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February 18, 2025

Town Board
Town of Sheldon
1380 Centerline Road
Strykersville, New York 14145

(Sent via email)

Planning Board
Town of Sheldon
1380 Centerline Road
Strykersville, New York 14145

(Sent via email)

Re: ZONING LAW CHANGES

Dear Town Board and Planning Board Members:

At the zoning law public hearing, there were discussions of putting together an abstract contrasting the 2009 zoning law to the 2025 proposed zoning law. This will be of multiple installments, but for what it is worth, I have done an initial review with the Planning Board and these are the general changes.

Note that this is not an absolute and complete list of every change in the law. A detailed analysis of each and every section as it is applicable to your use and your property is the only way to detect the real differences between these two laws. As a practitioner, I do not have knowledge of all the facts as they apply for the property, and I cannot substitute my judgment for yours. Ultimately, there would be a determination by the Code Enforcement Officer, the Zoning Board of Appeals, or possibly even a Court—I would purely be an advocate on behalf of a position.

The 2025 proposed zoning law changes what had been lumped as the rural / residential district into what is now called the Low Density district. The reason for this is that it more accurately depicts the district than the Rural / Residential designation. Low Density is a combination of what had previously been designed as Agricultural and /or Residential. Taking that into consideration, the Low Density district has twelve (12) uses of property as a matter of right. Previously, there were three (3) within the Rural / Residential and six (6) in the Agricultural.

Another stark contrast between the two laws are the setback requirements for this Low Density district. For the front setback, which is currently fifty (50) feet from the right of way, the proposed law lowers it down to forty (40) feet. The rear setbacks were increased from twenty-five (25) feet to fifty (50) feet, and the side setbacks increased from twenty-five (25) feet to thirty-five (35) feet.

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The table summarizing the regulations of each district is simpler and more convenient to use in the 2025 proposed law than that of the 2009 law. All of the uses are now on one table, as opposed to multiple tables as set forth by the previous law. As the table makes clear, the proposed 2025 zoning law lists many more uses than those enumerate, in the 2009 law, making it much more permissive.

For example, the 2025 zoning law permits every principal structure to have an accessory structure, such as an in-law apartment. Additionally, the new law permits seasonal dwellings / cottages throughout the entire Town on all roads in the Town. It does, however, require that the cottages are built to the same specifications as the year-round homes, rather than allowing a small inferior structure to be built without septic, water, or electric. These seasonal structures—as delineated on page 46 of the 2025 proposed zoning law—permit something that has been a flash point for the past ten years that I have represented the Town. Over time, we have had these structures of inferior construct grade, not up to the standards of modern sanitation and safety, turning into year-round residences without upgrading to the provisions required by the current zoning law.

Another new use the 2025 proposed law permits is farm worker housing on a operating farm. It allows up to five (5) dwelling units, with details of that use being set forth in Section 729 of the proposed law. As you may or may not be aware, housing for itinerate employees is a difficulty that our agricultural community throughout Wyoming County has been plagued with. This provides safe, efficient housing for itinerate workers in close proximity to the farm, and assists the farm in having a readily available work force.

The 2025 proposed law also adjusts regulations regarding home businesses and home occupations. The requirements applying to home businesses, which is when there are employees from outside the household working, are delineated under Section 709. Home occupations, which are a matter of right, are covered under Section 719. Basically, as a matter of right, anyone can have a home occupation, but there are limitations on modifications that can be made to the structure.

As I said previously, this is just a summary of the major changes that the proposed zoning law makes in comparison to the present zoning law. I think you will find that it does a more efficient and adequate job addressing the modern needs of the Town of Sheldon.

Very truly yours,


David M. DiMatteo, Esq.

DMD/pjm

PC to: Carol Zittel, Town Clerk (via email)