

**TOWN OF GALLATIN  
LOCAL LAW NO. 1 OF 2013**

**BE IT ENACTED** by the Town Board of the Town of Gallatin as follows:

**SECTION I – TITLE OF LOCAL LAW**

This Local Law shall be entitled “A Local Law Establishing a Floating/Commercial Industrial District on Property Owned by Pond Lily Inc. Located at 365 West Pond Lily Road, Gallatin, New York.”

**SECTION II – LEGISLATIVE PURPOSE**

Pond Lily Inc. submitted an application to the Town of Gallatin Town Board for the establishment of a Floating/Commercial Industrial District (“FCID”) on 6.137 acres of a 246 acre parcel of land owned by Pond Lily, Inc. located at 365 West Pond Lily Road, in the Town of Gallatin.

The purpose of this FCID is to allow the 6.137 acre parcel of land to be utilized as a venue for weddings, corporate retreats and other single purpose gatherings and the use of an existing barn on the property in conjunction with said use (hereinafter referred to collectively as “Event Barn Use”). The Event Barn would constitute an accessory use to the residential use of the property, which is presently improved by a single family residence, several out buildings and the Event Barn. The proposed use of the property is described in an application submitted to the Town Board dated October 30, 2012 and an amended application dated November 14, 2012.

Pursuant to the procedures set forth 6 NYCRR, Part 617 (“SEQRA Regulations”), this action was classified as an unlisted action under SEQRA, and the Town Board was designated as lead agency and a coordinated environmental review of the project was conducted. On March 21, 2013, the Town Board issued a negative declaration for the project and determined that the proposed action will not have a significant effect on the environment and did not require the preparation of a Draft Environmental Impact Statement.

This application was referred to the Town of Gallatin Planning Board for its input, in accordance with the requirements of §3.2(B) of the Zoning Law. The Planning Board, in a letter dated December 9, 2012, recommended approval of the FCID with certain suggested conditions and/or considerations.

The Town Board duly advertised and conducted a public meeting to obtain public input on the FCID application and the public meeting was held on January 10, 2013 at which public comment was received.

The FCID application, together with Part I of a Full EAF was referred to Columbia County Planning/Economic Development in accordance with the requirements of §239-m of the

General Municipal Law, and the County Planning has determined that this application is of “local concern”.

The application was referred to the Town’s Engineer, Morris Associates, PLLC and to the Town’s Code Enforcement Officer, Drew Weaver, who inspected the property and reported back to the Town Board with their findings on February 28, 2013.

The Town Board of the Town of Gallatin has considered the criteria set forth in §3.2(B)(4) of the Gallatin Zoning Law and has determined that: (i) the proposed use is consistent with the intent of the Zoning Law and the particular zoning district and area of the Town in which the property is located; (ii) the existing development in the Town will not be adversely affected by the establishment of such use and the creation of the FCID; (iii) adequate public services and other support facilities exist to service the needs of the FCID; (iv) no other regulations would be adversely affected by the creation of this FCID; (v) the proposed use is consistent with the underlying objectives of the Town’s Comprehensive Plan and Town Zoning Law; (vi) there is a need for the creation of FCID in the area to allow for such events to be held in the Town of Gallatin; and (vii) the standards and objections in §6.8(B) of the Gallatin Zoning Law are consistent with the approval of the FCID, subject to the conditions set forth herein.

### **SECTION III – AMENDMENTS TO EXISTING ZONING LAW**

The Town of Gallatin Zoning Law is hereby amended by this Local Law as follows:

The following property, situate at 365 West Pond Lily Road, Gallatin, New York owned by Pond Lily Inc. is hereby zoned and designated as a Floating/Commercial Industrial District (FCID) Zone pursuant to Article III, §3.2 of the Zoning Law subject to the regulations and conditions set forth hereinafter:

All that certain tract, piece or parcel of land situate, lying and being in the Town of Gallatin, Columbia County, State of new York, lying generally northerly of West Pond Lily Road, and being more particularly bounded and described as follows:

Beginning at a point on the northerly boundary of West Pond Lily Road, at a point lying approximately 710+ feet Northwesterly from its intersection with the center line of County Route 8, and runs thence from the said point of beginning, westerly along the northerly boundary of West Pond Lily Road North 68 deg. 35 min 03 sec West a distance of 297.00 feet to a point; thence through lands of Pond Lily the following 6 courses and distances:

- 1) North 10 deg 50 min 03 sec East a distance of 305.00 feet to a point;
- 2) North 09 deg 42 min 00 sec West a distance of 405.00 feet to a point;
- 3) North 83 deg 05 min 44 sec East a distance of 353.00 feet to a point;
- 4) South 07 deg 10 min 00 sec East a distance of 598.00 feet to a point;
- 5) South 39 deg 29 min 58 sec West a distance of 174.00 feet to a point; and

(6) South 12 deg 27 min 11 sec West a distance of 125.00 feet to the point or place of beginning and containing 6.137± acres of land.

**SECTION IV – BULK REQUIREMENTS, PERFORMANCE STANDARDS AND CONDITIONS FOR THE FCID**

The FCID shall be subject to the following Bulk Requirements, Performance Standards and Special Conditions:

1. The Event Barn shall be permitted to be conducted only on the property described in Section III of this Local Law. It shall be operated and conducted as an accessory use to the residential use of the property. Any and all use of the remainder of said property owned by Pond Lily Inc. shall be in accordance with the requirements of the RA-2 zoning district in the Gallatin Zoning Law.
2. The remainder of the property not within the outside of the FCID boundaries shall be used for residential purposes only and the Event Barn shall be deemed an accessory use to the residential use of the property.
3. The occupancy of the Event Barn shall not exceed the occupancy load provisions of the Uniform Code and those occupancy load limits shall be posted at the premises by the Town's Code Enforcement Officer.
4. The use of the premises for an Event Barn use shall be permitted only after the issuance of a Certificate of Occupancy by the Town's Code Enforcement Officer.
5. Any improvements required to support the property as an Event Barn use shall be made only after the issuance of a building permit by the Code Enforcement Officer. All improvements shall be constructed in accordance with said building permit and the Uniform Code.
6. The property shall be used for the purpose of providing an event space to be used for private parties, corporate retreats and/or conferences and weddings and may not be rented or leased for events that charge admission to the public.
7. The Event Barn use may be operated only between April 1<sup>st</sup> and October 30<sup>th</sup> of each year. However, if the Event Barn is improved to meet all of the requirements of the Uniform Code including the requirements for wintertime use and occupancy, the premises may be used for an Event Barn at other times of the year.
8. The maximum number of attendees at any event shall be 350 people.
9. The maximum amount of parking spaces shall be for 150 vehicles in a grass parking area, as shown on the site plan to be reviewed and approved by the Gallatin Planning Board.

10. Seating for all events shall occur either within the Event Barn or in tents temporarily constructed on the property adjacent or near to the Event Barn.
11. In the event the property owner desires to exceed any of the limitations on attendees or parking of vehicles, an application must be made to the Planning Board for amended site plan approval. Any application for an amendment of the site plan will be referred to the Town Board for review and approval. The Town Board in its discretion may amend the FCID by local law incorporating any approved changes in limitations on occupancy or parking of vehicles.
12. Outdoor activities and events within the Event Barn shall not involve the outside amplification of voice, music and/or instruments.
13. The property owner shall install a dry hydrant for drafted fire water from the 3 acre pond located near the bunkhouse on the property. The location and construction of the dry hydrant shall be coordinated with the local Fire Department. Access to the dry hydrant shall be of a construction that will accommodate the fire fighting vehicles.
14. Events shall commence no earlier than 10:00 a.m. and shall terminate no later than 12:00 a.m. on Sundays through Thursdays and no later than 1:00 a.m. on Fridays and Saturdays. For purposes of this section, termination shall mean the termination of food, drinks, service and entertainment with the understanding that attendees will need a reasonable amount of time after termination to exit the premises.
15. All events shall be provided with adequate potable water and portable sanitary waste disposal systems.
16. All events shall provide for adequate access for emergency vehicles as determined, and required by the Planning Board in its site plan review.
17. The Event Barn shall be upgraded to provide electrical service as may be required by any applicable New York State and/or national electrical codes and certifications of the installation and functioning of such electric system shall be provided. Electrical upgrades shall be provided before the issuance of any Certificates of Occupancy for the Event Barn.
18. All events shall be provided with adequate portable electric generating systems which shall be muffled to the fullest extent practicable.
19. All events shall be provided with adequate personnel to assist with emergency and other potential impacts of each event. A list of contacts for specific distress or emergency situations to be used by the patrons shall be provided and the legal name and address providing such supervision shall be provided to the Planning Board and incorporated in any site plan review and approval.

20. The property owner shall apply for, and receive, site plan approval for the Event Barn use, in accordance with the requirements of §6.7 of the Town's Zoning Law and shall comply with all conditions of site plan approval and conditions of this local law imposed upon the Event Barn use. In accordance with the provisions of §§6.4(E) and 5.7(B)(3)(h) of the Town's Zoning Law, no building permits or Certificates of Occupancy shall be issued for the Event Barn use until site plan approval has been granted by the Planning Board. Site plan approval shall incorporate all of the terms and conditions set forth in this Local Law on the operation of the FCID and shall yield such other site plan issues as may be prescribed in the Zoning Law, including, but not limited to: (i) pedestrian movements (*i.e.* parking area to Event Barn); (ii) emergency vehicle access to the site in general and to the proposed dry hydrant; (iii) lighting of the site; (iv) location for patron drop-off, accessory parking, deliveries, garbage disposal, etc.; (v) areas for portable sanitary facilities; and (vi) way finding.
21. The zoning of the FCID shall revert to its prior RA-2 zoning upon the happening of any of the following events:
  - (a) Failure of the property owner to comply with the provisions of §3.2(B)(7) of the Zoning Law;
  - (b) The termination or suspension of the Event Barn use of the property for a period of one (1) year for any reason. However, in the event the use of the property is temporarily suspended, the proper owner may apply to the Town Board for an extension of the one year period;
  - (c) The Town Board shall have the power to revoke the FCID zoning for the property in the event that the property owner is found to have violated the provisions of the Zoning Law, FCID rezoning or site plan approval, on three (3) or more occasions or the property owner fails to cure an existing violation of the Zoning Law, FCID or site plan approval after a Notice to Cure Violation has been served by the Code Enforcement Officer, and all administrative and judicial appeals available to the property owner have been exhausted or waived. The property owner shall be given an opportunity to appear before the Town Board, and be heard, before any decision is rendered by the Town Board to revoke the FCID re-zoning on these grounds.

#### **SECTION V – SEPARABILITY**

If any part or provision of this Local Law, or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved and the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town of Gallatin hereby declares that it would have passed this Local Law or the remainder thereof had such

invalid application or invalid provisions been apparent.

**SECTION VI – REPEAL**

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby superseded.

**SECTION VII – 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 Section 27 of the Municipal Home Rule Law.