

Supervisor – Alexander Jamieson

Town Board –

~~Hugh J. Murray~~
Claude Brischoux
Cynthia Smith
Robert Valentine

Town Justices –

Janet M. Haislip
Sharon Worthy-Spiegel

TOWN OF CHESTER

1786 Kings Highway
Chester, NY 10918

Tel: (845) 469-7000

Fax: (845) 469-9242

www.chester-ny.gov

Town Clerk – Linda A. Zappala

Highway Supt. – Anthony LaSpina

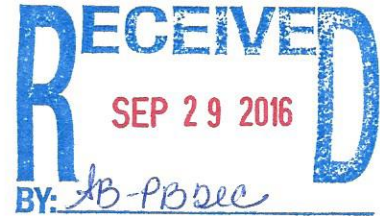
Receiver of Taxes – Vincent A. Maniscalco

Building Inspector – Joseph J. Mlcoch

Assessor – John Schuler, III

Police Dept. – Daniel J. Doellinger, Chief

September 26, 2016



Mr. Don Serotta
Chairman
Town of Chester
Planning Board
1786 Kings Highway
Chester, NY 10918

Re: Introductory Local Law - Moratorium

Dear Don:

Enclosed please find the Town of Chester "Introductory Local Law 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 of Multifamily or Multi-Unit Dwellings Containing Five (5) or Multifamily or multi-Unit Dwellings Containing Five (5) or More Dwellings" for your review and comments.

Kindly address any comments to the Town Board, Town of Chester, 1786 Kings Highway, Chester, New York, 10918.

Sincerely yours,


Linda A. Zappala
Town Clerk

**TOWN OF CHESTER
INTRODUCTORY LOCAL LAW**

**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

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 which 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 for previously approved site plans and subdivisions as of the

Effective Date. 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.

**RESOLUTION TO
ESTABLISH LEAD AGENCY**

ON A MOTION BY Councilman Brischoux and second by Councilwoman Smith the following Resolution was offered:

The Town of Chester, New York Town Board hereby declares itself to be lead agency as required by SEQR (6NYCRR Part 617)

Name of Action:	Town of Chester Local Law for Residential Building Moratorium
Location:	Town-wide, Chester, NY
Zone:	All zones
Project:	Town of Chester Local Law for Residential Building Moratorium
Action:	Type II in accordance with 617.5(c)(30) Adoption of a moratorium on land development or construction
Documents:	Available at Town Hall or available upon FOIL request for viewing

The Town Board declares itself Lead Agency.

RESOLVED that the Town Board of the Town of Chester hereby declares itself Lead Agency for the SEQRA review of the Town of Chester Local Law for Residential Building Moratorium and further identifies this as a Type II action in accordance with 617.5(c)(30).

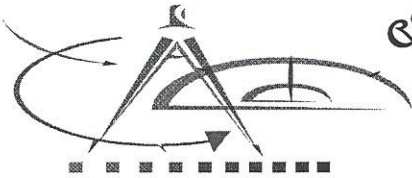
VOTE:

Supervisor Jamieson	AYE
Councilperson Brischoux	AYE
Councilperson Smith	AYE
Councilperson Valentine	AYE
Councilperson Wittekind	AYE

FUSCO ENGINEERING

& LAND SURVEYING, P.C.

Consulting Engineers



Alfred A. Fusco, Jr., P.E., Principal

Alfred A. Fusco, III, General Manager

- 233 East Main Street
Middletown, NY 10940
Phone: (845) 344-5863
Fax: (845) 956-5865

- 19 Waywayup Lane
Port Jervis, NY 12771
Phone: (845) 956-5866

**TOWN OF CHESTER LOCAL LAW NO. --- OF 2016
A LOCAL LAW INSTITUTING A MORATORIUM ON CERTAIN PERMITS,
CERTIFICATES OF OCCUPANCY AND APROVALS FOR RESIDENTIAL
DEVELOPMENT CONSISTING OF 5 OR MORE RESIDENTIAL LOTS OR
MULTIFAMILY OR MULTI-UNIT DWELLINGS CONTAINING 5 OR MORE
DWELLING UNITS**

NARRATIVE

There are no environmental resources that may be affected in the municipality as a result of this proposed building moratorium.

In fact, the intent is to review the zoning codes to, in part, protect environmental resources.

RESOLUTION
State Environment Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

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: Town of Chester Local Law for Residential Building Moratorium

SEQR Status: Type II in accordance with 617.5(c)(30)
Adoption of a moratorium on land development or construction

Negative Declaration: Yes

Description of Action: Town of Chester Local Law for Residential Building Moratorium

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 Planning Board has identified the no areas of environmental concern in connection with the proposed project.

Resolution:

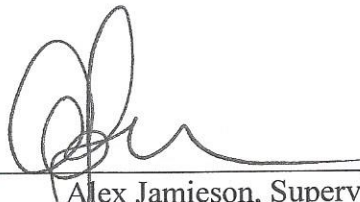
BE IT RESOLVED THAT based on the Town Board's review and consideration of the Project, Full Environmental Assessment Form, supplementary technical information, public comments and consideration of the criteria for determining significance set forth in 6 NYCRR 617.7 (c), the Project as designed together 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.

On a motion by Member Smith, seconded by Member Brischoux

The foregoing resolution was adopted on a vote of 5 Ayes, 0 Nays.

Supervisor Jamieson	AYE
Councilperson Brischoux	AYE
Councilperson Smith	AYE
Councilperson Valentine	AYE
Councilperson Wittekind	AYE

Dated: Town of Chester
Orange County, NY



Alex Jamieson, Supervisor
Town of Chester

For Further Information Contact:
Linda Zappala, Town Clerk
Town of Chester
1786 Kings Highway
Chester, New York 10918

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information							
Town of Chester							
Name of Action or Project: Town of Chester Local Law for residential building moratorium							
Project Location (describe, and attach a location map): Town-wide							
Brief Description of Proposed Action: The Town of Chester is proposing a local law instituting a moratorium on certain permits, certificates of occupancy, and approval for residential development consisting of 5 or more residential lot, multi-family or multi-unit dwellings consisting of 5 or more dwelling units.							
Name of Applicant or Sponsor: Town of Chester		Telephone: 845-469-7000					
		E-Mail: ajamieson@thetownofchester.org					
Address: 1786 Kings Highway							
City/PO: Chester		State: NY	Zip Code: 10918				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; text-align: center;"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td>☐</td> <td>☒</td> </tr> </table>	NO	YES	☐	☒
NO	YES						
☐	☒						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; text-align: center;"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td>☐</td> <td>☐</td> </tr> </table>	NO	YES	☐	☐
NO	YES						
☐	☐						
3.a. Total acreage of the site of the proposed action? _____ acres							
b. Total acreage to be physically disturbed? _____ acres							
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres							
4. Check all land uses that occur on, adjoining and near the proposed action. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____ ☐ Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO ☐	YES ☐	N/A ☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO ☐	YES ☐	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO ☐	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO ☐	YES ☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	☐	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☐	☐	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO ☐	YES ☐	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO ☐	YES ☐	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO ☐	YES ☐	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO ☐	YES ☐	
b. Is the proposed action located in an archeological sensitive area?	☐	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO ☐	YES ☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	☐	☐	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO ☐	YES ☐	
16. Is the project site located in the 100 year flood plain?	NO ☐	YES ☐	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES	NO ☐	YES ☐	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	☐ NO ☐ YES		

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	☐	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	☐	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	☐	☐
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Alex Jamieson, Supervisor</u> Date: _____		
Signature: _____		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☒	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☒	☐
3. Will the proposed action impair the character or quality of the existing community?	☒	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☒	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☒	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☒	☐
7. Will the proposed action impact existing:	☒	☐
a. public / private water supplies?	☒	☐
b. public / private wastewater treatment utilities?	☒	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☒	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☒	☐

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☒	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☒	☐

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

☐	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
☒	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Town of Chester	9/14/16
Name of Lead Agency	Date
Alex Jamieson	Supervisor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

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