

TOWN OF CHESTER ~ ZONING BOARD OF APPEALS

MINUTES OF MEETING ~ SEPTEMBER 27, 2011

ATTENDANCE: John Grady, Ken Marcheselli, Arnold Jensen, Bill Oliver, and Secretary, Pat Smith. Also in attendance, Zoning Administrator, Walt Tennyson. Absent were Mary Jane Dower and John MacMillen.

MINUTES: On a motion by Mr. Marcheselli, request was made to amend Minutes of the July 26th meeting, page 2, first sentence in paragraph following criteria review to read: "The board therefore finds for approval of a 20 ft. front yard *variance*, and a 25 ft. rear yard *variance*, according to...". Motion continued to accept Minutes of the July 26th meeting, as amended. Motion seconded by Mr. Jensen, and carried 3/0. (Mr. Grady had been recused at the July meeting, and was unable to vote on the Minutes).

CORRESPONDENCE: ZBA Minutes of July 26, 2011; Planning Board Minutes of August, 2011; and Zoning Office Activity for July and August of 2011.

PUBLIC HEARING: Having been duly advertised, Chairman Marcheselli opened the Public Hearing at 6:00 p.m.

#402-V ~ Creative Stage Lighting. Dean Long, Landscape Architect/Engineer with the L.A. Group was in attendance to represent the applicant. The project involves the construction of a 73,000 square foot building which will contain an area of 6,000 square feet (60' x 100'), that will exceed the allowed height regulation of 39 feet, according to Section 4.03 of the Town of Chester Zoning Local Law. The subject parcel is located at 629 State Route 28-N, diagonally across from the Wm. Bokus property, and approximately 2 miles north of the present Creative Stage Lighting building. Parcel is located in a Rural Land Use Area, and is identified by tax parcel #32.-2-15. The parcel also contains some wetlands, which makes it subject to review by the Adirondack Park Agency.

The building will be utilized for assemblage and manufacturing of lighting fixtures on structural frames for use in theatres, stadiums, auditoriums, trade shows, and other locations that require specialized high-quality lighting. At these locations, the display area or stage area may have a vertical separation of 40 to 80 feet between the lighting fixtures and the stage or stadium floor. The lighting rigging area at the proposed height of 40 feet is sufficient for full scale testing and development of the lighting systems. This would take place in the tower, consisting of the 6' x 100' square foot area. All other portions of the building meet zoning requirements with regard to height, at about 18 feet. The 40 foot building height is the minimum needed, and due to the building height measurement protocol, the height request is for 44 feet (or 5 feet greater than allowed by the zoning law), or, based on site topographical elevation, 155 feet, 3 inches.

The building will be well screened from NY Route 28N and will not be visible from the adjacent homes on Byrnes Road. Lighting will be at the building façade and adjacent to

parking areas on poles that will be less than 20 feet tall. All fixtures will be rapid cut off "dark sky friendly" units. All work done at the site will be completed indoors so that noise will not be a significant factor. Loading docks to the building will be located 580 feet from the nearest home. The site has sufficient soils in in order to accommodate wastewater disposal and there will not be any increase in the creation of Stormwater discharge. The building will be nestled into the hill to mitigate the height issues. The elevation of the property, along with the existing tree line and the proposed plantings should further block the traffic and remainder of the building. The existing trees will start at a contour of 100 and be at about 45 or 50 feet in height. Proposed trees are expected to be between 6 and 8 feet in height. There will be no night glow, and no upward lighting.

Entry into the property will be from Route 28N, with a slight S-bend in the drive to mask visibility, and truck loading areas will be on the side of the building, with all of the truck noise directed inside. Deliveries will be accomplished by small box trucks, such as UPS or Fedex. There will be minimal large truck traffic, with pickups only a few times a week. The driveway will have a travel course of 20 feet in width at most locations, and 12 to 16 feet wide over the wetland crossing. From the driveway to Route 28N there will exist good sight distances from both directions. The grade will be established by the wetland crossing which is limited to only 300 feet of fill, and a 2% slope. Minimal excavation and movement of material from the lot are desired.

In order to improve the market position and competitive advantage of the company, the added height of the building for the 6000 square foot area will allow for nearly full scale testing of the light fixtures before delivery to the venue site. The same business is being conducted about 2 miles south of the proposed site, but applicant has just outgrown the space. They currently employ 41 people, and would like to add at least another 25 during the next 5 year period.

Guests in attendance, Christian Hayden and Larry Hayden, expressed some concerns over visibility of the building from their homes, suggesting grade be lowered, rather than raised. Step downs within the plant would not be a reasonable consideration, and slope and tree line were discussed again, allowing that Christian Hayden might have a small window in which he might see a portion of the roof line of the tower. Additional comment from Cindy Perkins expressing concern over neighborhood character, and resale value of her adjoining property. Supervisor Fred Monroe stated that he and the Town Board were all supportive of the project going forward. It was stated by Mr. Long that the project site was located in a Rural Land Use Area within which the proposed project is compatible.

Following discussion, Mr. Marcheselli read a letter received from Kerry Flynn & John Lacy voicing their opposition to the project. The Planning Board will receive a copy of their letter.

Following discussion, on a motion by Mr. Jensen, seconded by Mr. Grady, the public hearing was closed at 7:00 p.m. Motion carried 4/0.

Mr. Grady then stated that the visual impact seemed to be the biggest issue for the

adjoiners. Discussion ensued regarding Mr. Larry Hayden being located at a topography elevation of 90 feet. The trees will start at a contour of 100 ft., and the new tree plantings at 138 ft. The existing trees are at either a 45 ft. or 50 ft. height, and the new trees will be about 6 or 8 feet in height. It is believed that the new plantings will block the traffic and remainder of the building, with only the roof line of the tower being visible, with no night glow, and no upward lighting. Following a brief discussion, Mr. Grady then made a motion to approve application #402-V for Creative Stage Lighting to allow the roof of the 6000 sq. ft. section of the building not to exceed 155 ft. 3 inches in height, based on 1st floor elevation of 115 ft. 3 inches, for a 5 foot variance, according to Sect. 4.03 of the Town of Chester Zoning Local Law. Motion was seconded by Mr. Oliver.

Criteria for an area variance was reviewed, and findings are as follows:

1. There is no other practical means feasible for the applicant to accomplish the project;
 2. There will not be any undesirable change to the neighborhood character or to nearby properties based on the 5 feet of additional height requested;
 3. The request is not substantial;
 4. There will be no adverse physical or environmental effects from the project;
- and
5. The board is split on determining whether the alleged difficulty is self-created, therefore no determination was made.

The board therefore finds that the proposal by Creative Stage Lighting is the minimum height required, and imposes the condition that no exterior lighting be installed on the 6000 square foot area in question. Motion carried 4/0.

NEW BUSINESS: #403-V ~ Town of Chester proposed sign. Supervisor Fred Monroe was in attendance to discuss this project. Town wishes to replace the existing sign for the town, thereby eliminating the 2 signs that we now have. Sign would be located on the north side of the property, and would be two sided in order for it to be read from both directions. The Library wanted their own sign, but it has been decided that the top of the sign would read "Town of Chester Offices & Library". There would be space available at the bottom of the sign for listing meetings and special events. The request was for 34 square feet on the interior, but it would make the letters too small to be seen from the road. It was decided that 40 feet would be a better solution, allowing for some of the offices to be listed, as well as room to list the tenants. A 10 foot setback was also requested. The lighting would be from the ground up, and would not cause any glare into traffic, as the beam would be cast only on the face of the sign.

Sect.7.04, C, Item 2, Sub. C reads: "In the case of a sign advertising a center or facility where more than one principal activity is being conducted, only one sign not exceeding forty (40) square feet in area or twenty (20) feet in height may be erected. This sign

may identify the center as a whole and list the individual names of any businesses at the site, but may not contain any advertising matter. An overall sign design plan for any such center or facility shall be required, which shall include the sign design plan or plans for each principal activity therein and shall reflect a reasonable uniformity of design, lettering, lighting and material.”

The need for a Variance was discussed, as the board was of the opinion that it met the size and setbacks allowed, and the wording did not make any difference with regard to listing of the different businesses and offices. Chairman Marcheselli will speak with Attorney’s for the Town, and a decision will be made as to whether the matter should be advertised for the October meeting.

ADJOURNMENT: On a motion by Mr. Grady, seconded by Mr. Oliver, the meeting adjourned at 8:25 p.m.

Respectfully submitted,

Patricia M. Smith ~ Secretary