



Town Board

Regular Meeting

September 13, 2022

The Town Board of the Town of Chester convened at the Town of Chester Municipal Center, 6307 State Route 9, Chestertown, New York, at 7:00 pm.

Roll Call:

Supervisor Craig Leggett – Present
Councilman Chris Aiken - Present
Councilwoman Karen DuRose – Present
Councilman Mike Packer – Present
Councilman Larry Turcotte – Present
Deputy Supervisor Marion Eagan – Present
Attorney for the Town, Mark Schachner – Present
Town Clerk, Mindy Conway - Present

Regular Meeting:

Supervisor Leggett **opened** the Regular Town Board Meeting at 7:01 pm with Councilwoman DuRose leading the Pledge of Allegiance.

RESOLUTION NO. 130 OF 2022: ACCEPT THE MINUTES FROM THE AUGUST 9, 2022 REGULAR TOWN BOARD MEETING

RESOLVED, to accept the minutes from the August 9, 2022 Regular Town Board Meeting as presented.

On a motion by Mrs. DuRose, seconded by Mr. Packer, Resolution No. 130 of 2022 was **ADOPTED**.

AYE 5 NO 0

Committee Reports:

Supervisor Leggett **opened** Committee Reports at 7:02 pm.

The Town Clerk reported the following documents were emailed to all Board Members:

- Town Board Minutes for the Regular Meeting August 9, 2022
- Abstract No. 9
- Zoning Administrator Activity Report for August 2022
- Planning Board Minutes for August 15, 2022
- Zoning Board Minutes for August 24, 2022
- Assessors Report for September 2022
- Animal Control Report for August 2022
- Town Clerk Monthly Report for August 2022
- Town Court Report dated September 2, 2022
- North Warren EMS Monthly Activity Report for August 2022
- Youth Commission Report for August 2022
- Resignation Letter from Richard Konig as Loon Lake Safety Officer
- Municipal Inspection Report completed on 08/11/2022
- Dog Control Officer Inspection Report completed on 08/11/2022
- Request from the North Warren Chamber of Commerce to use the front lawn

- Letter from Cedarwood Engineering pertaining to the Review of Suzanne Lemka Family Trust – Replacement Wastewater System
- Letter from Barber Engineering in response to Cedarwood Engineering Letter
- Loon Lake Harvest Report for August 2022
- Loon Lake Harvest 2022 End of Year Report
- Warren County Connection for September 2022
- Registration Form for the Association of Towns 2023 Annual Meeting & Training School

Town Board Reports:

Mr. Aiken reported that he had various talks and meetings about short-term rentals and met with the Supervisor and the Highway Superintendent.

Mr. Packer had nothing to report this month.

Mrs. DuRose reported that she attended the Zoning Board of Appeals Meeting via Zoom, participated in Mr. Sumy's event as other Board members did, which was very well attended, noticed that the 45mph signs in Igerna Road are starting to go up, and discussed certain concerns and issues with the Supervisor and other Board Members.

Mr. Turcotte reported that he also attended the Sumy Exhibit, worked on the maps for the Town of Chester 5k/10k Races and rounded up volunteers, and had a discussion with the Superintendent about the highway garage and setting a special meeting.

Supervisor Leggett reported the following:

- Attended the Sumy Exhibit
- Worked on the short-term rental law
- Put out budget paper to all departments
- Met with Highway and Parks and Rec regarding their budgets and several other issues
- Worked on grant application
- Over Labor Day Weekend there was a water leak discovered on Theriot Avenue, Jason Monroe, Water Superintendent, made arrangements with North Warren Central School to close early to make repair.

Supervisor Leggett **closed** Committee Reports at 7:08 pm.

Public Hearings:

Septic Variance Application #SV2020-03 for Thomas Loonie and Amy Wen:

Supervisor Leggett **opened** the Public Hearing for Septic Variance Application #SV2020-03 for Thomas Loonie and Amy Wen at 7:08 pm.

Walter Frees from the Morewoods property, which is the property adjacent to the variance request, is opposed to granting said variance. His overview is that it is basically an unbuildable lot with 90% wetlands. When Loonies bought the property they were fully aware of the wetlands and this is their third attempt to get some relief. He feels that this request is an attempt

to circumvent the wetlands ordinances by doing it piecemeal, by taking a bite here and a bite there and a bite later to the point he reaches his goal of having a buildable lot. Specifically, he was approved for #SV2019-03 which already compromised the wetlands, just the start of bit by bit. His request now would be the second attempt to compromise the wetlands. The culvert run off will only hasten the migration of the absorption field effluent into the wetlands. There appears to be reference to a possible future redirection of the culvert under the street that Mr. Frees is strongly objected to. The proposed Norweco Hydro-Kinetic Green Enhanced Treatment unit is not passive. It requires electricity and there are no assurances that it will be monitored and maintained after it is installed. If you look at the plot plan you can see that there is no direct access to the lake without crossing wetlands. Does that mean in the future another variance will be needed to construct something. What accommodations will be necessary to reach the lake from the house. The proposed stormwater collection field with its overflow discharge within the restricted distance to the wetlands serves no purpose other than moving the discharge point to another non-conforming point. His concern is that if any of this wastewater septic system falls, because of non maintenance or no electricity it will end up in the wetlands and in Loon Lake, which will affect my swimming area as well as my neighbor's swimming area. Mr. Frees said that those are his concerns and why he would like the Board to not approve the variance.

Supervisor Leggett asked if there were any questions from the Board. Any questions from the public. Any from Zoom.

Supervisor Leggett asked if the Engineer would like to say anything. Bret Winchip, Winchip Engineering, commented that he would answer any questions that the Board had.

Hearing none, Supervisor Leggett **closed** the Public Hearing for Septic Variance Application #SV2020-03 for Thomas Loonie and Amy Wen at 7:18 pm.

Septic Variance Application #SV2022-05 for Adam Riley:

Supervisor Leggett **opened** the Public Hearing for Septic Variance Application #SV2022-05 for Adam Riley at 7:18 pm.

Supervisor Leggett asked if there were any questions from the public. Any from Zoom.

Hearing none, Supervisor Leggett **closed** the Public Hearing for Septic Variance Application #SV2022-05 for Adam Riley at 7:19 pm.

Septic Variance Application #SV2022-06 Suzanne S. Lemka:

Supervisor Leggett **opened** the Public Hearing for Septic Variance Application #SV2022-06 Suzanne S. Lemka at 7:19 pm.

Supervisor Leggett asked if there were any questions from the public. Any from Zoom.

Hearing none, Supervisor Leggett **closed** the Public Hearing for Septic Variance Application #SV2022-06 Suzanne S. Lemka at 7:20 pm.

Privilege of the Floor:

Supervisor Leggett **opened** Privilege of the Floor at 7:20 pm.

Supervisor Leggett asked if anyone from the public would like to address the Board.

Hearing none, Supervisor Leggett **closed** Privilege of the Floor at 7:20 pm.

Old Business:

Supervisor Leggett **opened** Old Business at 7:20 pm.

Establishment of Chester Ambulance District:

RESOLUTION NO. 131 OF 2022: APPROVE THE FINAL ORDER ESTABLISHING THE CHESTER AMBULANCE DISTRICT

**FINAL ORDER ESTABLISHING
CHESTER AMBULANCE DISTRICT**

WHEREAS, the Chester Town Board has considered forming a Chester Ambulance District in accordance with Article 12-A of New York Town Law for the purpose of providing emergency medical and ambulance services within the Town; and

WHEREAS, a Map, Plan and Report was prepared concerning the proposed District and was filed in the Town Clerk's Office and made available for public inspection; and

WHEREAS, the Map, Plan and Report describes the boundaries of the proposed District, the proposed method of operation, the maximum amount proposed to be expended for the ambulance services and the cost of the proposed District to the typical property and, if different, the typical one or two family home; and

WHEREAS, establishment of the proposed District was determined not to be an Action under the State Environmental Quality Review Act (SEQRA);

WHEREAS, on July 12, 2022, subsequent to the filing of the Map, Plan and Report with the Town Clerk, the Town Board adopted an Order reciting (a) the boundaries of the proposed District; (b) the proposed services and proposed method of operation; (c) the maximum amount proposed to be expended for the services; (d) the cost of the District to the typical property and the typical one or two family home (if not the typical property); (e) that no capital improvements are anticipated for the proposed District and, therefore, no financing will be employed; (f) the fact that a Map, Plan and Report describing the proposed District, services and capital improvements is on file in the Town Clerk's Office; and (g) the time and place of a public hearing on the proposed District; and

WHEREAS, copies of the Public Hearing Order were duly published and posted and were filed with the Office of the State Comptroller, all as required by law; and

WHEREAS, prior to publication of the Public Hearing Order, a detailed explanation of how the estimated costs of the District to the typical property and typical one or two family home (if not the typical property) were computed was filed with the Town Clerk for public inspection as part of the Map, Plan and Report; and

WHEREAS, a public hearing on the proposed Chester Ambulance District was duly held on August 9, 2022; and

WHEREAS, the Town Board determined that establishment of the proposed District will not result in any large or important impacts and, therefore, is one which will not have a significant

adverse impact on the environment, and indicated this determination by checking the appropriate box on Part 3 of the EAF;

WHEREAS, on August 9, 2022 the Town Board adopted a Resolution determining that (a) the notice of Public Hearing was published and posted as required by law and was otherwise sufficient, (b) all of the property and property owners within the proposed District would be benefited thereby, (c) all of the property and property owners benefited are included within the boundaries of the proposed District and (d) the establishment of the District as therein described is in the public interest, and approving the establishment of the District as the boundaries are set forth in the Map, Plan and Report subject to permissive referendum in the manner provided in Town Law Article 7; and

WHEREAS, the Town Clerk duly posted and published the notice required for Resolutions subject to permissive referendum and no Petition for referendum was filed within 30 days after the date of the Resolution, and the Town Clerk has filed a Certificate to that effect in the office of the County Clerk; and

WHEREAS, the permission of the State Comptroller is not required pursuant to Town Law Section 209-f;

NOW, THEREFORE, IT IS HEREBY

ORDERED, that the Chester Ambulance District be established as described in the Map, Plan and Report and the services described in the Map, Plan and Report be provided upon the required funds being made available or provided for; and it is

FURTHER ORDERED, that the Chester Town Clerk is hereby authorized and directed to cause a certified copy of this Order to be duly recorded in the office of the County Clerk in the time and manner required by law; and it is

FURTHER ORDERED, that the Chester Town Clerk is hereby authorized and directed to cause a certified copy of this Order to be filed in the office of the State Department of Audit and Control in the time and manner required by law.

On a motion by Mr. Turcotte, seconded by Mr. Aiken, Resolution No. 131 of 2022 was **ADOPTED**.

AYE 5 NO 0

Septic Variance Application #SV2020-03 for Thomas Loonie and Amy Wen:

Bret Winchip, Engineer representing the property owners, said that in order to build a three (3) bedroom house on the lot they designed a wastewater system using a Norweco Enhanced treatment system. Bret read the following requested variances with stabilized fill that will settle over a winter cycle:

Loonie-Wen SV2020-03				
Setback	Required Distance	Proposed Distance	Proposed Variance	
			Distance	Percent
Proposed House Sewer to Wetland	50'	33.3'	16.7'	33.4%
Proposed Septic Tank to Wetland	50'	27.2'	22.8'	45.6%
Proposed Effluent Sewer too Wetland	50'	30.3'	19.7'	39.4%

Proposed Pump Chamber to Wetland	50'	27.7'	22.3'	44.6%
Proposed Force Main to Wetland	50'	31.0'	19.0'	38.0%
Proposed Wastewater Absorption Field Toe of Fill Slope to South Property Line	100'	34.5'	65.5'	65.5%
Proposed Wastewater Absorption Field Toe of Fill Slope to South Property Line	10'	0.9'	9.1'	91.0%
Proposed Wastewater Absorption Field Toe of Fill Slope to West Property Line	10'	1.7'	8.3'	83.0%
Proposed Wastewater Absorption Field Toe of Fill Slope to North Property Line	10'	-2.0'	12.0'	120.0%
Slope of Area for Proposed Wastewater Absorption Field	15%	37.7%	22.7%	151.3%

Stabilized Fill Setback "A"	Required Distance	Proposed Distance	Proposed Variance	
			Distance	Percent
Proposed House Sewer to Wetland	N/A	N/A	N/A	N/A
Proposed Septic Tank to Wetland	N/A	N/A	N/A	N/A
Proposed Effluent Sewer too Wetland	N/A	N/A	N/A	N/A
Proposed Pump Chamber to Wetland	N/A	N/A	N/A	N/A
Proposed Force Main to Wetland	N/A	N/A	N/A	N/A
Proposed Wastewater Absorption Field Toe of Fill Slope to South Property Line	100'	56.7'	43.3'	43.3%
Proposed Wastewater Absorption Field Toe of Fill Slope to South Property Line	10'	15.9	-	-
Proposed Wastewater Absorption Field Toe of Fill Slope to West Property Line	10'	9.2'	0.8'	8.0%
Proposed Wastewater Absorption Field Toe of Fill Slope to North Property Line	10'	-	-	-
Slope of Area for Proposed Wastewater Absorption Field	15%	23.4%	8.4%	56.0%

Supervisor Leggett commented that these are some of the most severe variances the Board has seen and it is a tough lot. Mr. Winchip commented that this is a DOH approved subdivision and as a buildable site, that is why they are working with the APA who requested the storm water control. Bret asked if the Town had something in place for approving and maintaining the Norweco System because there are a lot of them around. Mr. Aiken asked who approved this as a buildable lot. Mr. Winchip replied the Department of Health, 1971. Mark Schachner, the Attorney for the Town, commented that the fact that the Health Department issued an approval of a multiple lot subdivision in 1971 does not require the Board to issue variances in 2022. You can issue variances but are not required to.

Mrs. DuRose asked if it was on the Lake, how big the lot was and if we sent it to Cedarwood. Mr. Turcotte commented that DOH and APA have reviewed it. Mr. Winchip said that lake access is to be contractually provided across the adjoining lot so you don't have to cross the wetlands. Supervisor Leggett commented that it is to the lot itself through the other driveway. The Town Clerk said that the lot is 0.59 acres.

Mr. Aiken commented that since he started on the Board he is amazed at what can be designed. He understands if there is an existing system that fails, and a replacement system needed. When do you say when.

Mr. Aiken asked if this will always work. Mr. Winchip said that it has to be maintained, it has a maintenance schedule to remove sludge and replace treatment chemicals that break the wastewater down and provides a cleaner effluent.

Mrs. DuRose asked if the house was seasonal or year-round. Mr. Winchip said there is no structure on the property now.

Michael Borgus, attorney for the applicant, said the applicant would be amenable to a requirement composed as a condition of approval for an annual inspection by a private contractor acceptable to the Town or by the Town itself on an annual basis in order to validate the continued use of that system. Mr. Aiken asked if that could be put on the deed. Bret said that the Town needs to have a form or something that the owner has to prove to the Town on a yearly basis.

Mrs. DuRose asked if there was electric on the property. Mr. Winchip commented that there will be. Mrs. DuRose asked if they were putting the septic in, then the house.

Mr. Turcotte asked if the proposed fill would be on the existing grade. Mr. Winchip replied yes, but it is still steeper than 15% because you run out of room. Mr. Turcotte asked about the comments from the APA. Mr. Winchip said the very first comment they had was about slope.

Mr. Schachner commented that the applicant has had considerable communication back and forth with both the Adirondack Park Agency and the Board of Health for the Town to review.

Supervisor Leggett read the APA comments:

“Unless lake access for Parcel 20 utilizes the existing driveway on Parcel 19, improved lake access cannot be achieved on Parcel 20 without additional wetland impact”. Mr. Winchip said that that is resolved through contractual access across the other lot.

“The Site Plan and Septic Plans should be revised to locate and label existing and proposed limits of clearing, erosion and sedimentation controls”. Mr. Winchip said that is on the plans.

Mr. Schachner asked what Supervisor Leggett was reading. Mr. Winchip said NIPA. Mr. Schachner commented that a NIPA is a Notice of Incomplete Permit Application. Mr. Schachner asked if the application has been deemed complete by the APA. Mr. Winchip said that it has not,

every item has been addressed and the last item was correspondence from the Town and it has been submitted for final review, but they do not have it yet.

Supervisor Leggett asked if there was further discussion from the Board.

Supervisor Leggett commented that this is the toughest application that has come through in his seven (7) years on the Board. They have never denied an application before, but he doesn't feel that he can support this application tonight with the limitations of the lot. When you look through the requirements:

"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 circumstances or conditions are such that strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land". This could be an access only lot with a dock and no building. Mr. Winchip commented you would still have to have access on the adjoining lot, because the APA still doesn't want direct access because you would have to cross wetlands.

"b) That the variance would not be materially detrimental to the purposes and objectives of this Ordinance". Supervisor Leggett commented that they did a great job engineering with the fill to try to bring it into compliance but starting out it is so far out.

"c) That the granting of the variance is necessary for the reasonable use of the land". He feels that they can still have reasonable use.

"d) That the minimum allowable variance be based on site conditions, lot size, and potential impact to adjacent private property and common natural resources". He feels that the minimum is too much.

Mr. Turcotte asked Mr. Schachner if since there was an approval issued prior to the Department of Health jurisdictional agency at the time for these types of wastewater systems could the applicant potentially come in with something that meets what was approved in 1970 even though it doesn't meet by today's standards. Mr. Schachner asked what was or wasn't approved in 1970 or 1971, what typically happens is the Health Department issues a realty subdivision before 1970 (before the APA) and that typically did not involve actual approval for specific lot by lot on-site wastewater treatment systems as an approval of the subdivision. Regardless our current standards apply today, no it is not grandfathered.

Supervisor Leggett asked about a holding tank. Mr. Winchip commented that he doesn't think that it is legal. Supervisor Leggett asked why. Mr. Winchip said that it is an undeveloped lot. Mr. Schachner commented that holding tanks are supposed to be used as replacement systems not new systems. Mr. Schachner said that there may be a mechanism to get a waiver from the Health Department for a holding tank if you can demonstrate that no other system will work, this will be a large hurdle.

Supervisor Leggett asked if it would be less if it was a one (1) bedroom home. Mr. Winchip said yes you would increase the separation.

Supervisor Leggett asked if there was further discussion.

Mr. Winchip asked the Board if they would be willing to table it for a month so they could talk to the owners about if they want to come back with a reduced number of bedrooms.

Supervisor Leggett said his other concern is with the size of the lot the amount of this lot that is being disturbed by development. Mr. Winchip said that it is moderate intensity, which is 75%.

On a motion by Mr. Aiken, seconded by Mr. Turcotte, the discussion on Septic Variance Application #SV2020-03 for a septic wastewater treatment system for property located at Birchwood Drive, identified by Tax Map Parcel #: 86.13-2-20 was **TABLED** until the October 11, 2022 Regular Town Board Meeting.

AYE Mrs. DuRose
Mr. Turcotte
Mr. Packer
Mr. Aiken
NO Supervisor Leggett

Mr. Frees asked if he would be notified. The Town Clerk said we are letting you know now that it will be at the October 11th meeting.

Septic Variance Application #SV2022-05 for Adam Riley:

Tom Hutchins, from Hutchins Engineering explained that the seepage pit had failed, there was a waterline (public water supply) that ran in front of the property, an underground electrical line just to the north, a stream across the road and it is a tight lot. They worked with Jason Monroe to move the waterline and worked out a plan that was compliant. Jacob Hill did the work and removed a lot of boulders.

Mrs. DuRose recused herself and left the room at 8:05 pm.

Tom Hutchins continued that with shifting around due to a large boulder the distribution box ended up only 17.5 ft from the house instead of the required 20 ft.

Supervisor Leggett commented that the only variance that they are looking for is 2.5 ft.

RESOLUTION NO. 132 OF 2022: APPROVE SEPTIC VARIANCE APPLICATION #SV2022-05 FOR A REPLACEMENT SEPTIC WASTEWATER TREATMENT SYSTEM. PROPERTY IS LOCATED AT 48 LONDON HILL ROAD, IDENTIFIED BY TAX MAP PARCEL #: 87.-1-8

WHEREAS, the Town Board acting as the Local Board of Health has received a completed application and has held a public hearing on September 13, 2022 regarding the Septic Variance #SV2022-05 for Adam Riley, 48 Landon Hill Road, identified by Tax Map Parcel #: 87.-1-8; 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 circumstances 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 septic wastewater system for a, identified by Tax Map #: 87.-1-8 as designed by Thomas Hutchins, Hutchins Engineering PLLC (Site Plan dated 07/15/2021 and last revised 05/19/2022) and presented by Adam Riley 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 resources;

BE IT FURTHER RESOLVED, the Local Board of Health grants a variance for separation from the absorption field to the existing single-family dwelling (20 ft. required, 17.5 ft. proposed; variance of 2.5 ft.).

On a motion by Mr. Aiken, seconded by Mr. Packer, Resolution No. 132 of 2022 was **ADOPTED**.

AYE 4 NO 0
Mrs. DuRose - Recused

Mrs. DuRose returned to the meeting at 8:07 pm.

Septic Variance Application #SV2022-06 Suzanne S. Lemka:

Ken Barber, Barber Engineering, spoke on behalf of Suzanne Lemka said that they were going to add better drainage.

Supervisor Leggett commented that they had communication with Cedarwood Engineering.

Ken Barber thanked Craig for pointing out the mistake in the comments. The drawing shows a finished floor, so it is not on a slab as stated in the letter from Matthew Bond, Barber Engineering.

Supervisor Leggett asked if there was any more discussion and read the two proposed variances:

Setback	Required Distance	Existing Distance	Existing Non-Conformity		Proposed Distance	Proposed Variance	
			Distance	Percent		Distance	Percent
Proposed Absorption Bed to Existing Building	20'	-	-	-	17.6'	2.4'	12.0%

Proposed Absorption Bed to Lake	100'	-	-	-	75.6'	24.4'	24.4%
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Mr. Turcotte asked if the foundation was inspected. Mr. Barber replied that it wasn't exposed, it is cinderblock.

RESOLUTION NO. 133 OF 2022: APPROVE SEPTIC VARIANCE APPLICATION #SV2022-06 FOR A REPLACEMENT SEPTIC WASTEWATER TREATMENT SYSTEM. PROPERTY IS LOCATED AT 737 ATATEKA DRIVE, IDENTIFIED BY TAX MAP PARCEL #: 120.15-1-29

WHEREAS, the Town Board acting as the Local Board of Health has received a completed application and has held a public hearing on September 13, 2022 regarding the Septic Variance #SV2022-06 for the Suzanne Lemka Family Trust, 737 Atateka Drive, identified by Tax Map Parcel #: 120.15-1-29, 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 circumstances 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 septic wastewater system for a, identified by Tax Map #: 120.15-1-29 as designed and presented by Matthew Bond, Barber Engineering PLLC (Site Plan dated 07-25-2022) 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 resources;

BE IT FURTHER RESOLVED, the Local Board of Health grants the following variances listed in the table below:

Lemka SV2022-06							
Setback	Required Distance	Existing Distance	Existing Non-Conformity		Proposed Distance	Proposed Variance	
			Distance	Percent		Distance	Percent
Existing Septic System to Building	20'	4.3'±	15.7'±	72.6%±	-	-	-

Existing Septic System to Lake	100'	75.6'±	24.4'±	24.4%±	-	-	-
Existing Septic Tank to Existing Building	10'	4.3'±	5.7'±	43.0%±	-	-	-
Existing Septic Tank to Lake	50'	75.6'±	-	-	-	-	-
Proposed Absorption Bed to Existing Building	20'	-	-	-	17.6'	2.4'	12.0%
Proposed Absorption Bed to Lake	100'	-	-	-	75.6'	24.4'	24.4%
Proposed Building Sewer to Lake	50'	-	-	-	86.4'	-	-
Proposed Precast Concrete Septic Tank to Lake	50'	-	-	-	92.4'	-	-
Proposed Effluent Line to Lake	50'	-	-	-	92.8'	-	-
Proposed Precast Concrete Pump Chamber to Lake	50'	-	-	-	87.8'	-	-
Proposed 2" Force Main to Lake	50'	-	-	-	91.9'	-	-
Proposed 2" Force Main to Existing Building	20'	-	-	-	28.5'	-	-

On a motion by Mrs. DuRose, seconded by Mr. Turcotte, Resolution No. 133 of 2022 was **ADOPTED**.

AYE 5 NO 0

Highway Garage:

Supervisor Leggett asked what the Board's pleasure was.

The Board will discuss the highway garage budget at the tentative budget meeting on October 4th at 4:30 pm.

Supervisor Leggett **closed** Old Business at 8:16 pm.

New Business:

Supervisor Leggett **opened** New Business at 8:16 pm.

Septic Variance Application #SV2022-07 for Christopher Devaney:

Bret Winchip, Winchip Engineering was present representing applicant Christopher Devaney. Mr. Winchip said that the system stopped working and there is a 100 ft separation from the wetlands. Mr. Winchip read proposed variances:

Devaney SV2022-07							
Setback	Required Distance	Existing Distance	Existing Non-Conformity		Proposed Distance	Proposed Variance	
			Distance	Percent		Distance	Percent

Existing Septic Tank to Residence	10'	1.9'±	8.1'±	81.0%±	-	-	-
Existing Seepage Pit to Residence	20'	6.6'±	13.4'±	67.0%±	-	-	-
Existing Seepage Pit to Drilled Well	150'	74.7'±	75.3'±	50.2%±	-	-	-
Existing Seepage Pit to Neighboring Drilled Well A	150'	82.0'±	68.0'±	45.3%±	-	-	-
Existing Seepage Pit to Neighboring Drilled Well B	150'	102.6'±	47.4'±	31.6%±	-	-	-
Existing Seepage Pit to Water Supply Line	10'	0'	10'±	100.0%±	-	-	-
Existing Septic Tank to Water Supply Line	10'	7.9'±	2.1'±	21.0%±	-	-	-
Existing Effluent Sewer to Residence	10'	3.7'±	6.3'±	63.0%±	-	-	-
Existing Effluent Sewer to Water Supply Line	10'	7.9'±	2.1'±	21.0%±	-	-	-
Proposed Wastewater Absorption Bed to Property Line	10'	-	-	-	1.1'	8.9'	89.0%
Proposed Pump Chamber to Property Line	10'	-	-	-	6.3'	3.7'	37.0%
Proposed Septic Tank to Property Line	10'	-	-	-	5.5'	4.5'	45.0%
Proposed Force Main to Property Line	10'	-	-	-	8.4'	1.6'	16.0%
Proposed Effluent Line to Property Line	10'	-	-	-	8.3'	1.7'	17.0%
Proposed Wastewater Absorption Bed to Residence	20'	-	-	-	1.1'	18.9'	94.5%
Proposed Pump Chamber to Residence	10'	-	-	-	3.1'	6.9'	69.0%
Proposed Septic Tank to Residence	10'	-	-	-	1.8'	8.2'	82.0%
Proposed Force Main to Residence	10'	-	-	-	6.2'	3.8'	38.0%
Proposed Effluent Line to Residence	10'	-	-	-	4.9'	5.1'	51.0%
Proposed Wastewater Absorption Bed to Drilled Well	100'	-	-	-	64.2'	35.8'	35.8%
Proposed Wastewater Absorption Bed to Neighboring Drilled Well A	100'	-	-	-	74.2'	25.8'	25.8%
Proposed Wastewater Absorption Bed to Water Supply Line	10'	-	-	-	5.9'	4.1'	41.0%

Proposed Distribution Box to Residence	20'	-	-	-	8.0'	12.0'	60.0%
Proposed Distribution Box to Property Line	10'	-	-	-	7.9'	2.1'	21.0%
Proposed Distribution Box to Drilled Well	100'	-	-	-	91.8'	8.2'	8.20%

Mr. Winchip commented that both neighbors are aware of the project and seem to be in favor. It is a tight stop but there is no other place to put it without moving closer to the lake.

Supervisor Leggett asked if it had a basement. Mr. Winchip said it had a crawlspace.

Discussion ensued about septic replacements on Jones Road.

RESOLUTION NO. 134 OF 2022: DEEM SEPTIC VARIANCE APPLICATION #SV2022-07 FOR CHRISTOPHER DEVANEY FOR PROPERTY LOCATED AT 104 JONES ROAD TO BE COMPLETE AND SET A PUBLIC HEARING FOR TUESDAY, OCTOBER 11, 2022 AT 7 P.M.

WHEREAS, Bret Winchip, Winchip Engineering PC have submitted a Septic Variance Application #SV2022-07 for Christopher Devaney for property located at 104 Jones Road, Chestertown, New York, identified by Tax Map Parcel #: 86.10-1-9; and

WHEREAS, the Town Board, acting as the Local Board of Health, has reviewed the septic variance application, and is satisfied with its completeness; and

BE IT RESOLVED, the Town Board, acting as the Local Board of Health, deems Septic Variance Application #SV2022-07 for Christopher Devaney for property located at 104 Jones Road, Chestertown, New York to be complete; and

BE IT FURTHER RESOLVED, to refer the Devaney Septic Application to Cedarwood Engineering as Town Engineer for its evaluation and opinion at the expense of the applicant; and

BE IT FURTHER RESOLVED, the Town Board, acting as the Local Board of Health, sets a Public Hearing for #SV2022-07 on Tuesday, October 11, 2022 at 7 p.m. at a Regular Town Board Meeting and directs the Town Clerk to notice the public hearing in the Post Star newspaper.

On a motion by Mr. Packer, seconded by Mrs. DuRose, Resolution No. 134 of 2022 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 135 OF 2022: APPROVE THE REQUEST FROM THE NORTH WARREN CHAMBER OF COMMERCE TO USE THE FRONT LAWN OF THE TOWN MUNICIPAL CENTER OCTOBER 1 – 2, 2022

WHEREAS, the North Warren Chamber of Commerce is organizing and promoting a townwide garage sale October 1 - 2, 2022; and

WHEREAS, the Town has received a written request;

BE IT RESOLVED, the Town Board approves the request for North Warren Chamber of Commerce to use the Municipal Center front lawn for October 1-2, 2022.

On a motion by Mrs. DuRose, seconded by Mr. Aiken, Resolution No. 135 of 2022 was **ADOPTED.**

AYE 5 NO 0

Safety Officer and Boat:

Mrs. DuRose asked if the Town was going to give up the boat. Supervisor Leggett asked Mr. Turcotte if he had a chance to look at it. Mr. Turcotte replied that it needs too many repairs.

RESOLUTION NO. 136 OF 2022: ACCEPT THE RESIGNATION OF RICHARD KONIG AS LOON LAKE SAFETY OFFICER

WHEREAS, Richard Konig has submitted to the Town Supervisor a letter of resignation as the Loon Lake Safety Officer;

BE IT RESOLVED, the Town Board accepts the resignation of Richard Konig as Loon Lake Safety Officer effective September 11, 2022 and thanks him for his service to the Town.

On a motion by Mr. Packer, seconded by Mr. Aiken, Resolution No. 136 of 2022 was **ADOPTED.**

AYE 5 NO 0

RESOLUTION NO. 137 OF 2022: ACCEPT THE RESIGNATION OF JACK BARTLETT AS SECRETARY TO THE PLANNING BOARD AND ZONING BOARD OF APPEALS

WHEREAS, Jack Bartlett has submitted to the Town Supervisor a letter of resignation as Secretary to the Planning Board and Zoning Board of Appeals on August 3, 2022;

BE IT RESOLVED, the Town Board accepts the resignation of Jack Bartlett as the secretary to the Planning Board and the Zoning Board of Appeals and thanks him for his service to the Town.

On a motion by Mr. Turcotte, seconded by Mr. Aiken, Resolution No. 137 of 2022 was **ADOPTED.**

AYE 5 NO 0

RESOLUTION NO. 138 OF 2022: SCHEDULE A SPECIAL TOWN BOARD MEETING FOR TUESDAY, OCTOBER 4, 2022 AT 4:30 PM AT THE TOWN OF CHESTER MUNICIPAL CENTER FOR PRESENTATION OF THE TENTATIVE BUDGET

WHEREAS, the Budget Officer is to file a Tentative Budget with the Town Clerk no later than September 30th and the Town Clerk is to present the Tentative Budget to the Town Board on or before October 5th,

BE IT RESOLVED, the Town Board schedules a Special Town Board Meeting for Tuesday, October 4th at 4:30 pm at the Town of Chester Municipal Center for presentation of the Tentative Budget to Town Board.

On a motion by Mrs. DuRose, seconded by Mr. Packer, Resolution No. 138 of 2022 was **ADOPTED.**

AYE 5 NO 0

RESOLUTION NO. 139 OF 2022: SET OCTOBER 11, 2022 AT 7:00 PM AS DATE FOR PUBLIC HEARING FOR PROPOSED LOCAL LAW TO OVERRIDE TAX LEVY LIMIT

RESOLVED, the Town Board authorizes the Town Clerk to advertise October 11, 2022 at 7 pm for a public hearing for the proposed Local Law to Override Tax Levy Limit.

On a motion by Mr. Packer, seconded by Mrs. DuRose, Resolution No. 139 of 2022 was

ADOPTED.

AYE 5 NO 0

Holiday Lighting:

Marion Eagan commented that this is an investment that will last for years.

Lengthy discussion ensued.

RESOLUTION NO. 140 OF 2022: APPROVE SPENDING UP TO \$15,000 FROM OCCUPANCY TAX FOR HOLIDAY LIGHTING

WHEREAS, the Town of Chester has invested in holiday lighting and decorations over the years and desires to increase the amount of lighting for the 2022 holiday season; and

WHEREAS, the Town Board discussed the budgets and products to purchase this fall;

BE IT RESOLVED, the Town Board approves spending up to \$15,000 from occupancy tax for holiday lighting.

On a motion by Mrs. DuRose, seconded by Mr. Turcotte, Resolution No. 140 of 2022 was

ADOPTED.

AYE 5 NO 0

Discuss request for Town to obtain from NYS DOT on Carl Turner Road:

Supervisor Leggett commented that NYS DOT “owns” a portion of Carl Turner Road from approximately 3,600 feet from the Schroon River Road and for approximately 2,300 feet, and a private landowner has requested that the Town obtain the land from NYS and subdivide the parcel so that the Carl Turner Road has an established right-of-way and the remainder of the land be sold.

Mr. Aiken asked what the benefit to the Town was, selling the property. Supervisor Leggett commented that is about 0.8 acres. The Town Clerk commented that she thought the Town couldn’t make money.

Supervisor Leggett commented that any one can petition the State for the land.

Mr. Schachner replied that yes, anyone can petition the State. The Town is not a private entity to make a profit. Mr. Schachner thinks that the request is for Town Board support the private property owner petitioning DOT to gain property. Supervisor Leggett got the impression that the Town would have more leverage with the State, so the Town should move forward.

Mr. Turcotte said that our main concern is the roadbed, and we already maintain the road. Mr. Schachner was not sure what the benefit of owning the road is if we already have access.

Supervisor Leggett asked Mr. Schachner if there was any reason why the Town could not write a letter in support of a private landowner. Mr. Schachner replied that he does not see any legal issue with writing a letter of support of the private property owner gaining the property.

Mr. Turcotte said if the private property owner buys the road the easement goes along with that. Mr. Schachner commented that that should be stated in any letter of support.

The Board said they would support a letter of support.

RESOLUTION NO. 141 OF 2022: AMEND RESOLUTION NO. 125 OF 2022, ITSUZO SUMY DAY TO BE ON MAY 22ND EACH YEAR

WHEREAS, by Resolution No. 125 of 2022 the Town Board set August 20th to be recognized as Itsuzo Sumy Day each year, in recognition of the contribution that the “Historian with a Camera” has given to the Town of Chester through 4 decades of photographing the community; and

WHEREAS, the birthdate of Mr. Sumy was May 22, 1891;

BE IT RESOLVED, the Town Board amends Resolution No. 125 of 2022 and declares May 22nd of each year to be Itsuzo Sumy Day.

On a motion by Mr. Aiken, seconded by Mrs. DuRose, Resolution No. 141 of 2022 was **ADOPTED**.

AYE 5 NO 0

American Rescue Plan Act (ARPA):

Lengthy discussion ensued.

RESOLUTION NO. 142 OF 2022: APPROPRIATE ARPA FUNDS

WHEREAS, the Town of Chester has received \$333,279 in American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Funds (SLRRF) allocation; and

WHEREAS, the Town may appropriate and use the funds according to the US Treasury’s “Guidance on Recipient Compliance and Reporting” that fall under 4 broad categories: 1) Public Health/Negative Economic Impacts; 2) Premium Pay; 3) Revenue Loss; 4) Investments in Water, Sewer, and Broadband; and

WHEREAS, these funds are to be obligated by December 31, 2024 and expended by December 31, 2026; and

WHEREAS, the Town is eligible to declare the full allocation as “revenue recover” as determined by the submission of the first report to the US Treasury in April 2022; and

WHEREAS, the reporting requirements for projects directly funded with ARPA dollars would be a financial and staffing burden to the Town; and

WHEREAS, the Town desires to use the ARPA funding in line with the intent of the Act;

BE IT RESOLVED, the Town Board declares all ARPA/SLFRF appropriations to be “Revenue Recovery” and to be further appropriated according to the table below:

Proposed ARPA Fund Distribution		
ARPA Fund Breakdown	2021	2022
Revenue 2021	\$ 166,615	
Revenue 2022	\$ 166,614	
Total	\$ 333,229	
Appropriations		
Revenue Recovery	\$ 333,229	100%

On a motion by Mr. Turcotte, seconded by Mrs. DuRose, Resolution No. 142 of 2022 was **ADOPTED.**

AYE 5 NO 0

RESOLUTION NO. 143 OF 2022: APPROVE EXTENDING THE SEASONAL HIRING OF EDWARD WALLACE AND JEWELL LEONBRUNO UNTIL NOVEMBER 23, 2022

WHEREAS, the Town hired seasonally Edward Wallace as a Laborer for Parks and Recreation and Jewell Leonbruno as a Laborer for Parks & Recreation and Building & Grounds beginning April 1 and ending October 16, 2022; and

WHEREAS, there is still projects that need to be completed before winter;

BE IT RESOVLED, the Town approves extending the seasonal hiring of Edward Wallace and Jewell Leonbruno until November 23, 2022.

On a motion by Mr. Aiken, seconded by Mr. Packer, Resolution No. 143 of 2022 was **ADOPTED.**

AYE 5 NO 0

RESOLUTION NO. 144 OF 2022: APPROVE THE SEASONAL HIRES FOR THE DYNAMITE HILL 2022-2023 SEASON

WHEREAS, the Town has need to fill seasonal positions at Dynamite Hill from year to year, **BE IT RESOLVED**, the Town Board approves hiring Edward Wallace, Sylvia Redmon, and Gerald Jeremias for the Dynamite Hill 2022-2023 season at their current pay rates.

On a motion by Mr. Turcotte, seconded by Mrs. DuRose, Resolution No. 144 of 2022 of **ADOPTED.**

AYE 5 NO 0

RESOLUTION NO. 145 OF 2022: AUTHORIZE SUPERVISOR TO SIGN THE NY FORWARD GRANT APPLICATION

WHEREAS, there is a Downtown Revitalization Initiative (DRI) Round 6 and NY Forward Grant available for 2.25 million dollars; and

WHEREAS, the Town submitted a letter of intent on August 10, 2022; and

WHEREAS, applications must be submitted to the Capital District Regional Economic Development Council (REDC) by 4 pm on Friday, September 23, 2022;

BE IT RESOLVED, the Town Board authorizes Supervisor Leggett to sign the NY Forward Grant application.

On a motion by Mrs. DuRose, seconded by Mr. Aiken, Resolution No. 145 of 2022 was **ADOPTED.**

AYE 5 NO 0

RESOLUTION NO. 146 OF 2022: APPROVES APPROPRIATING \$15,000 TO NWEMS AND ACCEPT ABSTRACT OF AUDITED VOUCHERS AND AUTHORIZE PAYMENT

WHEREAS, the North Warren EMS has requested an additional \$15,000 for training and education from ARPA Funding; and

WHEREAS, the Town Clerk has created and entered the vouchers for Abstract No. 9 of 2022; and

WHEREAS, the Town Board has reviewed the abstract;

BE IT RESOLVED, the Town Board approves appropriating \$15,000 to North Warren EMS from ARPA Revenue and accepts the Abstract of Audited Vouchers and authorizes payment as presented.

No. 9 of 2022	
General A	\$70,562.58
Highway DA	\$162,361.50
Library L	\$626.74
Loon Lake Park District SP	\$11,674.20
Chestertown Water SW1	\$1,550.72
Pottersville Water SW2	\$23,999.34
Other TA	\$905.62
Total	\$271,680.70

On a motion by Mrs. DuRose, seconded by Mr. Packer, Resolution No. 146 of 2022 was **ADOPTED**.

AYE 5 NO 0

On a motion by Mr. Turcotte, seconded by Mr. Packer, meeting **adjourned** at 9:27 pm.

AYE 5 NO 0

Respectfully submitted,

Mindy Conway, Town Clerk