



**MINUTES OF MEETING
TOWN OF CHESTER
PLANNING BOARD
DECEMBER 21, 2015**

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

ATTENDANCE:

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

EXECUTIVE SESSION:

On a motion by Mr. Dutcher, seconded by Mr. Bump, Board went into Executive Session at 7:02 p.m. to discuss performance of individual or individuals on the Planning Board.

On a motion by Mr. Bump, seconded by Mr. Dutcher, Board came out of Executive Session with no action taken at 7:14 p.m. Motion carried. Aye-6, Mr. Muench opposed.

MINUTES:

Mr. Muench commented on the November 16th minutes and stated his comments are intended for clarification purposes, not necessarily requests for amendments. Mr. Muench stated, "In the last paragraph on the first page when we talked about the six-lot subdivision, which was an APA Class A Regional Project. My purpose for bringing that issue to the Board's attention is that the APA has a lead on the project due to the existence of wetlands on the property. Both the initial application and each of notices of incomplete application should have been forwarded to each Board member as they were received so that we would have the opportunity to make meaningful contribution to the review of the subdivision. As it happened, the APA review was essentially complete before the Planning Board was made aware of the project. The APA intends this to be a collaborative process and encourages the Planning Board involvement. In the future, each Planning Board member should receive copies of APA documents on Class A Regional Projects as they are received by the Zoning Administrator... In addition, in the first paragraph on page 5, where it said that Mr. Muench also mentioned that it should be encouraged that the Town Board corresponds with the Planning Board/ZBA Chairperson when a vacancy exists on either the Planning Board or the ZBA...I would like to make it clear to the other Board members if it wasn't clear at the last meeting that I raised that concern last month when I spoke to the Town Board. I explained that on the Library Board of Trustees, when we have a prospective new member, we review the candidate's resume and interview the candidate that gauges the candidate's interest in the position and try and determine if the candidate would be a good fit on the library Board. The Library Board votes affirmatively, I write to the Town Supervisor and Town Clerk to request that the Town Board approve and appoint the candidate. I urge the Town Board to follow that type of procedure with the Planning Board and ZBA so that you

as Chairman of this Board, and John Grady as Chairman of the ZBA, would be a major part of that process before an appointment was made, rather than after.”

Mr. Bump made a motion to accept the minutes, with no amendments, for the November 16, 2015 meeting; motion seconded by Mr. Dutcher. Motion carried 7-0.

CORRESPONDENCE: Zoning Administrator and Sanitary Code Enforcement Officer’s Activity Report for November 2015.

PUBLIC HEARING:

Having been duly advertised, the public hearing for Site Plan Review Application **#SPR2015-11** was opened by Chairman Little at 7:18 p.m.

#SPR2015-11: Salvatore Tirone is seeking Site Plan Review approval for the operation of a laser tag entertainment course business, on properties 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.

Mr. Tirone stated that he “leases the Deer Crossing Café and has approximately 1.5 acres behind the Deer Crossing” that he would like to turn into a laser tag entertainment course for children, 12 years of age and up. He proposes to install an orange safety fence approximately four (4’) ft. in height. Operation of the course will be done during the day, with winter hours from 8 a.m. to 4 p.m., and summer hours from 8 a.m. to 6 p.m.

Mr. Bump questioned the lighting associated with the project. Mr. Tirone stated he was not concerned about lighting as the hours of operation would be during the day where light is not so much required. Mr. Bump questioned the entrance to the course and Mr. Tirone stated it would be one-way in and one-way out. Mr. Ellsworth asked how people would know the guns being used are fake. Mr. Tirone stated that it depends on the manufacturer, but is mandated to have at least the orange tape on the front of the gun. Mr. Bump suggested with the current world happenings, the guns should not appear realistic.

Mr. Tirone does not propose there to be any tree removal, only light clearing/thinning of branches. Temporary props would be used, easily moveable from one location to another to alter the appearance of the course. Mr. Tirone was unsure of the size of the props, but most would be created out of standard 4’ x 8’ sheets of plywood. Mr. Nick mentioned that in the letter provided to the Board by Mr. Tirone, it was stated that the course would be performed during nighttime hours. Mr. Little stated that if approved, the hours of operation might be a consideration for a condition of approval.

Mr. Hilton suggested that if approved, that any additional lighting should be brought back to the Board for approval. Mr. Tirone does not propose flood lights or lights that would affect passersby or nearby properties.

Short discussion ensued regarding the size of the props, no larger than 10 ft. x 10 ft. in size. Mr. Muench mentioned the existing Town Master Plan which he said states in part, “The Hamlets of our Town are encouraged to improve in appearance to reflect the positive

qualities of small town life.” Mr. Muench was concerned that the 10’ x 10’ props and the 10’ x 20’ trailer used for selling tickets would detract from the appearance of the Town and not serve to reflect the positive values of small town life. Mr. Tirone stated that no props would be visible from State Route 9 and that they would be free-standing. Mr. Muench mentioned that the red trailer did not appear to be classified as an accessory structure as per the Zoning Local Law. As a result, Mr. Muench recommended to Mr. Tirone to possibly construct an office to the rear of the restaurant. Hours of operation was also a topic of discussion. Mr. Tirone stated nothing was set in stone; however, summer hours might be from 8 a.m. to 8 or 9 p.m. and winter hours from 8 a.m. to 4 or 5 p.m. Hours of operation still remained to be unclear.

Mr. Muench stated, “Since the proposed project is right next to the State Police and Sheriff’s Barracks, it seems to me to be inappropriate for your customers to be roaming the property with fake guns, particularly after dark.”

Chris Walsh (representing Lizco Realty, Inc.), property owner of 6246 State Route 9, currently leases the building on the property to the State Police/Sheriff. Mr. Walsh was not in favor of the proposal. Further, according to Mr. Walsh, law enforcement (i.e. State Police, Sheriff) are not supportive of the project. Mr. Walsh stated that the laser tag operation would be too close to the barracks and there was not enough separation from the two. He was also concerned about the safety of both the laser tag customers and law enforcement.

Mr. Muench questioned Mr. Tirone what type of liability insurance he will carry. Mr. Tirone said the business will carry a one million per occurrence insurance policy. Chairman Little read the letter written and submitted by June Maxam regarding her opposition to the laser tag course proposal (*see application file*). Ms. Maxam was also present at the meeting and stated, “I do not think we should be encouraging military war games among children or young adults. I do not think this is the time to be playing war games, whether it is for commercialism or whatever the reason.” Ms. Maxam also mentioned the closeness of a soon-to-be day care center and the proposed laser tag operation. In addition, she also distributed the following to the Board: a copy of the news article from the Sun Community News highlighting the “Bright Beginnings” Day Care Center, a press release with regards to A.G. Eric T. Schneiderman reaching settlement agreements with 30 online retailers from across the country that sold illegal toy guns to consumers in NYS, and also minutes from the December 4th Town Board Meeting where Mr. Walsh expressed his concerns regarding the proposal (*see application file*). Penny Redmond, owner of Extra Room Storage, owns property across from the Barracks and in the vicinity of the proposal. She mentioned security concerns and strongly believed that the proposal might possibly encourage burglary, robbery, or vandalism to nearby businesses.

Mr. Walsh mentioned benzene contamination on the proposal’s property, due to operation of a previous dry cleaning business located on a nearby property. He also stated that there are numerous documents from the EPA regarding the benzene contamination on the affected properties. Ms. Maxam mentioned that as a reporter in the area, she covered the benzene contamination situation in depth and stated she has the reports from DEC and environmental agencies that were issued at the time. There was a discussion regarding the parking requirements for the proposed business. Mr. Tirone distributed a copy of the parking plan to the Board members and to the Secretary.

Chairman Little questioned how many people would participate in the laser tag operation at any one time. Mr. Tirone said he would have a “cap” and would split it into two playing fields. He stated, “It all depends on when I put the perimeter up to see exactly how many people we can comfortably fit and still have fun, but I would like to do 5 on 5 on the smaller field and about 8 on 8 on the larger field”. Mr. Muench mentioned that for the Board to make a reasonable decision, that it would be beneficial to have a plan showing the layout of the playing fields.

Chairman Little read the Project Review and Referral Form from the Warren County Planning Department. The project was reviewed by the Planning Department on November 23, 2015 and was determined in the staff notes to have no significant impacts on County properties or resources.

There was a short discussion regarding a couple parking spaces shown on the provided parking plan and those parking spaces placed on property owned by Mr. Walsh. Mr. Walsh also brought to the meeting a copy a property survey for the parcel (6250 State Route 9) that adjoins the Deer Crossing property.

Mr. Muench did not believe there was enough information provided to make a formal decision on the proposal. He suggested to Mr. Tirone provide the Board with the following: feedback from State Police/Sheriff/BCI, determine if the property is considered as a hazardous waste site, a precise layout of the playing fields, and a formal design for the props.

There was another short discussion regarding the size of the props. Chairman Little believed that if the Board were to approve the application, the Board could limit the size of the props to 10’ x 10’. Chairman Little believed that the layout of the playing fields would be beneficial in making a final decision. He also stated the two major concerns from the Board and the public: (1) Feedback from the State Police/Sheriff, and (2) Possible benzene contamination of the property.

Mr. Walsh’s son, Chris Walsh, mentioned that most laser tag businesses he has seen/visited are indoor facilities and his suggestion is to have the laser tag business as an indoor business, not outdoor. Mr. Ellsworth mentioned the realism of the laser tag games and believed it would be difficult for law enforcement to distinguish between the laser tag operation and the real thing.

Mr. Hilton questioned Mr. Tirone if he received an authorization from the property owner to file the application. Robert Simon, from Smith and Simon, LLC was present as the attorney for Rich Dwyer (property owner). He stated that Mr. Dwyer has no issue or concern with the application.

Mr. Muench made a motion to suspend the public hearing at 8:26 p.m. until the next scheduled meeting on January 25, 2016 at 7:00 p.m.; motion seconded by Mr. Ellsworth. Motion carried 7-0.

Chairman Little mentioned at the next meeting if Mr. Tirone would clarify the parking on spots #14, #15, #16. Mr. Tirone stated that he would like to omit the parking spots identified on the parking plan as #14, #15, and #16.

Mr. Muench made a motion to have the following provided at the next scheduled meeting: (1) In writing or testimony at next month's hearing from the Sheriff and State Police as to their opinion of the appropriateness of their facility being next door to them; (2) Determination if the property is a hazardous waste or brownfield site; (3) A plan showing the layout of the two playing fields, including entrances and exits to the property; (4) A design for the props. Motion seconded by Mr. Hilton. Motion carried 7-0.

NEW BUSINESS:

#SD2015-02: Patricia Seitz-McAlonen is seeking approval for a six-lot subdivision, located at Friends Lake Road, identified by Tax Map Parcel #: 119.-2-3, in Zone Classification Rural Use.

Daniel T. Smith from Smith and Simon, LLC was present to represent the applicant. Patricia Seitz-McAlonen was also in attendance. Mr. Smith briefly explained the creation of the six-lot subdivision with common driveways. Mr. Smith mentioned the Viele Pond Road, which he stated has been abandoned. As a result, he said that Mrs. Seitz-McAlonen's property reverts to the center line of the road, and the property to the south also reverts to the center line of the road. Further, Mrs. McAlonen bears ownership to the center line of the Viele Pond Road. Mr. Smith briefly explained the proposed driveway for Lot 6, which will remain on Lot 6.

Mr. Smith stated that a Notice of Project Completion has been received by the APA and as a result, should be receiving an Agency Permit for the proposal. He mentioned that for each lot there are engineered septic systems and that the project is exempt from SEQRA. Mr. Smith requested to the Board to find the application complete and schedule a public hearing for the proposal on January 25, 2016.

Mr. Bump made a motion to schedule a public hearing for Subdivision Application **#SD2015-02** on January 25, 2016 at 7 p.m.; motion seconded by Mr. Nick. Motion carried 7-0.

#SPR2015-12: David House is seeking Site Plan Review approval for the expansion of the existing Rite Aid store, located at 6272 State Route 9, identified by Tax Map Parcel #: 104.14-1-39, in Zone Classification Hamlet.

Mr. House explained that Rite Aid currently leases half of building on the lot and the proposal is to convert the entire building for use by Rite Aid. No changes on the lot would occur other than the addition of a single-lane drive thru, similar to the drive thru at the Glens Falls National Bank in Town. Mr. House explained to the Board the loading dock location, entrance of the building which will be located on the corner of the building. Blacktop will come up to the building and parking spaces would be diminished from 64 to 56 due to the addition of the drive-thru. No additional lighting is proposed. There will also be changes to the façade.

Chairman Little stated that the current Zoning Local Law requires the proposal to have more parking spaces; however, he believed that the Board has the authority to change that requirement. Chairman Little's reasoning is that there were approximately five stores located

in the building at the same time with no change in the number of parking spaces. Further, he stated and Mr. House agreed that there was never a time when the parking lot was filled to capacity with all five of the stores.

There was discussion between the Board and the applicant regarding the signage on the proposed building. Mr. Nick believed that the existing sign for Rite Aid appeared to be of the same, but he mentioned that there are additional signs on the building titled "Drive Thru Pharmacy" and "GNC Live Well". Mr. House said he could get the information regarding the signs and their dimensions. Chairman Little suggested that Mr. House consult with the Zoning Office regarding the proposed signage and submission of plans to see if a variance is required.

Mr. Muench mentioned Question 11 in the Short Environmental Assessment Form, which was marked as "No" regarding the proposed action connecting to existing wastewater utilities. It was agreed by the applicant that the answer is "Yes". There was short discussion regarding the two easements described in the provided deed and as a result, it was decided that the easements would have no impact on the proposal.

Chairman Little stated that this proposal requires review and referral to the Warren County Planning Department. Mr. Muench further mentioned that the Zoning Local Law requires that a landscape plan be provided for commercial buildings. Mr. House said that there would be no additional landscaping. Mr. Muench did not believe a landscaping plan is necessary since the building is in existence and the same landscaping plan would be utilized with no need for a new plan.

Mr. Muench believed that for **#SPR2015-11** and **#SPR2015-12**, the proposals appear to be Unlisted Actions which require further review under SEQRA.

Mr. Bump made a motion to schedule a public hearing for Site Plan Review Application **#SPR2015-12** on January 25, 2016 at 7 p.m.; motion seconded by Mr. Dutcher. Motion carried 7-0.

BOARD PRIVILEGE:

Mr. Muench mentioned the letter written by Supervisor Monroe to Joe Brand regarding Condition 5 of the **#SPR2014-05** approval (*External lighting will be positioned and timed so as to not have a negative impact on neighbors or neighboring properties and all lighting will be downcast*). Chairman Little stated that the light in question has been removed from Mr. Brand's building.

Mr. Muench believed that it would be beneficial to find a way to be notified when the Office of Children and Family Services approves a day care facility in the Town.

There was a brief discussion regarding revisions to the Zoning Local Law. John Nick explained that the Town is looking to replace the old ski lift with a new ski lift. The Town Board recommended that Mr. Nick enlighten the Planning Board of the lighting change and to receive any comments, if any. The Town designated Mr. Nick as project manager for the new ski lift proposal. During the process, there was a concern that the existing lighting did

not meet the lighting requirements by the State for the new ski lift. A permit amendment request was sent to the APA, with a determination from the Agency that a permit or variance is not required for the project. There will be replacement of five existing external light fixtures on existing poles, and installation of four new exterior lighting fixtures on new poles. The lighting is diagonal to the ground and will not impact traffic passing by. Mr. Dutcher thought that it was a great idea for Dynamite Hill and those using it, especially during the winter time. Further, it was discussed that the lights will be turned off at night time when Dynamite Hill is not occupied.

Mr. Nick mentioned the additional parking at the Loon Lake RV Park. He stated that there are six new parking spaces, which are on the southside of the farmhouse. Mr. Nick was concerned of the placement of the parking spaces and that it was not his intention in the stipulation that was approved. Chairman Little stated that he noticed the six parking spaces as well, and measured about 59 steps from the Road, with 2 feet/step. Chairman Little believed that by having the additional parking spaces where they are located now, puts it directly across from the entrance to the beach. Brief discussion ensued regarding the parking spaces.

OLD BUSINESS: None.

PUBLIC PRIVILEGE:

Karen DuRose and Edna Wells of the Town Board were present in the audience. Mrs. DuRose thanked the Planning Board for their time and dedication to the Town.

ADJOURNMENT:

Mr. Bump made a motion to adjourn the meeting at 9:24 p.m.; seconded by Mr. Nick. Motion carried 7-0.

Respectfully submitted,

Jeremy J. Little
Secretary