

**LOCAL LAW # 1 - OF 2016**

**A LOCAL LAW REGARDING RECONSTRUCTION OF NONCONFORMING BUILDINGS  
CONTAINING CONFORMING USES**

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF WAWAYANDA,  
NEW YORK, AS FOLLOWS:

Section 1. Title

This Local Law shall be referred to as “A Local Law Regarding Reconstruction of Nonconforming Buildings Containing Conforming Uses.”

Section 2. Purpose of this Enactment

The Zoning Code of the Town of Wawayanda provides for the restoration, reconstruction or reestablishment of a building which contains a use that does not conform to the requirements of the Zoning Code. However, the Code does not address what happens in the event a property owner wants to demolish and reconstruct, on the same lot, a building containing a legal, conforming use that does not conform to the applicable bulk requirements for the particular zoning district. The purpose of this enactment is to address that situation and close that gap in the section of the Zoning Code dealing with nonconforming uses and buildings.

Section 3. Amendment of Section 195-63 of the Zoning Code of the Town of Wawayanda

Article VI: Nonconforming Uses of Chapter 195 of the Code of the Town of Wawayanda is hereby amended by adding a new subsection D to Section 195-63 of the Code of the Town of Wawayanda, to read in its entirety as follows:

§195-63 Restoration, reconstruction or reestablishment

... .

D. In the TC, RH and MC Zones, on lots less than 2 acres, a building nonconforming as to the applicable bulk requirements in which a legal, conforming, use is maintained, may, upon review and approval of the Town Building Inspector, be demolished and a new building housing a legal, conforming use, may be re-located to a different area of the same lot if and only if the degree of nonconformity with the bulk regulations is reduced or eliminated. The total square footage of such relocated building may be increased by no more than twenty percent (20%) as compared to the demolished building. The maximum square footage of the new proposed building shall not exceed 4,000 sf, and the total amount of land disturbed shall not exceed 1 acre.

Section 4. Amendment of Bulk Tables

The bulk tables appended to the Zoning Code shall be amended in accordance with Section 3 above.

Section 5. Severability of Provisions.

Should any section or provision of this Local Law be declared, ordered or adjudged null, void, voidable or invalid by a court of competent jurisdiction, such finding of invalidity shall not affect the validity of the remaining portions of this Local Law.

Section 6. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.