

**TOWN OF MONTGOMERY
INTRODUCTORY LOCAL LAW NO. 8 OF 2018**

**A Local Law Amending the Zoning Map of the Town of Montgomery
to Rezone Portions of Tax Map Parcel Nos. 31-1-64 and 31-1-65.22
From the Interchange Business (IB) Zoning District to Industrial Park – Major Access (I-2)
Zoning District**

BE IT ENACTED by the Town Board of the Town of Montgomery, in the County of Orange, State of New York, as follows:

SECTION 1. TITLE.

This local law shall be known as “A Local Law Amending the Zoning Map of the Town of Montgomery to Rezone Portions of Tax Map Parcel Nos. 31-1-64 and 31-1-65.22 From the Interchange Business (IB) Zoning District to Industrial Park – Major Access (I-2) Zoning District”.

SECTION 2. PURPOSE AND INTENT.

The Town Board of the Town of Montgomery declares its intent to rezone two parcels of land located along Route 17K. The Zoning Map Amendment would: (1) rezone approximately 76.2 acres of land presently zoned IB to I-2; and (2) retain approximately 14.4 acres of land in the IB zoning district along Route 17K. The general purposes of the Zoning Map Amendment are two-fold: (1) to facilitate commercial growth in the Route 17k corridor by maintaining a strip of commercial land zoned IB along Route 17k; and (2) to facilitate industrial growth near the I-84 and Route 747 interchange by expanding existing industrial land zoned I-2 and setting it back from Route 17K. Specifically, the Zoning Map Amendment will allow the development of Project Sailfish, a large warehouse distribution center to be located partially on Tax Map Parcel Nos. 31-1-64 and 31-1-65.22, as well as on adjacent parcels presently zoned I-2.

The respective property owners of Tax Map Parcels 31-1-64 and 31-1-65.22 have requested and consented to this rezoning. Any project specific applications for uses permissible in the I-2 and IB zoning districts would continue to be subject to review and approval by the Town of Montgomery Planning Board pursuant to the Town’s Zoning Law. Any such applications may also subject to full procedural and substantive compliance with the New York State Environmental Quality Review Act and its implementing regulations (collectively “SEQRA”).

SECTION 3. AUTHORITY.

This local law is adopted pursuant to the New York State Municipal Home Rule Law, the Statute of Local Governments, the New York State Town Law, the Town of Montgomery Zoning Law and the general police powers vested with the Town of Montgomery to provide for the health, safety and general welfare of persons and property within the Town.

SECTION 4. AMENDMENT TO ZONING MAP.

The Zoning Map of the Town of Montgomery, adopted and made a part of the Town of Montgomery Zoning Law, is hereby amended to change the Zoning District from IB to I-2 for the portions of property designated on Tax Map Parcel Nos. 31-1-64 and 31-1-65.22, described as follows:

All that land, situate in the Town of Montgomery, County of Orange, State of New York, bound and described as follows:

BEGINNING at a 24" maple tree, corner to lands now or formerly of Klepper, described in Liber 11839 at Page 742 (Tax ID 31-1-63), and lands now or formerly of LVL Realty, LLC, described in Liber 12382 at Page 876 (Tax ID 31-1-64), said point being at the southerly end of a Boundary Agreement line as described in Liber 1825 at Page 1162, said point distant 541.22 feet measured along said Boundary Agreement line on a course of South 13°13'27" West from a marble monument found in the southerly sideline of New York State Route 17K, (AKA Cohecton Turnpike Part 2 and S.H. 43) (width varies), and runs; thence

1. By a new line through lands of LVL Realty, LLC and then through lands now or formerly of Tracy, Steins and Drake, described in Liber 12327 at Page 1459 (Tax ID 31-1-65.22), North 87°36'06" East a distance of 1311.85 feet, to a point in the line of lands now or formerly of Lerner Pavlick Realty Company, described in Liber 3799 at Page 130 (Tax ID 31-1-65.1); thence
2. Along Lerner Pavlick Realty Company, South 03°34'14" East a distance of 1920.79 feet, to a point in the line of lands now or formerly of Haber, described in Liber 1901 at Page 816 (Tax ID 31-1-70.2); thence
3. Along Haber, in part along a stone wall, South 89°22'52" West a distance of 1364.73 feet, to the intersection of stone walls (N.B. this course reversed passes over a rebar found at the corner of stone walls at a distance of 176.00 feet from its beginning); thence
4. Continuing along Haber and along a stone wall, South 00°10'38" East a distance of 53.46 feet, to a point where the same is intersected by the division line between lands hereindescribed and lands now or formerly of Haber, described in Liber 1841 at Page 523 (Tax ID 31-1-89); thence
5. Along Haber, South 85°00'30" West a distance of 611.31 feet, to a point in the line of lands now or formerly of Pimm, described in Liber 4690 at Page 199 (Tax ID 31-1-95); thence

6. Along Pimm, North 09°39'02" East a distance of 125.45 feet, to a point at the southerly end of a stone wall; thence
7. Continuing along Pimm, and along a stone wall, North 10°13'41" East a distance of 925.85 feet, to a point; thence
8. Continuing along Pimm, and along a stone wall, North 08°34'09" East a distance of 70.09 feet, to a point; thence
9. Continuing along Pimm, North 10°34'48" East a distance of 307.87 feet, to a point; thence
10. Continuing along Pimm, and along a stone wall, North 09°50'58" East a distance of 223.04 feet, to a point; thence
11. Continuing along Pimm, and along a stone wall, North 09°35'16" East a distance of 77.84 feet, to a point; thence
12. Continuing along Pimm, and along a stone wall, North 08°35'42" East a distance of 194.87 feet, to a point; thence
13. Continuing along Pimm, and along a stone wall, North 10°26'32" East a distance of 75.94 feet, to a stone wall corner and the line of lands now or formerly of Klepper; thence
14. Along Klepper, and generally along a wire fence, North 86°14'35" East a distance of 197.18 feet, to the Point of Beginning.

Encompassing an area of 3,319,348 square feet or 76.2018 acres more or less.

SECTION 5. SEVERABILITY

If any word, clause, sentence, paragraph, section or part of this local law or the application thereof shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder of this local law or the application thereof and shall be limited to the part directly involved in the controversy and adjudged invalid. The Town Board hereby declares that it would have enacted this local law or the remainder thereof if the invalidity of such provision or application had been apparent.

SECTION 6. APPLICATION OF THIS LOCAL LAW

This local law shall apply only to Tax Map Parcels No. 31-1-64 and 31-1-65.22 in the Town of Montgomery. It shall not apply to any other land in the Town of Montgomery.

SECTION 7. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with the New York State Municipal Home Rule Law. Notwithstanding, the Zoning Map Amendment shall not become effective until the Town of Montgomery Planning Board approves a Special Use Exception Permit, Site Plan and lot merger/subdivision for Project Sailfish.