

## **MINUTES OF MEETING ~ NOVEMBER 21, 2011**

**ATTENDANCE:** Rick Bump, Eugene Dutcher, Paul Little, Harold Ellsworth, George Hilton, Suzanne Robbins, and Secretary, Pat Smith. Zoning Administrator Walt Tennyson was also in attendance.

**MINUTES:** On a motion by Mrs. Robbins, seconded by Mr. Dutcher, the Minutes of the October 17<sup>th</sup> meeting were accepted, as presented. Motion carried 6/0.

**CORRESPONDENCE:** Zoning Office Activity Report for October 2011; Letter from Jeff LaPell re: Creative Stage Lighting; Creative Stage Lighting revised lighting plans; and copy of amended APA permit for Al & Mary Matrose. Handed out at the meeting was correspondence from Creative Stage Lighting, Margaret & Joseph Schreck, Larry & Monica Hayden, Jeff LaPell, and Mark & Lisa Buchler, as well as a letter of response to a number of comments from the LA Group with regard to the Creative Stage project.

**OLD BUSINESS:** None.

**PUBLIC HEARING:** Having been duly advertised, Chairman Little opened the public hearing at 7:00 p.m. Mr. Little explained the ground rules of the public hearing, having all questions and comments addressed to the board, and then described the planning criteria for an APA Class A Regional project.

#SPR2011-05 ~ Creative Stage Lighting proposal for construction of a 73,000 square foot building for the manufacture and supply of lighting and electrical equipment to the entertainment industry.

Mr. Dean Long, Architectural Engineer with the LA Group, presented the proposal for the 73,000 square foot building which would house Creative Stage Lighting, to be located on 55.22+/- acres of land identified as 629 State Route 28N, tax parcel #32.-2-15. The presentation was basically an overall review of the project as was discussed at the October meeting. There will be a slight modification to the lighting, with one light stanchion being omitted, and the reduction of some of the lighting fixtures that had been proposed for the front of the site. Creative Stage Lighting provides rental equipment to the entertainment industry, trade shows, and other users of specialty theatrical lighting components. In order to support the provision of lighting equipment, other equipment is built and prepared at their existing facility, and the new building will support the preparation of that equipment. The equipment that is assembled at Creative Stage includes wheeled shipping boxes of plywood, with some metal framework and durable covers that are fully lockable. The second item prepared at the site are power distribution boxes built into metal framed boxes (shipping box). A power distribution box is composed of a circuit breaker, power regulator, outlets, control switches, meters and a wire. A power distribution box is a breaker box assembled to be portable and withstand rugged use.

Mr. Long then explained the uses allowed in the Town of Chester Zoning under Rural Land Use in conjunction with the APA compatible use list:

"Commercial use" means any use involving the sale or rental or distribution of goods, services or commodities, either retail or wholesale, or the provision of recreation facilities or activities for a fee other than any such uses specifically listed on any of the classification of compatible uses lists.

"Industrial use" means any manufacturing, production or assembly of goods or materials, including any site waste disposal area directly associated with an industrial use. This term does not include mineral extractions, private and commercial sand and gravel extractions, sawmill, chipping mills, pallet mills, and similar wood using facilities.

Since Creative Stage Lighting (hereafter to be known as "CSL"), provides services (commercial activity), by preparing lighting equipment, shipping boxes and power supply devices, this service can be likened to an auto or truck repair shop that fixes mechanical or body components to either upgrade or repair a piece of equipment. CSL may also be viewed as assembly or manufacturing within the Industrial use category. There will be no significant waste involved, although some minor waste products are created such as scraps of wire (recycle), wood scrap, metal scrap (recycle), glue tubes (solid waste), paint cans (solid waste), and cardboard (recycle). There will not be a production waste disposal area on the site. All activities will occur inside an insulated building and all materials required to assemble any equipment will be stored in the building. Commercial and Industrial uses are secondary compatible uses (Sect.805 3a) in Rural Use areas. These uses are "generally compatible depending on the particular locations and impact on nearby uses and conformity with the overall intensity guidelines."

The CSL project will meet the secondary compatibility tests based on locating the building 440 feet from NY Route 28N, locating the truck dock 581 feet from the nearest home, minimizing lighting, low volume of traffic, limited large truck deliveries and the overall character of the neighborhood. Nearby land uses include Residential and a large open sand and gravel quarry that includes rock processing. The operation of the CSL proposed facility is indoors and does not produce significant noise (as opposed to the mine next door), is well setback and hidden from view, and based on the Visual Impact Assessment will not impact the community. The general character description and purposes, policies and objectives are met (805.3(f)(1,2,3)), since the site can accommodate the proposed project and this will not be strip development. The project is compatible with the Rural Use category. The proposed use is allowed by the Town of Chester since their land use code includes all uses found on the APA list.

Mr. Long then addressed the traffic impacts to State Route 28N, which has an hourly capacity for 752 vehicles. CSL will hopefully provide approximately 60+ jobs at this site. This may result in 60 peak hour trips each day (peak hour is normally spread out

between 6am and 9am), and most employees will arrive at or around 8am. Along with employee vehicle traffic, there are normal deliveries and pickups at the site by UPS, FedEx, and US Mail on a daily basis. Along with these panel trucks, CSL has an 18 foot box truck and a smaller cube van truck. These two trucks are used to bring large components to the site such as the light tubular frames or sheets of plywood. Semi-

trucks or tractor trailers make both deliveries and pick up assembly products for deliveries to stadiums, tradeshow venues, and for music theatrical touring groups. Large shows go out in two trucks.

On a busy day, there could be two semi-trucks and a material delivery by a CSL truck, along with the three panel trucks (US Mail, FedEx and UPS) twice a day. There could also be only the panel vans and no trucks. A conservative peak assessment would be three trucks a day, (entering and leaving once), and six panel van trips (2 each for pickup and delivery). The peak hour is all employees, semi-trucks, and panel trucks arriving at once for a total of 88 trips. There is sufficient capacity on Route 28N to handle this traffic.

Potential impacts on existing and proposed water supply and sewage disposal were discussed. The proposed well, at peak demand will draw approximately 8 gpm to supply the facility's potable water needs. The average will be under 2 gpm. This is the same volume as a residential well, therefore, not a significant impact. The local wells, especially those located in deep sand and gravel, are capable of producing over 50 gpm and local wells in bedrock produce 6-30 gpm.

The site will be served by a well subject to rigorous yield testing in accordance with NYS DOH rules. This will determine if there may be potential impacts to the adjacent wells. Most of the adjacent wells are in till deposits or esker sand and gravel deposits found near NY Route 28N. This site is dominated by bedrock so chances are that two different aquifers will be utilized by the project and adjacent residential wells.

The wastewater disposal system is a conventional shallow system that meets all the required setbacks, and therefore will not cause any significant environmental impacts. It could have a 1500 gallon discharge per day into the septic, but that is an overestimation.

Fire protection incorporates a ring road around the building that will provide access for fire equipment on all sides of the building. The facility itself will have a comprehensive detection and notification system as part of the sprinkler system to fully protect the building. CSL annually invites the local fire department to tour the facility.

Heating fuel will be propane and the site will not have a large volume of liquid fuels stored on the property. The wood shop area will contain volatile substance storage cabinets for paints and adhesives.

Visual assessment was completed for the property which determined that the building would not be visible from NY Route 28N or from Byrnes Road. This was confirmed by the flying of balloons at the proposed building height of 155.3 feet msl based on an assumed site elevation for the property. A target balloon was flown at an elevation of 185-190 feet based on site topography of 70 feet above grade. The target balloon could not be seen in the area adjacent to the property.

The building color has been selected to blend with the natural environment.

The residence to the south of the facility is 265 feet from the building and 138 feet to the edge of the clearing. The distance from the house to the ring road is 195 feet. The landscape and lighting plan was revised which eliminates the light pole nearest the Hayden property and reduces lighting on the ring road to under 1 foot candle. The slope from the ring road down to the adjacent property will be heavily landscaped. This landscaping, as well as the existing trees at the perimeter of disturbance will screen the building and it is expected that only small portions of the building will be visible from the adjoiner's yard. All lights are Night Sky compliant which will reduce skyward glow.

Residents to the north, east and west of the facility will not see the building. The traveling public will only see the driveway and the lights at the wetlands crossing.

Any potential impacts on air quality will not be substantially different than those that occur locally, since the existing CSL facility is nearby.

The building will be heated by propane and most likely geothermal heat pumps that will reduce the overall energy demands. Propane combustion creates the lowest level of particulates, carbon dioxide, sulfur and nitrate containing compounds. Truck traffic will not be significantly different on most days, therefore, the change in mobile air source pollutants will be very small.

Impacts on water quality will not be significant. A compliant Stormwater plan has been prepared to manage both quantity and quality of runoff from the site.

The Stormwater treatment system includes a pocket pond, wet swale and a bio-filter. Each of these are rated for their capability to remove nitrogen, phosphorus, and sediment removal potential.

To improve the access to the site, it is necessary to improve the wetland crossing into the property. This crossing will be improved by expanding existing fills approximately 16-18 square feet. This disturbance is the minimum necessary to construct a safe, well designed crossing of the wetlands. The crossing will include both culverts to pass Stormwater flow, flood flows, and auxiliary culverts for wildlife passage. A single 12 inch culvert is sufficient to pass storm flow. All culverts at or near the wetland excavation will be one third buried to encourage use by wildlife, while yet adequately transmitting flow. These treatment devices will protect downstream water quality of the existing stream.

Mr. George Studnicky briefly explained that CSL had basically outgrown their space. They look forward to going into manufacturing, and look forward to having the capability of testing their equipment before delivery is taken. The current facility, if it is not sold, will still be used as the new facility is being erected. Basically, construction will begin with a 9,000 square foot area for administrative use.

There were varying comments from the public. Those speaking were Wayne Bukovinski, Christian Hayden, Bob Harrison, Margaret Schreck, Leslie Harrison, Monica Hayden, Larry Hayden, Joseph Schreck and Cindy Perkins. Questions and comments were raised with regard to relocation of the well, Town vs. APA, Commercial vs.

Industrial, size and sight of building, (what is this doing in a residential neighborhood instead of the Industrial Zone?), contamination of water in the trout stream by paint waste, septic issues, and concern over land values, along with increased traffic flow over Byrnes Road. Some of the answers and discussions have been covered in the previous paragraphs. Those not covered were explained.

Regarding relocation of the well, Mr. Long explained that the well is being relocated as an overabundance of caution. The garage where the well is to be located is only for use as a storage building for snow blowers, lawn care equipment, etc. Situating the well away from this building would prevent any potential for contamination of any sort to the soils and water both on the site, or elsewhere. The well will be located in bedrock and is not a shallow aquifer well. There will be a 72 hour pump test as required by DOH and monitoring of neighboring wells.

Paint containers, when paint is used up, would be allowed to dry and then containers would be included in dumpster waste containers, along with adhesives. Any wire or metals would be recyclable, and the Stormwater devices to be in place are for sediment and mineral removal to protect the wetlands and streams. Each can remove up to 80% of offending materials.

Regarding increased traffic over Byrnes Road, Mr. Josh Gezzi, (truck driver?), stated that no GPS would ever direct a truck over Byrnes Road.

Regarding location of the proposed CSL facility, instead of in the Industrial Zone, Mr. Studnicky explained that he and his wife had purchased the property over 16 years ago, and it belongs to them. The building that they are planning would not just be a metal box type structure, but it would have personality, and it would have a theme compatible to the area that they are located in, and the business is not really something that would be an industrial park type use.

Mr. Paul Mundrick stated that it would be unfair for the board to ask this businessman to go to another business to buy a piece of property.

Proponents of the project were William Bokus, and Jeff Smith who spoke as an employee of CSL about environmental precautions that are already in place in the old facility and will be repeated in the new. Also in support of the project were Charles Redmond, William Cousins (who challenged anyone to come to the current facility to observe and to listen), Paul Mundrick, Sharon Wright, Clarke Dunham, Theresa Badgley, Ashley O'Connor, and others who did not give their names.

A young lady, Vicki Gerbino, President of EDC of Warren County was the next to speak. Her job is to create jobs, and to work with businesses to insure that they make investments in Warren County. The reason that a business person makes an investment is to get a return on that investment. If along the way, they create jobs that afford people a comfortable standard of living, that's a good thing. She has been here for six months, but with EDC for a couple of decades. She stated that she has been surprised by a couple of things in Warren County. There seems to be a population of people who were born and raised here, and a population of folks who came here from some place

else for their little piece of heaven. She has done this job in places where people will say: "not in my back yard, or a group of people who say please give me an opportunity to work here, because I want to stay here, and raise my children here, and create a life here."

She went on to say, business seeks profit, profit creates job opportunities. We're under a lot of pressure here in Warren County, as well as in Washington County, to work to get people to make investments in more rural areas. She hears from the Supervisors in all of these Towns about how far the residents have to drive to get to work, what a concern it is, especially with children in school; a kid gets sick and a parent has to leave their job and drive a great distance to go get their child. Then they end up moving.

She stated that her property is in Queensbury, and she abuts the Great Escape. She said she hears nothing from that property, and she is backed right up to it. She also hears people say that they love a project, but it doesn't belong "here." She continues, NY State has made it very difficult for businesses to invest in NY State. She has worked in competing states, and she said it is very easy to convince businesses to do business in any state, other than NY State. It is not a hard sell. So by making it more difficult for businesses to make investments, to put their capital at risk in our community, then we are essentially telling people to go away. Go take your business somewhere else, we don't want it here. She does not think this is the message the audience here wants to send.

She supports this effort for a number of reasons, the chief of which is that there is a promise to create jobs, not just a potential, but a promise. There will be strings attached to that promise. That is a promise to create 25 jobs, on top of the 42 that already exist. That is a big deal! She said 25 jobs up here is like 100 jobs in Glens Falls. That is a big deal. That matters. That will have a big economic impact. We should care.

We should care, as well, about the quality of those jobs. This is the Adirondack Park. This type of business is probably as "green" and as "friendly" as we're going to find. This person is making new products that go all over the world, doing creative lighting for shows. This is wonderful stuff, bringing people from the entertainment industry here to see the lighting set up. She challenged everyone to think long and hard about the potential impact this business could have, not just today, and not just tomorrow, but for a generation from now. There are people in the room who have worked for CSL for a number of years, and she would hope that strong consideration would be given for future potential of the project.

Following discussion, motion was made by Mr. Bump, seconded by Mrs. Robbins, to close the public hearing on application #SPR2011-05 at 8:45 pm. Motion carried 6/0.

Mr. Little then stated that he had visited the site, and he had noted that there were a large number of white pine trees 50 or 60 feet height. He stated that the Schreck's would not be able to see the new building from their property, as they had expressed. He also stated that soluble nutrients would indeed be entering the wetlands, but, he stated...wetlands love nutrients. Basically, he felt that the major issue is: is this an

appropriate site for a 73,000 square foot building in an area where there are residences.

Board member Ellsworth asked that if there were a problem with visibility, would CSL work with the residents for additional screening.

Board member Hilton wanted to be sure that the lighting would be full cut-off, and dark sky compliant, and he feels that the project meets all of the criteria for approval according to the Town of Chester Zoning Local Law.

Board member Robbins stated that out of 42 employees, there were no doubt significant others, and children involved, as well, and we would do well to consider the impact of that fact.

Motion then made by Mr. Bump, seconded by Mr. Hilton, to approve application #SPR2011-05, both as an advisory to the Park Agency, and by the Planning Board. Roll call vote as follows:

Rick Bump ~ Aye.  
Eugene Dutcher ~ Aye.  
George Hilton ~ Aye.  
Harold Ellsworth ~ Aye.  
Suzanne Robbins ~ Aye.  
Paul Little ~ Aye.

Motion carried.

NEW BUSINESS: Al & Mary Matrose ~ proposed lot line adjustment.

Mr. Matrose explained that he is proposing to take 3 lots, and turn them into two lots, to make each lot a little bit bigger. Property is located in Green Mansions, on the Town of Chester's side, on Park Lane. Parcel #137.14-1-18.22 is a 0.92+/- acre vacant lot which will be divided into a 0.48+/- acre lot and a 0.44+/- acre lot. The resulting 0.48+/- acre lot will be merged with tax parcel #137.14-1-5, creating a newly configured lot having 1.0+/- acres. Parcel "5" is improved by one single family dwelling and related development.

The resulting 0.44+/- acre lot will be merged with adjoining tax parcel #137.14-1-18.3, currently having 2.87+/- acres, to create a newly configured lot have 3.31+/- acres. No new land use or development is proposed as part of this project.

On a motion by Mr. Dutcher, seconded by Mr. Ellsworth, approval was given for this project. Motion carried 6/0.

#SPR2011-06 ~ Scott Clark & John Dick proposing a repair shop. Applicants are proposing to use the existing garage building located at 6284 State Route 9 and the corner of Panther Mtn. Drive for an A to Z Repair shop. The garage would be used for the repair of lawn mowers, weed whackers, chainsaws, 4-wheelers, snowmobiles, cars and trucks, etc. Applicant stated that Brant Lake Taxi would probably be their main

customer. Applicant also stated that if he did not have time to fix a vehicle, he would not have a customer bring it in. He would comply with whatever number of vehicles on the lot the board would impose. Applicant explained that he would have to be in business for one full year before he could become a vehicle inspection station. Mr. Hilton asked whether there was a plan for vegetative screening on the parcel. Applicant will be leasing the building for the time being, but plans to add some vegetation for the time being, if only for routing traffic on and off the lot. Zoning Administrator Walt Tennyson stated that Emlaw's Service Station was limited to 8 vehicles at a time on the lot, and thought there should be a limitation imposed at this location, as well, for outside storage.

Following discussion, motion was made by Mr. Dutcher, seconded by Mr. Hilton to approve application #SPR2011-06, as proposed, with an 8 car maximum allowed on the lot, limited outside work, and a vegetation plan for the parcel presented to the board upon becoming a NYS Inspection Station. Motion carried 6/0.

BOARD PRIVILEGE: No discussion.

ADJOURNMENT: The meeting adjourned at 9:30 pm.

Respectfully submitted,

Patricia M. Smith ~ Secretary