



**MINUTES OF MEETING
TOWN OF CHESTER
PLANNING BOARD
NOVEMBER 16, 2015**

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

ATTENDANCE:

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

Also in Attendance: Salvatore Tirone, Rob Simon from Smith and Simon, LLC, Craig Leggett, June Maxam, Daniel Smith from Smith and Simon, LLC, Patricia Seitz-McAlonen, and Marion Eagan.

In the absence of Board member John Nick, Christine Hayes assumed Mr. Nick's position as regular Board member.

MINUTES:

Mr. Bump made a motion to accept the minutes for the September 21, 2015 meeting; motion seconded by Mr. Hilton. Motion carried 7-0.

CORRESPONDENCE:

Zoning Administrator and Sanitary Code Enforcement Officer's Activity Report for September and October 2015; Letter from APA regarding "Request for Consultation" for proposed subdivision.

Mr. Muench mentioned the operation of an in-house family day care at 76-70 Clarkson Road. On the September 2015 Activity Report, he mentioned a Zoning Certificate was issued for the operation as a home occupation by the Zoning Administrator (ZA). He felt that the Zoning Law requires that for any day care operation in a Moderate Intensity Land Use Zone, it must receive Planning Board approval through Site Plan Review. Discussion ensued regarding the issuance of the Zoning Certificate by the ZA for the day care operation. The Chair was unsure why the ZA issued the Zoning Certificate and believed an answer as to why it was issued would be a good solution.

The letter from the Adirondack Park Agency (APA) regarding a six-lot subdivision on Friends Lake Road was discussed. Mr. Muench mentioned his discussions with the staff at the APA. Mr. Muench was not certain how the Board could make advisory comments on the subdivision as there were no plats or further information received by the Board. He did mention that there were three notices of incomplete application issued by the APA for the Agency's Application.

Daniel Smith from Smith and Simon, LLC was present to represent the applicant for the subdivision. Patricia Seitz-McAlonen, the applicant, was also in attendance.

Attorney Smith explained the process of submitting applications to the APA, especially those classified as a Class A Project. During the review process, Mr. Smith stated that the project changes, as expected, due to questions the APA has regarding the proposal. Further, Notices of Incomplete Application are issued until a notice of project completion has been issued by the APA.

Mr. Smith briefly explained a couple questions asked (i.e. access to back of two lots across the wetlands) by the APA staff regarding the creation of the lots. Test pits have been performed and the septic systems have been designed by an Engineer. Mr. Smith also stated, "There are four lots in the middle and to get to those four lots you go over one to go to Lot 2." He explained driveway layouts had to be changed for a couple of the lots in the middle due to an outcropping of bedrock.

Chairman Little read Section 6.07-1 of the Zoning Local Law: "Upon receipt of a complete application for a Class A Regional Project, the Adirondack Park Agency shall refer the application to the Town Planning Board for its advisory recommendation". Chairman Little believed that the process thus far is proceeding the way it should be for review of the Class A Project, according to the Local Law.

Mr. Smith mentioned the Viele Pond Road, which he stated has been abandoned. As a result, he said that Patricia 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. There was discussion regarding the proposed driveway for Lot 6, which will remain on Lot 6 and also a short discussion regarding the cutting of trees on the parcels.

Mr. Muench stated that he owns property on Friends Lake and is part of the Friends Lake Property Owner's Association. He made it aware that if people had known about the subdivision proposal, they would be concerned to make sure there are no lake rights involved. Attorney Smith assured the Board there are no lake rights involved with the creation of the six (6) lots and that there will be an APA Permit issued for each of the created lots.

The Board agreed that a letter is to be sent to the APA regarding advisory comments for the subdivision and an application for such will be submitted for the meeting on December 21st, with a tentative public hearing for January 25, 2016.

NEW 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 mentioned that he currently operates the Deer Crossing Café and would like to use the property behind the restaurant (currently owned by Richard Dwyer) for a laser tag entertainment course. He stated he would like to operate mainly on the weekend (Friday, Saturday, Sunday) and during the daytime. Ms. Hayes questioned how laser tag is played during the day time hours and what the hours of the operation would be. Hours of operation were discussed and Mr. Tirone initially stated that fall/winter hours would be from 8 a.m. to 4 p.m. and spring/summer hours 8 a.m. to 8 p.m. Mr. Bump questioned if there would be any buildings associated with the business and further placed on the parcel. Mr. Tirone stated that there would be no permanent structures and only temporary moveable props/façades constructed out of plywood would be used.

Ms. Hayes also raised the concern of laser beams pointing upwards to the skyline. Mr. Tirone said that they would be “infrared, not visible”. He stated that there is “no projectile” and there would be no blinding of pilots operating aircraft. Mr. Muench questioned Mr. Tirone if he has contacted his neighbors regarding their thoughts on his proposal. Mr. Tirone did not believe there would be any disturbance to neighboring properties and the business will be confined to the property the course is operated on.

Ms. Hayes asked if he was going to own the property where the business would be located. Mr. Tirone stated that there is a lease purchase agreement, contingent on the approval from the Board. There was discussion regarding possible submission of an Authority to Act as Agent Form to the Board, as Mr. Dwyer currently owns the property with Mr. Tirone leasing it to purchase from him.

Mr. Hilton questioned if there would be external lighting utilized for the business and Mr. Tirone affirmed that he does not propose any new lighting. Mr. Muench asked if there would be fencing installed and if so, what the height would be. Mr. Tirone suggested four (4') ft. Mr. Bump did not believe a 4 ft. high fence would be high enough. Mr. Tirone stated he would like to have one temporary/portable/collapsible sign on the Deer Crossing property directing passersby and those interested to the course. Further, the sign would be taken off the premises at night once the course has been closed for the day.

Parking for the course would be available on the Deer Crossing parcel and parking spaces available there would be utilized. Mr. Hilton questioned if there is sufficient parking spaces available to accommodate both businesses. Mr. Muench stated he would like to know which parking spaces would be designated for the Deer Crossing Restaurant and for the laser course. Mr. Tirone agreed that he would submit a parking plan to the Board.

Mr. Tirone explained that the tickets would be collected in a 10 ft. x 20 ft. red trailer behind the restaurant in front of the propane tank. Mr. Tirone said he would store the equipment associated with the course either in the trailer or in the restaurant. The props will stay outdoors year-round and will not be affixed to the ground. Clearing of branches of trees will take place and there would be minimal noise (mainly noise from sound effects after a person has been tagged). Restrooms in the Deer Crossing Restaurant would be utilized by those playing the course. As affirmed by Mr. Tirone, he will have liability insurance for the business.

As the proposal is within 500 ft. of State Route 9, the project is required to be sent to the Warren County Planning Department for referral and recommendation. Ms. Hayes questioned if Mr. Tirone ends up purchasing the property, if his intentions would be to merge the two properties. Mr. Simon did not believe it would be a good idea to merge the parcels.

Mr. Muench believed that the proposal is an unlisted action, which requires further review under SEQRA.

Chairman Little listed what the Board is going to require for the next meeting: (1) Parking Plan; (2) Class and type of infrared to be used; (3) Proposed hours of operation (most liberal hours of operation).

According to Section 7.06 of the Zoning Law, one space for each 100 sq. ft. of gross floor area or one space for each four (4) seats is required to meet parking requirements for a restaurant. Mr. Tirone believed that referring to the latter requirement based on seats, if his front dining room allowed for 48 seats, he would be required to have 12 parking spaces for the restaurant alone. It was discussed that there appeared to be plenty of parking spaces for the restaurant near the front of the building, with a total of 20+ parking spaces for both businesses. Mr. Tirone said that the hours of operation would be from 8 a.m. to 8 p.m. with occasional night time operation. Mr. Muench suggested having the hours of operation in writing for the next meeting.

There was discussion regarding the type of device used and it was again clarified that it would be infrared, not laser.

The Board agreed that Mr. Tirone submit answers to the list of the three items to the Secretary of the Board so the project could be sent to the Warren County Planning Department for referral.

Mr. Bump made a motion to schedule a public hearing on December 21, 2015 at 7:00 p.m. concerning **#SPR2015-11**; motion seconded by Mr. Ellsworth. Motion carried 7-0.

OLD BUSINESS: None.

BOARD PRIVILEGE:

There was discussion regarding a letter written by Supervisor Monroe to Joe Brand regarding Condition 6 of Mr. Brand's approval for the Redemption Center. Chairman Little mentioned the joint meeting between all three Boards for proposed changes to the Zoning Local Law. He believed it would be best to wait until after the first of the year in 2016 to schedule a meeting. In addition, he requested each Board member to keep a record of certain items that they believed should be changed or amended in the current Zoning Local Law. Discussion ensued regarding possible sections to be amended in the Local Law (i.e. accessory apartments, campgrounds (re: deck structures), sign regulations, solar energy).

Mr. Muench also mentioned that it should be encouraged that the Town Board corresponds with the Planning Board or ZBA Chairperson when a vacancy exists on either the Planning Board or ZBA.

PUBLIC PRIVILEGE: None.

ADJOURNMENT:

Mr. Muench made a motion to adjourn the meeting at 8:46 p.m.; seconded by Mr. Ellsworth. Motion carried 7-0.

Respectfully submitted,

Jeremy J. Little
Secretary