

VILLAGE OF CHESTER

LOCAL LAW NO. 3 OF 2024

**LOCAL TO AMEND CHAPTER 98 (ZONING) OF THE VILLAGE CODE OF
THE VILLAGE OF CHESTER CONCERNING RIDGE PRESERVATION**

BE IT ENACTED by the Village Board of the Village of Chester, Orange County, New York (“Village Board”) as follows:

Section 1. Purpose and Intent

The purpose of this Local Law is to Amend Chapter 98 of the Village Code to modify the definition of Section 3 (Height) and to add Section _____ to the Code concerning Ridge Preservation.

Section 2. Authority

This Local Law is enacted pursuant to the provisions of Municipal Home Rule Law § 10 of the State of New York.

Section 3. Amendments

Chapter 98, Section 98-3 (Height) definition is hereby repealed and replaced as follows:

HEIGHT

The vertical distance measured from the average elevation of the finished grade along all four sides of the structure to the highest point of the such structure or to the midpoint of a gable roof.

Chapter 98, Section 98-4 (Establishment of Districts) is amended to add:

RPO Ridge Preservation Overlay

Chapter 98, Article IV (Specific Regulations) is amended to add Section 98-22.5 (Ridge Preservation) as follows:

§ 98-22.5 Ridge Preservation.

A. Purpose and policy.

(1) The natural topography of the Village of Chester includes a series of prominent ridgelines running primarily in a north- south direction. Land development patterns of the Village have resulted mainly in development in the valleys, with the ridgelines being preserved. Important ridgelines and hilltops form a scenic background to the

developed areas of the Village, softening the visual impact of buildings and giving to the Village a natural and rural atmosphere.

(2) These important ridgelines, hilltops and natural scenic vistas in the Village are important environmental assets, and their aesthetic value is to be protected.

(3) Therefore, all areas with a natural elevation above mean sea level of 500 feet are subject to this section and, in addition, are designated by this Zoning Chapter as lands within the “Ridge Preservation Overlay” and delineated on a map titled Ridge Preservation Overlay District available for review in the Village Clerk’s Office.

(4) For the purpose of this section, Ridge Preservation View Corridor shall mean any state or county road or public park land from where the project site may be visible.

B. Restrictions and standards for structures.

(1) Any new structure within the Ridge Preservation Overlay District, for which a building permit is required shall be located as follows:

- a. To the maximum practical extent, on the lowest elevation of the lot to be as visually inconspicuous as possible;
- b. So as to not be visible above the top of the ridge or above the top of vegetation located within the lot;
- c. To blend into the hillside so as to not be visible from any ridge preservation view corridor, as defined herein.

(2) Any proposal for construction within the Ridge Preservation Overlay District shall include a survey showing the topography of the parcel and indicating the current areas of vegetative cover by type. Such plot plan shall indicate the proposed location and elevation of the structure, all structural and nonstructural accessories thereto, and proposed grading and vegetation clearing. Said application shall also include an architectural rendering of the proposed structure, indicating the size and shape of the house, its siding color and material, window locations, size and type, and roofing color.

(3) In order to satisfactorily blend the structure into the natural environment and mitigate visual impacts, the exterior walls of a structure shall be clad in wood, brick, stone, stucco, vinyl, fiber cement board or fiber cement siding and shall be nonreflective, nonglossy earth tone or similar neutral colors. Aluminum cladding and exterior insulation and finish system (EIFS) cladding are not permitted. Earth tone or similar neutral colors are colors such as brown, green, grey, terra cotta, and muted autumn colors that, in the opinion of the Planning Board, appropriately and naturally blend in with the tree cover. The use of white and similar bright colors that do not blend in with the tree cover in the opinion of the Planning Board are not acceptable. The Planning Board shall have the discretion to permit the use of non-natural building materials in connection with applications where existing originally approved and

constructed structures consist of non-natural materials, and the application is for an addition that is substantially less in mass and/or appearance than the principal structure.

(4) Roof slopes of such structures shall follow the natural contour of the land where possible. Glossy metal or polyvinyl chloride (PVC) roofing materials are not acceptable. Patinaed copper is acceptable as are nonglossy painted metal panel roofs. Shingles composed of asphalt or asphalt composite are acceptable, as well as wood, clay, or slate shingles or tiles. Roofing materials shall also be of earth tone or similar neutral color that, in the opinion of the Planning Board, appropriately and naturally blend in with the tree cover, and may include dark greys and black. White and similar bright colors that do not blend in with the tree cover in the opinion of the Planning Board are not acceptable.

(5) No reflective windows (which include windows coated with antireflective window film) or other reflective surfaces shall be used on any building.

(6) To the greatest extent practical, every attempt shall be made to limit the amount of cutting and removal of trees so as to maintain natural site vegetation, especially on those properties which may be visible from the ridge preservation view corridor. Any healthy tree with an eight-inch-or-greater caliper at breast height shall not be removed unless such removal is essential to the location of the structure, or the safety of the structure as determined by the Code Enforcement Officer.

(7) Maximum building height in the Ridge Preservation Overlay district shall be 30 feet measured from the average finished / natural preconstruction grade of all four sides of the structure.

(8) The Planning Board may waive or adjust the requirements of all or part of this ridge preservation section upon an applicant presenting clear and convincing evidence that:

(a) The structures or affected land areas will not be visible from a designated view corridor. If such evidence is dependent upon existing or new landscaping or natural buffers, the Planning Board may require an easement of record be filed with the County Clerk to preserve such landscaping or buffers; and/or

(b) Owing to prior land development by others, the purpose and policy of this ridge preservation section cannot be substantially achieved by conformance with these regulations.

(9) Notwithstanding anything to the contrary in this section, the following projects shall not require review by the Planning Board pursuant to this section:

(a) Pools, in-ground and aboveground.

(b) Detached sheds or other residential accessory structures less than 500 gross square feet or less than 15 feet in height.

- (c) New decks, and/or additions to decks;
- (d) Residential and nonresidential roof-mounted solar panels, extending in height no more than 12 inches from the roof surface.
- (e) In-kind replacement of features that do not require more than de minimis modification to the structure, such as windows, doors, and garage doors.
- (f) Expansion of an existing single family dwelling of less than 50% of the total floor area where the proposed height of the expansion does not exceed the existing height of the structure.
- (g) Retaining walls that are less than four feet in height.
- (h) Signs, other than those subject to Planning Board approval.
- (i) Radio, television and microwave antennas, except for such antennas installed on the roof of a building and extending not more than 15 feet above the highest level of the roof of such building.

C. Guidelines. In making its decision regarding the visibility and compatibility of proposed structures, the Planning Board shall consider:

- (1) The building design.
- (2) The use of lower elevations on a lot to site structures.
- (3) The blending of structures with natural topography to keep below the tree line.
- (4) The use of both deciduous and evergreen trees to supplement or replace natural vegetation.
- (5) Excessive similarity, dissimilarity or inappropriateness in relation to itself or to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application, facing upon the same street or within the surrounding neighborhood, in respect to one or more of the following features:
 - (a) Exterior façade, including, but not limited to, building materials, mass line, architectural style and authenticity, colors, size, proportion, roof design and height.
 - (b) Size and arrangement of doors, windows, porticoes or other openings or breaks in the facade, including reverse arrangement, and gross floor area of all or portions of the structure.

Section 4. Repeal, Amendment, and Supersession of Other Laws

All other Resolutions, Ordinances or Local Laws of the Village of Chester, which conflict with the provisions of this Local Law are hereby superseded or repealed to the extent necessary to give this Local Law full force and effect.

Section 5. State Environmental Quality Review Act

Pursuant to 6 NYCRR 617.4(b)(2), this Local Law is classified as a Type I action under the State Environmental Quality Review Act (SEQRA).

Section 6. Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

Section 7. Code Preparation

The Village's Code preparation contractor is authorized, without further action of the Village Board, to correct typographical errors, numbering and other related technical changes that do not affect or alter the substantive provisions of this local law.

Section 8. Effective Date

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the New York Municipal Home Rule Law.