



**MINUTES OF MEETING
TOWN OF CHESTER
PLANNING BOARD
APRIL 20, 2015**

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

ATTENDANCE:

Chairman Paul Little, Al Muench, George Hilton, Harold Ellsworth, Eugene Dutcher, Rick Bump, John Nick, and Jeremy J. Little (Secretary). Absent was Suzanne Robbins and Walter J. Tennyson (Zoning Administrator).

CORRESPONDENCE:

Zoning Administrator and Sanitary Code Enforcement Officer's Activity Report for February and March 2015; June Maxam Letter.

No discussion or further action taken regarding submitted correspondence.

OLD BUSINESS: None.

NEW BUSINESS:

#SPR2015-04: Carrie Remington is seeking Site Plan Review Approval for a Day Care Center, located at 18 B-At-Ease Lane in Chestertown, identified by Tax Map Parcel #: 104.14-1-32.121, in Zone Classification Hamlet.

Carrie Remington stated she is currently trying to complete her application to New York State for the day care center. She is seeking approval from the Office of Child and Family Services and to obtain her license for operation of the center; however, she must receive Planning Board approval first. Once certified, she stated she would be allowed to have approximately 40 children; though, she explained she would not meet that threshold in the beginning stages of opening and would have lesser amounts of children and work her way up. Education-based programs would be offered there for children from six weeks through the age of four. It was determined that the proposal would have no environmental impacts.

Mr. Muench was concerned about the parking spaces available. It was discussed that there was enough room for forty (40) vehicles. She explained that most of the vehicles would not be parked there for the entire day—mainly for dropping off the children and picking them up. Mr. Dutcher stated that in the past when the building was the location of Panther Mountain Fitness, there were no parking issues.

The hours of operation would be Monday through Friday, between 7 a.m. to 5 p.m. Mr. Bump questioned if there were any concerns from neighbors and she stated they are aware of her proposal, with no opposition. She hopes to have her business established in August.

Mr. Muench stated that this proposal is classified as a Type II action which does not require further review under SEQRA. He also asked if there would be any possible environmental impacts and Mrs. Remington did not believe there were to be any.

Mr. Muench made a motion to deem Application **#SPR2015-04** as complete, refer the application to the Warren County Planning Department and to schedule a public hearing on May 18, 2015 at 7 p.m.; motion seconded by Mr. Bump. Motion carried 7-0.

#SPR2015-05: Randy J. Roberts, owner of D&R Auto Body Repair, Inc., is seeking Site Plan Review Approval for the sale of used cars, with no more than fifteen (15) used cars being sold at one time, located at 17-23 Stone Bridge Road, identified by Tax Map Parcel #: 36.3-1-28, in Zone Classification Hamlet.

Currently on the above-referenced property, Mr. Roberts has an Auto-Body Repair Shop. He stated his proposal is to have a maximum of fifteen (15) used vehicles for sale on the lot. The Site Plan accompanying the Application referenced the locations of the vehicles.

Mr. Muench stated that this proposal is classified as a Type II action which does not require further review under SEQRA. He also asked if there would be any possible environmental impacts and Mr. Roberts stated he did not believe that there were to be any.

Mr. Muench made a motion to deem Application **#SPR2015-05** as complete, refer the application to the Warren County Planning Department and to schedule a public hearing on May 18, 2015 at 7 p.m.; motion seconded by Mr. Hilton. Motion carried 7-0.

#SPR2015-06: Matthew Securo is seeking Site Plan Review Approval for the sale of one car at one time, on property located at 350 Landon Hill Road, identified by Tax Map Parcel #: 87.1-1-1, in Zone Classification Rural Use.

Mr. Securo stated upon approval of the Planning Board, he would obtain a dealer license and purchase one vehicle at a time. The vehicle would be advertised online as for sale and would be driven daily (with dealer plates) until sold. He explained there would be no signs on or in the vehicle displaying it as for sale.

Mr. Muench was concerned about the application being considered as a “home occupation” by the applicant. He stated his thoughts and believed it should be classified as a Commercial Use. Mr. Securo referred to the APA Compatible Use List and referenced the Rural Use Zone Classification, for which his property is currently zoned. If classified as Commercial Use, it would be considered as a “secondary use” under that list (#6).

Mr. Securo said he submitted a JIF form to the APA because his property contained wetlands. Chairman Little read the APA Jurisdictional Determination (J2015-81) and it was determined that a Permit was not required from the Agency.

Mr. Securo stated he would have a State required sign displaying he was a motor vehicle retail dealer and it would be affixed to the side of his garage.

Mr. Muench stated that this proposal is classified as a Type II action which does not require further review under SEQRA.

Mr. Muench made a motion to deem Application **#SPR2015-06** as complete, refer the application to the Warren County Planning Department and to schedule a public hearing on May 18, 2015 at 7 p.m.; motion seconded by Mr. Ellsworth. Motion carried 7-0.

#SPR2015-07: Barbara Bobrowich and Susan M. Jonis are seeking Site Plan Review Approval for a Dog Kennel business where boarding and training would be offered and made available to the public, on property located at 5260 State Route 8, identified by Tax Map Parcel #: 103.-1-10, in Zone Classification Rural Use.

Ms. Bobrowich began by stating in the past she used to board and train dogs in Columbia County and would like to continue her services in this area. She explained there would be approximately five (5) kennel runs (indoor/outdoor). Currently, she has been using an existing structure on the lot for her own personal kennel use, but would like to offer her services to the public. The size of the runs are 4' x 10' inside and 4' x 10' outside and each run would be large enough to accommodate two dogs, if necessary. Further, the dogs receiving training would have their own run and would be there for a minimum of one month.

She explained the dogs would also be walked and during the evening to the following morning, the dogs would be placed in the indoor runs. Noise from the dogs would be non-existent or kept to a minimum. Currently, there is a boathouse on the property, which Ms. Bobrowich stated it would not allow the dogs to see the road directly. To block further vision of the road, she also mentioned shrubs would be planted. Mr. Muench questioned available parking and it was explained that it would be a "pick-up and drop-off" type business, so there were no parking concerns.

Mr. Muench stated that this proposal is classified as a Type II action which does not require further review under SEQRA.

Mr. Muench made a motion to deem Application **#SPR2015-07** as complete, refer the application to the Warren County Planning Department and to schedule a public hearing on May 18, 2015 at 7 p.m.; motion seconded by Mr. Bump. Motion carried 7-0.

CONCEPTUAL PLAN CONFERENCE:

1) Etain, LLC:

- Proposed Medical Marijuana Facility
Location: 6030-6032 State Route 9; Tax Map Parcel #: 121.-1-48
Zone Classification: Industrial Use.

Peter Simoneau, Vice President of Peckham Industries, and Amy Peckham, along with her daughter Hillary, were present to answer any questions regarding their upcoming proposal.

Amy Peckham (mother), Hillary and Keeley (daughters), have formed a subsidiary of Peckham Industries named "Etain, LLC". Mr. Simoneau explained the proposal was presented to the Town Board in March and received approval from the Board. It was explained there are only five state licenses that would allow for a business such as Etain, LLC to grow, manufacture, distribute, and further dispense the medical marijuana. For each granted license, there are a total of four (4) dispensaries, along with the grow facility.

Once a license has been granted, the State requires that the business be operational by January 1st, 2016. Mr. Simoneau stated that since Peckham's owns multiple parcels in the Town, it would make for a great opportunity and location for such an establishment. It was stated that once approved, the operation would offer 20-30 professional jobs. He further explained that he would like to have an application for Site Plan Review submitted in the next couple of weeks to meet the next Planning Board Meeting in May with a Public Hearing scheduled in June. The property currently contains a horse barn and as part of the proposal, a new structure would be constructed to expand off from the barn, with dimensions of roughly 50' x 170' ±. It has been broadly decided, though not formally, that the growth would start in the North end of the barn for the first six months and the other half of the barn would be dedicated for lab purposes/testing/kitchen areas, etc. The construction of the new facility would be underway while plants are in the barn during that six month period. Hillary Peckham stated the process of growing the plants: the product would be grown, put into an extraction machine and furthered processed into oil form, which would then be processed into different delivery systems such as pills, vaporizers, tinctures, etc. From there, the product would be packaged and dispensed to the four dispensaries.

Mr. Nick questioned the security measures for the proposed establishment. It was stated there would be security guards in the building 24/7, along with video cameras located in every building. Further, the State and local law enforcement would have access to the camera feed to strengthen security measures. Questions regarding if there would be a security fence surrounding the building were also raised. Amy Peckham stated that if security fences were put into place, she felt it would essentially draw more attention to the site. She mentioned lighting would be installed around the building along with of course, constant video feed.

Mr. Muench discussed ways to work towards approval of the application and to possibly speed up the process of approval from the Board to allow the applicant plenty of time to submit the application to the State. If determined as a Class B Regional Project, the APA requires notification to the Agency within ten (10) days following receipt of a completed application. Mr. Muench also mentioned that the public hearing notice is required to be mailed to the APA within fourteen (14) days. He explained to the applicant that a special meeting could be held to accelerate the process once the complete application (along with a detailed Site Plan and landscaping plan) has been submitted to the Zoning Office. The applicants stated they would work towards submission of an application in the upcoming weeks.

2) DHC of Chestertown, LLC (David House & Gary Carstens):

- Proposed Dollar General
Location: State Route 8; Tax Map Parcel #: 87.20-1-11
Zone Classification: Hamlet

David House spoke on behalf of the proposal and stated that the proposed location of the Dollar General would be on Route 8, next to Gallo Realty. He stated that the property was one of the parcels created as a result of a 3-lot subdivision in 2008. Because there were wetlands showing as present during the time of the subdivision, the APA visited the site and flagged the wetlands, which was only valid for 3 years after the wetland delineation had been performed (as stated in the issued 2008 APA Jurisdictional Determination). Currently, a Jurisdictional Inquiry Form has been filed to the APA, waiting for a response from the Agency.

Mr. House referred to the Site Plan and noted the well and septic locations. The project's location is on State Route 8, which requires approval from the County Planning Department. Mr. Muench questioned the available parking and referred to Section 7.06 of the Local Law. For a retail store, the required minimum spaces are one space for each 100 sq. ft. of gross floor area. The preliminary site plan showed 33 parking spaces and Mr. House stated the indoor retail space would be 7,000 sq. ft. Mr. Muench explained that he believed the Board has the authority to make a decision on the parking as long as they "meet the intent of the Zoning Law". Further, it was explained that a landscaping plan would need to be provided as well.

Mr. Dutcher asked if the store would appear similar to the Dollar General in Schroon Lake and Mr. House stated that it would. Mr. Bump questioned the lighting and it was answered that all outside lighting would be downcast with no interference. Chairman Little asked Mr. House if he has contacted DOT about the access to the site from State Route 8. Mr. House affirmed that he has.

Chairman Little asked about the exterior of the building and more importantly, requested to see a front elevation of the building. He would like to have the building blend in with its surroundings—more appropriately put, in Adirondack Style. Mr. House stated that once the Jurisdictional Determination has been received from the Agency, an application along with the required materials would be submitted to the Board.

MINUTES:

Concerning the recent amendments to the minutes, Chairman Little stated that he did not feel it was necessary that the Secretary needs to include everything that was said at every meeting. He stated that motions/actions taken are required to be put into the minutes, but was unsure it was necessary to continuously amend minutes unless a terrible mistake had been made.

Mr. Muench requested he would like to make amendments to the February 23, 2015 Minutes. His amendments, along with motions for each amendment, are as follows:

Regarding #SPR2015-03, on Page 2, third paragraph from the top, Mr. Muench requested the final motion of the approval to be revised and to read:

Mr. Muench made a motion to waive the public hearing and Chairman Little revised the motion to waive the public hearing and to approve Site Plan Review Application #SPR2015-03; motion seconded by Mr. Dutcher. Motion carried 7-0.

Mr. Dutcher made a motion to accept the amended paragraph; motion seconded by Mr. Ellsworth. Motion carried 7-0.

Mr. Muench requested that the third paragraph from the bottom of Page 2, concerning #SPR2014-05 and the sale of propane, be revised and amended to:

Mr. Muench questioned if the Warren County Fire Prevention and Building Codes Office had any specific concerns regarding the propane tank placement or sale of propane by Mr. Brand. Those concerns will be addressed through the building permit process. Mr. Brand stated that any propane tank will be properly screened.

Mr. Nick made a motion to accept the amended paragraph; motion seconded by Mr. Bump. Motion carried 7-0.

Regarding #SPR2015-01, Mr. Muench stated he would like a paragraph inserted regarding his decision to vote in the negative. He would like the public record to indicate that he voted against the motion not because he was opposed to the project, but because there was not sufficient information provided. Mr. Muench stated he would provide the statement to the Secretary for distribution to the Board members for the next meeting in May, at such time the statement could then be approved.

BOARD PRIVILEGE:

At the February 23rd meeting, the concern about porch additions attached to camper trailers was raised. At the time, Mr. Muench asked the Zoning Administrator (Z.A.) to check on these additions as well as dock rentals and report his findings. Further, Mr. Muench mentioned he, nor anyone else, has received a response from the Z.A. Mr. Dutcher stated that every campground that is privately owned in the Town has porches/structures attached to the campers. Moreover, he said if the Z.A. requires one campground to obtain permits for such structures, all of the campgrounds would need to be written up, not just Loon Lake RV Park. A discussion ensued between the Board members regarding this issue.

Mr. Muench mentioned he is currently trying to get in contact with Wayne LaMothe at the County Planning Department and is seeking answers from him about the process of exempting specific applications from being referred to the County Planning Department.

Mr. Muench suggested that the Board find a way to get together and develop procedures regarding application review, etc. He felt that this would help in their decision process.

Mr. Dutcher and Mr. Bump mentioned the four-hour/yr. required training each Board member must receive and it was discussed that setting up a training session with APA or Town Counsel would be helpful.

ADJOURNMENT:

Mr. Ellsworth made a motion to adjourn the meeting at 9:16 p.m.; seconded by Mr. Nick. Motion carried 7-0.

Respectfully submitted,

Jeremy J. Little

Secretary