



**MINUTES OF MEETING
TOWN OF CHESTER
PLANNING BOARD
JANUARY 25, 2016**

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

ATTENDANCE:

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

PUBLIC HEARING:

Mr. Bump made a motion to re-open the public hearing for Site Plan Review Application **#SPR2015-11** at 7:02 p.m.; seconded by Mr. Muench. Motion carried 6-0.

#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.

Chairman Little read to the audience a portion of the minutes regarding Mr. Tirone's proposal, including the requested information by the Board from the previous meeting in December.

Mr. Tirone briefly explained his proposal to the audience. Mr. Tirone said that the entertainment course would be split up into two playing fields. He stated that the hours of operation would be the following: Spring & Summer – 8 a.m. to 5 p.m. and Fall & Winter – 8 a.m. to 4 p.m. In addition, Mr. Tirone mentioned that he has records from the NYS DEC stating that “there was no benzene on this particular property and the benzene was for the Chestertown well and that case was closed.” He further mentioned that he would present the Board with his findings from the DEC. The props will be 4' x 8' sheets of plywood that can be interconnected to form a maze, etc.

In the audience, Linda Muench, questioned if Mr. Tirone brought a laser gun to demonstrate to the audience its appearance. Mrs. Muench was curious how much noise the various laser guns would make and if any neighboring properties would be affected by the noise, especially at 8 a.m. in the morning. Mr. Tirone stated, “Luckily I don't have any neighbors. I have the State Police, all indoors, this property down here is not occupied, I have a buffer here, the Day Care is not open on the weekend, Mr. McCluskey during the winter is not open on Sunday.” Mr. Tirone explained that each gun has an adjustable volume setting but believes that with the wooded area it would help serve as a buffer to minimize noise. The business would be open during the week only by reservation. Days of operation would only be on Saturday and Sunday. Chairman Little stated there will not be any visible beams and discussed that it was the same type of beam emitted by television remotes. Mr. Tirone stated

that the State Police has asked him, if the project is approved, to erect a six ft. (6') stockade wood fence on their side to ensure the laser tag operation is not visible and out of view. Mr. Tirone proposes to erect a four ft. (4') orange safety fence to keep all players contained on the property. Mrs. Muench recommended the outside of the fence facing the main road to be of a different color, other than the proposed orange.

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 mentioned that there are two properties in play: Mr. Dwyer's lot and the Deer Crossing parcel. Mr. Walsh felt that the fence should extend to the front of the Deer Crossing to eliminate any interaction with the State Police/law enforcement and neighbors and further did not feel it would properly contain the proposed facility using the amount of fencing that is proposed. Elizabeth Walsh questioned if Mr. Tirone has a property survey to distinguish the boundary lines. Rob Simon, from Smith and Simon, LLC, representing Rich Dwyer, said, "There is a filed survey of the property in the back which already exists. There is a filed survey of the Lizco property. There is more than enough surveys to flag the boundaries..." Before installation of the fence, it was mentioned that boundary lines will be flagged to ensure that no encroachment occurs between neighbors.

Mrs. Muench asked if the Town had zoning regulations regarding use of trailers on a property. Mr. Tirone mentioned that it is a year 2013, 10' x 20' trailer. He proposes to have a sales counter built inside, where the player would meet one of the team members, purchase the ticket, and be directed to the picnic area. Mr. Simon stated that the trailer would be behind the building and is not a residential unit, with no facilities (i.e. plumbing, kitchen, etc.). Chairman Little mentioned that the Board would take the discussion regarding the trailer into consideration prior to making a decision.

Ms. Maxam questioned use of the trailer for office purposes. She believed that there would be an issue with the State Fire Code as it would not have two exits and no windows. Mr. Tirone stated that there is a side and rear entrance.

Mr. Tirone stated that the props will be left on the field all year round. Storage of the guns will remain inside of the restaurant. Mr. Walsh re-stated his concern to have the fence continued down the side of the Deer Crossing building to ensure the players remain on the property. He also recommended that there should be "Lasers in Use" signs installed on the fence.

Penny Redmond, owner of Extra Room Storage, mentioned that her concern from the previous meeting regarding security issues no longer remains after hearing the proposed hours of operation had been changed to close the business before dark. Ms. Redmond questioned why the device is not called a gun as she believes "if it resembles a gun, it is a gun." She also asked if there is another piece of property in the Town out of the Hamlet zone that could be used for the laser tag operation. Mr. Tirone answered, "I do not want anybody to feel panicked and not feel comfortable of the idea that this is a gun, it's not. Some of the manufacturers do look like guns, it's just made to make the game more exciting." Mr. Tirone mentioned that he spoke to three (3) State Police and it was requested by them to not see the operation and not know that it exists. Ms. Maxam requested that she would like to have something in writing from the State Police or have a personal

representative from the State Police/Sheriff rather than hearsay. Chairman Little mentioned that he had a phone conversation with a State Trooper and stated that he was told the State Police do not wish to become formally involved in local zoning affairs.

Chairman Little read a letter from Lizco Realty, Inc. dated January 19, 2016 and a letter from June Maxam dated January 18, 2016. In response to Ms. Maxam's letter, Adam Parrish from AMP's Computer Service, stated, "I just have a statement for one of those saying it's landlocked. I have already given permission and Mr. Dwyer also has offered to sell the property in between so if he does end up not operating the Deer Crossing, he can go through our property." Mr. Muench questioned if a deeded right of way was included in the deed for that property. Mr. Tirone stated that the right of way access can be found in the deed submitted with the application.

Mr. Simon contacted the NYSDEC regarding possible benzene contamination on the site. He found that there was never any action on the Dwyer property (104.14-1-31.2) about a spill. He spoke to Randy Galusha from DEC and Mr. Galusha stated that he did not recall any contamination on the site. As a result, Mr. Simon did not find any written documentation regarding the contamination on the parcel.

As requested at the previous meeting by the Board, a plan was to be provided showing the layout of the two playing fields, including entrances and exits of the property. Though Mr. Tirone brought in a poster-sized site plan to accommodate the Board's request, Mr. Muench requested to the applicant to submit a scaled down version of the site plan to incorporate into the application's file. A design for the props was also requested by the Board at the meeting in December. Mr. Muench questioned the color of the props and requested that upon submission of the site plan, to also include the specifications (i.e. colors) for the props. Mr. Bump did not believe brown props would be eye-catching; rather, he felt that green or Adirondack colors for the props would make them more visible. Mr. Simon said that a list of possible colors to be used for the props would be provided. Chairman Little mentioned his belief that since the props would not be visible from the main road, only those people playing the game would see them, not passersby.

Mr. Muench believed that the Board should be provided with the proposed hours of operation, in writing. Mr. Tirone does not propose any additional lighting. Mr. Muench also mentioned that if the Board reaches a point to approve the project, he wants to be assured that the "guns" meet State and Federal requirements for "toy guns". Mr. Tirone re-stated the "caps" for each playing field: the smaller field would be 5 vs. 5 and the larger field would be 8 vs. 8.

Ms. Hayes mentioned her past experience in playing indoor laser tag and questioned the equipment utilized (i.e. vest, gun, computer printout of which player won). Mr. Tirone said that the team members would have tablets and a computer would be located inside of the trailer. Equipment will be at the entrance to each field and will be kept outside until the business closes, at which point the equipment will be brought inside the restaurant. Mr. Hilton questioned if the picnic area is accessible from the restaurant. Mr. Tirone affirmed that there is a door located at the rear of the restaurant. A short discussion ensued regarding possible ideas on how far the stockade fence should be extended to State Route 9.

Mr. Bump made a motion to close the public hearing for Site Plan Review Application **#SPR2015-11** at 8:09 p.m.; motion seconded by Mr. Muench. Motion carried 6-0.

Chairman Little stated the Board needs the following for the next meeting: (1) Location of the fence and how far it will extend; (2) Use of the Storage Trailer and if it is a permitted use; (3) Statement with hours of operation; (4) Commitment from Mr. Tirone that the only guns used will meet State and Federal requirements for toy guns.

Ms. Hayes made a motion to table Site Plan Review Application **#SPR2015-11** until the February 22, 2016 meeting; motion seconded by Mr. Bump. Motion carried 6-0.

#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 proposal is for the creation of six building lots, with Lot 1 having (2) Building Rights and Lot 6 having (2) Building Rights. Mr. Simon mentioned that Lots 4 and 5 will share a driveway and Lots 1, 2, and 3 will also share a driveway. Mr. Smith stated that a Major Project Public Notice was received from the Adirondack Park Agency, with a determination from the Agency that the application was complete on October 30, 2015. Mr. Smith asked the Board to approve the subdivision, subject to the receipt of an Agency permit and authorize the Chairman to sign the Subdivision Plat.

Having been duly advertised, the public hearing for Subdivision Application **#SD2015-02** was opened by Chairman Little at 8:32 p.m.

In the audience, Lisa Penistan, who owns property adjoining Lot 6 of the proposed subdivision, was concerned of the shared access of the Viele Pond Road by Lot 6 and her lot. Mr. Smith stated that in the copy of the submitted deed, it states that the property line extends to the center line of the Viele Pond Road. The driveway for Lot 6 will be to the right of the centerline and no portion to the left of the center line will be used by Lot 6, as confirmed by Mr. Smith. Discussion ensued regarding the ownership of the Viele Pond Road.

Mr. Muench made a motion to close the public hearing for Subdivision Application **#SD2015-02** at 8:52 p.m.; motion seconded by Mr. Dutcher. Motion carried 6-0.

Resolution to approve #SD2015-02 - Patricia Seitz-McAlonen Major Subdivision

Findings of Fact:

1. The Planning Board finds that #SD2015-02 is a six lot Major Subdivision as defined in the Town of Chester Subdivision regulations and is also a Class A Regional Project based on Appendix A, Section D.1.(b) of the Town of Chester Subdivision regulations.

2. The Planning Board also finds any required SEQR review has been completed by the Adirondack Park Agency as lead agency for its Project Number P2013-0262.
3. The public hearing required by section 3.04.E of the Town of Chester Subdivision Regulations was duly advertised and was held on January 25, 2016.
4. No improvements are associated with this proposed subdivision; therefore, the subdivider has satisfied the requirements of section 3.05 of the Town of Chester Subdivision Regulations.

Approval of Subdivision Plat:

Based on the findings of fact, Mr. Muench moved as follows:

Pursuant to section 3.06 of the Town of Chester Subdivision Regulations, the Planning Board grants final approval of the subdivision plat and authorizes the Chairman or Vice-Chairman of the Planning Board to sign the Subdivision Plat for #SD2015-02 subject to receipt by the applicant of the pending APA Permit and subject to the following conditions:

1. The subdivider shall comply with all conditions of APA Project Number 2013-262 for which the APA Major Project Public Notice of Completion was issued on October 30, 2015, as well as all conditions in any APA permit issued for this project.
2. Upon receipt of the signed Subdivision Plat, the Subdivision Plat shall be recorded in the Office of the Warren County Clerk. Immediately after recording, a copy of the Subdivision Plat shall be filed with both the Town Clerk of the Town of Chester and the Secretary of the Planning Board.
3. No changes, erasures, modifications, or revisions shall be made in this Subdivision Plat after approval has been given by the Planning Board and the Chairman or Vice-Chairman of the Planning Board has signed the Plat, unless such Plat is first resubmitted to the Planning Board and such Board approves in writing any modifications.

Mr. Dutcher seconded the motion. Motion carried 6-0.

#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.

Having been duly advertised, the public hearing for Site Plan Review Application **#SPR2015-12** was opened by Chairman Little at 9:03 p.m.

Mr. House presented the proposal. He stated that he has not received sign plans from Rite Aid. Mr. House was unsure if the "Drive Thru Pharmacy" sign would be illuminated. Mr. House mentioned the improvements to the exterior of the existing building.

Chairman Little read the Project Review and Referral Form from the Warren County Planning Department. The project was reviewed by the Planning Department on January

12, 2016 and was determined in the staff notes to have no significant impacts on County properties or resources.

Mr. Muench mentioned that since there would be no change to the footprint and essentially no change in the use, he did not believe additional parking spaces would be required at the time of the decision.

There was discussion regarding whether the public hearing should be closed or adjourned. Discussion ensued regarding the sign requirements for the Rite Aid proposal and whether or not the requirements can be waived by the Board. Ms. Hayes believed that the Board has the right to waive Site Plan Review Application requirements as per Section 5.02(B) of the Zoning Local Law. Chairman Little also read Section 5.02(B) and Section 7.04(A)(3) of the Zoning Local Law. Mr. Muench believed that the Board has the authority to waive any site plan review application requirements, which he felt were only found in the application (i.e. deed). Further, Mr. Muench did not believe the Board has the authority to waive the sign requirements. Mr. Hilton believed the Board has the authority to waive the requirement for the signs. Mr. Bump agreed with Mr. Hilton.

Mr. Bump made a motion to close the public hearing for Site Plan Review Application **#SPR2015-12** at 9:30 p.m.; motion seconded by Ms. Hayes. Motion carried 5-1. Mr. Muench abstained.

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”.

Mr. Muench made a motion that the Board authorize the Chairman to sign Page 4 of 4 of the Short Environmental Assessment Form; motion seconded by Mr. Bump. Motion carried 6-0.

Mr. Muench made a motion that the Board not take any action until the Board consults with the Town Attorney as to whether or not pursuant to Section 5.02 the Board is able to waive Sections of the Law when dealing with Site Plan Review. Motion not seconded. Motion not carried.

Mr. Hilton asked the applicant if he was willing to table the application until March. Chairman Little stated that he or the Supervisor would contact Mark Schachner regarding the issue. On that basis, Mr. Muench withdrew his motion regarding the consultation with the Attorney for the Town.

Ms. Hayes made a motion to table Site Plan Review Application **#SPR2015-12** until the February 22, 2016 Meeting; motion seconded by Mr. Hilton. Motion carried 6-0.

NEW BUSINESS:

#SPR2016-01: The Town of Chester is seeking Site Plan Review approval for timber harvesting, on properties owned by the Town located at 6307 State Route 9 and 3-23

Dynamite Hill Road, identified by Tax Map Parcel #: 104.14-1-57.2 and # 87.-1-5, in Zone Classification Rural Use (Town Hall Lot) and Moderate Intensity (Dynamite Hill Lot).

Len Cronin (Regional Manager of Finch Forest Management), Kian Sullivan (Forester who will be supervising the job), and Craig Leggett (Town Supervisor) were present to answer questions regarding the application.

Mr. Cronin mentioned Finch Forest Management entered into a contract with the Town in August 2014. Mr. Cronin mentioned the sale area is comprised of two tracts: One the 73 acre Dynamite Hill Tract and the other being the 16 acre Town Hall Tract. Inventory of the property was performed and pre-harvest reports were issued for the two Tracts, which was reviewed by the Town Board and former Supervisor Monroe. Mr. Cronin explained that it was put out to bid in November 2015, with one lump sum bid sale. The successful bidder on the timber harvest was Prentiss and Carlisle. Activities on both parcels will be in accordance with New York State Best Management Practices, supervised by a Finch Forester.

Mr. Bump questioned when the timber harvesting would begin. Mr. Cronin said that Prentiss and Carlisle would like to start in a couple weeks, but it was mentioned that the contract period runs until March 31, 2017.

Each of the trees have been marked and tallied as far as diameter and height. Chairman Little read portions of the "Prospective Bidders" Specification Sheet.

Mr. Muench questioned if the wetlands would be near where the harvesting will take place. Mr. Cronin answered that they are in fact near the harvesting area; however, there is a 25-50 ft. buffer from the wetlands depending on the slope, marked with orange flagging.

Mr. Muench suggested that the Board waive the public hearing since the timber harvesting proposal has been discussed at Town Board meetings with appropriate public notification.

Mr. Muench made a motion to find Site Plan Review Application **#SPR2016-01** complies with Section 4.02 of the Town of Chester Zoning Law, waive the public hearing for **#SPR2016-01** because it has been a matter of discussion at two successive Town Board meetings which have been publicly noticed so that the public had an opportunity to address concerns, and move to approve **#SPR2016-01** subject to the Terms and Conditions that are in the November 02, 2015 Conditions for Prospective Bidders; motion seconded by Mr. Dutcher. Motion carried 6-0.

PUBLIC PRIVILEGE:

Eric Cordis, Word of Life Project Engineer, was present to give a preliminary presentation of an additional structure (nursery) on property located at 8119 State Route 9 (Tax Map Parcel #: 36.-1-26).

Mr. Cordis updated the Board on the Student Life Center, with a hopeful completion date in December 2016 and the Dormitory to reach completion in September 2016.

The nursery/Pre-K Center building will be for seasonal use, with no winterizing of the structure. No additional parking would be proposed for the project. Outdoor lighting will be minimal with wall sconces to accent the colors of the building. Mr. Cordis hopes to have an application submitted by the next meeting in February.

BOARD PRIVILEGE:

Mr. Muench mentioned the APA Local Government Day Conference for April 13th and April 14th and also the New York Planning Federation Conference, scheduled for April 17th-19th. Mr. Muench also submitted a letter to the Board members a copy of a letter “as a continuation of that Executive Session”.

Chairman Little mentioned some possible changes to the Zoning Local Law (Timber Harvesting, Solar Installations, Accessory Structures, Parking and Sign Requirements). Chairman Little said to the Board to continue writing down suggestions and submit recommendations to the Town Supervisor.

Ms. Hayes recommended to the Board about having the Attorney for the Town present at the Planning Board meetings, to assist in answering legal questions that the Board might have.

OLD BUSINESS: None.

MINUTES:

Mr. Dutcher made a motion to accept the minutes for the December 21, 2015 meeting; motion seconded by Mr. Bump. Motion carried 6-0.

CORRESPONDENCE: None.

PUBLIC PRIVILEGE:

ADJOURNMENT:

Mr. Hilton made a motion to adjourn the meeting at 10:28 p.m.; seconded by Mr. Muench. Motion carried 7-0.

Respectfully submitted,

Jeremy J. Little
Secretary