



**MINUTES OF MEETING  
TOWN OF CHESTER  
PLANNING BOARD  
AUGUST 15, 2016**

Chairman Little called the meeting to order at 7:01 p.m.

**ATTENDANCE:**

Chairperson Paul Little, John Nick, Al Muench, George Hilton, Harold Ellsworth, Christine Hayes, Walter J. Tennyson (Zoning Administrator), Jeremy J. Little (Secretary), Jacquelyn White (Town Counsel). Absent was Rick Bump.

Chairman Little welcomed Christine Hayes onto the Board, as she is now a regular Board member.

Chairman Little recognized the service of Eugene Dutcher, who served on the Planning Board for 16 years. Chairman Little entertained a motion to thank Mr. Dutcher for his 16 years of service.

Mr. Hilton made a motion to thank Mr. Dutcher for his 16 years of service on the Board; motion seconded by Mr. Nick. Motion carried 6-0.

**OLD BUSINESS:**

**#SD2016-01:** GILMA Enterprises, Inc. is seeking approval for a 3-lot subdivision, on property located at State Route 8, identified by Tax Map Parcel #: 87.-1-41.11, in Zone Classifications Hamlet and Moderate Intensity.

No one was present to represent GILMA Enterprises, Inc. and the Application for the 3-lot subdivision.

**#SPR2016-03:** Andy Beadnell is seeking Site Plan Review approval for a 49-lot travel trailer campground, located at 8021-8035 State Route 9, identified by Tax Map Parcel #: 36.3-1-12, in Zone Classification Hamlet.

Tod Beadnell was present to represent the proposal. Andy Beadnell was also present in the audience. Chairman Little mentioned that at the previous meeting, the Board requested two (2) items: An open space letter and a design for signage. A copy of the design for the sign and the open space letter was submitted and therefore, made part of the record.

Mr. Muench questioned if the signs would be illuminated, as Section 7.04 of the Zoning Local Law prohibits a sign to be internally illuminated. Mr. Beadnell stated that he did not plan to have the signs illuminated.

Mr. Muench mentioned the screening of the parking spaces and that the purpose of screening is to block or soften the view. Andy Beadnell said that there will be a raised bed with flowers and shrubbery and it was his opinion that the raised bed would soften the view. During discussion of

the parking lot, he also stated that the motor homes or RV's will be temporarily parked only to check-in. Brief discussion ensued regarding the height of the raised bed. Ms. Hayes' concern was that if the raised bed is too high, then it might make it difficult for vehicles to see either coming out or going out.

Mr. Muench stated that the project appears to be an Unlisted Action.

Mr. Muench made a motion to complete the Part II of the Short EAF form by determining that each of the 11 questions the response is no or small impact; motion seconded by Mr. Ellsworth. Motion carried 6-0.

Mr. Muench made a motion that the Planning Board finds that **#SPR2016-03** meets the essential requirements of the zoning law for travel trailer campgrounds, parking, landscaping and signage.

**#SPR2016-03** is hereby approved subject to the following conditions:

1. No zoning certificate may be issued until all landscaping shown on the approved plan has been installed.
2. No development or other use is permitted for the 5.2 acres of open space described in Tod Beadnell's undated letter asserting that the two parcels totaling 5.2 acres meets the requirements of section 7.12.G of the zoning law.
3. No RV located within the park may be occupied as a year-round residence.
4. The raised bed in front of the parking spaces will be a minimum of three feet high, not including shrubbery or flowers.
5. The mobile home currently located on the boundary with the lands of Kathleen Scripture may not be occupied as a residence or travel trailer.
6. No porches, decks or similar structures may be built on an RV site with the exception of a platform with screening to use as for outdoor seating or dining. Any proposed platform must be reviewed by the zoning administrator prior to construction.
7. These conditions shall be incorporated by the zoning administrator into any certificate or permit issued for this project.

Motion seconded by Mr. Hilton. Motion carried 6-0.

**#BLA2016-01:** All Brands Redemption Center, LLC is seeking approval for a boundary line adjustment for properties located at 6393 State Route 9 and 17 LaFlure Lane. The lot identified by Tax Map Parcel #: 104.10-2-8 will decrease from .70 acres to 29,125 square feet and lot identified by Tax Map Parcel #: 104.10-2-9 will increase from 9,918 square feet to 11,285 square ft. Conveyance is approximately 1,367 square feet.

No one was present to represent the applicant or the Boundary Line Adjustment proposal.

Mr. Hilton made a motion to table **#BLA2016-01**; motion seconded by Mr. Muench. Motion carried 6-0.

**#SPR2016-05:** Salvatore Tirone is seeking Site Plan Review approval for an amendment to condition #4 of approved Site Plan Review Application #SPR2015-11 to change the approved size of the props from 4 ft. x 8 ft. to 10 ft. x 10 ft. Properties are located at 6254 State Route 9 and State Route 9, identified by Tax Map Parcel #: 104.14-1-34 and #: 104.14-1-31.2, in Zone Classification Hamlet.

Chairman Little reminded the Board that they are only to consider the Site Plan Application regarding the amendment to the size of the props.

Mr. Tirone presented the proposal. Mr. Tirone stated that he submitted three drawings for the Board to review. He mentioned that one drawing labeled as “current”, shows the props with dimensions 6’(H) x 8’(W) x 8’(L). Mr. Tirone stated that the remaining two drawings are examples of proposed props with dimensions 8’(H) x 8’(L) x 8’(W). Mr. Tirone briefly explained the assembly of the props. Mr. Tirone said that all but one prop (prop with helicopter) had been dismantled and taken apart. Brief discussion ensued regarding the prop with the helicopter and the drawings showing the proposed props. Mr. Nick questioned the color of the proposed props and Mr. Tirone stated that the colors will vary. Mr. Nick asked if the proposed “H” prop would have ten or eleven sides. Mr. Tirone answered, “If you count them all, I suppose yes.”

Mr. Nick questioned the maximum number of proposed props on the property. Mr. Tirone did not give an answer for the amount of proposed props and would not commit to a number. Mr. Nick mentioned to Mr. Tirone if he was aware that oriented strand board (OSB) is not an exterior product. Since the height of the proposed props is 8 ft., Mr. Nick questioned if the 6 ft. fence height would be increased. Mr. Muench asked if the application form was revised to eliminate all references to “Laser Tag HQ, LLC”. Mr. Tirone said that the “Laser Tag HQ, LLC” reference on the plot plan was removed.

Mr. Muench referred to Question 6 of the Short EAF Form regarding if the proposed action is consistent with the predominant character of the existing built or natural landscape. Mr. Tirone checked “Yes” to Question 6. Mr. Muench requested that Mr. Tirone explain why he checked yes and how the structures are consistent. Mr. Tirone answered, “I did not alter the landscaping at all, I did not change the impact, not to mention that the fence would cover any impact that there is.” Mr. Muench stated that the 6’ high stockade fence on the side of his property facing the property of the State Police Barracks, was built to ensure that the 4’ high props could not be seen from that property. Mr. Muench stated that it was still not clear as to what Mr. Tirone is proposing, whether they are 8’ or 10’ high props. Further, Mr. Muench stated that all of those props would be seen from outside the fence.

Mr. Nick asked if it was possible that one of the patrons could be on top of one of the proposed structures, with a laser tag gun and visible from the Police Barracks or neighboring properties. Mr. Tirone said that is unlikely as the structures would not have roofs. Mr. Nick addressed his concern regarding the realistic noise emanating from the laser guns, particularly a noise imitating a sound emitted from an assault rifle or shotgun. Mr. Muench stated that the guns shown on Mr. Tirone’s Facebook page appear to be clearly illegal guns, none of which would meet Federal or State guidelines for toy guns.

Mr. Muench mentioned that Mr. Tirone has been advertising on Facebook to take the business on the road, specifically to Loon Lake and Birchwood Cottages to “attack the cottages”. Mr. Muench was unsure how that was consistent with the Laser Tag facility behind the Deer Crossing Restaurant. Chairman Little stated that during the review of the laser tag business, the Board did not limit what guns Mr. Tirone was to use. He further mentioned that the Board imposed the condition that “all laser tag guns must meet Federal and State requirements for toy laser tag guns.” Chairman Little said that he believed the Board’s original intention while reviewing the proposal for the laser tag business, was that almost no one would know there was a laser tag business operating inside the enclosed area. Chairman Little mentioned that if the Board were to deny the Site Plan Review Application, a public hearing would first need to be held on the project application, as per Section 5.06(G) of the Zoning Local Law. Brief discussion ensued regarding deeming the application complete and scheduling a public hearing.

Chairman Little stated that there is a concern regarding the height and color of the props and how many are to be placed on the property. Mr. Nick said that he would like for Mr. Tirone to give the Board the maximum number of props to be stationed on the property, as he believed it would help the Board to decide what the facility would look like and how many structures would be seen from neighboring properties. Chairman Little mentioned that the props will be seen from the Day Care Center, due to the property elevation.

Mr. Muench mentioned his submission of eleven (11) questions to Mr. Tirone from the last meeting, which he stated a few had been left unanswered. Mr. Muench stated that he does expect an answer to each of the questions. Mr. Muench also mentioned that if there are signs involved with the business, the Planning Board would also need to consider the signs during review of the Application. He also stated that at previous meetings, Mr. Tirone was requested to speak to the Zoning Administrator regarding the signs/labels and to determine whether the labels (i.e. Hospital, Bank) were signs and required approval under the Zoning Local Law. Brief discussion ensued regarding the labels. Mr. Muench will speak to the Zoning Administrator regarding the labels. Mr. Nick stated his concern that even with the current fence height of 6 ft., some of the signs are visible from a neighboring property and in his opinion, are not soft in appearance.

Brief discussion ensued regarding the request being a substantial change. Mr. Muench recommended to Mr. Tirone that if he is requesting to change the size of the props to 8’ x 8’, then he would need to amend his request as the current application is to change the size of the props to 10’ x 10’. Mr. Nick stated that he would like Mr. Tirone to define what types of guns he would be using. Mr. Nick also mentioned that he was not in favor of shotgun or machine gun noises emitting from the laser guns. Brief discussion ensued regarding the determination of a complete application and scheduling a public hearing.

Mr. Muench made a motion that the Board finds Site Plan Review Application **#SPR2016-05** complete; motion seconded by Mr. Ellsworth. Motion carried 6-0.

Mr. Ellsworth made a motion to schedule a public hearing for Site Plan Review Application **#SPR2016-05** for September 19, 2016 at 7 p.m.; motion seconded by Mr. Nick. Motion carried 6-0.

Christine Hayes stated that she will not be in attendance at the meeting of September 19<sup>th</sup>.

**NEW BUSINESS:**

Randy Frasier - Request for a gifted lot subdivision, on property located at 1134 North Gore Road, identified by Tax Map Parcel #: 33.-2-22, in Zone Classification Rural Use. Proposed Lot 1 (Gifted Lot) will consist of 8.5 +/- acres, Proposed Lot 2 will consist of 45.07 +/- acres.

Mr. Frasier was present at the meeting. Chairman Little read *Section 8.02: Gifts Devises and Inheritances* of the Zoning Local Law. Mr. Frasier stated that the gifted lot will be given to his daughter. Mr. Frasier mentioned the front line setback from the proposed dwelling to the front property line is 83 +/- ft. He explained that there was an existing dwelling on the property and he asked the Zoning Administrator what the setback distances for the proposed dwelling would be. The Z.A. determined that he met the 100 ft. frontline setback requirement, as long as the proposed dwelling was placed on the property behind where the existing dwelling was situated.

Mr. Muench requested that Mr. Frasier provide written confirmation that the intended recipient is Mr. Frasier's daughter, that her intention is to use the property for the long term, and when the accessory structure will be removed. Mr. Frasier said that the structure has already been removed.

Mr. Muench made a motion that the Planning Board determines that it is a bona-fide gift, subject to receipt of written confirmation and submission of the Plat to the Secretary, and that it be approved as a non-jurisdictional gifted lot. Motion seconded by Mr. Ellsworth. Motion carried 6-0.

David House discussed Rite Aid's proposal for a new monument sign on the property. He explained that he has applied for a variance before the Zoning Board of Appeals and they will review the sign variance at the meeting on August 23<sup>rd</sup>, with a scheduled public hearing. Mr. House stated that the sign will be externally lit with an LED strip. He pointed out on the Site Plan where the sign will be placed on the property. He stated that some of the blacktop will be removed to create an island with landscaping. Brief discussion ensued regarding distance of the proposed sign to the highway right of way. Mr. House briefly explained a minor change in placement of lighting on the property, with no additional lighting. Chairman Little stated that it seemed to be the consensus of the Board that the changes are minor, requiring no further approval from the Board.

#### **MINUTES:**

Mr. Muench made a motion to accept the minutes for the July 18, 2016 meeting; motion seconded by Mr. Ellsworth. Motion carried 6-0.

**CORRESPONDENCE:** Zoning Administrator and Sanitary Code Enforcement Officer's Activity Report for July 2016. June Maxam Letters, dated July 25, 2016, re: Salvatore Tirone and August 09, 2016 re: Salvatore Tirone/Laser Tag HQ LLC/Main Street Airsoft/Lazer Tag HQ.

#### **PUBLIC PRIVILEGE:**

Ross Schoembs, who owns property at 213 East Shore Drive in Adirondack, said that the 49-Lot campground proposal is a "terrific arrangement" and commended the Board regarding its approval.

Mr. Mundrick was present in the audience. He stated that they are waiting for the APA's decision regarding the boundary line adjustment request.

Mr. Mundrick asked the Board if there was a condition imposed prohibiting traffic on the south side of the property in the Site Plan Approval for All Brands Redemption Center (#SPR2014-05). Chairman Little read the conditions of approval for #SPR2014-05 and found no condition regarding prohibiting traffic on the south side of the property. Mr. Mundrick mentioned the condition of approval regarding the screening of the propane tank, which he stated has not been completed. He also questioned if the “LED color changing light” on the front of the building has been approved. Mr. Nick stated that if the screening of the propane tank has not been finished, it is a matter that is to be addressed to the Zoning Administrator. Mr. Tennyson said that he would notify Mr. Brand tomorrow morning. Chairman Little stated that any questions regarding enforcement of the conditions and the concern regarding the LED lighting are to be referred to the Zoning Administrator.

**BOARD PRIVILEGE:** None.

**ADJOURNMENT:**

Mr. Muench made a motion to adjourn the meeting at 8:52 p.m.; motion seconded by Mr. Nick. Motion carried 7-0.

Respectfully submitted,

Jeremy J. Little  
Secretary