

**TOWN OF WAWAYANDA
INTRODUCTORY LOCAL LAW
ZONING AND RELATED CODE AMENDMENTS**

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

Section 1. Chapter 195, titled “Zoning,” of the Code of the Town of Wawayanda is amended
as follows:

I. Section 195-2, titled “Intent,” is amended by changing the year of the Town
Comprehensive Plan in the first sentence from 2006 to 2018.

II. Section 195-6, titled “Definitions,” is amended by adding, amending or deleting the
following terms and definitions:

A new term and definition of ‘Agricultural Structures - Reuse’ is added to read as follows:

Storage, processing and packaging buildings may include coolers,
packing houses, and barns. These buildings may be used for non-
agricultural activities, such as warehousing and long-term storage
when conducted without public hazard or nuisance caused by odor,
noise, smoke, dust or traffic generation. Outside storage associated
with reuse of agricultural buildings shall not be permitted. Buildings
when reused shall meet the requirements of the NYS Uniform Fire
Prevention and Building Code in effect at the time of application.

The definition of ‘Agricultural Tourism’ is amended to read as follows:

Activities including the production of maple, sap and pure maple
products therefrom, farm and winery tours, equine activities both
outdoors and indoors but excluding equine therapy, U-Pic farm
operations including Christmas trees, hiking, hunting and other forms
of outdoor recreation offered to farm visitors, conducted by a farmer
on an active farm for the enjoyment and/or education of the public
which primarily promote the sale, marketing, production, harvesting
or use of the products of the farm and enhance the public’s
understanding and awareness of farming and farm life.

The definition of ‘Code Enforcement Officer’ is amended to read as follows:

The individual who is appointed by the Town Board and authorized

by this chapter for purposes of administering and enforcing the provisions of this chapter as well as the Town Code and NYS Building and Fire Codes. The Code Enforcement Officer may also be the Building Inspector.

The terms and definitions of ‘Convalescent Homes’, ‘Flea Market/Auction’, ‘Group Care Facility’, ‘Industrial Park’, ‘Mobile Home Park’, ‘School, Private’ and ‘School, Public’ are deleted.

A new term and definition of ‘Food/Services Business’ is added to read as follows:

An eating establishment that provides table service. A food service shall not be construed to mean up either an establishment that primarily dispenses alcohol beverages or fast food restaurants.

A new term and definition of ‘Funeral Home’ is added to read as follows:

A building or part thereof used and occupied by a professional licensed mortician for burial preparation and funeral services.

A new term and definition of ‘Micro Breweries’, Wineries, Distilleries’ is added to read as follows:

Facilities which produce alcoholic beverages from the on-site farm operation. Greater than 51% of the materials used in the production of the alcoholic beverages shall be produced on the site. Uses that are considered agricultural uses in the Town of Wawayanda must be associated with an active farm operation producing the percentage of the materials identified above. Facilities must obtain a permit/approval from the Town of Wawayanda Code Enforcement Officer and all constructed facilities must meet NYS Building Codes in effect at the time of application. The Code Enforcement Officer shall ensure that adequate parking, access, sanitary facilities and drainage are available to support the size of the facility proposed.

The definition of ‘Motor Vehicle Sales Facility’ is amended to read as follows:

A facility engaged primarily in the sales and servicing of a specific brand or brands of vehicle. Accessory to the sales, the facility may also rent or lease, hold in storage for sale, service or wash motor vehicles. The motor vehicle service facility shall be licensed by the NYS Department of Motor Vehicles.

A new term and definition of ‘Pawn Broker’ is added to read as follows:

A person, partnership or corporation that loans money on deposit or pledge of personal property or buys personal property and sells it back at a set price.

A new term and definition of 'Places of Worship' is added to read as follows:

A building or place where persons regularly assemble for religious worship, which building or place is controlled and maintained by a religious body organized to sustain public worship, and which is the principal use of the property.

A new term and definition of 'Preschool/Nursery School' is added to read as follows:

A school for children under five years of age providing care and instruction for more than three (3) hours but less than twenty-four (24) hours on a regular basis.

III. Subsection B of §195-16, titled "Yard Regulations," is amended by adding the following sentence to the end of Subsection B:

The front of the building shall be considered the longest portion of the structure and shall contain the main access door.

IV. Section 195-17, titled "Accessory structure and use standards," is amended as follows

Subsection A(6) is amended to read as follows:

The finished side of the fence shall face the adjoining property.

Subsection A(7)(a) is amended to read as follows:

Accessory uses/structures to single-family, two-family and multi-family detached dwellings shall not exceed 1,250 square feet with a maximum wall height of 12 feet.

Subsection B is amended by amending the size limitation in the second sentence from 500 to 300 square feet.

Subsection C is amended to read as follows:

C. Single-family dwellings. One single-family detached dwelling, not to exceed one dwelling on each lot.

V. Subsection A(6) of §195-19, titled “Parking, loading, access and traffic standards,” is amended by amending the parking space requirements for a multifamily use to read as follows:

One per bedroom in each dwelling unit, plus 20% additional spaces for visitor parking. The 20% additional visitor parking can be land banked with Planning Board approval.

VI. Subsection section A(6) of §195-21, titled “Home occupations,” is amended to read as follows:

A permit from the Building Department is required. The permit will be valid for five (5) years, and is renewable for successive 5-year periods, provided that the home occupation is in compliance with all applicable requirements.

VII. Subsection B of §195-21, titled “Home occupations,” is amended by adding a new Subsection B(11) to read as follows:

A permit from the Building Department is required. Permits shall be valid for five (5) years and are renewable for successive 5-year periods, provided that the home occupation is in compliance with all applicable requirements, including any special use permit conditions.

VIII. Subsection D of §195-23, titled “General commercial and industrial standards,” is amended to read as follows:

Noise shall not exceed an intensity of 65 decibels as measured at the boundaries of the lot where such use is situated.

IX. Subsection C, titled “Water supply protection overlay zones,” of §195-25, titled “Water supply protection,” is amended by amending the second sentence of said subsection to read as follows:

These zones are delineated on a map titled “Water Supply - Watershed Protection Overlay Map”, annexed to this local law and on file in the Town Clerk’s office.

X. Section 195-32, titled “Unregistered vehicles,” is amended to read as follows:

No more than one unregistered vehicle shall be maintained outside of a fully enclosed structure in any residential zone. An unregistered vehicle shall not be permitted on a vacant lot.

XI. Section 195-33, titled “Storage of commercial vehicles,” is amended by adding the following sentence after the current first sentence:

Commercial vehicles shall not be stored on lots less than 5 acres.

XII. Section 195-37, titled “Campgrounds (including travel trailer parks),” is deleted in its entirety.

XIII. New §195-37, titled “Cemeteries” is added to read as follows:

§195-37 Cemeteries.

A. Maximum size. A cemetery shall not exceed 10 acres in size.

XIV. Subsection C(4) of §195-42.1 is amended by adding the following sentence to the end of Subsection C(4):

All solar energy systems and components require a permit from the Building Department.

XV. Subsection F, titled “Security,” of §195-43, titled “Forestry,” is amended to read as follows:

Security. As a condition of the permit, a certified check or irrevocable letter of credit shall be posted with the Town Clerk by the owner or logger in the amount of \$100 per acre of land in order to assure compliance with the provisions of this section. Upon completion of such harvesting activities and the compliance with all provisions of this section, the Town Building Inspector/Code Enforcement Officer, Town Engineer, Consulting Forester, and/or Highway Superintendent shall inspect the site to assure that appropriate erosion control has been implemented, Town roads and infrastructure have not been damaged and forestry operations have been undertaken in accordance with the approved Plan. Upon such notification, the security shall be returned. In the case of non-compliance with this section, the Town Board shall utilize such security, and in the event that such security is insufficient, the Town may bill the property owner in the amount of the insufficient security and, if such bill is not paid, assess and levy such amount on the real

property tax bill and collect such amount in the same manner as real property taxes.

XVI. §195-43, titled “Animal husbandry, animal hospitals and commercial agriculture,” is amended as follows:

The title of said §195-43 is amended to read as follows: “Animal husbandry, animal hospitals and agriculture.”

The title of Subsection A is amended to read as follows: “Agriculture.”

Subsection A(2) is amended by adding the following sentence to the end of the first paragraph of said subsection:

No roosters shall be permitted on a lot less than two acres.

The table titled “Number of Animals” in Subsection A(2) is amended by amending the last line of said table to read as follows:

From 5 to 7 acres:

Subsection A(5) is amended by amending the second sentence to read as follows:

Poultry, rabbits and other animals of similar size shall be housed in structures that shall be set back 20 feet minimum from any property line.

XVII. Subsection C, titled “Seasonal roadside stands,” of §195-53, titled “Yard sales, flea markets; outdoor display and storage of merchandise” is amended by deleting the following phrase from the first sentence of said Subsection C:

that are not accessory to an agricultural use on the same parcel.

XVIII. Section 195-55, titled “Multifamily residential uses,” is amended as follows:

Section C(5) is amended to read as follows:

Parking spaces of 1 per bedroom shall be provided, plus 20% additional spaces for visitor parking. The 20% additional parking spaces may be land banked with approval of the Planning Board. Land banked parking must be constructed within six (6) months after

notice from the Building Inspector.

Subsection C(15) is amended to read as follows:

The Fire Inspector shall review the development for adequate access for emergency vehicles.

XIX. §195-65, titled “Use of existing nonconforming lots of record,” is amended by amending the last sentence of said section to read as follows:

The provisions of this section shall apply to any additions on such lots after the date of the adoption of this Zoning Law or any applicable amendment thereto.

XX. §195-70, titled “Hearing and decision,” is amended to read as follows:

The Planning Board shall fix a time, within 62 days from the day an application for a special use permit or site plan approval is determined to be complete by the Planning Board, for the hearing of any matter referred to under this section. The Planning Board shall give public notice of such hearing at least five days prior to the hearing in a newspaper of general circulation in the Town. The applicant shall cause the Public Hearing Notice to be delivered via Certified Mail, Return Receipt Requested to all record owners of property within 500 feet of the property boundaries. Copies of the Certified Mail Receipts and Return Receipts shall be delivered to the Planning Board at the commencement of the Public Hearing. The record owners for the certified mailing shall be obtained from the latest Town of Wawayanda Tax Rolls. The Planning Board shall decide upon the application within 62 days after the closing of the Public Hearing. It shall not, however, grant approval before a determination has been made with respect to environmental impacts pursuant to SEQRA. The decision of the Planning Board shall be filed in the office of the Town Clerk and a copy thereof mailed to the applicant within 5 business days after such decision is rendered.

XXI. Subsection L of §195-78, titled “Permit requirements,” is amended to read as follows:

Accessory building permits shall not be issued in advance of permits for principal permitted or special uses or without an existing principal use in place and being operated on an ongoing basis except for the following: sheds or similar structures no larger than 250 square feet are allowed to precede the principal permitted or special use,

provided they are used to store tools, equipment and similar items for use on the site. Any structures constructed under this section shall be required to be compliant with other accessory use and building regulations once a principal permitted or special use is constructed. Accessory structures made non-compliant shall be removed. Accessory uses permitted under such circumstances shall be limited to those with the tangible and primary purpose of serving the principal use.

§195-82, titled “Site development inspection,” is amended as follows:

The title of said §195-82 is amended to read as follows: “Site development and fees.”

The following paragraph shall be added as the first, undesignated, paragraph in said §195-82:

A site development permit shall be received prior to commencement of any activities pursuant to approved site plans, subdivisions or special use permit. The project shall apply to the Building Inspector for the site development permit. This is in addition to any required building permit or Stormwater Management Permit. Fees for the site development permit will be set by the Town Board in accordance with Chapter 90 of the Town Code.

XXII. Subsection H of §195-84, titled “Establishment and membership,” is amended by adding the following after the second sentence of said Subsection H:

The applicant shall cause the Public Hearing Notice to be delivered via Certified Mail, Return Receipt Requested to all record owners of property within 500 feet of the property boundaries. Copies of the Certified Mail Receipts and Return Receipts shall be delivered to the Planning Board at the commencement of the Public Hearing. The record owners for the certified mailing shall be obtained from the latest Town of Wawayanda Tax Rolls. The Planning Board shall decide upon the application within 62 days after the closing of the Public Hearing.

Section 2. Chapter 162, titled “Subdivision of Land,” of the Code of the Town of Wawayanda is amended as follows:

XXIII. Subsection A of §162-14, titled “Review of preliminary plat,” is amended by amending the distance requirement in the sixth sentence of said subsection from 300 to 500 feet.

Section 3. Chapter 114, titled “Mobile Home Courts,” of the Code of the Town of

Wawayanda is amended as follows:

XXIV. Subsection A(1) of §114-5, titled “Permitted locations,” is amended to read as follows:

In that portion of the AR Zone located north of Route 6 as the same crosses the Town of Wawayanda.

Section 4. Chapter 158, titled “Street Specifications,” of the Code of the Town of Wawayanda is amended as follows:

XXV. Paragraph (2)(a)[2] of subsection E, titled “Private roads,” of §158-8, titled “Determining criteria,” is amended by amending the shoulders width requirement from five to three feet.

XXVI. In the Street Specifications Attachments, Figure 5A is deleted. Figure 5B is amended to show three-foot wide shoulders and is re-designated as Figure 5A.

Section 5. Severability. If any provision of any article, section, subsection, paragraph, subdivision or clause of this local law shall be adjudged invalid by a court of competent jurisdiction, said order or judgment shall not affect or invalidate the remainder of this local law or any article, section, subsection, paragraph, subdivision or clause of this local law.

Section 6. Supersession. Pursuant to the state Municipal Home Rule Law, this local law is intended to supercede any inconsistent provision of the state Town Law and any other special law.

Section 7. This local law is adopted pursuant to the state Municipal Home Rule Law.

Section 8. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.