



**MINUTES OF SPECIAL MEETING
TOWN OF CHESTER
PLANNING BOARD
AUGUST 10, 2015**

Mr. Little called the meeting to order at 7:04 p.m.

ATTENDANCE:

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

MINUTES:

Mr. Bump made a motion to accept the minutes for the July 20, 2015 meeting; motion seconded by Mr. Dutcher. Motion carried 6-0.

CORRESPONDENCE:

Zoning Administrator & Sanitary Code Enforcement Officer's Activity Report for July 2015.

NEW BUSINESS:

PUBLIC HEARING:

Chairman Little re-opened the public hearing for Application **#SPR2015-09** at 7:10 p.m.

#SPR2015-09: DHC of Chestertown LLC is seeking Site Plan Review approval for a Dollar General retail store, on property located at State Route 8 (parcel next to Gallo Realty), identified by Tax Map Parcel #: 87.20-1-11, in Zone Classification Hamlet.

Bret Winchip from Winchip Engineering presented the Dollar General proposal. Dave House was also present to answer any questions.

Mr. Winchip mentioned that a Variance Application was submitted to the Zoning Board of Appeals, which was reviewed at the August 06th meeting. A public hearing was held for the variance requests and the ten (10) variances requested were approved by the ZBA at that meeting. Mr. Winchip stated the pole-mounted sign would be approximately fifteen ft. (15') from the front property line.

Chairman Little read to the Board and the audience the variances that were requested and granted by the ZBA for the two Dollar General signs. Chairman Little also read the ZBA Approval with the one condition imposed that "when the retail store is closed, the lights for the signs are to be turned off." Mr. House stated that the sign on the building will consist of individual letters, each interiorly illuminated, as presented to the ZBA.

There was discussion regarding how the sign area for the building sign was measured by the ZBA. In the audience, Mr. Grady stated that as a conclusion, the sign on the building was measured using a boxed method, rather than each of the individual letters being measured.

There were concerns from the audience regarding the variances that were granted by the ZBA for the two Dollar General signs. Cindy Mead, owner of Gallo Realty and adjoining property owner, felt that some change is necessary in the Town as there were concerns from people in the audience regarding the entrance coming into the Town. Suzanne Robbins stated she is not opposed to the Dollar General store coming to the Town of Chester, but hoped that the Town and surrounding Towns would be able to support the business without negative effects on existing businesses. Mrs. Robbins urged the Board to consider the “architectural integrity of the building” and the aesthetics associated with the structure. Further, Mr. Robbins believed that the appearance of the proposed store could be re-designed to be more aesthetically appealing. Mr. House stated that the front of the building was altered at the request of the Planning Board to have cultured stone veneer towards the bottom with the rest made of hardiplank fiber cement siding. Further, he explained the sides of the building would consist of vertical metal siding.

Chairman Little stated the Dollar General will not only depend upon the Town’s residents, but also traffic of those passing by. Mr. Winchip also mentioned there would be shrubbery on the property to enhance aesthetics. From the previous meeting, Mr. Hilton requested a copy of the plan with the parking lot lighting. Mr. House stated the new plan was provided and there would be only two (2) parking lot lights, which would be shielded and downward facing.

Mr. Bump made a motion to close the public hearing at 7:34 p.m. concerning Application **#SPR2015-09**; Mr. Dutcher seconded the motion. Motion carried 6-0.

Mr. Muench made a motion to classify this proposal as an Unlisted action with no significant adverse environmental impact and to declare Application **#SPR2015-09** as complete; Mr. Ellsworth seconded the motion. Motion carried 6-0.

#SPR2015-09 Dollar General - Motion to Approve:

Findings of Fact:

Pursuant to Section 5.06(I) of the Zoning Law the Planning Board finds that this project will comply with all applicable provisions of the Zoning Law and meets the project review standards and requirements of Section 4.03. In particular, the Planning Board finds that the proposed use complies with the dimensional regulations of the hamlet district in which it is proposed to be located and that the proposed project satisfactorily complies with the Sign requirements of Section 7.07, the Lighting requirements of Section 7.18 and the Commercial Siting and Design Guidelines of Section 7.20.

The Planning Board further finds the proposed use would be in harmony with the general purpose and intent of the Zoning Law.

The Planning Board further finds that the applicant obtained variances from the Zoning

Board of Appeals for the parking requirements specified in Section 7.06 of the Zoning Law and for the sign requirements of Section 7.07 of the Zoning Law.

The Planning Board further finds the proposed project will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational, or open space resources of the Adirondack Park or upon the ability of the public to provide supporting facilities and services made necessary by the project, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project. In particular, the Planning Board finds that the applicant has modified the building facade to make it more aesthetically pleasing and more consistent with other commercial facades in the Adirondack Park.

Finally, the Planning Board further finds a net overall positive evaluation of the proposed project in relation to the economy of the Town of Chester.

Based on these findings of fact, Mr. Muench made a motion to move that the Planning Board approve **#SPR2015-09** subject to the following conditions:

- 1.) The building facade shall consist of four feet of cultured stone below and fourteen feet of 6" reveal Hardiplank fiber-cement siding above, as shown on the Winchip Engineering preliminary drawing page A-000 for project 15-010 dated June 4, 2015.
- 2.) A minimum of 33 parking spaces, each a minimum of 10 feet by 20 feet in size, shall be installed in the configuration shown on the Winchip Engineering preliminary drawing page ST-001 for project 15-010 last revised on August 3, 2015.
- 3.) The Applicant shall comply with Section 7.04.F.6 and shall supply the required free-standing sign information to the zoning administrator prior to the issuance of a sign permit.
- 4.) Exterior lighting shall be downcast and cut off LED lighting.
- 5.) Any propane tank(s) shall be installed underground in the rear of the building.
- 6.) Any dumpster(s) or recycling container(s) shall be located behind the loading area and shall be screened from view.
- 7.) All signs shall be consistent with the sign variances granted on August 6, 2015, by the Zoning Board of Appeals.
- 8.) Landscaping shall at a minimum include the plantings described on the June 17, 2015 revision of Winchip Engineering preliminary drawing page ST-001 for Project 15-010.
- 9.) Consistent with the sign variances granted on August 6, 2015, by the Zoning Board of Appeals, all illuminated signs must be turned off and not be illuminated during all non-business hours.

- 10.) The Zoning Administrator shall incorporate each of the above conditions into any zoning certificate, permit or certificate of occupancy issued for this project.

Mr. Bump seconded the motion. Motion carried 6-0.

Boundary Line Adjustment: Peckham Materials Corp. is seeking approval for a boundary line adjustment for properties located at 6030-6032 State Route 9, in Zone Classification Industrial Use. The lot identified by Tax Map Parcel #: 121.-1-48 will decrease from 128 acres to 122.46 acres and lot identified by Tax Map Parcel #: 121.-1-61 will increase from 2.77 acres to 8.31 acres. Conveyance is approximately 5.54 acres.

Peter Simoneau, Vice President of Peckham Materials, presented the proposal. Also in attendance were Amy and Keeley Peckham from Etain, LLC.

Mr. Simoneau displayed to the Board the Subdivision plat that was approved for an 18-lot subdivision for Peckham Materials on August 21, 2006. Mr. Simoneau read to the Board the Site Subdivision Plat Notes from the approved 18-lot subdivision, with flexible lot lines.

Mr. Simoneau mentioned that this proposal was submitted to the Adirondack Park Agency and the APA responded with a Jurisdictional Determination stating no Permit would be required from the Agency for the proposed boundary line adjustment.

As indicated on the submitted boundary line adjustment map, Lot 13 would increase from 2.77 acres to 8.31 acres whereas Lot 18 would decrease from 128 acres to 122.46 acres.

Mr. Muench mentioned that in the APA's Jurisdictional Determination, it was stated the proposal was considered as a two-lot subdivision. Mr. Simoneau explained the proposal would not create a new lot and as a result, the number of lots would remain the same.

Mr. Bump questioned the purpose of the request. Mr. Simoneau briefly explained that this proposal is in conjunction with the Site Plan Approval for the Marijuana Facility. He explained Peckham Materials has created a new company named KDBF Ventures, which will own the property (Lot 13) and the building. Etain, LLC will lease the space from KDBF Ventures. Chairman Little said that one of the requirements from the State was that the parcel containing the Facility was to be owned by a company separate from Peckham Materials.

Mr. Muench read Section 7.22: Boundary Line Adjustment of the Local Law and the six conditions that must be met for a boundary line adjustment, which include:

1. The grantee of the boundary line adjustment parcel is the same as the landowner of the receiving parcel;
2. The boundary line adjustment parcel is adjacent to the receiving parcel;
3. The boundary line adjustment parcel is merged with and becomes a part of the receiving parcel;

4. The property conveyed is of a size and configuration that could not reasonably accommodate the construction of a single family dwelling;
5. The boundary line adjustment will not allow for any increase in the number of principal buildings on the resulting, merged parcel; and
6. The boundary line adjustment will not result in or increase any nonconformance with the provisions of Section 7.01, 7.02 or 7.03 of this Local Law.

As written in Section 7.22(B) of the Local Law, Mr. Muench stated, "The deed describing the boundary line adjustment parcel must contain a covenant stating that the conveyance is a boundary line adjustment and that the boundary line adjustment parcel is to merge with the receiving adjacent parcel and may not be sold separately, and must state that these covenants "run with, touch and concern the land".

Based on the above Findings of Fact, Mr. Muench made a motion to approve the boundary line adjustment, as presented; Mr. Ellsworth seconded the motion. Motion carried 6-0.

OLD BUSINESS: None.

BOARD PRIVILEGE:

There was discussion regarding necessary amendments to the Zoning Local Law. It was discussed to have both Boards (Planning Board and ZBA) get together with Mark Schachner (Town Counsel) to talk about concerns regarding certain sections of the Local Law needing change. Also discussed were possible recommendations regarding additions to the Local Law (i.e. Solar Panels).

ADJOURNMENT:

Mr. Ellsworth made a motion to adjourn the meeting at 8:28 p.m.; seconded by Mr. Nick. Motion carried 6-0.

Respectfully submitted,

Jeremy J. Little

Secretary