

**Village of Chester Public Hearing
November 13, 2018**

The Board of Trustees of the Village of Chester held a public hearing in the Village Hall meeting room on Monday, November 13, 2018

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, Village Treasurer, Angela O'Neill, Village Attorney, Henry Christensen Jr, Village Street Superintendent, Charles Bono, Village Police Chief, Peter Graziano, Water Commissioner, Gary A. Green Jr., and Village Code Enforcement Officer, John Orr.

Mayor Bell opened the Public Hearing, Introductory Local Law No 7 of 2018 at 6:45 p.m. The notice which appeared in the Times Herald Record read as follows:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that, November 13, 2018 at 6:45 p.m. at the Village Office, 47 Main Street in the Village of Chester, the Board of Trustees of the Village of Chester, Orange County, New York will conduct a public hearing at Village Hall, 47 Main Street with respect to the proposed adoption of a Proposed Local Law, being Introductory Local Law No. 7 of 2018, entitled:

A LOCAL LAW AMENDING, REPLACING, AND RESTATING IN ITS ENTIRETY,
CHAPTER 38 OF THE CODE OF THE VILLAGE OF CHESTER, SUCH CHAPTER AS
RESTATED TO BE ENTITLED "FIRE PREVENTION AND BUILDING CONSTRUCTION".

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 adoption of the proposed change to the Village Code.

The full text of the Introductory Local Law No. 7 is filed with, and is in the custody of, the Village Clerk at 47 Main Street, Chester, New York, is posted at said office, and may be examined by any interested person during regular business hours at the above address up to and including 4: 30 p.m., on November 13, 2018. The text of such Introductory Local Law is also accessible on the Village website, www.villageofchesterny.com

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

Rebecca Rivera
Village Clerk
Dated: October 3, 2018

Village Code Enforcement Officer, John Orr gave a synopsis of Proposed Local Law, being Introductory Local Law No. 7 of 2018.

Village Code Enforcement Officer, John Orr stated that we are changing four minor areas. The law must coincide with New York State Law for him to use the code book system. The Village's Local law must be coordinated with the Department of State New York Building Standards and Codes

In 2010 the Village missed a minor change and in 2015 the Village missed another minor change to the law. The change in 2018 is somewhat bigger and it has to do with Parking Garage.

The Department of State recently adopted a rule that amends Parts 1202, 1203, and 1204 of Title 19 of the New York Codes, Rules and Regulations. The amendments require cities, towns, villages, counties, and State agencies that are responsible for administering and enforcing the Uniform Code to require the owners of parking garages to have periodic condition assessments of those parking garages performed by qualified professional engineers.

New parking garages shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued.

Following the initial condition assessment, parking garages shall undergo periodic condition assessments at the intervals required by the Authority Having Jurisdiction's (AHJ) code enforcement program, but in no case shall that interval exceed three years. Additional condition assessments may be required if recommended by the professional engineer issuing a condition assessment report or, if the AHJ becomes aware of any new or

increased deterioration that may warrant an assessment.

In summary, the new rule requires AHJs to:

- amend their code enforcement program to require, at a minimum, the requirements outlined in the new regulations, regardless of whether there are parking garages within their jurisdiction;
- require owners of new and existing parking garages to apply for and obtain an operating permit;
- require owners of parking garages to provide condition assessment reports that are sealed and signed by a professional engineer;
- review each condition assessment report and take appropriate enforcement action in response to the information contained in a condition assessment report, including but not limited to, issuing an Order to Remedy or suspending or revoking an operating permit; and
- retain all conditional assessment reports for the life of the parking garages within their jurisdiction.

This rule applies to all parking garages subject to the Uniform Code that meet the definition of "parking garage" found in 19 NYCRR 1 203.3(j)(2)(iv), including private, municipal, and State-owned garages. The rule also applies to those garages within the jurisdictional limits of New York City that are under the ownership or custody of a State Agency. As a reminder, Parts 1202, 1203, and 1204 are minimum standards for administration and enforcement, therefore, AHJs have the authority to require standards higher than the minimums imposed by this rule, to establish fines, and to withhold operating permits for all or portions of a parking garage, provided that such procedures are addressed in their local laws and are not considered to be a more restrictive standard for construction under Executive Law §379.

The other thing that came up with this, when we did the updated to Chapter 38 in 2006 it was meant to combine Chapter 38 Building Construction and Chapter 48 Fire Prevention.

As it stands right now we have minor conflicts between our current Chapter 38 Building Construction and Chapter 48 Fire Prevention. Once this is adopted we will have to repeal Chapter 48 Fire Prevention.

Counsel recommended that we address the resolution and address the repeal of Chapter 48 Fire Prevention at the same time.

The Board of Trustees were in favor of tabling the resolution and the repeal of Chapter 48 until Next monthly meeting December 3, 2018.

Anthony Quinn resident of 77 Main Street, asked about Chapter 38-11 (A)-3 Fire safety and property maintenance inspections. It doesn't seem to be enforced as written.

A. Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:

(3) Fire safety and property maintenance inspections of all multiple dwellings not included in Subsection A(1) or (2) above, and all nonresidential buildings, structures, uses and occupancies not included in Subsection A(1) or (2) above, shall be performed at least once every [specify interval consistent with local conditions, not to exceed 36 months].

Mr. Anthony Quinn - asked does that include two family homes.

Village Code Enforcement Officer, John Orr - No, it's meant for three family homes and above.

Mr. Quinn asked if that's the definition of multiple dwellings.

Village Code Enforcement Officer - that is correct.

Mr. Quinn – Non-residential Buildings, does that include the farms, buildings downtown, and the Battiato farm.

Village Code Enforcement Officer - No, not agricultural. It's basically anything other a residence. Store fronts, malls, factories. There is also a classification that's done every year, which is an occupancy which holds 100 people or more.

Mr. Quinn also made mention of Chapter 38-11 B. (1) (2) and (3). He stated that it seems absurd that a neighbor can call and say their neighbor doesn't have a smoke detector.

Village Code Enforcement Officer - single family homes or multiple properties and yes, I get those complaints all the time. rentals units, when someone say they are not getting a water or their fans not working and yes, I look at those and make an appointment with owners and/or tenants and do inspection.

B. Inspections permitted. In addition to the inspections required by Subsection A of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at any time upon:

- (1) The request of the owner of the property to be inspected or an authorized agent of such owner;
- (2) Receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or
- (3) Receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist; provided, however, that nothing in this subsection shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

Mayor asked if there any further questions, as there were no further questions the Mayor asked for a motion to close public hearing Introductory Local Law No 7 of 2018.

The public hearing was closed at 6:59 p.m. on a motion made by Trustee, Alan Battiato, second by Trustee, Elizabeth A. Reilly. On a vote of 5 to 0 the public hearing was closed.

Respectfully submitted,

Rebecca Rivera
Village Clerk