

TOWN OF CHESTER
LOCAL LAW 5 OF 2024
A LOCAL LAW TO ESTABLISH A CONSERVATION ADVISORY COUNCIL
PURSUANT TO GENERAL MUNICIPAL LAW § 239-X.

Be it enacted by the Town Board of the Town of Chester, County of Orange State of New York, as follows:

Section 1. Chapter xx, entitled "Conservation Advisory Council" is hereby adopted to read as follows:

§ xx-1. Legislative intent.

The preservation and improvement of the quality of the natural and man-made environment within the Town of Chester, in the face of population growth, urbanization and technologic change with their accompanying demands on natural resources, are found to be of increasing and vital importance to the health, welfare and economic well-being of present and future inhabitants and require forthright action by the governing body of the Town of Chester. It is recognized that the biologic integrity of the natural environment on which man is dependent for survival and the natural and functional beauty of our surroundings which condition the quality of our life experience cannot be protected without the full cooperation and participation of all the people of the Town working in partnership with local and state officials and with various public and private institutions, agencies and organizations. Establishment of a Conservation Board is a necessary step in fostering unified action on environmental problems.

§ xx-2. Conservation Advisory Council Established.

Pursuant to the powers granted in Article 12-F, § 239-x, of the General Municipal Law of the State of New York, the Town of Chester Town Board hereby establishes the Town of Chester Conservation Advisory Council, hereinafter called the "Council" to advise in the development, management and protection of the Town's natural resources.

§ x-3. Membership.

The Conservation Advisory Council shall consist of no less than three (3) and no more than nine (9) members who shall be appointed by the Town Board and shall serve at the pleasure of the Town Board for a term not exceeding two years. The Town Board may appoint up to two (2) members to the council who are between the ages of eighteen and twenty-one. Persons residing within the Town of Chester who are interested in the improvement and preservation of environmental quality shall be eligible for appointment as members of the Conservation Advisory Council. Vacancies on the Conservation Advisory Council shall be filled in the same manner as the original appointment.

The Town Board shall set the membership number of the Council by resolution.

§ x-4. Officers; rules of procedure; records.

The Town Board shall designate a chairman of the Council from among the members appointed to the Council. At the first meeting of the Council, its members shall elect from among themselves a recording secretary.

Vacancies on the Council shall be filled in the same manner as the original appointment, except that a vacancy occurring other than by the expiration of term of office shall be filled only for the remainder of the unexpired term.

The members of the Council shall receive no compensation for their services as members thereof but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties within the appropriations made available thereof.

The Council shall adopt rules and procedures for its meetings. It shall keep accurate records of its meetings and actions and shall file an annual report with the Town Board on or before the 31st day of December of each and every year. Once approved, the Town Board shall forward a copy of the report to the State Commissioner of Environmental Conservation.

§ x-5. Powers and duties.

Within its advisory capacity, the Council shall have the responsibility to:

- A. Provide input, assistance, comments and recommendations regarding environmental assessments and environmental impact statements for proposed actions.
- B. Advise the Town Board on matters affecting the preservation, development and use of the natural and physical features and conditions of the Town insofar as beauty, quality, ecologic integrity and other environmental factors are concerned and, in the case of human activities and developments, with regard to any major threats posed to environmental quality, so as to enhance the long-range value of the environment to the people of the Town.
- C. Develop and, after receiving general approval by resolution of the Town Board, conduct a program of public information in the community which shall be designed to foster increased understanding of the nature of environmental problems and issues and support for their solutions.
- D. Conduct studies, surveys and inventories of the natural and physical features within the Town and such other studies and surveys as may be necessary to ensure the wise use of natural resources and to enhance and protect the environment and otherwise to carry out the general purposes of this chapter.
- E. Advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its work.
- F. Maintain an up-to-date inventory or index of all open areas within the Town in public or private ownership, including but not limited to natural landmarks, streams and their floodplains, swamps, marshlands and other wetlands, unique biotic communities, scenic and other open areas of natural or ecological value, and of the ownership, present use and proposed use of such open areas, so as to provide a base of information for recommendations by the Council for their preservation and/or ecologically suitable use.

G. Maintain liaison and communications with public and private agencies and organizations of local, state and national scope whose programs and activities have an impact on the quality of the environment or who can be of assistance to the Council.

H. Seek to coordinate the activities of unofficial bodies organized for similar purposes and cooperate with other municipal official bodies active in the area of community planning.

I. Working in cooperation with the Town of Chester Planning Board, recommend from time to time to the Town Board features, plans and programs relating to environmental improvement for inclusion in the Comprehensive Plan of the Town of Chester and, similarly, recommend to the Town Board appropriate and desirable changes in existing local laws and ordinances relating to environmental control or recommend new local laws and ordinances.

J. Obtain and maintain in an orderly fashion maps, reports, books and other publications to support the necessary research of the Council into local environmental conditions.

K. When authorized by resolution of the Town Board of the Town of Chester, accept, by gift, grant, devise, bequest or otherwise, property, both real and personal, in the name of the Town as may be necessary to conserve and otherwise properly utilize open spaces and other land and water resources within the boundaries of the Town. Such real property may be accepted in fee for land and water rights or as any lesser interest, development right, easement, including conservation easement, covenant or other contractual right, including conveyance with limitations or reversions.

L. Evaluate and make recommendations as to climate change mitigation and climate change adaptation.

M. Carry out such other duties as may be assigned from time to time by resolution of the Town Board that are consistent with the objectives of this chapter.

§ x-9. Assistance from the New York State Department of Environmental Conservation.

To assist the Council in carrying out its functions, powers and duties, the Council may request the Department of Conservation to:

A. Prepare reports outlining objectives, priorities and proposed relationships of the Council to the local legislative body;

B. Prepare description of work to be undertaken, advantageous techniques to be used and suggested roles of Council members;

C. Provide research on conservation facts and procedures;

D. Provide, on a consulting basis, technical and research assistance as may be required to assist the Council in carrying out its work and to enable the Council to offer recommendations to the local legislative body; and

E. Describe particular areas of natural resources within the city, Town or village, as the case may be, which require particular attention by the Council.

§ x-10 Interpretation.

This chapter shall be deemed an exercise of the powers of the Town of Chester to preserve and improve the quality of the natural and man-made environment on behalf of the present and future in habitants thereof. This chapter is not intended and shall not be deemed to impair the powers of any other public corporation.

Section 2. 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 3. Authority

This local law is adopted pursuant to Section 10 of the Statute of Local Governments and is further authorized by Article 12-F, § 239-x, of the General Municipal Law.

Section 4. Effective Date

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