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County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-1, m, & n

Local Referring Board: Town of Chester Board of Trustees

Referral ID #: CHT 11-25M

Applicant: Town of Chester Board

Tax Map #: townwide

Project Name: Comprehensive Plan Update and Zoning Amendments

Local File #: none provided

Proposed Action: Local Law to adopt update to Comprehensive Plan and make necessary changes to zoning code so that zoning is compatible with comprehensive plan goals

Reason for County Review: Local law affecting zoning or land use

Date of Full Statement: July 29, 2025

Comments:

The Department has received the above referenced Comprehensive Plan and local law amendment and has found no evidence that significant intermunicipal or countywide impacts would result from its approval. We would like to offer the following advisory comments:

Comprehensive Plan: This update refines and expands upon the Comprehensive Plan adopted by the Town in 2015. All plans need to be revisited regularly to determine whether the goals and objectives included in the plan continue to meet the needs of the Town, and to remove the outdated recommendations, goals and objectives that have already been met. We would like to include the following comments on the proposed recommendations:

- **Chapter 3 Natural Resources:** We advise the Town to revise Recommendation 6 to read as follows: "Wetlands shall be delineated by a qualified professional and incorporated into the Site Plan or Subdivision Plans when *there is a reasonable* likelihood of wetlands on a property. Where wetlands are to be preserved on a site, they should be clearly marked in the field prior to construction." We suggest this in the event that the NYSDEC mapper tool referenced here becomes obsolete.
- **Chapter 4 Agricultural Resources:** We encourage the Town to investigate funding programs for restoration of farm buildings and retention of existing or establishment of new farms in the Town. The New York State Department of Agriculture and Markets has funding resources for agricultural businesses.
- **Chapter 7 Transportation:** The Town of Chester is noted by the New York State Department of Transportation as having a Complete Streets Policy, though the policy itself is not available on their website. This policy should be referenced as part of the Comprehensive Plan and should be incorporated into Recommendations 34, 35, and 39. Also, the Town should substitute "non-motorized transportation" in place of "pedestrian and bicycle" wherever that phrase is used, to be more inclusive of other means of transportation. Additionally in Recommendation 40, we advise the Town to have easements recorded along roads for non-motorized trail options.
- **Chapter 8 Community Facilities and Services:** We advise the Town to rephrase Recommendation 45 as follows: "Assess potential impacts of proposed developments on Town infrastructure and where a development requires expansion or improvements to Town infrastructure, work with the developer to mitigate the impact of the proposed development in such a way that the Town does not incur undue financial burden." The language as stated in the Plan could suggest the imposition of an impact fee.
- **Chapter 9 Economic Development:** We advise the Town to consider a broader range of industries for support. Tourism, hospitality, and recreation are industries that the Town already has and supports; supporting a broader mix of manufacturing, professional services, and other industries will do more to strengthen the economy in times of recession. In Recommendation 56, we advise the Town to impose

conditions on auto-centric uses without prohibiting them entirely within the commercial districts. In Recommendation 57, the creation of design guidelines, we advise the Town that such programs often do well when paired with decreased regulations or approval burdens; for example, a project in the LB zone could be subject only to a building permit review if designed according to the design guidelines, where a project in the zone that did not meet the guidelines might be subject to site plan review by the Planning Board. The Town may wish to consider adopting such a program.

- Chapter 10 Sugar Loaf: We advise the Town to consider working with property owners to develop offsite parking in a walkable location.
- Chapter 11 Zoning and Land Use Policy: Recommendation 86 looks at designating Scenic Roads and creating associated setback regulations. We advise the Town to ensure that this policy does not impose an undue burden on property owners along the scenic roads.

Zoning Code: The Zoning Code has been rewritten by the applicant to be clearer and better organized for applicants and residents of the Town of Chester to understand the laws governing the use of their property. We commend the Town on their efforts in this matter, which will result in better site plan applications from the beginning of the review process. Specifically, we call attention to the following:

- Section 98-12 regulating new site plan approvals for land development activities is very well done. The new regulations are clear, well-written, and make the Town's expectations accessible to the public.
- Section 98-15 regulating outdoor lighting contains reasonable and safe standards for new lighting that will prevent the ecological damage associated with light pollution.
- Section 98-20 regulating cluster development in the SR-6 district has been removed in the draft language sent to us, which goes straight from 98-19 to 98-21; the Town may wish to consider reserving Section 98-20 for future use.
- Cluster development as a whole remains regulated by Section 98-25, which contains the SR-6 clustering in subsection H and which has been restructured to be much clearer and easier for a layperson to follow. As the section seems designed to follow Randall Arendt's four-step method, the Town may wish to contact him regarding permission to insert his diagrams into the code; we would be happy to facilitate that discussion upon request.
- Religious land use regulations as presented in Section 98-29.F are thorough, well-written, fair, and should be easy for the Town to implement. As the County Planning Director has clarified, the Religious Land Use and Institutionalized Persons Act requires that any land use regulation that imposes a substantial burden on the exercise of religion must be justified by a compelling government interest and serve as the least restrictive means of furthering that interest. The Town's legal counsel is best prepared to interpret this law as it pertains to the Zoning Code. County Planning agrees that the inclusion of religious land uses in the AR-.3 zoning district is appropriate, given the amount of land in the Town of Chester included in that zone.

County Recommendation: Local Determination

Date: November 19, 2025

Prepared by: Megan Tennermann, AICP, Planner



Alan J. Sorensen, FAICP
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available on-line at www.orangecountygov.com/planning.