



Town Board

Regular Meeting

March 12, 2024

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 John Maday – Present
Deputy Supervisor Karen DuRose – Present
Councilman Chris Aiken – Present
Councilperson Jenna Cooper – Present
Councilman Larry Turcotte – Present
Attorney for the Town, Mary Kissane – Present
Town Clerk, Mindy Conway – Present

Regular Meeting:

Supervisor Maday **opened** the Regular Meeting at 7:07 pm with the Pledge of Allegiance.

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

- Abstract No. 3
- Town Board Minutes for the Regular Meeting February 13, 2024
- Zoning Administrator's Activity Report for February 2024
- Planning Board Minutes for February 26, 2024
- Zoning Board Minutes for February 27, 2024
- Assessors Report for March 2024
- Town Clerk Monthly Report for February 2024
- Town Court Report dated March 1, 2024
- Youth Commission Report for February 2024
- Communications Report for March 2024
- Standardized Notice Form for Providing 30-Day Advance Notice from DiMucci Enterprises, LLC for the Black Bear Restaurant
- Occupancy Tax Application from the Historical Society
- Employee Handbook (handed out at meeting)

Councilman Aiken asked why they were not doing reports per board member. Supervisor Maday said that if someone wants to speak up they can. Councilman Aiken finds that it helps him connect with what is going on in the town across the board, knowing what is going on in the library, EMS, Historical Society, and etc. The Board gets together one time every 30 days or so and he thinks it would help if they could have those reports written into the record so that we could all have a broad overview of what is going on. Supervisor Maday said that he feels it drags things out, he knows that there are times when there are things that are notable and that is when he would appreciate people speak up and speak about it. At this point if you have something to say, say it, if there is something noteworthy to say. Councilman Aiken said that he thinks that it helps with accountability, lets the taxpayers know that we are doing our jobs here, as well as certain transparencies that way it is not one person bring what ever information, it is a broader base. Supervisor Maday said we are open for discussion but there have been times

where you had nothing to report or made phone calls and in his opinion that is not noteworthy. Councilman Aiken said thank you.

Supervisor Maday asked if anyone else would like to speak.

Privilege of the Floor:

Supervisor Maday **opened** Privilege of the Floor at 7:09 pm with introducing North Warren Chamber of Commerce President, Craig Leggett.

Craig Leggett reported on the \$20,000 that the Chamber receives in funding from the Town for promotion. As part of accountability, anyone who is getting money from the Town should show up and report to the public how things are going.

Craig Leggett said that he met with Councilwoman Cooper about the Chamber helping out with the Historical Society's 225th Anniversary. The Chamber will do promotions and back up support. The Chamber is also pulling together a Builder's Breakfast on Thursday, March 28th at the Horicon Town Hall and it is open to builders and suppliers and the purpose of the meeting is to really drill down and get an idea of what we can do to build an affordable home, a starter home, here in our area. This would be called workforce housing. You live here, you work here, you should be able to afford housing. This has been an issue we have been working with for years and we are going to keep that going. The Chamber has put out a flyer.

Craig Leggett said the Chamber had a very successful Downhill Derby, next year they will engage more business to be there. They are also working on a branding effort for the area, for the whole North Warren area so that signage all has a similar look to it and appeal. They will also be looking at whether it should be the North Warren Chamber or what should we call our area. It is open for suggestion.

Supervisor Maday asked if there was anyone else.

Supervisor Maday **closed** Privilege of the Floor at 7:14 pm.

Old Business:

Supervisor Maday **opened** Old Business at 7:14 pm.

Septic Variance Application #SV2024-03 (Kruithof):

Councilperson Cooper commented that we are just waiting for perc test results subject to ground freezing.

Supervisor Maday commented that the application is complete at this point.

Councilman Turcotte said that the application is substantially complete. His only comments on the plans were that the test pit and perc tests need to say assumed and they should also take place outside the existing field.

RESOLUTION NO. 51 OF 2024: DEEM SEPTIC VARIANCE APPLICATION #SV2024-03 (AFTER-THE-FACT) FOR DENNIS KRUTHOF FOR PROPERTY LOCATED AT 71 PERRY ROAD TO BE COMPLETE

WHEREAS, Dennis Kruithof has submitted a Septic Variance Application #SV2024-03 After-the-Fact for property located at 71 Perry Road, North Creek, New York, identified by Tax Map #: 51.-1-44; 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 #SV2024-03 for Dennis Kruithof for property located at 71 Perry Road, North Creek, New York to be complete.

On a motion by Councilman Turcotte, Councilwoman DuRose, Resolution No. 51 of 2024 was **ADOPTED**.

AYE 5 NO 0

Public Hearings:

Septic Variance Application #SV2024-01 (Gagnon):

Supervisor Maday **opened** the public hearing for Septic Variance Application #SV2024-01 at 7:17 pm.

Bret Winchip, Winchip Engineering, was present on behalf of the Gagnon Family. Bret Winchip said that this application was sent to the town engineers for review, and he received a comment letter back and followed up with a phone call. Bret Winchip read the following from Cedarwood Engineering:

The requested variances and Cedarwood's evaluation) of them are summarized below:

1. Existing Variances for the existing seepage pits – Multiple existing variances of the currently used seepage pit are summarized in the first 9 items listed on the Variance schedule on sheet ST-001.
 - All setback distance issues will be eliminated once the existing seepage pits are removed. No approvals of variances in relation to the existing seepage pits are necessary.
2. Proposed absorption bed to property line (required 10', provided 6')
 - Further mitigation may be provided by a modified orientation of the absorption bed. Refer to the narrative after the summary of variances.
3. Proposed absorption bed to neighboring drilled Well A (required 100', provided 91.6')
 - Further mitigation may be provided by a modified orientation of the absorption bed. Refer to the narrative after the summary of variances. Please note that variances relating to neighboring wells should be avoided whenever possible to mitigate health concerns.
4. Proposed absorption bed to residence (required 20', provided 6.7')
 - As the system is a replacement and a betterment, and the variance does not negatively affect neighboring properties, this variance may be deemed necessary by the local Board of Health.

5. Proposed absorption bed to stream (required 100', provided 86.8')
 - As the system is a replacement and a betterment, this variance may be deemed necessary by the local Board of Health.
6. Proposed absorption bed to mean high water (required 100', provided 99.8')
 - Further mitigation may be provided by a modified orientation of the absorption bed. Refer to the narrative after the summary of variances.
7. Proposed absorption bed to neighboring crawl space (required 20', provided 19.1')
 - Further mitigation may be provided by a modified orientation of the absorption bed. Refer to the narrative after the summary of variances.
8. Proposed septic tank to residence (required 10', provided 5')
 - As the system is a replacement and a betterment, and movement of the septic tank would infringe on the stream and mean high water setbacks, this variance may be deemed necessary by the local Board of Health.
9. Proposed septic tank to guest house (required 10', provided 5')
 - Further mitigation may be provided by a modified location of the septic tank. Refer to the narrative after the summary of variances.
10. Proposed drilled well to guest house septic tank (required 50', provided 36.2')
 - Further mitigation may be provided by a modified location of the septic tank. Refer to the narrative after the summary of variances.
11. Proposed drilled well to neighboring seepage pit (required 200', provided 128.4')
 - Cedarwood recommends that a minimum of 50' of casing be provided for the new well to mitigate the impact of contaminant from the seepage pit and allow for the use of the 150' setback as listed in Appendix 75-A. If his condition can be met, this variance may be deemed necessary by the local Board of Health.
12. Proposed drilled well to proposed absorption bed (required 100', provided 92.5')
 - Cedarwood recommends that a minimum of 50' of casing be provided for the new well to mitigate the impact of contaminant from the absorption bed (otherwise the setback should also be increased by 50%). If his condition can be met, this variance may be deemed necessary by the local Board of Health.

Bret Winchip would like to leave the variances the way they are proposed, and a UV treatment will be installed.

Councilman Turcotte asked about sliding the bed. Bret Winchip said that he really didn't want the bed in the walkway of the house. Councilman Turcotte would like to see it stay where Bret Winchip proposed out of the walkway to keep it from being damaged. Bret Winchip said that he might be able to gain a few inches during the as built.

Supervisor Maday said that he does not have a problem with it as proposed.

Councilman Turcotte said he has no problem with it as advertised and if field conditions permit it and it comes in better, no one is going to complain. As built's have to come into the town anyway.

Supervisor Maday asked if there were any comments from the audience.

Supervisor Maday **closed** the public hearing for Septic Variance Application #SV2024-01 at 7:29 pm.

Septic Variance Application #SV2024-02 (Hannigan):

Supervisor Maday **opened** the public hearing for Septic Variance Application #SV2024-02 at 7:29 pm.

Bret Winchip was present representing the Applicant.

Bret Winchip said they had a failed system, and they eliminated the variance to the southernly well.

Supervisor Maday asked if anyone from the public would like to speak.

Supervisor Maday **closed** the public hearing for Septic Variance Application #SV2024-02 at 7:32 pm.

Septic Variance Application #SV2024-03 (Kruithof):

Supervisor Maday **opened** the public hearing for Septic Variance Application #SV2024-03 at 7:32 pm.

Dennis Kruithof was present to answer questions and is requesting a 19 ft. variance for the distance from the existing absorption field to the existing on-site water supply well.

Supervisor Maday said that the ground is probably soft enough for the perc tests and test pit.

Councilwoman DuRose asked where the bedroom was going to go. Dennis Kruithof said that it will be off the back if he does a bedroom. Any addition would be off the back.

Councilman Turcotte said that a letter should be sent to the Town (Zoning Office) about soil conditions and water table.

Supervisor Maday asked if there was anything from the public.

Supervisor Maday **closed** the public hearing for Septic Application #SV2024-03 at 7:34 pm.

Highway Garage:

Supervisor Maday said that Councilman Turcotte, Superintendent Jason Monroe and him are going to meet on Wednesday (tomorrow) with the engineers to go over the plans and have them answer any questions we have. From there it is going to be a matter of figuring out where the money is coming from.

Councilman Aiken asked how we were making out with that.

Councilman Turcotte said that the rest of this week he was going to be working on getting something to Elise Stefanik's Office. She put out a call for projects. Councilman Turcotte will submit something by the end of the week. He also called Assemblyman Matt Simpson's Office who will put together a letter of support. The deadline is Friday night.

Councilman Aiken asked if there was a plan B if that doesn't come through. Councilman Turcotte replied, taxpayer. Councilwoman DuRose commented that that is where we were to start with. Supervisor Maday said that he has spoken to Senator Dan Stec and will continue to follow up with him.

Councilman Turcotte said that after the meeting tomorrow hopefully they will start with the design plans, not just the pretty pictures.

Loon Lake Dam Grant and Rehabilitation Project:

Supervisor Maday said we are still waiting to hear about the dam grant, it could possibly take up to May or June from what we are being told.

Councilperson Cooper said that if the grant does not come through, last summer the Board approved the bonding up to \$900,000. The Clerk said that we will use the bond whether we get the grant or not because you have to submit receipts for the grant and then get reimbursed.

Councilwoman DuRose asked if we were still on track for September. Supervisor Maday said that he spoke with GZA and they say we are on track as far as how the whole process will play out. GZA will finalize the bid documents so we can move forward and there is an estimated cost of \$18,000 for that process and \$100,000 to oversee the project.

John Nick said that we need to have the bond issued. Supervisor Maday replied yes, whether we get the grant or not.

John Nick asked about the \$87,000 that we have not received yet. Supervisor Maday commented that Marion Eagan is looking into that.

RESOLUTION NO. 52 OF 2024: AUTHORIZE GZA TO PREPARE BID DOCUMENTS FOR THE LOON LAKE DAM REHABILITATION PROJECT

WHEREAS, the Loon Lake Dam is classified as a high hazard dam, and

WHEREAS, the Town would like to advertise for bids to repair the dam,

BE IT RESOLVED, the Town authorizes GZA to prepare bid documents for the repairs needed for the Loon Lake Rehabilitation Project at a cost not to exceed \$20,000.

On a motion by Councilman Turcotte, seconded by Councilperson Cooper, Resolution No. 52 of 2024 was **ADOPTED**.

AYE 5 NO 0

Evening Cleaner:

Supervisor Maday said that we Gene Rounds as the evening cleaner.

Councilwoman DuRose asked the hours. Supervisor Maday said they are flexible.

225th Anniversary of the Town:

Councilperson Cooper said that she is excited. She met with the Historical Society. They are going to put together a Sumy Exhibit a little bit different than what they hosted this past summer. That will be all day in the town hall, but they are not taking a direct roll in planning.

Councilperson Cooper spoke with American Legion, Carl Barlow, said they are excited because it is also the 100th Anniversary of the American Legion in Chestertown. Carl will organize a jet fly over and a helicopter landing and something at their meeting space next to the town hall.

Councilperson Cooper spoke with Craig Leggett, Chamber President, and they have come to a determination that in the past Summerfest has failed because it is a beautiful summer day and people don't want to be out in a hot field. They are thinking maybe a 4 o'clock, 5 o'clock start time with food trucks and live music. Events sponsored by boys and girl scouts, youth commission with old fashion games and concluding with the fireworks in the evening.

Councilman Aiken likes the idea of concentrated.

Intersection of Church Street and State Route 9:

Supervisor Maday commented that he has been through the intersection many times since it was brought to the Board, and he doesn't think that there is any easy fix. No great solution. Limiting parking will hurt businesses.

Councilperson Cooper commented that there is not enough parking for businesses as it is now.

Councilman Aiken commented that there has been takes for years about the Rising House and asked if that could be reengaged with whoever owns it. If it were Town property it would make great parking.

Councilman Turcotte asked what was needed to get some of the items off the agenda. The Clerk said the board needs to say they are done. The Clerk said that she took 88 Riverside Drive off, but something popped up and we had to put it back on. Councilman Turcotte said that they are done with the evening cleaner and the intersection. Councilwoman DuRose said that it would be a big help during the wintertime when we are getting six (6), eight (8), ten (10) inches of snow if there wasn't two (2) or three (3) cars parked on each side of Route 9 coming out of Church Street. Supervisor Maday said that that is where 88 Riverside Drive will allow people the ability to park.

Councilman Turcotte commented that we did our job and let the County and State know.

Private Roads:

Supervisor Maday said there is nothing new and we can take it off the agenda.

John Nick thanked Mary Kissane for McKinney's Law and he doesn't know where we go with this. If they are not a private road then they can't fall under that requirement for the option for the town to pay for maintenance fees, but this Law goes back to 1936 to protect the roads that

people sold to you. He doesn't think we want to clog up Jim McDermott's Court with 117 private road applications. McKinney's Law requires that you get a jury, and he does not know how it pertains to him. On East Shore Drive when they did some more research over the last month, the County designates a portion of it as a town road, it appears on some of the subdivisions as a private road, and possibly out at the north end the road is owned by the homeowners. So, we have three (3) designations there and he does not know where to go at this point. He is still committed to this, but if we are going to flood McDermott's Court 117 road lets have at it. Supervisor Maday commented that he interpreted that it would have had to happen initially and also there is an opinion from the Comptroller's Office. Councilman Aiken asked if we know if the process was done in 1936. And asked if the Town could call a jury for every road that was going to be deemed private. Supervisor Maday said that it should have happened back then. If you look at the deeds, they refer to a right-of-way going through there. John Nick asked if the town had notified anyone that it had to be done.

John Nick wants to know where the Town stands and thanked Councilman Aiken for driving down his road. The road is terrible, and it is because they do not have the funds to maintain the road, but they are paying the same amount to the town as everyone else who lives on a town road. So why is he paying taxes when the comptroller says that he cannot receive services. He is paying taxes on services that he is not allowed to receive. The board has the ability to compensate them per McKinney's Law so why aren't we looking at that.

Councilman Turcotte said that when the road was setup in the 1930's they would have had to go through the process that is spelled out by the State of New York in order for them to give out the tax credit. John Nick asked where does it say it cannot be done now. Councilman Aiken said just out of fairness why would we not do it. Are we worried about a couple thousand dollars. Councilwoman DuRose said we would by taking it out of someone else's pocket. John Nick said including his. Councilman Turcotte said that they are not authorizes to give out the money based on that law. Councilman Aiken asked if we were authorized to look into it or are we just drawing the line. Councilman Turcotte said that we have looked into it. The Attorney for the Town, Mary Kissane, said that Section 310 says that part of the process has to be as mandatory to be done before the road is even constructed, so you can't go back in time and fix the process. John Nick said that when he looked at this was to protect people's property and possibly compensate them for having people pass over their property to get to their own property. He is not happy paying taxes for something that he cannot receive anything for. Supervisor Maday commented that there are many people who live in this town that will never even have to touch a town road. Councilman Aiken would be an example, he can leave his house and never touch a town road. John Nick said that everyone of us pay county and state taxes and he is paying his share for services he receives. He does not receive the same services from the Town Highway Department. Supervisor Maday said to say that Councilman Aiken is receiving services from the town because he is not. He is and we all are by being able to drive on any of those roads. Supervisor Maday said that you can't move into a water district and say you are drilling a well and not paying taxes. Mary Kissane said that those districts are created pursuant to state law, pursuant to a very specific process. So those districts are created through state law the exact way your road was supposed to be created.

John Nick said that if the Board says that this cannot be done now then he would like to understand from each member of the Board that that is their position, and you see no value in it.

He is going to be asked a lot of questions and he would like to accurately state. Supervisor Maday said that he is not giving a description and he is not required to do so. If you ask him to say yes or no, his answer is no. John Nick said that he would like to hear from every board member. Mary Kissane said that the board does not have legal authority, so there is no need for a vote. John Nick said that he would pass on that there was no need for a vote. Councilman Turcotte said that he is not sure what we would vote on. John Nick said that he asked for their comments. Councilman Turcotte said that the road would have had to meet the criteria listed in the law when it was initially subdivided and unfortunately, we didn't so the town's hands are tied, and we cannot give the money out as requested. They contacted the town attorney and researched it and they gave us their opinion on what our options were, which weren't very many. So unfortunately, it just wasn't good news, and we don't have a lot to discuss because we don't have any options.

Councilman Aiken said so legally we cannot give money as a tax credit, we cannot legally do anything. He would like to. Mary Kissane said that the board does not have the legal authority to.

Mary Kissane read the Comptroller's opinion from 1947:

"Credit for work done on private road may not be given unless such private road had been laid out in compliance with sections 310-314 of the Highway Law. The amount cannot exceed the item 1 tax paid by the property owner."

John Nick thought it was 1995 and since it was a private road the town's highway department is not allowed to any equipment or employees. He thought McKinney's Law would allow them to receive some compensation for services they are not able to receive. About 92% of the Town budget goes towards the highway budget. Supervisor Maday replied that John Nick still uses town roads. John Nick said that he is happy to pay for it.

John Nick said that he is very disappointed that nobody sees the value. Councilperson Cooper said that it is not necessarily that they do not see the value, it is that they cannot do anything.

Councilwoman DuRose said the town did their due diligence and if he comes back to the board with additional information, she will listen to it.

John Nick said that some of the people in this town that pay the most in taxes pay the least.

Septic Variance Application #SV2024-01 Gagnon:

RESOLUTION NO. 53 OF 2024: APPROVE SEPTIC VARIANCE APPLICATION #SV2024-01 FOR AN ON-SITE WASTEWATER TREATMENT SYSTEM FOR PROPERTY LOCATED AT 102-100 JONES ROAD, CHESTERTOWN, IDENTIFIED BY TAX MAP PARCEL #: 86.10-1-60

WHEREAS, the Town Board acting as the Local Board of Health has received a completed application and has held a public hearing on March 12, 2024 regarding Septic Variance Application #SV2024-01 for Thomas Gagnon located at 102-100 Jones Road, identified by Tax Map #: 86.10-1-60, 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 on-site wastewater treatment system for Thomas Gagnon located at 102-100 Jones Road, identified by Tax Map #: 86.10-1-60 as designed and presented by Bret Winchip, Winchip Engineering (Site Plan and Details dated 12-04-2023) 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 variances for the following:

Gagnon SV2024-01							
Setback	Required Distance	Existing Distance	Existing Non-Conformity		Proposed Distance	Proposed Variance	
			Distance	Percent		Distance	Percent
Existing Seepage Pit 1 to Residence	20'	6.4' ±	13.6' ±	68.0% ±	-	-	-
Existing Seepage Pit 1 to Stream	100'	54.8' ±	45.2' ±	45.2% ±	-	-	-
Existing Seepage Pit 1 to Approximate Mean High Water	100'	83.7' ±	16.3' ±	16.3% ±	-	-	-
Existing Seepage Pit 1 to Neighboring Drilled Well A	150'	146.0' ±	4.0' ±	2.7% ±	-	-	-
Existing Seepage Pit 2 to Guest House	20'	9.0' ±	11.0' ±	55.0% ±	-	-	-
Existing Seepage Pit 2 to Stream	100'	84.8' ±	15.2' ±	15.2% ±	-	-	-
Existing Seepage Pit 2 to Approximate Edge of Wetlands	100'	83.2' ±	16.8' ±	16.8% ±	-	-	-
Existing Seepage Pit 2 to Neighboring Drilled Well A	150'	95.6' ±	54.4' ±	36.3% ±	-	-	-

Existing Seepage Pit 2 to Neighboring Drilled Well B	150'	111.2' ±	38.8' ±	25.9% ±	-	-	-
Proposed Absorption Bed to Property Line	10'	-	-	-	6.1'	3.9'	39.0%
Proposed Absorption Bed to Neighboring Drilled Well A	100'	-	-	-	91.6'	8.4'	8.4%
Proposed Absorption Bed to Residence	20'	-	-	-	6.7'	13.3'	66.5%
Proposed Absorption Bed to Stream	100'	-	-	-	86.8'	13.2'	13.2%
Proposed Absorption Bed to Approximate Mean High Water	100'	-	-	-	99.8'	0.2'	0.2%
Proposed Absorption Bed to Neighboring Crawl Space	20'	-	-	-	19.1'	0.9'	4.5%
Proposed Septic Tank to Residence	10'	-	-	-	5.0'	5.0'	50.0%
Proposed Septic Tank to Guest House	10'	-	-	-	5.0'	5.0'	50.0%

On a motion by Councilman Turcotte, seconded by Councilwoman DuRose, Resolution No. 53 of 2024 was **ADOPTED**.

AYE 5 NO 0

Septic Variance Application #SV2024-02 Hannigan:

RESOLUTION NO. 54 OF 2024: APPROVE SEPTIC VARIANCE APPLICATION #SV2024-02 AN ON-SITE WASTEWATER TREATMENT SYSTEM FOR PROPERTY LOCATED AT 53 CLARKSON ROAD, IDENTIFIED BY TAX MAP PARCEL #: 86.19-1-61

WHEREAS, the Town Board acting as the Local Board of Health has received a completed application and has held a public hearing on March 12, 2024 regarding Septic Variance Application #SV2024-02 for Mary West-Hannigan Trustee Mildred West Irrevocable Trust located at 53 Clarkson Road, identified by Tax Map #: 86.19-1-61, 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:

- 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 on-site wastewater treatment system for Mary West-Hannigan Trustee Mildred West Irrevocable Trust located at 53 Clarkson Road, identified by Tax Map #: 86.19-1-61 as designed and presented by Bret Winchip, Winchip Engineering (Site Plan and Details dated 01-30-24) 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 variances for the following:

Hannigan SV2024-02							
Setback	Required Distance	Existing Distance	Existing Non-Conformity		Proposed Distance	Proposed Variance	
			Distance	Percent		Distance	Percent
Existing Drilled Well to Seepage Pit	150'	89.7' ±	60.3' ±	40.2% ±	-	-	-
Existing Neighboring Drilled Well to Existing Seepage Pit	150'	122.3' ±	27.7' ±	18.5% ±	-	-	-
Existing Seepage Pit to Building	20'	2.9' ±	17.1' ±	85.5% ±	-	-	-
Existing Seepage Pit to Approximate Mean High Water	100'	83.9' ±	16.1' ±	16.1% ±	-	-	-
Proposed Concrete Septic Tank to Deck	10'	-	-	-	5.3'	4.7'	47.0%
Proposed Force Main to South Property Line	10'	-	-	-	5.9'	4.1'	41.0%
Proposed Wastewater Field Components to South Property Line	10'	-	-	-	8.8'	1.2'	12.0%

On a motion by Councilman Aiken, seconded by Councilperson Cooper, Resolution No. 54 of 2024 was **ADOPTED**.

AYE 5 NO 0

Septic Variance Application #SV2024-03 Kruithof:

RESOLUTION NO. 55 OF 2024: APPROVE SEPTIC VARIANCE APPLICATION #SV2024-03 FOR AN ON-SITE WASTEWATER TREATMENT SYSTEM (AFTER-THE-FACT) FOR PROPERTY LOCATED AT 71 PERRY ROAD, IDENTIFIED BY TAX MAP PARCEL #: 51.1-44

WHEREAS, the Town Board acting as the Local Board of Health has received a completed application and has held a public hearing on March 12, 2024 regarding Septic Variance Application #SV2024-03 (After-the-Fact) for Dennis Kruithof located at 71 Perry Road, identified by Tax Map #: 51.-1-44, 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 on-site wastewater treatment system for Dennis Kruithof located at 71 Perry Road, identified by Tax Map #: 51.-1-44 as designed by Kurt Bedore, KB Engineering & Consulting (Site Plan and Details dated 02-23-2024) 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 19 ft. variance for the distance from the existing absorption field to the existing on-site water supply well with the condition that the Applicant or authorized representative submits documentation that the perc tests and test pit meet the specifications on the currently submitted design drawings.

On a motion by Councilwoman DuRose, seconded by Councilperson Cooper, Resolution No. 55 of 2024 was **ADOPTED**.

AYE 5 NO 0

Boatwash Attendant:

Supervisor Maday said they will be advertising for a weekend boatwash attendant starting tomorrow.

John Nick commented that a new attendant will have to be trained and the other attendants should be retrained.

88 Riverside Drive:

Mary Kissane said that the resolution would commence a summary proceeding to evict the person that is currently occupying 88 Riverside Drive.

Councilman Aiken asked about a timeline. Mary Kissane said that eviction proceedings in New York are extremely time consuming, but it is about 90 days. Councilman Aiken said that there is a lot of legal documentation that the guy never had a contract to be tenant. We are now the owners and we do not have a contract. We have mountains of paperwork that we have that he was to move on. Why do we need to go to this 90-day thing. This guy has been squatting there since 2002. The landlord kicked him out more than once. Mary Kissane said that if he really is a squatter, it will be much shorter. They just need documentation of what has already occurred.

Councilman Turcotte asked if anyone has asked him to leave voluntarily. Supervisor Maday said that he has spoken with him, and he still feels he has a claim to the building.

Craig Leggett asked if the Town owns the property. Supervisor Maday said yes, they closed on the property in January.

RESOLUTION NO. 56 OF 2024: TOWN COUNSEL IS AUTHORIZED TO COMMENCE LITIGATION TO OBTAIN POSSESSION OF THE REAL PROPERTY AT 88 RIVERSIDE DRIVE AND TO TAKE ALL NECESSARY STEPS TO CAUSE THE REMOVAL OF ALL PERSONAL PROPERTY AND DEMOLITION OF THE BUILDING AND THE TOWN SUPERVISOR AND TOWN COUNSEL ARE AUTHORIZED TO EXECUTE ANY DOCUMENTS AND TAKE ALL NECESSARY STEPS TO IMPLEMENT THE PURPOSE OF THIS RESOLUTION WITHOUT FURTHER RESOLUTION OF THIS BOARD

WHEREAS, the Town has acquired title to the parcel of real property known as 88 Riverside Drive in the Town of Chester; and

WHEREAS, the Town has entered into an Agreement with the New York Environmental Protection and Spill Compensation Fund relative to clean up of a petroleum spill and contamination on the site, known as New York State Department of Environmental Conservation (“NYSDEC”) Spill No. 96-08671; and

WHEREAS, prior to NYSDEC cleaning the contamination the Town is obligated to remove the building and all personal property from the site; and

WHEREAS, certain personal property remains at the site and the Town is aware of the identity of the supposed owner of the personal property; now therefore

BE IT RESOLVED, the Town Board resolves that Town Counsel is authorized to commence litigation to obtain possession of the real property at 88 Riverside Drive in the Town of Chester and to take all necessary steps to cause the removal of all personal property and demolition of the building;

AND IT IS FURTHER RESOLVED that the Town Supervisor and Town Counsel are authorized to execute any documents and take all necessary steps to implement the purpose of this Resolution without further Resolution of this Board.

On a motion by Councilperson Cooper, seconded by Councilman Aiken, Resolution No. 56 of 2024 was **ADOPTED**.

AYE 5 NO 0

New Business:

RESOLUTION NO. 57 OF 20024: AUTHORIZE THE SUPERVISOR TO SIGN AN AGREEMENT BETWEEN THE COUNTY OF WARREN ACTING ON BEHALF OF

WARREN-HAMILTON COUNTIES' OFFICE FOR THE AGING AND TOWN OF CHESTER FOR SENIOR TRANSPORT

WHEREAS, Warren County is authorized to contract with agencies to provide services for adults sixty (60) year of age and over, and

WHEREAS, Warren County desires to contract with the Town to provide transportation services for seniors at a cost of \$2,000,

BE IT RESOLVED, the Town Board authorizes the Supervisor to sign an Agreement between the County of Warren Acting for and On Behalf of Warren-Hamilton Counties' Office for The Aging and Town of Chester for the period of April 1, 2024 to March 31, 2025 for the purpose of supporting transportation services for adults 60 year of age and over.

On a motion by Councilwoman DuRose, seconded by Councilman Aiken, Resolution No. 57 of 2024 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 58 OF 2024: TOWN BOARD HAS NO OBJECTION TO THE APPLICATION OF AN ON-PREMISE ALCOHOLIC BEVERAGE LICENSE FOR DIMUCCI ENTERPRISES, LLC AND WAIVES THE 30-DAY ADVANCED NOTICE

WHEREAS, the Town Clerk for the Town of Chester has received the Standard Notice Form for Providing 30-Day Advanced Notice from Cioffi, Slezak, Wildgrube P.C. for DiMucci Enterprises, LLC, trade name Black Bear Restaurant, located at 7882 Route 9, Pottersville, NY on February 29, 2024, and

BE IT RESOLVED, the Town Board has no objection to the application of an on-premises alcoholic beverage license for DiMucci Enterprises, LLC, trade name Black Bear Restaurant, and waives the 30-day advance notice.

On a motion by Councilperson Cooper, seconded by Councilwoman DuRose, Resolution No. 58 of 2024 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 59 OF 2024: AUTHORIZE WATER SUPERINTENDENT AND DEPUTY WATER SUPERINTENDENT TO ATTEND THE NY RURAL WATER ASSOCIATION CONFERENCE MAY 20 - 22, 2024

WHEREAS, education credits are required for the attainment and maintenance of public water supply operators, and

WHEREAS, the NY Rural Water Association provide educational classes each year,

BE IT RESOLVED, the Town Board authorizes Water Superintendent Jason Monroe and Deputy Water Superintendent Jeff Schaefer to attend the NY Rural Water Association Conference May 20 - 22, 2024 in Verona, NY, and

BE IT FURTHER RESOLVED, all related registration, travel costs, meals, and lodging will be paid from Chestertown Water District and Pottersville Water District appropriation codes.

On a motion by Councilman Aiken, seconded by Councilperson Cooper, Resolution No. 59 of 2024 was **ADOPTED**.

AYE 5 NO 0

Occupancy Tax:

RESOLUTION NO. 60 OF 2024: APPROVE THE APPROPRIATION OF \$3,830 FOR THE HISTORICAL SOCIETY FOR A 2-DAY PHOTO EXHIBIT

WHEREAS, the Historical Society has submitted a request for Occupancy Tax Funds for a 2-day photo exhibit July 13 & 14, 2024,

BE IT RESOLVED, the Town Board approves the appropriation of \$3,830 for the Historical Society for a 2-day photo exhibit.

On a motion by Councilwoman DuRose, seconded by Councilman Turcotte, Resolution No. 60 of 2024 was **ADOPTED**.

AYE 5 NO 0

Councilman Turcotte asked about Jeff Schaefer's certification. The clerk said there is a class in the fall.

RESOLUTION NO. 61 OF 2024: APPROVE CHESTERTOWN CONSERVATION CLUB REQUEST OF OCCUPANCY TAX FUNDS IN THE AMOUNT OF \$1,000.00 TO DEFER THE COST OF THE FISHING DERBY TO BE HELD ON MAY 18, 2024

WHEREAS, the Chestertown Conservation Club sponsors a Fishing Derby each year, and

WHEREAS, they have submitted a request for \$1,000 of Occupancy Tax Funds,

BE IT RESOLVED, the Town Board approves the Chestertown Conservation Club's request for Occupancy Tax Funds in the amount of \$1,000 to defer the cost of the Fishing Derby held on May 18, 2024.

On a motion by Councilman Turcotte, seconded by Councilwoman DuRose, Resolution No. 61 of 2024 was **ADOPTED**.

AYE 5 NO 0

Insurance for Retirees:

Supervisor Maday went over a few plans and they will have to make a discussion by March 31st. A special meeting may be needed to make a final decision.

Craig Leggett said that he is on Aetna and it does not cost him a thing. Supervisor Maday commented that we do not have 25 retirees. Aetna was discussed.

Lake Safety Officer:

RESOLUTION NO. 62 OF 2024: AUTHORIZE TOWN CLERK TO ADVERTISE FOR A LAKE SAFETY OFFICER

WHEREAS, Richard Konig no longer wishes to be Lake Safety Officer;

BE IT RESOLVED, the Town Board authorizes the Town Clerk to advertise for a Lake Safety Officer.

On a motion by Councilperson Cooper, seconded by Councilwoman DuRose, Resolution No. 62 of 2024 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 63 OF 2024: AUTHORIZE JOHN NICK TO ATTEND THE ADIRONDACK PLANNING FORUM IN SARANAC LAKE ON THURSDAY, APRIL 25, 2024

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

BE IT RESOLVED, the Town Board authorizes John Nick to attend the Adirondack Planning Forum in Saranac Lake on Thursday, April 25, 2024, and

BE IT FURTHER RESOLVED, the Town will pay for registration and reimburse for mileage. On a motion by Councilman Turcotte, seconded by Councilman Aiken, Resolution No. 63 of 2024 was **ADOPTED**.

AYE 5 NO 0

**RESOLUTION NO. 64 OF 2024: APPROVE EXTENDING MARION EAGAN'S
UNUSED VACATION TIME FROM 2023 UNTIL JUNE 30, 2024**

WHEREAS, Marion Eagan has not been able to use her unused vacation time due to the 2024 Reval she is requesting that the deadline to use her vacation time be extended to June 30, 2024,

BE IT RESOLVED, the Town Board approves Marion Eagan request for an extension for her unused vacation time from 2023 until June 30, 2024.

On a motion by Councilman Aiken, seconded by Councilwoman DuRose, Resolution No. 64 of 2024 was **ADOPTED**.

AYE 5 NO 0

**RESOLUTION NO. 65 OF 2024: APPROVE THE ABSTRACT OF AUDITED
VOUCHERS AND AUTHORIZES PAYMENT**

WHEREAS, the Town Clerk has entered the vouchers and created Abstract No. 3 of 2024 of Audited Vouchers, and

WHEREAS, the Town Board has reviewed the abstract,

BE IT RESOLVED, the Town Board approves the Abstract of Audited Vouchers and authorizes payment as presented.

No. 3 of 2024	
General A	114,373.19
Highway DA	88,044.28
Library L	1,246.38
Loon Lake Park District SP	2,653.36
Chestertown Water SW1	1,103.75
Pottersville Water SW2	1,587.04
Other TA	3,292.96
Total	\$212,300.96

On a motion by Councilwoman DuRose, seconded by Councilman Turcotte, Resolution No. 65 of 2024 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 66 OF 2024:

WHEREAS, Congresswoman Stefanik has opened a Community Project Funding Portal for FY2025, and

WHEREAS, Councilman Turcotte wishes to submit the highway project,

BE IT RESOLVED, the Town Board authorizes Councilman Turcotte to apply to Congresswoman Stefanik’s Community Project Funding Portal for potential funds for the upcoming highway garage project, and

BE IT FURTHER RESOLVED, the Town Board authorizes the Town Supervisor and/or Councilman Turcotte to sign a necessary document.

On a motion by Councilperson Cooper, seconded by Councilwoman DuRose, Resolution No. 66 of 2024 was **ADOPTED**.

AYE 5 NO 0

Supervisor Maday would like everyone to look through the employee handbook so it can be updated in July.

On a motion by Councilwoman DuRose, seconded by Councilperson Cooper, the meeting adjourned at 8:53 pm.

AYE 5 NO 0

Respectfully submitted,

Town Clerk