



Town Board Special Meetings July 17, 2019

The Town Board of the Town of Chester convened at the Town of Chester Municipal Center, 6307 State Route 9, Chestertown, New York, at 6:00 pm.

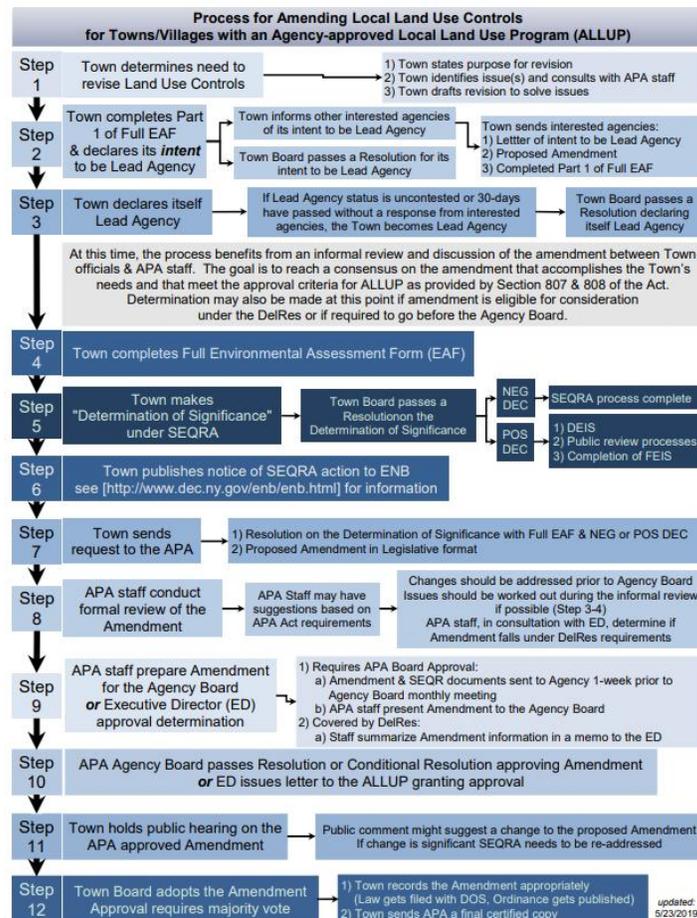
Roll Call: Supervisor Craig Leggett, Karen DuRose, Mike Packer, Larry Turcotte, and Deputy Supervisor Marion Eagan. Steve Durkish absent.

Special Meeting:

Supervisor Leggett opened the Special Town Board Meeting at 6:02 pm with Mike Packer leading the Pledge of Allegiance.

Proposed Zoning Local Law Revisions:

Supervisor Leggett started with a timeline. In 2016 the Town Board established ZORC (Zoning Ordinance Review Committee) and along the way the committee has sent proposed changes to the APA for informal review and their comments were incorporated into the proposed changes and many definitions were added. The ZORC and Chairman, Tom Thorsen presented to the Town Board the revisions for the Board to accept and send to the APA. The Town is at Step 7 and needs to now send a request to the APA Staff for a formal review, from their there may be some questions. After that they prepare an Amendment for the Executive Director for determination and then they pass a conditional resolution for the Approved Local Land Use Plan (ALLUP) granting approval. Then it comes back here for Step 11 where the Town holds a Public Hearing on the APA approved Amendment that is a formal Public Hearing which is required to do. Step 12 is where the Town Board adopts the Amendment Approval with a majority vote and files a certified copy with the APA and DOS.



Jeremy Little, Zoning Administrator recommended adding Section 7.01 Shoreline Regulations the Zoning Local Law revisions. Mr. Little commented that everything that is underlined in what he is recommending to be added.

ARTICLE 7 - SUPPLEMENTARY REGULATIONS

Section 7.01 Shoreline Regulations.

The purpose of these regulations is to allow reasonable access and use of the Town's waterfront with concern for the public health, welfare and safety. It is the Town's intent to minimize the impact to the shoreline environment and its natural character. These regulations are in addition to other applicable federal, state, and local regulations.

A. General.

1. All construction on any shoreline lot shall be carried out in such a manner as to minimize interference with the natural course of such waterway, to avoid erosion of the shoreline, to minimize increased runoff of ground and surface water into the waterway, to remove only that vegetation which is necessary to the accomplishment of the project, and to generally maintain the existing aesthetic and ecological character of the shoreline.
2. Any marina, boat service facility or any storage of petroleum products within one hundred (100) feet, or other reasonable setback from the shoreline, as determined necessary by the Planning Board, shall include adequate provisions for insuring that any leak, rupture, or spill will be contained and not be introduced into or affect the adjacent waterway.
3. Any paved or otherwise improved parking, loading or service area within one hundred (100) feet of any shoreline shall be designed and constructed so as to minimize surface runoff and the entrance of any chemical pollutants or earthen siltation into the waterway.
4. If the minimum lot areas, widths and shore frontages specified for any uses by local and state agencies are inadequate to insure a potable water supply and safe sewerage and other waste disposal, such lot areas, widths and frontages shall be increased to meet water supply and distribution and sewerage needs.
5. Except as otherwise herein provided, the minimum shoreline setback of any on-site sewage drainage field or seepage pit shall be one hundred (100) feet from the shoreline, irrespective of the zoning district or land use classification.
6. There shall be no grading within ten (10) feet from the top of the slope of any stream bed or drainage way.

B. Shoreline Dimensional Requirements.

1. All shoreline frontage distances shall be measured horizontally. Shoreline frontages are measured along the shoreline as it winds and turns at the shoreline.
2. Building setback restrictions are measured along the shortest line between any point of the structure and any point on the shoreline.
3. Sewage disposal system setbacks are measured along the shortest line between any point of the seepage pit, draining field or other leaching facility and any point on the shoreline.
4. The minimum shoreline setback applies to all principal buildings and accessory structures in excess of 100 sq. ft., other than docks and boathouses.

DIMENSIONS			
District	Minimum Setback	Minimum Lot Width	Minimum Setbacks if within ¼ Mile of Hudson/Schroon Rivers
Hamlet	50 feet	50 feet	50 feet
Moderate Intensity	50 feet	100 feet	150 feet*
Low Intensity	75 feet	125 feet	150 feet*
Rural Use	75 feet	150 feet	150 feet*
Resource Mgmt	100 feet	200 feet	150 feet*

*Recreational River Zone: An Adirondack Park Agency determination of jurisdiction is required prior to issuance of a Zoning permit.

See Section 7.07 for shoreline frontage requirements for tourist accommodations.

C. Cutting Restrictions.

Cutting shall be permitted on shorefront lots provided the following standards are met:

1. Within 35 feet of the shoreline no vegetation may be removed, except that up to a maximum of 30 percent of the trees in excess of six inches diameter at breast height (DBH) existing at any time may be cut over any 10-year period.
2. Within six feet of the shoreline no vegetation may be removed, except up to a maximum of 30 percent of the shorefront may be cleared of vegetation on any individual lot. This provision shall be adhered to in addition to the general standards above.
3. The above cutting standards shall not be deemed to prevent the removal of diseased vegetation or of rotten or damaged trees or other vegetation that presents safety or health hazards.
4. Within a ¼ mile of the Hudson and Schroon Rivers, except within the Hamlet and Moderate Intensity District, special vegetative cutting restrictions apply. The Adirondack Park Agency shall determine jurisdiction.

D. Shoreline Retaining Wall

1. A shoreline retaining wall that meets the following criteria requires a Zoning Permit from the Town of Chester. Any proposed retaining wall that exceeds 200 square ft. in size requires an area variance.
 - a. The retaining wall is constructed of dry laid stone or untreated natural logs, is smaller than 200 square feet in size, and does not exceed 2 feet in height above the mean high water mark.
 - b. The retaining wall is designed to control an on-going erosion problem, is limited to the area necessary to control such erosion, and follows the existing natural elevation and contour of the shoreline.
2. Retaining walls shall be measured either in elevation (face) view or plan (top) view, whichever is larger.

Supervisor Leggett asked if there were any questions. Hearing none, Mr. Little moved on to Section 7.03 Docks, Moorings, Floats, Inflatable Platforms and Boathouses. Jeremy said that the last sentence in “B. Docks and Beaching, No. 4” he recommends adding the 8’ dock width which is in the dock definition but was not in the regulation. Jeremy also recommended adding “C. Deck, No. 1 – No. 5” to include waterfront decks. John MacMillen asked if “C. Deck, No. 4” should include “decks over 100 feet require approval from the Zoning Board of Appeals” for an area variance. Supervisor Leggett commented that he had spoke to the Attorney for the Town about if it doesn’t say that “this requires a variance”. The Attorney said that anything in the Zoning Local Law if it is not allowed an applicant has the right to go to the Zoning Board of Appeals. So it is up to the Zoning Administrator to say to them, “if you want to do this, you want need to go to the ZBA for a variance”.

Section 7.03 Docks, Moorings, Floats, Inflatable Platforms and Boathouses.

Purpose and Objective

The purpose and objective of this section is to protect shorelines and property values and provide guidelines to maintain the visual aesthetics of structures, docks, dock systems, swim floats, inflatable platforms and items that impact navigation in our lakes, streams and rivers for the safe use by all.

A. General.

1. Setbacks for docks, moorings, floats and boathouses shall be such that neither they nor any vessel berthed shall extend across any property line extended into a body of water. Setbacks shall be a minimum of 15 feet from the property line for docks, dock systems, moorings, floats, inflatable platforms and boathouses. No vessel berthed shall extend across any property line.
2. A Zoning permit is required prior to the new construction, new installation and placement, rebuilding or replacement of more than 40% of any dock, dock system, deck, float, boat lift, or boathouse-, mooring, or any items that impact navigation. Seasonal removal and replacement are excluded.
3. Dock, waterfront deck, mooring, float and boathouse rentals, other than the berthing of vessels offered as a part of the rental of a residential unit, are

not allowed except at marinas.

B. Docks and Beaching

1. Only single tier docks are allowed.
2. No dock or dock system shall be constructed or installed and placed so as to interfere with normal navigation or with reasonable access to adjacent docks. In a stream, brook, river or other flowing water, no dock shall extend offshore more than twenty percent (20%) of the width of the stream, brook, river or other body of water.
3. No dock or dock system shall be constructed unless so designed as to withstand the forces of flowing water and wave wash in a flowing body of water such as a river or stream. No dock shall be constructed unless so designed as to withstand the forces of wave wash and normal winter conditions. Pressure treated (sealed, non-leaching type) lumber will be allowed for the construction of the dock except for the legs or other parts which would be in constant contact with the water. Legs of pipe with preformed pads are preferable. Docks shall be securely anchored to the shore.
4. No dock or dock system shall extend more than forty (40) feet offshore from the shoreline. No dock shall exceed more than two hundred and forty (240) square feet **or more than eight (8) ft. in width.**
5. The number of docks permitted to be constructed per shoreline lot is limited as follows:

<u>Number of Feet of Shoreline</u>	<u>Docks</u>
<u><50 feet</u>	<u>One dock will be allowed with berthing of vessels on only one (1) side of the dock for any lot with less than 50 feet of shoreline.</u>
<u>50-75 feet</u>	<u>One dock will be allowed on any lot with more than 50 but less than 75 feet of shoreline.</u>
<u>>75 feet</u>	<u>One dock will be allowed for the first 75 feet, and one additional dock for every 75 feet of shoreline.</u>

6. A maximum of one-half of the shoreline can be used for docking and/or beaching, including docks plus boat slips.
7. Tarps shall not be allowed as dock covers.
8. Beaching shall be allowed in lieu of docking. Beaching shall not be allowed in any designated swimming area.

- ~~5. Beaching shall be allowed in lieu of docking. A maximum of one half of the shoreline can be used for combined docking (including slips) and beaching. Beaching shall not be allowed in any designated swimming area.~~
- ~~9.6. The construction and or reconstruction of docks for marinas and contractual access lots are subject to site plan review by the Planning Board.~~
10. Boat lifts will be considered docks and counted as dockage. The space taken up by a boat lift will be included in the allowable portion of shoreline usage for docking.
- ~~7. A maximum of one half of the shoreline can be used for dockage (docks plus boat slips and beaching).~~
11. All Docks/Boat Lifts with a cover requires an area variance from the Zoning Board of Appeals.

C. Decks

1. A deck is defined as any structure extending and/or elevated over the water from the shoreline and used for other than berthing a vessel.
2. Decks that are flush with the natural ground level without raised elements such as railings or walls on the ground are exempt from the shoreline structure setbacks provided they are not attached to any other structure and are subject to a 15 ft side yard setback.
3. Decks are not to exceed 100 square ft. in size.
4. Replacement of over forty-percent (40%) of a pre-existing deck requires approval from the Zoning Board of Appeals.
5. Any deck that extends over the water from the shoreline is to be deducted from the overall length and area of a dock.

D. ~~C~~-Moorings, inflatable platforms and Swim Line Floats. [amended July 2011]

1. a. No mooring, inflatable platform or swim line floats in a waterbody in Friends Lake shall be constructed or placed so as to interfere with normal navigation or with reasonable access to adjacent moorings, inflatable platform and/or docks and no mooring or part thereof can shall at any time extend no more than 50 75 feet from the shoreline-, excepting Friends Lake which shall be no more than 50 feet, and except that where the opposite shoreline is less than 600 feet distant no mooring or part thereof shall at any time extend more than 50 feet from the shoreline. Any mooring that is used to moor a vessel will be considered a dock and will be counted as dockage.
 - ~~b. No mooring in a waterbody other than Friends Lake shall be constructed or placed so as to interfere with normal navigation or with reasonable access to adjacent moorings and/or docks and no mooring or part thereof shall at any time extend more than 75 feet from the shoreline,~~

~~except that where the opposite shoreline is than 600 feet distant no mooring or part thereof shall at any time extend more than 50 feet from the shoreline.~~

2. The number of moorings, whether residential or commercial except for swim floats shall be limited as follows:
 - a. a minimum of fifty (50) feet of shoreline is required for a mooring;
 - b. an additional fifty (50) feet of shoreline is required for each additional mooring;
 - c. one swim float or inflatable platform shall be allowed per shoreline lot;
 - d. the maximum size of a swim float or inflatable platform shall be one hundred (100) square feet. Floats may be constructed with pressure treated lumber (sealed, non-leaching type) except for the parts which would be in constant contact with the water. Parts which would be in constant contact with the water can only be constructed with untreated lumber. Floats and inflatable platforms must be securely anchored and supported by Styrofoam or sanitized barrels or other environmentally safe flotation supports. Mooring cables, lines, etc. must be clearly marked or sunk to the bottom when not used so as not to become a navigational hazard. Floats or inflatable platforms must be equipped with two (2) or more reflectors on each side (preferably on the corners);
 - e. Commercial moorings are subject to site plan review.
3. All moorings in water bodies ~~other than Friends Lake~~ shall comply with the permitting and other requirements of New York State Navigation Law except as otherwise provided herein.

E. ~~D.~~ Boathouses.

1. Height. Boathouses shall not exceed ~~eighteen (18)~~ fifteen (15) feet in height measured from the mean high water mark or the land on which it rests to the highest point of the structure, ~~for peak roofs and fourteen (14) feet for flat roofs.~~
2. Boathouses shall not contain bathroom or kitchen facilities or sanitary plumbing or drains of any kind.
3. Boathouses shall not contain heating systems, beds, or sleeping quarters of any kind.

F. ~~E.~~ Exception. The provisions of this Section 7.03 shall not be applicable to moorings or other structures or vessels used solely in connection with municipal authorized ~~milfoil~~ aquatic invasives control measures or similar purpose, ~~in water bodies other than Friends Lake.~~ **[amended July 2011]**

G. ~~F.~~ Additional Enforcement. In addition to the enforcement authority granted to the ~~Zoning Administrator~~ Zoning Enforcement Officer under Section 12.01, the ~~Loon-Lake Constable/Safety Officer~~ shall have the power and duty to administer and enforce the provisions may notify the Zoning Enforcement Officer of suspected violations of this Section 7.03, ~~on Loon-Lake.~~ **[amended July 2011]**

Supervisor Leggett asked if there were any other question. Mr. Charles Liddle said he wanted to approve the setback provision.

Supervisor Leggett when though the following Sections that were amended June 5, 2019:

Section 1.03 Purpose and Objective

Jill Broderick thought that there was two very good paragraphs written and then they were reduced to two sentences and she feels this is a step in the wrong direction. Tom Thorsen commented that he had spoken with the APA and they said it was acceptable.

Section 2.03 Definitions

Jill Broderick said she would like to see a definition for use variance, area variance and vessel. John Nick there is a definition for boat, which he would construe as a vessel. Tom Thorsen said maybe we should have both boat and vessel, which would be an easy thing to do. Supervisor Leggett pointed out that a purpose and objective was added to the beginning of each section to provide guidance to the Zoning Board and Planning Board of why is this in here and what are we to do.

Section 4.02 Use Regulations

Supervisor Leggett said if you look through the chart it was rather cumbersome. ZORC took this on to make it more clearly and more user friendly. Tom Thorsen said Jeremy Little worked very hard on making the chart.

Section 7.04 Signs

No comment.

Section 7.06 Off-Street Parking and Loading

No comment.

Section 7.12 Travel Trailer Campgrounds

No comment.

Section 7.23 Solar Energy Systems

Supervisor Leggett commented that this was not in the original revisions, however we felt it needed to be added because in 2006 solar was not an issue.

Section 7.24 Water Supply Wells

Supervisor Leggett said there is regulation for onsite septic system to be so many feet from a well however there is not a regulation saying you cannot put a well so many feet from a septic system. Mr. Turcotte would like to see the Town Board issue these variances acting as the Board of Health. John MacMillen asked about “D. A well may not be installed where it infringes on a neighbor’s ability to develop their property for safe use and living”. John is worried about making the neighbor’s property undevelopable. Zach Monroe asked what the definition was, does it mean you have to be 100 feet from the neighboring property line and how to enforce this.

Section 9.05 Replacement of Nonconforming Uses and Structures

Supervisor Leggett read a letter for the record from Linda and Anthony Taverni concerning the proposed revisions that were not available online, personal concerns with their property and asked that “Provided however if the property owner demolishes a building in accord with the previous issuance of a Zoning Permit, said property owner is entitled to construct said edifice without impediment or submission to the ZBA and may do so for a period of 5 years from the issuance of said zoning permit.”, be added. Rand Fosdick said that “destroyed by many means” means

“removed by any means”. Rand believes that if one person has to go to the ZBA for a nonconforming structure they all should have to go, if the homeowner took down the structure they should have to go to the ZBA. Tony Taverni does not understand why you would have to go to the ZBA if you already have a permit. Tom Thorsen commented that this would apply to legally nonconforming structure, structures that were put in place at a time when it was legal to do so. Rand commented that once the owner chooses to take the nonconforming structure down they should lose their right and have to go to the ZBA like everyone else. John MacMillen said just because the structure is there does not mean it can be brought up to current code and you should be able to rebuild without going to the ZBA for a variance. John Nick commented that if we are trying to improve the Town then the focus should be to meet the Zoning Law. Jill Broderick asked the Board to reject the changes Section 9.05 and read a prepared statement.

Article 12 – Administrative Provisions

No comment.

Article 13 - Enforcement

No comment.

Supervisor Leggett asked the Board if they would like to send all the other revisions except Section 9.05 to the APA for approval or wait until Section 9.05 is resolved and send everything at once. Mr. Turcotte commented that he would like to see the revisions for Section 9.05 added without going to the ZBA and asked what are the differences between renovate, rebuild and new. John Nick said that he was on the ZORC and attended every meeting and does not remember ever discussing any individual property and its circumstance, it was all general discussion.

Mrs. DuRose left the meeting at 7:05 pm.

John MacMillen asked why we are adding more regulations and more than the APA stipulates. Supervisor Leggett said that repairing or reconstruction seems to be the issue. Discussion ensued about repairing and reconstruction.

Mr. Turcotte commented that Section 9.05 needs to be included in the packet for the APA. Supervisor Leggett said the Board will take no action to send it to the APA and thanked everyone for their comments.

Supervisor Leggett closed the Public Meeting at 7:23 pm.

RESOLUTION NO. 135 OF 2019: AUTHORIZE PAYMENT PRIOR TO AUDIT FOR SUMMERFEST \$4,650.97 FROM BUDGET CODE A6410.494 AND CHAMBER OF COMMERCE ECONOMIC DEVELOPMENT STRATEGIC PLAN \$3,500 FROM BUDGET CODE A6410.499X

WHEREAS, the Town Board has approved and supported funds for the North Warren Chamber of Commerce for the completion of the EDI contract and the Summerfest event,

BE IT RESOLVED, the Town Board authorizes payment prior to audit for Summerfest \$4,650.97 from budget code A6410.494 and Chamber of Commerce Economic Development Strategic Plan \$3,500 from budget code A6410.499X.

On a motion by Supervisor Leggett, seconded by Mr. Packer, Resolution No. 135 of 2019 was **ADOPTED**.

AYE 3 NO 0

RESOLUTION NO. 136 OF 2019: COMMIT \$25,000 OF IN-KIND SERVICES COMPRISED OF FORCE LABOR AS A 50% MATCH AS PART OF A CLIMATE SMART COMMUNITY GRANT FOR THE INSTALLATION OF AIR-CONDITIONING IN THE TOWN OF CHESTER MUNICIPAL CENTER FOR THE ESTABLISHMENT OF A COOLING CENTER

WHEREAS, the Town Board has authorized the submission of a Climate Smart Community Grant through the CFA process for the purpose of establishing a cooling center in the Town of Chester Municipal Center, and

WHEREAS, the Town of Chester Municipal Center has a gymnasium/auditorium rated for a maximum capacity of 500 persons and is the largest facility in the Town available to the community at large, and

WHEREAS, the Climate Smart Community Grant requires a 50% (fifty percent) match by the Town, and Whereas, estimates for the materials to install air-conditioning in the gymnasium/auditorium are \$50,000,

BE IT RESOLVED, the Town Board is willing to commit \$25,000 of in-kind services comprised of force labor as a 50% match as part of a Climate Smart Community Grant for the installation of air-conditioning in the Town of Chester Municipal Center for the establishment of a cooling center.

On a motion by Mr. Packer, seconded by Mr. Turcotte, Resolution No. 136 of 2019 was **ADOPTED**.

AYE 3 NO 0

On a motion by Mr. Turcotte, seconded by Mr. Packer, meeting adjourned at 7:30 pm.

Respectfully submitted,

Town Clerk

DRAFT