

TOWN OF CHESTER

TOWN BOARD

LOCAL LAW 4 OF 2026, A LOCAL LAW TO ADD A NEW CHAPTER ENTITLED
“ENTITY DISCLOSURE” TO THE TOWN CODE

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF CHESTER AS
FOLLOWS:

Section 1. Legislative Intent

Invoking the powers granted to the Town Board of the Town of Chester by Municipal Home Rule Law, the New York State Constitution and otherwise, the Town Board finds and determines that there is a critical and compelling need, in the public interests as set forth herein, to provide for full and fair disclosure of the person or persons substantively involved with entities making land use applications before the Town to the extent possible to ensure that any and all potential conflicts of interest or other ethical concerns are properly disclosed and addressed by any and all affected parties and further to ensure individuals appearing on behalf of such entities are authorized representatives. Such disclosures are necessary not only for potential conflicts of interest and ethics concerns, but also to protect the public health, safety and welfare of the people of the Town of Chester.

The Town finds and declares that there is no existing law that preempts the adoption of this article so that the public interests in open and transparent government and land use applications can be promoted by enactment of this article to require all entities making land use applications to supply information as to all limited and general members, shareholders, officers and directors or any other authorized persons having control over such privately held entities who apply for approval from the Town. Such disclosure will inform the public and the Town concerning the names of individuals with a vested interest in land use applications, will facilitate application review by the reviewing boards, will disclose actual or potential conflicts of interest and enhance enforcement of the Code.

Section 2. Chapter XX, entitled “Entity Disclosure” is hereby added to the Town of Chester Town Code to read as follows:

§ xx-1 Definitions.

For the purpose of this article, the following words and phrases shall have the meanings ascribed to them.

APPLICANT — The owner of real property and/or authorized person of an owner of real property, which seeks approval(s) by one or more land use board(s) of the Town, including the Town Board where applicable, in a land use application.

AUTHORIZED PERSON — Any person or entity who is authorized to act or does act either alone or in conjunction with others, on behalf of an entity or owner, or who has authority to direct, control or influence an Entity in any manner with respect to a land use application.

ENTITY — A limited liability company, limited liability partnership, general or limited partnership, professional corporation, joint venture, doing business as name or venture, association, business trust, or non-publicly-traded corporation.

LAND USE APPLICATION — An application form and supporting documents submitted by an applicant and/or owner for review and approval of a building permit, certificate of occupancy, subdivision plat, site plan, special use permit, conditional use permit, variance, zoning amendment, short term rental permit, petition for formation of a district or any other permit, approval or certificate required, necessary or requested for the development of land or construction.

OWNER — The legal holder of title to real property or an interest in real property, including but not limited to a contract purchaser or holder of an option to purchase such real property.

§ xx-2 Disclosure required.

A. A land use application for land development or construction within the Town that lists an entity as the owner and/or applicant shall complete an entity disclosure statement in a form approved by the Town Board from time to time by resolution and provide all information required in said form. Said entity disclosure statement shall be affirmed or sworn to under the penalty of perjury and shall be filed along with any such land use application or request for permission to undertake any construction activity within the Town. The following information shall be required to be disclosed in the entity disclosure statement:

- (1) The name, address and contact information for each member, shareholder, officer, director, partner and any other authorized person having control over the entity.
- (2) Each named person as set forth in subsection one shall identify all Town officers or employees for which disclosure of a relationship would be required pursuant to General Municipal Law § 809.

(3) Such other information as reasonably required by resolution of the Town Board in accordance with the purpose and intent of this section.

- B. In the event that, prior to issuance of a certificate of occupancy for any project under this article, a project that has previously received approval is in any manner transferred, whether by transfer of the property or transfer of the management and/or operation of the original entity making application to another entity, the transferring entity shall notify the Town and such succeeding entity must fully comply with this article before any work on the project shall be permitted to proceed. It shall be the responsibility of both the applicant and the entity to which transfer is being made, to notify the Town of any such transfer.
- C. Said entity disclosure statement shall apply to any land use applications, approvals or permission sought from the Building Inspector, Town Board, Town Planning Board, Town Zoning Board of Appeals or any other Village board with jurisdiction to hear a land use application. The Town shall not process, hear, rehear, approve or sign any new or pending preliminary or final site plan, preliminary or final subdivision map, special permit, variance or other land use application or permit which relates directly or indirectly to any construction, including but not limited to any grading permit, erosion and sediment control permit, wetland permit, sewer connection permit, floodplain development permit, water connection permit, which may be granted in association with any construction unless the application includes a fully completed entity disclosure statement signed and either sworn to or affirmed and submitted with said application to the respective Board.
- D. An entity disclosure statement is not required for any of the following activities:
- (1) Construction of a private garage, not in excess of 500 square feet. Said building shall not be used for any other purpose than the storage of automotive vehicles.
 - (2) Construction of accessory structures, other than garages, not in excess of 300 square feet.
 - (3) Construction of outdoor decks, sidewalks, or porches;
 - (4) Construction of outdoor swimming pools;
 - (5) Installation of fences;

- (6) Interior or exterior remodeling of a single-family detached residential dwelling in existence and with a valid certificate of occupancy as of the effective date this article, which does not involve any change of use or increase the size of the building, including but not limited to window replacement, door replacement, plumbing improvements, new siding, removal of interior walls, and similar improvements;
- (7) Installation or removal of home heating oil or propane tanks, in accordance with all applicable laws;
- (8) Repair, involving the removal and installation of an individual well or in-ground septic system, for a dwelling in existence and with a valid certificate of occupancy as of the effective date of this law;
- (9) Construction of a private shed not exceeding 300 square feet;
- (10) Other minor improvements to dwellings or residential lots with an existing certificate of occupancy, after the Building Inspector has conferred with the Town Board, and the Town Board has rendered a determination that the improvement falls within the scope and nature of the exemptions listed herein.

§ xx-3 Penalties for Offenses

- A. Where an entity or its representative(s) refuses or fails to provide the information required under this article, the further processing of such application and any work related thereto ("the application") shall be suspended in all respects, until such time as the board or official before which application is submitted or pending determines that the entity has fully complied with the provisions of this article. In the event of any form of transfer of the property that is the subject of the application occurs or the ownership and/or management of the project is transferred in any manner to another entity during a pending suspension of the application under the Local Law, the application shall remain suspended until such time as the succeeding entity shall appear before such body or official before whom the application is pending and obtain approval for any continued work in relation to the application in addition to compliance with this article. The Building Inspector is authorized to issue a stop-work order on any project where an application has been suspended under this article.
- B. Any entity or representative of an entity that provides false information or grossly inaccurate information regarding any application, or who fails to advise the Town of a change in ownership shall, in addition to the suspension of any pending application as set forth in Subsection A above, shall upon conviction be subject to a civil penalty

equal to up to 1% of the stated value of the applicants project as reflected in its application or the fair market value of the applicant's proposed project (whichever is greater). The Town Building Inspector/Code Enforcement Officer is hereby authorized to issue an appearance ticket or other process for a violation of this article.

- C. Nothing herein shall be deemed to preclude a criminal proceeding being instituted by the People of the State of New York against the entity or any of its representatives in the Justice Court or County Court for any offenses where the conduct committed may constitute a violation of the New York State Penal Law or other criminal statutes.
- D. Civil penalty. In addition to those penalties prescribed by herein and by State law, any person or entity who violates any provision of this Chapter shall be liable for all reasonable attorney's fees, costs and disbursements, including, but not limited to, expenditures for appraisers, accountants or other consultants employed by the Town, incurred by the Town in connection with the enforcement of this Chapter, and the Town may assert such claim in a Court of competent jurisdiction.

Section 3. Authority.

This local law is adopted pursuant to section 10 of the Statute of Local Governments which provides local governments the power "to adopt, amend and repeal ordinances, resolutions and rules and regulations in the exercise of its functions, powers and duties".

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date.

This local law shall take effect upon filing with the Secretary of State.