposal. Mr. Simon said that the Agency has been notified and the JIF was submitted.

Chairman Little mentioned that when the Board decides to schedule a public hearing, the Agency will be notified. Chairman Little asked Mr. Simon if the building and septic locations have been completed. Mr. Simon said that the plans are currently being created by Winchip Engineering. Chairman Little read Section 5.02 of the Town of Chester Subdivision Regulations, which highlights the requirements for Minor Subdivision Plat approval and what the Plat is to show. Mr. Simon said he would like to start building in September. Mr. Muench said that the Board is not able to have a public hearing until the Board makes an environmental determination (***Please see Minutes from Planning Board Meeting on August 21, 2017 for emendatory statement by Mr. Muench***). The Zoning Administrator stated that on the map, the well, septic, and building locations need to be shown. Mr. Simon was unsure when the Engineer would have the plans finished.

Mr. Muench stated that the Board is unable to schedule a public hearing until the application is complete and it is not complete until all materials have been submitted to the Board (***Please see Minutes from Planning Board Meeting on August 21, 2017 for emendatory statement by Mr. Muench***). Mr. Simon questioned the Board if a public hearing could be scheduled for next month regarding the subdivision if he submits the engineered plans well in advance before the next meeting. Mr. Muench said that it appears that the wetlands will be retained on Lot 2. Mr. Simon said that the wetlands are located towards the rear of the parcel (Lot 2). Mr. Nick questioned the answer to Question two (2) in the Short EAF, which states, “Does the proposed action require a

permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval.” The question was marked as “No”. Mr. Nick believed that it should be marked “Yes” if the APA is going to comment. Brief discussion ensued regarding question two (2). Mr. Fosdick asked what would happen if the Board scheduled a public hearing for next month and the engineering plans or response from the APA was not submitted. Chairman Little replied that the public hearing would be postponed.

Mr. Muench made a motion to schedule a public hearing for **#SD2017-02** at 7:15 p.m. for the August 21, 2017 meeting and that the public hearing immediately follow the review of Engineering and other documentation that will be submitted to the Board well before the August 21st meeting; seconded by Mr. Hilton. Motion carried 5-0.

MINUTES:

Mr. Muench had a request to correct a sentence at the top of Page 5 in the June 19, 2017 Planning Board minutes. The original sentence read:

Mr. Muench believed that if a Board member was unable to make a site visit prior to the meeting, that each Board member should feel free to suggest that the matter be tabled to the next meeting.

Mr. Muench requested to correct the sentence to read the following:

Mr. Muench suggested that if a Board member, for example, was unable to make a site visit before a meeting, or for some other reason needed more time to properly analyze and evaluate an application, the Board member should feel free to request that the specific application be tabled to the next meeting.

Chairman Little made a motion to accept the minutes, as amended, for the June 19, 2017 meeting; motion seconded by Mr. Fosdick. Motion carried 5-0.

CORRESPONDENCE: Zoning Administrator and Sanitary Code Enforcement Officer’s Activity Report for June 2017; Letter to All Brands Redemption Center from Zoning Administrator dated 06/29/17 regarding the currently installed fence.

PUBLIC PRIVILEGE: None.

BOARD PRIVILEGE:

Mr. Muench briefly stated his findings on a motion to adjourn. He said that any Board member can make a motion to adjourn at any time and it is a privileged motion as long as there is no other business being conducted at that moment.

ADJOURNMENT:

Mr. Muench made a motion to adjourn the meeting at 7:57 p.m.; motion seconded by Mr. Hilton. Motion carried 5-0.

Respectfully submitted,

Jeremy J. Little
Secretary