

**Board of Trustees  
Special Meeting  
October 18, 2021**

The Board of Trustees of the Village of Chester held a special meeting at the Village of Chester, 47 Main Street, Chester, NY conference room at 7:00 pm, on Monday, October 18, 2021.

Members present: Mayor John Thomas Bell, Deputy Mayor Christopher Battiato, Trustee Alan Battiato, Trustee Elizabeth A. Reilly and Trustee Brian J. Boone.

Also, present: Village Clerk Rebecca Rivera, Attorney Alec Shah of Feerick, Nugent & MacCartney PLLC, and Village Code Enforcement Officer John Orr.

**CALL THE SPECIAL MEETING TO ORDER:**

Mayor John Thomas Bell called the special meeting to order.

Mayor John Thomas Bell open the meeting at 7:00 pm.

Mayor John Thomas Bell thanked everyone for attending the special meeting to discuss proposed comprehensive plan, as well as mentioning to the audience the Village Board will not be taking comments from the audience at this meeting/work session.

Mayor John Thomas Bell asked if everyone to stand for the pledge.

Mayor John Thomas Bell asked Attorney Alec Shah to explain what the Village Board would be adopting. The Village Board understands that this is going to be a vision for the next ten years. How binding is it to our local zoning and so forth.

Alec Shah: This is a comprehensive plan for the entirety of the Village, pursuant to the New York State Village Law 7-722 and the purpose of creating a vision. Basically what village sees itself going through over course over the next ten years. The Comp plan is supposed to be reviewed every 10 years with a new comp plan. You're allowed to make amendments throughout those ten years, typically this is the vision the Board sees for itself. It is supposed to be a guideline or a basic framework of future actions that the village takes, such as local laws or zoning amendments or any land use regulations that you might adopt in the future or considering or consider in the future. They are supposed to be in compliance with the comp plan.

The comp plan itself isn't considered a law or a legal document, it's a plan, a framework basically an overview of what the Village sees and the future amendments that you might make to your zoning codes or local codes are supposed to be in compliance with this and they can't contradict the comp plan. We have to make sure that this is a general document that does not have too many specifics. Sometimes specifics change over the course of years. You don't want to have something that you are certainly going to conflict within a few years, where you might have to do an amendment to the comp plan just to be able to make a local law change, which for the most part complies but might have a few minor issues that don't comply for whatever reason. That's why it's a very general document, it's not supposed to be a very detail document but again, it's a guideline or framework and the future lands use regulations is supposed to be in compliance with it. it cannot contradict the comp plan.

Mayor – after this plan is adopted then we can go into the zoning, make zoning changes?

Alec – The comp plan is supposed to be a land use regulation plan. It's not supposed to be a plan about aesthetics or something like that. It's supposed to be a land use regulations for zoning purpose or things like that. Some municipalities do immediately the plans zoning changes together with comp plan so you can wrap the SEQRA document together and you don't have to do SEQRA (**State Environmental Quality Review Act**)twice. Other municipalities had zoning changes that their envisioning that are laid out in the comp plan, but they don't necessarily do them right away. They do them as they come about. It just means that you have to do SEQRA for those zoning changes.

Trustee Alan Battiato : We are confused by your statement because you say it's a guideline but then you say that future use has to comply with it. That's a fine line and comply.

Alec Shah: Correct, land use regulations 7-722 village law subsection 11, quote

Effect of adoption of the village comprehensive plan.

(a) All village land use regulations must be in accordance with a comprehensive plan adopted pursuant to this section.

(b) All plans for capital projects of another governmental agency on land included in the village comprehensive plan adopted pursuant to this section shall take such plan into consideration.

#### Calendar:

- Village of Chester **Music Concert Series** started June 15, 2021, at 7 pm, every Tuesday until August 28<sup>th</sup>.
- On Saturday, August 28, 2021, Rain date Sunday, August 29, 2021, will be hosting **Best Friends Girl Band**.
- June 29, 2021, Music Series concert **re-scheduled** for Saturday, September 7, 2021, at 7:00 pm.
- 28<sup>th</sup> Annual Chester Historical Society Yard Sale – Saturday, September 18, 2021, from 8:30 am – 1 pm.
- Chester Recreational Building **Penny Social** to benefit Historical Society – Friday, October 1, 2021, 81 Laroe Rd, from 5:45 pm – 7:00 pm.
- **E-Bill service** is available for water cell meter users only. If you would like to sign-up go to Village website under forms.
- **Sewer 2<sup>nd</sup> installment** is due by Thursday, September 30, 2021.
- **Mayor John Thomas Bell touched on sewer:** I would like to inform everyone that there is going to be quite a bit of money spent on the sewer infrastructure. We don't have the numbers now, but we will know when we get the invoice. This is not taking place in 2022 its probably the following year. I wanted to mention it now, so residents are aware and informed.
- **Sewer and Water** - to check balance online you will need account and pin number.
- "[www.eyeonwater.com/signin](http://www.eyeonwater.com/signin)" service to monitor water usage/consumption for cell meters customers, only.

#### PUBLIC COMMENT :

Mayor John Thomas Bell opened the meeting up to the public:

Larry Dysinger, I live in 46 Odyssey Drive in Chester on top of the hill. The concern I have is light pollution. The town had passed an outdoor lighting ordinance in January to try to address, the light pollution that exists in the in the town. The majority of that light pollution is within the industrial park. most of those buildings have been there

for a long time and within the last two or three years, most of the buildings there have changed the lighting from downward facing to outward facing LED. The intensity light coming out of the industrial park is pretty severe. I live on top of the hill up there. It lights up my bedroom. Recently there was a problem with the electronic billboard on route 17 next Holidays Inn Express. I contacted them and I got them to fix it. It took them a week or so. They turned it off at night, so it wasn't so blaring cause it's a hazard to highway and everything else since it was lighting up my house and all of my neighbors. they finally fixed it on Friday. The village code chapter 98, Article 15 floodlighting of properties, flood lighting of buildings and front side and rear yards is permitted. However, no floodlights, spotlight, or other lights shall be erected in such a manner that its beam shall be directed in whole or in part towards the street, road or highway or towards the adjoining property. If you go into the Industrial park everyone and almost every single building is violating this ordinance. I'm asking that you know the village do something about that. Now it's bad. I mean, I'm not even touching along Brookside Ave or anything else like that., it's one thing when you first build the building, you allow them to do and to put up the lighting stuff, but most of them, almost all the buildings there have changed their lighting. Steris the original Steris building had all this lighting facing downward less than two years ago they changed it to LED and its outward facing. They put up a new cement plant, they put up lights shining outwards. Where Statin Fine Foods is they changed all that downward facing lights to outwards. Lights are very bright, and it is a problem. I understand Industrial Park is sort of isolated but not for myself and my neighbors and other people, lights up our neighborhood,

Mayor John Thomas Bell responded, Larry, let me let me just stop you right there. Two weeks ago, at 9:30 at night I took a ride in and went down by Tim Dietz and up and around the hill and come down and if I turn my head lights off on the road, I couldn't see anything. If you didn't have your front porch light on and everything your house with black, there's no light getting up that far. I don't know anybody else on the board that didn't take a ride.

Trustee Alan Battiato stated that he did take a ride and he did not see any lights.

Mayor John Thomas Bell, I did not see any light pollution going to your house. If your outside lights were on, I wouldn't even know your house is there.

Larry Dysinger. my outside lights are never on.

Mayor John Thomas Bell: it's one thing to say that the lights in the industrial park are not facing down is one thing but as far as you are saying that the lights are lighting up your bedroom, I beg to differ. that's not happening. that's not even the truth. We don't mind listening to people that have legitimate gripes and stuff like that. But that right there, you just say that it's lighting up your bedroom. No, because I parked in front of your house. I turn my lights off and I couldn't see 2 feet from me. So, if your house was being lit up, the road would been lit up and everything else word been lit up and we have other people here that I told them even the building inspector took a ride up there one night just to make sure. you would have a legitimate grip it was lighting up your bedroom but it's not. So, let's get the truth out.

Larry Dysinger. It's disappointing to me Tom that you are saying I'm lying. I know what's happening and it's lighting up my bedroom. Keep in mind that my bedroom is 40 feet higher than the roadway where you maybe were parked and may have been blocked by the houses across the street there. Putting that aside, whether it lights up my house or not, all the buildings are in violation of your code. So, I'm asking what the village would do about it.

Mayor John Thomas Bell: I'll have the building inspector go out and make sure that the lights are s are shining down and everything like that, but as far as that I disagree that you're right regarding the light pollution up your way. That's a mile and a half away and if you have legitimate grip that's fine but I don't think this is a ligament gripe. I'll have the building inspector look into the down lighting and see if there's any lights that are shining down.

Mayor John Thomas Bell asked if anyone else would like to touch on the subject.

Trustee Alan Battiato stated that he also drove there and shut his lights and could not see anything.

Thomas Becker Sanford Ave: as the business go now do, they have to comply with the original site plan would have been? If they were downward facing lights that what they should have replaced them with. So, that would be something Village Code Enforcement Officer John Orr would look at.

Eden Itzcowitz: I've been here in 3 months and my question is the same. I got little bit of information and I will touch on about what this gentleman spoke about. I have asked repeatedly and every single one of these meetings what the repair work is going to be on the culvert that overflowed behind 2 Moffatt Lane, which is where I live. The maintenance I've had one, I've seen somebody there one time since the first time I came here, and they mowed. Since then, we had one more rain and I sent pictures to Miss Rivera, and it was not as severe as you guys said the other one was and my yard flooded. My shed had water, and my yard was, walking it was filled with water, and nobody has gotten back to me about that, and I am a taxpayer in this town and you guys don't reply to me. With all due respect, you're going to stand up and say I advised them, not you and so, I have to tell them what you're telling them and what I want to know is when is this going to be looked into? Because nothing, I had no problems for 2 1/2 years until the culvert was worked on last summer. Now this gentleman mentioned something about sewers, and I don't know your job so all I can do is here and so now I have a question. my question to you guys is where does that culvert feed into? Because what I said, and I sent photos of it two weeks ago when the second rain happened which was not as severe as first you guys said, and it hasn't happened to me before and there's weeds coming out of it, there's stuff and to say well my neighbors were throwing whatever which is what somebody said that the first meeting. Listen, I don't you know, that's not my concern. That's you guys' concern, This is a village owned culvert and it's got weeds growing out of it, It could have something stuck inside it. I don't know. But nobody will give me an answer, that at least you're looking into it. At least it's something. The only time I saw anybody there was when they mowed that was it. That was it, but nobody has nobody's gotten back to me with a response. Nobody has that I have seen, I'm not home 24 hours a day, and I'm assuming that's What FOIL reports are for. Nobody has come to look at, take care of, investigate anything. So, my first question would be where does that culvert feed into? Does anybody know that?

Mary Marzolla Esq.: Mr. Mayor may I address this?

Mayor John Thomas Bell: yes.

Mary Marzolla Esq. We meet again, and again I'm here to advise the board not to give you advise, it's a public comment session and since we received notice of potential litigation as well as someone else submitting a claim for potential damages, litigation protocols automatically going in place no matter who is involved, and those litigation protocols require me to advise the board and the entire village not to give a statement about it. That's it. You can ask for progress, you could make any public comment you want. That's what public comment is for. My advice to this board and to the circumstances that exist and to the Village continues to be not to give any comments on it and we will continue to receive information and we will continue to analyze. So, if you would like to submit something we are happy to receive it and in continue the analyzation of this issue ,but on my advice, I would strongly recommend, and I continue to recommend to the Board and to the village, not to give a comment about it.

Sherri Palermo: So as the taxpayers she can't ask what whether anybody has been down to the culvert cover behind her house?

Mary Marzolla Esq.: She's welcome to ask, make any comments she wishes at public comment session.

Sherri Palermo: And they don't answer.

Mary Marzolla Esq.: There's no responsibility to answer. It's not a debate.

Sherri Palermo: so, when is the responsibility for the board to answer any question?

I think that questions are assuming certain answers and I'm not here to advise her  
Sherri Palermo: yes, or no? They investigated what they did or didn't. Someone would say or they weren't, yes or no.

Mary Marzolla Esq.: Again, I'm not going to get into it debate. My advice is what it is.

Sherri Palermo: Where's the debate? Where can she get the answer that's all she's trying to find out.

Mary Marzolla Esq.: Again, continue to advise the Village, with all do respect, that they cannot comment on it was litigation is mentioned and referred to. And the reason for that is that the Village Board represents everybody in the village. They represent every taxpayer. On this issue, I respectfully disagree and my advice to the board continues.

Sherri Palermo: and her too, that why she deserves and answer.

Eden Itzcowitz: So basically, what you're not telling me is if anybody takes anybody will look into it, anybody will service it, anybody will maintain it, the weeds will continue to grow. It will continue to possibly be clogged up. You won't tell me where it feeds into. Any further damages the Village is responsible. That's what it comes down to. I've been nothing but respectful and polite to you guys . and I get nothing.

Mary Marzolla Esq.: I will say what was forwarded to me was a FOIL request which is being responded to in accordance with the law and you will receive a formal response to that as any taxpayer would.

Eden Itzcowitz: as any taxpayer should also get is ongoing discussion about fixing this problem so it doesn't happen again. I'm going to close with the way that I opened and I'm going to tell you that I didn't have a problem until that culvert was worked on and whatever got you to work on that because some other house got damage or whatever got you to do that great for them. I love to know what was. I'm trying to do things step by step, I'm stepping back to do what you need to do, I'm giving you time and I get nothing. That culvert was fine until it was worked on. That's all I'm saying to you guys. With all due respect I deserved and answer because I do pay my taxes. You can bet if I didn't you would be talking to me. to appeal to sympathies at this point, if it was one of you guys or one of your relatives you bet your bottom dollar someone would be looking at that. I've been on boards, and I know what happens, you have privileges. Whatever it is and you can sit there and say no to me, I'm telling you that I matter just as much as you and your family's matter, and I deserve respect and I deserve an answer and I'm not going away. Regardless of what is going on, on the sidelines, I'm not going away.

Gordon Shehab: back in March I had asked about the comprehensive plan. I know in May Alan had forwarded the final plan. Is there any plan as to when it's going to finally voted on? Because we've had it for three years. We have been working on it for three years and there's projects that are coming up that the plan would directly impact. Advanced Auto, the newly Church where they want to tare down the church and put up a different type of architecture. Just think that it is important. Can you give me an idea when it will be approved?

Mayor John Thomas Bell: it will be voted on, but we are still reviewing. We had concerns with certain sections. It could be within a month or next couple meetings.

Patty Salerno: I have to agree with Gordon. We've covered a lot of material and if you ever need to know what was covered at the meetings that we had during the comprehensive plan, I have pretty extensive notes of what took place and comments that were made.so if you need to review some notes to get some context that might be left out of that have that available for the board, if you want it. Next thing I would like to know is how are things coming along with Nexans on Oakland Ave, I still see trucks coming up the street.

Mayor John Thomas Bell: As far as I know it's been sold.

Village Code Enforcement Officer John Orr: it's in contract. They haven't told me and when yet. I've told them that whoever goes in there unless they are making wire, they must come to the planning board for site plan amendment. The trucks going up there are still taking equipment and machinery out. so, they are just about empty up there.

Mayor John Thomas Bell: Questions have been brought up about the maintenance over there. Have you talked to anybody about that?

Village Code Enforcement Officer John Orr: I'll put another call out to them, when I went up there, they did a nice job cutting the lawn, but they didn't trim out front.

Patty Salerno: And my third questions are the purchase of Lippincott's do you still own that building and is there any progress in the sale of that building?

Mayor John Thomas Bell: We had a very, very interested party and they come up with a lot of stipulations that they wanted, and we got a second buyer that very interested. We are probably going to lean to the second buyer because some many stipulations that the first one wanted. Second party is very interested.

Patty Salerno: And it's staying a business?

Mayor John Thomas Bell: Yes.

Thomas Becker: can it also be used as a residence?

Mayor John Thomas Bell: What it is, the business downstairs and residence upstairs it would stay the same, if that's what they want otherwise another party want to use it as office space.

Patty Salerno: Can it be use for multi-residence

Village Code Enforcement Officer John Orr: right now, its listed for a funeral service on the first floor and apartment upstairs would go with the property. Anything else would need a site plan approval. It is in an RS zone so it is residential single family but it's also in that part where you can covert the bottom floor to an office.

**ADJOURNMENT:**

As there were no further comments Mayor John Thomas Bell asked for a motion to close the meeting and enter into executive session with no further business.

A motion to go into executive session at 7:54 pm with no further business was made by Trustee Elizabeth A. Reilly, seconded by Trustee Alan Battiato. Motion unanimously passed.

Respectfully,

Rebecca Rivera  
Village Clerk