

**Village of Chester
Board of Trustees Public Hearing
January 20, 2021**

The Board of Trustees of the Village of Chester held a Public Hearing in the Chester Senior Center, Town of Chester, 81 Laroe Rd, on Wednesday, January 20, 2021.

Members present: Mayor John Thomas Bell, Deputy Mayor Christopher Battiato, Trustee Alan Battiato, Trustee Elizabeth A. Reilly, and Trustee Brian J. Boone.

Also, present: Village Clerk Rebecca Rivera, Attorney Alak Shah of Feerick MacCartney and Nugent, and Village Code Enforcement Officer John Orr. Alan Sorensen was absent.

In the audience: David Stevenson, Gordon Shehab, Nikki Mayer, Anthony Quin.

Mayor John Thomas Bell welcomed everyone to the Public Hearing.

Mayor John Thomas Bell read the notice as posted in the Times Herald Record newspaper as follows:

**VILLAGE OF CHESTER BOARD OF TRUSTEES
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that, on Wednesday, January 20, 2021 at 7:00 p.m. at the Chester Senior Center, 81 Laroe Rd, in the Town of Chester, the Board of Trustees of the Village of Chester, Orange County, New York will continue the public hearing regarding the Proposed Comprehensive Plan, at which time and place all interested persons may appear and will be given an opportunity to be heard either in support of or in opposition to, the Proposed Comprehensive Plan.

The full text of the Proposed Comprehensive Plan is in the custody of the Village Clerk, Village of Chester, 47 Main Street, Chester, New York, at said office, and a copy of the condensed version can be examined by any interested person by accessing the Village website at any time on the Village website, www.villageofchesterny.org.

BY ORDER OF THE BOARD OF TRUSTEES OF THE
VILLAGE OF CHESTER, NEW YORK

Rebecca Rivera

Village Clerk

Dated: December 3, 2020

Mayor John Thomas Bell opened the meeting at 7:00 PM, with the Pledge of Allegiance.

Mayor John Thomas Bell stated that David Stevenson and Clif Patrick submitted their comments via email. Mayor made mention that all Board members received a copy.

Public Comments: (copy of proposed comprehensive plan is attached to minutes)(comments from Clif Patrick and David Stevenson are attached.)

Mayor John Thomas Bell opened the meeting to public comments:

Anthony Quinn 77 Main St. – I have a list or repeat a lot of the things that I brought up last time that are still there. I have list here and to start up I have couple newer things that I want to bring to your attention. I believe I have the same copy as you guy, so I will refer to page numbers, if that helps.

Page 98 under Sustainability and Resiliency. There are couple paragraphs, regarding, “The Village should lead by example and consider including green building design techniques”, and it goes on to further elaborate on green incentives, which I think is good. LED light upgrade, which is economical, and it makes sense. I just don’t know where we are with our state and federal overlords. If this could be used to force us do anything. For example, here is a building such as our aging buildings that we have like Village Hall or our High School. I just hate to see a scenario where we are forced to make upgrades that are economically viable. I don’t know if this could be used to push an agenda like that or not. I’ve looked through this plan and I have to think how this helps or hurt the Village. I don’t see how this necessarily helps us as its written. A lot of the green initiatives are common sense and must of them end up saving money and when it economical to do so we end up going in that direction by default. I would just hate to see this led to it being forced. I don’t see language in here forcing it, I was just suggesting caution. It mentions green building design which is the buzz word that’s being used in the federal news. I’ll let you guys elaborate further as you read through it.

The other part I want to bring to your attention is on page 116 LU.9 –“ Require the preservation of vegetation along the perimeter of sites and landscaping during land development to buffer neighboring properties. Prohibit the clearcutting of entire parcels of land.” I would hope it makes sense to put a size parcel. If someone buys a half-acre lot in the village I don’t know if it makes sense to tell them what trees they or can’t clear. We do have zoning rules with buffer strips for things like that. Again, I’m looking ahead to the future. I would hate to tell a homeowner that they can cut a tree down on a half-acre property.

With that same concept in mind, page 41 HR.7. “Adopt design guidelines for each historic overlay district that would include “standards” that must be followed and “guidelines” that applicants would be encouraged to comply with. Such guidelines would be used by an Architectural or Historic Preservation Review Board.” Again, I don’t know if its forcing anyone to paint their house a certain color. I think there should be a tax incentive for such things.

If you go to Page 117 IU.19 , it suggests that “Adopt a Local Law to regulate short-term rentals within the Village.” why we would want to regulate that. I’m not sure what the downside would be. Is it like an air BB rental, is that what we are trying to bar against?

Mayor John Thomas Bell responded – I think that’s what they’re talking about.

Anthony Quinn- I’m open to hear what the downside is. This a discussion that I would like to have with the board later.

Mayor John Thomas Bell responded – I’m quite sure that’s why it was put in there. Alan Sorenson would be the one to clarify that one.

Anthony Quinn – Can a local government do that; can they tell someone who they can rent their house to for the weekend. A local government has the authority to tell a homeowner who they can rent their house to for the weekend.

Deputy Mayor Christopher Battiato responded – I think its almost like if you decide that you wanted to sublease your kitchen and bedroom of your house. It’s a single-family house so you doing that, having different people come to your house every week, month, whatever the case maybe, may have a negative effect on the neighbors.

Village Code Enforcement Officer John Orr responded – The safety concern of air BB is when you have a single-family house, some of these air BB’s are renting out these bedrooms and you don’t know who is in the house. They don’t know how to contact emergency services. It’s an ongoing nightmare.

Attorney Alak Shah responded – it is also other municipalities that have had an issue with short term rentals. Where it’s a single family community or residence and they rent it out for just a weekend and it turns into a party

house, where there's a huge group of people that come in and just party all weekend leaving the neighborhood tattered as a result of it and it tends to happen weekly, every weekend or every weekend throughout the summer. That is why other municipalities have a porched it, by regulating the short-term rental. It is becoming an issue since air BBs have come about.

David Stevenson responded – I think the conversation also involves lodging tax. Supposedly hotels have to collect lodging tax and then they have to pass it along, but Air B&Bs don't and so the hotels feel like they are getting undercut. They can't compete with people who are not collecting lodging tax.

Anthony Quinn – I want to get back to the housing which I view as the most important thing in here. There were several sections that I brought up last time which was part of the chapter 11 summary. The current chapter 11 summary date January 18th on the village's website hasn't changed since last time. There are some minor changes in the actual comp plan that I have here. Overall a lot of the points that I brought up; I'll give some for instances and I'll try to spare you guys from reading them all.

For example, if you go to page 29 EN.15. Work with local farmers to determine needs for farmer and farm-worker housing and amend land use laws to increase opportunities for housing for the farming community. I went over this on how it can be abused. On page 90 there are two sections HD.1 and HD.3 that mention large-scale housing developments that are targeted to affordable senior housing, farmer or farm worker housing, or workforce housing. The board will have to read through it. there is a lot of things here that is pushing this multi-family issue in our town. I know that nobody wants anymore of it. We've already went over it until we were blue in the face about the ratio in the Village as I understand we have 70% apartments or Multi-family units and 30% single family units. the county guidelines or maybe the state guidelines would recommend the complete opposite. More single-family homes for our village and less multi-family. As far as this wasn't changed when Dave had reach out to Alan, which I was let in on the correspondence, the response that we got was that you would be reluctant to remove because (not audible) zoning, sited that the state affordable housing or MUDs, multiple unit dwellings, which stands for. I would reject that as premise. The comprehensive plan is a wish list, there a lot of things in there that a lot of us are going to get to see come to fruition and as wish list the idea that the thoughts of the state government or the county government is going to tell us what we wish for. I reject that thought I reject the idea of that. They can not tell us how we would like to see the village built. We are not talking about changing zoning laws, although I think there is a place for that. We are talking about a wish list. The idea that the planner that we hired is telling us that we can't do that, he didn't say we can't, he says, that he doesn't recommend that we don't do that and then that we ultimately tell a lie that the people up there and this village wants more large scale developments and more affordable housing units built and multi units development , I reject that whole premise that we need in this comprehensive plan. We absolutely do not. Its horrible for government. I'm pretty sure that the constitution in 1926 they gave zoning the rights to local governments, with that said, I don't think they have a right to tell us how we would like the village built. The idea of being told what we have to supposedly strive for I reject it. I don't see how, especially how we would open ourselves up accusations of exclusionary zoning when the facts coming from the same people who may accuse us of this show that we have inverse relationship with them. we have too many apartments for the size of our village. I don't know in what world that can accuse us of exclusionary zoning when we have a least seven apartment buildings. Whispering Hills, Meadow hills, Chester Heights, Green Meadows, Renee Gardens currently known as Anthos Properties, Academy Apartments, Knollcrest. There are plenty of apartments. I reject that and I would ask the board not to go along with that. I don't think its representative of the comprehensive plan that we as a community and as a village want to put forward.

Trustee Brian J. Boone – We just fought a huge development and won. we can't' believe Alan keep that multi units in there. David Stevenson's letter was good.

Anthony Quinn – The idea of even adding multi units in the commercial area have been discussed and multi-unit dwellings above commercial buildings, again, I'm trying to foresee any possible future or potential problem. Thank you for listening.

Mayor John Thomas Bell responded – than you for going through the comprehensive plan and sharing your comments with us.

Gordon Shehab – 68 high St. – What Tony(Anthony Quinn) just said is very good except that the new admiration wants to reestablish what was eliminated by the previous administration. What it is that any cities or counties and part of any community with block grants will allow the government to come in and eliminate your zoning regulations. They want to urbanize the suburbs. So, if you are accepting any of those grants (not auditable)

Mayor John Thomas Bell responded – those are federal grants

David Stevenson – 16 Elm St. -I will summarize the long page. If you as a board would want to eliminate any mention of multi dwelling you can talk to Alan Sorenson. His email to me seem to indicate that this plan has to go to the county for approval. Does this plan have to be approved by the county?

Mayor John Thomas Bell responded – I don't think so

Attorney Alak Shah responded – No, it's not required to go to the county.

David Stevenson responded I thought I heard Alan Sorenson say that now that he is the county planner, he is going to recuse himself from the review of the plan.

Attorney Alak Shah responded – review yes, but it's not required that they approve it.

David Stevenson – if the board decides that you want to take that (not auditable) mentioning the imbalance ratio and talking about single family homes and the ratio. There was also something, maybe John Orr can comment on. With another tactic to discourage multi-unit dwellings would be lightly tweak the minimum lot or unit size. so right now, it says a multi-unit dwelling needs to be 20 feet wide, if that was change to 25 or 23 feet would that or something like that, I'm not saying that will swipe the slate clean, but would it be enough to reduce the density on some future projects.

Village Code Enforcement John Orr responded – I think the potential is there. RM zone is kind of a moving target. There is no, other than BT Holdings there is no open land in the village of Chester that is zoned RM is a zone that comes by application and by zone change. I think that were you may want to fix things is by setting a criteria a little higher. I think you can tweak the RM code enough, whether it be lot size or density and that's were you can tweak it.

David Stevenson – The only other thing I wanted to mention is Chapter 11, which is the marching orders, all the points of action. There is something like 175 of them, which is a rather daunting task. I went through and I had been talking to Alan about is there anyway to distill this down. I went through this yesterday, housing, little housing incitive, there are about six in there. There is seven ridge line protection. Farming and agriculture, there is fourteen separate points in there and they are spread out all throughout. There is 175, so I was just thinking if there is distill them down or group them together to make an easier document to read.

Village Code Enforcement John Orr responded – In my opinion they became a direction on running the village, like I said before and I will say it again, that should not be in there and that whole thing should be looked at.

David Stevenson – I don't know if you want to take another month to do this? Or pass it and later on consider a revised chapter 11.

Mayor John Thomas Bell responded - it's going to take us awhile to absorb all of this and go through it . its going to take time to go through it as a board and I'm not going to say that we are going to approve it next month. We have to meet as a board a few more times to make sure it is done the right way and satisfactory to everybody's concerns.

Village Code Enforcement John Orr – if I'm not mistaken this is just a suggested document brought to you by the committee. The village board can alter or adopt.

Mayor John Thomas Bell – that's I said, we have to absorb all this information and this board finally what stays and what goes.

Anthony Quinn – can we leave the public hearing until the final draft is done.

Mayor John Thomas Bell responded – no, we are going to close the public hearing tonight.

Mayor John Thomas Bell – Alak do we take more written comments after tonight?

Attorney Alak Shah – you can if you want to but its not required.

Anthony Quinn – is it too much to ask that the public view the final draft before the board votes.

Attorney Alak Shah – that’s willing to happen whenever the village board decides when they are going to adopt at whatever meeting it is. When the village board is ready to vote on it, it will be made available for public to view.

Trustee Elizabeth A. Reilly – I agree that it should be made available to the general public 7 days before.

Adjournment:

Mayor John Thomas Bell asked if there were anymore questions. As there were no further questions, Mayor John Thomas Bell asked for a motion to adjourn the meeting.

A motion to adjourn the meeting at 7:36 pm was made by Trustee Elizabeth A. Reilly, seconded by Deputy Mayor Christopher Battiato. Motion unanimously passed.

Sincerely,

Rebecca Rivera