

**Town of Pomfret  
Zoning Board of Appeals  
Pomfret Town Hall  
9 Day Street  
Fredonia, NY 14063**

**August 6, 2024  
6:30 PM**

Public Hearing #06-24  
Minutes

APPLICANT:

Amber Felt  
10164 Route 60  
Fredonia, NY 14063  
SBL: 114.00-3-73.3  
Special Use Permit

PRESENT: Dave Fridmann (Chairman), Michaelene Comerford, Alex Moon, Jonathan Townsend (Alternate), Nicole Waite (Zoning Clerk), Warren Kelly, (Code Enforcement Officer)

ABSENT: Ruth Eckstrom, Ray Lewandowski

PUBLIC PRESENT: Amber Felt, Geoff Felt, Paul Tabone, Sal Tabone, Gerald Fancher

- 1. CALL TO ORDER:** Chairman Fridmann called the meeting to order at 6:32 PM.
- 2. ACCEPTANCE OF MEETING MINUTES:** A motion to accept the minutes of Public Hearing #5-24 Jeffrey O'Brien and Workshop #1-24 was made by Michaelene Comerford and seconded by Alex Moon. The motion carried unanimously.
- 3. NOTIFICATION OF MEETING:** Chairman Fridmann read the Public Hearing Notice aloud.

**“NOTICE IS HEREBY GIVEN** that Public Hearing #06-24 will be held by the Pomfret Zoning Board of Appeals on **August 6, 2024 at 6:30 P.M.** at the Pomfret Town Hall, 9 Day Street, Fredonia, NY 14063 to consider the appeal of **Amber Felt**, for property located at **10164 Route 60, Fredonia, NY 14063** for a: **Special Use Permit**. This property is described on the tax map as **SBL: 114.00-3-73.3**.

The proposed action is to convert an existing business/storage building into a family entertainment facility. The Building Permit denial was based on failing to meet the Town of Pomfret's Zoning Code Section 300-16 B "Uses by Right". The property is zoned Highway Business (B2).

This application for a Special Use Permit is open to inspection at the Town of Pomfret Planning & Zoning Office, 9 Day Street, Fredonia, NY 14063.

**PLEASE TAKE FURTHER NOTICE** that the environmental significance of the proposed request under SEQRA will be reviewed by the Board at said hearing.

Any person may appear in person or by agent or attorney. Please contact the Zoning Office at (716)672-7496 Ext. 7 with any questions. Communication in writing in relation thereto may be filed with the Zoning Board of Appeals or at such hearing. All interested persons shall be heard.”

- 4. CORRESPONDENCE:** Yesterday Clerk Waite received a response from the Chautauqua County Department of Planning and Development regarding the 239 Mandatory Referral. Chairman Fridmann read aloud the section of the letter that states:

“I find that the proposed action would have no significant county-wide or inter-community impact and that the proposal would be a matter of local concern.

1. It is recommended that any proposed construction and development efforts consider the appearance and character of the neighborhood properties with regards to the project’s building design, layout, landscaping, signage, lighting, etc.
2. Any necessary access changes to and from this property should be designed in accordance with generally accepted engineering standards to minimize potential traffic safety problems associated with vehicular movement between the property and adjacent roadways. The appropriate highway or transportation departments should be contacted if the right-of-way, driveways, ditches, etc. are to be modified.”

No other correspondence was received.

- 5. SEQR PART 1 REVIEW:** The board reviewed the Part 1 SEQR submitted by Amber Felt. #3 had been left blank. The board used GIS data to determine the total acres of the parcel are 11.1, and the land disturbed is roughly 1 acre. For #8A the board asked the applicant the maximum number of vehicles they anticipate, to which Mrs. Felt estimated 30. Chairman Fridmann said the current vehicle traffic for that area is approximately 1200/day, so 30 is not a substantial increase.

For #11 Ms. Comerford asked if the answer should be yes, but it was clarified that a septic system doesn’t constitute a public utility. For #13A the board determined there are no regulated waterbodies on site or adjoining, so the answer was changed to No. On #14, the board discussed and agreed both Agricultural/grasslands and Early mid-successional should also be checked.

The board had no other concerns or comments on the Part 1 SEQR.

- 6. PROJECT DISCUSSION:** Amber Felt, and her husband Geoffrey Felt described the proposed project. Inside the warehouse is approximately 9,000 square feet of open space. 4,000-4,500 sq ft will be used for laser tag, a laser tag staging area, an arcade, space for private parties, and bathrooms. In the future, they wish to use the office space to hold classes for arcade game building and programming. The laser tag arena will be low light, with black lights, glow in the dark paint, a haze machine, and lights

on the floor. That portion of the building does not have any windows, and the corrugated roof sections let in some outside light. There will be objects for players to hide behind.

Chairman Fridmann asked what kind of arcade games they would have. Mr. Felt said mostly cabinet style classic arcade, but they hope to include more driving and shooting type games in the future.

Chairman Fridmann asked what types of products would be sold in the concession area. Mrs. Felt said the current plan is to have pre-made packaged snack and drink vending machines. In the future, they would like to expand to a full concession stand with deep fryers, pizza ovens, and more.

Chairman Fridmann asked about proposed signage for the business. Mrs. Felt replied that they would like to post two feather flag signs at the beginning of the parking lot. She was reminded that all signage would need to comply with Chapter 300-50 of the zoning code. Warren Kelly (CEO) advised Mrs. Felt to verify required setbacks for signs along state roads with New York State Department of Transportation to avoid NYS DOT removing them.

Jonathan Townsend asked if the current septic system would be able to handle the addition of public bathrooms. The owner, Sal Tabone, said the septic tank is oversized at 3,000 gallons and had been pumped within the last year. He indicated it would be able to handle the bathrooms.

Chairman Fridmann asked if there were plans for additional exterior lighting. Mrs. Felt said there are currently two lights in the parking lot. The only additional lighting will be along the sidewalk on the western and northern sides of the building.

Michaelena Comerford inquired about the proposed business hours. Mrs. Felt said they anticipate being open 4:00-10:00 PM certain days of the week. The days and times may vary depending on season, or when they start up the arcade game building classes. However, it would not go past 10:00 PM.

7. **PUBLIC COMMENTS:** Chairman Fridmann opened the public comment portion of the hearing. Attendees were instructed to state their name and address when speaking. No comments were made.
8. **SEQR DECLARATION:** The board reviewed the Short Environmental Assessment Form Part 2. Regarding #10, the board asked Mrs. Felt what the current condition of the parking lot is, and if they plan to blacktop the whole thing. Mr. Tabone replied that the smaller front lot, used for the office spaces, is blacktopped. The larger side lot is millings. Mrs. Felt said they don't currently have any plan to blacktop the larger lot. Chairman Fridmann instructed her that they can come back in the future if they decide they want to. After discussion, the answer to all 11 questions was 'No, or small impact may occur'.

Michaelene Comerford made a motion to declare a Negative Declaration under the State Environmental Quality Review Act with respect to the Special Use Permit application submitted by Amber Felt based on the fact that the use is for an existing structure and no exterior dimension changes are proposed. The motion was seconded by Alex Moon and carried unanimously by roll call vote.

**ROLL CALL VOTE:**

1. Ray Lewandowski – ABSENT
2. Alex Moon – AYE
3. Ruth Eckstrom – ABSENT
4. Michaelene Comerford – AYE
5. Jonathan Townsend (Alternate) – AYE
6. David Fridmann – AYE

- 9. DECISION:** Chairman Fridmann stated that because the use is not specifically listed as a “use by right” or a “use by special permit” based on Chapter 300-26 of the Town of Pomfret Code, the board needs to determine if the proposed use is similar to permitted uses for the Highway Business (B2) district. A similar use listed in Chapter 300-16 under “uses by special use permit” is Commercial recreation. The board unanimously agreed the proposed use meets the criteria of Chapter 300-26.

A motion was made by Michaelene Comerford to grant a Special Use Permit with conditions to Amber Felt for the conversion of an existing business/storage building into a family entertainment facility at 10164 Route 60, Fredonia, NY 14063 SBL: 114.00-3-73.3 located in Highway Business District (B2). The motion was seconded by Jonathan Townsend, and carried unanimously by roll call vote with the following conditions:

- Signage must conform to Town of Pomfret Signage restrictions as per Chapter 300-50
- Public business operational hours will end at 10:00pm daily

**ROLL CALL VOTE:**

1. Ray Lewandowski - ABSENT
2. Alex Moon - AYE
3. Ruth Eckstrom - ABSENT
4. Michaelene Comerford - AYE
5. Jonathan Townsend (Alternate) - AYE
6. David Fridmann - AYE

- 10. ADJOURNMENT:** Jonathan Townsend made a motion to adjourn the hearing, seconded by Alex Moon at 7:10 PM The motion carried unanimously.

Respectfully Submitted,  
Nicole Waite  
Zoning Board of Appeals Clerk, Town of Pomfret