TOWN OF CHESTER
WARREN COUNTY, NEW YORK

ZONING
LOCAL LAW

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ARTICLE 1 - INTRODUCTORY PROVISIONS

Section 1.01 Short Title.

This Local Law shall be known as the “Town of Chester Zoning Law ". The Town of Chester is sometimes hereinafter referred to as the “Town".

Section 1.02 Authority.

Enactment of this Local Law by the Town is pursuant to Article 16 of the Town Law of the State of New York and Article 27 of the Executive Law of the State of New York.

Section 1.03 Purpose and Objective.

The purpose of this Local Law is to promote the health, safety, and general welfare of the community. The further objective is to protect property values, common values, the environment, and the aesthetics of the community.

Section 1.04 Planning Board.

Pursuant to Section 271 of the Town Law, the Town of Chester has created a "Planning Board". Said Board consists of seven (7) members appointed by the Town Board in such manner and for such term as provided by Town Law. The Planning Board shall have all the powers and perform all the duties prescribed by statute and by this Local Law. The Planning Board shall have original jurisdiction for all matters pertaining to this Zoning Local Law pursuant to Section 274-a of the Town Law - Site Plan Review as provided in Article 5 hereof describing “Site plan review”.

Section 1.05 Zoning Board of Appeals.

Pursuant to Section 267 of the Town Law, the Town of Chester has created a "Zoning Board of Appeals" consisting of five (5) members appointed by the Town Board in such manner and for such term as provided in the Town Law. The Zoning Board of Appeals shall have all the powers and perform all the duties prescribed by statute and by this Local Law.

ARTICLE 2 - GENERAL PROVISIONS

Section 2.01 Applicability to Land Use or Development within the Town.

No land use or development shall be undertaken or maintained except in conformity with all provisions contained in this Local Law relating to both the zoning district and the land use area in which the land, water, site, structure or use is located, or is proposed to be located, and in conformity with the permit requirements of this Local Law. Where this Local Law is more restrictive than covenants or agreements between parties or other plans or rules or regulations of the Adirondack Park Agency, the provisions of this Local Law shall control.

Section 2.02 Authority of the Adirondack Park Agency.

Nothing in this Local Law shall be deemed to supersede, alter, enlarge, or impair the jurisdiction of the Adirondack Park Agency, pursuant to the Adirondack Park Agency Act, Freshwater Wetlands Act, and Wild, Scenic and Recreational Rivers System Act to review and approve, approve subject to conditions, and disapprove those land uses and developments and subdivisions of land defined therein as Class A regional projects, jurisdictional wetlands activities or rivers projects, or otherwise supersede, alter or impair the statutory function, duties and responsibilities of that Agency with regard to matters involving a town in which an Agency-approved local land use program has been validly adopted or enacted. Provided that, the Adirondack Park Agency cannot, in the context of its Class A regional site plan review, override a local decision not to permit a given land use or development.

Section 2.03 Definitions.

A. The Purpose and Objective of this Section is to assist in providing clarity for this Zoning Local Law.
B. Definitions will be used for this Local Law as defined in this Local Law.

Accessory apartment - An accessory apartment is a short-term accessory use to a single family dwelling. It is a separate living space within a single family dwelling to be occupied by family members or caregivers. An accessory apartment shall constitute a principal building however it does not need to comply with the density or minimum lot size requirements of the district. ***[amended July 2011]***

Accessory Use - any use of a structure, lot or portion thereof, that is customarily incidental and subordinate to and does not change the character of a principal land use or development, including in the case of a residential structure, professional, commercial and artisan activities carried on by the residents of such structures.

Accessory Use Structure - any structure or a portion of a building attached or detached from the principal building and customarily incidental and subordinate to a principal land use or development, including a guest cottage not for rent or hire that is incidental and subordinate to and associated with a single family dwelling.

Addition – An extension or increase in floor area, number of stories, or height of a building or structure.

Adirondack Park - land lying within the area described in Subdivision 1 of Section 9.0101 of the Environmental Conservation Law of the State of New York, including any future amendments thereto. All lands in the Town of Chester are within the Adirondack Park.

Adirondack Park Agency or Agency - the Adirondack Park Agency created by Section 803 of Article 27 of the Executive Law of the State of New York.

Adirondack Park Agency Act - Article 27 of the Executive Law of the State of New York, including any future amendments thereto.

Agricultural Service Use - any milk processing plant, feed storage supply facility, farm machinery or equipment sales and service facility; storage and processing facility for fruits, vegetables and other agricultural products or similar use directly and customarily related to the supply and service of an agricultural use.

Agricultural Use - any management of any land for agriculture including, but not limited to: raising of cows, horses, pigs, poultry, and other livestock; horticulture or orchards; including the sale of products grown or raised directly on such land, and including the construction, alteration or maintenance of fences, agricultural roads, agricultural drainage systems and farm ponds.

Agricultural Use Structure - any barn, stable, shed, silo, garage, fruit and vegetable stand or other building or structure directly and customarily associated with agricultural use.

Airport/Heliport - a place on land designed for the take-off and landing of aircraft.

Alteration - any construction, structural modification or renovation to an existing structure other than repair or addition.

Amusement Center - any place, site structure or building or part thereof which provides more than three amusement devices or any ride, booth or game of chance operated for profit.

Amusement Device - any mechanical contrivance used to provide games of chance, skill, or pleasure and where a fee is charged.

Amusement Park - an outdoor facility, which includes permanent structures and buildings where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items and buildings for shows and entertainment.

Amusement Ride - any mechanical contrivance used to transport an occupant or occupants over a short defined distance or course for thrill or pleasure and where a fee is charged.

Antenna - a device used to collect and transmit to a receiver telecommunication signals that have been generated at a distant location.

Apartment – a dwelling unit in a building for rent or lease for tenants, excluding mobile homes.

Apartment Building – a multi-family dwelling in which units are leased to tenants, other than a boarding house, hotel, motel or bed-and-breakfast.

Applicant - a person, partnership, corporation or other entity applying for a permit, project approval, or variance having a legal interest in property the subject of the application.

Application Date - a date which is set by the Planning Board, Town Board or Zoning Board of Appeals as the deadline for submission of applications to the Board, which shall be clearly stated on all application forms.

Automobile Repair Center - any building, premises and/or land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

Automobile Service Station - any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar accessories, or minor repairs.

Barn - a structure which is part of an agricultural use and which is used for the housing of animals, such as horses, chickens, cows, pigs, or their food and forage, such as hay, grains, straw, and equipment used to implement the agricultural use, such as a tractor, manure spreader, planter, etc.

Barrier – A man made or natural obstruction which restricts vision and/or access.

Bed and Breakfast - a tourist accommodation located within a single family dwelling or a multi-family dwelling. A bed and breakfast shall be considered an accessory use and not a tourist accommodation if the following criteria are met:

(1) The guest rooms are located within a structure that has been used as a single family dwelling for a period of five years or more prior to conversion to a bed and breakfast;

(2) the single family dwelling is the owner's primary residence and at least one bedroom is reserved for the owners exclusive personal use;

(3) no meals (except breakfast) are served to paying guests and no meals are served to the general public;

(4) in a structure containing more than three existing bedrooms, no more than 50 percent of the bedrooms and no more than five bedrooms total are available for paying lodgers;

(5) the use also meets all criteria of accessory use except that no accessory structure or guest cottage shall be used as a bed and breakfast;

(6) the sewage treatment system complies with all applicable NYS Department of Health Standards and local standards;

(7) at least one off-street parking space is provided on premises for each room for rent;

Boat - a watercraft moved by sail, paddle, oar, or engine.

Boathouse - a covered structure with direct access to a navigable body of water which:

(1) Is used only for the storage of boats and associated equipment;

(2) Does not contain bathroom facilities, sanitary plumbing, or sanitary drains of any kind;

(3) Does not contain kitchen facilities of any kind;

(4) Does not contain a heating system of any kind;

(5) Does not contain beds or sleeping quarters of any kind;

(6) Does not exceed a single story in that the roof rafters rest on the top plate of the first floor wall, and all rigid roof surfaces have a minimum pitch of 4 on 12, or, alternatively 1 flat covers the entire structure; and

(7) Has a footprint of 1200 square feet or less measured at the exterior walls (or in the absence of exterior walls, at the perimeter of the roof), and a height of 15 feet or less. For the purpose of this definition, the height of a boathouse shall be measured from the surface of the floor serving the boat berths to the highest point of the structure.

Boat Lift – a mechanical device which lowers a boat into the water and lifts and holds a boat out of the water.

Boat Maintenance Facility - any building, land area or other premises, or portion thereof used or designed to be used for the commercial care, maintenance and/or repair of boats and/or sale of marine products and accessories.

Boat Slip - a space along a dock intended for berthing or mooring a vessel. For the purposes of this Zoning Local Law, a slip shall be deemed to extend ten feet (10') in width from the adjacent edge of the dock.

Boat Storage Facility - a place, site or structure used to store a watercraft for thirty (30) consecutive days or more. (See "Commercial Boat Storage")

Boundary Line Adjustment - The transfer of a small amount of land which consists of less than the minimum lot size required in the zoning district in which it is located and which does not create an additional parcel of land or cause a lot size deficiency in either the granting or receiving parcel.

Buffer - an area of planted or natural vegetation, berms, fences or structures intended to separate and / or partially obscure the view from off-site at eye level.

Building - any roofed structure intended for the shelter, housing or enclosure of persons, animals or property

Building, Detached - a building surrounded by open space on all sides on the same lot.

Building Envelope -The area of a lot within which a building may be erected. This area is defined by the limits of the minimum front, side, and rear yard areas, and encompasses the area of the lot not found in the yard areas, legal rights-of-way, or other areas defined in the zoning ordinance.

Building Height - the vertical distance measured from the lowest portion of the natural grade of the building site adjacent to the building or finished grade of cut required to

accommodate the building to the highest point of the structure, not including chimneys, antennas or other small elements.

Building Line - the point from which all yard requirements are measured and which is determined by a line formed by the intersection of a horizontal plane of the lowest grade level and a vertical plane that extends from the most projected part of the building open to the sky.

Building Permit - written permission issued by the authorized municipal authority or authorities for the demolition, construction, repair, alteration or addition to a structure and certifying compliance with the New York State Building Code.

Campground - any area designated and used for transient occupancy by camping in tents, camp trailers motor homes, transient mobile homes, truck campers, or pickup campers or similar facilities designated for temporary shelter.

Car-port - a shelter for vehicle storage consisting of a roof supported by posts and not fully enclosed on all sides. May be attached to a structure.

Change of Use - any use which substantially differs from the previous use requiring alteration to the building or site; for example different parking spaces, service docks, ingress and egress standards, etc. Change of use may require a zoning permit or site plan review.

Church - a building for public worship including a synagogue or mosque.

Class A Regional Project - a land use or development which is classified and defined as such in Section 810 of the Adirondack Park Agency Act (see Appendix A).

Class B Regional Project - a land use or development which is classified and defined in Section 810 of the Adirondack Park Agency Act (See Appendix B of this Local Law).

Class A Regional Subdivision - a subdivision which is classified and defined as a Class A Regional Project.

Class B Regional Subdivision - a subdivision which is classified and defined as a Class B Regional Project.

Clear-Cutting –

(1) any cutting of all or substantially all trees over six inches in diameter at breast height on twenty-five (25) or more contiguous acres over any 10-year cutting cycle where the average residual basal area of such trees after such cutting is less than 30 square feet per acre, measured within the area harvested.

(2) Where regeneration is assured by stand conditions such that after such cutting the average residual basal area of trees at least one inch in diameter at breast height is at least 30 square feet per acre, measured within the area harvested, a clearcut will not be deemed to have taken place unless the average residual basal area of trees over six inches in diameter at breast height is less than 10 square feet per acre, similarly measured.

Club - an organization catering exclusively to members and their guests, or premises and buildings for recreational use or athletic purposes which are not conducted primarily for gain, providing they are not conducting any commercial activities except as required generally for the membership and purposes of such club.

Cluster Development - a form or pattern of land and buildings in a subdivision which reflects the varying suitability of a site by concentrating building and related facilities in one or more suitable areas of a site, while leaving other areas open to recreation or other open space activities.

Commercial Boat Storage - dry storage of more than three (3) boats on a lot for which a fee is charged or for which a fee is included in an overall commercial service or the dry storage of more than six boats on any lot, whether or not a fee is charged. For the purpose of determining "floor area" for storage facilities not directly adjacent to or associated with a "marina" or "quick launch," the area of berths or storage lofts above the ground floor shall be counted as floor area.

Commercial Recreation Use - any use involving the provision of recreation facilities or activities for a fee.

Commercial Sand and Gravel Extraction - any extraction from the land of more than fifty (50) cubic yards in any two-year period of sand, gravel or topsoil, (1) for the purpose of sale or use by persons other than the owner of the land, or (2) for the purpose of use by any municipality.

Commercial Use - any use involving the sale or rental or distribution of goods, services or commodities, either retail or wholesale, or the provision of recreation facilities or activities for a fee other than any such uses specifically defined herein.

Community Facility - a building or structure owned and operated by a governmental agency or not-for-profit organization to provide a public or semi-public service, such as libraries, museums, governmental buildings, firehouses, and churches.

Computer-Related Facility - a commercial retail service business oriented to providing educational services, repair, communications, word processing or other services using computers where sales is clearly incidental to the services provided and not including assembly or manufacturing.

Condominium - a form of ownership of a building or group of buildings in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis. The purchaser has title to his or her interior space in the building and an undivided interest in parts of the interior, the exterior, and other common elements.

Condominium Development, Detached Units - a condominium that involves the use of detached units, single family or multi-family.

Construction – the renovation, repair, extension, expansion, alteration, or relocation of a building or structure, or new construction.

Contractual Access - The right to use an access lot where said right is granted through membership in an organization or club or by legal contract or deed stipulation.

Contractual Access Lot - Any lot or parcel of land intended to serve as a waterfront access area for beach use, boating, and/or other recreational facilities granted through membership in an organization or club or by legal contract or deed stipulation.

Cooperative - a multi-unit project of one-family dwelling units, offices or commercial shops which may include one or more buildings on the same lot or property. These dwelling units, offices, shops or spaces, common areas and facilities which are owned by an organization, independent corporation, partnership or other enterprise are in turn owned and operated for the benefit of those using or occupying the property.

Corner Lot - A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135°. The point of intersection of the street lot lines is the corner. Such lot shall require front yard setbacks on each street. Such lot shall require side yard setbacks on each side and no rear yard setbacks.

Day Care Center - a site, building, or place designed and/or operated to provide day care and/or instruction for four or more persons and operated on a regular basis for a fee.

Deck - a platform without roof, full weather enclosure, except for railings or railing height walls.

Dock - a structure not more than eight (8) ft in width extending from a shoreline into a navigable body of water which is used as a landing or berthing place for vessels, including piers, wharfs, crib docks, stake docks, floating docks and all such similar structures.

Dock and Mooring Rental - the berthing of vessels for a fee other than those registered to the owner of the property, a gratuitous guest, or those having deeded right to the shorefront, and, other than the berthing of vessels offered as a part of the rental of a residential unit, dock and mooring rentals are not allowed except at marinas.

Dock System – A method of docking intended to accommodate berthing of multiple vessels in a systematic arrangement to minimize space utilized.

Driveway – any entrance or exit used by vehicular traffic to or from land or buildings abutting a road.

Dwelling, Attached - a one-family dwelling attached to two or more one-family dwelling by common vertical walls. An Attached Dwelling is a form of Multi-Family Dwelling and is considered a multiple family dwelling under the Adirondack Park Agency Act.

Dwelling, Multi-Family - any apartment, town house, condominium or similar building, including the conversion of an existing single family dwelling, designed for occupancy in separate dwelling units therein by more than one family.

Dwelling, Single-Family - a detached building (not including a mobile home) of one or more stories in height above main grade level, which is designed or used exclusively as living quarters for one family or household.

Dwelling, Town House - a single-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls. A Town House Dwelling is a form of Multi-Family Dwelling and is considered a multiple family dwelling under the Adirondack Park Agency Act.

Dwelling, Two Family - a structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units. A Two Family Dwelling is a form of Multi-Family Dwelling and is considered a multiple family dwelling under the Adirondack Park Agency Act.

Dwelling Unit - A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement - a grant of the right to a person, government agency, public utility company or other legal entity to use public or private land owned by another for specific purposes, where ownership of the land is not transferred.

Erect - to build, construct, attach, hang, place, suspend, or affix, including the painting of wall signs.

Essential Services – the construction, alteration or maintenance by public utilities or governmental agencies of gas, electrical, steam, sewer system or water transmission or distribution systems.

Excavation -- any extraction from the land of more than twenty (20) cubic yards of sand, gravel, clay, shale, rock, topsoil or other natural mineral deposits.

Family - a group of persons, constituting the functional equivalent of a traditional family, occupying a single premises and living as a single housekeeping unit, as distinguished from a group of persons occupying a lodging house, club, fraternity or hotel.

Fence - a man-made barrier placed or arranged as a line of demarcation between lots or to enclose a lot or portion thereof. The term "fence" shall be deemed to include a freestanding wall.

Firing Range - a site or building used for the orderly discharge of firearms, including targets or skeet, which may function as a commercial use or part of a private club.

Floor Space - square feet of floor space of a building shall be the area in square feet measured from the exterior walls of a structure, including the sum total of all floor areas, and including all attached covered porches and covered decks, and all other attached components with a roof or cover. The area shall also include any finished attic or basement. For the purposes of this definition, a finished basement or attic is one which contains walls, flooring, and ceiling suitable for use as a bedroom, living room playroom or office area, or if a non-residential use, suitable for storage, work area, or office.

Food Store - a self-service retail operation offering a variety of food goods for sale to the general public.

Forestry Use - any management, including timber harvesting, of a forest, woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of woodroads, skidways, landings, fences and forest drainage systems.

Forestry Use Structure - any barn, shed, garage, research, educational or administrative building or cabin directly and customarily associated with forestry use.

Fraternal Organization – is a type of social organization whose members freely associate for a mutually beneficial purpose such as for social, professional or honorary principals.

Frontage – the portion of a lot abutting on a street or right-of-way and ordinarily regarded as the front of the lot.

Funeral Home - a building or parlor used for the preparation of the deceased for burial or cremation and the display of the deceased and ceremonies connected therewith before burial or cremation.

Game Preserve - a land area used for the protection of wildlife, usually because of its unique natural character, which provides habitat, food or shelter for wildlife.

Garage, Public - a building, or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public. "Garage, Public" may include the storage of vehicles, motorcycles, recreational vehicles, snowmobiles, merchandise, furniture, files/records, machines and other miscellaneous items for personal or commercial storage also known as “self-storage” or “mini-storage”.

Government Office or Agency - any department, commission, independent agency or instrumentality of the United States, of New York State, of Warren County, and/or the Town of Chester or other governmental entity.

Greenhouse - a structure whose roof and sides are made largely of glass or other transparent or translucent material and used for personal enjoyment.

Greenhouse, Commercial - a building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the commercial cultivation of delicate or out-of-season plants for subsequent sale.

Group Camp - any land or facility for seasonal housing and recreational, educational or business-related use by private groups or semi-public groups, such as a boy or girl scout camp, fraternal lodge, university or college conference center, religious camp, or conference center.

Guest Cottage - not more than one residential structure which is associated with a single-family dwelling and which:

(1) is used only on an occasional basis;

(2) is used only by guests of the resident(s) of the single-family dwelling;

(3) is not for rent for hire separately from the single-family dwelling;

(4) contains one-half or less of the enclosed floor space of the associated single-family dwelling or 2,000 square feet, whichever is less; and

(5) otherwise meets the definition of accessory structure.

Home Occupation - any use customarily conducted entirely within a dwelling or in an accessory structure and carried on by the inhabitant(s) thereof and up to two employees not residing at the dwelling, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the exterior character thereof.

Homeowners Association - See "Landowners Association".

Hotel - a facility providing transient lodging rental units and where the customary uses such as restaurant facilities, meeting rooms, recreation facilities and leisure rooms are provided for use by the lodger and the general public. A Hotel is considered a tourist accommodation under the Adirondack Park Agency Act.

Hot Tub - See "Swimming Pool".

Hunting and Fishing Cabin and other Private Club Structure - a cabin, camp or lean-to or other similar structure designed and used only for occasional occupancy and primarily for hunting, fishing, and similar purposes that:

(1) is a one-story structure but may include a sleeping loft;

(2) is built on posts or piers and does not have a permanent foundation;

(3) is served by a sanitary pit privy or chemical toilet and does not have a conventional, onsite wastewater treatment system;

(4) does not have pressurized or indoor plumbing (this prohibition does not preclude a kitchen sink with appropriate grey water leach pit); and

(5) is not connected any public utilities (such as electric, phone, cable, water or sewer systems).

Immediate Family - spouse, siblings, parents, grandparents, children and grandchildren. The term includes members of a family whether by adoption or blood relation and includes half-blood members.

Impervious surface - material that significantly reduces and prevents natural infiltration of water into the soil. Impervious surfaces include but are not limited to roofs, patios, balconies, decks, streets, parking areas, driveways, sidewalks and any concrete, stone, brick, asphalt or compacted gravel surfaces.

Industrial Use - any manufacturing, production or assembly of goods or materials, including any on-site waste disposal area directly associated with an industrial use. This term does not include mineral extraction, private and commercial sand and gravel extraction, sawmills, chipping mills, pallet mills and similar wood using facilities.

In Existence - with respect to any land use or development, including any structure, that such use or development has been substantially commenced and substantial expansion made or development completed.

In-ground Pool - See "Swimming Pool".

Inn - a tourist accommodation, resembling in character traditional residential construction with common access providing transient lodging and meals which is characterized by common dining facilities and leisure rooms available for use by lodgers and limited general public.

Junk – used and/or discarded materials, house furnishings, appliance, machinery, vehicles, or parts thereof, with or without dismantling, processing, salvage, sale or other use or disposition of same.

Junk Automobile - any unregistered motor vehicle, no longer intended or in condition for legal use on the public highways. For the purpose of this definition, motor vehicle shall mean all vehicles propelled or drawn by power, other than muscular power, originally intended for use on public highways or for use in agricultural or construction activity.

Junkyard - any open lot or area for the dismantling, storage or sale of parts, scrap or salvage, of used or wrecked motor vehicles, machinery, scrap metals, waste papers, rags, used or salvaged building materials or other discarded material.

Kennel - the business of harboring dogs, cats or other domesticated animals.

Landowners Association - an organization established by or for the owners of buildings, sites and/or facilities for the express purpose of managing, maintaining, operating, and/or developing common areas or interests related to those buildings, sites or other facilities.

Land Use Area - those areas delineated on the official Adirondack Park Land Use and Development Plan Map adopted under Article 27 of the Executive Law of the State of New York and designated thereon as "Hamlet", "Moderate Intensity Use", "Low Intensity Use", "Rural Use", "Resource Management", and "Industrial", that are delineated on the Adirondack Park Land Use and Development Plan Map incorporated in this Local Law by Section 3.03 hereof and amendments thereto.

Land Use or Development or Use - any construction or other activity which materially changes the use or appearance of land or a structure, or the intensity of the use of land or structure. Land use and development shall not include any landscaping or grading which is not intended to be used in connection with another land use, or ordinary repairs or maintenance or interior alterations to existing structures or uses.

Laundry, Self Service - a business or use equipped with individual clothes washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided for the benefit of tenants in an apartment house, hotel, or motel.

Logging Road - an access road usually created by removing trees and stumps in a confined space to facilitate the removal of logs during tree harvesting operations.

Lot - a designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

Lot, Corner - See Corner Lot.

Lot Coverage - that portion of the lot that is covered by buildings and structures or other impervious surfaces.

Lot Depth - the minimum contiguous distance measured from the front lot line to the rear lot line.

Lot Width - the minimum contiguous distance between the side lines of a lot.

Mail Order Business - a general retail business which is transacted through a catalogue with use of a mail carrier and where on-site customer visitation and transaction are clearly incidental to the services and sales technique.

Major Public Utility Use –

(1) any electric power transmission or distribution line with associated equipment of a rating of more than 15 kilovolts which is one mile or more in length; any telephone interchange or trunk cable or feeder cable which is one mile or more in length; any telephone distribution facility containing twenty-five or more pairs of wire and designed to provide initial telephone service for new structure; any telephone or other communication transmission tower, any pipe or conduit or other appurtenance used for the transmission of gas, oil or other fuel which is one mile or more in length; any electric substation, generating facility or maintenance building and any water or sewage pipes or conduits including any water storage tanks designed to service fifty or more principal buildings.

(2) Any use which is subject to the jurisdiction of the Public Service Commission pursuant to Article Seven (7) or Ten (10) of the Public Service Law or other prior approval by the Public Service Commission pursuant to the Public Service Law is not a major public utility use for the purpose of these regulations except for the shoreline restrictions in which case the bodies having jurisdiction over such uses under such article or other provisions shall have the authority of the agency or a local government under these regulations.

Marina - facility providing boats, docks or moorings for a fee or other consideration and often offering supply, storage, repair and other services.

Marina/Quick Launch - a storage facility which provides out-of-water short-term storage for boats which are launched regularly, providing out-of-water storage as an alternative to in-water mooring or docking during the boating season when the boat(s) are in use.

Mean High Water Mark - the average annual high water level of a lake, pond, river, stream, creek or other body of water as established by Adirondack Park Agency regulation or by a licensed surveyor.

Medical Building - a facility that contains establishments dispensing health services.

Mining - the extraction or removal of minerals from the ground for sale or exchange, or for commercial, industrial use, as more fully defined in Section 23-2703 of the Environmental Conservation Law (Mined Land Reclamation Law), which definition is incorporated herein as if fully set forth. This definition shall not apply to:

(1) The excavation or grading of an area necessary to prepare a site for construction in accordance with an approved building permit, site plan, or subdivision plan, providing the excavation takes place within the project site, does not involve the sale or exchange of mineral resources to off-site locations, and is an integral part of the involved project activities.

(2) Excavations or grading undertaken to enhance the agricultural use of lands or to provide for structures or other improvements that benefit or are necessary for ongoing or imminent agricultural activities. This exemption applies only to excavations where the mineral removal and subsequent reclamation enhances the agricultural usability or productivity of the land.

Mineral - any naturally formed solid material of commercial value located on or below the surface of the earth. For the purposes of this Local Law, peat and topsoil shall be considered minerals.

Mineral Extraction - any excavation, other than specimens or samples from the land, of stone, coal, salt, ore, talc, granite, petroleum products or other materials, except for commercial sand, gravel, or topsoil mining including the construction, alteration or maintenance of mine roads, mine tailing piles or dumps, and mine drainage.

Mineral Extraction Structure - any mine hoist; ore reduction, concentrating, sintering or similar facilities and equipment; administrative buildings, garages or other main buildings or structures.

Mobile Food Vendor - the operator of a mobile food unit who is licensed to dispense food.

Mobile Food Unit - any vehicle that is self-propelled, or can be pulled or pushed down a sidewalk, road, or waterway, on which food is pre-prepared, prepared, processed or converted in selling and dispensing food to the ultimate consumer, and which remains on any one site for less than 24 continuous hours.

Mobile/Manufactured Home - any self-contained dwelling unit, but not including travel trailers, that is designed to be transported to its site on its own wheels or those of another vehicle, which may contain the same water supply, kitchen facilities and plumbing, sewage disposal and electric systems as immobile housing and is designed to be used exclusively for residential purposes; or any structure so marked as a mobile home or structure by New York State. (A modular home is not considered a mobile home.)

Mobile/Manufactured Home Park or Court - a parcel of land developed into two or more lots or sites, designed and improved for the placement of two or more mobile home units thereon.

Modular Home - any self-contained dwelling unit that is constructed in two or more main sections and transported to and permanently assembled on site. Modular homes must be placed on a permanent continuous foundation.

Mooring - floats, boats, seaplanes and other water vessels which are tied or anchored by rope, cable, or other suitable material.

Motel - a tourist accommodation providing transient lodging rental units with at least 25% of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building, and where customary uses such as but not limited to playgrounds, game rooms, recreation facilities, snack bars, and restaurants may be provided for use by the lodger and the general public. A Motel is considered a tourist accommodation under the Adirondack Park Agency Act.

Non-commercial Use - any use that is not a form of commercial or industrial use, as defined herein.

Nonconforming Lot - any legally created lot of record existing on the effective date of this Local Law which does not meet the minimum lot area and/or lot width or depth requirements of this Local Law for the zoning district in which such lot is situated.

Nonconforming Structure - any structure which is actually, substantially, and legally in existence within a given zoning district on the effective date of this Local Law or any amendment thereto which is not in conformance with the dimensional regulations for that zoning district.

Nonconforming Use - any use which is actually, substantially, and legally in existence within a given zoning district on the effective date of this Local Law, or any amendment thereto which is not an accessory use, permissible use, or use allowed by Site Plan Review for that zoning district.

Off-Street Parking Space - a temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.

Open Space Recreation Use - any recreation use particularly oriented to and utilizing the outdoor character of an area which does not depend on amusement devices or rides. These recreational uses may include but not limited to a snowmobile trail, bike, jeep or all-terrain vehicle trail, cross-country ski trail, hiking and backpacking trail, bicycle trail

and horse trail, as well as playground, picnic area, public park, and public beach for activities such as soccer, baseball, football, tennis and water-related activities.

Parcel of Property - any real property shown on the latest adopted County tax roll as a unit, or as contiguous units under common ownership. Parcels separated by public highway and owned by the same owner shall be deemed to be separate parcels of real property.

Person - any individual, corporation, partnership, association, organization, trustee, municipality or other legal entity, but shall not include the State or any State agency.

Principal Building - any one of the following:

(1) a single family dwelling or mobile home constitutes one principal building;

(2) A mobile home constitutes one principal building;

(3) each dwelling unit of a multiple family dwelling constitutes one principal building;

(4) a tourist cabin or similar structure for rent or hire involving 300 square feet or more of floor space constitutes one principal building and any tourist cabin or similar structure involving less than 300 square feet of floor space constitutes one tenth of a principal building.

(5) each motel unit, hotel unit or similar tourist accommodation unit which is attached to a similar unit by a party wall constitutes one-tenth of a principal building;

(6) each commercial use structure and each industrial use structure in excess of 300 square feet constitutes one principal building, except that for a commercial use structure which involves the retail sale or rental or distribution of goods, services or commodities, each 11,000 square feet of floor space or portion thereof of such commercial use structure constitutes one principal building;

(7) a structure containing a commercial use which is also used as a single family dwelling constitutes one principal building.

(8) each industrial use structure in excess of 300 square feet constitutes one principal building;

(9) all agricultural use structures and single family dwellings or mobile homes occupied by a farmer of land in agricultural use, his employees engaged in such use and members of their respective immediate families, will together constitute and count as one principal building;

(10) any other structure which exceeds 1,250 square feet of floor space constitutes one principal building;

An accessory structure or use does not constitute a principal building.

Private Sand, Gravel or Topsoil Extraction - any extraction from the land of sand, gravel or topsoil for the purpose of use, but not sale, by the owner of the land, or any extraction for the purpose of sale of less than fifty (50) cubic yards in any two-year period.

Professional Office - an office or place to conduct licensed activities normally associated with their field for those engaged in a professional occupation including all

members of the field of medicine, a lawyer, architect, landscape architect, engineer, surveyor, licensed beautician or barber, real estate broker, insurance agent, or accountant.

Public or Semi-Public Building - any component building of a college, school, hospital, animal hospital, library, place of worship, museum, research center, rehabilitation center, or similar facility or a municipal building.

Public Utility Use - any public utility use, equipment or structure which is not a major public utility use. A public utility use does not include any use which is subject to the jurisdiction of the Public Service Commission pursuant to Article VII or 10 of the Public Service Law.

Restaurant, Fast Food - an establishment whose principal business is the sale of pre-prepared or rapidly prepared food/meals directly to the customer in a ready-to-consume state for consumption either within the restaurant or off premises.

Restaurant, Full Service - an establishment where food and drink is prepared, served, and sold for on-premises consumption to patrons seated at tables.

Retail Business, General - the offering, for a fee, of goods or merchandise, excluding food products, to the general public and where the providing of services is clearly incidental to the sale of such goods or merchandise.

Retail Services, Commercial - establishments providing, for a fee, services or entertainment, as opposed to products, to the general public, such as educational services, day care centers, repair shops, dry cleaners and laundromats, taverns, restaurants, theaters.

Retaining wall - permanent structure of cribbing, wood, masonry, stone, concrete or other material that supports or holds back a mass of soil.

Rooming House - A multi-family dwelling used primarily for the purpose of furnishing lodging, with or without meals, to 15 or fewer transient occupants for compensation. A boarding house or lodging house shall be deemed a "Rooming House."

Riding Stables - a place, site or building used for the housing, care and riding of horses or other animals.

Right-Of-Way - a parcel of land under public or private ownership or easement open for public or private vehicular or pedestrian traffic.

Sawmill – see Wood Product Mills.

School - any building or part thereof which is designed, constructed and used for the education or instruction in any branch of knowledge which includes public or private, elementary, secondary, vocational or religious education.

Screening – Foliage, mounds, trees, shrubs or landscaped natural materials and plants which obscure the visual character and suppress the noise of any given building or use of land.

Seasonal Use - a use which occupies continually a building or site for less than seven months of the year. (April 1 through October 31)

Setback - the horizontal separation distance from the property line, highway right-of-way line or, in the case of shoreline property, from the mean high water mark to the building line of the structure. (See "Building Line")

Shed – see Storage Shed.

Shopping Center - a building or buildings located on one lot containing numerous businesses, services and/or restaurants with a total gross square footage exceeding ten thousand (10,000) square feet.

Shoreline - the mean high water mark at which land adjoins the waters of lakes, ponds, rivers and streams within the Town.

Shoreline Structure Setback - the shortest distance, measured horizontally, between any point of a structure and the shore line of any lake, pond, or river within the Town and all streams which are navigable by boat, including canoe.

Shoreline Lot Width - the distance measured along the shoreline as it winds and turns between the boundary lines of a lot as they intersect the shoreline of any lake or pond and the shorelines of the Hudson and/or Schroon Rivers or any stream navigable by boat, including canoe.

Sign Definitions:

Building Sign – advertises a bona fide business or service conducted on the premises and / or advertise products and / or merchandise stocked and sold on the premises.

Directional Signs of a Quasi-Public Nature - identification or location of a town, hospital, public building, parking lot, church, college, service club or civic, educational, cultural or public recreational building, facility or use and similar signs, including informational signs relating to the opening of an event of public interest.

Garage and Yard Sale Signs – advertising garage or yard sales.

Incidental Sign - a sign that displays general site information, instructions, directives, or restrictions that are primarily oriented to pedestrians and motor vehicle operators who have entered a property from a public street. These signs shall not contain any commercial advertising.

Interior Sign – one that is inside a building visible from a sidewalk, street or other public place.

Luminous Sign – a sign that has self-contained lighting which emits light out and away from the sign or external lighting directed at the sign.

Off Premise Sign – any sign that advertises a business or service that is not located on the premise of the business.

Political Sign – relating to a particular election.

Portable Sign – any sign on a trailer, wheels or otherwise, designed to be moveable and not structurally attached to the ground, a structure or another sign.

Real Estate Sign – advertising property for sale or lease.

Temporary Business Sign – advertising sales or other special events, including signs advertising a change of management or the “Grand Opening” of a new business.

Wayside / Farm Stand Sign – advertising the sale, location and / or hours of a farm stand.

Window Sign – one that is attached to a window.

Ski Center - any trail or slope for alpine and/or Nordic skiing including lifts, terminals, base lodges, warming huts, sheds, garages and maintenance facilities, parking lots and other buildings and structures directly and customarily related thereto.

Solar Definitions:

Abandonment – solar energy systems are considered abandoned after one year without energy generation and must be removed from property. An extension may be granted from the Planning Board.

Building Integrated Photovoltaic System - a solar energy system that consists of integrating photovoltaic modules into the building structure such as roof or façade and doesn't alter the relief of the roof.

Flush Mounted Solar Panel - a photovoltaic panel or tile that is installed flush to the surface of the roof and cannot be angled or raised.

Photo Voltaic Systems - a solar energy system that produces electricity by use of semi-conductor devices, called photovoltaic cells that generate electricity whenever lights strike them.

Pole Mounted or Ground Mounted Solar Energy System - a solar energy system that is directly installed in/on the ground and is not attached or affixed to an existing structure.

Rooftop or Building Mounted Solar System - a solar power system in which solar panels are mounted on to the structure of a roof either as a flush mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle.

Small Scale Solar Systems - refers to solar photovoltaic systems that produce up to ten kilowatts (KW) per hour of energy or solar thermal systems which serve the property they are located on.

Solar Energy Equipment – electrical energy storage devices, material, hardware, inverters, or other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.

Solar Energy System - an electrical generating system composed of a combination of both Solar Panels and Solar Energy Equipment.

Solar Panel - a photovoltaic device capable of collecting and converting solar energy into electrical energy.

Solar Thermal Systems - solar energy system that directly heats water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water and heating pool water.

Spa, Non-portable – See "Swimming Pool".

Spa, Portable - a nonpermanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating equipment are an integral part of the product.

Storage Shed - any accessory structure used to store equipment, supplies, tools, etc., which is subordinate to or supports the activities of the principal use or structure.

Structure - any building or object constructed, installed or placed on the land to facilitate land use and development or subdivision of land, such as buildings, sheds, single-family dwellings, mobile homes, signs, tanks, fences and poles, and any fixtures, additions and alterations thereto.

Subdivision of Land or Subdivision - any division of land into two or more lots, parcels or sites, whether adjoining or not, for the purpose of sale, lease, license or any form of separate ownership or occupancy (including any grading, road construction, installation of utilities or other improvements or any other land use and development preparatory or incidental to any such division) by any person or by any other person controlled by, under common control with or controlling such person or by any group of persons acting in concert as part of a common scheme or plan. Subdivision of land shall include any map, plat or other plan of the division of land, whether or not previously filed. Subdivision of land shall not include the lease of land for hunting and fishing and other open space recreation uses.

Subdivision shall also be any development of a parcel of land, as a shopping center, mobile home court, industrial area, condominium, or a multiple dwelling project, which involves the installation of streets and/or alleys, even though the streets and alleys may not be dedicated to public use and the parcel may not be divided immediately for the purpose of conveyance, transfer, or sale.

The term subdivision includes re-subdivision and, as appropriate in this Local Law, shall refer to the process of subdividing land or to the land subdivided.

Swimfloat - a floating platform not used for the berthing of vessels.

Swimming Pool - any structure, basin, chamber or tank which is intended for swimming, diving, recreational bathing or wading and which contains, is designed to contain, or is capable of containing water more than 24 inches (610 mm) deep at any point. This includes in-ground, above-ground and on-ground pools; indoor pools; hot tubs; spas; and, fixed-in-place wading pools.

Timber Harvesting - the cutting of trees over six inches in diameter measured at 4-1/2 feet above the ground.

Tourist Accommodation - any hotel, motel, resort, cabin colony or inn designed to house the general public (excluding bed and breakfasts, travel trailers, travel vehicles or motor homes).

Tourist Attraction - any man-made or natural place of interest open to the general public and for which an admittance fee is usually charged, including but not limited to animal farms, amusement parks, replicas of real or fictional places, things or people, and natural geological formations.

Travel Trailer - any portable vehicle, including a tent camper or motor home, which is designed to be transported on its own wheels and which is designed and intended to be used for temporary living quarters for travel, recreational or vacation purposes.

Travel Trailer Campground - a parcel of land under single ownership which is designed and improved for use by two or more travel trailers.

Variance, Area - the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or topographical requirements of this Local Law.

Variance, Use - the authorization by the Zoning Board of Appeals for the use of land in a manner or for a purpose which is otherwise not allowed or is prohibited by this Local Law.

Vessel - any type of watercraft, other than a seaplane, used or capable of being used as a means of transportation on the water.

Veterinary Hospital - A commercial building used for the treatment of animals, including facilities for boarding animals receiving treatment.

Volatile Substances, Gas or Liquids - combustible solids, liquids or gases, including but not limited to butane, propane, gasoline, kerosene, alcohol or other combustible substance.

Waste Disposal Area - any area for the disposal of garbage refuse and other wastes, including sanitary landfills and dumps, other than an on-site disposal area directly associated with an industrial use.

Waste Treatment Site - any building, structure of area where sewage is treated.

Water Bottling Plants - Any facility for the production, processing and bottling of Bottled Water as regulated by the New York Public Health Law Section 25(u) and the rules and regulations adopted pursuant to said Section. The production of bottled water may include bottled water in bulk and/or in containers sized primarily for retail sale, provided however, that the retail sale of bottled water on the premises is prohibited. Such a bottling plant shall include bottling facilities, accessory bottle manufacturing for on-site use, associated wells, springs, pumps, pipes and accessory structures, testing facilities as required, and on-site garages, loading platforms, etc. for the distribution of bottled water in bulk containers or in containers sized for retail consumption.

Watershed Management or Flood Control Project - any dam, impoundment, dike, rip-rap or other structure or channelization or dredging activity designed to alter or regulate the natural flow or condition of rivers or streams or the natural level or condition of lakes or ponds. Any such project for which a permit or approval is required prior to commencement from the New York State Department of Environmental Conservation is not considered a watershed management or flood control project.

Wayside Stand - Any temporary structure designed, arranged or used for the display or sale of agricultural or other products grown or produced only on the premises upon which such stand is located.

Wetlands - any land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp, or marsh which is either, (a) one acre or more in size, or (b) located adjacent to a body of water, including a permanent stream, with which there is free interchange of water at the surface, in which case there is no size limitation.

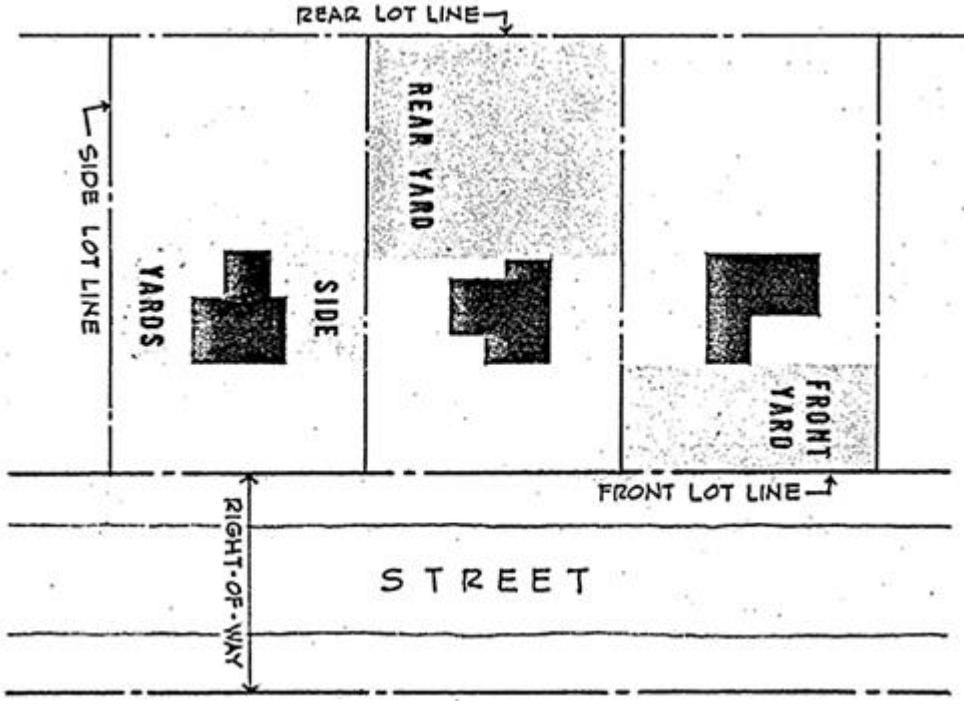
Wood Product Mills - any building, site or place used commercially for the cutting or milling of raw timber into various wood-based products.

Yard - the space on the same lot with a building or structure, unoccupied and unobstructed from the ground upward except as otherwise provided in this Local Law, and as defined herein.

Yard, Front – is the space that extends the full width of the lot and is situated between the adjacent highway right-of-way and building projected to the side lines of the lot. The depth of the front yard shall be measured between the adjacent highway right-of-way line and the closest point of the structure, including any appurtenances attached thereto, whether or not enclosed. When a building is situated on a corner lot which abuts two streets, the lot will be determined to have two front yards, and two side yards. When a building is situated on a corner lot which abuts three streets, the lot will be determined to have three front yards and one rear yard. When a building is situated on a lot that extends through to another street, the lot shall be determined to have two front yards and two side yards.

Yard, Rear – is the space that extends the full width of the lot and is situated between the rear line of the lot and the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the building, including any covered porches, whether or not enclosed.

Yard, Side – is the space that is situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard, including any covered porches, whether or not enclosed.



Zoning Administrator - that individual designated by the Town Board to administer zoning, subdivision and sanitary regulations adopted by the Town of Chester.

Zoning Enforcement Officer – That individual designated by the Town Board to enforce the zoning regulations adopted by the Town of Chester.

Zoning Compliance Certificate – a certificate issued by the Zoning Administrator to certify the proposed project complies with all Town of Chester zoning regulations.

Zoning Permit - a document issued by the Zoning Administrator, for a proposed new land use or development within the provisions of the Town of Chester zoning regulations, including any terms and conditions of these regulations for the proposed activity.

ARTICLE 3 - ZONING MAPS

Section 3.01 Town Zoning Map.

The boundaries for each Zoning District are the boundaries indicated on the map entitled 'The Town Zoning Map of the Town of Chester" which is hereby incorporated and declared to be part of this Local Law, and hereinafter referred to as the 'Town Zoning Map".

Section 3.02 Interpretation of Zoning District Boundaries.

In making a determination where uncertainty exists as to boundaries of any of the zoning districts shown on the Town Zoning Map, the following rules shall apply:

A. Where district boundaries are indicated as approximately following the centerline of right-of-way line of streets, alleys, highways, such lines shall be construed to be district boundaries.

B. Where district boundaries are indicated as approximately following a stream, lake or other body of water, such stream centerline, lake or body of water shall be construed to be such district boundaries (unless otherwise noted).

C. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be district boundaries.

D. Where district boundaries are not indicated as approximately following the items listed in A), B), and C) above, or are not designated on the Zoning Map, the boundary lines shall be determined by the use of the scale designated on the Town Zoning Map.

E. Whenever any street, alley or other public way is abandoned in the manner authorized by law, the district adjoining each side of such street, alley or public way shall be automatically extended to the center of the former right-of-way and all of the area included in the abandoned right-of-way shall henceforth be subject to all regulations in the extended districts.

F. In the event that none of the above rules are applicable, or in the event that further clarification or definition is considered necessary or appropriate, the location of a district boundary shall be determined by the Zoning Board of Appeals.

Section 3.03 Adirondack Park Land Use and Development Plan Map.

The boundaries for each zoning district on the Town Zoning Map (see Section 3.01) are intended to be identical to the Official Adirondack Park Land Use and Development Plan Map. The boundaries within the Town of the land use areas established by the Official Adirondack Park Land Use and Development Plan Map, as may be from time to time amended, pursuant to Subdivision 2 of Section 805 of the Adirondack Park Agency Act, are indicated by the separate map entitled "Adirondack Park Land Use and Development Plan Map of the Town of Chester" dated with the effective date of this Local Law, which accompanies this Local Law, and which is hereby adopted and declared to be part of this Local Law, and hereafter known as the "Park Plan Map".

Any change of the boundaries within the Town of a land use area by an amendment of the Official Adirondack Park Land Use and Development Plan Map pursuant to Subdivision 2 of Section 805 of the Adirondack Park Agency Act shall be promptly

considered in accordance with the amendment provisions of Article 11 of this Local Law and, in order to maintain Adirondack Park Agency approval, adopted in accordance with these provisions. The Park Plan Map shall be promptly changed in accordance with that amendment. Copies of the Park Plan Map which may from time to time be published and distributed are accurate only as of the date of their printing and shall bear words to that effect.

ARTICLE 4 - ZONING DISTRICT REGULATIONS

Section 4.01 Zoning Districts.

The Town is hereby divided into the following designated districts.

DISTRICT	NAME OF DISTRICT
H	**Hamlet**
MI	**Moderate Intensity**
L	**Low Intensity**
RU	**Rural Use**
RM	**Resource Management**
I	**Industrial**

See Section 4.03 for dimensional regulations.

Section 4.02 Use Regulations.

A. Purpose and Objective. This section identifies the allowable and prohibited uses of properties within the Town by Zoning District. The section also notes if and when a site plan review is required.

B. Allowed Uses By Right. A use shall be allowed by right in a district if it is listed in the schedules of regulations as an allowed use for that district, or is a forestry use or an essential service, provided all other requirements of this Local Law are met. Any non-commercial use not listed on the following schedules shall be allowed provided all other requirements of this Local Law are met. These uses require a Zoning Permit.

C. Uses Allowed with Site Plan Review. A use listed in the following schedules of regulations as subject to site plan review for a given zoning district shall be allowed in that district when approved in accordance with Article 5 hereof, provided all other requirements of this Local Law are met. In addition, any Commercial Use not listed in the following schedules shall be allowed subject to Site Plan Review if it appears on the APA Compatible Use list for the District in which it is located.

D. Prohibited Uses. Any use which is not an allowed use by right or by site plan review in a given zoning district or which is not an accessory use shall be a prohibited use in that zoning district. Any applicant wishing to undertake any such prohibited use shall always have the right to seek authorization from the Town Board through appropriate amendment of this Local Law, which the Town Board shall review with consideration for the economic opportunities, health, safety, and general welfare of the residents of the Town of Chester. Any such proposed amendment must be referred to the Adirondack Park Agency.

E. Accessory Use or Accessory Use Structure. An accessory use or accessory use structure shall be allowed if the use is a lawful use pursuant to the terms of this Local Law and for which a permit has been issued if required pursuant to the terms of this Local Law. A new accessory use structure other than a fuel tank, fence or flag pole requires a zoning permit pursuant to this local law. Also excluded from requiring a permit are any moveable structures 50 square feet or less and less than 4 feet in height.

F. Elevation and Slope Review. Any New Land Use and Development, including single family dwellings, in any district on lands at an elevation in excess of 1,400 feet above sea level or on slopes in excess of 15% shall be subject to site plan review.

Purpose and objective: To provide a balance offering compatible commercial services and economic opportunity while protecting the community, environment, and natural aesthetics.

TOWN OF CHESTER USE CHART

KEY:

ZP = ALLOWED USE BY RIGHT WITH ZONING PERMIT
S = SUBJECT TO SITE PLAN REVIEW
— = PROHIBITED (USE VARIANCE REQUIRED)

USES	HAMLET	MODERATE INTENSITY USE	LOW INTENSITY USE	RURAL USE	RESOURCE MGT.	INDUSTRIAL USE
Accessory Apartment	S	S	S	S	S	—
Accessory Uses and Accessory Structures	ZP	ZP	ZP	ZP	ZP	ZP
Agricultural Services Use(s)	S	S	S	S	S	S
Agriculture Use(s)	S	S	S	ZP	ZP	—
Agricultural Use Structure	S	ZP	—	—	—	—
Airport / Heliport	—	S	S	S	—	—
Automobile Service Station	S	S	—	—	—	—
Bed and Breakfast as a Tourist Accommodation	S	S	S	S	S	—
Bed and Breakfast as an Accessory Use	ZP	ZP	ZP	ZP	ZP	—
Campground	S	S	—	S	S	—
Church	S	S	S	S	S	—
Club	ZP	ZP	—	—	—	—
Commercial Boat Storage	—	S	S	—	—	—
Commercial Recreational Use	S	S	S	—	—	—
Commercial Sand and Gravel Extraction	—	—	S	—	S	S
Commercial Use[5]	S	S	S	S	S	S
Community Facility	S	S	S	S	S	—
Computer Related Facility	S	S	—	—	—	—
Day Care Center	S	S	—	—	—	—
Dwelling, Attached	—	S	S	S	—	—
Dwelling, Multiple Family	S	S	—	S	S	—

USES	HAMLET	MODERATE INTENSITY USE	LOW INTENSITY USE	RURAL USE	RESOURCE MGT.	INDUSTRIAL USE
Dwelling, Single Family	ZP	ZP	ZP	ZP	S	—
Dwelling, Townhouse	S	S	—	S	—	—
Dwelling, Two Family	—	ZP	S	S	—	—
Excavation	ZP	ZP	ZP	—	ZP	—
Firing Range	—	—	S	S	S	—
Food Store	S	S	—	—	—	—
Forestry Use	ZP	ZP	ZP	ZP	ZP	ZP
Forestry Use Structure	—	—	—	S	S	—
Fraternal Organization	ZP	ZP	ZP	ZP	—	—
Funeral Home	S	S	S	—	—	—
Game Preserve	—	—	S	—	ZP	—
Garage Public	S	S	—	—	—	—
Government Office or Agency	S	S	—	—	—	—
Greenhouse Commercial	S	—	—	—	—	—
Group Camp	—	S	S	S	S	—
Home Occupation	ZP	ZP	ZP	ZP	S	—
Hunting and Fishing Cabins / Under 500 Sq. feet	—	—	ZP	ZP	ZP	—
Hunting and Fishing Cabins / Over 500 Sq. feet*	—	—	—	—	S	—
Industrial Use	—	—	—	—	—	S
Junk Yard	—	—	—	—	—	S
Kennel	S	S	S	S	S	—
Mail Order Business	ZP	S	—	—	—	—
Major Public Utility Use	—	S	S	—	S	S
Marina	—	S	S	—	—	—
Marina Quick Launch	—	—	S	—	—	—
Medical Building	S	S	—	—	—	—
Mineral Extraction/ Mineral Extraction Structures	—	—	—	—	—	S
Mobile/Manufactured Home	—	ZP	ZP	ZP	S	—
Private Sand , Gravel, Topsoil Extraction	—	—	S	S	S	—
Professional Office	S	S	—	—	—	—
Public or Semi-public Buildings	S	S	S	S	S	S
Restaurant / Full Service	S	S	S	S	S	—
Restaurant / Fast Food	S	S	—	—	—	—

USES	HAMLET	MODERATE INTENSITY USE	LOW INTENSITY USE	RURAL USE	RESOURCE MGT.	INDUSTRIAL USE
Retail Services, Commercial	S	S	—	—	—	—
Retail Business, General	S	S	—	—	—	—
Riding Stables	—	—	—	S	—	—
Rooming House	—	—	S	S	—	—
School	S	S	S	S	—	—
Shopping Center	S	S	—	—	—	—
Ski Center	—	S	—	S	S	—
Solar Systems, Flush Mounted	ZP	ZP	ZP	ZP	ZP	ZP
Solar Systems, Rooftop or Building Mounted	ZP	ZP	ZP	ZP	ZP	ZP
Solar Systems, Building Integrated Photovoltaic	ZP	ZP	ZP	ZP	ZP	ZP
Solar Energy Systems, Pole Mounted or Ground Mounted (Accessory Structure)	S[4]	S[4]	S	S	S	S
Solar Energy Systems, Pole Mounted or Ground Mounted (Principal Use)	—	—	S	S	S	S
Tourist Accommodation	S	S	—	S	S	—
Transient Mobile Home / Travel Trailer Camp	—	S	—	—	—	—
Waste Treatment Plant / Public	—	—	S	S	—	S
Waste Treatment Site (Municipal Only)	S	S	—	—	—	—
Water Bottling Plant	—	S	S	S	—	—
Watershed Management / Flood Control Project	S	S	S	S	S	—
Wayside Stand	ZP	ZP	ZP	ZP	ZP	—
Wood Product Mills	—	—	—	—	—	S

***and any other private club structures involving 500 square feet or more of floor space.**

1. **Any New Land Use or Development, including single family dwellings, in any district on lands at an elevation in excess of 1,400 feet above sea level or on slopes in excess of 15% shall be subject to project review.**
2. **For all commercial uses any change of use or any increase in the size of the structure or in the area of lot coverage shall be subject to project review.**
3. **See Section 4.03 for dimensional regulations.**
4. **Small-scale solar system only.**
5. **Commercial Uses not listed separately as either allowable with a Zoning Permit or Site Plan Review.**

***Section 4.03 Schedule of Area, Bulk, and Height Controls*.**

District	Intensity	Minimum Lot Size	Minimum Setback			Minimum Dimensions		Maximum Height		Maximum Lot Coverage (Impervious Area)
			Front	Side	Back	Road Frontage	Depth	Feet	Stories	
Hamlet	0.5 acre/ principal building	.50 acre .25 acre*	25'**	15'	25'	75'	75'	39'	2	75%
Moderate Intensity	1.3 acres/ principal building	1 acre	60'	15'	50'	200'	200'	39'	2	75%
Low Intensity	3.2 acres/ principal building	1 acre	60'	25'	75'	200'	200'	39'	2.5	25%
Rural Use	8.5 acres/ principal building	1 acre	100'	50'	75'	200'	200'	39'	2.5	15%
Resource Management	43.5 acres/ principal building	1 acre	200'	100'	100'	500'	N/A	39'	2	5%
Industrial	none	1 acre	50'	15'	50'	100'	150'	39'	N/A	95%

* with municipal water supply

** provided further that in a built-up area where the majority of buildings already erected on the same side of the street within two hundred (200) feet of the lot on which a building is proposed to be erected have structure setbacks from the front lot line or centerline of the travel way, as the case may be, less or greater than required by these regulations, the setback for the new building shall be the same as for the majority of the buildings, or if there be no majority, the average of all setbacks previously established, provided that in no case shall such front setback be less than twenty-five (25) feet from the front lot line, and provided further that in the case of a shoreline, the provisions of Section 7.01 shall apply.

Lots that include shoreline shall be subject to the additional restrictions in Section 7.01.

Section 4.04 Application of Regulations.

Except as hereinafter provided:

A. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the districts in which it is located.

B. No building that is hereafter allowed for the district in which such building is located shall be erected or altered which will:

1. exceed the height or bulk;
2. accommodate or house a greater number of families
3. occupy a greater percentage of lot area; or

4. have narrower or smaller front yards, rear yards or side yards than allowed in the applicable provisions of this Local Law.

C. No part of a yard, lot or other open space, about any building required for purpose of complying with the provisions of this Local Law, shall be included as part of a yard, lot or other open space similarly required for another building.

D. No permit shall be issued for any clearing, principal building, any multi-family residence or any business or industry, or any use listed for site plan review in Section 4.02 until a project has been approved by the Planning Board in accordance with Article 5.

E. All land use or development activities listed in Section 4.02 shall require a zoning permit from the Zoning Administrator.

Section 4.05 Parcels Located in More Than One Zoning District.

Where an applicant owns a parcel or contiguous parcels of land which are located in more than one zoning district, the total number of principal buildings allowable pursuant to Section 4.01 may be distributed among such districts provided:

A. No lot is created which is smaller in area than the smallest lot permitted pursuant to Section 4.03 of this Local Law in any of the districts involved.

B. The total number of principal buildings permitted for the entire parcel as determined intensity provisions contained in Section 4.03 of this Local Law is not exceeded. ***[amended July 2011]***

C. Uses prohibited in a district pursuant to Section 4.02 of this Local Law are not located therein.

D. Building rights are not transferred across boundaries of land use areas as shown on the Official Adirondack Park Land Use and Development Plan Map adopted pursuant to Section 805 of the Adirondack Park Agency Act and incorporated into this Local Law pursuant to Section 3.03 hereof.

E. Deed restrictions, scenic or conservation easements or similar devices, approved as to form by the Town Counsel, will be used to assure that any land subject to permit restrictions prohibiting construction of principal buildings as a result of the intensity transfer will remain undeveloped permanently.

Section 4.06 Density and Lot Calculation

A. This zoning law regulates density of development separately from lot size. Whenever a parcel of land is subdivided, the proposed subdivision shall comply with both maximum density and minimum lot size requirements of the land use district. The Planning Board shall establish and the applicant shall show on the plat the number of lots containing one principal building that may be created on the entire parcel to be subdivided.

B. The number of permissible resubdivisions, if any, shall also be marked on each lot or on a table shown on the plat. Plat notations shall indicate, in substance, that either "This lot may contain only one principal building (as defined in the Town of Chester Zoning Law) and may not be further subdivided" or "This lot may contain a maximum of {insert number} principal buildings (as defined in the Town of Chester Zoning Law) and may be subdivided into a total of no more than {insert number} lots." Upon resubdivision of any lot, such notations shall be made for each new lot.

C. If a parcel is improved with one or more existing principal buildings, such principal buildings may be placed on lots that satisfy the minimum lot size requirements for the land use district. Such lots and the principal buildings thereon shall not be considered for purposes of the density calculation in Section 4.06-1, which shall apply only to the remaining unimproved land on the parcel.

D. For purposes of calculating minimum lot size and density under this Section, no waterbodies or land located within the right-of-way of a public highway or of a proposed street which is intended to be dedicated to the Town shall be counted. ***[amended July 2011]***

E. For the purpose of counting the number of lots (1) any lot to be retained by the subdivider, and (2) all lots in the same land use area which are part of one project and which would otherwise be adjoining but which are located on opposite sides of a public or private road, or railroad or right-of-way owned in fee, shall be counted separately.

Section 4.07 Friends Lake Watershed Overlay District [amended July 2011]

A. Establishment; Boundaries.

The Friends Lake Watershed Overlay District is hereby established and shall include all of the property identified on the map entitled “Friend’s Lake Watershed” prepared by the Warren County Planning Department and dated October 20, 2006.

B. Prohibition of Mineral Extraction.

Any mineral extraction activity which is regulated by the New York State Mined Land Reclamation Law or Adirondack Park Agency Act and/or Regulations is prohibited with the Friends Lake Watershed Overlay District. This prohibition shall not apply to specific mineral extraction activities for which a permit has been issued by the New York State Department of Environmental Conservation and/or Adirondack Park Agency as of July 12, 2006. However, no change in use, expansion and/or relocation of any such approved mineral extraction activities within the Overlay District shall be permitted.

ARTICLE 5 - SITE PLAN REVIEW OF CERTAIN USES

***Section 5.01 Purpose of Article*.**

The purpose of this Article is to allow the proper integration of commercial and industrial uses and other uses into the community which are listed in Article 4 or Article 7 of this Local Law, and those uses which are granted a use variance, which may be suitable subject to certain conditions and at appropriate locations. The objective is to evaluate proposed land uses that may cause a conflict between existing and proposed uses or be in conflict with natural site conditions, with particular reference to the arrangement, layout and design of the proposed use of a single parcel of land as shown on a site plan. Because of their characteristics, or the special characteristics of the area, these uses require special consideration so that they may be properly located and planned with respect to:

A. The objectives of the Town Of Chester Land Use Plan;

B. The objectives of this Zoning Local Law;

C. The arrangement, layout and design of a proposed use;

D. The effect of a proposed use on surrounding properties.

E. The ability of the Town Of Chester to accommodate the growth resulting from the proposed use without undue adverse effect on the Town, its citizens and taxpayers, and the protection of the health safety, welfare and aesthetics of the Town and its citizens.

***Section 5.02 Authorization*.**

A. In accordance with Section 274-a of the Town Law, the Planning Board is hereby authorized to review and approve, approve with modifications or disapprove site plans prepared to specifications set forth in this Local Law and in rules and regulations of the Planning Board, showing the arrangement, layout and design of the proposed use of the land shown on such plan, including but not limited to land use activities designated as Class B Regional Projects by the Adirondack Park Agency Act. Planning Board decision shall consist of the approved site plan initialed by a designated representative of the Planning Board, and site plan approval setting forth the findings and conditions required by this section.

B. The Planning Board is further authorized to, when reasonable, waive any site plan review application requirements as are determined to be inappropriate to a particular site plan in light of the particular setting for the proposed activity and the Town objectives set forth in this code.

C. The provisions of this Local Law in Sections 6.01; 6.02; 6.03; 6.04, shall not be waived by the Planning Board.

***Section 5.03 Applicability Of Article*.**

A. All land use or development specified for site plan review in Article 4 or Article 7 shall require site plan review and approval before being undertaken, except the following activities, which shall be exempt from such review and approval:

1. Landscaping or grading which is not to be used in connection with a land use reviewable under the provisions of this Section.

2. Ordinary repair or maintenance or interior alterations to existing structures or uses.

3. Exterior alterations or additions to existing or permitted residential and accessory structures which would, as of the date of the adoption of this Local Law, increase the square footage by less than 50%.

4. Garage, lawn and porch sales

***Section 5.04 Concept Plan Conference*.**

A. General. The concept plan conference is optional within the discretion of the applicant. The purpose of the conference is to encourage the applicant to consult early and informally with the Planning Board in order to facilitate necessary procedure and to make the most of opportunities for discussion and desirable development.

B. Requirements. In the event that a concept conference is requested by the applicant, a concept plan shall be prepared and submitted to the Planning Board. The Concept Plan shall include in as much detail as possible the development proposed, together with the following information:

1. Applicant's entire holdings under consideration for development and any adjacent parcels owned by applicant.

2. Existing natural features such as water bodies, watercourses, wetlands, wooded areas, flood hazard areas.

3. Zoning districts, school districts, special improvement districts

4. All properties, their ownership and uses, subdivisions, streets, zoning districts, easements and adjacent buildings within five hundred (500) feet of the applicant's property.

5. All existing structures and existing man-made features.

6. All proposed buildings, man-made structures and public improvements.

7. Description of all existing deed restrictions or covenants applying to the property.

***Section 5.05 Project Application*.**

A. General. Application for site plan review, accompanied by the appropriate fee therefore, shall be made to the Planning Board using forms approved by the Board. Applications shall include forms approved by the Board to make its findings under Section 12.04 of this Local Law. In determining the content of these application forms, the Planning Board may require different information for different types or scales of projects. By submitting an application, an applicant is deemed to have consented to the Board and its agents conducting investigations on the project site, at reasonable times and with advance notice where possible, to verify information contained in the application and to determine compliance with the terms and conditions of any permit issued, such consent to continue until thirty (30) days after completion of the project.

B. Project Narrative. Generally, the following information shall be a required minimum, together with any information required as a result of the Project Plan Conference:

1. a detailed description of the project and its components, including all proposed road and accesses, water supply and sewage disposal systems and the relationship to natural features;

2. an analysis with supporting data on the impact of the project on the environment. both during construction and thereafter and any environmental assessment form required pursuant to the State Environmental Quality Review Act (SEQRA); and

3. an analysis and supporting data of any benefits that might be derived from the project.

C. Requirements for Site Plan and Supporting Documents. Not later than the Application Date, which is the date set by the Planning Board as the deadline for submission of applications to the Board, which shall be clearly stated on all application forms and which shall not be less than ten (10) days prior to the date of the Board meeting at which the application is to be considered, at least three (3) copies of the site plan and an application for project approval shall be submitted to the Zoning Administrator. The site plan shall show, unless any or all is waived by the Planning Board, the following:

1. Existing Conditions

(a) Required Legal Data

(i) Name and address of applicant and authorization of owner, if different from applicant.

(ii) Name and address of owner(s) of record, if different from applicant.

(iii) Name and address of person or firm preparing the site plan and map.

(iv) Ownership intentions, such as purchase options.

(v) Current zoning classification of property, including exact zoning boundary if project site is located in more than one district.

(vi) Property boundary line plotted to scale. Distances, angles and area should be shown.

(vii) North arrow, scale and date.

(viii) Locations, widths, elevations and names of existing and proposed adjacent streets.

(ix) Property lines and names of owners of adjoining parcels.

(x) Location, width and purpose of all existing and proposed easements, setbacks, reservations and areas dedicated to public use within and adjoining the property.

(xi) Description of all existing deed restrictions or covenants applying to the property

(xii) The identification of any state or county permits required for execution of the project.

(xiii) Other requirements which the Planning Board deems necessary including but not limited to a licensed survey.

(xiv) A USGS map showing the location and elevation of the property.

(b) The following may be required, at the option of the Planning Board:

Natural Features

(i) Geological features, such as depth to bedrock and the location of rock outcrops.

(ii) Topographic features, including a map showing existing slope at two feet contour intervals in areas where construction, land clearance or other development activity is proposed.

(iii) Vegetative cover, including existing wooded areas, significant isolated trees (24" DBH or more) and similar features.

(iv) Soil characteristics, such as development suitability and drainage capacity.

(v) Hydrologic features, including drainage and runoff patterns, flood hazard areas, Adirondack Park Agency identified wetlands, and depth to ground water.

Existing Development and Infrastructure

(vi) Location and dimensions of major buildings and structures and their use, including a specific notation of structures of fifty (50) years or older.

(vii) Location and width of roads and paths, including site access.

(viii) Location, size and flow directions of sewers, water supply lines and culverts. Major electric, gas and telephone lines and appurtenances should also be shown.

(ix) Location of other existing development and uses, including parking and loading areas, fences, trees and landscaping.

2. New Conditions

(a) Proposed Development

(i) Grading and drainage plan showing proposed topography at appropriate contour intervals. This information shall be combined with the map of existing topography.

(ii) Location, proposed height and use of buildings and other structures, such as retaining walls, fences, outdoor storage tanks, air conditioning units and waste disposal units.

(iii) Location, proposed use, design and construction materials of improvements not requiring structures such as parking, loading and outdoor storage areas.

(iv) Location and arrangement of site access and egress including all paths for pedestrian and vehicular travel within the site. Information should include profiles and cross sections of roadways and sidewalks showing grades, widths and location and size of utility lines.

(v) Location and size of water lines and appurtenances. Any means of water supply or sewage disposal other than extensions of existing systems should be described, including location, design and construction materials.

(vi) Location, design, and construction materials of all energy distribution facilities, including electric, gas and solar energy.

(vii) Location, size, design and construction materials of all outdoor signs.

(viii) Including areas of natural vegetation to remain, the treatment of buffer areas and the location and type of trees to be planted.

(ix) Estimated project construction schedule plan for large projects.

(x) Additional specifications for materials.

(xi) Performance bond, or other security, amount, completion schedule, public improvements covered, inspection and security approval if required.

(xii) Any other requirements which the Planning Board might deem necessary, including but not limited to a licensed survey.

NOTE: All plans shall be at a scale of one Inch equal forty feet (1" = 40') or larger (e.g., 1" = 30') scale showing the proposed development and its immediate environs. When development is proposed for larger lots, those areas left undeveloped may be shown on a site location map at a reduced scale and level of detail.

Section 5.06 Procedure.

A. Application Deadline. Applications for site plan review must be received by the Application Date in order to be reviewed at the next scheduled Planning Board meeting. The Application Date is the date set by the Planning Board as the deadline for submission of applications to the Board, which shall be clearly stated on all application forms and which shall not be less than ten (10) days prior to the date of the Board meeting at which the application is to be considered.

B. Application to Zoning Administrator. After receipt of a completed project application listed as "Site plan review" as designated in Section 5.05 herein, the Zoning Administrator shall notify the Planning Board. The Planning Board shall determine its completeness at its next scheduled meeting and the Zoning Administrator shall notify the Adirondack Park Agency of such receipt, as required, shall furnish each body a copy of the project application, and shall furnish the Adirondack Park Agency such pertinent information as that Agency may deem necessary and shall afford each body the opportunity for comment.

C. Application for Area Variance. Notwithstanding any provision of law to the contrary, where a proposed site plan contains one or more features which do not comply with the zoning regulations, application may be made to the Zoning Board of Appeals for an area variance without the necessity of a decision or determination of the Zoning Administrator.

C-1. County referral. In accordance with General Municipal Law §239-m, the Planning Board shall furnish the Warren County Planning Board with a full statement of the following proposed actions for its review and recommendation. This requirement shall apply to applications within five hundred feet (500') of (i) the boundary of any City, Village or Town; (ii) the boundary of any existing or proposed County or State park or any other recreation area; (iii) the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway; (iv) the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines; (v) the existing or proposed boundary of any County or State owned land on which a public building or institution is situated; or (vi) the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the Agriculture and Markets Law. Within thirty (30) days after receipt of a full statement of the referred matter, the Warren County Planning Board shall report its recommendations to the Town Planning Board. If the County fails to report within thirty (30) days, the Planning Board may act without such report unless it is received at least two (2) days prior to final action by the Planning Board. If the County recommends modification or disapproval of a proposed action, the Planning Board shall not act contrary to such recommendation except by a vote of a majority plus one of all members and after the adoption of a Resolution fully setting forth the reasons of such contrary action. Within thirty (30) days after final action by the Planning Board, a report of its final action shall be filed with the Warren County Planning Board. The referral of projects under this section may be subject to modification as may be mutually agreed upon by the Town Board and the Warren County Board of Supervisors.

D. Waiver of Requirements. The Planning Board may, when reasonable, waive any requirements for the approval, approval with modifications or disapproval of project plans submitted for approval. Any such waiver, which shall be subject to appropriate conditions set forth in this Local Law, may be exercised in the event any such requirements are found not to

be requisite in the interest of the public health, safety or general welfare or inappropriate to a particular project.

E. Review. In considering the approval of the project, the Planning Board shall take into consideration the public health, safety and general welfare, the comfort and convenience of the public in general and residents of the immediate neighborhood in particular and shall find that the proposed development meets all the requirements of this Local Law. The Planning Board shall also consider other impacts of the proposal including:

1. Impacts to and/ or from adjacent and nearby land uses, both public and private.

2. Impacts to and/ or from existing and proposed traffic patterns.

3. Impacts to existing and proposed water supply, sewage disposal and other service capabilities.

4. Impacts to the community's ability to provide adequate recreation, education, fire protection and similar facilities and services to its residents and visitors.

5. Visual compatibility with surroundings.

6. Effect on air and water quality standards applicable primarily to industrial site development plans.

7. Effect on energy consumption and conservation.

8. An Environmental Impact Statement (EIS) will be required if the project is subject to the State Environmental Quality Review Act (SEQRA) and the Planning Board deems the proposal to have potentially significant environmental impacts.

F. Reservation of Park Land On Site Plans Containing Residential Units.

1. Before the Planning Board may approve a project containing residential units, such site plan shall also show, when required by the Planning Board, a park or parks, being any tract of land designed to be used for recreation, open space recreation or cultural uses, suitably located for playground or other recreational purposes.

2. Land for park, playground or other recreational purposes may not be required until the Planning Board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Town. Such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the Town based on projected population growth to which the particular site plan will contribute.

3. In the event the Planning Board makes a finding pursuant to paragraph 2 of this subdivision that the proposed site plan presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but that a suitable park or parks of adequate size to meet the requirements cannot be properly located on such site plan, the Planning Board may require a sum of money in lieu thereof to be

established by the Town Board. In making such determination of suitability, the Planning Board shall assess the size and suitability of lands shown on the site plan which could be possible locations for park or recreational facilities, as well as practical factors including whether there is a need for additional facilities in the immediate neighborhood. Any monies required by the Planning Board in lieu of land for park, playground or other recreational purposes, pursuant to the provisions of this Section shall be deposited into a designated fund to be used by the Town exclusively for park, playground or other recreational purposes, including the acquisition of property.

4. Notwithstanding the foregoing provisions of this subdivision, if the land included in a site plan under review is a portion of a subdivision plat which has been reviewed and approved pursuant to Section 276 of the Town Law, the Planning Board shall credit the applicant for any land set aside or money donated in lieu thereof under such subdivision plat approval. In the event of re-subdivision of such plat, nothing shall preclude the additional reservation of park land or money donated in lieu thereof.

G. Planning Board Schedules Optional Hearing

1. Within sixty-two (62) days following the determination of a complete application by the Planning Board, the Planning Board shall, if it deems necessary, hold a public hearing. In the event such a public hearing is deemed necessary, public notice of such hearing shall be published in a newspaper of general circulation in the town at least five (5) days prior to the date thereof, with no other notice necessary to adjoining landowners. In determining whether a public hearing is necessary, the Planning Board shall be guided by the expected level of public interest in the project and the possibility of eventual disapproval. No site plan review application may be disapproved unless a public hearing shall have first been held on the project application. Notice of such hearing shall be mailed to the County or regional planning agency as required under Section 239-m of the General Municipal Law, and to the applicant at least ten (10) days prior to such hearing.

2. In the case of Class B Regional projects, as defined in this Local Law, a copy of the public hearing notice shall be mailed to the Adirondack Park Agency. The Adirondack Park Agency shall be a full party in interest with standing to participate in any and all proceedings conducted pursuant to this Article.

H. State Environmental Quality Review Act (SEQRA). The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article Eight of the Environmental Conservation Law and its implementing regulations as codified in 6 NYCRR Part 617. Regional Projects (Class A and B Projects as defined by the Adirondack Park Agency Act) are type II actions pursuant to SEQRA implementing regulations, 6 NYCRR Part 617, and are therefore exempt from SEQRA review.

I. Planning Board Decision. Within sixty-two (62) days after a required public hearing or within sixty-two (62) days after the receipt of a complete application by the Planning Board where no public hearing is held, the Planning Board shall render a decision. Said decision shall be in the form of an approval, approval with conditions or disapproval, based on the criteria and procedures provided in this Local Law. In the event of approval, a designated representative of the Planning Board shall date and sign the approved site plans.

The decision shall include site plan approval with findings. The Planning Board, in conjunction with its approval of any site plan review application, may impose such requirements and conditions as are allowable within the proper exercise of the police power, and are directly related to an incidental to a proposed site plan, including the restriction of land against further development of principal buildings, whether by deed restriction, restrictive covenant or other similar appropriate means, to ensure that guidelines as to intensity of development as provided in this Local Law shall be respected.

The Planning Board may also impose reasonable conditions to ensure that the proposed project will be adequately supported by services and improvements made necessary by the project, and to ensure that the project will be completed in accordance with the requirements and conditions authorized under this article. In addition, the Planning Board may require that the Zoning Administrator incorporate any such requirements and conditions in any permit issued with regard to such site plan review project.

J. Filing of Decision. The decision of the Planning Board shall be filed in the office of the Town Clerk within five (5) business days after such decision is rendered and a copy thereof mailed to the applicant.

K. Performance Bond or Other Security. The Planning Board may require an applicant to post a performance bond or other security. Such bond or other security posted by the applicant shall guarantee to the Town that required infrastructure improvements which are an integral part of the proposed plan will be constructed in accordance with any construction deadline that has been set.

1. A performance bond or other security estimate will be prepared by a licensed professional engineer retained by the Town for such a review. The Planning Board shall pass a resolution either approving or adjusting the performance bond or other security estimate and will provide copies signed by the Chairman, for use by the applicant in obtaining and posting a bond or other security.

2. The applicant shall present the proposed performance bond or other security with signed copies of the said estimate attached, to the Town Counsel, at least one week prior to any Town Board meeting for approval as to form and sufficiency, by the Town Board.

3. The Town Counsel shall notify the Town Clerk prior to the Board meeting that the performance bond or other security can be added to the agenda.

4. The Town Board shall either approve or disapprove the performance bond or other security as presented by the Town Counsel. If the performance bond or other security is approved, one copy will be forwarded to the Town Clerk for the record and one copy shall be forwarded to the Planning Board along with the Town Board resolution.

5. The Chairman of the Planning Board shall receive the approval of the performance bond or other security by the Town Board prior to final approval of the proposed project.

6. Upon completion of the construction of the changes or improvements covered by the performance bond or other security and prior to the termination of the bond or other security period, the applicant shall prepare a set of the approved plans and drawings, amended to indicate

"as Built" information, certified by a licensed professional engineer, and shall apply to the Zoning Administrator for final inspection of the work.

7. The Zoning Administrator shall report to the Planning Board and the Town Board on the condition of the work and recommend that the performance bond or other security shall be modified, released, extended, or declared in default. The Town Board shall act on the release, extension, modification or default of the performance bond or other security.

8. A period of one year (or such other period as the Planning Board may determine appropriate, not to exceed three (3) years) shall be set forth in the bond or other security, within which required improvements must be completed. The term of such performance bond or other security may be extended by the Planning Board with the consent of the parties thereto. Any such bond or other security shall comply with the requirements of Section 277 of the Town Law and further be satisfactory to the Town Board and the Town Counsel as to form, sufficiency, manner of execution and surety.

L. Expiration. Unless otherwise specified or extended by the Planning Board a decision on any site plan review application shall expire if the applicant fails to undertake the proposed action or project, to obtain any necessary building permits to construct any proposed new building(s) or to change any existing building(s) or to comply with the conditions of said authorization within two (2) years from the filing date of such decision.

M. Fees. In addition to the fees listed on the Schedule of Fees in this Local Law, the Planning Board may charge a fee to applicants for site plan review requiring legal and technical review, provided that the fee reflects the actual cost of legal and technical assistance

Planning Board. These fees shall not exceed the sum of $500 without notice to the applicant.

ARTICLE 6 - CLASS A AND CLASS B REGIONAL PROJECT REVIEW

Section 6.01 Purpose and Intent of this Section

6.01-1 Purpose

The purpose of this Section is to further the general purposes, policies and objectives of this Local Law and the Adirondack Park Agency Act by setting forth the criteria for review of project applications by the Planning Board and the Adirondack Park Agency for Class A and Class B Regional Projects (See Appendix A). This section establishes requirements and administrative procedures for the review of Class A and Class B Regional Projects by the Planning Board or the Adirondack Park Agency, and sets forth the Town's role when Class A or Class B Regional Projects are reviewed by the Adirondack Park Agency.

6.01-2 Site Plan Review Uses

It is the intention of the Town to avoid duplication of review processes for Site Plan Review uses. Therefore, if the Adirondack Park Agency reviews any Site Plan Review use as a Class A Regional Project, the Town Planning Board's role shall be limited to that set forth in Sections 6.06 and 6.07 below.

6.01-3 Use Variances

If the Class A Regional Project permit involves a use variance, the applicant must apply to the Zoning Board of Appeals and be granted a variance in order to institute the use, regardless of whether this local law has been approved by the Adirondack Park Agency.

Section 6.02 Applicability of this Section

6.02-1 At such time as the Adirondack Park Agency has accepted this local law as a component of an "approved local land use program" pursuant to Section 807 of the Adirondack Park Agency Act, no person shall undertake a permitted use, Site Plan Review use, or prohibited use for which a variance has been granted pursuant to Article 10 of this local law, which use is also a Class B Regional Project, unless and until the Planning Board has reviewed and approved, or approved subject to conditions, such project, and the Zoning Administrator has issued a project permit with respect thereto. Sections 6.03 through 6.05 shall apply to all such Class B Regional Projects.

6.02-2 Class A Regional Projects (and/or Class A Regional Subdivisions) shall be subject to the review authority of the Adirondack Park Agency. No person shall undertake a Class A Regional Project unless and until the Adirondack Park Agency has reviewed and approved, or approved subject to conditions, such project, and has issued an Agency permit with respect thereto pursuant to the terms of the Adirondack Park Agency Act and the pertinent Agency rules and regulations.

Section 6.03 Authorization to Approve and Disapprove Class B Regional Projects

6.03-1 The Planning Board is hereby authorized to approve, approve subject to conditions, or disapprove all Class B Regional Projects proposed to be located within the territory of the town pursuant to and in accordance with the requirements and procedures set forth in this Section. This authority shall become effective upon approval of this local law as a component of an "approved local land use program" by the Adirondack Park Agency.

6.03-2 If a Class B Regional Project is also a Class A Regional Project or Class A

subdivision, the project will be deemed to be a Class A Regional Project or Class A subdivision in its entirety, and subject to the review authority of the Adirondack Park Agency.

Section 6.04 Requirements for Class B Regional Project Approval

The Planning Board shall not approve any Class B Regional Project unless it first determines that such project meets the following criteria:

6.04-1 The project will comply with all applicable provisions of this Local Law and meets the project review standards and requirements of Section 4.03 herein and that such use meets any additional standards and requirements of Article 4 and 7 applicable to that use and Appendices C and D as they may apply.

6.04-2 The use complies with all requirements of this Local Law, including the dimensional regulations of the zoning district in which it is proposed to be located.

6.04-3 The use would be in harmony with the general purpose and intent of this Local Law, specifically taking into account the location, character, and size of the proposed use and the description and purpose of the district in which such use is proposed, the nature and intensity of the activities to be involved in or conducted in connection with the proposed use, and the nature and rate of any increase on the burden of supporting public services and facilities which will follow the approval of the proposed use.

6.04-4 The establishment, maintenance or operation of the proposed use would not create public hazards from traffic, traffic congestion, or parking of automobiles or be otherwise detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to the property and improvements in the neighborhood or the general welfare of the Town.

6.04-5 The project will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational, or open space resources of the Adirondack Park or upon the ability of the public to provide supporting facilities and services made necessary by the project, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project. In making this determination, the Planning Board shall consider those factors pertinent to the project contained in the development considerations set forth herein and in Section 805(4) of the Adirondack Park Agency Act, and, in so doing, the Planning Board shall make a net overall evaluation of the project in relation to the development objectives and general guidelines set forth in Appendix C and D.

Section 6.05 Application for Class B Regional Project Approval

6.05-1 Application for project approval shall be made following the procedures established in Article 5 of this Local Law. Class B Regional Projects are deemed to be Site Plan Review uses subject to review as provided in that Article.

6.05-2 In addition to the procedural requirements of Article 5, the following shall also apply to all Class B Regional Projects:

A. Not later than 10 days following receipt of a complete application for a Class B Regional Project, the Zoning Administrator shall notify the Adirondack Park Agency of such receipt, shall furnish the Agency with a copy of the project application and such further pertinent information as the Agency may deem necessary, and shall afford the Agency the opportunity to comment thereupon.

B. The Planning Board shall mail a copy of the public notice of the hearing to the Adirondack Park Agency at least 14 days prior to such hearing. The Adirondack Park Agency shall be a full party in interest with standing to participate in any and all proceedings conducted pursuant to this Article.

C. Every Class B Regional Project decision rendered by the Planning Board shall be in writing, and shall contain such findings of fact as are required by Section 5.06(I) hereof. The Planning Board in conjunction with its approval of any Class B Regional Project, may impose such requirements and conditions as are allowable within the proper exercise of the police power, including the restriction of land against further development of principal buildings, whether by deed restriction, restrictive covenant or other similar appropriate means, to insure that guidelines as to intensity of development as provided in this local law shall be respected, and the imposition of reasonable conditions to insure that the project will be adequately supported by services and improvements made necessary by the project and to insure that the project will be completed in accordance with the terms of the application and any permit, and including, without limitation, the requirements and conditions authorized under Section 5.06 of this Local Law. In addition, the Planning Board may require that the Zoning Administrator incorporate any such requirements and conditions in any permit issued with regard to such Class B Regional Project.

Section 6.06 Limitation on Adirondack Park Agency Authority to Approve Class A Regional Projects

The Adirondack Park Agency shall not approve a Class A Regional Project unless it first determines, after consultation with the Planning Board and receipt of advisory recommendations relative to the project, that the project would comply with all provisions of this Local Law, including those contained in Articles 4, 5 and 7 hereof, and with other ordinances and regulations that are components of the Town land use program. In making the determination required by Section 809(9) of the Adirondack Park Agency Act as to the impact of a proposed Class A Regional Project upon the resources of the Adirondack Park, including the ability of all levels of government to provide support facilities and services made necessary by the project, the Agency shall consider those factors pertinent to the project contained in the development considerations set forth in Appendix C hereof and in so doing shall make a net overall evaluation of the project in relation to the development objectives and general guidelines set forth in Appendix D of this Local Law.

Section 6.07 Planning Board Authority Regarding Class A and Class B Regional Projects

6.07-1 The Adirondack Park Agency shall have jurisdiction to review and approve, approve subject to conditions, or disapprove all Class A Regional Projects proposed to be located within the Town, pursuant to and accordance with Section 809(9) of the Adirondack Park Agency Act and applicable Agency Rules and Regulations. All Class A plans, uses or projects shall be referred to the Adirondack Park Agency for Class A Regional Project review. The Planning Board is hereby designated and appointed as the appropriate town body to consult with the Adirondack Park Agency with regard to Agency review of Class A Regional Projects. Upon receipt of a complete application for a Class A Regional Project, the Adirondack Park Agency shall refer the application to the Town Planning Board for its advisory recommendation.

6.07-2 Copies of all initial applications for Class A Regional Projects shall be submitted to the Planning Board. As soon as reasonably practicable following receipt by the Planning Board from the Adirondack Park Agency of notice of application completion with regard to a

Class A Regional Project, the Planning Board or one or more designees thereof shall consult with the Agency for the purpose of analyzing the project application and formulating advisory recommendations as to whether the project meets all of the pertinent requirements and conditions of the town land use program.

6.07-3 Not later than 30 days following receipt by the Planning Board from the Agency of notice of application completion with regard to a Class A Regional Project, the Planning Board shall, by certified mail, provide to the Agency its advisory recommendations as to whether the project meets all of the pertinent requirements and conditions of the town land use program.

6.07-4 The provisions of this Section 6.07 shall also apply to Class B Regional Projects until such time as the Adirondack Park Agency approves this local law as a component of an "approved local land use program" pursuant to Section 807 of the Adirondack Park Agency Act.

ARTICLE 7 - SUPPLEMENTARY REGULATIONS

Section 7.01 Shoreline Regulations.

The purpose of these regulations is to allow reasonable access and use of the Town's waterfront with concern for the public health, welfare and safety. It is the Town's intent to minimize the impact to the shoreline environment and its natural character. These regulations are in addition to other applicable federal, state, and local regulations.

A. General.

1. All construction on any shoreline lot shall be carried out in such a manner as to minimize interference with the natural course of such waterway, to avoid erosion of the shoreline, to minimize increased runoff of ground and surface water into the waterway, to remove only that vegetation which is necessary to the accomplishment of the project, and to generally maintain the existing aesthetic and ecological character of the shoreline.

2. Any marina, boat service facility or any storage of petroleum products within one hundred (100) feet, or other reasonable setback from the shoreline, as determined necessary by the Planning Board, shall include adequate provisions for insuring that any leak, rupture, or spill will be contained and not be introduced into or affect the adjacent waterway.

3. Any paved or otherwise improved parking, loading or service area within one hundred (100) feet of any shoreline shall be designed and constructed so as to minimize surface runoff and the entrance of any chemical pollutants or earthen siltation into the waterway.

4. If the minimum lot areas, widths and shore frontages specified for any uses by local and state agencies are inadequate to insure a potable water supply and safe sewerage and other waste disposal, such lot areas, widths and frontages shall be increased to meet water supply and distribution and sewerage needs.

5. Except as otherwise herein provided, the minimum shoreline setback of any on-site sewage drainage field or seepage pit shall be one hundred (100) feet from the shoreline, irrespective of the zoning district or land use classification.

6. There shall be no grading within ten (10) feet from the top of the slope of any stream bed or drainage way.

B. Shoreline Dimensional Requirements.

1. All shoreline frontage distances shall be measured horizontally. Shoreline frontages are measured along the shoreline as it winds and turns at the shoreline.

2. Building setback restrictions are measured along the shortest line between any point of the structure and any point on the shoreline.

3. Sewage disposal system setbacks are measured along the shortest line between any point of the seepage pit, draining field or other leaching facility and any point on the shoreline.

4. The minimum shoreline setback applies to all principal buildings and accessory structures in excess of 100 sq. ft., other than docks and boathouses.

DIMENSIONS			
District	**Minimum Setback**	**Minimum Lot Width**	**Minimum Setbacks if within ¼ Mile of Hudson/Schroon Rivers**
Hamlet	50 feet	50 feet	50 feet
Moderate Intensity	50 feet	100 feet	150 feet*
Low Intensity	75 feet	125 feet	150 feet*
Rural Use	75 feet	150 feet	150 feet*
Resource Mgmt	100 feet	200 feet	150 feet*

*Recreational River Zone: An Adirondack Park Agency determination of jurisdiction is required prior to issuance of a Zoning permit.

See Section 7.07 for shoreline frontage requirements for tourist accommodations.

C. Cutting Restrictions.

Cutting shall be permitted on shorefront lots provided the following standards are met:

1. Within 35 feet of the shoreline no vegetation may be removed, except that up to a maximum of 30 percent of the trees in excess of six inches diameter at breast height (DBH) existing at any time may be cut over any 10-year period.

2. Within six feet of the shoreline no vegetation may be removed, except up to a maximum of 30 percent of the shorefront may be cleared of vegetation on any individual lot. This provision shall be adhered to in addition to the general standards above.

3. The above cutting standards shall not be deemed to prevent the removal of diseased vegetation or of rotten or damaged trees or other vegetation that presents safety or health hazards.

4. Within a ¼ mile of the Hudson and Schroon Rivers, except within the Hamlet and Moderate Intensity District, special vegetative cutting restrictions apply. The Adirondack Park Agency shall determine jurisdiction.

D. Shoreline Retaining Wall

1. A retaining wall within the shoreline setback that meets the following criteria does not require a variance and does require a Zoning Permit from the Town of Chester. The retaining wall:

a. is constructed of dry laid stone or untreated natural logs;
b. is smaller than 200 square feet in size;
c. does not exceed 2 feet in height above the mean high water mark;
d. is designed to control an on-going erosion problem;
e. is limited to the area necessary to control such erosion; and
f. follows the existing natural elevation and contour of the shoreline.

2. Any proposed retaining wall within the shoreline setback that does not meet all of the criteria listed above (a-f) requires an area variance.

3. Retaining walls shall be measured either in elevation (face) view or plan (top) view, whichever is larger.

Section 7.02 Waterfront Access Lots.

A. General Standards.

When waterfront access is provided to owners or occupants of lots, parcels, sites, or multiple family dwelling units that do not have separate and distinct ownership of shore frontage, the following requirements shall apply:

1. Site plan review by the Planning Board.

2. A project plan delineating areas for swimming, recreation, docking, building placement, parking and landscaping.

3. In addition to the following standards, the Planning Board shall assure that projects do not impair the natural appearance of such parcel; does not overcrowd the parcel or the adjacent water surface; does not produce unreasonable noise or other disturbance, visual or otherwise to the surrounding properties; and does not pose any substantial hazards.

4. Each lot used as a contractual access lot, or for contractual access, shall measure at least the minimum lot area, width and depth for the zoning district in which contractual access is proposed.

5. Waterfront parcels may be provided for contractual access for residential lots or units only if such lots or units are located in the Town of Chester.

6. It shall be presumed that each deeded or contractual access shall be separate, distinct, and exclusive of any and all other deeded or contractual rights and that the standards herein shall apply to each such access right and shall be interpreted to be cumulative in nature.

7. An access lot may not be divided by a public road.

B. Dimensional Requirements.

The following minimum shoreline frontages and area shall be required for contractually provided access to all shoreline.

1. Frontage. The following minimum requirements shall apply to lots, parcels or multiple-family dwelling units not having separate and distinct ownership of the shore frontage:

District	**2-4 Lots or Units**	**Each Additional Lot or Unit**
Hamlet	100 feet	25 feet
Moderate Intensity	100 feet	25 feet
Low Intensity	125 feet	30 feet
Rural use	150 feet	35 feet
Resource Mgmt.	200 feet	50 feet

2. Area. The following minimum requirements shall apply to lots, parcels, and each unit of a multiple-family dwelling units not having separate and distinct ownership of the shore frontage:

District	2-4 Lots or Units	Each Additional Lot or Unit
Hamlet	¾ acre	1/8 acre
Moderate Intensity	1.0 acre~~s~~	¼ acre
Low Intensity	1.0 acre~~s~~	¼ acre
Rural use	1.0 acre~~s~~	¼ acre~~s~~
Resource Mgmt.	1.0 acre~~s~~	¼ acre~~s~~

C. Design Standards for Waterfront Access Lots.

1. No building other than toilet and changing facilities and picnic shelters shall be constructed on the waterfront parcel. The total combined square footage of buildings shall not exceed one thousand five hundred (1,500) square feet. Any buildings must meet the setback requirements of this Local Law.

2. A buffer strip thirty-five (35) feet deep of natural or planted vegetation shall be maintained along the shoreline, except to allow for necessary access points as determined by the Planning Board.

3. Where beaches are planned, an adequate buffer behind the beach shall be established and shall be of a depth determined by the Planning Board.

4. A vegetative buffer shall be maintained so as to effectively screen parking areas and buildings from the water.

5. Where any residential lot is more than 500 feet from the waterfront access lot, one off-street parking space shall be provided. Parking areas shall be landscaped, screened from the water, and shall be set back a minimum of 75 feet from the shoreline.

6. Commercial activities of any kind are prohibited.

7. Each individual or family or lot with legal right of way or easement access to this parcel due to previous arrangements shall count as one (1) lot or unit in determining the amount of shoreline needed for shorefront access for a newly proposed development.

8. Provisions for sanitary facilities shall be assured by the Planning Board and shall comply with the Town of Chester Sanitary Code.

9. Slopes shall not exceed 25% over more than 25% of the area of the waterfront access lot.

10. When a waterfront access lot is intended for both swimming and boating, a separate portion of the waterfront shall be designated for each. The beach and the boating areas shall be located on well drained areas free of stagnant pools of water.

11. Vegetative screening shall be provided and maintained between waterfront access lots and adjoining waterfront residential lots.

D. Prohibited Grants of Contractual Access.

1. No lot which does not meet the minimum lot requirements (shoreline and area) for the zoning district wherein said lot is located shall be developed as a waterfront access lot.

2. Waterfront access lots shall be separate and distinct from adjoining residential or commercial lots.

3. No easements to or other interests in shorefront lots shall be granted over existing residential, vacant or commercial lots unless the existing residential, vacant and/or commercial lot and the contractual access lot meet the dimensional requirements of this Local Law.

Section 7.03 Docks, Moorings, Floats, Inflatable Platforms and Boathouses.

Purpose and Objective.

The purpose and objective of this section is to protect shorelines and property values and provide guidelines to maintain the visual aesthetics of structures, docks, dock systems, swim floats, inflatable platforms and items that impact navigation in our lakes, streams and rivers for the safe use by all.

A. General.

1. Setbacks shall be a minimum of 15 feet from the property line for docks, dock systems, moorings, floats, inflatable platforms and boathouses. No vessel berthed shall extend across any property line.
2. A Zoning permit is required prior to the new construction, new installation and placement, rebuilding or replacement of more than 40% of any dock, dock system, deck, float, boat lift, boathouse, mooring, or any items that impact navigation. Seasonal removal and replacement are excluded.
3. Dock, waterfront deck, mooring, float and boathouse rentals, other than the berthing of vessels offered as a part of the rental of a residential unit, are not allowed except at marinas.

B. Docks and Beaching

1. Only single tier docks are allowed.
2. No dock or dock system shall be constructed or installed and placed so as to interfere with normal navigation or with reasonable access to adjacent docks. In a stream, brook, river or other flowing water, no dock shall extend offshore more than twenty percent (20%) of the width of the stream, brook, river or other body of water.
3. No dock or dock system shall be constructed unless so designed as to withstand the forces of flowing water and wave wash in a flowing body of water such as a river or stream. No dock shall be constructed unless so designed as to withstand the forces of wave wash and normal winter

conditions. Pressure treated (sealed, non-leaching type) lumber will be allowed for the construction of the dock except for the legs or other parts which would be in constant contact with the water. Legs of pipe with preformed pads are preferable. Docks shall be securely anchored to the shore.

4. No dock or dock system shall extend more than forty (40) feet offshore from the shoreline. No dock shall exceed more than two hundred and forty (240) square feet or be greater than eight (8) ft. in width.

5. The number of docks permitted to be constructed per shoreline lot is limited as follows:

Number of Feet of Shoreline	**Docks**
<50 feet	One dock will be allowed with berthing of vessels on only one (1) side of the dock for any lot with less than 50 feet of shoreline.
50-75 feet	One dock will be allowed on any lot with more than 50 but less than 75 feet of shoreline.
>75 feet	One dock will be allowed for the first 75 feet, and one additional dock for every 75 feet of shoreline.

6. A maximum of one-half of the shoreline can be used for docking and/or beaching, including docks plus boat slips.

7. Tarps shall not be allowed as dock covers.

8. Beaching shall be allowed in lieu of docking. Beaching shall not be allowed in any designated swimming area.

9. The construction and or reconstruction of docks for marinas and contractual access lots are subject to site plan review by the Planning Board.

10. Boat lifts will be considered docks and counted as dockage. The space taken up by a boat lift will be included in the allowable portion of shoreline usage for docking.

11. All Docks/Boat Lifts with a cover requires an area variance from the Zoning Board of Appeals.

C. Shoreline Decks

1. A deck is defined as any structure extending and/or elevated over the water from the shoreline and used for other than berthing a vessel.

2. Decks that are flush with the natural ground level without raised elements such as railings or walls on the ground are exempt from the

shoreline structure setbacks provided they are not attached to any other structure and are subject to a 15 ft side yard setback.

3. Decks are not to exceed 100 square ft. in size.

4. Replacement of over forty-percent (40%) of a pre-existing deck requires approval from the Zoning Board of Appeals.

5. Any deck that extends over the water from the shoreline is to be deducted from the overall length and area of a dock.

D. Moorings, Inflatable Platforms, Swim Floats and Swim Line Floats.

1. No mooring, inflatable platform or swim line floats in a waterbody shall be constructed or placed so as to interfere with normal navigation or with reasonable access to adjacent moorings, inflatable platform, swim float, or swim line float and no inflatable platform, swim float, swim line float, mooring or part thereof shall at any time extend more than 75 feet from the shoreline, excepting Friends Lake which shall be no more than 50 feet, and except that where the opposite shoreline is less than 600 feet distant no inflatable platform, swim float, swim line float, mooring or part thereof shall at any time extend more than 50 feet from the shoreline. Any mooring that is used to moor a vessel will be considered a dock and will be counted as dockage.

2. The number of moorings, whether residential or commercial except for swim floats, shall be limited as follows:

   a. a minimum of fifty (50) feet of shoreline is required for a mooring;

   b. an additional fifty (50) feet of shoreline is required for each additional mooring;

   c. one swim float or inflatable platform shall be allowed per shoreline lot;

   d. the maximum size of a swim float or inflatable platform shall be one hundred (100) square feet. Floats may be constructed with pressure treated lumber (sealed, nonleaching type) except for the parts which would be in constant contact with the water. Parts which would be in constant contact with the water can only be constructed with untreated lumber. Floats and inflatable platforms must be securely anchored and supported by styrofoam or sanitized barrels or other environmentally safe flotation supports. Mooring cables, lines, etc. must be clearly marked or sunk to the bottom when not used so as not to become a navigational hazard. Floats or inflatable platforms must be equipped with two (2) or more reflectors on each side (preferably on the corners);

   e. Commercial moorings are subject to site plan review.

3. All moorings in water bodies shall comply with the permitting and other requirements of New York State Navigation Law except as otherwise provided herein.

E. Exception. The provisions of this Section 7.03 shall not be applicable to moorings or other structures or vessels used solely in connection with municipal authorized aquatic invasives control measures or similar purpose.

F. Additional Enforcement. In addition to the enforcement authority granted to the Zoning Enforcement Officer under Section 12.01, the Lake Constable/Safety Officer may notify the Zoning Enforcement Officer of suspected violations of this Section 7.03.

Section 7.04 Signs.

A. Purpose and Objective.

The purpose and objective of this law is to accommodate the needs of effective signage, ensure safety and provide acceptable visual aesthetics for the Town of Chester.

B. General Provisions.

1. Every sign hereafter erected or displayed, including signs not requiring a permit for display, shall comply with the provisions of this Local Law.
2. No sign exceeding sixteen (16) square feet in area may be erected or displayed without a permit and in no case may any sign exceeding forty (40) square feet in area be erected or displayed.
3. Signs requiring permits connected with projects subject to site plan review under Article 4 shall be included in that project's review pursuant to Article 5 of this Local Law.
4. In the case of residential and other non-business uses only one sign may be erected or maintained on any parcel of real property.
5. The Zoning Administrator and/or Planning Board may require an Engineer report on the safety of any sign to be erected or installed.

C. Signs Not Requiring a Permit.

The following signs do not require a permit from the Town:

1. Any sign erected and/or permitted pursuant to Section 9-0305 of the Environmental Conservation Law.
2. Directional signs of a public or quasi-public nature identifying or locating a town, hospital, public building, parking lot, church, college, service club or civic, educational, cultural or public recreational building, facility or use and similar signs, including informational signs relating to the opening of an event of public interest.
   (a) Directional signs shall not exceed six (6) square feet in area and shall not extend over any property line or over any public road or public or private right of way except by approval of the governmental body, agency or individual having jurisdiction thereof and site plan review approval by the Planning Board.
3. Temporary on-premise business signs may be displayed for a period not exceeding ninety (90) days per calendar year. Such signs may be in the form of a cloth banner or advertising flag, limited to two (2)

banners or flags per establishment and not to exceed twelve (12) square feet in area.

(a) Temporary business signs advertising sales or special events may be displayed for no more than fourteen (14) days before such event and must be removed no more than three (3) days after such event. Maximum of 4 events per calendar year.

4. Garage and yard sale type signs may be displayed up to three days in advance of such sale and must be removed no later than the day following the end of the sale.

5. Political signs relating to a particular election may be displayed for no more than sixty (60) days before the election and must be removed no more than seven (7) days after the election.

6. Incidental Signs

   (a) Shall not exceed two (2) square feet in area except in cases where the regulations of a state or other governmental agency require a larger sign.

   (b) Along any waterway or facing within fifty (50) feet thereof, an un-illuminated incidental sign shall not exceed two (2) square feet in area may be erected.

7. Real Estate Signs.

   (a) Maximum of two signs on the property for sale or lease.

   (b) Any real estate sign larger than four (4) square feet in area, or advertising the sale for more than one (1) individual lot shall be treated as a business sign and shall be subject to the provisions of Section 7.04(D), signs requiring a permit and/or site plan review.

   (c) Real estate signs shall be removed upon the closing or lease of the property within seven (7) days.

   (d) Real estate signs facing any waterfront area within fifty (50) feet thereof shall not exceed four (4) square feet in area.

   (e) Open house real estate signs shall be allowed the day of the open house.

   (f) A maximum of 2 directional signs are allowed and must be removed upon closing or lease of the property.

8. Interior Signs

9. Window Signs

10. Private Drive Signs – one sign per driveway entrance, not to exceed two (2) square feet in area.

11. Temporary Off-Site Business Signs.

    (a) Maximum of eight (8) square feet.

    (b) May not obstruct vision of sight or impede pedestrian or bike traffic.

    (c) May not be illuminated.

    (d) May be displayed during hours of operation and be removed at the end of each day.

(e) Construction of signs must be sturdy enough, such as sandwich boards, to withstand and maintain placement in normal weather conditions.

(f) Legibility of signage must be adequate as to not create a safety hazard.

12. Home Occupation Signs – No more than one (1) sign shall be permitted for each home occupation. Each sign shall be a maximum of two (2) square feet in area. Allowed signs should blend in with the neighboring surroundings.

D. Signs Requiring a Permit and/or Site Plan Review.

1. All signs not listed in Section 7.04(C)

E. Prohibited Signs.

The following signs are prohibited:

1. Outdoor Advertising Signs - Such signs, including billboards, poster panels, signs painted on a building and any other signs advertising products or services not offered for sale or not available on the premises where such sign is displayed or situated.
2. Miscellaneous signs on poles, fences, etc. - Tacking, painting, posting or otherwise affixing and displaying of signs or posters of a non-business character, visible from the public highways, streets or other public way, on the walls of buildings, barns, sheds, trees, posts, utility or other poles, fences, walls and other structures except as provided for in this Local Law. Exempt from this ordinance are signs displayed for a non-profit venue.
3. Reflective signs or signs containing mirrors or any day-glow or other fluorescent paint, pigment or glitter.
4. Pennant strings, ribbons, and streamers. Except in Hamlet district.
5. Mechanical movement signs, including revolving signs. Except in Hamlet district.
6. Animated signs or flashing signs (except time and temperature), or signs that scroll or flash text or graphics.
7. Inflatable devices or balloon signs, with the exception of balloons used in temporary, non-commercial situations. Except in Hamlet district.
8. Signs which emit smoke, visible vapors, particulate matter, sound, odor or contain open flames.
9. Rooftop Signs – no sign shall be permitted on any rooftop.
10. Any signs that imitate, resemble, interfere with or obstruct official traffic lights, signs, or signals or are nuisance or annoyance to the residents or occupants of any other building or premises. No sign shall include words such as “stop”, “slow”, “go”, “danger”, or other words, phrases, symbols or characters that may be mistaken for or confused with traffic signal, sign or device.
11. The use of vehicles or other moveable devices as signs adjacent to a highway, street or road right of way is hereby prohibited.

F. Sign Regulations

1. No internally illuminated sign shall be erected or maintained having a size area greater than fifteen (15) square feet.
2. Free standing signs may not exceed twenty (20) feet above the ground on which such sign is erected.
3. Business signs shall be located on premise of business advertised, except off-premise signs (see below).
4. Business signs which advertise a bona fide business or service conducted on the premises and/or advertise products and/or merchandise stocked and sold on the premise may be erected.
5. Portable signs – In addition to a business sign displayed with a Permit, one portable sign, one or two sided, and not exceeding sixteen (16) square feet in area may be displayed. Such signs must be placed so as not to interfere with pedestrian or vehicular traffic and must be removed during non-business hours.
6. If two sign are erected or maintained upon the premises of a given business activity, the total sign area of the two signs combined shall not exceed sixty (60) square feet in area.
7. With respect to any building, group of buildings or other project involving more than one business or activity, such as shopping centers or multiple unit office or commercial building, no sign on building or adjacent to with respect to one such business or activity shall exceed thirty (30) square feet in area.
8. In the case of a sign advertising a center or facility where more than one principal activity is being conducted, only one sign not exceeding forty (40) square feet in area or twenty (20) feet in height may be erected. This sign may identify the center as a whole and list the individual names of any businesses at the site, but may not contain any advertising matter. An overall sign design plan for any such center or facility shall be required, which shall include the sign design plan or plans for each principal activity therein and shall reflect a reasonable uniformity of design, lettering, lighting and material.
9. No more than two (2) business signs may be erected or maintained advertising or otherwise relating to a single business or activity (except for directional signs that do not exceed two (2) square feet in sign area and are limited to such texts as "office", "entrance", "exit", "parking" and "no parking" signs).
10. Any free standing sign, including posts, shall be located on private property, set back from the street or highway right of way a minimum distance of five (5) feet. The maximum size of any sign at this five (5) foot minimum distance shall be twelve (12) square feet. This area may increase by two (2) square feet for every one (1) additional foot of setback up to a maximum area of forty (40) square feet.
11. Off premise signs shall be designed so as to blend in with the neighboring surroundings. Off premise signs require a site plan review.
12. No more than one (1) pole sign may be erected or maintained upon the premises of any gasoline station or other automotive service station. The size of any such sign shall not exceed fifteen (15) square feet. The maximum height of any pole sign shall not exceed twenty (20) feet.

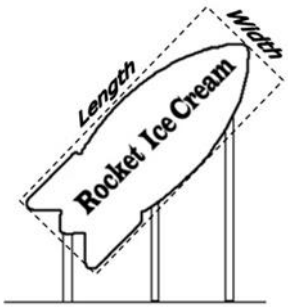
13. Before issuance of a Permit for free-standing sign or hanging sign, the Zoning Administrator or Planning Board may require a written statement from a professional engineer/architect and evidence of insurance.

G. Illumination, Design and Size.

1. All illuminated signs shall employ only lights emitting a light of constant intensity. No illuminated sign shall contain flashing or moving lights.

H. Measurement of Sign Area.

"Sign area" means the total area of all faces or surfaces of a sign anywhere upon which writing or any illustrative, emblematic, or other artistic or expressive matter appears, or, in cases where writing or illustrative, emblematic, or other artistic or expressive matter is not set against any face or surface, the total area within a single continuous rectangular perimeter enclosing the extreme limits of such writing or illustrative, emblematic, or other artistic or expressive matter. The sign area of a sign having more than one face or surface on which writing or illustrative, emblematic or other artistic or expressive matter appears shall be the total area of all such faces or surfaces; but if a sign consists of two such faces or surfaces placed back-to-back, the sign area of the side having the greater sign area shall constitute the total sign area. The sign area of a group of connected or related signs shall be the sum of the sign areas belonging to it.



I. Location of Signs.

1. No sign shall be so located, erected or attached in a manner to obstruct either partially or wholly, free access to any door, window, stairway, fire escape or other wall opening, nor shall any sign be attached to a fire escape or standpipe.
2. No sign shall be erected or located in such a manner as to obstruct free and clear vision along any highway, street or other public way or waterway.
3. No sign shall be located in such manner or constructed, illuminated or in any way interfere with, obstruct the view of or be confused with a traffic control light, signal, sign or device.
4. No sign shall be placed upon or be supported by any water body or any tree, rock or other natural object other than the ground.

5. A projecting sign may extend over a sidewalk not more than three (3) feet from the face of the building to which it is attached and in no case shall it extend beyond a vertical plane measured two (2) feet back from the highway right of way. The bottom of such sign shall be at least ten (10) feet above the elevation of the sidewalk directly under the sign and for a distance of at least five (5) feet in each direction therefrom along the said sidewalk. No sign shall be permitted to overhang the vehicular travel way of any highway, street or other public way.

J. Maintenance and Continuation.

All signs must be maintained in a visually appealing, clean and safe condition. Defunct signs and their support systems must be removed within six (6) months of the date of their disuse.

K. Unsafe, Illegal and Obsolete Signs.

In any case where the Zoning Enforcement Officer shall find any sign unsafe or insecure, endangering, in his opinion, public safety or property, or if he shall find any sign which in his judgment has been erected, installed, attached, established, painted or however created in violation of this Local Law, he shall follow the procedures in respect to violations set forth in Article 13 and the provisions of said Article shall apply in respect to prosecution, penalties and punishment for such violations.

In the case of an unsafe sign which, in the opinion of the Zoning Administrator, is an immediate peril to persons or property, he may order and arrange for the removal of such sign, without notice to the owner thereof.

Such sign shall be declared obsolete and in violation of this Local Law, and the Zoning Administrator shall forthwith follow the procedures in respect to violations as set forth in Article 13 and the provisions of the said article shall apply in respect to prosecution, penalties and punishment for such violation.

In any case where the Zoning Administrator finds it necessary to cause the removal of a sign because of the failure to do so by the owner thereof or of the premises on which such sign is located, the cost of any other expense incidental thereto shall be charged against the owner of the property and such charge shall be a lien against the property until paid.

L. Non-Conforming Signs.

For the purposes of this Local Law and this Article, a sign is considered a "structure" and subject to the provisions of Article 9 herein.

M. Sign Permit Procedure.

1. Applications - Applications for sign permits shall be submitted on sign application forms obtainable at the Town office. Each application shall be accompanied by a processing fee in cash or check payable to the Town of Chester and two (2) copies of plans showing the following information:

(a) Building, structure or lot to which or upon which the sign is to be attached or erected and the exact location proposed for the sign on the building or lot;

(b) Position of the sign in relation to nearby buildings or structures, if any;

(c) Area of the sign, its dimensions, character and structural design, lettering, color, pictorial and/or design characteristics, height of the bottom of sign above any adjacent sidewalk or other public or pedestrian way, distance from curb line or center line of roadway if there be no curb, method of illumination, if any, and light or lamp colors proposed and any moving characteristics, either mechanical or lighting;

(d) Method of fastening the sign to the building or erecting a freestanding sign and all specifications relating to the sign;

(e) Name of person, firm, corporation or other body, contractor or agency erecting the sign;

(f) Endorsement by the owner of the building or property on which the sign is to be erected, indicating his approval of the sign as shown on the plans;

(g) An estimate of the cost of erecting the sign and the value thereof; and

(h) Such additional information as may be required by the Zoning Administrator and/or Planning Board.

N. Fees for Sign Permits.

Fees in cash or by check payable to the Town of Chester in an amount determined by the Town Board shall accompany each application for a sign permit.

O. Issuance of a Permit

A permit shall be issued on the basis of an acceptable plan meeting the requirements of this Local Law and such permit shall be subject to endorsement (see Section 7.04(k)). In cases where the Zoning Administrator and/or Planning Board is of the opinion that a sign proposed to be erected or the building or structure upon which such sign is proposed to be erected will be or is unsafe or unsuited for such purpose, he may withhold the issuance of a permit until the applicant submits a written statement from a professional structural engineer registered in the State of New York certifying as to the safety of such sign and the method of erection and/or securing the same to the said building or structure. The cost of providing such proof of safety shall be borne by the applicant.

P. Enforcement Procedure.

After a sign for which a permit has been issued is in place, the owner of such sign shall so notify the zoning administrator who shall inspect the sign to determine its conformity to the approved plans. If the sign is in accordance with the approved plans, the zoning administrator shall provide a Zoning Permit and endorse the permit. If the sign is not in accordance with the plans, the owner of said sign shall be given 30 days to correct the deficiency or violation. If the violation or deficiency is not corrected within that 30 day period, the Zoning Administrator shall order the sign removed. Non-compliance with the order within ten (10) days shall be deemed a violation punishable as provided in Article 13. In the case of a sign deemed to be unsafe, procedures as outlined in Article 7.02(K) and Article 13 shall apply in respect to prosecution, penalties, and punishments for such violations.

Q. Permits Not Transferable.

No sign permit issued under the provisions of this Local Law shall be assigned or transferred to another by the holder thereof unless it is a continuation of an existing use. The

Town of Chester and the officials authorized herein have the exclusive responsibility for issuance of sign permits, and any assignment or transfer of such permit is hereby declared to be null and void, a violation of this Local Law and subject to the penalties and remedies provided for in Article 13.

R. Sign Variances.

Any variance from the requirements of this Article shall be considered an Area Variance and not a Use Variance.

Section 7.05 Junkyard Regulations.

A. Intent

The intent of this Section is to ensure a clean, wholesome, attractive environment in the Town of Chester through regulation of junkyards. The operation of junkyards in the vicinity of highways, dwellings, buildings, bodies of water, and wooded areas, including, but not limited to the burning of inflammable parts of motor vehicles machinery, appliances or equipment and of paper and any other waste materials, constitutes a public nuisance, a constant fire menace and a danger to such health, safety, and welfare of the inhabitants of the Town of Chester and creates an environment which tends to discourage continuing development of the economy of the Town of Chester.

B. Location Requirements.

No junkyard shall be located within one hundred (100) feet of the boundary line of any public highway, street, avenue, road or place nor within three hundred (300) feet of any dwelling, church, school, hospital, public building or any other place of public gathering. The Planning Board shall also consider whether or not the proposed location can be reasonably protected from affecting the public health and safety by reason of offensive or unhealthy odors or smoke, or of any other cause.

C. Aesthetic Considerations.

The Planning Board shall take into account the clean, wholesome and attractive environment which has been declared to be of vital importance to the continued general welfare the inhabitants of the Town of Chester, by considering whether or not the proposed location can be reasonably protected from having an unfavorable effect thereon. In this connection the Planning Board may consider collectively the type of road servicing the junkyard or from which the junkyard may be seen, the natural or artificial barriers protecting the junkyard from view, the proximity of the proposed junkyard to established residential and recreational areas or main access routes thereto, as well as the reasonable availability of other suitable sites for the junkyard.

D. Fencing.

A junkyard shall be completely surrounded with a fence approved by the Planning Board, at least eight (8) feet in height which substantially screens the junkyard. Said fence shall be constructed of materials that are durable and attractive that will blend with the surroundings and shall have a suitable gate which shall be closed and locked except during the working hours of such junkyard or when the applicant or his agent shall be within. No advertising or other matter of any kind shall be attached to or painted on any fencing enclosing the junkyard. All motor vehicles, parts thereof, machines, appliances, equipment, metal, rags, paper, fabric, rubber and any other waste materials or their combinations, stored

or deposited in a junkyard shall be kept within the enclosure of the junkyard except as removal shall be necessary for the transportation of same elsewhere, and shall not be piled or stacked to a height where the same shall be visible. This condition may be waived at the discretion of the Planning Board if the site is completely screened from public view from all areas within the Town. The Planning Board may require landscaping using natural materials to further mitigate impacts of the fencing or the junkyard itself.

E. Environmental Protection.

Runoff from the active areas of the site must be treated and contaminants removed prior to discharge into the ground or off the site. Any existing drainage courses at the site must be identified and protected to prevent untreated runoff from the active sites from entering them.

Areas where waste fluids or other deleterious, noxious or hazardous materials are handled shall be designed to collect these materials and prevent contamination of the soil, water or air.

Groundwater monitoring must be carried out including but not limited to initial baseline sampling prior to commencement of the project and annual up and down gradient sampling for groundwater contaminants.

All designs in this Section must be certified and stamped by an engineer licensed to practice in the State of New York.

F. Pre-existing Junkyards.

Junkyards legally existing on the effective date of this Local Law shall be exempted from the location requirements of paragraph (B) of this Section, but shall be required to comply with the aesthetic considerations and all other requirements of this Section within 3 years of the adoption of this Local Law. Existing junkyards in non-compliance with the location requirements shall not be expanded in such a way as to increase that non-compliance.

G. Operating Permit. ***[amended July 2011]***

Accumulation or storage of materials defined as junk shall require an annual operating permit as a junkyard except as provided for in paragraph H of this Section. All operating permits shall require annual renewal and to be applied for from the town not less than 30 days prior to expiration. No operating permit shall be renewed unless the Zoning Administrator finds that the aesthetic considerations, health and safety, and fencing requirements of this Section are met.

Failure to obtain an operating permit as a junkyard shall be deemed a violation of this Zoning Law and shall be subject to its provisions for enforcement.

H. Junk That Does Not Require an Operating Permit. ***[amended July 2011]***

Accumulation or storage of material defined as junk will not require an operating permit as a junkyard under Section 7.05(G) if the following conditions are complied with:

1. Junk material is kept in a building or under cover, and out of sight; or

2. If not in a building or under cover, junk material is contained and restricted to an area of no more than 400 square feet, and

   (a) the aforementioned area is fenced or screened artificially or naturally so that junk material is not visible from public roads or highways, waterways or neighboring properties [at five feet above ground level]

and the fencing or screening is of material and construction aesthetic to the area, and

(b) the fenced or screened area is on a parcel of land containing an occupied dwelling, and

(c) the fenced or screened area is behind the rear line of the aforementioned dwelling but not less than 100' from the center of the highway.

3. No more than one Junk Automobile may remain for up to 30 days outside of a building or cover as described in condition 1 of this paragraph H or screened or fenced area as described in condition 2 of this paragraph H.

Section 7.06 Off-Street Parking and Loading.

A. Purpose and objective

The purpose and objective of this law is to provide safe flow of traffic, relieve congestion, allow adequate accessibility for ingress and egress, and insure acceptable visual aesthetics.

B. Off-Street Parking.

Off-street parking space shall be required for all buildings constructed, altered, extended and engaged in use after the effective date of this Local Law. Each off-street space shall consist of at least two hundred (200) square feet and shall be at least ten (10) feet wide by twenty (20) feet long and shall be reached by an access driveway at least twenty (20) feet clear in width. In addition, space necessary for aisles, maneuvering and drives shall be provided. Parking requirements are specified in Paragraph B.

For uses not specified in Paragraph B, the Planning Board may establish parking requirements consistent with those specified in Paragraph B.

1. Parking spaces required in all districts shall be located in the side or rear yard on the same lot as the principal use unless otherwise permitted by the Planning Board.
2. For any building having more than one (1) use, parking spaces shall be required as provided for each use.
3. Any parking lot or parking area that will contain more than one hundred (100) cars shall be effectively divided by planted divider strips or curbing fixed in place so as to effectively divide each parking area of one hundred (100) cars from another driveway and parking area for the purpose of ensuring safety of vehicles moving within the entire parking area and to control speed.
4. Lighting for parking lots shall be designed in such a manner as to prevent glare onto other properties.
5. Parking lots shall be buffered in accordance with the following.

   (a) Adequate buffer planting, walls, fencing, or other suitable material shall be installed between the parking lot and adjacent properties to screen noise and uncontrolled entrance.

(b) Buffer planting shall be installed between the parking lot and the street in such a manner as to facilitate adequate sight distance at points of egress.

(c) If existing trees and vegetation are left on the site, these may be used in lieu of new plantings with the approval of the Planning Board.

(d) Construction of parking lots shall be designed to minimize water run-off.

(e) Handicap parking shall meet or exceed the requirements as contained in the Building Code of NYS.

6. Pre-existing structures that have inadequate off-street parking capability would require approval by the Planning Board. The Planning Board may modify these requirements based on the objectives and purpose of Section 7.06(A) being met.

C. Off-Street Parking Schedule.

USE	**MINIMUM SPACES REQUIRED**
Dwelling	Two spaces for each dwelling unit
Tourist Accommodation	One space for each guest room plus one space for each employee
Church or Temple	One space for each four (4) seating spaces in the main assembly room, plus one space for each clergyman and one space for each employee
Theater or other place of assembly	One space for each four (4) seating spaces plus one space for each employee
Retail store	One space for each 200 sq. ft. of gross retail area** plus one (1) space for each employee
Office or bank	One space for each 300 sq. ft. of gross floor area*
Club or restaurant	One space for each 100 sq. ft. of gross floor area or one space for each four (4) seats
Wholesale, storage, freight terminal or utility use	One space for each 1,000 sq. ft. of gross floor area*
Industrial use or manufacturing use	One space for each company vehicle plus one for each two (2) employees, based on peak working hours
Home occupation	A maximum of 3 additional spaces devoted to such use.
Drive-in restaurant	One space for each 25 sq. ft. of gross floor area*
Shopping center	Five and one-half (5.5) spaces for each 1,000 sq. ft. of gross leasable floor area

* “Gross floor area” shall mean the total area in square feet within the exterior walls of a building or structure and, when applicable, the sum total of all floor areas of the principal and accessory buildings or structures under single ownership or business.

** “Gross Retail area” shall mean the total area in square feet which will be dedicated to customer viewing of and product purchasing space.

D. Off-Street Loading.

At least one (1) off-street loading space shall be provided for each commercial or industrial establishment hereafter erected or substantially altered to have a gross floor area* in excess of 5,000 square feet, computed as described below. Space for off-street loading shall be in addition to space for off-street parking.

Each off-street loading space shall be subject to the following minimum requirements:

1. Each berth shall be not less than twelve (12) feet wide, forty (40) feet long and fourteen (14) feet in height when covered.
2. Off-street loading space (or spaces) located within fifty (50) feet of residential property shall be shielded by wall, fencing, or other suitable material which shall serve to screen noise and uncontrolled entrance.

Section 7.07 Tourist Accommodations.

A. Land Area.

For tourist accommodation units which are attached to a similar unit by a party wall, units of tourist homes or similar structures, and tourist cabins or similar structures for rent or hire involving less than 300 square feet of floor space each, the minimum land area necessary shall be one-tenth (1/10) the minimum lot area required for the zoning district in which the tourist accommodation is to be located.

The minimum land area for a tourist cabin or similar structure for rent or hire involving more than 300 square feet of floor space shall be the land area in the Zoning Schedules contained in Section 4.01 hereof for the zoning district in which the cabin or structure is to be located.

B. Off-Street Parking.

Adequate off-street parking shall be provided as per Section 7.04 of this Local Law.

C. Shoreline Frontage.

Where a motel, hotel or tourist accommodation involves the shoreline of any lake or pond, or any river or stream navigable by boat, including canoe, the following shoreline frontages shall be required per room or unit, unless the minimum shoreline lot width in Section 7.01 hereof for the zoning district involved is greater, in which case the greater lot width shall be required: 100 feet for one to ten accommodation units; for each additional unit up to 20 units, 8 additional feet; for each additional unit up to 40 units, 5 additional feet; for each additional unit thereafter, 3 additional feet.

D. Setbacks for Cabin Colonies.

For approval of any alterations to existing cabin colonies, the above standards must be met by all cabins and proper access as defined in this Section must be provided.

Front yard to lot line	same as zone in which lot is located
Side yard to lot line	same as zone in which lot is located
Rear yard to lot line	same as zone in which lot is located
Distance between	1.5 times the height of the structure's tallest of the two walls facing each other or 20 feet, whichever is greater
Distance to access right-of-way	1.0 times the height of the wall of the structure facing the road or 20 feet, whichever is greater

Section 7.08 Multiple-Family Dwellings.

A. The minimum land area necessary per each individual dwelling unit shall be the minimum lot area required for the zoning district in which the multiple family dwelling is to be located as per the Zoning Schedules in Section 4.01.

B. Adequate off-street parking shall be provided as per Section 7.06 of this Article.

C. Approval of water supply and sewage disposal by the New York State Department of Health or other appropriate regulating agency shall be mandatory.

Section 7.09 Mobile Home Parks.

A. Site.

1. Any mobile home park shall be located on a well-drained site which is properly graded to insure adequate drainage and be free at all times of stagnant pools of water.

2. The park shall be at least four (4) acres in size, with sixty (60) feet minimum frontage on a public road.

B. Mobile Home Lots.

In no case shall a mobile home lot have a total area of less than 5,000 square feet with a minimum lot width of fifty (50) feet. The total number of mobile home lots in a mobile home park shall not exceed the quotient of the total area of the park divided by the minimum lot area required for the zoning district in which the mobile home park is located.

1. Each mobile home lot shall have a mobile home stand which will provide for the practical placement on and removal from the lot of both the mobile home and its appurtenant structures, and the retention of the home on the lot in a stable condition.

2. The stand shall be of sufficient size to fit the dimensions of the anticipated mobile home and its appurtenant structures or appendages.

3. The stand shall be constructed of an appropriate material which is durable and adequate for the support of the maximum anticipated loads.

4. The stand shall be suitably graded to permit rapid surface drainage.

5. The stand shall be equipped with an anchor or tie-down at each corner thereof to provide adequate security for the mobile home against wind loading.

6. Each mobile home shall be enclosed with a desirable and attractive skirt made of sturdy materials, which will hide all wheels, chassis, and other appurtenances under the mobile home.

C. Accessibility.

1. The mobile home park shall be easily accessible from an existing public highway or street.

2. Where a mobile home park has more than twenty (20) mobile home lots, two points of entry and exit may be required, but in no instance shall the number of entry and exit points exceed four (4):

(a) Such entrances and exits shall be designed and strategically located for the safe and convenient movement of traffic on a public highway or street;

(b) All entrances and exits shall be approximately at right angles to the existing public highway or street;

(c) All entrances and exits shall be free of any material which would block their visibility from the public highway or street to which they have access

(d) All entrances and exits shall be of sufficient width to facilitate the turning movements of vehicles with mobile homes attached.

3. The mobile home park shall have graded, surfaced and maintained streets (including snow removal) to provide for the convenient access to all mobile home lots and other important facilities within the park.

The street system shall be so designed to permit safe vehicular circulation within the park. Streets shall be adapted to the topography and shall have suitable alignment and gradient for traffic safety.

D. Utilities and Service Facilities.

1. The following utilities and service facilities shall be provided in each mobile home park which shall be in accordance with the regulations and requirements of the New York State Department of Environmental Conservation and the New York State Department of Health:

(a) An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all mobile home lots and buildings within the park.

(b) Each mobile home lot shall be provided with a sewer, which shall be connected to the mobile home situated on the lot, to receive the waste from all wastewater systems including but not limited to the shower, tub, flush toilets, lavatory and kitchen sink in such home. The sewer shall be connected to a community sewerage system, so as to comply with any applicable sanitary codes.

2. Other service buildings including storage areas shall be provided as deemed necessary for the normal operation of the park, such buildings to be maintained by the owner or manager of the park in a clean, sightly, and sanitary condition.

E. Open Space.

1. The mobile home shall provide common open space for the use by the residents of such park for recreational and other appropriate purposes. Such common open space area may contain recreational facilities, bicycle, walking or horse trails, sitting areas, wooded areas (areas may be required to be cleared of underbrush), or any other open space uses found appropriate by the Planning Board.

2. Common open space shall be conveniently located in the mobile home park. Such space shall have a total area equal to at least ten percent (10%) of the gross land area of the park. Roadways shall not be counted as such open space.

F. Landscaping.

Screen planting shall be provided along those areas within the park which front upon or are visible from public highways and streets or abutting yards of adjacent residential properties, so as to substantially screen the park from public view at all seasons of the year. This requirement shall in no way diminish the park accessibility requirements of Section 7.09.

Section 7.10 Individual Mobile Homes.

A. Individual mobile homes are considered one principal building pursuant to Section 2.03, Definitions, and are subject to the minimum lot size restrictions and setback restrictions of this Local Law.

B. Within ninety (90) days of placement, the undercarriage of individual mobile homes must be securely enclosed.

C. The following regulations apply to individual mobile homes within the Town:

1. Individual mobile homes shall comply with the same water supply, sewage disposal and setback requirements as single family dwellings.

2. Additional Requirements - The additional requirements in the following paragraphs apply to mobile homes placed on individual lots after the effective date of this Local Law.

(a) *Prohibited Sites* - No mobile home shall be located on a lot within any subdivision which has in the past been developed with conventional dwellings or upon any land restricted by deed or other covenants against placement of mobile homes or temporary structures.

(b) *Mobile Home Stand and Skirting*

(i) Each mobile home shall have a mobile home stand which will provide for the practical placement on and removal of both the mobile home and its appurtenant structures, and the retention of the home on the lot in a stable condition.

(ii) The stand shall be of sufficient size to fit the dimensions of the mobile home and its appurtenant structures or appendages.

(a) The stand shall be constructed of an appropriate material which is durable and adequate for the support of the maximum anticipated loads.

(iv) The stand shall be suitably graded to permit rapid surface drainage.

(v) The stand shall be equipped with an anchor or tie-down at each corner thereof to provide adequate security for the mobile home against wind loading.

(vi) The mobile home shall be located on either (a) a permanent, continuous, masonry foundation or (b) posts or concrete blocks, provided that, in this second case, there shall be a continuous "skirting" of metal, wood or other durable sightly material installed so as to obscure the wheels, chassis and other appurtenances from view from the highway or street and from any adjoining property.

3. Dimensional Requirements - The dimensional requirements for mobile homes, except as otherwise provided in this Article, are those applicable to single family dwellings in the zoning district. Not more than one mobile home may be placed on a lot.

4. Structural Characteristics and Age - A mobile home shall have a minimum gross floor area of 650 square feet; the sides shall be non-reflective; and the roof shall be peaked. The mobile home shall be new or, if previously manufactured, have a manufacture date not more than 20 years prior to placement on the lot.

5. Non-conforming Uses or Structures - A mobile home which is a lawful nonconforming use or structure (each as defined in Article II) may not be expanded or replaced unless the Planning Board, in site plan review, determines that the mobile home as relocated, expanded or replaced will conform to this Local Law and to this Section.

Section 7.11 Travel Trailer Regulations.
(Motor homes, campers, and all such similar travel vehicles)

A. Site

No travel trailer shall be parked or located overnight within the Town except:

1. on the property of the owner;
2. in a travel trailer campground;
3. on the premises of a travel trailer sales or rental establishment; or
4. with the permission of the property owner for no more than 21 days in any calendar year.

B. Occupancy

Travel trailers may not be used as dwellings.

Section 7.12 Travel Trailer Campgrounds.

A. Purpose and objective

The purpose and objective of this law is to ensure safe ingress, egress, movement and adequate space for enjoyment and safety for all users of the travel trailer campgrounds.

Travel trailer campgrounds shall be subject to the following requirements:

B. Site.

1. The travel trailer campground shall be located in an area where grades and soil conditions are suitable to insure adequate drainage and be free at all times of stagnant pools of water.
2. The campground shall be at least four (4) acres in size, with at least sixty (60) feet of frontage on a public road.

C. Travel Trailer Lot.

Each travel trailer campground shall be marked off into travel trailer lots. Each travel trailer lot shall have a total area of not less than 3,600 square feet with a minimum width of forty (40) feet.

D. Travel Trailer Placement on Lot.

1. No travel trailer shall be parked or otherwise located nearer than a distance of:

   (a) 25 feet from an adjacent travel trailer in any direction;
   (b) 60 feet from an adjacent property line of any third party;
   (c) 75 feet from the right-of-way line of a public street or highway;
   (d) 20 feet from the nearest edge of any street within the camp.

2. Only one travel trailer shall be permitted to occupy any one travel trailer lot.

E. Travel Trailer Pad.

1. Each travel trailer lot shall have a travel trailer pad which will provide for the practical placement on and removal from the lot of the travel trailer and retention of the trailer on the lot in a stable condition.
2. The pads shall be of sufficient size to fit the dimensions of the anticipated travel trailers.
3. The pads shall be constructed of an appropriate material which is durable and adequate for the support of the maximum anticipated loads.
4. The pads shall be suitably graded to permit adequate surface drainage.

F. Travel Trailer Campground Lot Accessory Use Structures

1. Written permission of RV travel trailer campground owner is required for Zoning Permit.
2. Zoning Permit is to be obtained before installation or construction of any RV lot accessory use structure.
3. Accessory use structure must be easily removable by RV owner or travel trailer campground owner.
4. RV owner may not install or construct anything deemed permanent.
5. RV owner must remove all accessory use structures when no longer renting or leasing lot and notify Zoning Office of removal.
6. No accessory use structure may exceed length or height of existing RV and may not exceed ten (10) feet in width.

G. Accessibility.

1. The travel trailer campground shall be easily accessible from an existing highway or street.
2. Where a travel trailer campground has more than thirty (30) travel trailer lots, two (2) points of entry/exit may be required by the Planning Board.

(a) Such entrance(s) and exit(s) shall be designed and strategically located for the safe and convenient movement into and out of the camp, and to minimize friction with the free movement of traffic on a public highway or street.

(b) All entrances and exits shall be approximately at right angles to the existing public highway or street.

(c) All entrances and exits shall be free of any material which would block their visibility from the public highway or street to which they have access.

(d) All entrances and exits shall be of sufficient width to facilitate the turning movements of vehicles with travel trailers attached.

3. The travel trailer campground shall have convenient access ways to all travel trailer lots and other important facilities within the campground. Such access ways shall be designed to permit safe vehicular circulation within the campground, shall be adapted to the topography and shall have suitable alignment and gradient for traffic safety, shall intersect at approximately right angles, and shall be of sufficient width.

H. Utilities and Service Facilities.

1. Water, Sewage and Sanitary Facilities. All campgrounds and travel trailer campgrounds shall provide and maintain a potable water supply, sanitary facilities, sewage disposal system, sanitary garbage containers and all other waste service facilities as are adequate to comply with the public health laws of the State of New York and the rules, regulations and standards of the New York State Department of Health.

(a) An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and to every ten (10) trailer lots within the campground to meet the requirements of such campground. Each ten (10) lots shall be provided with a cold water tap.

(b) Every travel trailer campground shall be equipped with a dump station tied into a community sewerage system.

(c) Toilet and other necessary sanitary facilities for males and females shall be provided in permanent structures. Such facilities shall be housed in either separate buildings or in the same building; in the latter case, such facilities shall be separated by soundproof walls. The male and female facilities shall be marked with appropriate signs and have separate entrances for each.

(d) Lavatory facilities shall be supplied with running water.

(e) The buildings housing such toilet and sanitary facilities shall be welt lighted at all times of the day and night, shall be well ventilated with screened openings, shall be constructed of moisture proof materials, and shall be kept clean and sanitary at all times. The floors of such buildings shall be of a water impervious material.

2. Other service facilities and buildings shall be provided as deemed necessary for the normal operation of the campground, such facilities or buildings to be maintained by the owner or manager of the campground in a clean, sightly, and sanitary condition.

3. Metal or plastic garbage cans with tight fitting covers shall be used in quantities adequate to permit the disposal of all garbage and rubbish. The cans shall be kept in sanitary condition at all times. The camp owner or manager shall be responsible for the collection and disposal of garbage and rubbish as frequently as may be necessary to insure that such cans shall not overflow.

4. Waste from all buildings and trailer lots shall be discharged into a community sewerage system.

I. Open Space.

The travel trailer camp shall provide common open space conveniently located within the camp for recreational and other appropriate purposes, such space to have a total area equal to at least twenty percent (20%) of the land area of the park.

Section 7.13 Mining, Excavation of Minerals/Gravel.

A. Legislative Intent.

It is the intent of this Zoning Local Law to prohibit mining within Hamlet Districts and to prohibit mineral extraction within the Friends Lake Watershed Overlay District. It is the further intent to ensure that mine sites are properly reclaimed and that the New York State Department of Environmental Conservation (DEC) permit conditions are properly enforced by granting authority to the Town of Chester Planning Board to impose site plan review conditions on new mining activities. ***[amended July 2011]***

B. Mining.

Mining, including the quarrying operations for sand, gravel, or other aggregate but limited to the removal of the product from the earth and its loading for transportation, shall be subject to a site plan review in any zoning district. No washing, screening, crushing or other processing shall be permitted at the site unless otherwise approved by the Planning Board. Mining and restoration requirements imposed by the New York State Department of Environmental Conservation which are more stringent shall take precedence.

C. Site plan review.

Site plan review conditions as imposed by the Planning Board, shall apply to all mining operations within the Town of Chester not approved prior to the enactment of this Zoning Local Law, and shall be limited to the following:

1. Ingress and egress to public roads controlled by the Town of Chester;
2. Routing of mineral transport vehicles on roads controlled by the Town of Chester;
3. Requirements and conditions as specified by any permit issued by the Department of Environmental Conservation under Title 27 of the Environmental Conservation Law (Mined Land Reclamation Law) concerning setback from property boundaries and public thoroughfare rights-of-way, natural or man-made barriers to restrict access, if required, dust control and hours of operation, when such requirements and conditions are established pursuant to Section 23-2711(3) of the Environmental Conservation Law;
4. Enforcement of reclamation requirements contained in mined land reclamation permits issued by the State of New York;
5. Enacting or enforcing Local Laws regulating mining or the reclamation of mines not required to be permitted by the State of New York.

D. Site plan review Procedure.

It is the intent of the Town of Chester to provide input on any conditions that it believes should be included in any DEC mining permits issued for mining operations located within the Town of Chester and to assist in the enforcement of any resulting DEC mining

permit conditions, as permitted by the Mined Land Reclamation Law (Title 27, Environmental Conservation Law):

1. The following procedure shall apply for site plan review approval for mining operations requiring a DEC permit:

a. The Planning and Zoning Secretary of the Town of Chester upon receipt of an application for a mining permit from DEC or for site plan review from the applicant, shall forward said application to the Planning Board in a timely manner;

b. The Planning Board may, within thirty (30) days of the receipt of an application, provide DEC recommendations on conditions to be included in the said State mining permit, within the following categories:

(i) Ingress, egress, and the routing of mineral transport vehicles on roadways controlled by the Town;

(ii) Appropriate set-backs from property boundaries or public road rights-of-way;

(iii) The need for man-made or natural barriers designed to restrict access, and the type, length, height and location thereof;

(iv) The control of dust;

(v) Hours of operation;

(vi) Whether mining is prohibited within the applicable zoning district.

Such recommendations shall be accompanied by documentation supporting the involved conditions on an individual basis.

c. Upon receipt of any resulting DEC permit, the applicant shall submit copies of said permit and all information provided to DEC in support of the application, to the Planning Board. The Planning Board shall accept such information as a complete site plan review application, once the applicable Town application fees have been received. The Planning Board shall then incorporate into the involved Town site plan review approval any conditions contained in the State mining permit related to Paragraph 2, subparagraphs (a) to (e) above, together with any reclamation requirements contained in the involved mine's reclamation plan.

2. For any mining operation not requiring a DEC mining permit, the procedure for site plan review as contained in the appropriate Sections of this Local Law shall apply.

Section 7.14 Fence Regulations.

Any fence over eight feet (8') in height from natural grade is prohibited (other than those required by Section 7.05). All private swimming pools shall be enclosed by a permanent fence of durable material at least four feet (4') in height and with a gate which is kept securely closed any time that the swimming pool is unattended.

Section 7.15 New Principal Buildings on the Same Lot.

Where more than one principal building exists or is proposed to be located on the same lot, any construction, alteration or relocation of structures shall occur through site plan review in accordance with the following regulations:

A. Access.

A right-of-way must be provided for access to each principal building. Such access shall consist of a right-of-way not less than twenty (20) feet wide with a roadway width of twelve (12) feet. If such roadway terminates without connecting to a public road or highway, a properly designed turnaround shall be provided.

Maximum grade of such access roadway shall not exceed twelve percent (12%).

Dead-end access roadways greater than two hundred (200) feet shall terminate in a turnaround.

Parking shall be provided on the site in accordance with Section 7.08 of this Local Law.

B. Setbacks.

Setbacks for apartment buildings, single-family, attached dwellings, town houses, and
other principal buildings shall be as follows:

Front yard to lot line	same as zone in which lot is located
Side yard to lot line	same as zone in which lot is located
Rear yard to lot line	same as zone in which lot is located
Distance between structures	the sum of the yard setbacks of the building sides facing each other of the zone in which the lot is located
Distance to common access right-of-way	the front yard setback of the zone in which the lot is located

C. Density

The new principal buildings shall comply with the density requirements for the zone in which they are located.

Section 7.16 Water Bottling Plants.

The following specific standards apply in connection with the review and approval of a water bottling plant:

1. The minimum lot size to be dedicated in its entirety to the development of any water bottling plant source wells shall be 250 acres.
2. To the maximum extent possible, after development, any such bottling plant shall be screened to reduce visibility from adjoining properties and roads and to reduce noise.

3. No part of any such bottling plant shall be located within two hundred (200) feet of the shore of any lake, pond or stream navigable by canoe.
4. Access shall be by public or private all-weather road adequately designed and constructed to accommodate the anticipated truck traffic. To the maximum extent possible, after development, the traffic patterns associated with any such bottling plant shall be so as to minimize traffic through residential neighborhoods.
5. No building on said parcel shall exceed thirty-five feet (35') in height.
6. Precipitation recharge to the aquifer system being tapped by the water bottling operation must safely exceed the proposed maximum quantity of groundwater (or spring water) to be extracted by the facility. In addition, the daily withdrawal of groundwater (or spring water) from the site shall not be allowed to have an undue adverse environmental impact on nearby wells, surface water or the storage capacity of the aquifer. It shall be the responsibility of the project sponsor to retain the services of a qualified geologist or hydrogeologist to certify that this condition has been satisfied based on results of the site specific studies and/or investigations.

Section 7.17 Outdoor Storage of Vehicles.

No more than a total of four (4) unregistered snowmobiles, all-terrain vehicles, motorcycles, jet skis, boats, boat trailers, camper trailers, motor homes or similar vehicles intended to be used for recreational purposes may be stored outside of a building on any lot.

Section 7.18 Lighting.

Outdoor lighting shall be the minimum required to meet any legal requirements and ensure patron safety. Lighting devices shall be oriented and shielded to minimize disturbance on surrounding properties. Lighting shall be directed onto the lot in such a manner that no direct beam of light or excessive glare shines onto other properties or the highway.

Section 7.19 Livestock and Other Animals.

The purpose of this section is to protect the health, safety and general welfare of the citizens of the Town, as well as to provide for the safety and health of horses and livestock other than household pets. For purposes of this section, "livestock" shall mean horses, cows, pigs, sheep, goats, deer, llamas, alpacas, emus, ostriches, chickens, ducks, geese and similar animals and birds.

A. Regulations.

In any zone in the Town wherein the keeping of livestock is allowed, the following regulations shall be complied with:

1. A lot or parcel of at least 45,000 square feet shall be required for the keeping of horses, ponies or other livestock.
2. Within the pasture or field there must be provided a barn or similar three-sided lean-to with a roof to provide shelter for the horses,

ponies or similar livestock. This barn or similar three-sided lean-to with a roof must yield a minimum of 80 square feet per horse or pony or animal unit. This eighty-square-foot shelter minimum requirement per horse, pony or animal unit is in addition to any other footage required by this section.

3. Location.

(a) All stables and/or similar three-sided lean-tos with roofs for the purpose of sheltering horses, ponies or similar livestock shall be located a minimum of:

(i) Twenty feet (20') from any adjacent property line.

(ii) Seventy-five feet (75') from any neighboring dwelling.

(b) Pasture or field fencing may be placed at any point up to the property line. Said fencing shall be a minimum of fifty feet (50') from a neighboring dwelling.

4. All pasture or field fences shall be constructed of such material and in such a manner as to prevent and preclude an escape of livestock. It is recommended that an Underwriters' Laboratories, Inc. approved electrical fence wire be mounted on the inside of all perimeter fencing.

5. All fences, barns, three-sided lean-tos or similar structures must be maintained in a state of repair to prevent the escape of horses, ponies or other livestock.

6. Stables and similar enclosures must be built and maintained to avoid the creation of offensive odors, fly breeding or other nuisances. Fly retardants such as flystrips and/or flytraps must be in place and in such condition as to perform adequately from March 1 to and including October 31.

7. Manure from stabled horses or other livestock may not be stored in the stable or housing structure used to house said horses or livestock. Any stockpile of manure shall not exceed 100 square feet and shall be stored a minimum of 100 feet from the nearest neighboring dwelling. All stockpiles of manure shall be limed at least once every week.

B. Persons Presently Keeping Horses.

Any person, firm or corporation presently using land or premises within the Town for the keeping of horses, ponies or other livestock shall comply with all the provisions of this chapter except that such person, firm or corporation shall be exempt from the requirements of paragraph A(1), provided that such person, firm or corporation complies with all other ordinances, rules and regulations of the Town or any agency thereof, and provided further that such noncompliance shall not be restored in the event of abandonment or discontinuance.

Section 7.20 Commercial Siting and Design Guidelines.

The purpose of these regulations is to provide guidelines for the design of businesses

along state highways, especially where important community gateways into the hamlet of Chestertown at Routes 8 and 9. It is the overall intention of the guidelines to carefully blend new commercial development into the existing environment while enhancing community character and protecting the scenic natural landscape.

A. General Guidelines

1. Development along state highways should be sited so as to blend into the existing landscape. Development shall be carried out in a manner that avoids degrading identified view sheds and ridgeline vistas.

2. To avoid conventional strip commercial development along state highways, multiple commercial structures shall be grouped or placed in proximity of one another so as to create a relationship between businesses through physical connection and to preserve as much open space as possible.

3. The site shall be planned to accomplish a smooth transition with the streetscape, and to provide for required planting, pedestrian movement, and parking areas.

4. Shape the site to take full advantage of existing natural features, such as mature trees, rock outcroppings, slopes, stone walls or streams.

B. Landscaping

1. All development along state highways shall incorporate a landscape plan. Stress plantings along the public frontage. Parking lot edges should be generously landscaped with the intent of softening the look of the development from state highways.

2. Use low maintenance native plant materials.

3. Where grading is necessary for the construction of structures and paved areas, the grading should blend with adjacent landforms through the use of contour grading rather than harsh cutting or terracing of the site. Grading should not create problems of drainage or erosion on its site or adjacent property.

C. Access and Parking Lots

1. Whenever practicable, the use of shared driveways shall be used to reduce the number of access points to state highways.

2. Where possible, off-street parking should be located at the rear or side of buildings.

3. Off-street parking should be screened from a public street or residential uses.

Section 7.21 Accessory Apartments. [amended July 2011]

A. Purpose and Intent of this Section:

The intent of this section is to allow separate living space within an existing single family dwelling to be occupied by family members or caregivers and to ensure that this use is conducted in a manner that protects and preserves neighborhood character and property values.

B. General Requirements:

Notwithstanding the maximum intensity of development and the minimum lot size specified for the particular zoning district, an accessory apartment shall be allowed in a single family dwelling in all Town districts except the INDUSTRIAL district provided that the following conditions are found to be satisfied in Site Plan Review by the Planning Board.

1. The Town will maintain a list of all accessory use apartments in current use and not allow a number of accessory apartments greater than ten percent (10%) of the existing single family residences in the Town at any one time.
2. The landowner, or their agent, is required annually to renew the permission to continue the accessory apartment and provide documentation that all provisions of this section are in compliance. Failure to renew the use will result in the termination of the approval for the accessory apartment and require the removal of the kitchen facilities stated in Section (3).
3. When the purpose or the authorization for the accessory apartment expires or is invalidated, the kitchen facilities of the apartment, including any refrigerator, stovetop or range, dishwasher, and microwave, shall be removed within 60 days.

C. Additional Standards and Requirements:

1. The owner(s) of the property shall occupy at least one of the dwelling units on the premises as a principal residence.
2. No more than one accessory apartment is permitted on a lot.
3. Modification to an existing building to accommodate an accessory apartment shall comply with all provisions contain in this zoning law except for the density allowance provided in accordance with this section.
4. An accessory apartment shall not exceed 800 square feet in size of the floor space.
5. If the total habitable floor space of all dwelling structures on the lot exceeds 3500 square feet, no new habitable space may be constructed on the lot.
6. Off-street parking shall be available for the occupant(s) of the accessory apartment and the primary single family dwelling.
7. Sites within the wastewater district will be connected to the district wastewater system.
8. Site served by existing on-site wastewater treatment system shall meet all applicable State and Town standards for wastewater systems.
9. The building containing the accessory apartment shall meet all applicable Standards of the State Building Code and Local Law.
10. The property may be served by only one meter for each water and electric utility supplied.

11. No more than four (4) people may reside in the accessory apartment.

12. No money may be received by the property owner in exchange for occupancy of the accessory apartment.

D. Procedures for Approval of Accessory Apartments

Approval by the Planning Board of a proposed accessory apartment shall require notice to the public and a public hearing conducted under the Site Plan Review procedures and requirements described in this Local Law. The Planning Board shall mail a copy of the decision to the Adirondack Park Agency within 14 days.

Section 7.22 Boundary Line Adjustments [amended July 2011]

A. A boundary line adjustment is a subdivision but shall not require subdivision approval in the form of Site Plan review or an area variance provided that all of the following conditions are met:

1. The grantee of the boundary line adjustment parcel is the same as the landowner of the receiving parcel;
2. The boundary line adjustment parcel is adjacent to the receiving parcel;
3. The boundary line adjustment parcel is merged with and becomes a part of the receiving parcel;
4. The property conveyed is of a size and configuration that could not reasonably accommodate the construction of a single family dwelling;
5. The boundary line adjustment will not allow for any increase in the number of principal buildings on the resulting, merged parcel; and
6. The boundary line adjustment will not result in or increase any non-conformance with the provisions of Section 7.01, 7.02 or 7.03 of this Local Law.

B. The deed describing the boundary line adjustment parcel must contain a covenant stating that the conveyance is a boundary line adjustment and that the boundary line adjustment parcel is to merge with the receiving adjacent parcel and may not be sold separately, and must state that these covenants “run with, touch and concern the land”.

C. The Planning Board shall have the authority to review a proposed property transfer to determine whether the transfer qualifies as a boundary line adjustment. If the Planning Board determines that the proposal is a boundary line adjustment, the approved map shall be stamped and signed by the Chairman of the Planning Board as a non-jurisdictional project. It shall be the responsibility of the applicant to file the signed map in the office of the County Clerk.

Section 7.23 Solar Energy Systems.

Purpose.

To outline the use of solar energy systems while maintaining the unique character of The Town of Chester.

Zoning District Regulations – Use Chart

Allowed Uses with Zoning Permit:

(H) Hamlet – Rooftop or building mounted solar systems, flush mounted systems and building integrated photovoltaic systems.

(MI) Moderate Intensity – Rooftop or building mounted solar systems, flush mounted systems and building integrated photovoltaic systems

(L) Low intensity – Rooftop or building mounted systems, flush mounted systems and building integrated photovoltaic systems

(RU) Rural Use – Rooftop or building mounted solar systems, flush mounted systems and building integrated photovoltaic systems

(RM) Resource Management – Rooftop or building mounted solar systems, flush mounted systems and building integrated photovoltaic systems.

(I) Industrial Use Areas – Rooftop or building mounted solar systems, flush mounted systems and building integrated photovoltaic systems.

A. Solar Photovoltaic Systems and Solar Thermal Systems – Pole-Mounted or Ground-Mounted Solar Energy Systems

    1. Classified as accessory structure in Hamlet and Moderate Intensity Zoning Districts.
        (a) Small-scale solar system only

    2. Classified as principal use or accessory structure in Low Intensity, Rural Use and Resource Management Zoning Districts.
        (a) Site plan review required

    3. Classified as principal use or accessory structure in Industrial Zoning District.
        (a) Site plan review required

    4. Waterfront
        (a) May not be installed on shorefront side of property
        (b) Site plan review required
        (c) Small scale solar system use only

    5. Inspections required: Electrical – By UL qualified inspector. To meet all NEC requirements.
        (a) Installation to meet all applicable laws and codes.

Section 7.24 Water Supply Wells.

A. Purpose and Objective.

To protect people and the environment coming into contact with the land or surrounding lands of these wells and to any nearby septic systems.

B. A Zoning Permit is required for the installation of a water supply well.

1. Minimum site plan requirements:

(a) Separation distance from on-site septic wastewater system.
(b) Separation distance from nearby septic systems.
(c) Separation distance from waterbody (i.e. stream, lake, watercourse, drainage ditch, wetland).
(d) Refer to Part 5, Subpart 5-1 Standards for Water Wells, Appendix 5B "Table 1: Required Minimum Separation Distances to Protect Water Wells from Contamination", published by the New York State Department of Health.

C. Wells must meet or exceed construction standards established by County, State Law and the Town of Chester Zoning Local Law.

D. A well may not be installed where it infringes on a neighbor's ability to develop their property for safe use and living.

ARTICLE 8 - GENERAL EXCEPTIONS

Section 8.01 General Exception to Minimum Lot Area Requirements.

Any nonconforming lot of record as of August 1, 1973 which does not meet the minimum lot area, shoreline frontage, and/or minimum lot width and depth requirements of this Local Law for the zoning district in which such lot is situated shall be considered as complying with such minimum lot dimension, size and density requirements, and no variance shall be required, provided that:

A. Such lot does not adjoin other lots in the same ownership; provided, however, that all such lots in the same ownership shall merge and be treated together as one lot, and

B. The lot of record or merged lot has a width of at least two-thirds the minimum lot requirements of this Local Law and a minimum area as follows:

1. Hamlet, with municipal water- 10,000 sq. feet
2. Hamlet, without municipal water - 20,000 sq. feet
3. Moderate Intensity Use Areas - 20,000 sq. feet
4. Low Intensity Use Areas - 40,000 sq. feet
5. Rural - 2 acres
6. Resource Management - 4 acres

Section 8.02 Gifts, Devises and Inheritances.

This Section is intended for long-term use or benefit of the individual receiving the land.

The proposed division of vacant land resulting from *bona fide* gift, devise or inheritance by and from natural persons shall not require Planning Board approval as a major or minor subdivision. Such proposed division shall be submitted to the Planning Board for its confirmation that it constitutes a gift, devise or inheritance, in which case the division shall be deemed non-jurisdictional. New land use or development on lots, parcels or sites conveyed by individuals, who, on the date of August 1,1973 when Executive Law, Article 27, Adirondack Park Agency Act became effective, owned such land, to members of their immediate families by bona fide gift, devise or inheritance, shall be exempt from the minimum lot size criteria specified in Section 4.03 for the purpose of constructing one single-family dwelling or mobile home on any such lot, parcel or site, providing the construction of said use is permissible in the district within which it is located, but in no case shall such lot be less than one (1) acre. All other permit requirements and restrictions of this Local Law shall apply.

In all cases, all such lots shall have a width of at least two-thirds the minimum lot requirements and a minimum lot area as follows:

A. Hamlet, with municipal water - 10,000 sq. feet

B. Hamlet, without municipal water - 20,000 sq. feet

C. Moderate Intensity Use Areas - 20,000 sq. feet

D. Low Intensity Use Areas - 40,000 sq. feet

E. Rural Use -2 acres

F. Resource Management - 4 acres

All other permit requirements and restrictions of this Local Law shall apply.

ARTICLE 9 - NONCONFORMING USES AND STRUCTURES

Section 9.01 Continuation.

Subject to the Provisions of this Article, any lawful building, structure or use of premises substantially existing at the time of enactment of this Local Law or any subsequent amendment thereof applying to such building, structure or use of premises may be continued although such building, structure or use of premises does not conform to the provisions of this Local Law, provided, however:

A. No nonconforming use may be expanded, enlarged, increased or extended or placed on a different portion of the parcel it occupies without obtaining a use variance.

B. No nonconforming structure shall be enlarged, expanded, extended, increased in bulk or moved to a different portion of the lot it occupies unless such modification is in conformance with this local law or an area variance is obtained.

C. A nonconforming use shall not be changed to any other use which does not conform to the provisions of this Local Law without obtaining a use variance.

D. In no case shall any increase or expansion violate or increase noncompliance with the minimum setbacks of the shoreline restrictions contained in this Local Law without obtaining an area variance.

E. This Article shall not be construed to permit any unsafe use or structure, or to affect all proper procedures to regulate or prohibit any unsafe use or structure.

Section 9.02 Conversion of Certain Existing Uses.

Those structures existing on August 1, 1973 that are associated with resort hotels, motels, rental cottages and group camps may be converted from their existing use to individual single-family residences, condominiums, cooperatives or other non-seasonal residential occupancy subject to site plan review under Article 5. In its review of such conversions, the Planning Board will apply the following additional criteria:

A. A single structure containing over 1,250 square feet of net interior floor space as of May 22, 1973 may be converted to more than one single family residential unit at the approximate rate of one unit for each 1,250 square feet of floor space in the structure prior to conversion; however, there shall be no fixed square footage requirement for the resulting units.

B. For the purpose of determining whether any additional principal buildings may be constructed on the parcel (including adjoining parcels in the same ownership), each single family residential unit resulting from the conversion shall be considered a new principal building, and the minimum lot size and intensity requirements of Article 4 shall apply. All contiguous or adjacent lands associated with the prior use or in the same ownership shall be included in the area upon which the intensity requirements of Article 4 will be applied.

Section 9.03 Discontinuance.

A. When any nonconforming use has been discontinued for a period of sixty (60) months further use of the property or structure shall conform to this Local Law.

B. If a nonconforming use is replaced by another use, such use shall conform to the provision of this Local Law or require a use variance.

C. Any use, or any building, structure or land which is used or occupied by a nonconforming use and which is changed to or replaced by a conforming use under this Local Law shall not thereafter be used for or occupied by a nonconforming use without first obtaining a use variance.

Section 9.04 Completion of Structure.

Nothing contained in this Local Law shall require any changes in plans, construction, alteration or change in designated use of a structure for which substantial construction work has lawfully commenced and substantial expenditure expended prior to the adoption of this Local Law.

Section 9.05 Destruction of Nonconforming Use or Structure.

Any structure or use which is nonconforming to the use, bulk or area provisions of this Local Law, which is damaged by fire, flood, wind, hurricane, tornado, or other acts beyond the control of man, to the extent of more than fifty percent (50%) of its assessed valuation may be repaired or rebuilt according to its original use, bulk and area, provided such rebuilding or repair be accomplished within three (3) years after such damage occurs.

ARTICLE 10 - ZONING BOARD OF APPEALS

Section 10.01 Membership, Terms of Office.

The Zoning Board of Appeals shall consist of five (5) members, each of whom shall be a resident of the Town of Chester. Members of the Board and the chairperson thereof shall be appointed by the Town Board for staggered five year terms of office, and appointment, succession, removal and filling of vacancies shall be as provided in Chapter 62, Article 16, Section 267(4) and (5) of the Consolidated Laws of the State of New York, as amended. The Town Board shall also appoint a legal counsel and clerk-secretary to the Board and shall provide an office and/or a meeting room for the Board.

Section 10.02 Organization and Procedure.

A. The Zoning Board of Appeals shall hold its meetings, organize and adopt rules of procedure in accordance with the provisions of this Local Law and said Section 267.

B. Meetings shall be held at the call of the chairperson and at such other times as the Zoning Board of Appeals may determine. Meetings shall be held at the said Board's office or at locations convenient and accessible to property owners whose appeals are under consideration by the said Board.

C. The chairperson, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public.

D. The Zoning Board of Appeals shall keep minutes of proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the offices of the said Board and the Town Clerk within five business days and shall be a public record. All actions by the Zoning Board of Appeals shall be by resolution.

E. The Zoning Board of Appeals may request information or assistance from any officer, agency or department of the Town, and it shall be the duty of such officer, agency or department to furnish such information or assistance as may reasonably be required.

Section 10.04 Powers of the Zoning Board of Appeals.

A. Unless otherwise provided by this Local Law, the jurisdiction of the Zoning Board of Appeals shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation or determination made by the administrative official charged with the enforcement of this Local Law. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to grant a use variance or area variance. Such appeal may be taken by any person aggrieved, or by any officer, department, board or bureau of the Town.

B. The Zoning Board of Appeals is empowered to:

1. Grant use and area variances from the strict application of the provisions of this Local Law pursuant to the standards hereinafter set forth.

2. Hear appeals from decisions of the Zoning Administrator as provided in Town Law.

Section 10.05 Appeals.

A. Appeals shall be taken within sixty (60) days after the filing of any order, requirement, decision, interpretation or determination of the administrative official charged with the enforcement of this Local Law by filing with such administrative official, and with the Board of Appeals a notice of appeal specifying the grounds thereof and the relief sought. The administrative official from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

B. A processing and advertising fee in cash or check payable to the Town of Chester in an amount established by the Town Board shall accompany such application for appeal.

C. In accordance with General Municipal Law §239-m, the Board of Appeals shall furnish the Warren County Planning Board with a full statement of the following proposed actions for its review and recommendation. This requirement shall apply to applications within five hundred feet (500') of (i) the boundary of any City, Village or Town; (ii) the boundary of any existing or proposed County or State park or any other recreation area; (iii) the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway; (iv) the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines; (v) the existing or proposed boundary of any County or State owned land on which a public building or institution is situated; or (vi) the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the Agriculture and Markets Law (except for the granting of area variances). Within thirty (30) days after receipt of a full statement of the referred matter, the Warren County Planning Board shall report its recommendations to the Board of Appeals. If the County fails to report within thirty (30) days, the Board of Appeals may act without such report unless it is received at least two (2) days prior to final action by the Board of Appeals. If the County recommends modification or disapproval of a proposed action, the Board of Appeals shall not act contrary to such recommendation except by a vote of a majority plus one of all members and after the adoption of a Resolution fully setting forth the reasons of such contrary action. Within thirty (30) days after final action by the Board of Appeals, a report of its final action shall be filed with the Warren County Planning Board. The referral of projects under this section may be subject to modification as may be mutually agreed upon by the Town Board and the Warren County Board of Supervisors.

Section 10.06 Appeals: Hearing and Decision.

A. The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice of such hearing by publication in a paper of general circulation in the Town and posted at the Town Hall at least five (5) days prior to the date thereof. The cost of sending or publishing any notices relating to such appeal, or a reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the Board of Appeals prior to the hearing of such appeal. Upon the hearing, any party may appear in person, or by agent or attorney.

B. The Board of Appeals shall decide upon the appeal within sixty-two (62) days after the conduct of the hearing, which time period may be extended by mutual consent of the applicant and the Board.

C. The decision of the Board of Appeals on the appeal shall be filed in the office of the Town Clerk within five (5) business days after the day such decision is rendered, and a copy thereof mailed to the applicant.

D. At least five (5) days before such hearing, the Board of Appeals shall mail notices to the parties; to the Regional State Park Commission having jurisdiction over any State Park or Parkway within five hundred (500) feet of the property affected by such appeal; and to the county, metropolitan or regional planning agency, as required by Section 239-m of the General Municipal Law, which notice shall be accompanied by a full statement of the matter under consideration under consideration, as defined in subdivision one of Section 239-m of the General Municipal Law.

E. The Board of Appeals shall comply with the provisions of the State Environmental Quality Review Act, under Article 8 of the Environmental Conservation Law and its implementing regulations.

Section 10.07 Rehearing.

A motion for the Board of Appeals to hold a rehearing to review any order, decision or determination of the Board not previously reviewed may be made by any member of the Board. A unanimous vote of all members of the Board then present shall be required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing the Board may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided the Board finds that the rights vested in persons acting in good faith in reliance upon the reviewed order, decision or determination will not be prejudiced thereby.

Section 10.08 Variances.

A. Application for Variance

1. Variances shall be instituted by filing an application with the Zoning Administrator on behalf of the Zoning Board of Appeals.
2. A variance application provided by the Zoning Administrator shall be used by the applicant, plus any additional information required by the Board of Appeals as necessary to make its findings according to this Section. The Zoning Administrator shall include with the variance application the Variance Checklist as provided by the Board of Appeals.
3. The applicant shall supply the Zoning Board of Appeals with the following:

   (a) A legal description of the property.

   (b) A map showing the property and all properties within a radius of 500 feet of the exterior boundaries thereof.

   (c) Plans and elevations necessary to show the proposed variance.

   (d) A long form EAF or short form EAF if the proposal is subject to the State Environmental Quality Review Act (SEQRA).

(e) Other drawings or information considered necessary by the Zoning Board of Appeals to make an informed decision.

B. Use Variances

1. The Zoning Board of Appeals, upon appeal from the decision or determination of the administrative official charged with the enforcement of this Local Law shall have the power to grant use variances. Use variances are defined as the authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by this Zoning Local Law.

2. No such use variance shall be granted by the Board of Appeals without a showing by the applicant that this Zoning Local Law has caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals:

   (a) that for each and every permitted use under this Zoning Local Law for the particular district where the property is located the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

   (b) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;

   (c) that the requested use variance, if granted, will not alter the essential character of the neighborhood and the health, safety and welfare of the community;

   (d) that the alleged hardship has not been self-created.

3. The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

C. Area Variances.

1. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of this Zoning Local Law to grant area variances. Area variances are defined as the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of this Zoning Local Law.

2. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:

   (a) 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;

(b) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;

(c) whether the requested area variance is substantial;

(d) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

(e) 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.

3. The Board of Appeals in the granting of area variances shall grant the minimum variance that it shall deem necessary and at the same time preserve and protect the character of the neighborhood and the health safety and welfare of the community.

D. Imposition of Conditions.

The Board of Appeals in the granting of both use variances and area variances shall have the authority to impose such reasonable conditions and restrictions as are directly related and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the Zoning Local Law and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

E. Jurisdiction of Adirondack Park Agency.

1. The following variances shall be subject to Agency review pursuant to Section 808(3) of the Adirondack Park Agency Act, if outside Hamlet areas:

(a) Variances from local shoreline restrictions;

(b) Variances from the local controls governing intensity of development, such as minimum lot areas;

(c) Variances from use restrictions which would allow a use other than those on the classification of compatible use lists in the Adirondack Park Agency Act for the official map land use area in which it would be located; and

(d) Any other variances which involve the provisions of the land use and development plan except variances for front, side or rear yards not involving shoreline.

In reviewing applications for variances which are subject to Agency review, the Board of Appeals shall consider the criteria in Section 808(3) of the Adirondack Park Agency Act in addition to the criteria for variance approval set forth above.

2. The Zoning Board of Appeals shall advise the applicant of the Adirondack Park Agency's review authority as set forth herein and that the variance does not take effect until thirty days from the Agency's receipt of the Board's complete record of decision as noted below. The Board shall notify the Adirondack Park Agency, by certified mail, of such decision. The Agency shall be provided a full record of the decision, including at a minimum, a copy of the current recorded deed, the parcel's tax map number, all maps, diagrams and pictures, written

statements, minutes of the Zoning Board of Appeals meeting and a copy of the Board decision, including any conditions. Said decision of the Board shall not be final until 30 days after the Agency receives a full record of the decision. If, within such thirty (30) day period, the Agency determines that such variance involves the provisions of the land use and development plan including any shoreline restriction and was not based upon the appropriate statutory basis, the Agency may reverse the local determination to grant the variance.

ARTICLE 11 - AMENDMENTS

Section 11.01 Purpose of Article.

The purpose of this Article is to allow for amendment to this Local Law whenever the public necessity and convenience and the general welfare require such amendment, by following the procedure of this Article.

Section 11.02 Referrals.

When directed by the Town Board, the Town Clerk shall submit a copy of any proposed amendment to the Adirondack Park Agency for a determination as to whether the proposed amendment is subject to Agency approval under Section 807 of the Adirondack Park Agency Act. The Town Clerk shall simultaneously refer such proposed amendment to the Planning Board and, where required by Section 239-m of the General Municipal Law, to the County Planning Board having jurisdiction, for a report and recommendations by those bodies to the Town Board. Any amendment which is determined to be subject to Agency review will not be enacted by the Town Board until after it has been approved by the Agency.

Section 11.03 Hearing and Decision on Proposed Amendment.

The procedure as to the notice of a public hearing on an enactment of a proposed amendment shall follow and be governed by Section 265 of the Town Law, and Section 239-rn of the General Municipal Law, including all subsequent amendments thereto. The procedure shall also comply with the provisions of the State Environmental Quality Review Act (SEQRA) under Article 8 of the Environmental Conservation Law. Notice of the decision of the Town Board shall be sent promptly to the Adirondack Park Agency.

Section 11.04 Records of Amendments.

The Zoning Administrator and the Town Clerk shall each maintain records of amendments to the text of this Local Law and of the Town Zoning Map and the official Adirondack Park Land Use and Development Plan Map.

ARTICLE 12 - ADMINISTRATIVE PROVISIONS

Section 12.01 Zoning Administrator, Zoning Enforcement Officer

The Zoning Administrator shall have the power and duty to administer and the Zoning Enforcement Officer to enforce the Zoning provisions of this Local Law. The Zoning Administrator and the Zoning Enforcement Officer shall be appointed and may be removed at the pleasure of the Town Board. An appeal from an order, requirement, decision, interpretation, or determination by the Zoning Administrator or Zoning Enforcement Officer regarding a requirement of the Local Law may be made only to the Zoning Board of Appeals.

Section 12.02 Required Records.

The original or a certified copy of all decisions, approvals, rulings and findings of any Board under this Local Law shall be promptly furnished by the Zoning Administrator to the Town Clerk and retained as a permanent Town public record.

Section 12.03 Judicial Review of Planning Board or Zoning Board of Appeals.

An action, omission, decision or ruling of the Planning Board or Zoning Board of Appeals pursuant to this Local Law may be reviewed at the instance of any aggrieved person in accordance with Article 78 of the Civil Practice Law and Rules, but application for such review must be made no later than thirty (30) days after filing the decision in the Office of the Town Clerk.

Section 12.04 Form of Petitions, Applications and Appeals.

Unless otherwise stated, all petitions, applications and appeals provided for in this Local Law shall be made on forms prescribed by the Planning Board or Zoning Board of Appeals. Completed forms shall be accompanied by whatever further information, plans or specifications as may be required by such forms, the Zoning Board of Appeals and/or the Planning Board.

Section 12.05 Application Fees.

Fees provided for by this Local Law shall be paid upon the submission of petitions, applications, and appeals, in such amount or amounts as shall be established by the Town Board from time to time.

A. Fee for Site Plan Review.

Applications requiring review according to the provisions of Article 5 of this Local Law shall be accompanied by the appropriate fee according to the schedule determined by the Town Board.

B. Fee for Variance or Interpretation Appeals.

The proper fee shall accompany all applications for variances and interpretation appeals and shall be figured according to the schedule determined by the Town Board.

C. Payment of Fees.

1. All fees shall be paid at the time of application to the Zoning Administrator.
2. No fee shall be allowed to be substituted for any other required fee.

D. In addition to the other fees provided herein, the Zoning Administrator, Planning Board or Zoning Board of Appeals may charge an additional fee to developers or applicants for projects requiring legal and/or technical review. The fee charged to the project developer shall reflect the actual costs of the reasonable and necessary legal and/or technical assistance. An appropriate escrow deposit may be required to secure payment of these review fees. Any balance remaining after review fee reimbursement to the Town shall be returned to the applicant.

Section 12.06 Notice of Public Hearing.

A. Each notice of a hearing upon an application for site plan review or for the review of a variance or interpretation application, or upon appeal to the Zoning Board of Appeals from an action of the Zoning Administrator, shall be published once in the official newspaper of the Town at least five (5) days prior to the date of the hearing. In addition, at least ten (10) days prior to the date of the hearing, notices shall be mailed to all owners of the property within 500 feet of the exterior boundary of the property for which the application is made, as may be determined by the latest assessment records of the Town.

B. Any hearing may be recessed by the Board holding the hearing in order to obtain additional information or to serve further notice upon other property owners, or to persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced. No further notice or publication will be necessary.

Section 12.07 Zoning Permits.

No person shall undertake any new land use or development unless and until the Zoning Administrator has issued a Zoning Permit.

Section 12.08 Expiration of Zoning Permits.

If a project for which a land use and development permit has been issued is not under construction within two years after the issuance of such permit, said permit shall expire, and the project may not thereafter be undertaken or continued unless a new permit has been applied for and issued in the same manner and subject to all provisions governing the initial application for and issuance of a permit, unless the terms of the initial land use and development permit for the project provide for a longer period of time, in which case the permit shall expire at the end of that longer period.

ARTICLE 13 - ENFORCEMENT

Section 13.01 Purpose and Objective.

The purpose and objective of this law is to provide clarity as to the enforcement process and the impact on non-compliance.

Section 13.02 Enforcement.

A. The Enforcement Officer of the Town of Chester shall be charged with the duty of enforcing this law.

B. The Enforcement Officer is authorized to enter onto all premises, public or private, consistent with constitutional safeguards and any requisite warrant in order to effectuate enforcement.

C. It shall be the duty of the Enforcement officer to issue a notice of violation, a stop work order, or to order, in writing, the correction of all conditions being undertaken or conducted in violation of the provisions of this local law, the applicable building laws, ordinances, rules or regulations, or not in conformity with the provisions of an application, plans or specifications on the basis of which a permit was issued, or in an unsafe and dangerous manner, he shall notify the owner of the property, or the owner's agent, to suspend the use and/or all work, and such persons shall forthwith stop such use and/or work and suspend all building activities until the order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the use and/or work may be resumed and may be served upon a person to whom it is directed, either by delivering it personally or by posting the same upon a conspicuous portion of the building where the use/or work is being performed and sending a copy of the same to him by certified mail at the address set forth in the application for permission for the use or the construction of such building. Such notice shall also be sent to the owner of record of the property if such owner is a different entity than that noticed above.

D. If all provisions of this local law together with other conditions specified by the Zoning Enforcement Officer are met, then the Zoning Enforcement Officer may authorize the termination of the Stop Work Order or Notice of Violation.

Section 13.03 Judicial Enforcement.

The Enforcement Officer is empowered to seek criminal enforcement through local criminal courts. In order to streamline and possibly shorten this process the Enforcement officer is also authorized to use an "Appearance ticket" procedure issued directly to the defendant without any documents having been filed first with the court.

Section 13.04 Penalties.

Any person owning, controlling or managing any building, structure, land or premises wherein or whereon there shall be placed on or there exists or is practiced or maintained anything or any use in violation of any of the provisions of this Local Law shall be guilty of an offense and subject to fines or imprisonment as follows:

First Offense	Not exceeding $350 or six months imprisonment or both
Second Offense (if within five years of first offense)	Not less than $350 or more than $700, or up to six months imprisonment or both
Third Offense or Subsequent Offense (if within five years of the first and second offenses)	Not less than $750 or more than $1,000, or up to six months imprisonment or both

Such fines may be recovered by the Town in either a criminal or civil action. For the purpose of conferring jurisdiction upon courts and judicial officers generally, criminal violations of this Local Law shall be deemed misdemeanors and for such purpose only, all provisions of the law relating to misdemeanors shall apply to such violations. **Each week's continued violation shall constitute a separate additional violation.** Where the person committing such violation is a partnership, association or corporation, that entity and/or the principal executive officer, partner, agent or manager may be considered to be the "person" for the purpose of this Article.

Section 13.05 Alternative Remedy.

In case of any violation or threatened violation of any of the provisions of this Local Law or conditions imposed by a building permit, in addition to other remedies herein provided the Town may institute any appropriate action or proceedings to prevent such unlawful erection, structural alteration, reconstruction, occupancy, moving and/or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

Section 13.06 Misrepresentation.

Any permit or approval granted under this Local Law which is based upon or is granted in reliance upon any material misrepresentation, or failure to make a material fact or circumstance known, by or on behalf of an applicant shall be void. This Section shall not be construed to affect the remedies available to the Town under Sections 13.04 and 13.05 of this Local Law.

ARTICLE 14 - MISCELLANEOUS PROVISIONS

Section 14.01 Repeal of Prior Zoning Ordinance.

The Ordinance entitled "Town of Chester Zoning Ordinance" effective June 28, 1971, together with all changes and amendments thereto, is hereby repealed and declared to be of no effect, as of the effective date of this Local Law.

Section 14.02 Severability.

Should any action or provision of this Local Law be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole, or any part thereof, other than the part so decided to be unconstitutional or invalid.

Section 14.03 Effective Date.

This Local Law shall take effect upon filing in the office of the New York State Secretary of State.

APPENDIX A - CLASS A REGIONAL PROJECTS

A. Hamlet Areas.

1. All land uses and development and all subdivisions of land involving wetlands except for forestry uses (other than timber harvesting that includes a proposed clearcutting of any single unit of land or more than twenty-five acres), agricultural uses, public utility uses, and accessory uses or structures (other than signs) to any such use or to any pre-existing use.

2. Any class of land use or development or subdivision of land that by agreement between a local government and the agency, either prior to or at the time a local land use program is approved by the agency, is to be reviewed by the agency; provided, however, that any class of projects so agreed upon must be designated by and its review authorized in a Local Law.

3. All land uses and development and all subdivisions of land involving one hundred or more residential lots, parcels or sites or residential units, whether designed for permanent, seasonal or transient use.

4. All structures in excess of forty feet in height, except agricultural use structures and residential radio and television antennas.

5. Commercial or private airports.

6. Watershed management and flood control projects.

7. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

B. Moderate Intensity Use Areas.

1. All land uses and development and all subdivisions of land located in the following critical environmental areas:

(a) within one-quarter mile of rivers navigable by boat designated to be studies as wild, scenic or recreational in accordance with the environmental conservation law during the period of such designation;

(b) involving wetlands;

(c) at elevations of twenty-five hundred feet or more;

(d) within one-eighth mile of tracks of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands, except for an individual single-family dwelling and accessory uses or structures thereto. Provided, however, that the above shall not include forestry uses (other than clear-cutting as specified in number 9 below), agricultural uses, open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such use or to any pre-existing use.

2. Any class of land use or development or subdivision of land that by agreement between a local government and the agency, either prior to or at the time a local land use program is approved by the agency, is to be reviewed by the agency; provided, however, that

any class of projects so agreed upon must be designated by and its review authorized in a Local Law.

3. All land uses and development and all subdivision of land involving seventy-five or more residential lots, parcels or sites or residential units, whether designed for permanent, seasonal or transient use.

4. Commercial or agricultural service uses involving ten thousand or more square feet of floor space.

5. All structures in excess of forty feet in height, except agricultural use structures and residential radio and television antennas.

6. Tourist attractions.

7. Ski centers.

8. Commercial or private airports.

9. Timber harvesting that includes a proposed clear cutting of any single unit of land of more than twenty-five acres.

10. Sawmills, chipping mills, pallet mills and similar wood using facilities.

11. Mineral extractions.

12. Mineral extraction structures.

13. Watershed management and flood control projects.

14. Waste treatment plants.

15. Major public utility uses.

16. Industrial sites.

17. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

C. Low Intensity Use Areas.

1. All land uses and development and all subdivisions of land located in the following critical environmental areas:

(a) within one-quarter mile of rivers navigable by boat designated to be studies as wild, scenic or recreational in accordance with the environmental conservation law during the period of such designation;

(b) involving wetlands;

(c) at elevations of twenty-five hundred feet or more;

(d) within one-eighth mile of tracts of forest preserve land now or hereafter classified as wilderness, primitive or canoe in the master plan for management of

state lands, except for an individual single-family dwelling and accessory uses or structures thereto. Provided, however, that the above shall not include forestry uses (other than clear-cutting as specified in number 9 below), agricultural uses, open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such use or to any pre-existing use.

2. Any class of land use or development or subdivision of land that by agreement between a local government and the agency, either prior to or at the time a local land use program is approved by the agency, is to be reviewed by the agency; provided, however, that any class of projects so agreed upon must be designated by and its review authorized in a Local Law.

3. All land uses and development and all subdivisions of land involving thirty-five or more residential lots parcels or sites or residential units, whether designed for permanent, seasonal or transient use.

4. Commercial or agricultural service uses involving five thousand or more square feet of floor space.

5. All structures in excess of forty feet in height, except agricultural use structures and residential radio and television antennas.

6. Tourist attractions.

7. Ski centers.

8. Commercial or private airports.

9. Timber harvesting that includes a proposed clear cutting of any single unit of land or more than twenty-five acres.

10. Sawmills, chipping mills, pallet mills and similar wood using facilities.

11. Mineral extractions.

12. Mineral extraction structures.

13. Watershed management and flood control projects.

14. Waste treatment plants.

15. Waste disposal areas.

16. Junkyards.

17. Major public utility uses.

18. Industrial uses.

19. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

D. Rural Use Areas.

1. All land uses and development and all subdivisions of land located in the following critical environmental areas:

(a) within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law during the period of such designation;

(b) involving wetlands;

(c) at elevations of twenty-five hundred feet or more

(d) within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands, except for an individual single-family dwelling and accessory uses or structures thereto;

(e) within one hundred fifty feet of the edge of the right of way of federal or state highways, except for an individual single-family dwelling and accessory uses or structures thereto;

(f) within one hundred fifty feet of the edge of the right of way of county highways designated by rule or regulation of the agency adopted pursuant to subdivision fourteen of section eight hundred nine or in an approved local land use program, as major travel corridors by the agency or local government, except for an individual single-family dwelling and accessory uses or structures thereto. Provided, however, that the above shall not include forestry uses (other than clear-cutting as specified in number ten below and sand and gravel pits associated with such uses located within one hundred fifty feet of the edge of the right of way of the above-described travel corridors), agricultural uses (other than sand and gravel pits associated with such uses located within one hundred fifty feet of the edge of the right of way of the above-described travel corridors), open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such uses or to any pre-existing use.

2. Any class of land use or development or subdivision of land that by agreement between a local government and the agency, either prior to or at the time a local land use program is approved by the agency, is to be reviewed by the agency; provided, however, that any class of projects so agreed upon must be designated by and its review authorized in a Local Law.

3. All land uses and development and all subdivisions of land involving twenty or more residential lots, parcels or sites or residential units, whether designed for permanent, seasonal or transient use.

4. Commercial and agricultural service uses involving twenty-five hundred or more square feet of floor space.

5. All structures in excess of forty feet in height, except agricultural use structures and residential radio and television antennas.

6. Tourist accommodations.

7. Ski centers.

8. Commercial seaplane bases.

9. Commercial or private airports.

10. Timber harvesting that includes a proposed clear cutting of any single unit of land of more than twenty-five acres.

11. Sawmills, chipping mills, pallet mills and similar wood using facilities.

12. Mineral extractions.

13. Mineral extraction structures.

14. Watershed management and flood control projects.

15. Waste treatment plants.

16. Waste disposal areas.

17. Junkyards.

18. Major public utility uses.

19. Industrial use.

20. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

E. Resource Management Areas.

1. All land uses and development and all subdivisions of land located in the following critical environmental areas:

(a) within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law during the period of such designation;

(b) involving wetlands

(c) at elevations of twenty-five hundred feet or more

(d) within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands, except for an individual single-family dwelling and accessory uses or structures thereto;

(e) within three hundred feet of the edge of the ought of way of federal or state highways, except for an individual single-family dwelling and accessory uses or structures thereto;

(f) within three hundred feet of the edge of the right of way of county highways designated as major travel corridors by rule or regulation of the agency adopted pursuant to subdivision fourteen of section eight hundred nine or in an approved local land use program, except for an individual single-family dwelling and accessory uses or structures thereto. Provided, however, that the above shall not include forestry uses (other than clearcutting as specified in number 11 below and sand and gravel pits associated with such uses located within three hundred feet of the edge of the

right of way of the above-described travel corridors), agricultural uses (other than sand and gravel pits associated with such uses located within three hundred feet of the edge of the right of way of the above-described travel corridors), open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such uses or to any pre-existing use.

2. Any class of land use or development or subdivision of land that by agreement between a local government and the agency, either prior to or at the time a local land use program is approved by the agency, is to be reviewed by the agency; provided, however, that any class of projects so agreed upon must be designated by and its review authorized in a Local Law.

3. All subdivisions of land (and all land uses and development related thereto) involving two or more lots, parcels or sites.

4. Campgrounds involving fifty or more sites.

5. Group camps.

6. Ski centers and related tourist accommodations.

7. Agricultural service uses.

8. All structures in excess of forty feet in height, except agricultural use structure and residential radio and television antennas.

9. Sawmills, chipping mills and pallet mills and similar wood using facilities.

10. Commercial sand and gravel extractions.

11. Timber harvesting that includes a proposed clear cutting of any single unit of land of more than twenty-five acres.

12. Mineral extractions.

13. Mineral extraction structures.

14. Watershed management and flood control projects.

15. Waste treatment plants.

16. Major public utility uses.

17. Airport/ Heliport

18. Community Facility

19. Kennel

20. Water Bottling Plant

21. Full Service Restaurant

22. Tourist Accommodation

23. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

F. Industrial Use Areas.

1. Mineral extractions.

2. Mineral extraction structures.

3. Commercial sand and gravel extractions.

4. Major public utility uses.

5. Waste treatment plants.

6. Waste disposal areas.

7. Junkyards.

8. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

APPENDIX B - CLASS B REGIONAL PROJECTS

A. Moderate Intensity Use Areas.

1. Subdivisions of land (and all land uses and development related thereto) involving fifteen or more but less than seventy-five lots, parcels or sites, other than subdivisions of land involving mobile homes.

2. Subdivisions of land (and all land uses and development related thereto) involving less than fifteen lots, parcels or sites, other than subdivisions of land involving mobile homes, which do not meet the following criteria:

(a) In the case of such subdivisions involving land having shoreline, each lot, parcel or site is at least twenty-five thousand square feet in size and complies with all of the provisions of the shoreline restrictions.

(b) In the case of such subdivisions not involving land having shoreline, each lot, parcel or site is at least forty thousand square feet in size.

Any subdivision or subsequent subdivision of such land, either by the original owner or subsequent owners, shall be subject to review as a class B regional project where the total number of lots, parcels or sites resulting from such subdivision and any prior subdivision or subdivisions exceeds fourteen.

3. Multiple family dwellings.

4. Mobile home courts.

5. Subdivisions of land involving mobile homes (and all land uses and development related thereto) and involving two or more lots, parcels or sites.

6. Public and semi-public buildings.

7. Municipal roads.

8. Commercial or agricultural service uses involving less than ten thousand square feet of floor space.

9. Tourist accommodations.

10. Marinas, boatyards and boat launching sites.

11. Golf courses.

12. Campgrounds.

13. Group camps.

14. Commercial seaplane bases.

15. Commercial sand and gravel extractions.

16. Land use or development or subdivisions of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.

17. Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for moderate intensity use areas.

18. Any individual single-family dwelling within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness primitive or canoe in the master plan for management of state lands.

19. All land uses and development and all subdivisions of land within one-quarter mile of rivers designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law, other than those navigable by boat, during the period of such designation.

20. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

B. Low Intensity Use Areas.

1. Subdivisions of land (and all land uses and development related thereto) involving ten or more but less than thirty-five lots, parcels or sites, other than subdivisions of land involving mobile homes.

2. Subdivisions of land (and all land uses and development related thereto) involving less than ten lots, parcels or sites which do not meet the following criteria:

(a) In the case of such subdivisions involving land having shoreline, each lot, parcel or site is at least fifty thousand square feet in size and complies with all of the provisions of the shoreline restrictions.

(b) In the case of such subdivisions not involving land having shoreline, each lot, parcel or site is at least one hundred twenty thousand square feet in size.

Any subdivision or subsequent subdivision of such land, either by the original owner or subsequent owners, shall be subject to review as a class B regional project where the total number of lots, parcels or sites resulting from such subdivision and any prior subdivision or subdivisions exceeds nine.

3. Multiple family dwellings.

4. Mobile home courts.

5. Mobile home subdivisions (and all lands uses and development related thereto) involving two or more lots, parcels or sites.

6. Public and semi-public buildings

7 Municipal roads.

8. Commercial or agricultural service uses involving less than five thousand square feet of floor space.

9. Tourist accommodations.

10. Marinas, boatyards and boat launching sites.

11. Golf courses.

12. Campgrounds.

13. Group camps.

14. Commercial seaplane bases.

15. Commercial sand and gravel extractions.

16. Land use or development or subdivision of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.

17. Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for low intensity use areas.

18. An individual single-family dwelling within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands.

19. All land uses and development and all subdivisions of land within one-quarter mile of rivers designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law, other than those navigable by boat, during the period of such designation.

20. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

C. Rural Use Areas.

1. Subdivisions of land (and all land uses and development related thereto) involving five or more but less than twenty lots, parcels or sites, other than subdivisions of land involving mobile homes.

2. Subdivisions of land (and all land uses and development related thereto) involving less than five lots, parcels or sites which do not meet the following criteria:

(a) In the case of such subdivisions involving land having shoreline, each lot, parcel or site is at least eighty thousand square feet in size and complies with all of the provisions of the shoreline restrictions of the plan.

(b) In the case of subdivisions not involving land having shoreline, each lot, parcel or site is at least three hundred twenty thousand square feet in size.

Any subdivision or subsequent subdivision of such land, either by the original owner or subsequent owners, shall be subject to review as a class B regional project where the total number of lots, parcels or sites resulting from such subdivision and any prior subdivision or subdivisions exceeds four.

3. Multiple family dwellings.

4. Mobile home courts.

5. Mobile home subdivisions (and all land uses and development related thereto) involving two or more lots, parcels or sites.

6. Public and semi-public buildings.

7. Municipal roads.

8. Marinas, boatyards and boat launching sites.

9. Golf courses.

10. Campgrounds.

11. Group camps.

12. Commercial sand and gravel extractions.

13. Land use or development or subdivision of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.

14. All land uses and development and all subdivisions of land within one quarter mile of rivers designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law, other than those navigable by boat, during the period of such designation.

15. Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for rural use areas.

16. Commercial and agricultural service uses involving less than twenty-five hundred square feet.

17. An individual single family dwelling within one-eight mile of tracts of forest preserve land or water described in item (d) of clause (1) of paragraph d of subdivision one or within one hundred fifty feet of a travel corridor described in such paragraph.

18. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent C more of the original square footage of such structure.

D. Resource Management Areas.

1. Single-family dwellings.

2. Individual mobile homes.

3. Forestry use structures.

4. Hunting and fishing cabins and hunting and fishing and other private club structures involving five hundred or more square feet of floor space.

5. Land use or development or subdivision of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided in the shoreline restrictions.

6. Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for resource management areas.

7. Municipal roads.

8 Golf courses.

9. An individual single-family dwelling within one-eighth mile of tracts of forest preserve land or waters described in item (d) of clause (1) of paragraph d of subdivision one or within three hundred feet of a travel corridor described in such paragraph.

10. Campgrounds involving fewer than fifty sites.

11. All land uses and development and all subdivisions of land within one-quarter mile of rivers designated to be studied as wild, scenic and recreational in accordance with the environmental conservation law, other than those navigable by boat, during the period of such designation.

12. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

E. Industrial Use Areas.

1. Sawmills, chipping mills, pallet mills and similar wood using facilities.

2. Industrial users.

3. Commercial users.

4. Agricultural service uses.

5. Public and semi-public buildings.

6. Municipal roads.

7. Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for industrial use areas.

8. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

APPENDIX C - DEVELOPMENT CONSIDERATIONS

The following are those factors which relate to potential for adverse impact upon the Park's natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources and which shall be considered, as provided in this Local Law, before any Class A Regional Project or Class B Regional Project is undertaken in the Town of Chester. Any burden on the public in providing facilities and services made necessary by such land use and development or subdivision of land shall also be taken into account, as well as benefits which might be derived therefrom.

A. Natural Resource Considerations.

1. Water.
   - (a) Existing water quality.
   - (b) Natural sedimentation or siltation.
   - (c) Eutrophication.
   - (d) Existing drainage and runoff patterns.
   - (e) Existing flow characteristics.
   - (f) Existing water table and rates of recharge.

2. Land.
   - (a) Existing topography
   - (b) Erosion and slippage.
   - (c) Floodplain and flood hazard.
   - (d) Mineral resources.
   - (e) Viable agricultural soils.
   - (f) Forest resources.
   - (g) Open space resources.
   - (h) Vegetative cover.
   - (i) The quality and availability of land for outdoor recreational purposes.

3. Air.
   - (a) Air quality.

4. Noise.
   - (a) Noise levels

5. Critical resource areas.
   - (a) Rivers and corridors of rivers designated to be studied as wild, scenic, or recreational in accordance with the environmental conservation law.
   - (b) Rare plant communities.
   - (c) Habitats of rare and endangered species and key wildlife habitats.

(d) Wetlands.

(e) Unique features, including gorges, waterfalls, and geologic formations.

6. Wildlife.

(a) Fish and wildlife.

7. Aesthetics.

(a) Scenic vistas.

(b) Natural and man-made travel corridors.

B. Historic Site Considerations.

1. Historic factors.

(a) Historic sites or structures.

C. Site Development Considerations.

1. Natural site factors.

(a) Geology.

(b) Slopes.

(c) soil characteristics.

(d) Depth to ground water and other hydrological factors.

2. Other site factors.

(a) Adjoining and nearby land uses.

(b) Adequacy of site facilities.

D. Government Considerations.

1. Government considerations.

(a) Ability of government to provide facilities and services.

(b) Municipal school or special district taxes or special district user charges.

E. Government Review Considerations.

1. Government control factors.

(a) Conformance with other government controls.

APPENDIX D - DEVELOPMENT OBJECTIVES FOR USE IN REGIONAL SITE PLAN REVIEW

The principal natural and public resource aspects of a project site to be considered in connection with the determination required by Section 5.07(B)(2) hereof, together with representative means for avoiding undue adverse impact thereupon are included and made a part of this Local Law in this Appendix.

A. Soils.

1. Soils, General.

   Objective: Prevent accelerated soil erosion and the potential for earth slippage.

   General Guideline: Respect existing natural features such as slope, soil texture and structure; minimize removal of vegetative cover; rapidly revegetate cleared areas limit cuts and fills; and employ such erosion control devises and measures as are necessary to promptly stabilize slopes and surfaces and to control runoff.

2. Agricultural Soils.

   Objective: Conserve viable agricultural soils.

   General Guideline: Avoid activities on Class I and Class II agricultural soils presently in agricultural service which would diminish or preclude continuing use thereof for agricultural purposes.

B. Topography.

Objective: Minimize topographic alterations.

General Guideline: Minimize excavation, cuts and fills and site grading by employing to advantage existing topographic features; and avoid development activities on steep slopes where environmental damage and costly development problems could result therefrom.

C. Surface Waters.

1. Water Quality and Eutrophication.

   Objective: Maintain or enhance existing physical, chemical and biological water quality characteristics and prevent any undue acceleration of existing rates of eutrophication of bodies of water.

   General Guideline: Maintain wide buffer strips of natural vegetation bordering water bodies; minimize channel disturbance and alterations; preserve shoreline vegetation; minimize hydrologic changes which would result from damming or impounding; avoid introduction of nutrients from the use of fertilizers and from sewage effluent; and avoid introduction of toxic materials to water bodies.

2. Surface Drainage.

   Objective: Retain existing surface water drainage and runoff patterns and existing flow characteristics.

General Guideline: Minimize alterations to existing drainage patterns and drainage courses; preserve drainageways in their natural state; and provide, where necessary, natural ponding areas and other measures designed to provide natural retention of storm water runoff if development includes a significant area of impervious surface.

3. Flood Plains.

Objective: Maintain the storage capacity of flood plains and their existing ability to convey water downstream; and avoid activities in flood plains which will result in dangers to life, safety and property if subjected to flooding.

General Guideline: Avoid the placement of buildings intended for human habitation commercial use and industrial use within flood plains; avoid the use of fill to create elevated sites; and within any floodway fringe special zoning district conform all development plans to the floodplain regulations contained in Article VII, hereof.

D. Ground Water.

Objective: Preserve quality, infiltration rate, and levels of ground water.

General Guideline: Comply at a minimum with applicable government water pollutant discharge restrictions; particularly avoid discharges of effluent potentially degrading to ground water quality in proximity to major aquifer recharge areas; and avoid impairment of aquifer recharge areas which could result from covering them with impervious surfaces.

E. Shorelines.

Objective: Maintain or enhance the existing physical, biological and aesthetic characteristics of the shoreline of all lakes, ponds, rivers and streams.

General Guideline: Comply at a minimum with applicable government shoreline restrictions, minimize construction or development of any kind near or on the shoreline; avoid physical modifications of the shorelines themselves; minimize the removal of vegetation along shorelines; locate buildings so as to be partially screened from the shorelines by natural vegetation; maximize the preservation of stretches of shoreline in a natural, unchanged and developed state.

F. Mineral Resources.

Objective: Conserve existing known mineral resources.

General Guideline: Avoid activities which would preclude present or future use of important mineral resources that may be of economic significance to the region.

G. Air Quality.

Objective: Maintain or enhance existing air quality.

General Guideline: Adhere to applicable governmental air quality standards; provide adequate air pollution abatement devices; and reduce dust levels caused by construction activities.

H. Noise Levels.

Objective: Limit additions to noise levels.

General Guideline: Adhere at a minimum to applicable government noise level standards; utilize noise abatement equipment; and maintain natural buffers such as existing topographic relief and vegetation.

I. Wetlands.

Objective: Preserve the hydrologic, wildlife, vegetational, aesthetic, educational, open space and recreational values of wetlands.

J. Aquatic Communities.

Objective: Protect generally the existing natural aquatic plant and animal communities and preserve rare and endangered aquatic plant and animal species.

General Guideline: Preserve key spawning areas, nursery grounds, food sources and food source areas; preserve habitats of rare and endangered plant and animal species; maintain adjacent vegetated areas generally as habitats and buffer zones; minimize shoreline alternations such as beach construction and emplacement of docks, rafts, boat launching facilities and breakwaters; and avoid introduction of toxic materials and nutrients to water bodies.

K. Terrestrial Vegetation.

1. Vegetation, General.

   Objective: Preserve or quickly restore terrestrial vegetation.

   General Guideline: Minimize clearing of vegetation in light of development objectives; avoid clearing vegetation where damage will result to remaining vegetation from such factors as wild, erosion and frost; and protect remaining vegetation during the construction period.

2. Rare and Endangered Terrestrial Plant Species.

   Objective: Preserve rare and endangered terrestrial plant species.

   General Guideline: Locate development and other intensive human activities so as to protect the location and habitats of rare and endangered plant species and allow for the continuing propagation of these species.

3. Productive Commercial Forest Land.

   Objective: Conserve productive forest lands.

General Guideline: Avoid impairment of productive forest lands for commercial forest production by employing sound forestry practices and by employing such planning techniques as clustering of development.

L. Terrestrial Wildlife.

1. Terrestrial Wildlife, General.

   Objective: Maximize the preservation of terrestrial wildlife species.

   General Guideline: Preserve key wildlife habitats, such as deer wintering yards, nesting areas, productive feeding areas, and important vegetation transition areas; and maintain wildlife diversity to the extent possible in view of project objectives by maintaining a diversity of habitat.

2. Rare and Endangered Terrestrial Wildlife Species.

   Objective: Preserve rare and endangered terrestrial wildlife species.

   General Guideline: Locate development and other intensive human activities so as to protect the location and habitats of rare and endangered terrestrial wildlife species and allow for the continuing propagation of these species.

M. Aesthetics.

1. Aesthetics, General.

   Objective: Preserve and enhance, where possible. impact of the project upon the existing aesthetic qualities of the project site and its environs.

   General Guideline: Utilize existing vegetation and topographical features, and employ careful siting methods so as to minimize the visual impact of all development activities.

2. Scenic Vistas.

   Objective: Maintain the scenic qualities of views from vistas designated in the Adirondack Park State Land Master Plan.

   General Guideline: Avoid visibility of buildings and other development and land use alterations generally from vistas by employment of vegetative screening, existing topography and careful siting methods.

3. Travel Corridors.

   Objective: Preserve the scenic qualities of views from public roads and trails and from boats and canoe routes.

   General Guideline: Employ vegetative screening, existing topography, and careful siting methods to minimize the visual impact of buildings and other development and land use alternations.

N. Open Space.

1. Open Space, General.

Objective: Maintain the open space character of the project site, adjacent land, and surrounding areas.

General Guideline: Provide on the project site sufficient open space areas for outdoor recreational use by those persons who will use the proposed project, taking into account the existing recreational resources available in the area; and locate buildings and other development so as not to interfere with those areas to be used as hiking, bicycling and cross-country skiing trails as well as trail bike, jeep, all-terrain vehicle and horse trails, playgrounds, public areas, campgrounds, parks, beaches and similar uses.

O. Adjoining and Nearby Land Use.

1. Surrounding Land Uses, General.

Objective: Minimize incompatibility of new development with the character of adjoining and nearby and uses.

General Guideline: Take into account the existing and potential land uses in the vicinity of the project site in determining what new land use activities are suitable for the project site; avoid new intensive development in open space areas; and avoid substantially altering existing residential and other land use patterns.

2. Adjacent State Land.

Objective: Preserve the wild and natural character of adjacent state lands designed as wilderness, primitive, or canoe by the Adirondack Park State Land Master Plan.

General Guideline: Minimize development activities which would materially impair the wilderness attributes of these State lands; design and construct development that is located within one-eighth mile of these State lands so as to minimize its visual and audial impact in these wilderness-like areas, thereby insuring the continued capability of State and private types of ownership.

P. Wild, Scenic and Recreational Study Rivers.

Objective: Protect or enhance the natural qualities of any river designated to be studied for possible inclusion in the State's wild, scenic or recreational river system.

General Guideline: Maintain buffer zones and existing vegetation along designated study rivers; avoid intensive development within one-quarter mile of such rivers; minimize alterations to such rivers and their banks; and pressure the free-flowing character of such rivers.

Q. Historic Sites.

Objective: Protect archeological sites, historic sites, and unique historical structures for their educational and culture value to the area, region or State.

General Guideline: Preserve and restore archeological sites, historic sites, and unique historic structures to the extent warranted by their respective significance; avoid land uses and development on adjoining and nearby lands which would be incompatible with the significance of such sites and structures.

R. Special Interest Areas.

Objective: Preserve special interest areas such as unique natural features and their surrounding environs.

General Guideline: Avoid physical and aesthetic alteration and impairment of the natural condition of unique physical features such as gorges, waterfalls and interesting geological formations; provide for their continuing protection; utilize these special interest areas as assets to development.

S. Government Considerations.

1. Service and Finance.

Objective: Fully explore and assure the ability of governmental services and facilities made necessary by the project.

General Guideline: Phase development activities to a level commensurate with the financial capability of the various levels of government to provide the governmental services and facilities that will be generated by the development, such as transportation systems, schools, health care, sewage and solid waste disposal systems, water supply systems, and fire and police protection; require that as nearly as possible the balance between the cost of public services required to adequately serve the development as compared with the anticipated tax and other revenues to be generated by the development be favorable at each level of government or taxing jurisdiction affected by the project; and include in development plans provisions to maintain or improve existing services and alleviate any potential any adverse impact upon the ability for the government to provide services and facilities.

2. Regulation.

Objective: Conform development activities to all applicable governmental rules and regulations.

General Guideline: Comply with all applicable Local Laws, rules and regulations of all governmental agencies with responsibilities for such activities, including those of towns and villages, counties, the State Department of Health and Environmental Conservation, and the Adirondack Park Agency.

T. Public Utilities and Community Resources.

Objective: Assure the adequacy of such public utility services and community resources as shall be necessary for the project.

General Guideline: Avoid excessive demands on the capabilities of public utilities such as electricity and communication services; avoid necessity for major uncompensated increase in community services and activities such as recreational facilities, social cultural and health services, and transportation facilities.

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