

MINUTES OF MEETING ~ OCTOBER 17, 2011

ATTENDANCE: Rick Bump, Eugene Dutcher, Paul Little, Harold Ellsworth, George Hilton, Suzanne Robbins, and Secretary, Pat Smith.

CORRESPONDENCE: Zoning office activity for September, 2011; letters re: Creative Stage Lighting project from Margaret & Joseph Schreck, and Kerry Flynn, along with John Lacy; and Draft copy of ZBA Minutes with regard to Creative Stage Lighting project. Distributed at the meeting, a letter from the Warren County Economic Development Corporation in support of the Creative Stage project, and a sealed letter from Larry & Monica Hayden.

MINUTES: On a motion by Mr. Dutcher, seconded by Mr. Bump, the Minutes of the September 19th, 2011 meeting were accepted, as presented. Motion carried 6/0.

PUBLIC HEARING: Having been duly advertised, Chairman Little opened the public hearing at 7:01 p.m.

#SD2011-03 ~ Bruce and Suzanne Robbins. Mrs. Robbins recused herself from the board, and stepped down as Mr. Robbins presented the project. Applicants are owners of 11.96+/- acres of land located within the Hamlet, at 6347 State Route 9, identified by tax parcel #104.10-6-28. Applicants propose breaking off the 0.96+/- acres of land containing the house (Inn), and two barns, and leaving the remaining vacant acreage as is. With no questions or comments from the board or the audience, motion was made by Mr. Dutcher, seconded by Mr. Ellsworth, to close the public hearing at 7:04 p.m.

With no further discussion, there followed a motion by Mr. Dutcher, seconded by Mr. Hilton, to approve application #SD2011-03 for a 2-lot subdivision, as proposed, with a negative declaration. Motion carried 5/0.

Mrs. Robbins then resumed her seat on the board.

OLD BUSINESS: None.

NEW BUSINESS: #SPR2011-05 ~ Creative Stage Lighting proposed construction of a 73,000 square foot insulated metal building for warehousing and preparation of stage lighting fixtures. Applicants were represented by Mr. Dean Long of the LA Group. Mr. Long explained that the proposed 73,000 square foot building would be constructed about 2 ½ miles north of their current location, 450 feet back from the roadside, with the Bokus sand and gravel pit being situated across the road. Property is located in a Rural Land Use area on 55.22+/- acres of land identified as 629 State Route 28N, tax parcel #32.-2-15. The parcel itself has rolling topography, an existing driveway from Route 28N, the wetlands have been flagged, and the area is heavily wooded. Applicant has received a height variance for the rigging tower from the Zoning Board of Appeals, Warren County Planning has turned the project back to the Town for decision making, showing no County impact, and NYS DOT has issued a preliminary approval for the existing location of the driveway, awaiting details on how they will meld the driveway to

their road edge. Also, one small segment of guiderail will be added. Dept. of Health has completed their site inspection and the proposed site plans, and have asked applicant to relocate the proposed well above and past the proposed garage area, to avoid any spills from the garage area contaminating the wells. DOH is just waiting for amended construction plans for the wells and the water treatment system, as this will be a small public water supply due to the number of employees. This project is a Class A Regional Project with the Park Agency, and the application to the Agency has now been deemed complete, with the comment period extending through the month of October. To date they have not had any questions with regard to water, wastewater or Stormwater issues.

Mr. George Studnicky, owner of Creative Stage Lighting, along with his wife Lilly, explained a little bit about the company. There are currently 41 full time employees, most of them living within 15 minutes from work. Looking for ways to expand, they find that they have outgrown their current location. They are manufacturers of lighting systems and accessories that are typically found on stage, or in theaters. They are also manufacturers of portable power distribution devices. They have received UL approval, and can now list everything that they produce as UL. Another aspect of manufacturing that they do is on the wood side. They fabricate reasonable flight and transportation cases that might be used to transport goods by rail, by air, or by common carrier. That division is holding its own just by word of mouth, and currently only employs 4 people. They are also distributors of products, whereby they may have arrangements with a manufacturer domestically or potentially overseas, where they might distribute to a dealer network that they have established, who in turn would take the product and sell it to the end user. They have had tremendous success in their lighting service side of the business where they actually send systems out with staff for the period of a day, or up to 1/2 a year. Typically the work takes place in North America, and this is a division that they would like to grow. This side of the business would require them to have a tremendous surface area, kind of a footprint, where they could fabricate the system in a real one to one ratio in size on the floor, and then potentially lift it to what might replicate somewhat an actual distance from the floor to where the fixtures of the system might be found in a normal theater environment. They have not been able to qualify for certain types of work because they do not currently have a facility to show the system up and running in its full functionality so that someone could come in and inspect them or do some programming in advance of the first show. While they are growing that division, they are not really able to go after an element of the industry that they really seek to dwell in, and that they have been invited into, but they have had to decline. Mr. Studnicky explained that he is a very conservative type of business person, and he doesn't just go build something or commit to something until he has a proven way to pull it off. He said that he would wait until they had actually turned down enough work on a consistent basis, and have enough proof behind them that they can actually go do the job without regret, and not have to look back on their decision. He stated that the design of the building, even with the rigging tower height variance, would still not give them the inside clearance that they would require to compete with other players in the industry. They can still live with that, however, and feel that proposed clients will deem the illustration acceptable. This is all a part of what they want to expand in, and they feel that in the next five years, after they have moved into a new facility, they will grow another 25 full time employees on their staff. Another

element that they are after, also, is working with the GSA to provide services or supply products to the United States Government. They can't necessarily do that at this time, as they do not have the capacity or the space to get that done, but getting the UL listing has set a huge groundwork that they needed to get out of the way.

Norm Ormead (sp.?), landscape and architect designer for the project site development, was next to speak, regarding the site plan. He explained that Route 28N in front of the proposed project location was super elevated and sloped off to an edge, so that traffic would not be shedding water onto the highway. The driveway comes down across an APA flagged wetland, and to minimize the area of disturbance, they are using Gabion walls and there is to be a guiderail to tie into existing guardrails on Rte. 28N. There is a 22 foot wide access road, and on either side is a 2 foot wing wedge, also to prevent shedding of water into the highway. There are 51 spaces for parking along the front and side of the building. There will be a retaining wall in the rear, cutting into the slope. Truck dock locations will be on the driveway side of the building, specifically to minimize any truck dock noise from the closest dwelling. The loading dock area has been located 579 feet from the closest dwelling. There will be dumpster enclosures at the delivery locations, with a separate area for tractor trailer loading, and another for delivery vans, plus a 24' x 24' storage garage. Regarding plantings, they are planning to augment the natural vegetation with buffer plantings of coniferous and deciduous trees, with deciduous trees for the parking area, and shrubs in front, as well as a landscaped area. There is a 25,000 cubic foot storage tank for fire suppression at the upper left hand corner of the building. Lighting will be accomplished by 20 foot tall, dark sky compliant fixtures, with wall packs around the docking areas. The access road will also service the well area. The building will cover about 6% of the parcel.

All the rainwater from the roof will be collected and put into one of several bio-retention areas. All the water from the pavements will also be picked up and directed the same way. Eventually it will all find its way to the sediment and drainage pond in the front of the parcel. No water will be discharged into neighboring properties, but everything will be picked up in swales and piped or diverted to the pocket pond, and ultimately into the wetland. The proposed septic plan and Stormwater plans are all APA compliant. Grading will be done at 2 to 1 slopes, and everything on the pavement will range from 2% to 3%. There is an existing culvert which they will be improving by extending it and giving it flared ends. Site distances from the existing gravel drive entrance are 1100 ft. looking north, and 790 ft. looking south, allowing for safe ingress and egress of both trucks and employees.

Mr. Long returned, and stated that their Stormwater plans were both APA and DEC compliant. Their post development release rate matches up with their pre development, and all water treatment facilities are located and sized as they are for that purpose. All water quality treatment requirements will be met, as administered by DEC.

Mr. Long then discussed the Visual Impact Analysis that had been prepared for and submitted to the board. The back corner of the building is where the rigging prep area will be located, at 40 feet above the final grade. The reason is, the Company's market is in the stage industry, as well as stadium type shows. Stadium lighting is usually located 60 or 80 feet above the stage floor. Currently they are able to do the lighting,

but they can't do the full scale testing. This new facility will allow them to do full or 1/2 scale testing of all their lighting products and lighting framework. For town purposes, they measured to the bottom of the loading dock for 44 ft., which is 5 ft. higher than zoning allows. For the APA, they went to the low existing grade in the front, and their height is 59 ft. What they are really looking at is a building at 40 ft. from the grade that they are going to prepare.

What they did for the visual analysis, they flew balloons at the site at a height matching the 155 ft. 3 inches that the Zoning Board allowed. At the same time, they put up a target balloon that was 75 ft. above the grade. What that analysis allowed them to do is to analyze and review the ability to see the building at various points. The plan shows a cross section showing line of sight. They then took pictures at the site, and the target balloon was not visible from Byrnes Road, or from Rte. 28N, both north of the site, and south of the site. Neither the mass of the building nor the sight of the building should be seen. The site will be graded to its lowest level, and the entry access road is as an "S" turn, which also helps to alleviate a visual of the building. The landscape features will also assist in keeping it unobtrusive. The building colors will be muted and low intensity greens and browns.

Following the presentation, Mr. Long answered questions raised by the board. He stated that DOH was just waiting for construction plans before giving their final approval. Normal traffic during peak season would be maybe 2 tractor trailers, but box delivery trucks could be daily. The building would be well insulated to prevent noise pollution, and back up alarms on vehicles would be absorbed into the building. Any lighting would be downcast and boxed in, rapid cut off design. Candles would be at "0" by the property line. The rigging area would have no windows, and no exterior lighting. Hours of operation would be approximately 7:00 a.m. until 6:00 p.m., occasionally until 9:00 p.m. when equipment was going out, and once in a while, Saturday hours. The storage tank for the sprinkler system still has a gravity draw, in the event that the pump failed to work. Mr. Long then stated that with all agencies in agreement, and all plans submitted, that a public hearing be waived. This matter would be at the board's discretion.

The board then asked for any questions from the floor, as there were many people in attendance.

Larry Hayden was concerned as the closest neighbor, that his residence is located at a 1,090 foot elevation, and the Creative Stage building would be at a 1,055 foot elevation. He was sure that it would still be seen. Additionally, he was concerned that the site would be expanded in another five years or so. Mr. Studnicky stated that he did not foresee it in his lifetime, as they are currently streamlining their business, and would be more into manufacturing than distribution.

Monica Hayden was concerned at the access road, and the possibility that it was only a single lane. Mr. Long explained that it was in fact proposed as 2-lane, and would be 22 ft. wide, enough for two way traffic, plow trucks, fire trucks and other emergency vehicles, etc. Mrs. Hayden also asked if the proposed storm water system would have been able to absorb all of the water that fell this year. Mr. Long explained that yes, it

would, based on a 100 year event.

Sara Williams was worried about the size of the building, and how long the construction phase would last. The guesstimate would be about 10 months. Mr. Studnicky would like to sell the smaller building outright, but that might not happen right away. Construction of the new building would be done in phases with the administrative area being done first. Then would come the first manufacturing sector, still utilizing the old building. They will try to balance the cuts and fills to minimize the rock cuts to the property.

Matthew Hayden was concerned over ice and chemical treatments during the winter. Salt and sand will be used for access road treatment within the facility, but it will be filtered through the proposed process that they plan for water recapture, and it will minimize chloride discharge components with an overall minimal impact to the wetland environment.

Christian Hayden was concerned over the visual effect, increase in traffic over Byrnes Road, and spring runoff's into the Larry Hayden property. Mr. Hayden stated that it would be difficult to comprehend a building that size located in that area. Mr. Joseph Schreck also commented regarding that. To reiterate, the property is zoned Rural Land Use, and the proposed project is an allowed use in that zone.

Mrs. Hayden wanted to know why the project was not being located in the Industrial Zone. Mr. Studnicky had purchased the property in 1996, and it belonged to him. Procurement of land within the Industrial Zone would cost a lot more.

With no more questions or discussion, on a motion by Mr. Dutcher, seconded by Mr. Ellsworth, a public hearing will be scheduled for the November 21st meeting at 7:00 p.m. Discussion on the motion, Mr. Long inquired as to whether the application had been deemed complete. Mr. Hilton then made a motion that application #SPR2011-05 has been deemed complete, and to schedule a public hearing at the November 21st meeting. Motion was seconded by Mr. Bump, and carried 6/0.

#SD2011-04 ~ Camp of the Pines (Sonrise) - proposed 3-lot subdivision. Atty. Dan Smith of Smith & Simon, LLC, in for applicant. Property located in Pottersville, 8260-8289 State Route 9, Moderate Intensity Land Use Area, identified by tax parcel #36.-1-5. Mr. Smith explained that applicant is owner of 90+/- acres lying between St. Rte. 9 and Old Schroon Road, and wants to subdivide off two lots that contain new dwellings, both fronting on Pax Lane. Lot # 2 would consist of 2.75+/- acres, and Lot # 3, 3.52+/- acres. Lot #1 would contain 84.09+/- acres, and also contains wetlands, making the project subject to Park Agency review. Due to the setbacks of the houses, variances are required for both small parcels. ZBA will review the project in November for the setback variances, and the Planning Board will review in December for the subdivision.

Lot line adjustment. Attorney Smith explained that the new owners of the Valentine property on Atateka Drive, David Strutton, proposed a small lot line adjustment with the neighbor, Lemka. Once owners agree on the adjustment, Mr. Smith requested that

the board authorize the Chairman to sign the maps following a signed consent of both parties. On a motion by Mr. Bump, seconded by Mr. Ellsworth, motion was made for approval of Chairman signing the maps upon signed consent of both parties. Motion carried 6/0.

ADJOURNMENT: On a motion by Mrs. Robbins, seconded by Mr. Ellsworth, the meeting adjourned at 8:45 p.m.

Respectfully submitted,

Patricia M. Smith ~ Secretary