

DRAFT

**TOWN BOARD MEETING
AND PUBLIC HEARING
March 14, 2018
7:00 PM**

Supervisor Jamieson opened the meeting at 7:10 pm followed by a salute to the flag. Members present: Supervisor Jamieson, Councilwoman Smith, Councilman Valentine, Councilman Wensley, Absent: Councilman Medican

Also present: Scott Bonacic, Esq. – Bonacic, McMahon, and Fusco Engineering

**PUBLIC HEARING – INTRODUCTORY LOCAL LAW A LOCAL LAW ADDING ARTICLE X ENTITLED
“FLOOR AREA RATIO” TO CHAPTER 98 OF THE CODE OF THE TOWN OF CHESTER**

ON A MOTION BY Councilwoman Smith and second by Councilman Wensley to open the Public Hearing at 7:12pm.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

The following is the notice of the Introductory Law in its entirety, as it appeared in the Times Herald Record on March 1, 2018.

**NOTICE OF PUBLIC HEARING
ON PROPOSED LOCAL LAW**

The Town Board of the Town of Chester will hold a public hearing on a proposed local law entitled:

**A LOCAL LAW ADDING ARTICLE X ENTITLED “FLOOR AREA RATIO”
TO CHAPTER 98 OF THE CODE OF THE TOWN OF CHESTER.**

A copy of the proposed local law is on file and can be obtained at the Town Clerk’s Office, 1786 Kings Highway, Chester, N Y.

Said public hearing will take place in the Town Hall Meeting Room, 1786 Kings Highway, Chester, NY on Wednesday, March 14, 2018 at 7 PM or as soon thereafter as the matter may be heard.

All persons interested in the subject matter may appear in person or by agent. All written communications should be addressed to the Board at the above address.

**BY ORDER OF THE TOWN BOARD
TOWN OF CHESTER**

LINDA A. ZAPPALA,
TOWN CLERK

Dated: February 26, 2018

Supervisor Jamieson read the summary of this proposed local law as it establishes a ratio of house size in relation to lot size. Supervisor Jamieson asked if there were any public comments.

Tracy Shu, Preservation Collective – Ms. Shuh referenced her written comments which appear below and suggested tightening up the code to include the definition of floor area ratio.

March 8, 2018

Town of Chester
Town Supervisor and Board members
1786 Kings Highway
Chester NY 10918

Re: Introductory Local Law 2018: Floor Area Ratio

Dear Supervisor and Board:

This letter is being submitted for the upcoming public hearing on new Town Code for Floor Area Ratio (FAR). In our effort to assist in reviewing proposed regulations that safeguard the health, safety, welfare and quality of life in the Town of Chester, please consider the following comments:

- ☐ Section 2. “a new Article X entitled “Floor Area Ratio” is hereby added to Chapter 98”. After a cursory look, this new article might conflict with parts of the Town’s existing code 98-23 regarding “Minimum Habitable Dwelling Space.” It could be confusing to have same or similar terms defined differently in two different sections. For instance, the rules on counting attic spaces have different criteria (5’ and 7’6”).
- ☐ There is no definition for Floor Area Ratio (FAR). Based on the wording in the code, we would suggest adding: FLOOR AREA RATIO (FAR) The relationship of building size to lot size, derived by dividing the total Gross Floor Area by the lot size in square feet, yielding a percentage.
- ☐ Definitions of Porch, Enclosed/Unenclosed – You might want to revise the definition to reflect new technology where it explains what is considered solid materials as “glass or lexan (a clear, durable, hard plastic material)”. See example: <http://porchenclosuresystems.com/roll-up-porch-curtains/>; it states these curtains are made out of all weather “vinyl glass” to enclose porches.
- ☐ At the top of the table, including “20% for 1 acre Scale” conflicts with the actual numbers and could be removed.
- ☐ It should be clarified what happens when a lot is in between two of the listed lot sizes. Would a 5,300 s.f. lot be rounded up or down? Or would you apply the ratio for the next largest or next lowest size?
- ☐ In the NOTE at the end of the table, it should probably say “No “Gross Floor Area” in any ...”.to be consistent with terminology used in 98-43.B
- ☐ We assume that the intent of Section 98-44.D(3) is to have floor areas of additional stories over garages count towards the FAR, but it does not say this. Please clarify.
- ☐ In Section 98-44.D(4), how is a “basement garage” defined; what about a split level house?
- ☐ In Section 98-45, do you want it to clarify that it includes both new construction and additions to houses?

We hope the above comments prove helpful for the Town in adopting a new local law that intends to preserve neighborhood character in Chester.

Sincerely,
Tracy Schuh, President
TPC, Inc.

cc: Don Serotta, Town of Chester Planning Chairman
James Farr, Town of Chester Building Department

Gordon Shehab, 68 High Street – Mr. Shehab asked if the homes are to be smaller with no additions. Councilman Valentine explained that the law would limit floor area by comparison to size of lot, in essence to limit the size of homes on small lots. He said this law would affect the entire town.

ON A MOTION BY Councilman Valentine and second by Councilwoman Smith to close the Public Hearing at 7:15pm, there being no further public comments.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

ADOPTION OF LOCAL LAW NO. 2 OF 2018

ON A MOTION BY Councilman Valentine and second by Councilwoman Smith to adopt Local Law No. 2 of 2018 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 (%)
3,000	0.069	0.333333
4,000	0.092	0.297500
5,000	0.115	0.276000
6,000	0.138	0.261667
7,000	0.161	0.251429
8,000	0.184	0.243750
9,000	0.207	0.237778
10,000	0.230	0.233000
11,000	0.253	0.229091
12,000	0.275	0.225833
13,000	0.298	0.223077
14,000	0.321	0.220714
15,000	0.344	0.218667
16,000	0.367	0.216875
17,000	0.390	0.215294
18,000	0.413	0.213889
19,000	0.436	0.212632
20,000	0.459	0.211500
21,000	0.482	0.210476

22,000	0.505	0.209545
23,000	0.528	0.208696
24,000	0.551	0.207917
25,000	0.574	0.207200
26,000	0.597	0.206538
27,000	0.620	0.205926
28,000	0.643	0.205357
29,000	0.666	0.204828
30,000	0.689	0.204333
31,000	0.712	0.203871
32,000	0.735	0.203438
33,000	0.758	0.203030
34,000	0.781	0.202647
35,000	0.803	0.202286
36,000	0.826	0.201944
37,000	0.849	0.201622
38,000	0.872	0.201316
39,000	0.895	0.201026
40,000	0.918	0.200750
41,000	0.941	0.200488
42,000	0.964	0.200238
43,000	0.987	0.200000
44,000	1.010	0.197977
45,000	1.033	0.196044
46,000	1.056	0.194196
47,000	1.079	0.192426
48,000	1.102	0.190729
49,000	1.125	0.189102
50,000	1.148	0.187540
51,000	1.171	0.186039
52,000	1.194	0.184596
53,000	1.217	0.183208
54,000	1.240	0.181870
55,000	1.263	0.180582
56,000	1.286	0.179339
57,000	1.309	0.178140
58,000	1.331	0.176983
59,000	1.354	0.175864
60,000	1.377	0.174783
61,000	1.400	0.173738
62,000	1.423	0.172726
63,000	1.446	0.171746
64,000	1.469	0.170797
65,000	1.492	0.169877
66,000	1.515	0.168985
67,000	1.538	0.168119
68,000	1.561	0.167279
69,000	1.584	0.166464
70,000	1.607	0.165671
71,000	1.630	0.164901

72,000	1.653	0.164153
73,000	1.676	0.162740
74,000	1.699	0.161365
75,000	1.722	0.160027
76,000	1.745	0.158724
77,000	1.768	0.157455
78,000	1.791	0.156218
79,000	1.814	0.155013
80,000	1.837	0.153838
81,000	1.860	0.152691
82,000	1.882	0.151573
83,000	1.905	0.150482
84,000	1.928	0.149417
85,000	1.951	0.148376
86,000	1.974	0.147360
87,000	1.997	0.146368
88,000	2.020	0.145398
89,000	2.043	0.144449
90,000	2.066	0.143522
91,000	2.089	0.142615
92,000	2.112	0.141728
93,000	2.135	0.140860
94,000	2.158	0.140011
95,000	2.181	0.139179
96,000	2.204	0.138365
97,000	2.227	0.137567
98,000	2.250	0.136786
99,000	2.273	0.136020
100,000	2.296	0.135270
101,000	2.319	0.134535
102,000	2.342	0.133814
103,000	2.365	0.132913
104,000	2.388	0.132038
105,000	2.410	0.131190
106,000	2.433	0.130368
107,000	2.456	0.129570
108,000	2.479	0.128796
109,000	2.502	0.128046
110,000	2.525	0.127318
111,000	2.548	0.126613
112,000	2.571	0.125929
113,000	2.594	0.125265
114,000	2.617	0.124623
115,000	2.640	0.124009
116,000	2.663	0.123422
117,000	2.686	0.122846
118,000	2.709	0.122297
119,000	2.732	0.121639
120,000	2.755	0.120992

121,000	2.778	0.120355
122,000	2.801	0.119730
123,000	2.824	0.119114
124,000	2.847	0.118508
125,000	2.870	0.117912
126,000	2.893	0.117325
127,000	2.916	0.116748
128,000	2.938	0.116180
129,000	2.961	0.115620
130,000	2.984	0.115069
131,000	3.007	0.114504

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.
- (5) 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;
 - a. Floor area ratios of neighboring houses on lots within 200 feet on either side of the subject house; and
 - (3) 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.

- 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 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

PUBLIC HEARING – INTRODUCTORY LOCAL LAW A LOCAL LAW AMENDING CHAPTER 6 ENTITLED “CREDIT CARD PAYMENTS” OF THE CODE OF THE TOWN OF CHESTER AND AMENDING CHAPTER 87, ARTICLE VIII, ENTITLED “COLD WAR VETERANS TAX EXEMPTION” OF THE TOWN CODE OF THE TOWN OF CHESTER

ON A MOTION BY Councilwoman Smith and second by Councilman Valentine to open the public hearing at 7:16pm.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

Supervisor Jamieson explained that the proposed local law would add the recreation department to the authorized users to accept credit cards and allow for a tax exemption for Cold War veterans. He asked if there were any public comments. There were none.

ON A MOTION BY Councilwoman Smith and second by Councilman Valentine to close the public hearing at 7:18pm.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

ADOPTION OF LOCAL LAW NO. 3 OF 2018

ON A MOTION BY Councilwoman Smith and second by Councilman Valentine to adopt Local Law No. 3 of 2018, entitled, A Local Law Amending Chapter 6 Entitled “Credit Card Payments” Of the Code of the Town of Chester and Amending Chapter 87, Article Viii, Entitled “Cold War Veterans Tax Exemption” Of 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. Title

This Local Law shall be referred to as "A Local Law Amending Chapter 6, entitled “Credit Card Payments,” of the Town Code of Chester and Amending Chapter 87, Article VIII, entitled “Cold War Veterans Tax Exemption,” of the Code of the Town of Chester.

SECTION 2: Purpose and Intent

It is the purpose of this Local Law to amend Chapter 6, entitled “Credit Card Payments,” of the Town Code of the Town of Chester, as it relates to municipal departments permitted to accept credit card payments and to amend and update Chapter 87, Article VIII, entitled “Cold War Veterans Tax Exemption,” of the Town Code of the Town of Chester as it relates to real

property tax exemptions for Cold War Veterans.

SECTION 3: Amend Subsection (G) of §6-3, entitled “Credit card agreements; payment of obligations by credit card,” to read as follows:

G. The Town Board hereby designates the Town Supervisor, Town Clerk and Recreation Coordinator of the Recreation Department, and their respective deputies, as the officers charged with the duty of collecting or receiving money on behalf of the Town, and said persons are hereby authorized to accept credit cards as a means of payment of fines, taxes, rent, rates, fees, charges, revenue, financial obligations and other amounts, including penalties, special assessments or interest.

SECTION 4: Amend and Replace §87-13 of Chapter 87, Article VIII, entitled “Cold War Veterans Tax Exemption,” to read as follows:

§87-13. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

COLD WAR VETERAN

A person, male or female, who served on active duty for a period of more than 365 days in the United States Armed Forces during the time period from September 2, 1945 to December 26, 1991, and was discharged or released therefrom under honorable conditions and has been awarded the Cold War Recognition Certificate as authorized under Public Law 105-85, the 1998 National Defense Authorization Act.

UNITED STATES ARMED FORCES

The United States Army, Navy, Marine Corps, Air Force and Coast Guard.

ACTIVE DUTY

Full-time duty in the United States Armed Forces, or other active duty for training.

SECTION 5: Create a new §87-14 to read as follows:

§87-14. Exemption amount.

A. The Town of Chester hereby adopts the Real Property Tax Exemption for Cold War Veterans as authorized by Real Property Tax Law §458-b. Qualifying residential real property shall be exempt from taxation to the extent provided for in Subsection (2)(a)(ii) of the Real Property Tax Law, 10% of the assessed value of such property; provided, however, that such exemption shall not exceed \$8,000 or the product of \$8,000 multiplied by the latest state equalization rate of the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

B. In addition to the exemption provided by Subsection (2)(a) of Real Property Tax Law §458-b, where the Cold War Veteran received a compensation rating from the United States Veterans’ Affairs or from the United States Department of Defense because of a service-connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by 50% of the Cold War Veteran disability rating; provided, however, that such exemption shall not exceed \$40,000 or the product of \$40,000 multiplied by the latest state equalization rate for the assessing unit or, in the case of a special assessing unit, the latest class ratio, whichever is less.

SECTION 6: Severability Clause

If any section or subsection, paragraph, clause, phrase or provision of this local law shall be adjudged invalid for any reason or shall be deleted or subsequently repealed, the same shall not affect the validity of this local law as a whole or any part or provision herein other than the part as adjudged to be invalid and/or deleted and/or subsequently repealed.

The determination by any court of competent jurisdiction that any provisions of the within local law as unenforceable, invalid, void, unconstitutional or in conflict with federal or state law shall not in any way affect the enforceability or validity of any other provision contained herein.

SECTION 7: Effective Date

This local law shall take effect immediately upon posting and filing with the New York State Department of State.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

AUDIT OF CLAIMS

ON A MOTION BY Councilwoman Smith and second by Councilman Wensley to approve payment of the following bills from the following accounts.

GENERAL FUND	116,643.54
GENERAL - PART TOWN	88,368.09
HIGHWAY – TOWN WIDE	93,810.84
HIGHWAY – OUTSIDE	10,665.87
FIELDCREST WATER	616.46
LAKE HILL FARMS WATER	4,679.48
SUGAR LOAF HILLS WATER	2,012.95
SURREY MEADOWS WATER	5,881.47
GARBAGE DISTRICT	45,560.70
TRUST AND AGENCY	12,987.99
WALTON LAKE WATER	4,171.76
CAPITAL FUND	<u>401,443.85</u>
Grand Total	\$ 786,843.00

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

ACCEPTANCE OF MINUTES

ON A MOTION BY Councilman Valentine and second by Councilwoman Smith to accept the Town Board Meeting Minutes through February 28, 2018.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

CHESTER CLEAN UP

Tom Flynn addressed the Board concerning the scheduled dates for the upcoming Spring Clean Up on Saturday, April 28 from 9am-12noon with a rain date of Sunday, April 29 from 11am-2pm. He asked the Board to arrange for the use of a truck for this purpose and the Clerk to arrange for dumpsters to be provided. The Board was in consensus of this request.

CHANGE ORDER

ON A MOTION BY Councilwoman Smith and second by Councilman Wensley to approve the change order #2 from Rotolo Electric in the amount of \$7,365.00 for the relocation of the pad mounted transformer at the new Senior Center building and allow the Supervisor to sign same.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

ANNUAL MS4 FILING

Supervisor Jamieson presented the Board with the Annual MS4 Report as prepared by Town Engineer, Al Fusco.

ON A MOTION BY Councilman Valentine and second by Councilwoman Smith to approve the filing of the Annual MS4 and allow the Supervisor to sign the associated documents.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

DORMITORY AUTHORITY OF THE STATE OF NEW YORK GRANT

Supervisor Jamieson presented the Board with the State and Municipal Facilities Program ("SAM") grant received by the Highway Department in the amount of \$50,000 for the purchase of a generator. This is not a matching grant.

ON A MOTION BY Councilwoman Smith and second by Councilman Wensley to accept the SAM grant in the amount of \$50,000 to purchase a generator for the Highway Department and allow Supervisor Jamieson to sign the related documents.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

SOLAR PROJECT 215 -BLACK MEADOW ROAD

Supervisor Jamieson addressed the Board with regard to the decommissioning and pilot of the solar project application as it relates to its effect on an agricultural exemption. The matter was tabled.

VIDEO RECORDINGS

Supervisor Jamieson read the memo from the Records Management Officer concerning the Town's disposition policy as adopted from the NYS Archives of video recordings of more than one year. He added that the problem with the last meeting's videotaping had been rectified.

EAGLE SCOUT PROJECTS

Supervisor Jamieson gave an update regarding the planting of trees and installation of the flag pole at Pulvirent.

GREENS OF CHESTER

Supervisor Jamieson provided a history of the Greens of Chester project from its inception to date.

(The following excerpted from the Planning Board "Resolution of Approval Final Subdivision and Site Plan for Arlington Chester, LLC [Greens at Chester], dated November 6, 2013.)

An application for subdivision and site plan approval, together with a Full Environmental Assessment Form (Full EAF), was submitted to this Board on or about May 26, 1994;

On September 7, 1994 this Board issued a positive declaration pursuant to those certain regulations known as the "SEQRA regulations," contained and set forth in the State Environmental Quality Review Act at 6 NYCRR PART 617 et.seq. finding that the application of Arlington Chester, LLC may have a significant adverse impact on the environment and that an environmental impact statement would be required;

A formal scoping session as provided for in the SEQRA regulations was conducted on October 5, 1994;

A written scope identifying those areas of concern to be studied at length in a formal Environmental Impact Statement was adopted by the Board on March 1, 1995;

A Draft Environmental Impact Statement was submitted by the applicant to the Board in May of 1995 and thereafter revised in June and July of 1995 and ultimately accepted as complete for public review on December 6, 1995;

A public hearing was held on the Draft Environmental Impact Statement and preliminary subdivision approval on February 21, 1996;

A Draft Final Environmental Impact Statement was submitted to the Board in March of 1997;

The Draft Final Environmental Impact Statement was accepted by the Board on September 30, 1998;

The SEQRA Findings Statement was adopted and preliminary subdivision approval was granted the applicant on November 18, 1998.

Supervisor Jamieson added that the original project was to be 950 units similar to Whispering Hills. The current project of approximately 435 homes includes approximately 260 single family homes, mostly of the colonial style and the remainder duplexes. He said he spoke with the developers and the project will be listed on the MLS, available to all and marketed in Brooklyn, NY. The children will be attending the Kiryas Joel School system. The project will follow the rules of the Town. They will be allocated sewer as they have been paying the debt service and they will develop the wells on the property to

create a water district that the Town will take over. He said a drainage district will also be required. He said that no homes will be sold until an HOA is established by the State. He added that only the main road will remain public.

EDUCATION REQUESTS

ON A MOTION BY Councilman Wensley and second by Councilman Valentine to approve the attendance of Supervisor Jamieson, Sharon Conklin and Tanya McPhee at the Annual Town Finance School on May 3 & 4, 2018 in Saratoga Springs at a cost of \$200, plus cost of hotel, meals and mileage.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

ON A MOTION BY Councilwoman Smith and second by Councilman Valentine to approve the attendance of Highway Superintendent LaSpina to the 2018 Highway School on June 3 -6, 2018 in Ithaca, NY.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

ON A MOTION BY Councilwoman Smith and second by Councilman Valentine to approve the attendance of Highway Superintendent LaSpina and Donna Thom to the Powers and Duties workshop on April 3, 2018 in Middletown, NY. The cost of the seminar is \$50.00 person.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

ON A MOTION BY Councilwoman Smith and second by Councilman Wensley to approve the attendance of child passenger safety seat technicians (Officers Bird, Weinstein and Stack) to the National Highway Traffic Safety Administration's Region 2 Child Passenger Safety Technical Conference. This year's conference will be held in Long Branch, NJ on March 20th and 21st. The lodging (\$105/night) and conference registrations fees (\$225) will be reimbursed through our state Child Passenger Safety grant award for FY2018.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

ON A MOTION BY Councilwoman Smith and second by Councilman Valentine to approve the attendance of Officers Slaughter, D'Agnese and Monsees to the Practical Guidelines for Motorcycle Enforcement course. It will be held in Goshen on March 21st, 2018. There is no fee for the course.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

ROAD CLOSURE

Supervisor Jamieson read the request received by the Town Clerk from Possible Productions, Inc. for the closure of Johnson Road from Route 94 and Craigville Road for filming in conjunction with a Showtime miniseries, entitled, "Escape at Dannemora". They have provided the necessary insurance and have received approval from Chief Doellinger for police assistance.

ON A MOTION BY Councilman Valentine and second by Councilman Wensley to close Johnson Road between Route 94 and Craigville Road on March 15, 2018 from 6-7:30pm.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

VISION COVERAGE

Supervisor Jamieson reported that Davis Vision is cancelling their coverage with the Town.

ON A MOTION BY Councilwoman Smith and second by Councilman Wensley to approve the contract with HM Insurance Group at the same cost and coverage.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

SPEED LIMITE REDUCTION ON STATE ROUTE 94

Supervisor Jamieson discussed with Highway Superintendent the possibility of lowering the speed limit on State Route 94 from West Street to Glenmere Road from 55mph to 45mph.

ANNOUNCEMENTS

Supervisor Jamieson said the Police Department has moved into their new building. Chief Doellinger added that they are getting settled in.

Supervisor Jamieson said it is anticipated that the Seniors will be in their new building by April 15th as reported by Town Engineer Al Fusco. They are awaiting the concrete and asphalt to be completed.

TOWN BOARD COMMENTS

Councilwoman Smith asked who would be cleaning the Police Department and Senior Center. Supervisor Jamieson he would speak with Elaine to see if that would be something she would consider. Councilwoman Smith informed the Board that Nick Zungoli would be meeting with County Executive Neuhaus to discuss the beautification and sidewalk installation in Sugar Loaf. Supervisor Jamieson added that Mr. Zungoli would like to lower the speed limit through the Sugar Loaf Business District to 20mph. Councilwoman Smith requested the addition of a picnic bench on the top of the hill at Knapp's View. Councilwoman Smith said she is aware that an out-of-town travel team would like to use the baseball fields for their games. Supervisor Jamieson said that he is awaiting the Little Leagues schedule of games. He added that the fields are owned by the Town and users would have to pay fees. Councilwoman Smith announced the PBA sponsored Easter Egg Hunt on March 24th at 11am at the Commons Park.

Councilman Valentine said he discussed the PDR Law with Don Serotta. He said they may have a meeting with Mike Sweeten to find out how the Town of Warwick navigated the process through the State Legislature. He said it would not be easy to get it done right away. He added that Warwick floated a bond of \$9,000,000 to purchase properties and it became a line item on the residents' tax bills. Supervisor Jamieson explained the PDR process, the taxation on home sales and the use of these funds by the Town to purchase lands. Councilman Valentine said the committee is close to finalizing the Chester Preservation Plan. Supervisor Jamieson said it needs to get pushed through the State to make it on the ballot in November.

PUBLIC COMMENTS

Lisa Toth, 3970 Summerville Way – Ms. Toth asked why the speed limit on State Route 94 would only be lowered to 45mph. Supervisor Jamieson said there may be a proposal in order for a traffic light at West Ave and Route 94. Councilman Valentine replied that the reduction would be based on the sight distance. He added that the Town should meet with the State Engineer to get their input for speed limit requirements.

Christy Greco, 25 Pine Hill Road – Ms. Greco asked the status of the Sugar Loaf Performing Arts Center. Supervisor Jamieson explained that it is owned by the Mid-Hudson Civic Center and he has been told that they have no intentions of running shows because the events cost too much. They just want to rent out the facility and will not be selling. Ms. Greco asked who will enforce the laws at the Greens of Chester. Supervisor Jamieson answered that there will be an engineer on site when the pipelines are installed and the building department would be involved in the inspection of the homes.

David Stevenson, 16 Elm Street – Mr. Stevenson asked if the Greens of Chester would be required to redo the SEQRA. Supervisor Jamieson replied only if they ask for a variance. Mr. Stevenson asked who would be responsible for paying the PDR tax. Supervisor Jamieson said it would be borne by buyers of new or resale properties.

Tracy Shuh, Preservation Collective - Ms. Shuh commented, with regard to the Chester Preservation Plan, that the Town needs to pin down dates because it must be to the State by June. She suggested the Board do SEQRA at the next meeting. She asked how the layouts of total bedrooms would be kept track of at the Greens of Chester. Councilman Valentine said it should be tracked through the Building Department. She asked if the environmental changes might require a new SEQRA, although tied to the lawsuit. Ms. Shuh said that the conditional approvals process should not be extended repeatedly.

Councilman Valentine said the process needs to comply with State law. Ms. Shuh suggested the Town Board attend the next Planning Board public hearing.

Reggie Troncone, 3966 Summerville Way – Mr. Toncone said he was interested in the aesthetics of the Greens of Chester. Supervisor Jamieson directed him to the project office located by the storage facility on Route 94 where he could find pictures of the homes. Mr. Troncone expressed concern over the water supply. Councilman Valentine explained that there would be a water district operated by the Town Water Department but self-supported by members of the district.

Brian Boone, 3 Hom Street – Mr. Boone asked about the undeveloped land being locked. Attorney Bonacic said the project was approved as a cluster subdivision allowing a benefit of forever undeveloped lands. Councilman Valentine said that any future change proposed must be put in front of the Planning Board.

Michael Alesci, 143 Conklington Road – Mr. Alesci asked if the number of people in the homes could be limited. He asked if there were plans for a synagogue. Supervisor Jamieson said the limit would apply to number of bedrooms and any plan for a synagogue would have to go before the Planning Board. Mr. Alesci said that any plan could not be denied. He voiced his concern about the changes and future of Chester.

Rosemary McCourt, 2003 Whispering Hills – Mr. McCourt asked about purchase price and the possibility of a synagogue in the homes. Supervisor Jamieson said the single family homes would be priced between \$350,000-\$400,000 and that it would up to the Assessor to give any tax exemptions. He added the timeline would be 6mos-1 year for infrastructure with 20-30 houses to be built in Phase 1 off of West Avenue. She asked about violations on occupancy. Councilman Valentine said violations would have to be filed with the Building Inspector.

Suzanne Bellanich, 25 Washington Road – Ms. Bellanich asked what zone the Greens of Chester was located in and how many parking spaces would be provided. Councilman Valentine answered that it is in the SR6 zone and each dwelling unit would have 2 parking spaces, which could include the garage. He added that the code has since been changed to keep other areas of the Town as rural as possible.

Lisa Quinones, 50 Harding Way – Ms. Quinones asked if the Town would look into a “No Solicitation Law”. Supervisor Jamieson said he would review the Town's current law for possible updating.

Walter Popailo, 16 Hulse Lane – Mr. Popailo asked if the Memmelaar property would be used for a shopping center. Supervisor Jamieson said it would require a variance since the property is zoned RO.

EXECUTIVE SESSION

ON A MOTION BY Councilman Valentine and second by Councilwoman Smith at 9:00pm to enter into an Executive Session to discuss contract negotiations. Motion carried 4-0.

ON A MOTION BY Councilman Valentine and second by Councilwoman Smith to adjourn the Executive Session at 9:30pm. Motion carried 4-0.

ON A MOTION BY Councilman Valentine and second by Councilwoman Smith to rescind the motion to adopt Local Law No. 2 of 2018.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

STATE ENVIRONMENTAL QUALITY REVIEW NEGATIVE DECLARATION

ON A MOTION BY Councilwoman Smith and second by Councilman Valentine to adopt the following resolution concerning the Negative Declaration Notice of Determination of Non-Significance for the matter of Introductory Local Law Adding Article X Entitled “Floor Area Ratio” To Chapter 98 Of The Code Of The Town Of Chester and allow the Supervisor to sign same.

This notice is issued pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 (State Environment Quality Review Act) of the Environmental Conservation Law.

The Town of Chester Town Board, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: FAR (Floor to Area Ratio) Zoning Ordinance
SEQR Status: Type I
Negative Declaration: Yes
Description of Action: Application for approval of Local Law for revised Zoning Regulations

Facts & Reasons Supporting This Determination:

Based on it careful review of the application, the plans and revisions thereto submitted by the applicant, Short Form Environmental Assessment Form, with supporting information and public comment, the Town Board has identified the no areas of environmental concern in connection with the proposed project.

Resolution:

BE IT RESOLVED that based on the Town Board's review and consideration of the Project, Full Environmental Assessment Form, supplementary technical information, public comments and consideration of the criteria for determining significance set forth in 6 NYCRR 617.7 (c), the Project as designed together with the applicants completion of the Local Law for revisions of the Subdivision Regulations set forth herein will not result in any significant impact to the environment. Furthermore, authorizes the Supervisor to sign the SEQR documents accordingly.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

ADOPTION OF LOCAL LAW NO. 2 OF 2018

ON A MOTION BY Councilman Valentine and second by Councilwoman Smith to adopt Local Law No. 2 of 2018 A Local Law Adding Article X Entitled "Floor Area Ratio" To Chapter 98 Of The Code Of The Town Of Chester.

HIGHWAY CONTRACT

ON A MOTION BY Councilman Valentine and second by Councilwoman Smith to approve the Collective Bargaining Agreement by and between the Town of Chester and Teamsters Local 445 for the period covering June 1, 2017 to May 31, 2022, pending attorney review.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

MEETING CANCELLATION

ON A MOTION BY Councilwoman Smith and second by Councilman Wensley to cancel the Town Board Meeting of March 28, 2018.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

ADJOURNMENT

ON A MOTION BY Councilwoman Smith and second by Councilman Valentine to adjourn the meeting at 9:30pm, there being no further business brought before the Board. Motion carried 4-0.

Respectfully submitted,

Linda A. Zappala
Town Clerk
2018-03-14