Community Preservation Plan

Town of Chester, NY

March 26, 2019

Committee Draft

Prepared by the Town of Chester Community Preservation Plan Committee
Prepared with technical assistance from: Planit Main Street, Inc.

Preface

The Town of Chester has long recognized that community planning is an ongoing process. In 2015, the Town Board adopted a Comprehensive Plan, which was an update of its 2003 Comprehensive Plan. The 2015 Comprehensive Plan recommended additional actions, plans and detailed studies to pursue the recommendations of the Comprehensive Plan. Among these were additional measures to protect natural resources, agricultural resources and open space.

In September 2017, the Town Board appointed a Community Preservation Plan Committee (CPPC) to guide undertake the creation of the Town's first Community Preservation Plan. This Community Preservation Plan is not a new departure - rather it incorporates and builds upon the recommendations of the Town's adopted 2015 Comprehensive Plan and its existing land use regulations.

Acknowledgements

The 2017 Community Preservation Plan (CPP) Steering Committee acknowledges the extraordinary work of the 2015 Comprehensive Plan Committee in creating the Town's 2015 Comprehensive Plan.

Chester Town Board

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Robert Valentine - Deputy Supervisor
Brendan W. Medican - Councilman
Cynthia Smith - Councilwomen
Ryan C. Wensley – Councilman

Linda Zappala, Town Clerk
Clifton Patrick, Town Historian

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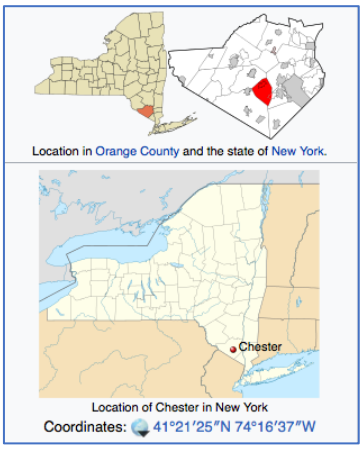
1.0 Introduction, Purpose and Summary

A. Introduction



The Town of Chester is situated approximately 50 miles from Manhattan and is centrally located within Orange County, New York. The Town of Chester has a land area of 25.20 square miles and it includes the Village of Chester as well as the hamlet of Sugar Loaf.

The Town's unique character is defined, in part, by its natural resources, built environment and population. With respect to natural resources, mountains and hillsides such as Goosepond Mountain, Sugar Loaf Mountain, Snake Mountain and Pine Hill help to form the backdrop to Chester's landscape. Glenmere Lake, Black Meadow Creek and other waterbodies also help to form the basis of Chester's identity and rural character. Agriculture remains an important part of the landscape including its "black dirt" farms within and surrounding the Village of Chester as well as a variety of beef, dairy and vegetable farms.

The Town's character is also defined by its commercial centers including the Village of Chester and the hamlet of Sugar Loaf, which are surrounded by large tracts of open space, wetlands and farmlands. The Sugar Loaf hamlet provides a compact and energizing mix of land uses; its business center is aesthetically pleasing and conveniently human scaled; its unique shops and eateries, along with historic buildings, invite walking; its Sugar Loaf Performing Arts Center attracts patrons from the surrounding region; and the Warwick Valley Rail Line and train station harken back to a time long gone when visitors arrived by rail. The Sugar Loaf hamlet stands in contrast to the surrounding countryside yet is visually harmonious with it.

Yet, without the undeveloped open space, wetlands and farmlands that surround the Village of Chester and hamlet of Sugar Loaf, the rural character of the Town would be lost. In recent years, the Town of Chester has lost many of its working farms to development and these lands have been developed primarily for residential purposes. The growth pressure in the Town is the result of a growing regional economy and proximity to the New York metropolitan area, which will continue to draw more businesses and residents to the community.

The Town Board has sought to preserve Chester's rural character through its land use laws and the purchase of important open space. Chester's residents have supported such efforts as evidenced by the Town's recent $4 million acquisition of the *91-acre Knapp's View* parcel was approved via a referendum for open space for public use.

Through the process of creating the Town's 2015 Comprehensive Plan, it became clear that the protection of Chester's rural quality, natural environment and farmlands was a priority for its residents. The Town Board adopted its new Comprehensive Plan on May 27, 2015, which included an entire chapter devoted to Natural Resource Protection and another to the protection of Agricultural Resources. Chester's challenge and planning vision is to accommodate new growth while retaining its unique heritage and enhancing the Town's character and quality of life.

The Town of Chester has taken proactive measures to implement land use regulations to protect its unique rural character. With respect to regulations to protect natural resources the Town Board adopted Chapter 54 Freshwater Wetlands of the Town Code with the intent to preserve, protect and conserve freshwater wetlands and the benefits derived therefrom, to prevent the despoliation and destruction of freshwater wetlands and to regulate the development of such wetlands in order to secure the natural benefits of freshwater wetlands, consistent with the general welfare and beneficial economic, social and agricultural development of the Town.

Chapter 83: Subdivision of Land of the Town Code give the authority of the Planning Board to require the preservation of adequate land for parks, playgrounds and recreational purposes or to seek payment in-lieu of parkland so that such lands can be acquired elsewhere in the Town. This Chapter of the Town Code also requires the preservation of natural features such as large trees or groves, watercourse and falls, beaches, historic spots, vistas and similar irreplaceable assets. Furthermore, §83-15 and §98-25 empowers the Planning Board to require, review and approve *clustered subdivisions* as a measure to preserve valuable open space and agricultural lands. Lastly, §98-26: Ridge Protection Overlay was adopted to protect the Town's scenic resources.

The Town's 2015 Comprehensive Plan includes many goals, objectives and policies intended to protect open space and the preservation of agricultural lands. These include the follow:

Natural Resources: Goals, Objectives and Policies (2015 Comprehensive Plan)

Land Resources: Open Space, Trails, and Scenic Roads and Setbacks

NR.1. Protect and conserve the natural beauty of Chester's setting and natural environment.

NR.2. Promote land-use decisions that encourage the protection and sustainable use of the Town's natural resources.

NR.3. Consider importance of protecting natural resources in the review of any development proposal within the Town.

NR.4. Protect and develop appropriate access to the community's natural resources and public open spaces for the enjoyment and recreation of residents and visitors.

NR.5. Develop trailheads and footpaths to improve access to Goosepond Mountain State Park and to Sugar Loaf Mountain from the Sugar Loaf hamlet.

NR.6. Protect views along portions of Kings Highway, including Sugar Loaf Mountain, and portions of Gibson Hill Road and Pine Hill Road, which provide panoramic views of the meadows.

NR.7. Encourage the provision of greenway linkages to the Appalachian Trail, Heritage Trail and Goosepond Mountain State Park and to other areas of the Town as properties are developed.

NR.8. Extend Heritage Trail along the Erie Railroad Chester to Newburgh branch line.

NR.9. Reserved

Geologic Features: Mountain, Hillsides and Backdrops

NR.10. Encourage the preservation of the ridgelines, wetlands, floodplains, stream corridors and natural contours of the land, which form the scenic backdrop for Chester.

NR.11. Refine Ridge Preservation Overlay District to address the loophole that allows for nonresidential and multifamily developments to disturb mountains, hillsides and steeply sloped backdrops.

NR.12. Review and refine the Ridge Preservation Overlay District to ensure it is meeting the goals and objectives of this Comprehensive Plan in all zoning districts.

NR.13. During the development review process, ensure that natural resources, including native habitat of threatened or endangered species, are protected.

NR.14. Conserve and protect wildlife corridors between development sites consisting of natural vegetation, forested areas, wetlands and undeveloped steep slopes.

Water Resources: Wetlands, Floodplains, Aquifer, Streams and Water Bodies

NR.15. Implement SWPPP best management practices as required in the MS4 program.

NR.16. Minimize impact of new development on the natural resources through best management practices (BMP), low-impact design standards and conservation subdivision techniques.

- Require onsite stormwater management to reduce runoff and nonpoint source pollution.
- Minimize the amount of tree loss and impervious cover for new projects, consistent with permitted land-use intensity.
- Situate buildings to minimize driveway length and preserve trees.
- Encourage clustering of development away from environmentally sensitive land such as woodlands, wetlands and steep slopes.

NR.17. Conserve the riparian zone along major streams and tributaries, including Seely Brook, Quaker Creek, Black Meadow Creek, and Trout Brook and their tributaries.

NR.18. Acquire land easements or utilize other conservation measures along the entire length of Seely Brook, Quaker Creek, Black Meadow Creek, and Trout Brook to create a large greenway that also serves to enhance the riparian buffer.

NR.19. Ensure that all developments comply with NYSDEC and ACOE wetland regulations.

NR.20. Restrict development in riparian buffer zones.

NR.21. Cooperate with the Village to protect groundwater resources through an intermunicipal wellhead protection law.

NR.22. Review and refine Freshwater Wetlands and Floodplain and Ponding Area Environmental Subdistrict regulations to meet the changing needs of Chester.

Natural Habitat: Threatened & Endangered Species, Night Sky and Invasive Plants and Animals

NR.23. Encourage conservation of threatened or endangered species habitat through appropriate site design, best management practices and conservation easements.

NR.24. Regulate outdoor lighting to balances nighttime visibility and security needs while protecting the night sky, natural environment and wildlife habitats.

NR.25. Work with NYSDEC to identify threats related to invasive species and secure funding through the NYSDEC Invasive Species Eradication program to eradicate such species when identified.

The following goals, objectives and policies from the 2015 Comprehensive Plan are intended to preserve agricultural resources:

Agriculture: Goals, Objectives and Policies (2015 Comprehensive Plan)

Goal AG-1: Ensure long-term protection of agricultural-land resources for agriculture, open space and scenic resources.

AG.1. Encourage both private and public efforts to preserve and manage agricultural lands through purchase of development rights (PDR), transfer of development rights (TDR), participation in the NYS Agricultural & Markets Districts (see Ag Districts, page 42) and conservation subdivisions.

AG.2. Encourage conservation subdivision design to preserve prime soils when farms are subdivided.

AG.3. Require sufficient vegetative buffer on the nonagricultural land, so farms are buffered from homes.

AG.4. Support local farmers efforts to ensure the County's maintenance and repair of drainage canals and pumps stations is done in a timely and responsive manner to protect Black Dirt from flooding.

AG.5. Encourage participation in the New York Farm Link Program to match farmers who are selling their farms with people who are looking to purchase a farm.

Goal AG-2: Retain and encourage a diversity of economically viable farm types.

AG.6. Encourage shared, or "cooperative" infrastructure development (storage and processing facilities, locations for CSA drop-off and pickup, regional food hubs, etc.).

AG.7. Increase community engagement and consumer demand for locally grown food.

AG.8. Review and revise regulations pertaining to farm operations to ensure these laws do not needlessly inhibit farming (e.g. farm stands, year-round farmers markets, greenhouses, value-added product operations, home-food production, U-picks, CSAs, and agritourism sites).

AG.9. Continue support for agricultural programs provided by Cornell Cooperative Extension (CCE) and Orange County Soil and Water Conservation District

Chester's 2015 Comprehensive Plan recommends the preservation and management of agricultural lands through purchase of development rights (PDR), transfer of development rights (TDR), participation in the NYS Agricultural & Markets Districts (see 2015 Comprehensive Plan Ag Districts, page 42) and conservation or "clustered" subdivisions. The latter is codified in the Town Code.

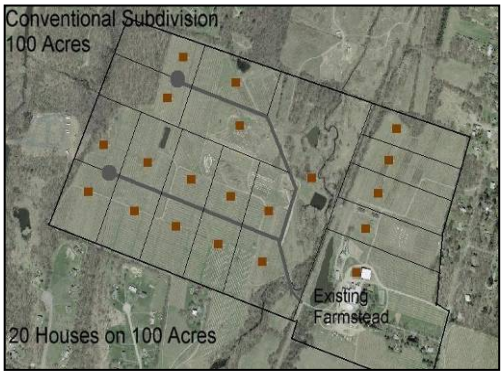
B. Purpose of the Community Preservation Plan

The Town of Chester Town Board has determined that it is imperative to establish a Town of Chester Community Preservation Fund to supplement its on-going efforts to protect open space and preserve farmland. The Town has long-supported Purchase of Development Rights (PDR) and Transfer of Development Rights (TDR) programs to ensure the long-term preservation of farmland for future generations. However, it recognizes that these efforts alone are not enough to protect the unique rural character of the Town.

The Town's *91-acre Knapp's View* parcel was purchased via a referendum for open space for public use. This land acquisition by the Town has preserved valuable open space and fields, provided a recreational resource for the community and helped to protect the scenic view shed.

This Community Preservation Plan (CPP) is intended to provide the foundation and framework for establishing a Town of Chester Community Preservation Fund, which will enable the Town to supplement PDR efforts and proactively protect valuable open space and farmland through the purchase of such lands or conservation easements thereon.

The Community Preservation Plan (CPP) will build upon the 2015 Comprehensive Plan, Town Zoning Law (including recently adopted Zoning Law revisions in 2017), Town Subdivision Regulations, Freshwater Wetlands Law, and the variety of conservation strategies contained in the Comprehensive Plan. The Town intends to pursue a variety of measures to implement the recommendations of the CPP and not to rely solely upon the purchase of lands.



Above (top to bottom): The above illustrates how a conservation subdivision can be used to retain large tracts of farmland. The top illustration shows a conventional subdivision of 100 acres into 20 five-acre lots where the community's zoning requires a minimum lot size of five acres per lot. The illustration below it shows a conservation (cluster) subdivision where the 20 building lots are clustered on 33 acres of the site – leaving 67 acres of prime farmland within a conservation easement. The conservation easement can be held by a homeowner's association, land trust, or sold to an adjacent farmer for the agricultural value of the property that is far lower than the use value if it could be developed.

The Community Preservation Plan principles are as follows:

1. The CPP will include a list of every project the Town intends to undertake pursuant to the Community Preservation Fund.
2. The CPP establishes a list parcels that will be preserved in Table 1, Part II using the tools described in Table 2, Part III in order to protect community character.
3. The Plan provides for a detailed evaluation of all available land use alternatives to protect community character, including but not limited to:
    a. Zoning and Subdivision Regulations,
    b. Purchase of Development Rights,
    c. Transfer of Development Rights,
    d. Fee simple acquisition,
    e. Incentive Zoning, and
    f. Conservation Easements.

4. The CPP establishes the priorities for preservation and includes the preservation of farmland as its highest priority. The CPP's focus will also involve one or more of the following:

    a. Preservation of open space, including agricultural lands,
    b. Establishment of parks, nature preserves and recreation areas,
    c. Preservation of lands of exceptional scenic value,
    d. Preservation of wetlands,
    e. Preservation of aquifer recharge areas,
    f. Establishment and/or preservation of public access to waterbodies,
    g. Establishment of wildlife refuges for the purposes of maintaining biodiversity and native animal species diversity, including the protection of habitats essential to rare, endangered, threatened or special concern species,
    h. Preservation of unique or threatened ecological areas,
    i. Preservation of streams and stream buffer areas in a natural, free flowing condition,
    j. Preservation of unique forested lands,
    k. Establishment and/or preservation of public access to lands for public use including trails, stream rights and waterways,
    l. Preservation of historic places and properties listed on the National and/or New York State Registers of Historic Places and/or protected under a municipal historic preservation law, and cultural or performing arts centers that anchor local business districts, and
    m. Undertaking any of the aforementioned in furtherance of the connecting open spaces and parkland within the Town of Chester.

C. Community Preservation Plan Summary

The Community Preservation Plan (CPP) is divided into the following key parts summarized as follows: Part 2.0: Community Preservation Target Areas, Projects, Parcels and Priorities and Part 3.0: Summary and Evaluation of Land Use Alternatives to Protect Community Character.

1. Agricultural Lands
   - Operating Farms
   - Agricultural District lands
   - Prime Agricultural Soils
   - Black dirt farmland currently in production and fallow black dirt farmland

2. Parkland
   - Lands that provide passive and active recreational opportunities

3. Open Space
   - Lands of exceptional scenic value,
   - Trails and linkages between parks and open space,
   - Unique or threatened ecological areas, and
   - Forested lands.

4. Public Water Supply Watersheds
   - Glenmere Lake

5. Freshwater Wetlands and Biodiversity Conservation Areas (as identified in the Biodiversity of the Moodna Creek Watershed: Important Resources and Conservation Recommendations). (Laura Heady et al. 2008).
6. Aquifer and wellhead protection areas as defined in 2015 Comprehensive Plan (page 27)
7. Historic Places, Cultural Centers or Performing Arts Centers
   - Buildings /sites listed as local landmarks or on the National or State Register of Historic Places
   - Cultural or Performing Arts Centers that help to anchor local business districts.

Recommendations for each of the target areas are as follows:

1. 1,284.8 acres of prime agricultural uplands and operating farms,
2. 786 acres of prime black dirt farmland in production,
3. 274.9 acres of fallow black dirt farmland,
4. 186.6 acres of niche farming including a winery, egg farm and proposed Bonnie Brook Farm,
5. 1,820.3 acres of parkland in Goosepond Mountain State Park,
6. 181.5 acres of *Town-owned* open space and parkland,
7. 414.8 acres of public supply watersheds around Glenmere Lake,
8. 240.2 acres of protected open space, and 200.4 acres of private recreation and conservation lands, and 406.9 acres of woodlands with scenic and recreation value,
9. Biodiversity conservation areas as identified in the Biodiversity of the Moodna Creek Watershed: Important Resources and Conservation Recommendations (Laura Heady et al. 2008),
10. Significant parcels identified of importance for aquifer and wellhead protection (Comprehensive Plan page 27), and
11. 13.9 acres with historic places and properties defined as local landmarks or listed on the National and State Registers of Historic Places.

Overall, the CPP identifies 5,810.6 acres as the highest priorities for preservation through the land use alternatives described herein. Part 2.0 and Appendix A of the CPP also identify various categories of priority parcels and projects situated within the target areas based, in part, upon the following Plans and studies:

- Recommendations from the 2015 Comprehensive Plan,
- Inventory of agricultural resources identified in the County's Ag & Farmland Protection Plan,
- Recommendations from the Village of Chester Comprehensive Plan,
- Recommendations from the Orange County Land Trust
- Recommendations from the Orange County Plan and Orange County Open Space Plan,
- Recommendations from the Palisade's Park Commission with respect to Goosepond Mountain,
- Recommendations from the New York/New Jersey Trail Conference, and
- Recommendation from the Town of Chester Planning Board

Together the measures described above will help to ensure the protection of Chester's unique rural character, agricultural and natural resources as well as its long-term social and economic vitality.

Part 2.0 of the Community Preservation Plan will provide an overview of Chester's open space and agricultural and farmland protection efforts that have provided the foundation for this Plan. These include a summary of past and current open space and farmland protection investments through expenditures by the Town, Orange County, New York State (Palisades Parks Commission), federal sources and private sources such as the New York-New Jersey Trail Conference. Part 2.0 will also include mapping of priority open space, trail and agricultural resources.

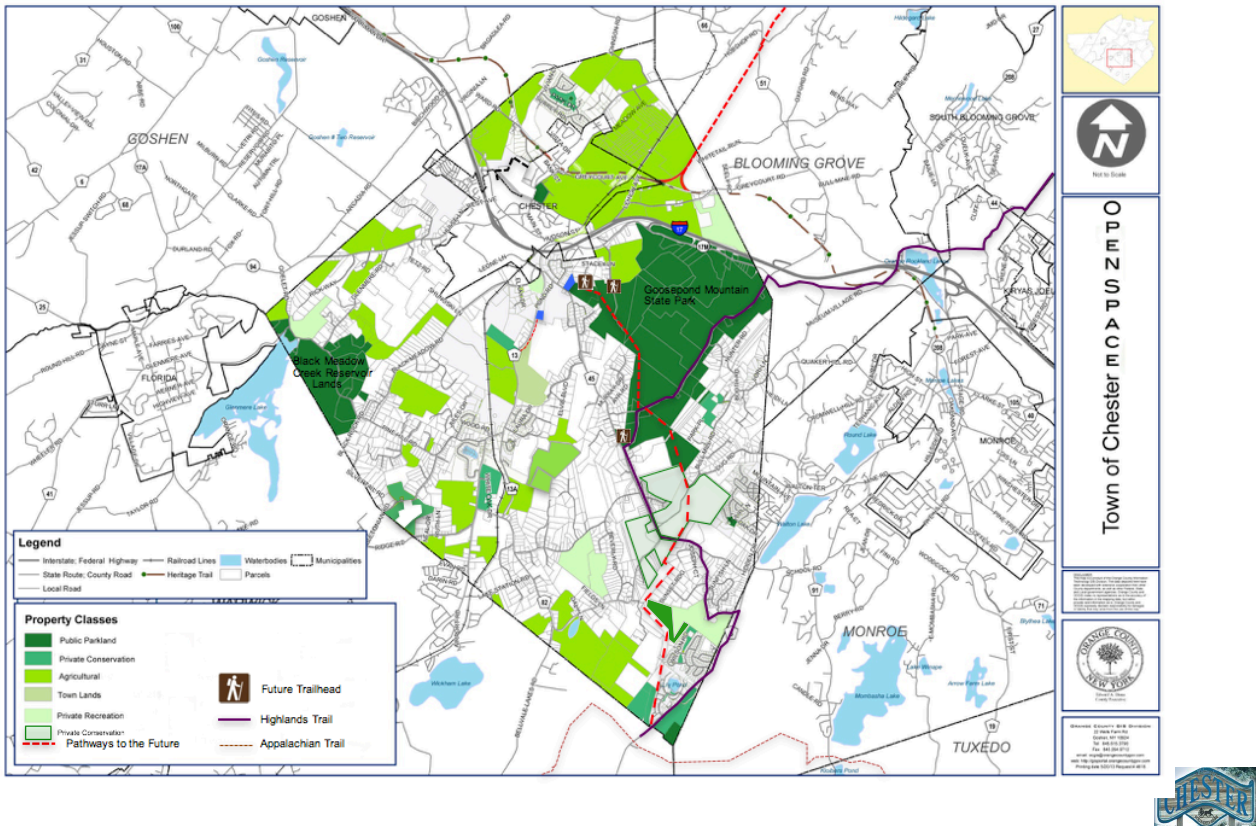
2.0 Community Preservation Target Areas, Projects, Parcels and Priorities

A. Introduction

The Community Preservation Plan is a refinement of the Town of Chester's conservation efforts, which are reflected in its Comprehensive Plan and land use laws.

The Town of Chester's 2003 Comprehensive Plan led to the Town's adoption of the Ridge Protection Overlay. Subsequent amendments to the Town's Zoning and Subdivision Regulations empowered the Planning Board to require cluster subdivisions when it provided an opportunity to preserve farmland, natural resources and open space.

The 2015 Comprehensive Plan built upon these efforts and recommended further refinement of the Town's land use regulations to protect farmland, natural resources and open space. For example, the 2015 Plan include the policy recommendation to "conserve the riparian zone along major streams and tributaries, including Seely Brook, Quaker Creek, Black Meadow Creek, and Trout Brook and their tributaries." The 2015 Plan also recommends "the acquisition *of* land easements or utilize other conservation measures along the entire length of Seely Brook, Quaker Creek, Black Meadow Creek, and Trout Brook to create a large greenway that also serves to enhance the riparian buffer." The 2015 Plan also includes an Open Space map showing existing open space and proposed "Pathways to the Future" to link public parks and open space resources (see Open Space Map below).



Through its Comprehensive Plans, Zoning Law and Subdivision Regulations – and its support of NYS Ag & Market's Agricultural Districts Law - the Town has showed a sustained commitment to the preservation of agricultural resources and conservation of open space. The Town's **$4 million** acquisition of *Knapps View* is another example of the Town's commitment to conservation efforts and the support of the community for such efforts.

As the Town's population continues to grow the need to protect these valuable resources will only continue to grow. The Town's few remaining active farms will continue to be threatened by development pressure and this Community Preservation Plan recognizes the critical importance of protecting these agricultural resources in order to protect the unique rural character of Chester. This is especially true for the active farms that serve as important gateways to the community.

The principal goal of this Community Preservation Plan is as follows:

> *"To conserve the Town's farmland and working farms, protect its natural resources, provide recreational resources and preserve Chester's historic places that help to define its unique sense of place."*

The lands recommended for protection in this Community Preservation Plan (CPP) are referred to a Community Preservation Target Areas, Projects, Parcels and Priorities. These priority areas are presented on maps herein and listed in **Table 1** of this CPP. Community Preservation Target Areas, Projects, Parcels and Priorities depict those parcels, which need to be protected to meet minimum conservation goals of the CPP. These goals, as noted earlier, include the following:

1. Preservation of open space, including agricultural lands,
2. Establishment of parks, nature preserves and recreation areas,
3. Preservation of lands of exceptional scenic value,
4. Preservation of wetlands,
5. Preservation of aquifer recharge areas,
6. Establishment and/or preservation of public access to waterbodies,
7. Establishment of wildlife refuges for the purposes of maintaining biodiversity and native animal species diversity, including the protection of habitats essential to rare, endangered, threatened or special concern species,
8. Preservation of unique or threatened ecological areas,
9. Preservation of streams and stream buffer areas in a natural, free flowing condition
10. Preservation of unique forested lands,
11. Establishment and/or preservation of public access to lands for public use including trails, stream rights and waterways,
12. Preservation of historic places and properties listed on the National and/or New York State Registers of Historic Places and/or protected under a municipal historic preservation law, and
13. Undertaking any of the aforementioned in furtherance of the connecting open spaces and parkland within the Town of Chester.

The Town Board would establish a Town of Chester Community Preservation Fund (CPF). It is an aspirational goal of the CPP to impose a three quarter to one and one-half percent (¾-1 ½%) Real Estate Transfer Tax pursuant to Section 64-**(To Be Determined)** of New York State Town Law to help fund the CPF. The Real Estate Transfer Tax would require enabling legislation from the State Legislature and the support of our local Assemblyman and State Senator. The Town Board should seek such report as soon as possible so that sufficient funding is available to implement the recommendations of the CPP.

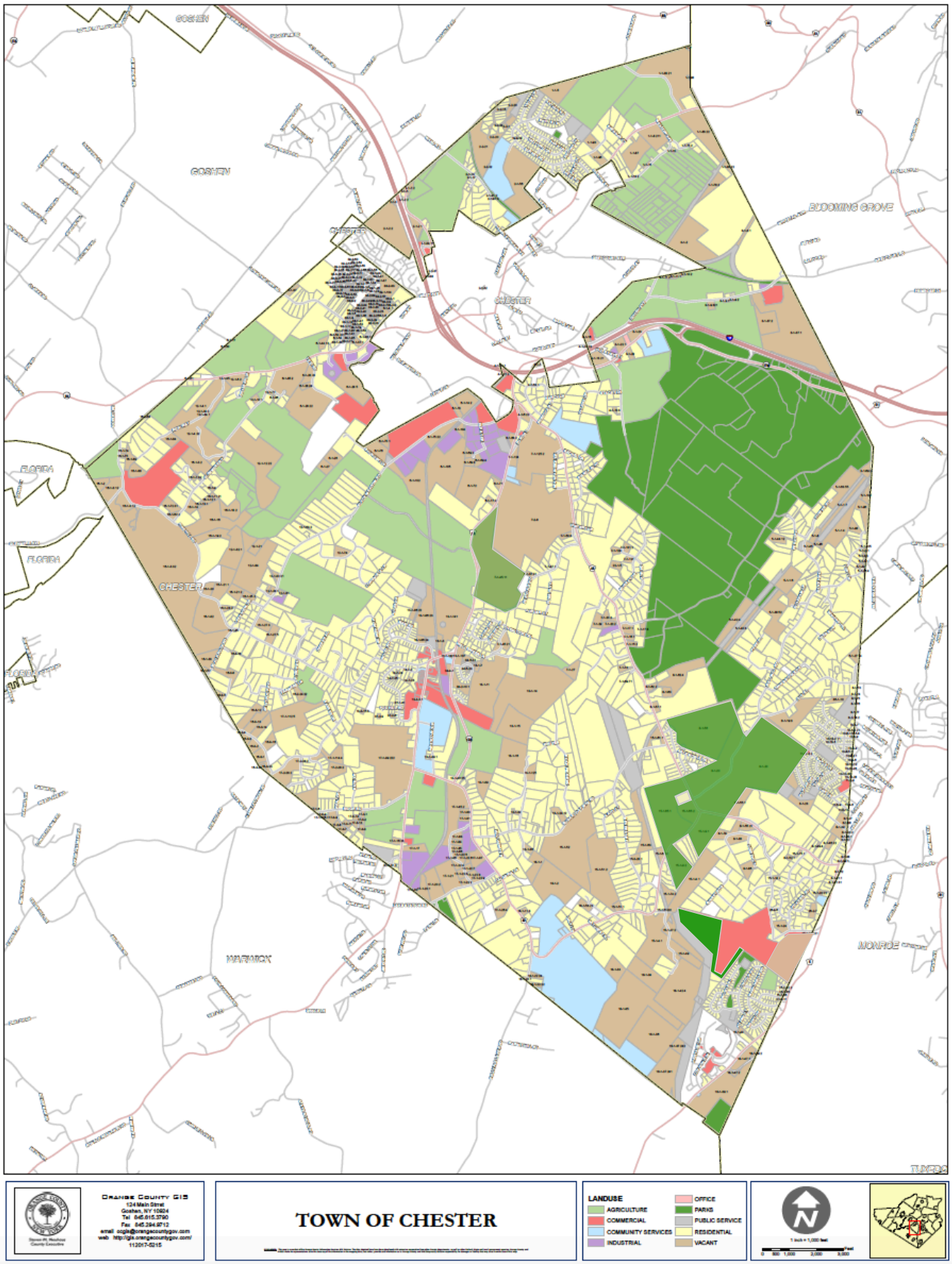
This Community Preservation Plan (CPP) has identified a total of 5,810.6 acres of land as the highest priority for conservation through the land-use alternative discussed above. The Town Board recognizes that it is not feasible or desirable to acquire all the properties identified in the CPP, as it would be cost prohibitive to acquire and maintain such lands. Instead, a balanced approach to the conservation and preservation of those lands identified in the CPP will be pursued over time, including, but not limited to, conservation subdivisions, conservation easements, purchase of development rights, transfer of development rights, or other public/private agreements that would further the goals of the CPP.

The following is a summary of the Target Area Acreage:

1. 1,284.8 acres of prime agricultural uplands and operating farms,
2. 786 acres of prime black dirt farmland in production,
3. 274.9 acres of fallow black dirt farmland,
4. 186.6 acres of niche farming including a winery, egg farm and proposed Bonnie Brook Farm,
5. 1,820.3 acres of parkland in Goosepond Mountain State Park,
6. 181.5 acres of *Town-owned* open space and parkland,
7. 414.8 acres of public supply watersheds around Glenmere Lake,
8. 240.2 acres of protected open space, and 200.4 acres of private recreation and conservation lands, and 406.9 acres of woodlands with scenic and recreation value,
9. Biodiversity conservation areas as identified in the Biodiversity of the Moodna Creek Watershed: Important Resources and Conservation Recommendations (Laura Heady et al. 2008),
10. Significant parcels identified of importance for aquifer and wellhead protection (Comprehensive Plan page 27), and
11. 13.9 acres with historic places and properties defined as local landmarks or listed on the National and State Registers of Historic Places and cultural or performing arts centers that anchor local business districts.

This Community Preservation Plan (CPP) recognizes that there may be other parcels in the Town of Chester that could become priorities for conservation in the future. Therefore, the Town Board reserves the right to amend the list, from time-to-time, when additional parcels that meet the above stated criteria are identified.

The existing land use pattern in the Town of Chester is shown on the Existing Land Use Map that is provided on the next page. The Existing Land Use Map and Open Space Map for the Town of Chester provided important background information to assist the Town in identifying Community Preservation Plan Target Areas. The Methodology that was used is further described in Section 2.0 B below.


GOSHEN
GOSHEN
BLOOMING GROVE
CHESTER
CHESTER
FLORIDA
FLORIDA
CHESTER
WARWICK
MONROE
TUXEDO
Orange County GIS
124 Main Street
Goshen, NY 10924
Tel 845.615.3790
Fax 845.294.9712
email: ocgis@orangecountygov.com
web: http://gis.orangecountygov.com/
112017-0215
TOWN OF CHESTER
LANDUSE
AGRICULTURE
COMMERCIAL
COMMUNITY SERVICES
INDUSTRIAL
OFFICE
PARKS
PUBLIC SERVICE
RESIDENTIAL
VACANT

B. Methodology for Establishing Target Areas and Priorities

The Town of Chester Town Board appointed a committee to help identify priority land protection areas within the Town. The Committee met monthly to discuss priorities and to review a variety of resources including: 1) Real Property Tax Maps, 2) Town of Chester Open Space Map, which includes protected and proposed conservation lands, 3) a Town of Chester Tax Parcel-Based Land Use Map (prepared with the assistance of the Orange County Planning Department's Geographic Information System (GIS) analysts); 4) the Town of Chester Zoning Map, 5) NYSDEC and USACOE wetland mapping, 6) the County's NYS Ag & Markets Agricultural District Maps; and 7) the Biodiversity of the Moodna Creek Watershed: Important Resources and Conservation Recommendations (Laura Heady et al. 2008).

This preliminary analysis was then supplemented by field observations and local knowledge to target those lands that were most important to protect in order to meet the objectives of the Community Preservation Plan (CPP). The compilation of these areas and illustration on GIS tax parcel-based maps showed where protected area networks presently exist and where new connections could be formed.

The Town's Open Space Map, included in the 2015 Comprehensive Plan provided the foundation for these connections with a focus on linking parks and open space via trails. The CPP takes this a step further in identifying farmland that should also be high priority for conservation.

Descriptions of each of these target areas is illustrated on the Community Preservation Plan Map and a corresponding list is each tax parcel by Section, Block and Lot is provided in Table 1: Target Areas, Project and Parcels. Table 1 provides a description of each property, its present land use and acreage. Agricultural lands are further subdivided as follows: Farm- Upland, Farm-Black Dirt, Farm-Niche, and Farm-Fallow. Parkland primarily consists of parcels within Goosepond Mountain State Park, but also include the Town of Chester's Parklands. The public water supply lands around Glenmere Lake, are watershed lands almost entirely owned by Orange County, but for approximately 0.5-acres owned by the Village of Florida, New York. Open Space, trails and conservation areas consist of private conservation lands (e.g., Orange County Land Trust, Camp Monroe, Town Lands not designated parkland, and forestlands. Biodiversity conservation areas as identified in the Biodiversity of the Moodna Creek Watershed and freshwater wetlands as identified and regulated by the New York State Department of Conservation (NYSDEC) and United States Army Corps of Engineers (USACOE). Significant areas identified of importance for aquifer and wellhead protection are defined on the wellhead protection map as provided on page 27 of the 2015 Comprehensive Plan. Lastly, historic properties are those Historic places and properties defined as local landmarks or listed on the National and State Registers of Historic Places. Seven broad classes of parcels or target areas are defined by this CPP, which are listed below.

1. Agricultural Lands,
2. Parkland,
3. Open space, trails, and conservation areas,
4. Public water supply watersheds around Glenmere Lake,
5. Biodiversity conservation areas as identified in the Biodiversity of the Moodna Creek Watershed: Important Resources and Conservation Recommendations (Laura Heady et al. 2008), and freshwater wetlands as identified and regulated by the New York State Department of Conservation (NYSDEC) and United States Army Corps of Engineers (USACOE),
6. Significant areas identified of importance for aquifer and wellhead protection, and
7. Historic places and properties defined as local landmarks or listed on the National and State Registers of Historic Places.

C. Target Areas, Projects and Parcels

1. Agricultural Lands Target Areas.

In 2015, the Town of Chester adopted its Comprehensive Plan, which includes an Agricultural Resources Chapter. This Chapter includes a map showing lands within NYS Ag & Markets Agricultural Districts as defined by Orange County. Not all parcels included in the Agricultural Districts are lands containing active farming operation or agricultural lands. Through the passage of time, some lands have become fallow, subdivided for residential development or developed for non-residential purposes. Based upon these facts, the Committee (using 2016 aerial photography) undertook a parcel-by-parcel analysis to determine, which parcels still had potential for agriculture. The most threatened agricultural lands in the Town are the upland farmland that has the most potential for development. This is because such lands have suitable soils and are not prone to flooding. In all, 17 parcels of upland farm were identified that collectively comprised 1,173-acres of farmland. These farms are the highest priority for participation in Transfer of Development Rights (TDR) and Purchase of Development Rights (PDR) programs, which are described in further detail in Part 3.0 of this CPP.

The Town of Chester also has significant areas of "Black Dirt" soils that are among the most productive soils in New York State. Within the Town, the most productive Black Dirt lands are near the Village of Chester, however, there are smaller areas of Black Dirt soils in the vicinity of Glenmere Road, Black Meadow Road, Bellvale Road and Bellvale Lakes Road, which are also priorities for preservation. There is also a significant area of fallow Black Dirt soils within a portion of Camp LaGuardia, which is owned by Orange County. In all, 77 parcels of Black Dirt lands were identified that collectively comprised 786 acres. The inventory of farmland also identified 274.9-acres are fallow farmland and another 186.6 acres used for niche farming.

Above: (Top to Bottom Clockwise): Productive Black Dirt soils near Village for Chester and fallow Black Dirt at Camp LaGuardia; Black Dirt farm near Bellvale Road; Black Dirt between Glenmere Road and Black Meadow Road; and Black Dirt near Greycourt Road (please note that aerials vary in scale).

2. Parkland.

The Palisades Park Commission owns approximately 1,820 acres, or 2.84-square miles, of parkland in the Town of Chester within its Goosepond Mountain State Park. The Town of Chester also owns a 34.1-acre parcel, which contains a Town Highway Garage, ambulance building, senior center and the Town's Chester Commons Park. The park occupies approximately 24-acres of this parcel. The Town of Chester also owns two (2) small parks; Pulvrent (SBL: 1-1-1.12) and Oak (SBL: 8-1-24).

The 2015 Comprehensive Plan and this CPP recommend expansion and development of Town and regional parkland in several general and particular areas as described below:

1. Chester Commons Park: expand facilities;
2. McNeil property (160 acres): acquire property to link Chester Commons Park to Goosepond Mountain State Park. This land was acquired by the State and is now part of Goosepond Mountain State Park.
3. Goosepond Mountain State Park: establish a regional park with active and passive recreation.
4. Black Meadow Creek Reservoir: establish hiking trails, fishing and other passive recreation, as well as active recreation, if lands no longer withheld for reservoir purposes;
5. King Tract: connect small area along Seeley Brook north of King Tract to Goosepond Mountain;
6. Camp Monroe: acquire for Town park;
7. Sugar Loaf: install neighborhood tot lots or create passive recreation areas;
8. Sugar Loaf Mountain: preserve for open space, scenic backdrop and hiking by way of clustering and transfer of development rights; and
9. Heritage Trail: improve trailhead parking and explore adaptive reuse of Camp LaGuardia buildings for park use.

3. Open space, trails, and conservation areas.

The CPP supports partnerships with Orange County, the Palisades Parks Commission, State or New York and land conservancies to protect valuable open space and expand the trail system within the Town of Chester. This CCP recommends working with Orange County to extend Heritage Trail along the Erie Railroad Chester to Newburgh branch line. This project would involve right-of-way acquisition and securing State and federal funds to create a rail trail. The CPP also recommends working with the Palisades park Commission to develop trailheads with off-street parking and footpaths operated by the Town and/or private developers to improve access to Goosepond Mountain State Park and to Sugar Loaf Mountain from the Sugar Loaf hamlet. Finally, it recommends working with the NYNJ Trail Conference on extending the Highlands Trail in Goosepond Mountain State Parkland [through public-private parcels] to Sterling Forest State Parkland and provide a direct connection to the Appalachian Trail. The New York/New Jersey Trail Conference would prefer to acquire the parcels shown on the map in Appendix C, but would also consider the acquisition of conservation easements across private lands if unable to acquire key parcels.

4. Public water supply watersheds around Glenmere Lake.

Orange County owns 414.8-acres of land in the watershed surrounding Glenmere Lake. While the CPP does not specifically identify additional lands for acquisition as watershed lands, it is not averse to such acquisition, if needed, to protect this public water supply. Indirectly, through the protection of freshwater wetlands as identified and regulated by the New York State Department of Conservation (NYSDEC) and United States Army Corps of Engineers (USACOE) the Town will continue to do its part to help protect this important water supply.

5. Biodiversity conservation areas within the Moodna Creek Watershed.

   Freshwater Wetlands and Biodiversity Conservation Areas (as identified in the Biodiversity of the Moodna Creek Watershed: Important Resources and Conservation Recommendations). (Laura Heady et al. 2008).

6. Significant areas identified of importance for aquifer and wellhead protection.

   Wellhead areas for public water supplies are shown on the Groundwater Resources map. Around each of these sites is a 1,500-foot radius protection boundary within which greater concern and review should occur in the development of land. The Village of Chester's wellhead protection area is larger and more amorphous based upon detailed ground water study for that well.

   This Plan supports the protection of the Town's critical natural resources, particularly its aquifers and groundwater quality. Wellhead protection legislation should be adopted to provide an additional measure of protection for these irreplaceable water resources. Cooperation between the Town and Village of Chester is necessary to properly protect these groundwater resources. The development of intermunicipal wellhead protection laws is supported by this Plan.

   Such a local law could be enacted as a zoning overlay district defining and delineating wellhead areas and establishing additional setbacks or restrictions applicable to certain potentially dangerous uses within these areas. This Plan supports wellhead and groundwater protection measures and the development of more detailed plans and studies to protect these vital resources.

7. Historic places listed on the National and State Registers and cultural and performing arts centers.

   The Town has taken proactive measures to protect its historic cemeteries and burial sites. The Town Board adopted Chapter 40 A – Cemeteries on April 1, 2003, by local law in an effort to protect the cemeteries and burial sites throughout the Town. The Orange County Genealogical Society prepared a map of the Town's cemeteries and burial sites, but cemeteries and burial sites continue to be discovered in the Town. The Cemeteries Law establishes a 100-foot setback requirement between cemeteries and new residential or nonresidential structures and empowers the Planning Board to require a residential or commercial developer to erect fencing, install plantings or otherwise erect a visual barrier between developable lands adjacent to cemeteries. The Cemetery Law also compels the building inspector not to issue a building permit for any structure within 200 feet of cemeteries without first referring the matter to the Planning Board for review and approval. This Plan continues to support these laws, which protect the Town's cemeteries and burial sites.

   According to the National Register of Historic Places in Orange County, N.Y., there are several National Register-listed properties in the Village of Chester, including the Yelverton Inn, which hosted Alexander Hamilton and Aaron Burr, as well as George Washington during the Revolution. Within the Town, one property is listed in the National Register of Historic Places, the Fury Brook Farm near the hamlet of Sugar Loaf. This ***73.4-acre*** farm was first established along the old Waywayanda Path in 1731, and during the Revolutionary War horses used by the Continental Army were raised on its pastures, according the National Register listing narrative. There are many other structures in the Town that are eligible for listing on the National Register of Historic Places. This Plan recommends the Town Board also support efforts by property owners to have their properties listed on the State or National Register of Historic Places and to promote the preservation, appreciation and sustainable use of historical or heritage resources. This Plan also support efforts to retain cultural and performing arts centers that help to anchor local business districts such as Sugar Loaf's downtown.

Table 1: Target Areas, Projects and Parcels			
ID No.	**SBL**	**Land Use**	**Acres**
1.	1-1-4	Farm – Upland	83.8
2.	1-1-1.3	Farm – Upland	3.4
3.	1-1-3.31	Farm – Upland	2.8
4.	1-1-20	Farm – Black Dirt	3.2
5.	1-1-22	Farm – Black Dirt	1.4
6.	1-1-23	Farm – Black Dirt	6.7
7.	1-1-24	Farm – Black Dirt	4.1
8.	1-1-25	Farm – Black Dirt	2.4
9.	1-1-26	Farm – Black Dirt	4.0
10.	1-1-27	Farm – Black Dirt	2.5
11.	1-1-28	Farm – Black Dirt	1.8
12.	1-1-29	Farm – Black Dirt	1.5
13.	1-1-30	Farm – Black Dirt	2.0
14.	1-1-31	Farm – Black Dirt	1.0
15.	1-1-32	Farm – Black Dirt	0.5
16.	1-1-33	Farm – Black Dirt	2.6
17.	1-1-34	Farm – Black Dirt	3.0
18.	1-1-35	Farm – Black Dirt	4.3
19.	1-1-36	Farm – Black Dirt	3.6
20.	1-1-37	Farm – Black Dirt	3.0
21.	1-1-38	Farm – Black Dirt	1.2
22.	1-1-39	Farm – Black Dirt	0.5
23.	1-1-40	Farm – Black Dirt	8.3
24.	1-1-41	Farm – Black Dirt	2.2
25.	1-1-42	Farm – Black Dirt	1.1
26.	1-1-43	Farm – Black Dirt	1.0
27.	1-1-44	Farm – Black Dirt	1.4
28.	1-1-45	Farm – Black Dirt	2.0
29.	1-1-46	Farm – Black Dirt	1.0
30.	1-1-47	Farm – Black Dirt	2.0
31.	1-1-48	Farm – Black Dirt	5.0
32.	1-1-49	Farm – Black Dirt	2.2
33.	1-1-50	Farm – Black Dirt	0.5
34.	1-1-51	Farm – Black Dirt	2.1
35.	1-1-52.2	Farm – Black Dirt	2.8
36.	1-1-53.3	Farm – Black Dirt	2.8
37.	1-1-54.1	Farm – Black Dirt	2.5
	Total		**176.2**

Table 1: Target Areas, Projects and Parcels			
ID No.	**SBL**	**Land Use**	**Acres**
38.	1-1-54.2	Farm – Black Dirt	0.5
39.	1-1-55	Farm – Black Dirt	1.3
40.	1-1-56	Farm – Black Dirt	3.5
41.	1-1-57	Farm – Black Dirt	3.5
42.	1-1-58	Farm – Black Dirt	3.5
43.	1-1-59	Farm – Black Dirt	3.5
44.	1-1-60	Farm – Black Dirt	7.8
45.	1-1-61	Farm – Black Dirt	11.8
46.	1-1-62.2	Farm – Black Dirt	10.4
47.	1-1-63	Farm – Black Dirt	4.8
48.	1-1-64	Farm – Black Dirt	7.0
49.	1-1-65	Farm – Black Dirt	11.3
50.	1-1-66	Farm – Black Dirt	2.8
51.	1-1-67	Farm – Black Dirt	3.8
52.	1-1-68	Farm – Black Dirt	4.7
53.	1-1-69	Farm – Black Dirt	2.4
54.	1-1-70	Farm – Black Dirt	2.8
55.	1-1-71	Farm – Black Dirt	3.5
56.	1-1-72	Farm – Black Dirt	5.2
57.	1-1-76	Farm – Black Dirt	6.6
58.	1-1-77.1	Farm – Black Dirt	6.0
59.	1-1-78.2	Farm – Black Dirt	6.8
60.	1-1-79	Farm – Black Dirt	3.3
61.	1-1-83.21	Farm – Fallow	51.2
62.	1-1-83.22	Farm – Fallow	30.2
63.	1-1-100.1	Farm – Upland	18.5
64.	1-1-100.2	Farm – Upland	56.5
65.	2-1-7.1	Farm – Upland	7.9
66.	2-1-9.22	Farm – Upland	90.7
67.	2-2-21	Open Space – Town of Chester	26.1
68.	3-1-1	Farm – Fallow	152.7
69.	3-1-2	Farm – Fallow	40.8
70.	3-1-13	Farm – Black Dirt	33.3
71.	3-1-14.2	Farm – Upland	48.0
	Total		**672.7**

Table 1: Target Areas, Projects and Parcels			
ID No.	**SBL**	**Land Use**	**Acres**
72.	3-1-37.1	Open Space - Orange County Land Trust	37.1
73.	3-1-32	Goosepond Mountain State Park	4.2
74.	3-1-40	Goosepond Mountain State Park	5.5
75.	3-1-41	Goosepond Mountain State Park	2.5
76.	3-1-42	Goosepond Mountain State Park	0.5
77.	3-1-43	Goosepond Mountain State Park	3.6
78.	3-1-44	Goosepond Mountain State Park	1.1
79.	3-1-45	Goosepond Mountain State Park	1.1
80.	3-1-46	Goosepond Mountain State Park	1.2
81.	3-1-47	Goosepond Mountain State Park	4.8
82.	3-1-48	Goosepond Mountain State Park	0.5
83.	3-1-49	Goosepond Mountain State Park	28.2
84.	3-1-50	Goosepond Mountain State Park	62.4
85.	3-1-51	Goosepond Mountain State Park	9.2
86.	3-1-52	Goosepond Mountain State Park	1.2
87.	3-1-53	Goosepond Mountain State Park	10.0
88.	3-1-54	Goosepond Mountain State Park	10.0
89.	3-1-55	Goosepond Mountain State Park	1.4
90.	3-1-56	Goosepond Mountain State Park	10.0
91.	3-1-57	Goosepond Mountain State Park	79.7
92.	3-1-58	Goosepond Mountain State Park	6.1
93.	3-1-59	Goosepond Mountain State Park	103.6
94.	3-1-60	Goosepond Mountain State Park	28.1
95.	3-1-61	Goosepond Mountain State Park	4.1
96.	3-1-62	Goosepond Mountain State Park	1.7
97.	3-1-63	Goosepond Mountain State Park	1.1
98.	3-1-64	Goosepond Mountain State Park	1.3
99.	3-1-65	Goosepond Mountain State Park	2.1
100.	3-1-66	Goosepond Mountain State Park	6.2
101.	3-1-67	Goosepond Mountain State Park	0.5
102.	3-1-68	Goosepond Mountain State Park	1.4
103.	3-1-70	Goosepond Mountain State Park	232.0
104.	3-1-71	Goosepond Mountain State Park	4.0
105.	3-1-72	Farm – Black Dirt	145.7
106.	4-1-8.2	Parkland – Town of Chester	34.1
107.	4-1-9	Goosepond Mountain State Park	149.4
	Total		**995.6**

Table 1: Target Areas, Projects and Parcels			
ID No.	**SBL**	**Land Use**	**Acres**
108.	4-1-14	Goosepond Mountain State Park	18.9
109.	4-1-15	Goosepond Mountain State Park	73.6
110.	4-1-16	Goosepond Mountain State Park	135.5
111.	4-1-17	Goosepond Mountain State Park	147.8
112.	4-1-18	Goosepond Mountain State Park	126.4
113.	4-1-19	Goosepond Mountain State Park	12.8
114.	4-1-20	Goosepond Mountain State Park	16.7
115.	4-1-22	Farm – Upland	96.8
116.	6-1-30	Open Space - OCLT	30.0
117.	6-1-44.11	Farm – Upland	41.6
118.	6-1-51	Farm – Upland	51.0
119.	6-1-85.2	Farm – Upland	25.8
120.	6-1-99	Farm – Upland	30.9
121.	7-2-8	Farm – Upland	154.4
122.	7-1-35.2	Farm – Upland	156.9
123.	7-1-38.2	Woods – Sugar Loaf Mountain	26.5
124.	7-1-42.1	Historic	5.4
125.	7-1-45.11	Open Space – Town of Chester Knapps View	91.3
126.	7-1-45.12	Farm - Winery	110.6
127.	8-1-1.2	Goosepond Mountain State Park	56.9
128.	8-1-1.3	Goosepond Mountain State Park	58.4
129.	8-1-19.3	Goosepond Mountain State Park	23.7
130.	8-1-20	Goosepond Mountain State Park	194.4
131.	8-1-56	Goosepond Mountain State Park	79.1
132.	8-1-55.1	Farm - Bonnie Brook	8.4
133.	8-1-55.2	Farm - Bonnie Brook	20.6
134.	8-1-59	Goosepond Mountain State Park	28.2
135.	12-1-6.4	Farm - Egg	47.0
136.	12-1-12.22	Farm – Black Dirt	59.7
137.	12-1-13.1	Farm – Black Dirt	19.5
138.	12-1-15	Farm – Black Dirt	3.8
139.	12-1-17	Farm – Black Dirt	5.5
140.	12-1-18	Farm – Black Dirt	9.3
141.	12-1-19	Farm – Black Dirt	4.0
142.	12-1-20	Farm – Black Dirt	3.9
143.	12-1-53.1	Farm – Black Dirt	68.5
144.	12-1-78.2	Farm – Upland	123.2
	Total		**2,167**

Table 1: Target Areas, Projects and Parcels			
ID No.	**SBL**	**Land Use**	**Acres**
145.	13-1-11	Woods	48.8
146.	13-1-12	Woods	9.7
147.	13-1-14	Woods	95.2
148.	13-1-15	Woods	24.6
149.	13-1-16	Woods	26.3
150.	13-1-41.22	Farm – Upland / Woods	61.0
151.	13-1-46	Open Space - Orange County Land Trust	54.4
152.	13-3-5	Mid-Hudson Civic Center	8.8
153.	15-1-4.1	Woods – Rail Trail Link	72.7
154.	15-1-27.41	Camp Monroe - Remainder	104.4
155.	15-1-27.42	Camp Monroe – Private	14.3
156.	15-1-27.43	Camp Monroe (Town Park)	30.0
157.	15-1.51.2	Monroe Rifle Rod & Gun Club	55.7
158.	15-1-52	Monroe Rifle Rod & Gun Club	80.1
159.	15.1.65.1	Goosepond Mountain State Park	58.1
160.	15-1-65.2	Goosepond Mountain State Park	11.1
161.	16-1-1.2	Farm – Black Dirt (Extends Into Warwick)	26.1
162.	16-1-2	Watershed – Orange County	4.4
163.	16-1-3.12	Watershed – Orange County	9.9
164.	16-1-3.31	Watershed – Village of Florida	0.5
165.	16-1-3.32	Watershed – Orange County	219.8
166.	16-1-11.21	Watershed – Orange County	1.0
167.	16-1-12.1	Watershed – Orange County	2.2
168.	16-1-13.1	Watershed – Orange County	1.0
169.	16-1-14	Watershed – Orange County	5.2
170.	16-1-15.1	Watershed – Orange County	2.0
171.	16-1-15.2	Watershed – Orange County	6.2
172.	16-1-16	Watershed – Orange County	35.7
173.	16-1-18.2	Watershed – Orange County	9.5
174.	16-1-19.11	Watershed – Orange County	10.0
175.	16-1-19.12	Watershed – Orange County	25.6
176.	16-1-19.2	Watershed – Orange County	9.4
177.	16-1-20	Watershed – Orange County	4.1
178.	16-1-21.1	Watershed – Orange County	15.4
179.	16-1-21.2	Watershed – Orange County	5.4
180.	16-1-22	Watershed – Orange County	5.0
181.	16-1-32	Watershed – Orange County	30.5
182.	16-1-33	Watershed – Orange County	10.0
	Total		**1194.1**

Table 1: Target Areas, Projects and Parcels			
ID No.	**SBL**	**Land Use**	**Acres**
183.	16-1-62.2	Watershed – Orange County	2.0
184.	16-1-72.21	Private Recreation - Historic	64.6
185.	17-1-5.1	Farm – Upland (Conservation Easement)	23.9
186.	17-1-99.222	Farm – Upland	117.7
187.	17-1-102	Farm – Upland	58.5
188.	17-2-28.2	Farm – Upland (Conservation Easement)	31.5
189.	18-1-12	Farm – Black Dirt	29.4
190.	18-1-15.2	Farm – Black Dirt	28.8
191.	18-1-22.25	Farm – Black Dirt – Religious Use	145.5
192.	18-1-36	Woods	50.3
193.	18-1-42.4	Woods	52.8
	Total		**605**
	Grand Total		**5,810.6 - acres**

3.0 Summary and Evaluation of Land Use Alternatives to Protect Community Character

A. Introduction

In 2015, the Town of Chester adopted a Comprehensive Plan, which included four chapters that focused on measures to protect community character as follows: Chapter 3.0 Natural Resources, Chapter 4.0 Agricultural Resources, Chapter 5.0 Parks and Recreation and Chapter 6.0 Parks and Recreational Resources. The Town of Chester in many ways is defined by a rural landscape with high aesthetic value, which contains agricultural, recreational, natural and wildlife areas.

The Town is actively engaged in efforts to preserve these areas and protect them from development. These natural resources contribute to the Town's unique character. Residents have access to many of these natural resources, including Goosepond Mountain State Park, Chester Commons Park, Knapp's View and conservation lands and nature preserves, all of which contribute to the quality of life in the Town.

The Town has identified and evaluated land use regulation alternatives, which it can use to protect these resources. and in so doing, protect its unique community character. A complete list of land use regulation alternatives if listed in Table 2 on the next page.

B. Identification and Summary of Land Use Regulations

Table 2: Existing Land Use Regulations to Protect Community Character		
ID No.	**Town Code Chapter/Section**	**Description**
1.	Chapter 52	Flood Damage Control
2.	Chapter 54 Freshwater Wetlands	Preserve, protect and conserve freshwater wetlands.
3.	Chapter §78A §78A-1 through 35	Stormwater Management
4.	§83-1 through 39	Subdivision of Land
5.	§83-15	Application of clustering provisions: allows cluster subdivisions
6.	§83-22 P	Right-to-Farm Notes and Notices to Neighbors
7.	§98-25	Cluster development
8.	§98-26	Ridge Overlay Protection
9.	§98-27	Floodplain and Ponding Area Environmental Sub-district
10.	§98-28	Architectural Review Board
11.	§98-30 J	Parkland: To Provide for adequate parks, playgrounds and recreational facilities
12.	§98-40	Solar energy systems:
Proposed Land Use Alternatives to Protect Community Character		
13.	Fee Simple	Community Preservation Fund Town Bond Financing U.S. Department of Agriculture NYS Ag & Markets PDR Program Transfer of Development Rights Payment in Lieu of Parkland Fees
14.	Private Conservation Strategies	Conservation Easements Bargain Sale/Donation Partnerships with Land Trusts

1. Chapter 52: Flood Damage Control.

It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

A. Regulate uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities;
B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
C. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
D. Control filling, grading, dredging and other development which may increase erosion or flood damages;
E. Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and
F. Qualify for and maintain participation in the National Flood Insurance Program.

2. Chapter 54: Freshwater Wetlands

It is a public policy of the Town of Chester to preserve, protect and conserve freshwater wetlands and the benefits derived therefrom, to prevent the despoliation and destruction of freshwater wetlands and to regulate the development of such wetlands in order to secure the natural benefits of freshwater wetlands, consistent with the general welfare and beneficial economic, social and agricultural development of the Town. It is further declared to be the policy of the Town Board of the Town of Chester to exercise its authority pursuant to Article 24 of the State Environmental Conservation Law.

3. Chapter §78A Chapter §78A-1 through 35: Stormwater Management

The Town has in the past experienced problems regarding stormwater management in that uncontrolled runoff can increase the amount of flooding and sediment pollution, which in turn adversely affect water quality that can impact human life, water quality, receiving stream biodiversity, and the general health and safety of the public. Therefore, the Town of Chester has the following objectives:

A. Set forth standards which comply with the requirements of the NYSDEC General Permit for Stormwater Discharges, Permit No. GP-02-01, or as amended or revised;
B. Establish methods for controlling the introduction of pollutants into the MS4, in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems (MS4), Permit No. GP-02-02, or as amended or revised;
C. Protect the public and prevent damage from flooding;

D. Encourage the protection of natural drainage systems, such as streams, lakes, and state and federal wetlands, in order to preserve the beneficial functions and values of those resources;
E. Require the implementation of sound stormwater management and soil erosion and sediment control practices to be implemented on subdivisions, site plans and construction sites;
F. Provide for the intro-fitting of current engineering practices on redeveloped sites;
G. Implement a program to detect, enforce and eliminate illicit discharges to the Town stormwater collection system;
H. Prohibit illicit connections, activities and discharges to the MS4;
I. Establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this chapter and impose penalties and remedies for noncompliance; and
J. Promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4.

4. Subdivision of Land Chapter 83, §83-1 through 39:

It is declared to be the policy of the Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the Town. This means, among other things, that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace; that proper provision shall be made for drainage, water supply, sewerage and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets shall compose a convenient system conforming to good planning practice and the Official Map, if such exists, and shall be properly related to the proposals shown on the Comprehensive Plan and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access of fire-fighting equipment to buildings; and that proper provision shall be made for open spaces for parks and playgrounds or ***fees in lieu*** thereof.

5. Subdivision of Land §83-15: Cluster Subdivisions

Pursuant to § 98-25 of the Zoning Law, the Planning Board is empowered to require, review and approve clustered subdivisions in accordance with the provisions of § 278 of the Town Law. Such authorization is hereby granted to approve such projects based on specific benefits to the community for lands in all residential districts. The purpose of such authorization shall be to enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economical provision of streets and utilities and to preserve the natural and scenic qualities of open lands. Refer to § 98-25 of the Zoning Law.

6. Subdivision of Land §83-22 P: Right-to-Farm

In accordance with the Agriculture and Markets Law, adjacent properties shall be notified of the presence of active agricultural operations in the vicinity of a proposed subdivision. During its review of a subdivision, the Planning Board shall determine, based on the type of active agricultural operation near the subdivision, if a buffer is required and the extent of said buffer. For all lots and subdivisions adjacent to an active agricultural operation, the following note shall be added to the subdivision plat to be filed: "Property adjacent to lot(s) ___ is in active agricultural operation and production. and residents must be aware that such property is protected by New York State's "right to farm laws" as regulated by the Department of Agriculture and Markets. From time to time during and prior to the normal growing season, land and crops may be sprayed from the ground or by air, manure may be applied and noise may occur periodically from machinery operations at various times throughout the year. Residents should be aware of this action by the adjacent property owners."

7. Chapter 98 Zoning, §98-25: Cluster Development

Cluster authority. Pursuant to § 278 of the Town Law, for the purpose of enabling and encouraging the flexibility of design and the development of land in such a manner as to promote the most appropriate use of land, and to further the goals of the Town of Chester Comprehensive Plan, including preserving the scenic and open quality of the Town's rural landscape and protecting historical and agricultural resources, the Planning Board is authorized, subsequent to receipt of a subdivision plat in any of the Town's residential zoning districts, to require and approve a cluster development modifying the applicable provisions of Chapter 98.

8. Chapter 98 Zoning, §98-26: Ridge Protection Overlay

Topography in the Town includes dramatic ridgeline elevations running in a generally northeast to southwest direction. These elevations afford sweeping views of the surrounding countryside and are in turn prominently visible from many other locations, forming the scenic backdrop that is an important visual element in the Town. Much of the more highly developed land in the Town has been concentrated in valleys, as the higher elevations are rocky and steeply sloped, being difficult to build and access, so that these ridges are sparsely developed and heavily wooded. Although many of these lands are either publicly owned or owned in a manner which preempts structural land uses, not all are so protected. Therefore, the Town has enacted the following regulations in order to protect these important visual and aesthetic resources in the Town. All lands so designated on the Zoning Map within the AR-.3, SR-1 and SR-2 Districts are incorporated within the Ridge Preservation Overlay District.

Restrictions and procedures. Any new structure within the Ridge Preservation Overlay District for which a building permit is required shall be located to the maximum practical extent so as not to be visible from any point on Pine Hill Road, Bull Mill Road, Black Meadow Road or on a state, county or interstate highway, and if such structures cannot be completely obscured they shall be made to blend as unobtrusively as possible into the hillside to avoid breaking the natural ridgeline.

9. Chapter 98 Zoning, §98-27: Floodplain and Ponding Area Environmental Subdistrict

The areas of the Town of Chester which are subject to periodic inundation and ponding, as delineated on the Zoning Map, are designated as floodplain and ponding area subdistricts within the 10 principal districts for the purposes of protecting human life, preventing material losses and reducing the cost to the public of rescue and relief efforts occasioned by the unwise occupancy of areas subject to floods and ponding. In the FP Floodplain and Ponding Area Environmental Subdistrict, no structure shall be erected, constructed, reconstructed, altered or moved except as listed below:

A. Recreational uses.
B. Conservation areas and wildlife preserves.
C. Agricultural and commercial agricultural operations, structures and accessory uses thereof.
D. Utility structures.
E. Parking facilities.

10. Chapter 98 Zoning, §98-28: Architectural Review Board

An Architectural Review Board was created for the following purposes: to ensure that the distinctive and historical character of the Architectural Design District shall not be injuriously affected, that the value to the community of those buildings having architectural worth shall not be impaired, that said Architectural Design District be maintained and preserved to promote its use for the education, pleasure and welfare of the citizens of the Town of Chester and others; and in all districts to promote architectural beauty and harmony of building design, prevent the monotony of residential housing in rows of buildings which are identical and unduly similar in design or location in relation to streets, and prevent buildings from being improperly designed and located in relation to land contours, lot lines and street lines. The Planning Board of the Town of Chester acts as the Architectural Review Board for the purposes of this chapter.

11. Chapter 98 Zoning, §98-30J: Parkland

The purpose of this subsection is to provide for adequate and effective development of parks, playgrounds and recreational facilities. The Town of Chester has conducted an analysis of recreational demands and has concluded that one large, central Town park recreational facility should be developed to address this demand. In those instances where a proposed park, playground or open space shown on the Town of Chester Future Recreational Needs Report is located in whole or in part in a site plan, the Board shall require that lands comprising approximately 10% of the total area to be developed shall be reserved for said parks, playgrounds or recreational purposes. Such area or areas shall be shown on the site plan in accordance with the requirements specified below. Such area or areas may be dedicated to the Town by the developer if the Town Board accepts such dedication. The required reservation of land for recreational purposes must be specifically located and designated on the site plan.

A. The Board shall not accept dedication of areas of less than three acres. Open spaces of a lesser area may be approved where the total three acres shall be achieved in conjunction with the future development of adjacent lands. Such area or areas may be dedicated to the Town by the developer if the Town Board accepts such dedication.
B. Information to be submitted. In the event that an area to be used for a park or playground is required to be so shown, the developer shall submit, prior to final approval, to the Planning Board three prints, one on Mylar, drawn in ink showing, at a scale of not less than 30 feet to the inch, such area and the following features thereof:

    1. The boundaries of said area, giving lengths and bearings of all straight lines and the radii, lengths, central angles and tangent distances of all curves.
    2. Existing features such as brooks, ponds, clusters of trees, rock outcrops and structures.
    3. Existing and, if applicable, proposed changes in grade and contours of said area and of areas immediately adjacent.

C. Waiver of site plan designation of area for parkland. In the event that the Planning Board finds that the proposed site plan presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such site plan, the Board may require a sum of money in lieu thereof.

12. Chapter 98 Zoning, §98-40: Solar Energy Systems

Consistent with the Comprehensive Plan recommendation to encourage alternative renewable energy resources, this section of the Town Code addresses the need to regulate the growing solar energy industry. It regulates solar energy systems and equipment to ensure the provision of adequate sunlight necessary therefor; to balance the potential impacts on neighbors when solar collectors are installed near their property, while preserving the right of property owners to install solar energy systems in accordance with applicable laws and regulations; and recognizes solar energy as a priority for current and long-term energy sustainability.

13. Community Preservation Fund

Fee simple acquisition of open space will become the primary alternative for protecting upland working farms in the Town of Chester. In conjunction with the potential for the establishment of a Community Preservation Fund through a 0.75 % real estate transfer tax, efforts should continue to be pursued to link the various available public sources of funding for fee simple acquisition with private strategies designed to establish financial incentives to encourage land preservation.

14. Conservation Easements

This CPP recommends using conservation easements as a tool to protect open space and to link open spaces. The Town can acquire Conservation Easements over real property that meets specific criteria, from landowners who voluntarily wish to sell or donate the development value of their land while protecting it as open space in accordance with Section 247 of the General Municipal Law and Article 49, Title 3 of the Environmental Conservation Law. This section establishes guidelines and criteria for the evaluation of such easements in order to clearly establish the public benefit associated with any offer to donate or sell such easements. The proposed easement must have a definite public purpose, which benefits the Town and the community as a whole.

C. Evaluation and Application of Land Use Alternatives

The evaluation of available land use alternatives to preserve community character is a critical part of the Town's Community Preservation Plan (CPP). The potential application and prioritization of the fourteen (14) land use alternatives previously identified and described to the seven (7) target areas and individual categories of parcels will assist in maximizing the potential of the Community Preservation Fund to accomplish the Town's farmland and open space preservation goals.

1. Target Area 1 – Agricultural Lands. The Town's preservation efforts to date have focused on Fee Simple Acquisition (e.g., Knapps View Property), Conservation Subdivisions and having strong Right-To-Farm laws. There are only a few remaining working "upland" farms in the Town of Chester and these farms are under the constant threat of being acquired for residential development. The Johnson Farm on Johnson Road, Ted Talmadge Farm on NYS Route 17M, the Laroe Farm off of NYS Route 94, and former Lipsey Farm on Goosepond Mountain Road are the highest priorities for participation in the Purchase of Development Rights programs or Fee Simple acquisition. The proposed creation of the Community Preservation Fund (CPF) will enhance Chester's ability to succeed in securing Purchase of Development Rights (PDR) funding through the State by providing matching dollars. The Town would actively work with local farmers interested in participating in the PDR program to place conservation easements on its working farms to permanently protect these lands. The Town would also consider Transfer of Development Rights (TDR) programs to save farmland as well. The Town would also continue to use its land use regulations to protect farmland by requiring the use of Conservation Subdivision measures and keeping its existing AR-3 Agricultural Residential Zoning District in place. The Town would also work with NYS Ag & Markets and Cornell Cooperative Extension to enhance the viability of its "Black Dirt" farmland in order to keep it in production.

2. Target Area 2 – Parkland. The primary focus in this target area is to forge partnerships with County, Regional, State and private conservation groups to obtain easements to link existing open space and to acquire additional parkland and rail-trail rights-of-way to enhance the parkland system in the Town of Chester. The Town of Chester will also continue to use its land use regulations to further development the parkland system through the use of Conservation Subdivisions, Payment-In-Lieu of Parkland Fees, and incentive zoning for open space preservation.

3. Target Area 3 – Open Space Trails and Conservation Areas. The CPP recommends working with the Palisades Park Commission to develop trailheads with off-street parking and footpaths operated by the Town and/or private developers to improve access to Goosepond Mountain State Park and to Sugar Loaf Mountain from the Sugar Loaf hamlet. It also recommends working with the NYNJ Trail Conference on extending the Highlands Trail in Goosepond Mountain State Parkland [through public-private parcels] to Sterling Forest State Parkland and provide a direct connection to the Appalachian Trail. The extension of the Highlands Trail would more likely involve the acquisition of conservation easements across private lands rather than property acquisition.

4. Target Area 4- Public Water Supply Watersheds around Glenmere Lake. The Town of Chester recognizes the vital role the preservation of the watershed around Glenmere Lake plays in protecting this valuable public water supply. The Town of Chester will continue to support the efforts by Orange County to protect the watershed around Glenmere Lake.

5. Target Area 5 – Biodiversity Conservation Areas. The Town of Chester participated in the Biodiversity of the Moodna Creek Watershed: Important Resources and Conservation Recommendations (Laura Heady et al. 2008), study, which identified Freshwater Wetlands and Biodiversity Conservation Areas that need to be protected. As development proposals are presented to the Town, it will employ its land use regulations, wetland local law, and the State Environmental Quality Review Act (SEQRA) to ensure that such resources are protected to the greatest extent practicable.

6. Target Area 6 – Significant Areas for Aquifer and Wellhead Protection. Aquifer recharge areas are where groundwater is replenished, and it is important to ensure that land uses within the vicinity of the Town's aquifer do not introduce contaminants into the groundwater. Conservation subdivision and best management practices for stormwater control are the primary techniques that will be used to protect the Town's aquifers. The Town will also carefully evaluate proposed land use activities within the wellhead protection areas identified in its 2015 Comprehensive Plan to restrict certain activities that have the potential to introduce contaminants into the groundwater.

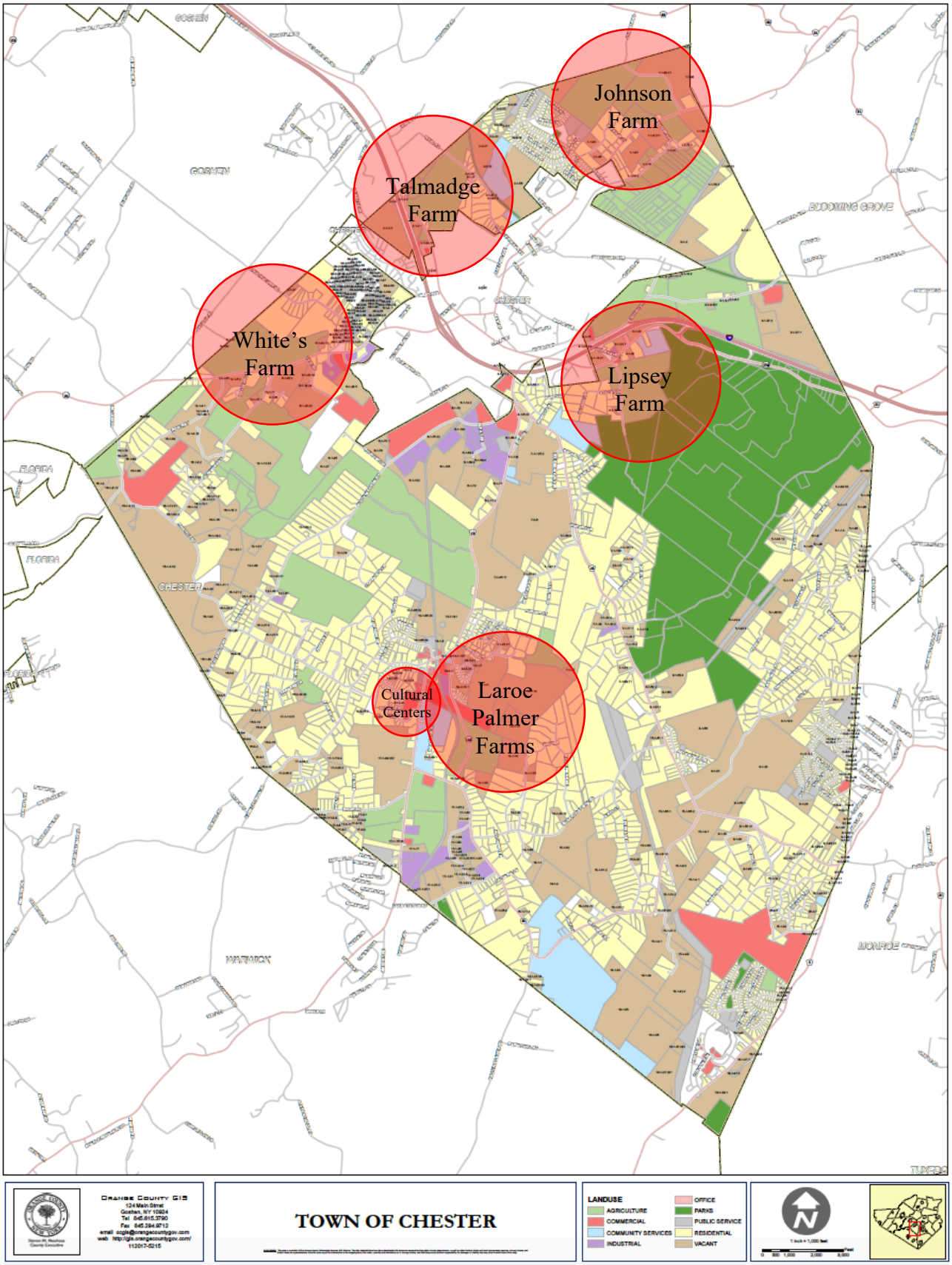
7. Target Area 7 – Historic Places and Properties. The primary tool the Town will use to protect its historic resources is through the volunteer efforts of its landowners. The Town will support efforts by landowners to list their historic properties on the State and National Register of Historic Places. The Town also proposes to amend its land use regulations to allow the adaptive reuse is historic farm buildings for non-agricultural purposes. The Farmers Protection and Farm Preservation Act of 1996 was designed in part to preserve the historic barns that dot New York's landscape. The Town will also promote the State's Historic Preservation Tax Credit programs such as the New York State Historic Barns Tax Credit to encourage landowners to preserve these historic resources. It will also promote the Federal Historic Preservation Commercial Tax Credit and the NYS Historic Home Ownership Rehabilitation Credit.

Table 3: Evaluation of Land Use Alternatives

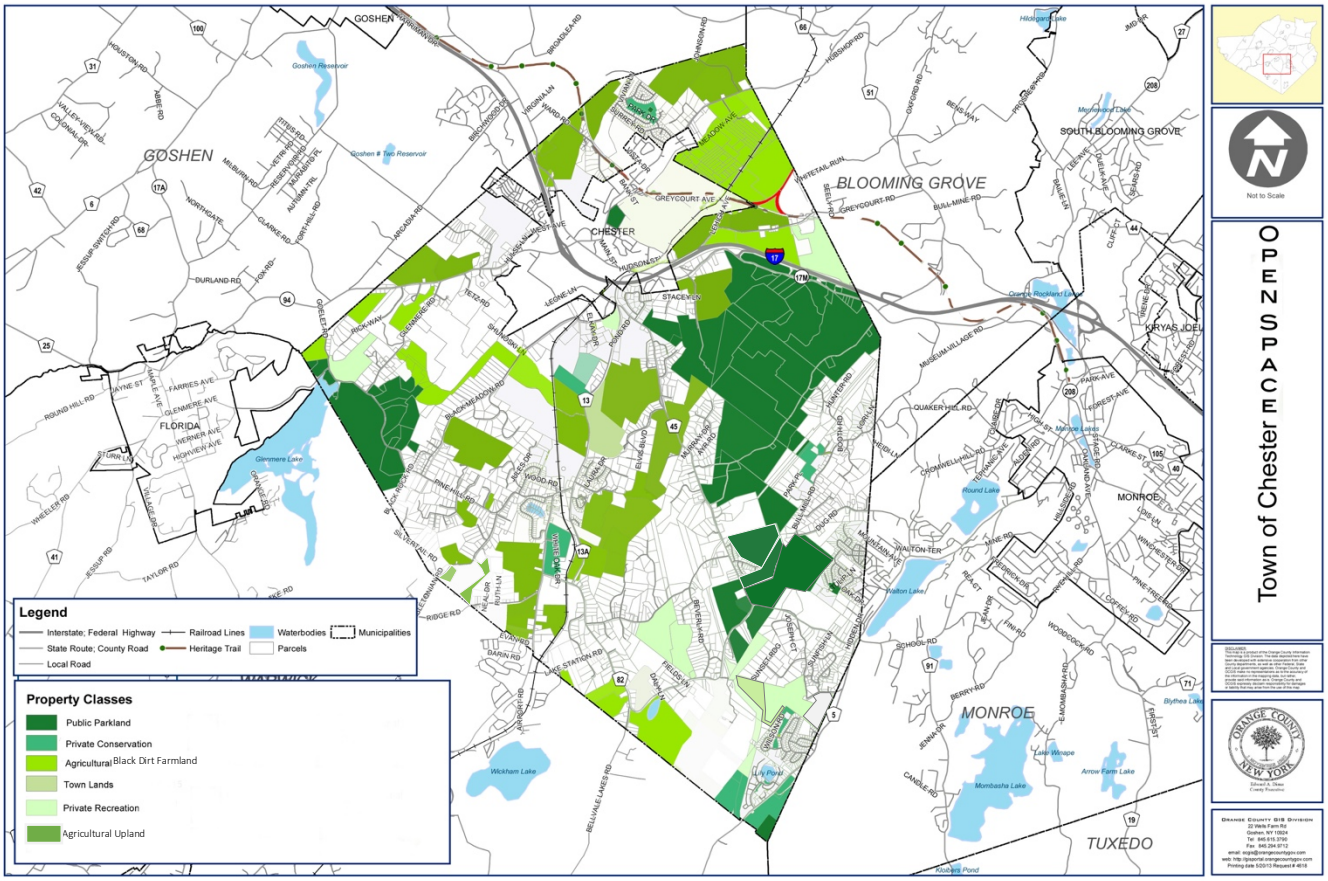
	Land Use Alternatives (Refer to Table 2)													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Target Areas														
Agricultural lands				X	X	X	X						X	X
Parkland				X				X			X		X	X
Open space, trails, etc.				X				X			X		X	X
Public water supply	X	X	X				X		X					X
Biodiversity conservation	X	X	X				X		X					X
Aquifer and wellhead	X	X	X						X					X
Historic places					X		X			X				X

Appendix A

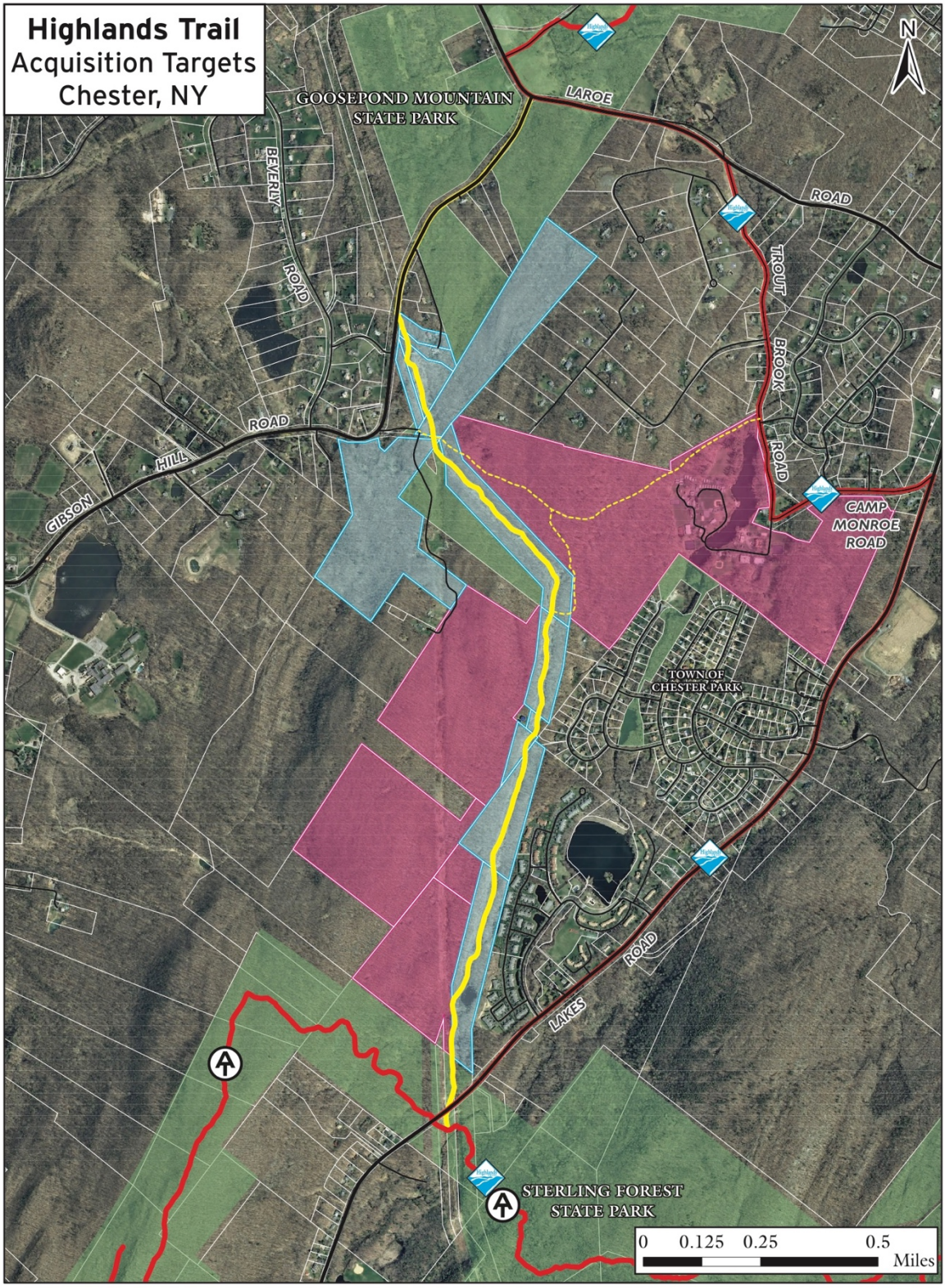
Gateway to Community Farms


Johnson Farm
Talmadge Farm
White's Farm
Lipsey Farm
Cultural Centers
Laroe Palmer Farms
GOSHEN
BLOOMING GROVE
CHESTER
FLORIDA
WARWICK
MONROE
TUXEDO
Orange County GIS
TOWN OF CHESTER
LANDUSE
AGRICULTURE
COMMERCIAL
COMMUNITY SERVICES
INDUSTRIAL
OFFICE
PARKS
PUBLIC SERVICE
RESIDENTIAL
VACANT

Appendix B


Town of Chester OPEN SPACE
Not to Scale
GOSHEN
BLOOMING GROVE
CHESTER
FLORIDA
MONROE
TUXEDO
SOUTH BLOOMING GROVE
Legend
Interstate; Federal Highway
State Route; County Road
Local Road
Railroad Lines
Heritage Trail
Waterbodies
Municipalities
Parcels
Property Classes
Public Parkland
Private Conservation
Agricultural
Black Dirt Farmland
Town Lands
Private Recreation
Agricultural Upland

Appendix C


Highlands Trail
Acquisition Targets
Chester, NY
N
GOOSEPOND MOUNTAIN
STATE PARK
LAROE
ROAD
BEVERLY
ROAD
TROUT
BROOK
ROAD
ROAD
HILL
GIBSON
CAMP
MONROE
ROAD
TOWN OF
CHESTER PARK
ROAD
LAKES
STERLING FOREST
STATE PARK
0
0.125
0.25
0.5
Miles

Appendix D