

**TOWN BOARD MEETING  
AND PUBLIC HEARING  
October 26, 2016  
7:00 PM**

Supervisor Jamieson opened the meeting at 7:02 PM following a salute to the flag. Members present: Supervisor Jamieson, Councilman Brischoux, Councilwoman Smith, Councilman Valentine, Councilman Wittekind

**PUBLIC HEARING FOR THE PRELIMINARY BUDGET 2017**

**A MOTION WAS MADE BY** Councilwoman Smith and second by Councilman Valentine to open the Public Hearing on the matter of the Preliminary Budget for 2017.

**VOTE AYES 5: Jamieson, Brischoux, Smith, Valentine, Wittekind**

**ADOPTED**

Supervisor Jamieson read the Public Hearing notice as published in the Times Herald Record on October 23 and 26, 2016.

TOWN OF CHESTER  
1786 KINGS HIGHWAY, CHESTER, NY 10918  
NOTICE OF PUBLIC HEARING ON  
PRELIMINARY BUDGET

NOTICE IS HEREBY GIVEN that the Preliminary Budget for the fiscal year beginning January 1, 2017, is available in the Town Clerk's Office, 1786 Kings Highway, Chester, NY for inspection by any interested person Monday thru Thursday between the hours of 8:00 a.m. and 5:00 p.m.

FURTHER NOTICE IS HEREBY given that the Town Board of Chester will meet and review said Preliminary Budget and hold a Public Hearing thereon in the Town Hall Meeting Room, 1786 Kings Highway, Chester, NY, on Wednesday, October 26, 2016 at 7 PM or as soon thereafter as the matter may be heard. The Town Board will hear all persons who desire to comment in favor of, or against, any items therein contained.

Pursuant to Section 108 of the Town Law, the proposed salaries of the Town Officers are hereby specified as follows:

Supervisor	\$ 62,475.00
Councilpersons (4) each	15,066.00
Highway Superintendent	101,610.00
Town Clerk	83,133.00
Town Justice	31,709.00
Town Justice	30,652.00
Receiver of Taxes	17,559.00

BY ORDER OF THE TOWN BOARD  
TOWN OF CHESTER

Linda A. Zappala  
Town Clerk  
Dated: October 20, 2016

Tracy Schuh, The Preservation Collective, Inc.

Ms. Schuh had a suggestion for the way the budget was formatted. She recommended that the last column show the amount of change from the previous year for each line item. She said if the column was there it would be easier to see the comparison from the previous year and look for errors. Supervisor Jamieson said that the format is that way for the preliminary budget, and that he'll put the formulas in to make it easier to read. She also suggested when the final budget is adopted there should be a summary as to what projects are coming up for the Town in the following year, such as the tar and chipping of certain streets and also to add a list of the new debt and old debt, and the refinancing of that debt. She asked about Fieldcrest and Knapp's View, and when the financing for those would be over. Supervisor Jamieson answered the financing for Fieldcrest and Broadview (Knapp's View) are combined and refinanced. She then asked about the ambulance building and vehicles. Supervisor Jamieson replied that this is the last year for the payment of the ambulance vehicles. He also stated that on November 9, 2016, the police department bids for a general contractor will be opened up for the renovation of the ambulance building. The bonding for that will take place in January or February, and will be in the budget for 2018. Ms. Schuh asked about a capital improvement fund, and if one is allocated in the budget. Supervisor Jamieson answered that there are some unexpended balances in certain funds for the Town that helps and works like a capital fund.

Vincent Finizia, Pewter Circle

Mr. Finizia asked if the bids for the police department were decided on. Supervisor Jamieson said that the rebids for the general contractor will be opened on November 9, 2016.

Supervisor Jamieson asked if there were any other comments. There were none.

**A MOTION WAS MADE BY** Councilman Brischoux and second by Councilman Wittekind to close the Public Hearing on the matter of the Preliminary Budget for 2017 at 7:12 pm.

**VOTE AYES 5: Jamieson, Brischoux, Smith, Valentine, Wittekind**

**ADOPTED**

**PUBLIC HEARING FOR LOCAL LAW 4 OF 2016 INSTITUTING A MORATORIUM ON CERTAIN PERMITS, CERTIFICATES OF OCCUPANCY AND APPROVALS FOR RESIDENTIAL DEVELOPMENT CONSISTING OF FIVE (5) OR MORE RESIDENTIAL LOTS OR MULTIFAMILY OR MULTI-UNIT DWELLINGS CONTAINING FIVE (5) OR MORE DWELLING UNITS**

**A MOTION WAS MADE BY** Councilwoman Smith and second by Councilman Valentine to open the Public Hearing on the matter of the Moratorium Local Law 4 of 2016.

**VOTE AYES 5: Jamieson, Brischoux, Smith, Valentine, Wittekind**

Supervisor Jamieson read the Public Hearing notice as published in the Times Herald Record on October 21, 2016.

**TOWN OF CHESTER  
1786 KINGS HIGHWAY  
CHESTER, NY 10918**

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

**A LOCAL LAW INSTITUTING A MORATORIUM ON CERTAIN PERMITS, CERTIFICATES OF OCCUPANCY AND APPROVALS FOR RESIDENTIAL DEVELOPMENT CONSISTING OF FIVE (5) OR MORE RESIDENTIAL LOTS OR MULTIFAMILY OR MULTI-UNIT DWELLINGS CONTAINING FIVE (5) OR MORE DWELLING UNITS**

**Summary:**

BE IT ENACTED by the Town Board of the Town of Chester, Orange County, New York as follows:

**SECTION 1: PURPOSE AND INTENT**

The purpose of this Local Law is to protect the public health, safety and welfare of the residents of the Town of Chester and to maintain the status quo of certain residential development in the Town that consist of five (5) or more residential lots or Multifamily or Multi-Unit dwellings containing five (5) or more dwelling units. This Local Law will allow the Town Board a reasonable opportunity to complete its comprehensive zoning review, including the adoption of zoning regulations consistent with the Town's recently adopted Comprehensive Plan. The moratorium is for a period of six (6) months, which is considered to be adequate time to consider such zoning regulations and amendments.

Please take notice that the Town Board of the Town of Chester will hold a public hearing on Wednesday, October 26, 2016 at 7 PM in the Town Hall Meeting Room, 1786 Kings Highway, Chester, NY. Said public hearing is to hear comments on the above captioned proposed local law.

A copy of the proposed local law in its entirety is on file in the Town Clerk's Office and is available for inspection during normal business hours (Monday-Thursday, 8 am to 5 pm).

Any person interested in the proposed local law 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: SEPTEMBER 28, 2016**

Supervisor Jamison then read a letter from the Planning Board concerning their 2 issues with the moratorium:

RECEIVED  
CC: B, TB, Lork & py  
OCT 12 2016  
Atty, Eng.  
TOWN CLERK  
CHESTER, NEW YORK

**Dickover, Donnelly & Donovan, LLP**  
Attorneys and Counselors at Law

David A. Donovan  
Michael H. Donnelly  
Robert J. Dickover

Essex Law Firm, Inc.  
Knoxville Area Office, P.C., Florida, N.Y. (1015-1099)  
Lafayette & Vance, East, Warwick, N.Y.

28 Bruen Place  
P.O. Box 610  
Goshen, NY 10924  
Phone: (845) 294-9447  
Fax: (845) 294-6553  
(Site for Service of Process)

October 11, 2016

Alex Jamieson, Supervisor  
Town of Chester Town Board  
1786 Kings Highway  
Chester, NY 10918

RE: Planning Board Report / Introductory Local Law Instituting a Moratorium on  
Certain Land Development

Dear Supervisor Jamieson and Town Board Members:

I write to you on behalf of the Town of Chester Planning Board in connection with your referral of that certain Introductory Local Law entitled "*A Local Law Instituting a Moratorium on Certain Permits, Certificates of Occupancy and Approvals for Residential Development Consisting of Five (5) or More Residential Lots or Multifamily or Multiunit Dwellings Containing Five (5) or More Dwelling Units*" to the Planning Board for review and report in accordance with the applicable provisions of the Code of the Town of Chester.

The Planning Board took up discussion of this introductory local law at their regular meeting held on October 5, 2016. In light of the nature of the introductory local law, i.e., a moratorium on certain residential land use development, the traditional framework for analysis laid out in Section 98-39 of the Code of the Town of Chester is not applicable as the proposed local law concerns neither an amendment nor change to the text of the zoning ordinance nor an amendment involving a change to the Town Zoning Map. Accordingly, the criteria laid out in Section 98-39(A) and 98-39(B) will not be herein addressed.

The board engaged in a lengthy discussion regarding this introductory local law. Distilled to its essence, the board is essentially concerned with two issues. These issues are as follows:

1. As presently drafted, the introductory local law would impact developments of five residential units or more regardless of their land use approval status. The board feels that a specific exemption should be carved out for those projects which have achieved conditional final approval as significant investments of time and money have been devoted to projects that have achieved this milestone. Attached to this letter is a detail of the projects that have achieved this status;
2. One member of the board expressed an opinion that the moratorium local law should be expanded to encompass current permitted uses, whether they be commercial or residential, which stand in conflict to the Town's duly adopted Comprehensive Plan. The board recognizes that crafting language to address this issue within the currently proposed local law may be a difficult task. Nevertheless, the Planning Board did want to communicate this concern to the Town Board.

The Planning Board thanks you for this opportunity to render its report in connection with the introductory local law.

Very truly yours,



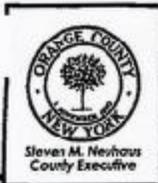
DAVID A. DONOVAN

DAD/lm

cc: Donald Serotta, Town of Chester Planning Board Chairman

Town of Chester Planning Board Current Subdivision Summary

<u>PROJECT</u>	<u>STATUS</u>	<u>NO. OF UNITS</u>	<u>REMARKS</u>
GREENS OF CHESTER	Final Approval -Signed Plans	431	Recent meeting with Al and Anthony on the road
FOX HILL	Final Approval -Signed Plans	8	ongoing construction
ASHFORD ESTATES	Final Approval -Signed Plans	19	ongoing construction
WARWICK RIDGE	Final Approval -Signed Plans	15	ongoing construction
GUANERI	Final Approval -Signed Plans	2	
WOODRIDGE	Conditional Final Approval	10	will begin construction soon
CHESTERDALE	Conditional Final Approval	10	
Camp Monroe	Conditional Final Approval	3	
HILLS OF CHESTER	Conditional Final Approval	20	waiting to finish goshen side/no road/no access
RIDGEVIEW ESTATES	Conditional Final Approval	16	in negotiation with bank to purchase
BARODA REALTY	No approvals	29	still in design stage
RIDGE ROAD EQUITIES	No approvals	18	still in design stage



**Orange County Department of Planning**

124 Main Street  
Goshen, NY 10924-2124  
Tel: (845) 615-3840  
Fax: (845) 291-2531

**David E. Church, AICP**  
Commissioner  
www.orangetcuntygov.com/planning  
planning@orangecountygov.com

**County Reply – Mandatory Review of Local Planning Action  
as per NYS General Municipal Law §239-l, m, & n**

**Local Referring Board:** Town of Chester Board  
**Applicant:** Town of Chester  
**Project Name:** Introductory Local Law - Moratorium  
**Proposed Action:** Local Law for six-month moratorium on permitting or approval of five or more residences  
**Reason for County Review:** Local law regulating zoning or land use  
**Date of Full Statement:** September 29, 2016

**Referral ID #:** CHT 09-16M  
**Tax Map #:** municipality wide  
**Local File #:** none provided

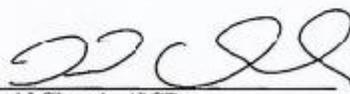
**Comments:**

The Department has received the above referenced local law and has found no evidence that significant intermunicipal or countywide impacts would result from its approval. We would like to offer the following advisory comments:

**Moratorium Term:** The proposed local law gives a term for this proposed moratorium of six months, while the Town reviews and updates the zoning code to conform to the newly-adopted Comprehensive Plan. While we strongly support the Town's decision to update the zoning code, we advise the Town that moratoriums are best used as short-term solutions allowing the Town time to research, analyze and implement real solutions. Moratoriums should be no longer in duration than is required to bring about meaningful long-term solutions to the problems for which they have been enacted. What constitutes a reasonable length of time varies by circumstance. The moratorium should be set to a timeframe that both allows for meaningful analysis and respects the rights of property owners within the Town. We advise the Town, therefore, to determine whether six months is sufficient to review and analyze the zoning code and propose meaningful updates. This Department is also prepared to facilitate this analysis and provide technical assistance to the Town, including demographic analysis and mapping, if requested.

**County Recommendation: Local Determination**

**Date:** October 11, 2016  
**Prepared by:** Megan Tennermann, AICP, Planner

  
**David Church, AICP**  
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available online at [www.orangetcuntygov.com/planning](http://www.orangetcuntygov.com/planning).

RECEIVED  
cc: TS, JB, Eng.  
OCT 17 2016

TOWN CLERK  
CHESTER, NEW YORK

Suzanne Bellanich, Wilson Road

Ms. Bellanich questioned the moratorium and asked if noncommercial use was included as well or was it all just residential. A majority of her concern was about Camp Monroe. She was unsure as to what was going to happen with that property and what can be built on that parcel of land, like a school for example.

Tracy Schuh, The Preservation Collective, Inc.

Ms. Schuh was in support of the moratorium to protect the land and natural resources; however, she is concerned as to how it is worded. She suggested looking at the zone tables in those residential districts to see what kind of use is allowed. She suggested there needed to be some sort of wording which would include "other uses would require a site plan approval in those residential districts" or incorporate "other noncommercial or agricultural uses in residential districts" into the moratorium.

Supervisor Jamieson added that there was thoughts in tweaking the moratorium and adding commercial zones to it, but they didn't know how to word it with having the 5 or more units as the criteria.

Town Engineer Al Fusco stated that the intent of the resolution from the beginning was for the residential aspect of it. He doesn't believe that there would be any significant projects in Chester that would be impacted by this moratorium. He has already been going over the zoning and has prepared to make a presentation to the Board. He said the Board can always amend the moratorium in the future for commercial zoning if they feel it necessary to do so. Councilman Brischoux asked Engineer Fusco if anything with 4 units or more is considered commercial regardless. Engineer Fusco replied not necessarily. Councilman Brischoux stated that lenders usually consider it commercial. Engineer Fusco said that he will research that notion.

Supervisor Jamieson stated that he wanted to set up a committee to get at least a 5 member team with maybe 2 people from the community, one from planning or zoning, and 2 people from the Town Board to review the zoning in the Comprehensive Plan. He would like to get the group together and start to meet as soon as next week.

Chris Unold, Lehigh Ave

Mr. Unold asked if apartment buildings or garden apartments were included in the moratorium. Supervisor Jamieson replied that those are zoned differently than the residential zoning included in the moratorium. Mr. Unold also asked if the zoning will effect tax revenue, and asked if there would be anything zoned like a church that's exempt from paying taxes. Supervisor Jamieson replied that the main goal is to make sure the Town is zoned properly according to the Comprehensive Plan and to keep its rural character. The goal is to change and move the zones around to accommodate the Plan. Councilman Valentine added that each zone has a table with uses. An inventory needs to be taken of all the parcels that are left to see what the allowable uses are and if they still fit today. The last review was done in 2002, 14 years ago. The town is trying to have a responsible growth.

Tracy Schuh, The Preservation Conservative, Inc.

Ms. Schuh said she would like to have all the bases covered. She respectfully disagreed with Engineer Fusco. She is still concerned about the wording and would like to add "non-commercial and agricultural use" to the moratorium. She said anything could pop up in the future, especially in the next 6 months. She feels that the Town is open for a lawsuit if someone wants to come with a big project, during that time.

Supervisor Jamieson asked the Board what their thoughts were. Councilman Valentine stated he respects Ms. Schuh's opinion, but he disagrees with what she said. The Town cannot be shut down and still has to have commerce and businesses that want to open. He agreed with Engineer Fusco that there are no big projects pending in the Town right now. He said we cannot stop allowable uses that are not part of the moratorium at this time. If there are any big projects, they would have to go through the planning process properly. Councilman Brischoux added that preventing something with the moratorium opens up for a lawsuit, and that the reason for the moratorium is to show that the Town is being progressive and reviewing everything and what changes need to be made. Supervisor Jamieson said that when the zones were done in the early 2000s that some things probably shouldn't have been permitted in the AR3 zones. There are residential zones that do allow for small businesses, and those are the things that need to be reviewed and to protect the Town. He would like to pass the moratorium now, and then go back later if needed for commercial properties.

**A MOTION WAS MADE BY** Councilman Brischoux and second by Councilman Wittekind to close the Public Hearing on the Moratorium Local Law 4 of 2016 at 7:33 pm

**VOTE AYES 5: Jamieson, Brischoux, Smith, Valentine, Wittekind**

**ADOPTED**

**ADOPTION OF LOCAL LAW 4 OF 2016**

**A MOTION WAS MADE BY** Councilman Valentine and second by Councilman Brischoux to adopt:

**LOCAL LAW No. 4 OF 2016**

**A LOCAL LAW INSTITUTING A MORATORIUM ON CERTAIN PERMITS, CERTIFICATES OF OCCUPANCY AND APPROVALS FOR RESIDENTIAL DEVELOPMENT CONSISTING OF FIVE (5) OR MORE RESIDENTIAL LOTS OR MULTIFAMILY OR MULTI-UNIT DWELLINGS CONTAINING FIVE (5) OR MORE DWELLING UNITS**

BE IT ENACTED by the Town Board of the Town of Chester, Orange County, New York as follows:

**SECTION 1: PURPOSE AND INTENT**

The purpose of this Local Law is to protect the public health, safety and welfare of the residents of the Town of Chester and to maintain the status quo of certain residential development in the Town that consist of five (5) or more residential lots or Multifamily or Multi-Unit dwellings containing five (5) or more dwelling units. This Local Law will allow the Town Board a reasonable opportunity to complete its comprehensive zoning review, including the adoption of zoning regulations consistent with the Town's recently adopted Comprehensive Plan. The moratorium is for a period of six (6) months, which is considered to be adequate time to consider such zoning regulations and amendments.

**SECTION 2: LEGISLATIVE FINDINGS**

The Town Board of Chester does hereby find that appropriate measures must be taken to secure a temporary reasonable halt on certain residential permits, certificates of occupancy and approvals for development within the Town to protect the public interest while the Town Board completes its review and potential revisions to the Town's Zoning Code to implement aspects addressed in the 2015 Comprehensive Plan, including the necessary compliance with the analysis and procedures mandated by the State Environmental Quality Review Act ("SEQRA").

Without a temporary halt on certain residential permits, certificates of occupancy and approvals for development within the Town of Chester, there is the potential that certain primary residential uses could be located in areas within the Town which would be unsuitable or incompatible with the goals and objectives cited in the 2015 Comprehensive Plan. The potential for such unsuitable or incompatible residential uses would have materially adverse and irreversible impacts to the Town. By maintaining the status quo on residential development consisting of five (5) or more residential lots or Multifamily or Multi-Unit dwellings containing five (5) or more dwelling units in the Town until such time as appropriate consideration and potential amendments to the Town Zoning Code and Comprehensive Plan are adopted, the Board of Trustees can provide for the planned orderly growth and development of the Town.

**SECTION 3: MORATORIUM IMPOSED; APPLICABILITY**

(2) Moratorium on actions by the Town Board, Planning Board and Zoning Board of Appeals: Other than as excepted below, for six (6) months following the Effective Date of this Local Law, the Town Board, Planning Board and Zoning Board of Appeals shall not process, hear, approve or sign any new or pending preliminary or final site plan, preliminary or final subdivision, special permit, variance or other land use application or permit that relates directly or indirectly to residential construction consisting consist of five (5) or more residential lots or Multifamily or Multi-Unit dwellings containing five (5) or more dwelling units, including but not limited to any grading permit, erosion and sediment control permit, wetland permit, sewer connection permit, floodplain development permit, water connection permit, which may be granted in association with such residential construction. No new applications may be accepted and no building or other permits or certificates of occupancy may be issued or granted for residential development consisting of five (5) or more residential lots or Multifamily or

Multi-Unit dwellings containing five (5) or more dwelling units, other than Projects with approved and signed site plans, subdivisions plats, conditional final approval or issued building permits, prior to this enactment, are exempt from the moratorium. The following Projects, which are presently before the Chester Planning Board and have received conditional final approval, are specifically exempt:

- Hills of Chester;
- Ridgeview Estates;
- Chesterdale; and
- Woodridge.

Any applications for approvals or permits filed after the Effective Date, and not otherwise exempted from this moratorium, shall be filed at the risk of the applicants and shall not be granted or issued until this moratorium is lifted.

This Local Law shall be binding on the Supervisor, Town Board, Planning Board, Zoning Board of Appeals, all Town officials and employees, including, but not limited to, the Building Inspector, and all real property owners and other applicants desiring land use approvals involving five (5) or more residential lots or Multifamily or Multi-Unit dwellings containing five (5) or more dwelling units.

During the period of the moratorium, the Town Board shall endeavor to complete all reasonable and necessary review, study, analysis and, if warranted, revisions to the Town of Chester Zoning Code.

#### SECTION 4: TERM

This moratorium shall be in effect for a period of six (6) consecutive months from its effective date.

This Local Law shall be subject to renewal for cumulative periods of up to an additional six (6) months, if necessary, by Resolution(s) of the Town Board.

This moratorium may be withdrawn or lifted at any time by a resolution of the Town Board.

#### SECTION 5: EFFECT ON OTHER LAWS

To the extent that any law, ordinance, rule or regulation, or parts thereof, are in conflict with the provisions of this Local Law, including all provisions of Article 16 of the New York State Town Law concerning special use permit, site plan, building permit and certificate of occupancy procedure and requirements, this Local Law shall control.

#### SECTION 6: WAIVER

Owing to the limited scope and duration of this moratorium, there is no provision being made in this Local Law for any waivers to its applicability. However, the Town Board may, but is not obligated to, promulgate regulations by a Resolution of the Town Board authorizing a hardship waiver process to this moratorium if it subsequently determines that a waiver process is necessary and in the best interests of the Town.

#### SECTION 7: SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

#### SECTION 8: EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

**VOTE AYES 5: Jamieson, Brischoux, Smith, Valentine, Wittekind**

**ADOPTED**

**LIBRARY RESIGNATION**

Supervisor Jamieson read a letter from Tayah Rogers giving her official two week notice of resignation of employment from the Town of Chester Public Library effective October 26, 2016.

**A MOTION WAS MADE BY** Councilwoman Smith and second by Councilman Brischoux to accept the resignation of Tayah Rogers.

**VOTE AYES 5: Jamieson, Brischoux, Smith, Valentine, Wittekind**

**ADOPTED**

**INTRODUCTORY LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C**

Supervisor Jamieson read the Introductory Local Law to Override the Tax Levy Limit Established in General Municipal Law Section 3-C. The tax cap must be stayed under. Supervisor Jamieson says to protect the Town the Local Law is adopted, then once the final budget is in at the end of November, the Local Law is rescinded after the final budget is adopted.

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

**Section 1. Legislative Intent**

It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Chester, County of Orange, State of New York (hereinafter "Chester") pursuant to General Municipal Law § 3-c, and to allow Chester to adopt a town budget for (a) town purposes and (b) any other special or improvement district governed by the Town Board for the fiscal year 2017 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

**Section 2. Authority**

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

**Section 3. Tax Levy Limit Override**

The Town Board of the Town of Chester is hereby authorized to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the limit specified in General Municipal Law, §3-c.

**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.

**SETTING A PUBLIC HEARING FOR INTRODUCTORY LOCAL LAW- OVERRIDE THE TAX LEVY LIMIT**

**A MOTION WAS MADE BY** Councilman Valentine and second by Councilman Brischoux to schedule a public hearing for the purpose of collecting comment on the Introductory Local Law- To Override the Tax Levy Limit Established In General Municipal Law Section 3-C on November 9, 2016 at the Town Hall meeting room, 1786 Kings Highway, Chester, NY at 7:00 pm or as soon as the matter may be heard and direct the Town Clerk to cause to publish notice of same.

**VOTE AYES 5: Jamieson, Brischoux, Smith, Valentine, Wittekind**

**ADOPTED**

### **EDUCATION REQUESTS**

**A MOTION WAS MADE BY** Councilwoman Smith and second by Councilman Brischoux to approve the attendance of Planning Board Chairman Don Serotta and Planning Board member Ernie Damiani to attend the Orange County Municipal Planning Federation training program on November 3, 2016 in Goshen, NY at a total cost of \$30.00.

**VOTE AYES 5: Jamieson, Brischoux, Smith, Valentine, Wittekind**

**ADOPTED**

**A MOTION WAS MADE BY** Councilwoman Smith and second by Councilman Wittekind to approve the attendance of Planning Board member Bob Conklin to attend the Orange County Municipal Planning Federation training program on November 18, 2016 in Goshen, NY at a cost of \$60.00.

**VOTE AYES 5: Jamieson, Brischoux, Smith, Valentine, Wittekind**

**ADOPTED**

**A MOTION WAS MADE BY** Councilwoman Smith and second by Councilman Valentine to approve the attendance of Zoning Board member Walter Popailo to attend the Orange County Municipal Planning Federation training program on November 18, 2016 in Goshen, NY at a cost of \$60.00.

**VOTE AYES 5: Jamieson, Brischoux, Smith, Valentine, Wittekind**

**ADOPTED**

**A MOTION WAS MADE BY** Councilman Valentine and second by Councilman Brischoux to approve the attendance of Town of Chester Water Operators Bill Keller and Tom Keller to attend the Hudson Valley Water Works Conference on November 16, 2016 in Montgomery, NY at a total cost of \$60.00.

**VOTE AYES 5: Jamieson, Brischoux, Smith, Valentine, Wittekind**

**ADOPTED**

### **WOODRIDGE SUBDIVISION**

Town Engineer Al Fusco wrote a letter to Alex Jamieson requesting that the Town Board authorize either himself or Town Supervisor Jamieson to sign the MS4 Acceptance Form on the behalf of the Town for the Woodridge Subdivision, which is located off of Laroe Road.

**A MOTION WAS MADE BY** Councilman Valentine and second by Councilwoman Smith to approve either Town Engineer Al Fusco or Supervisor Jamieson to sign on behalf of the Town the MS4 for the Woodridge Subdivision.

**VOTE AYES 5: Jamieson, Brischoux, Smith, Valentine, Wittekind**

**ADOPTED**

### **TOWN BOARD COMMENTS**

Councilman Wittekind had no comment.

Councilman Brischoux thanked the Bellvale Community for hosting the Children's Fall Festival on October 15, 2016. He also commented that the Highway Department is doing a great job keeping busy preparing for the winter weather.

Supervisor Jamieson said that he had received a call a while back from Leon, who was on the Town of Chester Public Library's Board, about a tree planted around 10 years ago in memory of a Board member that has passed away. The tree had not thrived. The highway department had planted a new tree to replace the one for the deceased member. He thanked the Highway Department for the job well done. Supervisor Jamieson also thanked the Bellvale Community as well for their Fall Festival event. He was appreciative of the great community work by a great community.

Councilwoman Smith announced that the Kite Festival will be held on Sunday, October 30, 2016 from 12 pm to 2 pm at Knapp's View. She also said that the Chester Public Library will be having a pumpkin carving event on October 27, 2016 at 6 pm. She asked Town Attorney Scott Bonacic if the deed for Ashford Estates' open land had been filed yet. Attorney Bonacic replied not to his knowledge, but he will check on it. She wished everyone a Happy Election Day and good luck to all the candidates in the upcoming election.

Councilman Valentine stated that there has been great turn over in employees at the Town of Chester Public Library recently and maybe homework should be done to see why this has been happening. He also added one final note to the moratorium discussion about the zoning. He said that there is an underlying concern about schools being zoned. He said it will be addressed and taken into consideration in the moratorium.

#### **PUBLIC COMMENT**

Vincent Finizia, Pewter Circle, informed the Town Board that the Sugar Loaf Engine Company will be providing free hot dogs, hot chocolate, soda and water at the Kite Festival scheduled for October 30, 2016 from 12 pm- 2 pm.

Suzanne Bellanich, Wilson Road, asked about the residents rezoning group that Supervisor Jamieson had mentioned previously in the Moratorium discussion. She asked the Supervisor how residents are considered to be in the group, and that she wanted to be considered for it. Supervisor Jamieson suggested he put the word out on Facebook, the Town's website and TV Channel 21 or to call him on his cell phone. He also requested Ms. Bellanich's contact information after the meeting for the group.

#### **EXECUTIVE SESSION**

Supervisor Jamieson decided that there was no need for an executive session.

**A MOTION WAS MADE BY** Councilwoman Smith and second by Councilman Brischoux to adjourn the meeting at 7:53 pm, being no further business brought before the Town Board. Motion was carried 5-0.

Respectfully submitted,

Heidi Schmid  
Deputy Town Clerk  
2016-10-26