

# *Local Law Filing*

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**(Use this form to file a local law with the Secretary of State.)**

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County   ☐ City   ☒ Town   ☐ Village  
(select one:)

**of Montgomery**

**Introductory Local Law No. 3 of the year 2024**

**A LOCAL LAW AMENDING LOCAL LAW NO. 8 OF 2022 TO FURTHER AMEND  
THE ZONING MAP OF THE TOWN OF MONTGOMERY TO APPLY A SENIOR  
AFFORDABLE, WORKFORCE, SUPPORTIVE AND VETERANS SUPPORTIVE  
HOUSING FLOATING ZONE ON TAX MAP PARCEL NO. 29-1-95.2**

**Be it enacted by the Town Board of the Town of Montgomery as follows:**

See attached.

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**(If additional space is needed, attach pages the same size as this sheet, and number each.)**

## **TOWN OF MONTGOMERY**

### **INTRODUCTORY LOCAL LAW NO. 3 OF 2024**

#### **A LOCAL LAW AMENDING LOCAL LAW NO. 8 OF 2022 TO FURTHER AMEND THE ZONING MAP OF THE TOWN OF MONTGOMERY TO APPLY A SENIOR AFFORDABLE, WORKFORCE, SUPPORTIVE AND VETERANS SUPPORTIVE HOUSING FLOATING ZONE ON TAX MAP PARCEL NO. 29-1-95.2**

Be it enacted by the Town Board of the Town of Montgomery, County of Orange, State of New York as follows:

##### **SECTION 1. TITLE.**

This local law shall be known as “**A LOCAL LAW AMENDING LOCAL LAW NO. 8 OF 2022 TO FURTHER AMEND THE ZONING MAP OF THE TOWN OF MONTGOMERY TO APPLY A SENIOR AFFORDABLE, WORKFORCE, SUPPORTIVE AND VETERANS SUPPORTIVE HOUSING FLOATING ZONE ON TAX MAP PARCEL NO. 29-1-95.2**”.

##### **SECTION 2. PURPOSE AND INTENT.**

The Town Board of the Town of Montgomery declares its intent to modify Local Law No. 8 of 2022 to apply the senior, affordable, workforce, supportive and veterans supportive floating zone to the parcel listed herein in an effort to support workforce, the low-income, aging and veteran community of the Town of Montgomery and surrounding area in accordance with Local Law No. 5 of 2022 as amended by Local Law No. 2 of 2024. The goal of improving the “diversity of housing options to provide a range of options that are viable for individuals and families of varying economic means through all phases of life” was specifically mentioned in the recently updated Town of Montgomery Comprehensive Plan. Specifically, the Zoning Map Amendment will allow for the development of the Hawkins Apartments, a 88 unit apartment complex and associated site improvements to be located on Tax Map Parcel No. 29-1-95.2.

The property owner of Tax Map Parcel No. 29-1-95.2 has requested and consented to this rezoning. Any project specific applications for uses permissible in the applicable 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 and Local Law No. 5 of 2022 as amended by Local Law No. 2 of 2024. The actions considered by this local law have already been subjected to the New York State Environmental Quality Review Act and has received a negative declaration by the Lead Agency, the Town Board of the Town of Montgomery, on March 3, 2022.

##### **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 overlay the Senior, Affordable, Workforce, Supportive and Veterans Supportive Floating Zoning District in accordance with Local Law No. 5 of 2022 as amended by Local Law No. 2 of 2024, for the property designated on Tax Map Parcel No. 29-1-95.2, 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 point on the westerly side line of Neelytown Road (a.k.a. Old Neelytown Road), said point being marked by a found rebar and is in common with Lands n/f Joy-Grand Assoc. Tax Map Section 29, Block 1, Lot 88.11; and running thence along the westerly line of Neelytown Road (a.k.a. Old Neelytown Road) N34°45'59"E 333.85 feet to a point being marked by a found rebar and is in common with Lands n/f White, Tax Map Section 29, Block 1, Lot 96.2; thence along said Tax Lot 96.2 S18°30'23"E 274.62 feet to a point being marked by a found rebar; thence N69°23'04"E 269.20 feet to a point in common with Lands n/f Briand, Tax Map Section 29, Block 1, Lot 29; thence along said Tax Lot 29 S53°54'44"E 72.36 feet to a point; thence N30°36'48"E 161.33 feet to a point; thence N61°46'02"W 117.54 feet to a point; thence N31°04'22"W 202.87 feet to a point on the southerly side line of Goodwill Road; thence along the southerly line of Goodwill Road N67°38'11"E 51.27 feet to a point in common with Lands n/f Uke, Tax Map Section 29, Block 1, Lot 28; thence along said Tax Lot 28 S31°14'11"E 180.30 feet to a point in common with Lands n/f Stewart Holdings Group LLC, Tax Map Section 29, Block 1, Lot 23.2; thence along said Tax Lot 23.2 S 61°50'07"E 156.33 feet to a point; thence S30°16'03"W 427.75 feet to a point; thence S74°00'42"W 234.85 feet to a point marked by a found rebar and is in common with said Tax Lot 88.1; thence along said Tax Lot 88.1 N55°09'02"W 364.64 feet to a point or place of beginning.

Containing 3.77± acres of land.

Subject to and benefited by an access right of way through Tax Lot 23.2 in favor of Tax Lot 95.2 and the Town of Montgomery as shown on a map entitled "CBS/Holdings, Inc., filed as map #33-00.

Subject to a 20 foot wide access easement in favor of the Town of Montgomery, a blacktop driveway easement in favor of Briand (L. 5733, P. 305), a right of way for ingress and egress from tax parcel 29-1-23 through tax lot parcel 29-1-22.221 to Goodwill Road per L. 1754, P. 364 and any other easements or agreements, if any.

Said parcel being the same parcel as Tax Map Section 29, Block 1, Lot 95.2, Filed Map Lot No. 1 as shown on a map entitled "Survey Map & Lot Line Change Plan of Lands of Hawkins Property, LLC", filed with the Orange County Clerk's Office on April 27, 2006 as Map No. 298-06".

#### 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 Parcel No. 29-1-95.2 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 Site Plan for the Hawkins Apartments project.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that 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 2024 of the (County)(City)(Town)(Village) of Montgomery was duly passed by the Town Board of the Town of Montgomery on \_\_\_\_\_, 2024, in accordance with the applicable provisions of law.

**~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the 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)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ 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)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.

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 was filed requesting referendum.)~~**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.

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, the chairperson 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 section (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 the (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 \_\_\_\_\_ 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 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 an 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.

(Seal)

\_\_\_\_\_  
Tara Stickles, Town of Montgomery Town Clerk  
Clerk of the county legislative body, City, Town or Village  
Clerk or officer designated by local legislative body

Date: \_\_\_\_\_