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June 22, 2017

Alex Jamieson, Supervisor  
Town of Chester Town Board  
1786 Kings Highway  
Chester, NY 10918

***RE: Planning Board Report / Introductory Local Law Amending Articles I, II, V, VIII and IX of Chapter 98 "Zoning" of the Town Code to Implement Various Recommendations of the 2015 Comprehensive Plan***

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Dear Supervisor Jamieson and Town Board Members:

I write to you on behalf of the Town of Chester Planning Board in connection with your referral of that certain Introductory Local Law entitled "***A Local Law Amending Articles I, II, V, VIII and IX of Chapter 98 "Zoning" of the Town Code to Implement Various Recommendations of the 2015 Comprehensive Plan***" to the Planning Board for review and report in accordance with the applicable provisions of the Code of the Town of Chester.

The Planning Board took up discussion of this introductory local law at their regular meeting held on June 21, 2017. Following the framework laid out in Section 98-39 of the Town Code, entitled "***Amendment Procedure***," the Planning Board reports as follows:

**PLANNING BOARD REPORT CONCERNING A PROPOSED AMENDMENT TO OR CHANGE IN TEXT:**

- (a) ***Whether such change is consistent with the aims and principles embodied in the Chapter as to the particular district's concern?***

As stated in the preamble to the local law, the proposed amendments are intended to implement various recommendations set forth in the 2015 Town of Chester Comprehensive Plan. The board finds that the proposed text changes accomplish this

objective and are consistent with the aims and principles embodied in the Zoning Code.

- (b) **Which areas, land uses, buildings and establishments in the Town will be directly affected by such change and in what way will they be affected?**

The areas, land uses, buildings and establishments in the Town that will be directly affected are those that are specifically addressed by the amendment proposed. As indicated above, the effects of these changes will be consistent with both the 2015 Comprehensive Plan and the terms and provisions of the Zoning Ordinance. Regarding site specific affects, such affects can only be fully determined at such time as a particular application for a land use approval is submitted and reviewed.

- (c) **The indirect implications of such change and its effect on other regulations.**

The Planning Board is unable to identify any indirect implications in connection with the proposed amendments as far as their effect on other regulations.

- (d) **Whether such proposed amendment is consistent with the aims of the Comprehensive Development Plan of the Town**

Again, as indicated above, and in the preamble to the introductory local law, the proposed amendments are intended to implement various recommendations contained within the 2015 Town of Chester Comprehensive Plan and therefore these amendments are entirely consistent with the aims of the Town Comprehensive Plan.

**CONCERNING A PROPOSED AMENDMENT INVOLVING A CHANGE IN THE ZONING MAP:**

- (a) **Whether the uses permitted by the proposed change would be appropriate in the area concerned?**

The Planning Board has evaluated the proposed changes and finds that they would be appropriate in all areas concerned.

- (b) **Whether adequate public school facilities and other public services exist or can be created to serve the needs of any additional residences likely to be constructed as a result of such change?**

The changes proposed in the local law are not likely to result in any increase demand for public school facilities or other public services and therefore the existing public school facilities and public services are sufficient.

- (c) **Whether the proposed changes are inconsistent with any existing or proposed plans in the vicinity?**

The Board finds that the proposed changes in the zoning map are not inconsistent with

any existing or proposed plans in the vicinity of the proposed amendments to the zoning map.

**(d) The effect of the proposed amendment on the growth of the Town as envisioned by the Town Comprehensive Plan**

For the reasons already stated, the proposed amendments in the zoning map are consistent with the growth of the Town as envisioned by the 2015 Town Comprehensive Plan.

**(e) Whether the proposed amendment is likely to result in an increase or decrease in the total zoned residential capacity of the Town and the probable affect thereof?**

The amendments to the Town zoning map are not likely to result in an increase or decrease in the total zoned residential capacity of the Town.

In addition to the foregoing, during their discussions of the introductory local law, planning board members raised the following comments:

- The Board felt that the overall size of any solar array should bear a relationship to the size of the parcel upon which it is proposed with a limitation in the nature of either building coverage or lot development coverage as exists for other uses in the Town. By way of example, as currently proposed, Section 98-40(1)(b) provides that “the total area of the solar energy system shall not exceed 25 acres.” It was the Planning Board’s view that a 25 acre solar array on a 100 acre parcel may be appropriate whereas a 25 acre solar array on a 26 acre parcel may be inappropriate. The Planning Board thus encourages the Town Board to consider a development coverage ratio for all solar array systems;
- One member of the Board also suggested that the total area for utility scale solar energy systems be reduced from 25 acres to 20 acres (98-40(F)(b));
- The Planning Board was sensitive to their architectural review obligations in the LB-SL District and suggest that the Town Board consider the need for architectural review of solar panels, including roof-mounted panels in the Sugar Loaf hamlet;
- The Planning Board also suggests that Section 98-40(F)(3)(c)[2] be clarified to provide that the reevaluation of the decommissioning security be reevaluated by the “Town Engineer.”
- One Board member objected to the inclusion of the phrase “unless pre-existing” in Section 98-21(H)(2)(b) and further objected to the inclusion of new paragraph 98-21(H)(2)(c);
- As a general principal regarding site plans, one Board member felt it important to confirm the normal site plan requirement that landscaping is a critical element of

any site plan and must be maintained perpetually by the property owner.

The foregoing constitutes the review of the Town of Chester Planning Board regarding the above referenced introductory local law.

Very truly yours,

A handwritten signature in black ink, appearing to read 'DAD', with a stylized flourish extending from the end.

DAVID A. DONOVAN

DAD/lrm