

**TOWN BOARD MEETING
AND PUBLIC HEARING
January 24, 2018
7:00 PM**

Supervisor Jamieson opened the meeting at 7:15pm. Members present: Supervisor Jamieson, Councilman Medican, Councilwoman Smith, Councilman Valentine, and Councilman Wensley.

Also present Scott Bonacic, Esq. – Bonacic, McMahon, Al Fusco – Fusco Engineering

After the salute to the flag, a moment of silence was observed in memory of long-time Town of Chester resident, Gloria Bilcik.

PUBLIC HEARING – CHESTERDALE DRAINAGE DISTRICT

Supervisor Jamieson explained how the special district is being formed to benefit the property owners with regard to storm water maintenance at a cost of \$224.93 per lot.

ON A MOTION BY Councilwoman Smith and second by Councilman Wensley to open the public hearing on the matter of the Chesterdale Drainage District at 7:20pm. Motion carried 5-0.

Supervisor Jamieson asked if there were any comments from the public. There were none.

ON A MOTION BY Councilwoman Smith and second by Councilman Wensley to close the public hearing on the matter of the Chesterdale Drainage District at 7:20pm. Motion carried 5-0.

ORDER AND RESOLUTION APPROVING ESTABLISHMENT OF THE CHESTERDALE DRAINAGE DISTRICT IN THE TOWN OF CHESTER

ON A MOTION BY Councilwoman Smith and second by Councilman Valentine to off the following Order and Resolution Approving Establishment of Chesterdale Drainage District in the Town of Chester:

WHEREAS, the Town Board of the Town of Chester (herein called the “Town Board” and “Town,” respectively), in the County of Orange, New York, has received a petition, dated October 30, 2017, pursuant to section 191 of the Town Law, for the establishment of Chesterdale Drainage District (the “District”), which petition was signed by the owner of taxable real property situate in the District, owning in the aggregate at least one-half of the assessed valuation of all the taxable real property of the District, as shown upon the latest completed assessment roll of the Town, and there being no taxable real property in the Proposed District owned by resident owners according to the latest completed assessment rolls and was accompanied by an Engineering Report by Kirk Rother, P.E., a professional engineer duly licensed by the State of New York, for the establishment of the District dated January 11, 2017, a copy of which is on file in the office of the Town Clerk of the Town, which shows the boundaries of the proposed drainage district and all drainage structures, pipes, filters and ponds, together with a general description of the proposed drainage system within the proposed drainage district, and

WHEREAS, the boundaries of said district shall incorporate the lands of the approved Chesterdale Estates Cluster Subdivision in the Town of Chester. The approved subdivision is located on the southern side of N.Y.S. Route 94, across the intersection of Johnson Road, consisting of approximately 50.7 acres of land and currently identified as Section 1, Block 1, Lot 83.22 on the current Town of Chester Tax Map. Although a portion of the Project will also be developed in the Town of Blooming Grove, as currently identified as Section 43, Block 1, Lot 24.22 on the current Town

of Blooming Grove Tax Map, all of the proposed drainage improvements lie within the Town of Chester and as such, the subject petition has only been presented to the Town of Chester,

WHEREAS, as provided in said petition, the improvements within the proposed drainage district shall consist of 144 linear feet of 14" ductile driveway culvert pipes; 120 linear feet of 16" ductile iron driveway culvert pipes (5 at 24' each) 22 driveway culvert flared end sections; one storm water detention pond; one reinforced concrete outlet structure; 20 linear feet of 36" HDPE outlet control culvert pipe with flared end section; and one rip-rap emergency spillway.

WHEREAS, all costs associated with the construction work for the laying and installing of the improvements within the proposed District shall be paid by the Developer so that no expense occasioned by the creation of the District shall be levied and collected from the land within the District, and

WHEREAS, pursuant to the Order duly adopted on December 13, 2017, the Town Board has determined to proceed with the establishment of the proposed District and adopted an Order reciting a description of the boundaries of the District in a manner sufficient to identify the lands included therein, the fact that Engineering Report describing the same are on file in the Town Clerk's office for public inspection and specifying January 24, 2018, at 7:00 o'clock P.M. (Prevailing Time) as the time when, and the Chester Town Hall, in the Town, as the place where, the Town Board would meet to consider the Establishment of the District, and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by Law; and

WHEREAS, certified copies of such Order were duly published and posted pursuant to the provisions of the Town Law, and mailed to all owners of real property situate in said District; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a duly processed Negative Declaration and/or other applicable documentation has been filed in the office of the Town Clerk; and

WHEREAS, a Public Hearing in the matter was duly held by the Town Board on said January 24, 2018, commencing at 7:00 o'clock P.M. (Prevailing Time), at said Town Hall, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the proposed District.

NOW, THEREFORE, upon the evidence adduced at such Public Hearing, be it **RESOLVED AND ORDERED BY THE TOWN BOARD OF THE TOWN OF CHESTER**, IN THE COUNTY OF ORANGE, NEW YORK, AS FOLLOWS:

Section 1. It is hereby determined that:

- (a) the Notice of Public Hearing was published and posted as required by Law, and is otherwise sufficient;
- (b) all the property and property owners included within the proposed District hereinabove referred to in the recitals hereof are benefited thereby;
- (c) all the property and property owners benefited are included within the limits of the proposed District; and
- (d) it is in the public interest to establish the District.

Section 2. The establishment of the District is hereby approved, as hereinafter described, and said District shall be designated and known as the Chesterdale Drainage District in the Town of Chester, and shall be bounded as described on Appendix A attached hereto.

Section 3. The plan of financing to finance said cost includes the assessment, levy and collection of special assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same.

Section 4. The permission of the State Comptroller is not required with respect to the District because the estimated cost of the District to the Typical Property (as defined in the Town Law) is not above the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the State Comptroller.

Section 5. The Town Clerk of the Town is hereby authorized and directed within ten (10) days after the adoption of this Resolution and Order, to file certified copies thereof, in duplicate, in the office of the State Department of Audit and Control at Albany, New York, and record the same in the office of the Clerk of the County in which the Town is located.

Section 6. This Resolution and Order shall take effect immediately.

AUDIT OF CLAIMS

ON A MOTION BY Councilman Medican and second by Councilman Wensley to approve payment of the bills in the following accounts:

GENERAL FUND	497,268.30
GENERAL - PART TOWN	133,418.91
HIGHWAY – TOWN WIDE	170,750.20
HIGHWAY – OUTSIDE	13,242.65
FIELDCREST WATER	3,670.17
LAKE HILL FARMS WATER	5,381.78
SUGAR LOAF HILLS WATER	5,733.76
SURREY MEADOWS WATER	3,089.12
GARBAGE DISTRICT	47,742.50
TRUST & AGENCY	21,761.66
WALTON LAKE WATER	16,620.39
CAPITAL FUND	<u>560,626.00</u>
Grand Total	\$1,479,305.44

VOTE AYES 5: Jamieson, Medican, Smith, Valentine, Wensley

ADOPTED

ACCEPTANCE OF MEETING MINUTES

ON A MOTION BY Councilman Medican and second by Councilman Wensley to approve the minutes of the January 3, 2018 Town Board Reorganization Meetings.

VOTE AYES 5: Jamieson, Medican, Smith, Valentine, Wensley

ADOPTED

PRESENTATION – GIRL SCOUT TROOP 387

Girl Scout Troup 387 presented to the Town Board their “Get Moving Journey” project which focuses on conserving energy in our community and the whole earth. The 5th graders attempting to earn the Girl Scout Bronze Award include, Carlie, Isabelle, Lily, Stephanie, Gianna H., Gianna G., Abby, Joella, Jemma, Sophia, Lauren and Sabrina. The Scouts voted on this project after discussing different ideas and polling parents in Chester. They asked the Town Board if they could place recycling bins in the Commons Park and Carpenter Field. They said they would create posters to be placed on the bins. The Town Clerk said she could also place posters on the website, TV and at Town Hall. Supervisor Jamieson thanked the Girl Scouts for their idea and said they all would be successful in public speaking careers. He said he would contact IWS to request that recycling bins be placed at the parks.

PRESENTATION – BOY SCOUT TROOP 152

Grant Stevenson presented his Eagle Scout project proposal to the Town Board. He said he would create a memorial for three children of the town who have passed away, Matthew Dudgeon, Alyssa Barbieri and Daniel Mulvey. The memorial, placed at Carpenter Field, would include Japanese maple trees with a stone edging border and mulch, along with a bench for reflection and a plaque with their names. A discussion ensued as to the location in the park. It was decided that the area near the children’s playground would be best suited. Grant said he would be fundraising for this project. Supervisor Jamieson said he would illicit the help of the Parks Department and Highway Department and try to obtain material at discount from Lowe’s to help in the project.

ON A MOTION BY Councilman Medican and second by Councilman Valentine to approve the Eagle Scout project by Grant Stevenson at Carpenter Field.

VOTE AYES 5: Jamieson, Medican, Smith, Valentine, Wensley

ADOPTED

Colin Murray presented his Eagle Scout project proposal to the Town Board. He said he would like to erect a flagpole at Poulverant field surrounded by a wooden barrier that would house a garden. He said that he believes that every sports field should have a flagpole. This solar-powered, telescoping flag pole would be placed near the shed so not to interfere with the field maintenance. He said the flag could be used as a memorial and could inspire and attract more people to the park.

ON A MOTION BY Councilman Medican and second by Councilman Valentine to approve the Eagle Scout project by Colin Murray at Poulverant Field.

VOTE AYES 5: Jamieson, Medican, Smith, Valentine, Wensley

ADOPTED

INTRODUCTORY LOCAL LAW TO AMEND THE TOWN CODE OF THE TOWN OF CHESTER – RELATING TO FALSE ALARMS

Supervisor Jamieson explained how this local law would allow for the relevy of any unpaid false alarm fees.

ON A MOTION BY Councilman Medican and second by Councilwoman Smith to introduce A Local Law to Amend the Town Code of the Town of Chester.

Be it enacted by the Town of Chester in the County of Orange, as follows:

Section 1. Purpose and Intent

It is the purpose of this Local Law to update and amend the Town Code of the Town of Chester, as it relates to penalties and failure to remit scheduled fine amounts resulting from the reporting or otherwise permitting or causing the report of a false alarm within the Town of Chester.

Section 2. Amend Section 34-3 entitled “Penalties for Offenses”, to read as follows:

- A. The second false alarm reported during any period shall be considered to be a violation which shall be punishable by a fine of \$100.00.
- B. For the third and each subsequent violation during any period, an adjudged violator may be subjected to a fine of \$200.00 for a third false alarm, \$250.00 for a fourth false alarm, up to a maximum of \$400.00 or a term of imprisonment not to exceed 10 days.
- C. The fine schedule contained in this Chapter is subject to review and amendment and the same shall be set by resolution of the Town Board at its annual reorganizational meeting.

Section 3. Amend the title of Section 34-4 from “Failure to Remit Fine; Criminal Prosecution”, to “Failure to Remit Fine”, which Section 34-4 shall further be amended to read as follows:

- A. An invoice for the fee associated with each false alarm, as described above, shall be generated by the Town Clerk. For each fee that goes unpaid after 45 days of the invoice date, a late fee, as established by resolution of the Town Board, shall be added to the original fee. Any invoice with an associated late charge that has been unpaid for at least 60 days on November 1 of that year shall be automatically included as a lien on the tax bill of the property on which the false alarm occurred. There shall be an administrative surcharge of \$50 added to the invoice should such lien be required.
- B. Any owner or lessee who has a false alarm occur on his or her property may request the Town Clerk to reconsider the invoice or a portion thereof within 30 days of the invoice date, as described above, by filing a written request with the Town Clerk, setting forth the basis for such request. The Town Clerk shall have 30 days from the receipt of such request to render a decision with respect to the request for reconsideration. Said decision may include a reduction in fine amount or a dismissal of the charges, provided such relief does not conflict with the terms of this chapter. If the Town Clerk fails to respond within the thirty-day period it shall be deemed a denial of the request to reconsider. The property owner may appeal any denial and/or decision of the Town Clerk on a request to reconsider to the Town Board by filing a written request with the Town Clerk and paying the applicable appeal fee, as established by resolution of the Town Board, which may be refunded at the discretion of the Town Board. A hearing shall be held by the Town Board within a reasonable time after the Town Clerk's receipt of the written appeal. The decision of the Town Board shall be final. The Town Board shall have sole authority to expunge all or a portion of a property owner's false alarm history.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.

VOTE AYES 5: Jamieson, Medican, Smith, Valentine, Wensley

ADOPTED

SET PUBLIC HEARING ON INTRODUCTORY LOCAL LAW

ON A MOTION BY Councilman Medican and second by Councilwoman Smith to set a public hearing on February 14, 2018 on the matter of the Introductory Local Law, a Local Law to Amend the Town Code of the Town of Chester.

VOTE AYES 5: Jamieson, Medican, Smith, Valentine, Wensley

ADOPTED

DOCUMENT IMAGING CONTRACT

Supervisor Jamieson explained how the building department would be getting a new computer program that would help make them more efficient and that this part of the project would allow them to have all the historical records of the department digitized and accessible through their new computer program.

ON A MOTION BY Councilman Medican and second by Councilman Valentine to approve the budgeted document imaging contract in the amount of \$27,608.00 through New York State approved Preferred Source Vendor NYSID and partner Image Data and allow the Supervisor to sign same.

VOTE AYES 5: Jamieson, Medican, Smith, Valentine, Wensley

ADOPTED

DELEGATES TO ASSOCIATION OF TOWN'S BUSINESS SESSION

ON A MOTION BY Councilman Medican and second by Councilman Wensley to appoint Supervisor Jamieson as Delegate and Councilman Valentine as Alternate Delegate to the Association of Town's Business Session to be held on February 21, 2018 in New York City, New York.

VOTE AYES 5: Jamieson, Medican, Smith, Valentine, Wensley

ADOPTED

WARWICK VALLEY HUMANE SOCIETY 2018 CONTRACT ADDENDUM

ON A MOTION BY Councilwoman Smith and second by Councilman Medican to approve the 2018 contract addendum for services with the Warwick Valley Humane Society at a monthly cost of \$3,104 and per annum cost of \$2,700 for spay/neuter program, and allow the Supervisor to sign same.

VOTE AYES 5: Jamieson, Medican, Smith, Valentine, Wensley

ADOPTED

INTRODUCTORY LOCAL LAW ADDING ARTICLE X ENTITLED, "FLOOR AREA RATIO" TO CHAPTER 98 OF THE CODE OF THE TOWN OF CHESTER

Councilman Valentine remarked that a draft had been brought before the Board in December. The revised version lists the table of floor to area ratios that would apply. He said this limit in floor to area ratio is part of the zoning changes to help preserve and enhance the rural character in the Town.

ON A MOTION BY Councilman Valentine and second by Councilman Wensley to introduce A Local Law Adding Article X Entitled, "Floor Area Ratio" to Chapter 98 of the Code of the Town of Chester.

Be it enacted by the Town of Chester in the County of Orange, as follows:

Section 1. Title

This Local Law shall be referred to as "A Local Law Adding Article X, Entitled "Floor Area Ratio", to Chapter 98, entitled "Zoning", of the Code of the Town of Chester.

Section 2. Floor Area Ratio

A new Article X entitled "Floor Area Ratio" is hereby added to Chapter 98 entitled "Zoning" of the Town of Chester Municipal Code, to read as follows:

98-41. Purpose and Applicability

- A. The unique character of residential neighborhoods in the Town of Chester rests on the diversity in the style and design of houses, as well as the general uniformity in the scale of houses located on similarly sized lots in neighborhoods throughout the community. The recent trend of tearing down existing houses and replacing them with larger houses or building large additions to existing houses threatens the appearance and impacts the health, safety, welfare and quality of life in the Town of Chester.
- B. It is the intent of this local law to establish a maximum floor area ratio (FAR) for all homes and in the Town of Chester. It responds to the desire of residents to enlarge their homes to meet the needs of their families and to preserve the neighborhood character by requiring houses to appear to be of the same or similar scale to others in the neighborhood. It is the further intent of this local law to encourage both new houses and expansions or alterations to existing houses to have a consistent scale with the nearby residences on both sides of the street. The FAR provisions are intended to be applied together with other provisions of the Town of Chester Zoning Code, including the provisions for lot coverage and resource protection.

98-42. Definitions

As used in this Article, the following terms shall have the meanings indicated, unless the context or subject matter requires otherwise. The definitions contained in Section 98 shall also apply.

DECK – An outdoor platform attached to the principal structure of a building and built above the natural grade. A deck does not have a roof and is exposed to the elements.

FOUNDATION – The supporting structure of a building or structure, including, but not limited to, basements, cellars, basement garages, slabs, sills, posts or frost walls, inclusive of any windows.

GROSS RESIDENTIAL FLOOR AREA – The sum of the gross floor area of all floors of a residence, measured to the exterior of the outside walls. In calculating the gross floor area of houses for the purpose of calculating floor area ratio (FAR), all floor areas of each floor of all principal and accessory structures on the lot shall be included, except for the portion which may be exempted as provided for in §98-44. Any interior space with a floor-to-ceiling height in excess of 12 feet shall be counted twice.

HEIGHT, FLOOR-TO-CEILING – The distance between the finished floor and the finished ceiling of an interior space. The distance shall be equal to the length of a theoretical line drawn from the floor to a point of the highest portion of the ceiling directly above it and is perpendicular to the horizontal plane of the floor.

OUT-OF-SCALE – With regard to a building or any part thereof, the condition of being or appearing to be disproportionately large, bulky, or massive relative to the other buildings in the surrounding neighborhood (particularly, but not limited to, the buildings on contiguous tax lots) and/or relative to the size of the tax lot upon

which the building is situated; also, with regard to any one part of a building (or an addition to a preexisting building), the condition of being or appearing to be disproportionately large, bulky, or massive relative to any other part of the same building (or, in the case of an addition, relative to the preexisting building); with regard to an accessory structure, the condition of being or appearing to be disproportionately large, bulky, or massive relative to the principal structure, the other buildings in the surrounding neighborhood, and/or the size of the tax lot upon which the accessory structure is situated.

PORCH, ENCLOSED - A structure attached to a building, with a floor, roof, and structural supports, and permanently, seasonally, or temporarily enclosed with solid materials, such as glass or lexan (a clear, durable, hard plastic material). Screens, curtains, or latticework made of wire-mesh, cloth, paper, strips of wood or metal, or other similar material, shall not be considered "solid" for the purpose of this definition. A porch does not need to be heated or insulated to be considered enclosed.

PORCH, UNENCLOSED – A structure attached to a building, which has a floor, a roof and structural supports, but not permanently, seasonally or temporarily enclosed with solid materials such as glass or lexan (a clear, durable, hard plastic material).

98-43. Maximum Floor Area Ratio

- A. As illustrated below, the maximum permitted floor area ratio (FAR) and resulting maximum residential floor area for houses shall be as follows:

Floor Area Ratio Table 20% for 1 acre Scale Town Wide FAR Table			
LOT SIZE(SF)	LOT SIZE (ACRES)	Max FAR Ratio	MAX FAR SFTOTAL
3,000	0.069	0.333333	1,000
4,000	0.092	0.297500	1,190
5,000	0.115	0.276000	1,380
6,000	0.138	0.261667	1,570
7,000	0.161	0.251429	1,760
8,000	0.184	0.243750	1,950
9,000	0.207	0.237778	2,140
10,000	0.230	0.233000	2,330
11,000	0.253	0.229091	2,520
12,000	0.275	0.225833	2,710
13,000	0.298	0.223077	2,900
14,000	0.321	0.220714	3,090
15,000	0.344	0.218667	3,280
16,000	0.367	0.216875	3,470
17,000	0.390	0.215294	3,660
18,000	0.413	0.213889	3,850
19,000	0.436	0.212632	4,040
20,000	0.459	0.211500	4,230
21,000	0.482	0.210476	4,420
22,000	0.505	0.209545	4,610
23,000	0.528	0.208696	4,800
24,000	0.551	0.207917	4,990
25,000	0.574	0.207200	5,180
26,000	0.597	0.206538	5,370
27,000	0.620	0.205926	5,560

28,000	0.643	0.205357	5,750
29,000	0.666	0.204828	5,940
30,000	0.689	0.204333	6,130
31,000	0.712	0.203871	6,320
32,000	0.735	0.203438	6,510
33,000	0.758	0.203030	6,700
34,000	0.781	0.202647	6,890
35,000	0.803	0.202286	7,080
36,000	0.826	0.201944	7,270
37,000	0.849	0.201622	7,460
38,000	0.872	0.201316	7,650
39,000	0.895	0.201026	7,840
40,000	0.918	0.200750	8,030
41,000	0.941	0.200488	8,220
42,000	0.964	0.200238	8,410
43,000	0.987	0.200000	8,600
44,000	1.010	0.197977	8,711
45,000	1.033	0.196044	8,822
46,000	1.056	0.194196	8,933
47,000	1.079	0.192426	9,044
48,000	1.102	0.190729	9,155
49,000	1.125	0.189102	9,266
50,000	1.148	0.187540	9,377
51,000	1.171	0.186039	9,488
52,000	1.194	0.184596	9,599
53,000	1.217	0.183208	9,710
54,000	1.240	0.181870	9,821
55,000	1.263	0.180582	9,932
56,000	1.286	0.179339	10,043
57,000	1.309	0.178140	10,154
58,000	1.331	0.176983	10,265
59,000	1.354	0.175864	10,376
60,000	1.377	0.174783	10,487
61,000	1.400	0.173738	10,598
62,000	1.423	0.172726	10,709
63,000	1.446	0.171746	10,820
64,000	1.469	0.170797	10,931
65,000	1.492	0.169877	11,042
66,000	1.515	0.168985	11,153
67,000	1.538	0.168119	11,264
68,000	1.561	0.167279	11,375
69,000	1.584	0.166464	11,486
70,000	1.607	0.165671	11,597
71,000	1.630	0.164901	11,708
72,000	1.653	0.164153	11,819
73,000	1.676	0.162740	11,880
74,000	1.699	0.161365	11,941
75,000	1.722	0.160027	12,002
76,000	1.745	0.158724	12,063
77,000	1.768	0.157455	12,124

78,000	1.791	0.156218	12,185
79,000	1.814	0.155013	12,246
80,000	1.837	0.153838	12,307
81,000	1.860	0.152691	12,368
82,000	1.882	0.151573	12,429
83,000	1.905	0.150482	12,490
84,000	1.928	0.149417	12,551
85,000	1.951	0.148376	12,612
86,000	1.974	0.147360	12,673
87,000	1.997	0.146368	12,734
88,000	2.020	0.145398	12,795
89,000	2.043	0.144449	12,856
90,000	2.066	0.143522	12,917
91,000	2.089	0.142615	12,978
92,000	2.112	0.141728	13,039
93,000	2.135	0.140860	13,100
94,000	2.158	0.140011	13,161
95,000	2.181	0.139179	13,222
96,000	2.204	0.138365	13,283
97,000	2.227	0.137567	13,344
98,000	2.250	0.136786	13,405
99,000	2.273	0.136020	13,466
100,000	2.296	0.135270	13,527
101,000	2.319	0.134535	13,588
102,000	2.342	0.133814	13,649
103,000	2.365	0.132913	13,690
104,000	2.388	0.132038	13,732
105,000	2.410	0.131190	13,775
106,000	2.433	0.130368	13,819
107,000	2.456	0.129570	13,864
108,000	2.479	0.128796	13,910
109,000	2.502	0.128046	13,957
110,000	2.525	0.127318	14,005
111,000	2.548	0.126613	14,054
112,000	2.571	0.125929	14,104
113,000	2.594	0.125265	14,155
114,000	2.617	0.124623	14,207
115,000	2.640	0.124009	14,261
116,000	2.663	0.123422	14,317
117,000	2.686	0.122846	14,373
118,000	2.709	0.122297	14,431
119,000	2.732	0.121639	14,475
120,000	2.755	0.120992	14,519
121,000	2.778	0.120355	14,563
122,000	2.801	0.119730	14,607
123,000	2.824	0.119114	14,651
124,000	2.847	0.118508	14,695
125,000	2.870	0.117912	14,739
126,000	2.893	0.117325	14,783

127,000	2.916	0.116748	14,827
128,000	2.938	0.116180	14,871
129,000	2.961	0.115620	14,915
130,000	2.984	0.115069	14,959
131,000	3.007	0.114504	15,000

NOTE: No Floor Area any residential zone shall exceed 15,000 square feet.

- B. Any house which exceeds 15,000 square feet of gross floor area shall be required to obtain a variance from the Zoning Board of Appeals.

98-44. Exemptions from Calculation of FAR in Residential Zones

A. Decks, Patios, Unenclosed Porches and Porticoes

- (1) All space in unroofed structures, such as decks and patios, shall be excluded from the calculation of FAR.
- (2) All space in unenclosed porches and porticoes shall be excluded from the calculation of FAR. For the purpose of FAR calculation, "unenclosed" shall mean those porches or porticoes that are open and not permanently, seasonally or temporarily enclosed.

- B. Basements, Cellars and Basement Garages. Where exposed exterior wall or walls of basement, cellar or basement garage(s) facing the front yard(s) is less than three feet (measured from the lower of existing grade prior to construction or grade after construction to the bottom of the floor above the basement), the proportionate share of the basement, cellar or basement garage(s) shall be excluded from the calculation of FAR. All of the remaining portions of the floor area basement, cellars or basement garages, where the height (as defined herein) of the exterior exposed wall or walls facing the front yard is three feet or more, shall be included in FAR.

NOTE: The proportionate share is defined as the relationship between that portion of the basement, cellar or basement garage(s) with an exposed exterior wall of less than three feet to the entire length to such exterior wall.

C. Attics. Attics shall be calculated as follows:

- (1) Attics with access through a drop stair or hatch, with a height of less than seven feet six inches, shall be excluded from the calculation of the FAR.
- (2) Attics with access through a drop stair or hatch, with a height of seven feet six inches or greater, shall count as 50% of the FAR.
- (3) An unfinished attic, with access from a staircase or door, with a height of less than seven feet six inches, shall count as 50% of the FAR.
- (4) Attics, unfinished or finished, with access from a staircase or door, with a height of seven feet six inches or greater, shall count as 100% of the FAR.
 - a. A finished attic shall count as 100% of the FAR.

D. Garages. Garages shall be calculated as follows:

- (1) On lots measuring 9,999 square feet or less, the lesser of 250 square feet or the total floor area contained within one-story garages, either detached or attached to the principal structure, shall be excluded from the calculation of FAR.
- (2) On lots measuring 10,000 square feet or greater, the lesser of 400 square feet or the total floor area contained within one-story garages, either detached or attached to the principal structure, shall be excluded from the calculation of FAR.
- (3) In those instances where an additional story is provided above a garage, whether detached or attached to the principal structure, such floor area or the garage floor area, up to the limits set forth herein as defined by lot size, shall be excluded from the calculation of FAR.
- (4) Notwithstanding the above, this section shall not apply to basement garages.

98-45. Procedures for Floor Area Ratio Review of Houses

- A. Upon receipt of a building permit application for a house, or upon submission of an application for site development plan approval or waiver of site development plan approval, the Building Inspector shall determine whether the proposed application exceeds the allowable FAR prescribed under §98-43.
- B. Houses at or below the maximum FAR. If an application does not exceed the maximum FAR, the Building Department shall proceed with the building permit application and/or process the application for site development plan approval or waiver of site development plan approval for consideration by the Planning Board.
- C. Residences above the maximum FAR. Applications for building permits, site development plan approval or waiver or site development plan approval for residences whose total floor area exceeds or is seeking approval for an application or permit which will exceed the maximum permitted FAR, shall be required to seek a variance from the Zoning Board of Appeals in accordance with Article VII of this Chapter. In considering the variance application, the Zoning Board of Appeals shall consider, among other factors, any design guidelines set forth in the Town of Chester Code. The Zoning Board of Appeals may also, at its discretion, refer the application to the Board of Architectural Review, if applicable, for an advisory opinion. Any application for a variance for FAR for a residence or project shall require the submission of the following additional materials, if available, in addition to those required for a building permit:
 - (1) Elevations (photos, drawings, scale) of the houses on all sides of the subject house, including across the street;
 - (2) Photographs of neighboring houses, structures and yards within 200 feet on any side of the subject house, including across the street;
 - (3) Floor area ratios of neighboring houses on lots within 200 feet on either side of the subject house; and
 - (4) The applicant shall also provide written or verbal testimony addressing the proofs required for variances.

- D. Additions to existing structures that exceed allowable FAR. When considering the FAR and out-of-scale components of an application for an addition where the preexisting structure exceeds the allowable FAR as set forth in §98-43, the Zoning Board of Appeals may, in its discretion, consider the increase of that addition over the existing FAR of the preexisting structure, provided that the resulting structure is not out-of-scale with the surrounding neighborhood.

98-46. Effective Date

- A. This article shall apply to any application for a building permit that has not been submitted to the Building Department for consideration or processing as of March 15, 2018 or upon such time as the instant local law is filed with the Secretary of State, whichever date is sooner.

Section 3. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 4. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.

VOTE AYES 5: Jamieson, Medican, Smith, Valentine, Wensley

ADOPTED

NOTICE OF INTENT TO BECOME LEAD AGENCY

ON A MOTION BY Councilman Medican and second by Councilman Valentine to provide Notice of Intent to become Lead Agency in the matter of Introductory Local Law, A Local Law Adding Article X Entitled, "Floor Area Ratio" to Chapter 98 of the Code of the Town of Chester.

VOTE AYES 5: Jamieson, Medican, Smith, Valentine, Wensley

ADOPTED

EDUCATION REQUESTS

ON A MOTION BY Councilwoman Smith and second by Councilman Medican to approve the attendance of Officer Slaughter to the University of North Florida Institute of Police Technology and Management (IPTM) Investigation of Motorcycle Crashes course. The course is a five-day training class scheduled for Westchester County on February 12 through February 16, 2018. The class is designed to prepare law enforcement officers in the concepts and principles of investigating a motorcycle crash. The training includes classroom presentation and projects.

Topics include:

- Analyzing and interpreting the motorcycle crash scene
- Determining acceleration and deceleration characteristics of the motorcycle
- Analyzing and interpreting modes of instability and handling characteristics in motorcycles
- Interpreting the operator factor
- Reviewing motorcycle tires, helmets, and other equipment

- Using a practical application of formulas (projects)

There is no fee for the course.

VOTE AYES 5: Jamieson, Medican, Smith, Valentine, Wensley

ADOPTED

ON A MOTION BY Councilman Wensley and second by Councilwoman Smith to approve the attendance of Sgt. Eckert to the Supervisory Liability for Effective and Constitutional Policing seminar. It will be held in Orange County on January 25th. This seminar focuses on legal analysis, guidance and interpretation of current laws addressing supervisory/municipal liability and current police practices in effective and constitutional policing. The training focuses specifically on civil and criminal liability that is imposed on command level and first line supervisors: including- Effective & Constitutional Standards of Policing and Accepting Citizen Complaints.

Areas to be covered are:

- 42 U.S.C §1983
- 42 U.S.C §14141
- DOJ Consent Decree Language
- Monell v. Department of Social Services
- Individual Supervisor v. Agency Liability under the Monell Standard,
- Deliberate Indifferent Standard
- Generally Accepted Police Practices
- Civil and Criminal Liability, and
- Accepting Citizen Complaints

There is no fee for the course.

VOTE AYES 5: Jamieson, Medican, Smith, Valentine, Wensley

ADOPTED

ON A MOTION BY Councilwoman Smith and second by Councilman Wensley to approve the attendance of Lori Streichert to the Senior Games committee meeting on Monday, February 5, 2018 at Thomas Bull Memorial Park.

VOTE AYES 5: Jamieson, Medican, Smith, Valentine, Wensley

ADOPTED

REDUCTION OF SPEED LIMIT ON STATE ROUTE 94

A discussion ensued as to the possibility of having the speed limit reduced on the stretch of State Route 94 near Conklingtown Road, due to the new development expected to go in this area and the impact of the commuter buses along the route. Councilman Valentine commented that the SEQR for the Greens of Chester would have had a traffic study as well as that proposed by Primo Sports. Supervisor Jamieson said he would follow up with Assemblyman Skoufis and Planning Board Chair Don Serotta to inquire as to the procedure.

ANNOUNCEMENTS

Supervisor Jamieson announced the upcoming trip to the Philadelphia Flower Show on Monday, March 5, 2018 from Town Hall at 8:00am. Tickets are \$55 p/person and can be obtained through the Recreation Department at 469-7000x8. Supervisor Jamieson announced the free, reliable tax preparation through AARP, held at St. Paul's Church. Call 2-1-1 to schedule an appointment.

Supervisor Jamieson asked, in honor of Danny Mulvey who was a Eagles fan, that all should wear green on Super Bowl Sunday.

TOWN BOARD COMMENTS

Councilwoman Smith asked for a buildings' update. Supervisor Jamieson said there was a final walk-through conducted at the Police Department building. Chief Doellinger said completion may be by February 19th. Supervisor Jamieson said he met with Voice Com to discuss the upgrade and networking of the Town Hall, Police Department, Highway Department and Senior Center phone system. Mr. Fusco said the heat and electrical are going in the Senior Center. Sheet rocking, ceiling tiles and front door are being installed. He anticipates one month to completion.

Councilwoman Smith said the light at Kings Highway and the Bypass is not aiming near the intersection. Mr. Logothetis suggested that it be moved and a proper light be installed. Councilwoman Smith said she would follow up with O&R on the matter.

Councilwoman Smith said to make the ice skating rink more structurally sound, hay bales have been added all around it.

PUBLIC COMMENTS

Richard Logothetis of Sugar Loaf commented that the plaque which adorns the Town Hall meeting room was presented by the Sugar Loaf Community Foundation with the regard to tree planting that was done on behalf of the Town.

EXECUTIVE SESSION

ON A MOTION BY Councilman Valentine and second by Councilman Smith to enter into Executive Session at 8:00pm for contract negotiations. Motion carried 5-0.

ON A MOTION BY Councilwoman Smith and second by Councilman Valentine to adjourn the Executive Session at 8:30pm. Motion carried 5-0.

Supervisor Jamieson said the Highway Department final discussion agreement has been completed with Councilman Medican.

ON A MOTION BY Councilwoman Smith and second by Councilman Wensley to confirm the final discussions and negotiations that Councilman Medican had with the Highway Department Union Delegate and authorize the Union to submit an MOU in accordance with said agreement made with Councilman Medican, in principal.

VOTE AYES 5: Jamieson, Medican, Smith, Valentine, Wensley

ADOPTED

ON A MOTION BY Councilwoman Smith and second by Councilman Valentine, there being no further business brought before the Board, to adjourn the meeting at 8:35pm. Motion carried 5-0.

Respectfully submitted,

Linda A. Zappala
Town Clerk
2018-01-24