

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Thompson

Proposed

Local Law No. 14 of the year 2019

A LOCAL LAW AMENDING CHAPTER 250, ZONING AND PLANNED UNIT DEVELOPMENT, TO IMPLEMENT THE GROW THE GATEWAY PLAN IN THE EAST BROADWAY AREA.

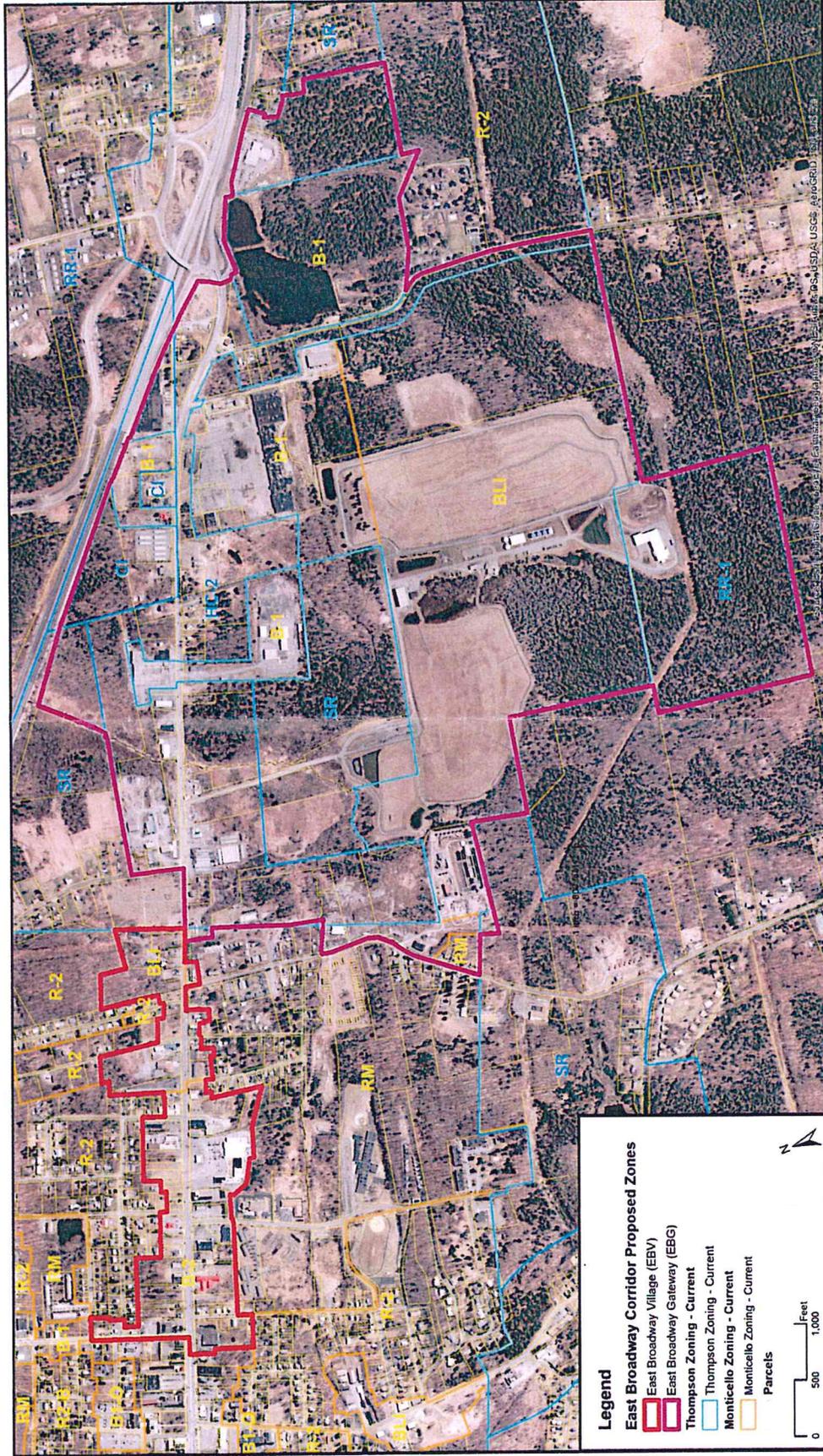
Be it enacted by the Town Board of the Town of Thompson by authority of Article 16 of the Town Law and Article 3 of the Municipal Home Rule Law, as follows:

Section 1: Amend Article III, Zoning Districts and Map, section §250-3, Classification of districts, by adding the East Broadway Gateway to the list of zoning districts, as follows:

The Town of Thompson is hereby divided into the following classes of districts, the respective symbol for each type of district being set forth opposite its title:

SR	Suburban Residential
RR-1	Rural Residential-1
RR-2	Rural Residential-2
HC-1	Highway Commercial-1
HC-2	Highway Commercial-2
CI	Commercial Industrial
E	Extractive Industry
PBP	Planned Business Park
EBG	East Broadway Gateway

Section 2: Amend the Official Zoning Map of the Town of Thompson, dated June 7, 2005 as amended, referred to in Article III, §250-4, by adopting the district boundary for the EBG Zoning District, as depicted on the East Broadway Gateway Map attached to this Local Law, dated September 12, 2019. The extent of the EBG Zoning District shown on this attachment shall replace the zoning designations on the existing zoning map that lay within its boundaries, on those lands within the Town of Thompson. See next page.



Legend

- East Broadway Corridor Proposed Zones
- East Broadway Village (EBV)
- East Broadway Gateway (EBG)
- Thompson Zoning - Current
- Thompson Zoning - Current
- Monticello Zoning - Current
- Monticello Zoning - Current
- Parcels



**Existing and Proposed Zoning Map Districts
East Broadway Gateway**

**Village of Monticello
Town of Thompson
Sullivan County, NY**

Sources:
Sullivan County Real Property Tax Services
New York State GIS
ESRI Web Mapping Services

12 September 2019

Section 3: Add a new section §250-14 to Article IV, District Regulations, as follows:
250-14 EBG East Broadway Gateway District
 The district regulations for the EBG East Broadway Gateway District shall be as set forth in the Schedule of District Regulations included as an attachment to this chapter.

Section 4: Add an additional "Schedule of District Regulations, East Broadway Gateway District" as an attachment to Chapter 250, as depicted below.

ZONING AND PLANNED UNIT DEVELOPMENT
250 Attachment
 Town of Thomson
 Schedule of District Regulations
 EBG East Broadway Gateway District

Accessory Uses	Permitted Uses	Uses Subject to Site Plan Review and Special Use Permit	Uses Subject to Site Plan Review by Planning Board	Lot Area	Minimum Required						Maximum Permitted						
					Lot Width (feet)	Lot Depth (feet)	Front Yard (feet)	Rear Yard (feet)	One Side Yard (feet)	Both Side Yards (feet)	Habitable Floor Area (square feet)	Density per Acre	Percentage of Lot Coverage	Building Height (feet)			
Home occupations	1-family dwelling legally in existence as of January 1, 2020		2-family dwelling legally in existence as of January 1, 2020														
Processing and sale of farm products	With central water and sewer		With central water and sewer	20,000 square feet	100	125	40	40	15	40	1000 square feet and 20 feet wide	2.0	20%	30			
Keeping not more than 2 farm animals on lots of under 5 acres, plus 1 additional farm animal per 1 additional acre in excess of 5 acres, provided that no animal housing or structure for the storage of any odor- or dust-producing substances is within 150 feet of any lot line	Without central water and sewer		Without central water and sewer	40,000 square feet	150	150	50	50	20	50	1000 square feet and 20 feet wide	1.0	10%	30			
Renal offices		Mixed Use Development		10 acres	150	300	50	50	35	70	NA	4	30	35			
		Casualty Filling Station		20,000 square feet	100	125	40	50	25	50	NA	NA	30	35			
		Small Store		40,000 square feet	200	200	40	50	25	50	NA	NA	30	35			
		Wholesale Establishment															
		Office Business															
		Eat and Drinking Establishment															
		Motor Vehicle Repair Shop															
		Hotel and Motel															
Related recreational uses not closer than 100 feet to any property line				7,500 square feet plus 1,500 square feet per rental unit	200	200	40	50	25	50	NA	NA	30	35			
Parking garage				3 acres	150	300	50	50	50	100	NA	NA	30	35			
Dwelling for agricultural employees or security personnel engaged on the premises, provided that such dwellings are located at least 30 feet apart and not closer than 50 feet from any property line. Sewage disposal and water supply systems shall have the approval of the NYS DEC		Storage Facility Manufacturing Establishment Light Manufacturing Warehouse and Distribution Center Trucking Terminal Research Facility and Laboratory Hospital Outdoor Commercial Recreation Public Recreational Facility															
	Greenhouse and Nursery			3 acres	150	300	50	50	50	100	NA	NA	30	35			
	Agriculture Operations, but not including specialty nurseries, and not including animal housing or pens for the storage of animal droppings or manure, and not including any business use within 150 feet of any lot line.																
	Keeping of not more than 25 fowl, plus 1 additional farm animal per 1 additional acre in excess of 5 acres			5 acres	150	300	50	50	35	70	NA	NA	30 applies to bldgs. & structures	35			
	Keeping of livestock			5 acres	150	300	50	50	35	70	NA	NA	30 applies to bldgs. & structures	35			
	Harvesting of forest products and wild crops			25 acres	150	300	50	50	35	70	NA	NA	30 applies to bldgs. & structures	35			
				10 acres	No structure shall be within 200 feet of a lot line											NA	NA

Section 5: Amend Article II, §250-2, Definitions, by adding the following new definitions, inserting them into alphabetical order with the existing definitions:

AGRICULTURAL OPERATION

The production, storage, keeping, harvesting, grading, packaging processing for sale or lease, of plants and animals useful to humans, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; fruits of all kinds, including grapes, nuts and berries, vegetables; land devoted to a soil conservation program.

See GREENHOUSE, NURSERY, FORESTRY, ANIMAL KENNEL

CAR WASH

An establishment for the washing and detailing of motor vehicles as a principal use.

COLLEGE

An educational institution authorized by the state to award associate, baccalaureate, or higher degrees.

See SCHOOL

DISTRIBUTION CENTER

An area and building where trucks load and unload cargo and freight, and where the cargo and freight may be transferred to other vehicles or modes of transportation. Storage facilities such as warehouses, incidental to the principal use, may also be part of a distribution center.

FORESTRY

The operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or the performing of forest services.

FUNERAL HOME

A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation. Funeral homes do not include crematories.

GREENHOUSE

A building or structure 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 cultivation of fragile or out-of-season plants for subsequent sale or for personal enjoyment.

LIBRARY

A place containing books, newspapers, periodicals, and/or audio-visual materials for reading, viewing, study, and research.

MIXED-USE DEVELOPMENT

A mixed-use development (MUD) is a unified project, with a minimum gross lot area of ten (10) acres, and is permitted as a Special Use in the East Broadway Gateway District (EBG), and is designed in accordance with the Special Permit design standards of §250-60 G and the Subdivision standards of Chapter 255. The developed portion of a MUD consists of a mix of residential uses including one-family and two-family dwellings and compatible commercial, office and service uses. Any non-residential use permitted in the EBV and EBG Districts, which is scaled to serve the day-to-day needs of the MUD residents as well as the larger community, may be included in a MUD. It is designed to encourage walking, reduce automobile trips, and prevent commercial strip development. A MUD permits flexibility of design and layout to protect environmental resources and create attractive places for people to work, live, and congregate. A minimum of thirty percent (30%) and a maximum of forty-five percent (45%) of the total floor area of all buildings in any MUD shall be devoted to non-residential uses.

MUSEUM

A building in which objects of historical, scientific, artistic, or cultural interest are stored and exhibited.

NURSERY

The growing, cultivation, storage and sale of garden plants, flowers, trees, shrubs and fertilizers, as well as the sale of garden tools and similar accessory and ancillary products, to the general public.

PUBLIC RECREATIONAL FACILITY

A protected area in public ownership that is set aside for recreation and enjoyment. It may or may not have developed recreational facilities such as playgrounds, tennis courts, baseball fields, picnic areas and/ or bath facilities. Public Recreational Facilities shall not include Commercial Recreation Facilities.

RECREATION, COMMERCIAL

Facilities or equipment, exclusive of government facilities, for purposes of participant or spectator recreation or entertainment and utilized by the public for a fee. Examples include, but are not limited to arcades, cinemas, theaters, amusement parks, bowling alleys, billiard parlors, pool rooms, dance halls, ice/roller rinks, golf courses, driving ranges, miniature golf courses, and tennis/racquetball courts.

TRUCKING TERMINAL:

See DISTRIBUTION CENTER

WAREHOUSE:

A building or structure utilized for the storage of various goods including but not limited to equipment, food products, furniture, vehicles, appliances, clothing, wood products and related items, but not including materials classified as hazardous in the Fire Code of New York State.

Section 6: Amend these definitions, already appearing in Article II, §250-2, as follows:

GASOLINE FILLING STATION

Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline, oil and other fuel for the propulsion or motor vehicles. A Gasoline Filling Station may contain a convenience retail store as an accessory use.

LABORATORY

A building or part of a building devoted to the testing and analysis of any products or biological samples. No manufacturing is conducted on the premises, except for experimental or testing purposes.

Section 7: Amend Article VIII, §250-46, by adding the following subsection A (3), to create an interpretation appeal for dealing with uses not listed, but which are similar to permitted uses.

(3) Determination of Permitted Use. When a use is not specifically permitted in this Chapter as either a use permitted by right or by special permit, it shall be understood that the use may be allowed by special use permit of the Planning Board if upon an interpretation appeal it is determined by the Zoning Board of Appeals that the use is similar to other uses listed in the district and is consistent with the stated purpose of the district. It is further recognized that every conceivable use cannot be identified in this zoning ordinance, and anticipating that new uses will evolve over time, so therefore this section establishes the Zoning Board of Appeals' authority to review and decide, upon an interpretation appeal, to compare a proposed use and measure it against those listed in the applicable zoning district for determining similarity. In determining similarity, the Zoning Board of Appeals shall make all the following findings prior to approval:

- (a) The proposed use shall meet the intent of, and be consistent with, the goals, objectives and policies of the Town's comprehensive plan.
- (b) The proposed use shall meet the stated purpose and general intent of the district in which the use is proposed to be located.
- (c) The proposed use shall not adversely impact the public health, safety and general welfare of the Town's residents.
- (d) The proposed use shall share characteristics in common with, and not be of greater intensity, density, or generate more environmental impact, than those uses listed in the zoning district in which it is to be located.

Section 8: Amend Article IX, §250-60 Special Use Permits, by adding the following new subsection G, Standards for all uses located in the EBG District, requiring a Special Use Permit of the Planning Board, as follows:

G. Standards for All Uses Located in the EBG District, Requiring a Special Use Permit of the Planning Board.

- (1) All uses in the EBG District that require a Special Use Permit of the Planning Board shall be subject to the requirements of this section, unless expressly exempted in section 2 below.

(2) Upon determination of the Planning Board, acting as Lead Agency pursuant to the SEQRA, that the proposed action is categorized as “Type II,” the application shall be referred to the Building Department for subsequent review and processing, and will be exempt from the Special Permit review process and requirements. Actions categorized as “Type 1” or “Unlisted” will require review and approval pursuant to section 1 above.

(3) Design Standards Required

(a) If practicable, the site should provide driveway connections to adjacent sites to the side and rear to allow travel between adjacent sites for users, without the need to exit to East Broadway. See Grow the Gateways Corridor Design Guidelines, section 1, Access Management and Parking, for guidance.

(b) Access to the site from East Broadway should be controlled, with a maximum of two curb cuts or access points. On existing, nonconforming developed sites, access points and curb cuts along East Broadway shall be reduced to meet this standard, as part of any new application for a Special Permit or amendment to a Special Permit for Type I and Unlisted actions under SEQRA.

(c) A maximum of 25% of the required number of parking spaces to meet parking standards shall be located in front of the principal use, between the principal use and East Broadway. It is preferred that all parking be kept to the rear of the principal use.

(d) A minimum 10-foot landscaped buffer shall be installed in the required front yard along the East Broadway ROW. A minimum 6-foot landscaped buffer shall be installed in required side and rear yards. No parking spaces or drives shall be permitted in required front yards except for permitted direct site access, pursuant to section 2 above. An easement for a frontage sidewalk along East Broadway may be required within the required front yard, if practicable.

(e) A landscaped buffer with a minimum width of 6 feet shall be installed around the perimeter of parking lots, other than in front yard areas in section 3 above, and around the foundations of principal buildings. One landscaped island for every 12 parking spaces shall be installed within the interior of any parking lot, in order to break up the parking lot into bays separated by landscaping. Landscape islands that are surrounded by pavement should have no dimensions less than nine (9) feet. Plant types and sizes shall comply with Grow the Gateways Corridor Design Guidelines, section 5.

(f) An entrance to the principal building shall be designed in the front façade, facing the East Broadway. Additional entrances may be provided to allow building access from side or rear parking areas. A pathway shall be provided to connect the front door to parking areas and to the frontage road areas, and should connect to any existing or planned sidewalk network off-site.

(g) Light poles in parking areas shall not exceed eighteen (18) feet or the height of the primary structure, whichever is less. Pedestrian-scaled lighting should be featured in

public spaces and sidewalks outside of parking areas. Poles for pedestrian lighting shall be no higher than twelve (12) feet. To minimize off-site or upward light spillage, full cut-off or cut-off style luminaries shall be used, meeting the Grow the Gateways Corridor Design Guidelines, section 4.

(4) Bonus Provided for Meeting Additional Optional Design Standards

- (a) An additional 10% development coverage may be permitted to be added to the applicable bulk standard listed in the EBG (East Broadway Gateway District) Schedule of District Regulations for projects meeting the Architectural Standards of the Grow the Gateways Corridor Design Guidelines section 6. To be eligible for the development coverage bonus, architecture of the proposed building to be constructed by Special Permit shall be consistent with the architectural style of buildings in the downtown Village of Monticello, without visible concrete masonry units, or vinyl or metal siding. Brick, stone or wood siding and trim are required. Formulaic or corporate chain styles not customized for construction in the Monticello region will not be eligible for the development coverage bonus.
- (b) An additional 10% development coverage may be permitted to be added to the bulk standard listed in the EBG Schedule of District Regulations for projects providing two of more of the following green infrastructure features, meeting the Grow the Gateways Corridor Design Guidelines section 5.
 - a. Green roof for principal building.
 - b. Rain garden bioretention for stormwater treatment.
 - c. Solar photovoltaic panels to supply on-site electrical power.
 - d. Complete Streets elements, pursuant to the “Complete Streets” manual by Lois Chaplin, Cornell Local Roads Program, CLRP No. 07-03, revised February 2012, as may be amended.
 - e. Geothermal heating and/or cooling.
 - f. No parking spaces, drives or asphalt paving in front of buildings, between any principal or accessory buildings and East Broadway.
- (c) Any application requiring an area or bulk variance from the Zoning Board of Appeals shall not be eligible for any bonuses set forth in this subsection above.

Section 9: Amend Article VI, §250-21, Nonconforming uses, buildings, and structures, by adding a new subsection E, as follows:

E. Nonconforming Single and Two-family Dwellings in the East Broadway Gateway District. Single family dwellings and two-family dwellings, legally in existence as of January 1, 2020, or under construction pursuant to a building permit issued prior to January 1, 2020, shall be considered a permitted use, but shall be subject to the following limitation on future expansions:

- (1) The single-family dwelling or two-family dwelling may not be rebuilt, enlarged or extended in any manner which increases its floor area or volume of enclosed space by more than 50% over the floor area or volume of the existing structure, or over the floor area or volume of the structure under construction for which a building permit has been

issued, as of January 1, 2020. The limitation shall apply to all permits for construction cumulatively over the lifetime of the structure, subsequent to January 1, 2020. For the purposes of this measuring permit applications against this standard, the Building Inspector shall consider the base floor area and volume of the structure as it is existed on January 1, 2020, according to the records of the Building Department of the Town. In the absence of such records, the applicant shall provide documentation on the size and configuration of the structure as of January 1, 2020.

- (2) New construction of single family or two-family dwellings is prohibited in the East Broadway Gateway, and shall be considered a nonconforming use, unless such uses are part of a Mixed-Use Development as defined by this Chapter.

Section 10: Amend Article IX, §250-59, Waiving of Provisions, by adding and deleting language, as follows:

§ 250-59 Waiving of provisions.

The Town of Thompson Planning Board shall, pursuant to § 274-a, Subdivision 5, of the Town Law, has the right to waive, when reasonable, any of the requirements of §§ **250-51** through **250-58** of this article and any of the requirements of §250-60 G of Article IX, for the approval, approval with modifications or disapproval of site plans submitted to the Planning Board. This waiver authority may be exercised in the event that any such requirements are found not to be essential for the public health, safety or general welfare or are found to be inappropriate to a particular site plan. Any such waiver shall be subject to the following conditions:

- A. No waiver shall result in allowing a use not permitted within the applicable zoning district.
- B. Waivers shall be limited to those situations where the full application of the requirements contained in the above-referenced sections would generate unnecessary data and create unnecessary costs with regard to deciding the matter.
- C. An applicant for site plan approval who desires to seek a waiver of certain of the above-referenced requirements pertaining to such applications may submit a sketch plan of the proposed project to the Planning Board in lieu of a complete site plan. The Planning Board shall review the sketch plan, advise the applicant as to potential problems and concerns and determine if any additional site plan information is required. The Planning Board shall consider such a sketch plan as adequate when, in its judgment, the information submitted is sufficient to make a determination of compliance with the development standards in Part 1 of this chapter and, specifically, the intent of §§ **250-51** through **250-52.1**.
- D. Nothing herein shall authorize the Planning Board to waive state environmental quality review requirements.
- E. The Planning Board must set forth in its record of proceedings the precise grounds upon which it has determined to exercise its waiver authority hereunder, which shall include a clear statement of what requirements of §§ **250-51** through **250-58** of this article, or of §250-60 G of Article IX, have been waived and the reason for the waiver of each and every such requirement.

Section 11: Upon adoption and codification, the publication entitled "Gateway Corridor Design Guidelines," dated September 2017 (32 pp.), produced as part of the "Grow the Gateways" Thompson-Monticello Strategic Plan for the Gateway Corridor," shall be posted on the electronic Code website for reference by the public, as an additional attachment.

Section 12: This local law shall take effect immediately.

1. (Final adoption by local legislative body only)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 2019 of the Town of Thompson was duly passed by the Town Board on _____, 2019 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by Elective Chief Executive Officer*)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 2019 of the County/City/Town/Town/Village of _____ was duly passed by the _____ on _____ 2019 and was (approved) (not approved) (repassed after disapproval) by the _____ on _____ and was deemed duly adopted on _____ 2019, in accordance with the applicable provisions of law.

3. (Final adoption by referendum)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 2019 of the County/City/Town/Town/Village of _____ was duly passed by the _____ on _____ 2019 and was (approved) (not approved) (repassed after disapproval) by the _____ on _____. Such local law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on _____ 2019, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 2019 of the County/City/Town/Town/Village of _____ was duly passed by the _____ on _____ 2019 and was (approved) (not approved) (repassed after disapproval) by the _____ on _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 2019 in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, chairman of the county legislative body, the mayor of a city or village or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 2019 of the City of _____ having been submitted to referendum pursuant to the provisions of sections 36/37 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at a special/general election held on _____ 2019 became operative.

6. (County local law concerning adoption of Charter)

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 2019 of the County of _____, State of New York, having been submitted to the electors at the General Election of November ___ 2019, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide the appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

~~_____~~
~~Clerk of the county legislative body, city, town,~~
~~village clerk or officer designated by local legislative~~
~~body~~

Date: _____, 2019

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality)

STATE OF NEW YORK
COUNTY OF SULLIVAN

I, the undersigned, do hereby certify that the foregoing local law contains the correct text and that all proper proceeding have been had or taken for the enactment of the local law annexed hereto.

Date: _____, 2019

Attorney for Town of Thompson