

Proposed

Town of Thompson

Local Law No. 3 of the Year 2021

A LOCAL LAW AMENDING CHAPTER 250, ZONING AND PLANNED UNIT DEVELOPMENT, TO IMPROVE WATER QUALITY AND THE QUALITY OF THE BUILT ENVIRONMENT.

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: Repeal and Replace Article IV § 250-21.1 (Landscaping Standards) as follows:

§ 250-21.1. Landscaping standards.

[Added 6-7-2005 by L.L. No. 1-2005 and amended by LL. No. ____-2021]

A. The Planning Board shall, in every instance where it is determined that a proposed site plan or special use could have a significant effect on the natural environment, adjoining land owners, or the view from a public highway, require that a landscape plan be prepared.

B. The landscape plan to be submitted shall indicate how existing vegetation will be preserved to the maximum extent possible and how building materials, colors, and textures will be blended with the natural and man-made landscape to enhance rather than detract from the aesthetic character of the area. Specific locations, varieties and size for all existing and proposed plantings shall be provided as part of the plan. Grading plans showing any slopes, berms, landforms, drains, and stormwater management facilities shall also be provided, if applicable.

C. Landscape plans shall be prepared by a licensed landscape architect or other design professional qualified to perform such services and shall include considerations of all man-made and natural features having a bearing on the landscape; in particular, the view from the public highways or adjoining properties, including signs and all principal and accessory structures.

D. The Planning Board, in reviewing the landscape plan, may employ the assistance of design professionals and shall consider the following for approving with modifications or disapproving the site plan or special use permit:

- 1) The plan should use landscaping to promote attractive development and preserve and enhance the appearance and character of the surrounding area.
- 2) The plan should use landscaping to delineate or define vehicular ways, pedestrian pathways and open spaces.
- 3) The plan should integrate open space as part of the overall site design, and preserve mature trees, hedgerows, wetlands and woodlots to the maximum extent possible.
- 4) The plan should use landscaping to create boundaries and transitions between areas of differing development intensities, as well as to separate areas of incompatible land uses.

E. The following guidelines and landscaping standards shall apply to any site where new development is proposed or existing buildings undergo significant upgrades or renovations:

- 1) Landscaped areas may include a combination of trees, shrubs, flowering plants, ground cover and manicured lawns. Simple designs requiring less maintenance are generally preferred, as landscaping that is not regularly maintained can look unkempt and become an eyesore.
- 2) Landscaped areas are recommended at the entrances to all residential developments and commercial buildings, and around permanent free-standing signage. Applicants are also encouraged to incorporate landscaping around buildings that are visible from public roads, especially along portions of buildings without ground floor display windows, such as side and rear elevations.
- 3) Landscape buffers are recommended to create an attractive natural barrier between properties. In such cases, the landscaping should appear as a single, cohesive buffer. Where appropriate topography and soil types exist, buffer areas are encouraged to be designed as landscaped bioswales or rain gardens.
- 4) Internal and peripheral landscaping plantings are recommended in parking lots to delineate driving lanes, provide shade, improve community aesthetics and reduce stormwater runoff. See § 250-22 E. Landscaping Standards for Parking Lots.
- 5) All plant material shall conform with the "American Standard for Nursery Stock" of the American Association of Nurserymen, latest edition. Plant material shall be healthy specimens, suitable for local climate conditions, and shall be installed consistent with sound horticultural practices. Selected plants should be from the Zone 5b plant hardiness zone, and able to withstand poor and compacted soil conditions.
- 6) The use of native species is highly encouraged, and the use of invasive species as defined by 6 NYCRR Part 575 - Prohibited and Regulated Invasive Species shall be prohibited.
- 7) The location of overhead and underground utilities should be taken into consideration to maintain the health of trees and other landscaping by not compromising their root system or making them unstable through over-pruning.
- 8) The minimum plant size shall be specified in the landscape plan and approved by the Planning Board. It is recommended that all landscaping material, except trees, be of a sufficient size at the time of planting to reach maturity within 3 years.
- 9) All landscaping required by this chapter shall be installed prior to occupancy or commencement of use. Where this compliance is not possible because of time of year, the Planning Board may grant an appropriate delay, provided a security bond is posted.
- 10) Any landscaping installed in accordance with this section that substantially deviates from the number, type or location of plant material shown on the approved landscaping plan shall be approved by the Planning Board before a Certificate of Occupancy is issued.
- 11) Any landscaping installed in accordance with this section shall be maintained in good order to achieve the objectives of this section. Dead or damaged landscaping should be replaced within a

reasonable timeframe as determined by the Planning Board.

Section 2: Amend Article IV § 250-22 C. (Required off-street parking spaces) as follows:

- (1) The minimum parking requirement for retail stores shall be changed from 1 parking space per 150 square feet of retail space to 1 parking space per 250 square feet of retail space;
- (2) A footnote shall be added to the table that states, "To prevent oversized parking lots that may produce excess stormwater runoff, no more than 120% of the minimum required parking spaces shall be allowed for all uses."

Section 3: Amend Article IV § 250-22 (Off Street Parking and Loading Facilities) by adding a new subsection E. to provide landscaping standards, and a new subsection F. to allow for shared parking.

E. Landscaping Standards.

Parking lots with landscaped islands consisting of either mulched planting beds, manicured grass, or a combination thereof are strongly encouraged.

- 1) Wherever possible, applicants should incorporate green infrastructure elements into their parking lot design. Where soil types are adequate to provide stormwater infiltration, the planting islands should be notched and recessed to function as landscaped bioswales or rain gardens.
- 2) Trees and other plantings in landscaped islands should be able to withstand the stresses of urban conditions such as poor soils and prolonged exposure to the sun.
- 3) Parking lots should be buffered from public sidewalks with landscaping or fencing, or a combination of both. Fences should be constructed of natural materials (wood, brick, stone, etc.)
- 4) Trees should be of a sufficient height or should be pruned so they do not inhibit the sight lines of vehicles entering and exiting the parking lot.
- 5) To minimize cleanup and maintenance, trees that do not have fruit, and/or large cones that seasonally fall are preferred.

F. Shared Parking

- 1) Where two or more uses on the same site are able to share the same parking spaces because their parking demands occur at different times, the same parking spaces may be counted to satisfy the minimum parking requirements for each use upon the approval by the Planning Board.
- 2) The following information shall be supplied to the Planning Board as part of a written request for shared parking:
 - (a) A description of the types and uses that will share the parking.
 - (b) The location and number of parking spaces to be shared.
 - (c) Evidence showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of all uses.

- 3) The Planning Board may grant approval for shared parking if it finds that:
- (a) The information provided presents a realistic projection of parking demands likely to be generated.
 - (b) Peak demand is sufficiently distinct so that the Planning Board is able to clearly identify a number of spaces for which there will rarely be an overlap of parking demand.
 - (c) Rights to the use of spaces are clearly identified in a written agreement or other legal instrument so as to facilitate enforcement.
- 4) The Planning Board may require that a portion of the site be set aside for the development of future parking in the event the shared parking proves to be inadequate to accommodate parking demands or a change in use of any of the properties causes parking demands to converge at the same times.

Section 4: Amend Article IV § 250-40 (Business, Industrial and Commercial Uses) by adding a new subsection E. to encourage the use of green infrastructure.

E. Green Infrastructure and Low Impact Development.

- 1) Business, industrial and commercial uses are encouraged to incorporate green infrastructure and low impact development principles into their site plans to reduce stormwater flow and mitigate potential environmental impacts. Such measures include but are not limited to the following:
- (a) Green roofs and walls
 - (b) Geothermal heating and/or cooling.
 - (c) Solar photovoltaic panels to supply on-site electrical power.
 - (d) Bioswales, rain gardens, and stormwater planters for stormwater treatment.
 - (e) Parking areas constructed with permeable pavers or porous asphalt to reduce stormwater runoff.
- 2) An additional 10% development coverage may be permitted to be added to the bulk standards for special permit uses in the East Broadway Gateway zoning district providing two or more green infrastructure features listed in the Grow the Gateways Corridor Design Guidelines. See § 250-60 G. Standards for all uses located in the EBG District, requiring a special use permit of the Planning Board.

5. Except as herein specifically amended, the remainder of Chapter 250 of such code shall remain in full force and effect.
6. If any clause, sentence, paragraph, subdivision, section or part thereof this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered and the remainder of this local law shall not be affected thereby and shall remain in full force and effect.
7. Except as herein otherwise provided penalties for the violation of this local law, any person committing an offense against any provision of the chapter of the Code of the Town of Thompson shall, upon conviction thereof, be punishable as provided in Chapter 1, General Provisions, Article II, of such Code.
8. This local law shall take effect immediately.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20____ of the Town of Thompson was duly passed by the Town Board on _____ 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 20____ of the County/City/Town/Town/Village of _____ was duly passed by the _____ on _____ 20____ and was (approved) (not approved) (repassed after disapproval) by the _____ on _____ and was deemed duly adopted on _____ 20____, 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 20____ of the County/City/Town/Town/Village of _____ was duly passed by the _____ on _____ 20____ 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 _____ 20____, 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 20____ of the County/City/Town/Town/Village of _____ was duly passed by the _____ on _____ 20____ 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 _____ 20____ 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 20____ 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 _____ 20____ 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 20____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November ____ 20____, 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: _____, 20____

(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: _____, 20____

Attorney for Town of Thompson