

**AGENDA / SEPTEMBER 13, 2022 @ 7 PM / TOWN BOARD MEETING ROOM
TOWN OF CHESTER MUNICIPAL CENTER, 6307 STATE RTE. 9, CHESTERTOWN**

THE TOWN BOARD MEETING WILL BE AVAILABLE TO THE PUBLIC ON ZOOM AND A RECORDING OF THE MEETING WILL ALSO BE AVAILABLE FOR VIEWING.

<https://us02web.zoom.us/j/83433395517?pwd=R1ZOWWIPTUpLWWINTXBDRWxInk5NQTO9>

Meeting ID: 834 3339 5517

Passcode: 458784

One tap mobile +16465588656,,83433395517# US (New York)

Call to Order

- Pledge of Allegiance: led by Councilwoman DuRose

Acceptance of Minutes

- August 9, 2022 Regular Town Board Meeting

Committee Reports

- Town Clerk, Town Board, Highway Superintendent, P&R Foreman, Supervisor, EMS, Special Districts, Youth Commission

Public Hearing

- Septic Variance #SV2020-03 for Thomas Loonie and Amy Wen
- Septic Variance #SV2022-05 for Adam Riley
- Septic Variance #SV2022-06 for the Suzanne S. Lemka Family Trust

Privilege of the Floor for Old & New Business Items

Old Business

1. Final Order Establishing Chester Ambulance District
2. Act on Septic Variance #SV2020-03 for Thomas Loonie and Amy Wen
3. Act on Septic Variance #SV2022-05 for Adam Riley
4. Act on Septic Variance #SV2022-06 for the Suzanne S. Lemka Family Trust
5. Highway Garage - schedule a workshop

New Business

6. Deem Septic Variance #2022-07 complete for Devaney
7. Authorize the North Warren Chamber of Commerce permission to use the front lawn of the Municipal Center October 1-2, 2022 for a townwide garage sale
8. Accept the resignation of Richard Konig as Loon Lake Safety officer
9. Accept the resignation of Jack Bartlett as Secretary to the Planning Board and Zoning Board of Appeals
10. 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
11. Schedule a public hearing for the proposed Local Law overriding Tax Cap
12. Discuss holiday lighting
13. Discuss request for Town to obtain from NYS DOT on Carl Turner Road
14. Amend Resolution No 125 of 2022, Itsuzo Sumy Day to be on May 22 each year
15. Appropriate ARPA Funds

16. Approval of Abstract of Claims, Budget Adjustments and Budget Amendments

1. 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.

Duly adopted this __ day of September, 2022 by the following vote:

AYES :

NOES :

ABSENT :

2. **APPROVE SEPTIC VARIANCE APPLICATION #SV2020-03 FOR A SEPTIC WASTEWATER TREATMENT SYSTEM FOR PROPERTY IS LOCATED AT BIRCHWOOD DRIVE, IDENTIFIED BY TAX MAP PARCEL #: 86.13-2-20**

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 #SV2020-03 for Thomas Loonie and Amy Wen, Birchwood Drive, identified by Tax Map #: 86.13-2-20, 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 Thomas Loonie and Amy Wen, Birchwood Drive, identified by Tax Map #: 86.13-2-20 as designed and presented by Bret Winchip, Winchip Engineering PC (Site Plan dated 08-17-20 and last revised 07-27-22) 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:

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 to 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%

BE IT FURTHER RESOLVED, the approval is on the condition of the applicant receiving a waiver from the Department of Health for the stabilized fill.

3. APPROVE SEPTIC VARIANCE APPLICATION #SV2022-05 FOR A REPLACEMENT SEPTIC WASTEWATER TREATMENT SYSTEM. PROPERTY IS LOCATED AT 48 LANDON 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 Bret Winchip, Winchip Engineering PC (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.).

4. **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'	-	-

6. 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;

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.

7. 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 quest;

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.

8. 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.

9. 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.

10. 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.

11. 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.

12. DISCUSS 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, the Town Board will discuss budgets and products to purchase this fall.

13. DISCUSS REQUEST FOR TOWN TO OBTAIN FROM NYS DOT ON CARL TURNER ROAD

WHEREAS, NYS DOT “owns” a portion of Carl Turner Road from approximately 3,600 feet from the Schroon River Road and for a distance of approximately 2,300 feet, and
WHEREAS, a request has been made of the Town to obtain the land from NYS and subdivide the parcel so that the Carl Turner Road has an established ROW and the remainder of the land may be sold,

The Town Board will discuss the legalities and benefits of such action.

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

WHEREAS, by Resolution 125 of 2022 the Town Board set August 20 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 125 of 2022 and declares May 22nd of each year to be Itsuzo Sumy Day.

15. 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%
Sub-appropriations		
Infrastructure	\$ 245,000	74%
Orgs and Businesses	\$ 15,000	5%
EMS	\$ 15,000	5%
Website	\$ 10,000	3%
To Be Determined	\$ 48,279	14%
Total	\$ 333,279	

16. APPROVAL OF ABSTRACT OF CLAIMS, BUDGET ADJUSTMENTS AND BUDGET AMENDMENTS