



**MINUTES OF MEETING  
TOWN OF CHESTER  
PLANNING BOARD  
NOVEMBER 19, 2018**

Chairman Little called the meeting to order at 7:02 p.m.

**ATTENDANCE:**

Chairperson Paul Little, George Hilton, Harold Ellsworth, John Nick, George Stannard, Bob Walp, Al Matrose, and Jeremy J. Little (Secretary and Zoning Administrator).

**OLD BUSINESS & CONTINUATION OF PUBLIC HEARING:**

Having been duly advertised, the public hearing for Site Plan Review Application **#SPR2018-06** was re-opened by Chairman Little at 7:02 p.m.

**#SPR2018-06:** Word of Life Fellowship, Inc. is seeking Site Plan Review approval for the construction of a three-court gymnasium, a ten (10) bed infirmary, and a dormitory, on property located at 8072 State Route 9 (4200 Glendale Rd.), identified by Tax Map Parcel #: 36.-1-20, in Zone Classification Moderate Intensity.

Roger Peace, President of the Word of Life Bible Institute and Camp, presented the proposal. Eric Cordis and Eric Messer from Word of Life Fellowship were also present. Mr. Peace mentioned that at the previous Planning Board meeting on October 15<sup>th</sup>, there were concerns regarding noise and the operational impact of the Facility. Mr. Peace stated that as a result of the meeting in October, Word of Life spent some time looking into what could be done regarding noise abatement and operational noise. Mr. Peace distributed a hand-out to each Board member titled "Summary of Noise Abatement Assessment and Procedural Update". He mentioned that in the 1990s, Word of Life had over 600 students and currently, there are approximately 370 students on campus. Mr. Peace stated that in the long term, Word of Life desires the student population to be around 800. Mr. Peace believed the noise concerning the "Worship in the Adirondacks" two-day music festival and the Rodeo were separate issues that have no correlation to the proposal being reviewed by the Board.

Regarding the operational noise, Mr. Peace did not believe there have been any complaints regarding construction noise and did not foresee any noise increase from operational components. In addition, Mr. Peace mentioned that there are soccer games that take place between 2 p.m. to 4 p.m. and 6 p.m. to 8 p.m., at which time announcement of players' names takes place along with the singing of the National Anthem. Mr. Peace further explained "Considerations and Adjustments" regarding the noise abatement. Mr. Nick expressed his thoughts regarding the proposal and summarized the noise concerns from the public, which included his own concerns, and what was requested by the Board at last month's meeting in October regarding a study for the operational noise. Mr. Nick felt that the proposed project would potentially allow for more noise to leave the campus, as trees will be removed. Discussion ensued regarding the noise from the concert and the Town of Chester Noise Ordinance. Mr. Matrose said that if the Board denied the proposal, the

issues would still remain and nothing would get resolved. He further stated his belief that the project would have no impact on the current noise. Mr. Walp also believed that the noise issues were not connected to the proposal.

In the audience, Brian Bilfield who owns property located on Schroon Lake, addressed his concerns regarding the noise from Word of Life. Carol and Steve Fahey also expressed concerns relating to the noise. Linda Larschan, owner of property located at 215 and 217 East Shore Drive, stated that she has been a resident for over 50 years. She further said that there is constant noise coming from the campus and that the proposal would only increase the “noise pollution”. Ross Schoembs read a portion of the Town of Chester Noise Ordinance and asked that the Board continue to ensure that a noise study be completed and the appropriate steps recommended in the study become part of the building plan prior to allowing Word of Life to begin construction. Elinor Muller, who owns property directly across from Word of Life, believed that the expansion or modernization of the facilities on the property will not create any additional noise in the community.

Mr. Stannard stated that if a violation of the Town Noise Ordinance exists, the Town Board or law enforcement should be made aware and the appropriate steps would be taken, if necessary. Mr. Peace said that Word of Life will continue to address the issues and comply with the Town Noise Ordinance. Supervisor Leggett stated that the Town Board recently heard testimony regarding noise concerns from the East Shore Schroon Lake, Chester, and Horicon residents at the November 13<sup>th</sup> Town Board meeting. Supervisor Leggett further explained that the Town Board felt that the noise issues from the concert are within the realm of the Town Board. Mr. Peace briefly stated that he had discussions with a company called Novus Engineering, P.C. regarding the noise. During the discussion with Novus, Mr. Peace stated that typically they consider noise from condensers, construction, and operational; however, it would have to be more specific. Chairman Little said that the Board is to decide if the approval of the proposal would cause enough additional noise to make it an issue.

Mr. Walp made a motion to close the public hearing at 8:24 p.m. for Site Plan Review Application #SPR2018-06; motion seconded by Mr. Nick. Motion carried 7-0.

Mr. Walp was unsure if the increase from 370 to a potential number of 800 students on the campus would create additional noise. Chairman Little stated that there is no indication that Word of Life would be increasing the student body to 800 at that point in time. Discussion ensued regarding the commencement of a baseline noise study and making it as a condition of approval. Mr. Peace stated that the net increase would be 46 students.

Chairman Little made the following Resolution with Findings of Fact:

## **Resolution**

### **Findings of Fact:**

- 1.) There will be little or negative impact on public health, safety and general welfare and satisfies all concerns stated in Section 5.06(E);
- 2.) The Project agrees with the Town Master Plan;
- 3.) The Project meets parking, signage, and lighting requirements;
- 4.) The landscaping proposal meets the Town of Chester requirements;

- 5.) The proposed action will have negligible negative impacts on the environment;
- 6.) Warren County finds no significant impact;
- 7.) No Permit required from the APA;
- 8.) From New York State Parks, Recreation and Historic Preservation: No impact on archeological, historic resources, etc.
- 9.) This Project is subject to a SPDES Permit, which has already been issued.

Discussion ensued regarding applying a condition to the approval of **#SPR2018-06** which would require Word of Life to conduct a 12 month study to determine if noise levels from Word of Life conform to the Town of Chester Noise Ordinance of June 08, 1977. Mr. Peace asked that the requirement of the study be more defined and questioned where and when the individual would be measuring the sound of the facility (i.e. measuring the sound on the campus or on the opposite side of the Lake every day of the week). Mr. Matrose agreed that the request of the study has to be more defined. Lengthy discussion ensued regarding applying the condition of approval.

Chairman Little made a motion to approve **#SPR2018-06** with no condition; seconded by Mr. Matrose. Motion carried 5-2.

Aye: Chairman Little, George Hilton, Harold Ellsworth, Al Matrose, George Stannard.

Nay: John Nick and Robert Walp.

#### **NEW BUSINESS:**

**#BLA2018-06:** Sean and Debra Reilly are seeking approval for a boundary line adjustment for properties located at State Route 9 and 7 Van Guilder Rd. The lot identified by Tax Map Parcel #: 85.12-1-11 will decrease from 1.633 acres to 1.579 acres and lot identified by Tax Map Parcel #: 85.16-1-1.1 will increase from 2.092 acres to 2.145 acres. Conveyance is .054 acres.

Frederick Monroe, Agent for the property owners, presented the proposal. Mr. Monroe explained that on the map, there are two parcels labeled as Parcel A and Parcel B. Parcel A currently contains a single family dwelling with 30 ft. of water front on the opposite side of State Route 9. Parcel B is a vacant parcel with 231 ft. waterfront that also crosses and exists on the opposite side of State Route 9. Mr. Monroe further stated that the new property owners desire to convey more water frontage to Parcel A, so that each parcel would have a similar amount of lake frontage. After the conveyance, Parcel A would contain 109 ft. of lake frontage and Parcel B would contain 152 ft. lake frontage.

Chairman Little made the following Resolution and motion of approval for **#BLA2018-06:**

Pursuant to Section 7.22 of the Zoning Law, the Planning Board finds that:

1. The request is a boundary line adjustment;
2. The boundary line adjustment is approved subject to conditions stated in Section 7.22(A) and (B); and,
3. The approved map will be signed by the Chairman of the Planning Board as a non-jurisdictional project.

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

**#SPR2018-07:** KDBF Ventures LLC is seeking Site Plan Review approval for the renovation of the existing cultivation and warehouse processing/manufacturing facility and construction of additional greenhouse and warehouse space to existing facility. Property is located at 6030-6032 State Route 9, identified by Tax Map Parcel #: 121.-1-61, in Zone Classification Industrial Use.

Bob Holmes, Engineer from JARRETT Engineering and agent for the property owner, presented the proposal. Mr. Holmes explained that Etain is seeking approval for a 50,000 sq. ft. +/- expansion to the existing facility. Currently, the existing greenhouses with production total approximately 15,000 sq. ft. As the project will be disturbing more than one acre, stormwater control mitigation measures are required to be provided. There will be improvements to the existing on-site wastewater system. Paul Kudlacik, Director of Operations at the Marijuana Facility, explained that the current operation involves the cultivation and manufacturing of the marijuana product. The proposal involves the expansion of the current operation and increasing the capacity of the grow facility and the manufacturing of the product.

Mr. Holmes stated that it is anticipated that the two existing wells on the property have the capacity to serve the existing facility and the proposed expansion. Mr. Matrose mentioned that Question 10 in the Short Environmental Assessment Form was checked "No" which asked if the proposed action will connect to an existing public/private water supply. If checked "No", the applicant is required to describe the method for providing potable water. In addition, Mr. Matrose mentioned that Question 11 was checked "No" which asked if the proposed action would connect to existing wastewater utilities. If checked "No", the applicant is required to describe the method for providing wastewater treatment. The existing leach field will be expanded as well and it was confirmed that there is no processed water, only strictly sanitary water, that will enter the leach field. Mr. Holmes stated he would correct the answers and describe the methods for each question. Mr. Holmes said that as there exists insufficient capacity for land area on the property to provide the stormwater controls, an easement will be granted by Peckham Materials Corp. to cross the boundary line for ingress/egress and stormwater control. Brief discussion ensued regarding the construction of the stormwater basin that crosses the boundary line between Peckham Materials Corp. and KDBF Ventures LLC. Chairman Little stated that the Board is to be provided a Letter of Intent regarding the easement.

The lighting and exterior fixtures will be downcast, cut-off and comparable to the lighting that currently exists on the property. There will be two additional light fixtures for the parking and the project will include minimal landscaping. Chairman Little referred to and read through Section 5.06(E) of the Zoning Local Law, which states that the Planning Board shall also consider other impacts of the proposal including:

1. Impacts to and/or from adjacent and nearby land uses, both public and private.
2. Impacts to and/or from existing and proposed traffic patterns.
3. Impacts to existing and proposed water supply, sewage disposal and other service capabilities.
4. Impacts to the community's ability to provide adequate recreation, education, fire protection and similar facilities and services to its residents and visitors.
5. Visual compatibility with surroundings.

6. Effect on air and water quality standards applicable primarily to industrial site development plans.
7. Effect on energy consumption and conservation.
8. An Environmental Impact Statement (EIS) will be required if the project is subject to the State Environmental Quality Review Act (SEQRA) and the Planning Board deems the proposal to have potentially significant environmental impacts.

The Board reviewed questions in Part II of the Short Environmental Assessment Form. The Board agreed to answer and mark questions 1-11 of the Short EAF as “No, or small impact may occur”.

Mr. Hilton made a motion to deem Site Plan Review Application **#SPR2018-07** complete, schedule a public hearing for the December 17, 2018 meeting, and to refer the Application to Warren County Planning Department; motion seconded by Mr. Stannard. Motion carried 7-0.

**#SD2018-03:** Florence and John Palermo Testamentary Trust and Leggett Family LLC are seeking approval for a two lot subdivision, on property located at Valley Farm Rd./Landon Hill Rd., identified by Tax Map Parcel #: 53.-2-1, in Zone Classifications Hamlet and Low Intensity.

John Palermo presented the proposal. The two lot subdivision would involve the creation of the following parcels: One lot that would consist of 9.08 acres and the remaining lot consisting of 56.02 acres. Soil testing has been performed and Mr. Palermo referred to a letter from Winchip Engineering which stated that the percolation rates are consistent with the utilization of a shallow absorption trench system. Mr. Palermo further briefly explained that the submitted map includes the location and placement of a dwelling and septic wastewater treatment system. Mr. Matrose suggested to the Board that in the future, an area could be shown on the map demonstrating that a septic system could be placed within that area. In addition, Mr. Matrose mentioned that in the letter provided by Winchip Engineering, it referred to a 1 min. perc test and on the Map, it was noted as a 4 min perc. test. Mr. Matrose recommended that the map be revised to show the septic envelope. Lengthy discussion ensued regarding the interpretation and requirement for placement of a septic system and dwelling on the 9.08 acre or 56.02 acre parcel.

The Board reviewed questions in Part II of the Short Environmental Assessment Form. The Board agreed to answer and mark questions 1-11 of the Short EAF as “No, or small impact may occur”.

Mr. Ellsworth made a motion to deem **#SD2018-03** complete and schedule a public hearing on December 17, 2018; motion seconded by Mr. Stannard. Motion carried 7-0.

### **MINUTES:**

Mr. Walp made a motion to accept the minutes from the October 15, 2018 regular meeting; motion seconded by Mr. Hilton. Motion carried 7-0.

**CORRESPONDENCE:** Zoning Administrator’s Activity Report for October 2018; Letter from Elinor Muller received by the Zoning Office on October 29, 2018 regarding #SPR2018-06; “Save-The-Date” for the 2019 Adirondack Park Local Government Day Conference on April 3 and 4, 2019; Letter from Elinor Muller received by the Zoning Office on November 16, 2018 regarding #SPR2018-06.

**PUBLIC PRIVILEGE:** None.

**BOARD PRIVILEGE:** None.

**ADJOURNMENT:**

Mr. Ellsworth made a motion to adjourn the meeting at 9:50 p.m.; motion seconded by Mr. Matrose.  
Motion carried 7-0.

Respectfully submitted,

Jeremy J. Little  
Secretary

DRAFT