

Section 70-10 BUSINESS AND INDUSTRIAL DISTRICTS - TABLE OF USE REGULATIONS

Use Classifications	O/B Office Business	OP Office Park	B-1 Local Business	B-4 Highway Comm.	IB Interchange Business	ID Inter-industrial change	I-1/I-2 Industrial Park	I-3 General Industry	I-4 General Industry-A	WS Water Supply Overlay
A. Residential Uses										
1. Single family and two family dwelling	SE*	-	SE	-	-	-	-	-	-	-
2. Dwelling units over or in rear of first floor non-residential uses	SE	-	SE	SE	-	-	-	-	-	-
3. Campground	-	-	-	-	SE	-	-	-	-	-
* additions to existing residences are permitted uses										
B. Residential Community Facilities										
1. Church or similar place of worship, parish house, seminary, convent, dormitory	SE	-	SE	SE	SE	SE	SE	-	-	-
2. Nursery school	SE	-	SE	SE	-	-	-	-	-	-
3. Park, Playground or recreational area operated by the municipality	P	P	P	P	P	P	P	P	P	-
4. Public library, museum, community center	SE	SE	SE	SE	P	SE	SE	SE	SE	-
5. Fire station, municipal office or other governmental building of similar character	SE	SE	SE	SE	SE	SE	SE	SE	SE	-
6. School, elementary or high, public, denominational or private having the same curriculum as ordinarily given in public schools	SE	-	SE	SE	-	-	SE	SE	SE	-
7. Municipal Public Works Building	-	-	-	SE	SE	SE	SE	SE	SE	-
8. Senior Assisted Care Facility	-	-	-	SE	-	-	-	-	-	-
C. General Community Facilities										
1. Airport	-	-	-	-	-	-	SE	SE	SE	-
2. Bus Passenger Shelter	P	P	P	P	P	P	P	P	P	-
3. Hospital, sanitarium, nursing home, rest home	-	-	-	SE	-	-	SE	-	-	-

P = Permitted Use SE= Special Exception Use All other uses are prohibited

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C. General Community Facilities (continued)

4. Membership club - non-profit and philanthropic, fraternal, social or education institution office or meeting room, non-profit	SE	SE	SE	SE	SE	SE	SE	SE	-	-
5. Public utility structure or right-of-way necessary to serve areas within the Montgomery community, excluding business office, repair or storage of equipment, excluding wastewater treatment plants, water storage tanks and related accessory improvements	SE	SE	SE	SE	SE	SE	SE	SE	SE	-
6. Public passenger, transportation station or terminal	-	-	-	-	SE	SE	-	SE	SE	-
7. Heliport	-	SE	-	-	SE	SE	SE	SE	SE	-
8. Small utility structures located partially or wholly above ground necessary to serve areas within the Montgomery community (see Section 90-110)	P	P	P	P	P	P	P	P	P	-

D Business Uses

1. Agriculture, horticulture, truck, dairy and poultry farming, and raising of livestock	-	P	-	-	P	P	P	P	P	-
2. Animal hospital, animal boarding	-	-	-	SE	SE	SE	-	-	-	-
3. Arena, assembly hall	-	SE	-	SE	SE	SE	-	-	-	-
4. Automobile laundries	-	-	-	SE	SE	SE	-	-	-	-
5. Bank	SP	SP	SP	SP	SP	SP	SE	-	-	-
6. Bowling alley	-	-	-	SP	SP	SE	-	-	-	-

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D Business Uses (continued)										
7. Commercial public recreation uses not otherwise permitted	-	-	-	SE	SE	SE	-	-	-	-
8. Health clubs and fitness centers	-	SP	-	SE	SE	SE	-	-	-	-
9. Eating establishments: drive-in, open-front, or curb service	-	-	-	SE	SE	SE	-	-	-	-
10. Gasoline station with or without a convenience store	-	-	-	SE	SE	SE	-	-	-	-
11. Funeral home	SP	-	SP	SP	SP	SP	-	-	-	-
12. Hotel or Motel	-	SP	-	SE	SP	SP	SE	-	-	-
13. Intentionally Omitted	-	-	-	-	-	-	-	-	-	-
14. Motor vehicles, mobile home or boat salesroom or outdoor sales lot for products for sale and/or for hire	-	-	-	SE	SE	SE	-	SE	SE	-
15. Office: business, professional, or utility	SP	SP	SP	SP	SP	SP	SP	SP	SP	-
16. Parking garage	-	SE	-	-	SE	SE	SE	-	-	-
17. Personal service shop as a permitted or accessory use: barber shop, beauty parlor, dry cleaning or laundry service of less than 4,000 sq. ft., professional studio, travel agency or similar shop	SP	-	SP	SP	SP	SP	-	-	-	-
18. Radio or TV broadcasting studio	SP	SP	SP	SP	SP	SP	SP	SP	SP	-
19. Repair garage	-	-	-	SE	SE	SE	-	SP	SP	-
20. Repair shops for household and/or personal appliances	-	-	-	SP	SP	SE	-	SP	SP	-
21. Restaurant	SE	-	SP	SP	SP	SP	SE	-	-	-
22. Retail store or shop, permitted or accessory	SP	-	SP	SP	SP	SP	-	-	-	-
23. Shop for custom work and for making articles to be sold at retail on premises	SP	-	SP	-	SE	-	-	-	-	-
24. Tavern	SE	-	SP	SP	SP	SE	-	-	-	-

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D. Business Uses (continued)										
25. Theatre or motion picture theatre other than an outdoor drive-in theatre	-	SE	-	SE	SE	SE	-	-	-	-
26. Vocational school	-	SE	-	SP	SP	-	SP	SP	SP	-
27. Liquefied Petroleum Gas (LPG) Gasoline Station	-	-	-	-	SE	SE	-	SE	SE	-
28. Full service truck stops which include a restaurant, restrooms, fuel service and motel accommodations with a minimum of 20 bedrooms. The use may include auto/truck repair facilities and/or convenience store and/or truck wash	-	-	-	-	-	SE	-	-	-	-
29. Shopping center	SE	-	SE	SE	SE	SE	-	-	-	-
E. Industrial Uses										
1. Abattoir	-	-	-	-	-	-	-	SE	SE	-
2. Automobile Recycling Facility	-	-	-	-	-	-	-	SE	SE	-
3. Contractors office and storage	-	-	-	-	-	SE	SE	SE	-	-
4. Contractor storage and/or equipment yard	-	-	SE	SE	SE	SE	-	SP	SP	-
5. Dry cleaning plant of more than 4,000 sq. ft.	-	-	-	-	-	SE	-	SP	SP	-
6. Flex Space/Multi-Use or Multi-Tenant Building	-	-	-	SE	SE	SE	SE	SE	-	-
7. Fuel storage	-	-	-	-	-	-	-	SE	SE	-
8. General industry	-	-	-	-	-	SE	-	SE	SE	-
9. Laundry plant of more than 4,000 sq. ft.	-	-	-	-	-	SE	-	SP	SP	-
10. Limited non-nuisance industry	-	SE	-	SE	SE	SE	SP	SP	SP	-
11. Machinery repair or service plant, non-nuisance	-	-	-	-	-	SE	SE	SP	SP	-
12. Monument works	-	-	-	-	-	-	-	SP	SP	-
13. Municipal sanitary landfill or incinerator	-	-	-	-	-	SE	-	SP	SP	-
14. Non-nuisance industry	-	SE	-	SE	SE	SE	SE	SP	SP	-
15. Printing and publishing plants	-	SE	-	SP	SP	SP	SP	SP	SP	-

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	Office	Office								
E. Industrial Uses	Business	Park	Business	Comm.	Business	change	Park	Industry	Industry-A	Overlay
16. Public utility building, plant, structure or storage yard	-	-	-	SE	SE	SE	SE	SE	SE	-
17. Research institute or laboratory	-	SE	-	SE	SE	SP	SE	SP	SP	-
18. Self Storage Facilities	-	-	-	-	SE	SE	SE	SE	-	-
19. Storage yard: building material, feed or similar non-hazardous materials	-	-	-	SE	-	SE	-	SP	SP	-
20. Intentionally Omitted										
21. Railroad yard	-	-	-	-	-	SE	-	SP	SP	-
22. Warehouses with three or more truck docks or bays.	-	-	-	-	-	SE	SE	SE	SE	-
23. Wearing apparel or accessories manufacture	-	-	-	SE	SE	SE	SE	SP	SP	-
24. Wholesale business	-	-	-	SE	SE	SP	SE	SP	SP	-
25. Liquefied Petroleum Gas (LPG) storage	-	-	-	-	-	SE	-	SE	SE	-
26. Warehouses up to two truck docks or bays	-	-	-	SE	SE	SE	SE	SE	SE	-
27. Truck terminals	-	-	-	-	-	SE	-	SE	SE	-
28. Composting facility ⁽¹⁾	-	-	-	-	-	-	-	-	SE	-
29. Recyclable handling and recovery facility ⁽¹⁾	-	-	-	-	-	SE	-	SE	SE	-

P = Permitted Use SE= Special Exception Use SP = Permitted Use Requiring Site Plan Approval All other uses are prohibited
⁽¹⁾ see table on Composting, Recycling Handling and Recovery Facilities following Section 70-20 for lot area and bulk requirements per intensity of use.

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	Office Business	Office Park	Local Business	Highway Comm.	Interchange Business	Inter-change	Industrial Park	General Industry	General Industry-A	Supply Overlay
E. Industrial Uses (continued)										
30. Waste tire storage processing ⁽¹⁾	-	-	-	-	-	-	-	SE	SE	-
31. Transfer station ⁽¹⁾	-	-	-	-	-	SE	-	SE	SE	-
32. C and D processing facility ⁽¹⁾	-	-	-	-	-	SE	-	SE	SE	-
33. Wood chipping facility ⁽¹⁾	-	-	-	-	-	SE	-	-	SE	-
34. Retail Industry	-	-	-	SE ⁽²⁾	SE ⁽²⁾	-	-	-	-	-
35. Water Production Supply and Removal	-	-	-	-	-	-	-	-	-	SE

F. Accessory Uses

1. Caretaker's or owner's dwelling unit	SP	-	-	SP	SP	SP	SE	SP	SP	-
2. Customary accessory use, building or structure except prohibited uses, but including agricultural workers housing as provided for under the New York State Agriculture and Markets Law	P	P	P	P	P	P	P	P	P	-
3. Day-care facility	SP	SP	-	-	SP	-	SP	-	-	-
4. Fuel storage	SP	SP	SP	SP	SP	SP	SP	SP	SP	-
5. Home occupation	P	-	-	-	-	-	-	-	-	-
6. Home professional office	P	-	-	-	-	-	-	-	-	-
7. Liquefied Petroleum Gas (LPG) or other fuel storage for on-site use	SP	SP	SP	SP	SP	SP	SP	SP	SP	-
8. Personal service shop: barber shop, beauty parlor, dry cleaning or laundry service, professional studio, travel agency or similar shop attached to a primary use ⁽³⁾	SP	SP	SP	SP	SP	SP	-	-	-	-

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⁽¹⁾ see table on Composting, Recycling Handling and Recovery Facilities following Section 70-20 for lot area and bulk requirements per intensity of use.

⁽²⁾ Allowed only upon authorization of the Town Board in accordance with Section 70-50

⁽³⁾ Both uses are allowed within an existing approved structure as permitted, P uses not requiring site plan approval.

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F. Accessory Uses (continued)										
9. Private garage or offstreet parking area pursuant to Section 100	SP	SP	SP	SP	SP	SP	SP	SP	SP	-
10. Private swimming pool	P	P	P	P	P	P	P	P	P	-
11. Signs pursuant to Section 110 (4)	SP	SP	SP	SP	SP	SP	SP	SP	SP	-
12. Repair shops for household and/or personal appliances attached to a Primary Use	-	SP	-	-	SP	SP	SP	SP	SP	-
13. Restaurant, cafeteria attached to a Primary Use	SP	SP	SP	SP	SP	SP	SP	SP	SP	-
14. Retail store or shop attached to a Primary Use (3)	SP	SP	SP	SP	SP	SP	-	-	-	-
15. Bus Passenger Shelter	P	P	P	P	P	P	P	P	P	-

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 (3) Both uses are allowed within an existing approved structure as permitted, P uses not requiring site plan approval.
 (4) Signs are permitted in all districts in accordance with Sections 110 and 140-50-34 as SP uses. Section 140-50-34 authorizes the Planning Board to waive any of the provisions of Section 110 in its sole discretion.

SECTION 70-20 BUSINESS AND INDUSTRIAL DISTRICTS - TABLE OF DIMENSIONAL REGULATIONS

USE CLASSIFICATION	O/B OFFICE BUSINESS	OP OFFICE PARK	B-1 NEIGHBORHOOD BUSINESS	B-4 HIGHWAY COMMERCIAL	IB INTERCHANG E BUSINESS	ID ^(e) INTER- CHANGE	I-1/I-2 ^(f) INDUSTRIAL PARK	I-3 ^(e) GENERAL INDUSTRY	I-4 ^(e) GENERAL INDUSTRY - A
	15,000	2 ac.	20,000	40,000	3 acres	40,000	40,000	80,000	80,000
1. Lot area - minimum sq. ft.	15,000	2 ac.	20,000	40,000	3 acres	40,000	40,000	80,000	80,000
2. Lot area - minimum per dwelling sq. ft.	20,000	-	-	-	-	-	-	-	-
3. Lot coverage - % of total lot area occupied by main and accessory bldgs	30	30	25	25	40	40	30	40	40
4. Lot width - minimum at bldg. line - feet (g)	150	200	100	150	200	150	150	200	200
5. Height - maximum - ft.	40	40 ^(d)	40	40	40	55	55	55	55
6. Yards - minimum - ft.									
Front (see also 90-40-70)	50	75	20	50	60	75	75 ^(a)	50	50
Side - any one	20	50	15	20	20	20	30	50	50
Side - total for both on interior lot	40	100	30	40	40	40	60	100	100
Side - abutting side street on corner lot	50	75	20	50	50	75	75	50	50
Rear	30	50	30	30	30	30	50	50	50
7. Accessory Buildings									
Coverage of required rear yard - maximum %	none ^(b)	none	none	none	none	none	none	none	none
Height in required rear yard - maximum - ft	none ^(c)	none	none	none	none	none	none	none	none
Setback from any lot line - minimum - ft	see yds	see yds	see yds	see yds	see yds	see yds	see yds	see yds	see yds
8. Agricultural or Farm uses (see 90-10-10.70(d))	-	3 acres	-	-	3 acres	3 acres	3 acres	3 acres	3 acres

a - Parcels fronting on Bracken Road shall have a minimum front yard requirement of 60 feet.

b - 20% for dwelling units.

c - 18 feet for dwelling units

d - Heights of office buildings may exceed 40 feet if located on a lot with an area of four (4) acres and a minimum width of two hundred fifty (250) feet and a depth of four hundred feet. Such buildings may be up to fifty-five (55) feet in height provided that two feet of front, side, and rear yard are added to the minimum yard requirements for every one foot increase in height over forty (40) feet.

e - See table following Section 70-20 for lot area and bulk requirements per intensity of use.

f - Access to all parcels of land in the I-2 District for other than normal residential purposes shall be permitted only from a state or county highway or from an industrial service highway or street or from that portion of Maple Avenue extending for a distance of 1,000 ft. from NYS Rt. 17K. In no case shall access for other than normal residential purposes be permitted at any point on Maple Avenue greater than 1,000 ft. from NYS Rt. 17K.

g - See Section 140-50-37.01

BULK REQUIREMENTS for COMPOSTING, RECYCLING HANDLING AND RECOVERY FACILITIES

Special Exception Use	Minimum Lot Size Per Use (Sq Ft.)*	Minimum Frontage (feet)	Maximum Facility Coverage (%)	Maximum Bldg. Height (feet)	Minimum Front Yard (ft)	Minimum Side Yard (feet)**	Minimum Rear Yard (feet)**
Composting Facility	1 acre per 2000 CY per year, 4 acre minimum	300	20	35	100	75	75
Recyclable Handling and Recovery Facility	1 acre per 10 TPD, 3 acre minimum	250	20	35	100	75	75
Waste Tire Storage Processing	1 acre per 1,000 Tires, 3 acre minimum	250	20	35	100	75	75
Transfer Stations	1 acre per 10 TPD, 4 acre minimum	300	20	35	100	75	75
C&D Processing	1 acre per 10 TPD, 4 acre minimum	250	20	35	100	75	75
Wood Chipping Facility	1 acre per 2000 CY per year, 4 acre minimum	300	20	35	100	75*	75*

All uses in this schedule require site plan review by the Planning Board and a 6 NYCRR Part 360, Solid Waste Management Facilities, effective October 9, 1993 and further revisions thereof.

* Minimum lot size requirements shall apply separately for each use if more than one Special Exception Use is granted for a site.

** The side yard and/or rear yard setbacks shall be doubled for all facility operations if the proposed Special Exception Use is located adjacent to a residential zoning district. In addition, adequate screening must be provided to the Planning Board's satisfaction.

Minimum horizontal separation distances from property lines:

- Potable water well 200 feet
- Surface water wetlands 200 feet
- Hospital or health care facility 2,500 feet (separation distance applies to composting operations only)
- Schools 2,500 feet (separation distance applies to composting operations only)

Abbreviations: TPD = Tons Per Day

CY = Cubic yards

FT = Feet