

**TOWN OF WAWAYANDA
NOTICE OF HEARING
INTRODUCTORY LOCAL LAW
ZONING AMENDMENTS**

PUBLIC NOTICE is hereby given that there has been introduced before the Town Board of the Town of Wawayanda, New York, on June 3, 2021, a local law entitled "Zoning Amendments," which local law would, among other things, add schools, places of worship and multifamily residential dwellings as special uses in certain of the Town's Residential zoning districts, delete summer camps/campgrounds as a special use in the Residence zoning districts, delete annual membership clubs, daycare/preschool/nursery school and places of worship as permitted or special uses in certain Commercial zoning districts, and rescind §195-54 regarding Institutions.

A complete copy of the Introductory Local Law is available for inspection at the Clerk's Office.

NOW, THEREFORE, pursuant to the Municipal Home Rule Law, the Town Board of the Town of Wawayanda, New York, will hold a public hearing on the aforesaid Introductory Local Law at the Town Hall, 80 Ridgebury Hill Road, Slate Hill, New York, on July 8, 2021, at 7:00 P.M., at which time all persons interested therein shall be heard.

The Town of Wawayanda will make every effort to assure that the hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

Dated: June 23, 2021

**BY ORDER OF THE TOWN BOARD OF THE
TOWN OF WAWAYANDA**

KATHRYN A. SHERLOCK, TOWN CLERK

**TOWN OF WAWAYANDA
INTRODUCTORY LOCAL LAW
ZONING AMENDMENTS**

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

Section 1. Legislative intent. Although schools are located within the Town of Wawayanda, the Town Board became aware that schools is not a listed permitted use or special permit use in any of the Town's zoning districts. The Board has been advised that State law generally provides that schools and places of worship cannot be excluded from a residential zoning district. Therefore, the Board has determined to permit schools and places or worship as special permit uses in the Town's three residential zoning districts and to prohibit schools and places of worship in the Town's commercial zoning districts. This local law also amends the current zoning law by deleting potentially similar uses from the Town's commercial zoning districts. The reason is to treat such uses similarly and to preserve the commercial zoning districts for development by commercial uses that will promote economic development and improve the Town's tax base.

One of the primary goals of the Town Comprehensive Plan is to promote economic development. The Comprehensive Plan states that the Town must continue to take a proactive position toward economic development by attracting and retaining businesses in order to provide well-paying jobs, enhance the Town's tax base, relieve the tax burden on residential taxpayers and provide goods and services to the Town's residents. This goal of the Comprehensive Plan, which has been substantially implemented by the Town's zoning law, is to guide commercial development to State and County road corridors; establish the Mixed Commercial zoning district to provide areas for intensive commercial and industrial development; establish the Town

Commercial zoning district to provide for a wide range of commercial uses, such as offices and retail uses; establish the Rural Highway zoning district, which provides a transition area between the Mixed Commercial 1 zoning district and the Agricultural Residential zoning district; and establish the Hamlet zoning district, which is intended to provide a mix of residential uses and compatible commercial uses on the small scale primarily to service nearby residential and other commercial uses. Limiting the Town's commercial zoning districts to industrial, commercial and other taxable uses promotes this primary goal of the Comprehensive Plan.

Another of the primary goals of the Comprehensive Plan is to preserve the Town's agricultural heritage and agricultural businesses. The Agricultural Business zone is designed to permit agricultural and other businesses. Since rural areas cannot survive without residents, the Agricultural Business and Rural Highway districts allow dwellings in addition to commercial uses.

The Board also became aware that although the Town has permitted multifamily residential developments in its residential zoning districts, which are reviewed by the Planning Board similarly to subdivisions and special permit uses, multifamily developments are not expressly listed as a special use in the Town's residential zoning districts. Therefore, this local law lists multifamily residential dwellings as a special permit use in the Town's three residential zoning districts.

In the zoning amendments local law adopted on March 4, 2021, the local law rescinded the supplementary regulations applicable to campgrounds, but inadvertently did not delete campgrounds as a special use. This local law corrects that omission and deletes summer camps/campgrounds as a permitted special use.

Section 2. Chapter 195, titled "Zoning," of the Code of the Town of Wawayanda is amended as follows:

I. Section 195-6, titled "Definitions," is amended by adding a new term and definition of "School" to read as follows:

Any public school under the jurisdiction of the State Commissioner of Education, any parochial school operated and maintained by any religious corporation authorized to perform its corporate functions in the State of New York, or any school chartered by the State Board of Regents.

II. The "Schedule of Zoning District Regulations" is amended as follows:

In the AP Agricultural Preservation District, "Schools" "Places of worship" and "Multifamily residential dwellings" are added as special uses and "Summer camps/campground" is deleted as a special use.

In the AB Agricultural Business District, "Daycare, preschool, nursery school" and "Places of worship" are deleted as special uses.

In the AR Agricultural Residential District, "Schools" and "Multifamily residential dwellings" are added as special uses and "Summer camps/campgrounds" is deleted as a special use.

In the SR Suburban Residential District, "Schools" and "Multifamily residential dwellings" are added as special uses.

In the RH Rural Highway District, "Annual membership clubs" is deleted as a permitted use subject to site plan approval and "Daycare, preschool, nursery school" and "Places of worship" are deleted as special uses.

In the H Hamlet District, "Annual membership clubs" is deleted as a permitted use subject to site plan approval and "Daycare, preschool, nursery school" and "Places of worship" are deleted as special uses.

In the TC Town Commercial District, "Annual membership club" is deleted as permitted use subject to site plan approval and "Daycare, preschool, nursery school" is deleted as a special use.

In the MC Mixed Commercial District, "Daycare, preschool, nursery school" is deleted as a special use.

III. Section §195-54, titled "Institutions" is rescinded and said section is reserved for future use as follows:

§195-54. [Reserved]

Section 3. 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 other article, section, subsection, paragraph, subdivision or clause of this local law.

Section 4. Supercession. 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 5. This local law is adopted pursuant to the state Municipal Home Rule Law.

Section 6. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.