

June 24, 2026

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

Re: Public Hearing – Comp Plan & Zoning
Introductory Local Law 10 of 2025
Supplemental Comments to 2026 update

Dear Supervisor and Town Board,

Following our submitted comments for the 2025 public hearing, we would like to offer additional input regarding the proposed zoning additions to the Agricultural-Residential (AR-3) Zoning District. In light of ongoing public concerns, we believe it is important to revisit planning recommendations the Town previously adopted but did not carry forward into this update.

The 2003 Town of Chester Comprehensive Plan recommended establishing a very low-density “Conservation-Residential” zoning district in the Town’s hillsides and backdrop areas. These locations include existing Open Area Developments (OADs, which are not your traditional neighborhoods and are not suited for commercial or institutional uses that generate significant bus or pedestrian traffic. These areas lack sidewalks, have substandard roadways, steep slopes and do not have municipal services to support higher-intensity uses.

A Conservation-Residential district was intended to protect environmentally sensitive areas, open-space greenways, and scenic ridgelines from incompatible uses permitted in other zoning districts. We have attached a map and excerpt from the previously adopted Comprehensive Plan for reference.

It is also important to recognize that the Town now faces land-use pressures that were not anticipated in 2003. For example, large-scale solar arrays (currently permitted in the AR-3 district) can reduce prime farmland and alter rural landscapes. Additionally, the Town is now grappling with how to manage non-conforming uses created by past zoning changes. By expanding certain uses to be permitted throughout the AR-3 district, the Town may unintentionally create new conflicts across a much larger portion of the community.

During the 2025 discussions, the Town Attorney stated that approximately 70% of the Town’s landmass is zoned AR-3. This statistic was repeatedly referenced during deliberations and was used, in part, to justify expanding the range of permitted uses within the district. It also shaped the perceptions of several decision-makers throughout the review.

However, the conclusion drawn from this figure is fundamentally misleading. The percentage reflects total acreage on a map and not the amount of land that is actually developable or appropriate for higher-intensity uses.

A substantial portion of the land counted within AR-3 consists of State and County parkland, steep slopes, wetlands, and other environmentally constrained areas that cannot support dense or intensive development under any circumstances.

When these non-developable areas are removed from the calculation, the share of land realistically available for higher-intensity uses within AR-3 drops significantly. A more accurate analysis would distinguish between gross acreage and net developable acreage; land that can actually support the development to be permitted for review.

Relying on the gross acreage figure without this distinction overstated the capacity of the AR-3 district and contributed to conclusions that were not grounded in the physical realities of the land. A corrected calculation, for the record, would provide a far more reliable basis for zoning decisions and better align with long-standing planning principles.

Given these constraints, the Town would be fully justified in establishing a new Conservation-Rural (CR-5) district for the parklands and the areas highlighted in the 2003 Land Use Map. A CR-5 district would ensure that incompatible or high-density uses are not permitted in locations where they would conflict with long-standing planning goals, environmental protections, or the physical limitations of the land.

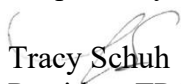
Directing growth only to areas that can sustainably support it is essential for safe, orderly development. Correcting the AR-3 acreage calculation and zoning accordingly, would align the Town's decisions with both past planning recommendations and the community's long-term interests.

However, this is not the only recommendation that has been raised repeatedly over the years. Several recommendations from the last Comprehensive Plan have simply been forwarded again in this update without being meaningfully addressed. We strongly encourage the Town to prioritize these long-standing planning recommendations and ensure they are not deferred yet again.

More critically, the Town Code updates must be written in a way that gives the Planning Board the authority and clear criteria needed to prevent overdevelopment and protect environmentally sensitive areas. Without a strong Code to back it up, the Comprehensive Plan cannot function and the community is left vulnerable to incompatible, intense development proposals that spark conflict and undermine neighborhood stability. These updates are essential to preserving the Town's character, natural resources, and long-term quality of life.

Thank you for your consideration.

Respectfully,


Tracy Schuh
President TPC, Inc.

Cc: OC Planning Department

Attachments:

- 1) Town of Chester Comprehensive Plan 2003 page 29
- 2) Town of Chester Land Use Map 2003

a. Conservation-Residential Area

These areas are shown in pale green on the proposed land use map in this revised comprehensive plan. Sixteen Open Area Developments (OADs) and many of the additional lots over five acres comprise a substantial amount of this area. Also included are: Sugar Loaf, Brimstone, Bellvale, Snake and Goose Pond Mountains, along with Pine Hill, Durland Hill, Lazy Hill and the other hills and backdrops that provide Chester with its rolling, rural character. These Conservation-Residential areas run generally northeast to southwest and create low-density backdrops for the development that will occur in the valleys between these hillside areas. Residential development in this area should be at very low densities, typically no greater than one unit per five or more acres. Provision of central water and/or sewer services is not encouraged, and no density bonus should be granted for the same. Commercial uses are not considered compatible with this land use category.

This land use category shares some similar characteristics and limitations with the Agricultural/Rural-Residential areas described below. The uses that will be allowed in these two land use categories are discussed in greater detail following the description of the Agricultural/Rural-Residential category.

b. Agricultural/Rural Residential Area

The Agricultural/Rural-Residential areas are shown in a cream color on the proposed land use map. These areas may include some challenging land with steep slopes and wetlands such as is currently incorporated in Open Area Development subdivisions; however it is generally less severe than the Conservation-Residential category. Development densities at around one unit per three acres are envisioned for this area, with no bonuses being granted for provision of water and sewer services. Most commercial uses are also not considered compatible here.

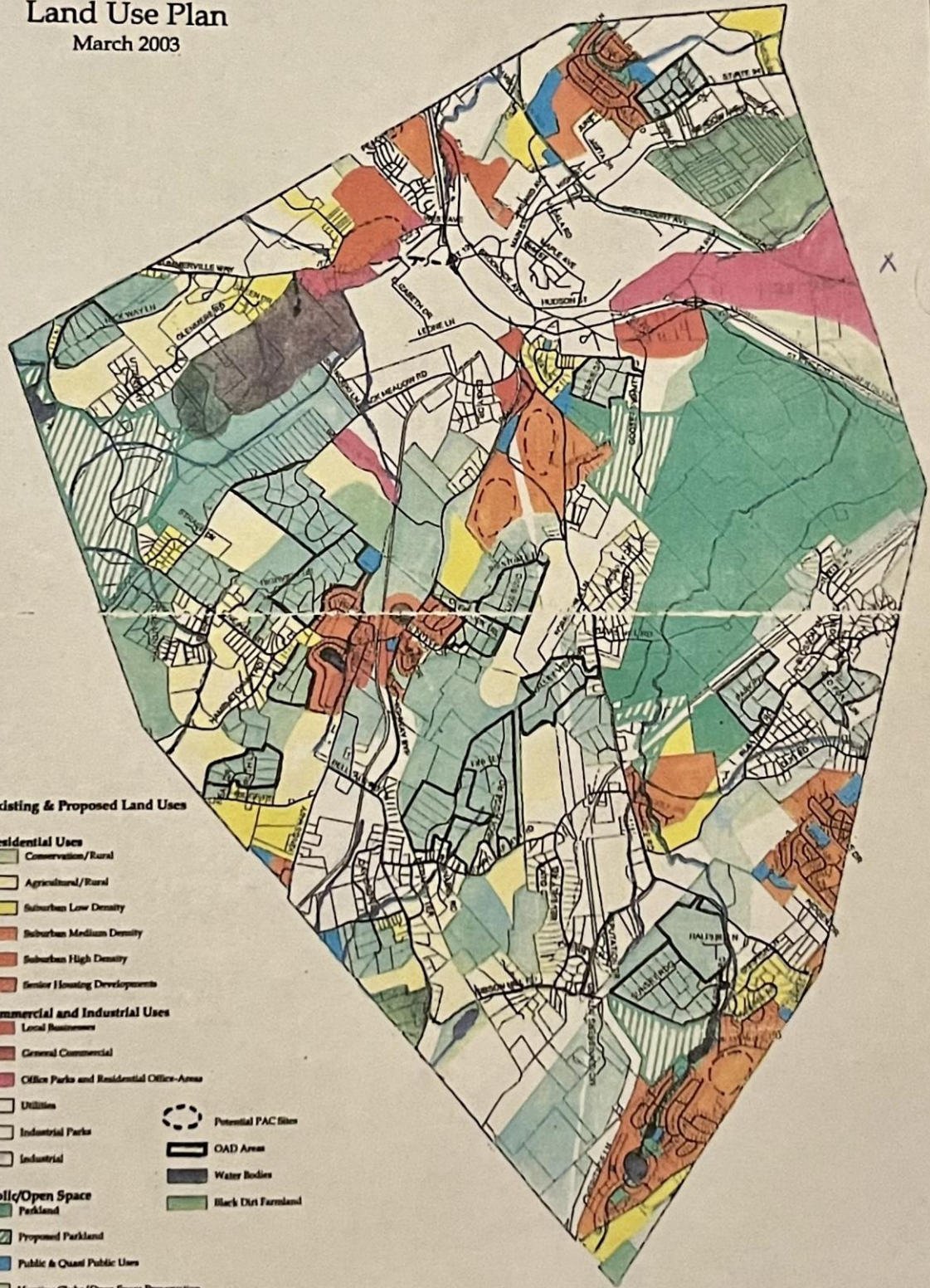
i. Open Area Development and Large Lot Subdivisions

During the past eighteen years since Open Area Developments (OAD's) were first permitted, sixteen such developments and other large lot subdivisions have been approved in the town. A total of 274 lots exceeding five acres have been created for residential use during this time period. This accounts for over 1,400 acres or two square miles, which is ten percent of the town of Chester. That is roughly equivalent to the 1,475 acre Goosepond Mountain State Park, another ten percent of the town.

Open Area Developments are large lot subdivisions of tracts in excess of fifty acres where private roads are allowed to access lots of five acres or

Land Use Plan

March 2003



Town of Chester

Master Plan 2002



Municipal Boundary
Streams & Water Bodies

Orange County Water Authority
15 Akauchess St., Suite 101
Goshen, NY 10924
(845) 294-1337
<http://www.ocwa.org>
Created by: Stephen A. Ungere
1492-022002

