



## Town Board Regular Meeting August 13, 2019

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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, Karen DuRose, Mike Packer, Larry Turcotte, Deputy Supervisor Marion Eagan and Attorney for the Town, Mark Schachner. Steve Durkish absent.

### **Regular Meeting:**

Supervisor Leggett opened the Regular Town Board Meeting at 7:01 pm with the Mike Packer leading the Pledge of Allegiance.

### **RESOLUTION NO. 137 OF 2019: ACCEPT MINUTES OF THE REGULAR TOWN BOARD MEETING JULY 09, 2019 AND THE SPECIAL TOWN BOARD MEETING JULY 17, 2019**

**RESOLVED**, to accept the minutes of the Regular Town Board Meeting July 09, 2019 and the Special Town Board Meeting July 17, 2019 as presented with the correction to the price of \$35.50 from Garnet Signs for a Pottersville Welcome sign on Route 9 to read \$3,550.00.

On a motion by Mr. Turcotte, seconded by Mr. Packer, Resolution No. 137 of 2019 was **ADOPTED**.

AYE 3 NO 0

Mrs. DuRose Abstained.

### **Public Hearing Loonie & Wen Septic Variance Application #SV2019-03:**

Supervisor Leggett opened the Public Hearing for the **Loonie & Wen Septic Variance Application #SV2019-03** at 7:03 pm by introducing Tom Hutchins from Hutchins Engineering in Queensbury who spoke on behalf of owners Thomas Loonie & Amy Wen.

Mr. Hutchins stated that the variance requested for the proposed Presby absorption field is 71 feet from the wetlands instead of the required 100 feet. Mr. Packer asked the size of the tank. Mr. Hutchins said it was a 1,250 gallon tank. Supervisor Leggett read a letter from Eileen and Walter Frees, Principals of Morewoods, LLC received by the Town Clerk. Walter Frees commented that from the map he could not determine the distance from the wetlands to his well and his concern was if the wetlands become contaminated it would harm his well. Tom Hutchins replied that Morewoods well was approximately 50 feet from the wetlands. Tom commented that the waste water system is at a higher elevation than the wetlands because of the water table, the culvert that was discussed in the letter was south of the applicants driveway and the driveway is built up significantly. Supervisor Leggett asked Tom to describe the absorption field. A lengthy discussion ensued over the culvert on the south of the applicant's property. Tom said to keep in mind that the proposed system is further away from the current system and it is also a modern system and the wetlands were flagged by the APA.

Supervisor Leggett closed the Public Hearing for the **Loonie & Wen Septic Variance Application #SV2019-03** at 7:21 pm.

### **Committee Reports:**

Supervisor Leggett opened Committee Reports at 7:21 pm.

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

- Abstract of Audited Vouchers dated August 13, 2019 (by voucher and by department)
- Town Board Minutes for July 9 and July 17, 2019
- Zoning Administrator Activity Report for July 2019
- Zoning Board Minutes for July 23, 2019
- Zoning Enforcement Officer Report for July 2019
- Assessor's Report for August 2019

- Animal Control Monthly Report for July 2019
- Town Clerk Monthly Report for July 2019
- Town Court Report dated August 12, 2019
- Municipal Shelter Inspection Report completed on July 15, 2019
- Tri-Lakes Business Association Minutes for July 12, 2019
- NYS Fire Inspection Report dated August 6, 2019
- Letter from Cedarwood in reference to the 68 Birchwood drive Wastewater Systems Application #SV2019-03
- Letter from NYS DEC Office of the Commissioner congratulating the Town on adopting the Climate Smart Communities Pledge
- 30-Day Notice from The P House Tavern, LLC for a new liquor license
- A letter from DEC pertaining to the Loon Lake Dam, Notice of Condition Rating – Unsound, Deficiency Recognized

Town Clerk reported the following were in the Board Packets:

- Letter from Eileen and Walter Frees from Principals of Morewoods, LLC pertaining to Notice of Public Hearing for #SV2019-03
- 2019 Water Warrant
- Comments from the APA for Section 7.01 (D) and Section 7.03 (B)
- NWEMS Monthly Report dated Aug 13, 2019 (handed out by David Gross)

Mr. Packer commented that the Town looks good with the new blacktop. Mr. Turcotte asked Craig if he had spoken to the County about having Church Street paved.

Supervisor Leggett reported the following:

- Received notification that the Town was awarded the Kaboom Grant for \$15,000 for the Pottersville Playground
- Finalized and submitted grants for:
  - Pottersville Water District CFA \$750,000
  - Climate Smart Cooling System CFA \$25,000
  - Study for a Chester Sewer District \$30,000
- Met with Roger Rice, Regional Planning Manager NYSDOT, Greg Wischer, Region 1 Program Management NYSDOT, Aaron Frankenfeld, Transportation Planning Director and Jack Mance, Senior Transportation Planner from AGFTC (Adirondack Glens Falls Transit Council) for the construction of sidewalks from Panther Mountain Drive to the Health Center
- Opened the CGA (Common Ground Alliance) Meeting in Lake Placid
- Met with the APA on August 5<sup>th</sup> at the Hill Park Beach on Friends Lake, to help bring an association beach into compliance
- Met with Brian Bearor from the YMCA about the Wellness Center exceeding expectations and possible funding for the gymnasium
- Contacted National Grid about hanging Hometown Hero banners and we are waiting for an answer
- Assemblyman Dan Stec stopped by the office after finishing the Chester Challenge
- Completed sidewalks down Riverside Drive
- Looking into a solid waste and recycling program grant that is due this fall
- Greg Bolton is working on repairing monuments in the old section of the Pottersville Cemetery
- Youth Commission Meeting with the YMCA
- Met a group about senior programs

Supervisor Leggett closed Committee Reports at 7:29 pm.

**Privilege of the Floor:**

Supervisor Leggett opened Privilege of the Floor at 7:29 pm.

Mary Clark asked about the crosswalk in Pottersville. Craig will follow up with Jason Monroe. Mary asked about the status of Pottersville Garage. Tom Thorsen, Code Enforcement Officer commented that after Labor Day work should start. Mary asked about getting top soil at the Pottersville Playground on the north side. Mary asked Mrs. DuRose how her grandson was coming along on the pavilion next to the Pottersville basketball court. Karen replied that he is working on the paperwork. Mary asked how many complaint forms have to be filled out for something to be done. Craig asked Mary to fill out one for each incident. Mary asked if the Town Board was ready to stand behind Tom Thorsen if he needed to fine someone. Mary also asked about the cars parked at the auto parts store.

Linda Muench spoke about having a senior center in the Town and said the first meeting will be August 29<sup>th</sup> at 1pm. Linda asked for the Board's support for the money that they gave the 50+ Club in the new budget. Linda said she had spoken to Craig and he said the group needed to come up with events. Craig thanked Linda. Linda invited the Board Members to the meeting.

David Gross commented that the water pipe in front of his house could be costly to the Town and hopes that the water grant fixes the situation.

Supervisor Leggett closed Privilege of the Floor at 7:48 pm.

**New Business:**

Supervisor Leggett opened New Business at 7:48 pm.

**Loonie & Wen Septic Variance Application #SV2019-03:**

Mrs. DuRose asked if the application was sent back to Cedarwood along with the letter read by Supervisor Leggett for review how much time would the applicant lose. Mr. Hutchins said they would lose a month because they would have to wait for the next Town Board meeting for an answer. Mrs. DuRose asked if this was a full time residence and Supervisor Leggett asked if it was a four season home. Tom replied that it was not a full time residence and it was a four season home. Supervisor Leggett stated that Cedarwood Engineering had access to the map. Tom commented that Cedarwood visited the site. Mr. Gross commented that it seems like the current septic system is closer to the wetlands now than what the proposed system is and if the system now is currently functional then the system now is more risk than the proposed system. Tom said the current system is roughly 60 feet from the wetlands and roughly 60 feet from the lake. David said that the proposed is farther from the lake and farther from the wetlands and a newer system. Tom commented that the absorption bed on the current system has failed.

**RESOLUTION NO. 138 OF 2019: LOCAL BOARD OF HEALTH GRANTS VARIANCE FOR THE PROPOSED PRESBY ABSORPTION FIELD TO BE 71' FROM THE WETLAND, AS FLAGGED BY THE APA AND LOCATED BY SURVEY, INSTEAD OF THE REQUIRED 100'**

**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 #SV2019-03, Thomas Loonie & Amy Wen for a property located at 68 Birchwood Drive, Tax Map #: 86.13-2-19, 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 request to be notified when the percolation test are conducted on the fill material and for the applicant to file as-built drawings with the Zoning Administrator when complete.
- e) The septic system for Thomas Loonie & Amy Wen for a property located at 68 Birchwood Drive, Tax Map #: 86.13-2-19 as designed and presented by Hutchins Engineering (Site Plan prepared for Tom Loonie & Amy Wen, dated 06/06/18 and last revised 08/06/2019) 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 grant variance for the proposed Presby absorption field to be 71' from the wetland, as flagged by the APA and located by survey, instead of the required 100'.

On a motion by Mr. Packer, seconded by Mrs. DuRose, Resolution No. 138 of 2019 was **ADOPTED**.

AYE 3 NO 0

Mr. Turcotte recused himself.

**Proposed Zoning Local Law:**

The Zoning Administrator, Jeremy Little emailed the following definitions to be added to Section 2.03:

Floor Space - square feet of floor space of a building shall be the area in square feet measured from the exterior walls of a structure, including the sum total of all floor areas, and including all attached covered porches and covered decks, and all other attached components with a roof or cover. The area shall also include any finished attic or basement. For the purposes of this definition, a finished basement or attic is one which contains walls, flooring, and ceiling suitable for use as a bedroom, living room, playroom or office area, or if a non-residential use, suitable for storage, work area, or office.

Screening – Foliage, mounds, trees, shrubs or landscaped natural materials and plants which obscure the visual character and suppress the noise of any given building or use of land.

Variance, Area - the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or topographical requirements of this Local Law.

Variance, Use - the authorization by the Zoning Board of Appeals for the use of land in a manner or for a purpose which is otherwise not allowed or is prohibited by this Local Law.

Vessel - any type of watercraft, other than a seaplane, used or capable of being used as a means of transportation on the water.

**RESOLUTION NO. 139 OF 2019: APPROVE SECTION 7.01(D) AND 7.03(C) AS AMENDED AND THE 5 DEFINITIONS ADDED TO SECTION 2.03**

**WHEREAS**, by recommendation of the Zoning Administrator, 5 definitions were added to Section 2.03, Section 7.01(D) and 7.03(C) of the Town of Chester Zoning Local Law, are added with corrections recommended by the APA,

**BE IT RESOLVED**, the Town Board approves the addition of Section 7.01(D) and 7.03(C) as amended and the 5 definitions added to Section 2.03.

On a motion by Mr. Turcotte, seconded by Mrs. DuRose, Resolution No. 139 of 2019 was **ADOPTED**.

AYE 4 NO 0

Supervisor Leggett introduced Robyn Burgess from the APA to speak about the process. Mrs. Burgess said that she was prepared to bring the proposed Zoning Local Law to the APA Board at the September meeting if it gets approved tonight. The APA Board would act on it and then it comes back to the Town for one more public hearing and then enacting a new law. Supervisor Leggett asked if the Town could revise after the public hearing. Robyn commented that depending on what you are changing depends on if it has to go back to the Agency Board or an in house approval for minor changes.

Mr. Little asked if Section 9.05 would be sent to the APA. Supervisor Leggett said that Section 9.05 will remain unchanged and not be sent to the APA for revision.

**RESOLUTION NO. 140 OF 2019: DIRECT THE TOWN CLERK TO SEND THE ZONING LOCAL LAW REVISIONS, AS PRESENTED, AND REQUESTS THE APA TO CONDUCT A FORMAL REVIEW AND APPROVAL OF THE PROPOSED REVISIONS WITH THE EXCLUSION OF THE REVISIONS OF SECTION 9.05 OF THE ZONING LOCAL LAW ACCORDING TO STEPS 7 & 8 OF THE PROCESS FOR AMENDING LOCAL LAND USE CONTROLS FOR TOWNS/VILLAGES WITH AN AGENCY-APPROVED LOCAL LAND USE PROGRAM (ALLUP), AND TO SIMULTANEOUSLY REFER SUCH PROPOSED AMENDMENTS TO THE TOWN PLANNING BOARD AND THE WARREN COUNTY PLANNING DEPARTMENT**

**WHEREAS**, the Town Board has reviewed and discussed revisions to the Zoning Local Law as prepared by the Zoning Ordinance Review Committee, the Zoning Administrator, and the Zoning Enforcement Officer, and

**WHEREAS**, the proposed revisions include changes based on suggestions and recommendations as garnered through multiple public meetings,

**BE IT RESOLVED**, the Town Board directs the Town Clerk to send the Zoning Local Law Revisions, as presented, and requests the APA to conduct a formal review and approval of the proposed revisions with the exclusion of the revisions of Section 9.05 of the Zoning Local Law according to Steps 7 & 8 of the Process for Amending Local Land Use Controls for Towns/Villages with an Agency-Approved Local Land Use Program (ALLUP), and

**BE IT FURTHER RESOLVED**, as per Section 11.02 of the Zoning Local Law, the Town Board directs the Town Clerk to simultaneously refer such proposed amendments to the Town Planning Board and the Warren County Planning Department.

On a motion by Mrs. DuRose, seconded by Mr. Turcotte, Resolution No. 140 of 2019 was **ADOPTED**.

AYE 4 NO 0

**RESOLUTION NO. 141 OF 2019: AUTHORIZE THE SUPERVISOR TO SIGN AN INTERMUNICIPAL AGREEMENT BETWEEN THE COUNTY OF WARREN AND THE TOWN OF CHESTER RELATING TO SOLID WASTE AND RECYCLABLE DISPOSAL SERVICES, SOLID WASTE AND RECYCLING, TRANSPORTATION SERVICES, MUNICIPAL PAPER RECYCLING SERVICES AND ELECTRONIC RECYCLING**

**WHEREAS**, the County of Warren solicits and awards bids on behalf of the towns for certain goods and services in order to obtain the best pricing,

**BE IT RESOLVED**, the Town Board authorizes the Supervisor to sign an Intermunicipal Agreement between the County of Warren and The Town of Chester Relating to Solid Waste and Recyclable Disposal Services, Solid Waste and Recycling, Transportation Services, Municipal Paper Recycling Services and Electronic Recycling.

On a motion by Mr. Packer, seconded by Mr. Turcotte, Resolution No. 141 of 2019 was **ADOPTED**.

AYE 4 NO 0

**RESOLUTION NO. 142 OF 2019: AUTHORIZE THE SUPERVISOR TO SIGN THE INTERMUNICIPAL AGREEMENT BETWEEN WARREN COUNTY AND THE TOWN OF CHESTER FOR COMBATING AQUATIC INVASIVE SPECIES IN PUBLICLY ACCESSIBLE WATER BODIES WITHIN THE TOWN OF CHESTER**

**WHEREAS**, Warren County has provided an Intermunicipal Agreement (IMA) between Warren County and the Town of Chester for Combating Aquatic Invasive Species In Publicly Accessible Water Bodies Within The Town of Chester, and

**WHEREAS**, the IMA allows the County to give to the Town \$41,666.67 for aquatic invasive species remediation efforts,

**BE IT RESOLVED**, the Town Board authorizes the Supervisor to sign the Intermunicipal Agreement between Warren County and the Town of Chester for Combating Aquatic Invasive Species in Publicly Accessible Water Bodies within the Town of Chester.

On a motion by Mrs. DuRose, seconded by Mr. Turcotte, Resolution No. 142 of 2019 was **ADOPTED**.

AYE 4 NO 0

**RESOLUTION NO. 143 OF 2019: TOWN BOARD HEREBY CHANGES THE MONTH OF APPROVING THE WATER WARRANT FOR THE CHESTERTOWN AND POTTERSVILLE WATER DISTRICTS TO MAY, STARTING IN 2020**

**WHEREAS**, the Town of Chester reads water meters and sends out water rent bills in August each year for the Chestertown and Pottersville Water Districts, and

**WHEREAS**, work load for Town employees makes it difficult to read water meters in July and August and to produce a water warrant and send out water rent bills,

**BE IT RESOLVED**, the Town Board hereby changes the month of approving the Water Warrant for the Chestertown and Pottersville Water districts to May, starting in 2020.

On a motion by Mr. Packer, seconded by Mr. Turcotte, Resolution No. 143 of 2019 was **ADOPTED**.

AYE 4 NO 0

**RESOLUTION NO. 144 OF 2019: APPROVE THE 2019 WATER WARRANT AS PRESENTED BY THE TOWN CLERK SO THAT WATER BILLS MAY BE SENT OUT AND REVENUES COLLECTED**

**WHEREAS**, the Town Clerk has prepared the 2019 Water Warrant for the Chestertown and Pottersville Water Districts, and

**WHEREAS**, the Chestertown Water District total warrant is \$67,198.14 and the Pottersville Water District total warrant is \$29,605.01,

**BE IT RESOLVED**, the Town Board approves the 2019 Water Warrant as presented by the Town Clerk so that water bills may be sent out and revenues collected.

On a motion by Mr. Packer, seconded by Mrs. DuRose, Resolution No. 144 of 2019 was **ADOPTED**.

AYE 4 NO 0

**RESOLUTION NO. 145 OF 2019: THE TOWN HAS NO OBJECTION TO THE USE OF ROADS WITHIN THE TOWN BY THE LAKE GEORGE TRIATHLON FESTIVAL ON AUGUST 31 AND SEPTEMBER 1, 2019**

**WHEREAS**, the Lake George Triathlon Festival takes place August 31<sup>st</sup> and September 1<sup>st</sup> this year and is based in the Town/Village of Lake George, and will utilize roadways in the Towns of Bolton, Chester, Horicon, Queensbury and Warrensburg, and

**WHEREAS**, the Lake George Triathlon Festival is seeking written communication from each Municipality (County, Town, City, and Village) through which the event passes indicating that the Municipality has no objection to the event taking place for their DOT Permit 33A,

**BE IT RESOLVED**, the Town of Chester has no objection to the use of roads within the Town by the Lake George Triathlon Festival on August 31 and September 1, 2019.

On a motion by Mr. Packer, seconded by Mrs. DuRose, Resolution No. 145 of 2019 was **ADOPTED**.  
AYE 4 NO 0

**RESOLUTION NO. 146 OF 2019: THE TOWN BARBARA KEARNEY, VANESSA HUTTON, AND BOB WALP TO ATTEND THE 2019 PLANNING AND ZONING SCHOOL IN THE TOWN OF LAKE GEORGE, WARREN COUNTY, ON THURSDAY, SEPTEMBER 26, 2019**

**WHEREAS**, the Planning and Zoning Board members are required to attain at least four (4) educational credits per year and appropriations are included in the budget for such purpose,

**BE IT RESOLVED**, the Town Board authorizes Barbara Kearney, Vanessa Hutton, and Bob Walp to attend the 2019 Planning and Zoning School in the Town of Lake George, Warren County, on Thursday, September 26, 2019.

On a motion by Mr. Turcotte, seconded by Mrs. DuRose, Resolution No. 146 of 2019 was **ADOPTED**.  
AYE 4 NO 0

**RESOLUTION NO. 147 OF 2019: AUTHORIZE THE TOWN CLERK TO ADVERTISE FOR TRASH COMPACTOR BIDS**

**RESOLVED**, authorize the Town Clerk to advertise for Trash Compactor Bids when bid packet is approved by Supervisor Leggett.

On a motion by Mr. Turcotte, seconded by Mr. Packer, Resolution No. 147 of 2019 was **ADOPTED**.  
AYE 4 NO 0

**RESOLUTION NO. 148 OF 2019: AUTHORIZE THE FOLLOWING BUDGET AMENDMENT TO THE 2019 BUDGET**

**RESOLVED**, to authorize the decrease of \$5,000 from A8510.4 (community beautification) and increase \$5,000 to A5410.2 (sidewalks) in the 2019 Budget.

On a motion by Mr. Packer, seconded by Mr. Turcotte, Resolution No. 148 of 2019 was **ADOPTED**.  
AYE 4 NO 0

**RESOLUTION NO. 149 OF 2019: AUTHORIZE PAYMENT OF ABSTRACTS**

**RESOLVED**, the Town Board accepts the Abstract of Claims accounting requirements:

***2019***	
General A	\$129,167.88
Highway DA	\$206,658.06
Library L	\$2,915.82
Loon Lake Park District SP	\$19,265.75
Chestertown Water SW1	\$3,093.68
Pottersville Water SW2	\$1,159.99
Other TA	\$4,537.60
Total	\$366,798.78

On a motion by Mrs. DuRose, seconded by Mr. Turcotte, Resolution No. 149 of 2019 was **ADOPTED**.

AYE 4 NO 0

David Gross asked when the new water billing would take place. Supervisor Leggett said it would start in April 2020 with water meter readings and bills would be sent out in May.

On a motion by Mrs. DuRose, seconded by Mr. Packer, meeting adjourned at 8:34 pm.

Respectfully submitted,

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Town Clerk