

Town of Blooming Grove

Introductory Local Law No. 3 of 2024

A Local Law to enact certain amendments to Chapter 235, Zoning, of the Code of the Town of Blooming Grove, to create and regulate a new zoning district entitled “Sustainable Business (SB)”.

SECTION I. TITLE.

This local law shall be known as the “Sustainable Business” Local Law, enacting certain zoning amendments to Chapter 235, Zoning, of the Code of the Town of Blooming Grove to regulate the location, uses, and standards applicable to the Sustainable Business zoning district within the Town of Blooming Grove.

SECTION II. AUTHORITY.

This Local Law is enacted pursuant to the authority of Municipal Home Rule Law 10, the New York State Town law, and in accordance with Chapter 235, Article XIX, Amendments, of the Code of the Town of Blooming Grove. To the extent that the provisions of this Local Law are in conflict with Section 278 of the New York State Town Law, the Town Board hereby asserts its intent to supersede Section 278 pursuant to Home Rule Law.

SECTION III. PURPOSE AND FINDINGS.

Consistent with the adopted Comprehensive Plan of the Town of Blooming Grove, it is the Town’s goal to actively encourage limited new commercial uses to increase the tax base and provide employment, provided such uses do not place an undue burden on the Town’s existing infrastructure or environment. The Town recognizes the opportunity to encourage said uses in select locations in the Town, including properties which can be provided direct access to a state highway. It is the purpose of the Sustainable Business zoning district to allow a range of nonresidential uses that expand the Town’s tax ratable and employment base in a manner which protects the quality of adjoining residential neighborhoods from any potential adverse effects, is consistent with and preserves significant expanses of open space within the district consistent with the adopted Town of Blooming Grove Community Preservation Plan, and where design standards encourage sustainable building practices and uses are situated within a planned campus-like setting.

SECTION IV. REVISIONS TO CHAPTER 235.

Chapter 235, Zoning, of the Code of the Town of Blooming Grove is hereby amended as follows:

- 1. Definitions.** Article II: Definitions, Section 235-4. Definitions, is hereby amended to add the following definitions:

AGRICULTURAL INDUSTRY

A use for the processing and packaging of processed agricultural crop products on the same lot on which the agricultural products are produced and grown or where said products are grown on another

lot within the Town of Blooming Grove, and where processing in such proximity is necessary due to the nature, perishability and fragility of such agricultural products, including the cheese making industry, dried fruit processing, a bottling plant. Specifically excluded from this definition and not permitted are abattoirs, slaughterhouses, or the raising or processing of livestock or poultry.

BANK

A financial institution and depository at which deposits are received, or checks paid, or money lent, such as a savings bank, savings and loan association, or similar facility.

BUSINESS PARK

An area of land in which two or more principal office, warehouse, industrial or commercial uses are grouped together and comprehensively planned and constructed as part of a planned development sharing common utilities and roadways, and wherein said uses are designed in a park-like campus setting with common landscaping, signage and architectural design. The site may be subdivided into individual parcels or may be maintained in single ownership, but it must be operated and managed under unified control. Integral to the business park is landscaped common areas and open space, within which nonresidential uses achieve enhanced environmental, energy, economic, and social performance.”

CAFETERIA RESTAURANT

A café, cafeteria, kiosk, or similar, primarily self-serve facility, accessory to and within a principal building in a business park, offering mostly prepared meals made available to employees employed therein.

COMMERCIAL GREENHOUSE

The growing and sale of horticultural products such as trees, shrubs, or plants. Sale and storage of garden supplies, including hand tools, mulch, soil, decorative rock, pavers, and similar nonvegetative materials shall be allowed only where clearly incidental to the principal use of growing horticultural products and said accessory materials and activities shall not occupy more than 30% of the lot area. The materials aggregate processing of organic or inorganic materials including rock crushing, mulching, or soil screening are prohibited.

DATA CENTER

A commercial use consisting of facilities that contain large groupings of networked computer servers typically used by organizations for the remote storage, processing, or distribution of large amounts of data, and which may include accessory support infrastructure such as uninterruptible power sources, environmental controls including HVAC systems, and security systems that are accessory to a business use. Cryptocurrency mining is not permitted as a data center.

DISTILLERY, WINERY, BREWERY

Businesses involved in the small-scale production of crafting alcoholic beverages from vegetables, fruits and grains for final consumption, including a distillery, winery, and brewery. The retail sale of products made on the premises or to market on the premises, as well as a dining, tasting, or drinking

area is allowed accessory to the principal use. Said retail sales and dining areas shall not exceed 35% of the gross floor area of the total area of buildings on the site.

EMERGENCY SERVICE

Any use which provides emergency, medical, or fire protection-related services to properties in the Town of Blooming Grove including Town police, fire district, and ambulance services.

FITNESS CENTER

A commercial use where active exercise and related activities are performed utilizing weight control or muscle-building equipment or apparatus for the purpose of physical fitness. A health fitness facility may also include, as accessory uses, services and activities provided in conjunction with physical therapy activities, sale of sports equipment or clothing, refreshments and similar accessory uses.

FORMULA/FRANCHISE BUSINESS

Formula business means a use that has five (5) or more other business locations in the United States and is required by contract, business model, or practice to maintain any of the following standardized characteristics: merchandise; menu; services; decor; uniforms; architecture; facade; color scheme; or signs.

GROSS FLOOR AREA

The total number of square feet measured between the exterior surfaces of the enclosing fixed walls of a building, including all supporting functions such as offices, lobbies, restrooms, equipment storage areas, mechanical rooms, and break rooms. Gross floor area does not include outside nonenclosed loading bays, loading docks or parking areas. Internal mezzanine space shall be included in the calculation of gross floor area.

INDOOR RECREATION

Recreational activities conducted entirely within a building, including team or individual sports and related health and exercise facilities operated on a commercial or fee basis. An indoor recreation use may include accessory uses, such as food service facilities, meeting rooms, video or computer game facilities, sales of sport- or exercise-related equipment or clothing, and other accessory uses clearly incidental to the recreational activity. Indoor commercial recreation uses include, but are not limited to, a gymnasium, fitness center, bowling alley, skating rink; tennis and other racquet courts, field house, indoor track, indoor basketball, exercise swimming pool, indoor shooting range. Within the SB zoning district, the use may include non-motorized outdoor recreation activities such as playgrounds, tennis courts, ball fields, and similar uses, provided that it does not exceed 50 percent of the gross floor area of the indoor recreation facility.

- 3. **Name of District - SB.** Amend Article III: Zoning Districts and Zoning Map, Section 235-5.A, Establishment of districts, Subsection 235-5.A(1), to add the name of a new zoning district to follow “NNI Non-nuisance Industrial” as follows:

“SB Sustainable Business”

4. **Intent of District – SB.** Amend Article III: Zoning Districts and Zoning Map, Section 235-5.B(1), Intent of districts, Subsection 235-5.B(1), to add a new subsection 235-5.B(1)(f) as follows:

“Sustainable Business District. The purpose of the SB zoning district is to allow light industrial, commercial, office and research facilities within a campus-style park-like planned development setting, which are well-buffered from, and minimize impacts, to adjoining residential uses. The SB district shall be designed to preserve significant expanses of open space consistent with the adopted Town of Blooming Grove Community Preservation Plan. Landscaping and preservation of contiguous open space shall be integral to the campus-like setting.”

5. **Zoning Map.** Amend Section 235-6., Zoning map, to rezone the following parcels from the RR Rural Residential zoning district to the SB Sustainable Business zoning district. The SB zoning district includes all rights-of-way within said boundary, as well as the following tax parcels:

Section	Block	Lots
18	1	56, 57, 77.121, 83, 84, 85
40	1	10.21, 10.26, 13.12

6. **Use table - SB.** Amend Section 235-10, Use table, to amend the table entitled "Table of General Use Requirements" to include a new column for the SB zoning district, and to add new principal uses, as follows (note that the other columns are shown for informational purposes only, and no revisions are proposed to columns other than the addition of the SB zoning district column and additional uses):

	Zoning					
	Rural Residential	Rural Crossroads I	Rural Crossroads II	Office/Research/Industrial	Non-nuisance Industrial	Sustainable Business
Principal Uses						
Residential single-family detached	PB Subdivision Approval	Site Plan	Site Plan			
Residential multifamily		Site Plan	Site Plan			
Mixed-use building (retail/office/residential)	TB Special Permit	Site Plan	Site Plan			
Bank						Site Plan
Commercial greenhouse/nursery						Site Plan
Convenience store					Site Plan	
Retail (under 2,000 sq. ft. footprint)	PB CU Permit	Site Plan	Site Plan	Site Plan	Site Plan	
Retail (over 2,000 sq. ft. footprint)	TB Special Permit	PB CU Permit	PB CU Permit	Site Plan	Site Plan	
Retail (over 30,000 sq. ft. footprint)				TB Special Permit	TB Special Permit	
Office (under 1,000 sq. ft. footprint)	PB CU Permit	Site Plan	Site Plan	Site Plan	Site Plan	Site Plan
Office (over 1,000 sq. ft. footprint)	TB Special Permit	Site Plan	Site Plan	Site Plan	Site Plan	Site Plan
Office (over 30,000 sq. ft. footprint, or greater than two stories in building height)				TB Special Permit	TB Special Permit	TB Special Permit
Healthcare facility					TB Special Permit	
Hospital					TB Special Permit	
Personal service	PB CU Permit	Site Plan	Site Plan	Site Plan		
Animal kennels and hospitals	PB CU Permit	PB CU Permit	PB CU Permit	PB CU Permit		PB CU Permit
Bed-and-breakfast	PB CU Permit	PB CU Permit	PB CU Permit	PB CU Permit		
Business Park						TB Special Permit
Restaurant	PB CU Permit	PB CU Permit	PB CU Permit	PB CU Permit	Site Plan	Site Plan
Restaurant (over 30,000 sq. ft. footprint, or greater than two stories in building height)					TB Special Permit	
Microbrewery					Site Plan	Site Plan
Distillery, Winery, Brewery						Site Plan
Recreation					Site Plan	
Emergency services						Site Plan
Entertainment complexes	TB Special Permit			TB Special Permit	TB Special Permit	
Golf course/country club	TB Special Permit			TB Special Permit		
Fitness Center						Site Plan
Hotel/conference center/corporate training center	TB Special Permit	TB Special Permit	TB Special Permit	TB Special Permit	TB Special Permit	
Indoor Recreation						PB CU Permit
Media studio for filming, broadcasting					Site Plan	Site Plan
Media studio for filming, broadcasting (over 25,000 sq. ft. footprint)					TB Special Permit	TB Special Permit
Membership club	PB CU Permit	PB CU Permit	PB CU Permit	PB CU Permit		

	Zoning District					
	Rural Residential	Rural Crossroads I	Rural Crossroads II	Office/Research/Industrial	Non-nuisance Industrial	Sustainable Business
Motor vehicle service station		PB CU Permit	PB CU Permit	PB CU Permit		
Newspaper, publication, and printing establishments						
Craft industry					Site Plan	Site Plan
Craft industry (over 30,000 sq. ft. footprint)				TB Special Permit	TB Special Permit	TB Special Permit
Data Center						TB Special Permit
Non-nuisance industry				Site Plan	Site Plan	TB Special Permit
Non-nuisance industry (over 30,000 sq. ft. footprint)				TB Special Permit	TB Special Permit	TB Special Permit
Passive adult uses				PB CU Permit		
Research institute or laboratory				Site Plan	Site Plan	TB Special Permit
Research institute or laboratory (over 30,000 sq. ft. footprint)				TB Special Permit	TB Special Permit	TB Special Permit
Residential farming	PB CU Permit			PB CU Permit	PB CU Permit	
Agriculture crop production					Site Plan	Site Plan
Agriculture industry						PB CU Permit
Riding academies, boarding stables, breeding farms	PB CU Permit			PB CU Permit	PB CU Permit	
Roadside stands	PB CU Permit	PB CU Permit	PB CU Permit	PB CU Permit	Site Plan	
Self storage				Site Plan	Site Plan	
Self storage (over 30,000 sq. ft. footprint)				TB Special Permit	TB Special Permit	
Solar energy system						PB CU Permit
Trade or vocational schools						
Warehouses; distribution				PB CU Permit	Site Plan	Site Plan
Warehouses; distribution (over 30,000 sq. ft. footprint)				TB Special Permit	TB Special Permit	TB Special permit
Public utilities				Site Plan	Site Plan	
Unlisted uses	TB Special Permit	TB Special Permit	TB Special	TB Special Permit	TB Special Permit	TB Special Permit
Accessory Uses						
Home occupation	PB CU Permit	PB CU Permit	PB CU Permit			
Accessory apartment to single-family house	PB CU Permit	PB CU Permit	PB CU Permit			
Battery storage accessory to public utility						PB CU Permit
Cafeteria restaurant						Site Plan
Parking						
Signs						
<p>Note: A blank cell indicates that a use is not permitted within that zoning district. Site Plan = Allowed use, subject to site plan approval. PB CU Permit = Use allowed by Planning Board conditional use permit (and site plan) approval. TB Special Permit = Use allowed by Town Board special permit approval and Planning Board site plan approval. Wireless communications facilities are not a TB Special Permit use, but are regulated pursuant to § 235-45.5 of the Town of Blooming Grove Code. Reviewing board shall be the Town Board for special permits, and Planning Board for conditional use permits.</p>						

7. **Emergency services.** Amend Section 235-10, Use Table, to amend the table entitled "Table of General Use Requirements", by adding the use "Emergency services" to the Column "Principal Uses", and allowing by site plan approval in the Rural Residential, Rural Crossroads I, Rural Crossroads II, Office/Research/Industrial, Non-nuisance Industrial, and Sustainable Business zoning districts.
8. **Bulk regulations - SB.** Amend Section 235-14, Bulk Table, to amend the table, entitled "Table of Bulk Requirements," to include a new column for the SB zoning district, as follows:

ZONING	
235 Attachment 2	
Town of Blooming Grove	
	Zoning District
	Sustainable Business (1)
Lot Dimensions	
Minimum lot size	10 acres
Minimum frontage	400 feet
Maximum building coverage	30%
Primary Structure	
Minimum front yard setback	200 feet
Minimum side yard	100 feet
Minimum rear yard setback	100 feet
Height (in stories)	3 stories
Height (in feet)	45 feet
Accessory Structure	
Minimum side yard	100 feet
Minimum rear yard setback	100 feet
Height (in stories)	1 story
Height (in feet)	50 feet (2)
<p>(1) – Refer to Section 235-14.6 for additional bulk standards which shall apply to the SB zoning district.</p> <p>(2) – The Planning Board, in its discretion, may increase the building height by up to an additional 10 feet, provided it has determined that it shall not have a significant visual impact on adjoining residential uses or scenic resources.</p> <p>(3) – The Planning Board may reduce the setbacks, but no building or parking area shall be located closer to an existing residence than 100 feet. No setbacks shall be less than 60 feet</p>	

for the minimum front yard, and 50 feet for the minimum side yard. The reduction shall be permitted only where it is determined that it will not create a conflict or hazard to adjoining roads or properties.

9. **District Use Regulations - SB.** Amend Article VA, District Regulations, to add a new Section 235-14.6 entitled “Sustainable Business District regulations” as follows:

“§ 235-14.6 Sustainable Business District regulations.

The SB District provides an opportunity to allow larger-scale nonresidential uses and encourage the construction of planned business parks, designed in accordance with the following standards which ensure that open space preservation and environmental protection is integral to development in the SB.

A. Special site design and operational considerations in the SB District. The purpose of the SB District is to allow larger-scale nonresidential uses in a park-like campus setting that contribute to the Town's tax base and provide jobs, yet also preserve open space consistent with the adopted Town of Blooming Grove Community Preservation Plan, in order to protect the Town's environmental, scenic and rural qualities and adjoining residential neighborhoods. The Town seeks to incentivize the establishment of business parks, and thus the zoning dimensional standards incentivizes the creation of business parks through increasing the allowable maximum impervious coverage and reducing minimum lot size per principal building/use as follows:

Dimensional Standards for SB Zoning District				
Development Standards	Number of Buildings in a Business Park (Note 1)			
	One (1) Principal Building or Principal Use	Two (2) Principal Buildings or Principal Uses/Lots in Business Park	Three (3) Principal Buildings or Principal Uses/Lots in Business Park	Four (4) or More Principal Buildings or Principal Uses/Lots in Business Park
Nonresidential Density (Note 2)	1 building/15 acres	1 building/10 acres	1 building/7.5 acres	1 building/6 acres
Maximum Development Coverage (%) (Notes 3, 7)	30% ³	35%	40%	45%
Minimum Open Space Area (%) (Note 4)	70%	65%	60%	55%
Percent of Minimum Open Space Area that May be Developed as Landscaped Area/Buffer (Note 4)	10% of the 70%	15% of the 65%	15% of the 60%	20% of the 55%
Minimum Lot Size Per Principal Building (Note 6)	15 acres	7.5 acres	5 acres	2.5 acres

Notes:

1. The term “building” is used interchangeably with “principal use”. Except for one principal building on a lot, the development of more than two or buildings shall be designed as a business park.
2. Nonresidential density is the minimum acreage required based on the number of principal buildings or uses for a development in the SB zone. For example, where only one (1) principal building is proposed, the minimum lot area shall be 15 acres. Where four (4) principal buildings are proposed, the minimum required lot area is 6 acres per building, or a total lot area of 24 acres. Any development consisting of two or principal buildings/uses shall be designed as a business park. This is the minimum lot area for the overall business park, regardless of whether or not the lots are subdivided.
3. For a business park, the maximum impervious cover excludes the shared driveway or road serving the uses. Maximum impervious surface area shall be for the entire development. The Planning Board shall determine the maximum impervious surface coverage on individual lots in the business park, but the total shall not exceed the requirement.
4. Open space area is that area to be left in its natural state.
5. Within a business park, the overall business park shall meet the maximum density requirements set forth in Note 2 above. However, a building may be situated on smaller lots, as per the minimum lot size per principal building. For example, while a business park with four (4) buildings requires 24 acres, any building may be situated on a lot with a minimum size of 2.5 acres. Lots may be variable size. Larger lots shall not be further subdivided.
6. For a bank, restaurant, or animal kennel, the lot may be smaller than set forth above, but shall be no smaller than one (1) acre. Regardless, the overall business park shall still meet the maximum density set forth above, based on the total number of buildings/uses/lots in the business park.
7. Where only one building can be situated on a lot due to environmental conditions, i.e., the presence of wetlands, and floodplains, the Planning Board, in its discretion, may increase the development coverage to no more than 50 percent (%).

SF – Square feet

GFA – Gross floor area. Internal mezzanines shall count toward GFA.

B. All new development in the SB District shall comply with the following design standards. Any development involving land in an overlay district shall also comply with overlay district standards. The overall design goal is to ensure that design of future development in the district is visually attractive and an asset to the Town of Blooming Grove, through adherence to landscape, layout, and architectural standards. The reviewing board depends on the type of uses anticipated, as per the Table of Use Requirements. The following standards apply in the SB District:

(1) Buildings and placement.

(a) Buildings can be clustered together to the extent practical and in accordance with the Dimensional Standards, preserving existing green areas. More than one principal building is allowed on a lot, however, the maximum density and minimum lot area requirement per building/use shall meet the Dimensional Standards for the SB zone.

- (b) Depending upon the operational characteristics of the proposed use, the reviewing board will determine whether parking lots shall be placed in front or behind principal buildings. The intent is to ensure that the layout limits potential noise, lighting, visual and other impacts to adjoining residential uses, protects contiguous open space to the maximum extent practicable, and is screened from view of public roads. No less than a 50-foot landscape buffer shall be established along any lot line fronting to any road, including internal drives serving a business park. Parking, stormwater and other facilities shall not be permitted in the buffer, and only a driveway perpendicular to the road/drive may encroach upon it.
 - (c) Buildings shall be separated from one another a maximum distance equal to two times the height of the tallest building, but no less than 100 feet apart.
 - (d) Only one tenant is allowed per building. The reviewing board may allow more than one tenant per building where it finds that adequate utilities, parking and other infrastructure exists to support multiple tenants.
- (2) Formula/franchise business architecture and building design. Formula/franchise architecture that identifies a specific company by building design features shall be prohibited, unless the applicant can demonstrate that the design is compatible with the historic and rural architecture of the region or development of the area. The facades of large-scale buildings shall be broken up via building façade setbacks, windows, different colors, and other means to break up its apparent massing, and the colors and materials shall be approved by the Town during architectural review.
- (3) Landscaping and buffering.
- (a) Undeveloped and developed areas shall be managed to maximize recharge of groundwater, protection of surface water quality, and protection of wildlife habitat. Lawns and other areas requiring frequent mowing, other than areas in agricultural use, shall be discouraged in favor of open undisturbed lands. The Planning Board may require that preserved areas be landscaped and supplemented with native landscaping appropriate to Blooming Grove.
 - (b) Landscaping within yards is intended to provide varying levels of visual screening and buffering. In general, this buffering shall be developed to alleviate the impact of nonresidential development, including but not limited to lighting, parking and loading areas, noise and odor, location of ancillary equipment such as dumpsters and heating, ventilation and air conditional systems, traffic flow and light glare from vehicles from adjoining properties.
 - (c) The Planning Board shall require that a buffer area be established to mitigate fully any potential adverse noise, lighting, visual, or other impacts which may result from operation of the use on any existing residence. Buffering can be established through landscaping, berms,

solid fencing, or other means. The buffer width shall be no less than 100 feet to an adjoining residence and located along the shared property line. During site plan review, a buffering plan demonstrating how the project will alleviate any potential adverse impacts to adjacent, preexisting residential structures shall be provided.

(d) A minimum buffer of 50 feet shall be provided along any lot line fronting to a public or private street or driveway giving access to the lot, and 50 feet along all other lot lines. Stormwater facilities shall not be located within said buffer.

(e) The Planning Board shall determine the appropriate design of any buffer, taking into consideration the distance of any part of the operation (including vehicle or truck parking areas) to a residence or other use, and any intervening vegetation, fences, buildings or structures which may reduce said impacts. The area of buffer shall be commensurate with the potential impact to neighboring properties.

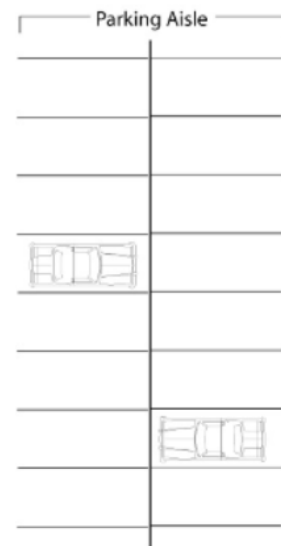
(4) Recreation uses. Any recreation uses which may be developed in the SB district shall be indoor commercial recreational uses only.

(5) Agricultural uses. Agricultural crop production is allowed, and an agricultural operator shall demonstrate that said use can be conducted, if applicable, within a floodplain or wetland, in accordance with state and local regulations.

(6) Access over existing streams. The Planning Board shall encourage the preservation of existing bridges or other access which may provide existing or future access from one portion of a property to another, for purposes of minimizing further stream encroachment, where existing crossings exist.

(7) Vehicular access, trucks and traffic.

(a) The site shall maintain no less than 300 feet of frontage on a state or county highway from which access shall be provided. The Planning Board, in its discretion, may decrease the road frontage to 100 feet, where it finds that there is sufficient frontage to locate access drives and where adequate sight distances are achieved, and the minimum number of access drives can be provided in accordance with Town and State Codes. The Town Board may waive the requirement that access be from a state or county highway, only where it finds that the Town road has the capacity and geometry to safely accommodate vehicles and trucks associated with the uses, based on an engineering evaluation of traffic impacts. The Town Board shall refer any application to the Town Highway Superintendent for review prior to making a



determination. In no event shall traffic shall not be directed to travel through residential neighborhoods, or areas with concentrated residential uses.

- (b) The Town may require submission of a traffic study as part of any application, and the reviewing board may retain a professional to review any study submitted with the application.
 - (c) Back-up beepers, for trucks and other equipment shall be avoided, and shushers, strobe lights and other options shall be employed to reduce noise from any operation involving truck traffic.
 - (d) For parking areas, no less than one (1) tree which is no less than 3.5" caliper shall be required for every 10 parking spaces, which shall be planted within landscape medians or islands within the parking area. A landscape island shall be provided for every 15 parking spaces in a single row. Every third aisle of parking spaces (an aisle being two rows of parking spaces) shall be developed with a landscape median between the vehicle spaces, no less than 10 feet in width. A 10-foot landscape buffer strip shall separate parking areas from internal drive aisles. Every road or driveway access within the sustainable business district shall include a 10-foot landscape buffer strip and a sidewalk along one side of the road/driveway.
- (8) Prohibited uses. Uses that involve or require extensive use of water for its operation, hazardous materials, servicing of any vehicles or tractor trailers or other trucks on-site, outdoor storage (except accessory to agricultural operation or commercial greenhouse), and outdoor kennels are prohibited.
- (9) Water and sewer. The Applicant shall demonstrate, to the satisfaction of the Planning Board and in consultation with the Town Planning Board and/or Town Board Engineer, that the development will be served by adequate water supply and wastewater treatment. The Planning Board can require hydrological and drawn-down studies and other analyses to ensure this requirement is met. The Planning Board may require that the minimum lot area be increased, as necessary, to accommodate on-site utilities. If central water and/or sewer service is proposed to serve a business park, said systems shall be shown on the plans and shall be approved by the Planning Board and relevant County/State agencies.
- (10) Open space. The Applicant shall submit a narrative demonstrating that the Town of Blooming Grove Community Preservation Plan has been reviewed, and that the proposed open space incorporates lands which are the most sensitive in the development. The open space area shall include all 100-year floodplains and wetlands on the site, and not less than 50 percent of prime farmland soils. Any application submitted in the SB zone shall be forwarded to the Town Board for comment. The Town Board, in its discretion, may forward the narrative to other town committees / boards that review open space and environmental matters for comment. The Applicant can, as part of the application, propose to set aside open space on another parcel of land, located within the unincorporated Town of Blooming Grove and within 2,500 feet of any property line of the proposed development. The Town Board shall

determine whether said lands are acceptable for preservation. If the Town Board determines the lands are acceptable, the minimum impervious surface coverage shall be calculated on all land involved. However, nothing shall allow the impervious surface coverage on the property to exceed 50 percent. A conservation easement to the satisfaction of the Town Board shall be placed on the lands to be preserved as open space.

- (11) Environmental constraints. No building shall be constructed nor shall any disturbance be allowed to a wetland or the 100-year floodplain without applicable permits from regulatory agencies. Wetlands shall be replaced on a 1:1 basis on the project site.
 - (12) Habitat assessment. A Habitat Assessment shall be conducted identifying the habitats on the site, observed species and likely presence of species on a property during all seasons of the year. This shall include all flora and fauna, including amphibian and aquatic species. The Town may retain a professional to review any study submitted with the application.
 - (13) Trucks. The Planning Board may require that truck loading and unloading be internal to a site or building. Trucks shall avoid peak hour time periods for traffic. Access to a site shall not require any trucks traveling over an existing or future pedestrian trail. There shall be no more than four (4) outdoor (exposed) bays/docks per building, except that in a planned business park, the Planning Board shall establish the maximum number of loading docks for the entire business park.
 - (14) A buildings shall be no less than 100 feet from any internal driveways in a business park which provides primary access to buildings in the business park, and no less than 200 feet from a public road.
 - (15) The maximum building size shall be 500,000 square feet for any building, and 750,000 square feet by special permit approval of the Town Board.
 - (16) All uses and development within the SB zoning district shall incorporate sustainable measures. These shall include, but not be limited to: solar rooftop panels, EV charging stations (no less than 2 percent of all vehicle parking), LEED or equivalent certification, water efficiency measures, waste minimization and recycling of materials. A narrative shall accompany any application, documenting the sustainable measures to be integrated into the development, which shall be approved by the Planning Board.
 - (17) Where the total number of buildings/uses/lots in a business park has been established based on the maximum permissible density, no further subdivision shall be permitted, except for lot line changes which comply with any prior approvals.
- C. Review process. All proposed development in the SB zoning district shall include the following, in addition to the data required for a site plan and/or subdivision plan:

- (1) Where applicable, a site plan for full development of the business park, showing the lots and sites, accessways, parking, building footprints, loading and dock areas, and other information as required by the Planning Board during site plan review.
- (2) An existing conditions map, which illustrates the location of the following: prime farmland soils, wetlands, watercourses and waterbodies, the 100-year floodplain, ecological habitats, the existing tree line, trees with a diameter greater than 8-inch dbh with tree species identified; and existing slopes in excess of 25 percent. The reviewing board shall consider the features on the site when determining the best location for development.
- (3) Landscaping plan, showing areas to remain as undisturbed open space and areas to be landscaped. A conservation easement running to the benefit of the Town or other conservation organization of land trust acceptable to the Town Board.
- (4) Lighting plan, which shall demonstrate that the footcandles shall not exceed 0.1 footcandles at the property line, and within the open space. LED color shall not exceed a Kelvin value of 2700K, and the maximum intensity of light at any one point shall not exceed 5 footcandles.
- (5) Speculative development. Where a proposed development is approved for buildings/uses for which the tenant/occupant is unknown, commonly referred to as a “spec” building, a condition of said approval shall be that the future tenant/owner appear before the Planning Board once the specific occupancy is known, in order to ensure the use meets the standards and conditions of approval. Any changes to the development shall require approval by the reviewing board.

SECTION V. SEVERABILITY.

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

SECTION VI. CONFLICT WITH OTHER LAWS.

Where this Law differs or conflicts with other Laws, rules and regulations, unless the right to do so is pre-empted or prohibited by the County, State or federal government, the more restrictive or protective of the Town and the public shall apply.

SECTION VII. EFFECTIVE DATE.

This Law shall become effective upon filing with the New York State Secretary of State.

SECTION VIII. AUTHORITY

This Local Law is enacted pursuant to the Municipal Home Rule Law. This Local law shall supersede the provisions of the Town Law to the extent it is inconsistent with same, and the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.

Adopted: _____, 2024