



**MINUTES OF MEETING  
TOWN OF CHESTER  
PLANNING BOARD  
FEBRUARY 22, 2016**

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

**ATTENDANCE:**

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

**MINUTES:**

Mr. Dutcher made a motion to accept the minutes for the January 25, 2016 meeting; motion seconded by Mr. Bump. Motion carried 7-0.

**CORRESPONDENCE:** June Maxam Letter dated February 11, 2016 re: #SPR2015-11; Letter from Wilson Mathias (02/09/16) re: Revised Map for Etain, LLC.

**OLD BUSINESS:**

**#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 was present to answer questions regarding his proposal. Robert Simon from Smith and Simon, LLC was also present, acting as agent for Richard Dwyer. Ms. Hayes mentioned her concern regarding the lack of an Authorization Form as part of the Application. Ms. Hayes believed that the Board should have an Authorization Form from Mr. Richard Dwyer as well as one from Jan Pakla (property owner of Deer Crossing parcel), which should also be notarized. It was noted that the requested authorization forms will be submitted. Mr. Tirone stated that the six ft. (6') fence on the side of the property towards the State Police Barracks would be a stockade wood fence. There will also be a four ft. (4') fence, constructed with orange safety fencing, attached to posts in the ground to contain the players on the property. Ms. Hayes questioned if there was any possibility for construction of a more solid fence to surround the entire property. It was noted that the safety fence would not be visible from State Route 9 and that the side facing Route 9 would be of a different color to blend in with the surroundings.

Mr. Tirone stated that the business will be open on Saturday and Sunday, with hours of operation as the following: Spring & Summer, 8 a.m. to 5 p.m. and Fall & Winter, 8 a.m. to 4 p.m. Mr. Tirone said he would like to do "specials" for when there are school breaks (i.e. winter and summer breaks), but his focus for the business being open is on Saturday and Sunday. No additional lighting is proposed. Proposed maximum number of participants on the fields is the following: Field 1 to contain no more than 10 players and Field 2 to contain

no more than 20 players. Mr. Simon recommended that if there was excess demand and excess capacity on the two fields, Mr. Tirone could come back to the Board for additional approval. Mr. Tirone mentioned that there will be a 12' x 12' ticket office/shed on the property, as plotted on the Site Plan (*see Site Plan dated received January 27, 2016 by Secretary of the Board*). Minimum age for participants will be twelve (12) years of age.

Chairman Little referred to the minutes from the January 25, 2016 meeting and mentioned that questions that were left unanswered during the January meeting have been answered to the best of Mr. Tirone's ability. Chairman Little read to the Board possible conditions of approval, if approved, which consisted of the following:

- 1. The minimum age for participants is 12 years old.**
- 2. No orange fencing may be visible from the Road.**
- 3. All laser tag guns must meet Federal and State requirements for toy laser tag guns.**
- 4. Maximum size for outdoor props is 4' x 8' and no part of any prop may be visible from Route 9.**
- 5. Hours of operation are limited to: Saturday and Sunday only, 8 a.m. to 5 p.m. from April through September and 8 a.m. to 4 p.m. from October through March and possible school holidays.**
- 6. No additional lighting may be installed.**
- 7. No permanent signs may be installed.**
- 8. Maximum number of players at any one time is 20 on large lot and 10 on small lot.**
- 9. No trailer may be used for office space or storage.**
- 10. The proposed 12' x 12' sales and ticket office must meet all applicable building and zoning requirements.**

Chairman Little stated that the two Authorization Forms from the two separate property owners (Richard Dwyer and Jan Pakla) are required to be submitted with the Application. Chairman Little reviewed and answered all questions in Part II of the Short Environmental Assessment Form (*see file*). The Board agreed that the answers to all eleven (11) questions resulted in "No, or small impact may occur".

Ms. Hayes made a motion to declare a negative declaration and authorize the Chairman to sign Part III of the Short Environmental Assessment Form and check the box that indicates that there is no negative impact; motion seconded by Mr. Ellsworth. Motion carried 7-0.

Mr. Nick was concerned of the environmental status of the property and questioned Mr. Tirone if he received any documentation or response from NYSDEC. Mr. Tirone stated, "The Department of Environmental Conservation had no open case on this property."

Mr. Hilton mentioned the garbage dumpsters, currently located on the Northern boundary of the property, and asked Mr. Tirone if they would be moved, as they would affect the proposed parking. Mr. Tirone stated, "To maximize my parking, I would like to move them

to the back, towards Field #1". Further, it was affirmed by Mr. Tirone that the dumpsters would not be located in the parking area. Mr. Hilton questioned if the dumpsters could be screened from public view with fencing. Mr. Hilton stated that with any Application brought before the Board, he believed that the Board has to make sure that it does not have a negative impact on the neighborhood or community. Mr. Nick mentioned that the screening of dumpsters is a common practice.

Mr. Bump made a motion to approve Site Plan Review Application **#SPR2015-11** subject to the following conditions: (1) The minimum age for participants is 12 years old; (2) No orange fencing may be visible from the Road; (3) All laser tag guns must meet Federal and State requirements for toy laser tag guns; (4) Maximum size for outdoor props is 4' x 8' and no part of any prop may be visible from Route 9; (5) Hours of operation are limited to: Saturday and Sunday only, 8 a.m. to 5 p.m. from April through September and 8 a.m. to 4 p.m. from October through March and possible school holidays; (6) No additional lighting may be installed; (7) No permanent signs may be installed; (8) Maximum number of players at any one time is 20 on large lot and 10 on small lot; (9) No trailer may be used for office space or storage; (10) The proposed 12' x 12' sales and ticket office must meet all applicable building and zoning requirements; motion seconded by Mr. Dutcher. 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.

Robert Simon from Smith and Simon, LLC was present to represent Mr. House. Chairman Little read a portion of the minutes from the January 25, 2016 meeting where **#SPR2015-12** was discussed. Chairman Little mentioned that he had a lengthy discussion with Mark Schachner, Town Counsel, regarding the Board's authorization to waive the sign requirements. Chairman Little discussed the advice received from Town Counsel.

Short discussion ensued regarding the signage for the proposal. Chairman Little stated that the applicant has two options: (1) To put up signs that meet the current sign regulations found in Section 7.04 of the Local Law, or (2) Propose signs that do not meet the criteria for business signs under Section 7.04 of the Local Law and receive variances from the Zoning Board of Appeals.

Ms. Hayes made a motion to declare a negative declaration and authorize the Chairman to sign Part III of the Short Environmental Assessment Form and check the box that indicates that there is no negative impact; motion seconded by Mr. Hilton. Motion carried 7-0.

Chairman Little mentioned that it was a recommendation from Mr. Muench that if the Board were to waive the sign requirement or any other requirement for Site Plan Review, that the Board give a reason for the waiver.

Mr. Hilton made a motion to approve Site Plan Review Application **#SPR2015-12** with the condition that all lighting is to be downcast and as part of the resolution, the Planning Board is not waiving the signage requirements, the Board is authorized under Section 5.02 of the Zoning Local Law to waive the requirement that signage be provided during the Site Plan

Review process in accordance with Counsel's advice; motion seconded by Mr. Ellsworth. Motion carried 7-0.

**NEW BUSINESS:**

Peckham Materials Corp. – Approval of a revised map for the boundary line adjustment approved on August 10, 2015 by the Planning Board for Etain, LLC, due to an acreage error on map.

Peter Simoneau was present to discuss the acreage error on the plat of survey for the boundary line adjustment. At the time of the approval at the August 10, 2015 Meeting, the boundary line adjustment map showed that Lot 13 would increase from 2.77 acres to 8.31 acres whereas Lot 18 would decrease from 128 acres to 122.46 acres. There was an incorrect calculation on the map and Mr. Simoneau provided the Board with a new boundary line adjustment map, which correctly reads the following: Lot 13 will increase from 2.77 acres to 11.08 acres and Lot 18 will decrease from 128 acres to 119.69 acres. In addition, the property boundary lines as shown on the map remain the same, with no change.

The revised map was submitted to the Adirondack Park Agency since there was a Jurisdictional Determination issued by the Agency last year on July 29, 2015 (Jurisdictional Determination J2015-0445). As a result, it was determined by the Agency that a variance or permit from the APA was not required as stated in the amended Jurisdictional Determination J2015-0445A, issued February 11, 2016.

Mr. Dutcher made a motion to authorize the Chairman to sign the revised map and to approve the revised boundary line adjustment map with the new acreage; motion seconded by Mr. Bump. Motion carried 7-0.

**#SPR2016-02:** Word of Life Fellowship is seeking Site Plan Review approval for construction of a nursery building, located at 8119 State Route 9, identified by Tax Map Parcel #: 36.-1-26, in Zone Classification Moderate Intensity.

Eric Cordis, Word of Life Project Engineer, presented the proposal. Mr. Cordis mentioned that Word of Life would like to add a nursery building to the property, replacing an existing small, undersized structure being used for the same purpose. He stated that all the services would be located on the property and children from ages 0-2 and 2-4 years old would utilize the nursery. The facility is designed for approximately 40 children. The children utilizing the building will be children of parents attending conferences during the summer. He further said that there is no vehicular traffic to the proposed building. Proposed exterior lighting will contain sconces and cutoff fixtures. The nursery will be a seasonal single story structure with a vaulted ceiling and will not utilize any heat.

Mr. Cordis mentioned that Word of Life has a private water supply. Chairman Little read a question on Mr. Muench's Memorandum to the Planning Board, dated February 15, 2016, stating: "Will the construction and operation of the proposed nursery have any impact on the need for any public services supplied by the Town of Chester or the Hamlet of Pottersville?" Mr. Cordis stated that the answer is no.

Ms. Hayes made a motion to deem Site Plan Review Application #SPR2016-02 complete and to schedule a public hearing for March 21, 2016 at 7 p.m.; motion seconded by Mr. Nick. Motion carried 7-0.

**PUBLIC PRIVILEGE:** None.

**BOARD PRIVILEGE:**

Chairman Little mentioned a phone conversation with Wayne LaMothe, County Planner/Director at Warren County Planning Department. He said that the conversation was in regards to resubmission of an Application to the Planning Department when there are changes made to an Application during the review process. In particular, Chairman Little stated that he discussed with Mr. LaMothe the changes made to the laser tag Application. In response, Chairman Little stated that Mr. LaMothe said, "It may be that sometimes if we make major changes in Site Plan Review, they would have to go back to the County before we could approve it, but that determination is made by our Zoning Code Enforcement Officer, that a significant change has been made. The Zoning Code Enforcement Officer makes the determination as to significant changes. If anyone on the Board or anyone in the public disagrees with his determination that these changes are either significant or insignificant, they may take their displeasure to the Board of Appeals..."

Chairman Little stated that the two Board members chosen for the Zoning Ordinance Review Committee are George Hilton and John Nick. The Adirondack Park Local Government Conference was briefly mentioned, which is to be held on April 13<sup>th</sup> and 14<sup>th</sup>. Supervisor Leggett mentioned the 4 hour per year training requirement for Board members.

Mr. Nick questioned Chairman Little regarding submission dates for recommendations for the potential modifications to the Zoning Local Law. Chairman Little stated that the recommendations can be submitted to the Secretary of the Board. Discussion ensued regarding the Chamber of Commerce sign.

**ADJOURNMENT:**

Ms. Hayes made a motion to adjourn the meeting at 8:26 p.m.; motion seconded by Mr. Ellsworth. Motion carried 7-0.

Respectfully submitted,

Jeremy J. Little  
Secretary