



**Town Board  
Special Meeting  
February 26, 2020**

---

The Town Board of the Town of Chester convened at the Town of Chester Municipal Center, 6307 State Route 9, Chestertown, New York, at 2:00 pm.

**Roll Call:** Supervisor Craig Leggett, Karen DuRose, Mike Packer and Chris Aiken. Larry Turcotte absent.

**Special Meeting:**

Supervisor Leggett opened the Special Town Board Meeting at 2:02pm with Mike Packer leading the Pledge of Allegiance.

**Public Hearing for the Wesley Major Septic Variance Application #SV2020-01:**

Supervisor Leggett opened the Public Hearing for **Wesley Major Septic Variance Application #SV2020-01 acting as the Local Board of Health** at 2:04 pm by introducing Bret Winchip of Winchip Engineering in Chestertown who spoke on behalf of the owner Wesley Major.

Mr. Winchip said that the proposed system does not meet the minimum setbacks to the three shallow wells and the sewer line setback to one shallow well so they are asking for the following variances: 13.9 ft variance from shallow well 1 to sewer line, 52.6 ft variance from the shallow well 1 to absorption bed, 13.0 ft variance from shallow well 2 to absorption bed, and 53.9 ft variance from shallow well 3 to absorption bed.

Supervisor Leggett asked if there were any questions.

Supervisor said that the existing nonconformity is much greater than any of the requested variances.

The Town Clerk received two letters, one from Lynn Majarian (189 Chester Shores Drive) and one from Bradford and Claudia Hayes (199 Chester Shores Drive). Both had no objections to the proposed septic system.

Hearing none, Supervisor Leggett closed the Public Hearing for the **Wesley Major Septic Variance Application #SV2020-01** at 2:10 pm.

Supervisor Leggett commented that Cedarwood Engineering on behalf of the Town reviewed the plans for the Town and made comments. One of them was that Cedarwood recommends that percolation tests be conducted on the soil below the proposed absorption bed in accordance with the NYS DOH Design Handbook. Cedarwood is requesting to be notified 48 hours prior to when the percolation tests are conducted. Cedarwood will provide a representative to observe the perc tests and ensure that they meet the application rate cited on the design plans. Bret Winchip commented that they have already conducted perc tests and are not going to run another set to charge their client. Supervisor Leggett asked if the system was designed to be pressurized.

**RESOLUTION NO. 52 OF 2020: LOCAL BOARD OF HEALTH GRANTS VARIANCES FOR THE PROPOSED REPLACEMENT SEPTIC WASTEWATER TREATMENT SYSTEM (#SV2020-01) LOCATED AT 193 CHESTER SHORES DRIVE, IDENTIFIED BY TAX MAP #86.18-1-27**

**WHEREAS**, the Town Board acting as the Local Board of Health has received a completed application and has held a public hearing regarding the Septic Variance Application #SV2020-01, Wesley Major for a property located at 193 Chester Shores Drive, Tax Map #: 86.18-1-27, and

**WHEREAS**, according to Section 5.060 — Variances of the Town of Chester On-Site Wastewater Treatment Local Law the Local Board of Health may vary or adapt the strict application of any of the

requirements of this Ordinance in the case whereby such strict application would result in unnecessary hardship that would deprive the owner of the reasonable use of the land involved, and **WHEREAS**, no variance in the strict application of any provision of the Ordinance shall be granted by the Local Board of Health unless it shall find the following criteria applicable:

**BE IT RESOLVED**, the Local Board of Health finds that:

- a) That there are special circumstances or conditions applying to such land and that such circumstance or conditions are such that strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land.
- b) That the variance would not be materially detrimental to the purposes and objectives of this Ordinance, or to other adjoining properties, or otherwise conflict with the purpose or objectives of any plan or policy of the Town.
- c) That the granting of the variance is necessary for the reasonable use of the land and that the variance, as granted by the Local Board of Health, is the minimum variance which would alleviate the specific unnecessary hardship found by the Local Board of Health to affect the applicant,
- d) The engineers for the Town have reviewed the application and approve its design and for the applicant to file as-built drawings with the Zoning Administrator when complete.
- e) The septic system for Wesley Major for a property located at 193 Chester Shores Drive, Tax Map #: 86.18-1-27 as designed and presented by Winchip Engineering (Major Residence Wastewater Replacement Site Plan, dated 01/27/2020 and last revised 02/20/2020) and reviewed by Cedarwood Engineering on behalf of the Town to be the minimum allowable variance to the Town's On-Site Wastewater Treatment Local Law based on site conditions, lot size, and potential impact to adjacent private property and common natural resource.

**BE IT FURTHER RESOLVED**, the Local Board of Health grants the following variances for the proposed replacement septic wastewater treatment systems:

<b>Setback Schedule Major</b>			
Setback	Proposed Distance (ft)	Required Distance (ft)	Relief Requested (ft)
Existing House Sewer to Existing Shallow Well 1	61.1	75	13.9
Proposed WW Absorption Bed to Existing Shallow Well 1	97.4	150	52.6
Proposed WW Absorption Bed to Existing Shallow Well 2	137	150	13
Proposed WW Absorption Bed to Existing Shallow Well 3	96.1	150	53.9

**BE IT FURTHER RESOLVED**, the Town Board directs the Town Clerk to refer the approved variances for the replacement Septic Wastewater Treatment System to the Adirondack Park Agency.

On a motion by Mr. Packer, seconded by Mr. Aiken, Resolution No. 52 of 2020 was **ADOPTED**.

AYE 4 NO 0

Supervisor Leggett commented that it was brought to his attention that there was a request for an executive session, however with Larry not in attendance he would like to hold off on an executive session until the March Regular Meeting. The Town Clerk commented that she had spoken to Mr. Turcotte who said he would like the Board to hold off on an executive session until he could be here. Mr. Aiken replied that he would like to hold off because he wanted all five Board Members to hear what was going to be discussed.

Supervisor Leggett gave the Board and Tom Thorsen a copy of the job description for Enforcement Officer.

**Property Maintenance:**

Tom Thorsen, Enforcement Officer brought the Basque property to the Town Board to ask how they would like him to proceed. The County has foreclosed on the property and would like to have assistance in cleanup of the property. The County would like to have it cleaned up before they tried to sell it. Supervisor Leggett asked who would be doing the clean up. Tom replied that the County would be doing the clean up but they would like assistance in the cost of disposal. Mr. Aiken said he would like to see the Town cap the amount and would like to see the Town recoup their money after the sale. Mr. Packer asked if the County is going to own the property why is the Town cleaning it up. Supervisor Leggett said that any money that would be exchanged would require a MOA. Supervisor Leggett will speak with Mike Swan to work out details.

Tom Thorsen then brought the Kesel property to the Board's attention. A lengthy discussion ensued about whether the Town should follow the Civil or Judicial path. The Board decided to have the property owner appear in front of the Town Board at the next Town Board Meeting on March 10, 2020.

Mr. Packer exited the Special Town Board Meeting at 4:41 pm.

On a motion by Supervisor Leggett, seconded by Mrs. DuRose, meeting adjourned at 4:43 pm.

Respectfully submitted,

---

Town Clerk

DRAFT