

**TOWN OF GOSHEN
INTRODUCTORY LOCAL LAW NO. 6 of 2016**

**A LOCAL LAW AMENDING CHAPTER 97 (“ZONING”) OF THE CODE OF THE TOWN OF
GOSHEN TO CREATE A COMMERCIAL RECREATION OVERLAY ZONING DISTRICT TO
ALLOW A COMMERCIAL RECREATION FACILITY WITHIN THE TOWN OF GOSHEN**

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

SECTION 1. PURPOSE

The purpose of this local law is to amend Chapter 97 (“Zoning”) of the Code of the Town of Goshen to take advantage of a recent interest in locating a commercial recreation facility in the Town and to create a Commercial Recreation Overlay district in the Town of Goshen to allow for the permitting and siting of a commercial recreation facility consistent with the 2009 Town Comprehensive Plan goal to develop a strong and balanced economic base for the Town and attract tax positive commercial developments to offset existing tax exempt lands and otherwise to assist in the revenue necessary to provide services to the Town’s residents.

SECTION 2. CHAPTER 97: ZONING.

Section 97-84 (“Definitions”) is amended to add the following language:

COMMERCIAL RECREATION FACILITY

A business operated for profit offering fully planned, integrated recreational and educational uses including, but not limited to, rides and attractions, an aquarium, theaters, restaurants, hotels, retail offerings and various supporting administrative facilities including offices and staff areas, as well as associated parking and drainage facilities.

Section 97-8(B) (“Overlay districts”) is amended to add the following language:

(6) Commercial Recreation (CR). The purpose of this overlay zoning district is to allow the construction of, and provide standards for, a Commercial Recreation Facility. See § 97-29.1.

Chapter 97 (“Zoning”) is hereby amended to add Section 97-29.1, entitled “Commercial Recreation” as follows:

§ 97-29.1 COMMERCIAL RECREATION

- A. Findings and purpose. The Town Board hereby finds that it is in the best interests of the Town and its residents to continue to diversify the economic base of the Town in order to increase tax and other revenues from commercial development in the Town to offset the costs of providing residential services in the Town and to provide job opportunities to local residents. The purpose of this Overlay District is to allow commercial recreation and tourism development opportunities in the Town along New York State Route 17.

- B. Boundaries. The Commercial Recreation Overlay Zoning District includes all properties adjacent and with nearby access to New York State Route 17 located within the Rural (RU) and Hamlet Residential (HR) Zoning District in the Town of Goshen, as shown on the Zoning Map.
- C. Special Permit Required. A Commercial Recreation Facility shall require the issuance of a special permit and site plan approval by the Planning Board, subject to the relevant procedures and required findings set forth within Article IX of the Zoning Law.
- D. Environmental Review. Prior to making a determination to grant or deny special permit and site plan application for a Commercial Recreation Facility, the Planning Board shall require the preparation of, and adherence to the procedures for, an environmental impact statement pursuant to the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations.
- E. Public Water and Sewer. A Commercial Recreation Facility shall require the utilization of public water and sewer services.
- F. Commercial Recreation Facility standards. A Commercial Recreation Facility special permit and site plan application shall meet the standards set forth in this Chapter, provided, however, that where a conflict exists between the development standards contained in this section and in this Chapter, this section shall govern.
- G. General design standards. A Commercial Recreation Facility is subject the following general design standards:
 - (1) Minimum lot area. The minimum lot area for a Commercial Recreation Facility shall be no less than 200 contiguous acres.
 - (2) Ownership. The tract of land proposed for Commercial Recreation Facility may have one or more owners, and every application shall require the written consent of all individuals, firms, associations, syndicates, partnerships or corporations with proprietary interest in the affected land, authorizing the applicant to act on behalf of the owner or owners in connection with all matters pertaining to the Commercial Recreation Facility application. In the case of multiple ownership, a plan once approved shall be binding on all owners, their successors and assigns.
 - (3) Permitted uses. The following uses are permitted within the Commercial Recreation overlay zoning district:

- (a) Indoor Commercial Recreation. Recreational activities conducted entirely within a building, including but not limited to tourism facilities, interpretive learning centers, aquariums and museums, operated on a commercial or fee basis, and may include the following accessory uses, such as food service, theaters, retail sales and other accessory uses incidental to the recreational activity.
 - (b) Outdoor Commercial Recreation. Recreational activities conducted outside of a building conducted on a commercial or fee basis. An outdoor recreational use may include motorized rides and accessory uses and buildings, food stands, retail sales and other uses accessory and incidental to the outdoor commercial use.
 - (c) Hotels with or without conference space.
 - (d) Restaurants.
 - (e) A Commercial Recreation Facility may include a mix of the above uses, which may be located on a single consolidated lot or lots to be combined, or on adjacent lots which may be separated by access roads or other lots, provided that the various lots are integrated into the overall design.
- (4) Lot area and yard requirements. The applicant shall submit layouts and design standards for minimum lot size, frontage, yard requirements, height restrictions and other bulk standards at the time of special permit application, which shall be subject to approval by the Planning Board.
 - (5) Access roads. Access roads within a Commercial Recreation Facility shall generally be interconnected and shall be a maximum width of sixty (60) feet of continuous pavement. At least two access points to a Commercial Recreation Facility shall be provided onto a public road. No variance or other authorization pursuant to New York Town Law § 280-a shall be required for any lot within the CR district.
 - (6) Building area. The location and arrangement of all structures shall be in harmony with the purposes of this special use. The location and arrangement of structures shall not be detrimental to existing adjacent development or to the existing or prospective development of the Town.

- (7) Boundary setbacks, buffer areas and transitional uses. Along the boundaries of a Commercial Recreation Facility, provision shall be made for a combination of uses and buffer areas that constitute a transitional separation between surrounding existing and prospective uses and the proposed development. If the existing use adjoining a Commercial Recreation Facility is residential, sufficient buffers and screening, which may consist of undisturbed natural areas, shall be provided at the perimeter of the site where the Commercial Recreation Facility is to be constructed, to buffer and screen such residential development from the Commercial Recreation Facility to the greatest extent practicable.
- (8) Off-street parking and loading requirements. Sufficient and adequately designed off-street parking spaces and loading areas shall be provided, and the internal circulation system shall be adequate to provide safe accessibility within the site. The adequacy of the number of proposed parking spaces shall be determined by the Planning Board.
- (9) Underground utilities. To improve the quality of the environment and to reduce inconvenience during bad weather, where possible, utilities, including electric and cable, shall be installed underground within the Commercial Recreation Facility. This provision does not apply to electrical transmission facilities.
- (10) Utilities and drainage facilities. Utilities and drainage facilities shall be designed in accordance with New York State and local requirements and industry standards and best management practices.
- (11) Conditions. The Planning Board, at its discretion, may attach any reasonable conditions on an approved Commercial Recreation Facility special permit as necessary to assure conformance of the Commercial Recreation Facility with the intent and objectives of this section.
- (12) Clearing and grading. Clearing and grading for a Commercial Recreation Facility may commence upon the granting of a clearing and grading permit by the Town Building Inspector and compliance with any permits incidental to the clearing and grading activities, such as the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002).

Section 97-10 (“Allowable Uses By District; Prohibited Uses”) is amended to add the following language at the end of Section 97(C)(1)(b):

For purposes of this section, a Commercial Recreation Facility in a Commercial Recreation Overlay District is neither an amusement park nor a circus

SECTION 3. ZONING MAP AMENDMENTS.

The Zoning Map of the Town of Goshen, entitled “Town of Goshen Zoning Map – Overlay Districts,” is hereby amended to include the following properties within the Commercial Recreation (CR) Overlay District:

- Tax Map Section 11 Block 1 Lot 45
- Tax Map Section 11 Block 1 Lot 46
- Tax Map Section 11 Block 1 Lot 47
- Tax Map Section 11 Block 1 Lot 49.2
- Tax Map Section 11 Block 1 Lot 58
- Tax Map Section 11 Block 1 Lot 62
- Tax Map Section 11 Block 1 Lot 63
- Tax Map Section 11 Block 1 Lot 64
- Tax Map Section 11 Block 1 Lot 65
- Tax Map Section 11 Block 1 Lot 66
- Tax Map Section 11 Block 1 Lot 67
- Tax Map Section 11 Block 1 Lot 68
- Tax Map Section 11 Block 1 Lot 69
- Tax Map Section 15 Block 1 Lot 59

SECTION 4. EXPIRATION.

This Commercial Recreation Overlay District shall terminate and cease to exist without further action by the Town Board if the Town Planning Board does not approve a special permit and site plan for a Commercial Recreation Facility within six (6) months of the effective date of this local law or, if so approved, the Commercial Recreation Facility is thereafter abandoned.

SECTION 5. SUPERSEDING PROVISION.

To the extent that any State or local laws fail to provide specific authority for this Local Law or the procedures necessary for its adoption, or otherwise appear to be in conflict with this Local Law or the procedures followed for its adoption, then such laws, including, but not limited to Sections 274-a and 274-b of the New York State Town Law, are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

SECTION 6. SEVERABILITY.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

SECTION 7. EFFECTIVE DATE.

This law shall take effect upon the filing of this Local Law with the New York Secretary of State in the manner provided for in New York Municipal Home Rule Law.