

Chapter _____

RS-TECHNOLOGY OVERLAY DISTRICT

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

1. INTENT: It is the intent of this Local Law to accomplish two purposes. First, there is land now within the Village of Chester, New York (“Village”) that was annexed and has no express Zoning District currently designated in the Village Code. That 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 related parcels of property of BT Holdings LLC in the Village also to be subject to this new zoning district (Tax Parcels 108-1-1 and 107-3-4 all consisting of approximately 4.0 acres). All the foregoing three parcels of land are known herein collectively as the “Property”. The first purpose of this Local Law is to expressly designate by provisions within the Village Code that 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 recognizes the prior vested rights acquired by BT Holdings LLC concerning the Property which is the subject matter of this Local Law.

Second, with this new Single Family Residential Zoning District with Internet Incubator Technology and Research Park Overlay (“RS-Technology Overlay District”) to be established for this Property, the Village wishes to encourage clean commercial ratables that can be approved by Special Permit by the Village Board of Trustees. That second purpose of this Local Law is for the reasons set forth below.

New York State historically welcomed businesses and thrived as the “Empire State.” One of the great aspects of New York in the past as the Empire State was its willingness and flexibility to provide a place for new ideas to develop without excessive governmental regulation with New York State. As New York State land use matters have become overly regulated, that flexibility to provide for new technology to be sited in New York State has been compromised. In New York State land use regulation has struggled to respond and proactively shape the dynamic process that creates vibrant and diverse Internet Incubator, Technology and Research spaces outside of the major metropolitan area. One of the overarching roles of local government such as the Village in a market based economy is to provide a frame work that supports healthy and robust competition to attract the most dynamic and growing potential economic development concerning internet research and

technology. Zoning should be a facilitator of an outcome that encourages such young and dynamic businesses to be located within the Village and zoning should not be relegated to a reactionary role in which standards are set based upon out moded concepts of what new incubator businesses involved with the internet, technology and research as well as a technology business in general require. With the advent of this new technology, zoning is never a mechanism that makes things happen, zoning is something that allows things to happen. Therefore, this new District is created for this Property to address these issues.

A purpose of this new Zoning District for this Property is to provide a 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 – 60.6 acres of which is the only property in the Village without a designated Zoning District in the Village Code.

2. PERMITTED USES:

- A. Within this District, the following principal uses are permitted as of right:
1. 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. Within only this District, only the following uses are permitted by Special Permit of the Village Board of Trustees that can be approved for this Overlay District unique to this Property:
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 related 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.

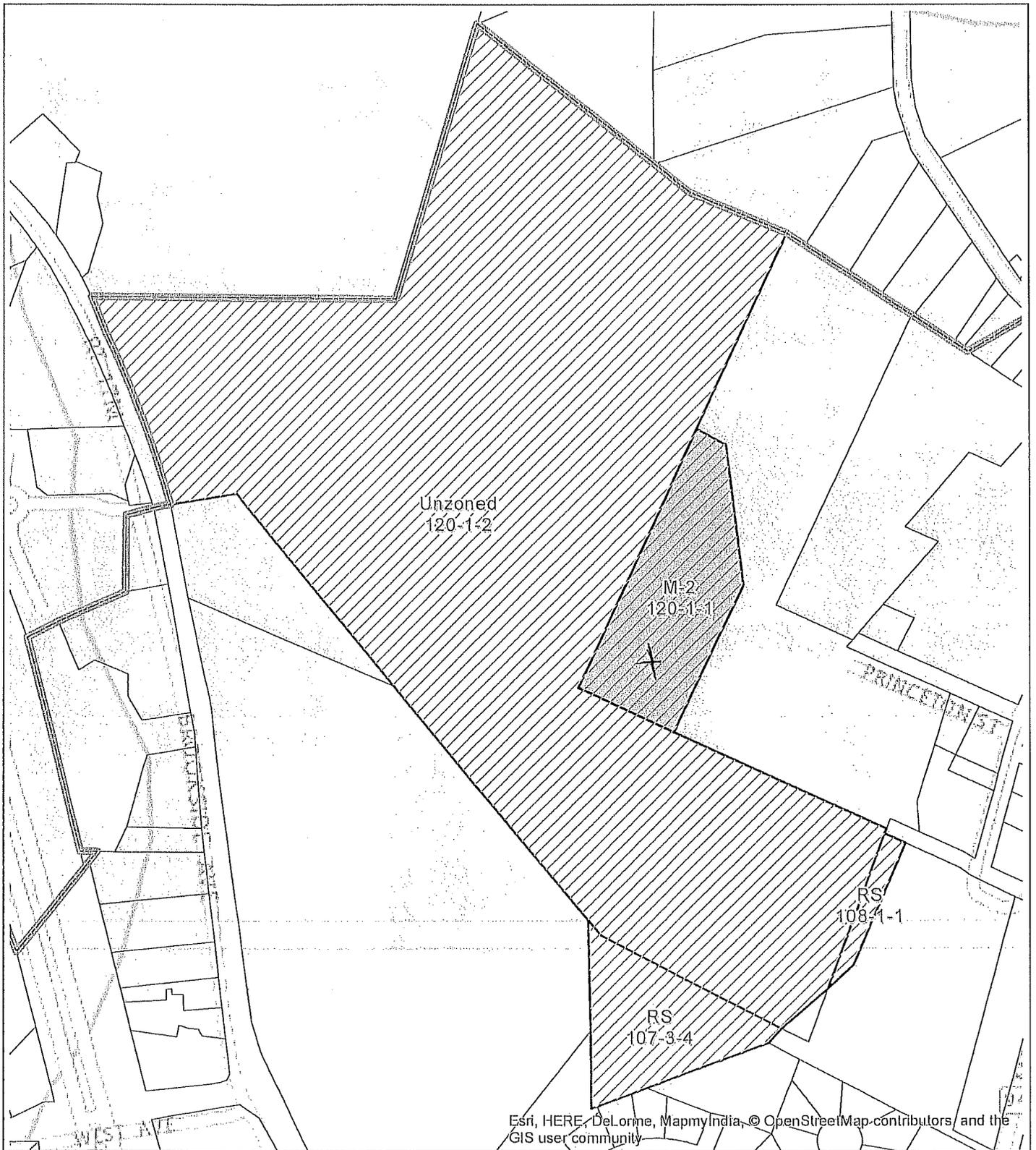
C. Accessory Uses – Accessory structures and uses as defined in Chapter 98 of the Village Code.

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 (as that Concept Plan is defined herein) . The 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 the 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.

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 three-stories or thirty-five (35) feet (whichever is greater) 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. Off street parking and loading shall be consistent with Section 98-20 of the Village Code. Notwithstanding the foregoing, the Village Zoning Board of Appeals for good cause shown may waive, vary or otherwise modify any of the terms and 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.



CURRENT & PROPOSED ZONING
 Village of Chester, New York
PROPOSED RS-TECHNOLOGY OVERLAY ZONING DISTRICT
 May 2016

Legend

- | | |
|---|--|
| Old Zoning |  New RS-Technology Overlay |
|  M-2 |  Municipal Boundary |
|  RS |  Tax Parcel Boundary |
|  Unzoned | |



Note: This map is for general planning purposes only.
 Source: New York State Department of Transportation,
 Orange County GIS, Turner Miller Group