



**MINUTES OF MEETING  
TOWN OF CHESTER  
PLANNING BOARD  
MAY 18, 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, Walter J. Tennyson (Zoning Administrator), and Jeremy J. Little (Secretary). Absent was Suzanne Robbins.

**MINUTES:**

Mr. Bump made a motion to accept the minutes for the April 20, 2015 Meeting; motion seconded by Mr. Dutcher. Motion carried 7-0.

Mr. Muench requested he would like to make amendments to the February 23, 2015 Minutes and to include the following paragraph concerning the Beadnell proposal:

**On the motion to approve SPR2015-01, Mr. Muench voted in the negative because he believes the project is a Class B Regional project and that the Planning Board acted prematurely since it may not act on the application without a satisfactory resolution to the traffic and parking issues, raised at the public hearing, as required by Section 6.04-4, and the Board has not yet received the landscape plan required by Section 7.20 and requested by public input.**

Mr. Muench made a motion to accept the February 23, 2015 Meeting Minutes with the above amended paragraph; motion seconded by Mr. Nick. 4-Ayes (Hilton, Dutcher, Nick, Muench), 2-Nayes (Ellsworth, Bump). Chairperson Little abstained. Motion carried 4-2.

**CORRESPONDENCE:**

Zoning Administrator and Sanitary Code Enforcement Officer's Activity Report for April 2015, Three (3) Letters of concern Re: Dog Kennel Proposal (#SPR2015-07) from Walter and Phyllis Brandt, Kathleen Swindell, and Tom & Jan Mansley.

**PUBLIC HEARING:**

**Chairman Little stated that the following applications have been determined to have no County Impact by the Warren County Planning Department: #SPR2015-04, #SPR2015-05, #SPR2015-06, #SPR2015-07.**

**#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.

Mrs. Remington enlightened the Board of her proposal and stated she would like to open the Day Care Center, which would serve approximately 40 children. There would be three employees at the Center in the beginning, with more employees to hire once demand increases.

Having been duly advertised, the public hearing for Site Plan Review Application **#SPR2015-04** was opened by Chairman Little at 7:05 p.m.

No persons from the public were present in the audience to express their concerns or to question about the proposal.

Mr. Bump made a motion to close the public hearing at 7:08 p.m. concerning Application **#SPR2015-04**; motion seconded by Mr. Ellsworth. Motion carried 7-0.

Mr. Bump made a motion to approve Site Plan Review Application **#SPR2015-04**, as proposed, with no conditions; motion seconded by Mr. Ellsworth. 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.

Mr. Roberts briefly re-stated his proposal to the Board. Mr. Bump stated he has plenty of parking on the property.

Having been duly advertised, the public hearing for Site Plan Review Application **#SPR2015-05** was opened by Chairman Little at 7:10 p.m.

No persons from the public were present in the audience to express their concerns.

Mr. Ellsworth made a motion to close the public hearing at 7:12 p.m. concerning Application **#SPR2015-05**; motion seconded by Mr. Muench. Motion carried 7-0.

Mr. Muench made a motion to approve Site Plan Review Application **#SPR2015-05**, as proposed, with no conditions; 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 briefly explained his proposal to have one car for sale at one time, which will be displayed only online as for sale. Mr. Bump asked if there were any junk vehicles on the property and Mr. Securo stated that there were none. Mr. Muench questioned which

structure the “dealer sign” would be affixed to. Mr. Securo stated the sign would be positioned on the front of the garage which currently sits on his property.

Having been duly advertised, the public hearing for Site Plan Review Application **#SPR2015-06** was opened by Chairman Little at 7:15 p.m.

No persons from the public were present in the audience to express their concerns.

Mr. Bump made a motion to close the public hearing at 7:16 p.m. concerning Application **#SPR2015-06**; motion seconded by Mr. Nick. Motion carried 7-0.

Mr. Muench made a motion to approve **#SPR2015-06**, as proposed, with stated committed conditions that no cars would be advertised for sale on the property with the usage of “for-sale signs”; 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.

Having been duly advertised, the public hearing for Site Plan Review Application **#SPR2015-07** was opened by Chairman Little at 7:19 p.m.

Ms. Bobrowich explained her proposal to use an existing structure, which currently contains 5 indoor/outdoor runs for dogs. She stated she would like to make it open to the public for boarding and training dogs for customers. She also previously had a business downstate in Columbia County for 12 years for the same operation, but believed it would make for a great addition to the area.

Chairman Little mentioned there were three letters of concern from surrounding property owners regarding the proposal. Chairperson Little mentioned there were letters submitted from Walter and Phyllis Brandt (454 Chester Shores), Kathleen Swindell (5292-5304 State Route 8), and Tom and Jan Mansley (514 Chester Shores (Path)).

Mrs. Swindell was present at the meeting and raised her concern of the noise from the dogs and the lighting. Ms. Bobrowich stated the lighting is under the outdoor kennel runs and would only be used at night until 9:00 p.m. (when it gets dark). She mentioned the dogs would not be in the outdoor kennel runs at night—they would be in the indoor runs. If a dog happened to bark and persisted, she stated she would not be in favor of that and stated she would take care of it. The dogs would never be in the outdoor kennel runs when no one is on the premises—at least Ms. Bobrowich or her partner would be there to supervise.

The removal of the dog waste was also a concern. Ms. Bobrowich stated currently for her personal dogs, she bags the waste and disposes of it properly. Feces would not be kept in the kennel runs and the dogs would also be walked daily.

Chris Aiken was also present to speak on behalf of the “The Ramblewood Bed and Breakfast”, which adjoins the property for which the proposal is to be located. He was

concerned that those that patronize his B&B might possibly have a negative experience due to the concerns surrounding the proposal. She stated her business hours would be from 9 a.m. to 5 p.m. Mr. Muench recommended if the noise from the dogs became a nuisance, the Town currently employs an Animal Control Officer which could remedy the situation. It was discussed that the project could be approved with conditions imposed by the Board.

The concerns pertaining to the waste possibly affecting the nearby waters was also addressed. Ms. Bobrowich stated there is a nearby creek just before her driveway, but the concern of dog waste contaminating the waters would not be an issue since she will dispose of it properly.

A gentleman in the audience, representing Chester Shores Association, stated that some of the residences are year-round, while some are seasonal. He explained the property owners he spoke to were not in favor of the dog kennel due to possible barking from the dogs, even in the daytime.

Chairman Little said that the noise created by the dogs would be greatly reduced by the abundance of surrounding vegetation, distance, etc.

Mr. Muench mentioned some of the other concerns addressed in the letters. He stated “APA is welcome to comment on the application for Site Plan Review, it is not something we need to get APA’s approval for”. Chairman Little stated that if the dog kennel were to be expanded, it would be required to meet Site Plan Review approval and if not complied with, a visit from the Zoning Administrator would be arranged.

Mr. Bump made a motion to close the public hearing at 7:32 p.m. concerning Application **#SPR2015-07**; motion seconded by Mr. Nick. Motion carried 7-0.

Mr. Muench made a motion to approve **#SPR2015-07**, subject to the following conditions: (1) No new lighting be added related to the dog kennel runs; (2) a maximum of ten (10) dogs be boarded; (3) no dogs are to be outdoors unsupervised; (4) no dogs are to be out at night after 10 p.m.; (5) regular and daily pick-up of dog waste. Motion seconded by Mr. Ellsworth. Motion carried 7-0.

### **NEW BUSINESS:**

**#SPR2015-08:** Etain, LLC is seeking Site Plan Review Approval for a medical marijuana cultivation and production facility, on property located at 6030-6032 State Route 9, identified by Tax Map Parcel #: 121.-1-48, in Zone Classification Industrial Use. Robert Holmes from Jarrett Engineering and Peter Simoneau will be presenting the proposal.

Mr. Holmes explained to the Board that the facility would utilize the existing barn, with construction of a new addition consisting of greenhouse space. The greenhouse addition would be approximately 13,000 sf. (9,000 sf. of greenhouse space & 4,065 sf. accessory space for mechanical, hallway, storage, airlock (prevents cross-contamination) purposes.) The primary entrance would be off the access road that is immediately adjacent to the lyme timber log yard. The secondary access road would be close to State Route 9, to be utilized for fire access and protection purposes.

Mr. Holmes stated this facility would employ approximately 20-25 employees and the proposed parking would offer 24 parking spaces. Surrounding the perimeter of the facility would be an 8' high security fence (located on the backside of the maples seen from the St. Route 9) and security cameras would be on the exterior of the structure. Exterior lighting would be located on the structures and in the parking lot for safety reasons. Mr. Holmes stated that that an existing well on the property would be used as the water supply for the facility. He further explained that his client has expressed interest in possibly collecting the roof water run-off and utilize it for watering purposes.

Mr. Holmes said that the submitted plans are conceptual; however, he requested that if this project meets approval from the Board, that a condition be added to have the applicant provide a storm water plan.

A discussion ensued regarding the visibility of the proposal from State Route 9 and pictures were distributed to the Board. Mr. Bump stated the existing log yard on the property is even difficult to see from the highway. Mr. Nick believed it would be a nice addition to the property.

Mr. Muench stated the Zoning Local Law requires a landscaping plan; however, he believed since the "new structure is adjacent to the existing structure and the parking is behind the existing structure that it would cover the landscaping concern regarding parking". No trees would be taken down on the property in front of the structures; therefore, visibility of the structures would remain limited. Mr. Muench suggested to the Board that if the existing/proposed landscaping meets the requirements of Section 7.20, a landscaping plan would not need to be provided.

Chairman Little questioned what type of medium the plants would be grown in. He stated that if they are grown in hydroponics, there would be waste/chemicals that would need to be disposed of properly. Mr. Holmes was sure that the growing medium would be re-used. Mr. Nick asked if at the next meeting, a brief description could be given on the application process with regard to use the chemicals (whether mechanical, by hand, etc.). Mr. Simoneau stated he would have an answer for the Board by the next meeting.

Mr. Muench stated as per the Town's Local Law, the Adirondack Park Agency requires that a complete application of the proposal be submitted within ten (10) days and also a notice of public hearing be sent within fourteen (14) days of the hearing.

Mr. Muench believed that the application can be deemed as complete based on the assumption that there will not be any significant adverse environmental impact.

Mr. Hilton questioned if there would be any impacts regarding noise, air quality, etc. Mr. Simoneau and Mr. Holmes stated there would be virtually no impact. LED lighting would be utilized and downcast.

Mr. Muench questioned if Septic Wastewater plans have been submitted to the Zoning Administrator. Mr. Tennyson stated he has not received any. Mr. Holmes believed if the

proposal is approved, the septic plans could be submitted after the approval, unless it was necessary that the Planning Board review the plans prior to the project's approval.

Mr. Muench mentioned that the Warren County Planning Department recommendation has been received. The project received no County Impact; however, the County recommended that the Town consider a "color jacketed chain link fence to reduce the potential for a "prison" like appearance. Chairman Little thought that it would be less visible if the fence had a green exterior.

Chairman Little stated for the next meeting, it would be beneficial to the Board and the applicant to have answers to the following: If the fence would be coated/uncoated and concerns about chemicals and waste.

Mr. Muench made a motion to classify **#SPR2015-08** as a Class B Regional Project with no significant adverse environmental impact, to declare the application as complete, and to schedule a public hearing for June 3<sup>rd</sup> at 7 p.m.; motion seconded by Mr. Ellsworth. Motion carried 7-0.

**OLD BUSINESS:** None.

**BOARD PRIVILEGE:**

Mr. Muench referred to the concerns addressed during the February 23<sup>rd</sup> public hearing, specifically in reference to the approved #SPR2015-01 Application. Individuals in the public at the February meeting were concerned about the structures attached to the camper trailers on the campground as well as the rental of docks. Pictures were taken by the Zoning Office and were distributed to the Board to show the structures. The Zoning Administrator stated his intentions are to write a letter to the Town Board regarding the structures. Mr. Bump had heard that the structures attached are not permanently affixed. Discussion ensued whether the structures would require a Zoning Certificate.

Discussion also ensued regarding the rental of docks on Mr. Beadnell's property and the size of the 33 sites approved at August 15, 2011 Meeting. The safety concerns were also re-addressed between the Board members and discussion ensued regarding parking and reduction of the speed limit in that area.

The Board discussed the process of referring applications to the Warren County Planning Department for review.

Mr. Muench believed that the Planning Board does not have the authority to waive the parking requirement for the upcoming Dollar General proposal. He stated he believed that an area variance should be submitted to the Zoning Board of Appeals. Chairman Little was unsure if the parking requirement could be waived and said he would ask the Town Supervisor and if necessary, Town Counsel as well.

**ADJOURNMENT:**

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

Respectfully submitted,

Jeremy J. Little

Secretary