

PROPOSED LOCAL LAW No. ____ of 2016

Chapter

**RS-TECHNOLOGY OVERLAY DISTRICT
(NEW RESIDENTIAL-SINGLE FAMILY ZONING DISTINCT
WITH INTERNET INCUBATOR TECHNOLOGY AND
RESEARCH PARK OVERLAY)**

1. INTENT: The intent of this local law is twofold. First, to zone land that was annexed into the Village of Chester, New York that currently has no listed zoning designated in the Village Code. Second, the Village wishes to encourage clean commercial ratables into the Village.

The annexed, unzoned land is known as the property of BT Holdings LLC referenced as Tax Parcel 120-1-2 consisting of approximately 60.6 acres. There are also two adjacent parcels of property of ST Holdings LLC in the Village to be subject to this new zoning, (Tax Parcels 108-1-1 and 107-3-4 consisting of approximately 4.0 acres). The foregoing three parcels of land are known herein collectively as the “Property”.

First, the purpose of this Local Law is to expressly designate by provisions within the Village that recognizing the prior vested rights acquired by BT Holdings LLC, a use as-of-right for this Property exists and is for no greater than 120 residential-single family detached dwelling units. This express as of right provision now in the Code concerning the Property is the subject matter of this Local Law. Second, with this new Single Family Residential Zoning District, an Internet Incubator Technology and Research Park Overlay (“RS-Technology Overlay District”) will be established for this Property as the Village wishes to encourage clean commercial ratables that can be approved by Special Permit by the Village Board of Trustees. The purpose of the technology overlay is for the reasons set forth below.

Historically because New York State welcomed business, the entire state of New York thrived. New York’s willingness and flexibility to provide a place for new ideas to develop without excessive governmental regulation made New York the “Empire State.” As land use became overly regulated in New York State, the flexibility to provide Internet Incubator, Technology and Research space to be sited in New York State has become compromised. Outside of major metropolitan areas, land use regulation has struggled to respond and proactively shape the dynamic process that creates space for these vibrant and diverse businesses. An overarching role of local government in a market based economy is to provide a frame work that will support healthy and robust competition to attract the most dynamic potential economic development concerning internet research and technology. The Village Zoning should facilitate an outcome that encourages such young and dynamic businesses to locate within the Village and not be relegated to a reactionary role in which standards are set based upon out moded concepts of what new incubator internet, technology and research as well as a technology businesses in general require. Zoning is seldom a mechanism that makes things happen. Zoning is something that allows things to happen. Therefore, the new technology and research overlay is created for this Property to address these issues.

A purpose of this new Overlay Zoning District for this Property is to provide planned site development and employment opportunity for those professionals interested in starting or continuing in Internet Technology and Research as well as related technology and research within a park-like atmosphere. The Overlay District is oriented toward education, research and development offices for high technology activity and uses as well as other new and creative Internet Technology and Research. Activities that can accomplish the purpose of this District being created for this Property which is the only property in the Village without an expressly designated Zoning District in the Village Code.

2. PERMITTED USES:

A. Within this District, the following principal uses are permitted as of right:

Residential-single family detached dwelling units in accordance with the RS provisions of the Village Code, but with a lot count of such dwelling units not to exceed one hundred and twenty (120) such units.

B. Solely within the Technology Overlay District unique to this property, only the following uses are permitted by Special Permit from the Village Board of Trustees.

1. Internet Software Development and Research;
2. Computer programming and other software and telecommunications services and uses;
3. Business incubator facilities;
4. Educational, scientific and research activities;
5. Laboratories for research, development, testing and related production activities pertinent to product development;
6. Medical research including but not limited to pharmaceuticals, biomedical technologies, medical instruments and supplies, surgical appliances and supplies, dental equipment and supplies, x-ray apparatus, MRI and CAT scan research and apparatus and electromedical equipment;
7. Laboratories medical, dental, optical, pharmaceutical and related activities;
8. Production of Medical, surgical and dental devices as well as the supply of those devices;
9. Office buildings for government and scientific research activities;
10. Such other Internet Incubator Technology and Research activities that the Village Board approves by Special Permit.

C. Accessory Uses - Accessory structures and uses as defined in Chapter 98 of the Village Code.

3. APPROVAL PROCESS FOR RESIDENTIAL-SINGLE FAMILY DETACHED DWELLING UNITS IN THIS DISTRICT: All as-of-right use is single family residential detached dwelling units in this District shall comply with all bulk requirements of the Village Code under Article VII concerning Building Permits and Village of Chester Subdivision Regulations and Chapter 84 of the Village Code. The lot count is as previously established when the annexed portion of this Property was within the Town of Chester (Town SR-6 Zone).

4. **SPECIAL PERMIT APPROVAL PROCESS:** Any Applicant seeking approval in this

Overlay District regarding any Special Permit use or uses for this specific Property may first submit only a Concept Plan to the Village Board. The definition and requirements concerning the Concept Plan submittal are set forth herein. If the Concept Plan is determined to be consistent in general with Section 98-24 by the Village Board of Trustees, then and in that event the Concept Plan shall be forwarded by the Village Board of Trustees to the Village Planning Board for a Report and Recommendations. The Report and Recommendations by the Planning Board shall be provided within sixty-two (62) days of the receipt from the Village Board of Trustees of the referral regarding the Concept Plan. Should the Planning Board not respond within said sixty-two (62) days, the Village Board of Trustees can act without any Report or Recommendation from the Planning Board. Upon receipt of the Report and recommendations from the Planning Board or the failure of the Planning Board to timely so respond, the Village Board of Trustees shall then proceed to review the Concept Plan submitted pursuant to the guideline principles and standards set forth in the Village Code at Section 98-24. Any such Special Permit issued by the Board of Trustees can be renewed pursuant to the provisions of the Village Code at Section 98-26. Should the Village Board of Trustees deny the application for a Special Permit following a Public Hearing, the Applicant shall not proceed any further and no authorization for any use within the Overlay District shall be granted. If the Village Board of Trustees grants the Special Permit, that grant may be upon such conditions as the Village Board sets. Upon the grant of the Special Permit by the Board of Trustees, the Applicant shall then make application to the Planning Board for Site Plan Approval pursuant to Article VI of the Village Code.

5. **CONCEPT PLAN REQUIRED:** Every applicant shall present to the Village Board prior to submission of any plans for site plan approval a Concept Plan regarding this specific Property. The Concept Plan may include any information the Applicant desires the Village Board to consider, but shall include the following specific information:

1. The general lay-out of any proposed structure on the property;
2. An architectural rendering of any structure on the property;
3. A detailed description of the type of activities to be conducted on the property;
4. The type and number of permanent employees to be employed at the site in all phases of development;
5. The identity of file proposed contractors, architects, engineers and other professionals to be utilized by the Applicant for the site approval process and construction process;
6. A brief description of the principals involved in the project and any record of incubator businesses, Internet, technology or research success; and
7. The financial and other ability of the Applicant to complete the Project after any approvals are obtained.
8. How the aesthetic and visual impacts of any development are being considered as well as impacts on the architectural and community character of the Village.

6. **MINIMUM REQUIREMENT FOR ANY OVERLAY DISTRICT USES IN THIS ZONING DISTRICT:** Any activity permitted in this Overlay District must be for property having a minimum of twenty-five (25) acres in the RS-Technology Overlay District and for property with primary access on a State or County road. The height of any structure in this Overlay District will be limited to thirty-five (35) feet and a 30% building lot coverage limit with no primary structure or parking area being closer than two hundred (200) feet to a property line. The phrase

“Building Lot Coverage” in this District shall include all impermeable surfaces. Off street parking and loading shall be consistent with Section 98-20 of the Village Code.

Additionally, no single structure in this Overlay Zoning District may exceed 85,000 square feet. The design of any structure shall be consistent with the community character of the Village. In planning the layout of any commercial structure on the Property, every effort shall be made to locate such structure or structures nearer to the non-residential uses on all adjoining property. Should a mix of residential and commercial structures be proposed, that layout should provide for any residential structures to be located near the existing adjoining residential properties to this site.

Notwithstanding the foregoing, the Village Zoning Board of Appeals for good cause shown may waive, vary or otherwise modify any of the terms land conditions of the Village Zoning Code for this Overlay District for this specific Property to protect the health, safety and welfare of Village residents with regard to/any Overlay District uses as allowed by Village Law.

