



**MINUTES OF MEETING
TOWN OF CHESTER PLANNING BOARD
JUNE 17, 2019**

Chairman Little called the meeting to order at 7:01 p.m.

Mrs. Hutton sat on the Board in Mr. Stannard's absence.

ATTENDANCE:

Chairperson Paul Little, George Hilton, John Nick, Bob Walp, Harold Ellsworth, Al Matrose, Vanessa Hutton, and Jeremy J. Little (Secretary and Zoning Administrator). Absent was George Stannard.

PUBLIC HEARINGS AND OLD BUSINESS:

Having been duly advertised, the public hearing for Site Plan Review Application **#SPR2019-01** was opened by Chairman Little at 7:02 p.m.

#SPR2019-01: Stewart's Shops Corp. is seeking Site Plan Review approval for the construction of a new 3,696 square ft. convenience store and an approximately 3,212 square ft. gasoline canopy. Property is located at 6151 State Route 8, identified by Tax Map Parcel #s: 87.20-1-1, 87.20-1-7, 87.20-1-8, in Zoning District Hamlet.

Ryan Rubado from Stewart's Shops Corporation presented the proposal. Mr. Rubado stated Stewart's is seeking approval for a new convenience store and canopy. He mentioned that if the NYSDOT Permit is approved, he should have it by next week.

There was no discussion or concerns from the public regarding this proposal.

Mr. Ellsworth made a motion to close the public hearing at 7:03 p.m. for **#SPR2019-01**; motion seconded by Mr. Nick. Motion carried 7-0.

Chairman Little stated that the two subdivision proposals (**#SD2019-02** and **#SD2019-03**) are currently being reviewed by the Adirondack Park Agency and that e-mail correspondence has been received from the Agency that a JIF determination is expected to be issued soon. Mr. Rubado mentioned that he would submit a copy of the Approval from NYSDOT.

Chairman Little addressed Findings of Fact for **#SPR2019-01**:

1. There will be little to no negative impact on public health, safety, and general welfare and satisfies all concerns as stated in Section 5.06(E) of the Town of Chester Zoning Local Law;
2. The project agrees with the Town Master Plan;
3. The project meets parking and lighting requirements;
4. Variances for proposed signage have been approved by the Zoning Board of Appeals;
5. Landscaping meets the Town of Chester requirements;
6. The proposed action will have negligible negative impacts on the environment;
7. No Permit required from the Adirondack Park Agency (APA) for this project;

8. The SWPPP has been received and submitted to the Board;
9. No objections received from NYSDOT with minor comments; and,
10. The Warren County Planning Department finds that the project will not create any significant intermunicipal County wide impacts.

Chairman Little asked the Board for their thoughts on approving the Site Plan Review contingent on the approval of the two subdivisions (#SD2019-02 and #SD2109-03). The Board agreed that they felt comfortable approving the proposal with conditions.

Mr. Ellsworth made a motion to approve **#SPR2019-01** contingent on the approval of #SD2019-02 and #SD2019-03 and receipt of the NYSDOT Permit approval letter; motion seconded by Mr. Matrose. Motion carried 7-0.

Having been duly advertised, the public hearing for Site Plan Review Application **#SPR2019-06** was opened by Chairman Little at 7:10 p.m.

#SPR2019-06: John and Cynthia Behan are seeking Site Plan Review approval for the construction of a 10,000 sq. ft. two-story mixed use commercial building. Property is located at 6 Skeet Dr., identified by Tax Map Parcel #: 87.20-1-5, in Zoning District Hamlet.

Mr. Behan presented the proposal. He mentioned that there have been concerns regarding the ownership of the property and the conveyances. Mr. Behan stated that the proposal is similar to the site plan that was approved by the Board in 2008 for a two-story 10,000 square ft. commercial building. Thirty-five percent (35%) of green space is proposed, with proposed septic and reserve areas, along with the proposed lighting and landscaping. Renderings of the proposed structure and development were shown to both the Board and the public. Mr. Behan stated that they are designing the building as a shopping center with potential occupancy by multiple tenants. Chairman Little asked if there were any questions from the public. Stephen Borgos stated he would like to know more about the ownership of the property. Mr. Behan said that the land was purchased from Naomi Bedell and the land was conveyed to her by deed from the County, which was abandoned by the State. Mr. Behan stated that he owns the property and has title insurance on it. Mr. Behan mentioned that the property in question is an "outparcel" of approximately 5,000 square ft. (50' x 100').

Rob Simon, attorney for Mr. and Mrs. Behan, mentioned a map that was received in connection with the abandonment and discussed with the Board a "line of discontinuance" which is shown on the map. Mr. Simon further explained that everything within that "line of discontinuance" has been discontinued and all went to the County and the County in two pieces conveyed it to Bedell, who in turn conveyed it to the Behans.

Stephen Borgos, President and CEO and Major stockholder of TRAVELTOWN, INC (the entity that owns three parcels of vacant land at Exit 25), expressed his concerns regarding the proposal and read a prepared written statement. In the statement, Mr. Borgos explained that a portion of the property proposed for use is owned by the State, not the Behans. On June 5th, Mr. Borgos stated he submitted a full-sized copy of the survey map (Map of a Survey for John & Cynthia Behan, dated October 15, 2007) to the Zoning Administrator along with a number of various documents tracing the acquisition by the State of New York. The documents submitted to the Zoning Administrator were forwarded to the Planning Board members for review.

Mr. Borgos believed that if the State still owns the property, then he did not feel that the public hearing should move forward until the matter has been resolved. Mr. Borgos further expressed

his concerns regarding the proposed well location, parking spaces, delivery locations, removal of trees, catch basin, etc. and also pointed out items, as listed on Page 6 of 9 of the Site Plan Review Application, that were not included on the proposed Site Plan (i.e. floor plan, lighting, landscaping plan and planting schedule, etc.).

Lengthy discussion ensued between the Board members, Mr. Simon and the Behans regarding the ownership of the property. Mr. Ellsworth mentioned his concern regarding the e-mail (submitted by Mr. Borgos) from NYSDOT, indicating that the State still owns a portion of the property. Mr. Nick asked Chairman Little if it would be appropriate for Attorney Simon to consult with the Attorney for the Town and provide a recommendation to the Board as to how to proceed. Chairman Little stated that if it is found that the 50' x 100' parcel is owned by the Behans, the Board will be ready to commence with the review of the submitted site plan. He further mentioned that there are several questions that have been brought up that the Board will need to consider. The Board agreed to have the Attorney for the Town review the ownership of the 50' x 100' parcel with Mr. Simon.

Mrs. Behan stated that this is a conceptual site plan and that the tenants are unknown at this time. Discussion ensued regarding the requirement for parking spaces for a shopping center. Mr. Nick reviewed Section 7.06(B) of the Zoning Local Law and felt that at this point, the number of parking spaces required cannot be confirmed, as there could be a variety of uses in the proposed building (office, retail store). Mr. Walp believed that the proposal meets the definition of a shopping center, as the building would consist of multiple mixed uses. Chairman Little felt that the public hearing should be adjourned (not closed) and if the Board receives an opinion from the Attorney for the Town and it is confirmed that the Behans own the property and some of the questions are answered that were brought up at the public hearing, the public hearing will be re-opened.

Mr. Ellsworth made a motion to adjourn the public hearing for **#SPR2019-06** at 7:58 p.m.; motion seconded by Mr. Nick. Motion carried 7-0.

MINUTES: Mr. Nick made a motion to accept the minutes from the Regular Meeting on May 20, 2019; motion seconded by Mr. Walp. Motion carried 7-0.

CORRESPONDENCE:

- Zoning Administrator's Activity Report for May 2019.
- Request for Consultation (APA) for P2019-0064, G & B Rental Properties, dated June 14, 2019, received by the Zoning Office on June 17, 2019.

OLD BUSINESS:

#SPR2019-05: Word of Life Fellowship is seeking Site Plan Review approval for the construction of (2) 8' x 16' Log Lean-Tos for camping on the existing "The Pines" campground. Property is located at 8119 State Route 9, identified by Tax Map Parcel #: 36.-1-26, in Zoning District Moderate Intensity.

Doug Bensen from Word of Life presented the proposal. Chairman Little stated that the Warren County Planning Department referral has been received for the project, with no significant impacts.

Chairman Little addressed Findings of Fact for **#SPR2019-05:**

1. There will be little to no negative impact on public health, safety, and general welfare and satisfies all concerns as stated in Section 5.06(E) of the Town of Chester Zoning Local Law;
2. The proposed action will have negligible negative impacts on the environment;
3. The construction of two (2) lean-tos will not increase the capacity of Word of Life “The Pines” Campground; and,
4. The Warren County Planning Department finds that the project will not create any significant intermunicipal County wide impacts.

Mr. Ellsworth made a motion to approve **#SPR2019-05**; motion seconded by Mr. Hilton. Motion carried 7-0.

Mr. Nick stated he would recuse himself from the Board, as he is to present his proposal **#SPR2019-04** to the Board.

#SPR2019-04: John and JoAnne Nick are seeking Site Plan Review approval for the construction of an addition to an existing residential garage which will increase the square footage of the existing garage by more than 50%. Property is located at 53 East Shore Dr., identified by Tax Map Parcel #: 69.18-1-17, in Zoning District Moderate Intensity.

Mr. Nick briefly explained the proposal. Mr. Nick stated that the Zoning Board of Appeals approved the front yard setback variance for the proposed addition to the garage.

Chairman Little addressed Findings of Fact for **#SPR2019-04**:

1. There will be little to no negative impact on public health, safety, and general welfare and satisfies all concerns as stated in Section 5.06(E) of the Town of Chester Zoning Local Law;
2. The proposed action will have negligible negative impacts on the environment;
3. An area variance approval has been received from the Zoning Board of Appeals; and,
4. A letter was received from the neighboring property owner voicing no concerns.

Mr. Matrose made a motion to approve **#SPR2019-04**; motion seconded by Mr. Ellsworth. Motion carried 6-0.

Mr. Nick returned to the Board as Board member.

NEW BUSINESS:

#SPR2019-07: Robert and Mathilde Ross are seeking Site Plan Review approval for the construction of a new 4-bedroom single family dwelling, driveway, enhanced treatment wastewater system, and well. The proposed land use and development will occur on the property where the slope is in excess of 15%. Property is located at McPhillips Pine Lane, identified by Tax Map Parcel #: 136.-1-34, in Zoning District Moderate Intensity.

Tom Hutchins, Principal Engineer at Hutchins Engineering, presented the proposal. Also present was Brennan Drake from Phinney Design Group, who designed the architectural plans for the proposed dwelling and garage. Chairman Little pointed out that in the Application, the proposal was marked as being a “Class B Regional Project”. After discussion with the Zoning Administrator, he suggested to Mr. Hutchins to remove the check mark in the Application where

it reads a Class B Regional Project, as he could not find in the Zoning Local Law where it would be considered as such. Chairman Little mentioned that the proposed project is an Allowed Use and requires Site Plan Review approval from the Board. Mr. Hutchins explained that the property consists of 5.1 acres and is Lot #8 of the McPhillips Pine Lane Subdivision, which received approval from the Planning Board. The project involves the construction of a 3,800 square ft. principal structure (dwelling) with a 600-700 square ft. garage. Mr. Hutchins felt that this is the best location on the property for the proposed dwelling and garage. The dwelling will be approximately 120 ft. from the shoreline and 80 ft. +/- from each side yard. There will be an on-site well and septic wastewater treatment system. Mr. Hutchins said that there is an abundance of bedrock, which will present a challenge for construction. Measurement of the front yard setback to the proposed structures was briefly discussed. Mr. Hutchins stated that the proposed dwelling meets the front yard setback requirement, but the garage does not as it is 42 to 43 ft. from the road ROW where 60 ft. is required. Mr. Nick said that a front yard setback variance could be applied for to the Zoning Board of Appeals.

Mr. Drake stated that the property owners intend on using the dwelling as a primary residence in the future, but for now it will be used as a family home on weekends, holidays, etc. He further mentioned that the site location for the house was based off the existing slope, trying to preserve as much as possible. The house will be of Douglas fir glulam post and beam construction with structurally insulated roof panels and framed walls. The plan is to use local stone and siding as much as possible to blend in with the surrounding area. It was further explained that the building height is approximately 37 ft. to the code-minimum height of the chimney. Mr. Matrose noticed that the perc test and test pit on the site plan is more than 100 ft. from the location of the proposed septic system. Mr. Hutchins said that was where the system was originally going to be located and stated he would update and obtain soil information for the proposed septic system location. Brief discussion ensued regarding the proposed septic system and its alarm. Mr. Hutchins stated that they are going to try to move the garage location further from the road ROW to eliminate the need for a front yard setback variance. Chairman Little did not believe that a public hearing was necessary for the proposed project. Mr. Nick stated that the amended plans would need to be signed by the Chairman.

Chairman Little addressed Findings of Fact for **#SPR2019-07**:

1. There will be little to no negative impact on public health, safety, and general welfare and satisfies all concerns as stated in Section 5.06(E) of the Town of Chester Zoning Local Law;
2. The proposed action will have negligible negative impacts on the environment;
3. The proposed project is a Type II action, requiring no further review under SEQR; and,
4. The garage will be moved to a location that is 60 ft. from the road right-of-way (ROW).

Mr. Matrose made a motion to approve **#SPR2019-07** with the condition that the garage be moved to comply with the 60 ft. front yard setback requirement from the road right-of-way; seconded by Mr. Ellsworth. Motion carried 7-0.

#SD2019-02: Stewart's Shops Corp. is seeking approval for a three-lot subdivision on property located at 6151 State Route 8, identified by Tax Map Parcel #: 87.20-1-7, in Zoning District Hamlet.

Ryan Rubado from Stewart's Shops Corporation presented the proposal. Mr. Rubado stated that Stewart's is seeking to subdivide the existing parcel into three (3) parcels. Lot 1 consisting of .327 acres, Lot 2 consisting of .659 acres, and Lot 3 consisting of .166 acres. Mr. Rubado

mentioned that a Jurisdictional Inquiry Form (JIF) for the subdivision has been submitted to the APA. Chairman Little asked the Board if the Application can be considered as complete and if a public hearing could be scheduled for the proposal. Mr. Rubado said that the project is currently out to bid, with a start date on July 15th and paving mid-September. Chairman Little briefly discussed with the Applicant and the Board if a special meeting could be scheduled for the subdivision. The Secretary advised the Board the only notice required, according to Section 3.02(E) of the Town Subdivision Regulations, is to advertise the hearing in the Post Star newspaper at least five (5) days before such hearing. Brief discussion ensued scheduling a special meeting with public hearing for the proposed subdivisions on June 27th at 7 p.m.

Mr. Nick made a motion to deem **#SD2019-02** as complete, pending receipt of a determination from the APA and to schedule a public hearing for June 27, 2019 at 7 p.m.; motion seconded by Mr. Ellsworth. Motion carried 7-0.

#SD2019-03: Ron and Priscilla Gill are seeking approval for a two-lot subdivision on property located at State Route 8, identified by Tax Map Parcel #: 87.20-1-1, in Zoning District Hamlet and Moderate Intensity.

Ryan Rubado from Stewart's Shops Corporation presented the proposal. Mr. Rubado stated that Stewart's is seeking to subdivide the existing parcel into two (2) parcels. Lot 1 consisting of .252 acres and Lot 2 consisting of 19.45 +/- acres.

Mr. Nick made a motion to deem **#SD2019-03** as complete, pending receipt of a determination from the APA and to schedule a public hearing for June 27, 2019 at 7 p.m.; motion seconded by Mr. Ellsworth. Motion carried 7-0.

PUBLIC PRIVILEGE: None.

BOARD PRIVILEGE:

Regarding the Request for Consultation received from the APA for the expansion of OP Frederick's (P2019-0064), the Board had no advisory comments regarding the proposal at this time.

ADJOURNMENT:

Mr. Ellsworth made a motion to adjourn the meeting at 8:46 p.m.; motion seconded by Mrs. Hutton. Motion carried 7-0.

Respectfully submitted,

Jeremy J. Little
Secretary