

Comment Letter, Author, and Date

1

Letter #	Author	Date
1	President TPC Tracy Schuh, The Preservation Collective, Inc.	October 22, 2025
2	Orion Russell Blake, Secretary of the US Chapter of the International Peatland Society	October 22, 2025
3	Matt Woods, Chairman, The Town of Chester Comprehensive Plan Committee	October 19, 2025
4	Charles J. Gottlieb Partner of Whiteman Osterman & Hanna LLP representing Congregation Heichal Torah ("Heichal Torah")	October 21, 2025
5	Martine DiPasquale, CAC Chairwoman, Conservation Advisory Council (CAC)	October 24, 2025
6	Numerous Town of Chester Residents – email (Edward Morris, Kathleen Scully, Ariel Demesa, Cesar Molina, A Daches, Tamaree Tomlin, Ron Dawson, Shakira White, Lori Leonardo, Claudia Rufo, Ruba Lugo, Christine V, Sue Foley, Gills, Natalia Rodrigo, John V. Kick, Sharon A. Kick, Lynn McKelvey)	October 25-26, 2025
7	Ginny and Joe Rizzo, Chester Resident	October 30, 2025
8	Chester Residents Alliance – email	November 1, 2025
9	Joseph and Lois DiBlasi, Chester Resident - email	November 1, 2025
10	Lissette Quinones, Chester Resident – email	November 1, 2025
11	Luz Rochet, Chester Resident – email	November 1, 2025
12	Shauna Baird, Chester Resident – email	October 31, 2025
13	Eamon Riley, Senior Manager, Aypa Power	October 31, 2025
14	Trina Martinez, Chester Resident – email	October 31, 2025
15	President TPC Tracy Schuh, The Preservation Collective, Inc. (2)	November 1, 2025
16	Susan Slovitsky, Chester Resident – email	November 2, 2025
17	Shawn D. Holdridge, Chester Resident – email	November 2, 2025
18	Chelsea Frosini, Chester Resident – email	October 31, 2025

19	Susan Miller and Edward Teller, Chester Residents – email	October 31, 2025
20	Mihaela and JJ Krachtus, Chester Residents – email	October 31, 2025
21	Kathleen E. Poltenovage, Chester Resident – email	October 31, 2025
22	Robert R. Navarro, Chester Resident	November 2, 2025
23	Lindsay Gaffney, Chester Resident – email	November 3, 2025
24	Town of Chester – Planning Board (1)	October 3, 2025
25	Town of Chester – Planning Board (2)	October 3, 2025

1.0 COMPREHENSIVE PLAN COMMENTS

1.1 Comment 2 (Letter 1 – Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025. October 22, 2025):

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)

Response – The Comprehensive Plan is intended as a broad planning tool. The Town will continue to evaluate environmental needs as it implements various goals of the Comprehensive Plan and where appropriate make changes to the Zoning Code to protect environmental resources.

1.2 Comment 3 (Letter 1 – Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025. October 22, 2025):

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).

Response – tree clearing has been addressed as part of the zoning amendments. The Town will continue to evaluate tree preservation.

1.3 Comment 4 (Letter 1 – Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025. October 22, 2025):

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.

Response - Noted

1.4 Comment 5 (Letter 1 – Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025. October 22, 2025):

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.

Response - Noted

1.5 Comment 6 (Letter 1 – Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025. October 22, 2025):

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)

Response – Noted. The Zoning Amendments together with state regulations incorporate provisions for enhanced stormwater management. This area will be reevaluated from time to time as appropriate and as development trends shift.

1.6 Description of Proposed Action (Letter 2 – Orion Russell Blake, Secretary of the US Chapter of the International Peatland Society. October 22, 2025):

The Comprehensive Plan should recognize the peatlands located in Chester. If the purpose of the plan is to preserve black dirt farmland, there should be more awareness and planning involved. The danger in not acknowledging and incorporating peatlands into Chester's updated comprehensive plan is to exclude that there are solutions that can be adopted. The International Peatland Society hopes that Chester will become a leading municipality in peatland land use policy.

Response – So noted.

2.0 ZONING COMMENTS – General Comments

2.1 Comment 1 (Letter 1 – Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025. October 22, 2025):

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.

Response – No changes are proposed for these overlay districts and are carried over from the previous Zoning Map.

2.2 Comment 7 (Letter 1 – Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025. October 22, 2025):

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.

Response – the zoning has been updated to require signage posted where a positive declaration is issued. See § 98-31.2

2.3 Comment 8 (Letter 1 – Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025. October 22, 2025):

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).

Response – This has been corrected in the draft zoning

2.4 Comment 9 (Letter 1 – Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025. October 22, 2025):

Also, this change does not addresses 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.”

Response – The proposed zoning requires all properties regardless of municipality within 500 feet to be noticed.

2.5 Comment 10 (Letter 1 – Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025. October 22, 2025):

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.

Response – It is the intent to have to the greatest extent practicable uniform notice provisions for various types of applications before the Planning Board. Additional revision to the Subdivision Code is anticipated to further address this as well as several goals of the Draft Comprehensive Plan.

2.6 Comment 11 (Letter 1 – Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025. October 22, 2025):

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?

Response – Although the proposed code provides for Visual Impact Assessments in the RPOD, the Planning Board still has the flexibility to examine potential visual impacts as part of its SEQR review for any project within the Town. Specifically, the Environmental Assessment Form Part II requires the Planning Board to evaluate impact on Aesthetic Resources as part of its environmental review. See https://extapps.dec.ny.gov/docs/permits_ej_operations_pdf/feafpart2.pdf, at section 9). Were the Planning Board to identify a moderate to large impact, the applicant would have to address it as part of its SEQR submissions.

With respect to a matter before the Zoning Board of Appeals, it too would have similar SEQR considerations as the Planning Board as well as the five part balancing test set forth in Town Law § 267-b which states “(1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.”

2.7 Comment 12 (Letter 1 – Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025. October 22, 2025):

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.

Response – Although the draft Comprehensive Plan does not specifically make recommendations as to the current landscaping standards, the Town Board will evaluate appropriate modifications at a future date.

2.8 Comment 13 (Letter 1 – Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025. October 22, 2025):

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.

Response – See Response to Comment 2.7 above.

2.9 Comment 14 (Letter 1 – Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025. October 22, 2025):

This section [§ 98-19] 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.

Response – Section § 98-19 is intended to regulate screening between uses and is separate and distinct from wetlands and watercourses which are governed by § 98-13.1 of the proposed zoning code. The 25-foot buffer with respect to federal wetlands is in excess of federal standards. The Planning Board does have the flexibility to require greater buffers as potential mitigation of a project's impact as part of the Board's SEQR process.

Evaluation of riparian and wetland buffers will remain on-going.

2.10 Comment 15 (Letter 1 – Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025. October 22, 2025):

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.

Response: See Response to 2.7

2.11 Comment 16 (Letter 1 – Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025. October 22, 2025):

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.

Response: See Response to 2.7

2.12 Comment 17 (Letter 1 – Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025. October 22, 2025):

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.

Response – the zoning has been clarified that the term adjacent include a lot located across a street or road which has a right of way of 50 feet wide or less.

2.13 Comment 18 (Letter 1 – Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025. October 22, 2025):

Review Zoning Code for consistency and intent of updated footnotes in the Schedule of Use and Area Requirements – For example: 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. 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.

Response: The Tables and Section 98-19 have been revised for consistency.

2.14 Comment 19 (Letter 1 – Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025. October 22, 2025):

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.

Response:

- *The tables have been reviewed and revised to ensure consistency.*
- *SR 6 – This has been corrected to reflect 5 acres.*

- *AR.-3 – The table has been updated to reflect minimum lot and yard requirements consistent with commercial uses in the district*

2.15 Comment 20 (Letter 1 – Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025. October 22, 2025):

Commenter raised concerns about the use of waivers within the zoning code.

Response – As the commenter noted waivers are typically granted by a Planning Board to relax non-zoning requirements like design standards, landscaping or parking. The purpose of the waivers is to, where appropriate, to enable the Planning Board to waive a requirement that does not further the public welfare. The Planning Board may only waive elements where there is specific authority for a waiver. Alterations of zoning provisions such as minimum lot size require a variance from the Zoning Board of Appeals.

2.16 Comment 1 (Letter 3 - Matt Woods, Chairman, The Town of Chester Comprehensive Plan Committee. October 19, 2025):

The Committee supports the lot changes to SR-2 as proposed.

Response - Noted

2.17 Comment 6 (Letter 3 - Matt Woods, Chairman, The Town of Chester Comprehensive Plan Committee. October 19, 2025):

Review of Zoning Code definition of “Agri-Tourism,” as well as allowable agricultural activity. Suggested rewording: “Examples of agri-tourism include but are not limited to: produce picking, hayrides, wineries and breweries, farm tours, farm-to-table dining experiences, on-site produce stands and markets, and farm festivals designed to support farm operations.”

Response – The definition of agri-tourism has been updated

2.18 Comment 7 (Letter 3 - Matt Woods, Chairman, The Town of Chester Comprehensive Plan Committee. October 19, 2025):

Review of Zoning Code definition of “Lot.” The meaning of the phrase “not necessarily coincident” is unclear. The current definition implies that the terms “lot” and “parcel” are synonymous, but “not coincident” indicates that the boundaries don’t necessarily have to match. This should be clarified.

Response – the definition of lot has been restored to the existing definition of lot as found in the Town of Chester Town Code.

2.19 Comment 8 (Letter 3 - Matt Woods, Chairman, The Town of Chester Comprehensive Plan Committee. October 19, 2025):

Review of Zoning Code definition of “Family.” The current version removes the “not more than four persons not related”. Court decisions have indicated that the equivalent of a traditional family of unrelated persons includes living as a single “housekeeping” unit in a “more or less permanent living arrangement”. Techniques in definition can be referenced in link below between Planning and Building Code: Legal Memorandum LU05: Definition of “Family” in Zoning Law and Building Codes | Department of State.
<https://dos.ny.gov/legal-memorandum-lu05-definition-family-zoning-law-and-building-codes>.

Response: The New York Court of Appeals has repeatedly overturned zoning codes which restrict the number of unrelated people but does not impose the same restriction on a traditional (i.e. related family). See Baer v. Brookhaven, 73 NY2d 942 (1989) (“Such differentiation was not reasonably related to a legitimate zoning purpose); See also McMinn v. Town of Oyster Bay, 66 NY2d 544 (1985) (If a household is the functional and factual equivalent of a natural family, the ordinance may not exclude it from a single-family neighborhood.) The revised definition is intended to bring the zoning ordinance in line with these long-standing holdings.

The number of people living in a house is regulated by the NYS Uniform Code which imposes minimum size requirements for bedroom regardless of relationship status.

2.20 Comment 9 (Letter 3 - Matt Woods, Chairman, The Town of Chester Comprehensive Plan Committee. October 19, 2025):

Review/clarification of Zoning Code definition of “Livestock.” Are horses livestock, ie: pygmy ponies? Is it only limited to animals harvested for food/fur? Can it be for animals kept simply for pleasure: guinea pigs, peacocks, parrots, ferrets, etc.?

Response – a definition of livestock has been provided.

2.21 Comment 10 (Letter 3 - Matt Woods, Chairman, The Town of Chester Comprehensive Plan Committee. October 19, 2025):

Addition/expansion of Zoning Code language to clarify the procedure and scope of tree-clearing.

Response – it is unclear what is sought by this comment. The Town notes that additional provisions have been added to address tree clearing and it is anticipated additional review and evaluation in the future. Proposed additions include (1) modification of definitions to specifically define clear cutting and land disturbance and (2) the addition of § 98-12 Land Disturbance Activities which includes clear cutting as a regulated activity requiring Planning Board review. In addition § 98-30 also require site plans to identify existing trees and that existing trees over eight inches in diameter shall be preserved to the maximum extent possible.

2.22 Comment 11 (Letter 3 - Matt Woods, Chairman, The Town of Chester Comprehensive Plan Committee. October 19, 2025):

Review of Section 96-26 Ridgeline Protection Overlay District. Additional language is needed to clarify the visual study process, specifically strengthening the requirements for quantifiable results with the criteria for visual assessment, and update other sections of the code for consistency e.g. Telecommunication chapter. Both sections are missing detailed procedures for balloon tests when conducted to determine visibility including advertising notice requirements. The following phrase was removed from the Plan: "The power to approve the location and dimensional attributes of structures during the subdivision process in the RPOD is given to the Planning Board." The Committee recommends reinstating this authority to reduce height or location, if necessary, to avoid or minimize impacts.

Response – The scope of a visual impact assessment will vary depending on the scale and location of a given project. The Planning Board may require additional information as part of both its review pursuant to § 98-26 and the State Environmental Quality Review Act. The Planning Board is well within its rights to request a balloon test and set the parameters of such test should a project present a potential adverse visual impact.

2.23 Comment 12 (Letter 3 - Matt Woods, Chairman, The Town of Chester Comprehensive Plan Committee. October 19, 2025):

Review of Section 98-19 Buffers and Landscaping. The Committee recommends updating landscaping requirements, particularly in cases where parcels of different zoning border each other, to adequately address the implementation of environmental safeguards and aesthetic standards in perpetuity.

Response – The proposed zoning amendments largely focused on the implementation goals set forth in the draft Comprehensive Plan (See Section 12.0). Those goals did not make any specific recommendations as to buffers and landscaping. With that said, the Town Board anticipates future evaluation of buffers and landscaping requirements.

2.24 Comment 13 (Letter 3 - Matt Woods, Chairman, The Town of Chester Comprehensive Plan Committee. October 19, 2025):

Revision of Zoning Code 98-18E to refer to recently enacted Noise Ordinance. Since a new quantifiable Noise Ordinance was passed in Jan. 2025, this paragraph should be reworded to reference the decibel levels outlined in the new law.

Response – Noted. This has been updated in the draft zoning amendments.

2.25 Comment 14 (Letter 3 - Matt Woods, Chairman, The Town of Chester Comprehensive Plan Committee. October 19, 2025):

Review of Zoning Code Sign section regarding illuminated signs (98-21.G.1). 98-21.G.1 SIGNS: This sentence allows internally illuminated signs in any district, but internally illuminated signs are specifically prohibited in RO, LB (98-21.B.2a), and LB-SL (98-21.D.2a). This discrepancy needs to be reconciled. The Committee recommends differentiating between internally illuminated signs and externally illuminated signs. The Committee further recommends allowing internally illuminated signs only in the LB

District but prohibiting them in all other districts, including LB-SL, to preserve the Hamlet's historic craft village environment.

Response – Clarification language has been added to recognize that internally lighted signs are prohibited in some districts.

2.26 Comment 15 (Letter 3 - Matt Woods, Chairman, The Town of Chester Comprehensive Plan Committee. October 19, 2025):

Review of Zoning Code of Clustering (98-25 F). The Committee recommends reinstating the role of the Town Board involvement, specific to decisions on parkland/open space dedication to the Town. It is the Committee's opinion that the Town Board's inclusion would facilitate a macro view of land management across the town, and the possible coordination of contiguous open space across clustered parcels.

Response – The zoning language still provides Town Board involvement in open space.

2.27 Comment 16 (Letter 3 - Matt Woods, Chairman, The Town of Chester Comprehensive Plan Committee. October 19, 2025):

The Committee acknowledges and agrees with the recommendations discussed by the Planning Board provided to the Town Attorney.

Response – So Noted

2.28 Comment 17 (Letter 3 - Matt Woods, Chairman, The Town of Chester Comprehensive Plan Committee. October 19, 2025):

The Committee is concerned that recommendations that were made in the initial draft were not carried forward into the Bulk Tables introduced by the Town Board, with discrepancies in minimum area and required setbacks between districts.

Response – The Town Board reviewed the proposed bulk tables and did make some revisions. As noted elsewhere in this response to comments, the tables have been further reviewed and revisions have been made to address identified inconsistencies or errors.

2.29 Comment 1 (Letter 15 (2) – Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025, Supplemental Comments. November 1, 2025):

§ 98-2 Definitions and word usage - Lots, to be buildable: The Town of Chester already has a comprehensive definition in the Subdivision Regulations, Chapter 83, Section 83-22, which we would recommend is used in Zoning to be consistent.

Response – § 83-22 governing the buildability of lots is distinct from the purpose of definition of Lot Area, Buildable as set forth in the zoning code. The Town's subdivision code requires that a proposed lot be buildable. For example, a developer of a proposed residential subdivision has to demonstrate that he or she can physically construct a conforming house on each lot. A large portion of those lots may still have environmental

constraints. In contrast, the zoning code and the definition of Lot Area, Buildable frequently require environmentally constrained lands to be deducted before calculating density as well as restricting construction on environmentally constrained lands.

2.30 Comment 2 (Letter 15 (2) – Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025, Supplemental Comments. November 1, 2025):

Comments on § 98-30 regarding Site Plan Approval

§ 98-30.E(1)(a)-It is not clear if a Presubmission Conference or work session with the Planning Board must be conducted in an open meeting of the Planning Board. This should be clarified to state that these meetings must be public meetings.

Response – A pre-submission conference is intended to provide technical comments to an applicant to facilitate the development of a project. Typically, such meetings are with the Town's consultants and the Chair. All meetings where a quorum of the board is present are required to be held in open meetings.

§ 98-30.E(3) - We assume the wetlands protection requirements being eliminated in this section are to included and referenced in new section§ 98-13.1.

Response – Yes. § 98-30 is intended to be procedural while 98-13.1 is intended to be substantive.

§ 98-30.E(3) -Applicants should be required to submit a visual impact analysis and noise study.

Response – The Planning Board has the ability to evaluate potential impacts of a project on a case-by-case basis and whether further study is warranted through the environmental review process. Automatically requiring a visual impact analysis and noise study for every applicant may prove costly to applicants where there is no impact of the proposal.

§ 98-30.E(3) - Applicants should be required to submit a ridgeline impacts analysis, where applicable.

Response – This is set forth in § 98-26

§ 98-30.E(4)(a)(iii)-The words "to the greatest extent practicable" should be deleted. Building in these protected areas should be prohibited.

Response – The Town cautions against the unintended consequence of outright prohibitions. In many instances, development in protected areas is generally prohibited by local, state and federal statutes or regulations. There are instances where a

development may encroach into such areas with additional permitting and mitigation. Those instances should be evaluated on a case-by-case basis.

§ 98-30.E(4)(a)-There is no requirement for prevention of visual impacts, other than in the immediate area (see (4)(a)(v)). "Avoidance of undue visual impacts" should be added to the list.

Response - § 98-30 has been revised to include this language.

§ 98-30.E(S)(a) & (b)- Public hearings on preliminary site plans should be mandatory. Although hearings on final site plans are usually mandatory under § 98-30.F(3), by the time a project reaches that stage it may be too late to change it. See § 98-30.F(2) & (3). Holding hearings earlier in the process, and allowing the public to identify their concerns at that point, will help the Planning Board and the applicant identify potential problems earlier in the process.

§ 98-30.F(3) - This requires a public hearing on most final site plans, but allows the Planning Board to waive the hearing if the final site plan is in substantial agreement with the preliminary site plan, the hearing can be waived. Because hearings are optional for preliminary site plans, this would allow many projects to proceed without ever having been the subject of a public hearing.

Response – Consistent with NYS Town Law, the Planning Board has the flexibility to determine if a public hearing and the cost associated with that public hearing is required based upon the nature of the proposed site plan application. A de minimis site plan application where there is little to no change in the impact of the site may not warrant a public hearing. For example, a public hearing is unlikely warranted where one shop replaces another. Were the commenter's suggestion implemented, every such change would be subject to the time and expense of a public hearing. More intense uses will require a public hearing as well as special permit uses identified in the zoning code.

§ 98-30.G(2) - This allows the Building inspector and Planning Board to modify the approved site plan without any public hearing. All such changes should require notice to the public and a hearing. While some "field changes" may be minor, others could be significant, but this section does not differentiate.

Response – For the reasons set forth above, the Planning Board has the flexibility to determine whether a proposed field change is substantial enough to warrant amended site plan approval and a new public hearing.

2.31 Comment 4 (Letter 15 (2) – Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025, Supplemental Comments. November 1, 2025):

All sections which require notice of a public hearing to be published in a newspaper should also require that notice be mailed to property owners. Few people read newspapers anymore, and even those that do are unlikely to read the legal notices.

Notices of public should also be posted on the Town's website at least two weeks in advance and distributed by any other means the Town uses to communicate with residents (e.g. Facebook, email blasts).

Notices should be mailed at least two weeks before the hearing and published at least two weeks in advance. Minimum of five days of notice does not give the public enough time to become informed about an application.

Response – uniform public hearing provisions have been incorporated into the zoning code.

2.32 Comment 5 (Letter 15 (2) – Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025, Supplemental Comments. November 1, 2025):

Has the Town considered encouraging or requiring field visits by majority of Planning Board members for complex or controversial projects? Maps and documents can't fully capture terrain, neighborhood context, or environmental nuances. We recognize planning board members vary widely in their level of experience and engagement with project materials. Since some members will seek out more information and review documents meticulously, others may only depend on details on the site plan, therefore the site plan often becomes the central, and sometimes sole, reference point for key details when assessing a proposal.

Response: The Town Board encourages Planning Board members to visit proposed project sites. Such site visits are subject to Open Meetings Law.

3.0 ZONING – SPECIAL PERMITS

3.1 Comment 21 (Letter 1 – Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025. October 22, 2025):

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.

Response - A Special Use Permit is defined by § 274-b of the Town Law as “an authorization of a particular land use which is permitted in a zoning ordinance or local law, subject to requirements imposed by such zoning ordinance or local law to assure that the proposed use is in harmony with such zoning ordinance or local law and will not adversely affect the neighborhood if such requirements are met.” Town Law § 274-b further authorizes a board to impose reasonable conditions and restrictions on a special permit use.

The existing zoning code makes a handful of references to special permit but does not provide any procedure for the Planning Board to evaluate and make determinations in connection with those special uses. The intent of the proposed zoning amendments is to provide a clear framework consistent with the New York State Law to (1) clearly identify which uses are special permit uses, (2) the process for applying for and obtaining a special permit, and (3) the standards used to evaluate whether a special permitted use is in harmony with the surrounding neighborhood.

A special permit use does not create exceptions to the zoning code, but rather a heightened review of specific identified uses that if they met additional standards would be considered appropriate. All special uses are subject to site plan review by the Planning Board and are required to have a public hearing. In addition, the Planning Board may, as a condition, provide that special permits are subject to periodic renewal to ensure that the approved use remains as approved. The special use permit procedure and the individual standards for special uses are identified in § 98-31, § 98-29 and § 98-31.1, respectively.

3.2 Comment 3 (Letter 15 (2) – Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025, Supplemental Comments. November 1, 2025):

Commenter made the following comments regarding § 98-31, Special Use Permits

- § 98-31.A - This section should make it clear that the "authorized board" has "the power to approve, approve with modification or deny" applications for Special Use Permits, just like the Planning Board is authorized to do for Site Plan Review under § 98-30.B.

Response – the cited language is taken from Town Law § 274-a which authorizes site plans. Such language is not found in the special use permit enabling statute (§ 274-b). This is because with site plan approval an applicant is asking the Planning Board to approve a specific site plan as drawn, whereas the authorized board has the express authority to craft the special use permit and its conditions.

- § 98-31.B (the first one) - "Avoidance of undue visual impacts" should be added to the list of Objectives.

Response - § 98-31.B has been modified to include this language.

- § 98-31.B (the second one)¹ - This waiver provision is unnecessary and is a giant loophole. Area variances can address any issues of noncompliance.

Response – This provision gives the Planning Board reasonable flexibility on the making of specific and affirmative findings. This provision does not authorize changes to dimensional standards.

¹ 98-31 has been further modified to correct the numbering error.

4.0 ZONING AR-3 AND RELIGIOUS USES

4.1 Description of Proposed Action (Letter 6 – Numerous Town of Chester Residents (Edward Morris, Kathleen Scully, Ariel Demesa, Cesar Molina, A Daches, Tamaree Tomlin, Ron Dawson, Shakira White, Lori Leonardo, Claudia Rufo, Ruba Lugo, Christine V, Sue Foley, Gills, Natalia Rodrigo, John V. Kick, Sharon A. Kick, Lynn McKelvey), Please Oppose Zoning Change for AR-3 District, October 25-26, 2025):

Residents respectfully oppose the zoning proposal for the AR-3 District involving Camp Monroe. Converting a long-time seasonal camp into year-round housing or a school would alter the area's rural balance and strain limited resources. Changes to zoning will destroy our peace, home value and overall rural community. Want to maintain the camps' seasonal or summer-only use. They urge the Town of Chester to strongly oppose these zoning changes.

4.2 Comment 1 (Letter 22 – Rober R. Navarro, Opposition to Zoning or Code Changes Allowing Year-Round Use of Camp Monroe, November 2, 2025):

The current owners purchased this property knowing it was designated and operated as a seasonal camp. No one is suggesting that they cannot continue that traditional use. However, it appears that the property may have been used for other purposes outside of the approved camp operations-possibly resulting in a violation. Rather than addressing that through compliance, the owners now appear to be seeking zoning changes that would retroactively legalize those expanded uses. If the Town changes the code or zoning language to accommodate this one property, it will apply townwide. That precedent could allow similar conversions elsewhere, producing cumulative and far reaching impacts across multiple neighborhoods.

4.3 Description of Proposed Action (Letter 8 – Chester Residents Alliance, Public Comment – AR-3 Zoning & Comprehensive Plan Amendments, November 1, 2025):

The AR-3 district lacks public water, sewer, sidewalks, and major road access, making it unsuitable for high-intensity or permanent institutional use. Allowing such uses would change the character of our town and place long-term burdens on local infrastructure and the environment. The Town Board should, limit new "religious institution" uses in AR-3 to seasonal operations only (e.g., summer camps), require site-plan, environmental, and traffic review for all such proposals, Maintain equal infrastructure and safety standards for all applicants, and Preserve the intent of the AR-3 zoning district — protecting Chester's agricultural and rural heritage.

4.4 Comment 1 (Letter 17 – Shawn D. Holdridge, AR-3 District Zoning Changes, November 2, 2025):

The proposed changes will pose significant and long-term risks to the character, safety, and environmental integrity as well as pose significant risk to the overall quality of life of the AR-3 District and the Town of Chester New York as a whole.

4.5 Description of Proposed Action (Letter 10 – Lissette Quinones, Concerns Regarding Proposed Zoning Changes Oct 2025, November 1, 2025):

This proposal is not a minor adjustment—it is a fundamental change to the town’s zoning framework, one that would have lasting and far-reaching effects. Commenter urges the Board to uphold the integrity of our Comprehensive Plan, maintain zoning consistency, and deny this rezoning request.

4.6 Description of Proposed Action (Letter 14 – Trina Martinez, Opposing Zone Changes, October 31, 2025):

Commenter is opposed to the changes to the AR-3 zoning district. Rezoning would not be sustainable for the population, concerned it may dry their wells, concerned about the increased traffic, and unsafe road conditions on Trout Brook Road. Not opposed to using the land for private single-family homes.

4.7 Description of Proposed Action (Letter 11 – Luz Rochet, The Camp Monroe Property, November 1, 2025):

The changes proposed for the AR3 Zoning District appear to be an afterthought since the Town’s Comprehensive Plan emphasizes environmental sustainability, preserving neighborhood character, expanding parkland and open space corridors. Commenter urges the town to reconsider these changes and maintain transparency, trust, and long-term sustainability in the Town’s planning efforts.

4.8 Description of Proposed Action (Letter 16 – Susan Slovitsky, November 2, 2025):

Commenter is opposed to any AR-3 district zoning changes, specifically citing Camp Monroe. Preserve the area and have Camp Monroe adhere to summer camp restrictions.

4.9 Description of Proposed Action (Letter 18 – Chelsea Frosini, Concern About Proposed Zoning Changes in AR-3 District October 31, 2025):

Commenter is opposed to any AR-3 district zoning changes. Preserve the agricultural and seasonal purpose of the land.

4.10 Description of Proposed Action (Letter 23 – Lindsay Gaffney, Opposition to Proposed Zoning Changes Allowing Camp Monroe Year-Round Operation, November 3, 2025):

Commenter is opposed to any zoning changes that would allow Camp Monroe to operate as a year-round religious institution. Changes to the AR-3 zoning will have significant negative impacts in the community. Reject any zoning changes to allow Camp Monroe to operate beyond seasonal use.

4.11 Comment 18 (Letter 3 - Matt Woods, Chairman, The Town of Chester Comprehensive Plan Committee. October 19, 2025):

The Committee requests a reconsideration of the Town Board's proposal to add schools and religious institutions into the Agricultural District as a Special Permitted Use. These uses are already allowed in the SR-1, SR-2, SR-6, LB, GC, and in a qualified way, in the LB-SL, OP, and IP districts. Allowing them in the AR District is not consistent with the Comprehensive Plan goal of open space, agricultural and ridge preservation.

4.12 Comment 19 (Letter 3 - Matt Woods, Chairman, The Town of Chester Comprehensive Plan Committee. October 19, 2025):

In order to better understand the issue, the Committee solicited independent input from the Orange County Department of Planning Chair Alan Sorensen. His advice is below: "RLUIPA does not mandate that churches be allowed in all zoning districts. Instead, it requires that any land use regulation that imposes a substantial burden on the exercise of religion must be justified by a compelling governmental interest and serve as the least restrictive means of furthering that interest. This means that while RLUIPA protects religious exercise, it does not guarantee that churches will be permitted in every zoning district. The application of RLUIPA is subject to the specific zoning laws and regulations of each locality. I have attached a publication from the Department of Justice that should be useful." –Alan Sorensen, Chair, Orange County Dept. of Planning (Publication attached). A further environmental impact study is requested because a change in allowed uses in a zoning district requires evaluation of the potential adverse impacts of such uses, compared to what is allowed there now.

4.13 Comment 1 (Letter 4 - Charles J. Gottlieb Partner of Whiteman Osterman & Hanna LLP representing Congregation Heichal Torah ("Heichal Torah"). Public Comments – Comprehensive Plan and Zoning Amendments. Property: 162 Trout Brook Road (SBL 15-1-27.42). October 21, 2025):

The proposed definition of a religious institution includes "[a] church, synagogue, temple, mosque, or other similar facility that is used for worship by persons of similar beliefs and that is architecturally designed and particularly adapted for the primary use of conducting religious services on a regular basis, together with customary accessory uses as set forth in § 98-29 (F) of the Town of Chester Code. Also known as 'Place of Worship.'" The proposed definition of a "religious institution" must be changed in the following ways to ensure compliance with the U.S. Constitution and RLUIPA.

4.14 Comment 2 (Letter 4 - Charles J. Gottlieb Partner of Whiteman Osterman & Hanna LLP representing Congregation Heichal Torah ("Heichal Torah"). Public Comments – Comprehensive Plan and Zoning Amendments. Property: 162 Trout Brook Road (SBL 15-1-27.42). October 21, 2025):

It is well settled in Federal law that religious uses deserving of protection do not simply mean a traditional church. Rather, religious protections are afforded to religious schools, camps, and associated accessory uses. See *Westchester Day School v. Vil. of Mamaroneck*, 504 F.3d 338 (2d Cir. 2007) (holding that the expansion of a private religious school is considered a "religious exercise" under RLUIPA and the Village

Board's denial of a special use permit substantially burdened such exercise in violation of RLUIPA). Therefore, this definition of a "religious institution" must be expanded to include non-secular schools and camps.

4.15 Comment 3 (Letter 4 - Charles J. Gottlieb Partner of Whiteman Osterman & Hanna LLP representing Congregation Heichal Torah ("Heichal Torah"). Public Comments – Comprehensive Plan and Zoning Amendments. Property: 162 Trout Brook Road (SBL 15-1-27.42). October 21, 2025):

It should not matter the "architectural design" of a religious institution and such architectural design of a religious institution should have no bearing whatsoever on whether a religious institution is, in fact, religious. This language must be taken out of the definition of a religious institution.

4.16 Comment 4 (Letter 4 - Charles J. Gottlieb Partner of Whiteman Osterman & Hanna LLP representing Congregation Heichal Torah ("Heichal Torah"). Public Comments – Comprehensive Plan and Zoning Amendments. Property: 162 Trout Brook Road (SBL 15-1-27.42). October 21, 2025):

The above definition requires that a religious institution conduct services on a "regular basis". This must be taken out of the above definition given that the government has not ability to dictate the time or manner when religious entities can practice their religion, or how they practice their religion.

4.17 Comment 5 (Letter 4 - Charles J. Gottlieb Partner of Whiteman Osterman & Hanna LLP representing Congregation Heichal Torah ("Heichal Torah"). Public Comments – Comprehensive Plan and Zoning Amendments. Property: 162 Trout Brook Road (SBL 15-1-27.42). October 21, 2025):

As noted below, the Town cannot limit uses accessory to a religious institution to those specifically enumerated by Town Code § 98-29(F). Given that all religious entities are different and have varying degrees of accessory uses to facilitate their religious practices, accessory uses should not be limited to an enumerated list. Instead, accessory uses should simply be those uses that fall under the definition of a "accessory building, structure or use" within the Town's zoning definitions.

4.18 Comment 6 (Letter 4 - Charles J. Gottlieb Partner of Whiteman Osterman & Hanna LLP representing Congregation Heichal Torah ("Heichal Torah"). Public Comments – Comprehensive Plan and Zoning Amendments. Property: 162 Trout Brook Road (SBL 15-1-27.42). October 21, 2025):

After considering the U.S. Constitution and RLUIPA requirements, we offer the following recommendation for a definition of a "religious institution" (red added language):

A church, synagogue, temple, mosque, **religious camp, religious school, religious retreat facility**, or other similar **religious facilities** that **are** used for worship by persons of similar beliefs and that is ~~architecturally designed~~ and particularly adapted for the primary use of conducting religious services and uses accessory to a religious ~~institution on a regular~~

~~basis, together with customary accessory uses as set forth in § 98-29 (F) of the Town of Chester Code. Also known as 'Place of Worship.'~~

4.19 Comment 7 (Letter 4 - Charles J. Gottlieb Partner of Whiteman Osterman & Hanna LLP representing Congregation Heichal Torah ("Heichal Torah"). Public Comments – Comprehensive Plan and Zoning Amendments. Property: 162 Trout Brook Road (SBL 15-1-27.42). October 21, 2025):

Special Use Permit Requirements: The proposed Zoning Amendments include specific special use permit standards for “religious institutions” in Town Code § 98-29(F). We have provided comments for certain special use permit standards below, to ensure that no such special use permit standards will result in a significant burden on the practice of religion within the Town of Chester. Town Code § 98-29(F)(3): “Outdoor public address systems shall comply with the decibel restrictions for the district in which the religious institution is located as set forth in Chapter 66, Noise Pollution Control.” Compliance with this requirement shall in no way limit the ability for any religious use to practice their religion. Accordingly, the Town should add some flexibility within this requirement to allow for public address systems needed to facilitate a religious use (e.g. a religious camp).

4.20 Comment 8 (Letter 4 - Charles J. Gottlieb Partner of Whiteman Osterman & Hanna LLP representing Congregation Heichal Torah ("Heichal Torah"). Public Comments – Comprehensive Plan and Zoning Amendments. Property: 162 Trout Brook Road (SBL 15-1-27.42). October 21, 2025):

Town Code § 98-29(F)(4)(a): “To the greatest extent practicable, primary ingress and egress to and from the lot shall be via the highest service level adjacent road, such as a county or state highway. The applicant shall demonstrate that sufficient site distance and access for emergency vehicles to enter the site are in accordance with the New York State Fire Code.” Any requirement that a religious use be on a State or County roadway may limit the ability for religious entities to practice their religion in the Town of Chester. While the above condition states that access to such roads shall be “to the greatest extent practicable,” if a religious entity cannot obtain such access given the location of property owned, such a requirement would be a substantial burden on the religious group’s ability to practice its religion within the Town.

4.21 Comment 9 (Letter 15 (2) – Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025, Supplemental Comments. November 1, 2025):

§ 98-29.F(4)(a) - Ingress and Egress- The use of "to the greatest extent practicable" in the proposed law would not substantially burden the practice of their religion because it allows the Planning Board flexibility to waive the requirement if it can not be fulfilled. Towns have the right to reasonably regulate ingress and egress to religious facilities. See Pine Knolls Alliance Church v; Zoning Board of Appeals of Town of Moreau, 5 N.Y.3d 407412-414 (2005).

4.22 Comment 9 (Letter 4 - Charles J. Gottlieb Partner of Whiteman Osterman & Hanna LLP representing Congregation Heichal Torah ("Heichal Torah"). Public Comments – Comprehensive Plan and Zoning Amendments. Property: 162 Trout Brook Road (SBL 15-1-27.42). October 21, 2025):

Town Code § 98-29(F)(6): “Religious institutions and uses shall demonstrate adequate sewer and water capacity to serve the intended use. To the greatest extent practicable, religious uses should be situated on sites with access to public water and sewer infrastructure.” Any requirement that a religious use be on property that has access to public water and public sewer infrastructure may limit the ability for religious entities to practice their religion in the Town of Chester. Such a requirement would be a substantial burden on the religious group’s ability to practice its religion within the Town if the Planning Board does not permit private wells or septic systems. Rather, this requirement should require that all religious institutions are served by public utilities or permitted private systems in accordance with all applicable State and federal regulations.

4.23 Comment 11 (Letter 15 (2)– Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025, Supplemental Comments. November 1, 2025):

§ 98-29.F(6) - Public Water and Sewer- same point. "To the greatest extent practicable" is very flexible and there is no need to remove the preference for public water and sewer.

4.24 Comment 10 (Letter 4 - Charles J. Gottlieb Partner of Whiteman Osterman & Hanna LLP representing Congregation Heichal Torah ("Heichal Torah"). Public Comments – Comprehensive Plan and Zoning Amendments. Property: 162 Trout Brook Road (SBL 15-1-27.42). October 21, 2025):

Town Code § 98-29(F)(7): “The principal building and accessory uses must be on a contiguous site.” This requirement is vague and ambiguous. This appears to require that all religious uses for a specific religious institution be on a “contiguous site” without any definition of the same. Again, this could have the effect of limiting what properties religious institutions are able to utilize and, therefore, resulting in a substantial burden on religious practice.

4.25 Comment 11 (Letter 4 - Charles J. Gottlieb Partner of Whiteman Osterman & Hanna LLP representing Congregation Heichal Torah ("Heichal Torah"). Public Comments – Comprehensive Plan and Zoning Amendments. Property: 162 Trout Brook Road (SBL 15-1-27.42). October 21, 2025):

The Town cannot limit uses accessory to a religious institution to those specifically enumerated by Town Code § 98-29(F)(8). Given that all religious entities are different and have varying degrees of accessory uses to facilitate their religious practices, accessory uses should not be limited to an enumerated list. Instead, accessory uses should simply be those uses that fall under the definition of a “accessory building,

structure or use.” See *Young Men's Christian Assn. of Greater Rochester v Town of Milo*, 563 F Supp 3d 71 (WDNY 2021) (holding that the YMCA had adequately alleged a RLUIPA claim against ZBA where ZBA’s resolution and decision imposed a substantial burden on the use of camp property for religious exercise by prohibiting accessory uses incidental to day, summer, and overnight camp operations).

4.26 Comment 12 (Letter 4 - Charles J. Gottlieb Partner of Whiteman Osterman & Hanna LLP representing Congregation Heichal Torah ("Heichal Torah"). Public Comments – Comprehensive Plan and Zoning Amendments. Property: 162 Trout Brook Road (SBL 15-1-27.42). October 21, 2025):

Town Code § 98-29(F)(9): “A school of general instruction established at the site of a religious institution shall not be considered as accessory to the religious institution, but rather as an additional principal use. Where a school and a religious institution are located on the same lot, the cumulative minimum lot area of each principal use shall be satisfied.” Per the above proposed definition of a “religious institution,” the Town shall include religious schools and camps within the use classification of “religious institution” because they are provided the same protection under the U.S. Constitution and RLUIPA. See *Young Men's Christian Assn. of Greater Rochester v Town of Milo*, 563 F Supp 3d 71 (WDNY 2021) (holding that the YMCA had adequately alleged a RLUIPA claim against ZBA where ZBA’s resolution and decision imposed a substantial burden on the use of camp property for religious exercise by prohibiting accessory uses incidental to day, summer, and overnight camp operations).

4.27 Comment 13 (Letter 4 - Charles J. Gottlieb Partner of Whiteman Osterman & Hanna LLP representing Congregation Heichal Torah ("Heichal Torah"). Public Comments – Comprehensive Plan and Zoning Amendments. Property: 162 Trout Brook Road (SBL 15-1-27.42). October 21, 2025):

Accordingly, such combined uses should simply be permitted as a “religious institution” instead of separately. Further, any limitation on lot area for a religious school could possibly be a substantial burden on the practice of religion or religious schooling.

4.28 Comment 14 (Letter 4 - Charles J. Gottlieb Partner of Whiteman Osterman & Hanna LLP representing Congregation Heichal Torah ("Heichal Torah"). Public Comments – Comprehensive Plan and Zoning Amendments. Property: 162 Trout Brook Road (SBL 15-1-27.42). October 21, 2025):

Lastly, the above is unclear. It states that a “school of general instruction” on the site of a religious institution has to comply with the cumulative lot area requirements, but would also have to comply with Town Code § 98-29(O) (special use standards for schools of general instruction). In addition to the above comments, the definition of “schools of general instruction” includes religious schools. Yet, the applicable definition and the special use permit standards for schools of general instruction would have the effect to mandating religious schools conduct its operations in a certain manner, instead of operations in compliance with the applicable religion. Therefore, religious schools should be treated separately and classified as a “religious institution” as noted above.

4.29 Comment 12 (Letter 15 (2) – Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025, Supplemental Comments. November 1, 2025):

§ 98-29.F(9) - Schools of General Instruction - The proposal does not prohibit religious schools, and there is nothing unreasonable about making a religious school meet certain minimum standards which are the same as the standards for other schools.

4.30 Description of Proposed Action (Letter 9 – Joseph and Lois DiBlasi, Concerns Regarding Proposed Zoning Changes Oct 2025, November 1, 2025):

A camp should be regulated as a camp and seasonal camp generally means only open during specific timeframe e.g. summer. I am deeply concerned that this particular change to have year-round commercial use proposed disproportionately benefits a single property owner at the expense of the broader neighbors and property owners throughout the Town. The proposed change in code could mean increased density and added uses undermining the character, safety, and cohesion of our community. Altering zoning that looks to be at the request for one parcel to avoid a violation sets a precedent that may invite further piecemeal changes, eroding the integrity of our zoning framework. Increased traffic, noise, and environmental stressors could negatively affect nearby residents, especially those who moved here under the assumption of stable residential zoning and the understanding that the nuisance of the camp was seasonal. Favoring one property's interests over the collective well-being of the neighborhood may lead to diminished property values and erode trust in the town's planning process. Commenter urges the town to reconsider their proposal and to engage in a more transparent, inclusive dialogue with affected residents. Zoning decisions should reflect the long-term vision for our community and NOT short-term gains for individual parcels and/or bringing a facility who presumably violates town zoning into compliance by changing the zoning to avoid repercussions.

4.31 Comment 8 (Letter 15 (2)– Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025, Supplemental Comments. November 1, 2025):

§ 98-29.F(3)-Public Address Systems-The Town's Noise Pollution Control Law already has an exemption for religious uses for most hours of the day under § 66.6.E. Therefore, given that they already have this exemption, we think that proposed zoning law language is a reasonable regulation that does not substantially burden the practice of their religion.

4.32 Comment 10 (Letter 15 (2)– Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025, Supplemental Comments. November 1, 2025):

§ 98-29(F)(4)(g)-Parking Requirements - If there is not enough onsite parking, then people will be parking on the streets in residential areas. Only one parking space per five seats is probably not enough. This would assume that five people arrive in each car,

which is very unlikely. It should probably be one parking space per 2 or 2.5 seats in the sanctuary, plus one for each employee. It is not clear where the seats are supposed to be counted. We assume that it is in the sanctuary, or whatever a particular religion calls the big room where everyone sits during services. This should be clarified. It should be specified that there must be sufficient parking for each additional use on the property. If there is a school, and a day-care, and a camp, and a big hall that is rented out, there should be sufficient parking for all of them. However, there could be some flexibility when the uses would not all be occurring at the same time.

4.33 Comment 2 (Letter 17 – Shawn D. Holdridge, AR-3 District Zoning Changes, November 2, 2025):

Commenter requests that the proposed changes to Town Code § 98-2 - Definitions and Word Usage, including that for Religious Institutions, be adopted as proposed and not be changed to include "religious camp, religious school, religious retreat facility, or other similar religious facilities".

4.34 Comment 3 (Letter 17 – Shawn D. Holdridge, AR-3 District Zoning Changes, November 2, 2025):

Commenter requests that the proposed changes to Article V. Planning Board § 98-29 - Special requirements for specific uses, including § 98-29 F. - Religious institution, be adopted as proposed, and not be altered as per any other recommendations received that may be meant to diminish and/or weaken the objectives for which the the proposed changes to Article V. Planning Board § 98-29 - Special requirements for specific uses, including § 98-29 F. - Religious institution, were designed to achieve.

4.35 Comment 4 (Letter 17 – Shawn D. Holdridge, AR-3 District Zoning Changes, November 2, 2025):

Commenter requests that the Town of Chester New York Board, Town of Chester New York Zoning Board and Town of Chester New York Attorney vigorously pursue any and all other special requirements for specific uses that can be added to Article V. Planning Board § 98-29 - Special requirements for specific uses, including § 98-29 F. - Religious institution, in order to preserve and enhance the character, safety, and environmental integrity, as well as, to protect the overall quality of life of the AR-3 District and the Town of Chester New York as a whole.

4.36 Comment 2 (Letter 22 – Rober R. Navarro, Opposition to Zoning or Code Changes Allowing Year-Round Use of Camp Monroe, November 2, 2025):

Infrastructure and environmental concerns: Residents in this area, including myself, rely on private wells and septic systems, not municipal water or sewer. A year-round institutional facility would dramatically increase water demand, wastewater generation, and storm water runoff, potentially overburdening the local aquifer and threatening groundwater quality. A full environmental impact review (EIS) under SEQRA should be required before any zoning or code changes are approved.

4.37 Comment 3 (Letter 22 – Rober R. Navarro, Opposition to Zoning or Code Changes Allowing Year-Round Use of Camp Monroe, November 2, 2025):

Traffic and safety: The roads surrounding Camp Monroe, such as Trout Brook Road and Camp Monroe Road, are rural and narrow. They were not designed for the level of traffic that would accompany a year-round school or religious campus. Increased bus, delivery, and commuter traffic would pose safety risks for local residents and for emergency response access.

4.38 Comment 4 (Letter 22 – Rober R. Navarro, Opposition to Zoning or Code Changes Allowing Year-Round Use of Camp Monroe, November 2, 2025):

Noise, light, and neighborhood character: The current seasonal camp use naturally limits activity to summer months. A year-round facility would bring constant traffic, noise, lighting, and daily operations, permanently changing the quiet, residential nature of this community.

4.39 Comment 5 (Letter 22 – Rober R. Navarro, Opposition to Zoning or Code Changes Allowing Year-Round Use of Camp Monroe, November 2, 2025):

Property values and quality of life: Such a conversion could reduce property values, deter future homebuyers, and degrade the rural appeal that has long defined this part of Monroe and Chester.

4.40 Comment 6 (Letter 22 – Rober R. Navarro, Opposition to Zoning or Code Changes Allowing Year-Round Use of Camp Monroe, November 2, 2025):

Zoning integrity and fairness: The AR-3 zoning district exists to protect low-density residential and agricultural uses. Allowing a single property owner to expand or redefine their use undermines the integrity and fairness of the Town's zoning laws and comprehensive plan. Decisions made to avoid a potential legal challenge should not come at the expense of the long-term stability of the Town's land-use policies.

4.41 Comment 7 (Letter 22 – Rober R. Navarro, Opposition to Zoning or Code Changes Allowing Year-Round Use of Camp Monroe, November 2, 2025):

Public awareness and transparency: Many residents were unaware of the recent hearing or its implications. Given the scope of these proposed changes, the Town should hold additional public hearings, provide broader notice, and ensure the community has a full understanding of the potential impacts before any vote is taken.

4.42 Comment 8 (Letter 22 – Rober R. Navarro, Opposition to Zoning or Code Changes Allowing Year-Round Use of Camp Monroe, November 2, 2025):

Commenter urges the Town of Chester to maintain Camp Monroe's current seasonal camp designation and deny any zoning or code amendments that would permit its conversion to a year-round institutional use. The Town must consider not only the immediate impacts on this site but also the precedent and cumulative consequences for all similar properties within the same zoning district.

Response - A number of commenters have raised objections to the restoration of religious uses and private schools to the AR-3 zoning district. The vast majority of these comments focus on one particular property commonly referred to as Camp Monroe located at 162 Trout Brook Road.

Historically, religious uses and schools were permitted in the AR-3 Zoning district subject to site plan approval. In 2017, through the adoption of Local Law 1 of 2017, religious uses and institutions were struck from the AR-3 zoning district, which represents approximately three quarters of the Town. In doing so, the Town rendered multiple religious institutions including the Bruderhoff Community as non-conforming. The record provides little rationale for such action.

The Town Attorney, Elizabeth Cassidy, provided an in-depth presentation on November 19, 2025 as to the legal requirements surrounding religious uses. In addition, the Town Board retained special counsel, Harris Beach Murtha to independently review the issue and provide recommendations as to appropriate regulation of religious uses. Both reviews were in agreement that the outright prohibition on religious uses is not consistent with New York or Federal law. Both reviews were also in agreement that the special permit process was appropriate to implement reasonable and lawful regulation of religious use. The revised Zoning Code contains a number of modest revisions to implement recommendations of special counsel. Their memorandum is attached.

Consistent with New York and Federal Law, the proposed zoning code seeks to implement appropriate restrictions including the implementation of special permit requirements which include provision of adequate sewer and water, traffic considerations and minimum lot sizes for religious uses. See proposed 98-29 (F). Each and every religious use Town wide will undergo a site-specific special permit and site plan review together with a site-specific environmental review required by the State Environmental Quality Review Act (SEQRA). The special permit process enables the Planning Board to impose conditions to mitigate against potential impacts to the public welfare. If approved, the conditions of such special permit and site plan can be then enforced through the Building Department. At present, that is not the case for Camp Monroe as it is a pre-existing non-conforming use.

While some have argued that the inclusion of religious uses in the AR-3 is inconsistent with the draft comprehensive plan, none of the commenters including the Comprehensive Plan Committee have specifically identified where such inconsistency lay. The draft plan and its 2015 predecessor are silent as to religious uses. Rather, commentors have focused generally on the desire to preserve open space, agriculture and ridgeline protection. The exclusion of religious uses does not serve these goals where properties can be developed for other uses permitted as of right. For example, sites such as Camp Monroe could be developed as a residential subdivision or for an agritourism site.

The draft Comprehensive Plan and Zoning Amendments do incorporate various tools which can work toward preserving open space without infringing on the fundamental right to practice one's religion in a large portion of the Town. Those tools include the enhancement of cluster subdivision regulations, ridgeline restrictions and the implementation of a Community

Preservation Fund to acquire appropriate parcels for open space preservation. Legislation authorizing a Community Preservation Fund was signed by Governor Hochul in 2025. Similarly, the 2015 Comprehensive Plan stated, "Clustering, conservation easements, or incentive zoning are tools that could be considered to preserve a portion of Camp Monroe as parkland." See Pg. 95.

5.0 ZONING – WAREHOUSES

5.1 Description of Proposed Action (Letter 7 – Ginny and Joe Rizzo, Proposed Rezoning of Properties Along Lake Station Road, October 30, 2025):

Commenter is in support of rezoning of Lake Station Road properties from industrial to single residential use.

Response - Noted

5.2 Description of Proposed Action (Letter 12 – Shauna Baird, Lake Station Road, October 31, 2025):

Commenter is highly against the proposed development of warehouse on Lake Station Road. This property is not and should NOT be used for this purpose as it would impact our quality of living not to mention the noise, pollution, and the natural habitat along with much more.

Response - Noted

5.3 Comment 13 (Letter 15 (2)– Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025, Supplemental Comments. November 1, 2025):

The zoning change of several properties along Lake Station Road is consistent with the goals of the Comprehensive Plan as result of thorough review of the public's vision for their future. Chester is experiencing a surge in warehouse development. Several large-scale projects are underway, prompting increased scrutiny of traffic, zoning, and environmental impact. The zoning change is a step in balancing industrial growth with residential quality of life.

Response - Noted

5.4 Comment 14 (Letter 15 (2) – Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025, Supplemental Comments. November 1, 2025):

The VA Lake Station Holdings LLC warehouse proposal has sparked debate due to its planned access via Lake Station Road, a predominantly residential area, contrasting with the more community-sensitive approach taken by Davidson Drive Holdings that rerouted access. Presumably the applicant was aware of this situation prior to submitting an application given the statements in the affidavit and contracting the same engineer. However, he proceeded at his own risk when being made aware that the Town was updating their comprehensive plan and a building moratorium was eminent.

Response - Noted

5.5 Comment 15 (Letter 15 (2)– Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025, Supplemental Comments. November 1, 2025):

Although not central to this review, the Town should be concerned by the owner's assertion that he was advised to delay submitting his application until the Davidson Drive Holdings project was completed (see page 2, item 9). This raises two significant issues: Whether this direction came from the Planning Board and they knowingly engaged in a segmented review of the Davidson Drive Holdings application, which could undermine the integrity of the review process. Whether the engineer who represents both the VA Lake Station Holdings and Davidson Drive projects failed to inform his client of the Town's established position restricting industrial access via Lake Station Road and/or withheld information from the Planning Board.

Response - Noted

5.6 Comment 16 (Letter 15 (2) – Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025, Supplemental Comments. November 1, 2025):

Zoning is a legislative function of local government, and municipalities possess broad discretion to amend zoning ordinances in response to evolving community needs, environmental priorities, or long-term planning objectives. Generally, an applicant does not acquire vested rights unless a valid building permit has been issued, substantial construction has commenced, or preliminary approval has been secured. To the best of our knowledge, VA Lake Station Holdings has not met any of these criteria. At the end of the day, it is our opinion that the zoning change does not preclude the owner of the property from realizing a reasonable return on their investment with the allowable uses in the new designation.

Response - Noted

5.7 Description of Proposed Action (Letter 19 – Susan Miller and Edward Teller, Proposed Rezoning of Properties Along Lake Station Road from Industrial to Residential, October 31, 2025):

Commenter is in support of the proposed rezoning of the properties along Lake Station Road from industrial to residential. Commenter urges the town to permanently make the zoning on Lake Station Road residential only and to deny the petition by Mr. Grunbaum.

Response - Noted

5.8 Comment 1 (Letter 20 – Mihaela and JJ Krachtus, Please Deny Variance for 102,750-sq-ft Warehouse on Lake Station Road – Public Safety and Neighborhood Impacts, October 31, 2025):

Commenters oppose any variance or approval that would permit construction and operation of a ~102,750-square-foot warehouse on Lake Station Road.

Response - Noted

5.9 Comment 2 (Letter 20 – Mihaela and JJ Krachtus, Please Deny Variance for 102,750-sq-ft Warehouse on Lake Station Road – Public Safety and Neighborhood Impacts, October 31, 2025):

Lake Station Road Is a narrow, residential-scale road with no shoulders or sidewalks and multiple driveways, curves, school-bus stops, mailboxes, and turning conflicts. It is not engineered for frequent heavy-truck traffic. Placing a regional warehouse here would create immediate safety hazards for residents, children, school buses, and emergency responders and would contradict the Town's stated Intent to change this corridor from light Industrial to residential in the comprehensive plan.

Response - Noted

5.10 Comment 3 (Letter 20 – Mihaela and JJ Krachtus, Please Deny Variance for 102,750-sq-ft Warehouse on Lake Station Road – Public Safety and Neighborhood Impacts, October 31, 2025):

Require a third-party Traffic Impact Study and Roadway Suitability Assessment (turning templates for WB- 50/WB-67, peak-hour trips, queueing, crash history, pavement design/axle loads). If the road is Inadequate-as we believe-deny the variance.

Response – review of traffic impacts would be part of a site-specific environmental review of any project before the Planning Board.

5.11 Comment 5 (Letter 20 – Mihaela and JJ Krachtus, Please Deny Variance for 102,750-sq-ft Warehouse on Lake Station Road – Public Safety and Neighborhood Impacts, October 31, 2025):

If the Board considers any application, require a Full SEQRA review (Type I with either a full EIS or hard-look studies for noise, air/diesel PM, lighting, stormwater, and groundwater). Absent proven mitigation, deny.

Response – the reference project is presently subject to a moratorium. Upon completion of the Comprehensive Plan and zoning code, any project would undergo site specific SEQR review. In most instances, such review would be conducted by the Planning Board.

5.12 Comment 6 (Letter 20 – Mihaela and JJ Krachtus, Please Deny Variance for 102,750-sq-ft Warehouse on Lake Station Road – Public Safety and Neighborhood Impacts, October 31, 2025):

Obtain written review from fire/EMS and highway departments; if they cannot endorse safe operations, deny. Require a stamped SWPPP showing no increase in peak flows, no off-site discharge, and protections for wells;

Response - noted

5.13 Description of Proposed Action (Letter 21 – Kathleen E. Poltenovage, October 31, 2025):

Commenter is in favor of changing the zoning on Lake Station Road from light industry to residential. Commenter urges the Board to deny the petition of Mr. Grunbaum or any other petition requesting a variance for industrial use.

Response – so noted

6.0 ZONING-SOLAR

6.1 Comment 22 (Letter 1 – Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025. October 22, 2025):

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.

Response - Noted

6.2 Comment 2 (Letter 3 - Matt Woods, Chairman, The Town of Chester Comprehensive Plan Committee. October 19, 2025):

Review of solar array/generation usage on Prime Agricultural lands (Zone AR). The committee recommends further discussion regarding max lot coverage and agrivoltaics. Review of Solar oversight procedure.

Response – the proposed zoning amendments include updates to Solar regulations. The Town Board recognizes the need to review and update as technology and development patterns change.

6.3 Comment 3 (Letter 3 - Matt Woods, Chairman, The Town of Chester Comprehensive Plan Committee. October 19, 2025):

The following passage was removed from the Draft Plan, creating less municipal oversight and review. The Committee recommends the reinstatement of the passage below: “(n) The Planning Board shall have the discretion to reduce the permitted lot coverage based on unique environmental constraints found at a proposed site (e.g., topographic and/or geologic conditions or other environmental constraints).”

Response – The cited section is found § 98-40 and relates to solar. This provision was removed.

6.4 Comment 4 (Letter 3 - Matt Woods, Chairman, The Town of Chester Comprehensive Plan Committee. October 19, 2025):

Review of Zoning Code language pertaining to solar decommissioning procedures.

Response – See revisions to Article IX Solar Energy.

7.0 ZONING – LAND DISTURBANCE

7.1 Comment 6 (Letter 15 (2) – Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025, Supplemental Comments. November 1, 2025):

§ 98-12 Land Disturbance

Section, C.2.a.ii.m requires identification on site plans of wetlands, watercourses, and one-hundred-foot wetland buffer, which are referred to as "Controlled Areas". The buffers to streams should be clearly identified on any proposed plans. We would suggest that the plan identifies if the wetland is an Army Corps wetlands (which can be small and isolated and often serve as vernal pools in the spring) or if it is a NYSDEC mapped wetlands. Vernal pools have recently come under additional protection in the new wetlands regs DEC promulgated last year and effective this year, so specific identification of vernal pools would be additional information to include since this would be a "controlled area", though there are some limits on that, such as being locations of amphibian breeding. Regardless, they should be identified on a site plan to make sure that the proper studies and precautions are taken to protect them and their habitat if needed. Consistent with SEQR Environmental Assessment forms and requirements, identification of endangered or threatened species habitat and what those species could be included. Also if the property is located in a Critical Environmental Area (CEA). This would be identified in the environmental assessment, but could be helpful to include on the site plan, especially for a large site that perhaps is not fully covered as endangered species habitat for example.

Response – Noted.

7.2 Comment 7 (Letter 15 (2) – Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025, Supplemental Comments. November 1, 2025):

Consistent with the above, the code should include requirements for protection of vernal pools consistent with the DEC regs where they are identified. There is a required buffer around "productive" vernal pools, as defined by the DEC regs. To be identified as productive a study of egg counts needs to be performed by a qualified professional. Reference to the Town's Comprehensive Plan page 20 wetland buffers "should be clearly marked during construction". Their development, where no other alternatives are feasible, must be limited and resisted. Also, for D. in this section regarding a 100 foot horizontal separation of a wetlands from a septic system drain field (i.e., leach field) or expansion area. The DEC requirements include not only the leach field, but the septic tank of 50 feet, distribution box of 100 feet, and house sewer pipe of 25 feet. This should be specifically included in the town code. Source: Table 2 of Appendix 75-A Wastewater Treatment Standards - Residential Onsite Systems. For larger systems, deemed "Intermediate Sized Treatment Systems" the standards are 100 feet separation from a wetlands for all septic system components, not just a leach field. Source: Table B-2 NYS

Design Standards for Intermediate Sized Wastewater Treatment Systems, March 5, 2014.

Response - Noted

8.0 BATTERY STORAGE

8.1 Comment 23 (Letter 1 – Inc. President TPC Tracy Schuh, The Preservation Collective. Public Hearing – Comp Plan & Zoning, Introductory Local Law 10 of 2025. October 22, 2025):

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.

8.2 Comment 5 (Letter 3 - Matt Woods, Chairman, The Town of Chester Comprehensive Plan Committee. October 19, 2025):

Article XI: The section on Tier 2 battery storage/use/maintenance requires significant additional review, particularly with allowable zoning districts and setback requirements. At this time, the Committee does not recommend the expiration or lifting of the current battery storage moratorium until further research is completed to evaluate the potential negative environmental impacts of adding this use to the zoning code. The Committee further recommends the consultation of the Chester Fire Department on this issue.

8.3 Comment 1 (Letter 13 - Eamon Riley, Senior Manager of Aypa Power, Support for Article XI – Battery Energy Storage Systems Ordinance, October 31, 2025):

Aypa Power, the leading battery energy storage system (BESS) developer in North America, respectfully submits this letter to express our strong support for the adoption of Article XI – Battery Energy Storage Systems (Article XI) of the Town of Chester Zoning Code. We further recommend that the existing moratorium established by Local Law No. 10 of 2025 – A Local Law to Extend the Temporary Land Use Moratorium Prohibiting Large-Scale Battery Energy Storage System Installations within the Town of Chester be lifted to allow responsible, well-regulated projects to advance under the Town’s newly proposed framework.

8.4 Comment 2 (Letter 13 - Eamon Riley, Senior Manager of Aypa Power, Support for Article XI – Battery Energy Storage Systems Ordinance, October 31, 2025):

Adoption of Article XI will enable the Town to efficiently pursue the Comprehensive Plan’s objectives to encourage alternative or renewable energy resources and maintain and upgrade utilities to create infrastructure that is sustainable for current and future residents. It will also support long-term economic growth for the Town of Chester by attracting private investment, strengthening the local tax base, and creating opportunities for skilled labor and ongoing operational support. Together, the adoption of Article XI and the lifting of the current moratorium will provide a clear and balanced path for

responsible BESS development that reflects the Town's long-term vision and community values.

8.5 Comment 3 (Letter 13 - Eamon Riley, Senior Manager of Aypa Power, Support for Article XI – Battery Energy Storage Systems Ordinance, October 31, 2025):

Aypa Power supports adoption of Article XI as a comprehensive, technically sound ordinance that provides a clear and enforceable framework for the responsible development of BESS in the Town of Chester. The ordinance reflects extensive research, public engagement, and alignment with state and national best practices, including the *New York State System Guidebook for Local Governments*, NFPA 855 fire safety standards, and UL 9540/9540A testing protocols. It establishes well-defined standards that prioritize public health, safety, and environmental protection, while positioning the Town to participate meaningfully in New York State's energy future.

8.6 Comment 6 (Letter 13 - Eamon Riley, Senior Manager of Aypa Power, Support for Article XI – Battery Energy Storage Systems Ordinance, October 31, 2025):

The record demonstrates that BESS facilities do not present material environmental risk when designed, installed, and operated consistent with local, state, and national safety standards. Comprehensive studies in New York State and across the country confirm that potential environmental impacts associated with rare BESS fire events are effectively mitigated through today's containment technologies and emergency response protocols, developed in close coordination with local fire and safety officials.

8.7 Comment 7 (Letter 13 - Eamon Riley, Senior Manager of Aypa Power, Support for Article XI – Battery Energy Storage Systems Ordinance, October 31, 2025):

These results are consistent with findings from the New York State Energy Research & Development Authority (NYSERDA) report, *Air, Soil, and Water Data Findings*, which likewise found no evident of persistent air, soil or water contamination following BESS fire events in New York State. Collectively, these studies establish an evidence-based record demonstrate that BESS facilities do not post a material risk to environmental quality or public health.

8.8 Comment 8 (Letter 13 - Eamon Riley, Senior Manager of Aypa Power, Support for Article XI – Battery Energy Storage Systems Ordinance, October 31, 2025):

All future BESS projects developed in the Town of Chester will be required to comply with NFPA 855, the national standard governing energy storage system fire safety and the foundation for modern BESS design. Facilities built under these standards incorporate multiple layers of fire protection, which include a combination of automatic alarms, internal suppression systems, robust containment enclosures, 24/7 monitoring, a project-specific emergency response plan, and annual first responder trainings. The Warwick, New York incident (2023) demonstrated the effectiveness of these measures: suppression systems activated automatically, the fire department monitored the burn, and no water runoff or soil contamination occurred.

8.9 Comment 9 (Letter 13 - Eamon Riley, Senior Manager of Aypa Power, Support for Article XI – Battery Energy Storage Systems Ordinance, October 31, 2025):

Article XI, as drafted, proposes setback and buffer requirements that far exceed those contained in national, state and federal safety frameworks. The ordinance contemplates a 400-foot setback from occupied structures, a distance that significantly exceeds current fire-safety and environmental guidance. By comparison, the 400-foot setback proposed by Article XI is well beyond these established national and federal frameworks and would unduly constrain viable sites with a corresponding improvement in safety outcomes.

8.10 Comment 10 (Letter 13 - Eamon Riley, Senior Manager of Aypa Power, Support for Article XI – Battery Energy Storage Systems Ordinance, October 31, 2025):

New York's Climate Leadership and Community Protection Act (CLCPA) requires 3,000 MW of energy storage by 2030 and a 70% renewable-powered grid. The New York State Energy Plan projects that annual power demand will more than double by 2050, making BESS essential for grid reliability, resilience, and renewable integration. Chester is well positioned to help meet this demand and serve the community with strategically sited projects on parcels near existing infrastructure and transmission lines.

Response – Upon review and consideration of fires at area battery storage facilities, the Town Board finds that large scale energy storage facilities are not appropriate for Chester until such time as the Board determines that they can be installed and maintained safely. The Board has authorized the installation of smaller scale Type I systems serving the principal use on site.

9.0 ROLE OF CHESTER CONSERVATION ADVISORY COUNCIL

9.1 (Letter 5 – Martine DiPasquale, CAC Chairwoman, Conservation Advisory Council (CAC). Integration of Conservation Advisory Council into Comprehensive Plan Implementation. October 24, 2025):

MATRIX RELATED RECOMMENDATIONS (additions)

The following can be added to the Plan Implementation chapter to clarify the CAC's role.

Goal/Objective	Action	Lead Entity	Supporting Entities	Timeframe
Protect and enhance natural resources	Review development proposals for ecological impact; maintain resource inventories	CAC	Planning Board, Town Board	Ongoing
Preserve agricultural lands and heritage	Advise on farmland protection and adaptive reuse of farm structures	CAC	Town Board, Ag Boards	Short-term & ongoing
Support sustainable park and trail development	Recommend ecological design and native plantings	CAC	Parks Dept, Planning Board	Ongoing
Strengthen cultural and historic landscape preservation	Advise on viewshed protection and interpretive signage	CAC	Town Historian, Planning Board	Medium-term
Improve ecological connectivity in transportation planning	Review plans and recommend green infrastructure	CAC	Highway Dept, Planning Board	Medium-term
Enhance stormwater and watershed protection	Advise on low-impact development and aquifer protection	CAC	Engineering Dept, Town Board	Ongoing
Promote sustainable development in Sugar Loaf	Review proposals for visual and ecological harmony	CAC	Planning Board, Sugar Loaf Foundation	Ongoing
Support zoning updates for conservation	Recommend overlays, subdivision	CAC	Town Board, Zoning Board	Short-term

	standards, and review thresholds			
Engage public in conservation education	Host workshops, walks, and forums	CAC	Town Board, Nonprofits, Schools	Ongoing

Response – the Chester Conservation Advisory Council’s role is set forth in Chapter 5A of the Town Code and serves in an advisory capacity to the various boards: Town Board, Planning Board, Zoning Board of Appeals. To the extent that role overlaps the implementation of the Comprehensive Plan, the Council’s guidance and input is welcomed.

10.0 PLANNING BOARD COMMENTS

10.1 Comment 1 (Letter 25 – Town of Chester Planning Board (2). Comprehensive Plan Update 2025 – Report of the Planning Board. October 3, 2025):

The zoning code should more clearly define clear-cutting ("substantially all trees on a site or portion thereof are removed") given that the size of a site or portion thereof is not specified.

Response – The language has been revised to provide greater clarity.

10.2 Comment 1 (Letter 25 – Town of Chester Planning Board (2). Comprehensive Plan Update 2025 – Report of the Planning Board. October 3, 2025):

The tree survey requirements refer to the diameter of a tree at 48" above the ground. In Town Code § 98-30 Site Plan Approval there is a requirement for mapping trees 8" in diameter *three feet* above the base of the trunk. The Planning Board recommends that the diameter measurements should be made consistent.

Response: Noted. This change has been made in the Town Code.