



Adirondack Park Agency

ANDREW M. CUOMO
Governor

TERRY MARTINO
Executive Director

MEMORANDUM

TO: Terry Martino

FROM: Robyn Burgess, Principal Adk Park Local Planning Assistance Specialist

DATE: September 5, 2019

RE: Town of Chester Local Land Use Program Amendment

The Town of Chester seeks Agency review and approval to amend its Local Land Use Program, specifically to amend the following sections of its Zoning Law:

- 1.03 Purpose and Objective,
- 2.03 Definitions,
- 4.02 Use Regulations,
- 7.01 Shoreline Regulations,
- 7.03 Docks Moorings Floats and Boathouses,
- 7.04 Sign Regulations,
- 7.06 Off-Street Parking and Loading,
- 7.12 Travel Trailer Campgrounds,
- Article 12 - Administrative Provisions, and
- Article 13 - Enforcement.

In addition, the Town proposes to add two new sections: 7.23 Solar Energy Systems and 7.24 Water Supply Wells to the Zoning Law.

Chester has administered an Agency-approved Local Land Use Program (ALLUP) since 2005. In 2017, the Town formed a committee to look at areas in the code in need of improvement or clarification.

Proposed Changes

The Town has by Resolution 140-2019, dated August 13, 2019, requested that the Adirondack Park Agency consider the revised sections of the Zoning Law for approval.

The text of the proposed amendments is attached.

Staff Review and Comment

Agency staff began working with the Town of Chester on their zoning code revisions in 2018. Section 807(2)(a) of the APA Act requires that an Approved Program be in

furtherance and supportive of the Agency Land Use and Development Plan. Several of the proposed amendments are not subject to review by the Agency, however staff reviewed all revisions for continuity and clarity of the document.

Section 1.03 Purpose and Objective

The Town simplified this section to make it more user friendly.

Section 2.03 Definitions

The Town added and amended several definitions in their zoning code. This included definitions that are integral to the administration of the Town's ALLUP such as "Boathouse" and "Shoreline Structure Setback." The enactment of Chester's ALLUP pre-dated the Agency's revision to the definition of "Boathouse" and the proposed amendment seeks to align the definition with the Agency's regulation. The current Town code also used the term "Shoreline Building Setback" instead of "Shoreline Structure Setback." This change makes it clear that structures, not just buildings, are subject to the shoreline setback.

Section 4.02 Use Regulations

The Town reformatted their use listings and combined them into a use table. A central use table makes it easier to compare districts and determine where proposed uses are most appropriate. The Town use table erroneously categorizes both Single Family Dwellings and Mobile/Manufactured Homes as allowed by right with a Zoning Permit in Resource Management. These uses are classified as Class B regional projects in 810(2)(d) of the APA Act and should require Site Plan Review by the Town. This error was carried forward from the Town's original 2005 Approval and should be corrected.

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

The Town added and clarified allowed locations and configurations of docks. The Town also added criteria for shoreline decks. These structures are not to exceed 100 square feet in size, which aligns with Agency shoreline restrictions.

Section 7.04 Signs

The Town updated its sign regulations.

Section 7.06 Off-Street Parking and Loading

The Town revised its parking requirements.

Section 7.12 Travel Trailer Campgrounds

The Town revised this section to address additions and accessory structures associated with RVs. Such additions can lead to issues with enforcement and leans toward unwanted conversion of RVs to year-round dwellings.

Section 7.23 Solar Energy Systems

The Town added regulations for solar energy systems to include ground-, roof- or pole-mounted solar. The Town would require site plan review for solar installation in Low

Intensity, Rural Use, Resource Management and Industrial Use districts. In Hamlet and Moderate Intensity Use districts solar, would be allowed as an accessory use and not require site plan review.

Section 7.24 Water Supply Wells

The Town added requirements for the installation of water supply wells.

Article 12 - Administrative Provisions

The Town amended this section to add the role of the Zoning Enforcement Officer and specify when a Zoning Permit is required.

Article 13 - Enforcement

The Town added a section on purpose and designated the newly created position of Zoning Enforcement Officer as the responsible town official for enforcement of the Zoning Law.

Conclusion

Based on its review of the proposed amendment, Agency staff believes that the proposal, with the revision to require Site Plan Review for Single Family Dwellings and Mobile/Manufactured Homes in Resource Management, would comply with the standards for approval of an amendment to a local land use program set forth in APA Act §807(2) and NYCRR §582.2(d). Furthermore, staff recommend the proposed amendment to the Town of Chester's Agency-approved Local Land Use Program for approval subject to the condition that the Town revise the use table in Section 4.02 to require site plan review for Single Family Dwellings and Mobile/Manufactured Homes in Resource Management.