

APPENDIX C

Draft Zoning Amendment
Table and Text

DRAFT Amendments to the Code of the Village of Chester, Chapter 98, Zoning (the Zoning Law) for BT Holdings – Revised February 6, 2009

Proposed RM-N (Residential-Multiple Dwellings/Neighborhood) Zoning District Table

1	2	3	4	5	6	7	8	9							
					Coverage										
					Minimum Yard Setback Dimensions (feet)										
				Minimum Lot Size		Side Yard			Maximum Building Height		Off-Street Parking				
District	Principal Permitted Uses	Accessory Uses	Special Permitted Uses Subject to Authorization and Site Plan Approval by the Planning Board	Minimum Lot Area (square feet or acres)	Minimum Lot Width (feet)	Front Yard	One	Both	Rear Yard	Maximum Lot Coverage (percent)	(feet)	(stories)	Minimum Habitable Dwelling Area (square feet)	Use	Required Off-Street Parking Spaces
RM-N	#. Single-family dwellings, not to exceed 1 dwelling per lot.	#. Off-street parking	#. Firehouse.	10,890 SF	100	20	15	30	30	30	40	3	900		
	#. Two-family dwellings, not to exceed 2 dwellings per lot.	#. Signs according to 98-19B	#. Municipal or government buildings or similar structures used for public purposes by a municipality or other government agency.												
		#. Customary home occupations incidental to single-family dwellings, conducted in the principal building by a member of the family actually in residence therein provided that there is no external evidence of such occupation except a small announcement sign.	#. Public utility buildings which are used to provide a service to residents of the Village of Chester, provided that public businesses, offices, warehouses, construction or repair shops or garage facilities are not included.												
		#. Customary accessory uses and buildings.	#. Public libraries and museums.												
	#. Senior citizen housing.*			2 acres	100	30	20	40	30	35	40	4	Studio-400 1-bedroom-500 2-bedroom-650	Senior dwelling	1.0 spaces per unit In addition, 0.25 spaces per unit for visitor parking
	#. Multiple dwellings, apartments, condominiums and townhouses			5 acres	200	20	15**	30**	35	35	40	3	Studio-400 1-bedroom-600 2-bedroom-800 3 or more bedrooms-1,000	Studio or 1-bedroom 2 or more bedroom unit	1.5 spaces per unit 2.0 spaces per unit In addition, 0.5 spaces per unit for visitor parking

* Subject to all requirements of section 98-23.1 except the specified lot and bulk requirements. **No side yards are required for multiple unit structures in the interior of the site or on interior lots

D R A F T
Amendments to the Code of the Village of Chester
Chapter 98 Zoning (the "Zoning Law")
BT Holdings Development

NOTES: Existing zoning text is shown without underlining. Proposed existing zoning text deletions are shown as stricken (~~text~~). Proposed text to be added to the existing zoning language is underlined (text).

Local law format will be added at a later date.

ARTICLE I General Provisions

98-3. Definitions and word usage.

B. For the purpose of this chapter, certain words and terms herein are defined as follows:

APARTMENT – A multiple-family dwelling unit available for rent and owned as part of an apartment building.

DWELLING, MULTIPLE-FAMILY — A detached building containing three or more dwelling units, which may include apartments, cooperatives, condominiums and townhouses.

TOWNHOUSE — A dwelling structure containing a series of two or two-and-one-half-story noncommunicating one-family dwelling units having a common wall between each two adjacent sections. Each dwelling unit is in separate ownership and may be located on commonly held land with other townhouses, or on a separate tax lot. *Editor's Note: The definitions of "trailer court" and "trailer, house or camping," which immediately followed this definition, were repealed 12-14-1987 by L.L. No. 2-1987.*

ARTICLE II Establishment of Districts; Map

§ 98-4. Establishment of districts.

The Village of Chester is hereby divided into the following classes of districts, the respective symbol for each district being set forth opposite its title:

- RA Residential and Agricultural
- RS Residential — Single-Family
- RMH Residential — Mobile Homes
- RM Residential — Multiple Dwellings
- RM-N Residential — Multiple Dwellings-Neighborhood
- B-1 Neighborhood Business
- B-2 General Business
- M-1 Light Manufacturing-Research
- M-2 Manufacturing

§ 98-5. Zoning Map.

The BT Holdings development site shall be rezoned to the RM-N district.

§ 98-6. Schedule of District Regulations.

The RM-N zoning district table shall be added to the zoning law.

ARTICLE IV Specific Regulations

§ 98-18. Apartment buildings and townhouses.

- A. ~~Each principal building shall have uninterrupted frontage upon a street or court. If said frontage is upon a court, the least dimension of said court shall be not less than 75 feet.~~
Any commonly held land on which multi-family dwellings are located, and associated improvements thereon, shall be governed by a homeowners' association. The site plans for multi-family developments shall clearly show whether individual parcels of land are associated with attached dwelling units.
- B. ~~If the rear of any principal building shall be opposite any other principal building, it shall be distant therefrom not less than twice the average height of the opposite bounding walls.~~
The layout of multi-family dwellings and multi-unit structures shall comply with the following requirements:
- (1) Each principal building shall have uninterrupted frontage upon a street or court. If said frontage is upon a court, the least dimension of said court shall be not less than 75 feet.
 - (2) Townhouses shall be at least 20 feet wide.
 - (3) The side of a principal building, if opposite the side of another principal building, shall be separated therefrom by a distance of not less than twenty-five feet (25').
- C. ~~The side of a principal building, if opposite the side of another principal building, shall be separated therefrom by a distance of not less than the average height of the opposite bounding walls.~~
Permitted density for multiple dwellings where permitted shall be as follows:
- (1) For one-bedroom or two-bedroom dwelling units, up to 8 units per acre
 - (2) For three-bedroom dwellings or dwelling units with more bedrooms, up to 6 units per acre.
 - (3) A "bedroom" includes a den or other additional room, which is separated from other common areas by a door, that is not a kitchen, living room, dining room, closet or storage area.
- D. There shall be provided on the townhouse or apartment building site usable open space at the rate of 700 square feet per dwelling unit. For every dwelling unit containing three or more rooms, there shall be provided usable open space for outdoor play area for children at the rate of 100 square feet per dwelling unit. Such outdoor play area for children shall not be less than 25 feet in its least dimension and shall be reserved and maintained by the owner or home association and may be suitably fenced or screen planted. Such outdoor play area for children may be counted as part of the required usable open space per dwelling unit.
- E. Apartment dwelling units containing two or more bedrooms shall not exceed 50% of the total number of units in an apartment complex located on a single lot. **[Amended 8-8-2005 by L.L. No. 2-2005]**
- F. Fire-retardant walls constructed of cinder block or similar material approved by the Planning Board shall be used to fully separate all dwelling units in townhouses and apartment buildings. Such walls shall extend to the full height of said structure.

ARTICLE V Special Use Permits [Amended 5-26-1981 by L.L. No. 12-1981]

§ 98-23.1. Senior citizen housing special use permit. [Added 11-8-2004 by L.L. No. 5-2004]

- A. Statement of intent. A senior citizen housing ("SCH") special use permit in the RS, RMH, RM, B-1, and B-2 Districts is established to expand housing opportunities for senior citizens and the physically challenged in the Village of Chester. A senior citizen housing ("SCH") development is also a principal permitted use in the RM-N, District in compliance with this section. [NOTE: Unless otherwise stated herein, references to "senior citizens" includes the physically challenged.] It is the intent of this section to encourage the development of market, moderately priced, and affordable multiple dwelling units for senior citizens. It is recognized that senior housing if not properly located, designed, constructed and maintained may be detrimental to the general welfare of the residents of such projects and to the Village of Chester at large.
- B. Objectives. The specific objectives of this section are:
- (1) To encourage housing opportunities for senior citizens, including affordable housing for those senior citizens living on fixed or limited income in order to give such residents the opportunity to remain in the community close to family and friends.
 - (2) To provide appropriate sites for the development of such housing in convenient locations.
 - (3) To provide, within the boundary of the project, appropriate social, recreational and other facilities which will contribute to the independence and meaningful activity of senior citizens.
 - (4) To provide for the safety and convenience of residents through site design and housing unit design requirements which consider:
 - (a) The special physical and social needs of senior citizens; and
 - (b) The physical characteristics of the project site.
 - (5) To regulate the nature and density of senior citizen housing developments, their site layout and design and their relationship to adjoining uses so as to provide ample outdoor living and open space for residents, to preserve trees, and to minimize detrimental effects on the site and surrounding neighborhood and environment.
- C. General provisions. A SCH special use permit or principal permitted use will be in compliance with this section, and no building, structure, premises or part thereof shall be used or occupied, and no building or structure shall be erected, enlarged, converted or altered except as provided in this section.
- D. Permitted uses.
- (1) Principal uses. The SCH special use permit will allow as a principal use:
 - (a) Multifamily dwellings, provided that such dwellings are arranged as individual dwelling units for the occupancy of senior households or by nonsenior physically challenged households, each as defined below.
 - (b) Exception. Notwithstanding the provisions of Subsection D(1) of this section, one unit may be occupied by a project superintendent or manager and his/her family. If a project has 40 units or more, an on-site project superintendent or manager will be required. The superintendent or manager's unit will be included to determine the number of units in a project.
 - (c) Exclusion. This chapter does not permit nursing homes, convalescent homes, private proprietary homes, homes for the aged, or other facility regulated and licensed by the New York State Department of Health under the Public Health Law of the State of New York.
 - (2) Accessory uses. The following accessory uses are permitted:

- (a) Accessory uses, including buildings and facilities, which are reasonably necessary to meet the proper maintenance, administration, security, off-street parking, storage, fencing and utility system needs of the project and are subordinate to the residential character of the project.
- (b) The following accessory uses are permitted, provided that such facilities are approved by the Planning Board and managed as part of the building or complex of buildings and restricted in their use to residents of the building or building complex and further provided that there are no external advertising signs for such facilities:
 - [1] A common kitchen, dining room, meeting rooms, multipurpose rooms, lounges, library, lobby areas, or other similar common spaces.
 - [2] A beauty and/or barbershop, provided that the maximum floor area devoted to such use is no more than 250 square feet.
 - [3] Laundry facilities.
 - [4] A convenience shop for daily needs such as food items, prescription and nonprescription drugs, newspapers and small household items and similar items, provided that the maximum floor area devoted to such use is no more than 400 square feet.
 - [5] A coin-operated vending machine room, provided that the maximum floor area devoted to such use is no more than 150 square feet.
 - [6] Office space for a doctor, medical infirmary or clinic and/or social service delivery.
 - [7] Security office and/or on-site security patrols.
 - [8] Recreation room, game room, art and craft room, workshop, jacuzzi, indoor pool, exercise room or other similar indoor recreation or leisure facilities.
 - [9] Outdoor pool, game areas, sitting areas, walking trails or other outdoor recreation or leisure facilities.

E. Occupancy. Occupancy of dwelling units within a SCH special use permit shall be for residential purposes only. Occupancy shall be limited to senior households and nonsenior physically challenged households as defined and described below:

- (1) Senior household. For purposes of this section, a senior household shall consist of:
 - (a) One or more persons, all of whom are 55 years of age or older;
 - (b) One child or grandchild residing with a person who is 55 years of age or older, provided that said child or grandchild is over the age of 18; or
 - (c) One adult 18 years of age or older residing with a person who is 55 years of age or older, provided that said adult is essential to the long-term care of the senior citizen as certified by a physician duly licensed in New York State.
- (2) "Nonsenior physically challenged household" is defined as follows:
 - (a) One or more persons who is physically challenged, as defined below, and between the ages of 18 and 55;
 - (b) One child or grandchild residing with a person who is physically challenged, provided that said child or grandchild is over the age of 18; or
 - (c) One adult 18 years of age or older residing with a person who is physically challenged and between the ages of 18 and 55, provided that said adult is essential to the long-term care of the physically challenged person as certified by a physician duly licensed in New York State.
- (3) "Physically challenged" defined. For the purposes of this section, "physically challenged" means in a manner recognized by the American with Disabilities Act, expected to be of

indefinite duration, rather than of temporary duration, as certified by a physician duly licensed in New York State.

- (4) Temporary occupancy. A child or grandchild of a person 55 years of age or older or a child or grandchild of a physically challenged person between the ages of 18 and 55 may continue to reside in the unit for a period of six months following the death of the owner or tenant, provided that said child or grandchild was duly registered as a resident of the project at the time of the senior or physically challenged person's death.
- (5) Guests. Temporary occupancy by guests of families who reside in a senior housing shall be permitted, provided that such occupancy does not exceed 30 total days in any calendar year. Guests staying for more than three consecutive nights will advise the project superintendent or manager of their occupancy.
- (6) Preferences. First preference for a unit will be given to existing residents of the Village of Chester, second preference to the parents of residents of the Village of Chester and third preference to other residents of Orange County, as permitted by law.

F. Lot and bulk requirements.

- (1) The following lot and bulk requirements shall apply to projects for a SCH special use permit:

- (a) For SCH special use permits in the RM-N district, the lot and bulk requirements in the corresponding RM-N zoning table shall govern.

~~(a)~~

- (b) Minimum lot area. The minimum permitted lot area shall be three acres. In calculating the maximum number of dwelling units per acre, any lands which are subject to flooding or which are occupied by public utility easements in such manner as to prevent their use and development shall not be considered in calculation the total number of available acres.

~~(b)~~

- (c) Maximum residential density. The maximum permitted density requirements shall be i) in the RM, RM-N, B-1, and B-2 Districts, nine dwelling units per acre; and ii) in the RS, RMH Districts seven dwelling units per acre. If more than 20% of the total number of dwelling units qualify as affordable housing, as defined herein, then the maximum permitted density requirements shall be i) in the RM, RM-N, B-1, and B-2 Districts, 10 dwelling units per acre; and ii) in the RS, RMH Districts eight dwelling units per acre. Any fractional number 0.5 or above will be rounded up to the nearest whole number, and less than 0.5 will be rounded down to the nearest whole number.

~~(c)~~

- (d) Maximum impervious surface area. Impervious surface area shall not cover more than 75% of the lot area in the RM, B-1, and B-2 Districts and shall not cover more than 50% of the lot area in the RS, RMH Districts. Impervious surface area will include all buildings, structures, and parking areas.

~~(d)~~

- (e) Minimum lot depth. The minimum lot depth shall be 150 feet.

~~(e)~~

- (f) Minimum lot width. The minimum lot width shall be 100 feet.

~~(f)~~

- (g) Minimum front yard. The minimum front yard setback shall be 50 feet measured from the property line. However, for sites of five acres or more the minimum front yard setback shall be 75 feet measured from the property line.

~~(g)~~

- (h) Minimum side and rear yard. The minimum side yard and rear yard setbacks shall be 30 feet measured from the property line. However, for sites of five acres or more the minimum side and rear yard setback shall be 50 feet measured from the property line.

~~(h)~~

(i) Maximum building height will conform to the district in which the project is located.

~~(i)~~

(j) Identification signs will be permitted in a location or locations as approved by the Planning Board.

- (2) For the purpose of this section, "affordable housing" shall mean residential units available for a sales price or rental fee within the means of a household income which is 80% of the Village median income as defined annually by the United States Department of Housing and Urban Development or, if no such statistics are available, then as that term may be defined by and for the County of Orange.

G. Site regulations.

- (1) Parking and circulation. Parking spaces shall be provided at the ratio of 1.5 spaces per unit and 0.75 spaces per unit for guest parking and staff. For SCH special use permits in the RM-N district, the parking requirements in the corresponding RM-N zoning table shall govern. The fractional spaces will be rounded to the next highest number. The parking spaces will be conveniently located, evenly distributed, arranged, striped and identified by signage. Parking for guest parking and staff may be clustered. The Planning Board may require additional parking for accessory and recreational facilities. There will be a maximum of two motor vehicles per unit and each motor vehicle will be registered with the superintendent. No commercial vehicles will be permitted. Entrances and exits for ingress, egress, and interior circulation will be of a width and location suitable for the site and senior housing.

ALTERNATIVE FOR G. (1): Parking and circulation. Parking spaces shall be provided at the ratio of one (1.0) space per unit and one-quarter (0.25) space per unit for guest parking and staff. The fractional spaces will be rounded to the next highest number. ...

- (2) Outdoor recreation. Usable outdoor recreation space will be provided in a type and quantity as required by the Planning Board. Such space shall consist of both active and passive recreation amenities such as game areas, outdoor pool, patio areas, shaded sitting areas, walking or jogging trails.
- (3) Sidewalks. Each project will provide suitable sidewalks, which may include hand rails when appropriate.
- (4) Landscaping. Each project will provide suitable landscaping.
- (5) Building location. No building will have more than 24 dwelling units, except that in the RM-N zoning district a building may have up to 50 units.* The side of a principal building, if opposite the side of another principal building, shall be separated therefrom by a distance of not less than 1 1/2 the height of the opposite bounding wall. If the rear of any principal building shall face the front of another principal building, it shall be distant therefrom not less than twice the height of the opposite bounding walls. Each principal building will be not less than 25 feet from any parking area or curb to provide for sidewalks, landscaping or both.

****Another alternative would be to delete the limitation on the number of units in a building all together. There are efficiencies in having more units per building and massing can be addressed in design review.***

- (6) Miscellaneous.
- (a) Utility service to the site shall be buried.
- (b) Outdoor public address systems or other outdoor amplified noise shall be prohibited.

H. Building and unit requirements.

- (1) Buildings shall require the following facilities and services:
- (a) Laundry. Laundry facilities (washers and dryers) or service adequate to serve the occupants of the project shall be provided and maintained.
- (b) Indoor community space. Indoor community space and related equipment shall be

required to provide social and recreational opportunities for project occupants. Included may be such facilities as game rooms, indoor pool, meeting rooms, dining rooms, exercise rooms or other space for active or passive recreation. Such space, exclusive of a common lobby, hallways and basements, in a type and quantity as required by the Planning Board.

- (c) Barrier-free access. All multifamily dwellings shall provide barrier-free access, and, at minimum, doors shall be three feet wide, thresholds shall be flush with the floor and ramps or elevators shall be provided so that all areas of the structure are accessible to the physically handicapped.
 - (d) Appropriate twenty-four-hour private security and maintenance.
 - (e) If there are 40 dwelling units or more, the Planning Board may require any or all of the permitted accessory uses set forth in Subsection D(2)(b) above.
- (2) Unit requirements.
- (a) Unit size. The minimum permitted habitable floor area shall be 400 square feet for efficiency units, 500 square feet for one-bedroom units and 650 square feet for two-bedroom units.
 - (b) Unit density. The maximum number of residents who may reside in a dwelling unit shall be two persons for efficiency and one-bedroom units and three persons for two-bedroom units.
 - (c) Unit amenities.
 - [1] Kitchen and bathroom. All dwelling units shall be designed for independent living and shall contain full bathroom and kitchen facilities, including but not limited to a sink, refrigerator, stove, range or combined unit in the kitchen and a sink, toilet, bathtub and shower in the bathroom.
 - [2] Handicapped adaptable. Twenty percent of all dwelling units shall be adaptable for use by nonambulatory persons.
 - [3] Handicapped accessible. Twenty percent of all dwelling units shall be handicapped accessible and, at minimum, contain:
 - [a] Doorways that are a minimum of three feet wide.
 - [b] Lever-type doors, handles and faucets.
 - [c] Nonskid floors.
 - [d] Ramps in addition to steps.
 - [e] Door thresholds that are flush with the floor.
 - [4] Safety and convenience features. For the safety and convenience of residents, all dwelling units shall, at minimum, contain the following features:
 - [a] Nonscalding faucets.
 - [b] Grab bars located around showers and tub areas.
 - [c] Smoke and carbon monoxide detectors.
 - [d] Electric outlets located a minimum of 24 inches above the floor.
 - [e] An individually controlled thermostat for the unit.
 - [f] A panic alarm/medical alert system in the bathroom, bedroom, and living area connected to a twenty-four-hour service available to residents upon request of such residents with the cost of such service to be borne by the residents who request it.

[g] Cooking appliances that do not utilize an open flame.

[h] A twenty-four-hour emergency phone number for private security posted in a conspicuous location.

[5] Storage. A minimum of 20 square feet of storage area shall be provided for each unit. Such storage area shall be in addition to normal closet space.

[6] Noise. Measures will be taken to reduce the transmission of noise by use of suitable materials (i.e., carpeting and acoustic baffling), methods of construction, and arrangement of units within the buildings.

I. Procedure for SCH special use permit.

- (1) Application. Application for a SCH special use permit shall be made initially to the Village Board. The Village Board will determine whether the proposed location and general layout of the proposed housing complies with the intent of this section. The Village Board may either refer the application to the Planning Board for a complete site plan and special use permit review or may reject the application as inconsistent with this section. The Village Board may, in lieu of rejection of the application, suggest such changes in the preliminary plans as are found to be necessary or desirable to meet the requirements of this section, to protect the established or permitted uses in the vicinity and to promote the orderly growth and sound development of the community. Once an application is referred to the Planning Board, the Planning Board will act as lead agency under the State Environmental Quality Review Act [Editor's Note: See Environmental Conservation Law § 8-0101 et seq.](#) and make the final determination regarding the application.
- (2) Application materials. The applicant shall submit a preliminary plan to the Village Board, including a survey of the parcel prepared and certified by a licensed land surveyor, existing zoning, wetlands, topography, proposed improvements, with the approximate locations of buildings, parking, number of units and bedrooms per unit, number of proposed affordable units, utilities, access, recreational facilities, anticipated area to be disturbed, open space, all uses and structures within 500 feet of the perimeter of the property, and such other information as the Village Board may reasonably request.
- (3) Within six months of the Village Board referral, the applicant will submit information as required by site plan and special use permit requirements. In addition, the Planning Board will consider:
 - (a) The site shall be located in an area suitable for residential purposes, appropriately located on the site, and shall be reasonably free of objectionable conditions such as odors, noise, dust, air pollution, high traffic volumes, incompatible land uses, steep slopes, wetlands and other environmental constraints.
 - (b) Physical limitations of the site, preserving trees, and open space. The Planning Board will require appropriate landscaping, lighting, and sidewalks.
 - (c) The site should be located within reasonable proximity to public transportation service, or, in the alternative, shuttle bus or other transportation service shall be available to the site.
 - (d) The site shall be located such that access to the site can be obtained from a public street which meets current engineering standards of the Village with respect to roadway width and alignment and acceptable sight distances can be developed at the site entry/exit and at intersections in the vicinity of the site.
 - (e) The architectural style of the proposed project, exterior materials, finish and color shall be consistent with existing community and neighborhood character.
 - (f) The development of the site shall not produce undue adverse effects on the surrounding neighborhood.

- (g) The extent to which quality affordable housing is made available to senior citizens, and whether the scope and design of the project will establish a worthwhile asset for this segment of the community and the community as a whole.
- (h) The Planning Board shall not approve the special use permit and site plan unless said Board finds that same are in substantial conformance with the preliminary plan submitted to the Village Board.

J. Approval and enforcement.

- (1) A certificate of occupancy will be required for each unit and said certificate will only permit occupancy in compliance with this chapter.
- (2) A certificate of compliance will be filed for each unit. The owner, homeowners' association, or an authorized agent will file a certificate of compliance with the Code Enforcement Officer stating that the project, each unit and the occupancy of each unit in compliance with this chapter. Such certificate of compliance will be filed in between December 1 and December 15 each year.
- (3) Each project will have at least two responsible parties, to wit: the owner, owner's agent or site manager, who will each provide the Code Enforcement Officer with his or her telephone number in the event of an emergency.
- (4) Any violation of the conditions of this section, site plan or special use permit approval will constitute a zoning violation and will subject the project owner (landlord), homeowners' association or board of managers to the remedies and fines set forth in § 98-27B, which states:

"Violation of the above procedure or any provision or requirement of site plan approval shall be cause to deny or revoke a certificate of occupancy and shall be considered an offense and punishable by a fine of \$250 for the first offense and \$500 for any subsequent offense. Each day shall constitute a separate violation until the violation is corrected. In addition, the Building Inspector may require the violation to be corrected. This section will be enforced by the Building Inspector and subject to the jurisdiction of the Justice Court of the Village of Chester or the Orange County Supreme Court, as applicable."
- (5) This section and any conditions of approval will be included in a deed, any lease or bylaws of any association, condominium or cooperative housing corporation as directed by the Planning Board.

K. Fees. The applicant will pay an initial review fee of \$250 for Village Board review. In the event the Village Board refers the application to the Planning Board, then, prior to any appearance before the Planning Board, the applicant will pay all fees and escrows required by the Planning Board for special use permit and site plan review.