

PLANNING BOARD ~ TOWN OF CHESTER

MINUTES OF MEETING ~ MARCH 19, 2012

ATTENDANCE: Rick Bump, Eugene Dutcher, Paul Little, Harold Ellsworth, George Hilton, Al Muench, John Wolfe (Zoning Clerk) and Walt Tennyson (Zoning Administrator).

MINUTES: The board made minor changes to the January minutes. Mr. Bump then brought a motion to approve the minutes pending those changes. The motion was seconded by Mr. Little. Motion carried 6/0.

CORRESPONDENCE: None

PUBLIC HEARING: Having been duly advertised, Chairman Little opened the public hearing at 7:12 p.m.

PUBLIC HEARING:

1) #SD2011-05 ~ Lou Nicholes' request for a four-lot subdivision on 6.6 acres of moderate intensity property (Tax Map #36-1-44.1), located on 219 Old Schroon Road in Pottersville.

Mr. Nicholes was represented at the meeting by Zachary Monroe of Cedarwood Engineering.

Mr. Little asked Mr. Monroe to give the board an overview of the project, and to describe the placement of the house and the road leading to it.

Mr. Monroe explained that Mr. Nicholes wanted to split his current property on Old Schroon into four total lots. Under the proposal, an existing house would remain on one of the proposed lots, and the other three lots (all vacant) would be accessible by a common driveway.

Mr. Monroe added that because there are wetlands on the property, the APA has jurisdiction over the project. He said that he expects the APA to approve the project in the near future.

Mr. Little asked if there was any questions from the public or the members of the board.

Mr. Dutcher asked Mr. Monroe if the three vacant lots would have deeds to the proposed road. Mr. Monroe said they would. Mr. Dutch then asked if the road was wide and accessible enough to accommodate a fire vehicle. Mr. Monroe said that the driveway/road was 10 feet wide. After a brief discussion, the Board agreed that the road provided ample room for the local fire company to reach all three lots.

Mr. Little pointed out that if the Board voted to approve the project, such approval would not be final until the APA rendered its decision.

Mr. Bump made a motion to close the Public Hearing. The motion was seconded by Mr. Dutcher and carried, 6-0.

Mr. Bump then made a motion to approve the Nicholes Project (SD2011-05). The motion was seconded by Mr. Hilton, and carried 6-0.

NEW BUSINESS:

#SPR2012-01 ~ Fred Monroe is requesting a site plan review to transform a single family dwelling into a rental unit(s). The Moderate Intensity property is located on 99 Blythewood (Tax Map #86.5-1-11.2).

Mr. Monroe represented himself at the meeting.

Mr. Little began by stating that each member of the Board had received a letter informing them that Mr. Monroe was the duly-elected Town Supervisor of Chester, pursuant to the local Code of Ethics Laws.

Mr. Monroe gave the Board a brief history of the house, which his recently-deceased father purchased in 1955. Mr. Monroe told the board that he grew up in the house and wanted to keep it... but due to the financial circumstances surrounding his father's death in 2011, he had no choice but to rent out the home on a seasonal basis.

The home is on Blythewood Island, on Loon Lake, and is accessed by a short bridge connecting the Island to White Schoolhouse Rd.

Mr. Little asked Mr. Monroe if any of his neighbors on Blythewood Island were renting out their homes. Mr. Monroe said that several of his neighbors were doing so, and that it has never been a point of contention on Blythewood Island.

Mr. Monroe answered a series of questions from Board members about the home's septic system and well, and the ability of both to handle the potential of increased usage.

Mr. Little asked the Board if there were any further questions or if they felt there was a need for a Public Hearing. The Board Members unanimously responded "no" to both questions.

Mr. Dutcher made a motion to approve the proposal (SPR2012-01). The motion was seconded by Mr. Ellsworth, and carried 6-0.

2) #SD2012-01 ~ Ernest Clark is proposing a two-lot subdivision on 38+ acres of Rural Use land (Tax Map #50-1-10).

Representing himself, Mr. Clark told the board that he was seeking a simple two-lot subdivision of his property on Bird Pond Rd. and giving one of the parcels to his son.

The Board noted that there was no APA jurisdictional issues with the proposal, and quickly concluded that splitting the 38+-acre parcel into two lots was a reasonable proposal that warranted no further discussion.

Several members said that the proposal -- while reasonable -- would still, by law, be subject to a Public Hearing. The Zoning Administrator, Mr. Tennyson, pointed out that Mr. Clark was keeping one of the two parcels of the sub-divided lot for himself and giving the other parcel to his son. Therefore, Mr. Tennyson said, Mr. Clark was protected under certain components of the "Gifting" laws, which provides a wide array exemptions and benefits to a parent who transfers the ownership of land to a son or daughter. In this case, pursuant to the law, Mr. Clark's gift of land to his son is a "Non-transaction," which allows the Planning Board to waive the Public Hearing that would otherwise be necessary in most other sub-division proposals.

Mr. Ellsworth made a motion to waive the Public Hearing and Approve Mr. Clark's proposal (SD2012-01). The motion was seconded by Mr. Bump and carried 6-0.

3) #SPR2012-02 ~ John MacMillen is requesting a Site Plan Review to convert the 2nd story of the old firehouse on 20 Church Street into a commercial construction office. The building is in a Hamlet zone (Tax Map #104.10-7-2).

Mr. MacMillen, owner of MacMillen Construction, represented himself at the meeting.

Mr. Little said that – having reviewed Mr. MacMillen's application – his only concern was the amount of construction material Mr. MacMillen planned on storing in front of the building.

Mr. MacMillen said that he had no intentions of “storing” anything there on a long-term basis, and added that, in the process of moving materials in and out of the building, a few items would be placed there temporarily but it would be “very little.”

Several Board members said that it was “great to see [commercial activity]” returning to that section of Chestertown, which has a row of vacant storefronts.

Mr. Bump made a motion to approve the Site Plan Review (SPR2012-02). The motion was seconded by Mr. Hilton and carried 6-0.

BOARD PRIVILEGE: No discussion.

ADJOURNMENT: A motion to adjourn the meeting was made by Mr. Dutcher and seconded by Mr. Ellsworth. The meeting adjourned at 8:10 pm.

Respectfully submitted,

John Wolfe ~ Zoning Clerk

RIMINDER: *Mrs. Robbins will be gone through April.*