



**MINUTES OF MEETING
TOWN OF CHESTER
PLANNING BOARD
OCTOBER 16, 2017**

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

ATTENDANCE:

Chairperson Paul Little, Al Muench, John Nick, George Hilton, Christine Hayes, Rand Fosdick, Harold Ellsworth, George Stannard (Alternate), Walter J. Tennyson (Zoning Administrator), Jeremy J. Little (Secretary).

OLD BUSINESS:

#SPR2017-03: KDBF Ventures, LLC is seeking Site Plan Review approval for a 30' x 25' addition to existing utility room at the existing Medical Marijuana Facility. Property is located at 6030 State Route 9, identified by Tax Map Parcel #: 121.-1-61, in Zone Classification Industrial Use.

Chairman Little stated that there was a presentation at the previous meeting in September by Keeley Peckham, at which time she explained the proposal. During the meeting in September, Chairman Little explained that the Board did not feel a public hearing was necessary for the project. However, the proposal did require referral to the Warren County Planning Department. Chairman Little read the Warren County Planning Department's Project Review and Referral Form dated October 05, 2017. Under the staff notes, it stated, "The Warren County Planning Department finds that the project will not create any significant inter-municipal or county-wide impacts to the items identified in GML §239."

#SPR2017-03 KDBF Ventures, LLC (Etain)

#SPR2015-08 was determined to be a Class B Regional Project with no significant adverse environmental impact. This is also a Class B Regional Project, with no significant adverse environmental impact.

Mr. Muench moved that the Board declare this to be a Type 2 Action

- Type II actions are those actions, or classes of actions, which have been found categorically to not have significant adverse impacts on the environment, or actions that have been statutorily exempted from SEQR review. They do not require preparation of an EAF, a negative or positive declaration, or an EIS.
- 6NYCRR Part 617.5(c)(7) - "construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;"

Approval

Findings of Fact:

The Planning Board finds for #SPR2017-03 that

1. The Warren County Planning Department found there to be no significant inter-municipal or county-wide impacts pursuant to Section 239 of the General Municipal Law.
2. Pursuant to Sections 5.06(I), 6.04 and 6.05-2.C of the Zoning Law this project will comply with all applicable provisions of the Zoning Law and meets the project review standards and requirements of Section 4.03 and existing parking meets the requirements of Section 7.06.
3. The proposed use complies with all other requirements of the Zoning Law, including the dimensional regulations of the industrial district in which it is proposed to be located.
4. The proposed use would be in harmony with the general purpose and intent of the Zoning Law.
5. The establishment, maintenance or operation of the proposed use would not create public hazards from traffic, traffic congestion, or parking of automobiles or be otherwise detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to the property and improvements in the neighborhood or the general welfare of the Town.
6. 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.
7. Finally, the Planning Board finds a net overall positive evaluation of the proposed project in relation to the development objectives and general guidelines set forth in Appendix C and D of the Zoning Law.

Based on these findings of fact, Mr. Muench moved that the Planning Board approve #SPR2017-03.

Motion seconded by Mr. Hilton. Motion carried 7-0.

PUBLIC HEARING:

Having been duly advertised, the public hearing for Site Plan Review Application #SPR2017-02 was opened by Chairman Little at 7:08 p.m.

#SPR2017-02: Tim Beadnell is seeking Site Plan Review approval for the addition of 25 new sites to the existing campground (Loon Lake RV Park located at 5408 State Route 8). Property is located

at State Route 8, identified by Tax Map Parcel #: 103.-1-18.2 and # 103.-1-18.3, in Zone Classification Low Intensity.

Tim Beadnell of Loon Lake RV Park presented the proposal. Attorney Matt Fuller from Meyer and Fuller, PLLC was also present to represent Mr. Beadnell. Mr. Beadnell briefly explained the proposal, which involves the addition of 25 new full-hook up RV sites to the existing campground. Mr. Beadnell mentioned the proposed sites would not be visible from State Route 8. The sites will have hookups for power, water, and sewer. There is an existing well on the campground which has the capacity to feed the additional 25 sites. Mr. Beadnell briefly explained the location of the septic wastewater systems and stormwater retention ponds. Mr. Beadnell stated there would be no additional docks. He also mentioned that the streams that are intermittent on the property all flow into the outflow of Loon Lake and none feed into the lake itself. All of the lots are 3,600 square feet or greater in size and meet the minimum width requirement of 40 ft. per lot. Twelve (12) additional parking spots were added to the Site Plan, last revised October 04, 2017.

Walter Robak, owner of Lakeside at Loon Lake, questioned if the proposed sites would be the same size as the existing sites on the campground. Mr. Beadnell said that the proposed sites are most likely of a larger size than those added in the past. Mr. Robak asked what the setbacks are from neighboring properties, etc. Mr. Robak explained his concern regarding existing sites on the campground, the setbacks of those sites and the closeness of the sites to his property line. Mr. Robak was also concerned that if more sites are added to the campground, it would contribute to the increased occupancy of those at the Beach.

Attorney Fuller briefly addressed the setback concerns by Mr. Robak and the non-conformance of those sites. Mr. Fuller also mentioned the crowding of beaches in other surrounding Towns. Mr. Beadnell said that the current sites are all seasonal and he planned on having the new twenty-five (25) sites being all seasonal as well. Mr. Beadnell stated that a significant number of RVs are left at the campground, with a winter storage fee. Mr. Nick questioned Mr. Beadnell if any of the eight (8) proposed parking spaces could be moved over next to the four (4) proposed spaces. Mr. Beadnell did not believe it would be possible and that the four (4) proposed parking spaces would be the maximum in that area.

Chairman Little read an e-mail from Edna Wells sent on September 18, 2017 and also an e-mail from Carol Stegen sent on October 12, 2017.

With no further comment from the public, Chairman Little declared the public hearing closed at 7:31 p.m.

Mr. Muench said that if the Board closes rather than adjourns the public hearing, the Board is required to make a decision within sixty-two (62) days from the close of the public hearing. Mr. Muench stated that based on the County referral recommendations, it might not be possible for the Board to make a decision and recommended that the Board adjourn the public hearing.

Mr. Muench made a motion to adjourn the public hearing at 7:32 p.m. until a later time and date; motion seconded by Ms. Hayes. Motion carried 7-0.

Chairman Little mentioned a visit to the site on that occurred on Tuesday, October 10th, which consisted of four members of the Board and Wayne LaMothe, who is the County Planner/Director

for the Warren County Planning Department. He said that he notified the entire Planning Board and mentioned in that notification he would be meeting with John Nick at the site. However, it turned out that two other Board members (Al Muench and William Rand Fosdick) visited the site as well. Chairman Little stated that he had reservations with the members of the Board meeting at the site; however, he said that he visited the NYSDOS website and found Open Meeting Law rules and regulations. Chairman Little read an opinion from Robert Freeman, who is the Executive Director of the NYS Department of State Committee on Open Government, concerning the Town of Massena. The opinion read, in part, "Site visits or tours by public bodies should be conducted solely for the purpose of observation and acquiring information and any discussions or deliberations regarding such observations should occur in public during meetings conducted in accordance with the Open Meetings Law." Chairman Little stated that the Board members were careful not to express their opinions on the project and no discussion occurred regarding the approval or disapproval of the project. Chairman Little did not believe the Board violated the Open Meetings Law.

Attorney Fuller agreed with Chairman Little to a certain extent. Attorney Fuller asked, "How was the meeting set up and how was it coordinated with the County Planning Department?" Attorney Fuller said that in his experience, the applicant has usually been involved in the coordination. He also stated that when a third party (County Planner) is invited to the site with a quorum of the Board, that it tends to look improper, especially if the applicant is not invited. Attorney Fuller mentioned the County Referral form which included the County's recommendation to have the applicant provide a traffic study. Attorney Fuller said that a reasonable notification either by e-mail or phone would have made the applicant (Mr. Beadnell) more comfortable. Mr. Muench said that it was not a site visit as the Board members were not on the site and met at the Town Beach. He also mentioned that there was no discussion of the application. Chairman Little said that it was an oversight not to invite Mr. Beadnell to the site visit. Mr. Ellsworth asked if the traffic study was mentioned during the site visit. Chairman Little confirmed that a traffic study was mentioned.

Chairman Little read the County Referral reviewed by the Planning Department on October 10, 2017 and the County's recommendations concerning the proposal. In the audience, George Stannard asked if there had been any complaints or accidents concerning traffic in that area. Mr. Nick mentioned that from the Planning and Zoning conferences he has attended, he understood that numerous municipalities set up "caravans" where Board members look at a site and gather information by viewing the site.

Brief discussion ensued regarding the traffic study and the County's recommendation for a traffic study. Mr. Ellsworth did not believe Mr. Beadnell should have to pay for a traffic study to be done. Mr. Nick said that the day of the site visit, Wayne LaMothe told the four Board members that there had already been a decision made and that there was a "letter" that had already been, or was in the process of, being authored. Chairman Little asked Mr. Beadnell if there was any way that the entrance to the Camp Store could be widened to two lanes. Mr. Beadnell said that it would be possible to widen the entrance. Chairman Little did not feel the need for a traffic study was necessary. Supervisor Leggett discussed the traffic and the parking of vehicles.

Mr. Muench stated that the proposal is a Class B Regional Project and that the Zoning Law states that the Planning Board shall not approve any Class B Regional Project unless it first determines it meets certain criteria. Mr. Beadnell stated that in the County Referral it states there would be a total of 96 sites; however, Mr. Beadnell said that there would be a total of 91 sites, as there are no sites

with numbers 16, 17, 18, 29, or 30. Mr. Beadnell referred to the County's concern regarding the entering and exiting of recreational vehicles and tow-behind trailers into the campground. He said that if the entrance needed to be widened, it could certainly be done. Mr. Fosdick said that during the "meeting", the only concern was the entering to the Park. Mr. Fosdick was unsure of the concern for a traffic study and if it had been a requirement from the Board in the past. Chairman Little read the results from the Lifeguard Report for June, July, and August 2017. Chairman Little said that in his opinion, there are some days that the beach is overcrowded; however, he did not find that it happens often. Chairman Little also read the boat launch count on Loon Lake in 2017, which was provided by Mr. Nick. The Boat stewards counted 866 vessels that were launched or removed from Loon Lake in 2017. Mr. Nick said in his opinion that the numbers in the boat launch count is an indication of how much traffic goes in and out of the Boat Launch. Mr. Nick stated that he needed to understand what the impact would be with the way the road is laid out and the cumulative effect of additional sites. In response to Mr. Fosdick's concern regarding a traffic study, Mr. Nick did not recall a traffic study being requested in the past, but did not recollect the same circumstances.

In the audience, Mr. Stannard stated that the number of boats with boat trailers, which was confirmed to be approximately 437 +/- by Chairman Little, is more of a traffic danger by the Boat Launch entrance/exit compared to the traffic going in and out of the campground. Mr. Hilton did not believe the 25 additional sites would have an adverse impact that would rise to the threshold to require a traffic study or affect the SEQRA determination. Mr. Hilton believed that the widening of the entrance would be sufficient to eliminate any stacking on State Route 8. Brief discussion ensued regarding the County's referral and overriding the County's recommendation with a supermajority vote. Chairman Little briefly explained that if the applicant were to increase the size of the entrance to State Route 8 and if it is followed, he would be in favor of overriding the County recommendation. Mr. Ellsworth agreed. Discussion ensued regarding a traffic study. Attorney Fuller said that concerning the dual lanes entering/exiting the campground, the applicant would agree to amend the application to include the widened entrance/exit on the final plans and submit the revised plans to the Zoning Office.

Mr. Hilton said that it appeared the project is classified as an Unlisted Action. The Board reviewed Part I of the Short Environmental Assessment Form. Mr. Muench suggested that question 5(b) should be marked as "No" as he believed the project is not consistent with the comprehensive plan, unless the Board could find that there are no impacts on traffic, traffic congestion, parking, or on the public beach. Mr. Muench also believed that question 8(a) should be marked as "Yes" concerning a substantial increase in traffic above present levels resulting from the proposed action. Chairman Little believed that it would be an increase in traffic, but not enough to trigger it being "substantial". Brief discussion ensued regarding question 5(b). Attorney Fuller stated that Part I are questions answered by the applicant and Part II is to be completed by the Board.

Chairman Little read questions 1-11 in Part II of the Short Environmental Assessment Form. All questions were answered as "No, or small impact may occur".

Ms. Hayes made a motion to declare a negative declaration and to authorize the Chairperson to sign the negative declaration; motion seconded by Mr. Ellsworth. Motion carried 6-0. Mr. Muench abstained.

Discussion ensued regarding the widening of the entrance/exit to the campground.

Ms. Hayes made a motion to approve Site Plan Review Application #SPR2017-02 as impacts to existing and proposed water supplies, sewage disposal, and other service capabilities will not be impacted, impact to the community's ability to provide recreation, education, fire protection, and central facilities and services to its residents and visitors will not be impacted, there will be no visual impact with the surroundings and will be unable to see the additional sites from State Route 8, effect on air and water quality standards applicable primarily to industrial site development plans are not affected, effect on energy consumption conservation, SEQRA review was completed and a declaration of negative impact was determined, the applicant has agreed to add to the application to widen the upper entrance near the Deli to mitigate any stacking of RVs, parking issues of ingress or egress, RVs are stated to be non-transient, as 91 RVs entering and exiting of campground opposed to what the Board heard of the 437 plus boat trailers entering and exiting the Boat Launch on the same Road which is more dangerous on the curve of that Road, twenty-five (25) additional sites will not have an impact on the entering and exiting of vehicles on a daily basis, issue of the number of people using the Beach is not this Board's, but rather a Town issue, the sites comply with the provisions of the Local Law and meets the project review standards and requirements of Section 4.03, the use complies with all requirements of the Local Law including dimensional regulations of the Zoning District, the use would be in harmony with the general purpose and intent of the Local Law, the traffic study recommendation from the County Planning Board has been addressed and will be mitigated with the expansion of the entrance.

Chairman Little stated in the above motion where it is mentioned that there will be no impact, that it be changed to minimal to insignificant impact.

Motion seconded by Mr. Ellsworth.

Mr. Hilton questioned if there are any signs stating "No left turn" in the area of the proposed parking spaces. Mr. Beadnell stated that there are not, but said that he has never seen anyone make a left turn. Mr. Hilton suggested to have a sign saying, "No Left Turn".

Chairman Little mentioned that he has observed numerous beach-goers use the Beadnell's beach which is on the west side of the fence, where inflatable water toys are permitted to be used. Chairman Little believed that it helped to mitigate the impact on the Beach from the people that are staying at the Beadnell's resort. Ms. Hayes agreed to have Chairman Little's observations inserted into the motion for approval as she believed it is part of the recreation section of the Local Law.

Mr. Muench was unsure how Ms. Hayes' motion addressed the County recommendation. Ms. Hayes read the portion of the motion of approval, which states, "The applicant has agreed to add to the application to widen the upper entrance near the Deli to mitigate any stacking of RVs, parking issues of ingress and egress..." Mr. Muench believed the recommendation was more extensive and addressed impacts on moving traffic on Route 8 and also the impacts on safe movement of traffic along Route 8. Mr. Muench did not believe the motion addressed that particular portion of the County recommendation.

Mr. Nick questioned Ms. Hayes' portion of the motion regarding the RVs being non-transient. Ms. Hayes briefly explained that the RVs were stated by the applicant to be non-transient and most RVs remain on the campground. Further, she said that she did not intend to make it a condition.

Mr. Muench said that he needed to understand how the Board has found that the project would not have any impact on traffic, traffic congestion, parking, or impact on the Town Beach. Mr. Muench mentioned that Section 6.04-4 of the Zoning Local Law states that the Board shall not approve the project unless the Board finds that there are no impacts on traffic, traffic congestion, parking, or on the Town Beach. Ms. Hayes said that Section 6.04-4 states the proposed use is not to create public hazards and did not believe it would do so. Chairman Little said that the Board is aware that there will be the creation of an insignificant increase in traffic.

No further discussion.

Chairman Little initiated a roll call vote.

Rand Fosdick – Aye

Christine Hayes – Aye

Harold Ellsworth – Aye

Chairman Little – Aye

George Hilton – Aye

John Nick – Nay, without the knowledge of traffic.

Al Muench – Nay, as Mr. Muench believed that the Board did not have enough information to make the decision and voted against the proposal because of that reason.

Motion carried 5-2.

MINUTES:

Mr. Nick made a motion to accept the minutes for the September 18, 2017 meeting; motion seconded by Mr. Ellsworth. Motion carried 7-0.

CORRESPONDENCE: Zoning Administrator and Sanitary Code Enforcement Officer's Activity Report for September 2017.

PUBLIC PRIVILEGE: None.

BOARD PRIVILEGE: None.

ADJOURNMENT:

Mr. Nick made a motion to adjourn the meeting at 9:14 p.m.; motion seconded by Mr. Ellsworth. Motion carried 7-0.

Respectfully submitted,

Jeremy J. Little
Secretary