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October 22, 2025

Town of Chester
1786 Kings Highway
Chester NY 10918
(sent via email)

Re: Public Hearing – Comp Plan & Zoning
Introductory Local Law 10 of 2025

Dear Supervisor and Town Board –

We champion the preservation of scenic, historic, and natural resources by advocating for responsible development practices that protect the environment, the community's character and heritage. We applaud the Town for updating its comprehensive plan — a vital process that helps ensure the community's long-term vision remains relevant, actionable, and aligned with current realities. In addition, Zoning updates prioritize what matters most to the Town—such as preserving open space—while providing clarity on what can be built, where, and how.

In the Town of Chester, there are economically vital landscapes—such as watersheds, farmland, and critical habitats—which remain under threat of irreversible loss. When a community neglects environmental stewardship, it accelerates the loss of vital resources—like clean water, fertile soil, and breathable air—undermining the foundations of long-term economic stability.

In addition, protecting historic assets boosts the economy with revitalization and supporting small businesses, increasing tourism, while fostering civic pride and cultural stewardship.

Our non-profit appreciates the chance to participate in the public dialogue surrounding the proposed policy changes that address the community goals and respectfully submit the following comments:

Town of Chester Comprehensive Plan Update –

We acknowledge the considerable effort and time invested in developing the Plan document through to its adoption, especially amid a dynamic and evolving context. During that period, certain action items have already been implemented. The Town may wish to defer formal inclusion of these items until the next Plan update, particularly if they do not directly affect zoning, in order to conserve resources and streamline the process.

The following are some topics that could have been further addressed in the Plan:

- Zoning Map – Check the accuracy of the Ridge Preservation Overlay and Flooding Environmental Overlay Districts as labeled on Zoning Map as it is referenced in Zoning Code that parcels within the “mapped” area must comply to regulations.
- Natural Resource section page 20 – Add topic of Vernal (ephemeral) Pools. They are considered productive to providing ecological habitat for sensitive and endangered species including salamanders, turtles, frogs, and other amphibians and therefore should be identified and protected to the maximum extent possible. (related to NYS-DEC new wetland classification system whereas the Town should consider these productive habitats in the zoning decision-making process)
- Natural Resource section page 25 – Elaborate on the community, environmental, and economic benefit of Trees. The Town of Chester has a large amount of undeveloped mature woodlands that should be protected but also the younger healthy trees should be protected, as a balanced, mix-age stand will allow for younger trees to replace the older ones as they die off. The indiscriminate removal of trees can cause deprivation of these benefits and change the ecological health as well as the rural character of the community. This Plan supports a tree preservation law which requires a tree inventory and regulates the preservation, installation, removal and long-term management of trees both within and outside of the site plan review process. This new law should prohibit clear-cutting as a tree removal technique for new development and landscaping plans should make use of species that are native and non-invasive, and planting standards should be specified in site plan regulations. (related to outlining goals of new code covering the protection of smaller trees and use of trees to mitigate environmental impacts).
- Natural Resources section page 26 - While the Plan affirms its commitment to protecting high-priority species of greatest conservation need—as identified in NYSDEC databases—through “sound scientific practices,” the Town may wish to adopt a more holistic conservation strategy. Expanding the focus to include habitat preservation alongside species protection would better address ecological integrity. Key considerations such as migration corridors, biodiversity hotspots, and habitat connectivity are essential to mitigating edge effects and fragmentation. The Town could strengthen its approach by designing zoning boundaries or overlay districts that safeguard ecological networks and promote interjurisdictional collaboration. This broader lens also invites reflection on legacy land-use decisions—for instance, the longstanding designation of industrial zones within environmentally sensitive areas warrants reevaluation in light of current conservation priorities.
- Updating the Natural Resource Inventory and integrating newly compiled mapping data will enhance coordination of shared information and strategic planning with neighboring municipalities, helping to preserve habitat continuity across the region. For example: [Blooming-Grove---Areas-of-Known-Importance-PDF](#)

Natural Resource section continued – Proposed development poses both direct and indirect threats to local wildlife, stemming from activities such as construction, habitat loss, alteration of habitat types, and fragmentation of natural ecosystems. These disruptions can lead to significant displacement of species. For example, the installation of retaining walls and new roadways may obstruct critical movement corridors—such as those used by bog turtles to travel between wetlands—thereby preventing the formation of new colonies and undermining long-term species viability.

- Stormwater Management section page 21 – To support new development, protect property and public health, the plan should address the impact of road closures caused by flooding. It is essential to require collection and conveyance systems capable of managing the increased runoff from extreme weather events in flood-prone areas. (e.g. Black Meadow Rd)

The Town of Chester Zoning Map amendment –

The rezoning of areas from Industrial/Business to Residential Districts represents a thoughtful step toward aligning land use with the established character of the surrounding neighborhoods. This change will help eliminate incompatible uses, reduce industrial or business nuisances, and improve road safety—ultimately enhancing the quality of life for residents in these parts of Town. Additionally, the designation of a new residential district on currently vacant land provides an opportunity to develop housing in a way that respects environmentally sensitive areas while supporting the needs of our growing community.

Chapter 98 of the Town of Chester Town Code, entitled Zoning –

Changing zoning laws can be a powerful way to address evolving community needs, economic goals, and environmental priorities.

- **Public Hearings** - Public input at the early stages of site plan review is crucial for fostering transparency, improving project outcomes, and building community trust.

We appreciate the recent code update requiring notice to adjoining landowners upon application submission. This proactive step helps surface potential issues and concerns early in the process, allowing for a more efficient and effective project review prior to engineering details.

We also commend the decision to post hearing notices on project sites for Special Use Permits (SUPs), which enhances transparency and public awareness. However, we remain concerned about projects requiring site plan approval that do not trigger a SUP but could still pose significant impacts—particularly to water supply and traffic patterns extending beyond 500 feet.

To strengthen public engagement and environmental oversight, we respectfully request further consideration of a requirement to post public hearing signs on project sites for applications that may result in at least one significant environmental impact.

Note, error in section regarding mailing notice where it states mailing “to owners of property within 500 feet of said property as the names of said owners appear on the last completed assessment roll of the Village.” (typo). Also, this change does not address property owners across municipal borders. We recommend having consistent policy with the Town’s Subdivision of Land (Final Plat for Major Subdivision) and REPLACE with section 83-11. G.... “posting notice thereof by mail to the owners of property within 500 feet of the proposed subdivision who reside within any municipality and to any other persons whom the Board may deem to be particularly affected. Said advertisement shall be submitted to the Secretary of the Planning Board, and the notification of affected landowners shall be made by the applicant. Proof of such mailings and receipts for same shall be filed with the Planning Board prior to, or at the time of, said hearing. In the event that the five-hundred-foot requirement extends to properties beyond the Town boundary, the applicant shall acquire the names and addresses of said property owners from the latest assessment roll of the municipality in which said property is located and shall comply with the mailing requirements as set forth herein.”

Is it the intent of this new section of code to replace all other references to public hearings in Town Code? Interestingly, there are slight variations in different sections of the Subdivision of Land chapter such as where it says proof of such mailings to be “verified by the Planning Board Engineer.” and “1,000 feet” notice under Preliminary Plat for Major Subdivisions.

- **Visual Impact Assessments** – While the Town Code currently outlines visual assessment criteria in the higher elevations, it does not appear to address projects outside these areas that may pose significant visual impacts. We respectfully ask: what standards or procedures would guide the Town’s review of such proposals? For instance, consider a warehouse seeking a height variance in a location adjacent to residential properties—yet outside the RPOD. In such cases, what criteria would applicants be expected to meet, and what safeguards would be in place to ensure compatibility with surrounding uses other than buffers and landscaping?

We believe this underscores the need for broader visual impact guidelines and design standards to be incorporated as conditions of approval. Thoughtful design can balance both function and form, ensuring that development enhances rather than detracts from the character of the community.

- **Buffers & Landscaping** – 98-19
 - We recommend the Town consult with a certified arborist to update planting requirements specifically for A.B. & C in this section. For example, most experts would not recommend berms to make up for the lack of tree height. Trees do not grow well in berms; certainly not berms made of subsoil pushed up by builders. In 30 years, the trees die due to lack of moisture and fall over. Trees do not grow naturally in berms.
 - Be mindful that pests and diseases can target a single tree species, so incorporating a diverse mix of plantings is essential. Layered landscaping and screening are especially beneficial for wide openings, providing coverage as tree canopies mature and seasonal changes occur.

- This section presents an opportunity to define riparian buffers and incorporate references to the Wetland and Watercourse provisions within the Town Code. While we appreciate that the Town has established a minimum buffer of 25 feet to federal wetlands, this distance appears to be arbitrary and may not adequately reflect ecological needs.
- We recommend that buffer widths be determined based on their intended function and the level of environmental benefit they provide. Larger buffers can offer enhanced protection for water quality, wildlife habitat, and flood mitigation. Therefore, buffer determinations should be guided by scientific principles and made in consultation with qualified environmental professionals.
- The Plan supports the continuation of farming activities and recognizes the importance of minimizing land use conflicts. This section should include provisions for buffer zones between proposed developments and active farmland or lands within agricultural districts. Proper design of adjacent development is essential to reduce potential issues related to noise, odors, and other agricultural impacts. Additionally, buffer zones help ensure that farmers can implement necessary pest and rodent control measures to protect their crops without interference from neighboring land uses.
- The wording in Section F. resulted in the Planning Board making an interpretation of the code (which is the duty of the ZBA) on the meaning of “adjacent”. The Planning Board did not require a buffer of trees with a new subdivision across the street from an existing commercial district because they claimed the road separates the two districts. Webster defines adjacent as “nearby” but also as “having a common ... border”, so adjacent does not necessarily mean that they have to touch. If the zones end in the middle of the street, then the two zones do have a common border and are adjacent no matter how you define that word. And, since the lot line is at the roadside and not in the middle of the street, the buffer would go from the roadside.
- Please refer to Town Code §83-20 on Street Design for guidelines regarding street tree requirements to ensure consistency and enhance overall design.
- Review Zoning Code for consistency and intent of updated footnotes in the Schedule of Use and Area Requirements – For example:
 - o LB District - buffer referenced in Code is ‘a side or rear yard’ shall have minimum buffer of 50 feet with only 25 feet nearest to be vegetated. Tables indicate a ‘landscaped buffer of 100 feet “adjacent” to residential uses. No footnote on tables for GC districts;
 - o IP & I Districts – buffer in Code says ‘a side or rear yard’ shall have minimum width or depth of 200 feet with only the 50 feet nearest to be vegetated. Tables indicate a ‘vegetated buffer’ of 150 feet.

We support the implementation of requirements that establish a landscaped buffer in areas where no natural buffer exists or where additional plantings are necessary to mitigate environmental or visual impacts. Furthermore, we advocate for mandatory buffers between incompatible land uses or where a proposed use is likely to create a nuisance. These measures are essential to preserving community character, enhancing environmental quality, and minimizing conflicts between adjacent properties.

Schedule of Use and Area Requirements – There have been substantial changes to the Tables such as including maximum development coverage, addition of SUP and changes in setbacks. This needs careful review for mistakes. For example, in the SR-1 District Religious Institutions has a 5 acre minimum lot size and front/one side yard setback is 100 feet. In the SR-6 table it has 50 acres. In the AR-3 District no acres and setbacks but references the Town Code, which only states ‘Buildings shall be set back a minimum of 50 feet from any property line’. This needs further review for consistency.

Planning Board Waivers – There are waivers in many sections of Code and are typically granted by Planning Boards or other administrative bodies to relax non-zoning requirements — like design standards, landscaping, or parking — during site plan or subdivision review. However:

- **Too many waivers** in the town code can signal that there is something wrong with the code, forcing boards to routinely override it.
- This can **undermine the integrity** of the zoning framework if waivers become a workaround for poor planning or political pressure.

If waivers are used excessively, it may:

- Blur the lines between administrative discretion and quasi-judicial review.
- Circumvent the ZBA’s role, especially if waivers start resembling variances in effect.
- Create inconsistency and erode public trust in the zoning process.

Ideally, variances should be handled by the ZBA, which applies legal standards and ensures fairness. If it turns out waivers are being used to bypass that process, it might be time to revisit the town code again.

Special Use Permit (SUP) – While we do not claim to have legal expertise or deep experience in land use policy, we have taken time to explore the concept and its potential implications. From what we’ve gathered, SUPs can offer flexibility in development, allowing for thoughtful exceptions in certain zoning districts. This could be beneficial in cases where unique projects might otherwise be excluded under rigid zoning rules. However, we also understand that if not carefully managed, SUPs can introduce unpredictability into land use decisions. Without clear, objective criteria, there is a risk of favoritism or inconsistent approvals. This could erode public trust and lead to contentious outcomes. Furthermore, vague or poorly defined standards may expose the Town to legal challenges from applicants or neighbors who feel decisions were arbitrary or unfair.

Given these concerns, we urge the Town to proceed with caution. If SUPs are to be added, we hope the Town has established transparent, well-defined guidelines and a robust review process that ensures fairness, consistency, and accountability. Public input should be actively sought and considered throughout this process.

Solar – While solar energy presents valuable opportunities for farmers—providing supplemental income and supporting sustainable practices—it is essential to ensure that its implementation does not compromise agricultural land. We recommend limiting solar development to a reasonable percentage of land coverage to preserve the integrity of high-quality farmland for food production. In addition, prioritize solar development that aligns with conservation and wildlife-friendly principles, focusing installations on rooftops and parking areas to safeguard valuable farmland from further loss.

Battery Storage Systems- We recommend the Town continue their research on Battery Storage Systems before ending the existing moratorium of such use. Please consider the determination of Mount Pleasant and updated law (date filed 9/29/25) amending their Town Code to Prohibit Battery Energy Storage Systems. This includes their environmental assessment supporting their findings – “While the Town is aware of the potential benefits of BESS facilities, the health and safety risks which can include thermal runaway, the emission of toxic gas and fires which cannot be actively fought, greatly outweigh the benefit”. Note - they reference the fire in the Town of Warwick.

Available Resources-

You can find above local law example and other model codes on the Department of State website to assist in the process of updating Town of Chester code by going to [Local Laws | Department of State](#) and [Model Local Laws to Increase Resilience | Department of State](#)

In addition, the NYSACC maintains a database of codes from other municipalities <https://nysacc.org/index.php/ordinance-library/> that serves as a great deposit of information.

As the building moratorium draws to a close, we urge the Town of Chester to evaluate the effectiveness of the implemented changes and remain responsive to evolving laws, trends, and community needs. Staying proactive will ensure that planning efforts do not become outdated in the face of emerging challenges.

For over two decades, our organization and its members have been steadfast in advocating for the protection of vital resources. We remain committed to fostering positive change and sustainable development that reflects the values and priorities of the community.

We hope the insights and recommendations shared in this letter contribute meaningfully to your efforts in updating the Comprehensive Planning goals and Zoning regulations. With thoughtful stewardship, we believe the Town of Chester can continue to thrive—preserving its character and vitality for generations to come.

Respectfully,



Tracy Schuh
President TPC, Inc.

Cc: Chester Comprehensive Plan Committee Chair
Chester Planning Board Chair
Conservation Advisory Council Chair
Orange County Planning Dept Commissioner