

Regular meeting of the Town Board of the Town of Chester was held May 12, 2009 at 7:00 pm in the Town of Chester Municipal Center, Chestertown, NY.

Roll Call: Frederick Monroe, Mike Packer, Stephen Durkish, Edna Wells and Karen DuRose. Mark Schachner - attorney for the Town.

4 Public hearings:

3 Septic variances - John and Linda Hale; James Hale; and Michael and Ruth Piatt.

Supervisor Monroe opened the public hearing at 7:00 pm, on the septic variance applications. Both of the Hale's properties were presented by Jim Hutchins, engineer for both applicants. Property locations are: John and Linda Hale, 86.1-1-57, 108 Jones Road, Chestertown and James Hale, 86.1-1-10, 110 Jones Road, Chestertown.

Jim Hutchins, Engineer, explained the variance request and stated that no variance is being requested from neighbors wells/property.

1. John & Linda Hales, (under Joyce B. Trust & Linda Hales), Tax map #86.1-1-57 (west of Jones Road), and Tax map # 86.1-1-11 (east of Jones Road), Moderate Intensity Land Use, proposing the reconstruction of a dwelling on parcel #86.1-1-57 for which the proposed wastewater system cannot meet the required design standards with regard to:

separation from wastewater to basement 20' required 12' provided
wastewater to property line 10' required 3' provided
wastewater to applicants' well 100' required 80' provided

2. James Hales, (under Linda Hales), tax map #86.1-1-10 and #86.1-1-58, also situated in Moderate Intensity Land Use, (both parcels in the process of being conveyed to James), proposing the reconstruction of an existing dwelling to year round residence for which the wastewater system cannot meet the required design standards with regard to:

separation from wastewater to basement 20' required 10' provided
wastewater to property line 10' required 1' provided
wastewater to John Hales well 100' required 80' provided
wastewater to applicants' well 100' required 95' provided

Mr.Hutchins stated that the distance from the lake is 100'.

Design is for three bedrooms. The bathroom located in the garage (waste line runs under Jones Road) is included in the "three bedroom", with NO living space in the garage area.

Comments from the public were received in regards to distance from neighboring wells. Set backs are meet.

RESOLUTION #68: CHESTER TOWN BOARD ACTING AS TOWN OF CHESTER LOCAL BOARD OF HEALTH. APPLICATIONS OF JOHN AND LINDA HALE AND JAMES HALE FOR WASTEWATER VARIANCES. VARIANCES ARE GRANTED.

Introduced by Mr.Packer, 2nd by Mrs.DuRose:

Applications of John and Linda Hale, 108 Jones Rd and James Hale, 110 Jones Road, Chestertown, NY. Tax map numbers 86.1-1-11 and 86.1-1-57 (John Hale) and 86.1-1-10 and 86.1-1-58 (James Hale) .

In accordance with the criteria set forth in Section 5.060 of the Town of Chester Wastewater Treatment Local Law the Town Board acting as the local board of health makes the following findings:

1. The minimum variance that would allow the owners reasonable use of the land.

2. Special circumstances are that these are pre-existing lots, prior to the town's zoning ordinance. Only have a shore line lot width of 50' and shallow depth between Jones Road and Loon Lake. Variance wouldn't be detrimental to the purpose of the ordinance and propose system would be superior to the existing system. Distance to neighboring wells are met.

3. granting of variance for the reasonable use of land and minimum variance alleviating hardship - conditioned that there would not be any bedrooms or living spaces in the garages. Therefore, the Board approves the variances with the proposed changes for both John and James Hale.

AYE 5 NO 0

E.Eric Cordis, engineer for Michael Piatt presented the variance:

3. Michael & Ruth Piatt, 20 Olmstedville Road, tax map parcel #35.4-2-24, located in the Pottersville hamlet, proposing replacement of an existing wastewater system with an alternative treatment system requiring variances for: (Eljen system and maintenance will be done)

separation from property line setbacks 10' required 3' north side
10'+ south side

distance to surface water 100' required 58'+ provided

distance to drain pipe 10' required 9'+ provided

Discussion on changing set backs from Erwin property to 5' instead of 3' and decrease the footage on the drain field side to 7'.

Mr.Cordis explained the Norweco system and this system is backed up with an Eljin. The system does require annual inspections and reports are sent to the town's zoning office.

Supervisor Monroe closed public hearings on septic variances at 7:40 pm.

RESOLUTION #69: CHESTER TOWN BOARD ACTING AS TOWN OF CHESTER LOCAL BOARD OF HEALTH. APPLICATION OF MICHAEL PIATT, 35.4-2-24, FOR WASTEWATER VARIANCE. VARIANCE IS GRANTED.

Introduced by Mr.Monroe, 2nd by Mrs.Wells:

Application of Michael Piatt, 20 Olmstedville Rd, Pottersville, NY. Tax map number 35.4-2-24.

In accordance with the criteria set forth in Section 5.060 of the Town of Chester Wastewater Treatment Local Law the Town Board acting as the local board of health makes the following findings:

1. The house is located on the highway right of way, and insufficient room between the back of the house and Trout Brook for the 100' set back. Propose to use the NORWECO system with an Eljin system for back up (drain field). This is a far better system than

what is there now.

2. Variance wouldn't be detrimental to the purpose of the ordinance or to other adjoining properties. Not a concern about distance from wells, area is town water. and propose system would be superior to the existing system.

3. granting of variance for the reasonable use of land and minimum variance alleviating hardship - conditioned that the Eljin drain moved 3' further south (distance would then be 7') and then provide 5' from the Erwin property on the north. Condition also that the inspections be done and submitted to the zoning office.

AYE 5 NO 0

Public hearing: Theriot Ave dead end.

Supervisor Monroe opened the public hearing on Theriot Avenue "dead end" at 7:40 pm. Two petitions were received - 86 signatures requesting "ingress and egress" and 45 opposing to reopen to through traffic. Some letters were received requesting road to be reopened. Comments in favor of reopening road - easier access for emergency vehicles, suggested to do side walks (this would be a very costly expense and may not be feasible in some places), traffic has shifted to Pine Street, congestion at the intersection (caution light in town), and suggested to check to see if "speed bumps" could be used to reduce speed or have sheriff patrol oftener.

Lauren Pereau again referred to the 1948 map that showed a triangle at the intersection of Starbuck Hill and Theriot. He also suggested moving the barrier up by Vetter Ave. He also mentioned concerns of coming down Starbuck Hill and the pre-school at Ellsworth's with the dropping off and picking up of youngsters. Speed bumps may not be allowed on public highways. He stated cul de sac may be sub standard and also referred to the deed.

Comments for not opening - safety for the students walking, speed on the road, road being used by heavy trucks for a "short cut" to route 8.

Various comments were heard for and against.

Supervisor Monroe felt that perhaps a "better job could have been done" for closing of the road.

Supervisor Monroe closed public hearing at 8:15 pm on the Theriot Ave.

Tabled until June meeting. Written comments will be accepted.

RESOLUTION #70: ACCEPT MINUTES OF TOWN BOARD MEETING.

Introduced by Mrs.Wells, 2nd by Mr.Durkish to accept the minutes of the April 14th Town Board meeting. AYE 5 NO 0

Privilege of the floor:

Arnold Jensen - Loon Lake constable - has requested for a couple of shirts and a hat that has an official "look", this would help people to understand his position, for the town, when he is patrolling the lake. Councilperson Durkish will check on this and contact Mr.Jensen.

John Panos - asked if the town board has reviewed the junk law yet. Supervisor Monroe stated that the law has been reviewed, but the board

is not ready to act on it yet. Mr.Panos inquired as to the purpose of the Local Law 3 of 2006 becoming part of the zoning law. Mr.Schachner stated the idea was to have all zoning related laws encompassed into one. Problem with the junk and junkyard portion being accepted by APA, which has review authority over the town's zoning law, the town board then decided to adopt the junk and junkyard portion, until it is "wrapped" into the entire zoning law. Supervisor Monroe stated that there is still proposed revisions to the zoning ordinance that need APA approval, in order for the town to keep their locally approved plan and keep jurisdiction over certain projects.

Mr.Panos asked if the town needs permission to repeal the zoning law. Supervisor Monroe said no, but jurisdiction could then go back to APA. Mr.Schachner stated that any amendment is subject to APA approval, if the Town of Chester wants to remain as one of the towns with an APA Local Land Use Program.

Old Business:

Revision of timber cutting regulation in Zoning Ordinance - use variance is needed now to cut in the hamlet.

Mr.Schachner felt that the determination of the zoning officer was that this is not an allowed use (prohibited because any use not listed as allowed was prohibited) so timber harvesting in the hamlet would require a Use Variance from the zoning board of appeals and **not** site plan review from the planning board.

Motion by Mr.Packer, 2nd by Mr.Durkish to table discussion on timber cutting regulation until June town board meeting. Carried.

New Business:

RESOLUTION #71: AUTHORIZE SUPERVISOR TO SIGN AMENDED CONTRACT WITH BOARD OF ELECTIONS IN REGARDS TO REGARDS TO ORIGINAL AGREEMENT OF APRIL 10,2006.

Introduced by Mr.Durkish, 2nd by Mr.Packer authorizing Supervisor Monroe to sign amended contract with Warren County Board of Elections. Amended agreement dated March 5, 2009.

AYE 5 NO 0

Supervisor Monroe stated that Warren County has passed a resolution asking the state to reconsider the lever voting machines. He has also talked with Congressman Murphy and asked him to look into this business about voting machines and the continuing use of the "lever machines".

RESOLUTION #72: APPROVE REQUEST FROM NICOLE HOWE TO COLLECT BOTTLES FOR NORTH WARREN KNIGHTS LITTLE LEAGUE TEAM.

Introduced by Mr.Monroe, 2nd by Mrs.Wells approving request from Nicole Howe, Sec/Treas of North Warren Knights little league team, to collect bottles from the transfer station for a period of three months.

AYE 5 NO 0

Lifeguard for summer - Councilperson Wells reported that more than enough applicants. Water safety - 2 day course \$125 and re-certification - 2 day course \$150. Some applicants need these courses. Training can be done at Bolton beach.

RESOLUTION #73: AUTHORIZE PAYMENT FOR RECERTIFICATION AND WATER COURSES.

Introduced by Mr.Monroe, 2nd by Mr.Durkish authorizing payment for recertification (\$150 per person) and water courses (\$125 per person).
AYE 5 NO 0

RESOLUTION #74: REQUEST HIGHWAY SUPERINTENDENT TO DO SIDEWALK WORK ON THERIOT AVE AND CHECK ON STORM DRAIN.

Introduced by Mr.Monroe, 2nd by Mrs.Wells request highway superintendent to have his crew do the sidewalk work on Theriot Ave. from Geidels to Panther Mtn and to check on storm drain.
AYE 5 NO 0

RESOLUTION #75: APPROVE REQUEST OF SCHROON LAKE PARK COMMISSIONERS FOR PLAQUE.

Introduced by Mr.Packer, 2nd by Mrs.Wells to approve request of Schroon Lake Park Commissioners for the placement of a plaque at the Starbuckville Dam.
AYE 5 NO 0

Court staffing - Supervisor Monroe stated that court clerk Karen Griffen is back to work on a regular schedule. Sally Cook, Temporary part time help is still helping out in the court office. Judge McDermott feels that it is justified to have a full time and part time clerk, based on the work load. **Tabled.**

Water tap and hydrant installation problem - Supervisor Monroe explained that there was a problem with the installation while the tap was being installed. Jason Monroe had notified business people and that had not expected the shut off to be very long. Parts for hydrant on Panther Mtn have been ordered and will be replaced soon.

Discussion on having a pre recorded message in regards to future water shut offs.

RESOLUTION #76: AUTHORIZE WATER AND HIGHWAY SUPERINTENDENTS TO WORK TOGETHER IN CREATING A PLAN FOR REPLACEMENT OF VALVES IN THE WATER DISTRICTS.

Introduced by Mrs.Wells, 2nd by Mr.Durkish authorizing that water superintendent, Jason Monroe, and highway superintendent, Gary Clark, work together to create a plan for the replacing of valves in the water districts.
AYE 5 NO 0

Supervisor Monroe passed out a sheet on Revitalization etc. from Melissa McManus LLC. Request town board to review and talk about at

the June meeting.

Councilperson Packer inquired about Ferris Road and that a gate has been put up at the end. Town Clerk will check on the status to see if the road was a town road and if so, was it abandon by the town and how.

Councilperson DuRose inquired about restrooms at Dynamite Hill little league field.

RESOLUTION #77: AUTHORIZE PAYMENT OF ABSTRACT AND ACCEPT BUDGET AMENDMENTS.

Introduced by Mrs.Wells, 2nd by Mrs.DuRose authorizing payment of abstract, approve claims paid prior to audit, and accept budget amendments to the 2009 budget:

General fund	\$44,865.73	(159-206)
Highway fund	\$18,377.66	(72- 98)
Chtwn water	\$ 2,635.77	(31- 39)
P'ville water	\$ 591.79	(22- 26)
Library	\$ 441.00	(17- 18)
Schroon Lk Pk Dist	\$11,485.63	(2)
Loon Lk Pk Dist	\$ 600.00	(1)

Amendments to 2009 Budget

Amend appropriations:

A1110.12 court - file clerk	+ 3,000
A1990.4 contingent account	<-3,000>
A8020.43 planning - Econ Dev-waterfront	+ 3,000
A6410.44 Tourism promotion-bathhouse	+ 4,000
A6410.41 Tourism promotion	<-4,000>
A6989.43 food pantry-from donated funds	+ 1,500
TOTAL	4,500

Amend estimated revenues:

A2610 court - fines	+ 3,000
A2750.2 food pantry - donations	+ 1,500
TOTAL	4,500

Chestertown Water District:

SW8340.21 Watermain Extension	+ 1,000
SW8320.2 equipment	<-1,000>
AYE 5	NO 0

Motion by Mr.Monroe meeting was adjourned at 9:15 pm.

Town Clerk

